

ABSTRACT

GREGORIUS GUNTUR PRAKOSO (01051170148)

**“LEGALITAS ALAT BUKTI ELEKTRONIK DALAM TINDAK
PIDANA HACKING DI INDONESIA (STUDI PUTUSAN NOMOR
399/PID.SUS/2017/PN SKT)”**

(xi + 97 pages; 4 pictures)

The law will always be left behind the times. In case of providing the technological development of crime, Indonesia made the Law Number 11 of 2008 concerning Electronic Information and it was subsequently amended by the Law Number 19 of 2016 concerning of amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. The research method used in this research is empiric normative with judicial case study type. For the data, the writer used primary data source like interview and secondary data source like primary, secondary and tertiary legal materials. This research used law systematical approach and law case approach. The writer analyzed Putusan Number 399 / Pid.Sus / 2017 / PN Skt, then draws what can be taken in cases of general or more or less similar cases. According to cybercrime investigation, especially hacking, legality of electronic evidence regulated in the Electronic Transaction and Information Law of article 5 paragraph (1) to (4) and article 6. With this regulation, electronic information and document confirmed as a legal evidence. However, there is a constitutional statement about this evidence called Putusan MK Nomor 20/PUU-XIV/2016. In this statement, the definition of electronic is limited so that all electronic information/electronic documents that can serve as evidence must be obtained based on the procedure of requesting the police, prosecutors and/or other law enforcement agencies. To ensure the inspection and retrieval electronic evidence, the Directorate of Cyber Crimes applies ISO 17025 as a standardization of an electronic evidence to be tested or examined.

Keywords : Electronic Evidence, ISO 17025, Hacking

References: 55 total references (1996 - 2020)