

**Juridical Analysis Contained With Civil Processors Manipulating Electronic Information Data In The Pre-Work Card Registration Project
(Analysis Of The Medan District Court Decision With Case Number 542/pid.sus/2022/pn mdn)**

Sony Prayudha Winata^{1*}, Andry Syafrizal Tanjung², Sumarno³

^{1,2,3}Master of Laws, Postgraduate Program, Panca Budi Development University, Medan

*Corresponding Author

Email: sonywinata123@gmail.com, andrytanjung121@yahoo.com, benerno14@gmail.com

Abstract

Information technology is now a two-eyed sword because, in addition to contributing to the advancement of human well-being, progress, and civilization, it is also an effective means of committing acts against the law. A new legal regime known as cyber law or telematics law has emerged in recent times. Cyber law is internationally used for legal terms related to the use of information and communication technology. Similarly, telematic law is an embodiment of the convergence of telecommunications law, media law, and computer law. Speaking of crime in information technology is not out of the rules governing the crime, then it was the basis of the birth of the Act No. 11 of 2008 on Electronic Information and Transactions and now amended to the Law No. 1 of 2024 on Amendment of the Law No. 11 of 2008 on Information and Electronic Transaction. The criminal offense of falsification of documents through the Internet belongs to the category of cybercrime, which can be committed by both individuals and organizations. Cybercrime is a term that refers to criminal activity, with a computer or computer network being the tool, target, or place of crime. Electronic Information Manipulation Crimes themselves are a frequent occurrence in Indonesia. There are many court rulings that judge electronic information manipulation crimes; one of them is the ruling of the Medan State Court with registration number 542/Pid.Sus/2022/PN Mdn, where the accused is named Angga Risnawan. The date of birth of the accused is 22 years of private employment. The accused was found guilty of committing "those who committed, ordered, and accompanied acts intentionally and without the right or against the law of manipulating, creating, altering, eroding, or corrupting electronic information and/or electronic documents with the aim of making the electronic information and/or electronic document considered authentic data

Keywords: *Yuridis Review, Ruling Out, Indonesian Police Officer*

INTRODUCTION

The use of criminal law remains considered important as a basis for the penalty for acts and perpetrators of violations of the law in an effort to realise justice, legal certainty and general order. Criminal law should also be placed as a last resort or ultimum remedium (ultima ratio principle) if other means are not sufficiently satisfactory in the penalty of criminal acts. If speaking crime in information technology is not beyond the rules governing such crimes, then it became the basis of the birth of Law Number 11 of 2008 on Electronic Information and Transactions and is now changed into Law No. 1 of 2014 on Amendment of the Act Number 11 of 2008 on Information and Electronic Transaction. (Nudirman Munir, 2018).

Article 1 paragraph 4 of Act No. 1 of 2014 on ITE states that an electronic document is any electronic information created, passed on, transmitted, received, or stored in analogue, digital, electromagnetic, optical, or similar forms that can be seen, displayed, and/or heard through a computer or electronic system, including but not limited to writing, voice, images, maps, drawings, photographs or similar letters, signs, numbers, access codes, symbols or perforations that have meaning or can be understood by a person who is able to understand it. The criminal offence of falsification of documents through the Internet belongs to the category

of cybercrime, which can be committed by both individuals and organizations. Cybercrime is a term that refers to criminal activity, with a computer or computer network being the tool, target or place of crime. The existence of cybercrime has become a threat to stability, making it difficult for governments to balance the crime techniques committed with computer technology and the Internet network. In its implementation, cybercrime allows for formal and material holes. (Moeljatno, 2017).

Electronic Information Manipulation Crimes themselves are a frequent occurrence in Indonesia. There are many court rulings that judge electronic information manipulation crimes; one of them is the ruling of the Medan State Court with registration number 542/Pid.Sus/2022/PN Mdn, where the accused is named Angga Risnawan. The date of birth of the accused is 22 years of private employment. The accused was found guilty of: “Those who committed, ordered, and accompanied acts intentionally and without the right or against the law to manipulate, create, modify, erase, or corrupt electronic information and/or electronic documents with the aim of making the electronic information and/or electronic document considered authentic data.

As regulated and threatened criminals in Article 51 Paragraph (1) of Article 35 UURI No. 1 year 2024 on amendments to UURI No. 11 year 2008 on Information and Electronic Transactions Article 55, paragraph (1), is the first punishment as in the general prosecutor's indictment. Punishment of imprisonment for 2 (two) years and 6 (six) months reduced as long as the accused is in temporary detention and with an order to keep him in custody and a fine of Rs. 5,000,000 (five million rupees) Subsidiary: three months in jail. As a result of the acts the defendant has carried out the registration of the pre-working card using as much as 253 (two hundred fifty-three) NIC and the accused has received assistance/contribution of Rs. 253.000.000,- (twenty-five hundred and three million rupees) on the account of pre-works that he has made and the defendant has attended work training of 83 (eighty three) with the cost of training each training of Rp. 500,000,- (fifty thousand rupias) with a total cost of Rs.41.500.000- (forty-one million five hundred thousand rupiah) and of 83 of the training, the accuser has received as many as 57 (fivey-seven) certificate of work training but has not been given assistance from the state.

The defendant has earned profits of Rs. 18,000,000 (eighteen million rupees) from the witness, Rivai Diski Purba Als Vai and the accused does not have the right to access and use someone else's NIC to register the pre-working card. The defendant has manipulated a valid document, where the image document shown on the news of the inspection event is a file formed or the result of the image manipulation. The act of the defendant as regulated and threatened with a criminal offence in Article 51, Paragraph (1) Article 35 UURI No. 1 of 2024 on amendments to UURI No. 11 of 2008 on Electronic Information and Transactions Article 55, paragraph (1) of the 1st.

Electronic information is any form of information stored and processed using electronic devices or digital technology. This includes documents, photos, videos, music, and others stored in digital format and accessible through computers, smartphones, or other devices connected to the Internet. Electronic information enables the storage, processing, and exchange of information faster and more efficiently than manual or analogue methods. The Prakerja Card is a training fee aid for Indonesians who want to have or improve their skills because we believe that Indonesian people really want to always improve their abilities. Designed as a product, the programme is packaged in such a way as to provide value for the user while also providing value for the private sector. The digital path through the marketplace was chosen to make it easier for users to search, compare, select, and evaluate. Because only in this way can products continue to improve, grow, and be relevant. The programme is a collaboration between the government and the private sector in the service of the community. Indonesia Advance.

RESEARCH METHODS

The nature of the research that the author uses in this legal writing is descriptive analysis because it describes in detail the social phenomena that are the subject of the problem. Descriptive research is intended to provide as much research data as possible about humans, circumstances or other symptoms. The collection of data in this study was carried out through the study of the library by searching for concepts, theories, or opinions regarding the responsibility of perpetrators of criminal offenses. Manipulation of electronic information data in making registration of pre-work cards in the decision of the State Court of the Field with the number of item 542/Pid.Sus/2022/PN Mdn.(Tampil Anshari Siregar, 2015).

The data is analysed using methods of qualitative analysis. The data analysed qualitatively will be presented in the form of a systematic description by explaining the relationship between various types of data as appropriate. All data is selected and processed, then analysed descriptively so that some conclusions can be drawn from this discussion. (Soerjono Soekanto, 2014).

RESULT AND DISCUSSION

The provisions of article 378 of the Criminal Code relating to the criminal offence of manipulation of electronic information in the registration of pre-working cards are generally regulated in the provision of article 378, which states that “Anyone with the intention of benefiting himself or others against the law by using a false name or dignity (hoedanigheid) false, by deceit, or by a chain of lies, moves others to hand over something to him, or to remove a debt, is threatened, for fraud, with a penalty of imprisonment for a maximum of four (four) years. The act of manipulating a statement to seek a profit through the Internet media can be interpreted as a misleading act contained in the delinquency as described in Article 378. (Sudikno Mertokusumo, 2013).

Article 263 of the Code of Criminal Procedure states: "Anyone who makes a false letter or falsifies a letter which may give rise to a right, bond, or debt release or which is provided as proof of something with the intention to use or make another person use the letter as if its contents were true and not false is threatened if such use may cause harm, for the sake of the falsification of the letter, with the penalty of imprisonment for a period not exceeding six years.

The legal policy relating to the criminal provisions in the field of electronic transactions is set out in Articles 45 to 52 of the ITE Act in conjunction with Articles 27 to 37 of the ITE Law concerning Prohibited Acts. The contents of Articles 27 to 37 of the Act No. 1 of 2024 on Amendments to the Law No. 11 of 2008 on Electronic Information and Transactions are as follows:

1. (1) Article 31 paragraph (1) states that any person willingly and without the right or against the law performs interception or interception of electronic information and/ or electronic documents in a computer and/or a particular electronic system belonging to another person
2. Article 31, paragraph (2) refers to any person intentionally and without any right or contrary to the law carrying out interception on the transmission of non-public electronic information or electronic document from, into, and within a particular computer and / or electronic system owned by another person, whether that does not cause any change or cause any alteration, deletion, and /or termination of the electronic information and/or electronic document being transmitted

3. Article 35 states that every person willfully and without a right or prohibition commits manipulation, creation, modification, destruction, or corruption of electronic information or/or electronic documents for the purpose of making such electronic data and/or electronic documents deemed to be authentic data.

Law No. 24 of 2013 on Population Administration, Section 1, Point 9, states that population data is individual data and/or aggregate data resulting from population registration and civilian registration activities. The forms of such identification documents include, among other things, the NIC, Family Card, Electronic Identity Card, Marriage/Divorce Act, Birth/Death Act, Child Authentication Act, Children's Departure, Name Change and Citizenship Status Change. The falsification of population data and documentation seems simple and is common. Nevertheless, although it seems simple, falsification of population documents can have a serious impact, namely the emergence of criminal acts in the community. Manipulation of data usually occurs because of the specific intention of breaking the rules that apply according to their interests. Like hacking the zoning system when a child wants to go to school, forging death data to get married again, or forcing data for social welfare purposes or other interests. (Budi Suhariyanto, 2019).

The Directorate-General for Occupation and Civil Records of the Ministry of the Interior of the Republic of Indonesia, Prof. Dr. Zudan Arif Fakrulloh, called for heavy pending penalties for persons who committed forgery or misuse of occupation documents. It is mentioned in the Occupation Administration Act that :

1. Article 93: Any resident who deliberately falsifies letters and/or documents to the Enforcement Authority in reporting Occupation Events and Important Events shall be sentenced to imprisonment for a maximum of six (six) years and/ or a fine of up to Rs. 50 million.
2. Article 94: Any person who orders and / or facilitates and / or (satu miliar rupiah).

The accused, Angga Risnawan, on an undetermined day and date around July 2021 until Wednesday, September 23, 2021, is in the Dahlia Kel. Indra Kasih Kec. Field Tembung Kota Medan, those who committed, ordered to do, and also committed acts intentionally and against the law, deliberately and without any right or against law, manipulating, creating, changing, deleting, and destroying electronic information and/or electronic documents with the purpose of making the electronic information and/or electronic document considered authentic data.

The defendant performs the registration of the prosecution by making an email on the defendant's computer, then the accused opens the web and accesses <https://prakerja.go.id/enter> and then the defendant clicks on the list menu and on this menu the defendant enters the defect's email and creates a password. After the defendant has registered his email, the web prosecutor performs a confirmation by sending a message to the defendant's email, then the defendant opens his email and clicks the verification menu sent by the web practitioner. Some of the data obtained by the prosecutor's card was handed over to the accused to the witness, Rivai Diski Purba for sale; it was true that the defendant received a share of the salary of Rs 15,000,000 (fifteen million rupiah), whereas the amount of Rs 10,000,000 (ten million rupees) was transferred to the account belonging to the defendant, while the sum of Rs 5,000,000 (five million rupees) was delivered in cash.

That the defendant registered a pre-working card using up to 253 (two hundred fifty-three) NICs and received help or donations worth Rs. 253.000.000,- (twenty-five hundred and three million rupees) on the pro-work account he set up. The accused also went to 83 (eighty-three) work training sessions, which cost Rp. 500,000,- (fifty thousand rupias each), for a total of 41.500.000,- (forty-one million rupees). Consider that the accused carried out the registration of the work card in the way initially The accused made an email and then accessed or opened the website <https://prakerja.go.id/enter>. After the website is opened, the defendant clicks on the list

menu, enters the email address he has created and creates a password. The work website then carries out the confirmation by sending a message to the registered email. The accuser then opened his email and clicked on the verification menu sent by the next work website. The defendant automatically logged into the work site.

As has been explained in the discussion of the previous chapter, the criminal offence of manipulation of electronic information data in the making of a pre-work registration card is an act intentionally and without the right or against the law to manipulate, create, change, erase, or destroy electronic information and/or electronic documents with the purpose of making electronic information or electronic documents considered authentic data. Thus, the author suggests that the law enforcement agencies should punish each of the perpetrators of electronic information data manipulation with a severe punishment to create a barbaric effect on the entire population of citizens. In the criminal act of manipulating electronic information data, the author concludes that there are several factors that influence the occurrence of such a crime:

1. First, there are personal interests that motivate perpetrators to manipulate data. These personal interests can be in the form of a desire to gain financial gain, a desire to beat competitors, or a desire to obtain other benefits.
2. Second, there are weaknesses in the electronic data security system for information owned by the victim. Weaknesses in the security system could be passwords that are easy to guess, security systems that are not updated, or a lack of understanding about how to maintain data security.
3. Third, there is the perpetrator's technical ability to manipulate data. These technical abilities can be in the form of the ability to use software or applications that can be used to manipulate data or the ability to use other computer tools.

Regarding this explanation, the results of the author's research reveal the fact that law enforcement against perpetrators of the crime of manipulating electronic information data in making pre-employment card registration is still lacking in terms of providing sanctions for perpetrators. This is proven by the decision of the panel of judges who examined, tried and decided case number 542/Pid.Sus/2022/Pn. Mdn does not support government programmes for developing workforce competency, increasing productivity and competitiveness of the workforce, or developing entrepreneurship. On the contrary, the government programme is misused by perpetrators for purely personal interests or profits.

This is in line with the Absolute Theory/Retaliation Theory in terms of the theory of punishment in Indonesia, because the absolute theory views punishment as retaliation for mistakes that have been committed so that it is action-oriented and lies in the occurrence of the crime itself. This theory puts forward the idea that sanctions in criminal law are imposed solely because a person has committed a crime which is an absolute consequence that must exist as retribution to the person who committed the crime so that the sanctions aim to satisfy the demands of justice. Meanwhile, according to the relative theory or purpose of punishment, it is based on the basic principle that crime is a tool to enforce order (law) in society. This theory is different from the absolute theory; the rationale for a crime to be punishable means that the punishment has a specific aim, for example, improving mental attitude or making the perpetrator no longer dangerous. A process of developing mental attitude is needed. This theory says that punishment is not retaliation for the perpetrator's mistakes but is a means of achieving useful goals to protect society towards the welfare of society.

R. Soesilo then explained that a person "helps to commit" if he intentionally provides that assistance, at the time or before the crime is committed. If assistance is provided after the crime has been committed, then the person is committing an act of "conspiracy" or "accompanying" or hiding the person who committed the crime or obstructing the investigation. In assisting in committing it, it is said that the element of "intentional" must be present, so that people who

accidentally and without knowing have provided the opportunity, effort, or information to commit the crime are not punished. The "intention" to commit a crime must arise from the person who is given the assistance, opportunity, effort or information. If the intention arises from the person providing the assistance himself, then that person is guilty of "inducing someone to do it" (uitlokking). Based on the author's research, it turns out that in Case Number 542/Pid.Sus/2022/Pn Mdn, the panel of judges in their decision stated: Declaring Angga Risnawan, legally and convincingly proven guilty of committing the criminal act "Without rights or against the law taking part in destroying information Electronic and/or Electronic Documents with the aim that the Electronic Information and/or Electronic Documents are considered as if they were authentic data" as stated in the Public Prosecutor's Single Indictment and Sentenced the Defendant to imprisonment for 1 (one) year and 6 (6) six) months and a fine of Rp. 5,000,000,- (five million rupiah) if not paid will be replaced by imprisonment for 1 (one) month.

The author's analysis of the sentence given by the Panel of Judges is that the sentence given to the defendant was too light. Because, in the words of Article 51 Paragraph 1 of Law No. 1 of 2024 concerning ITE, the threat of a maximum sentence of 12 (twelve) years and/or a maximum fine of IDR 12,000,000,000.00 (twelve billion rupiah). However, the Panel of Judges only sentenced the defendant to 1 (one) year and 6 (six) months and a fine of Rp. 5,000,000 (five million rupiah). According to the author, the Panel of Judges should have sentenced the defendant to a maximum sentence of 12 (twelve) years in prison or at least half of the maximum sentence, because the defendant's actions did not reflect good ethics and morals. Another reason the author does not agree with the decision of the panel of judges is that criminal sanctions against the defendant according to the defendant's actions in violating Article 51 Paragraph (1) in conjunction with Article 35 UURI No. 1 of 2024 concerning amendments to UURI No. 11 of 2008 concerning Information and Electronic Transactions, namely imposing a prison sentence of 2 (two) years and 6 (six) months reduced while the defendant is in temporary detention and with an order that the defendant remain in detention and a fine amounting to Rp. 5,000,000 (five million rupiah) air subsidy for 3 (three) months in prison. Meanwhile, if you look at the sound of Article 51 Paragraph 1 of Law No. 1 of 2024 concerning ITE, the threat of a maximum sentence of 12 (twelve) years and/or a maximum fine of IDR 12,000,000,000.00 (twelve billion rupiah).

Based on the author's argument, the author's reason for rejecting or disagreeing with Case Number 542/Pid.Sus/2022/Pn Mdn can be accepted because it does not reflect justice and there is also a high possibility that after being released from serving his criminal sentence, the defendant will repeat the action again.

CONCLUSION

Criminal sanctions for perpetrators of electronic information data manipulation are contained in Article 51, paragraph (1), in conjunction with Article 35 of Law Number 1 of 2024 concerning Electronic Information and Transactions, as amended by Law Number 11 of 2008 concerning Electronic Information and Transactions. "Every person who intentionally and without right or against the law manipulates, creates, changes, removes, or destroys electronic information and/or electronic documents with the aim of making the electronic information considered authentic data shall be punished with imprisonment for a maximum of 12 (two) years and/or a maximum fine of 12,000,000,000.00 (twelve billion rupiah).

The author's analysis in the Medan District Court Decision with Case Number 542/Pid.Sus/2022/Pn Mdn is that the results of the author's research reveal the fact that law enforcement against perpetrators of the crime of manipulating electronic information data in making pre-employment card registration is still lacking. . This is proven by the decision of the

Panel of Judges, who examined, tried and decided that case number 542/Pid.Sus/2022/Pn Mdn does not support government programmes in developing workforce competency, increasing productivity and competitiveness of the workforce, as well as developing entrepreneurship. On the contrary, those responsible abuse the government program for their own financial gain or personal gain.

REFERENCES

- Anshari Tampil Siregar, 2011, *Metodologi Peneliti Hukum*, Pustaka bangsa Press, Medan.
- Asep Syarifuddin Hidayat, Samul Anam, Muhammad Ishar Helmi, “*Perlindungan Hukum Terhadap Anak Sebagai Kurir Narkotika*”, dalam Salam; Jurnal Sosial & Budaya Syar-i, Volume 5, Nomor 3, 2018, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah, Jakarta, hal. 309.
- Ashabul Kahfi, “*Perlindungan Hukum Terhadap Tenaga Kerja*”, Jurnal Jurisprudentie, Universitas Islam Negeri (UIN) Alauddin Makassar, Vol.3, Nomor 2 Desember 2016
- Budi Suhariyanto, 2019, *Tindak Pidana Teknologi Informasi (Cybercrime) Urgensi Pengaturan dan Celah Hukumnya*, PT Raja Grafindo Persada, Edisi ke-1, Jakarta
- Chazawi Adami, 2015, *Tindak Pidana Mengenai Kesopanan*, PT Raja Grafindo Persada, Jakarta
- Eva Achjani Zulfa, *Keadilan Restoratif Dan Revitalisasi Lembaga Adat Di Indonesia*, Jurnal Kriminologi Indonesia Vol. 6 No.II, 2019, hal. 187.
- Ihromi T., 2022, *Antropologi Hukum, Penerjemahan Sulistyowati*, Yayasan Obor Indonesia, Jakarta
- Moeljatno, 2018, *Asas–Asas Hukum Pidana*, Rineka Cipta, Bandung
- Munir Nudirman H, 2018, *Pengantar Hukum Siber Indonesia*, Raja Grafindo Persada, Bandung
- Noviyanti Wulandari & Muhammad Iqbal Tarigan, 2016, *Pengantar Tata Hukum Indonesia (Suatu Rangkuman)*, Leutikaprio, Yogyakarta
- Sudikno Mertokusumo, 2013, *Mengenal Hukum Suatu Pengantar*, Liberty, Yogyakarta,
- Sudarsono, 2012, *Kamus Hukum*, Rineka Cipta, Yogyakarta
- Soekanto Soerjono, 2014, *Pengantar Penelitian Hukum*, Universitas Indonesia Press, Jakarta
- Undang-Undang Republik Indonesia Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak.
- Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia
- Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 tentang Perlindungan Anak.
- Undang-Undang Republik Indonesia Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan
- W Bongser.A, 2013, *Pengantar Tentang Kriminologi*, Ghalia Indonesia, Jakarta
- Yasmirah Mandasari Saragih, *Peran Unit Ppa Dalam Menerapkan Teori Restorative Justice Pada Tindak Pidana Pencurian Terhadap Pelaku Anak Di Kota Gorontalo*, JSEH (Jurnal Sosial Ekonomi dan Humaniora) Volume 7 Nomor 2 Desember 2021 (PP. 132-141)