



## The Use of *Digital Evidence* in Law Enforcement Efforts in Human Trafficking Cases

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**Abstract.** This study aims to determine the efforts of law enforcement in using *digital evidence* to prove human trafficking cases in Indonesia. This study is a normative study analyzed descriptively qualitatively. The results of the study indicate that law enforcement efforts in utilizing digital evidence include digital data seizures, electronic communication tracking, digital financial transaction analysis, and the involvement of digital forensic experts in authenticating evidence submitted to the court. Although the national legal framework, such as the ITE Law and Law Number 21 of 2007, has recognized the validity of digital evidence, its implementation in the field still faces various obstacles both in terms of technical, regulatory, and human resources. Law enforcement officers still need to increase their capacity in handling digital evidence professionally and proportionally.

**Keywords:** Law Enforcement; Human Trafficking; Digital Evidence.

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## 1. Introduction

Every citizen is guaranteed equal status before the law and government. Laws, both written and unwritten, serve to maintain social order and peace. Human rights are basic needs granted by the Creator to every human being from birth. These rights include the right to life, liberty, and equality, and to be protected from violation. The government's commitment to human rights is reflected in Articles 27 to 33 of the 1945 Constitution.<sup>1</sup>

Indonesia is a nation with a large population in the world. As of 2019, the total population is around 267 million people and is predicted to increase to around 276.4 million people in 2022. According to the 2016 Indonesian Global Workers Report, more than 9 million Indonesian migrant workers work outside Indonesia, with 75% of them being low-skilled. Of this total, approximately: 32% work as domestic helpers and babysitters, 19% in the agricultural sector, 18% in the construction sector, 8% in the manufacturing sector, 6% as elderly care workers, 2% in shops, restaurants, and lodging, and 0.5% as technical staff on cruise ships.<sup>2</sup>

In the contemporary industrial era, criminal patterns have evolved significantly. Some new crimes are global and organized, such as money laundering, arms smuggling, and human trafficking. These crimes are considered extremely serious and have attracted the attention of other countries around the world, particularly Indonesia.<sup>3</sup> Human trafficking is now using new patterns and modus operandi, drawing the attention of the international community due to its widespread impact on society. Therefore, it is crucial to investigate and impose strict penalties on perpetrators of this crime. This crime directly impacts the lower classes of society in Indonesia and impacts social comfort and security.<sup>4</sup>

In Indonesia, human trafficking, particularly involving women and children, has become increasingly widespread in recent years. These criminal cases continue to increase annually, including those involving infants. According to a 2004 UNAFEI study, women and children account for one-third of all human trafficking victims worldwide, with the number ranging from 200,000 to 225,000 annually.<sup>5</sup>

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<sup>1</sup> Johan Silalahi and et al, "Upaya Kepolisian Di Dalam Menanggulangi Tindak Pidana Perdagangan Orang (Studi Di Kepolisian Daerah Sumatera Utara)," *PATIK, Jurnal Hukum* 7, no. 2 (2019): 100.

<sup>2</sup> Safrida Yusitarani and Nabitatus Sa'adah, "Analisis Yuridis Perlindungan Hukum Tenaga Migran Korban Perdagangan Manusia Oleh Pemerintah," *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 25.

<sup>3</sup> Romli Atmasasmita, *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan Dan Teori Hukum Progresif*, Genta Publishing, 2012.

<sup>4</sup> Paul Sinlaeloe, *Tindak Pidana Perdagangan Orang* (Setara Press, 2020).

<sup>5</sup> Romany Sihite, *Perempuan, Kesetaraan, & Keadilan Gender: Suatu Tinjauan Berwawasan Gender* (Raja Grafindo Persada, 2020).

This fact is truly ironic, considering that there are already existing laws that prohibit human trafficking, such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), Law No. 23 of 2002 concerning Child Protection, and Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. Human trafficking is a degrading behavior and a violation of human rights. This crime is increasingly widespread through organized and unorganized networks, both internationally and domestically. Consequently, human trafficking poses a serious threat to individuals, regions, countries, and even to human rights-based values.

Several key components have been successfully implemented. The 1945 Constitution and its revisions have adequately addressed human rights issues, particularly in terms of protection. Compared with the provisions in previous constitutions, this can even be considered more comprehensive.<sup>6</sup> The government continues to develop various regulations and rules related to human trafficking and labor migration, hoping to protect Indonesian women and men. However, the implementation of these laws and regulations remains ineffective. As a result, criminals continue to exploit legal loopholes to carry out illegal human trafficking activities.

Over time, the methods used in human trafficking for sexual exploitation have become increasingly sophisticated, making prosecution more challenging. Criminals traffick people along with their parents, even trapping children as young as 10 in slavery. The number and circumstances of victims continue to grow, ranging from adult women to girls. People who lack access to economic benefits, education, health care, and information and who have lived in poverty throughout their lives constitute the majority of human trafficking victims.

An explanation of human trafficking can be found in Article 1 of Law No. 21 of 2007 concerning TPPO, which states that <sup>7</sup>: Human trafficking encompasses a wide range of unlawful practices, including but not limited to: recruitment, transportation, harboring, sending, transferring, or sending a person through threats, physical violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerability, debt bondage, or the provision of financial or other benefits to gain control over another person. This type of human trafficking can occur both domestically and internationally.<sup>8</sup>

People without education and minimal skills have a harder time finding work, making them vulnerable to human trafficking. This situation is exacerbated by sociocultural issues such as gender discrimination, violence against women, and

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<sup>6</sup> H. Siallagan, "Penerapan Prinsip Negara Hukum Di Indonesia," *Jurnal Sosiohumaniora* 18, no. 2 (2019): 6.

<sup>7</sup> \* Alfitra, "Tindak Pidana Perdagangan Orang: Analisis Undang-Undang No. 21 Tahun 2007," *Jurnal Hukum Islam* 7, no. 1 (2016): 1-8, <https://doi.org/10.28918/jhi.v7i1.602>.

<sup>8</sup> Undang-Undang Nomor 21 Tahun 2007, "Pasal 1 Angka 1 Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang," n.d.

violence against children. Furthermore, weak law enforcement by authorities is a major contributing factor to human trafficking.<sup>9</sup>

The long-standing practice of human trafficking clearly violates human dignity and rights and must be protected by the 1945 Constitution and Pancasila. Human trafficking is an organized crime that utilizes both traditional and contemporary techniques. A group of individuals who violate the law to illegally obtain something of value, especially income and power, is said to be involved in organized crime.<sup>10</sup>

Several laws, such as the Criminal Code (KUHP), address human trafficking. Traffickers of women and children can be sentenced to up to six years in prison under Article 297 of the KUHP. However, because this crime is increasingly global, a new commitment is needed, reflected in Presidential Decree No. 88 of 2002, Law No. 23 of 2002, and the establishment of a cross-sectoral task force. Although human trafficking is also covered by Law No. 39 of 1999 concerning Human Rights, protection for victims and witnesses has not been regulated, which is then regulated in Law No. 21 of 2007.<sup>11</sup>

Human trafficking, a violation of human rights and a form of modern slavery, continues to increase at both national and international levels. This crime has become increasingly complex with the advancement of technology, knowledge, information and communication technologies, and modern vehicles. Perpetrators often use methods that are difficult to detect, operating illegally and covertly. Many parties utilize technology to facilitate and expedite human trafficking activities, including online prostitution and other forms of exploitation.

Human rights violations are often both a cause and a consequence of human trafficking, making it a serious global concern. These violations include violence, abuse of victims, forced labor, and sexual and labor exploitation. Traffickers cunningly use violence, threats, and intimidation to exploit victims' innocence, control their expectations, and exploit their poverty. As a result, victims are trapped in forced prostitution, forced marriage, debt bondage, forced servitude, or work in slavery-like conditions. As one of the five largest criminal acts in the world, human trafficking has a far-reaching impact, not only on the economy but also on policies, traditions, and values.<sup>12</sup>

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<sup>9</sup> Firliana Purwanti, *Penanggulangan Praktek Perdagangan Perempuan Di Indonesia* (Raja Grafindo Persada, 2023).

<sup>10</sup> Brian Septiadi Daud and Litya Surisdani Anggraeniko, "Kelemahan Penyelesaian Perkara Pidana Anak Melalui Restorative Justice Dalam Sistem Peradilan Pidana Anak," *Jurnal Pacta Sunt Servanda* 4, no. 1 (2023): 1-21.

<sup>11</sup> Henny Nuraeny, *Tindak Pidana Perdagangan Orang Kebijakan Hukum Pidana Dan Pencegahannya* (Sinar Grafika, 2020).

<sup>12</sup> Fratiwi Butar-Butar Christin, *Tindak Pidana Perdagangan Orang Melalui Penggunaan Media Sosial Dari Perspektif Kriminologi (Studi Putusan Nomor 1118/Pid.Sus/2018/Pn.Mdn)*, 2020, 25,26.

Human trafficking has serious social, economic, and psychological impacts, particularly for women and children, in addition to involving economic and sexual exploitation. In the digital era, this deviant activity utilizes information and communication media to recruit, control, and sabotage victims, while carrying out illegal activities covertly. Digital evidence, such as conversation logs, online transactions, and social media footprints, is a crucial element in uncovering this criminal network. The legal provisions that establish criteria and provisions regarding legal procedures and the use of digital evidence in Indonesian law are the Criminal Procedure Code (KUHAP) and the UUIITE (UUIITE).

Human trafficking is a form of modern slavery that violates human rights and harms the physical, mental, and financial well-being of victims. In Indonesia, vulnerable groups such as women, children, and migrant workers are often targeted. With advances in digital technology, perpetrators are increasingly adept at utilizing digital platforms, messaging apps, and social media to recruit, monitor, and threaten victims. Digital evidence is now a crucial element in the evidentiary process in court, helping law enforcement uncover perpetrators' networks and modus operandi through electronic communication records, online financial transactions, and traces of activity on social media.<sup>13</sup>

The use of digital evidence in the Indonesian legal system still faces several challenges. These obstacles include legal aspects, such as regulations regarding the status and validity of digital evidence in court, and technological constraints, such as a lack of knowledge to evaluate digital evidence effectively. Furthermore, digital data, which often intersects with personal information, raises ethical and privacy issues that require attention. Nevertheless, the use of digital evidence brings various benefits, such as strengthening law enforcement, modernizing regulations, and increasing the capacity of law enforcement officers. These challenges include the limited competence of law enforcement officers in identifying, securing, and analyzing digital evidence. The need for training and capacity building in technology-based investigations. Difficulties in obtaining, authenticating, and verifying digital evidence. The vulnerability of digital evidence to manipulation and hacking.

Digital evidence from the MiChat app, where perpetrators offered sexual services under the "Open BO" scheme, successfully uncovered a human trafficking case in Gorontalo. Residents' complaints about disturbing behavior at a boarding house in Telaga Biru District triggered the investigation. During the operation, police arrested two pimps and seized evidence, including conversations, photos, and transactions on MiChat, as well as physical evidence such as cash, condoms,

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<sup>13</sup> A Tatumpe, "Analisis Yuridis Digital Forensik Dalam Pembuktian Tindak Pidana Di Indonesia," *Journal Scientia De Lex* 7 (2019): 1-9.

and cell phones. Digital evidence makes it easier for law enforcement to identify the networks and communication patterns involved in this illegal activity.<sup>14</sup>

Police Commissioner Nur Santiko SIK, MH, as the head of the Gorontalo Regional Police's criminal unit, at a media conference revealed that criminals used the *MiiChat tool* to promote targets by posting user images and forcing victims to confront customers with sex. The money obtained from the service was then given to the criminal, SN, who took the funds to rent boarding houses and food accommodations. The perpetrator was charged with Article 296 of the Criminal Code in conjunction with Article 64 (1) of the Criminal Code, Article 88 of Law No. 35 of 2014 concerning Child Protection, and Article 2 (1) or (2) of Law No. 21 of 2007 concerning the Eradication of Human Trafficking. The sanctions for the accused of human trafficking in Gorontalo are a minimum of 3 years imprisonment and a maximum of 15 years imprisonment, with a fine ranging from Rp. 120,000,000 to Rp. 600,000,000. Based on the explanation of the National Police Criminal Investigation investigator, digital evidence is now very important in this case. Human trafficking in Gorontalo is carried out through applications such as MiChat, and data found on these chat applications must be taken to a forensic laboratory to verify its accuracy.

As in the evidence in the Jessica Kumalawongso case, the process used by law enforcement officers and the panel of judges reflects the comprehensive and complex application of criminal procedure law. This evidentiary process does not rely on a single type of evidence, but rather on a series of mutually reinforcing pieces of evidence, even though no witnesses directly witnessed the defendant's actions when allegedly committing the crime.

The corroboration process did not directly detect cyanide in the coffee or the glass used by the victim. This raised doubts among the public, but law enforcement officials continued the investigation using an indirect evidence approach. They then gathered several witnesses at the scene, including cafe staff, the victim's friends, and the medical personnel who first treated the victim. From these witnesses' statements, it was discovered that no one other than Jessica had interacted with the coffee the victim drank.

In the criminal law system, if all legally valid evidence shows a strong connection to one another, and there is no significant doubt about the defendant's guilt, then the evidence is deemed to have met the standard of proof "beyond a reasonable doubt." Judges use an indirect method of proof called evidence based on indications, namely a series of circumstances and facts that when combined logically indicate that the defendant is the perpetrator of the crime.

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<sup>14</sup> "Ditreskrimum Polda Gorontalo Ungkap Dugaan Kasus Tindak Pidana Perdagangan Orang Melalui Aplikasi MiChat - Polda Gorontalo," preprint, n.d.

The purpose of this research is to analyze the use of digital evidence to prove human trafficking cases in Indonesia. Digital evidence has been legally recognized in state trial proceedings, including in court, as regulated in Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE) proving that electronic data and documents can be accepted as evidence as referred to in Article 5 paragraph (1), and this is reaffirmed in Article 5 paragraph (2), as long as they meet the provisions of criminal procedure law.

## 2. Research methods

research is normative, using a conceptual approach and analyzed descriptively and qualitatively. The purpose of this research was to collect data and information primarily obtained from library research and then used as a basis for field practice. <sup>15</sup>The approaches used were *the statute approach* and *the case approach*.

## 3. Discussion

A police officer conducting an investigation will first conduct an inquiry to gather "initial evidence" or "necessary evidence" to proceed. If we define "investigation" as the search for all information or evidence that could lead to a crime, then perhaps we could say that an investigation is the same thing. Pay close attention to the digital evidence used by perpetrators during their crimes when handling human trafficking cases. Why? Because digital evidence plays a crucial role in the evidentiary process in court.

In addition, digital evidence will help determine whether the defendant's actions are truly unlawful. The court considers "Electronic Information and/or Electronic Documents and/or printouts thereof as valid legal evidence" <sup>16</sup>as stated in Article 5 paragraph (1) of Law Number 19 of 2016 concerning Electronic Information and Transactions when presenting digital evidence to reveal facts. In order to reveal digital evidence, the judge requires expert witnesses to explain the evidence as stated in Article 1 number 1 and number 4 which explains "number 1: Electronic Information is one or a set of electronic data, including but not limited to writing, sound, images, maps, designs, photos, electronic data interchange (EDI), electronic mail, telegrams, telex, telecopy or the like, letters, signs, numbers, Access Codes, symbols, or perforations that have been processed that have meaning or can be understood by people who are able to understand them, so that the position of digital evidence can be known in the Judge's decision in revealing facts in court in order to find material truth.

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<sup>15</sup> Suteki, *Hukum dan masyarakat* (Thafamedia, 2021).

<sup>16</sup> I. Made Wahyu Chandra Satriana, "Kajian Yuridis Terhadap Kejahatan Cyber Dalam Sistem Penegakan Hukum," *Seminar Nasional Inovasi dalam Penelitian Sains, Teknologi dan Humaniora - InoBali*, December 20, 2019, 499-506.

Law enforcement efforts still require increased capacity in handling digital evidence professionally in utilizing digital evidence including digital data seizure, electronic communication tracking, digital financial transaction analysis, and the involvement of digital forensic experts in authenticating evidence submitted to the court. Although national legal frameworks, such as the ITE Law and Law No. 21 of 2007, have recognized the validity of digital evidence, its implementation in the field still faces various obstacles in terms of technical, regulatory, and human resources.

Any information stored or transmitted digitally that may be relevant to a legal investigation, security measures, or regulatory compliance is considered digital evidence. It is possible that electronic evidence will be used in common or everyday crimes, given its widespread use in laws such as Law Number 20 of 2001, which amended Law Number 31 of 1999, which prohibits the eradication of criminal acts of corruption, Law Number 15 of 2002, which criminalizes money laundering, and Law Number 15 of 2003, which criminalizes terrorism. With technological and legal advances moving at such a rapid pace, it is not impossible that criminals will find new ways to use these tools.<sup>17</sup>

Thus, it is somewhat ironic that Article 184 of the Criminal Procedure Code (KUHAP) includes electronic evidence that has been accepted by all three laws – terrorism, corruption, and money laundering – and can be directly used as evidence. It is believed that electronic evidence will be included as evidence in all crimes, as a new draft of the KUHAP is currently under development.

*Human trafficking* is a special crime because it is complex, organized, cross-border, and targets vulnerable groups. Its legal provisions are regulated outside the Criminal Code, specifically through Law No. 21 of 2007, which provides a specific legal approach to case handling and victim protection. The human trafficking investigation process requires the support of digital evidence **such** as communication recordings, digital documents, and financial transactions, given that perpetrators often use digital means in their operations. Therefore, handling human trafficking must place victims at the center of attention, with an approach that guarantees human rights and comprehensive recovery.

Police and prosecutors understand these investigative hurdles, so they are turning to advanced technology to help locate, identify, and prosecute human traffickers. Here are some common tools investigators use to combat human trafficking.

- 1) Facial recognition

Investigators can use facial recognition software to identify known traffickers and victims. This tool is useful in human trafficking cases because most traffickers and victims lead nomadic lifestyles, often moving

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<sup>17</sup> F.M. Wantu, *Hukum Acara Pidana Dalam Teori Dan Praktek* (Reviva Cendekia, 2011).

between locations without law enforcement's knowledge. A trafficker and their victim might spend only a few weeks in one state before moving on to the next.

Often, human trafficking victims are reported missing from another state. So, it's highly likely that the trafficker is from one state, the victim is from another, and they are working in a third state. Worse yet, traffickers go to great lengths to conceal their activities, using false names, identities, and even vehicle registrations. And many victims, especially minors, rarely have official state identification, making identification much more difficult.<sup>18</sup>

Facial recognition software uses algorithms to analyze facial features and compare them to a database of known faces. Investigators can use facial recognition software to compare images of potential victims to missing persons databases and to compare images of human traffickers to previous arrest photos.

## 2) Open source intelligence

*Open Source Intelligence* (OSINT), a method of collecting and analyzing publicly available information, particularly *big data*, can make your investigations much more efficient if you know what to look for. *Big data analytics* is the process of analyzing large, complex data sets to uncover patterns and correlations. Navigating large data sets is particularly difficult without the use of technology. In February, *Cobwebs Technologies*, a provider of AI-powered open source intelligence (OSINT), issued a press release announcing its partnership with the faith-based aid organization *All Things Possible* (ATP) to combat human trafficking using *big data*. The ability of human traffickers to recruit and seduce victims online is at an all-time high, said the CEO and co-founder of *Cobwebs Technologies*. Social networking and dating sites are teeming with potential predators. Integrating various investigative tools and methods into your investigative toolbox is crucial for uncovering hidden connections and developing relevant leads. Because the dark and deep web, along with other online resources, can be challenging to access, investigators need automated OSINT tools that can work in conjunction with other tools and data. Understanding how big data, particularly OSINT data, works will help police agencies identify human traffickers and victims more quickly than manual processes alone. In human trafficking cases, time is not on investigators' side.

## 3) Mobile and digital forensics

Mobile and digital forensics is the process of collecting and analyzing data from digital devices. Since the average number of connected devices per household is 10, data per trafficker and victim can reach terabytes. Manually sorting through mobile phone and device data is nearly

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<sup>18</sup><https://www.police1.com/investigations/articles/how-technology-can-help-law-enforcement-fight-human-trafficking-KYJfdLKcQAygFSKD/#>

impossible, which is why many agencies are turning to data extraction software. In human trafficking cases, investigators can use mobile and digital forensics tools to analyze text messages, *emails*, and social media posts between traffickers and victims. This will help establish the strong relationships necessary for prosecution.<sup>19</sup>

According to Article 1, number 17 of Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), as amended by Law No. 19 of 2016, digital evidence is any document or knowledge obtained and stored electronically, and can be used as evidence in court. Therefore, electronic documents and information, including social media files, emails, and online transaction data, can be used as legal evidence in uncovering *human trafficking* crimes.

Indonesian National Police Chief Regulation No. 6 of 2019 is the regulation governing the procedures for criminal investigations by the Indonesian police. This regulation replaces Indonesian National Police Chief Regulation No. 14 of 2012 and is adapted to developments in law, technology, and the operational needs of the police in handling various forms of crime, including digital-based ones. The purpose of an investigation is to identify perpetrators and bring them to justice by collecting and analyzing relevant evidence. In the digital era, the investigation process is increasingly complex because it involves various *digital evidence*.

This regulation regulates the authority of investigators and assistant investigators in handling criminal acts. The stages of investigation begin with receiving findings, investigation, confiscation, to the preparation of case documents. The use of technology in the investigation process, including *digital evidence*.<sup>20</sup> Regulation No. 6 of 2019 conveys a statement that digital evidence is valid evidence. Several important points regarding *digital evidence* in this Regulation are Article 26 Paragraph (2) Evidence in investigations can be in the form of electronic goods, electronic information, and electronic documents. Article 38 Investigators are required to confiscate and examine electronic evidence. with legitimate legal procedures.

*Digital evidence* must have integrity, authenticity, and be accountable for use in court. This requires the participation of suspects, observers, and those harmed in the investigation process. During the inquiry and prosecution process, investigators can use digital forensic methods to ensure the validity of electronic

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<sup>19</sup> Silalahi and al, "Upaya Kepolisian Di Dalam Menanggulangi Tindak Pidana Perdagangan Orang (Studi Di Kepolisian Daerah Sumatera Utara)."

<sup>20</sup> Putri, Mutia Hafina, Akhmad Munawar, and Muhammad Aini. "Investigative Process in the Criminal Justice System." *Jurnal Hukum Lex Generalis* 4.7 (2023).

evidence. This includes analyzing digital devices, intercepting communications, and reconstructing data deleted by the perpetrator.

The Police Law plays a crucial role in combating and handling human trafficking. Through institutional strengthening, professionalization of officers, the establishment of special units, and cross-sectoral and cross-national collaboration, the police force serves as the vanguard in protecting the public from organized and cross-border human trafficking. To maximize police performance, strengthening is necessary in the form of technical training, budget allocation, and internal policy updates to ensure they remain adaptable to modern crime modes.

Justice and the rule of law are not immune to the far-reaching impacts of the expansion of information and communication technology. Conventional crimes are shifting to digital crimes ( *cybercrime* ), and even transnational crimes such as human trafficking, terrorism, and money laundering now widely utilize technology as a means. In this context, *digital* evidence has become a crucial component in the legal evidence process.

*Digital evidence*, or electronic evidence, is information in *digital format* that can be used as evidence in court. <sup>21</sup>In international law, *digital evidence* plays a crucial role in cybercrime investigations, transnational crimes, and judicial processes across various countries. As technology advances, legal regulations regarding *digital evidence* are also evolving to ensure the validity and reliability of *digital evidence* in the judicial system.

In order to realize efficient procedures for investigation, prosecution, and various stages of court proceedings involving the Requesting State and the Requested State, Mutual Legal Assistance is necessary. Confrontation with a country's jurisdiction over its legal subjects currently raises various problems. To meet the needs of countries that have been removed from the blacklist of countries with high levels of money laundering crimes, Indonesia has created Law Number 1 of 2006 concerning *Mutual Legal Assistance Agreements*, which is a rare step in anticipating the workings of transnational human trafficking crimes.<sup>22</sup>

National Police officers or other government employees who have special investigative authority are called "investigators" in the Criminal Procedure Code (KUHAP) Law No. 8 of 1981. Article 43 paragraph (1) of Law Number 19 of 2016 concerning Information and Electronic Transactions states that certain government officials whose functions and authorities include information and

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<sup>21</sup> Ardhan Wahyu Firmansyah et al., "Perkembangan Kedudukan Dan Kekuatan Bukti Elektronik Dalam Sistem Pembuktian Perdata," *Amanna Gappa*, August 15, 2022, 60-74.

<sup>22</sup> Arga A. Sarayar, "Kajian Hukum Bantuan Kerjasama Timbal Balik (Mutual Legal Assistance) Dalam Penyelesaian Tindak Pidana Internasional," *Lex Et Societatis* 7, no. 11 (2019).

communication media and digital transactions are given special powers to conduct investigations into criminal acts related to information technology and electronic transactions. This authority is in addition to the authority of Investigators of National Police Officers of the Republic of Indonesia.<sup>23</sup>

Based on previous studies, courts in Gorontalo City use evidence to decide on criminal theft cases. This evidence aims to reveal the truth of the incident that occurred, which then becomes the basis for the final court decision. The evidence that can be accepted in a criminal case is: witness statements, letters, confessions, and instructions (Article 295 RIB). Article 184 paragraph (1) of the Criminal Procedure Code regulates the evidence that can be accepted to prove the guilt of the perpetrator of theft in Gorontalo City. Valid evidence includes witness and expert statements, documents, guidelines, and statements from the suspect.

Based on research by AIPDA Junaedhy Bagu, Head of Sub-Directorate 1 of Criminal Investigation, CCTV footage can help reconcile witness testimony, events at the crime scene, and even defense attorneys' testimony during trial. This will allow for more consistent and clearer investigations into future criminal incidents.<sup>24</sup>

If a witness can testify that the defendant in a theft case in Gorontalo City is guilty, it will be easier for the prosecutor to prove the crime. However, it will be more difficult for law enforcement officials to trace and prove the material truth of the case if the witness cannot present evidence supporting the defendant's guilt in the theft case in Gorontalo City. Article 185 paragraphs (2), (3), and (4) of the Criminal Procedure Code (KUHP) regulates the admissibility of additional evidence to strengthen the witness's testimony and guarantee the acquisition of valid evidence. This clarifies that the principle of "*unus testis, nullus testis*" (one witness, no witnesses) does not need to be interpreted as meaning that the witness's testimony has no evidentiary force whatsoever. Article 188 of the KUHP regulates the nature of this evidence, which allows for the inclusion of other evidence to strengthen the witness's testimony at the trial stage of a crime case in Gorontalo City.<sup>25</sup>

Information and documents obtained digitally and printed out can be accepted as evidence in court according to Article 5 paragraph (1) of Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE).<sup>26</sup> When handling

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<sup>23</sup> Hardianto Djanggih et al., "Efektivitas Penyidikan Tindak Pidana Siber: Studi Di Kepolisian Daerah Sulawesi Selatan," *Journal of Lex Philosophy (JLP)* 3, no. 1 (2022): 79-98.

<sup>24</sup> Verencia Pricilia Ponto et al., "Efektivitas Hukum Penggunaan Cctv Sebagai Alat Bukti Dalam Penegakan Hukum Tindak Pidana Pencurian Di Kota Gorontalo," *Unisan Law Review* 8, no. 1 (2024).

<sup>25</sup> Ibid.

<sup>26</sup> Harahap, *Pembahasan Permasalahan Dan Penerapan KUHP Penyidikan Dan Penuntutan* (Sinar Grafika, 2019).

cases of theft, printed evidence in the form of digital data and documents can be used as written evidence. However, the ITE Law has stipulated formal and material requirements that must be met so that electronic information and documents can be accepted as evidence in court. Electronic information and documents must not be in the form of documents or letters that according to statutory regulations must be in written form, as stipulated in Article 5 paragraph (4) of the ITE Law which regulates formal requirements. Certainty of the authenticity, integrity, and availability of electronic information and documents are material requirements regulated in Articles 6, 15, and 16 of the ITE Law. To fulfill these material requirements in cases of theft, digital forensic procedures are often required.<sup>27</sup>

Article 188 of the Criminal Procedure Code regulates the admissibility of clues as evidence, namely that clues can be taken from evidence that is not evidence itself. The Criminal Procedure Code defines evidence as goods that can be confiscated in Article 39 paragraph (1). In this case, video surveillance recordings are one type of electronic evidence that can be confiscated and added by investigators to case files. Computers, netbooks, tablets, smartphones, floppy drives, hard drives, CD/DVDs, thumb drives, flash drives, and various other electronic devices are examples of electronic evidence.<sup>28</sup> Audio/video players, network interface cards, video cameras, closed-circuit television (CV), hubs, routers, etc. Documents such as logs, deleted files, lost files, Slack messages, encrypted files, steganographic files, office files, audio files, video files, image files, emails, user IDs and passwords, witness text messages, exhibits, and defendant confessions are all examples of digital evidence. Courtroom surveillance cameras are a powerful resource. You don't have to rely solely on the prosecutor's evidence when you have CCTV that can show you what happened. While closed-circuit television (CCTV) footage can offer strong visual evidence, the court will still look for other compelling evidence when reaching a verdict.<sup>29</sup>

As in the case study I attached in chapter II on pages 38-39, the case began when Mujiharto, one of the victims, reported that AWR promised him a job and a large salary to send him to Malaysia. This promise was accompanied by a request for passport fees using falsified data. Other victims experienced neglect, labor exploitation, and illegal debt. The suspect was proven to have recruited, accommodated, and sent Indonesian Migrant Workers (CPMI) officially out of the country for economic reasons. From June 2022 to May 2023, AWR illegally sent 39 CPMI to Malaysia. This is indicated as cross-border human trafficking (TPPO), with a labor exploitation scheme. Mujiharto's report became the entry point. During the initial investigation, Bondowoso Police investigators delved

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<sup>27</sup> Rezki Dermawan Putra, "Kekuatan Alat Bukti Rekaman Suara Dalam Proses Pembuktian Tindak Pidana Korupsi DiIndonesia," *Jurnal Online Mahasiswa*, 2018, 8.

<sup>28</sup> Muhammad Nuh, *Digital Forensic: Paduan Praktis Investigasi Komputer* (Salemba Infotek, 2012).

<sup>29</sup>Ibid, p. 57.

into communications between the victim and the suspect. It is strongly suspected that the perpetrator used digital communication tools, such as mobile phones and messaging applications (WhatsApp, Facebook Messenger) to Promise jobs verbally and in writing, Send instructions and departure requirements, Request proof of fund transfers, Disclosure of this case relies on digital evidence as the main instrument of proof such as digital traces of recruitment, digital forensics, and cross-country collaboration. Handling this case is a form of collaboration between the Criminal Investigation Unit of the Indonesian National Police, the Ministry of Foreign Affairs, BP2MI, and foreign partners such as Interpol and the Indonesian Embassy in Damascus.<sup>30</sup>

Similar to domestic human trafficking cases, such as the case at the South Kalimantan Regional Police, this case represents a form of crime (TPPO) carried out in an organized and systematic manner, with the primary victims being underage girls from low-income backgrounds. The main perpetrator, identified as MY, recruited victims through personal (door-to-door) approaches and sexually exploited them by selling them to hotels and nightclubs in Banjarmasin.

A prominent feature of this case is the use of digital media as a means of commerce, including a so-called "eco-friendly" application platform that is actually a social media or messaging application misused for *open BO practices*. This places this case within the realm of digital-based human trafficking, which requires handling based on electronic or *digital evidence*. The South Kalimantan Regional Police, through the Directorate of General Crimes of the South Kalimantan Regional Police, implementing modern and adaptive handling strategies for digital crime, through several steps such as collecting reports and mapping victims, collecting analysis and digital evidence and digital forensics.

*Digital evidence* in this case has very high evidentiary value, because it proves explicit communication between the perpetrator and the customer, shows malicious intent and an undeniable pattern of crime, proves the involvement of other perpetrators, and by opening up the communication and payment network. *Digital evidence* is not just a supplement, but is the main fact in the series of proofs of criminal elements of human trafficking and child exploitation.

#### **4. Conclusion**

*Digital evidence* must have integrity, authenticity, and be accountable for use in court. This is important for suspects, observers, and those harmed in the investigation process. During the investigation and inquiry process, investigators can use digital forensic methods to ensure the validity of electronic evidence. This includes analyzing digital devices, intercepting communications, and

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<sup>30</sup> Ditreskrim Polda Gorontalo, "Kali Pertama Polres Bondowoso Ungkap Kasus TPPO AWR Jadi Tersangka," 2025, <https://tapalkudapost.com/kali-pertama-polres-bondowoso-ungkap-kasus-tpo-awr-jadi-tersangka/tgl28april2025>.

reconstructing data that has been deleted by the perpetrator. Law enforcement efforts to utilize digital evidence include digital data seizures, electronic communication tracking, digital financial transaction analysis, and the involvement of digital forensic experts in authenticating evidence presented to the court. Although national legal frameworks, such as the ITE Law and Law Number 21 of 2007, have recognized the validity of digital evidence, its implementation in the field still faces various obstacles, both technically and in terms of regulations and human resources. Law enforcement officers still need to increase their capacity to handle digital evidence professionally and proportionally.

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