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"The Synergy of Law and Technological Development for Humankind"

ACADEMIC INTERNATIONAL CONFERENCE ON LAW LITERACY 2024 (AICoLCy2024)

ACADEMIC INTERNATIONAL CONFERENCE ON LAW LITERACY 2024 (AICoCLy2024)

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FOREWORD

The proceedings of this International Seminar on Law "Academic International Conference on Law Literacy" (**AICoLCy**) is one part of the results of the activities of the 1st Academic International Conference on Law Literacy (**1st AICoLCy**) which was held on February 24, 2024 at the @HOM Kudus Hotel. The International Seminar presented 4 people as speakers including; Ms. Hataikarn Kamnerdpetch, LLM from Thaksin University, Prof. Madya Dr. Zuryati Bt Mohd Yusouff from the North University of Malaysia, Prof. Dr. Edy Lisdiyono, SH, M.Hum from the University of Seventeen August Semarang and Dr. Hidayatullah, SH, M.Hum from Muria Kudus University, Keynote Speaker by Prof. Dr. Darsono, M.Si from the Rector of Muria Kudus University.

The International Seminar itself took the theme "The Synergy of Law and Technological Development for Humankind". The Seminar Committee received 57 articles from both internal and writers from universities in Central Java such as from the Faculty of Law Unwahas Semarang, Untag Semarang, IAIN Kudus and from. Through peer group review, the papers were reviewed by a team of editors until they were suitable for publication. The papers included in this proceeding consist of 3 fields, namely: (1) Civil Law, (2). Criminal Law and (3) Administrative Law and State Administration Law.

We would like to thank the Rector of Universitas Muria Kudus, Prof. Dr. Ir. Darsono, M.Si, the Dean of the Faculty of Law of Universitas Muria Kudus, Dr. Hidayatullah, SH, M.Hum, the Dean of the Faculty of Law of Universitas Tujuh Belas Agustus Semarang, Prof. Dr. Edy Listiyono, SH, M.Hum, the Dean of the Faculty of Law of Universitas Wahid Hasyim Semarang, Dr. Mastur, SH, MH, the Dean of the Faculty of Shari'ah IAIN Kudus and all those who have provided support. And do not forget we also express our gratitude and appreciation to the members of the Editor Team who have worked hard to review papers in their fields and provide input for the improvement of papers that are suitable for publication. To the seminar committee, we thank you for your hard work in the process of collecting papers, the editing process, until this publishing process. Hopefully the Proceedings of the 1st Academic International Conference on Law Literacy (1st AICoLCy), can add, complement, and improve the progress of legal science.

Kudus, February 2024
International Seminar Committee
The 1st Academic International Conference on Law Literacy"
(1st AICoLCy)

Yusuf Istanto, SH, MH
Chairman

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LEGAL IMPACT OF PROVIDING INFORMATION ABOUT PUBLIC SERVICES VIA SOCIAL MEDIA

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Abstract:

This article aims to find out how can someone provide information and ask for opinions from family, friends or other people about public services they have experience and have no intention of attacking the honor or defamation of public officials through social media that is not desired by the public implementer. This matter relates to Law Number 1 of 2024 is the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions This includes attacking another person's honor or good name by accusing him of something and can be punished according to the offense in the article of the law. And to find out whether the legal product of Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, has a responsive or conservative character.

The research method used is normative legal research which is carried out by reviewing and analyzing articles in laws and regulations, library materials in the form of pre-existing laws, documents and books related to the issues discussed, namely how to know a legal product that can provide a sense of justice and meet people's expectations.

A responsive legal product reflects a sense of justice and meets the expectations of society, in the process of making which it plays a big role in the full participation of social groups or individuals in society. The results are responsive to the demands of social groups or individuals in society, however, the content of conservative legal products reflects the social vision of the political elite, and more reflects the government's desires, and is positive - instrumentalist, that is, it becomes a tool for implementing the state's ideology and programs.

Keywords: Providing information, social media, criminal acts.

Introduction

Expressing thoughts verbally and in writing and so on is indirectly mentioned in the Constitution of the Republic of Indonesia, namely in Article 28 of the 1945 Constitution which states that freedom of association and assembly, expressing thoughts verbally and in writing and so on are determined by law. This is then reinforced more precisely in Chapter information using all types of channels available. Then in Article 14 paragraph (2) Law Number 39 of 1999 concerning Human Rights it is also stated that every person has the right to seek, obtain, possess, store, process and convey information using all types of available means (Kemeterian Negara Sekretaris Negara Republik Indonesia, 1999).

That the state is obliged to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services, according to Article 1 point 1 of Law Number 25 of 2009 concerning Public Services, what is meant by public service is an activity or series of activities in the context of meeting needs. services in accordance with statutory regulations for every citizen and resident for goods, services and/or administrative services provided by Public Service Providers (Kementerian Hukum dan Hak Asasi Manusia Republik Indnesia, 2009a). And in Article 1 number 2 of the Public Service Law, it is explained that what is called a Public Service Provider is every state administration institution, corporation, independent institution formed by law for public service activities, and other legal entities formed solely for service activities. public (Kementerian Hukum dan Hak Asasi Manusia Republik Indnesia, 2009). Then, Article 1 point 7 of the Public Service Law also explains that service standards are benchmarks used as guidelines for service delivery and as a reference for assessing service quality as an obligation and promise of organizers to the public in the context of quality, fast, easy, affordable and measurable services (Kementerian Hukum dan Hak Asasi Manusia Republik Indnesia, 2009).

Humans are creatures created by God Almighty who are the most perfect and have the highest rank, in this world there is not a single human being who is the same and not a single human being is capable of living alone. So it is certain that every human being always has a status that cannot be separated, namely individual being and social being. Humans as social creatures mean humans as members of society. In everyday life, humans cannot live alone or meet their own needs. Even though he has position and wealth, he always needs other humans. Every human being tends to communicate, interact and socialize with other humans.

Meanwhile, communicating, interacting and socializing with other people via social media regarding the quality of public services that is not desired by public implementers can include offenses or unlawful acts, namely attacking the honor or good name of public implementers as intended in Article 27A of Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions states that every person intentionally attacks the honor or good name of another person by accusing him of something, with the intention of making this matter known to the public in the form of Electronic Information and/or Documents. Electronics carried out through the Electronic System (Kementerian Sekretariat Negara, 2024). Based on the description above, the problem that can be identified is what is meant by a criminal act of attacking honor or good name by accusing someone of something? And how can someone who only provides information, provides criticism, input about the quality of public services via social media fall into the offense of attacking another person's honor or good name? And the purpose of this article focuses on finding out how a legal product reflects a sense of justice and meets society's expectations.

Research Methods

The method used in this research is normative juridical, namely an approach based on the main legal material by examining theories, concepts, principles, legal doctrine, discoveries law, comparative law, and statutory regulations related to this research. The statutory approach method is carried out by examining laws, documents, books, and regulations related to legal issues.

Analysis and Discussion

A criminal act can be said to be an unlawful act which has certain conditions that must be fulfilled, in general these conditions are known as the elements of a criminal act. A person can be said to have committed a criminal act if the act he or she commits fulfills the elements of a criminal act or strafbaarfet. The elements of a criminal act include, among others, (Lamintang, 2013). Violating the law, the quality of the perpetrator, causality, the relationship between an action as a cause and a reality as an effect. The criminal act of attacking another person's honor or good name is a criminal act whose elements are contained in Article 310 of the Criminal Code (KUHP) and Article 27A Law Number 1 of 2024 is the second amendment to Law Number 11 of 2008 concerning ITE, the element of attacking another person's honor or good name in Article 310 of the Criminal Code is as follows:

Number 1

Attacking another person's honor or good name according to the Law Criminal Law (KUHP)

What is meant by a criminal act is attacking the honor or good name of another person**.** It is not written expressly in the Criminal Code (KUHP), in the Criminal Code it says Insults and is the title of chapter XVI book II. Several articles such as Article 310 concerning blasphemy (smaad), Article 311 concerning slander (laster) do not use the word insulting. Article 315 contains a criminal offense known as light insult or also known as simple insult (eenvoudige beleediging). The crime of blasphemy as regulated in Article 310 of the Criminal Code is a special form of the crime of insult, therefore if you want to find out what is actually meant by insult, you can also look through the formulation of the crime of blasphemy(Wirjono Prodjodikoro, 2012). . Based on Article 310 of the Criminal Code, an act is said to be a criminal act of defamation, the elements of which are:

Deliberate action

According to criminal law, the element of deliberate action is a subjective element inherent in the perpetrator of a criminal act. An intentional act is an act that the perpetrator of the crime is aware of or knows the consequences of. Intentional acts in the case of criminal acts of insult or defamation involve consciously carrying out the act. Consciousness means that the perpetrator knows that the action he has committed will definitely involve a violation of someone's honor and good name even though the perpetrator has no intention of insulting him(Leden Marpaung, 2010b).

These actions damage a person's honor and good name

In this case, an act that damages a person's honor and good name is not an act physically committed by the perpetrator against the victim because of the object it is not physical but a feeling of one's honor and good name (Adami Chazawi,

2013). An act of damaging honor is an act that can cause honor and/or someone's good name becomes tarnished.

This action is carried out by accusing someone of something

Accusing something in the criminal act of insult and defamation can be categorized intotwo things, the first is accusing something that is clear, both place and time. Accusing something of a clear and good nature as well as the time in which the criminal act of insulting is called accusing of committing a certain act which is translated from Dutch as paald feit. *Second ,* accusing someone of something that is unclear whether in place or time. Alleging something being unclear whether the place or time is a crime of light insult (Leden Marpaung, 2010).

This act has a real intention so that something alleged will be revealed/ known to the public

It is known to the public that its application must be done carefully because it is necessary Proof of the element of real intent to broadcast is carried out. Broadcast is an act that spreads something to the public or to the public or can also be said in public. The meaning in public cannot only be interpreted narrowly, namelythat it is seen by everyone who can be present at the place where the act occurs.The crime is carried out, but it must be interpreted broadly, namely every person from the placethe public can hear it through radio and television media (Leden Marpaung, 2010).

Number 2

Attacking another person's honor or good name according to Law Number 1In 2024, the second amendment to Law Number 11 of 2008 concerning ITE

The formulation of Article 27A of Law Number 1 of 2024 is the second amendment to the topLaw Number 11 of 2008 concerning ITE with Article 310 of the Criminal Code both are the same, namely that they both contain provisions regarding defamation, the difference is that in Article 310 of the Criminal Code, acts of defamation are carried out directly orally, in writing or in lettersaddressed to the victim, whereas in Article 27A Law Number 1 of 2024 is the second amendment to Law Number 11 2008 concerning ITE, acts of defamation are carried out through the systemElectronics, the elements are:

Each person

The ITE Law provides restrictions on every person, in Article 2 of the ITE Law it is stated that every person who carries out legal acts and gives rise to legal consequences both within the Indonesian legal territory and outside the Indonesian legal territory which is detrimental to the interests of the Indonesian State. So that every person, whether an Indonesian citizen or a foreign citizen, can be punished if they commit the offense of attacking another person's honor or good name by accusing them of something that is regulated in Article 27A of the ITE Law.

Deliberately

The meaning of deliberate action in the ITE Law is not explained. But there are two The theory that can be used to determine the element of intent is:

a. Will theory, in determining whether an action is desired by someone The perpetrator of the crime must prove that the action he committed was in accordance with the motive for the action and the goal to be achieved. Apart from that, there are motives, actions and goals must have a causal relationship with the mind of the perpetrator of the crime(Moeljatno, 2002). .
b. Theory of knowledge, in determining whether there is an element of intent, a causal relationship must be proven in the mind of the perpetrator of the crime between the goal to be achieved and the motive(Moeljatno, 2002).

Attacking another person's honor or good name by accusing him of something

The element of attacking another person's honor or good name in the explanation of article 27A is an act that humiliates or damages another person's good name or self-esteem so that it harms that person, including insulting and/or slandering, this is what according to unclear author or rubber article, someone who provides information, constructive criticism, gives input to others about the quality of public services via social media which is not desired by public implementers can be an element of defamation and/or slander.

With the aim of making this matter publicly known in the form of Electronic Information and/or Electronic Documents

The element with the intention of making this matter publicly known in the explanation of Article 27 (1) of the ITE Law is to be able or so that it can be accessed by a large group of people, most of whom do not know each other. Here's what it says The author is also unclear or a rubber article, because someone who provides information, constructive criticism, gives input to others about the quality of public services via social media has no intention of insulting and/or slandering but it is known to the public and can be included in the elements of public knowledge.

Which is done through an Electronic System

Elements are carried out through an electronic system, namely distributing and transmitting and making electronic information accessible via the Electronic System in the ITE Law quite clearly regulates the actions that are actually carried out via electronic media.

Number 3

What is the character of the legal product of Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning ITE

Legal products that reflect a sense of justice and meet society's expectations or vice versa, Prof. DR. Moh Mahfud. MD divides the characters of legal products into two, responsive/populistic legal products and conservative/orthodox/elitist legal products(Prof. Moh Mahfud.MD, 2017a):

a. Responsive/ populistic legal products are legal products that reflect a sense of justice and meet community expectations. In the manufacturing process, social groups or individuals in society play a big role and full participation. The results are responsive to the demands of social groups or individuals in society.

b. Conservative/orthodox/elitist legal products are legal products whose contents better reflect the social vision of political elites, better reflect the government's desires, are positive – instrumentalist in nature, that is, they are a tool for implementing the state's ideology and programs. In contrast to responsive law, orthodox law is more closed to the demands of groups and individuals in society. In making it, the role and participation of the community is relatively small.

To qualify whether a legal product is responsive or conservative, the indicators used are the law-making process, the nature of the legal function, and possible interpretations of a legal product. Legal products that have a responsive character, the process of making them is participatory, that is, inviting as much community participation as possible through groups. social groups and individuals in society. Meanwhile, the law-making process with an orthodox character is centralized in the sense that it is dominated by state institutions, especially those holding executive power(Prof. Moh Mahfud.MD, 2017b).

Judging from its function, law with a responsive character is aspirational. This means containing materials that are generally in accordance with the aspirations or desires of the people it serves. So that legal products can be seen as the crystallization of the will of society. Meanwhile, law with an orthodox character is positive-instrumentalist. This means containing material that better reflects the social and political vision of the power holder or material that better embodies the will and interests of the government (Prof. Moh Mahfud.MD, 2017b) .

If we look at it from an interpretive perspective, legal products that have a responsive/populistic character usually provide little opportunity for the government to make its own interpretation through various implementing regulations and this limited opportunity only applies to matters that are truly technical in nature. Meanwhile, legal products with an orthodox/conservative/elitist character provide broad opportunities for the government to make various interpretations with various follow-up regulations based on the government's unilateral vision and not just technical issues. Therefore, legal products with a responsive character usually contain important matters in sufficient detail, making it difficult for the government to make its own interpretation. Meanwhile, legal products with an orthodox character usually tend to contain brief material and only the main points to then provide ample opportunities for the government to regulate based on its vision and political strength(Prof. Moh Mahfud.MD, 2017b) .

Currently, the process of making Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning ITE, is centralized in the sense that it is dominated by state institutions, especially those holding executive power, and does not invite as much community participation through social groups and individuals in society. YLBHI Chairman Muhammad Isnur said that the second revision of the ITE Law still contained problematic articles, including Article 27A, especially regarding provisions for defamation. The DPR officially approved the Draft Law (RUU) on the second amendment to Law No. 11 of 2008 concerning ITE into Law in a plenary session a few days ago. with the provisions of Law No.1 of 2023 concerning the Criminal Code. But for civil society, from the start, discussions on the second revision of the ITE Law received attention from civil society because it was closed and had minimal public participation (Ady Thea, 2023) .

If we look at the nature and function of Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning ITE contains material that better reflects the social and political vision of power holders or material that better embodies the will and interests of the government and is not in line with the aspirations of or the will of the community it serves. The second revision of Law No. 11 of 2008 concerning ITE which was approved jointly by the DPR RI and the Government to be passed into law on December 6 2023 still has the potential to threaten press freedom and public freedom of expression. The second revision of the Law also does not provide significant changes to the articles that have been a threat to press freedom.

This was conveyed by the Press Council in a press release received by RRI recently regarding the revision of Law Number 11 of 2008 concerning ITE. Chairman of the Press Council Dr. Ninik Rahayu, SH, MS stated that the articles in question include, am,ong other things, Article 27A concerning the distribution or transmission of information or electronic documents containing accusations/slander and/or defamation (Sofia Harianja, 2023) .

Furthermore, Law Number 1 of 2024 is the second amendment to the Law - In terms of interpretation, Law Number 11 of 2008 concerning ITE is not detailed enough, providing ample opportunity for the government to regulate based on its vision and political power. and not just a technical problem. In a press release, the Civil Society Coalition Against Sexual Violence (Kompaks) expressed concern about the closed process of revising the ITE Law.

Apart from that, there are still many articles that do not show partiality towards victims of online sexual violence and gender-based violence (KBGO). Kompaks gave the example of Article 27 paragraph 1 which contains elements of decency that are not clearly defined so that it is often used to "regulate women's bodies" and interpret women's bodies as a moral issue in the context of sexual violence or online gender-based violence. This creates significant vulnerabilities such as criminalization of victims based on different interpretations of online opinions (Fathiyah Wardah, 2023).

Conclusion

Based on this study, it can be concluded that legal products that can provide a sense of justice are legal products that are participatory in the process of making them, contain materials that are generally in accordance with the aspirations or wishes of the people they serve, and do not provide broad opportunities for the government to regulate based on his vision and political power. As for Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 concerning ITE in the second revision of the Law does not provide significant changes to the articles which have been a threat to press freedom, the revision still includes provisions regarding defamation. both in article 27A, so that it still has the potential to threaten freedom of the press and freedom of public expression. The drafting of these laws is also closed, not transparent and accountable by ignoring meaningful participation which is a fundamental right of citizens in a democratic country so that these laws have the character of conservative/orthodox/elitist do not reflect a sense of justice and meet society's expectations.

Suggestions that can be conveyed to the Government of the Republic of Indonesia are to immediately revoke article 27A which still regulates provisions regarding defamation has the potential to threaten the freedom of the press and the freedom of expression of society, in the future in making legal products, the drafting process must

be open, transparent, accountable, and provide a large role and full participation of social groups or individuals in society as expected by the wider community, so that These legal products can provide a sense of justice to society.

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FINANCIAL CRIMES IN THE TRANSACTION PROCESS THOUGH MOBILE BANKING DIGITAL PAYMENT

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Abstract:

Technological developments have now been felt by various industrial sectors including banking. There are various modern services in banking transactions that utilize technological sophistication. One of them is mobile banking service which is a facility to provide easy and fast access to financial transactions in real time. However, what is problematic in the midst of the benefits of mobile banking is the danger that can threaten through cybercrime. This research is prepared with a qualitative method based on the type of normative juridical research, where researchers use secondary legal sources sourced from primary and secondary legal materials. The results of the research show that according to Article 16 letter b of the ITE Law, in organizing electronic systems, business actors are obliged to organize electronic systems by maintaining the integrity and confidentiality of the electronic system itself. In addition to the obligations of business actors, Article 4 letter a of the PK Law also regulates the rights of consumers (customers) to get a feeling of comfort, safety, and security when consuming or utilizing goods or services (electronic systems) from business actors (banks). Based on the provisions in the Banking Law, the bank has the responsibility to compensate customers who suffer losses. The process of compensation to customers who suffer losses must first prove the cause of the loss of customer funds. This proof aims to determine whether the customer's loss is due to the unlawful behavior of other parties or purely due to the fault of the customer.

Keywords: Financial Crime, Mobile Banking

Introduction

The increasingly complex life of society, the increasing number of jobs, the increasingly diverse routines, and various other things that require each individual to do multytasking in order to streamline his time which feels increasingly limited (Chrismastianto, 2017). The role of technology is very important in this case as a support for human limitations to face the challenges of living in the era of globalization. It is undeniable that technology is able to override the distance and space that inhibit humans in carrying out something quickly. Technology is able to make individuals able to connect with each other anytime and anywhere. This certainly brings great benefits in various sectors, including the banking world.

Technological developments have now been felt by various industrial sectors including banking. There are various modern services in banking transactions that utilize technological sophistication. One of them is mobile banking service which is a facility to provide easy and fast access to financial transactions in real time (Iriani, 2018). The use of mobile banking will be easy through a smartphone. The system in mobile banking has been connected to a centralized computer system in the form of an application. So that every smartphone needs to download the mobile banking application to use the service (Ismail & Purwani, 2021)

Banking is simply defined as a type of company that provides services in financial matters, including money deposit and lending services (Suryaputra et al., 2017). Technology plays a big role in the banking world, the progress of banking today cannot be separated from the role of technology itself (Prasetya, 2010). The more advanced and diverse facilities offered by banks to serve customers will be directly proportional to the use of technology used. The use of technology in the banking world is not without reason and just following the trend of the times, but in principle technology in the banking world has great benefits, especially to facilitate internal operations of the company and improve the quality of service to customers, which in this case are bank customers themselves.

Mobile banking has now been widely considered by every bank as a digital-based service for customers. Even through mobile banking facilities can be a competitive strategy between banks. This happens with the renewal of the mobile banking system used. So every bank wants to be the most superior in its digital services. A study explains that the banking industry is forced to be creative in creating competitive advantage products. One of them is through innovations according to community needs such as digital services (Samsuri, 2022).

Various financial transactions that can be carried out through mobile banking are certainly for the benefit of individual users. Through the variety of services that mobile banking can provide, it will make it easier for people to fulfill their various needs. In the current digital era, many economic activities have utilized digital channels such as the use of mobile banking for entrepreneurs. The ease of transactions through mobile banking can be an alternative transaction for both entrepreneurs and parties related to economic activities. However, what is problematic in the midst of the benefits of mobile banking is the danger that can threaten through cybercrime. Rampant cybercrime can be a scourge for mobile banking users. The potential violation of privacy that occurs from a cybercrime is something that cannot be ruled out. Legal and technological aspects have an important role in ensuring that efforts to protect people's personal data held by government agencies or the State are guaranteed security (Rahman, 2021)

From January 2017 to early December 2020, there were 12,538 cybercrime complaints through the Patrolisiber portal and only 6,694 cases could be resolved with

a total loss of Rp. 1.17 trillion. There were 5,477 cases of online fraud, 802 illegal access, 317 data theft, 244 hacking of electronic systems, 331 data manipulation, and several cases in other sectors.12 One of them is the case of theft of debit card information using skimming techniques that occurred in early 2018. This incident targeted 64 banks around the world and 13 of them were Indonesian government and private banks. The incident resulted in the bank losing up to 18 billion because it had to return the stolen customer's money (Wiguna & Dananjaya, 2021)

Research Methods

This research was prepared with a qualitative method based on the type of normative juridical research, where researchers use secondary legal sources sourced from primary legal materials in the form of regulations and secondary legal materials sourced from law books, journals and other literature. This research is based on rules that are used as the foundation of the norm system as a method in this research based on rules, norms, doctrines, and principles in legislation.

Analysis and Discussion

Legal Protection of Customers Who Use Mobile Banking in Banking Transactions

Customer losses due to the use of mobile banking are basically caused by the violation of privacy by others by misusing personal data through theft, destruction, or duplication of data. Nowadays, when the banking world is modernized, this kind of action is most often done in the form of skimming, hacking, or carding. This kind of personal data theft will usually take data related to the victim's personality that will later be used to carry out actions that can harm the customer.

After the amendment of the 1945 Constitution, the right to privacy in the form of protection of citizens' personal data was recognized as a constitutional right. This can be proven by the inclusion of special chapters and articles on human rights, namely Chapter XA Articles 28 A to J. Personal data protection is regulated in Article 28G paragraph (1) of the 1945 Constitution which reads: "Every person shall have the right to protection of self, family, honor, dignity, and property under their control, and shall have the right to security and protection from threats of fear to do or not to do something which is a human right.". Besides being constitutionally protected, the protection of personal data in Indonesia is evidenced by the state's involvement in international treaties. One of them is the International Covenant on Civil and Political Rights (ICCPR). Indonesia then ratified it into Law No. 12 of 2005 concerning the Ratification of the ICCPR. In this law, the state is obliged to protect the privacy and personal data of its citizens (Djafar, 2019).

Indonesia actually has positive legal regulations that regulate the content material and have a relationship or relationship with customer protection in online transactions. Indonesia recognizes that the protection of personal data as part of privacy is a human right. This recognition is reflected, both in the constitution and various regulations at the level of laws (Yuniarti, 2019). Some of these legal regulations are as follows:

1. Law No. 7 of 1992 as amended by Law No. 10 of 1998 on Banking

According to Article 1 number 1 of the Banking Law; "Banking is everything related to banks, including institutions, business activities and ways and processes in carrying out their business activities." In the process of providing services to its customers, banks usually use conventional methods or provide electronic transaction services

(mobile banking) either using ATMs, smartphones (mobile banking) or using the internet network (Internet banking).

The variety of forms of bank services to its customers has resulted in increasing forms of violations in the banking sector. In order to anticipate this and to prevent and protect customers from possible losses due to mobile banking services provided by the bank, Article 29 paragraph (4) of the Banking Law can be used, which reads: "For the benefit of customers, banks are obliged to provide information regarding the possibility of risk of loss in connection with customer transactions conducted by the bank." The provisions of this article exist because in principle the basis of depositing public funds in banks is trust.

The trust intended here is the trust of the public (customers) to the bank. Based on the contents of the article, the active role of banks in providing information to customers regarding the risk of possible losses in transactions is very important. the implementation of this provision is considered important to maintain the vigilance of customers who use bank services. Banks must act proactively and prioritize the security of customer data and money by protecting it using preventive methods.

If customers know that electronic transactions have many risks, then customers will definitely be careful and the possibility of cases of customer losses due to mobile banking will be reduced. Furthermore, Article 40 paragraph (1) of the Banking Law states "Banks are obliged to keep information regarding Saving Customers and their deposits confidential, except in the cases referred to in Article 41, Article 41A, Article 42, Article 44, and Article 44A."

Customer data includes all information about the customer, both personal data and customer banking data is confidential information that is only known to customers and banks so that it must be kept confidential by the bank. These data can be in the form of PIN or Personal Identification Number, credit card number, financial transaction history and so on. Banks are prohibited from providing or divulging such information to other parties if it is not agreed upon in advance. If there is a violation of the confidentiality of customer data by the bank, the customer can sue criminally (Ekawati, 2018)

2. Law Number 8 Year 1999 on Consumer Protection

The definition of a consumer according to Article 1 point 2 of the Consumer Protection Law (PK Law) is; "Every person who uses goods and/or services available in the community, both for the benefit of themselves, their families, other people, and other living things and not for trade". The definition of consumers above places bank customers as consumers because customers are people who use or consume goods and services from banks. As consumers who utilize bank services, customers have several rights as stated in the provisions of Article 4 of the PK Law.

Of the several consumer rights contained in the PK Law, the rights that are relevant to this issue are rights that concern the safety and comfort of customers in the use of products from the bank, whether in the form of goods or services. Then no less important is the right of consumers, in this case customers, to receive compensation for the losses felt by consumers.

Article 4 letter a of the PK Law states; "the right to comfort, security and safety in consuming goods and / or services." The provisions of the article above have the consequence that the business actor as a service provider (bank) has the responsibility to realize a sense of comfort, security, and ensure the safety of consumers (customers) in using/consuming bank products, namely services. Because of this, banks that bear the responsibility as business actors should always be careful and use adequate security systems to support all forms of electronic transactions that

occur in the modern banking era like today. The essence of this article is to prevent, a preventive protection from possible customer losses due to mobile banking transactions GCPL also regulates consumer rights in terms of the problem of obtaining compensation. Consumers, in this case customers, have the right to obtain compensation, this is regulated in the provisions of Article 4 letter h of the PK Law. The article reads; "the right to compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not as they should be." Referring to the provisions of the article, the customer has the right to be given compensation or compensation by the bank if the bank defaults. The PK Law also protects consumers from possible losses due to consuming or utilizing goods or services from business actors, which in this case is the bank. This is reflected in Article 19 paragraph (1) of GCPL which states "Business actors are responsible for providing compensation for damage, pollution, and/or consumer losses due to consuming goods and/or services produced or traded." In this article, it can be seen that the bank has responsibility for the funds of customers who use its services.

The PK Law also regulates the obligations of business actors who sell services in terms of the fulfillment of guarantees and/or warranties that have been previously agreed by business actors and consumers. This provision is stipulated in Article 26 of the PK Law which states; "Business actors who trade services are obliged to fulfill the agreed and/or promised guarantees and/or warranties". This article makes sense because of the tendency of banks to always promote their services, including mobile banking services, by mentioning that the advantage of this service is security. However, in reality, there is no bank service that is completely safe, in fact there are still many cases of bank break-ins that are carried out in various ways to the detriment of customers. This implies that the bank's obligation to protect its customers' funds is still not well implemented. This shows that there is no legal certainty in the article above, it is shown by the fact that this rule has not been enforced because there has been no strict action such as sanctions due to violations and / or non-fulfillment of the rule of law (Astrini, 2015)

4. Law Number 11 of 2008 as amended by Law Number 19 of 2016 concerning Information and Electronic Transactions

The Information and Electronic Transactions (ITE) Law is a regulation created as a response to advances in information technology. This law regulates various kinds of human actions and activities that use information and communication technology media. One of the regulated contents is regarding electronic transactions. This is done to create a sense of security and comfort for users of information and communication technology and protection of personal data is a public right that must be protected (Angriani, 2021)

The ITE Law basically does not specifically regulate mobile banking in this modern era, however the ITE Law has articles in which there are regulations regarding transactions using the internet as a medium. These articles are Article 15 and Article 16 of the ITE Law which regulate the implementation of electronic systems. Article 15 paragraph (1) of the ITE Law states, "Every electronic system operator is required to provide an electronic system reliably and safely and is responsible for the proper operation of the electronic system." "Reliable" means that the electronic system has adequate capacity and is able to keep up with the needs of its users. "Safe" means that the electronic system does not harm the user when used. "Operating as it should" means that the electronic system works and functions as expected or as it should.

Article 15 paragraph (2) UU ITE states, "the implementation of the electronic system is responsible for the Implementation of the Electronic System". "Responsible" means that the manager or implementer of the electronic system itself must maintain/care for/administer/maintain and run the electronic system so that it conforms to expectations. However, the provisions in Article 5 paragraph (2) cannot be applied if there are compelling circumstances that cause the system to not work as it should. In addition, this article cannot apply if it can be proven that there was an error and/or negligence on the part of the user of the electronic system itself. In other words, if the customer makes a mistake or omission that causes loss to himself, then this article cannot apply.

Bank Responsibility towards Customers Who Suffer Losses When Using Mobile Banking

As stated above, the absence of regulations specifically regarding mobile banking in Indonesia is a problem in itself. However, if we examine it in the legal discipline, if an action results in harm to another person, then the person who commits the act is obliged to be responsible and compensate the other person for losses arising from his or her actions. This concept is called qualitative responsibility, namely responsibility that arises as a result of someone having certain qualities. Based on Indonesian law, a consumer who is harmed by a business actor, in this case a bank customer, can file a lawsuit against the party who caused the loss. The general qualification for a lawsuit is an unlawful act or breach of contract (Thomas, 2013)

The Civil Code (KUHPer) has defined unlawful acts in Article 1365 of the Civil Code, namely; "Every act that violates the law, which causes loss to another person, requires the person whose fault it was to cause the loss, to compensate for the loss." Although banks are not always the perpetrators of losses suffered by customers, banks as providers of electronic services and systems certainly cannot escape responsibility for customer security. According to Article 16 letter b of the ITE Law, in organizing electronic systems, business actors are obliged to organize electronic systems by maintaining the integrity and confidentiality of the electronic system itself. Apart from the obligations of business actors, Article 4 letter a of the PK Law also regulates the rights of consumers (customers) to feel comfortable, safe and secure when consuming or utilizing goods or services (electronic systems) from business actors (banks).

Based on the provisions of the Banking Law, banks have the responsibility to provide compensation to customers who experience losses. This is in accordance with the provisions contained in Article 19 paragraph (1) of the Consumer Protection Law which states "business actors are responsible for providing compensation for damage, pollution and/or losses to consumers resulting from consuming goods and/or services produced or traded." Regulations regarding banks' obligations to account for their customers' funds can also be found at a lower level of regulation, namely in Bank Indonesia Regulation No. 16/1/2014 Concerning Consumer Protection of Payment System Services. Article 10 of the regulation states "Organizers are obliged to be responsible to consumers for losses arising from errors by the Organizer's management and employees." Apart from Bank Indonesia, the Financial Services Authority (OJK) also issued regulations containing the obligation for banks to compensate for losses suffered by their customers.

This regulation is contained in the Financial Services Authority Regulation (POJK) Number 1/POJK.07/2013 concerning Consumer Protection in the Financial Services Sector Article 29 which states "Financial Services Business Actors must be responsible for Consumer losses arising from errors and/or negligence, management,

employees of Financial Services Business Actors and/or third parties who work for the interests of Financial Services Business Actors." The process of compensating customers who suffer losses must first provide proof regarding the cause of the loss of the customer's funds. This proof aims to find out whether the customer's loss was caused by the unlawful behavior of another party or was purely the customer's fault. The party who must prove and investigate is the bank itself. This is related to the bank's ability to master technology and carry customer transaction data so the bank is obliged to prove this. When a bank receives a report from a customer who has lost funds, the bank must check the customer's transaction history. Customer transaction history can be known by tracing transaction data such as deposits, withdrawals, and/or sending funds via ATM/bank teller/mobile banking which causes a reduction in the customer's funds. After the data is obtained, clarification will be carried out to the customer. The customer will be asked which transactions the customer carried out and which transactions the customer did not carry out. If suspicious transactions are found and not carried out by the customer himself, further checks will be carried out such as checking CCTV if the transaction is carried out via an ATM machine or checking login details if the transaction deemed suspicious is carried out via mobile banking. Of course, the handling procedures for each bank agency are different, but by checking these things, information will be obtained regarding who has carried out the transaction process using the customer's ATM or mobile banking account (Juniawan, 2013)

If the results of the clarification state that the customer's money was lost due to the unlawful actions of another person who deliberately wanted to take or control the customer's funds which caused the customer to suffer losses, then the bank will compensate for the losses suffered by the customer by returning the money lost from the customer's account. This applies in reverse, if it is proven that the loss of the customer's money was caused by the customer's own behavior, then the bank will not be responsible for returning the money.

Conclusion

Legal protection for customers using mobile banking is in the form of the bank's responsibility for customer losses caused by using mobile banking. Banks are obliged to compensate customer funds lost due to the use of mobile banking if it is proven that the customer funds were truly lost and not due to the customer's own error or negligence. Protection for customers who use mobile banking in banking transactions is not specifically regulated in a law, but there are several statutory regulations that regulate this matter. Because of this, there needs to be special regulations regarding mobile banking transactions to create legal certainty between the parties.

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RECONSTRUCTION OF CHILD RIGHTS PROTECTION IN THE CARE OF MOTHERS UNDERGOING CRIMINAL SANCTIONS IN CORRECTIONAL FACILITIES

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Abstract:

The state safeguards the rights of children, and these rights must be upheld by everyone. Children, as integral members of society, possess rights equal to those of other individuals that should be protected and respected. The implementation of child protection is based on Pancasila, the 1945 Constitution of the Republic of Indonesia, as well as the fundamental principles of the Convention on the Rights of the Child and nondiscrimination. The research aims to answer the following questions: (1) Why has the protection of children's rights in the care of incarcerated mothers not been effectively implemented? (2) What is the current regulatory framework for the protection of children's rights in the care of incarcerated mothers? (3) How can the reconstruction of child rights protection in the care of incarcerated mothers in correctional facilities be achieved? The research methodology employed is empirical legal research. The findings indicate that: (1) The protection of children's rights in the care of incarcerated mothers has not been effectively implemented, as evidenced by ongoing cases related to violations of children's rights that could jeopardize their future development. (2) The regulation of child rights protection in the care of incarcerated mothers aligns with Pancasila and the 1945 Constitution, supported by various legislative provisions detailing child protection in Indonesia. (3) The government's reconstruction of child rights protection in the care of incarcerated mothers in correctional facilities takes a prudent step by ratifying the Convention on the Rights of the Child (CRC) and prioritizing progressive law. In resolving cases/punishments, the focus extends beyond legal certainty to emphasize the goals of societal benefit and justice through prevention, mitigation, and alternative sentencing.

Keywords:

Child Rights Protection; Maternal Custody; Correctional Institutions

Introduction

Children are the buds, potential, and young generation who will carry forward the ideals of the nation's struggle; they possess a strategic role with distinctive characteristics deserving government attention. As integral members of society, children have rights equal to those of other citizens that must be protected and respected. (Fitriani, 2016)

The rights of the child are an integral part of human rights, as stipulated in the Constitution of the Republic of Indonesia of 1945 (UUD NRI Tahun 1945) and the Convention on the Rights of the Child. Article 28B (2) of UUD NRI Tahun 1945 states that every child has the right to survival, growth, and development, as well as the right to be free from violence and discrimination. In Article 9(1) and the provisions of the Convention on the Rights of the Child, it is emphasized that children are holders of fundamental rights and freedoms, simultaneously being recipients of special protection. (Widodo, 2017)

The rights of the child are part of human rights that receive guarantees and legal protection both internationally and nationally, universally safeguarded in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (CPR).(Zandy, 2019) However, the differentiation in the treatment of children's rights compared to adults is evident in specific international conventions. For instance, in the Declaration of the Rights of the Child, it is emphasized that the child, due to their physical and mental immaturity, requires special safeguards and care, including appropriate legal protection, both before and after birth. This 1993 Vienna Declaration was produced by the World Conference on Human Rights (HCHR) regarding the First Call For Children's Principles, highlighting the importance of national and international efforts to advance children's rights to survival, protection, and participation.(Nylund, 1998)

Indonesia has enacted legislation that highly values and addresses child rights, including the ratification of the Convention on the Rights of the Child (CRC) through Presidential Decree Number 36 of 1990. Various regulations, such as Law Number 39 of 1999 on Human Rights, Law Number 3 of 1997 on Juvenile Courts amended by Law Number 11 of 2012 on the Juvenile Criminal Justice System, Law Number 23 of 2002 amended by Law Number 35 of 2014 on Child Protection, and Law Number 4 of 1979 on Child Welfare, substantively govern children's rights encompassing the right to life, name, education, basic health, freedom of religion, expression, thought, play, creativity, rest, social interaction, and social security.. (Prema et al., 2022)

The state highly regards and protects the rights of children, a duty upheld by every individual. In its implementation, particularly concerning law enforcement issues, there are often obstacles and challenges, stemming from both internal and external factors. From a juridical perspective, the issue of children receives insufficient serious attention from the government, law enforcement, and society, falling far short of what should be provided for children.

Over time, with the concepts of emancipation and gender equality, many adult women have committed crimes such as theft, fraud, drug offenses, murder, and corruption. This arises from the demand for a decent and financially prosperous life due to personal emotions and unavoidable environmental influences. An illustrative case is that of the late Vanessa Angel (VA) in a drug abuse case, leading to her imprisonment. At that time, VA had a breastfeeding infant, and the child, rightfully under the care and protection of the mother, had their rights stripped away and was separated from the mother serving a sentence. The Correctional Institution (LAPAS) allowed a detainee to bring along a child in their care to the detention facility or prison,

as stipulated in Article 28 paragraph 4 of Government Regulation Number 58 of 1999 concerning the Requirements and Procedures for the Implementation of Authority, Tasks, and Responsibilities of Detainee Care. In this regard, concrete steps are needed in the law enforcement process to ensure the fulfillment of children's rights. (Asmarani & Emilapalau, 2022)

LAPAS is a technical implementing unit under the Directorate General of Corrections of the Ministry of Law and Human Rights, inherently linked to the rehabilitation and social integration programs for inmates. Restoring the functionality of inmates requires a crucial role from the government, society, and the inmates themselves.

Separation from a mother imposes a heavy burden on a child. Therefore, the author attempts to propose a reconsideration of the function of criminal law by prioritizing progressive law in case resolution. This approach goes beyond legal aspects to encompass considerations of utility and justice. Building on the aforementioned background, the author aims to discuss the "Reconstruction of Child Protection in the Custody of Mothers Undergoing Criminal Sentences in Correctional Institutions."

Research Methods

This research adopts a juridical-empirical approach, encompassing both a statutory approach and a conceptual approach. The conceptual approach is utilized to find solutions and new approaches to existing issues, while the comparative approach involves descriptive research that analyzes the factors causing a particular phenomenon. In the context of legislation, understanding the hierarchy of regulations is crucial as it indicates the structure and position of each part.

Data sources are divided into primary, involving direct interviews and observations, and secondary, encompassing pre-existing data such as records, newspapers, documents, and reports. Primary legal materials used include laws related to child protection and human rights. Additionally, this research utilizes secondary and tertiary legal materials to provide explanations and clarity regarding primary legal materials. The research methodology combines legal data (secondary and primary data) with the community's way of life, characterizing an empirical juridical approach.

ANALYSIS AND DISCUSSION

1. Ineffectiveness of Child Rights Protection in the Custody of Incarcerated Mothers

Child protection encompasses activities aimed at ensuring and safeguarding a child's rights to live, grow, develop, and participate optimally in accordance with human dignity, free from violence and discrimination, leading to the realization of high-quality, morally upright, and prosperous Indonesian children. The government of Indonesia has undertaken various efforts to address protection and fulfillment of children's rights, notably in reducing child labor. From ancient times to the present, the government continues to innovate programs, serving as benchmarks for the alleviation of child labor through the enhancement of educational quality. (Rini Fitriani, 2016)

Various efforts have been made concerning child protection and rights fulfillment, including:

a. **Government Initiatives:**
   1. Issuing free birth certificates for children.
   2. Education on non-violent parenting for parents and teachers.

3. Providing healthcare services for children.
4. Increasing the budget for basic education and making primary education free.

b. **Legislative Actions:** The legislative body creates laws or local regulations to protect children from violence and exploitation, imposing severe penalties to deter offenders.

c. **Law Enforcement:** Law enforcement authorities (Police, Prosecutors) and the judiciary (Judges) diligently process any violations of children's rights, applying strict sanctions commensurate with the committed offenses.

In responding to issues related to children, the government has issued various policies as a foundation for realizing the welfare, care, and protection of Indonesian children, rooted in Pancasila and the 1945 Constitution of the Republic of Indonesia, as outlined above. The Republic of Indonesia Law Number 4 of 1979 concerning Child Welfare is one such policy. This law addresses the welfare of children, their age, and rights, including those without parents, economically disadvantaged children, those with behavioral issues, and children with disabilities. The law also outlines parental responsibilities for the welfare of children and efforts for child welfare.(Riliani, 2021)

Indonesia ratified the Convention on the Rights of the Child (CRC) through Presidential Decree No. 36/1990 on August 25, 1990. According to the provisions of the CRC, it became effective in Indonesia thirty days later, on October 5, 1990. The consequence of adopting and ratifying the CRC is that the Indonesian society, nation, and state are obligated to recognize and fulfill the rights of children as formulated in the CRC. In the discourse of Human Rights, "children" are the rights bearers, while the "State" is obliged to fulfill the rights of children. Participating states in the ratification will take legislative and administrative steps to implement the CRC, exemplified in Indonesia by the enactment of Law No. 23 of 2002 on October 22, 2002, subsequently amended by Law No. 35 of 2014 concerning Child Protection. As a follow-up to this policy, the "Indonesian Child Protection Commission" (KPAI) was established as an "independent" body(Monadiyan & Sitorus, 2020)

The general principles of the CRC include non-discrimination, respecting the opinions of children, the best interests of the child, the right to life, survival, and development. The rights of children under the CRC include civil and freedom rights, fundamental parenting and child protection rights, health rights, nutrition, water and environmental sanitation rights, family environment and alternative care rights, education rights, leisure and playtime, cultural activities, and special protection rights. In this context, children are rights holders responsible for asserting their rights, and the State is the duty-bearer responsible for acting and fulfilling/protecting/respecting the rights of rights holders. The law on child protection explains the role of the family: "The family is most obliged to recognize and fulfill the rights of children; the family is in a central and primary position in providing protection to children, and the family is the closest environment for children, knowing their needs and conditions the best". (Gunarso & Afifah, 2016)

Meanwhile, the role of society is defined as follows: "Society has the right to the broadest possible opportunity to play a role in protecting children. This role is carried out by individuals, child protection institutions, social and community institutions, Non-Governmental Organizations (NGOs), educational institutions, religious institutions, businesses, and the mass media, and is carried out in

accordance with the provisions of applicable laws and regulations." The role of the government includes being responsible for the implementation of stages in legislative, administrative, and other aspects by maximizing available resources, reporting to the United Nations and the public, and disseminating the CRC to all parties, including children.

In 2009, the Republic of Indonesia enacted Law No. 11 of 2009 concerning Social Welfare, which regulates the implementation of social welfare, caregiving, and child protection from poverty. It also outlines the responsibilities and authorities of the central and regional governments, resources for social welfare implementation, the role of the community, registration and licensing of social welfare institutions, accreditation and certification, guidance, supervision, monitoring, and evaluation. The law establishes that the state is responsible for social welfare provision, emphasizing the importance of addressing individuals, families, groups, and communities facing inhumane living conditions and various social issues such as poverty, neglect, disabilities, social isolation, and behavioral deviations, as well as victims of disasters or violence, exploitation, and discrimination.

Social welfare implementation covers social rehabilitation, social security, social empowerment, and social protection. One of the government's responses to the issue of abandoned toddlers is through child adoption. Government Regulation (PP) No. 54 of 2007 defines adoption as a legal act that transfers a child from the authority of biological parents, legal guardians, or other responsible individuals for the child's care, education, and upbringing to the family environment of the adoptive parents. The regulation addresses the types of adoption, eligibility criteria, adoption procedures, guidance in adopting a child, implementation of adoption supervision, and reporting. Detailed requirements for child adoption are further regulated by the Minister of Social Affairs of the Republic of Indonesia Regulation No. 110/HUK/2009.

Operationalizing the adoption process requires the establishment of a team, as regulated by the Minister of Social Affairs of the Republic of Indonesia Regulation No. 37/HUK/2010 concerning the Central Child Adoption Permit Consideration Team. This team, referred to as the Central Child Adoption Permit Consideration Team (Tim PIPA Pusat), provides considerations to the minister regarding adoption permits between Indonesian citizens and foreign citizens or adoption by a single parent who is a foreign citizen. There is also a Regional Child Adoption Permit Consideration Team (Tim PIPA Daerah), which provides considerations to the Governor or the head of the social institution for adoption among Indonesian citizens.

Lawrence M. Friedman identifies effective law enforcement as a crucial factor in determining whether a legal system functions well. Compliance with legal principles not only requires the availability of laws but also guarantees the implementation of these legal principles in practice. The effectiveness of the legal system depends on the enforcement of laws, which goes beyond legal provisions to include bureaucratic activities. In this research, the welfare theory is employed to analyze child protection as a manifestation of welfare efforts..(Gunarso & Afifah, 2016)

The concept of well-being as stated in the 1945 Constitution of the Republic of Indonesia, both in the preamble and Chapter XIV, as well as in Law Number 11 of 2009, is internationally matched with the concept of welfare according to Jones, which states that "the achievement of social welfare means, first and foremost, the alleviation of poverty in its manifestations." The term social welfare can be

interpreted as general welfare or social welfare. Ismail argues that well-being is an abstract concept because it is directly related to the values and ideologies embraced by an individual. Well-being is not only defined as a measure of material availability but also needs to be associated with one's worldview.

The well-being theory with a capability approach aligns with the concept of empowerment. According to Mardikanto and Soebianto, empowerment involves a process of improving the capabilities and self-reliance attitudes of communities to enhance the quality of life or well-being of each individual and society. Capability can also be interpreted as the empowerment of individuals or organizations in achieving well-being in their lives. Kartasasmita states that empowerment is the elements that enable individuals, organizations, or societies to survive, be dynamic, and develop to achieve their goals or well-being in life.

2. Reconstruction of Child Protection in the Custody of Mothers Undergoing Criminal Sentences in Correctional Institutions

Considering the rights of children in various laws and regulations in Indonesia, the implementation of the law is far from reality. There are inconsistencies and many shortcomings affecting the rights of Indonesian children. Cases such as physical and psychological violence, sexual violence, victims of pornography dissemination, economic exploitation, school dropouts, street children, drug abuse, and so on, indicate that the implementation of child protection laws in Indonesia is not optimal.

Observing the numerous cases related to unfulfilled rights of children in Indonesia, especially among minority and isolated groups, it is evident that the existence of the Child Protection Law has not been accompanied by effective implementation. Legal protection regulated in the form of regulations, along with its application, is expected to guarantee the fulfillment of children's rights—allowing them to live, grow, develop, and participate optimally in accordance with human dignity. Moreover, it aims to provide protection from all forms of violence, injustice, neglect, discrimination, exploitation, and other negative actions, thus realizing resilient future generations as the nation's successors.(Wadong, 2000)

In essence, child protection is closely tied to law enforcement, particularly for children involved in legal cases. Child protection law constitutes a subsystem of the legal system and aligns with the goals of criminal law, encompassing fundamental principles such as territoriality, active personal jurisdiction, passive personal jurisdiction, universality, fiction, and others. There are two legislative steps taken to protect children involved in criminal acts: Law Number 3 of 1997 on Juvenile Courts, amended by Law Number 11 of 2012 on the Juvenile Criminal Justice System, and Law Number 12 of 1995 on Correctional Institutions.

The formulation of laws regarding Juvenile Courts in Indonesia serves as a reference that specifically focuses on the legal procedural aspects of juvenile criminal cases. The principle of Lex specialis derogat legi generali establishes binding provisions derived from specific laws that supersede general laws.

The provisions of the Juvenile Courts Law introduce specific terms for children aged 12 and above who commit criminal acts. If a child is proven to have committed a criminal act or engaged in prohibited behavior, they are not labeled as a 'criminal' but rather as a 'misbehaving child.' Thus, juvenile criminal law specifically regulates juvenile justice, encompassing legal phenomena and the primacy of legality in handling juvenile delinquency or children as victims of criminal offenses.

The regulations in the Juvenile Courts Law form an integral part of the basic principles of positive juvenile criminal law, replacing certain provisions for children

stipulated in Articles 45, 46, and 47 of the Criminal Code (KUHP). The Juvenile Justice System comprises all elements of the criminal justice system related to handling cases of juvenile delinquency, involving children who may face legal consequences. A child facing the law is any child declared guilty of violating applicable criminal law and any child who becomes a victim and/or witness in criminal incidents.

The integration of the criminal justice system is defined as "...the collective institution through which an accused offender passes until the accusation has been disposed of or the assessed punishment concluded...".(Lubis, 2017) An integrated criminal justice system is not a system that works as a single unit or part that literally merges; rather, it involves a harmonious combination of subsystems working together to achieve a common goal. The primary goal of an integrated juvenile justice system should emphasize efforts in resocialization, rehabilitation, and social reintegration. When dealing with cases involving children, the main objectives should be the fulfillment and protection of the rights of the child. This should be guided by the principle of the best interests of the child, ensuring the well-being of the child is not neglected. (Mustakim, 2021)

The well-being of children is crucial for several reasons:

a. Children represent the potential and future generations of the nation, with their foundations laid by previous generations.
b. To ensure that every child is capable of bearing this responsibility, they need opportunities to grow and develop in a healthy manner.
c. Within society, some children face obstacles to their spiritual, physical, social, and economic well-being.
d. Children are not yet capable of fully caring for themselves.
e. Eliminating these obstacles can only be achieved and obtained if efforts to ensure the well-being of children are guaranteed.

Psychologically, children are not miniature adults but rather subjects in a stage of evolving capacities. This stage is closely related to the causality between the fulfillment and protection of the rights to life, growth, and development, as well as protection from violence and discrimination. In a constitutional and legal understanding, these rights are interconnected – the right to life, the right to survival, the right to development, and protection from violence and discrimination.(Junaidi, 2021)

In concrete situations, such as disruptions to a child's growth and development when their mother is imprisoned due to a criminal conviction, there is a constitutional loss for the child in terms of the right to survival and the right to development, even if legally valid. The rights to life, survival, and development are inseparable. Any harm, destruction, or reduction in the right to a child's survival can have serious and fatal consequences for the child's right to life. (Amnesti & Indrawati, 2020)

A continuous and directed series of activities is necessary to guarantee the physical, mental, spiritual, and social growth and development of children. These actions are intended to create the best possible life for children, who are expected to become potential successors to the nation with noble moral values and a sense of nationalism.

Conclusion

Based on the above discussion, several points can be concluded, including:

a. The protection of children's rights in the care of mothers undergoing criminal sentences has not been effectively implemented, as evidenced by ongoing cases related to violations of children's rights that can threaten their future development. Children, as rights holders, and the state, as the guardian of child protection, must be able to address issues related to the fulfillment of children's rights maximally. Child protection is a shared responsibility, not solely the obligation of parents. Educating children with universal values of goodness and instilling moral and character education is crucial.
b. The reconstruction of child protection in the care of mothers undergoing criminal sentences in correctional facilities by the government has taken the right steps by ratifying the Convention on the Rights of the Child (CRC) with an emphasis on progressive law. In handling cases/punishments, the government not only considers the legal certainty aspect but also pays more attention to the goals of benefit and justice for society, through prevention, leniency, and alternative sentencing.

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CHALLENGES TO PROBATION OFFICER IN THE IMPLEMENTATION RENEWALL OF CRIMINAL LAW IN THE PENAL SYSTEM BY LAWS NUMBER 1 OF 2023 AND LAWS NUMBER 22 OF 2022

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Abstract:

Since Indonesia's independence in 1945, the parent of codification and unification of criminal law is the Criminal Code inherited from the Dutch colonial Weetboek van Stafrecht (WvS). However, in its development, the criminal code is considered incomplete or doesn't accommodate various problems and dimensions of the progress of criminal acts in the penal system with the progress and aspirations in community. Starting from this background, Indonesian government tried to reform criminal law and its concrete is the enactment of Law Number 1 Of 2023 concerning the Criminal Code. One of the novelties in this new Criminal Code Law is the shift in the penal system from retributive to restorative and the role of Probation Officers from pre-adjudication, adjudication, and post-adjudication in the justice system. The emergence of new penal system in the new Criminal Code Law provides its own challenges for Probation Officers in carrying out their main duties and functions. Through Law Number 22 of 2022 concerning Corrections, the implementation of community research, assistance, guidance and supervision by Probation Officers has been carried out since the suspect at the police until the completion of the convict undergoing social reintegration. Through research with descriptive qualitative type and normative juridical approach, it is presented in detail about the penal system in the new era of the Criminal Code, the role of Probation Officers and the challenges faced by Probation Officers in carrying out their duties and functions. Probation Officers are obliged to update and upgrade their knowledge, and don't stop learning new things related to criminal law and developments in all scientific lines so that they can provide the best and appropriate services in providing recommendations for suspects, detainees, children in the conflict of law, and prisoners.

Keywords:

Probation Officer, Renewall of criminal law, the penal system

Introduction

Indonesia is a legal state as stated in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, meaning that every Indonesian citizen is obliged to comply with applicable rules and laws. In social life, law is needed to create social order. Law plays a role in regulating, giving direction and controlling people's behavior so as to create a peaceful, just, harmonious and harmonious social life.

Corrections are part of a series of law enforcement processes in Indonesia. Law Number 22 of 2022 concerning Corrections (next is called the Corrections Law) states that corrections is a criminal justice subsystem that carries out law enforcement in the field of treatment of prisoners, children and inmates. The Corrections Law also states that one of the technical implementation units in the field of corrections is the Corrections Center (next is called *Bapas*) and the core business implementer at *Bapas* is Community Counselors. The existence of Community Counselors influences the success of the justice system's activities as a whole, because Community Counselors have carried out their roles and functions in the justice system from pre-adjudication, adjudication to post-adjudication.

The role of Probation Officers is also regulated in Law Number 1 of 2023 concerning the Criminal Code (next is called the Criminal Code Law). Probation Officers are required to carry out community research, assistance, guidance and supervision for adult suspects, children in conflict with the law (ABH), detainees, convicts and correctional inmates inside and outside the judicial process.

In enforcing criminal law in Indonesia, there is a system of punishment in which there is also an important role for Probation Officers. Punishment in Indonesia has the main aim of upholding law and justice. In more detail, the aim of punishment as in Article 51 of the Criminal Code Law is:

1. Prevent the commission of criminal acts by enforcing legal norms for the protection and guidance of society;
2. Prioritize convicts by providing training and guidance so that they become a good and useful person;
3. Resolving conflicts caused by criminal acts, restoring balance, and bringing a sense of security and peace in society; and
4. Fostering a sense of guilt and freeing the convict's guilt.

Meanwhile, in Article 2 of the Corrections Law, the objectives of the correctional system are:

1. Provide guarantees of protection for the rights of detainees and children;
2. Improving the quality of personality and independence of inmates so that they realize their mistakes, improve themselves, and not repeat criminal acts, so that they can be accepted again by the community, can live normally, as good citizens, obey the law, be responsible, and can play an active role in development; and
3. Providing protection to the community from repetition of criminal acts.

The similarity in the objectives of punishment and the correctional system is a form of synergy in the novelty of criminal law in Indonesia.

The various forms of punishment in the new era of the Criminal Code Law actually still have similarities with the old regulations in the Dutch Weetboek van Stafrecht (WvS) which consist of crimes and actions. However, in several subsequent reforms the criminal law finally emerged and contained various new types of crimes. Initially, punishment consisted of main punishment, additional punishment and special

punishment for certain criminal acts specified in the law. Meanwhile, action can take the form of counseling, rehabilitation, job training, treatment in an institution, handover to the government, treatment in a mental hospital, and/or reparation due to criminal acts. Furthermore, more types of crimes and actions have emerged so that there are many alternative sentences that can be imposed by judges on law violators.

In the criminalization process, Probation Officers have an important role from the beginning of the examination of the suspect, during the trial process, until the imposition of a crime on the convicted person. Considering this important role, there are many challenges faced by Probation Officers in carrying out their duties and functions in the new criminal law in Indonesia.

Research Methods

The research method used in this approach uses a normative juridical approach, namely combining legal materials that refer to legal principles, applicable laws and regulations, legal theory, legal doctrine, jurisprudence, and relevant literature that discusses the role and challenges of Probation Officers in the novelty of the criminal system as in the Criminal Code Law and the Corrections Law. The approach taken is a qualitative approach in which data collection uses secondary data through primary sources for analysis, namely Law Number 1 of 2023 concerning the Criminal Code and Law Number 22 of 2022 concerning Corrections, as well as other regulations and other literature references related to the research subject, it is hoped that it can explain and describe in detail and systematically the challenges of Probation Officers in the New Penal System in Indonesia. The techniques used include documentation studies, interviews and observations. The data analysis used is an interactive model with a triangulation model approach, namely checking the validity of the data in order to compare data documentation with interviews conducted so that there are many variations of questions, re-examining various data and utilizing methods that make it possible to check valid and reliable data.

Analysis and Discussion

1. NOVELTY OF THE CRIMINAL AND PUNISHMENT SYSTEM IN INDONESIA

The criminal and punishment system in Indonesia is experiencing novelty. This criminal law reform is a form of improvement in the implementation of punishment. Criminal matters and punishment are an object of study in the field of criminal law called penitentiary law (penitensier recht). (Alin, 2017) In the narrow sense penitentiary law can be interpreted as positive regulations regarding the criminal system (strafsrelsel), while in the broad sense law Penitentiary is a part of criminal law that determines and provides rules regarding sanctions in criminal law which includes criminal (strafstelsel) and actions (maatregelstelsel) as well as policies.

Punishment can simply be interpreted as punishment. The punishment in question is related to the imposition of a crime and the justification for the imposition of a crime on a person who, through a court decision that has permanent legal force (incraht van gewijsde), is declared legally and convincingly proven to have committed a criminal act.

Muladi concluded regarding the elements or characteristics contained in the crime, namely:

a. Crime is essentially the imposition of suffering or sorrow or other unpleasant consequences;
b. Punishment is given intentionally by an authorized person or body;

c. Penalty is imposed on someone who has committed a criminal offense according to law.

The old Criminal Code in the Dutch Weetboek van Stafrecht (WvS) (next is called the old Criminal Code) focused on criminal acts or acts. (Randy Pradityo, 2017) Meanwhile in Law Number 1 of 2023 (hereinafter referred to as the new Criminal Code Law) focused on maintaining harmony between objective factors (actions/outward) and subjective factors (personal/mental/attitude). This means that the new Criminal Code Law does not only focus on the criminal act that occurred, but also the individual factors involved in the criminal act.

Punishment does not aim to degrade human dignity. This reform in the criminal justice system is an important step so that criminal law can run effectively and efficiently in accordance with the values, norms, rules and laws that apply in society. (Rivanie et al., 2022)

In the old Criminal Code Law that Indonesia has used since 1945 until now, there are types of criminal sanctions. This is formulated in Article 10 that punishment consists of main punishment and additional punishment. The main punishment consists of: death penalty; imprisonment; criminal Cage: V; and criminal fines. Additional penalties include: revocation of certain rights; confiscation of certain items; and announcement of the judge's decision. During its development in 1946, through Law Number 20 of 1946, a new type of principal crime was recognized, namely cover-up crime.

The background and urgency of reforming criminal law is an effort to reorient and reform criminal law in accordance with the sociopolitical, sociophilosophical, sociocultural values that underlie social policy, criminal policy and law enforcement policy. (Putri & Purwani, 2020) The old Criminal Code Law is considered not complete or unable to accommodate various existing problems, and not in line with the development of thoughts and aspirations of society's needs in the current era of globalization. In the end, several special offenses were created by issuing new laws and special regulations, as a result of which the old Criminal Code Law was deemed incomplete in accommodating various existing problems. (Irmawanti & Arief, 2021) Renewall of criminal law uses two approaches, namely the policy approach and the values approach.

From various discussions since the old Criminal Code Law until the drafting of the new Criminal Code Law in Law Number 1 of 2023 concerning the Criminal Code, formulated in Articles 114 to Article 122 concerning Crime and Articles 123 to Article 131 concerning Actions. Crimes and Actions for Corporations that were previously untouched, in the new Criminal Code Law there are sanctions for corporate criminal acts, which means that corporations can become the subject of criminal acts. This is something new in the criminal system in Indonesia. The imposition of a crime and/or action against a convict has many alternative options where the concept used is more directed towards retributive justice, restorative justice and social reintegration.

Another renewel in punishment in the new Criminal Code Law is the shift in the retributive criminal paradigm towards restorative justice (Satria, 2018), namely emphasizing rehabilitation, recovery and restorative. The implementation of other alternative punishments is expected to reduce the number of imprisonments so that there is no longer overcrowding in correctional institutions (Lapas).(Yulianto & Muhammad, 2021)

One form of punishment that is controversial is the conditional death penalty or in the new Criminal Code Law what is called the death penalty with a probationary period of 10 (ten) years. This conditional death penalty must also take into account the defendant's feelings of remorse and hope to improve himself and the defendant's role in a crime. The attitudes and actions of conditional death row inmates in prison determine the change in the type of sentence to be changed to life imprisonment by Presidential Decree after receiving consideration from the Supreme Court.(Robyanugrah & Raja Desril, 2021)

2. THE ROLE OF PROBATION OFFICERS

Probation Officers are a family of functional law enforcement positions with expertise and skills with professional qualifications located at the Correctional Center (Bapas) under the auspices of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia. Probation Officers have a core business in the form of community research, assistance, mentoring, supervision of clients inside and outside the criminal justice process.(Ratu, 2023)

Implementation of the role, main duties and functions of Probation Officers (Mubarok & Yulianti, 2023) such as :

a. Community research, that next is called Litmas, is the activity of collecting, processing, analyzing and presenting data carried out systematically and objectively in the context of assessment for the benefit of prisoner or child services, development of prisoners or assisted children, social guidance of clients, as well as a basis for consideration by investigators, prosecutors. public and judges in resolving cases.
   Community research is used to provide recommendations to investigators, prosecutors, judges and correctional officers at every stage that clients go through from pre-adjudication to post-adjudication.
b. Probation Officers, which consists of:
   1) Assistance by Probation Officers is intended to fulfill needs and protect rights in the judicial process from the pre-adjudication stage to the post-adjudication stage to further guidance. Assistance is provided from the moment the client is detained, during the trial process until the implementation of the decision.
   2) Guidance is carried out by Probation Officers to provide provisions for clients to improve their mental and spiritual quality, intellectual qualities, skills and independence. Primarily, guidance is carried out when prisoners have undergone a social reintegration program in society.
   3) Supervision is carried out to ensure the implementation of the conditions and programs that have been determined for detainees, children, convicts, clients and correctional inmates.

   Community guidance for clients is also carried out by Probation Officers for adult clients undergoing social work and supervision sentences. Child clients are provided with community guidance in the implementation of warning sentences, sentences with conditions, job training and guidance within institutions.(Sari, 2022)

3. CHALLENGES OF PROBATION OFFICERS IN THE RENEWAL CRIMINAL SYSTEM IN INDONESIA

The ratification and promulgation of Law Number 1 of 2023 concerning the Criminal Code on January 2 2023 has implications for the role of Probation officers in carrying out their main duties and functions. Even though this Criminal Code Law will only come into effect 3 (three) years after the date of its promulgation, to be precise on January 2 2026, the challenges of Community Guidance are starting to appear in implementing the new criminal system in Indonesia.

The duties of Probation Officers in the new Criminal Code Law aim to support the correctional, rehabilitation and social reintegration process for those involved in the criminal justice system. The role of Community Counselors is no longer only in resolving cases of Children in Conflict with the Law (ABH) but also in resolving cases against adults.(Mubarok & Yulianti, 2023)

Probation Officers in the Juvenile Criminal Justice System as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (next is called the SPPA Law) provide assistance from the time the child is arrested by the police, then carry out community research which includes the identity of the child, the identity of the family or guardian, the child's social life, the background to the commission of the crime and recommendations for resolving the child's case which are addressed to investigators, prosecutors and judges. (Harliyanti et al., 2021) During the trial process, the Probation Officers also accompanies the child and conveys the results of the Litmas and recommendations for crime or action. for the Child to the Judge. After the child receives a determination or decision from the judge, the Probation Officers also supervises and guides the child in carrying out the crime or action imposed on the child, including providing the type of guidance and placement for the child. After the child has served the sentence, the Probation Officers also plays a role in providing guidance and supervision while the child is undergoing a social reintegration program or assimilation back into society. For Children in Conflict with the Law who are less than 12 (twelve) years old, apart from the roles mentioned above, the Probation Officers also has the role of coordinating with Investigators and Professional Social Workers to make joint decisions in the best interests of the Child.(Gulo et al., 2023)

In implementing the new Criminal Code Law, Probation Officers also carry out community research on adult suspects, provide trial assistance for adult defendants, provide recommendations to Judges for the imposition of crimes or actions against adult defendants, make community research for prison service and care programs, make community research for prisoner development programs, supervising programs that have been created, providing guidance and supervision for clients undergoing social reintegration programs. Apart from that, for convicts who receive a judge's decision in the form of a social work sentence and a supervision sentence as well as a warning sentence, the Probation Officers also carries out a community guidance role in the form of mentoring, mentoring and supervision.

Several challenges for Probation Officers in implementing the new Criminal Code Law (Gaol, H. D. L., & Budiharto, 2016) among them as follows :

1. Assisting in the examination of adult suspects and children in Conflict with the Law;
2. Create community research reports to provide recommendations to investigators, prosecutors and judges for resolving criminal cases;
3. Provide assistance during trials and resolution of criminal cases through restorative justice;

4. Supervise the imposition of crimes and actions;
5. Create community research reports for prison services, coaching and mentoring for child and adult prisoners, prisoners, criminal children, inmates and correctional clients;
6. Supervise the coaching program in prisons and the mentoring program during social reintegration;
7. Make an assessment of reducing the level of risk of recidivism for prisoners;
8. Provide personality and independence guidance for correctional clients.

The hectic assignments, functions and roles of Probation Officers in the criminal system make it a challenge for Probation Officers in dividing their time, energy, thoughts and dedication in serving the State and fighting for the rights of adult suspects, detainees, children, convicts, clients and correctional inmates. .(Firdaus, 2019) Apart from technical problems, Probation Officers are also faced with challenges in carrying out assessments for prisoners whose implications indicate a reduction in the level of risk of recidivism. This is also the assessment for death row inmates on probation to be able to apply for clemency and change of sentence.

Many challenges in the role of Probation Officers as implementers of criminal system reform in Indonesia need to be balanced with a spirit of learning, knowledge transfer, continuing to hone knowledge, know-how and developments in all scientific lines so that Community Advisors can carry out their duties more optimally.

Conclusion

Probation Officers who has a core business in carrying out community research, assistance, guidance and supervision for adult suspects, children, detainees, convicts, assisted children, clients and correctional inmates. Probation Officers play a very important role in implementing the novelty of the criminal system in Indonesia. The change in the criminal paradigm, which initially relied on retributive justice, is now shifting towards restorative justice which places more emphasis on restoring the original situation. This is a big homework for Probation Officers to carry out their duties.

The urgent role of Probation Officers from pre-adjudication, trial or adjudication stage, pre-adjudication to the implementation of follow-up guidance creates challenges for Probation Officers. Probation Officers are required to always manage their time, energy, thoughts and dedication in serving the State and fighting for the rights of adult suspects, detainees, children, convicts, clients and correctional inmates. Apart from that, Probation Officers are obliged to always update their knowledge, upgrade their knowledge and not stop learning new things related to criminal law so that they can provide the best and most appropriate service in providing recommendations and programs for adult suspects, detainees, children, convicts, clients and correctional inmates.

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STUDY OF CYBERCRIME LAW IN INDONESIA

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Abstract:

Technological advances, especially in the field of information technology, have a positive impact on people's lives, but the use of internet services can also invite crime, which is better known as cybercrime. The purpose of this writing is to describe Cybercrime in Indonesia and how legal protection is for victims of Cybercrime crimes in Indonesia. The method of this research is the library method (Library Research). Research results: Cybercrime is an unlawful act committed by using a computer network as a means/tool or a computer as an object, whether to gain profit or not, at the expense of other parties. Cybercrime itself as a crime that emerged as a result of the existence of cyber communities on the internet, has unique characteristics compared to conventional crimes. The unique characteristics of crime in cyberspace include, among other things, the following five: 1) scope, 2) nature of the crime, 3) perpetrator crime, 4) mode of crime, and 5) type of loss caused.Currently regulations are used as the legal basis for cases *cybercrime* is Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE).Conclusion:The ITE Law is the main basis for law enforcement to ensnare every perpetrator of criminal acts, especially internet crimes (cybercrime). It is necessary to realize the derivative law of the Ministerial Regulation (Ministerial Regulation) to sharpen it so that it does not give rise to gaps that have multiple interpretations.

Keywords: Legal Studies,Ccybercrime, Indonesia

Introduction

Technological advances, especially in the field of information technology, have a positive impact on people's lives, but on the other hand, they also cause the possibility of misuse and trigger irresponsible people to use them. Computers and the internet to commit crimes that harm other parties. Development The internet, which is increasing day by day, both in technology and in its use, brings many impacts, both positive and negative. Of course, for all of us who are positive. You have to be grateful for the many benefits and conveniences you get from this technology. It cannot be denied that Internet technology also has negative impacts outnumbered by the existing benefits. The internet makes crime what it once was conventional crime has developed into a modern crime with a high level of loss bigger with a wider impact(Arifah, 2011).

The disappearance of time and space boundaries on the Internet changes many things. The rapid development in the use of internet services ultimately invites crime, which is better known as Cybercrime. Cybercrime is a development of computer crime.Crime in cyberspace is very worrying and must be addressed. We can see serious attention from the government in 2004. The country of Indonesia was ranked first in cybercrime cases, even considered heavier than other countries, including the United States. Even though Indonesia was ranked first in cybercrime in 2004, it will but the number of cases decided by the court is not large. In this case The number of dark numbers is quite large and the data collected by the National Police is also not data originating from a National Police investigation, most of the data is in the form of reports from the victims.

Furthermore, Polda Metro Jaya recorded the total losses society due to cybercrime based on police reports submitted to Polda Metro Jaya in 2011, losses to society reached 4 billion and in 2012 it increased to 5 billion rupiah3, this requires seriousness all parties remember that information technology, especially the internet, has been created as a means of building a society with an information culture. On 2012 based on the results of a survey conducted by the Association the Indonesian Internet Services Provider (APJII) revealed that the number Internet users reached 63 million people or 24.23 percent of the country's population Currently, in terms of the number of internet users, Indonesia ranks eighth in the world. 4 With such a large number of technology users Of course, this is vulnerable to the occurrence of criminal acts, especially crimes in cyberspace(Wahyudi, 2013)

Indonesia, as one of the most populous countries in the world, is also not free from this problem. Indonesia accounts for 2.4% of cybercrimes in the world. This figure is up 1.7% compared to 2010 where Indonesia was ranked 28th. This is due to the continued increase in the number of internet users in Indonesia. According to data, Indonesia is in the top five most social networking users in the world, it is alleged that it is even easier for cyber criminals to carry out their actions. Cyber criminals utilize friendship networks through social networks, because most users' social networks simply believe in the links or content they receive from others Friend. Without confirming or further checking social network users They provide direct access to the web or sites they receive, which they unknowingly contain malicious programs. In simple terms, cybercrime is a term that refers to criminal activity in which a computer or computer network is the tool, target or place where the crime occurs(Suhaemin & Muslih, 2023)

The purpose of this writing is to describe Cybercrime in Indonesia, what types of crimes are included in cybercrime? What are the driving factors for Cybercrime in Indonesia? and what is the legal protection for victims of cybercrime in Indonesia?

Research Methods

The method of this research is the library research method, author retrieve data, namely writings related to cybercrime crimes. Data source The authors took the form of books and scientific articles. The data analysis that the author uses is descriptive analysis, namely analyzing all sources obtained related to this article, then finding the characteristics and driving factors for cybercrime.

Analysis and Discussion

1. Understanding Cybercrime

Cybercrime is a new form or dimension of contemporary crime that has received widespread international attention. In the narrow sense, cybercrime is computer crime aimed at computer systems or networks, while in the broad sense, cybercrime includes all new forms of crime aimed at computers, computer networks and their use as well as traditional forms of crime which are now committed using or with the help of computer equipment. (computer related crime)(Kristian et al., 2018). Thus cybercrime includes crimes, namely those committed:

a. By using the means of a computer system or network (by means of a computer system or network);
b. In a computer system or network (in a computer system or network); And
c. Against a computer system or network (against a computer system or network).

From this definition, in the narrow sense cybercrime is a computer crime aimed at computer systems or networks, while in a broad sense, cybercrime includes all new forms of crime aimed at computers, computer networks and their users as well as traditional forms of crime which are now committed using or with the help of computer equipment (computer related crime). Cybercrime is all kinds of use of computer networks for criminal and/or high-tech criminal purposes by abusing the convenience of digital technology(Sukayasa & Suryathi, 2018).

2. Characteristics and Types of Cybercrime

a. Cybercrime is a crime that arises as a result of the existence of cyber communities on the internet, has unique characteristics compared to conventional crimes, namely: The scope of the crime. Actions carried out illegally, without rights or unethically occur in cyberspace/territory, so it cannot be ascertained which country's legal jurisdiction applies to them.(Dijan Widijowati, 2022)
b. Crime mode
   This action is carried out using any equipment that can be connected to the internet.
c. The type of loss incurred
   These actions result in material and immaterial harm (time, value, services, money, goods, self-esteem, dignity, confidentiality of information) which tends to be greater compared to conventional crime(Ersya, 2017).
d. Perpetrator
   The perpetrators are people who master the use of the internet and its applications.
e. The nature of the crime

These acts are often carried out transnationally/crossing national borders(Widijowati, 2022).

From the characteristics above, to make handling easier, cybercrime can be classified into:

a. Cyberpiracy
   The use of computer technology to reprint software or information, then distribute information or software via computer technology.
b. Cybertrespass
   The use of computer technology to improve access to a computer system organization or individual.
c. Cybervandalism
   The use of computer technology to create programs that interfere with electronic transmission processes, and destroy computer data(Fahlevi et al., 2019).

3. Types of Cybercrime

Based on the mode or type of activity, cybercrime can be classified into several types as follows:

a. Authorized Access
   It is a crime that occurs when someone enters or infiltrates a computer network system illegally, without permission or without the knowledge of owner of the computer network system he is entering.
b. Illegal Contents
   It is a crime committed by entering data or information onto the internet about something that is incorrect, unethical and could be considered to violate the law or disturbing public order, for example the distribution of pornography.
c. Deliberate spread of viruses
   Viruses are generally spread using email. Often people whose email systems are infected with viruses do not realize this. This virus is then sent to other places via email.
d. Data Forgery
   This type of crime is committed with the aim of falsifying data in documents important things on the internet. These documents are usually owned by the agency or institutions that have database-based websites.
e. Cyber Espionage, Sabotage and Extortion
   Cyber Espionage is a crime that uses the internet network to carry out spying activities on other parties, by entering the network system target party's computer. Sabotage and Extortion is a type of crime committed by disrupting, damaging or destroying data, computer programs or computer network systems connected to the internet.
f. Cyberstalking
   This type of crime is committed to annoy or harass someone with using a computer, for example by using email, and done repeatedly. This crime resembles terror directed at someone using the internet. This can happen because it is easy to create an email with a certain address without having to include your real identity.

g. Carding
   Carding is a crime committed to steal your credit card number other people and used in trading transactions on the internet.
h. Hacking and Crackers
   The term hacker usually refers to someone who has a great interest in study the system in detail and how to improve its capabilities. As for Those who often carry out acts of destruction on the internet are usually called crackers.
   You could say that this cracker is actually a hacker who uses his abilities for negative things. Cracking activities on the internet have a very broad scope, ranging from hijacking other people's accounts, hijacking websites, spreading viruses, to paralyzing target targets. The latter action is referred to as DoS (Denial of Service). A DoS attack is an attack that aims to paralyze the target (hangs, crashes) so that it cannot provide services.
i. Cybersquatting and Typosquatting
   Cybersquatting is a crime committed by registering a domain name someone else's company and then try to sell it to that company at a higher price. Typosquatting is a crime by creating a pun domain, namely a domain that is similar to someone else's domain name. The name is the domain name of the company's rival.
j. Hijacking
   Hijacking is a crime for pirating other people's work. Which The most common occurrence is software piracy (software piracy)
k. Cyber Terrorism
   An act of cybercrime includes cyber terrorism if it threatens the government or citizens, including crecking to government or military sites(Cohen, 2009)(Gojali, 2023).

Based on the motive for the activity, cybercrime can be classified into several types including the following:

a. Cybercrime is a pure crime
   A crime that is purely a criminal act is a crime that is committed because of criminal motives. This type of crime usually uses the internet only as a means of crime.
b. Cybercrime as a gray crime
   The types of crimes on the internet that fall into the "grey" area are quite difficult determine whether it is a criminal act or not considering that the motive for the activity is sometimes not criminal. One of the examples is probing or port-scanning. This is the name for a kind of reconnaissance action on other people's systems by collecting as much information as possible from the system being spied on, including the operating system used, existing ports, both open and closed, and so on.(Kristian et al., 2018)(Hermawan, 2013).

Meanwhile, based on the target of the crime, cybercrime can be grouped into several categories as follows:

a. Cybercrime that attacks individuals (Againts Person)
   This type of crime, the target of the attack is directed at individuals or individuals who has certain characteristics or criteria according to the aim of the attack.
   1) Pornography

Activities carried out by creating, posting, distributing and distributing material that is pornographic, obscene and exposes inappropriate things.

2) Cyberstalking
   Activities carried out to annoy or harass someone with using computers, for example by using email repeatedly, as is the case with terror in the cyber world, these disturbances can have a sexual, religious and other nature.
3) Cyber-Tresspass
   Activities carried out violate other people's privacy areas, for example web hacking, hacking into PCs, probing, port scanning and so on.
4) Cybercrime attacks property rights (Againts Property)
   Cybercrime is committed to disturb or attack other people's property rights.
5) Cybercrime attacks the government (Againts Government)
   Carried out with the specific aim of attacking the government. These activities include cyber terrorism as an action that threatens the government, including cracking official government sites or military sites(Fairuz Rhamdhatul Muthia and Ridwan Arifin, 2019)(Arifah, 2011).

4. Driving factors for cybercrime

Every criminal act or crime must have a causal factor. Several factors that cause computer crime (cybercrime) are:

a. Unlimited internet access. Interconnection between one network with other networks makes it easier for criminals to carry out their actions.
b. Negligent use of a computer.
c. Easy to do with little security risk and no super modern equipment required. Even though computer crimes are easy to commit, it will be very difficult to track them, so this encourages criminals to do this.
d. The perpetrators are generally intelligent, curious people big, and fanatical about computer technology. Knowledge of computer crime perpetrators
   about how a computer works far above the computer operator.
e. Lack of attention from the public and law enforcement.
f. Weak network security system.
g. Cybercrime is seen as an economic product(Naro et al., 2020).

5. Some solutions to prevent Cybercrime cases are:

a. Use of encryption to increase security.
b. Use of Firewalls
c. The need for CyberLaw
d. Secure the system over the network by securing FTP, SMTP, Telnet and Web Server security(Anwary, 2023)

6. Legal Protection for Crime Victims cybercrime in Indonesia.

Cybercrime or*cybercrime*is a referring term to criminal activity with computers or computer networks that become tool, target or place where a crime occurs. Law in principle is a regulation of the attitudes (behavior) of a person and society whose violators are given sanctions by the state. Despite the world*cyber* is a virtual world, laws are still needed to regulate behavior society, there are at least two things, namely:*First*society in the world virtual is a society that exists in the real world, society

has values and interests both individually and collectively must be protected. *Second*, even though it occurs in cyberspace, transactions are carried out by the public have an influence in the real world, both economically and non-economically economical. Currently regulations are used as the legal basis for cases *cybercrime*is Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE). With the existence of the ITE Law, it is hoped that this will be possible protecting the information technology user community in Indonesia, this is important considering the increasing number of internet technology users year to year. The increasing use of the internet on the one hand provides there are many conveniences for humans in carrying out their activities, on the other hand makes it easier for certain parties to carry out an act criminal, technological advances also influence lifestyle and thought patterns In fact, nowadays many crimes occur using information Technology(Ersya, 2017).

Phenomenon*cybercrime*which is developing rapidly and does not recognize territorial boundaries, we must be wary of this because this crime is somewhat different from other crimes in general. The use of Information Technology plays an important role in trade and national economic growth to achieve social welfare, so the government needs to support the development of Information Technology through legal infrastructure and regulations so that the use of Information Technology is carried out safely to prevent its misuse by paying attention to the religious and socio-cultural values of the Indonesian people(Wahyudi, 2013).

In the provisions of Article 4 paragraph (2) of the ITE Law, it is stated that the Government protects the public interest from all types of disturbances as a result of misuse of Electronic Information and Electronic Transactions which disrupt public order, in accordance with the provisions of Legislative Regulations.

Misuse of this information technology which can harm other people, nations and countries who use computer facilities that have internet facilities is carried out by hackers or a group of crackers from a house or certain place without the victim knowing which can cause moral, material and time losses resulting from data destruction by hackers. To overcome crime*cybercrime*enforcement officers are needed law that understands and masters technology, the obstacles faced by victims are due to ignorance, computer and internet knowledge so that if you are harmed you cannot report any criminal incidents experienced, of course this is a problem for us all(Gojali, 2023).

The principle and objective of this law is that the use of Information Technology and Electronic Transactions is carried out based on the principles of legal certainty, benefit, prudence, good faith and freedom to choose technology or be technology neutral. So it can be interpreted that the use of information technology and electronic transactions is expected to be guaranteed with legal certainty, have benefits, be full of prudence, have good intentions, and have freedom to choose technology and be neutral.

Responding to the demands and challenges of global communication via the Internet, the Law is expected to be able to answer all legal issues related to the global development of technology and be anticipatory of all existing problems, including the negative impact of internet misuse which will ultimately cause harm to its users.

There are several other positive laws that apply generally and can be imposed on perpetrators *cybercrime*especially for cases that use computers as facilities, including:

a. Criminal Code
b. Law Number 11 of 2008 concerning ITE
c. Law Number 44 of 2008 concerning Pornography
d. Law Number 36 of 1999 concerning Telecommunications.

e. Law Number 5 of 1999 concerning Prohibition of Monopoly Practices and Unfair Business Competition.
f. Law Number 8 of 1999 concerning Consumer Protection.
g. Law Number 19 of 2002 concerning Copyright.
h. Law Number 8 of 1997 concerning Company Documents
i. Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002 concerning the Crime of Money Laundering
j. Law Number 15 of 2003 concerning Eradication of Terrorism
In safeguarding and protecting the technology user community It requires cooperation and seriousness from all parties considering information technology In particular, the internet has been used as a means to build society an information culture.

Existence of governing laws*cybercrime*It is hoped that it can protect and provide a sense of security for those who use technology as a forum for carrying out transactions and carrying out economic activities. In taking action against those who abuse technological developments, quality human resources are needed who have the ability and expertise in the field of technology.

Law enforcement is at least influenced by several factors, namely the legal rules themselves or the law, the apparatus implementing these rules, namely the authorities law enforcers and legal culture itself, namely society itself be the target of the law. The electronic information and transactions law (UU ITE) or what is known as*cyberlaw*, used to regulate various legal protections for activities that use the internet as a medium, both transactions and use of information. The ITE Law also regulates various kinds of punishments for crimes via the internet. The ITE Law accommodates the needs of business people on the internet and society in general to obtain legal certainty by recognizing electronic evidence and digital electronic signatures as valid evidence in court. The ITE Law itself is new in Indonesia and was ratified by the DPR on March 25 2008. The ITE Law consists of 13 chapters and 54 articles which explain in detail the rules for living in cyberspace and the transactions that occur therein.(Suhaemin & Muslih, 2023).

With the existence of the ITE law, it is hoped that this will be possible provides a sense of security and can protect those who use it technology. Besides that, under certain circumstances and dangerous for those who are victims of technology crime also deserve it This legal protection is stated in Law Number 13 of the Year 2006 concerning Protection of Witnesses and Victims (UU PSK). In the provisions

Article 5 of the PSK Law states that:

1) A witness and victim have the right:
   a. Obtain protection for personal, family and property security the object, and free from threats relating to testimony which he will, is, or has given;
   b. Participate in the process of selecting and determining the form of protection and security support;
   c. Provide information without pressure;
   d. Get a translator;
   e. Free from ensnaring questions;
   f. Obtain information regarding case developments;

g. Obtain information regarding court decisions;
h. Knowing if the convict is released;
i. Getting a new identity;
j. Obtaining a new residence;
k. Obtain reimbursement for transportation costs according to needs;
l. Obtain legal advice and/or;
m. Receive temporary living expenses assistance until the deadline protection ends.

2) The rights as intended in paragraph (1) are given to Witnesses and/or Victims of criminal acts in certain cases in accordance with the decision LPSK(Arifah, 2011).

CONCLUSION

*Cybercrime*is an unlawful act committed by using a computer network as a means/tool or a computer as an object, either to obtain profit or not, at the expense of other parties. This crime arises due to the negative impact of the development of internet applications. The motive for committing this crime is not only money but also fun. This crime also arises because of the inability of the law, including the authorities, to reach it. This crime is virtual in nature where the perpetrator is not physically visible. This crime is so great that it can even disturb the international world. Cybercrime itself as a crime that emerged as a result of the existence of cyber communities on the internet, has unique characteristics compared to crime Conventional, unique characteristics of crime in cyberspace include, among others concerns the following five: 1) scope, 2) nature of the crime, 3) perpetrator of the crime, 4) mode crime, and 5) the type of loss caused.Currently regulations are used as the legal basis for cases*cybercrime*is Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE).The ITE Law is the main basis for law enforcement to ensnare every perpetrator of criminal acts, especially internet crimes (cybercrime). It is necessary to realize the derivative law of the Ministerial Regulation (Ministerial Regulation) to sharpen it so that it does not give rise to gaps that have multiple interpretations.

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IMPLEMENTATION OF VILLAGE POPULATION ADMINISTRATIVE INFORMATION SYSTEM APPLICATION (SIAPKEDESA) IN ORDER TO PROVIDE MORE EFFICIENT SERVICES TO COMMUNITIES IN REMBANG DISTRICT

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Abstract:

Generally, aims to find out the implementation of village population administration information system applications (SiapKeDesa) in order to provide more efficient services to the community and understand the best practical model in implementing the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community.
In this research using sociological juridical approach method, analytical descriptive specification, non-random sampling method of determining the sample, the data used in this research is secondary data. The data analysis used is a qualitative method.
The results of this study show that the people of Rembang Regency are greatly assisted in managing population data, such as Identity Cards, Family Cards, Birth Certificates, Transfer Letters, Death Certificates and others related to population. People who need population data do not need to come to the District Office of Population and Civil Registry, but only use their smartphones or ask for help from Village Government officials.
The processing of population data is the responsibility of the district/city government, where the implementation begins with the Village/Kelurahan as the spearhead of population registration. In these services need to be done quickly and precisely to get some information. The population information system implemented through the SiapKeDesa application was successfully implemented in the villages of Banowan, Baturno and Tulung villages, Nest District, Rembang Regency. The legal basis for ReadyKeDesa is the Population Administration Law, this is as stipulated in Article 1 paragraph (21) of the Population Administration Law.

Keywords:

Population Administration Information System and Services to the Community

Introduction

1.1 Background

Public services are services from the government to the community, every year the government always evaluates public services, this is to measure the extent of the performance of public services that have been running for one year. Evaluation and improvements in public services receive number one attention from the government, both central, provincial and district/city governments.

Public services as they are today still faced with a government system that is not yet effective and efficient and the quality of human resources for government officials is inadequate. This is because there are still complaints and grievances from the public regarding public services both directly and through the mass media, such as complicated bureaucracy, uncertain time periods, costs that must be incurred, requirements that are not transparent, officers who are not professional, things -Things like those mentioned above can give a bad image to the government's performance. If this continues to happen without any significant changes from the government, it can lead to public dissatisfaction and distrust of the government bureaucracy.

Services to people in villages generally still use *hard copies* where the main medium is paper. You can imagine how many tonnes of paper are needed to register people in one village, sub-district, district or even people throughout Indonesia. The main material for making paper is wood, which means that if the land for growing paper raw materials gets smaller, it will be difficult to get paper, so the need for paper will decrease. The main obstacle is that the problem of forest rejuvenation is not as fast as paper is used up. Therefore, there needs to be a new service pattern that is not always paper-oriented.

The public service office that directly deals with the community is the Rembang Regency Population and Civil Registry Service Office. The Village Population Administration Service information system in Rembang Regency is generally carried out conventionally, especially in processing population data. Population data collection using conventional methods still has many weaknesses and deficiencies, this is because the existing system still uses sheets of paper, the risk is that the data that has been recorded is easily lost or damaged. Based on the weaknesses in population data collection as mentioned above, the government created a Village Population Administration Information System Application (SiapKeDesa). The aim of implementing the Village Population Administration Information System Application (SiapKeDesa) is to improve services to village communities that are effective, efficient and time-saving.

the development of a *web* -based population service system in the Village will be able to provide information regarding population data and *web*- based letter printing services, thus helping speed and quality in delivering information and making it easier to print correspondence services to make them more effective and efficient.

The management of the Village Population Administration Information System (SIAK) aims to improve the quality of services in terms of Population Registration and Civil Registration, apart from that the management of the Population Administration Information System can provide data and information on a national scale, therefore population data has been registered in the Administrative Information System Population, then the data will be accurate, complete, up-to-date and easily accessible. Data management with the Population Administration Information System to manage regional population data, which includes managing Family Cards (KK), Population Identity Cards (KTP), Birth Certificates, Census Results and Population Demographic Reports.

The Population Administration Information System relates to population data covering all aspects of population. Centered in Level II Regions such as Regencies and Municipalities, with information technology infrastructure SIAK can handle population status data collection with all its changes. This information system really supports processes within an organization, especially in carrying out managerial functions including planning, implementation and control. The Population Administration Information System is an information system whose management utilizes information and communication technology to facilitate various population administration management activities at the level of organizers and implementing agencies as a single unit intended for population administration on a national scale to be carried out in an integrated and orderly manner. The focus of this research is the implementation of an Information Technology-based Population Administration Information System, with a locus in Sumedang Regency. The aim of the research is to find out and examine the SIAK program carried out by the Population and Civil Registration service so that ultimately it can create a population that has a single identity number.1

The legal basis for online population data collection *is* Law Number 23 of 2006 as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration which was ratified on November 26 2013, which is a fundamental change in the field of population administration. The main objective of the amendment to the law is to increase the effectiveness of population administration services to the public, ensuring the accuracy of population data and the singleness of the Population Identification Number (NIK) as well as the singleness of population documents.

Population data collection before the SiapKeDesa application as implemented in Rembang Regency still used manual methods, namely by collecting population data by visiting residents from house to house and conducting questions and answers with the community. Along with advances in information technology, population data collection can now be done online. The aim of the SiapKeDesa Application is to create a systematic, practical and easy Application System for Population and Civil Registration services, speeding up the completion of work and improving the population database better digitally, apart from that it also makes it easier to monitor integrated registration services in the use of databases according to the field Population and Civil Registration as well as facilitating service communication in providing information on developments in population document administration services with the public via the Population Service SMS *Center .*

Before there was a public service application for people who submitted applications such as Resident Identity Cards, Marriage Applications, Birth Certificates, Death Certificates and business licensing applications, they still used the manual method, namely the applicant came directly to the Population and Civil Registry office and filled out a form, then attached the requirements. It has been determined that it is handed over to the officer, then the applicant pays at the counter provided. The method mentioned above is less effective and takes quite a long time and makes queues at the office long.

[1] Ahmad Ripa'I, *Implementation of an Information Technology Based Population Administration Information System Towards a Single Identity Number in the Population and Civil Registration Service of Sumedang Regency, West Java Province*, Jurnal Dukcapil, Vol. 6, no. 1, Institute of Domestic Government, Sumedang, 2018, p. 68.

On this basis, the Rembang Regency Government created the SiapKeDesa application, this application makes it easier for people to process the documents as mentioned above, how to use this application is quite easy, people can submit applications simply by using a *smartphone* or using the internet *online.* In submitting requests for the documents needed by the community, using the SiapKeDesa application can cut time, bureaucracy and is very effective. People don't need to queue for hours at the office. Payment can be made via ATM. However, with the SiapKeDesa application there are still obstacles, the obstacles that arise are from the community where there are people who can easily use the SiapKeDesa application, but there are also people who only can and also people who cannot use the SiapKeDesa application at all, this is This is a challenge for the Rembang Regency Government in the future that needs to be addressed immediately.

In this research the author will conduct research in 3 (three) villages in Sarang District, Rembang Regency, namely Banowan village, Baturno village and Tulung village, 3 (three) people will be sampled from each village. The reason for taking samples in the three villages as mentioned above is that Banowan village is the best village and most ready to receive the SiapKeDesa program. The reason is that Banowan village is a village where the average population is still of productive age, namely 19 years to 45 years, this is coupled with population growth in Banowan village which is evenly distributed with good human resources, this can be seen from the number of teenagers in the village. studying at university.

Tulung village is a village that is quite ready to accept the SiapKeDesa application, while Baturno village is a village where the community is not yet or not ready to accept the SiapKeDesa application, the reason is that the residents of Baturno village are on average elderly (over 55 years) and population growth in Bturno village is not the same as the two villages sampled in this study. The age classifications in this study are as follows:

Table 1 People from different age groups

No	Age group	Amount resident	Information		
			Can use the application	Can't use the app	Just being able to use the application
1	20 to 35 years		✓	-	-
2	40 to 55 years		-	-	✓
3	57 to 68 years old		-	✓	-

Based on the data above, it can be seen that on average the 20 and 35 year old age group can use the SiapKeDesa application, while the 40 to 55 year old age group can only use the SiapKeDesa application, but cannot operate it optimally and requires sufficient time. for a long time, while for the age group 57 - 65 years on average they are unable to operationalize the SIAK DESA application.

Table 2 Applicant's application letter

No	Applicant's Name	Age/years	Letter Type	Information
1	Sujafar	65 years old	Birth Certificate	Population and Civil Registry Office
2	Carcite	67 years old	Family card	Population and Civil Registry Office
3	Umam R.	24 years old	Relocating as a condition for marriage	Population and Civil Registry Office
4	Budi Santoso	20 years	Resident Identity Card (KTP)	Population and Civil Registry Office
5	Ardika BK	40 years old	Birth Certificate	Population and Civil Registry Office
6	Erik	54 years old	birth certificate	Population and Civil Registry Office

Based on the table above, it can be seen that those aged 57 to 68 years cannot use the application to take care of birth certificates and Family Cards (KK), while those aged 20 to 35 years can use the application to take care of moving residents as a condition for marriage and taking care of Resident Identity Card and for the age group 40 to 55 years who can only use the application to obtain a birth certificate.

System Usage Population Administration Information to create accurate mapping of population composition and density, so that poverty problems faced by people living in remote areas can be resolved properly. SiapKeDesa is expected to be able to provide accurate population data to make it easier for governments at both the central and regional levels to anticipate existing population problems in order to improve the quality of population registration and civil registration services.[2] However, its implementation cannot be separated from obstacles and obstacles that can arise at any time.

Based on the background above, the author is interested in conducting thesis research with the title IMPLEMENTATION OF THE VILLAGE POPULATION ADMINISTRATION INFORMATION SYSTEM APPLICATION (SiapKeDesa) IN ORDER TO PROVIDE MORE EFFICIENT SERVICES TO THE COMMUNITY IN REMBANG DISTRICT.

1.2 Formulation of the problem

The problems that will be examined in this research, based on the background as mentioned above, are as follows:

1. How is the implementation of the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community?
2. *the best practical* model for implementing the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community?

[2] *Ibid,* p. 70.

1.3 Research purposes

Based on the problems that will be studied in this research, the objectives of this research are as follows:

1. To understand the implementation of the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community.
2. To understand the *best* practical model for implementing the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community.

1.4 Benefits of research

The research benefits to be achieved in this research are as follows:

1. Theoretically
   This research will be able to contribute ideas to academics in the development of Constitutional Law in general, especially regarding the implementation of village population administration information system applications (village ready) in order to provide more efficient services to the community.
2. Practically speaking
   From the results of this research, it will be able to provide input to the Government, in the development of legal science, especially in this case Constitutional Law (HTN), which is also able and able to provide information for the community regarding the implementation of the village population administration information system application (village ready) in order to provide more efficient services to the community.

1.5 Writing system

The systematics of writing this thesis consists of five chapters, each of which is related to each other, each of the five chapters will be discussed as follows:

CHAPTER I Introduction, this chapter will describe the background of the problem, problem formulation, research objectives, research uses, and writing systematics.

CHAPTER II Literature Review, in this chapter we will discuss the General Overview of Village Government, Understanding Village, Understanding Village Government, Village Population Administration Information System, Understanding Administration, Understanding Population, Population Administration Information System, Understanding Implementation, Understanding Applications and More Efficient Services

CHAPTER III Research Methods, in this chapter we will discuss research methods consisting of Approach Methods, Research Specifications, Sample Determination Methods, Data Collection Methods, Data Processing and Presentation Methods and Data Analysis Methods.

CHAPTER IV Research Results and Discussion, in this chapter we will discuss the problems to be researched, namely the implementation of the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community and *the best practical model in implementing* the village population administration information system application (SiapKeDesa) in order to provide more efficient services to the community.

Chapter V Closing, this chapter will discuss Conclusions and Suggestions from the results of the discussion.

Bibliography
Attachments.

CHAPTER II

Literature Review

1.6 General Overview of Village Government

1. Understanding Village

The term "village" comes from the Sanskrit word "desi" meaning land of origin, land of birth .[3] Villages based on Article 1 number 1 of Law Number 6 of 2014 concerning Villages (hereinafter written Village Law) and Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, are:

> Villages are villages and traditional villages or referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that have the authority to regulate and manage government affairs, the interests of local communities based on community initiatives, original rights and/or recognized traditional rights. and respected in the government system of the Unitary State of the Republic of Indonesia.

Villages according to Article 1 number 7 of Rembang Regency Regional Regulation Number 9 of 2014 concerning the Implementation of Village Government (hereinafter written as Regional Regulation Number 9 of 2014), are:

> Villages and traditional villages or referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that have the authority to regulate and manage government affairs, the interests of local communities based on community initiatives, original rights, and/or recognized traditional rights. and is respected in the government system of the Unitary State of the Republic of Indonesia and is located in Rembang Regency.

According to Sayogya, a village is a region/region where people live in groups or together in a social community which is sociologically formed by the encouragement of factors such as the natural characteristics of humans as social creatures, psychological factors, ecobiological factors, mutual interest factors and security factors. .[4]

Village authority based on Article 18 of the Village Law and Article 2 of Regional Regulation Number 9 of 2014, states that Village Authority includes authority in the field of administering Village Government, implementing Village Development, developing Village communities, and empowering Village communities based on community initiatives, origin rights and customs. Village customs.

Article 3 of Regional Regulation Number 9 of 2014, states that village authority includes:

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[3]Soetardjo Karto Hadi Koesoemo, *Village ,* Sumur, Bandung, 2000, p. 1.
[4]Sayogya, *Rural Sociology*, Yogyakarta, Gadjah Mada University Press, 2000, p. 13.

a. Authority based on original rights;
b. Village scale local authority;
c. Authority assigned by the government, provincial regional government, or local government; And
d. Other authorities assigned by the government, provincial regional government, or regional government in accordance with the provisions of statutory regulations.

2. Understanding Village Government

Village Government is integration of the efforts of the village community concerned with government efforts to improve people's living standards.[5]

Article 1 number 2 of the Village Law states that Village Government is the administration of government affairs and the interests of local communities in the government system of the Unitary State of the Republic of Indonesia. Village Government according to Article 1 number 8 of Regional Regulation Number 9 of 2014, is

> Village Government is the administration of government affairs and the interests of local communities by the Village Government and the Village Consultative Body in regulating and managing the interests of local communities based on local origins and customs which are recognized and respected in the Government system of the Unitary State of the Republic of Indonesia.

Village Government is an extension institution of the Central Government, Village Government has a strategic role in managing village/district communities and the success of national development. The large role of Village Government requires the existence of regulations or laws relating to village government that regulate village government, so that the wheels of government run optimally.[6]

Article 1 paragraph (3) of the Village Law states that the Village Government is The Village Head or what is known by other names is assisted by Village officials as an organizing element of Village Government. Article 23 of the Village Law states, that the Village Government is organized by the Village Government. According to Hanif Nurcholis, the Village government is a Village government administration organization consisting of:[7]

a. Leadership elements, namely the village head,
b. Village Head Assistant Elements (Village Apparatus), consisting of:
    1) Village secretariat, namely the staff or service element headed by village secretary,
    2) Technical implementation elements, namely assistant elements to the village head who carry out technical matters in the field such as irrigation matters, religious, etc.:

[5] Adon Nasrullah Jamaludin, *Rural Sociology* **,** Pustaka loyal, Surakarta, 2015, p. 109
[6]Dhela Nova, *Village Government,* http://dhenov.blogspot.com/2007/12/Pemetan-desa-html accessed 3 December 2019
[7] Hanif Nurcholis, *Growth and Implementation of Village Government,* Erlangga, Jakarta, 2011, p. 73.

3) Regional elements, namely assistant village heads in their work areas like the village head.

3. Implementation of Village Government

The village government consists of the Village Head and village officials. The village apparatus consists of the village secretary and other village apparatus, "other village apparatus" in this case is the village head's assistant apparatus consisting of the village secretariat, field technical implementers (head of affairs), and regional elements such as the hamlet head or with the title other.[8]

The duties of the Village Head as regulated in Article 26 of the Village Law are as follows:

(1) The Village Head is tasked with organizing Village Government, carrying out Village Development, developing Village society, and empowering Village communities.

(2) In carrying out the duties as intended in paragraph (1), the Village Head has the authority to:

a. Leading the implementation of Village Government;
b. Appoint and dismiss Village officials;
c. Holds the power to manage Village Finances and Assets;
d. Establish Village Regulations;
e. Determine the Village Revenue and Expenditure Budget;
f. Fostering village community life;
g. Fostering peace and order in the Village community;
h. Developing and improving the Village economy and integrating it to achieve a productive scale economy for the greatest prosperity of the Village community;
i. Develop Village income sources;
j. Propose and accept the transfer of a portion of state assets to improve the welfare of the Village community;
k. Developing the social and cultural life of the Village community;
l. Utilizing appropriate technology;
m. Coordinate Village Development in a participatory manner;
n. Represent the Village inside and outside the court or appoint a legal representative to represent it in accordance with the provisions of the laws and regulations; And
o. other authorities in accordance with statutory provisions.

(3) In carrying out the duties as intended in paragraph (1), the Village Head has the right to:

a. Proposing the organizational structure and work procedures of the Village Government;
b. Submit a draft and establish Village Regulations;
c. Receive a fixed monthly income, allowances and other legal receipts, as well as health insurance;
d. Obtain legal protection for the policies implemented; And

[8] Didik G. Suharto, *Building Village Independence: Comparison of Law no. 5/1979, Law no. 22/1999, and Law no. 32/2004 and Perspective of Law no. 6/2014* , Student Library , Yogyakarta , 2016, p. 193.

e. Provide mandates for the implementation of duties and other obligations to Village officials.

(4) In carrying out the duties as intended in paragraph (1), the Village Head is obliged to:
   a. Upholding and practicing Pancasila, implementing the 1945 Constitution of the Republic of Indonesia, as well as maintaining and preserving the integrity of the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
   b. Improving the welfare of the Village community;
   c. Maintain peace and order in the Village community;
   d. Comply with and enforce laws and regulations;
   e. Implementing democratic and gender-just life;
   f. Implementing the principles of Village Governance that are accountable, transparent, professional, effective and efficient, clean, and free from collusion, corruption and nepotism;
   g. Establish cooperation and coordination with all stakeholders in the Village;
   h. good Village Government administration;
   i. Managing Village Finances and Assets;
   j. Carry out government affairs that fall under the authority of the Village;
   k. Resolving community disputes in the Village;
   l. Developing the economy of the Village community;
   m. Fostering and preserving the socio-cultural values of the Village community;
   n. Empowering communities and community institutions in the Village;
   o. developing natural resource potential and preserving the environment; And
   p. provide information to the village community.

4. Village Government Authority

Village Authority in Article 18 of Law Number 6 of 2014 concerning Villages, states that:

> Village authority includes authority in the field of administering Village Government, implementing Village Development, developing Village society, and empowering Village communities based on community initiatives, original rights and Village customs.

Article 18 of Law Number 6 of 2014 concerning Villages, states that Village Authorities include:

(1) authority based on original rights
(2) village scale local authority
(3) authority assigned by the Government, Provincial Regional Government, or Regency/City Regional Government;
(4) other authorities assigned by the Government, Provincial Regional Government, or Regency/City Regional Government in accordance with the provisions of statutory regulations.

1.7 Village Population Administration Information System

1. Understanding Administration

The term administration comes from the Latin " *administrare* " which means *to manage*. Administration can be interpreted as activities related to government administration.[9] The definition of administration in a broad sense according to Musanef is the planned activities of a group of people with stages that have been arranged effectively and efficiently determined by the leadership using the means needed to achieve goals and implementation.[10] Understanding administration in a narrow sense, Administration is an activity that includes note-taking, correspondence, light bookkeeping, typing, agendas and so on that are technical in nature.[11]

2. Definition of Population

Article 1 point 3 of Decree of the Minister of Home Affairs Number 54 concerning Population Guidelines for the Implementation of Population Registration , states that " Residents are every Indonesian citizen, hereinafter abbreviated to WNI and Foreign Citizen, hereinafter abbreviated to WNA, who holds a permanent residence permit in the territory of the Republic of Indonesia." Based on the definition as mentioned above, the definition of residents is Indonesian citizens and foreigners residing in Indonesia. So, what is population? Population is matters relating to number, structure, age, gender, religion, birth, marriage, pregnancy, death, distribution, mobility and quality and resilience that concerns politics, economics, social and culture.

3. Population Administration Information System

Understanding Information Systems is a combination of work procedures, information, people, and information technology (IT) to achieve goals in an organization. [12]According to Budi Sutedjo Dharma Oetomo, an information system is a collection of elements that interact with each other to form a single unit for integrating data, processing and storing and distributing information.[13]

Population Administration according to Article 1 number 1 of Government Regulation Number 37 of 2007 concerning the Implementation of Law Number 23 of 2006 concerning Population Administration, is a series of structuring and controlling activities in the issuance of documents and Population Data through Population Registration, Civil Registration, management of Population Administration information and utilization of the results for public services and development of other sectors.

Population and civil registration data collection using information and communication technology was initially known as SIMDUK (Population Management Information System) in 1996. However, in practice in the field, this system has many weaknesses as a system that manages population

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[9]HR Ridwan, *Op.Cit,* p.28

[10]Musanef, *Tourism Business Management in Indonesia* , Toko Gunung Agung, Jakarta, 1995, p. 10

[11] Soewarno Handayaningrat, *Introduction to the Study of Administration and Management* , Haji Masagung, Jakarta, 1994, p. 2

[12]Anwar M. Khoirul, *Application of Management Information Systems for Government in the Era of Regional Autonomy ,.* SIMDA, Student Library, Yogyakarta, 2004, p. 11.

[13] Budi Sutedjo Dharma Oetomo, *Information Systems Planning and Development,* Edition I, Andi, Yogyakarta, 2002, p. 11.

data. Based on the results of the evaluation of SIMDUK, the Indonesian Government created SIAK (Population Administration Information System) as a system that processes population and civil registration data in Indonesia. The advantage of SIAK is that apart from accurately recording occupation data, it can also provide an automatic and permanent NIK for one resident, thereby eliminating the occurrence of dual identity ownership.[14]

The Population Administration Information System (SIAK) is an information system that was developed based on population administration service procedures by implementing information and communication technology systems to organize the population administration system in Indonesia. SIAK serves population registration and civil registration based on population events. and important events *(vital events)* experienced by residents from birth to death. Population data stored in a database whose output includes Population Identification Number (NIK), Family Card (KK), Population Identification Card (KTP), Birth Certificate , Death Certificate , Marriage Certificate .[15]

The legal basis for implementing an online population administration information system is regulated in Presidential Decree Number 88 of 2004 concerning Population Administration Management, Law Number 23 of 2006 concerning Population Administration and Minister of Home Affairs Regulation Number 18 of 2005 and Government Regulation Number 37 of 2007 concerning Population Administration. Recording population data in an area through the population administration information system is the responsibility of the district and city governments, where the implementation begins with villages and sub-districts as the beginning of population data collection in an area.

These data will be stored in one database that is integrated nationally via the *internet network .* So that these data become the source of the national population database which then becomes the responsibility of the central government. In accordance with Law Number 23 of 2006 concerning population administration, SIAK is an information system that utilizes information and communication technology to facilitate the management of population data at the level of the Organizer and Implementing Agency as one unit which then enters the data into one data center (data *center).*) at the Directorate General of Population Administration.

1.8 Understanding Implementation

Implementation is a study to find out a process, in which the main goal of the process itself is to provide feedback. Implementation is the implementation of a policy to find out whether the implementation process is in accordance with the plans or standards that have been set or not.

Implementation can be interpreted as the implementation of basic policy decisions, such as the implementation of laws and regulations, in which there are orders that must be obeyed and in legislation generally states explicitly the goals or targets to be achieved by various means to structure or regulate the implementation process.

[14] *Ibid,* p. 14.
[15] *Loc. Cit*

1.9 Understanding Application

Applications are a subclass of computer software that utilizes computer capabilities directly to perform a task that the user desires. Applications can also be said to be translators of commands executed by computer users to be forwarded to or processed by hardware. Applications are programs that can directly carry out processes used on a computer by users. An application is a collection of certain files that contain program code that connects the user and computer hardware.

Applications, often also referred to as software, are computer programs whose instruction contents can be changed easily. Applications are generally used to control hardware (which is often referred to as *a device driver*), carry out calculation processes, and interact with other more basic applications (such as operating systems and programming languages). In general, applications can be divided into 3 levels, namely the application program level (*application* programs, for example *Microsoft Office*), the operating system level such as *the operating system Microsoft Windows*.

1.10 More Efficient Service

Service or what is usually referred to as *customer service* in general is any activity intended or aimed at providing satisfaction to customers, through this service the customer's desires and needs can be met. In the Indonesian Dictionary it is explained that service is an effort to serve other people's needs, while serving is helping to prepare (helping someone with what they need). Service can be interpreted as *service*, namely any activity or benefit provided by one party to another party which is basically intangible and does not result in ownership of something and its production may or may not be linked to a physical product.

Services can be measured, therefore standards can be set both in terms of the time required and the results. With the existence of management standards, management can plan, implement, supervise and evaluate service activities so that the final results are satisfactory to the parties who receive the service.

CHAPTER III
Research Methods

When conducting research, you cannot be separated from methods. Method is a method used by researchers to analyze the problem being researched. Research is a scientific activity that is based on a certain method, systematics and thinking, with the aim of studying one or several symptoms by analyzing them. Research methods in general are systematic efforts or methods applied in research to obtain answers to the research object being studied.

The methods used in this research are as follows:

1.11 Approach Method

In this research, a sociological juridical approach is used, the meaning of sociological juridical is that in this research, it will identify and conceptualize law as a real and real social institution *and* functional in a real life system. According to J. Supranto, sociological juridical research is research that is qualitative in nature , the data used in sociological research is primary data and secondary

data , [16]in this case relating to the object to be researched, namely regarding the implementation of the village population administration information system application (ready village) in order to provide more efficient services to the community.

1.12 Research Specifications

The specifications used in this research are analytical descriptive, meaning that it is a method that functions to describe or provide an overview of the object under study through data or samples that have been collected as they are in accordance with the reality that occurs in the field , [17]in this case relating to the implementation of system applications. village population administration information (SiapKeDesa) in order to provide more efficient services to the community.

1.13 Sample Determination Method

The sample is part of the population to be studied. [18]A sample is a set of all or part of a population. According to Bambang Sunggono a sample is a set of all or part of the population to be studied. [19]The sampling method in this research uses *purposive sampling,* meaning that in this research the sampling technique is by determining certain criteria, or **sampling by determining special characteristics that are in accordance with the research objectives so that it is hoped that they can answer the research problem.[20]**

In this research, the respondents or informants are as follows:

1) Head of the Rembang Regency Population and Civil Registry Service
2) Village Head: 3 (three) people, namely:
   a. Head of Banowan Village;
   b. Village Head of Baturno Village; And
   c. Head of Tulung Village.
3) System operators 3 (three) people from three villages;
4) The community consists of 9 (nine) people, consisting of:
   a. Banowan Village Community 3 (three) people;
   b. Baturno community 3 (three) people;
   c. Tulung village community 3 (two) people.

The author took a sample of 3 (three) villages for the reason of knowing the people of the three villages as mentioned above to be taken as samples:

a) Can use the application;
b) Can't use the app; And
c) Just being able to use the application.

1.14 Method of collecting data

In this research, there are 2 (two) data that will be used, namely primary data and secondary data, as follows

a. Primary data

[1616]J, Supranto, *Legal and Statistical Research Methods,* Rineka Cipta, Jakarta, 2003, p. 2
[17] Sugiono, *Quantitative and Qualitative Research Methods,* Alfabeta, Bandung 2007, p. 29.
[18]Nico Ngani, *Research Methods and Legal Writing,* Pustaka Yustisia, Yogyakarta, 2012, p. 34.
[19]Bambang Sunggono, *Legal Research Methodology,* Raja Grafindo Persada, Jakarta, 2012, p. 119.
[20] Sugiyono, Quantitative Qualitative Research Methods and R&D, Alfabeta, Bandung, 2008, p. 43

Primary data is data obtained directly from sample respondents or predetermined informants. According to H. Zainudin Ali, to obtain primary data, the author conducted interviews with sample respondents or informants who had been determined. [21]Interviews are a way to obtain data by asking respondents or informants directly.[22]

b. Secondary Data

Secondary data is data that has been processed or ready-made data, so that secondary data does not need to be processed and can be used directly. To obtain secondary data the author conducted a library research, by studying statutory regulations, documents and books related to the research object. [23] According to Mukti Fajar, secondary data is data obtained from the results of a literature review or review of various literature or library materials related to problems or research material.[24] In this case, it is related to the implementation of the Village Population Administration Information System Application (SiapKeDesa) in order to provide more efficient services to the community.

In this research, secondary data consists of:

1) Primary legal materials

Primary legal materials are legal materials that are *authoritative*, which means they have authority. [25]The primary legal materials in this research consist of:

a. The 1945 Constitution of the Republic of Indonesia;
b. Law Number 6 of 2014 concerning Villages;
c. Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages
d. Law Number 23 of 2014 concerning Regional Government
e. Government Regulation Number 37 of 2007 concerning Implementation of Law Number 23 of 2006 concerning Population Administration;
f. Presidential Decree Number 88 of 2004 concerning Population Administration Management;
g. Law Number 23 of 2006 concerning Population Administration; And
h. Minister of Home Affairs Regulation Number 18 of 2005 concerning Codes and Data for Government Administrative Areas.

2) Secondary legal materials

Secondary legal materials are all publications, such as unofficial documents, literature books, writings, scientific works that are related to the research object to be studied. [26] In this case, it is related to the implementation of the Village Population Administration Information System

[21] H. Zainuddin Ali, *Legal Research Methods,* Sinar Graphics, Jakarta, 2010, p. 106.
[22]H. Afifuddin and Beni Ahmad Saebani, *Qualitative Research Methods,* Pustaka Setia, Bandung, 2012, p. 131.
[23] H. Zainuddin Ali, *Op.Cit*, p. 106.
[24] Mukti Fajar, Yulianto Achmad, *Dualism of Legal-Normative and Empirical Research*, Student Library, Yogyakarta, 2015, p. 34.
[25] Dyah Ochtorina Susanti and A'an Efendi, *Legal Research*, Sinar Graphics, Jakarta , 2014, p. 52.
[26]*Ibid* , p. 54

Application (SiapKeDesa) in order to provide more efficient services to the community.

3) *Tertiary* legal materials
Tertiary legal materials in this research consist of instructions and explanations from primary legal materials and secondary legal materials, such as legal dictionaries, encyclopedias, magazines and newspapers.[27]

1.15 Data Processing and Presentation Methods

The data processing method in this research is by editing data, sorting data, the aim is to take only correct data that will be used, similar data is grouped with the same data, so that it is easy to find and easy to understand. After the data processing is complete, the next step is to present the data. In this stage the author arranges the data based on needs so that within groups of data and between groups they are connected systematically, so that the data to be used is easy to find and understand by anyone who reads it.

1.16 Data Analysis Methods

Of all the legal materials that have been collected, both primary legal materials, secondary legal materials and tertiary legal materials will be analyzed descriptively, with deductive logic. These legal materials will be described to obtain a systematic explanation, in this case regarding the implementation of the Village Population Administration Information System Application (SiapKeDesa) in order to provide more efficient services to the community. From the data that has been collected, both primary data and secondary data will be analyzed descriptively qualitatively, namely analysis that describes the actual situation regarding certain facts related to the research object, namely regarding the implementation of the Village Population Administration Information System Application (SiapKeDesa) in order to provide more efficient service to the community.

CHAPTER IV
Research Results and Discussion

1.17 Implementation of the Village Population Administration Information System Application (SiapKeDesa) in Order to Provide More Efficient Services to the Community

The administration of government in general is to provide services and to fulfill the rights of every citizen in this case, especially administrative services provided by public service providers for the welfare of every citizen.

This is as mandated in the Law The 1945 Constitution of the Republic of Indonesia (UUDNRI 1945), so that the effectiveness of the administration of a government is largely determined by its good and bad providing services to the community .[28]

Service is the essential main task of the apparatus, as a servant of the state and a servant of the community. This task has been clearly outlined in the fourth paragraph of the opening of the 1945 Constitution of the Republic of Indonesia,

[27] *Ibid*, p. 106.
[28] Didik G. Suharto, *Implementation of Village Government in the Perspective of Administrative Decentralization and Political Decentralization,* Journal of the Faculty of Government Administration, Sebelas Maret State University Surakarta, 2018, p. 2.

which covers 4 (four) aspects of the basic service of the apparatus to society, namely protecting the entire Indonesian nation and all of Indonesia's blood, advancing general welfare, making the life of the nation intelligent and implementing world order based on independence, lasting peace and social justice. One of the services of state servants to the community is the preparation of birth certificates made by the Population and Civil Registry Service.[29]

Population data is used as information needed for sustainable development planning, population data is basic regional data, relatively static population data such as data on changes in migration between regions, changes in general population structure, socio-economic structure, vertical and horizontal population mobility are an important part of data collection and population planning at regional and national levels. Invalid population data is one of the weak points in implementing sustainable development plans in the regions. For this reason, support for a complete Population Administration Information System in the regions is very necessary in implementing decentralization.

In carrying out population administration, important population events which include birth, death, stillbirth, marriage, divorce, child recognition, child validation and other things that must be recorded in the civil registry must be arranged as well as possible in the form of public services. to society. Births and deaths are important population events that must be recorded and become an important part of administration for the implementation of good population administration.[30]

Population data according to Article 1 paragraph (9) of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 Regarding Population Administration (hereinafter written Population Administration Law) is individual data and/or structured aggregate data as a result of Population Registration and Civil Registration activities.

Article 1 paragraph (1) of the Population Administration Law states that population administration is a series of structuring and controlling activities in the issuance of population documents and data through Population Registration, Civil Registration, management of Population Administration information as well as services for utilizing the results for public services and development of other sectors.[31]

One of the services provided by the government to the community is population administration through the Population and Civil Registry Service, in this case the Population and Civil Registry Office of Rembang Regency. The implementation of Population Administration in Rembang Regency was previously regulated in Rembang Regency Regional Regulation Number 4 of 2008 concerning the Implementation of Population Administration, then amended by Rembang Regency Regional Regulation Number 3 of 2016 concerning Amendments to Rembang Regency Regional Regulation Number 4 of 2008 concerning the Implementation of Population Administration

[29] Melinda Tuju, Marthen Kimbal and Michael Mantiri, *Quality of Population Administration Services at the Population and Civil Registry Service of South Minahasa Regency (A Study of Birth Certificate Services),* Journal of the Department of Government Science, Volume 2 No. 2 of 2017 Faculty of Social and Political Sciences, Sam Ratulangi University, p. 1.

[30] Muhammad Fadhil and Muhammad Ilham, *The Role of the Population and Civil Registration Service in Optimizing Services for the Indonesian Population Awareness Administration Movement (Gisa) in the City of Bandung , West Java Province, Journal of Registratie,* Vol. 1 No. 1, February 2019, p. 3.

(hereinafter written in the Rembang Regency Population Administration Regional Regulation). Population administration according to Article 1 paragraph (6) of the Rembang Regency Population Administration Regional Regulation is a series of structuring and controlling activities in the issuance of population documents and data through population registration, civil registration, management of population administration information and utilization of the results for public services and development of other sectors.

Recording and processing population data is the responsibility of the district/city government, where implementation begins with the sub-district as the spearhead of population registration. This service needs to be carried out quickly and precisely to obtain information. But in reality, data processing in sub-districts or villages is still carried out in the form of bookkeeping or archives, so that errors often occur and even data archives are lost or damaged because there are too many existing archives. In population service activities, residents are required to arrange the desired application letter at the village/district office by following a number of applicable procedures so that making certain letters will take quite a long time and energy.[32]

Residents always experience population and civil registration events from time to time such as birth, death, moving and coming as well as changes in status according to their interests. The data warehouse includes all population data from 0 years old to the adult and elderly population. The menu or type of data accessed includes individual data (by name by address), aggregate data and other data typologies as required as provided by law. [33]Population events according to Article 1 paragraph (14) of the Rembang Regency Population Administration Regulation are events experienced by residents which must be reported because they have consequences for the issuance or change of Family Cards, Resident Identity Cards and/or other population certificates including moving in, changing address, and limited status to permanent residence.[34]

The implementation of the Population Administration Information System throughout the country not only makes it easier to create population data quickly and accurately. The Population Administration Information System can accelerate development efforts to spur the nation's progress and store important population data ranging from death data, birth data to population mobility.[35] The Population Administration Information System according to Article 1 paragraph (21) of the Population Administration Law (SIAK) is an information system that utilizes information and communication technology to facilitate the management of population administration information at the Organizing and Implementing Agency levels as a single unit. The Population Administration Information System (SIAK) based on Article 1 paragraph (37) of the Population Administration Regional Regulation of Rembang Regency, is an information

[32]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022

[33]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

[34] Didik Fatkhur Rohman, Imam Hanafi, Minto Hadi, *Implementation of Integrated Population Administration Services Policy (Study at the Malang City Population and Civil Registry Service),* Journal of Public Administration (JAP), Vol. 1, No. 5, p. 13.

[35] Irawanto and Rahmatullah, *Implementation of the Population Administration Information System (Siak) in the Banjarmasin City Population and Civil Registration Service,* Al 'Ulum Vol.54 No.4 October 2017, p. 22.

system that utilizes information and communication technology to facilitate information management.[36]

Card (KK) according to the Population Administration Law is a family identity card which contains data about the name, structure and relationships within the family, as well as the identity of family members. According to Article 1 paragraph (14) of the Population Administration Law, an Electronic Resident Identity Card (KTP-el) is a Resident Identity Card equipped with a chip which is the resident's official identity as proof of self issued by the Implementing Agency.

Currently, whether we realize it or not, the government's services to the community are not yet effective and efficient, plus the quality of the human resources of the apparatus is inadequate. This matter visible from the bureaucracy complicated, there is no certainty about the time period, the costs that must be incurred, requirements that are not transparent, officers who are not professional, so If people process letters or documents it takes a long time, so it is quite a waste of time, energy and money. The communities most affected by public services are rural communities.

The village government in providing services to the community in the village still uses the old method, which is still oriented towards using manual methods (paper) or what is usually referred to as **hardcopy, community data is stored manually and not yet using databases (electronic), as is known, storing data manually** requires a lot of paper, so it is not effective and efficient. Because paper can be destroyed over time, therefore, if the data stored on paper is destroyed, there is no backup data.

Developments in information technology (*hardware* , *software* and networking data communication) which is so rapid, is a necessity in improving population registration and civil registration services, as well as managing data and information. Because the information technology in question does not recognize the dimensions of space (blurring geographic boundaries) and time, so these services can be brought closer to the community to increase coverage**.** service. Meanwhile, information on registration results. population and civil registration becomes accurate and reliable, because data recording is direct **(real time)** from service *outlets* to *databases* and data processing (**aggregate data**) without human intervention.

The population data processing information system is one of the means that makes it easier for population data recording officers to record all residents in a sub-district/village. Apart from that, this system will also make it easier for the public to obtain information about population. However, the reality on the ground is that several regions/villages still use manual systems, so that information services are less effective and efficient. There is no application that makes it easier for officers to carry out population services. As information technology advances, population data processing can now be done online using the internet network, this will make it easier for population data recorders and the public who will search for data about population.[37]

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[36] Koko Mulyanto Angkat, Abdul Kadir and Isnaini, *Analysis of Population Administration Services at the Population and Civil Registration Service of Dairi Regency,* Journal of Public Administration, Vol. 7 1 June 2017, p. 11.

[37]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

The Population Administration Information System is an information system whose management utilizes information and communication technology to facilitate various population administration management activities at the level of organizers and implementing agencies as a single unit intended for population administration on a national scale to be carried out in an integrated and orderly manner.[38]

One of the technologies that can be used to solve the public service problem is **the mobile web**. The public can access funds using the system through various devices connected to the internet (*mobile phones* , computers and other communication devices). The developed system is SiapKeDesa (Village Population Administration Information System).

Administration that can be accessed through the SiapKeDesa application includes, administration of Resident Identity Cards, Family Cards, Birth Certificates, Death Certificates, Marriage Registration, Population Administration, Population Registration. Population administration is a series of structuring and controlling activities in the publication of population documents and data through population registration, civil registration, management of population information and utilization of the results for public services and development in other sectors.[39]

Population registration is an activity of recording population biodata, recording reports of Population Events and collecting data on vulnerable populations for population administration as well as issuing population documents in the form of identity, cards or information issued by the work unit that manages population registration in districts/cities.

Resident Identity Card (KTP) is the official identity of the Resident as proof of self issued by the Implementing Agency which is valid throughout the territory of the Unitary State of the Republic of Indonesia. This Population Identification Card must be owned by all Indonesian Citizens (WNI) and Foreign Citizens (WNA) who have a Permanent Residence Permit (ITAP) provided they are 17 years old or have previously been married or have been married. Children of foreigner parents who have ITAP and are 17 years old are also required to have an KTP. KTP for Indonesian citizens is valid for five years and the expiration date is adjusted to the date and month of birth of the person concerned. KTP for foreigners is valid according to the period of Permanent Stay Permit. Especially for residents aged 60 years and over, they receive a lifetime KTP which does not need to be renewed every five years.[40]

Family Card is a Family Identity Card which contains data about the composition, relationship and number of family members. A Family Card is mandatory for every family. This card contains complete data about the identity of the Head of the Family and his family members. Family cards are printed in 3 copies, each held by the Head of the Family, Head of the RT and Village Office.

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[38] Ahmad Ripa'I, *Implementation of an Information Technology Based Population Administration Information System Towards a Single Identity Number in the Population and Civil Registration Service of Sumedang Regency, West Java Province,* Institute of Domestic Government, Jurnal Dukcapil/Vol. 6, no. 1/June 2018, p. 69.

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[40]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

The population data processing information system is one of the means that makes it easier for population data recording officers to record all residents in a sub-district/village. Apart from that, this system will also make it easier for the public to obtain information about population. However, the reality on the ground is that several regions/villages still use manual systems, so that information services are less effective and efficient. There is no application that makes it easier for officers to carry out population services. As information technology advances, population data processing can now be done online using the internet network, this will make it easier for population data recorders and the public who will search for data about population.[41]

One technology that can be used to solve public service problems is the Siap KeDesa application. The public can access data via *the web* to manage population administration, via computer (internet). Banowan Village, Baturno Village and Tulung Village are villages in the Sarang District, Rembang Regency, Central Java Province. Currently the three villages as mentioned above have implemented a *web -based village management information system* to serve the needs of residents, especially those related to population administration. so that office services in Banowan village, Baturno village and Tulung village run smoothly, although problems or obstacles still occur. In general, people use the SiapKeDesa application to take care of population administration, such as Resident Identity Cards (KTP), Family Cards and Birth Certificates.

Population administration activities such as making KTPs, Family Cards, Birth Certificates, Death Certificates, Marriage Certificates are population events, based on Article 1 paragraph (11) of the Population Administration Law are:

> Population Events are events experienced by Residents which must be reported because they have consequences for the issuance or change of Family Cards, Resident Identity Cards and/or other population certificates including moving in, changing address, and limited residence status to permanent residence.

The data that has been entered in the Population Administration Information System *database* is then updated, the aim is to publish the Population Identification Number by the central government. The Population Administration Information System was implemented from 2006 until now. This Population Administration Information System really supports the smooth implementation of achieving the targets of the National Strategic Program, namely Updating Population Data,

Controlling Population Identification Numbers, will later be the basis for issuing resident identities in the form of KTPs, Cards, Family Cards, by having a Population Identification Number, managing population administration will be easier, because the data has been verified by the central government.

In this research, the author took samples from three villages in the Nest District of Rembang Regency, namely Banowan village, Baturno village and Tulung village.

[41]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

1. Banowan Village

Banowan Village is a village in the Sarang District, Rembang Regency, currently Banowan Village is led by the female Village Head Tasriatun. The population of Banowan village is 1468 men and 1458 women. The distance between Banowan village and Sarang district is about seven kilometers. The livelihood of the community is farming, numbering around 1239 people, and 700 students. The Banowan village community, on average, can use or access the SiapKeDesa application, this is because the Banowan Village Government is most active in carrying out outreach to the community through neighborhood association (RT) meetings and community association meetings (RW).

According to the Head of Banowan Village, the socialization was carried out with the aim of the Banowan village community understanding how to use the internet and being able to access population documents quickly and efficiently. This cannot be separated from the role of the Banowan village officials who are led by Karang Taruna youth who are still young and educated. [42]One of the residents of Banowan village, Budi Santoso, stated that he used the SiapKeDesa application when processing the replacement of his Identity Card (the photo was blurry/not clear). At first, using the SiapKeDesa application was a bit difficult, several times it failed to send data, this was because there was one column that has not been filled in by Budi Santoso.[43]

At first the SiapKeDesa application was considered by the people of Banowan Village to be complicated and confusing, but after continuous outreach by the village government with the assistance of Karang Taruna Youth, over time the people got used to it and many were able to use the SiapKeDesa application. However, it is not without problems, the most important thing in using the SiapKeDesa application is the internet signal. Sometimes the signal in Banowan village is unstable (fluctuating) which can affect data transmission and access.[44]

One of the residents of Banowan Sujafar village, who is 65 years old, stated that he did not understand the use of the SiapKeDesa application at all, this was due to the age factor and human resources who only graduated from elementary school (SD), but Sujafat could use *a smartphone*, but only limited to sending *WhatsApp messages* and using *YouTube,* the rest don't understand how to operate/use it. At that time Sujafar was processing his grandson's birth certificate. When arriving at the Banowan Village Hall, the Village Officials were directed to use the SiapKeDesa application, but were unable to use the application, then the Sujafar Village Officials assisted them in accessing the application.[45]

The Head of Bturno Village explained that in general the SiapKeDesa application is very helpful to the people of Bturno Village, but basically people who are over fifty -five years old and whose human resources are still very low cannot use or operate the application. However, most of the people in Banowan village can use the SiapKeDesa application, even though they are still guided by other people, but at least the people still welcome it.[46]

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[42]Tasriatun, *Personal Interview,* Head of Banowan Village, July 5 2022
[43]Budi Santoso, *Personal Interview,* Banowan Village Community Member, July 3 2022.
[44]Suwarno, *Personal Interview,* Banowan Village Community Member, July 7 2022.
[45]Sujafar, *Personal Interview,* Banowan Village Community Member, July 8 2022.
[46]Tasriatun, *Personal Interview,* Head of Banowan Village, dated July 5, 2022

2. Baturno Village

Bturno Village is a village in the Sarang District, Rembang Regency. The population of Bturno village is 1678 people, consisting of 854 men and 824 women. Baturno Village is led by the female Village Head Nur Azizah. The distance between Baturno village and Sarang District is 11 kilometers. The livelihood of the people of Bturno village is garden farming, this can be seen from the number of farmers in Bturno village, which reaches 1025 people.[47]

According to the Head of Baturno Village, with the SiapKeDesa application, the Baturno village community welcomed it, because it is quite efficient, but the problem is that not all Bturno village residents can use the SiapKeDesa application. The Village Head together with the ranks of Village Government Officials formed a team to carry out outreach to the community. The Baturno Village Government invites all RT Heads, youth and community leaders to take part in socialization on the use of the SiapKeDesa application.[48]

The aim is that the RT Head will be able to carry out outreach to his residents. In the socialization the RT Head will be accompanied by an officer from Baturno village who will help with the socialization. One resident of Baturno village named Karsit explained that he could not use the SiapKeDesa application because he did not understand how to use computers and *smartphones*. Karsit knows that the SiapKeDesa application takes care of Family Cards, because he cannot use the SiapKeDesa application, he is assisted by Baturno Village Government Officials.[49]

Another Baturno village resident named Erik stated that the SiapKeDesa application is a new breakthrough that makes things easier for the people of Rembang Regency in general and especially the people of Bturno village, Sarang District. This is because the applicant does not need to bother filling in the data manually on paper, and if the data is entered incorrectly there is no need to replace the paper, just delete it and replace it with the correct one. Erik belongs to the younger generation of Baturno village who is part of Karang Taruna, and Erik also studies at one of the state universities in the city of Semarang, so he has no difficulty in using the SiapKeDesa application.[50]

According to the Head of Baturno Village, Sarang District, Rembang Regency, the SiapKeDesa application in general is very helpful for the residents of Baturno village, although there are residents who cannot commission the SiapKeDesa application. However, this is not a significant obstacle, for people who cannot use the SiapKeDesa application, they can come to the Bturno Village Office during working hours. Baturno Village Officials are ready to help community members.[51]

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[47]Nur Azizah, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, dated June 30, 2022.
[48]Nur Azizah, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, dated June 30, 2022.
[49]Nur Azizah, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, dated June 30, 2022.
[50]Erik, *Personal Interview,* Resident of Baturno Village, Sarang District, Rembang Regency, dated June 20, 2022.
[51]Nur Azizah, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, dated June 30, 2022.

3. Tulung Village

Tulung Village is a village in Sarang District, Rembang Regency, the distance between Tulung Village and Sarang District is 12 kilometers. The population of Tulung village is 3837, consisting of 1945 men and 1892 women. Tulung Village is led by the village head named Didik Gunarto. The livelihood of the people of Tulung village is farming, this can be seen from the number of farmers in Tulung village, namely 1954 people .[52]

Regarding the SiapKeDesa application which is already running in Rembang Regency, the Head of Tulung Village, Didik Gunarto, welcomed it, because the development of information technology makes it easier to access population data. People who need documents such as Population Identification Cards, Family Cards, Birth Certificates and many more population data, no longer need to come to the Rembang Regency Population and Civil Registry Office, just via *smartphone* or via *the internet.*

However, the existence of the SiapKeDesa application is not without problems, considering that the people of Tulung village, the majority of whom are farmers, not all of them can use the SiapKeDesa application. The Head of Tulung Village is well aware of this, therefore slowly and surely the Tulung Village Government together with Village Officials are providing outreach to the community. One of the residents of Tulung village, Umam, stated that when he accessed the SiapKeDesa application, he did not experience any difficulties. At that time, Umam took care of the residence permit to move residents as a condition for marriage. The first time you used the SiapKeDesa application, you didn't experience any difficulties. According to Umam, this application is like other applications , namely filling in the necessary personal data and population data, then all you have to do is follow the instructions step by step.[53]

Another resident of Tulung village named Ardika also gave the same explanation, namely that he did not experience any difficulties when using the SiapKeDesa application. At that time, Ardika took care of the birth certificate of his newborn child. The first time he used the SiapKeDesa application, it was the same as filling in data in existing applications. on *a smartphone,* it's easy because if it's wrong or there are columns that aren't filled in then you can't proceed to the next stage. However, for older people over the age of 60 years and above, and regarding human resource issues, they cannot use the SiapKeDesa application. [54] Suparjo, one of the residents of Tulung village, stated that he did not understand and did not know what the SiapKeDesa application was, because he had only graduated from elementary school (SD). If he had the necessary documents, Suparjo asked for help from the Tulung Village apparatus to help him.[55]

In general, the Head of Tulung Village expressed his appreciation for the SiapKeDesa application, although there are still Tulung village residents who have not been able to use the SiapKeDesa application. However, there are still quite a lot of people who can use the SiapKeDesa application. The Tulung Village Head hopes that Tulung village residents who can use the SiapKeDesa

[52] Didik Gunarto, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, July 20 2022.
[53]Umam, *Personal Interview,* Resident of Tulung Village, Sarang District, Rembang Regency, July 23 2022.
[54]Ardika, *Personal Interview,* Resident of Tulung Village, Sarang District, Rembang Regency, July 23 2022.
[55]Suparjo, *Personal Interview,* Resident of Tulung Village, Sarang District, Rembang Regency, July 25 2022.

application can help or provide explanations on how to use the SiapKeDesa application to other residents who cannot yet use the SiapKeDesa application.[56]

Muhlisin, an information system analyst for the Population and Civil Registry Office of Rembang Regency, generally explained that the SiapKeDesa application is something new for the people of Rembang Regency, especially for the older generation aged 60 years and over. However, the younger generation does not experience difficulties in accessing and using the SiapKeDesa application. The hope of the Rembang Regency Regional Government in this case relating to the SiapKeDesa application, is that for the future, especially the nation's future generation, they will not experience difficulties in accessing and using this application, considering that school-aged children can currently use *the internet. This is because school children from elementary school to high school have already gone to online school using smartphones* , or *schooled* from *home* during the pandemic.[57]

4. Implementation of Ready to Village

Population administration is a series of structuring and controlling activities in the publication of population documents and data through population registration, civil registration and information management as well as utilizing the results for public services, government and development. The Regional Government of Rembang Regency made a breakthrough by using information technology called SiapKedesa.

With the enactment of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration, it is necessary to make adjustments to Rembang Regency Regional Regulation Number 4 of 2008 concerning the Implementation of Population Administration. It is necessary to stipulate a Regional Regulation concerning Amendments to Rembang Regency Regional Regulation Number 4 of 2008 concerning the Implementation of Population Administration. Therefore, the Rembang Regency Regional Government issued Regional Regulation Number 3 of 2016 concerning Amendments to Rembang Regency Regional Regulation Number 4 of 2008 concerning the Implementation of Population Administration (hereinafter written as Regional Regulation Number 4 of 2008).

The aim is to speed up population registration, such as births, moving residents, making Resident Identity Cards, Birth Certificates, Family Cards and many more. Population registration is the process of collecting data and recording reports of population events in the context of issuing resident identity documents (KK, KTP) or other population certificates issued by the Regional Government. Important events are events experienced by a person including birth, death, marriage, divorce, child recognition, child validation, child adoption, name change, citizenship change and gender change that occur in Rembang Regency.

This is a form of responsibility of the Regional Government of Rembang Regency for Population Administration matters, as regulated in Article 3A of Regional Regulation Number 4 of 2008 which states that:

[56]Didik Gunarto, *Personal Interview,* Head of Baturno Village, Sarang District, Rembang Regency, July 20 2022.
[57]Muhlisin, *Personal Interview*, Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

a. Coordination of the implementation of Population Administration;
b. Establishment of implementing agencies whose duties and functions are in the field of Population Administration;
c. Technical arrangements for the implementation of Population Administration in accordance with the provisions of statutory regulations;
d. Guidance and socialization of the implementation of Population Administration;
e. Implementation of community service activities in the field of Population Administration;
f. Assignment to the Village to carry out some Population Administration affairs based on the principle of co-administration;
g. The presentation of regional scale population data comes from population data that has been consolidated and cleared by the Ministry responsible for Home Government Affairs ; And
h. Coordination of supervision over the implementation of Population Administration.

The implementing agency carries out Population Administration affairs with the obligations as regulated in Article 3B paragraph (1) of Regional Regulation Number 4 of 2008, namely:

a. Registering population events and recording important events;
b. Providing the same and professional service to every resident for reporting population events and important events;
c. Print, publish and distribute population documents;
d. Documenting the results of population registration and civil registration;
e. Guarantee the confidentiality and security of data on population events and important events; And
f. Verifying and validating data and information submitted by residents in population registration services and civil registration.

Requirements for making a Resident Identity Card in Rembang Regency are as follows:[58]

a. 17 Years old
b. Cover letter from the Neighborhood Association (RT) and Community Association (RW)
c. Photocopy of Family Card (KK)
d. Certificate of moving from the city of origin, if not a local resident
e. Certificate of moving from abroad, and this letter must be issued by the Implementing Agency for Indonesian Citizens (WNI) who come from abroad because they moved
f. Come directly to the sub-district or village office, here your photo will be taken and fingerprints will be carried out.

[58]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

5. Legal Basis for ReadyKedesa

The government is replacing the Population Identification Card with a Digital Population Identity, the legal basis for which is Minister of Home Affairs Regulation (Permendagri) Number 72 of 2022 concerning Standards and Specifications for Hardware, Software and Blank KTP - El, as well as the Implementation of Digital Population Identity. The Minister of Home Affairs regulation as mentioned above was implemented The Ministry of Home Affairs, through the Director General of Population and Civil Registry, issued Circular Letter Number 471.13/177740/Dukcapil dated 18 November 2022, in this Circular the government will replace the new Population Identity Card with Digital Population Identity (IKD) for people who already have *smartphones,* while For people who do not yet have *a smartphone* , they will be given a Certificate (Suket) until January 5 2023.[59]

The requirements for obtaining a digital population identity as stated in Chapter 2 Article 18 Paragraph (2) of Permendagri no. 72 of 2022 are:

a. Have a device (*smartphone* /smartphone)
b. Have a physical e-KTP or have never had a physical e-KTP but have recorded it
c. Have e-mail and cell phone number
d. In terms of security, the Digital Population Identity application is equipped with a screenshot prevention feature, thereby minimizing misuse of information.

The regional government of Rembang Regency implements Minister of Home Affairs Regulation Number 72 of 2022 concerning Standards and Specifications for Hardware, Software, and KTP - El Blanks, as well as the Implementation of Digital Population Identity, by applying the Rembang Regent's Decree Number 470/1331/2020 concerning the Appointment of Officers Population Administration Information System Application Operator to Villages in Rembang Regency in 2020.

SiapKedesa operators have duties and obligations, namely:[60]

a. Carry out community services by utilizing the population *database* through the SIAPKEDESA application;
b. Carrying out community services in preparing administration for processing/making population administration documents (Family Card, Resident Identity Card, Civil Registration Deed);
c. Carrying out population data updates through population document services (Family Card, Resident Identity Card, Birth Certificate, Death Certificate, Transfer/arrival Certificate) by matching the resident's biodata with supporting documents owned by the resident (Marriage Certificate, Diploma);
d. Carrying out updates to the population *database in* each village/sub-district by printing data per family and matching it with the documents

[59]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.
[60]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

held by the residents, so that it is hoped that the population *database will become more valid;*

e. Reporting residents who died but are still in *the database*, by issuing a Death Certificate and proposing the issuance of a Death Certificate;
f. Proposing deletion of dual population data by selecting one of the *valid data* (after checking with supporting documents) and the invalid one *is* proposed for deletion;
g. Make proposals for the removal of residents who are not in place;
h. synchronize *the database* every day or at least once a week;
i. backup *the database* for each village at least once every 2 (two) days; And
j. Population Administration Implementation Law

By having appointed SiapKedesa Application Operator Officers, it makes it easier for them to complete their tasks as public service providers in villages by utilizing the SiapKedesa Application, it has been proven that the increase in the issuance of Population Administration documents in Rembang district, Central Java is very significant. The development of the issuance of population administration documents will of course also require performance from Application operator officers.

Based on the results of the research and discussion as mentioned above, a temporary conclusion can be drawn that managing population data with the SiapKeDesa application is easy and very efficient. Because people can access it anywhere without needing to come to the Population and Civil Registry Office, it can be done at home, in the office while working on public transportation. Time efficient, so that time is not wasted, when compared to the manual method, people come to the Population and Civil Registry Office to fill in the form to collect then wait in line waiting for a call according to the registration sequence number which takes quite a long time, so the SiapKeDesa application is very helpful, although there are people who cannot use the application.

Even though there are still problems or obstacles that occur, there are still young people who are unable to take care of population administration using the SiapKeDesa application, plus the elderly population on average cannot use the SiapKeDesa application. Overall, the aim of using the SiapKeDesa application is to simplify and speed up the population administration process.

The benefits of the Population Administration Information System as per the results of the research and discussion are:

1. Achieving orderly population administration, because with the NIK Population Identification Number, problems such as double KTP Population Identification Cards will not occur.
2. Achieving efficiency and effectiveness in *short time response public services*, so that people don't have to worry about having to go back and forth to take care of their needs.
3. future system development towards comprehensive integration which is expected to be implemented in all provinces in Indonesia as soon as possible.
4. Achieving *Good Corporate Governance* in *public services* at the Population Service requires back and forth and expensive costs.

1.18 *The Best Practical* Model for Implementing the Village Population Administration Information System Application (Siapkedesa) in Order to Provide More Efficient Services to the Community

> Along with the times, advances in technology and information have also developed very rapidly. Information technology is very important to develop a population information system that is accurate, reliable and optimal if the use of information technology can improve the quality of population data management more accurately and optimally, as a tool for problem solving decision making which is intended as a form of facilitating public services. Public administration or public administration is a management system for government services for the community. Technological advances and changes encourage governments to recognize their needs, and these demands must be responded to by the government in the form of a public information management system. Administration is carried out globally or functionally.[61]

This is due to the strong era of globalization, where computers and the internet with their dynamic nature are facilities that have dominated various life activities, so that educational, office, commercial and industrial activities absolutely require the availability of these facilities. This population characteristic is known as a knowledge-based population, meaning that communities that master knowledge have the opportunity to utilize information and use information as added value to their lives.

Processing population data is the responsibility of the district/city government, where implementation begins with the Village/District as the spearhead of population registration. This service needs to be done quickly and precisely to obtain information. Information is an inseparable thing in life and organizations. Limited human capacity to be able to process data and information that is changing so quickly encourages humans to make optimal use of technology and information systems.

The current condition of providing public services is still faced with a government system that is not yet effective and efficient and the quality of human resources for the apparatus is inadequate. This can be seen from the many complaints and complaints from the public both directly and through the mass media, related to complicated procedures, no certainty of time periods, costs that must be incurred, requirements that are not transparent, officers who are not professional, which gives rise to unfavorable image of the government.[62]

The population information system implemented through the SiapKeDesa application was successfully implemented in the villages of Banowan, Baturno and Tulung village, Nest District, Rembang Regency. The most important thing about this service is that the community can access the necessary documents, such as processing birth certificates, death certificates, migrant transfer cards, Resident Identity Card, Family Card without having to come to the Population and Civil Registry Office.[63]

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[61] Matthew wakes up, looks at Zalukhu and Feriwati Laia, *Implementation of Administrative Information Systems Population (Siak) in Making E-Ktp during the Covid-19 Pandemic at the Population Service and North Nias Regency Civil Registration, Governance Opinion* Journal, Volume 6 Number 2, 2021, p. 120.

[62]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

[63]Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

The legal basis for SiapKeDesa is the Population Administration Law, this is as regulated in Article 1 paragraph (21) of the Population Administration Law, which states that the Population Administration Information System, hereinafter abbreviated as SIAK, is an information system that utilizes information and communication technology to facilitate the management of population administration information at the local level. Organizer and Implementing Agency as one unit.

The SiapKeDesa application was created and used in order realizing orderly national population administration, which in essence provides protection and recognition for the determination of personal status and legal status for every Population Event and Important Event experienced by Indonesian Residents and/or Citizens who are outside the territory of the Unitary State of the Republic of Indonesia .

SiapKeDesa is an information system prepared based on procedures and based on information and communication technology which aims to organize the population administration system in Indonesia. SiapKeDesa can be a solution to existing population problems. With online data management, the weaknesses of conventional data processing can be reduced. SiapKeDesa itself provides many benefits, among others, the results of calculations and management of statistical data can be used as material for formulating and refining policies, strategies and programs for organizing and implementing development in the areas of quality, quantity and population mobility, as well as other development interests.

For this reason, we need a way so that data can be processed more precisely, quickly, practically and efficiently. Archives can be stored safely and there will be no more errors or damage to archives. Utilization of computer technology by creating a *web- based information system* will be implemented to help provide efficient administration so that the public can be served quickly and accurately. An information system that utilizes information and communication technology to facilitate the processing of Population Administration information at the Organizing and Implementing Agency level as a unit.[64]

The usefulness of the population information and administration system can actually be carried out by the community, in this case the people of Banowan village, Baturno village and Tulung village, Sarang District, Rembang Regency, online from home without having to come to the district office. However, only some people can use this access. There are still many people who are unable to use *online -based access to information and population administration*, so in this case the sub-district government is slowly providing an understanding to the people in Banowan village, Baturno village and Tulung village. These three villages are part of the Sarang District, Rembang Regency.

The SiapKeDesa application is very helpful for the residents of Rembang Regency in general and the people of Banowan village, Baturno village and Tulung village. The three villages as mentioned above are villages located in the Sarang District of Rembang Regency, as it is known that Sarang District is a District that borders directly on Tuban Regency which is part of the East Java Province. The long distance from the capital city of Rembang Regency will have its own impact, especially in processing the documents or residence documents required by the community.

[64] Arif Gunawan, Junindra Martua, *Implementation of Administrative Information Systems Population in Population Management Efforts at the South Tanjungbalai District Head Office,* Asahan University LPPM *Tectum* Journal, Edition Vol. 2, no. 1, May 2021, p. 67.

The training activity for using the SiapKeDesa application was carried out for two days, guided by 2 (two) resource persons from the Population and Civil Registry Office of Rembang Regency, which was attended by operators from Banowan village. Baturno Village and Tulung Village. The training activities were carried out several times, this was due to the large number of participants, so once the training was attended by 20 participants, the aim was to make it easier to provide guidance so that the training participants could concentrate well. Apart from that, during the *Covid* 19 pandemic, all activities are still carried out by following health protocols. Socialization activities were carried out by presenting material to village officials about the importance of an *online* administration processing system and introducing *website* features on the SiapKeDesa application that had been created.[65]

This system has functions that include requests for certificates related to population such as KTP, Family Card, Birth Certificate and many more related to population administration.

CHAPTER V
Closing

1.19 Conclusion

Based on the results of the research and discussion, the following conclusions can be drawn:

1. Implementation of the Village Population Administration Information System Application (SiapKeDesa) in Order to Provide More Efficient Services to the Community

   The SiapKeDesa application is an application that provides convenience to the community, especially people who are quite far from Regency and District Cities. The results of this research show that the people of Rembang Regency are very helpful in managing population data, such as Resident Identity Cards, Family Cards, Birth Certificates, Transfer Certificates, Death Certificates and other things related to population. People who need population data do not need to come to the District Population and Civil Registry Office, but only need to use their smartphone or ask for assistance from Village Government officials. However, there are not without obstacles in implementing the SiapKeDesa application, the obstacles that arise are that not all residents can use and operate the SiapKeDesa application and not all residents have *smartphones*, especially parents aged over fifty-five years and above.

   SiapKeDesa has benefits, namely achieving orderly population administration, achieving efficiency and effectiveness in *short time response public services*, building a foundation for future system development towards comprehensive integration which is expected to be implemented in all provinces in Indonesia as soon as possible and achieving *Good Corporate Governance* in *public services* at the Population Service.
2. *Best Practical* Model for Implementing the Village Population Administration Information System Application (Siapkedesa) in Order to Provide More Efficient Services to the Community.

   Processing population data is the responsibility of the district/city government, where implementation begins with the Village/District as the

[65] Muhlisin, *Personal Interview,* Rembang Regency Population and Civil Registry Information System Analyst, July 27 2022.

spearhead of population registration. This service needs to be done quickly and precisely to obtain information. The population information system implemented through the SiapKeDesa application was successfully implemented in the villages of Banowan, Baturno and Tulung village, Nest District, Rembang Regency. The most important thing about this service is that the community can access the necessary documents, such as processing birth certificates, death certificates, migrant transfer cards, Resident Identity Card, Family Card without having to come to the Population and Civil Registry Office.

The legal basis for SiapKeDesa is the Population Administration Law, this is as regulated in Article 1 paragraph (21) of the Population Administration Law, which states that the Population Administration Information System, hereinafter abbreviated as SIAK, is an information system that utilizes information and communication technology to facilitate the management of population administration information at the local level. Organizer and Implementing Agency as one unit.

1.20 Suggestion

Based on the conclusions as mentioned above, the author provides suggestions to:

1. The Regional Government of Rembang Regency, through the Population and Civil Registry Service, is to provide regular outreach to the people of Rembang Regency, with the aim of the SiapKeDesa Application program being able to run according to the expectations of the Regional Government of Rembang Regency.
2. The people of Rembang Regency support it by participating in socialization held by the Population and Civil Registry Service in the hope of being able to use the SiapKeDesa application, so that all people can use the SiapKeDesa application, without needing help from other people.

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IMPLEMENTATION OF E-COURT IN ELECTRONIC HANDLING OF COURT CASES IN REALIZING PUBLIC SERVICES IN THE KUDUS DISTRICT COURT

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Abstract:

The E-Court Electronic Based Government System (SPBE) is a form of implementation as regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 regarding Amendments to the Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Electronic Administration of Cases and Trials in Court. It is explained that the court information system is all information provided by the Supreme Court to provide services to justice seekers which includes administration, case services and electronic trials. In the e-court application there are scopes e-Filling, online payment of down payment, electronic summons, Electronic conference. The use of e-courts for handling civil cases at the Kudus District Court has an impact on the efficiency of justice administration as well as providing transparency in the process of seeking justice and encouraging professional, transparent, accountable, effective and efficient law enforcement behavior. The direct impact felt by justice seekers themselves is that through the implementation of e-court, justice seekers can more easily access and control the ongoing process while saving litigation costs. More justice seekers are registering their cases manually, most of whom use e-court. The Court is the advocates. This research uses an empirical juridical approach with data analyzed qualitatively and the research specifications are analytical descriptive. The results of the research show that the implementation of Supreme Court Regulation Number 1 of 2019 regarding Amendments to Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Electronic Administration of Cases and Trials in several District Courts has largely been implemented effectively, however there are still obstacles in delays in uploading documents in Kudus District Court.

Keywords:

E-court Implementation, Public Services, Case Handling.

Introduction

In the current era of globalization, it really influences the very rapid development of human life and emphasizes digital patterns, economics, artificial intelligence, electronic devices and so on. Facing this phenomenon, the legal world is also required to make new changes and innovations. Therefore, the online system is a new breakthrough in the administration of justice. By utilizing sophisticated technology in the form of an internet network, a system can be created to form an application called E-Court. With an online operating system, people seeking justice do not need to register by coming directly to the Kudus District Court.

E-Court is a court instrument as a form of service to the public in terms of registering cases online, estimating fees online, paying fees online, summoning online and online trials, sending trial documents (answers, replicas, duplicates, etc. conclusion). The E-Court application is expected to be able to improve services in its function of accepting online case registrations where people will save time and costs when registering cases.

On the other hand, the Supreme Court has encountered various legal gaps that must be filled immediately considering legal developments, business developments and world developments in general. Laws or statutes often lag behind events that emerge in society. Various developments in business regulations today have shown developments that are far ahead of legal developments. With this legality, you can find various regulations issued by the Supreme Court in the form of Supreme Court Regulations (PERMA) and Supreme Court Circular Letters (SEMA). SEMA's function as a regulatory norm is a free policy product determined by state administration officials in the context of carrying out government tasks.[66]

Formally, SEMA is a form of policy rule that must be complied with by justice administrators, so that it is more binding internally on international regulations. On the other hand, materially SEMA also has implications for the wider community, because the provisions contained in SEMA are the basis for resolving legal problems for justice seekers. As with PERMA Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court, it has been recorded in the State Gazette of the Republic of Indonesia Number 894. With this recording, all Indonesian citizens must legally be considered aware of it.

Electronic procedural law basically makes it easier to seek justice starting from registration, summons and conference processes. On the other hand, this electronic procedural law will also have implications for an effective and efficient litigation process, so that not much time is wasted and not much costs are incurred. There are two things that must be considered about the electronic procedural law system. First, the E-Court system has not changed and does not conflict with existing procedural laws. This change occurred due to the willingness of litigants to conduct proceedings electronically. Second, the E-Court system still provides justice seekers with the opportunity to litigate as usual (manually).

On the other hand, E-Court is an integral part of public information as mandated by Law Number 14 of 2008 concerning Openness of Public Information. E-Court is based on data from the Case Tracking Information System (SIPP) which can be accessed by everyone. Meanwhile, E-Court can be accessed by everyone, where other users and registered users can obtain information about the whereabouts of the cases they are handling. Information openness is currently an important part of the spirit of reform in the field of law and government in general. The Supreme Court has made E-Court a

[66] Hotman,P. 2010. *Asas negara hukum, peraturan kebijakan dan asas asas umum pemerintahan yang baik.* Erlangga, hlm. 22

means of public information regarding access to cases currently being pursued by justice seekers.

Research Methods

The research carried out was research using qualitative methods. As for that What is meant by qualitative research is research that aims to understand phenomena about what is experienced by the research subject as a whole, and with descriptive analysis approach to obtain primary data about something actually occurs in the field and is connected to secondary data obtained from libraries, journals, and written sources. Types of research methods Descriptive analysis was chosen, what is meant by descriptive analysis method isa method that functions to describe or provide an overview of the object under study through data or samples that have been collected as they are without carry out analyzes and make conclusions that apply to the general public.

Analysis and Discussion

1. IMPLEMENTATION OF E-COURT IN ELECTRONIC HANDLING OF COURT CASES IN REALIZING PUBLIC SERVICES IN THE KUDUS DISTRICT COURT

E-court is a form of implementation of a BasedGovernment SystemElectronics (hereinafter referred to as SPBE). SPBE is regulatedin Presidential Regulation Number 952018 concerning Electronic-Based Government Systems. SPBE isadministration of government that utilizes information and communication technologyto provide services to SPBE users. Government administration servicesElectronic-based is a SPBE service that supports internal managementbureaucracy in order to improve government performance and accountability in agenciescentral and local government. SPBE services consist of administrative serviceselectronic-based government and electronic-based public services[67]. E-court is part of the court's efforts to provide easy accessto the community and justice seekers, apart from of course makingcourts are becoming more transparent, effective and efficient.

1) Trial for the electronic answering stage

The Chair of the Assembly determines the trial schedule for the agenda for submitting answers, replicas and duplicates via SIPP. The trial schedule determined by the Chair of the Assembly through SIPP is integrated with e-Court, so that the parties can find out the trial schedule and agenda via e-Court. The parties are obliged to submit answer documents, replicas and duplicates, according to the predetermined hearing schedule. Documents submitted by the parties must be in formal PDF or RTF/DOC form. Parties who do not send electronic documents in accordance with the established hearing agenda, without a valid reason according to law, are deemed not to have exercised their rights, however, if there is a valid reason according to law, the hearing is postponed once.[68]

[67]PeraturanPresiden No.95 Tahun 2018 tentangSistem Pemerintahan BerbasisElektronik.

[68] Peraturan Mahkamah Agung RI Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di
Pengadilan Secara Elektronik; Mahkamah Agung RI, Keputusan Ketua Mahkamah Agung RI Nomor 129/KMA/SK/VIII/2019 Tentang Petunjuk Teknis Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik; Mahkamah Agung RI, Buku Panduan E-Court.

2) Electronic third party intervention
Third parties can submit interventions in cases that are being heard electronically. Third parties who propose intervention are required to participate in the hearing process electronically. If the third party is not willing to convene electronically, the Panel of Judges declares that the request for intervention cannot be accepted through a decision.
The process of examining the intervention lawsuit is carried out electronically in accordance with procedural law provisions. The intervention lawsuit and the parties' responses to the lawsuit are submitted electronically. The Chairman of the Tribunal issues a decision refusing or accepting the intervention plaintiff to become a party in the case. Based on such a determination, no legal action can be taken[69].

3) Trial for the electronic evidence stage
Trials for evidence are held in accordance with the provisions of applicable procedural law. The parties are required to upload stamped proof documents into the e-Court application. The originals and evidentiary documents are examined before the court on the day and date determined by the Chair of the Assembly through the SIPP.

Examination of witness/expert evidence can be carried out remotely at the request of the plaintiff or defendant. The examination is carried out using the court infrastructure at the place where the witness/expert examination is carried out. Witnesses/experts give statements under oath before a substitute judge and clerk appointed by the Chairman of the local District Court. Such trials to examine witnesses/experts must be supported by audio-visual communication media which allows all parties to see and hear each other directly and participate in the trial. The costs incurred in such an examination process are borne by the plaintiff or defendant who wishes.[70]

In District Courts where audio visual facilities are not yet available, the stage of examining witness evidence is carried out as in a conventional trial, namely that witnesses are examined in the trial face to face. And currently all courts designated as pilots for implementing e-Litigation are still conducting conventional witness examinations.

4) The trial for the conclusion stage is electronic
The parties submit their conclusions in the form of electronic documents via e-Court. After the Panel of Judges receives and examines the document, the Panel of Judges verifies the document through the menu available on the e-Court. The conclusion document will be sent to the opposing party when the Chair of the Tribunal closes and adjourns the hearing for the reading of the verdict.

[69] Peraturan Mahkamah Agung RI Nomor 1 Tahun 2019 Tentang Administrasi Perkara dan Persidangan di
Pengadilan Secara Elektronik; Mahkamah Agung RI, Keputusan Ketua Mahkamah Agung RI Nomor 129/KMA/SK/VIII/2019 Tentang Petunjuk Teknis Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik; Mahkamah Agung RI, Buku Panduan E-Court.
[70] Keputusan Ketua Mahkamah Agung RI Nomor 129/KMA/SK/VIII/2019 Tentang Petunjuk Teknis Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik

5) Trial for the stage of reading the decision electronically. The decision/determination is pronounced by the Panel of Judges electronically in a trial that is open to the public. Pronunciation of decisions/determinations via the e-Court application on the public internet network, legally, fulfills the principle of trials being open to the public in accordance with the provisions of statutory regulations.

The reading of the decision/determination is deemed to have been carried out legally by submitting the decision/determination electronically to the parties via e-Court in PDF format. The reading of such a decision/determination is deemed to have been attended by the parties.

If the parties wish, the court can provide a copy of the decision, either in printed or electronic form. Issuance of a copy of the decision/determination is subject to a PNBP fee which can be deposited electronically. A copy of the decision/determination is stated in the form of an electronic document with an electronic signature in accordance with the provisions of laws and regulations regarding electronic information and transactions.[71]

6) Electronic legal remedies

For parties who litigate electronically from the start, they can submit legal remedies electronically. Legal action is submitted within the time limit in accordance with applicable regulations. All stages of handling legal action carried out electronically are also processed electronically, including the issuance of a deed of statement of legal action, notification of statement of appeal/cassation/PK, submission of appeal/cassation/PK memory, submission of counter appeal/cassation/PK memory, inzage, Delivery of Bundles A and B, as well as notification of the appeal/cassation/PK decision, no later than 14 (fourteen) days after the decision was handed down electronically.

E-Litigation cannot be applied in the first trial stage, hearings with mediation results report agendas, and local examination hearings (descente), so that these stages continue to be carried out as regulated in ordinary procedural law, namely that a trial is still held which the parties must attend in person or accompanied by legal counsel. Currently only a few District Courts have been appointed to implement e-Litigation.

2. APPLICATION OF E-LITIGATION TO ACCELERATE CASE SETTLEMENT IN DISTRICT COURTS AND ITS RELEVANCE IN APPROVING E-LITIGATION CASES.

The birth of e-Court is a big leap from all major efforts aimed at making changes to administration and trials in courts. Then followed by the presence of e-Litigation which complements the e Court application. This latest Supreme Court program is very important for justice seekers because it can make it easier for parties to proceed in court, especially at the trial stage, with electronic hearings the parties can carry out the trial agenda. which has been determined without the need to come directly to the courthouse.

[71] Salinan putusan yang demikian memiliki kekuatan dan akibat hukum yang sah, lihat: Mahkamah Agung RI,
Peraturan Mahkamah Agung RI Nomor 1 Taahun 2019 Tentang Administrasi Perkara dan Persidangan di
Pengadilan Secara Elektronik.

The application of e-Litigation has proven to make it easier to carry out judicial process, in accordance with the mandate of Article 4 Paragraph 2 of Law Number 48 of 2009 where justice must be carried out simply, quickly and at low cost. e-Litigation can also reduce the density of visitors at the Kudus District Court service office, as in general courts in cities or provinces experience conditions where almost every day they are always filled with litigants.

It turns out that the implementation of e-Litigation can also have a positive influence on the course of trials, because with the shift to justice seekers conducting trials only by uploading the required documents according to the agenda set out in the court calendar which can be done anywhere, the number of visitors will be smaller. so that the court atmosphere becomes conducive, safe and orderly.

The application of e-Litigation has been proven to speed up the process of resolving cases in court and can improve services to people seeking justice, so as to foster public trust and satisfaction with judicial institutions. Apart from the benefits, the application of e-Litigation is also modernization in the field of litigation, namely by applying information technology to explore the courtroom which has benefits including:

a) Eliminating, namely eliminating unnecessary processes
b) Simplifying, namely simplifying existing processes
c) Integrating, namely combining processes into a process flow
d) Automating, namely changing manual processes to automatic ones using a computer.

With the implementation of e-Litigation, a judge is required to become ideal and professional judge, ideal and professional attitude will encourage the formation of a person who always maintains and maintains the quality of work, and strive to improve knowledge and performance, so that it is achieved highest quality of work results, effective and efficient.[72]

Conclusion

The E-Court Electronic Based Government System (SPBE) is a form of implementation regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Amendments to the Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Electronic Administration of Cases and Trials in Court. It is explained that the judicial information system is all information provided by the Supreme Court to provide services to justice seekers which include administration, case services and electronic justice. In the e-court application there is scope for e-Filling, online down payment, electronic summons. , Electronic conferencing. The use of e-court in handling civil cases at the Kudus District Court has an impact on the efficiency of administering justice as well as providing transparency in the process of seeking justice and encouraging professional, transparent, accountable, effective and efficient law enforcement behavior. The direct impact felt by justice seekers themselves is that through the implementation of e-court, justice seekers can more easily access and control ongoing processes while saving litigation costs. More and more justice seekers are registering their cases manually, most of which use e-court. The research results show that the implementation of

[72] Keputusan Bersama Ketua Mahkamah Agung Ri Dan Ketua Komisi Yudisial Ri 047/Kma/Skb/Iv/2009 02/SKB/ P.KY/IV /2009 Tentang kode Etik Dan Pedoman Perilaku Hakim

Supreme Court Regulation Number 1 of 2019 concerning Amendments to the Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Electronic Case Administration and Trials in Several District Courts has largely been implemented effectively. However, there are still problems with delays in uploading documents to Kudus District Court.

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IMPROVING PUBLIC SERVICES THROUGH THE IMPLEMENTATION OF E-COURT APPLICATIONS

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Abstract:

The rapid development of information technology ultimately requires the adoption of information technology by by the legal authorities of various countries, including Indonesia. e-court is a community oriented legal service for online case registration, e-advance assesment, online advance, online summons, and online trial and submission of court documents (Replik, Duplik, Conclusion, Answer).
Electronic Court (e-Court) is a form of future courts in Indonesia, like courts in other developed countries.The process of handling cases and court services will become easier, faster, cheaper, more transparent and more accountable.The purpose of writing the article is to find out the application of the e-court application in the provision of public services.This article raises the question of how e-court applications can be applied to improve public services.Using a literature review approach, the application of e-court to improve public services is analyzed.The conclusion of this article is that the application of information technology in the administration of justice in Indonesia is an effort by the Supreme Court to implement legal reform through an e-court application to further improve the services provided to justice seekers.

Keywords:

e-court, public services, and information technology

Introduction

As the predecessor of the Supreme Court of the Republic of Indonesia, the Court of First Instance is required by law No.48 of 2009 to carry out the main task of investigation, resolution and resolution of criminal and civil cases in the first instance. As time passes, the workload and responsibilities of the first instance to provide excellent public Services become greater and more difficult.

Therefore, the Court of First Instance must be able to apply developments in society to all aspect of its public services, for example by integrating digital and electronic concepts into the world of bureaucracy that is currently reflected in the implementation of programs. Such as SIPP, e-Court and e-Berpadu. Integrate with the Indonesian court according to the Decree of the Supreme Court of the Republic of Indonesia No. 3 2018 on Electronic Court Proceedings.

The Supreme court has now taken the necessary steps to implement electronic courts (e-courts) in Indonesia's judicial system. These steps testify to the commitment of the Supreme Court to adopt e-Court as a modern form of court that adheres to the principles of speed, simplicity and cheapness.

The implementation of e-law helps realize the vision of the supreme court of the republic of indonesia to become the highest judicial body in Indonesia, section 10 of which implement the judicial reform plan 2010-2035, which is the implementation of a modern integrated information technology-based legal system.In order to realize the vision of the supreme court of the republic of indonesia, it is argued that case trials will be transformed from electronic case reporting to online courts. [73]

Regarding the use of Information Technology, the supreme court and lower level courts have used information technology to assist judges in their work. There are dozens of information systems that support judicial duties; this shows that the level of information technology in human resources at the Supreme Court is very good and deserves to be evaluated positively. The relevant information system is the information system of the supreme court of the republic of indonesia (SIMARI). In addition, in 2018, the Supreme Court issued the Order No. 3 of the Supreme Court on the electonic handling of cases in court, so that law authorities and the public seeking justice are lawful in the use of information technology in court. [74]

In addition, in 2019, the supreme court issued the supreme court regulation No.1 of 2019, which added an electronic judicial mechanism (e-litigation) to the e-court. The advantage of PERMA Number 1 of 2019 is that it allows submission not only of files limited to litigation, but also of rebuttals in the form of copies, duplicates, findings and decision documents. This means that PERMA number 1 2019 more fully regulates the implementation of e-exams. [75]

Therefore, it is necessary to investigate the application of electronic court files to improve public services. This study is necessary to examine the effectiveness of electronic case management in the Supreme Court and lower courts.

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[73] Hary Djatmiko, "Implementasi Peradilan Elektronik (E-Court) Pasca Diundangkannya Perma Nomor 3 Tahun 2018 Tentang Administrasi Perkara Di Pengadilan Secara Elektronik," *Legalita* 01 (2019): 22–32, http://www.uscourts.gov/courtrecords/find-case-pacer.

[74] Djatmiko.

[75] Rakyu Swarnabumi R. Rosady and Mulida Hayati, "Sistem E-Court Dalam Pelaksanaan Peradilan Di Indonesia Pada Masa Pandemi Covid-19," *Jurnal Ilmu Hukum Tambun Bungai* 6, no. 2 (2021): 125–43, https://doi.org/10.61394/jihtb.v6i2.203.

Research Methods

A qualitative literature review method is used for the research work. This research uses a data collection method whose research objects come from books, magazines, encyclopaedias, and scientific journals. Library research is research carried out by critically examining the information, ideas, or observations contained in a research paper. The focus area of library research is various theories, models, principles or ideas that are analyzed to solve formulated research questions.The approach used in this study uses a philosophical approach.A philosophical approach is an approach that refers to a reasonings and information gatherings carried out systematically from a particular perspective.

The source of data used in this study is the primary source of data. Scientific journals related to the implementation of e-court applications are used as the main source of information. The method of data collection used in this study uses the method of documentation. The documentary method is a data collection method in which information related to the problem formulation is sought or extracted from the literature. Information obtained from various sources of literature is collected into one document that can be used to answer various problem formulations.

Analysis and Discussion

Implementation of the e-Court Application

1) Administrative

According to Soepardi, "administration is the entire process of cooperative activities carried out by a group or several people to carry out joint activities together and simultaneously to achieve predetermined goals." [76] The definition of administration is a form of business and activity related to establishing policies to achieve the aims or objectives of an organization. Thus, it can be interpreted that administration plays a central role in the activities of the entire organization. We can learn two important things from this definition of administration:

a. Administration is both an art and a process. As a process and as an art, administration requires something special that is conditional and situational because it is always related to the situation, circumstances, time, and place.
b. Administration emerged along with human civilization, where administration achieved common goals.

e-Court is a service for registered users who can file a lawsuit online, obtain estimates of court costs online, make online payments, make summons via electronic channels, and conduct trials electronically by sending trial documents (Replik, Duplik, Conclusion, Answer). Hopefully this e-court application can improve its services by accepting registered cases online, there by saving the public and the time and cost of registering cases. The scope of the electronic court request is as follows:

1. Online case registration (e-filling).

Online case registration in the e-court application is currently open only for litigation, objections, simple claims and petitions. Case registration is a case registered in the General Court, Religious Court and Administrative Court of the Union, the registration of which requires additional effort and is also the reason for the emergence of electronic justice, one of which is the ease of doing

[76] Imam and Soepardi, *Dasar-Dasar Administrasi Pendidikan* (Jakarta: P2LPTK, 1988), https://api.semanticscholar.org.

business. The advantages of registering cases through the e-court application are as follows:

- ❖ You save time and costs in the case registration process
- ❖ Make deposits that can be made through different channels or from different payment methods and banks
- ❖ Documents are filed properly and available from various locations and different media
- ❖ The data retrieval process is faster

The registration procedure for registered users of Online Court Application is as follows:

a. Registration of registered users:
   - ➢ Select registered users to register at https://ecourt.mahkamahagung.go.id.
   - ➢ User registration
   - ➢ Activation
   - ➢ Login
   - ➢ Complete advocate data
   - ➢ Upload supporting documents for advocates
   - ➢ Verified account

b. Online lawsuit registration

   Online registration of a case in court (e-filling) is a case registered in the general court, religious court and administrative court, the registration of which requires more effort and is also the reason for the creation of an electronic court and is as follows:
   - ✓ Select the court where the case will be filed
   - ✓ Registered users will receive a case registration number
   - ✓ Upload a stamped power of attorney
   - ✓ Fill in the personal data of the parties
   - ✓ Upload case files
   - ✓ Parties data is stored, and the case-down payment process continues

2. Deposit online (e-payment).

Registered users immediately receive a SKUM, which is prepared electronically with the e-court application. In the waiver process, it is calculated based on the cost components defined and determined by the court and the size of the cost radius determined by the chairman of the court, so that the calculated contribution is realized and produces an electronic SKUM or electonic SKUM. Registered users will receive a payment estimate or e-SKUM after receiving a payment number (virtual account) to pay payments as a virtual account.

Usually, when registering a case, the prospective plaintiff or applicant approaches the cashier and shows the lawsuit or petition letter and power of attorney to pay (SKUM). Prospective plaintiffs are required to pay deposit of event fees according to SKUM.

- After registering with the party online
- Preview of case costs
- Power of Attorney to Pay electronically (e-SKUM)
- Obtain a virtual account from the bank
- Get virtual account notifications via email

- Penalise cases according to the amount.

3. Electronic summons (e-summons).
   According to PERMA No. 3 of 2018, summonses are made through e-court. Registered users will be electronically called and sent to the registered user and their electronic home address. However, for the accused, the first court summons is done manually, and when the accused arrives at the first hearing, consent is requested if he agrees to an electronic search based on the given electronic address, and if he does not agree, a court summons is done manually in the usual way.

4. Electronic hearing (e-litigation).
   The e-Court application also supports electronic processing so that court documents such as replicas, duplicates, conclusions and/or answers can be sent electronically to the court and the parties involved.

2) Political
   Paul Janet views political science as the science that regulates state development and the principles of government. [77] Based on this explanation, the indicator of progress towards political goals is the implementation of a bureaucracy that regulates all national regulations. The existence of e-courts has had a big impact on Indonesian politics because e-court innovation has brought significant changes in government services, maximising e-government, which has been massively implemented in every court in Indonesia with the same vision. Republic of Indonesia Supreme Court regulations regarding fast, easy, and low-cost trials. And it will be very helps to minimise the existence of extortion, or KKN, in the supreme court.

Conclusion

The birth of e-court cannot be separated from the Decree No. 3 of the supreme court of the republic of indonesia of 2018 and the Decree of the supreme court of republic of indonesia No.1 of 2019. The electronic court application is the Decree of the Supreme Court of the Republic of Indonesia No.3 of 2018 on electronic proceedings in court and the Decree of the Supreme Court of the Republic of Indonesia No.1 of 2019 on electronic administration cases and trials. Decree of the Supreme Court of the Republic of Indonesia No. 3 2018 and Decree of the Supreme Court of the Republic of Indonesia No. 1 2019 is the reform of the Supreme Court of the Republic of Indonesia and the obligation to implement the reforms According Indonesian law, the role of information technology in the world is synergistic with government services, which include e-filling, e-payment, e-summons, and e-litigation. The presence of electronic court applications in e-courts is a need for global society. The e-court and its connection with the principles of simplicity, speed and cheapness is interesting.

Socializing as much as possible, the e-court used by the court will certainly arouse interest in public services, which act as a link between the community and the government. The network makes it easy to get updates used by relevant government agencies and other private entities. The benefits will be felt when a situation is reached where the public follows existing policies and can easily learn and use technology-

[77] Fajar Tri Sakti, *Pengantar Ilmu Politik, Jurusan Administrasi Publik Fakultas Ilmu Sosial*, vol. 1 (Bandung, 2020).

based government services in the form of e-Courts, which can be used according to the regulations of the related services and quickly use any information services.

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Peratuaran Mahkamah Agung RI Nomor 3 Tahun 2018 tentang Administrasi Perkara di Pengadilan Secara Elektronik

Peraturan Mahkamah Agung RI Nomor 1 Tahun 2019 Administrasi Perkara dan Persidangan secara elektronik

Buku Panduan e-Court Mahkamah Agung RI 2019

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E AUCTION AS A STEP TO MODERNIZE THE MORTGAGE EXECUTION AUCTION

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Abstract:

The Mortgage Execution Auction through e-auction carried out by the State Wealth and Auction Service Office (KPKNL) is a modern auction service innovation to meet the needs of the public electronically influenced by technological developments. E-auction is an effective means to increase investment by bidding without the presence of investors.
This study aims to determine the legal arrangements for the implementation of the auction of execution of mortgage rights through e-auction, especially the implementation of auction elements as well as the principles and objectives of technology utilization.
This research is normative legal research, with a statutory approach. The sources of legal materials used are primary legal materials and secondary legal materials obtained from literature studies. The results showed that the e-auction carried out by KPKNL on the execution of mortgage rights in the form of land and buildings still had obstacles in its implementation.
The results showed that the auction process caused legal consequences for the parties to the auction of execution of mortgage rights via the internet (e-auction), namely the rights and obligations arising between the seller and the buyer. In the implementation of the auction of execution of mortgage rights through the e-auction system, there are several obstacles that hinder the execution and can even cancel the auction that has been carried out. Furthermore, the results of research related to the implementation of the auction of execution of mortgage rights through the e-auction application will provide legal certainty to the parties participating in the auction with the issuance of minutes of auction which functions as written evidence.

Keywords: e-auction, investment, execution of mortgage rights

Introduction

Good governance is a fundamental issue that is intensively discussed in public administration management today. With the advancement of knowledge and technology in Indonesia, the people are gaining trust in the government in order to ensure good governance. (Lukow, 2013) Recently, government development has not been in line with the changing needs of the people. The government's contribution to national development is through electronic government, with e-auctions being the most prominent example. Electronic government is the process of transforming a manual government system into an electronic one. One example is an electronic auction (E-auction), which is a site for buying and selling goods using an electronic application or website. It can be used for execution auctions, mandatory non-execution auctions, and voluntary non-execution auctions. (Novita, 2022) In addition, it can bid online via the internet on a cellular phone without having to be present at the auction or auction office, can be accessed anytime and anywhere because it is more efficient in time, accommodation, and transportation. This online auction is conducted via e-mail so that bidders can bid repeatedly without any interference from outside parties outside the auction, unlike conventional auctions where other people can interfere or participate in bidding on the auction price until the set time runs out.

Auction as one of the other forms of sales where auction sales are carried out in public to fulfill human needs always changes according to the times. (Sinaga, 2023) The development of auctions in Indonesia is increasingly rapid, presenting a modernization of auctions through auction applications or e-Marketplace Auction platforms. Electronic Auction is a form of public service provided by the government. The program, which is a service innovation launched by the Directorate General of State Property, aims to make it easier for auction participants to participate in auctions via the internet without the need to be present at the auction place wherever they are.(Andriana et al., 2023) Based on the Minister of Finance Regulation No. 90/PMK.06/2016 on guidelines for the implementation of auctions with bids in writing without the presence of bidders via the Internet and regulation of the Minister of Finance No. 213/PMK.06/2020 regarding auction Implementation Guidelines, Electronic Auction can provide convenience for auction participants by participating in the auction without the need to be present at the auction place directly.

The transition of people's habits in buying and selling activities that were previously carried out through face-to-face into buying and selling without face-to-face was adapted by the auction mechanism, which conceptually its implementation can be carried out without face-to-face meetings.(Slb-c & Jember, 2020) DJKN as the regulator of auction activities in Indonesia has provided an electronic auction platform through the portal www.lelang.go.id, so far the implementation of the auction through lelang.go.id very effective and managed to increase the frequency of users and transactions through auctions. However, the development of the Times and changes in people's behavior need to be taken seriously, where there has been a tremendous shift in people's habits. (Negara & Lelang, 2021)

Auction in its implementation has 2 functions: private and public. (Effendy, 2013) The private function in the auction is as a means of buying and selling goods that facilitate the flow of goods trade traffic, because the auction is a market instrument that accommodates the wishes of the market in buying and selling. While the public function of the auction is reflected in 3 (three) things, namely securing assets owned / controlled by the state to improve the efficiency and orderly administration of the management of assets owned / controlled by the state; collecting revenue in the form of auction fees; and services for the sale of goods that reflect justice, security and legal

certainty of execution goods, court seizures as part of the legal system in civil, tax and pawnshop. (Rianto et al., 2017)

One of the sales of objects that can be carried out through an auction mechanism is property assets that become collateral for mortgage rights, which later in the implementation of the auction will be referred to as a mortgage execution auction. (Sukmaya et al., 2020) The auction itself occurs if the debtor is in default so that the holder of the Mortgage Rights (creditor) has the right to sell the object of the Mortgage Rights. The bank/creditor conducts credit rescue to assist the debtor in resolving his debt obligations to the bank where if the credit rescue step is unsuccessful, the final step in resolving the problematic credit is by parate execution, namely by public auction and through sales under the hand. (Wijaya, 2021)

Mortgage rights are collateral binding that is often used in the implementation of financing, especially to guarantee collateral in the form of immovable objects that are bound by binding agreements in the form of Mortgage Rights Certificates (SHT) and Deed of Granting Mortgage Rights (APHT) based on the main agreement or credit agreement. Similar to the final goal in other types of auctions, in the case of a mortgage execution auction, it is expected that there will be an auction buyer of the property asset that is the object of the auction. Given the auction activities that can grow the State's economy to achieve prosperity for the community, an acceleration is needed to increase auction enthusiasts which can be done by investing. The existence of an investment opportunity for the utilization of e-auction results is inseparable from challenges such as disputes arising from the resistance of the debtor who owns the property assets to be carried out by the auction of execution of mortgage rights and constraints from the system itself. Based on the description above, the problems raised in this paper are related to the modernization of the implementation of the auction of execution of mortgage rights at the State Wealth and Auction Service Office and obstacles in the implementation.

Research Methods

The approach method used in this research is a normative juridical approach. This approach is used to analyze problems using secondary legal sources, namely legislation or other applicable legal sources. The data collection method used in this research is literature study, which then the data is analyzed descriptively qualitative.

Analysis and Discussion

1. Implementation of Electronic Auctions on Mortgage Objects at KPKNL

   The Industrial Revolution 4.0 with its advanced operating system, namely android, makes the implementation of auctions can now be done almost 100% online. (Sinaga, 2023) The "Lelang Indonesia" application can now be downloaded on each android hand phone from google playstore. Banks as sellers if they want to submit an online auction must have an account on the auction application. Meanwhile, for buyers, the ways and conditions for prospective buyers to take part in the Online auction at auction.go.id can visit and check in advance the collateral object belonging to the bank through the Indonesian Auction Portal "auction.go.id". As soon as you enter the page, you will immediately see several types of items that are auctioned quite diverse ranging from property assets to electronics. Lelang.go.id is an official government website concerning online auctions. The site is managed by the Directorate General of State Assets of the Ministry of Finance in collaboration with several national banks, namely BNI, Mandiri, BTN, and BRI. The site also has an application available on the Play Store. Some types of goods

that are auctioned are quite diverse ranging from property assets such as land, houses, shop houses, factories, hotels, villas, to some necessities such as inventory objects and electronics. The Directorate General of State Assets has set up 71 branches of the State Assets and Auction Service Office (KPKNL) to make it more accessible to the public throughout Indonesia.

The sale of auction assets by the Auction Office will contribute to the State in the form of revenue from auction taxes deposited by investors / buyers of auction assets in the purchase of auction assets in the form of property, namely land, houses, shop houses, factories, gardens and so on. (Sena, 2023) In addition to revenue for the state, investors (buyers) also benefit from purchase prices that are relatively cheaper than market prices, which are generally lower than market prices. By utilizing an online system, bidders / investors are facilitated to take part in the auction and ultimately investors benefit in time efficiency, fast and low cost. Bidders who wish to invest in the purchase of auction assets are open to Indonesian citizens or business entities, while foreign citizens can invest in Indonesia. (Dachroni et al., 2019)

The implementation of auctions via the internet/e-auction with the implementation of conventional auctions has the same series of stages, namely auction preparation, auction implementation, and post-auction. It's just that there are differences in the system at the auction implementation stage. The implementation of the auction at e-auction is carried out by bidding in writing without the presence of bidders via email or the internet. (Noviandra et al., 2020) The absence of bidders makes e-auction not only more competitive but also more objective in its implementation.

The implementation of e-auction can be done with two ways of bidding:(Mafita, 2020) 1. Closed bidding, where bids submitted by bidders can only be known by other bidders after the bid list is opened by the Auction Officer 2. Open bidding, where bids submitted by bidders can be known by other bidders who have submitted bids. The Auction Officer can determine the winner of the auction after the auction is completed and there are bids, witnessed by the Seller, 1 (one) witness from the internet auction organizer, and 1 (one) witness from the seller. The system automatically sorts incoming bids based on bid value and bid entry time. (Bmn et al., 2018) In the mortgage execution auction, using a closed bidding method, so that participants do not know each of the bids written and the highest price will be known after the auction ends. This makes the price more competitive and fairer in determining the winner.

The implementation of the Mortgage Rights Execution Auction has been regulated in the Decree of the Minister of Finance Number 27/PMK.06/2016 concerning Guidelines for the Implementation of Auctions. The implementation of an auction of property collateral bound by Mortgage Rights is basically part of the execution of debt collateral by a creditor that has been pledged by the debtor and has been installed with Mortgage Rights by the creditor. The method of execution of debt collateral in principle depends on the type of collateral provided by the guarantor debtor. Material security (zakelijke zekerheidsrechten) is different from personal security (persoonlijke zekerheidsrecht). In principle, for material guarantees, execution can be carried out both by underhand sales and auction sales, while individual guarantees for execution must be carried out by civil lawsuit. (Kuncoro et al., 2023)

The scope of execution referred to below is only regarding the execution of material security. In this study, auction sales are focused on the notion that is

closely related to auctions conducted by the court. The approach is more directed to the atmosphere of auction sales that are closely related to the judicial function. If Article 200 paragraph (1) HIR (Herziene Inlands Rechtlement) or Article 215 paragraph (1) RBG is associated with Article 1 of the Auction regulation (LN 1908 N0 189), the actual meaning of auction sales will be found, which can be detailed as follows:(Pemerintah Republik Indonesia, 1996)

Public sale of the defendant's property that has been seized by execution. Or in other words, selling in public the confiscated goods belonging to the defendant (debtor);

Public sale (auction) may only be carried out in front of the auctioneer, in other words, the auction sale is carried out with the mediation or assistance of the auction office (auctioneer); and

The method of sale is by increasing the bid price, or decreasing it through a written bid (bid by registration)..

In the execution of mortgage rights through parate execution, the auction process is directly to the State Wealth and Auction Service Office for the auction process to the Head of the State Wealth and Auction Service Office. (Julianti, 2022) The implementation of online auction (e-auction) with the object of mortgage rights at the State Wealth and Auction Service Office is carried out through the following stages:

First, the Auction Preparation / Pre-auction Stage.

Normatively based on the applicable laws and regulations, the preparation/pre-auction stage includes actions such as:

application for Auction to KPKNL by the seller (Bank as the creditor holding the mortgage right). The application for auction is addressed to the Head of the local KPKNL in accordance with the area of the object of the mortgage. The auction application is equipped with auction files which include an application letter, auction limit determination letter, seller's statement letter, certificate of debtor's debt amount, Certificate of Property Rights (SHM), Mortgage Rights Certificate (SHT), Deed of Granting Mortgage Rights, credit agreement, asset valuation / appraisal report, and photos of the object of mortgage rights uploaded to the KPKNL website, namely www.kpknl.go.id .

Application Verification by KPKNL

Verifiers from KPKNL check the suitability and completeness of the files that have been uploaded by the seller on the KPKNL website, then provide feedback in the form of application status updates.

Determination of Place and Schedule of Auction from KPKNL.

KPKNL provides a letter determining the schedule and place of the auction which can be downloaded on the KPKNL website, then the seller is obliged to make an auction announcement published in the printed media newspaper.

Second, the Auction Implementation Stage. Normatively based on the applicable laws and regulations, the implementation stage of this auction is to cover actions in the form of:

Implementation of the Auction,

The auction is conducted by closed bidding where the bids submitted by bidders can only be known by other bidders after the bid list is opened by the Auction Officer. Bidders must previously be registered and verified

in the KPKNL system / application and have deposited a security deposit to be able to bid.

Determination of the Auction Winner/Buyer.

The auction official determines the auction winner with the highest bid on the object of the mortgage auction. Then, the auction participants get an email announcement of the auction results. For the winner of the auction, it is required to pay off the payment according to the bid price, while for the losing participant, the security deposit will be transferred back to the registered account.

Third, the Post-Auction Stage.

Normatively based on the applicable laws and regulations, this post-auction stage covers actions such as: Payment and Deposit of the auction price, Submission of Ownership Documents and Preparation of Minutes of Auction.

2. Obstacles in Electronic Auctions on Mortgage Objects at KPKNL

E-auction in its implementation involves various parties from the auction application process by the seller to the management of ownership transfer. The utilization of technology in the auction process has advantages as in the Minister of Finance Regulation number 90 / PMK.06 / 2016 the implementation of the Auction with a written bid without the presence of bidders via the internet has advantages including: (Wijaya, 2021)

a. Provide fast service for auction applicants and interested parties;
b. Providing certainty for auction enthusiasts/participants to participate in auction activities;
c. Eliminate the auction mafia or those who are not serious who have certain interests in auction activities.
d. Auction activities can be followed by many enthusiasts / bidders so that the price formed becomes optimal;
e. Auction activities become transparent in determining the terms of the auction and time efficiency;

Besides these advantages, the e-auction process has the following obstacles:

a. The system on the website has a duration of 5 minutes, so it locks up too quickly. This hampers website users because they have to log in again.
b. Request for Auction rejected by KPKNL
   The auction application can be rejected if there are file discrepancies, file deficiencies, or the auction limit value is too low. In the event that the auction application is rejected by KPKNL, the seller does not get an offline notification letter. This requires the seller to always double-check the application process on the website.
c. Cancellation of the auction either from the seller (bank) or from the KPKNL. Based on Article 30, the auction official may cancel the auction for the following reasons:(Peraturan Menteri Keuangan RI, 2020)
   1) SKT / SKPT for the implementation of the auction of goods in the form of land or land and buildings does not yet exist;
   2) the goods to be auctioned are in the status of criminal confiscation or criminal block from the investigating agency or public prosecutor, specifically for Execution Auction;

3) there is a lawsuit over the plan to conduct an Article 6 UUHT Execution Auction from a party other than the debtor/executor, husband or wife of the debtor/executor related to the ownership of the auction object;
4) The goods to be auctioned are in the status of bail confiscation or execution confiscation or criminal confiscation, specifically for non-execution Auction;
5) does not fulfill the Formal Legality of the Auction Subject and Object;;
6) The Seller is unable to show or submit the original documents of ownership of the Goods to the Auction Officer as referred to in Article 21;
7) the Auction Announcement carried out by the Seller is not in accordance with statutory regulations;
8) force majeur;
9) technical disturbances that cannot be overcome in the implementation of the auction without the presence of participants;
10) the Limit Value stated in the Auction Announcement does not match the Limit Value determination letter made by the Seller; or

d. Lawsuit

The reasons for the auction respondent (debtor) to file a civil lawsuit on the implementation of the auction in court are as follows:

1) Low Bid Price.
   The reason that the bid price is too low is the most frequent and most common reason submitted by the Auction Respondent in civil lawsuits. KPKNL has standards or requirements if the auction activity whose auction object exceeds or is above the value of Rp.1,000,000,000, - (one billion rupiah) must include an appraisal / assessment from the Appraisal Services Office;
2) Implementation of the Auction is not followed by notification to the Auction Respondent;
   If there is an Auction Implementation and is not followed by notification to the Auction Respondent / debtor, the Auction Implementation can be canceled due to non-fulfillment of the requirements specified in PMK Number 27 / PMK.06 / 2016 concerning Auction Implementation Guidelines;
3) Completeness of documents that have not been included such as Land Certificate (SKT) or Land Registration Certificate (SKPT) from the local Land Agency.

Conclusion

Based on the explanation above, it can be concluded that:

1. The implementation of online auctions on property collateral that has been bound by mortgage rights is carried out through pre-auction to post-auction stages. At the pre-auction stage, the seller submits a request for determination (aanmaning) by the bank to the KPKNL through the KPKNL website. This determination is a warning to the debtor and/or collateral owner to carry out their obligations as in the Credit Agreement. The request for determination must be accompanied by relevant evidence such as a credit agreement, evidence stating that the debtor has defaulted, certificate of Mortgage or Mortgage, the amount of debtor's debt. The implementation of the auction goes through the stages of determining the execution seizure by the court and will be followed by the preparation of the minutes of the seizure (the laying of the seizure by the bailiff).

2. The obstacles or challenges in investing in auction assets are:
   a. The e-auction system that still needs improvement.
   b. Request for auction rejected by KPKNL
   c. Cancellation of the auction before the auction due to the seller's request or based on the determination or decision of a judicial institution;
   d. The existence of legal efforts in the form of lawsuits, resistance, rebuttal filed by the debtor who owns the collateral.

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"LEGAL TRANSFORMATION: PERSONAL DATA PROTECTION AS A CENTRAL ASPECT IN THE CONTEXT OF MODERN TECHNOLOGY"

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Abstract:

The development of information technology in the digital era challenges and opens up new opportunities for the legal framework that regulates the protection of personal data. This paper details research that aims to investigate the synergy between law and technological developments, with a focus on the implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia. The paper's introduction discusses the evolution of law in the face of dynamic technological change and underscores the pressing importance of personal data protection in an era of rapidly developing innovation.

The research method uses document analysis, especially the Personal Data Protection Law, and literature studies to gain an in-depth understanding of the global context of implementing similar regulations. This research discusses key aspects, including principles, types of personal data, data subject rights, data processing, and obligations of personal data controllers and processors, forming the basis for a holistic understanding of the applied legal framework.

The research results confirm that the Personal Data Protection Law provides a solid legal foundation for protecting individuals' personal data. These regulations not only respond to the needs of modern technology but also maintain the right balance between innovation and individual constitutional rights.

The paper's conclusion highlights the urgency of proactive and adaptive regulation in dealing with the dynamics of information technology. Synergy between law and technological development can be achieved through a comprehensive regulatory framework, ensuring the protection of personal data as a human rights principle. This research provides an in-depth

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	and holistic view of the critical role of law in managing the convergence between technological developments and personal data protection, making a meaningful contribution to the understanding of legal practitioners, policy makers and academics. In addition, this research is expected to become an important basis for formulating policies and developing regulations at the national and international levels to face the ever-growing challenges in the realm of personal data protection. **Keywords:** Personal Data Protection, Law and Technology, Implementation of Laws, Human Rights, Dynamics of Information Technology

Introduction

The development of technology, information and communication has rapidly changed the way information and data are distributed. Initially, the internet was only used to publish one-way information, but over time, the pattern became more interactive and developed into a means for transactions. The use of open network architecture in exchanging information allows data to pass across national borders (cross-border). Increasingly advanced computer and internet systems make searching and sharing information easier.

The economic benefits and value of data have made the collection and processing of personal data even greater. Information has high economic value because not all parties are able to process raw data into information that meets their needs. Therefore, data creates an important competitive advantage for anyone, so data is considered the “new oil” (Economist, 2017). In the industrial economic era of the 21st century, dependence on data is very significant.

However, data collection and processing also carry risks to privacy. Personal data is easily exposed and transferred without permission, especially with cross-jurisdictional data flows, which is a concern, especially from a national security perspective. With globalization and technological developments, regulations at the national level alone are not enough; there is a need for regulation at the international level.

Personal data protection is increasingly becoming a concern at international, regional and national levels. International and regional organizations publish guidelines for member countries, such as The OECD Privacy Framework from the Organization for Economic Co-Operation and Development (OECD) in 1980 which was revised in 2013. At the ASEAN regional level, the Framework on Personal Data Protection was agreed upon in the ASEAN Telecommunications and Information Technology Ministers Meeting (Telmin).

Not only business actors in the private sector are involved in collecting and processing personal data, but the state also has a role in aspects of people's lives. With the e-government concept, technology becomes an intermediary in the relationship between the state and citizens. The smart city concept also raises issues related to information distribution policies and legal protection.

In Indonesia, violations of the use of personal data often occur. For example, in the banking sector, customer personal data can be exchanged through a sharing system, and in the health sector, patient data can be sold or disclosed without permission. On online transportation platforms, consumer telephone data is often used for inappropriate purposes, even to threaten consumers. In online shopping transactions, the use of cookie technology can be used to track consumer shopping preferences and location.

With the growth of internet users in Indonesia continuing to increase, personal data breaches are likely to increase as well. As a legal state, Indonesia is obliged to protect human rights, including the right to privacy. Therefore, this article aims to provide an overview of personal data protection regulations in Indonesia against the backdrop of the increasing potential for personal data breaches.

The development of information technology in the digital era has challenged and opened up new opportunities for the legal framework governing personal data protection. This encourages the need for in-depth research to investigate the synergy between law and technological developments, with a focus on the implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia. This paper aims to detail the evolution of the law in the face of dynamic technological change and

underscores the pressing importance of personal data protection in an era of rapidly developing innovation.

Implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia is the main focus of this research. This law is an important legal basis for regulating the protection of personal data amidst the dynamics of increasingly advanced information technology. In this context, the research will examine in depth how the law is implemented in practice, as well as its impact on personal data protection in Indonesia.

Apart from that, this research will also look at the evolution of law in the face of dynamic technological changes. This includes changes in the legal paradigm governing personal data protection, as well as legal responses to new challenges arising from developments in information technology.

In the context of the urgent need to protect personal data in an era of rapidly developing innovation, this research will provide a comprehensive picture of how the law can adapt to technological developments to protect individuals' personal data. This is very important considering the value and sensitivity of personal data in an increasingly complex digital ecosystem.

Thus, this research will provide a significant contribution in enriching understanding of the synergy between law and technological developments, especially in the context of personal data protection in Indonesia. In addition, it is hoped that this research can provide constructive recommendations for improving the existing legal framework to face the challenges of personal data protection in an era of ever-growing innovation.

Research methods

This research method uses document analysis, especially the Personal Data Protection Law in Indonesia, to explore key aspects such as principles, types of data, data subject rights, data processing, and obligations of data controllers and processors. Literature studies are also involved to gain global insight into the implementation of similar regulations. By combining document analysis and literature study, this research forms the basis of a holistic understanding of the legal framework for personal data protection in Indonesia and provides a global context to gain a broader perspective.

Analysis and Discussion

The mandate of Law Number 27 of 2022 firmly emphasizes that personal data protection is not just the government's responsibility. Rather, it summarizes all efforts made to protect personal data in the course of data processing, with the main aim of guaranteeing the constitutional rights of personal data subjects. Therefore, investigations in analyzing the implementation of this law need to involve an active role from the government, especially through the Electronic Based Government System (SPBE), and the private sector as a party that also has an important role in the data protection ecosystem.

Analysis of the Implementation of Law Number 27 of 2022: Understanding the Dynamics of Law, Technology and Individual Needs.

In analyzing the implementation of Law Number 27 of 2022, a deep understanding of the legal landscape, technology and individual needs in the digital era is key. The digital era has changed the paradigm of interactions, transactions and information storage, triggering an urgent need to protect personal data. Previously, data protection may not have reached this focal point due to technological limitations. However, today,

information technology and the internet have changed the way data is collected, stored and processed with unprecedented efficiency.

Personal Data Protection in the Context of Globalization and Digitalization
Along with globalization and digitalization, the implementation of Law Number 27 of 2022 is a critical basis for responding to these changes. This regulation provides a clear framework on how personal data should be managed, stored and processed. It is important to note that the responsibility lies not only with the government through SPBE, but also with the private sector which contributes to developing policies and best practices in personal data protection.

Solid Data Protection Principles
Law Number 27 of 2022 has a solid legal foundation, carries comprehensive and progressive data protection principles. Individual rights, such as the right to know about the use of personal data, the right to have inaccurate information corrected, and the right to erasure in some cases, form an integral part of this legal framework.

Government and Private Contributions in Realizing Optimal Protection
In pursuing optimal protection, cooperation between the government through SPBE and the private sector is essential. While SPBE can improve the efficiency of personal data management, the private sector also has a role in implementing best practices and generating innovations that support personal data protection.

The main difference between personal data protection in the digital era and before is the scale and complexity. In previous eras, personal data might only be stored in limited physical formats, such as documents or written notes. However, in the digital era, personal data can be easily copied, stored and transferred without significant physical restrictions. This poses greater risks related to data privacy and security.

The main benefit of personal data protection is maintaining individual privacy and security. By regulating how personal data is collected and used, these laws help prevent the abuse and misuse of personal information. In addition, personal data protection is also important to build trust between individuals and organizations that collect data. By ensuring that personal data will be managed securely and responsibly, individuals will be more inclined to share information necessary to improve services or products.

In addition, personal data protection also contributes to sustainable economic development. By setting clear standards for data management, this law helps create an environment conducive to innovation and business growth. Organizations that comply with these regulations tend to be more trusted by consumers and business partners, which can improve their reputation and expand market opportunities.

However, it is important to remember that personal data protection is not just about restricting access or use of data. These regulations must also be balanced with the need for innovation and technological development. One of the key aspects of Law Number 27 of 2022 is that it not only addresses the needs of modern technology, but also maintains the right balance between innovation and individual constitutional rights.

For example, these regulations may require organizations to seek consent before collecting or using personal data, but also provide flexibility for use of data as necessary for legitimate business purposes. This means that while individuals have more control over their personal information, businesses can still use that data to improve services or develop new products.

Additionally, these laws may also include provisions for strong data security, such as obligations to protect data from unauthorized access or leaks. This not only protects individual privacy, but also helps prevent financial or reputational loss for organizations vulnerable to cyber-attacks.

In this context, personal data protection is not only a legal issue, but also an important part of sustainable social and economic development. By regulating how personal data is managed and protected, these laws help create a safe and trustworthy environment for individuals and organizations. Therefore, the implementation of Law Number 27 of 2022 concerning Personal Data Protection is an important step in maintaining a balance between technological innovation and individual rights in the ever-growing digital era.

In this paper, there are several contributions and novelties in the analysis of the implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia:

1. **Merging Legal and Technological Perspectives:**The analysis combines legal and technological perspectives to understand the impact of personal data protection regulations in the context of the digital era. This is important because personal data protection is not only a legal issue, but is also closely related to the development of information technology.
2. **Emphasis on Solid Legal Foundations:**The paper highlights the importance of a solid legal foundation in protecting individuals' personal data. This includes a discussion of the comprehensive and progressive data protection principles required in the law.
3. **Comparison Between Digital Era and Previous:**The analysis compares personal data protection in the digital era with before to highlight differences in scale and complexity. This helps readers to understand why personal data protection regulations are becoming increasingly important in the context of rapidly developing information technology.
4. **Emphasis on the Benefits of Personal Data Protection:**The paper highlights the benefits that can be gained from protecting personal data, including safeguarding individual privacy and security, as well as contributing to sustainable economic development. This helps strengthen the argument about the importance of implementing personal data protection laws.
5. **The Importance of Balance between Innovation and Individual Constitutional Rights:**The analysis highlights that personal data protection regulations are not only about restricting access or use of data, but also about striking a balance between innovation and individuals' constitutional rights. This provides insight into how the law is designed to support technological development while protecting individual rights.

Regulations on Personal Data Protection also have an important role in maintaining a balance between the need for modern technology and the protection of individual constitutional rights. There are several ways in which this regulation can achieve these goals:

1. **Proportional Settings:**Personal data protection regulations should be designed in such a way that they reflect the need for privacy protection that is proportionate to the risks involved. This means that the rules implemented should not be a disproportionate barrier to technological innovation. Instead, they must ensure that data use is carried out in a safe and responsible manner without hindering the development of innovative technologies.

2. **Flexibility Principle:**Personal data protection regulations must take into account the need for flexibility in the face of rapid technological developments. This can be achieved by adopting principles that leave room for organizations to innovate and use data for legitimate purposes, while ensuring that individual rights are respected and protected.
3. **Individual Empowerment:**Such regulations should give individuals the power to control their own personal data. This includes the right to provide consent for the use of their data, the right to access and correct inaccurate data, and the right to delete data in some cases. By giving individuals greater control, these regulations enable technological innovation that respects individual privacy and interests.
4. **Open and Open Framework:**Personal data protection regulations should create a framework that is open and welcoming to various parties, including governments, businesses and civil society. This allows for active involvement in rule development and enforcement, as well as ensuring that diverse perspectives are considered in the decision-making process.
5. **Collaboration between Institutions and Countries:**These regulations should encourage cooperation between institutions and countries in law enforcement and data protection. This is important to overcome complex challenges related to personal data protection in the context of globalization and the cross-border internet.

By taking these principles into account, regulations on Personal Data Protection can maintain the right balance between technological innovation and individual constitutional rights. This makes it possible to create an environment that supports innovative technological developments while ensuring that the privacy and interests of individuals are respected and protected.

The results of literature studies and various interviews conducted show that there are various obstacles and problems in implementation. Although Law Number 27 of 2022 marks a step forward in protecting personal data in Indonesia, several obstacles and problems may arise in the implementation process:

1. **Awareness and Compliance**: One of the main challenges is awareness and compliance from stakeholders, both from the government and private sectors, with the provisions of the Law. A lack of understanding of the importance of personal data protection and the obligation to comply with regulations can hinder an effective implementation process.
2. **Resource Limitations**: Implementation of the personal data protection law requires sufficient resources, both in terms of technology, human resources and finance. For organizations, especially small and medium sized ones, these limitations can be a significant obstacle in complying with the provisions of the Law.
3. **Unclear Boundaries and Responsibilities**: The lack of clarity in the boundaries and responsibilities between data controllers, data processors and third parties can confuse and complicate the implementation of personal data protection laws. This can result in legal uncertainty and undesirable consequences.

Solutions and Efforts to Overcome Obstacles

To overcome these obstacles, several solutions and efforts that can be taken include:

1. **Increased Awareness and Education**: Public campaigns and educational programs aimed at increasing awareness of the importance of personal data protection and understanding of the provisions of the personal data protection law are essential. This can be done by the government, non-government organizations and the private sector.
2. **Technical Assistance and Resources**: The government can provide technical assistance and resources to organizations, especially small and medium-sized ones, to help them comply with the provisions of the personal data protection law. This could be training, consulting, or access to needed technology.
3. **Clarification of Regulations and Implementation Guidelines**: The government needs to issue more detailed guidelines and regulations to explain the limitations and responsibilities set out in the personal data protection law. This will help reduce legal uncertainty and make it easier for the parties involved in implementation.

Conclusion

In this increasingly complex digital era, personal data protection has become a crucial issue that requires appropriate responses from governments, businesses and society. By analyzing the implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia, we highlight the importance of strong and comprehensive regulations in protecting individual privacy while promoting technological innovation.

In this paper, we find that personal data protection regulations provide a solid legal foundation for protecting individuals' constitutional rights related to data privacy and security. The principles contained in this law, such as the right of individuals to control their personal data and the obligation of organizations to protect data securely, form a solid basis for an effective data protection policy.

Apart from that, we also realize that these regulations must be balanced with the need for technological innovation. Therefore, it is important to implement proportional and flexible rules that enable innovative technological developments while ensuring that individual rights remain respected and protected.

Thus, the implementation of Law Number 27 of 2022 concerning Personal Data Protection in Indonesia is an important step in maintaining the right balance between innovation and individual constitutional rights in the ever-developing digital era. These regulations not only address the needs of modern technology, but also ensure that the privacy and security of individual data remains a top priority in an increasingly connected and technology-dependent society.

Obstacles and problems in implementing Law Number 27 of 2022 concerning Personal Data Protection in Indonesia require comprehensive and collaborative solutions from various stakeholders. With increased awareness, adequate resource allocation, and clear regulations, it is hoped that the implementation of the personal data protection law can run more smoothly and effectively, so that individual rights in personal data protection can be properly guaranteed.

Therefore, we propose that the implementation and enforcement of Law Number 27 of 2022 concerning Personal Data Protection must continue to be encouraged and strengthened, taking into account rapid technological developments and the increasing need for privacy. Only then can we create a safe, fair and sustainable digital environment for all individuals and organizations.

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LEGAL ANALYSIS OF MAYANTARA CRIMES "NON-CONSENSUAL INTIMATE IMAGE"

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Abstract:

This research aims to analyze the law related to online-based violence (GBV), one of which is non-consensual intimate image (NCII) or the distribution of image/video with non-consensual intimate content. This crime is the most common crime related to online based sexual violence. Based on data released by SAFEnet or a civil society organization that fights for digital rights. In the third quarter of 2023, there were 275 cases of online based sexual violence which experienced an an increase of 46.18% compared to the last year in the same of three months. The most case were related to NCII which reached 48,36% of the total cases. For that, this topic is interesting to analyze the research method in this article uses the normative juridicial method, namely research based on literature and legal rules on non-consensual intimate image (NCII) mayantara crimes. The result show that online Gender-based Violence has been regulated through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law number 01 of 2024 revision number two concerning ITE, and even law number 44 of 2008 concerning about pornography. The Criminal Act of sexual violence is a new law that is expected to provide better than legal certainty. But in the practice, this law is still rarely to use by law enforcement and more prefer to use the ITE law. Unfortunately, the clause in the ITE Law used to ensnare perpetrators of non-consensual intimate image through the ITE law, often cause victims to participate or vulnerable to be criminalized. So that, there is a need for legal harmonization to ensure that victims who suffer a lot of losses can be truly protected and do not experience revictimization.

Keywords:

Mayantara Crimes, NCII, Sexual violence

Introduction

UNHCR adopts the IASC definition of Gender based violence (GBV) as ‘an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.(UNHCR, 2021)

In the midst of increasingly sophisticated technological developments and the wide reach of the internet, as well as the popular use of social media. It has presented new forms of Gender-based violence, which has come to be known as online gender-based violence. As with real gender-based violence, the act of violence must have the intention of harassing the victim on a gender or sexual basis. This demarcation is neccesarry to distinguish gender-based violence from common violence in syberspace.

Cases of GBV in Indonesia continue to increase every year. According to Komnas Perempuan's Annual Report 2022, there were 1,721 cases or an 83% increase from the previous year. Some types of Online Gender-Based Violence are (Dian, 2023) :

1. Cyber grooming: the act of someone trying to manipulate others into feeling powerless by building trust,
2. cyber hacking: the act of taking over someone else’s account,
3. Cyber harassment: acts of harassment with the intent to frighten or threaten others,
4. cyber flashing: the act of recording or sending pictures and videos of genitals and sex acts online without consent,
5. Cyber surveillance: the act of terrorizing or threatening others repeatedly in the form of unwanted and uncomfortable texts, images, or videos,
6. impersonating: the act of taking a victim’s data and creating a fake account in the victim’s name for specific purposes such as fraud, embarrassment, or humiliation,
7. morphing: The act of altering an image or video by adding someone else’s face in order to damage the reputation of the person in the image or video.
8. online defamation: The act of spreading inappropriate information with the aim of damaging one’s reputation and intentionally misleading others, regardless of the truth of the information.
9. Non-consensual intimate image: the act of spreading intimate content in the form of pictures or videos of the victim by the perpetrator to threaten or intimidate the victim to comply with the perpetrator’s wishes,
10. Sexting: the act of sending or uploading sexualized images, and
11. Sextortion: the act of abusing power for sexual gain.

Based on research conducted by the association for progressive communication (APC) there are 3 types of people who are most at risk of experiencing or being victims of online gender-based violence, namely someone involved in an intimate relationship, a professional who is often involved in public expression: including activists, journalists, writers, researchers, musicians, actors, or anyone with a public profile, and survivors of physical assault. Online gender-based violence is a very serious crime and has varied impacts on victims, ranging from psychological harm, social isolation, economic loss, limited mobility, and self-censhorip (Kusuma & Arum, 2020).

Based on the types of online gender-based violence that the author has mentioned above, one of the most common forms of crime is Non-Consensual Dissemination of intimate image (NCII). Through data released by SAFEnet, it is known that in the third

quarter of 2023, there were 257 complaints of online gender-based sexual violence, which increased 48.18% compared to last year in the same three months. The most complaints were related to NCII cases which reached a percentage of 48.36% of the total complaints. (Muhajir, 2023). Then, what exactly is Non-Consensual Disseminaation of intimate image (NCII)?

NCII is basically a replacement term for Revenge porn. This is because the term revenge porn implies that the perpetrator disseminates the victim's intimate content, out of revenge and ostensibly because the victim committed a mistake or crime first (Evans, 2018). Dengan kata lain, "revenge porn" merupakan sebutan atau istilah yang dianggap menyalahkan korban dan gagal memberikan keberpihakan kepada korban. is basically a replacement term for Revenge porn. This is because the term revenge porn implies that the perpetrator disseminates the victim's intimate content, out of revenge and ostensibly because the victim committed a mistake or crime first (Cakrawikara, 2022).

From the three forms of NCII that the author mentioned above, a common thread can be drawn that the perpetrators of NCII can be friends, partners, close people and even unknown people. Regarding the second form of NCII, victims are often blamed and negatively stigmatized by society because they are considered to have contributed to creating intimate content. In addition to being considered a victim of guilt for "contributing", the victim is also considered a perpetrator. What needs to be underlined is that when someone gives their intimate content to another person, it does not mean that the person can spread the content to the public or third parties.

In NCII cases, often the perpetrator forces and blackmails the victim to do or not do something according to the perpetrator's will. If the victim does not comply with what the perpetrator asks, the perpetrator will threaten to spread the intimate congenital to the victim's relatives, friends, parents, or even to the public. The impact experienced from this of course can vary, ranging from embarrassment, trauma, depression, self-harm, to the most fatal is to commit suicide.

Non-consensual dissemination of intimate images is a real form of crime committed in the cyber world. Therefore, it requires serious attention and action against the crime and protection of victims. Because of this, in this paper, the author wants to analyze how positive law in Indonesia in the case of NCII? Then, how is also the protection and fulfillment of rights for victims of NCII crimes?

Research Methods

Metode penelitian yang digunakan dalam penelitian ini ialah normatif legal research atau dalam bahasa belanda, normatif juridish onderzoek (Rifa'i et al., 2023). This research is commonly referred to as doctrinal legal research. Often this research is conceptualized as what is written in the laws and regulations (Efendi & Ibrahim, 2018). Researchers attempt to collect and then analyze the law, along with relevant legal norms. Normative juridical legal research can be defined as research that asks whether the law in a particular jurisdiction (Tan, 2021). Juridical-normative legal research (also known as doctrinal legal research) can be interpreted simply as research that asks whether the law in a particular jurisdiction (Sonata, 2014).

Analysis and Discussion

1. Analisa Hukum Kejahatan Non-consensual dissemination of intimate image dalam Hukum Indonesia

The distribution of intimate content without consent or NCII is a form of online gender-based violence (GBV) that has become a global phenomenon today. This form

of violence is also known by other terms, such as Sextortion, Image-based abuse, Revenge porn, Image-based sexual abuse, or Intimate image abuse (Kusuma & Veda, 2020).

Non-consensual dissemination of intimate images that have varied impacts on victims ranging from embarrassment, trauma, depression, self-harm, to the most fatal is committing suicide needs to get serious attention for the protection of victims and reduce the number of cases that are classified as large for NCII itself in Indonesia.

In positive law in Indonesia, perpetrators of NCII crimes can be charged through Law No. 44 of 2008 on pornography, Law No. 1 of 2024 on the second amendment to Law No. 11 of 2008 on Electronic Information and Transactions, and Law No. 12 of 2022 on Sexual Violence.

Law No. 44 of 2008 on Pornography related to NCII crimes may include violating Article 29 which states that

> "Every person who produces, makes, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, sells, rents, or provides pornography as referred to in Article 4 paragraph (1) shall be punished with imprisonment for a minimum of 6 (six) months and a maximum of 12 (twelve) years and/or a fine of at least Rp250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp6,000,000,000.00 (six billion rupiah)."

Article 4 paragraph 1 referred to in the wording of article 29, has a prohibition that every person is prohibited from producing, making, reproducing, duplicating, disseminating, broadcasting, importing, exporting, offering, selling, renting, or providing pornography that explicitly contains:

a) Sexual intercourse, including deviant sexual intercourse
b) Sexual violence
c) Mastrubation
d) Nudity or the appearance of nudity
e) Genitals, or
f) Child pornography.

Meanwhile, in Law Number 1 of 2024 concerning ITE, related to NCII crimes can be categorized as violating Article 27 paragraph (1) in conjunction with Article 45 which reads in the form of:

Article 27 paragraph (1)

> "Every person intentionally and without the right to broadcast, show, distribute, transmit, and/or make accessible Electronic Information and/or Electronic Documents that have content that violates decency for public knowledge."

Article 45 paragraph (1)

> "Every person who intentionally and without right broadcasts, shows, distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency for public knowledge as referred to in Article 27 paragraph (1) shall be

punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rpl,000,000,000.00 (one billion rupiah)."

Then, in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, online gender-based violence, one of which includes NCII, is regulated in article 14 paragraphs (1) to (2) which reads

Article 14 paragraph (1)

"(1) Any person who without right:

a. Recording and/or taking pictures or screenshots of sexual content against the will or without the consent of the person who is the object of the recording or pictures or screenshots;
b. Transmitting electronic information and/or electronic documents with sexual content against the will of the recipient which is aimed at sexual desires; and/or c. Conducting stalking and/or tracking using electronic systems against the person who is the object of electronic information/documents for sexual purposes, Shall be punished for committing electronic-based sexual violence, with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp200,000,000.00 (two hundred million rupiah)."

Article 14 paragraph (2)

"In the event that the act as referred to in paragraph (1) is committed with intent:

a. To commit extortion or threaten, coerce; or
b. Misleading and/or deceiving a person into doing, allowing to be done, or not doing something, shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp30O,0OO,00O,0O (three hundred million rupiah).

Of the three laws above, the Law on Sexual Violence is a law that is considered to be more favorable to victims of online gender-based violence (GBV), especially in relation to NCII cases. Why is that? This is because Article 27 paragraph (1) of Law Number 1 of 2024 concerning ITE is still considered a rubber article that has not been able to provide clear boundaries regarding perpetrators and victims so that the articles in this law are prone to be used to criminalize victims. One example of this is the viral case in 2018 that befell Baiq Nuril. She was supposed to be a victim, but instead became a suspect in an ITE case.

This is different from Law No. 12 of 2022 on Criminal Acts of Sexual Violence article 14 paragraph (4) which states that if the acts committed as referred to in article 14 paragraph (1) letters a and b are carried out in the public interest or in defense of themselves from criminal acts of sexual violence, then they cannot be punished.

Misalignment or disharmony between laws and regulations must of course be immediately corrected so that there is no confusion in law enforcement, guaranteed legal certainty, and partiality to victims. The Law on the Crime of Sexual Violence, which is still classified as a new law, so that in cases such as NCII it is still rarely used by law enforcers and prefers to use the ITE Law which is actually prone to criminalization of victims. Therefore, once again there is a need for legal harmonization

so that victims feel truly protected, certainty, justice, and usefulness are truly implemented.

2. Protection and fulfilment of rights for victims of NCII crimes

In Law Number 12 of 2022 on Criminal Acts of Sexual Violence, we can see that the rights of victims are strongly legitimized. This can be seen from Article 2 of the TPKS Law which states that the regulation of criminal acts of sexual violence is based on the principles of respect for human dignity, non-discrimination, the best interests of victims, justice, expediency, and legal certainty (Faizah & Hariri, 2022).

In the law on sexual violence, victims of sexual violence have the right to receive treatment, protection and recovery. The rights of victims to handling according to Article 68 of Law Number 12 of 2022 include:

a) The right to information about the entire process and results of handling, protection and recovery
b) Obtain handling result documents
c) Right to legal services
d) Psychological reinforcement rights
e) The right to health services that include medical examination, action, and treatment
f) Services and facilities in accordance with the special needs of victims
g) And, the right to the removal of sexually charged content for cases of sexual violence with electronic media.

Then, the victim's right to protection based on Article 69 includes:

a) provision of information regarding Protection rights and facilities;
b) providing access to information on the implementation of Protection;
c) Protection from the threat or violence of the perpetrator and other parties and the recurrence of violence;
d) Protection of identity confidentiality;
e) Protection from the attitudes and behaviors of law enforcement officers who demean the Victim;
f) Protection from job loss, job transfer, education, or political access;
g) Protection of Victims and/or whistleblowers from criminal charges or civil lawsuits for Sexual Violence Crimes that have been reported.

Furthermore, the rights of victims to recovery related to cases of sexual violence are regulated in Article 70 paragraph (1) which includes: Medical rehabilitation; Mental and social rehabilitation; social empowerment; Restitution and / or compensation; and social reintegration.

Conclusion

This article concludes as follows. The regulation of the crime of non-consensual dissemination of intimate images still has disharmony between laws at the horizontal level, article 27 paragraph (1) of the IT Law which prohibits “distributing” immoral content still has a broad interpretation that is prone to making victims become suspects. Therefore, it is necessary to revise the law so that legal certainty in the community, especially NCII victims, is more guaranteed.

Then, there needs to be socialization to law enforcement officials regarding Law number 12 of 2022 concerning criminal acts of sexual violence, so that law enforcement officials adapt more quickly, and the law can run properly and correctly. This is in line with Lawrance M friedman’s theory, that the operation of law is influenced by substance, structure, and culture. Law enforcement officials should not feel comfortable with the ITE Law when facing online gender-based cases, especially related to NCII and must adapt to new laws that are clearer and also have partiality to victims.

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IMPLEMENTATION OF E-GOVERNMENT IN PAKIS VILLAGE, SALE SUBDISTRICT, REMBANG DISTRICT

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Abstract:

Implementation of the electronic government system in Pakis Village has not been running optimally. The main problems in this study are the lack of maximum socialization of the e-government system, the lack of human resources quality and quantity of e-government managers, and the low participation of citizens in the implementation of services through the website. The purpose of this research is to find out how the implementation of e-government in Pakis Village and to find out the factors that hinder the implementation. Efforts to answer the problems and objectives of the study were carried out using the successful elements of e-government development, namely support, capacity, and value.

This research uses qualitative research methods with data collection techniques: observation, interviews, and literature study. The data obtained were then collected and analyzed with the flow data analysis model through the stages of data reduction, data presentation, and data verification. Then to determine the feasibility of the data, data validity testing was carried out using triangulation techniques.

The results showed that the implementation of e-government in Pakis Village has not run optimally due to several inhibiting factors, both internal and external. Internal factors include the lack of quality of human resources of village officials (operators) in running the e-government system. While external factors include the lack of socialization of the application of e-government evenly, continuously, and thoroughly to all Pakis villagers. Another factor is the very limited capacity with financial resources and information technology infrastructure. So that efforts that can be made to overcome these obstacles are cooperation between village institutions, making posters about invitations to conduct online-based services so that the community understands more about online services in Pakis Village. Managing all information through the Pakis Village website. There is cooperation between Pakis village institutions DINPERMADES of Rembang Regency to create special training for village officials on technological developments that will refer to online-based services.

Keywords: Public Service, E-Government, Village

Introduction

The advancement of technology and information in Indonesia is very rapid and running so fast. The nation's challenges are increasingly complex and require high responsiveness due to the rapid development of information and communication technology. The result requires every aspect of people's lives to adapt to the use of technology. A very visible change is the change in people's mindset towards an increasingly dynamic and critical direction. This is because people understand their rights and obligations as citizens to obtain information. Such community conditions demand a very important role from the government to fulfill various demands in all aspects of their lives, especially in getting fast, precise and easy services from the government.

Law Number 25 of 2009 article 1 paragraph (1) concerning Public Services states that public service is an activity or series of activities in order to fulfill service needs in accordance with statutory regulations for every citizen and resident for goods, services, and / or administrative services provided by public service providers. As a public service provider, the government is the party responsible for improving the quality of public services to the community. The government is a public service provider that must be responsible to the community and continue to strive for quality services (Rukayat, 2017). The government was formed to meet the needs of the community in terms of public services and organize public administration (Isbandono and Pawestri, 2019). Because public services are all efforts organized by the government as a fulfillment of the needs of the public and the implementation of laws and regulations.

In this modern era, the quality of public services must adapt to technological advances by using electronic-based digital systems that emphasize information and communication technology that is more efficient, speed of information delivery, global reach and transparency so that the ultimate goal is to realize good governance.

Indrajit (2006) explains that electronic government is a new interaction mechanism between the government and the public and other interested parties, which involves the use of information technology (especially the internet) with the aim of improving service quality. Electronic government will be an integral part of the government's efforts to improve bureaucratic efficiency (Utama, 2020). It is hoped that with this electronic government, the community will be helped in managing village administration without having to get tired of queuing.

Presidential Instruction No. 3 of 2003 concerning National Policy and Strategy for the development of e-government is a step to utilize information technology and communication in the government process. One of the government's efforts in implementing the concept of e-government is by creating electronic-based villages. This effort is one of the programs to reduce the gap in information flow that occurs in the village. The utilization of electronic technology is very useful in organizing public services and economic activities in the village. With the creation of a technology-based village, it is expected that the community will receive excellent service.

In the implementation of public services, problems often arise that make services ineffective and inefficient. The unsatisfactory performance is mainly caused by low availability, substandard information quality, unreliable government services, and vulnerabilities in information security (Sabani, 2019). As an effort to improve service quality, the government needs to carry out bureaucratic reforms. This reform is the final effort that must be carried out by the government as a responsibility in providing public services in a better direction according to needs. Bureaucratic reform can realize good governance, namely a clean bureaucracy, free from KKN, professional,

efficient, effective, transparent, and accountable, so that the government bureaucracy is able to produce and provide excellent public services (Syafriyani and Zaituna, 2018).

A common problem that often occurs in population administration services is that the services provided are still manual in nature which causes frequent data errors when inputting data so that it will take a long time to process letters (Regita and Fanida, 2020). Such services usually occur at the village/kelurahan level in the form of making certificates such as certificates of incapacity, domicile certificates, business licenses, and other required letters are still carried out manually so that people have to come to the village and queue. Meanwhile, the concept of E-government is the utilization of technology-based services in the administration of government administration to improve the quality of governance that is clean, efficient and effective, and provides fast, precise and easy services to the community.

In the application of electronic government in the public service sector by the government, from year to year it has increased, namely not only the use of website-based services but has developed into applications (Eprilianto, Sari and Saputra, 2019). As carried out by the Pakis Village Government, which implements electronic government as an effort to deal with the problem of population administration services, correspondence and so on. The Pakis Village Government made an innovation in population administration services based on the Website https://pakis-rembang.desa.id/ which aims to facilitate the community in taking care of population administration documents and needs in the village work area. With this innovation, is expected to be able to answer the needs of the Pakis Village community who ensure that the process is faster, easier, cheaper, and satisfying for residents. Residents only need to call the Whatsapp number available and then write what is needed, which will be processed by the operator, then the results will be sent to the residents' homes.

Research Methods

The definition of research methods is stated by Sugiyono (2017: 2), "research methods are basically scientific ways to get data with specific purposes and uses". Sugiyono (2017: 3) explained that "Through research humans can use the results. In general, the data obtained from research can be used to understand, solve and anticipate existing problems".

The research method used in this research is to use descriptive research type using a qualitative approach with data collection techniques: observation, interviews, and literature study. Furthermore, the data were collected and analyzed with the flow data analysis model through the stages of data reduction, data presentation, and data verification. Then to determine the feasibility of data, data validity testing is carried out using triangulation techniques.

Analysis and Discussion

The implementation of electronic government in Pakis Village, Sale Subdistrict, Rembang Regency, based on the results of the interviews above, the implementation has not been carried out optimally. Based on the theory of the Harvard JFK School of Government, the implementation of e-government is determined by three elements, namely support, capacity, and value. The results and qualitative analysis of each element of e-government implementation can be described with the following explanation:

1) Support

   Support is the first and most important thing that must be owned in the implementation of electronic government. Support is support for the

implementation of electronic government, both support from the government, local community, and stakeholders or the private sector.

a) Commitment

Joint commitment is the political will of the Pakis Village Government, namely the desire to implement the e-government concept. Without this element of political will, various development initiatives and the development of e-government will not be able to run well. The laws and regulations used as the basis for the implementation of the e-government concept in Pakis Village are:

(1) Presidential Instruction of the Republic of Indonesia Number 3 of 2003 on National Policy and Strategy for E-government Development.
(2) Presidential Regulation of the Republic of Indonesia Number 95 of 2018 concerning Electronic-Based Government Systems.
(3) Regulation of the Regent of Rembang Number 43 of 2019 concerning Governance of Electronic-Based Government Systems in Rembang Regency.

The development of e-government in Pakis Village is a joint commitment for fast, precise and inexpensive community services. The idea of e-government in Pakis Village is based on the Regulation of the Regent of Rembang Number 43 of 2019 concerning Governance of Electronic-Based Government Systems in Rembang Regency which states that the use of e-government will increase the efficiency, effectiveness, transparency and accountability of local government administration in order to realize good governance. In order to realize good governance, Pakis Village as a local government must build and develop information and documentation systems to manage public information effectively and efficiently. Therefore, the Pakis Village Government formed the idea of a digital village where every service can be accessed through websites and applications on smartphones by the community.

b) Socialization

Based on the results of research in the field, it shows that the implementation of socialization of the concept of e-government in Pakis Village has not been carried out in a sustainable manner (continue), this is due to the lack of budget to conduct the socialization. Socialization of the e-government concept evenly, continuously, and thoroughly is something that must be done to support the successful implementation of e-government in Pakis Village so that the community and the government can find out about the implementation of e-government. The Pakis Village Government has only conducted socialization twice in introducing the concept of e-government by gathering village officials, RT/RW heads and also Pakis Village community leaders. Other forms of socialization to the community are carried out through the Pakis village website itself.

2) Capacity

The second element that must be owned in the implementation of e-government is capacity. The implementation of e-government is strongly influenced by how big the capacity is.

The ability or empowerment of the local government in realizing the e-government. The capabilities that greatly influence the implementation of e-government in Pakis Village are financial resources, availability of information technology infrastructure, and human resources.

a) Financial resources

Based on the results of interviews and observations in Pakis Village, it shows that financial resources in implementing e-government are still very limited. Financial resources are one of the most important things for the implementation of e-government ideas. Financial resources must be well planned and realized in a sustainable manner. Because Website-based Network Development requires large financial resources. Financial resources are also needed to support the availability of other resources such as infrastructure, information technology, human resources for employee training, and equipment maintenance, as well as for other costs. Financial resources in the implementation of e-government in Pakis Village have been determined in the APBDesa of Rembang Regency. Therefore, the budget can only be focused on the development and management of the website, which has an impact on the absence of a budget to meet the needs of other infrastructure facilities.

b) Technology Infrastructure

Technological infrastructure is an important part of the implementation and application of e-government because it is the key to success in its implementation. Without adequate infrastructure, the implementation of e-government is difficult to realize. The results of research in the field show that in the implementation of e-government in Pakis Village, every year there is an increase in the procurement of information technology infrastructure. Infrastructure procurement, both the number of supporting infrastructure facilities, is gradually increasing. However, for the maintenance of tools, there is a shortage of supporting tools and the maintenance of the Pakis Village website often experiences problems.

The computers used by Pakis Village are currently still using core duo. Connecting infrastructure such as hotspots is also available at key points in the Pakis Village office. The Pakis Village website is updated every day because it has a website updating application. These updates are in the form of the latest news, useful articles, and other important information such as holiday celebrations and activities held in Pakis Village. Through the website, the community can access various information, perform self-service and can provide various comments, criticisms, suggestions, and complaints to the government through the facilities that are available.

c) Human Resources

The availability of human resources (HR), namely village apparatus operators, determines the sustainability of a concept. In this case, human resources must have good skills and competencies and have broad insights to support the running of e-governance because managing e-government requires human resources with educational qualifications in the field of Technology and Information who have the technical skills to manage the Technology and Information. Basically, the government apparatus in Pakis Village already has technicians who handle information technology management needs, however, the quantity is still very limited. Human resources in the field of technology and information as an element responsible for managing e-government in Pakis Village are still very limited. Human resources both in quality and quantity are still lacking, therefore, the development of the official website of the Pakis Village Government is still in the process of progress.

3) Value

The third key to successful e-government implementation is value. Various policies will not be implemented if they do not have an element of value or benefit in them. The policy of implementing electronic government has various benefits. The benefits obtained by the Pakis Village Government after the implementation of e-government include increasing the effectiveness and efficiency of government operations in providing services to the community and stakeholders and through the website www.pakis-rembang.desa.id the village government can increase transparency in order to realize the creation of good governance. Through the website, the government can be transparent to the public about government activities such as various work programs, vision and mission, and various legal products that are shared through the website so that the public can control government performance in accordance with the principles of good governance. According to the results of observations, the benefits of implementing e-government in Pakis Village are that the community can get various information about the village, and the community can also perform various services such as making death certificates, cover letters for making ID cards to the Subdistrict, and others. The community can also communicate with the government by providing various criticisms and suggestions to the village government without having to come to the place through the facilities available on the website. People who were previously unfamiliar with government activities now understand and know what activities are carried out by the government so that it is now transparent. However, not all e-government service users benefit from the facility. It is evident from some people who want to do services through the Pakis Village website that the system is not running and has an error. In addition, the lack of socialization to the community from the village government on the implementation of e-government in Pakis Village.

Inhibiting Factors in the Implementation of Electronic Government in Pakis Village, Sale District, Rembang Regency. The implementation of e-government in improving public services in Pakis Village, Rembang Regency based on the results of research in the field, that there are several obstacles that occur, including the following:

1. The socialization of the service system through the concept of e-government is still not evenly distributed to the Pakis village community, so there are still many who do not know about online services and perform services by coming to the village office.
2. Very limited financial resources.
3. Supporting equipment such as computers, printers and scanners are still limited. In addition, the cellular signal in Paksi village is not evenly distributed so that website services often occur errors, so there is a need for procurement of supporting equipment and regular management of the Pakis village website and improvement of the Internet Network.
4. There are some Pakis Village officials who still have difficulty adapting to the development of technology that is now online, so the Pakis village office is experiencing a longer process to realize e-government services.
5. Not all Pakis villagers know about services through the website, so there are still many who do not know about online services and perform services by coming to the village office.

Efforts to Overcome Obstacles that occur in the Implementation of Electronic Government in Pakis Village, Sale District, Rembang Regency

1. Conducting socialization with the head of the RT/RW and also Pakis village community leaders. This socialization is sustainable where RT and RW convey to each of their citizens so that there is ease of access coordination from the RT to the Pakis village government. In addition, the Pakis Village Government made pamphlets/posters about the invitation to conduct online-based services so that the community is more interested and understands about online services in Pakis Village.
2. Conducting a needs evaluation so that the Pakis village government can see the parts that are lacking or even more. Thus, even though Pakis Village's financial resources are limited, services can be carried out so as to cut costs for village programs based on their priorities.
3. For now, the Pakis Village office should maximize the need for supporting equipment such as computers, printers and scanners. However, there must be further procurement of supporting equipment for the sustainability of online services in Pakis Village. In addition, there is management of goods and websites so that there are no errors or menus that cannot be accessed and if the Pakis village website is hacked, contact the Diskominfo Rembang Regency.
4. There is cooperation between Pakis Village and Diskominfo Rembang Regency and Dinpermades Rembang Regency to create a special seminar and training program for village officials regarding technological developments that will refer to online-based services.
5. Conducting digital education for Pakis villagers through posters, pamphlets, and seminars organized on an ongoing basis by Pakis village officials. So that Pakis villagers better understand the online-based services organized by Pakis village.

Conclusion

Based on the results of research and discussion regarding the analysis of the implementation of electronic government in Pakis Village, Rembang Regency, it can be concluded as follows:

Electronic Government is a form of implementation of the use of information technology for government services to the public. The development of e-government is an effort to develop electronic-based governance in order to improve the quality of public services that are effective, efficient, and transparent. The implementation of e-government in Sekarwangi Village is still not running optimally. This is identified through the extent of the implementation of several factors and elements that determine the success of e-government development consisting of support, capacity and value.

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IMPLEMENTATION OF E-COURT IN CIVIL CASES AT KUDUS DISTRICT COURT

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Abstract:

In the current era of globalization, almost all human life systems are connected to the massive internet network due to the industrial revolution. Existing technological developments have an impact on the government service system, namely the service approach to the community. Electronic court (E-Court) is an instrument in court launched by the Supreme Court of the Republic of Indonesia as a form of online service to the community. This research examines the implementation of E-Court in civil cases at Kudus District Court. The type of research used in writing this thesis is normative legal research, research to test applicable norms or provisions can also be said to be research carried out by examining library materials or secondary data.Doctrinal legal research. The approach method used is the conceptual approach method. Based on what has been explained in the previous chapters, the following conclusion can be drawn that the implementation of e-court in handling civil cases at the Kudus District Court has been able to contribute to realizing efficiency and effectiveness in the judiciary, especially the efficiency of time and costs incurred by seeker of justice. Currently, the majority of e-Court users are advocates, while there are still very few justice seekers who register their cases directly via e-court. Electronic hearings are only carried out at the stages of calling the parties, answering, concluding and reading the decision, while the evidentiary process is still carried out in person.

Keywords: e-court, civil cases, kudus district court

Introduction

Grouping or division of law according to its function is divided intomaterial law and formal law. Material law is a legal provision that regulates the legal relationship between the two parties as well as provisions regarding actions which can be punished and the penaltiesimposed, while formal law is the legal provisions that regulate the procedures or processes for enforcing or implementing material law. With regard to this matter in the civil realm, legalclassification is used the material is civil law, while the formal law is Civil Procedure Law.

The existence of Civil Procedure Law as formal law from material civil law plays a role inenforcing material civil law and providing protection for legal subjects if the rights of legal subjects are violated or reduced, as well as preventing the emergence of vigilantism in resolving matters legal problems.

Based on Article 1 paragraph (3) of the 1945 Constitution states that Indonesia is a state of law (rechtsstaat) (Muabezi, 2017)[81]. A legal state is a state governed by law, all actions government and its citizens must be based on applicable law, because law is used as a guide to regulate social life, nation and state in all aspects of life. In the concept of the rule of law, it is idealized that what must be done being made commander in the dynamics of state life is about law, not politics or economics (Jimly Asshiddiqie, n.d.)[82]. One of the important principles of a rule of law is the guarantee of the independent administration of judicial power, free from the influence of other powers. Judicial power is independent power to administer justice to uphold law and justice. Explanations regarding judicial power can be found in statutory regulations and one of them is Law Number 48 of 2009 concerning Judicial Power (UUKK).

In its application, the Civil Procedure Law is guided by several regulations' legislation, jurisprudence, customs, and doctrine. The sources of legislation in the Civil Procedure Law arespread across several laws and regulations in the legal system in Indonesia because there havebeen no separate modifications related to Civil Procedure Law, where these regulations include: HIR (Het Herziene Indonesisch Reglement)/RBg (Rechtsreglement Buitengewesten);Rv (Reglementop de Burgerlijke Rechtsvordering); Bw (Burgerllijk Wetboek) Book IV on Proof and Expiry; Law no. 48 of 2009 concerning Judicial Power; Law No. 3 of 2009 jo. Law No.5 of 2004, Law no. 14 of 1985 concerning the Supreme Court; Law no. 49 of 2009 jo. Law no. 8 of 2004 concerning Amendments to Law Number 2 of 1986, concerning General Courts.

The existence of norms in these laws and regulations is certain cannot be separated from the basic values regarding law which became the basis for its formationa legal rule called a legal principle. Where in procedural law, In particular, civil procedural law is guided by several legal principles, one of which is principle judicial trilogy or known as simple, fast and low cost principles. By the normative principle of fast, simple and low cost is regulated in Article 2 paragraph (4) of Law no. 48 of 2009 concerning Judicial Power that "Judicial justice is carriedout simply, quickly and at low cost."

The existence of the principles mentioned above, of course, aims to ensure that the litigation process is carried out Courts can take place quickly, without being complicated, and of course at a costwhich is light and affordable for all justice seekers. But in reality,The process of litigating in court takes quite a long time starting from registration, the process of examining the case until the verdict, and costs quite a lot

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[81] *Analysed from the primary source.*ZahermanArmandzMuabezi, "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)", Jurnal Hukum dan Peradilan, Vol.6, No.3, 2017, pp.423.

[82] Analysed from the primary source. Prof. Dr. Jimly Asshiddiqie, SH., Gagasan Negara Hukum Indonesia, PP.1.

of money. Chairman The Supreme Court of the Republic of Indonesia on March 13, 2014, issued Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 2014 concerning Settlement of Cases in First Level and Appeal Courts in 4 (Four) Judicial Environments. Settlement of cases at the Court of First Instance is no later than 5 (five) months including completion of minutes. Regarding the nature and circumstances of certain cases where the resolution of the case takes more than 5 months, the Panel of Judges shallhandling the case must make a report to the Chairman of the Level Court First, with a copy addressed to the Chairman of the Court of Appeal and the Chairman Supreme Court. Settlement of cases at the Court of Appeal is no later than 3 (three) months including completion of minutes. Regarding the nature and circumstances of certain cases where the resolution of the case takes more than 3 months, the Panel of Judges handling the case must make a report to the Chairperson. Court of Appeal with a copy addressed to the ChiefJustice of the Supreme Court. It is hoped that with the e-court the process of litigating in court can be made more efficient time and expense of justice seekers.

In August to November 2015, the Supreme Court of the Republic Indonesia is holding aninnovation competition in the field of public services. this competitionis one form of effort by the Supreme Court of the Republic of Indonesia toencourage and provide appreciation for theculture of innovation in judicial institutions by the aim is to create better services in the future for justice seekers. The Supreme Court of the Republic of Indonesia always encourages courts throughout Indonesia to always provide the best service for the entire community seeker of justice.As is known, courts throughout Indonesia have started implementing initiatives or service innovations, such as case registration online, online call assistance delegation, SMS gateway, complaint hotline, and others etc.This is in line with the mandate of Article 4 paragraph 2 of Law Number 48 of the Year 2009 concerning Judicial Power, that the courthelps those seeking justiceand try to overcome all obstacles and obstacles to achieving justice which is simple, fast and low cost.

At this time technology and information are developing very rapidly, technology and information has become one of the needs of society in general, life modern humans can hardlybe separated from the development of technology and information. Transparency (openness) of public information is a demand of the times and has become a problemits own paradigm. By adopting advances in information and technology, services public which starts from the principles of transparency, accountability, and contains principlessimplicity, time certainty, accuracy, security, and ease of access, can be done with easy to implement in daily tasks. As an effort to transparency to increase public confidence in the Supreme Court, the Supreme Courtalong with 4 (four) subordinate judicial environments taking advantage of developments information technology as a support for improving public services. One of the court's instruments as a form of service to the community in terms of online case registration, it is via the e-court application. Besides online case registration, through this application the public can also make payments online, send trial documents (replicas, duplicates, conclusions, answers) and summoning the parties online. Through this e-court applicationIt is hoped that the public can save time and costs when registering case. For people who do not or do not understand technology, every courtIt is mandatory to provide assistance to people who do not/don't understanduse of technology. Assistance is provided by providing an e-court corneraccompanied by court officers who are ready to provide explanations and directions regarding e-court for justice seekers.

Through Supreme Court Regulation Number 3 of 2018 concerning Administration Electronic Court Cases, with the PERMA there is an e-court officially has a legal umbrella in Indonesia. Thus, the Supreme Court of the Republic of Indonesia is now on par in terms ofproviding services with the Supreme Court United States, the Supreme Court of England, and the Supreme Court of Singapore come first implement an Electronic Filing System. In practice, e-court is implemented in stages several Class I District Courts such as Jakarta District Courts, District Courts Tangerang, Bekasi District Court and Bandung District Court. Applications that areofficially launched on March 29, 2018, by the Chairman of the Supreme Court of the Republic of Indonesia, Prof. M. Hatta Ali is believed to be able to simplify the complicated trial process in terms of time, energy and money.

After that the Supreme Court again issued PERMA Number 1 of 2019 Concerning Electronic Case Administration and Trials in Court (PERMA RI Nomor 01 Tahun 2019, n.d.). Regulation The Supreme Court is intended as the legal basis for administrative administration electronic cases and trials in court to support its realization orderly handling of cases that is professional, transparent, accountable, effective, efficient and modern. Arrangements for electronic case administration and trials in PERMA this applies to civil cases, religious civil cases, military administrative matters and administrative matters Country.

This PERMA regulates electronic trials, namely series the process of examining and adjudicating cases by a court which is carried out with using support implemented with the support of information technology and communication. The innovation carried out by the Supreme Court is certainly highly appreciated because it has a goal which of course is expected to provide benefits for the people seeker of justice. But on the other hand, the use and implementation of justice electronically can give rise to new problems caused by unequal distribution of technology and information and literacy level of society throughout Indonesia. Another problem that arises is regarding evidence which is very easily falsified if the evidenceis only uploaded electronically and the judge does not directly examine the evidence presented to him. Apart from that, a case filed by a justice seeker can easily be dismissed simply because of an error in uploading documents, even though the case has reached the evidentiary stage.The authenticity of documents and evidence used in e-court will be difficult to guarantee, theprocess of examining witnesses and online evidence is still a matter of debate.

Apart from that, the problem is security in the information system provided by the Supreme Court of the Republic of Indonesia which is still a question many parties. Until now, the Supreme Court has not issued any regulations regardinge-court management risk mitigation system if network connection problems occurso that documents sent to the parties are not received by the parties concerned and regarding responsibility for the data security of the partiesif the application is hacked by an irresponsible party. Based on the description of the background above, the problem raised in this paper is: how to implement e-court in civil cases at Kudus District Court.

Research Methods

The type of research used in writing this journal is legal researchnormative (normativelegal research) research to test a norm or provisionapplies. It can also be said to be research carried out by examining materialslibrary or secondary data[83].

[83]Analysed from the primary source. Irwansyah, **Penelitian Hukum (Pilihan Metode dan Praktik Penulisan Artikel),*2020,*** pp.42.

Doctrinal legal research. The approach method the method used is a conceptual approach (conceptual approach), namely the studydepart from the views and doctrines that develop in sciencelaw(Gede et al., 2020)[84].

Analysis and Discussion

Implementation Of E-Court in Civil Cases at Kudus District Court

E-court is a form of implementation of a BasedGovernment SystemElectronics (hereinafter referred to as SPBE). SPBE is regulatedin Presidential Regulation Number 95 of 2018 concerning Electronic-Based Government Systems. SPBE isadministration of government that utilizes information and communication technologyto provide services to SPBE users. Government administration services Electronic based is a SPBE service that supports internal management bureaucracy in order to improve government performance and accountability in agenciescentral and local government. SPBE services consist of administrative serviceselectronic-based government and electronic-based public services[85]. E-court is part of the court's efforts to provide easy accessto the community and justice seekers, apart from of course makingcourts are becoming more transparent, effective and efficient.

The judiciary in Indonesia adheres to a principle called contante justitie or principlesimple, fast and low-cost justice as regulated in law Number 48 of 2009 concerning Judicial Power. The meaning of this principle isthe judicial process is not complicated, the proceedings are clear, easy to understand, and the costs are low affordable even by the lower levels of society (Aidi, n.d.)[86]. At the level of basic reality has not yet been fully implemented in the judiciary in Indonesia. Robert N. Cole-O Lee Reed believes that the judiciary often resolves disputesexperiencing a load that is too dense, slow and wastes time, expensive and insufficient costsresponsive to the public interest, or considered too formalistic and technical.In line with this, research results from the Indonesian Judicial Monitoring Society (MaPPI) stated that the court from a public service perspective had weaknesses in terms of accuracytrial times and schedules, availability of court information services that are notEven so, illegal levies are still rampant in the case administration process in court[87].

Departing from this reality, to realize a fair judicial processsimple, fast and low cost as well as being responsive to demandsdevelopments in the times that require more administrative serviceseffective and efficient, the Supreme Court through the Supreme Court Regulations (PERMA) Number 1 of 2019 concerning Administration of Cases and Trials in Court Electronic which replaces PERMA Number 3 of 2018 concerning Case Administration in Court Electronically issued an E-court system.

E-Court is a Court instrument as a form of service to the public for online case registration (e-Filling), electronic estimate of court costs (e-SKUM), paymentpay fees online (e-Paymen), summon parties online(e-Summons) and trials conducted online(e-Litigation)[88]. Environment courts that provide e-courts are District Courts, Courts Religious/Sharia Court, Military Court and State Administrative Court. That mattercarried out to realize simple, fast and low-cost justice services as wellto keep

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[84] *Analysed from the primary source.* Mohammad Amri Gede, Nurfaidah Said**,** Muhammad Ilham Arisaputra, **Kekuatan Hukum IrahIrahEksekutorial Pada Grosse Akta Sebagai Dasar Eksekusi Jaminan**, Universitas Kendari, Jurnal. Halu Oleo Law Review, Vol.14, No.1, 2020, pp.76.

[85] Peraturan Presiden No.95 Tahun 2018 tentang Sistem Pemerintahan Berbasis Elektronik.

[86] Analysed from the primery source. Zil Aidi, Implementasi E-Court Dalam Mewujudkan Penyelesaian Perkara Perdata yang Efektif dan Efisien, 2020, pp.81.

[87] *Ibid*

[88] *E-Court* Mahkamah Agung RI,https://ecourt.mahkamahagung.go.id,accessed on February 10 at 19:00 WIB.

up with the demands and developments of the times as well as justice administration serviceswhich is fast and efficient.

Electronic case administration services have made things easier forjustice seekers. Through this application, the Supreme Court seeks toanswer the 3 (three) main problems that have been faced by the parties when litigating in court, namely delay, accessibility and integrity(integrity). The use of information technology can reduce case handling time,reducing the intensity of the parties coming to court and canalizing the method interact the parties with court officials, and avoid the public fromlack of information and knowledge about the courts[89].

The development of E-Court has so far only been limited to serving case administration electronically by adding electronic trial services received a legal protection based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court (hereinafter referred to as Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2019). This regulation revokes the Republic of Indonesia Supreme Court Regulation Number 3 of 2018 concerning Electronic Administration of Cases in Court since 2018 (hereinaftercalled Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2018) which has been the legal protection for E-Court services in court.

The main difference between the 2018 E-Court service and the existing E-Courtserviceenhanced in 2019 was the addition of an electronic trial menu.These differences are as follows:

Table 1: *Comparison Table Between Republic of Indonesia Supreme Court Regulation No.1 of 2019 and Republic of Indonesia Supreme Court Regulation No.3 of 2018*

No.	**Republic of Indonesia Supreme Court Regulation No.3 of 2018**	**Republic of Indonesia Supreme Court Regulation No.1 of 2019**
1	The scope of services only includesregistration (e-filing), payment (e-payment) and electronic summons/notifications (e-summons).	The scope of services only includes registration (e-filing), payment (e-payment), and summons/notification (e-summons) and hearings (e-litigation), electronically.
2	Valid only for registered users in the e-court system.	Valid only for registered users in the e-court system and other users.
3	Applies only to the first level.	Applies to all levels of justice, first level, appeal, cassation and judicial review.
4	Parameters of procedural law in general.	More detailed procedural law parameters, such as legal and appropriate measures, reading of decisions, etc.

Electronic trials are a series of examining and adjudicating processes cases by courts carried out with the support of information technology and communication. The

[89]A. S. Pudjoharsoyo, *Arah Kebijakan Teknis PemberlakuanPengadilanElektronikKebutuhan Sarana dan Prasarana Serta Sumber Daya Manusia*, Jakarta, 13 Agustus 2019, accessed from http://pacimahi.go.id/informasi-pengadilan on Februari 2024.

Supreme Court of the Republic of Indonesia took a long leap by providing services electronic trials certainly have a changing impact on the courts. As for changes that occur include electronic summons, trials for peace efforts stage, trial for electronic response stage, Electronic third-party intervention, trial for the evidentiary stage electronic, trial for the conclusion stage electronically, trial for stages of reading the decision electronically, and electronic legal action.

1. **Electronic Summons (e-Summons)**

   One of the rules in HIR and RBG which is still in effect today is regarding the procedures for summoning parties to court, whether plaintiffs, defendants and witnesses must meet the criteria for a valid and appropriate summons as stated in these 3 criteria (a) criteria for who is summoning (Article 388 in conjunction with Article 390 paragraph (1) HIR and Article 711 in conjunction with Article 718RBG) regulates that the summons is carried out by the Bailiff by handing over a summons (exploit) to the person concerned, (b) criteria for summons: The summons procedure consists of two type, regular call and general call. Ordinary summons as regulated in Article 390 paragraph (1) and paragraph (3) HIR and Article 718paragraph (1) and 538 paragraph (3) RBG are carried out in two ways, namely handed over directly by the Bailiff to the person concerned himself or by the Bailiff handed over to Village head. A general summons can also be made in two ways, namely, handing over the exploit to the Regent or Mayor who then orders the exploit to be posted on the door of the relevant District Court and can also be done by announcing it via a notice board in the court and announcing it via the mass media,(c) deadline criteria summons (Article 122 HIR in conjunction with Article 146RBG) stipulates that the summons be at least 3 (three) working days before the hearing day.

   As mentioned above, an official summons is a summons carried outby the appointed bailiff/substitute bailiff, on working days and hours, in the jurisdiction of the court of the bailiff/substitute bailiff who made the summons and delivered directly to the parties or if they do not meet directly with the parties. party, the summons is conveyed through the village/sub-district head. The appropriate summons is a summons that is served at least 3 (three) days before the trial, with the note that the day of the summons and the day of the trial are not included in the calculated days, as stipulated in Article 146 RBg[90]. A legal and proper summons is a means of ensuring that the court sends summons to the parties involved in a case in an orderly and procedural manner and is not arbitrary. A legal and proper summons plays a very important role in the continuation of the case, because if a party has been summoned legally and properly but the party does not appear at the trial, there are legal consequences that await him. If the person who is not present is the plaintiff, the consequence is that the judge can decide that the lawsuit is dismissed, conversely, if the person who is not present is the defendant, then the judge can decide on the verstek.

   Apart from being able to make calls normally, on the orders of the Chairman of the Assembly, the bailiff/substitute bailiff can make electronic calls to the parties those who litigate electronically in court. The parties who can sueelectronics in court are registered users and other users. Registered users are advocates who qualify as system users court information with rights and

[90] Lihat Pasal 145 dan 146, Pemerintah Republik Indonesia, “Reglemen Hukum Acara Untuk di Luar Daerah Jawa dan Madura (RBg)” (1927).

obligations regulated by the Supreme Court of the Republic of Indonesia. The other users are legal subjects other than qualified advocates to use the court information system with the regulated rights and obligations by the Supreme Court of the Republic of Indonesia[91]. Electronic summons or e-summons are regulated in Article 15 to Article 17 PERMA Number 1 of 2019. In essence e-summons allows the parties' summons to be sent online to their electronic domicile via the e-court account owned by the party. The definition of electronic domicile is domicile of the parties in the form of electronic mail addresses and/or cell phone numbers has been verified.

The summons was electronically delivered to the plaintiff who had register the case electronically and the defendant or other party has declared it consent to be summoned electronically. Electronic summonses are sent via the E-Court application to the electronic domicile of the summoned parties. Article 18 PERMA Number 1 of 2019 basically regulates that summons/notifications are carried out electronic summons/notification is valid and proper, as long as the call/notification is sent to the electronic domicile within the time limit determined by law.

If the party summoned is outside the jurisdiction of that court adjudicating the case, then the Chairman of the Court adjudicating the case requests assistance delegate the summons to the Chairman of the Court at the place of residence of the parties called. Requests for assistance from the call delegation can be sent via the delegation menu that is available in the Search Information System Application Case (hereinafter referred to as SIPP). Handling of call delegation via SIPP is expected can help overcome obstacles to efforts to realize the treatment process things that are fast, simple, and low cost, especially those that have been caused by slow process of handling requests for delegation of assistance with calls/notifications. The Supreme Court of the Republic of Indonesia has provided specific guidelines for handling applications assistance with delegation assistance with calls/notifications, namely through Circular Letters Republic of Indonesia Supreme Court Number 6 of 2014[92].

During this time, if any of the parties is outside the jurisdiction of the court, then The Chairman of the Assembly determines the day of the hearing using the maximum time limit, namely 1(one) month. It is hoped that in the future, along with the acceleration of the process of handling delegations summons assistance, then the trial period can be set more quickly, with thus, case resolution can also be done more quickly than usual. Outputs of this acceleration is an increase in process weight and handler breakup time case in court. Electronic summons can also be sent to members parties domiciled outside the jurisdiction of the court hearing the case. Calling delivered to the parties via the relevant electronic domicile, However, the summons is copied to the court where the parties live.

2. Trial for the Stages of Peace Efforts

The first trial was held in the court room on the day, date, and established working hours. At the first trial attended by paraparties, the Panel of Judges

[91]Mahkamah Agung RI, Peraturan Mahkamah Agung RI Nomor 1 Taahun 2019 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik; Mahkamah Agung RI, "Keputusan Ketua Mahkamah Agung RI Nomor 129/KMA/SK/VIII/2019 Tentang Petunjuk Teknis Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik".

[92] Mahkamah Agung RI, Surat EdaranMahkamah Agung RI Nomor 6 Tahun 2014 TentangPenangananBantuanPanggilan/Pemberitahuan.

attempts to reconcile the two parties involved in the case. If Peaceful efforts made by the Panel of Judges were unsuccessful, so the Panel of Judges order the parties to undergo a mediation process, as stipulated Republic of Indonesia Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court. At the first hearing attended by the parties, the chairman of the panel can provide an explanation of the rights and obligations of the parties regarding the trial electronic. Electronic hearings can be held with the agreement of the parties, after completion of the mediation process.

3. **Hearing for the Electronic Answering Stage**

The Chairman of the Assembly determines the hearing schedule for the agenda for submitting answers, replicas, and duplicates via SIPP. The trial schedule determined by the Chair of the Assembly through SIPP is integrated with E-Court, so that the parties can find out the schedule and trial agenda via E-Court[93].

The parties are obliged to submit answer documents, replicas and duplicates, as appropriate with a predetermined trial schedule. Documents submitted by paraparties must be in formal PDF or RTF/DOC. The parties did not send documents electronically in accordance with the established trial agenda, without a valid reason According to the law, it is considered not to exercise its rights, but if there is a reason lawful, then the trial is postponed once[94].

After receiving the electronic documents sent by the parties, the Assembly The judge checks the documents via E-Court. Electronic documents that are not yet verified by the Panel of Judges cannot be seen by the opposing party. After the Panel of Judges After examining the documents, the Panel of Judges verifies the documents via the menu that is available on the E-Court. Electronic documents will be sent to the opposing party as the Panel of Judges closes and sets an adjournment the judge. The Substitute Registrar is obliged to record all trial activities in a timely manner electronically in the Electronic Session Minutes[95].

4. **Electronic Third-Party Intervention**

Third parties can propose intervention in ongoing cases heard electronically. Third parties who propose intervention are obliged to follow the court process electronically. If the third party does not willing to hear electronically, then the Panel of Judges declares the request such intervention cannot be accepted throug a determination[96].

The process of examining intervention claims is carried out electronically in accordance with provisions of procedural law. The intervention lawsuit and the parties' responses to the lawsuit is submitted electronically. The Chairman of the Assembly issued a decree that refuse or accept the intervention plaintiff to become a party in the case the. Based on such a determination, no legal action can be taken.

5. **Trial for Electronic Evidence Stages**

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[93] Mahkamah Agung RI, Keputusan KetuaMahkamah Agung RI Nomor 129/KMA/SK/VIII/2019 TentangPetunjuk Teknis AdministrasiPerkara dan Persidangan di PengadilanSecaraElektronik; Mahkamah Agung RI, Buku Panduan E-Court (Jakarta: Mahkamah Agung RI, 2019), pp.69.

[94] *Ibid*

[95] *Ibid*

[96] *Ibid*

Trials for evidence are held in accordance with legal provisions applicable event. The parties are required to upload documentary evidence of letters that have been submitted stamped into the E-Court. Then the evidence documents will be examined before the court on the day and date determined by the Chair of the Assembly through the SIPP. The judge Examination of witness/expert evidence can be carried out remotely upon request plaintiff or defendant. The inspection is carried out using court infrastructure at the location where the witness/expert examination is carried out. Expert witness provides information under oath before the judge and substitute clerk appointed by the Chairman of the local Religious Court. Such trials to examine witnesses/experts must be supported by possible audio-visual communication media all parties see and hear each other directly and participate in it the judge. Costs incurred in such an inspection process borne by the plaintiff or defendant who wishes[97].

6. **Hearing for Conclusion Stages Electronically**
   The parties submit their conclusions in the form of electronic documents via E-Court. After the Panel of Judges receives and examines the document, the Panel of Judges verify documents via the menu available on the E-Court. The conclusion document will be sent to the opposing party, when the Chair of the Assembly closes and determine the postponement of the trial for the reading of the verdict[98].
7. **Trial for Stages of Reading Decisions Electronically**
   The decision/determination is pronounced by the Panel of Judges electronically in trial open to the public. Pronunciation of decisions/determinations through the application E-Court on the public internet network, legally, fulfills the trial principle opens to the public in accordance with the provisions of the relevant laws and regulations information and electronic transactions.
8. **Electronic Legal Remedies**
   For parties who litigate electronically from the start, they can file electronic legal remedies. Legal action is submitted within the appropriate time limit with applicable provisions. All stages of handling legal action carried out electronically, also processed electronically, including the issuance of deeds statement of legal action, notice of statement of appeal/cassation/PK, submission memory of appeal/cassation/PK, submission of counter memory of appeal/cassation/PK, inzage, delivery of Bundles A and B, as well as notification of the appeal/cassation/PK decision, at most no later than 14 (fourteen) days after the decision is handed down electronically.

As mentioned above, there is an urgency for e-Court actually to have a positiveimpact on the judiciary, namely the judiciarybased on the principles of fast, simple and low cost. It can be interpreted as simplethat the examination and resolution of cases is carried out in an efficient and efficient mannereffective, this can be seen from the application of e-Court services in the case resolution processsome havebeen replaced in online form such as replicas, duplicates, answers and conclusionsso that resolving cases becomes simple and fast (Desi Indah J, 2020)[99]. Fast here is meantthe time in resolving the case did not drag on for long, which shows the wayjustice, starting from the examination before the trial, completion of the minute's examination at trial up to the signing of the decision by the judge. Too many formalities constitute

[97]*Ibid*
[98]*Ibid*
[99]Analysed from the primery source. Desi Indah J, dkk, Urgensi Pembentukan E-Court Sebagai Wujud Peradilan yang Berkembang, 2020, pp.289.

obstacles to the course of justice (Wahyu Aida Nahar:2021)[100] .Then the cost principlelight, low costs here can mean that the costs of the case are cheaper because the summons are carried outelectronically (e-Summon) so that costs can beaccessible to the community and also makes things easier for the community when they want toconduct a trial because the parties can choose a manual trial/trialelectronically (e-Litigation) without having to go to court. E-Court also deliversease of carrying out payment transactions with the e-Skum feature, namelymake calculations easier with the radius of residence of the parties, and the parties canmake payments via Internet Banking, SMS Banking and Mobile Bankingwhich will make the payment process easier (Medellu et al., 2022)[101].

With the ratification of Supreme Court Regulation Number 3 of 2018, this becomesthe initial milestone in changes in the administration of cases in court, which laterrevoked and perfected by Supreme Court Regulation (PERMA) Number 1 of the Year 2019 concerning Electronic Administration of Cases and Trials in Court. After the existence of PERMA Number 1 of 2019 for services in all judicial environments in Indonesia is currently using e-Court. One of them is the District Court Kudus (hereinafter referred to as PN Kudus), this was proven on August 20, 2019, Kudus District Court carries out Socialization and Simulation of E-Court and E – Applications Litigation. Kudus District Court has officially implemented e-Court Corner or e-Court corner. E-Court Corner is a facility provided by the District Court Kudus in serving civil case filings electronically.

The implementation of e-Court at Kudus District Court in general has been able to contribute significantly realizing efficiency and effectiveness in the judiciary. The efficiency in question isas follows: (1) Simplify the process of registering and paying cases dueonline-based (e-filing) and (e-payment) so that registration can be carried out and payment anywhere without having to queue in court; (2) Case documents well archived and can be accessed from anywhere because it is online based. Even though it is relatively good, the implementation of e-court at the Kudus District Court is still on going.

There are a few obstacles, especially for justice seekers who still have difficulty or don't understand how to register their cases online via e-court without using the services of an advocate. So, some of them/the justice seekers will still come directlyto court to register their cases.

Before registering the case online which is carried out byAdvocates asregistered users are first required to have an email ate-Court application. To register via e-Court, the first time what you do is register by entering your email addressvalid because account activation will be sent via registered email,will later becomethe registered user's electronic domicile address, next if registration is successful, registered users will get a user email andpassword that has been created by the registered user. After successfully logging in toThe first time a registered user must complete the Advocate's personal data.Currently registered users can be done by advocates, but for usersOther registrations from individuals, government or legal entities are also possibleaccess the e-Court by registering by coming to the e-Court corneravailable in court. Advocates must complete several documents, namely KTP, Minutes of Oath and Membership Identification Card (KTA) as an Advocate. Afteraccount registration has been completed, so you can proceed to court withUsing e-Court advocates must

[100] Analysed from the primery source. Wahyu Aida Nahar, Efektifitas E-Court dalam Penyelesaian Perkara Perdata, 2021, pp.4.

[101] Analysed from the primery source. Karini Rivayanti Madellu, dkk, Pelaksanaan E-Court dalam Perkara Perdata di Pengadilan Negeri Kota Makasar, 2022, pp.12.

wait for verification and validation by the Court Appeal Level, where the Advocate is sworn in[102].

According to Noor Efendi, the implementation of e-Court at the Kudus District Court so far has been sufficienteffective but still has several obstacles. E-court has a very good goalHowever, its implementation in the field is still very far from the expected target becauseThe District Court itself is not yet ready with the resourcesto implement e-Court so that the objectives of e-Court are not achieved optimally.As for the convenience experienced by advocates with the e-Court, advocates candeposit answers, replicas, duplicates electronically so that time is more efficientbecause they do not need to come directly to the District Court and do not need towait for the next hearing to collect the required trial documents. . Another obstaclefaced is the network or server which sometimes has problems, thus hampering theprocess of uploading and verifying documents[103].

The implementation of the e-Court system in resolving cases at the KudusDistrict Court initially experienced difficulties, due to a lack of socialization fromthe court so that advocates had to explain to clients about e-Court. Theimplementation of e-Court causes changes in procedures in handling a case,meaning that time is made more efficient in handling cases, changes in the way ofinteracting with Court officials, which means that the parties to a case no longerhave to come directly to the Court, the Court's electronic information can make things easier. people seeking justice. Other benefits experienced by lawyers areapart from saving time and also saving costs in the case registration process.Payment of cash down payment fees is made using a virtual account which can bepaid via banks and other electronic channels. Although sometimes there areadditional case retainer fees due to the process of summoning related parties whichis more than the usual process. And documents are stored properly and can beaccessed wherever the advocate is located[104].

According to Achmad Kurnia Chakiim, the use of e-Court at the Kudus DistrictCourt has not been implemented optimally, this can be seen when all documents have been uploaded by advocates to the application, the court continues to ask forphysical documents on the grounds that some judges prefer to examine the filesphysically, and not via electronic devices. The inhibiting factors in implementinge-Court at the Kudus District Court include the e-court application, if a lawsuit orother type of letter has been uploaded, it cannot be returned or repaired, because thesystem has already been locked, because The advocate must be really careful [105] .Theaim of using the application is to make things easier for users, but if there is anetwork problem, for example or a power outage, then the case cannot be processedat all and this will hamper the process of registering the case or uploadingdocuments. Regarding costs, of course using e-Court is cheaper because justiceseekers do not need to pay according to the address radius of the court, becausesummons are made electronically via email[106].

After the Supreme Court issued Supreme Court regulation Number 32018 concerning Electronic Administration of Cases in Courtis an action taken to fulfill the

[102]Based on the results of an interview with Noor Efendi, S.H., Advocate in Kudus City, on February 8, 2024.
[103]*Ibid*
[104]Based on the results of an interview with Didik Tri Wahyudi, S.H., M.H., Advocate in Kudus City, on February 8, 2024.
[105]Based on the results of an interview with Achmad Kurnia Chakim, S.H., Advocate in Kudus City, on February 10, 2024.
[106]*Ibid*

principles of justice, namely simple,fast and low cost. With this online service system, it is hoped thatspace for direct interaction between advocates or justice seekers and employeescourts can be narrowed, and it is hoped that this can reduce KKN practices inCourt.

Even though it is relatively good, the implementation of e-court at the KudusDistrict Court has not yet been implementedwell socialized to justice seekers. This is as observed bythe author when conducting research where there are still many justice seekersregistering cases manually, however the Kudus District Court has maximized the e-Court corner, this can be seen when in the e-Court corner there areofficers who are always on standby to serve online case registration. So even thoughmost of those who use e-Court are lawyers, justice seekers who come directly tocourt are still well served.

Another reason for the lack of people using the e-Court application is due to thereluctance of the parties to be summoned and attend court electronically. Withoutthe party's consent to be summoned electronically, e-summons cannot be carriedout. Likewise, with e-litigation without consent or agreement from the parties toconvene electronically, of course submitting answers, replicas, duplicates,examining witnesses or experts electronically and reading decisions electronicallyas part of e-litigation certainly cannot be carried out. This is in line with Article 15 Paragraph (1) Letter b jo. Article 20 Paragraph (1) PERMA No. 1 of 2019 which limits the requirements for the parties' agreement in the use of e-summons and e-litigation.

In practice the parties will be asked to fill out and sign a form"Consent of the Parties to Proceedings Electronically". Reluctance of the parties tobeing summoned and held electronically due to a lack of understandingwhich causes justice users to become worried when summoned to courtor the case documents do not arrive because they are not all in physical form butelectronic or online based. Respondingto this condition, the Kudus District Court needs to intensify outreach to the publicregarding the convenience of e-courtspeople is interested in using e-Court features.

According to Mrs. Hanik Maghfiroh, E-court is one of the courts instrumentsform of service to the community in terms of online case registration. Besides online case registration, through this application the public can also make payments online,send trial documents (replicas, duplicates, answers,conclusion) and also summoning the parties online. For the e-court itself, yesrunning for approximately 4 years at the Kudus District Court, the implementation of this e-court at the Kudus District Court has been quite good, from the start of registration we have preparedadmin and a separate place for the service, namely the e-court corner, and also sofar the e-court process at the Kudus District Court it runs smoothly, the problem isthat the network and servers of the Supreme Court sometimes have problems, thus hampering the process of handling cases. For those who want to register a lawsuitbut don't have an account or don't have a lawyer, our admin is willing to help createan account and also register the lawsuit[107].

Mr. Tb. Roky Syahlendra also said the same thing regarding usage constraints e-Court most often occurs due to slow internet networks so hampers the process of inputting data to the server. If the internet network is good, of course the process will be fast, if the internet is slow then it will take time too. Also remember to include trial documents such as replicas, duplicates, answers, and that conclusion has a time period, and must be entered before the time expires.Regarding the implementation of

[107]Based on the results of an interview with Hanik Maghfiroh, S.H., Young Civil Clerk at Kudus District Court, on February 5, 2024.

case registration, the parties can do it themselves, but to minimize the occurrence of errors and also so that there are no mistakes on our partThe court strongly recommends that you only be represented by a lawyer. Especially when it comes to file entry, sometimes many people don't understand what documents are required when registering a case via e-court[108].

The existence of e-Court is very helpful in handling cases, especially in terms of time, and also in trials we can easily understand because you have previously read and seen the documentsentered by the parties in e-court without having to wait for the original documents. ThenFor the courts themselves, this e-court enables the principle of transparency to be realized, because by making payments online, the parties can find out for themselvesdetails of what must be paid, and there is no such thing as a gratuity anymore court, because everything is done transparently[109].

Kudus District Court itself has carried out several outreaches related to e-Court, especially to registered users, namely advocates. This socialization is useful forproviding advocates with an understanding of the procedures for litigating in court, especially lawsuits using the E-Court application. Simulations were also carried outduring the socialization activities, starting from the electronic registration stage tothe payment stage, which was carried out to judicial officials in the district courtarea. The socialization material is not only about E-Court but also its integration with the First Level Court Case Information Tracking System (SIPP) application. SocializationThe judicial apparatus is expected to be ready to serve cases electronically via E-Court application so that the implementation of E-Court becomes more effective and encouraginguse of the E-Court application[110].

The significant increase in E-Court use was also influenced by the pandemic Covid-19 in 2020-2021. After the outbreak of Covid-19 in Indonesia at that time, the Supreme Court of the Republic of Indonesia issued Circular Letter Number 5 of 2020 concerning Guidelines for Carrying Out Duties during the Period of Preventing the Spread of Corona Virus Disease 2019 (Covid-19) within theSupreme Court of the Republic of Indonesia and the Judicial Bodies under it which instructed the court to make adjustments to the work system based on the Circular Letter of the Minister for Empowerment of State Apparatus and Bureaucratic Reform, where Judges and judicial officers can carry out their official duties by working at home/where they live (work from home). Working at home, in the circular, is considered as one of the activities for carrying out their official duties. Duties include carrying out activities that utilize the E-court application and the features contained therein[111].

The district court still provides the parties with the opportunity toconvene manually or conventionally. Online hearings with E-Court are only possible implemented if both parties agree, but sometimes the community still agreesprefer carrying files and reading files physically rather than electronic onesthen make the parties not agree to conduct the proceedings electronically.

In general, the implementation of E-Court at Kudus District Court has been ableto contributein realizing efficiency and effectiveness in the judiciary. E-Court system can effectively benefit the parties so that they can save time, costs and energy.Facilities

[108]Based on the results of an interview with Tb. Roky Syahlendra, Substitute Clerk at Kudus District Court, on February 5 2024.
[109]Ibid
[110]Based on the results of an interview with R. Setyo Widhi Widodo Suharyadi, Bailiff at Kudus District Court, on February 5 2024.
[111]*Ibid*

and infrastructure to support the implementation of E-Court still need to be improvede specially human resources.

Conclusion

The implementation of e-court in handling civil cases at the Kudus District Court can contribute to realizing internal efficiency and effectivenessjustice, especially the efficiency of time and costs incurred by justice seekers. Currently, more e-Court users are advocates, while forjustice seekers who register their cases directly via e-courtstill very lacking. Electronic hearings are only carried out onstages of answering, summons, and reading the decision, while for the processproof is still carried out directly.

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STUDY OF CRIMINAL ACTS OF FRAUD THROUGH ONLINE BUYING AND SELLING

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Abstract:

In this modern era, we cannot be separated from the digital world. The increasing development of the digital world makes it easier for people to fulfill their needs. Many people don't have to go to the shop to buy something, just use their cell phone and the goods will arrive at home. However, many people abuse it to gain personal economic value or what is usually called online buying and selling fraud.
I entitled this journal as a study of criminal acts of fraud through online buying and selling. The problem formulation from this journal is: What is the policy for criminalizing criminal acts of online buying and selling fraud in the ITE law and the Criminal Code (KUHP) as well as the Consumer Protection Law for victims of criminal acts of online buying and selling fraud. Namely in the form of providing the rights and obligations of victims as well as providing compensation levies. Because there are losses, both material and non-material, that must be returned in accordance with consumer rights so that the principle of benefit is fulfilled and no one is harmed in accordance with Consumer Protection Law number 8 of 1999.

Keywords: ITE law and the Criminal Code (KUHP), Consumer Protection Law

Introduction

Background

In the era of modernization, technological developments are increasingly advanced. Cultural changes have also occurred, people no longer have to go to the market or shop to buy what they want or need. They can sit at home using their cellphone and the application of what they want to buy arrives at their doorstep without them having to go to the market or shop. This has resulted in a cultural change where markets that used to be busy every day are now quiet because people have changed to suit the times, they buy things without having to go to the shop or market. However, sometimes technological advances like this are misused by some individuals, especially sellers. They sell their merchandise with an attractive appearance and clear descriptions, but when someone buys they abuse the buyer's trust. When buyers have full trust in the seller and the goods they want match digitally, whether in photos or videos and the description is clear, they buy and have full trust in the seller, but in reality the goods sent do not meet expectations or do not match the description and photos and videos displayed.

The process of buying and selling via the internet or *Electronic Commerce* is a process of buying and selling, transferring or exchanging products, services and information carried out via computer networks, including the internet.

The rapid development and progress of Information Technology has caused changes in human life activities in various fields which have directly influenced the birth of new forms of legal acts. The government needs to support the development of Information Technology through legal infrastructure and regulations so that the use of Information Technology is carried out safely to prevent misuse by paying attention to the religious and socio-cultural values of Indonesian society. So based on these considerations, Law no. 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law).

online fraud crimes. Fraud with sales mode cell phone and electronic via *online* widespread In Jakarta, there are a lot of online frauds using the method of selling certain brands of cellphones at low prices. This price, which is much cheaper than the market price, makes many people interested in ordering the goods on offer. Iman Sjahputra said that often cases of fraud in electronic transactions are not reported to the authorities because the transaction value is not considered very large. According to Iman, there is still a lot of fraud in electronic transactions because until now there has not been a Reliability Certification Institute mandated by Article 10 of the ITE Law.

[1] Faith Sjahputra, 2010, *Consumer Still Disadvantaged in Transaction Electronic*, Jakarta, h. 15.

Objective

As for that goal expected from writing journal This is for know about the role of the Criminal Code and the ITE Law in tackling criminal acts of *online* buying and selling fraud, which of course is expected to contribute to scientific development in the criminal realm, especially *cybercrime.*

Contents of the Paper

Method Study

The type of research used is research using a normative research approach method. The normative legal research method is used because the method used in research on *cyber-crime* is carried out by examining existing library materials. [2]

Results and Discussion

Criminalization Policy for Online Buying and Selling Fraud in the Criminal Code and the ITE Law

Criminalization policy is a policy in determining an act that was not originally a criminal act to become a criminal act. For in cases of *online* buying and selling fraud, the Criminal Code experiences difficulties because there are no specific provisions regarding fraudulent fund transfers. So the Criminal Code must look at the elements of this case first, such as breach of contract, using internet electronic media in transactions, causing losses. one of the parties, the goods being traded do not match what they are said the parties. So from these elements it can be concluded that Article 378 of the Criminal Code concerning Fraud can be used but is not effective enough in dealing with this criminal act.

In Indonesia, a related law has actually been passed with crime world virtual *(cybercrime)* that is Constitution Number 11 of 2008 concerning Information and Electronic Transactions. Internet abuse that disturbs public or private order may be subject to sanctions Constitution This. But deep a number of crime internet this law also still does not clearly mention it.

***Online* Buying and Selling Fraud Crimes**

The importance of protecting victims of online buying and selling crimes has received serious attention, this can be seen with the formation of *the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,* in one of its recommendations, it is stated that the form of protection provided has expanded not only to victims of crime but also to protection for victims resulting from abuse of power. [3] In cases of criminal acts of online buying and selling fraud*,* usually victims of fraud will demand material compensation, so that their rights are returned by the perpetrator.

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[3] Education m Arief Mansur And Elisatris Gultom, 2008, *Urgency Protection Crime Between Norms and Reality*, Rajawali Pers, Bandung, p. 20.

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Wrong One form protection to victim crime and is the right of victims of criminal acts is to receive compensation and restitution. Compensation is given by the state to victims of serious human rights violations, while restitution is compensation to victims of criminal acts given by the perpetrator as a form of accountability. [4] According to Stephen Schafer, compensation arises from the victim's request and is paid by society or is a form of community or state responsibility (*the responsibility of the society*), whereas Restitution more nature criminal, which arise from decision criminal court and paid by the convict or is a form of responsibility of the convict (*the responsibility of the offender*). [5]

Conclusion

From the discussion of the problems above, the following conclusions can be drawn:

1. *online* buying and selling fraud is a conventional fraud crime committed in the real world which is regulated in Article 378 of the Criminal Code concerning Fraud, but the elements of this article cannot fulfill the elements of the criminal act of fraud in selling and selling. buy online because in the interpretation of the elements of this article there is no mention of computer data or computer-generated information. The ITE Law can also be said to be ineffective because the ITE Law is an Administrative Law.
2. A form of legal protection for victims of criminal acts of online buying and selling fraud, namely in the form of providing victims with rights and obligations as well as providing restitution and compensation.
3. Socialization regarding procedures for complaining about online buying and selling fraud must be intensified because many people do not understand where they should complain when they become victims of online buying and selling fraud.
4. The governing laws must always be updated because the development of the online world is getting faster, and the applicable laws are unable to keep up or are lagging behind.

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REFORMULATION OF REGULATIONS FOR THE PROTECTION OF THE CONVERSION OF AGRICULTURAL LAND TO SUSTAINABLE NON-AGRICULTURAL USES WITH EQUITY

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Abstract:

Land conversion involves the alteration of a portion or the entirety of an area, impacting the environment and the land potential of a region. This study highlights the injustice in protecting agricultural land transformed into sustainable non-food farming. The research reveals an imbalance in land conversion and ineffective regulations. The current regulations, governed by Law Number 41 of 2009 and Presidential Regulation Number 59 of 2019, face controversy due to challenging implementation. Reformulation is proposed by considering benefits, sustainability, compatibility, and the responsibility of local governments. The designation of agricultural area maps requires consolidation and careful consideration to achieve justice and legal certainty.

Keywords:

Agricultural Land Conversion; Justice; Reformulation

Introduction

As an agrarian nation, Indonesia must guarantee the sustainable provision of agricultural land as a source of employment and livelihoods that are dignified for humanity. This commitment is grounded in the principles of solidarity, efficiency, justice, sustainability, environmental awareness, and self-reliance, while maintaining the balance, progress, and unity of the national economy. Article 1, paragraph (1) of Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles (UUPA) stipulates that the entire territory of Indonesia is a unified homeland, and all Indonesians are united as the Indonesian nation. Land across Indonesia is a common right of the Indonesian people, resembling the indigenous customary law's customary land rights. (Cahyaningrum, 2019).

Land plays a crucial role in society, serving as both a residence and a means of livelihood. The functions of land vary depending on the entity utilizing it. For instance, farmers utilize land as a source of food production for sustenance, while the private sector may use it for investment or capital. In many cases, agricultural land is repurposed to fulfill other interests. The priority in land conversion should ideally align with the welfare of the people, rather than favoring private entities or the government that may prioritize the commercial interests of select parties. The state's authority over land throughout the Republic of Indonesia is rooted in the rights of the Indonesian nation, which encompasses state authority as outlined in Article 2, paragraph (2) of UUPA. This authority includes:(Ansari et al., 2020).

a) Regulating and managing the allocation, utilization, provision, and maintenance of land, water, and airspace.
b) Determining and regulating legal relationships between individuals and land, water, and airspace.
c) Determining and regulating legal relationships between individuals and legal acts affecting land, water, and airspace.

Article 2, paragraph (2) of the Agrarian Basic Regulation (UUPA) explains the rules and the relationship regarding the maintenance and interests of land. The determination of paddy fields has been regulated in Article 2, paragraph (2), but often there are other issues in determining paddy fields. The legal problems of determining protected paddy fields in Indonesia sometimes involve various issues that need to be addressed by the PPAT (Land Deed Official).

The government, in collaboration with the DPR (People's Consultative Assembly), enacted Law Number 41 of 2009 concerning the Protection of Sustainable Food Crop Agricultural Land. In this law, it is expected to restrain the conversion rate of paddy fields, especially those with technical irrigation, to support national food security, and ensure that Indonesia has permanent agricultural land. PLP2B (Protection of Sustainable Food Crop Agricultural Land) is a government policy to protect agricultural land. The availability of land in the agricultural sector is an absolute requirement to realize the role of the agricultural sector sustainably, especially to achieve independence, resilience, and national food sovereignty. The current problem faced is the high pressure on land, leading to competition for land use between the agricultural and non-agricultural sectors. The increasing demand for land for non-agricultural activities ultimately leads to the conversion of agricultural land.

From a land aspect, there are several land issues, especially in the agricultural sector. Firstly, the rapid conversion of agricultural land. Secondly, the increasing limitation of land resources suitable for agricultural activities. Thirdly, the narrow agricultural land per capita. Fourthly, the increasing number of small-scale farmers.

The last is the vulnerability of ownership status to agricultural land. (Iqbal & Sumaryanto, 2007).(Iqbal & Sumaryanto, 2007).

The issue of sustainable agriculture arises in tandem with the increasingly uncontrollable conversion of agricultural land to non-agricultural use. Sustainable agriculture is a process of managing agricultural resources in a good, precise, efficient, and optimal manner to meet human needs, improve human welfare, and preserve natural resources in the present without harming future generations. The utilization and management of land resources need to be prioritized, especially agricultural land.(Rostini, 2023).

Law Number 41 of 2009 concerning the Protection of Sustainable Food Crop Agricultural Land is outlined in the Spatial Planning Plan, and the Provincial Spatial Planning Plan serves as a reference for the preparation of District Spatial Planning Plans. The protection of food crop agricultural land needs to be carried out by designating areas of food crop agriculture that need to be protected in the spatial planning plan products so that they are not intended for non-agricultural development. The existence of productive agricultural land must be preserved.

Agricultural land is generally located in flat areas with good accessibility to city centers, making it vulnerable to conversion for non-agricultural use. The District Spatial Plan must allocate part of its territory as irrigated paddy fields, which will later be designated as sustainable food crop agricultural land. Agricultural land that undergoes conversion to non-agricultural use to meet the needs for housing and other economic activities.

The reduction of agricultural land should be controlled through Regional Regulations on the Protection of Sustainable Food Crop Agricultural Land. Regional governments have not fully fulfilled the mandate of Regional Regulations. Legal protection for PLP2B (Protection of Sustainable Food Crop Agricultural Land), as regulated in Law Number 41 of 2009 concerning the Protection of Sustainable Food Crop Agricultural Land, is basically not sufficient to accommodate the issues of land conversion. The ongoing land conversion poses its own set of problems.

Based on Presidential Regulation Number 59 of 2019 concerning the Control of Paddy Field Land Conversion, it serves as the legal basis for controlling the conversion of paddy fields with the aim of expediting the determination of protected paddy field maps to meet and maintain the availability of paddy fields to support national food needs, control the rapid conversion of paddy fields, empower farmers not to convert paddy fields, and provide data and information on paddy fields for the determination of PLP2B (Protection of Sustainable Food Crop Agricultural Land).

To expedite the implementation of this Presidential Regulation, the Coordinating Minister for Economic Affairs issued Coordinating Minister for Economic Affairs Regulation Number 18 of 2020 and Minister of Economic Affairs Decision Number 224 of 2020 regarding the Duties, Work Procedures, and Membership of the Integrated Team.

The process of determining protected paddy fields begins with the verification of standard paddy field areas using satellite imagery, land and spatial data, irrigation data, paddy field print data, and forest area data, followed by clarification activities with regional governments. The maps produced are synchronized by the Integrated Team for the proposed map of protected paddy fields, which will be determined by the Minister of Agrarian Affairs/National Land Agency. This Protected Paddy Field Map serves as a reference for controlling the conversion of paddy fields by the Minister of Agrarian Affairs/National Land Agency.

The conversion of agricultural land to non-agricultural use is widespread, aligning with development policies that emphasize growth through the facilitation of investment facilities, both for local and foreign investors in land provision.(Meijana Irawan Sukarja, 2015) apid population growth, accompanied by the need for housing, results in reduced agricultural land in various regions. The shrinking land is increasingly fragmented due to housing needs, industrial land, and so forth. Farmers often choose to work in the informal sector rather than persisting in agriculture. The declining attractiveness of the agricultural sector also makes farmers tend to follow land conversion trends.(Mulyani et al., 2016)

Landowners convert their agricultural land for non-agricultural purposes in the hope of gaining more profit or income. Economically, agricultural land, especially rice fields, has a high selling price because it is usually located in developing areas. In response to the high rate of paddy field conversion, the Central Government made a breakthrough by issuing Presidential Regulation Number 59 of 2019 concerning the Control of Paddy Field Land Conversion (Perpres Number 59 of 2019). The objectives of the issuance of Perpres Number 59 of 2019 include: (M Sriastuti Agustina, 2021)

1) Expediting the determination of Protected Paddy Field Maps to meet and maintain the availability of paddy fields to support national food needs.
2) Controlling the rapid conversion of paddy fields.
3) Empowering farmers not to convert paddy fields.
4) Providing data and information on paddy fields for the determination of sustainable food crop agricultural land.

According to Perpres Number 59 of 2019, the Minister of Agrarian and Spatial Planning/Head of the National Land Agency, as the Daily Chairperson of the Integrated Team for the Control of Paddy Field Land Conversion, is authorized to determine Protected Paddy Field Maps. The Protected Paddy Field Map determined by the Minister of Agrarian and Spatial Planning/Head of the National Land Agency is the result of an agreement from the Integrated Team for the Control of Paddy Field Land Conversion.

The conversion of agricultural land to non-agricultural use is indeed staggering. The extent of conversion aimed at non-agricultural development, such as residential areas, industries, offices, roads, and other public facilities, averages 60,000 to 100,000 hectares per year. This means that around 4,000 hectares of paddy fields are converted into non-agricultural land every day. Land conversion is generally acceptable, but it becomes problematic when it occurs on still productive agricultural land. (Afifah, I., & Sopiany, 2017)

The enactment of Law Number 6 of 2023 concerning the Ratification of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation reinforces the importance of preserving food crop agricultural land amid the government's efforts to boost economic growth. Presidential Regulation 59 of 2019 serves as a regulation to control the rate of paddy field land conversion. Based on the above description, the author is interested in conducting research with the title "Reformulation of Regulations for the Protection of Conversion of Agricultural Land to Sustainable Non-Agricultural Food Land with Justice.”.

Research Methods

This research employs a qualitative approach with legal data analysis to explore and address issues related to the policy of converting agricultural land into sustainable non-agricultural food land. Data collection techniques encompass interviews, document studies, observations, and documentation. The data analysis involves

grammatical, historical, and systematic interpretation, while data validation techniques encompass credibility, transferability, and dependability.

Analysis and Discussion

1. Protection of Agricultural Land Conversion to Non-Agricultural Sustainable Food Not Yet Just

Sustainable Agricultural Land Protection (abbreviated as PLP2B) is organized with several objectives: to sustainably protect agricultural land and areas; to ensure the availability of sustainable food agricultural land; to achieve independence, resilience, and food sovereignty; to protect the ownership of farmers' agricultural land; to enhance the prosperity and well-being of farmers and the community; to improve the protection and empowerment of farmers; to increase job opportunities for a life that maintains ecological balance, and to realize agricultural revitalization.(Octavianti & Nurikah, 2021)

The conversion of paddy fields, known as the conversion of agricultural land, involves changing the function of agricultural land. This change includes transforming paddy fields into non-paddy fields for various agricultural purposes or converting them into non-agricultural uses. One of the impacts of land conversion activities is the reduction of productive agricultural land, a matter of concern for the government.

Control over the conversion of paddy fields is a policy breakthrough aimed at maintaining national food security by producing rice as the main staple food in the country. The designation of protected paddy fields, in addition to being a government effort to protect rice fields, also aims to encourage Regional Governments to promptly establish Regional Spatial Planning Regulations (Rencana Tata Ruang Wilayah or RTRW) with spatial maps of paddy fields.

The enactment of the Omnibus Law on Job Creation and its implementing regulations further strengthens the importance of preserving agricultural land amid government efforts to boost economic growth. Presidential Regulation Number 59 of 2019 serves as a regulation to control the level of conversion of paddy fields. Issues arise when there is a discrepancy between the Protected Paddy Field Map (LSD - Lahan Sawah Dilindungi) and the RTRW regulations in force in the region. Many cases involve land planned for residential purposes but fall under the category of Protected Paddy Fields. The new regulations on agricultural land protection have not been fully implemented, leading to shortcomings in the maps designating protected paddy fields. There is a lack of integration among maps in implementing policies and understanding new strategies for the Protected Paddy Field policy through the integration of LSD maps with RTRW (Regional Spatial Planning). (Erwahyuningrum, 2023)

Farmers or landowners, as well as cultivators, no longer face landlords as in the UUPA (Basic Agrarian Law) era of 1960. Instead, they confront large capital in the industry and wealthy individuals in the city who buy land in suburban or rural areas. Agricultural land is transformed into stocks that can be traded on the stock market at any time. Land transactions extend beyond national territorial boundaries. According to Syarif Imama Hidayat, land is a natural resource with a broad function in meeting various human needs from an economic perspective.(Hidayat, 2008)

The reformulation of PLP2B regulations (Protection of Sustainable Agricultural Land) is not yet just due to several factors. The following are some reasons explaining why this is the case:

a. Agricultural land plays a crucial role and holds a strategic function as a fundamental resource in land-based agricultural efforts. Land is a scarce natural resource as its quantity does not increase, but the demand for land continually rises. The conversion of agricultural land poses a threat to achieving food resilience and sovereignty.
b. Issues of sustainable agriculture arise in tandem with the uncontrolled conversion of agricultural land to non-agricultural uses. Sustainable agriculture is a process of managing agricultural resources effectively, efficiently, and optimally to meet human needs, improve human well-being, and preserve natural resources in the present without compromising future generations. The utilization and management of land resources need to be prioritized, especially agricultural land. The Law on the Protection of Sustainable Agricultural Land. The designation of Sustainable Food Agricultural Areas is part of the spatial planning of Rural Areas in the district's spatial planning, following the provisions of the legislation.
c. In reality, there is an issue in the field that the designation of LSD (Protected Paddy Field) and PLP2B (Protection of Sustainable Agricultural Land) areas only considers the aspect of food resilience without taking into account the needs and dynamics of development, especially in urban and rapidly growing areas.
d. The lack of harmony in norms between Regional Regulations regarding PLP2B (Protection of Sustainable Agricultural Land) and Spatial Planning Determination Regulations, specifically in determining the map of sustainable food agricultural areas with spatial planning maps, leads to differences in size and overlapping maps resulting in legal uncertainty, especially in the context of spatial planning permit management.

2. Reformulation of Regulations on the Conversion of Protected Sustainable Agricultural Land for Non-Agricultural Purposes with Justice.

The legal protection provided to the people of Indonesia is an implementation of the principles of recognition and protection of human dignity derived from Pancasila and the principles of the Rule of Law based on Pancasila. Everyone has the right to legal protection, and almost all legal relationships must receive definite legal protection. Therefore, various forms of legal protection exist. However, legal protection is not only granted to individuals but also to objects, in this case, sustainable food agricultural land. Sustainable food agricultural land must receive clear legal protection because the role of the agricultural sector in the economic development of Indonesia remains crucial. This sector supports the Gross Domestic Product, creates job opportunities, increases community income, and earns foreign exchange. The comprehensive role of the agricultural sector is also seen as crucial in providing food for the community, strategically contributing to food resilience closely related to social resilience, economic stability, political and security resilience, or national resilience, and the provision of environmental services. Now, it is only a matter of the government's strategy in the preventive steps to prevent non-food land conversion before taking repressive measures.(Dirkareshza et al., 2020)

Spatial planning is a systematic process involving planning, utilization, and control of space utilization. Kartasasmita states that spatial planning generally involves a process that includes planning, utilization, and control of the implementation or utilization of space that must be interrelated.(Simandjorang & SE, 2023)

Spatial planning is the result of structural planning and spatial utilization patterns. The structural form of spatial utilization includes the arrangement of elements forming social and artificial environments that structurally relate to each other, forming spatial planning, including service centers such as district/city centers, environments, road infrastructure such as arterial, collector, local roads, and so on.(Budiman, 2020)

The pattern of spatial utilization is the form of space utilization that describes the size, function, and character of human and/or natural activities. It includes location patterns, settlement distribution, workplace locations, industries, agriculture, and patterns of rural and urban land use.

Spatial planning for PLP2B (Protection of Sustainable Agricultural Land) must be calculated and analyzed based on various aspects, including food needs and the availability of built-up land, especially in urban and rapidly growing areas. Meanwhile, in the Regional Regulation on PLP2B (Protection of Sustainable Agricultural Land), the determination of the area of PLP2B is much larger than the area designated in the Regional Spatial Plan because the determination of PLP2B in the Regional Regulation on PLP2B and the regent's decree only considers the aspect of food resilience without taking into account the needs and dynamics of development, especially in urban and rapidly growing areas.

According to the researcher, the resolution guidelines are formulated based on fundamental principles to maintain the sustainability of Protected Rice Field Ecosystems (PRFE) for long-term viability. Furthermore, it is crucial to consider the dynamics of investments and the implementation of national and regional development to achieve the well-being of the population. Striking a balance between the protection of PRFE for food security and developmental investments is vital, given its significant role in national food security.

All forms of development intending to utilize PRFE must adhere to the preservation of the PRFE ecosystem. This is intended to ensure that national food security remains intact, even when development activities are carried out in areas designated as PRFE. The resolution guidelines can serve as a reference for verification procedures related to changes in the Protected Rice Field Map. Additionally, they can be utilized as guidance for issuing Space Utilization Activity Suitability (SUAS), Land Technical Considerations (LTC), permits, and land rights.

Reformulating the Regulation on the Conversion of Protected Sustainable Agricultural Land for Non-Agricultural Purposes with Justice requires close coordination among various aspects, including spatial planning, protection of agricultural land, and ecosystem sustainability. Spatial planning should be the primary instrument in this process, encompassing spatial planning, control of space utilization, and monitoring food security.

The importance of harmonizing Regional Regulations on the Protection of Sustainable Agricultural Land (PSAL) with the Regional Spatial Plan is emphasized. In this context, the study should take into account food needs, the availability of built-up land in urban areas, and rapid growth. Reformulation should also address discrepancies in the area designated as PSAL in Regional Regulations compared to the Regional Spatial Plan.

Resolution guidelines and reformulation must consider ecological and sustainability aspects. In the context of the Protection of Sustainable Agricultural Land (PSAL), it is essential to emphasize that Protected Rice Fields (PRF) play a vital role in national food security. Therefore, any development utilizing PRF must preserve the PRF ecosystem.

Controlling the Conversion of Rice Fields (CCRF) is a crucial step in preventing the transformation of rice fields into built-up areas. Coordination between the central and regional governments in designating PRF and strict monitoring of policy implementation need strengthening. Control strategies should consider local community dynamics, uphold justice, and provide legal certainty.(Handhika et al., 2018)

Furthermore, there is a need for reformulation in the land licensing process that ensures the involvement of various parties, including the Ministry of Public Works and Public Housing, the Ministry of Agriculture, the Ministry of Environment and Forestry, and the Geospatial Information Agency. Synchronization of protected rice field maps between regional and central land offices should be pursued, and corrections to the issued maps need to be carried out through dialogue and participatory forums.

This reformulation must address various issues, including the protection of agricultural land, ecosystem sustainability, justice, and legal certainty. The synergy among various stakeholders and well-measured implementation will be the key to success in achieving the goals of this reformulation.

CONCLUSION

Based on the above discussion, several points can be concluded, including:

c. The protection of the conversion of agricultural land to non-agricultural sustainable food land is currently unjust, as issues of sustainable agriculture arise alongside the increasingly uncontrolled conversion of agricultural land to non-agricultural use. In reality, there are issues in the field where the designation of Protected Rice Field Areas (LSD) and Sustainable Agricultural Land Protection (PLP2B) only considers aspects of food security without taking into account the needs of dynamic development, especially in urban and rapidly growing areas. The lack of harmony between regional regulations regarding PLP2B (Sustainable Agricultural Land Protection) and Spatial Planning Regulations, particularly in the determination of sustainable food agricultural areas on the map and spatial planning, results in differences in size and overlapping maps, leading to a lack of legal certainty, especially in the context of spatial permit management.

d. The reformulation of regulations regarding the conversion of protected agricultural land to non-agricultural sustainable food land, based on justice, benefits, sustainability, consistency, harmony, balance, decentralization, and the responsibility of local governments. The fact is that the conversion of agricultural land to non-agricultural use not only creates legal uncertainty and injustice in implementing the control of protected rice fields but also has the potential to hinder the implementation of national and regional development, ultimately harming the interests of the community and the country. This is because Regional Regulations (Perda) on Regional Spatial Plans (RTRW) take precedence in regulating sustainable food agricultural land. The determination of PLP2B (Sustainable Agricultural Land Protection) that is different, unsynchronized, and disharmonious results in significant differences in figures. The solution requires the development of a resolution guide based on the basic principles to preserve the ecosystem of Protected Rice Fields (LSD) sustainably. Additionally, it should also consider the dynamics of investment and the implementation of national and regional development for the welfare of the people. The reformulation of the

determination of LSD (Protected Rice Field) and PLP2B (Sustainable Agricultural Land Protection) maps should consolidate first and not immediately establish LSD maps. Although the determination of agricultural areas, even for the purpose of food self-sufficiency, should consider various aspects to achieve justice and legal certainty.

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STRENGTHENING THE AUTHORITY OF GENERAL MEETINGS OF SHAREHOLDERS TO RETROACTIVELY VALIDATE ULTRA VIRES ACTIONS BY DIRECTORS IN LIMITED LIABILITY COMPANIES

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Abstract:

This research delves into the analysis of the challenges surrounding the retroactive validation of ultra vires actions by directors during general meetings of shareholders. The study investigates the existing regulatory framework governing these meetings and explores strategies to enhance the authority of shareholders in validating such actions, particularly within limited liability companies. Employing a normative juridical approach, the research involves an in-depth examination of legal literature and the application of relevant legal provisions. The findings underscore internal obstacles that impede the effectiveness of general meetings of shareholders in retroactively validating ultra vires actions by directors. Notably, the absence of explicit and detailed provisions addressing Ultra Vires actions poses a significant challenge. Externally, Indonesia's reluctance to embrace the Ultra Vires Doctrine is evident due to the absence of clear rules or norms within its legal system explicitly determining this concept. Addressing the regulatory aspect, the procedures for general meetings of shareholders are governed by Law Number 40 of 2007 concerning Limited Liability Companies. Article 92 of the Company Law emphasizes that directors manage the company with a focus on its benefit and in alignment with the company's purposes and objectives. It acknowledges that directors may engage in ultra vires acts in the management of the company, whether within or outside the court. To strengthen the authority of general meetings of shareholders in retroactively validating ultra vires actions by directors in limited liability companies, there is a need to empower shareholders to initiate legal actions, as outlined in Article 61 of Law Number 40 of 2007.

Keywords:

General Meetings of Shareholders; Ultra Vires Actions; Limited Liability Company

Introduction

The national economy organized based on economic democracy with principles of inclusiveness, efficiency, justice, sustainability, environmental awareness, self-reliance, and maintaining a balance of progress and national economic unity, needs to be supported by a robust economic institutional framework to realize societal well-being. In order to further enhance the development of the national economy and simultaneously provide a solid foundation for businesses to face economic developments in the era of globalization in the future, it is essential to be supported by legislation regulating limited liability companies that can ensure the establishment of a conducive business environment.(Nongtji, 2013)

Limited Liability Company (PT) as one of the pillars of national economic development needs a legal foundation to further drive national development organized as a collective effort based on the principle of kinship. A company itself is a business entity established through an agreement, engaging in business activities with a total capital divided into shares and meeting the requirements stipulated in the law and other implementing regulations.(Ade Pratiwi Susanty, 2022)

A Limited Liability Company is one of the commonly used business forms in Indonesia due to its privileges not possessed by other company forms. One of the privileges of a Limited Liability Company is its legal entity status. It is an independent legal entity, similar to an individual with legal capacity to act and defend its rights. The company's organs consist of the General Meeting of Shareholders (RUPS), Board of Directors, and Board of Commissioners, according to Article 1 Number 4 of the General Provisions of the Republic of Indonesia Law Number 40 of 2007 concerning Limited Liability Companies (Pangestu & Aulia, 2017)

The General Meeting of Shareholders (RUPS) is the company organ with authority not delegated to the directors or commissioners within the limits specified by this law or the articles of association. As an artificial person, the activities of the Limited Liability Company are carried out by the Board of Directors. The Board of Directors represents the Limited Liability Company in its activities both within and outside the court, as previously explained in Article 1 Number 5 of the Republic of Indonesia Law Number 40 of 2007 concerning Limited Liability Companies. The presence of the Board of Directors is crucial in a Limited Liability Company; hence, it requires the right person with the capability to perform these duties.(Anak Agung Ngurah Bagus Wiradhanta Adipranata, 2022)

Each member of the board of directors is also obliged to act in good faith and full responsibility in carrying out their duties for the benefit of the company. If, in the execution of their duties, there is an indication that a director is abusing the authority granted to them for personal gain, leading to financial losses resulting in the bankruptcy of the company, the director can be held personally accountable, or their personal assets can be used as collateral for settling the company's debts in bankruptcy. (Muskibah, 2007)

The responsibility of the board of directors in a Limited Liability Company experiencing bankruptcy is not solely based on the provisions of the Republic of Indonesia Law Number 40 of 2007 concerning Limited Liability Companies. In corporate law, there are generally recognized legal principles governing how a director is held accountable to the limited liability company if the director's actions lead to the bankruptcy of the company.

Directors most often engage in ultra vires actions compared to other corporate organs because directors are the company's most crucial organ, performing both managerial and representative functions. As a consequence of these functions,

directors must make decisions in the company's operation, and they also represent the company in implementing each decision. Thus, if there is a risk arising from such actions, the directors are the ones primarily responsible for the occurring risks. The responsibility for the bankruptcy of the company caused by the ultra vires actions of the directors is based on the principle of "piercing the corporate veil".(Ramadhan, 2022)

Ultra Vires itself is a legal doctrine that deems null and void any action by a company that exceeds the authority limits granted, as stated in the purposes and objectives of the company in its articles of association. This Ultra Vires doctrine originates from the common law concept in England. In its development, the Ultra Vires doctrine is increasingly interpreted more flexibly, not as rigid as initially conceived. This is evident from several aspects, namely: Ultra Vires in relation to the company's articles of association, Ultra Vires in its connection to legal regulations, and currently controversial Ultra Vires cases..(Qtaishat, 2020)

The provisions of Article 45 paragraph 2 of the Commercial Code, LN. 1938 Number 276, and Article 2 of the Limited Liability Company Law state that Indonesia also adopts the Ultra Vires Doctrine in its legislation. However, in this case, the law does not clearly regulate the legal consequences when acts involving Ultra Vires occur.(Abu Daud Busroh, 1998)

According to Remy Sahdeiny, it is the judge who will determine and decide the legal consequences of acts involving Ultra Vires. When connected to the case example presented by the researcher, the judge considers and holds the opinion that actions exceeding the provisions stipulated in the company's articles of association are considered void, and the responsibility shifts to the directors personally.

The application of doctrines within the scope of corporate law continues to evolve broadly, modifying existing doctrines to meet the interests of the relevant business actors. The Ultra Vires doctrine has undergone a similar evolution in its application, where some parties attempt to give it a broad meaning. This meaning is not limited to activities prohibited by statutory regulations or the company's articles of association alone.

This authority is primarily directed at the organs of the limited liability company, including the general meeting of shareholders (especially when shareholders' desires do not always align with the reasons for establishing a limited liability company), the board of directors, and the commissioners. The term "ultra vires" is applied not only when a company performs an action beyond its explicit or implicit authority (in the articles of association) but also when the action is contrary to public order.

The Ultra Vires doctrine teaches that a company cannot engage in activities beyond its corporate powers, as defined in its articles of association. Emphasis on ultra vires is generally applied to transactions carried out by the company. If, in reality, such transactions violate the doctrine, they will be legally void, and the responsible directors will be held personally accountable.

In its development, the context of ultra vires is not limited to transactions between the company and stakeholders. This consideration acknowledges that the scope and performance of a company are no longer based on conservative principles but have evolved. Additionally, corporate legal doctrines have also evolved.

Previous research addressing the Ultra Vires issue has been conducted, including one by Johnny Ibrahim in his article titled "Ultra Vires Doctrine and Its Consequences on Private Legal Entities." In his conclusion, the researcher emphasizes the increasingly stringent limitations on the application of the Ultra Vires doctrine in common law countries, particularly in the context of corporate law. The application of this doctrine is focused on protecting the internal interests of companies, especially

shareholders and investors. Some countries impose these limitations through alternative doctrines such as estoppel, unjust enrichment, quasi contract, and waiver, with an emphasis on principles of justice. In Indonesia, the Ultra Vires doctrine is applied rigorously in corporate law, especially concerning criminal actions by directors or executives exceeding the authority defined in the company's Articles of Association. Responsibility for ultra vires acts is only applicable to individual executives, not the corporation itself. The importance of the Articles of Association, which includes the company's objectives, is emphasized, focusing on a broad scope of business areas to reduce the need for expansion when the company undergoes expansion. This aims to limit legal claims related to the application of the Ultra Vires doctrine. The conclusion highlights the importance of special attention to the establishment of a company to prevent claims based on the Ultra Vires doctrine.(Ibrahim, 2011)

The research by Johnny Ibrahim essentially discusses the Ultra Vires issue, emphasizing the increasingly stringent limitations in common law countries, especially in the context of corporate law. The focus of applying this doctrine is on protecting the internal interests of the company, particularly shareholders and investors. Some countries impose these limitations through alternative doctrines such as estoppel, unjust enrichment, quasi contract, and waiver, with an emphasis on principles of justice. Meanwhile, this research will attempt to analyze factors leading to the ineffectiveness of general meetings of shareholders to retroactively approve ultra vires actions by directors and propose an ideal legal concept to address the existing issues. Based on the discussion and issues mentioned above, the author considers it necessary to conduct a study examining "Strengthening the Authority of the General Meeting of Shareholders to Retroactively Approve Ultra Vires Actions by Directors in Limited Liability Companies."

Research Methods

The research approach employed is a normative juridical approach, specifically a legal research method conducted by examining literature. The juridical approach refers to a method that relies on existing laws and regulations. The normative approach involves researching secondary data in the legal field related to primary legal materials, including various legal instruments, regulations, and other secondary legal materials in the form of scholarly works by scholars. In a normative juridical research approach, the focus will be on examining legal documents and literature related to the core issues regarding Ultra Vires and Limited Liability Companies.(Suteki dan Galang Taufani, 2018)

Analysis and Discussion

The General Meeting of Shareholders to Retroactively Ratify the Ultra Vires Actions of the Board of Directors Has Not Been Effective

The doctrine of ultra vires in a Limited Liability Company is outlined in the provisions of Law No. 40 of 2007 concerning Limited Liability Companies. Article 2 of the Company Law emphasizes that: "The company must have a purpose, objectives, and business activities that do not contradict the provisions of laws and regulations, public order, and/or morality." Considering the content of the aforementioned Article 2, it is evident that the doctrine of ultra vires is embraced, as the company is required to have a purpose and objectives, and the subsequent sentence states that the company is not allowed to violate those purposes and objectives.

Furthermore, Article 15 paragraph (1) stipulates, among other things: The Articles of Association as referred to in Article 8 paragraph (1) must contain at least: 1) the

name and domicile of the company; 2) the purpose, objectives, and business activities of the company; 3) the establishment period of the company; 4) the amount of authorized capital, issued capital, and paid-up capital; 5) the number of shares, classification of shares if any, including the number of shares for each classification, the rights attached to each share, and the nominal value of each share; 6) the names of positions and the number of members of the board of directors and board of commissioners; 7) the determination of the place and procedures for convening the General Meeting of Shareholders; 8) the procedures for the appointment, replacement, and dismissal of members of the board of directors and board of commissioners; and 9) the procedures for the use of profits and dividend distribution.

The regulatory norm in Article 15 paragraph 1 letter (b), which emphasizes that the Articles of Association of the company must include the purpose, objectives, and business activities of the company, indicates that the doctrine of ultra vires is strictly applied in national positive law, especially to legal entities in the form of Limited Liability Companies. The strict application of the doctrine of ultra vires is further emphasized in Article 21 of Law No. 40 of 2007, which states that changes to the Articles of Association must be determined by the General Meeting of Shareholders and approved by the Minister in the event of changes to the Articles of Association, including those related to the purpose, objectives, and business activities of the company. Furthermore, in Article 92 paragraphs (1) and (2) of the Company Law, it is stated that:(Suryahartati, 2013)

a) The Board of Directors manages the Company for the benefit of the Company and in accordance with the purposes and objectives of the Company.
b) The Board of Directors is authorized to conduct management as referred to in paragraph (1) in accordance with policies deemed appropriate, within the limits specified in this Law and/or the articles of association.

Article 97 of the Indonesian Company Law (UUPT) further regulates the duties and authorities of the board of directors, stating::(Item et al., 2021)

1) Atas nama Perseroan, pemegang saham yang mewakili paling sedikit 1/10 (satu persepuluh) bagian dari jumlah seluruh saham dengan hak suara dapat mengajukan gugatan melalui pengadilan negeri terhadap anggota Direksi yang karena kesalahan atau kelalaiannya menimbulkan kerugian pada Perseroan.
2) The Board of Directors is responsible for managing the Company as referred to in Article 92 paragraph (1).
3) Management as referred to in paragraph (1) must be carried out by each member of the Board of Directors with good faith and full responsibility.
4) Each member of the Board of Directors is personally fully responsible for Company losses if they are at fault or negligent in carrying out their duties in accordance with the provisions referred to in paragraph (2).
5) In the event that the Board of Directors consists of 2 (two) or more members, the responsibility as referred to in paragraph (3) applies jointly and severally to each member of the Board of Directors.
6) Members of the Board of Directors cannot be held responsible for losses as referred to in paragraph (3) if they can prove:
   a. the loss is not due to their fault or negligence;
   b. they have managed with good faith and prudence for the benefit and in accordance with the purposes of the Company;

c. they do not have a direct or indirect conflict of interest in the management actions that result in losses; and
d. they have taken actions to prevent the occurrence or continuation of such losses.

7) On behalf of the Company, shareholders representing at least 1/10 (one-tenth) of the total voting shares may file a lawsuit through the district court against members of the Board of Directors who, due to their fault or negligence, cause losses to the Company.

The provisions as mentioned in paragraph (5) do not diminish the rights of other Board of Directors members and/or members of the Board of Commissioners to file a lawsuit on behalf of the Company. Article 98 of the Indonesian Company Law (UUPT) further stipulates that:

- The Board of Directors represents the Company both inside and outside the court.
- In the event that the Board of Directors consists of more than one person, any member of the Board of Directors is authorized to represent the Company, unless otherwise specified in the articles of association.
- The authority of the Board of Directors to represent the Company as referred to in paragraph (1) is unlimited and unconditional unless otherwise specified in this Law, the articles of association, or the General Meeting of Shareholders' decision.
- General Meeting of Shareholders' decisions as referred to in paragraph (3) must not contradict the provisions of this Law and/or the Company's articles of association.

Based on the provisions stated in Article 92 paragraph (1) of the UUPT, the authority of the Board of Directors is already restricted. The Board of Directors, in managing the Company, must adhere to and not contradict the purposes and objectives of the Company as stated in the Company's Articles of Association. The phrase "within the limits specified in this Law and/or the Articles of Association" implies a prohibition on actions beyond the limits specified in Law No. 40 of 2007 and/or the Articles of Association, including ultra vires actions. The purposes and objectives of the Company are detailed in the Company's Articles of Association, making the Articles of Association both a source and the primary limit of authority to measure the compliance or exceeding of authority.

Article 155 emphasizes: "Provisions and responsibilities of the Board of Directors and Commissioners for their mistakes and negligence as regulated in this law do not diminish the provisions stipulated in the Criminal Law."

Based on an analysis of Law Number 40 of 2007 concerning Limited Liability Companies, which is positive corporate law in Indonesia, no explicit provisions are found that regulate ultra vires, especially in terms of its concept or terminology. However, this does not mean that Indonesia does not accept the Ultra Vires Doctrine simply because there are no explicit rules or norms in its legal system that determine it.(Budiono, 2012)

It can also be analyzed that, in essence, the General Meeting of Shareholders to retroactively validate ultra vires actions by the Board of Directors has not been effective due to internal factors; there are no specific and clear regulations regarding Ultra Vires actions. This includes providing authorization to the General Meeting of Shareholders to retroactively validate ultra vires actions by the Board of Directors after their term has expired in a limited liability company. Meanwhile, external factors indicate that Indonesia does not accept the Ultra Vires Doctrine because no explicit

rules or norms in its legal system determine it. In Law Number 40 of 2007 concerning Limited Liability Companies, the implicit acknowledgment and acceptance of the Ultra Vires Doctrine can be seen. This is reflected in provisions related to the purposes and objectives of the company. This can be observed in Article 92 of UU PT, which emphasizes that the Board of Directors manages the Company in accordance with the purposes and objectives of the Company.

Regulation of the General Meeting of Shareholders to Retroactively Validate Ultra Vires Actions by the Board of Directors Currently

The limitation of the Board of Directors' responsibilities according to the Limited Liability Company Law (UUPT) of Indonesia is elucidated through several provisions. Firstly, the company's organs include the general meeting of shareholders, the board of directors, and the board of commissioners (Article 1 paragraph (2) UUPT). Secondly, the board of directors is the company's organ responsible for the full management of the company, representing the company inside and outside the court in accordance with the articles of association (Article 1 paragraph (5) UUPT). Thirdly, the management of the company is carried out by the board of directors (Article 97 paragraph (2) UUPT) (Kusumawardani, 2013)

The board of directors is fully responsible for the management of the company and represents the company both inside and outside the court (Article 97 jo Article 98 UUPT). Each member of the board of directors is obliged to carry out tasks with good faith and full responsibility for the interests and business of the company (Article 97 paragraph (2) UUPT).

The limitation of the responsibilities of board members involves management and representation functions in accordance with the purposes and objectives of the company, within the limits specified by Law No. 40 of 2007 and the Articles of Association (Article 92 paragraph (1) and Article 92 paragraph (2) UUPT). Additionally, the limits of the board of directors' responsibilities are also determined by the decision of the General Meeting of Shareholders (RUPS).

Efforts to restore the rights of shareholders may involve several remedial actions, one of which is ratification. Ratification is a confirmation step for actions that have been previously taken. In the context of a company, ratification can be done through the General Meeting of Shareholders. The company ratifies to rectify and prevent losses, as well as to restore agreements that were previously considered ultra vires. In ratifying the actions of the Board of Directors that do not align with the purposes and objectives of the company, it is important to consider the good faith, loyalty, and professionalism of the Board of Directors. Ratification is not only done for the company's benefit but must also comply with legal provisions, public order, and morality.(Sari et al., 2019)

The positive impact of ratification on the continuity of agreements between the Board of Directors and third parties is to transform previously invalid agreements into valid ones. Third parties and the Board of Directors benefit from ratification, and the Board of Directors is exempted from personal responsibility related to such ultra vires actions. In addition to ratification, other remedial actions can also be taken to address the ultra vires actions of the Board of Directors, such as amending the company's articles of association. These remedial steps aim to improve the condition of agreements, prevent losses, and maintain the continuity of the company's operations.

Strengthening the Authority of the General Meeting of Shareholders to Retroactively Validate Ultra Vires Actions by the Board of Directors in a Limited Liability Company

The reinforcement of the authority of the General Meeting of Shareholders (RUPS) to retroactively validate Ultra Vires actions by the Board of Directors in a Limited Liability Company (PT) involves redefining several aspects. Firstly, the Shareholders' Rights are addressed, where shareholders possess specific rights, such as the right to attend and vote in the RUPS. These rights provide shareholders with control over the decisions of the Company.

Secondly, it relates to the strengthening of Action Approval through RUPS, where RUPS holds the highest authority in a Limited Liability Company. Decisions made by RUPS regarding specific actions can provide approval or rejection of the steps taken by the Board of Directors.

Thirdly, it concerns Shareholder Lawsuits where shareholders have the right to file a lawsuit in court if they feel aggrieved by Company actions deemed unfair or without reasonable cause. Lawsuits can be filed against decisions of RUPS, the Board of Directors, or the Board of Commissioners.

Furthermore, it is related to the Regulation in the Law where essentially the Limited Liability Company Law, such as UUPT No. 40 of 2007, provides a legal basis for the authority of RUPS. RUPS is considered the organ holding the highest power in the Company and has authority not delegated to the Board of Directors or the Board of Commissioners.

The reinforcement of the Exclusive Authority of RUPS is emphasized, where RUPS's authority is exclusive, and the Board of Directors and the Board of Commissioners only have authority as provided by the Law and/or the articles of association. Shareholders can impose limitations or delegate specific authority to RUPS. Similarly, an Extraordinary General Meeting of Shareholders (RUPSLB) can be conducted as needed for the Company's interests. RUPSLB can serve as a forum to approve or reject Ultra Vires actions taken by the Board of Directors.

The First RUPS also requires reinforcement since the First RUPS plays a crucial role in approving the composition of the initially appointed members of the Board of Directors and the Board of Commissioners. In cases where legal actions are taken before the Company obtains legal entity status, the First RUPS is needed to provide explicit approval. Lastly, reinforcement is needed from the perspective of Independent RUPS. Although the term "Independent RUPS" is not explicitly regulated in UUPT No. 40/2007, independent shareholders can have specific roles and rights in certain situations.

CONCLUSION

Based on the above discussion, several points can be concluded, including:

a. The general meeting of shareholders to retroactively validate ultra vires actions by the board of directors has not been effective due to internal factors—there is no specific and explicit provision regarding Ultra Vires Actions carried out by the directors, including empowering the General Meeting of Shareholders to retroactively validate ultra vires actions taken by directors whose terms have expired in a limited liability company. Meanwhile, the external factor is that Indonesia does not accept the Ultra Vires Doctrine, as there are no rules or norms in its legal system that clearly determine it. Implicitly, Law Number 40 of 2007 concerning Limited Liability Companies recognizes and accepts the Ultra Vires Doctrine. This recognition is reflected in the provisions related to the

purpose and activities of the company. This can be seen in Article 92 of the Company Law, which emphasizes that the Board of Directors manages the Company in accordance with the purpose and objectives of the Company.

b. The limits of the responsibility of the Board of Directors according to the Indonesian Company Law are regulated through several provisions. The Board of Directors is fully responsible for the management of the company and represents the company in and out of court. The responsibility of the Board of Directors can also be determined by the decision of the General Meeting of Shareholders. Efforts to recover the rights of shareholders can be carried out through remedial actions such as ratification, which transforms previously invalid agreements into valid ones. Ratification is done to rectify, prevent losses, and restore agreements previously considered ultra vires. Other remedial measures can also be taken, such as amending the company's articles of association, to maintain the continuity of the company's business.
c. Strengthening the authority of the General Meeting of Shareholders (RUPS) in facing Ultra Vires actions by the Board of Directors of a Limited Liability Company involves several key aspects. Shareholder rights provide control through participation in RUPS. RUPS provides approval or rejection of the actions of the Board of Directors, influencing the direction of the company. Shareholders can file lawsuits related to decisions made by RUPS, the Board of Directors, or the Board of Commissioners if they feel aggrieved. The law provides a legal basis for the authority of RUPS as the highest authority. RUPS authority is exclusive, with the Board of Directors and the Board of Commissioners subject to legal provisions. Extraordinary RUPS (RUPSLB) is used as needed to approve or reject Ultra Vires actions. The first RUPS plays a crucial role in approving the composition of the Board of Directors and the Board of Commissioners after the company obtains legal entity status. Although "Independent RUPS" is not explicitly regulated, independent shareholders can have specific roles and rights in certain situations.

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THE URGENCY OF USING DISCRETION BY STATE ADMINISTRATIVE OFFICIALS IN REALIZING GOOD GOVERNANCE

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Abstract:

This article aims to examine the use of discretion by state administration officials in realizing good governance and the limits of discretion of public officials as regulated in Law Number 30 of 2014 concerning Government Administration. The problem in this research concerns the urgency of using discretion by state administration officials in realizing good governance. This writing uses normative juridical research methods using secondary data to examine norms by conducting literature studies related to discretion. The results of this research show that: (1) The use of discretion by state administration officials can create good governance which is regulated in the applicable laws and regulations which do not regulate it or because the existing regulations which regulate something are not clear. The discretion of government officials in making decisions and/or government actions is due to certain conditions in accordance with the provisions of Article 26, Article 27 and Article 28 of the Government Administration Law, so the use of discretion by state administration officials can create good government. (2) The urgency of using discretion by state administration officials in realizing good governance when acting for and on behalf of an office (ambtshalve) in which there is no element of maladministration. State Administrative Officials are given a certain independence to act independently to resolve various complicated problems that require quick handling, while these problems do not exist, or have not yet been formed, a legal basis for their resolution by the legislative body, which then in state administrative law is given free authority in the form of discretion. The freedom of action of State Administration Officials who take legal action in accordance with the Government Administration Law, means the urgency of using discretion by state administration officials in realizing good governance.

Keywords:

Discretion; State Administration Officials; Good Governance

Introduction

Indonesia as a welfare state, where the state's goal is to advance the common welfare as stated in the preamble of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), has several consequences for governance, which must actively intervene in the social and economic life of the people. State Administrative Officials are given a certain freedom to act independently to resolve various complex issues that require swift handling, even if there is no legal basis for such handling, or if a legal basis has not yet been established by the legislative institution. In administrative law, this is granted as discretionary power (diskresi).(Marbun, 2001)

The freedom to act (discretion) granted to state administration in carrying out its duties to realize the welfare state is expected to genuinely create community welfare. In principle, government administrative bodies/officers should not refuse to provide services to the public on the grounds of the absence of legal provisions or unclear legal provisions, as long as it falls within their authority. The freedom to act based on discretion exercised by government administrative bodies/officers is not limitless. This freedom is constrained by the General Principles of Good Governance (AUPB), aiming to prevent the abuse of authority. If there is a legal deviation from the discretionary decision resulting in harm to the public, the discretionary decision must still be accountable.

Discretion is not separate from the maximization of benefits in improving the quality of government administration based on the principles of good governance. Discretion is regulated in Law Number 30 of 2014 concerning Government Administration (UU Administrasi Pemerintahan), which fundamentally governs that discretion is a decision and/or action embodied through the determination by a government official from which the discretion originates. In addressing social issues in society that occur spontaneously and are highly dynamic, requiring prompt action that is deemed discretionary and not regulated in legislation, discretion is exercised firmly and is subject to the Law on Government Administration.(HSB & SHANTY, 2021)

In this context, the author wants to generally examine the discretion of public officials faced with emergency situations, first explaining its connection with the concept and legal limitations as stipulated in the Law on Government Administration, and shedding light on the accountability that public officials can take when determining discretion in emergency situations. This is interesting for research under the title "The Urgency of Using Discretion by State Administrative Officials in Realizing Good Governance."

Research Methods

This research is based on normative research that examines normative aspects through literature studies and secondary materials. Every legal material used refers to the normative system related to the formulation of articles or the legislation itself.(P. M. Marzuki, 2016) The author analyzes the vague limitations related to the discretion of state administrative officials in realizing good governance by using a legal approach aimed at providing clarity through legislation, legal concept, and case approaches in this study.

Analysis and Discussion

1. The Use of Discretion by State Administrative Officials Can Realize Good Governance

The definition of discretion, according to the Legal Dictionary, means the freedom to make decisions in every situation faced according to one's own opinion.(Efendi

et al., 2016) According to Law Number 30 of 2014 concerning Administration, discretion is defined as decisions or actions established or carried out by Government Officials to address concrete problems faced in the administration of government in cases where legislation provides choices, is not regulated, incomplete, unclear, or there is government stagnation.

According to S. Prajudi Atmosudirjo, who defines discretion as the freedom to act or make decisions by authorized state administrative officials according to their own opinions. He further explains that discretion is needed as a complement to the principle of legality, which is the legal principle stating that every act or action of state administration must be based on the provisions of the law. In the law to regulate all kinds of positions in daily life practices, it is necessary to have freedom or discretion from state administration.(Ridwan, 2011)

According to Philipus M. Hadjon, the freedom to act (freies ermessen) or discretion is the freedom to apply regulations in concrete situations, the freedom to assess these concrete situations, and the freedom to act even when there is no or unclear regulation (the active nature of the government).(Fuadi, 2021)

Juridically, the meaning of discretion is decisions and/or actions established and/or carried out by government officials to address specific problems faced in the administration of government in cases where legislation provides choices, is not regulated, incomplete, unclear, and/or there is government stagnation.

Government officials have the right to use authority in making decisions and/or taking actions, one of which is using discretion according to its purpose. The government can theoretically be interpreted broadly and narrowly. Broadly interpreted, it includes all state apparatuses consisting mainly of the executive, legislative, and judicial branches, or state apparatuses acting for and on behalf of the state. Meanwhile, in the narrow sense, the government refers to the executive branch, both at the central and regional levels.

In the narrow sense, the government is referred to as administration, which has two meanings: functional administration and institutional administration. Functional administration involves the implementation of all state duties other than lawmaking and judiciary. Institutional administration, on the other hand, is a collection of government positions. Examples of government officials include the president/vice president, governor and its officials, regent/mayor and its officials.

Juridically, the Law on Administration defines government bodies and/or officials as elements that carry out government functions, both within the government and other state organizers. In the Law on Administration, government officials include those who carry out government functions within the executive, judiciary, legislative institutions, and other government officials mentioned in the 1945 Constitution and/or other laws.

The government's function involves the administration's functions, including regulation, services, development, empowerment, and protection. Government administration itself is the procedure in decision-making and/or actions by government bodies and/or officials.

According to the author, the scope of government officials in the Law on Administration is bodies/officials within the executive, judicial, and legislative branches that manage government affairs, excluding the authority for lawmaking and judiciary. Within the judicial institution, government functions are related to personnel policies.

The discretion of government officials includes decision-making and/or government actions due to specific conditions, namely:

a) Legal provisions provide a choice of decisions and/or actions, usually characterized by words such as may, can, or are granted authority, entitled, should, expected, and similar expressions.
b) Legal provisions do not regulate, meaning the absence or legal vacuum governing the administration of government in specific conditions or beyond the norm.
c) Legal provisions are incomplete or unclear, meaning that the legislation still requires further explanation, overlapping regulations (not harmonious and not synchronized), and regulations that require implementing regulations but have not been created.
d) The stagnation of government for broader interests, which concern the well-being of the public, the salvation of humanity, and the integrity of the state, including natural disasters, disease outbreaks, social conflicts, riots, defense, and national unity.

Every use of discretion by government officials certainly has its own purpose. The objectives of such discretion are:

a. Facilitating the administration of government;
b. Filling legal voids;
c. Providing legal certainty;
d. Overcoming government stagnation in specific circumstances for the benefit and public interest. Government stagnation refers to the inability to carry out government activities due to deadlock or dysfunction in government administration, such as natural disasters or political upheavals.

The conditions that must be fulfilled by government officials in using discretion are:

1) In line with the purpose of discretion;
2) In accordance with the principles of good governance ("AUPB");
3) Based on objective reasons, i.e., reasons based on facts and factual conditions, impartial, and rational based on AUPB;
4) Not causing conflicts of interest; and
5) Done in good faith, meaning that decisions and/or actions are made based on motives of honesty and in accordance with AUPB.

Additional provisions that must be fulfilled in the use of discretion are related to approval, reporting, or notification to the superior official. The superior official referred to is the direct supervisor of the official authorized to make and/or carry out decisions and/or actions. For example, for a regent/mayor, their direct superior is the governor.

The use of discretion that has the potential to change budget allocations must obtain approval from the superior official in accordance with legal provisions. This approval is done when the use of discretion has legal consequences that may burden state finances. If the discretion causes public unrest, emergencies, urgency, and/or natural disasters, it is mandatory to inform the superior official before using discretion and report to the superior official after using discretion.

Notification before using discretion to the superior official is done if the use of discretion to overcome government stagnation has the potential to cause public unrest. Meanwhile, reporting after using discretion is done if the use of discretion to overcome government stagnation is done in emergencies, urgent situations, and/or natural disasters.

Examples of Discretion by Government Officials, as we explained, government officials who exercise discretion are those who perform government functions, both within the government and other state organizers. In response to your question, an example of discretion is a traffic police officer regulating traffic at an intersection.

Factual discretion describes the presence of law in the form of legislation represented by the free actions of public officials, so discretion cannot be equated with law or legislation. A.M. Donner explains that in the case of discretion, it is divided into two fields or two aspects that regulate the first aspect, namely goals or functions. In this aspect, it is determined that in relation to state politics, the goals of the state and how the state should proceed are established.(H. M. L. Marzuki, 2017)

Discretion can be exercised in several ways. First, there is an emergency situation that occurs unexpectedly, making it impossible to apply written regulations due to the strict process of formulating written rules that would slow down the public official's decision-making process. Second, to overcome legal voids because existing laws cannot accommodate situations beyond normative order in society. Third, overcoming the vagueness of norms from the formulation of legislation that is unclear and requires interpretation and implementation in concrete actions by public officials.(Ariadi, 2022)

Discretion explicitly regulated in Article 24 of the Administration Law essentially outlines the limits of discretion by requiring public officials using discretion to make decisions to consider the purpose of discretion and regulations related to discretion and, of course, refer to the fundamental principle of good governance.(Azhar, 2015) Discretion to act without limits and cause abuse of authority is tested based on the principle of specificity, which emphasizes that the essence of authority is only given to government organs for specific purposes, and the issuance of discretion is solely for the purpose of achieving that goal. If discretion deviates from that goal, the action is considered an abuse of authority.(Solechan, 2019)

The urgency, limits, and concepts in emergency situations require strict supervision regarding the application of discretion, as stipulated in Article 30 of the Administration Law, which essentially regulates categories of authority that exceed limits if performed beyond the time and/or territorial limits of a legal provision and if there are deviations from Articles 26, 27, and 28 of the Administration Law. The use of discretion by government officials in making decisions and/or government actions due to specific conditions in accordance with these legal provisions can realize good governance.

2. The Urgency of Using Discretion by State Administrative Officials in Realizing Good Governance

The concept of a modern legal state, discretion (English), discretionair (French), freies ermessen (German), is absolutely necessary for the government, and this authority is inherent in it (inherent aan het bestuur). This is in line with the increasing demands for public services that the government must provide for the socio-economic life of citizens, which is becoming increasingly complex.

Discretion itself is defined as one of the means that provides room for movement for officials or state administrative bodies to take action without being fully bound by the law, or actions carried out by prioritizing the achievement of goals (doelmatigheid) rather than complying with applicable laws (rechtmatigheid). Freedom to consider arises when the law presents two alternatives to authority for certain requirements, and its implementation can be chosen by the government organ. The freedom to make policies emerges when lawmakers grant authority to the government organ in exercising its power to inventory and consider various interests.(Ranawijay, 1983)

The logical consequence of having this freies ermessen authority is that the government is given droit function authority, namely the power to interpret a regulation, but it does not mean that the government can act arbitrarily. The government is prohibited from taking actions that are detournement de pouvoir (doing something outside the scope of the authority given) or onrechtmatige overheidsdaad (an unlawful act by the authorities). Any action by the government that harms its citizens due to detournement de pouvoir or onrechtmatige overheidsdaad can be sued either through the administrative court or the general court.

The use of discretion can be examined within the limits set in Article 24 of the Law on Administrative Governance. The main formulation of this article limits discretion by stating that government officials using discretion in making decisions must consider the purpose of discretion, the legal basis for discretion, and the general principles of good governance. Guidelines for the use of discretion and the formulation of government policies based on Administrative Law are the General Principles of Good Governance (AUPB), especially the principle prohibiting the abuse of authority (detournement de pouvoir) and the principle prohibiting arbitrariness (willekeur). Government policies will be categorized as deviant if they contain elements of arbitrariness. Furthermore, policies are considered deviant if they conflict with the public interest.

The use of discretion by state administrative officials aims to facilitate the administration of government, fill legal voids, provide legal certainty, and overcome government stagnation in certain conditions for the benefit of the public interest. Furthermore, the Law on Administrative Governance states that the use of discretion must be accountable to superiors and the affected public due to the decisions made, and it can be challenged through administrative efforts or lawsuits in the Administrative Court.

The provisions of the Law on Administrative Governance not only set limits on the use of discretion by government administrative bodies/officials but also regulate the accountability of these bodies/officials for the use of discretion. This accountability is not only passive, meaning waiting for complaints from the public through the Administrative Court, but it is also active with the obligation to justify the use of discretion to superiors. This obligation is inherent in the authority that forms the basis of the discretion itself, and it is explicitly stated in the explanation that accountability to superiors is carried out in written form by providing reasons for the decision-making process of discretion.(Djamil & Djafar, 2016).

Discretion, in the aspect of discretionary authority, which contains the potential for abuse of power leading to financial loss for the state, meaning corruption, must be clearly defined in terms of accountability for public officials in the realm of administrative law. The criterion for the misuse of authority in the case of discretionary power is the principle of legality, while the criteria for the use of discretion are the general principles of good governance.(Ridwan, 2009)

Examining the validity of discretion can also involve the theory of validity, which includes three aspects: authority, procedure, and substance. No action is free from accountability. The vulnerability of discretion to abuse of power requires a clear and straightforward benchmark, even though discretion is inherently a matter of free will in its regulation and conception. The implementation of discretion not only involves public officials and the community where discretion is applied but also entails many risky aspects, one of which is budgeting. The potential for abuse of power often leads to the misuse of funds for purposes other than intended.

Abuse of authority has a significant potential to lead to the criminal act of corruption due to the emergence of financial losses to the state. Abuse of authority becomes a corruption offense when:

a) The discretion used no longer inspires the main purpose of the legal regulations underlying the authority of public officials; and
b) When the discretion is used by public officials as a tool to control policies that are no longer for the public interest but solely for self-interest or corporate gain, as regulated as a corruption offense with the crucial element being financial loss to the state.

Example: The policy in Law Number 2 of 2020 regarding the Determination of Government Regulation in Lieu of Law Number 1 of 2020 concerning State Financial Policies and Financial System Stability for Handling the Corona Virus Disease 2019 Pandemic and/or in the Face of Threats to the National Economy and/or Financial System Stability becomes a law that provides protection for discretionary efforts indicating financial losses to the state in emergency situations other than natural disasters. Based on the legal regulations outlined in Article 27 paragraph (3), the law makes it impossible to prosecute public officials when making policies as stated in the law.

In essence, the formation of policies in Law Number 2 of 2020, especially in Article 27 paragraph (3), does not entirely provide immunity to discretion but only legitimizes such actions so that public officials are not hesitant to make decisions when it genuinely concerns the public interest. If this policy is abused in its implementation, public officials, regardless of their personal or governmental status, will still be held accountable in the realm of corruption offenses.

The accountability of public officials, aside from the criminal legal framework referring to corruption offenses, means that the legal responsibility burden lies with the legal subject who violates the law, regardless of their personal or governmental position. In this context, responsibility is directly directed at government officials implementing discretionary actions, based on the principle of "deen becvoegheid zonder verantwoordenlijkheid," which emphasizes that there is no authority without accountability because authority cannot be separated and becomes a constant component of the designated position.(Hulu, 2018)

The responsibility of a position will be imposed if someone's legal actions are for and on behalf of the position. In this case, accountability lies with the position and may incur fines charged to the State Budget (APBN) as it is related to the validity of government legal actions carried out on behalf of the position or "ambtshalve." Personal responsibility can only be imposed in cases of maladministration or abuse of authority. If an action harms the public, various legal measures can be taken, including (a) Administrative objection, (b) Administrative appeal, (c) Administrative lawsuit. In cases of financial loss to the state constituting a corruption offense, criminal accountability can be pursued based on corruption laws.

The essence of discretion is the freedom to act or make decisions by administrative government bodies or officials according to their own opinions, complementary to the principle of legality. When existing laws cannot resolve sudden issues due to the absence of regulations or unclear regulations, government officials are granted certain independence to handle complex problems quickly. This freedom of action by government officials is in accordance with Articles 26, 27, and 28 of the Administrative Government Law, highlighting the urgency of using discretion by government officials in achieving good governance.(Faisal et al., 2021)

Conclusion

Based on the above discussion, several points can be concluded, including:

a. The use of discretion by government officials can contribute to good governance, especially when existing regulations do not address specific issues or when regulations are unclear. This is typically done in emergency situations for the common good, as stipulated by applicable laws. The concept of discretion is a form of freedom given to public officials to provide public services in specific situations such as emergencies, vacuum or vague norms. Government officials use discretion to protect and serve the public interest to the maximum extent. The implementation of discretion in emergency situations requires strict supervision, as outlined in Article 30 of the Administrative Government Law. The discretion exercised by government officials, in accordance with Articles 26, 27, and 28 of the Administrative Government Law, contributes to the realization of good governance.
b. The urgency of using discretion by government officials in achieving good governance lies in providing them the freedom to act and make decisions based on their own opinions, complementing the principle of legality. This is particularly important when existing laws are insufficient to address sudden issues, either due to the absence of regulations or unclear regulations. Government officials are granted a certain degree of independence to address complex problems quickly, even in the absence of a legal basis for resolution by the legislative body. In the realm of administrative law, this authority is granted in the form of discretion. The freedom of action by government officials, in line with the Administrative Government Law, underscores the urgency of using discretion in achieving good governance.

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THE AUTHORITY OF DPD RI IN ACCOMMODATING REGIONAL INTERESTS RELATED TO POLICIES ON E-GOVERMENT

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Abstract:

The Regional Representative Council of the Republic of Indonesia (DPD RI) has the authority stipulated in Article 22 D paragraphs (1) and (2) of the Indonesian Constitution to propose and discuss draft laws relating to regional autonomy to the House of Representatives (DPR RI). This is included in the development of e-government initiatives by the Indonesian state. E-government is the impact of technological and information developments that are beneficial to a citizens, business, and governments including transparency, modernization, and effectiveness towards the implementation of good governance (Atmojo & Nurwulan, 2020). The mandate of Article 22 D of the 1945 Constitution to DPD RI needs to be interpreted specifically because it is general. This explains that DPD RI can provide a limited form of e-government policy in Indonesia that covers the interests of regional representatives. This study aims to determine the authority of DPD RI in accommodating the interests of the represented regions related to e-government policies. The research method used is normative juridical method with analytical descriptive specifications of secondary data consisting of primary, secondary, and tertiary legal materials. Data processing through library research. The result of the research is that DPD RI has the authority to design policies that protect regional technology infrastructure and encourage the formation of regional/local security. The conclusion of this research is that Article 22 D of the Indonesian Constitution generally mandates the Regional Representative Council of the Republic of Indonesia to encourage the development of e-government policies in the represented regions in order to accommodate regional interests.

Keywords:

(The Regional Representative Council, Indonesian Constitution, E-Government)

Introduction

Technological developments in various fields, including communication, have led to significant changes in human life activities. The invention and development of the internet has also affected the government (state) bureaucracy's services to its citizens. The presence of government in cyberspace is also known as E-Government, which is a modernization in the field of bureaucracy. Atmojo and Nurwulan argue that E-Government is the use of technological devices such as computers and the internet in public services to serve the people in a country (Atmojo & Nurwulan, 2020).

E-Government refers to the dissemination of information and public (community) services, or companies based on websites. It aims to improve the delivery of government services to the community, better engagement with the industrial world and empower the community in utilizing access to information and better governance (Utama, 2020). The regulation of E-Government is contained in Presidential Instruction (Inpres) of the Republic of Indonesia Number 3 of 2003 concerning National Policy and Strategy for E-Government Development (hereinafter referred to as Inpres No.3 of 2003). Based on Point 6 of Presidential Instruction No.3 of 2003, it explains that the development of e-government is an effort to develop electronic-based governance in order to improve the quality of public services effectively and efficiently.

Several studies on E-Government have been conducted, Farida and Lestari's research that E-Government as an innovation in public services organized by the government of the Republic of Indonesia is able to create relationships between elements in a country online, not inline (Farida & Lestari, 2021). Sabani, Deng & Thai research that there are limitations in the development of E-Government which include technology, organization, poor infrastructure, and inadequate human resources (Sabani et al., 2019). Dwiyanto examined the application of E-Government in 34 provinces in Indonesia, the majority of which are still at the E-Information stage then E-Service and there are still few provinces that show commitment to implementing E-Participation (Dwiyanto, 2022). This study examines more specifically the role of state institutions The Regional Representative Council of the Republic of Indonesia (DPD RI).

DPD is a state institution regulated in Articles 22C and 22D of the Constitution of the Republic of Indonesia (hereinafter referred to as the UUD 1945). Based on these rules, DPD has the authority to submit views and opinions on the Draft Law (Bill) in accommodating the interests of the regions represented. The authority of DPD RI relating to E-Government needs further interpretation because the mandate in Article 22D of the 1945 Constitution is general. This correlates to regional interests, so that public policy, in E-Government, local and central governments have certain limits that are adjusted to the opinion of DPD RI.

Research Methods

The research method used is normative research, with a statute approach. This approach is carried out by reviewing all laws and regulations related to the legal issues being studied (Arteja & S.T, 2020). The statutory approach in normative legal research has both practical and academic uses. The author uses descriptive analytical research method specifications. This research reveals laws and regulations related to legal theories that are the object of research (Marzuki, 2008).

Legal data in the form of secondary legal data, which is divided into 3 types, namely primary, secondary, tertiary legal materials. Primary legal materials are the constitution of the republic, secondary legal materials are legal journals, and tertiary legal materials

are Indonesian-English dictionaries. The research technique uses the library research method.

Analysis and Discussion

Authority of DPD RI

DPD RI is an Indonesian state institution organized after the third amendment of the Constitution. The term DPD in the Constitution before the amendment is referred to as the Regional Representative institution. The legal basis of DPD is contained in Article 22C and 22D of the 1945 Constitution. Article 22C paragraph (1), (2), (3) and (4) which regulates the election of DPD members. The powers and duties of DPD are contained in Article 22D paragraph (1), (2) and 3, while paragraph (4) regulates the dismissal of its members. DPD together with DPR (House of Representatives) is a state institution of legislation but has very different duties and authorities. The results of DPD's performance become input or opinion for DPR as a consideration in drafting the law.

Article 22D paragraph (1) of the Constitution of the Republic of Indonesia explains the authority of DPD to make the initiative of draft laws relating to regional autonomy, central and regional relations, the establishment and expansion and merging of regions, the management of natural resources and other economic resources, as well as those relating to the financial balance between the center and the regions. Article 22D paragraph (2) explains that DPD discusses draft laws relating to regional autonomy, central and regional relations, the establishment, expansion, and merger of regions, as well as the management of natural resources and other economic resources, financial balance between the center and the regions, giving consideration to DPR on the draft law on the state revenue and expenditure budget and draft laws relating to taxes, education, and religion.

Article 22D paragraph (3) gives a mandate to DPD in supervising the implementation of laws on regional autonomy, the establishment, expansion and merger of regions, central and local relations. Other things that are regulated are the management of natural resources and other economic resources, the implementation of the state budget, taxes, education, and religion. The results of the supervision are then submitted to the DPR as consideration for follow-up. Based on the three paragraphs in Article 22D, DPD has the authority in legislative activities, namely the initiative, manufacture, and supervision of the law. The powers and duties of DPD are not as big as DPR and limited to the interests of its representative region. The limited authority possessed by DPD makes this institution a legislative body that is sub-ordinated, not coordinated from DPR. The position of DPD is not parallel to the DPR in Indonesia which adheres to a bicameral legislative system, not unicameral (Nadir, 2024).

E-Government Policy

E-government stands for electronic government. The government of a country organizes public services to the public online. The issue of e-government started around 2000, the UN conducted benchmarking in 2001, and surveys since 2002-present. The UN officially discussed the issue through UN General Assembly Resolution 66/288 in 2012 entitled The Future We Want. This was done because of the rapid development of information and technology flows massively and globally in the world, especially after the development of internet technology. 20 years later when this article was written, the issue of e-government is still a relevant thing to reflect on scientifically (United Nations, n.d.).

The UN defines e-government as the use of technology, communication and information (hereafter abbreviated as ICT) to deliver government services to the public and businesses more effectively and efficiently. It is the application of ICT in government operations, achieving public goals through digital means. The underlying principle of e-government, supported by an effective e-governance institutional framework, is to improve the internal working of the public sector by reducing financial costs and transaction time so as to better integrate workflows and processes and enable effective resource utilization across a wide range of public sector agencies aiming for sustainable solutions. Through innovation and e-government, governments around the world can become more efficient, deliver better services, respond to public demands for transparency and accountability, become more inclusive and thereby restore public trust in their governments (United Nations, n.d.).

In Indonesia, the legal basis of e-government is contained in Presidential Instruction No.3 Year 2003 National Policy and Strategy for E-Government Development. Based on Number 6 of Presidential Instruction No.3 of 2003, it explains that e-government development is an effort to develop electronic-based governance in order to improve the quality of public services effectively and efficiently. Atmojo and Nurwulan argue that E-Government is the use of technological devices such as computers and the internet in public services to serve the community in a country (Atmojo & Nurwulan, 2020).

The application of *e-government* (or in Indonesian called electronic government), known as *digital* government, *online* government or *transformational government*, has proven to facilitate mutual interaction, digitally, between the government and the community. There are three types of e-government classification, namely e-information, e-services, and e-participation. E-information is to provide information for the public. E-services is a transaction service provider for service providers and recipients. E-participation is a service used to increase community participation (Dwiyanto, 2022). Based on relationships with other parties, e-government is classified into 3, namely Government to Citizen (G2C), Government to Business (G2B), and Government to Government (G2G). In criminal law, e-procurement is an integral part of e-government. E-procurement describes a process of procuring goods or services in a government environment that utilizes information and communication technology on a website basis (Gultom et al., 2024).

According to Adytia Kusuma, the strength of e-government policy is if there is adequate budget and supporting infrastructure, regulations and legal certainty regarding the implementation of e-government, transparency, e-government applications in licensing services and digitization of processes. The weaknesses of the e-government policy are the lack of human resources, the unavailability of an integrated system with OSS and related technical agencies, minimal public knowledge because the socialization of e-government implementation is limited to government officials and the MSME target group, not to the wider community, and overlapping licensing service regulations (Adytia Kusuma et al., 2021). Examples of e-government that have been applied in Indonesia are SIMKAH or the Nikah Management Information System (Agustin et al., 2024) and the SALAMAN application in Bandung City which serves population services (Rahayu et al., 2024).

The Authority of DPD RI in Accommodating Regional Interests Related to E-Government Policy

The implementation of *e-government* is a rational need, which has coherence with the applicability of the principle of legality as one of the principles of the rule of law (Kurnia et al., 2018). The principle of legality is also called *nullum delictum nulla poena sine praevia*, which means that no offense can be punished without prior regulation. (Annurriyyah et al., 2024). This principle is the basis for the formation of legislation, including regulations related to the implementation of e-government policies in regions in Indonesia. A legal vacuum occurs so that the role of DPD RI is needed to propose ideas related to separate rules governing the implementation of e-government for local governments. The proposed idea was then submitted to DPR RI.

The authority of DPD in accommodating regional interests related to e-government policies are:

1. Preparation of Laws and Regulations
   DPD, as explained earlier, has the authority to initiate, make, and supervise laws and regulations related to e-government in an effort to accommodate regional interests. DPD can identify the needs and aspirations of the regions that need to be accommodated in the proposed regulations for organizing e-government for local governments. The proposal is submitted to DPR RI to avoid legal vacuum on the regulation of e-government implementation in the region.
2. Advocating Regional Interests
   DPD represents regional interests, in the context of e-government, acts as a representative of the regions to ensure that the rules made reflect the needs and characteristics of each region represented.
3. Collaboration between Central Government and Local Government
   DPD can act as a mediator or facilitator to build collaboration between the central government and local governments in e-government development. This helps to ensure that technological solutions and policies implemented can be adapted to regional realities and needs.
4. Monitoring and Evaluation of Regulation Implementation
   DPD in monitoring and evaluating the implementation of e-government rules in the regions. This includes ensuring that regions apply information technology to improve the quality of public services efficiently.
5. Regional Empowerment in Technology Utilization
   DPD develops rules that encourage regional empowerment in utilizing technology. This may include budget allocation, human resource training, and infrastructure support needed to support e-government at the regional level.
6. Ensuring Transparency and Public Participation
   DPD contributes to e-government rules in ensuring transparency and public participation in decision-making processes. This includes the provision of online public information and community participation platforms.

   DPD's role in developing e-government rules does not only cover regulatory aspects but also includes defending regional interests, empowerment, collaboration, and ensuring that the implementation of e-government in the regions supports the creation of an efficient, transparent, and responsive government to the needs of the community.

Conclusion

The conclusion drawn from the above research is that DPD RI has the role and authority to accommodate regional interests related to policies on e-government. This is based on the interpretation of Article 22D Paragraph (1), (2), and (3) of the 1945 Constitution of the Republic of Indonesia. The authority of DPD RI is in the form of drafting laws and regulations on the implementation of e-government by local governments, advocating for regional interests, collaborating between the central government and local governments, monitoring and evaluating the implementation of regulations, empowering regions in the use of technology, and ensuring transparency and community participation.

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REVITALISING THE IMPLEMENTATION OF CORRECTIONAL SERVICES AS A FORM OF OPTIMISING THE BEHAVIOURAL CHANGE OF CORRECTIONAL PRISONERS

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Abstract:

The Correctional System is organised in order to form correctional prisoners to become full human beings who realise their mistakes, improve themselves and not repeat criminal acts. This is in line with the purpose of punishment, which is to restore the function of lawbreakers so that they can integrate healthily in the community. However, several problems in prisons and detention centres, such as riots, drug trafficking, the growth of radical ideas, overcrowding and service discrimination, make the correctional and punishment objectives less than optimal. In response to this, the Ministry of Law and Human Rights issued a policy of Revitalising the Implementation of Corrections as outlined in Minister of Law and Human Rights Regulation Number 35 of 2018 concerning Revitalising the Implementation of Corrections. In the regulation there is a classification of prisons according to the level of risk which has an impact on the treatment of prisoners and optimisation to produce behavioural changes that are law-abiding and ready to integrate positively in the community. The strategy of the Directorate General of Corrections also continues to be optimised for the realisation of a definite correctional Professional, Accountable, Synergy, Transparent, and Innovative.
This research is intended to provide a detailed and comprehensive description of the revitalisation policy of correctional administration that can have an impact on accelerating the optimisation of changes in the behaviour of correctional prisoners. With a normative juridical research method, and analysed with a conceptual approach and statutory approach, it is expected to produce the right conclusion regarding the revitalisation of correctional administration. The optimisation strategy of Permenkumham Number 35 of 2018 from the results of this study has three dimensions, namely the context dimension, the input dimension and the process dimension. The revitalisation policy of correctional administration also experiences obstacles in its implementation in prisons and detention centres and requires further policy handling. Evaluation needs to be carried out more comprehensively in this correctional organising revitalisation policy.

Keywords:

Revitalisation of Corrections, Prisoners, Public Policy

Introduction

The Correctional System is organised in order to form correctional prisoners to become full human beings who realise their mistakes, improve themselves and not repeat criminal acts. This is in line with the purpose of punishment, which is to restore the function of lawbreakers so that they can integrate healthily in the community.(Paras Etika, 2022) The Minister of Law and Human Rights through Minister of Law and Human Rights Regulation Number 35 of 2018 on the Revitalisation of the Implementation of Corrections provides structuring and renewal of correctional management as a form of treatment for detainees, prisoners and clients as well as protection of ownership rights to evidence.

Currently, the implementation of correctional services has evolved, which was initially limited to the adjudication phase, but has now developed from pre-adjudication to post-adjudication, which is realised in detention centres, correctional facilities, correctional center, and State Confiscated Property Storage House. The implementation of correctional revitalisation is expected to encourage the achievement of correctional goals. Government policy in the implementation of correctional revitalisation is part of the new governance efforts and comprehensive correctional management. (Ardiansyah, 2020)

Improvement, optimisation and strengthening in the implementation of corrections is a necessity. So that the development and improvement of human resources such as correctional officers, as well as budget support, facilities and infrastructure needed also need to be updated.

The revitalisation programme has a positive impact on detainees through placement policies that refer to risk and needs assessments, treatment and fulfilment of personality, health and legal services. For prisoners, the revitalisation programme distinguishes four categories based on risk level, namely Super Maximum Security prisons, Maximum Security prisons, Medium Security prisons and Minumum Security prisons.(Situmorang, 2019) The differentiation of guidance and treatment as well as the placement of prisoners is assessed intensively and continuously. Furthermore, the implementation of detention services and various prisoner development programmes requires assessment and community research conducted by Community Supervisors at Correctional Center. While from State Confiscated Property Storage House, namely in the storage, security and maintenance of basan and baran so that there is an increase in the quality of maintenance and care of goods in accordance with the results of their classification.

Corrections as part of an integrated criminal justice system do play a role in fostering lawbreakers in the execution of criminal offences. In fact, the correctional system is carried out so that prisoners can realise their mistakes, improve themselves, and no longer commit criminal acts so that they can be accepted by the community and actively participate in community activities. (Suandika & Wirasatya, 2021)

Based on legal issues, the framework of the problem taken by the author is the implementation of the revitalisation of correctional administration and strategies in dealing with problems that arise from the implementation of the revitalisation.

Research Methods

The research method used in this approach uses a normative juridical approach, namely normative legal research (legal research). The analysis used through conceptual thinking method (concept approach) and statutory approach (statue approach). The data is collected through documentation studies with sources of legal

material in the form of laws and regulations, court decisions, legal theories, scholarly opinions and law books.

Analysis and Discussion

1. Correctional Concept

The initial thinking of the correctional concept began with a paradigm shift in the treatment of lawbreakers from punishment to recovery. This recovery includes the restoration of life, life, and livelihood so that they can re-integrate healthily in society.(Saputra, 2020) As stated in Law No. 22 of 2022 concerning Corrections, the purpose of the correctional centre is to :

1. Ensure the protection of the rights of detainees and children;
2. Improve the quality of personality and independence of prisoners so that they realise their mistakes, improve themselves, and do not repeat criminal acts, so that they can be accepted back by the community, can live reasonably as good, law-abiding, responsible citizens, and can actively participate in development; and
3. Provide protection to the community from repetition of criminal offences.

From the purpose of the correctional, basically the punishment in the correctional concept is to prepare lawbreakers to reintegrate in society properly. However, in its implementation, there are many problems that arise, such as riots in prisons, drug trafficking networks in prisons, the emergence of radicalism from within prisons, prison overcapacity, service disparities and various other problems that interfere with the achievement of correctional goals.(Wijaya & Avianto, 2020) In response to this, the Ministry of Law and Human Rights of the Republic of Indonesia made a new policy as stipulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Revitalisation of the Implementation of Corrections.

Revitalisation of Correctional Implementation is an effort to optimise the implementation of correctional services as a form of treatment of detainees, prisoners and clients as well as protection of ownership rights to evidence. Correctional revitalisation includes 4 (four) main aspects, namely detention services, inmate development, client guidance and management of State confiscated goods and State booty.(Lailatul Fitria & Ravena, 2023) Based on the concept of correctional revitalisation, the classification of prisons is differentiated based on the characteristics of the risk level of prisoners, namely Super Maximum Security, Maximum Security, Medium Security and Minimum Security prisons..

2. Public Policy Concepts and Implementation

Public policy according to Thomas R.Dye defines public policy as "is whatever government chooses to do or not to do" (any government choice to do or not to do something). (Ramdhani, 2016).

Stella Theodoulou in Public Policy: The Essential Readings suggests that public policy is divided into 6 stages, namely (Rusli, 2013) :

1. Problem formulation: a problem that has the potential to make it onto the recognised public policy agenda;
2. Agenda setting: public issues worthy of special attention that can make it onto the government's agenda.;
3. Policy formulation: various policies made to address a problem that has previously been on the government's agenda.;

4. Policy determination: officially agreed policy;
5. Policy implementation: the implementation and enforcement of an agreed public policy;
6. Analysis and evaluation: analysing and evaluating whether the policy implementation has been carried out effectively.

The effectiveness of public policy will be measured by how much the policy can be realised and provide solutions to existing problems. However, in reality, public policy is now a political product that is loaded with group political interests. From this it can be concluded that making a good and quality public policy is not easy. There are times when a policy looks good and visionary but is difficult to implement because it is not grounded in existing realities. There are also times when the policy is in accordance with the wishes of the community but burdens the government apparatus in implementing the policy.(Desrinelti et al., 2021)

In realising a policy, support from various parties is needed. The government needs to make laws and regulations as a basis for policy, then obey and bind to all elements of society, apart from being an implementer, the community also plays a role in monitoring and evaluating policies.

Many factors determine the success or failure of a policy and are related to one another. Therefore, every policy in every stage of its formation needs careful planning. And must look at the conditions and situation in the field as the subject of the policy itself.(Hayat, 2018) No less important is the process of policy implementation which must be in accordance with the goals and objectives of the policy formation. Apart from policy implementation, the evaluation of a policy is also an important factor. Policy evaluation is carried out thoroughly starting from the substance of the policy, implementation to the impact arising from a policy.

3. Implementation of The Revitalisation of Correctional Service

The implementation of Revitalisation of Correctional Institution is mainly the classification of Correctional Institution into 4 (four), namely: Super Maximum Security, Maximum Security, MediuM Security and Minimum Security..(Lukito & Sinaga, 2021)

1. Super Maximum-Security Prison

   Super Maximum-Security prisons are places to provide guidance for high-risk prisoners to promote behavioural change and reduce risk levels.

   Examples of prisons in Indonesia that are categorised as Super Maximum-Security prisons are Class I Batu Nusakambangan prison, Class IIA Karanganyar prison, Class IIA Pasir Putih prison and Class IIA Gunung Sindur prison. In the implementation of guidance for prisoners is carried out specifically with the principle of prudence, the placement of residential rooms is based on the results of community research, the transfer of prisoners is also based on the results of the Correctional Observation Team hearing. Personality development is carried out individually, mainly to change the behaviour of prisoners, as well as routine assessments by Community Supervisors, BNPT and Densus 88 to see and assess changes in the behaviour of prisoners. High level security with special sell (one man one cell) which means that each prisoner is placed in one residential room and equipped with CCTV in each room is needed to continuously monitor the condition of prisoners at all times. In addition, special security and clothing equipment are also applied in this Super Maximum-Security Prison. This category of prison is specifically intended for prisoners with

very high risks (endangering the security of the State and endangering public safety).

2. Maximum Security Prison
   Maximum Security Prison is a place to carry out guidance for prisoners whose main purpose is to encourage changes in attitudes and behaviour that are aware of mistakes, obey the law, and order and improve discipline. Meanwhile, there are 13 (thirteen) Maximum Security prisons in Indonesia, namely: Palangkaraya Class IIA Prison, Kerobokan Class IIA Prison, Makassar Class I Prison, Ternate Class IIA Prison, Bandar Lampung Class I Prison, Langkat Class III Narcotics Prison, Cilegon Class IIA Prison, Medan Class I Prison, Iron Class IIA Prison, and Salemba Class IIA Prison. Maximum Security prisons are intended for high-risk prisoners who have shown changes in behaviour, in Maximum Security prisons prisoners can get personality development both individually and in groups. The placement of prisoners is still based on the results of the litmas and periodic assessments are always carried out.
3. Medium Security Prison
   Medium Security prisons are places for fostering prisoners to encourage changes in attitudes and behaviour that are aware of mistakes, obey the law and rules as well as improve competence and self-ability.
   Medium Security prisons are intended for prisoners who have realised their mistakes and have obeyed the law and shown a change in behaviour towards the better. For this reason, inmates in this Medium Security Prison in addition to personality development are also starting to be equipped with self-reliance development as a provision of skills, increasing competence and ability. Medium prisons can also be considered as schools of crime which require proper handling and empowerment so that they can become productive prisons.
4. Minimum Security Prison
   Miminum Security Prison is a place for prisoners to form changes in attitudes and behaviour, increase independence and productivity.
   One form of Minimum-Security Prison is an open prison where the implementation of prisoner development is focused in the field of independence development. The placement of residential rooms is classified based on the expertise, interests, talents and potential of the prisoners. After serving a sentence in the Minimum-Security Prison, prisoners are ready to be returned to society in the form of assimilation or integratio.

Some of the focuses of the implementation of the revitalisation of correctional services (Paras Etika, 2022), can be described as follows :

1. Detention services: revitalisation focuses on risk- and needs-based placement and entitlement services such as health care, visitation services, legal aid services, grievance services and fulfilment of other rights.
2. Prisoner development: the focus of revitalisation is on assessment so as to obtain an assessment to place prisoners according to their risk level classification. Furthermore, treatment is also provided for prisoners according to the prison classification, namely Super Maximum, Maximum, Medim or Minimum Security.

3. Client Guidance: the focus of revitalisation is on guiding clients so that during the social reintegration programme in the community they can successfully become healthy human beings in their behaviour and life in the community.
4. Management of confiscated and seized goods: focus of revitalisation on the maintenance and care of goods according to their classification.

Evaluation analysis of the correctional revitalisation policy, consisting of input dimensions, process dimensions and context dimensions (Jazuli, 2021) which includes detention services, inmate development, client guidance and management of confiscated and seized goods.

1. The Input dimension is an evaluation to determine the extent to which the resources owned can support the achievement of revitalisation goals, plans and strategies to achieve goals and work procedures carried out.
2. Dimensi Proses yaitu mengevaluasi seberapa jauh program dilaksanakan sesuai dengan rencana yang disusun, dampak pada tahanan, narapidana, klien serta basan dan baran.
3. The Context dimension, which identifies the strengths and weaknesses of the organisation.

4. Strategies to Optimise the Revitalisation of Correctional Services

The strategy in optimising the implementation of correctional revitalisation also has 3 (three) dimensions.(Jania Alfi* & Ayu Hapsari, 2023)

a. The context dimension is carried out by preparing a grand design and road map of correctional revitalisation policies, setting priority targets for correctional revitalisation, and aligning regulations that allegedly hinder the running of the revitalisation process.
b. The input dimension is the need for work planning documents and work guidelines that contain work management provisions and achievement targets related to correctional revitalisation.
c. In the process dimension, it is necessary to evaluate and determine the success indicators of the implementation of detention services, inmate development, client guidance and the management of confiscated and seized goods.

Conclusion

The implementation of the revitalisation policy as mandated by the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 concerning Revitalisation of Corrections has not been fully implemented by correctional technical implementation units in Indonesia. Various challenges arise and strategies are needed in implementing the revitalisation.

The strategy in optimising Permenkumham No. 35/2018 that can be concluded from the results of this research is described in three dimensions, namely the context dimension, the input dimension, and the process dimension. In the context dimension, it can be done by preparing a grand design and roadmap of correctional revitalisation policies; setting priority targets for correctional revitalisation; and aligning regulations that allegedly hinder the running of the correctional revitalisation process. The input dimension concludes the need for work planning documents and work guidelines containing provisions on work management and achievement targets related to the implementation of correctional revitalisation. In the process dimension, it is necessary

to evaluate and determine success indicators for the implementation of detention services, inmate development, client guidance, and management of confiscated and seized goods.

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Minister of Law and Human Rights Regulation No. 35/2018 on Revitalising the Implementation of Corrections

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COPYRIGHT PROTECTION FOR THE ILLEGAL MARKET OF PREMIUM APPLICATION ACCOUNTS ON THE SHOPEE MARKETPLACE

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Abstract:

Marketplace Shopee becomes one of the platforms that sells a variety of products that consumers need. It's easy to make online shops open up opportunities for sellers to engage in illegal practices. One of them is the sale of premium app accounts illegally to make a profit. The Copyright Act provides legal protection for computer programs, i.e., it protects software or applications with explicit sanctions for copyright infringement. This research aims to find out how copyright protection affects the sale of premium application accounts illegally on the Shopee marketplace. The research method used is normative jurisprudence, in which this method can answer problems through data collection tools such as library studies or documents and is based on applicable legal regulations to analyze legal regulation. The outcome of the discussion indicates that copyright protection for the sale of illegal premium application accounts on Shopee's marketplace is not at its maximum. Copyright protected in the Shopee Marketplace only relates to creative works such as music, e-books, photos, and graphics created by authors and brands. And it doesn't include any computer programs in it. Although the shopee has already applied pre-emptive and repressive legal protection, preferential protection is contained in the terms and conditions of the shopee, i.e., it does not allow the registration of a product (listing) that violates the intellectual property rights of a trademark or the owner of other intellectual property rights.

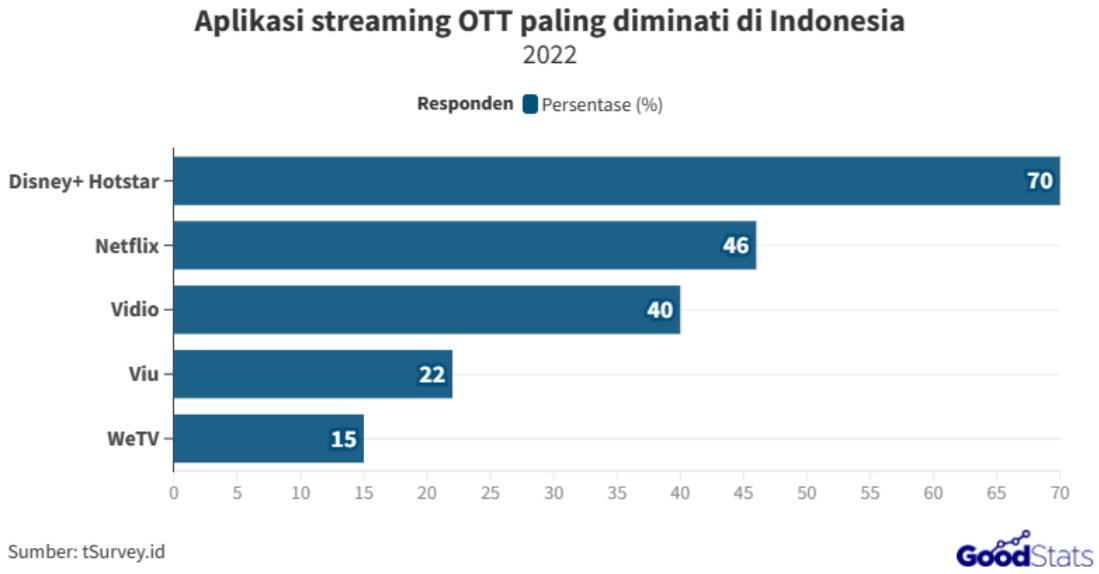
Keywords:

Copyright**,** Illegal Market, shopee marketplace

Introduction

In the era of Industrial Revolution 5.0, it is currently a fundamental challenge in the areas of life and business. In this era, copyright is one of the means that causes extraordinary disruption in various fields, one of which is over-the-top (OTT) service media. Many companies are entering the OTT industry because it is popular with the current generation, with the advantage of streaming broadcasts that broadcast content on the internet that can be controlled by the user.

OTT is a premium application that offers a variety of video content, ranging from TV series, licensed films, and original programs. The following data shows Premium Application users in Indonesia.



The table shows the number of premium application platforms. It turns out that Disney+ Hotstar is the most popular premium application platform in Indonesia, with a percentage of 70% of respondents. Followed by Netflix in second place, with a percentage reaching 46% of respondents. Apart from that, some respondents chose to subscribe to other platforms, including Vidio (40%), Viu (22%), and WeTV (15%) (Nada Naurah, 2023).

The rise in sales of premium applications by several companies has become an opportunity for certain individuals to misuse them to gain profit. The phenomenon of sellers of cheap premium accounts for various paid entertainment services such as Spotify, YouTube Premium, or Netflix is still widespread today. With the increasing popularity and demand for these services, the illegal practice of subscribing to premium accounts through the platform has emerged in marketplaces such as Shopee, Lazada, and Tokopedia (Nurhaliza Tamara Lubis, 2023). Research Snipers acknowledged the existence of hacker activities in obtaining the traded accounts(Bagas Rahadian, 2020). Premium application Customers only know that this SVOD platform can be purchased through the marketplace and advertisements on social media; they are tempted by the cheap price and then buy. Complaints are daily bread (Ajeng Rizka, 2021).

Electronic systems have two categories, namely public scope and private scope. Marketplace is included in the private scope PSE category according to Article 2, paragraph 5, of Government Regulation No. 71 of 2019 concerning Implementation of Electronic Systems and Transactions (PP PSE). The marketplace's obligation as a PSE is to ensure that its electronic system complies with the provisions of the law.

Marketplace, as a private PSE, is also bound by Minister of Communication and Information Regulation Number 5 of 2020. Regulation of the Minister of Communication and Information Technology Number 5 of 2021 concerning Private Scope Electronic System Operators (Permenkominfo Private PSE). The contents categorize the marketplace as a private scope PSE based on user-generated content (UGC). Another obligation regulated in Article 10 of the Minister of Communication and Information Regulation on Private PSE is that UGC Private Scope PSE is required to have governance regarding electronic information and documents and provide reporting facilities.

The practice of selling illegal accounts on the marketplace creates two main issues that need to be looked at in depth. First, the impact on copyright for premium applications. Copyright is an intellectual asset that must be protected from illegal sales of premium application subscriptions. Second, this practice involves violating the terms of use stated in each premium application, for example, the Netflix application, which only allows personal and non-commercial use.

Copyright through Law Number 28 of 2014 concerning Copyright (UUHC) is a relevant legal umbrella in the context of legal protection. UUHC provides strong copyright protection for premium applications. Article 40, paragraph (1), UUHC clearly recognizes computer programs as copyright-protected, including aspects of economic rights such as distribution and royalties. Article 1 Paragraph (9) UUHC states, "A computer program is a set of instructions expressed in the form of language, code, schemes, or in any form intended for a computer to work to carry out certain functions or to achieve certain results.".

Based on this, researchers want to know the extent of copyright protection from selling illegal premium applications through the Shopee marketplace platform, considering that, based on similar Web data, Shopee is the e-commerce marketplace category that has received the most site visits in Indonesia throughout 2023 (Adi Ahdiat, 2024). Therefore, the researcher formulated this research with the title Copyright Protection for Illegal Sales of Premium Application Accounts on the Shopee Marketplace.

Research Methods

This research uses normative juridical methods by conducting legal research that prioritizes bibliographic materials, which basically aim to search for secondary data consisting of primary, secondary, and tertiary legal materials. Research is studied from various aspects, such as theoretical aspects, general explanations for each article, and legal language. The normative juridical method in this research refers to Law Number 28 of 2014 concerning copyright and Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning information and electronic transactions.

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Analysis and Discussion

Copyright protection against the illegal sale of premium apps on Shopee Marketplace

A contract of sale is an agreement between a seller and a buyer in which the seller commits himself to surrendering his ownership of a good to the buyer, and the purchaser commits himself to paying the price of the goods (Suandi et al., 2022). Buy not only directly, but also sell indirectly, that is, online.

Online transactions have become a new habit for the majority of Indonesians. Transactions through the fast-growing marketplace in Indonesia range from supplying daily primary needs to secondary needs.(Chantry Dhityaenggarwangi, 2023). A

marketplace is basically an electronic system that has a right and a duty to protect transactions between consumers and entrepreneurs. (KI). According to similar Web data, Shopee will be the most visited e-commerce marketplace in Indonesia in 2023 (Adi Ahdiat, 2024).

KI is a science that is undergoing rapid destruction. Now there are a lot of violations of KI because it is easy to use technology to find profit. The sale of premium accounts illegally is one of the more frequent activities on the marketplace. The premium accounts sold on the marketplace are not licensed, although few legal aspects have been accommodated about the importance of digital copyright in the Act No. 24 Year 2014 on Copyright (UUHC) and on Information and Law No. 19 Year 2016 on Amendments to the Act Number 11 Year 2008 (UU ITE).

> "Electronic information and/or electronic documents that are structured into intellectual works, websites, and intellective works contained therein are protected as intellectual property rights under the provisions of the Legislative Regulations."

In Indonesia, the copyright protection of content as an electronic information load, such as premium applications such as Disney+ Hotstar, Netflix, YouTube Premium, Sportfy, etc., is regulated in Article 25 of the ITE Act. Electronic information and/or electronic documents compiled into intellectual works, websites, and intellective works contained therein are protected as KI under the provisions of the Legislative Regulations. The path regarding copyright protection on OTT platforms in Indonesia can be seen in Article 25 of the ITE Act, which stipulates that:

> "Electronic information and/or electronic documents that are structured into intellectual works, websites, and intellective works contained therein are protected as intellectual property rights under the provisions of the Legislative Regulations."

The article explains that the content, such as information and/or electronic documents, contains two rights protected by copyright, namely moral rights and economic rights. KI protects the right of a person and/or other legal entity to enjoy economic benefits resulting from the creativity and embodiment of intellectual work. Copyright can be said to be a negative right to prevent reproduction done without permission by another party (Bety Sukma Widiananda, 2022)**.** Protection against duplication, especially in digital copyright, serves to restrict access to copyright content and/or block the process of copying through data encryption so that only authorized users can access it (Simatupang, 2021).

Article 1 of the Covenant stipulates that copyright is the exclusive right of the creators, which arises automatically on the basis of the declarative principle after a creation is realized in a visible form without reducing the restriction in accordance with the provisions of the legislation. Article 5 of the Universal Copyright Convention states that "copyright includes the sole right of the creator." Further, Article 9, paragraph 2, of the TRIPs states: "Protection of copyright includes expression." Which includes expressions and not ideas, procedures, methods of operation, or mathematical concepts like that.

OTT services for the use of content are forms of creation protected by UUHC. Ethymologically, content means information available in electronic media consisting of, for example, entertainment content (comedy, song, challenge), tutorial content

(make-up women), and lifestyle content. (traveling). OTT includes audio, voice, video, telecommunications facilities, news, virtual conferences, data centers, cloud services, network services, SMS, and so on. But the problem arises where the OTT service, as a new player emerging in Industry 5.0, has not been accommodated by a good legal order, such as taxation and non-taxation for state receipts.(Bety Sukma Widiananda, 2022).

Article 40 (1) of the Copyright Act states that computer programs are included in the category of protected inventions. In this context, premium applications, as one of the objects providing streaming services, are targeted for commercial product violations, which means that illegal sellers can be held accountable if premium application companies suffer losses as a result of such violations. Specifically, this article mentions the object of copyright protection, which largely still covers conventional creations. However, in fact, the UUHC has already begun to regulate digital inventions. Article 40 letter p and s UEHC relates to the compilation of an invention or data in a format that can be computer programs and other media and computer programs, including the object of copyright protection. Moreover, with the digitalization of inventions starting from conventional forms, it becomes a digital invention as included in a quo law.

A premium application, as one of the inventions protected by UUHC, is considered a protected work in the form of a computer program. The definition of this computer program can be found in Article 1 paragraph (9) UUHC, which reads:

> "A computer program is a set of instructions expressed in the form of language, code, scheme, or in any other form intended to enable a computer to perform a certain function or to achieve a certain result."

In addition to being a computer program, the rights of the Premium Application are also protected as a paid broadcaster having related rights, in accordance with the provisions of Article 1, paragraph 15, UUHC, which reads:

> “Conditional rights are copyright-related rights that are exclusive to performers, phonogram producers, or broadcasters.”

Copyright infringement can cause losses to the company that is operating, especially in copyright protection, which includes the distribution of digital content. Copyrighted information is guaranteed when it is transformed into digital form, for example, articles, pictures, or even the sale of premium application accounts distributed through Internet media (Nurhaliza Tamara Lubis, 2023).

Legal protection is a protection granted to the subject of a law in the form of a means of both preventive and repressive nature, whether orally or in writing. In other words, it can be said that the protection of the law is a distinct representation of the functioning of the law itself, which has the concept that the law provides justice, order, certainty, utility, and peace. In carrying out and providing legal protection, it needs a place or container for its implementation, which is often referred to as the means of legal protection.

The sale of premium application accounts on the Shopee marketplace clearly constitutes a violation of Article 9(2) UUHC, which affirms that any person who exercises economic rights through the distribution of creations must obtain the permission of the creator or copyright owner. The seller of the Premium application account also violates Article 25, Paragraph (3), which prohibits anyone from distributing the content of the broadcasting agency's work without permission for

commercial purposes. Therefore, the seller of the Premium app account does not seek permission from the Premium app creator company as the creator or copyright holder to sell or commercialize it.(Wahyu Simon Tampubolon, 2016). The protection that needs attention concerns the digital platform as one of the forms of the Internet of Things that supports the development of AI in the era of digital disruption, which has a lot of correlation with the use of copyright objects on digital platforms.

The sale of premium application accounts on the shopee marketplace clearly constitutes a violation of Article 9 (2) UUHC which affirms that any person who exercises economic rights through the distribution of creations must obtain the permission of the creator or copyright owner. The seller of the Premium application account also violates article 25, paragraph (3) which prohibits anyone from distributing the content of the broadcasting agency's work without permission for commercial purposes. Therefore, the seller of the Premium app account does not seek permission from the premium app creator company as the creator or copyright holder to sell or commercialize it.

Illegal hacking of a premium application by selling some profiles outside of personal use by the account holder can be called a form of piracy or cracking on the OTT service. The definition of hacking, as described in Article 1, Paragraph 23, UUHC, is as follows:

> “Piracy is the exploitation of creations and/or products of rights connected with the unlawful distribution of goods derived from expropriation widely intended for economic gain.”

Thus, the sale and distribution of a premium application account, which is an electronic system, by selling it back to others through the Shopee marketplace for economic gain without having the rights and without obtaining the permission of the creator and/or copyright holder, as well as not flowing its profits to the parties who should be entitled to receive it, is considered to be an act of causing damage to the creators and/or copyright holders. The form of legal protection effort provided by the marketplace shopee in connection with piracy on OTT services is on premium applications consisting of preventive and repressive protection.

The preventive protection provided is visible on the Shopee Help Center webpage. The terms of service describe some of the copyright clauses mentioned in the article (Shopee.id, n.d.):

1. The permission limited to paragraph 3.1 states that Shopee grants you revocable limited permission to access the services, subject to the terms and conditions of these Terms of Service. All exclusive content, trademarks, service marks, brand names, logos, and other intellectual property ("Intellectual Property") displayed on the site are the property of Shopee and, where applicable, the third-party owners identified on the site. No right or permission is granted, directly or indirectly, to any party accessing the site to use or reproduce the intellectual properties, and no party acceding to the site may claim any rights, ownership, or interest in them. By using or accessing the services, you agree to comply with copyright, trademarks, service marks, and all other applicable laws that protect the services, the site, and its content. You agree not to copy, distribute, re-publish, submit, publicly display, perform publicly, modify, adapt, rent, sell, or make a derivative of any part of the service, the site, or its content. You may also not, without our prior written consent, mirror or frame any part or all of the content of this site

on any other server or as part of any other website. In addition, you agree that you will not use any robot, spider, automated device, or any other manual process to monitor or copy our content without our prior written consent. (Such consent is deemed to be given to standard search engine technology used by Internet search websites to direct Internet users to this website.).

2. Terms of Use in paragraph 6.2 letter (q)& letter (bb), in letter(q) you agree not to upload, email, post, send or provide any Content that infringes any patent, trademark, trade secret, copyright or other property rights of any party; whereas in letter (bb) you consent not to register goods that infringe any third party's copyrights, trademarks or intellectual property rights or use the Service in a way that would infringe the copyrights of another party.

The Shopee Seller Education Center website provides copyright protection for its users. This protection prevents others from abusing products that have been registered and recognized by the law. Intellectual Property Rights (IPR) safeguard products from unauthorized use by parties who do not have the owner's permission to use them. It is essential to obtain the owner's consent before using their assets. (seller.shopee.id, 2023).

The violation of the rights referred to herein explains that the sale is not permitted for(seller.shopee.id, 2023):

1. Trademark infringement: selling a product containing a trademark of a registered product without the permission of the trademark holder.
2. Copyright violation: selling products with registered trademarks without the authorization of the owner of such a trademark.
3. Industrial Design violations: selling the product with the registered design without the consent of the brand owner or designs that are substantially similar to the registering design.
4. Patent infringements: selling product of a patented invention in connection with the recorded product.

Specifically, the types of copyright protected by the Shopee marketplace are creative works such as music, e-books, photos, and graphics created by authors and brands protected by copyright (seller.shopee.id, 2023).

In addition to preventive protection, the Shopee marketplace also provides repressive protection by reporting KI violations on the Shopee Brand IP Portal, on the reporting procedures page, About Reporting Intellectual Property Rights (RIGHTS). Only the copyright owner, trademark owner, patent owner, or legally authorized representative may report a list of products that infringe intellectual property rights (DRIGHS) (Seller.shopee.co.id, 2023b).

1. For English-speaking users, you can report through the Intellectual Property Rights Portal (RIGHTS).
2. For Indonesian-speaker users, send it through the Form of Infringement

To report an infringement of intellectual property rights (RIGHTS), you can fill out and submit an Intellectual Property Rights Violation Form. through the Intellectual Property Rights Portal (IRP) so that the Shopee team can investigate further. Once the list of products you report has been verified as an infringer of the IPR by Shopee's team, Shopee will proceed to delete the listing of products that infringe your IPR.

Sometimes, Shopee may ask you to submit additional evidence (Seller.shopee.co.id, 2023b)

After filling out the report, the Shopee Marketplace will manage the TRUE infringement case on the Shopee Brand IP Portal. Then there are details to view in the data panel, and then the data panel can be used to see the information details of all cases by either the brand owner/rightholder or the authorized agent/law firm for analysis. There are 3 categories on the metric data panel(seller.shopee.id, 2023):

1. Infringement cases Indicate the number of cases filed and their status.
2. Listing violation Indicates the number of product lists delivered and whether the list is approved/rejected as a violation to be deleted.
3. Completion Time Indicates the average time required to complete the registration and case review.

Once it is proven to be a violation of KI, then the marketplace shopee will give a clear sanction of penalty against the party who violates one of the copyrights. The penalty given is (Seller.shopee.co.id, 2023a):

1. Penalty based on shopee policy, including:
    a. Blocked and/or Deleted List of products that violate Intellectual Property Rights (RIGHTS) (Example: uploading imitation products of existing original products) will be prohibited or removed.
    b. Shopee's exclusive profit termination will terminate exclusive profits if the Seller has a high penalty point by their respective program terms.
    c. Account restrictions Seller who receives penalty points for infringement of RIGHTS or repeatedly uploads of imitated products within one quarter, will be subject to account restriction. Sellers who have repeatly infringements and imitating products may also be subjected to account limitation.

2. Punishment by Government Rules
    The government takes violations of Intellectual Property Rights (IPRs) seriously and will take action against those who disregard government laws and regulations(Seller.shopee.co.id, 2023a). The perpetrators who sell premium application accounts without permission from the Creator and/or copyright holders, as well as exploit and distribute the Creation for commercial purposes, can be punished with a maximum imprisonment of 4 (four) years and / or a fine of up to Rs 1,000,000,000.00 (one billion rupees).

Marketplace Shopee has explicit policies relating to products that have AI protection, in particular copyright, and is committed to removing copyright-infringing products or content from their platform. However, it is unfortunate that not all types of copyright under Article 40(1) UUHC are protected on the Shopee marketplace. Marketplace Shopee only protects copyright, i.e., creative works such as music, e-books, photos, and graphics created by authors and brands are copyrighted. The above indicates that the computer program is not in the copyright category protected by the marketplace shopee.

For KI violations, Marketplace Shopee has already provided a good service by providing services. If there are infringements, Marketplace Shopee provides an option to report, which will be directed through the Webside Intellectual Property Portal (HAKI). And the action for such infringement by the Markeplace Shopee is to punish those who deliberately sell copyright-infringing products.

Conclusion

Conclusion contains a description that should answer the problem(s) raised and answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.

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