

DISCOURSE OF ELECTRONIC EVIDENCE-BASED POLICE INVESTIGATION IN THE ERA OF DIGITAL TRANSFORMATION

Famudin¹

¹ North Sumatera Regional Police, Indonesia. E-mail: fammbatavia@gmail.com

Abstract: This study explores the integration of electronic evidence in criminal investigations within the Gorontalo Police Women and Children Protection Unit (PPA), examining the challenges and implementation in the digital era. The research uses an empirical legal approach, gathering primary data through interviews and secondary data from literature and legal texts. The study finds that while Indonesian laws—such as Law No. 02 of 2002 concerning the National Police, Law No. 8 of 1981 concerning Criminal Procedure Code (KUHP), and Law No. 19 of 2016 concerning Electronic Information and Transactions—support the use of electronic evidence, the internal Standard Operating Procedures (SOPs) for investigating crimes based on digital data remain unclear. Primary challenges include inadequate SOPs, limited human resources, insufficient budgets, and a lack of necessary facilities and infrastructure. Furthermore, there is a high degree of sectoral ego, both within the community and among government agencies like the Office of Communication and Information, which complicates the coordination needed for effective electronic-based investigations. This study highlights the need for clearer guidelines and better resource allocation to fully leverage electronic evidence in criminal justice processes.

Keywords: Investigation; Electronic Evidence; Police; Digital Transformation.

1. Introduction

The development of the globalisation era is currently a cross-sectoral concern. It affects paradigm shifts in the legal, economic, political, social and cultural sectors.¹ Especially in the field of law, it needs to be understood that whether or not the law enforcement process is carried out today will be influenced by how dynamic the development of life is in this era of digital transformation. Electronic devices such as computers and cell phones have triggered changes in the social patterns of society,² including behavioural changes in human interactions, giving birth to new values.³

Globalisation can be understood as changes in various fields that combine with the formation of unique regional and global relationships, which are more extensive and intensive, which challenge and reshape political communities and

¹ Retna Dwi Estuningtyas, "Dampak Globalisasi Pada Politik, Ekonomi, Cara Berfikir Dan Ideologi Serta Tantangan Dakwahnya," *Al-Munzir* 11, no. 2 (2018): 195–218.

² Aris Hardianto, "Hasil Cetak Informasi Elektronik Dan/Atau Dokumen Elektronik Sebagai Alat Bukti Tindak Pidana Pencemaran Nama Baik Melalui Media Daring," *Rechtidee* 11, no. 1 (2016): 102–21.

³ Didik M Gultom, *Cyber Law Aspek Hukum Teknologi Informasi*, Refika Aditama (Bandung: Refika Aditama, 2009).

specifically shape the modern state.⁴ Advances in science and technology will have an impact on the paradigm patterns of all levels of society because society can serve as either the subject or the object of law.⁵

Technological advancements in today's era of digital transformation, as a product of human culture, bring both positive and negative impacts. On the one hand, they offer immense benefits to improve lives. On the other, they pose challenges that can negatively influence human development and civilisation. The negative impact in question is related to the world of crime. J.E. Sahetapy has stated in his writings that crime is closely related to and even part of the result of culture itself. This means that the higher the level of culture and the more modern a nation is, the more modern the crime is in its form, nature, and method of implementation.⁶

The above phenomenon shows that the potential of the stakeholder ability through public organisations must be adaptive and agile. It is hoped that the public's wishes can be achieved by looking at the current situation and conditions. There are rapid changes in the strategic environment nationally, regionally and internationally, where Indonesia and other countries worldwide are facing an era of globalisation, bringing along advances in information and communication technology. In the future, the role of big data, the Internet of things, robots, and artificial intelligence will definitely shift the functions, procedures and even the nature of bureaucratic work in Indonesia and worldwide.⁷

Facing this situation, this change must be utilised as a separate motivational momentum for leaps of progress, including in the field of law enforcement. Challenges in the era of globalisation, and advances in information and communication technology require law enforcement officials, in this case the Indonesian National Police, to be able to adjust to the main tasks and functions of the urgency of national security and order.⁸ Polri's performance in the eyes of the public seems to be a challenge amidst the onslaught of electronic information, indicating the necessity to maintain the level of public trust in the Police.

The Indonesian Survey Institute (LSI) survey results in 2023 show that the level of public trust in the National Police has increased.⁹ In general, the level of trust in the police institution tends to increase as compared to the previous findings, both citizens' trust in its performance in general and in law enforcement in particular.

⁴ David Held, "Regulating Globalization? The Reinvention of Politics," *International Sociology* 15, no. 2 (2000): 394–408.

⁵ Mahadiansar Mahadiansar et al., "Paradigma Pengembangan Model Pembangunan Nasional Di Indonesia," *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu Dan Praktek Administrasi* 17, no. 1 (2020): 77–92.

⁶ Raodia Raodia, "Pengaruh Perkembangan Teknologi Terhadap Terjadinya Kejahatan Mayantara (Cybercrime)," *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 6, no. 2 (2019): 230–39.

⁷ Rony Sandra Yofa Zebua et al., *BISNIS DIGITAL: Strategi Administrasi Bisnis Digital Untuk Menghadapi Masa Depan* (PT. Sonpedia Publishing Indonesia, 2023).

⁸ Widyastuti Andriyani et al., *Technology, Law And Society* (Tohar Media, 2023).

⁹ Muhammad Gifari Syarifuddin, Ilham Prisgunanto, and Jarot Prianggono, "Model Organizational Citizenships Behavior Dalam Meningkatkan Kinerja Kepolisian: Di Wilayah Hukum Polresta Mataram," *Jurnal Portofolio: Jurnal Manajemen Dan Bisnis* 2, no. 2 (2023): 185–95.

In January 2023, the National Police achieved 52% trust, which increased to 61% trust in February 2023.¹⁰ This is both a pride and a challenge in maintaining the consistency of public trust in the performance of the Police in this globalisation era. It should be realised that public demands for police performance have now begun to shift during this era. In this globalised age, the role and functions of the police are required to adapt to the needs of the community concerned.¹¹

In complex rural and urban societies, where customary institutions are now overlooked, there is a growing need for a dedicated organisation to regulate social conditions. This is where the police play a crucial role, serving as an institution to handle and overcome social problems and maintain security.¹² To realise public satisfaction and support the birth of a good rule of law, the National Police, which is part of the government bureaucracy in carrying out its duties, must leave conventional methods towards creative ways supported by the use of science and technology. Services provided to the public must be in line with the main tasks and functions of the Police, including services that are efficient and support government measures in development. For this reason, there needs to be a change in the quality of service with the Smart Police concept.¹³ The author defines Smart Police as an effective and efficient police service concept that involves science and technology. Therefore, in the face of public expectations for a better Police, the Police organisation must continue to be a learning organisation to maintain and improve organisational excellence.

In principle, the law provides services to citizens to create order, security, welfare and a true sense of justice.¹⁴ The urgency of improving the quality of law enforcement in this era of globalisation is non-negotiable as in line with the concept of the Criminal Justice System desired by all parties, both from the community and from legal experts and academics.¹⁵

The criminal justice process is law enforcement against a crime (violation of the law); meanwhile, in the criminal justice process, the state has given duties and authority to law enforcement officials to carry out criminal law enforcement through several legal rules, including Law No. 8 of 1981 concerning Criminal Procedure Code (KUHAP) and Law No. 13 of 2006 concerning Witness and Victim Protection. The scope of law enforcement involves the following:¹⁶

1. Investigators from the Indonesian National Police (POLRI) as the state institution conducting investigations.

¹⁰ Nabel, "Survei LSI: Kepercayaan Masyarakat Kepada Polri Terus Meningkatkan - Portal Berita Polda Babel," *Polda Kepulauan Bang Belitung*, 2023, <https://babel.polri.go.id/2023/03/02/survei-lsi-kepercayaan-masyarakat-kepada-polri-terus-meningkat/>.

¹¹ Ibid

¹² Seta Jaladriyanta, "Polri Menuju Smart Police," *Jurnal Ilmu Kepolisian* 14, no. 2 (2020): 12.

¹³ D P Ridwan, "Reformasi Birokrasi Polri Dalam Meningkatkan Kualitas Pelayanan Publik Pada Kepolisian Daerah Sulawesi Selatan," *AKMEN Jurnal Ilmiah* 15, no. 3 (2018).

¹⁴ Jeffry Alexander Ch Likadja, "Memaknai 'Hukum Negara (Law Through State)' Dalam Bingkai 'Negara Hukum (Rechtstaat),' " *Hasanuddin Law Review* 1, no. 1 (2015): 75-86.

¹⁵ Fence M Wantu et al., "Renewal of the Criminal Justice System Through the Constante Justitie Principle That Guarantees Justitiabelen's Satisfaction," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 3 (2022).

¹⁶ Undang-Undang RI No 8 Tahun 1981 Tentang Hukum Acara Pidana (Law of the Republic of Indonesia No. 8 of 1981 concerning Criminal Procedure Code)

2. Investigators including auxiliary investigators from the Indonesian National Police (POLRI) as the state institution conducting investigations.
3. Public prosecutors from the state institution referred to as the Attorney of the Republic of Indonesia.
4. Judges and Courts from the Supreme Court of the Republic of Indonesia as the state institution in charge of trying cases.
5. Prisoner guidance officers from the correctional institution (LAPAS) as the state institution.
6. Law enforcement officers who work as legal advisors, namely advocates or lawyers who come from advocate offices or legal aid organisations.
7. Witness and Victim Protection Agency (LPSK), an institution that facilitates protection for witnesses and victims.

In points 1 and 2 above, investigation and prosecution are stages closely related to the criminal justice system, representing another part of the activities to be carried out by the judicial subsystems as law enforcement institutions exercising authority in the law enforcement process to realise legal certainty and respect for human rights.¹⁷ As a state apparatus, the Indonesian National Police hold authority over the investigative process. In line with the rapid advancement of technology, they now utilise electronic evidence to enhance the quality of law enforcement. This approach is particularly significant in human rights cases, as it directly ties into efforts to protect witnesses and victims, ensuring justice and accountability.

The growing digitalisation era also urges the development of a national legal system related to information and communication technology.¹⁸ The integration of information technology with aspects of people's lives significantly impacts legal developments regarding the recognition of digital evidence provided in the evidentiary process.¹⁹ This study aims to analyse the implementation of the investigation of criminal cases in the police based on electronic evidence at the Women and Children Service Unit in the jurisdiction of the Gorontalo Regional Police.

This research analyses the implementation of investigating criminal cases in the police based on electronic evidence and its challenges. This analysis requires the following problem formulations:

1. How does the police authority work in investigations based on electronic evidence at the Gorontalo Police Women and Children's Service Unit?
2. What are the challenges faced by the Police in investigating and investigating based on electronic evidence in the jurisdiction of Gorontalo Regional Police?

¹⁷ Supardi Hamid Et Al., "Reconstruction Of Authority Attorney General In Disclaimer Of Case For The Sake Of The Public Interest In The Criminal Justice System In Indonesia," *Russian Law Journal* 11, No. 2 (2023).

¹⁸ Edmon Makarim, "Keautentikan Dokumen Publik Elektronik Dalam Administrasi Pemerintahan Dan Pelayanan Publik," *Jurnal Hukum & Pembangunan* 45, no. 4 (2016): 508-70.

¹⁹ Heniyatun Heniyatun, Bambang Tjatur Iswanto, and Puji Sulistyaningsih, "Kajian Yuridis Pembuktian Dengan Informasi Elektronik Dalam Penyelesaian Perkara Perdata Di Pengadilan," *Varia Justicia* 14, no. 1 (2018): 30-39.

2. Method

This research is empirical legal research or empirical juridical legal research that examines the actual situation in society, including facts about the problems studied.²⁰ Data collection was performed by conducting a survey, allowing for the collection of primary data from research sources or informants. Observations and interviews were conducted based on an empirical approach.²¹ This research was also supported by secondary data in the form of literature, laws, and regulations. The data was analysed using a descriptive-analytical method, with the researcher providing a description by explaining the data and drawing conclusions.

3. Discussion

3.1 Implementation of Police Authority in Electronic Evidence-Based Investigations at the Gorontalo Police Women and Children Service Unit

Modern science and technology have forced the handling of criminal cases, especially in the investigation process, to progress and develop. This is evident in how investigators incorporate various supporting disciplines into their work. Equipped with specialised expertise, investigators use these tools and methods to streamline and enhance the effectiveness of case resolution.

3.1.1 Utilization of Electronic Devices as Examination Tools by the Police

The role of the Indonesian National Police (Polri) as one of the institutions that carry out public service functions is required to provide the best service to the community by displaying professional and reliable unit performance in their fields. In accordance with the mandate of State Law Number 2 of 2002 concerning the Indonesian National Police (Polri), the police run state government's function in maintaining security and public order, law enforcement, protection, and service to the community.

Services in the Era of Modern Police Technology Changes in the Era of Digital Transformation Police provided to the community are set out in law enforcement tasks carried out by the Police. Article 14 Paragraph (1) letter g of Law Number 2 of 2002 states that in carrying out the main tasks as referred to in Article 13, the Indonesian National Police is tasked with conducting investigations and inquiries into all criminal acts according to criminal procedural law and other laws and regulations.²²

The utilisation of electronic tools in supporting the performance of the Police, especially in the examination process, is essential. The police now use Zoom meetings to handle criminal cases involving electronic evidence. With a digital-based face-to-face application like Zoom meetings, investigators can record sessions remotely. Another possible utilisation of technology in this context may involve a

²⁰ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33.

²¹ F C Susila Adiyanta, "Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris," *Administrative Law and Governance Journal* 2, no. 4 (2019): 697–709.

²² See Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia (Law No. 2 of 2002 concerning Indonesian National Police)

Camera Recorder, often abbreviated as Camcorder—an electronic device that combines a video camera and video recorder into one unit.²³ In terms of marketing, this tool is called a camcorder or camera recorder, but when viewed from the content and function, this tool is better known as a video recording camera. To allow digital-based face-to-face applications (Zoom meetings) to function as a video recorder, such as cell phones and digital cameras, camcorders are generally identified as portable devices, with video capturing and recording applications as their main function.

The application of this technology marks the advancement of law enforcement²⁴ and helps determine the presumption of innocence—a principle where a person is considered innocent until the person is declared guilty before a court of law. The video recording utilised in the investigation process may raise investigators' confidence to decide if someone is guilty and provide sufficient preliminary evidence,²⁵ thus minimising the misuse of the presumption of innocence principle. In Electronic Tool-Based Investigations in Indonesia, basically, evidence is also recognised, as regulated in several laws with a special criminal spirit (*lex specialis derogat legi generali*), such as Law of the Republic of Indonesia Number 19 of 2016, which amended Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE).

The Electronic Information and Transactions Law regulates the formal and material requirements that must be met. The formal requirements are regulated in Article 5 Paragraph (4) of the ITE Law, which states that Electronic Information or Documents are not documents or letters that, according to the law, must be in written form. Meanwhile, the substantive requirements are regulated in Article 6, Article 15, and Article 16 of the ITE Law, where Electronic Information and Documents must be able to guarantee their authenticity, integrity, and availability. In many cases, digital forensics is needed to ensure the fulfilment of the material requirements referred to²⁶ so that digital-based face-to-face applications such as email, recording files over chat or Zoom application media, videos, voice recordings and various other electronic documents can be used as valid evidence. Some decisions have even discussed the position of electronic evidence.

The state should consider advanced electronic systems and internet technology to streamline governance,²⁷ including modernising investigations and inquiries based on electronic evidence. For instance, at the Gorontalo Regional Police, several criminal cases have faced delays in investigation processes over the years. These include offences such as human smuggling, human trafficking, domestic

²³ Pusat Layanan Universitas Stekom, “Kamera Perekam,” Universitas STEKOM Pusat, accessed July 18, 2023, https://p2k.stekom.ac.id/ensiklopedia/Kamera_perekam.

²⁴ Hari Sutra Disemadi and Cindy Kang, “Tantangan Penegakan Hukum Hak Kekayaan Intelektual Dalam Pengembangan Ekonomi Kreatif Di Era Revolusi Industri 4.0,” *Jurnal Komunikasi Hukum (JKH)* 7, no. 1 (2021): 54–71.

²⁵ Roro Ayu Ariananda, “Penggunaan Alat Bukti Rekaman CCTV (Closed Circuit Television) Dalam Proses Peradilan Pidana,” digilib.unila.ac.id (Fakultas Hukum, 2017).

²⁶ Dewi Asimah, “Menjawab Kendala Pembuktian Dalam Penerapan Alat Bukti Elektronik To Overcome The Constraints Of Proof In The Application Of Electronic Evidence,” *Puslitbang Hukum Dan Peradilan Ditjen Badan Peradilan Militer Dan Tata Usaha Negara* 3 (2020): 97–110.

²⁷ Jufryanto Puluhulawa, Lisnawaty W Badu, and Vifi Swarianata, “Discourse on Affiliate Marketing Platform Trading/Investment from Indonesian Legal Perspective,” *KnE Social Sciences*, 2022, 138–47.

and general violence, sexual abuse (including rape, harassment, and indecency), gambling and prostitution, illegal adoption, pornography, money laundering, and cases involving child protection. Moreover, the protection of victims, families, witnesses, and even cases where women and children are offenders highlights the necessity for more efficient, technology-based investigative approaches.

The cases detailed above show a significant increase in crimes, but it is not directly proportional to the settlement of these criminal cases, especially those handled by the Women and Children Service Unit (hereinafter abbreviated as the PPA unit) of Polda Gorontalo. Iptu Yunike Bakri, S.H., in his interview, stated that in 2021, general crimes in the jurisdiction of Polda Gorontalo experienced an increase, while the settlement of cases handled by the Gorontalo Police Criminal Investigation Unit and the official ranks of Sector Police (Polsek) experienced a decrease.²⁸

“One of the criminal offences that experienced an increase and decrease in case settlement was the Women and Children Services in the jurisdiction of Polda Gorontalo, which experienced an increase, while the settlement of cases handled from Sat Reskrim Polda Gorontalo and the official ranks of Polsek experienced a decrease in case settlement from 75% in 2020 to 59.9% in 2021.”²⁹

In his presentation, Panit I Unit I Subdit IV Ditreskrim Polda Gorontalo, Iptu Yuneike Bakri, S.H. stated that the crimes that occurred or crime total (CT) in 2020 were 29 cases, and this figure increased to 34 cases in 2021. Meanwhile, the percentage of the crime settlement rate or crime clearance (CC) in 2020 reached 22 cases but decreased by 19 cases in 2021 when compared to the number of cases or crime total (CT).

“The increase in cases and the decrease in the settlement of cases handled by investigators indicate that the overall security situation in the jurisdiction of Gorontalo Regional Police has not been running optimally,” said Iptu Yunike Bakri, SH.³⁰

Based on the above, crimes increase while their resolution is inversely proportional. What stands out in the jurisdiction of Polda Gorontalo is the cases related to the civil sphere or the constellation of complaints against humans. The comparison of the decline in case settlement in PPA units in 2020 and 2021 is presented in the following Tables.

Table 1. Cases related to the civil domain or constellation of complaints in 2020

²⁸ An interview with Iptu Yunike Bakri, S.H Nrp 76070430, Panit I Unit I Subdit IV Ditreskrim Polda Gorontalo

²⁹An interview with Iptu Yunike Bakri, S.H Nrp 76070430, Panit I Unit I Subdit IV Ditreskrim Polda Gorontalo

³⁰An interview with Iptu Yunike Bakri, S.H Nrp 76070430, Panit I Unit I Subdit IV Ditreskrim Polda Gorontalo

Type of Crime	JAN		FEB		MAR		APR		MAY		JUN		JUL		AGS		SEP		OKT		NOV		DES		2020	
	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC
Child Protection-related crime	1	0	0	0	1	0	0	0	1	1	1	1	1	0	1	1	3	1	1	0	0	0	2	2	12	6
Domestic Violence	1	1	4	0	1	2	1	0	1	0	1	3	3	2	0	3	3	1	0	1	0	1	2	2	17	16
TOTAL	2	1	4	0	2	2	1	0	2	1	2	4	4	2	1	4	6	2	1	1	0	1	4	4	29	22
																								75%		

Table 1 shows that out of 29 cases in 2020, only 22 cases were resolved.

Table 2. Year 2021

Type of Crime	JAN		FEB		MAR		APR		MAY		JUN		JUL		AGS		SEP		OKT		NOV		DES		2020	
	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC
Child Protection-related crime	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Child Protection-related crime/Maltreatment	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	1	1	2	0	4	2
Child Protection-related crime/Molestation	0	0	0	1	0	0	1	0	1	1	1	0	0	0	0	0	1	0	1	0	0	1	0	1	5	4
Child Protection-related crime/Sexual Intercourse	2	0	2	0	0	2	0	0	0	0	0	0	1	0	0	0	0	0	3	0	0	0	0	0	8	2

Type of Crime	JAN		FEB		MAR		APR		MAY		JUN		JUL		AGS		SEP		OKT		NOV		DES		2020		
	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	CT	CC	
Child Protection-related crime/Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Child Protection-related crime/Neglect	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence/Physical Violence	0	0	3	0	1	2	1	0	1	0	1	1	0	3	0	3	0	0	2	0	0	1	0	1	9	11	
Domestic Violence/Psychological Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Domestic Violence/Neglect	1	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	1	0	1	0	0	0	0	0	6	0	
TOTAL	3	0	5	1	1	4	4	1	2	1	4	1	1	3	2	3	2	0	7	0	3	2	2	4	34	19	
55.9%																											

Table 2 shows that in 2021 there were 34 cases but only 19 cases were resolved. It indicates that there was a decrease in case settlements compared to 2020. Therefore, the utilisation of electronic devices should be considered in the process of investigations to allow for remote investigations for better case resolution.

In practice, investigations based on electronic evidence will not run optimally unless supported by the culture of the community, both as witnesses and victims. This notion is reinforced by the author's investigation with Ipda Dyanita Shafira, S.Tr.K as Panit 2 Unit I Subdit IV Ditreskrimum Polda Gorontalo.

“The most difficult thing to overcome crime is in the field of women and children's services (PPA) Polda Gorontalo, namely in examining the testimonies of witnesses and victims at the stage of investigations in the minutes of examination. (BAP)”³¹

³¹ An interview with Ipda Dyanita Shafira, S.Tr.K Nrp 98010916, Ps. Panit 2 Unit I Subdit IV Ditreskrimum Polda Gorontalo

In line with Ipda Dyanita Shafira, S.Tr.K, Ipda Sarno, S.I.P as Kanit Subdit IV Ditreskrim Polda Gorontalo also stated that:

“On the one hand, there is a debate with legal experts. On the other, we, as investigators, really hope that the process of overcoming electronic device-based crimes in the jurisdiction of Gorontalo Regional Police, such as the implementation of a digital-based face-to-face application (Zoom meetings) facilitated by Polres, Polsek and the official ranks of Gorontalo Regional Police.”³²

Based on the results of the interview, it can be said that in crime prevention, there are difficulties in the field of women and children services (PPA) Polda Gorontalo, especially in the process of examining testimonies from witnesses and victims at the investigation stages in the minutes of examination. It is hoped that the use of digital-based face-to-face applications, such as Zoom meetings facilitated by Polres, Polsek and official ranks in addressing crimes within the jurisdiction of the Regional Police of Gorontalo, can foster digitalisation-based law enforcement.

The debate about electronic evidence has led to differing opinions among experts regarding who should be in charge of explaining the electronic evidence, including those presented by the public prosecutor and legal counsel/defendants. Controversy over electronic evidence involves obstruction of justice in an investigation process, with Fredrich Yunadi as the defendant and charged under Article 21 of Anti-Corruption Law and another similar case of false testimony involving Miryam S. Haryani as the defendant who was charged under Article 22 of Anti-Corruption Law.

The legal regulation of police authority in electronic tool-based investigations in the PPA unit of Gorontalo Regional Police is also supported by Law of the Republic of Indonesia Number 02 of 2002 concerning the Indonesian National Police (Polri), Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Law (KUHP), and Law of the Republic of Indonesia Number 19 of 2016 concerning Electronic Information and Transactions. However, the concept and mechanism of electronic tool-based investigations are not regulated under the internal SOPs. Activities carried out in electronic tool-based investigations, especially the PPA unit in the Gorontalo Regional Police jurisdiction, have been running well but not optimally. It should be further optimised with the Chief of the Indonesian National Police (Kapolri) PRESISI programme in realising the transformation of crime prevention by Polri based on digital transformation, especially in the PPA unit of Gorontalo Regional Police.

3.1.2 Classification of Lawful Electronic Evidence in Police Investigations and Proceedings

The meaning of the position of Electronic Evidence as valid evidence against this electronic evidence is that electronic evidence, both in terms of acquisition and content, can be obtained legally. The position of electronic evidence as an

³² An interview with Ipda Sarno, S.I.P Nrp 75100367, Ps. Panit Subdit IV Ditreskrim Polda Gorontalo

independent means of evidence has been emphasised through Law of the Republic of Indonesia Number 19 of 2016, which amended Law Number 11 of 2008 concerning Electronic Information and Transactions, particularly in Article 5 Paragraph (1), stating that "Electronic Information and/or Electronic Documents and/or their printouts are legal evidence." Furthermore, the provisions of Article 5 Paragraph (2) also state, "Electronic Information and/or Electronic Documents and/or their printouts as referred to in Paragraph (1) are an extension of legal evidence according to the applicable Law of Procedure in Indonesia."³³ Even before the enactment of Law Number 11 of 2008 concerning ITE, electronic evidence as valid evidence has also been recognised in proving corruption cases, as contained in the provisions of Article 26A of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Eradication, stating, "Valid evidence in the form of Instructions as referred to in Article 188 Paragraph (2) of Law Number 8 of 1981 concerning Criminal Procedure Code, specifically for general crimes, can also be obtained from:

- a. other evidence in the form of information spoken, sent, received, or stored electronically by optical means or the like, and
- b. document, which is any recording of data or information that can be seen, read and/or heard that can be issued with or without the aid of a means, whether contained on paper, any physical object other than paper, or recorded electronically, in the form of writing, sound, images, maps, designs, photographs, letters, signs, numbers, or perforations that have meaning.³⁴

The Explanation of Article 26A, letter (a), clarifies that "electronically stored" refers to data stored in formats such as microfilm, Compact Disk Read-Only Memory (CD-ROM), or Write Once Read Many (WORM). Meanwhile, "optical devices or similar" encompasses a range of technologies, including but not limited to electronic data interchange, email, telegrams, telex, and facsimiles."

One example is the recognition of CCTV footage as valid evidence in the criminal process, as set out in Article 5 of the ITE Law. This provision is strengthened by Constitutional Court Decision Number 20 / PUU-XIV / 2016, dated September 7, 2016, affirming that electronic information (including CCTV camera footage) is valid evidence in the applicable procedural law. In other words, in criminal procedure law, it can be utilised as evidence in the investigation, prosecution, and trial process.³⁵ Therefore, police investigators can maximise such evidence to enhance the speed and accuracy of their work, particularly during investigations and

³³ Undang-Undang Republik Indonesia Nomor 19 Tahun 2016 perubahan atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik (Law of the Republic of Indonesia No. 19 of 2016 concerning the Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions)

³⁴ Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi (Law No. 20 of 2001 concerning the Amendments to Law No. 31 of 1999 concerning Corruption Eradication)

³⁵ Ardiansyah Rolindo Saputra, "Penggunaan CCTV (Closed Circuit Television) Sebagai Alat Bukti Petunjuk Dalam Mengungkap Tindak Pidana Pencurian Kendaraan Bermotor (Studi Pada Satreskrim Polres Sawahlunto)," *UNES Law Review* 2, no. 3 (2020): 321–330.

electronic evidence-based inquiries. This includes using digital tools like Zoom, e-mail, and other digital platforms, which may also gain legal recognition as valid evidence within law enforcement procedure.

The strength of electronic evidence-based investigations, as outlined in Article 184 Paragraph (1) of the Criminal Procedure Code, lies in its classification as valid evidence. This includes witness statements, expert testimony, documents, instructions, and the defendant's testimony. Within the framework of the *negative wettelijke* evidentiary system used in criminal trials, this provision underscores the judge's role in deciding cases. To prove a criminal offence, at least two pieces of evidence must be presented, supported by the judge's conviction.³⁶ The classification of electronic devices as evidence in criminal trials has been determined in the ITE Law. The KUHAP Law is also planned to accommodate the regulation of electronic devices as evidence in criminal trials. Article 177 Paragraph (1) letter c of the Criminal Procedure Code defines "electronic evidence" as information that is spoken, sent, received, or stored electronically by optical means or the like, including any recording of data or information that can be seen, read, and/or heard that can be released with or without the aid of a means whether it is written on paper, any physical object other than paper or recorded electronically in the form of writing, drawings, maps, designs, photographs, letters, signs, numbers, or perforations that have meaning.

Electronic/digital evidence in Indonesia is principally directed at the definition of electronic information and documents. In Article 1 Point 1 of Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016, it is stated that Electronic Information is one or a set of electronic data, including, but not limited to, writings, sounds, images, maps, designs, photographs, Electronic Data Interchange (EDI), electronic mail, telegram, telex, telecopy or the like, letters, signs, numbers, access codes, symbols or perforations that have been processed which have meaning or can be understood by people who are capable of understanding them.

Meanwhile, Article 1 point 4 of Law Number 11 of 2008, as amended by Law Number 19 of 2016, regulates Electronic Documents, namely any Electronic Information that is created, forwarded, sent, received or stored in analogue, digital, electromagnetic, optical, or similar forms that can be seen, displayed and/or heard through a Computer or Electronic System including but not limited to writing, sound, images, design maps, photographs or the like, letters, signs, numbers, access codes, symbols or perforations that have meaning or meaning or can be understood by people who can understand them.

The development of technology at this time has provided new nuances in the field of evidence at trial so that the evidence submitted at trial at this time is not only limited to physical evidence as stipulated in the Criminal Procedure Code, which includes letter evidence or witness evidence but has also penetrated the use of evidence in the form of digital documents, both in the form of discs (CD, VCD, DVD) and in other evidence in the form of writings on social media and other electronic evidence.

³⁶ Vifi Swarianata et al., "Implementation Of The Law Of Evidence: Comparative Country Of Indonesia With The United States Of America," *UNISKA LAW REVIEW* 3, no. 2 (2023): 217–38.

3.2 Police Challenges in Investigations Based on Electronic Evidence in the Legal Area of Gorontalo Regional Police

Martuasah Tobing, in his research, identified three obstacles in integrating technology into the investigation process. The first is the issue of legal substance, which pertains to regulation. The second involves the legal structure, highlighting the need for investigators to develop greater proficiency in IT. The third is legal culture, where some still adhere to conventional techniques in uncovering criminal acts.³⁷

The successful resolution of a legal case will depend on the examination process and the obstacles encountered, particularly at the investigation stage involving witness and victim testimonies. This is especially critical in child services and protection (PPA) cases. Many cases falter midway due to the lack of witnesses or victims who can substantiate the work of law enforcement. Consequently, the presence of witnesses and victims is crucial in determining the outcome of a criminal justice process.

One of the Gorontalo Police Ditreskrimum investigators, Iptu Yunike Bakri, S.H Position of Panit I Unit I Subdit IV, said in her interview:³⁸

“Generally, witnesses and victims are afraid of investigators when questioned about case development in sexual harassment and domestic violence crimes.”

Furthermore, from the initial search, the author also found new facts with Ipda Dyanita Shafira, S.Tr.K as Panit 2 Unit I Subdit IV Ditreskrimum Polda Gorontalo, who said:³⁹

“The high number of non-technical factors for victims or witnesses in the investigation and investigation stages of crime cases in the jurisdiction of Gorontalo Regional Police include geographical conditions regarding far distance from the destination location.”

Ipda Suwarno, S.I.P., a senior investigator serving as Panit Subdit IV Ditreskrimum at Polda Gorontalo, highlighted that both technical and non-technical challenges can be addressed by the implementation of smart police collaboration and the PRESISI programme initiated by the Chief of Police. However, he asserted that this requires adequate budgetary support to make sure that the execution of electronic evidence-based criminal investigations and inquiries can be performed effectively.

“Sometimes some of our fellow personnel and investigators in the field are ready to implement the Smart

³⁷ Martuasah Tobing et al., “Analisis Yuridis Penggunaan Teknologi Dalam Proses Penyelidikan Dan Penyidikan Untuk Mengungkap Kasus Pembunuhan Berencana,” *Law Jurnal* 1, no. 2 (2021): 48–67.

³⁸ An interview with Iptu Yunike Bakri, S.H Nrp 76070430, Panit I Unit I Subdit IV Ditreskrimum Polda Gorontalo

³⁹ An interview with Ipda Dyanita Shafira, S.Tr.K Nrp 98010916, Ps. Panit 2 Unit I Subdit IV Ditreskrimum Polda Gorontalo

Police concept of collaboration with Polri Transformation Precision digital transformation of the investigation of Criminal Cases Based on Electronic Evidence but with limited budget, especially for facilities and infrastructure both at Gorontalo Regional Police and police stations. There is an impression in the Gorontalo community that crime prevention in the investigation of criminal cases based on electronic evidence is not optimal in the jurisdiction of Polda Gorontalo, even though there is a fundamental obstacle in our internal organisation.”⁴⁰

The information from the interview underlines the essence of prioritising the quality of evidence in electronic evidence-based criminal investigations. This measure should uphold the principles of justice, utility, and certainty while respecting the suspect's rights.⁴¹ While such investigations should already be standard practice, they face internal doubts about their feasibility. Such a condition sparks concerns about the likelihood of the police's reputation damage in the eyes of the public. Effective investigations must align with the specific circumstances of each case and the legal definitions of the offences involved. At the same time, meeting public expectations for a safe and orderly society remains a key objective, particularly within the evolving law enforcement system. Overcoming these challenges is essential to ensure smooth and effective criminal investigations, which currently face several significant obstacles, including:

1) Internal Regulatory Factors

Limited regulations or internal SOPs or Police Chief's Regulations can interfere with the development of skills, abilities, tenacity and motivation to support the implementation of tasks. The obstacles referred to are that the output of ability and creativity is still considered insufficient in handling criminal offences.

2) HR Factors

Investigators lack the skills and understanding ability in performing investigation processes in criminal cases based on electronic devices as evidence.

3) Facilities and Infrastructure Factors

Speaking of facilities and infrastructure for investigation speaks to the strength of electronic evidence, such as network capabilities and places that support the investigation. The facilities and infrastructure of each Regional Police (Polda) can be supported by the Sub-Regional Police Department (Polres), Sector Police (Polsek) and Police Posts (Pospol), which are spread across several jurisdictions of the original Polda.

Budget Factors

4) A lack of funding has always been the reason for lapses in police conduct. When someone files a complaint or report about a criminal offence, it is the

⁴⁰ An interview with Ipda Sarno, S.I.P Nrp 75100367, Ps. Panit Subdit IV Ditreskrim Polda Gorontalo

⁴¹ Achmad Budi Waskito, "Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi," *Jurnal Daulat Hukum* 1, no. 1 (2018): 288.

responsibility of the police to investigate and gather information, including electronic evidence, as part of their investigative duties.

The police, who serve as protectors and parties providing community services from Sabang to Merauke, have full responsibility for public security and order. Under the Law concerning the National Police of the Republic of Indonesia No.2 of 2002, the momentum for the transformation of a new work culture should also be carried out within the Polri. One of the strategic issues in improving the quality of law enforcement amidst globalisation is ensuring the integrity of evidence within the framework of human rights, particularly electronic evidence. This approach must prioritise the protection of witnesses and victims⁴²—not just in principle but in practice. Upholding these standards is essential for Indonesian law enforcement, particularly the National Police, to ensure justice and accountability.

This perspective is entirely justified, as the primary duties of the Indonesian National Police include conducting investigations and ensuring they are carried out swiftly, transparently, and professionally while safeguarding the rights of witnesses and victims.⁴³ For instance, Article 2 Paragraph 4 of Law Number 48 of 2009 concerning Judicial Power underscores the importance of administering justice through simple, fast, and cost-effective trials. "Simple" refers to the efficient examination and resolution of cases, while "fast" reflects a universal principle emphasising timely resolutions without unnecessary delays. These principles aim to enhance the effectiveness and fairness of law enforcement and judicial processes.

According to the law, proof is basically a process of determining the substance or essence. It involves analysing unclear past events through logical reasoning to transform them into clear, concrete facts relevant to a criminal case.⁴⁴ The quality of investigation at the police level is one of the embryos of the transformation of law enforcement.⁴⁵ This is understandable, considering that the investigation process is the gateway to the rule of law,⁴⁶ where the law's values and the urgency of the public are prioritised.

4. Conclusion

The legal regulation of police authority in electronic tool-based investigation in the PPA unit of Gorontalo Regional Police is also supported by Law of the Republic of Indonesia Number 02 of 2002 concerning Polri and Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Law (KUHP) and Law of the Republic of Indonesia Number 19 of 2016 concerning Electronic Information and Transactions, but the concept and mechanism of electronic tool-based

⁴² Zalzabila Armadani Purnama Sari, "Perlindungan Hukum Terhadap Perempuan Sebagai Korban Tindak Pidana Pornografi Balas Dendam (Revenge Porn)," *Jurnal Magister Hukum ARGUMENTUM* 8, no. 1 (2022): 1–13.

⁴³ Fence M. Wantu, "Mewujudkan Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Putusan Hakim Di Peradilan Perdata," *Jurnal Dinamika Hukum* 12, no. 3 (2012): 479–89.

⁴⁴ Wika Hawasara, Ramlani Lina Sinaulan, and Tofik Yanuar Candra, "Penerapan Dan Kecenderungan Sistem Pembuktian Yang Dianut Dalam KUHP," *Aksara: Jurnal Ilmu Pendidikan Nonformal* 8, no. 1 (2022): 587–94.

⁴⁵ Bambang Waluyo, *Penegakan Hukum Di Indonesia* (Sinar Grafika, 2022).

⁴⁶ Rena Yulia, Dadang Herli, and Aliyth Prakarsa, "Perlindungan Hukum Terhadap Korban Kejahatan Pada Proses Penyelidikan Dan Penyidikan Dalam Sistem Peradilan Pidana," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019): 661–70.

investigation has not been regulated in the internal SOPs. Activities carried out in electronic tool-based investigation, especially the PPA unit in the Gorontalo Regional Police jurisdiction, have been running normally but not optimised. Optimisation is needed and can be achieved by implementing Kapolri's PRESISI programme, which aims to transform crime prevention efforts through digital innovation, particularly in the Gorontalo Regional Police's PPA unit. The challenges include the limitations of internal SOPs, human resources (HR), budget, facilities and infrastructure, as well as high sectoral ego both at the community level and the Office of Communication and Information or regional apparatus organisations as guardians or supporters of electronic-based investigations. These issues are compounded by the lack of a comprehensive technical policy for electronic-based investigations. Such a policy should address strategies, regulatory frameworks, institutional development, and funding in alignment with applicable laws. Addressing these gaps is essential to establish a reliable electronic-based investigation system across the jurisdiction of the Gorontalo Regional Police.

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