

Penyidikan tindak pidana cyber pada Ditreskrimsus Polda Metro Jaya (studi hambatan penyidikan cyber crime di Polda Metro Jaya) = The investigation of cyber criminal offense at the directorate of special criminal investigation of the Jakarta metropolitan regional police headquarter Polda Metro Jaya (the study of cyber crime investigation obstacles at the Jakarta Metropolitan Regio)

Dedy Anung Kurniawan, author

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Abstrak

Dalam Tesis ini membahas mengenai hambatan yang terjadi dalam penyidikan tindak pidana cybercrime pada Ditreskrimsus Polda Metro Jaya. Bahasan utama dalam Tesis ini adalah mengenai tidak dapat diterapkannya pasal-pasal pidana dari Undang-undang Informasi dan Transaksi Elektronik (ITE) pada perkara-perkara cybercrime. Sehingga perkara-perkara tersebut dituntut dan diadili dengan pasal pidana umum (KUHP) saja.

Penulis menggunakan metode penelitian secara kualitatif dengan menggambarkan atau mendiskripsikan hasil penelitian, serta dengan melakukan pendekatan secara Yuridis Empiris. Untuk melihat praktik hukum cybercrime yang terjadi secara faktual dengan mengumpulkan data, wawancara serta observasi lapangan di Ditreskrimsus Polda Metro Jaya.

Hasil penelitian menunjukkan jumlah Laporan Polisi tindak pidana cyber yang dinyatakan lengkap oleh Kejaksaan Tinggi dengan diterapkan pasal pidana UU ITE hanya sekitar 17 persen per tahun. UU ITE sebagai salah satu perangkat yang dianggap mewakili cyber law di Indonesia ternyata belum mampu memberikan jaminan terhadap penegakan hukum cybercrime itu sendiri pada lingkup Polda Metro Jaya. Unsur sumber daya manusia, sarana prasarana, anggaran serta metode yang digunakan Ditreskrimsus Polda Metro Jaya menjadi salah satu penentu keberhasilan penyidikan di bidang cybercrime. Metode itu sendiri dapat dilihat dari bagaimana manajemen organisasi dapat berjalan terutama dalam perencanaan, pengorganisasian, penggerakan/pelaksanaan, dan pengawasan/pengendalian.

Kekuatan internal dan peluang eksternal yang dimiliki oleh Ditreskrimsus merupakan salah satu modal dasar dalam menekan kelemahan internal serta menangkal ancaman eksternal, sehingga permasalahan penyidikan cybercrime dapat diatasi. Kesepahaman antar criminal justice system diharapkan dapat mendukung pemberkasan perkara cybercrime yang dilaporkan di Polda Metro Jaya, sehingga pasal-pasal pidana UU ITE dapat diterapkan. Kesepahaman tersebut yaitu terkait mengenai ijin pengadilan dalam penggeledahan dan penyitaan, serta pemberitahuan terkait penangkapan dan penahanan tersangka cybercrime. Kajian yang dilakukan pada Tesis ini, memberikan rekomendasi agar jaksa dan hakim khusus cybercrime dibentuk supaya secara khusus berkoordinasi dengan penyidik khusus cybercrime. Sehingga penegakan hukum terhadap kejahatan cyber secara bersinambungan dapat diwujudkan untuk menjawab tantangan globalisasi informasi dunia.

<hr><i>This thesis discuss about some obstacles occurred in the criminal offense investigation at the Directorate of Special Criminal Investigation of the Jakarta Metropolitan Regional Police Headquarter (Polda Metro Jaya). The main discussion in this thesis is that about the criminal articles from the Law of Electronic Information And Transactions (ITE) that can?t be applied on the cyber crime cases. Therefore,

those cases are charged and on trial with the article of general crime (KUHP) only.

The writer used a qualitative research method by illustrating and describing the result of research and by using Empirical and Juridical approach. To see a law practice of cyber crimes occurred factually that was by collecting data, interview, and field observation at the Directorate of Special Criminal Investigation of the Jakarta Metropolitan Regional Police Headquarter (Polda Metro Jaya).

The research result showed that the police report numbers of cyber criminal offense, which was declared complete by office of high prosecutor general with the implementation of criminal article in the Law of Electronic Information and Transactions, is only 17 percents per year. The Law of Electronic Information and Transactions as an instrument that is considered to represent cyber law in Indonesia evidently has not been able to provide guarantees against cyber crime law enforcement itself on the scope of the Jakarta Metropolitan Regional Police Headquarter (Polda Metro Jaya). Elements of human resource, facility and infrastructure, budget and method used by the Directorate of Special Criminal Investigation of Jakarta Metropolitan Regional Police Headquarter (Polda Metro Jaya) to be one determinant of success in the field of cyber crime investigation. The method itself could be seen from how the organization's management can run, especially in planning, organizing, mobilization / implementation, and monitoring / control.

Internal strength and external opportunities owned by the Directorate of Special Criminal Investigation is one of the authorized capital in suppressing internal weakness and warding off external threats so that the problems of cyber crime investigation could be solved. Understanding inter-criminal justice system is expected to support the filing of cyber crime cases reported in the Jakarta Metropolitan Regional Police Headquarter (Polda Metro Jaya) so that the criminal articles of the Law of Electronic Information and Transactions (UU ITE) can be applied. That understanding is related to the court's permission for search and seizure, as well as notification related to the arrest and detention of cyber crime suspects. Study carried out in this thesis provides a recommendation that the special prosecutors and judges of cyber crime was formed specifically to coordinate with special investigators of cyber crime. Therefore the law enforcement against cyber crime can be realized continuously to answer the challenges of the globalization of world's information.