PRIORITIZATION OF LAW ENFORCEMENT IN VIRAL CASES BY THE POLICE IN THE CONTEXT OF IMPLEMENTING THE PRINCIPLE OF EQUALITY BEFORE THE LAW AND SUBSTANTIAL JUSTICE

UNDERGRADUATE THESIS

Submitted to Fulfill the Tasks and Complete the Requirements to Obtain a Bachelor's Degree

Compiled By:

DEO RENALDI SAPUTRA

NIM: 2102056040

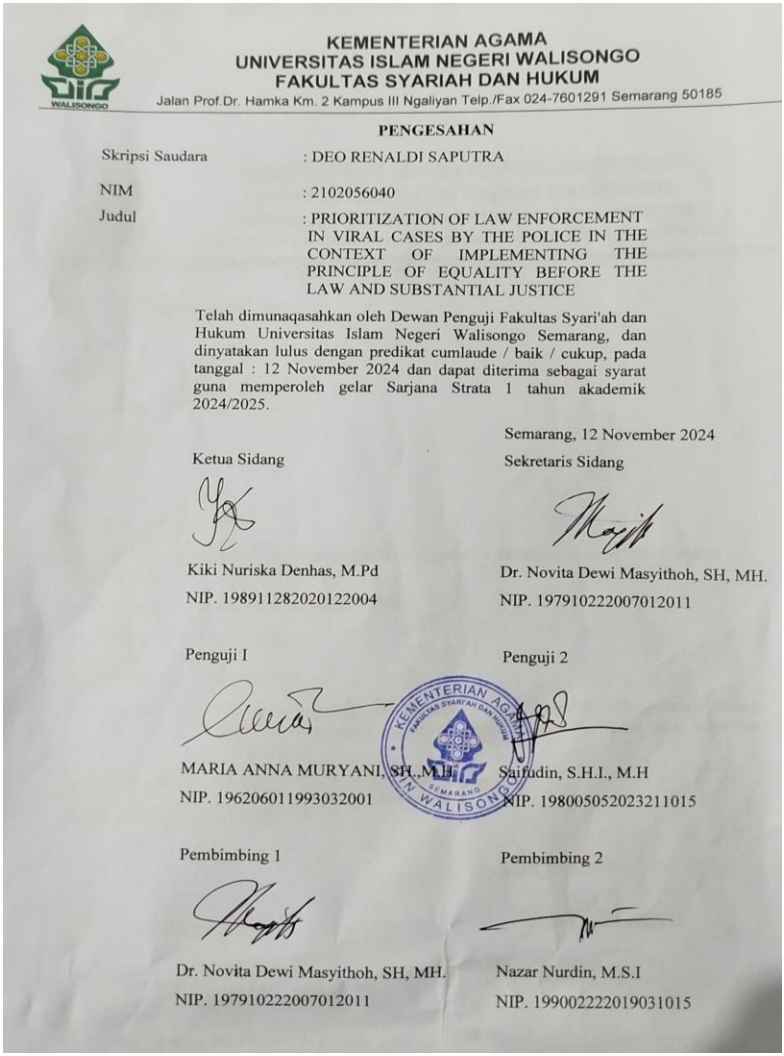
LAW STUDY PROGRAM

FACULTY OF SHARIA AND LAW

WALISONGO SEMARANG STATE ISLAMIC UNIVERSITY

2024

VALIDITY SHEET



KEMENTERIAN AGAMA
UNIVERSITAS ISLAM NEGERI WALISONGO
FAKULTAS SYARIAH DAN HUKUM
Jalan Prof.Dr. Hamka Km. 2 Kampus III Ngaliyan Telp./Fax 024-7601291 Semarang 50185

PENGESAHAN

Skripsi Saudara : DEO RENALDI SAPUTRA

NIM : 2102056040

Judul : PRIORITIZATION OF LAW ENFORCEMENT IN VIRAL CASES BY THE POLICE IN THE CONTEXT OF IMPLEMENTING THE PRINCIPLE OF EQUALITY BEFORE THE LAW AND SUBSTANTIAL JUSTICE

Telah dimunaqasahkan oleh Dewan Penguji Fakultas Syari'ah dan Hukum Universitas Islam Negeri Walisongo Semarang, dan dinyatakan lulus dengan predikat cumlaude / baik / cukup, pada tanggal : 12 November 2024 dan dapat diterima sebagai syarat guna memperoleh gelar Sarjana Strata 1 tahun akademik 2024/2025.

Semarang, 12 November 2024

Ketua Sidang
Kiki Nuriska Denhas, M.Pd
NIP. 198911282020122004

Sekretaris Sidang
Dr. Novita Dewi Masyithoh, SH, MH.
NIP. 197910222007012011

Penguji I
MARIA ANNA MURYANI, SH.,M.H
NIP. 196206011993032001

Penguji 2
Saifudin, S.H.I., M.H
NIP. 198005052023211015

Pembimbing 1
Dr. Novita Dewi Masyithoh, SH, MH.
NIP. 197910222007012011

Pembimbing 2
Nazar Nurdin, M.S.I
NIP. 199002222019031015

SUPERVISORY APPROVAL

KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI WALISONGO
SEMARANG FAKULTAS SYARIAH DAN HUKUM
Jl. Prof. Dr. Hamka Kampus III Ngaliyan, Semarang 50185, Telp. 7606405

PERSETUJUAN PEMBIMBING

Hal : Persetujuan Naskah Skripsi

Kepada Yth.,

Dekan Fakultas Syariah dan Hukum

UIN Walisongo

di Semarang

Assalamu'alaikum Wr. Wb

Setelah saya meneliti dan mengadakan perbaikan seperlunya bersama ini saya kirim naskah skripsi saudara:

Nama : DEO RENALDI SAPUTRA

NIM 2102056040

Jurusan : Ilmu Hukum

Judul :**"Prioritas Penegakan Hukum Kasus Viral oleh Kepolisian dalam Konteks Penerapan Asas Equality Before The Law dan Keadilan Substansial"**

Dengan ini kiranya naskah skripsi tersebut dapat segera diujikan.
Demikian harap menjadi maklum adanya dan saya ucapkan terimakasih. *Wassalamu'alaikum Wr. Wb.*

Semarang, 24 Oktober 2024

Pembimbing I

Dr. Novita Dewi Masyithoh, SH, MH
NIP. 197910222007012011

Pembimbing II

Nazar Nurdin, M.S.I
NIP. 199002222019031015

MOTTO

If You Have Limited Time, Don't Wait. It's Faster On Your Own

ORIGINALITY STATEMENT

PERNYATAAN ORISINALITAS

Dengan penuh kejujuran dan tanggung jawab, penulis menyatakan bahwa skripsi ini tidak mengandung materi yang sudah ditulis pihak lain atau diterbitkan. begitu juga skripsi ini tidak mengandung suatu gagasan-gagasan pihak lain, kecuali informasi yang tercantum dalam rujukan yang dijadikan referensi.

Semarang, 6 November 2024

Yang menyatakan

DEO RENALDI SAPUTRA

NIM. 2102056040

PREFACE

Alhamdulillah, praise be to Allah SWT because for His blessings, help, and gifts the author can complete the writing of this thesis with the title "Prioritization of Law Enforcement in Viral Cases by The Police in The Context of Implementing The Principle of Equality Before The Law and Substantial Justice".

The author realizes that this thesis is still lacking and far from perfection. For this reason, through this preface, the author is very open to constructive criticism and suggestions and the author hopes to perfect this thesis, so that the author can improve it in the future.

On this occasion, the author would like to thank:

1. To the honorable supervisors Mrs. Novita Dewi Masyithoh SH., MH. and Mr. Nazar Nurdin M.S.I. who have taken the time and thought in helping to complete this thesis;
2. Mr. Dr. H. Mohamad Arja Imroni M.Ag as the dean of the Faculty of Shari'ah and Law of UIN Walisongo and all its staffs;
3. Mrs. Novita Dewi Masyithoh SH., MH. as Chairperson of the Department of Law at UIN Walisongo Semarang and all its staffs.;
4. All lecturers, teaching staff and academic community of UIN Walisongo Semarang;

5. Both parents of the researcher who with their prayers and guidance the researcher can complete this thesis smoothly;
6. All parties who have helped researchers in completing this research.

The researcher hopes that this research can be useful and make a significant contribution to all academics and the wider community in the practical and theoretical realms.

TABLE OF CONTENTS

HALAMAN COVER
VALIDITY SHEET ii
SUPERVISORY APPROVAL iii
MOTTO iv
ORIGINALITY STATEMENT v
PREFACE vi
TABLE OF CONTENTS viii
ABSTRACT xii
CHAPTER I INTRODUCTION 1
A. Background 1
B. Problem Formulation 9
C. Research Purposes 9
D. Research Benefits 10
E. Literature Review 11
A. Type of Research 17
B. Research Approach 18
C. Research Location 19
D. Data Sources 20
E. Legal Materials 21
F. Data Collection Techniquee 22
G. Sampling Determination Techniques 23
H. Data Validity Testing Techniques 24

I. Data Analysis Techniques 25

J. Research Process 26

1. Making a Research Design 26

2. Research Implementation 34

3. Preparation of Research Reports 40

CHAPTER II OVERVIEW OF VIRAL CRIMES, THE PRINCIPLE OF EQUALITY BEFORE THE LAW, AND SUBSTANTIAL JUSTICE 44

A. Criminal Offense 44

B. Virality Concept 45

C. Police As Criminal Case Investigators 48

***D.* Principle Of Equality Before The Law** 52

E. Concept Of Substantial Justice 56

CHAPTER III RESOLUTION OF VIRAL CRIME CASES BY THE POLICE 61

A. The Process of Resolving Criminal Cases Based on the Prioritization of Viral Cases by the Police 61

1. Criminal Act of Theft 61

2. Crime of Vehicle Embezzlement 66

3. Crime of Murder 73

4. Fraudulent Investment Crimes 83

CHAPTER IV RESEARCH RESULTS AND DISCUSSION 86

A. Implications of the Prioritization of Law Enforcement of Viral Cases by the Police on the Application of the Principle of Equality before the Law 86

1. **Comparison of Law Enforcement of Viral Crime of Vehicle Embezzlement and Non-Viral Crime of Theft and its Implication to the Principle of Equality Before the Law** 91
2. **Law Enforcement of Viral Crime on Murder and Non-Viral Crime on Fraudulent Investment and its Implication to the Principle of Equality Before the Law** 104

B. **Implications of Police Prioritization of Viral Case Law Enforcement on Substantial Justice** 122

1. **Law Enforcement of Viral Crimes of Vehicle Embezzlement and its Implications for Substantial Justice** 128
2. **Law Enforcement of Non-Viral Offenses of Theft and its Implications for Substantial Justice** 133
3. **Law Enforcement of Viral Crimes of Murder and its Implications for Substantial Justice** 145
4. **Law Enforcement of Non-Viral Crimes on Fraudulent Investment and its Implications for Substantial Justice** 149

CHAPTER V CLOSING 156

A. CONCLUSION 156

B. SUGGESTIONS 157

LITERATURE 159

APPENDIX 168

A. APPENDIX LIST OF IMAGES 168

B. LIST OF QUESTIONS ATTACHMENTS 178

CURRICULUM VITAE 197

ABSTRACT

The police have the authority to resolve criminal cases through investigations in accordance with Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police so that the police are obliged to resolve all criminal cases they receive based on the SOP by prioritizing the principle of equality before the law in accordance with the 1945 Constitution and prioritizing justice for the community. However, this becomes biased when the term no viral no justice appears due to protests from people who are disappointed with the performance of the police which allows the police to prioritize the resolution of viral cases over cases that are not viral. Therefore, this study aims to discuss the Prioritization of Law Enforcement of Viral Cases by the police and its implications for the principle of equality before the law and substantial justice.

This research is qualitative research and field research, using an empirical juridical approach. The data used are primary data obtained from interviews and secondary data obtained by documentation techniques. The data from the research were analyzed using various legal materials and theories, and analyzed descriptively to answer all the problems raised in this research.

The results showed that the element of virality in a criminal offense affects the speed of settlement of the case and case resolution based on viral criminal cases have implications for substantial justice and the principle of *equality before the law.* Substantial justice and equality before the law are not realized, because there are disparities/inequalities and discrimination/differences in law enforcement, to the detriment of victims whose cases do not go viral.

.

Keywords: Law Enforcement, Viral Cases, *Equality before the law* , and Substantial Justice.

CHAPTER I
INTRODUCTION

A. BACKGROUND

Indonesia is a country that clearly states as a state of law[1]. As a state of law, Indonesia has various law enforcement agencies, including the Indonesian National Police, the Attorney General's Office of the Republic of Indonesia. The agency provides a law enforcement role to ensure legal certainty in society. The police are one of the law enforcers authorized to investigate and investigate criminal cases[2]. The police have an important role in regulating the life of the nation and state, maintaining the welfare of the community or most citizens and ensuring legal certainty so that various crimes are eliminated. Good police can prevent various irregularities committed by the community and provide reliable advice to the community regarding the implementation and enforcement of the law[3]. The importance of law enforcement issues in this context is

[1] Haposan Siallagan. (2016). The Application Of The Principles Of The Rule Of Law In Indonesia. *Sociohumaniora*, *18*(2), Pp. 1.

[2] Nur Basuki Winarno, (2011). Some Problems In Investigation And Investigation By The Police. Perspektif, 16(2), 117-127.

[3] Fika Nadia, (2018). Analysis Of The Implementation Of The Principle Of Equality Before The Law In Law Enforcement (Case Study Of Hate Speech In The Legal Area Of The Tanjung Karang District Court). Page. 18

associated with the increasing nature of various criminal phenomena, both quantitative and qualitative, as well as the complexity of the perpetrators, their attitudes, modes, and characteristics.

The police as the main role holder who is directly related to the community (*crusial),* that every action taken by the police will have a direct impact on the community. The police are one of the pillars in the success of law enforcement, this means that law enforcement does not run properly if police officers are not professional in carrying out their duties. The police are at the forefront of crime fighting to enforce the law in every case handled. A good and effective regulation without professional and competent officers will definitely have an impact on its law enforcement, and conversely, a good police force with a poor legal system will also have a negative impact on law enforcement.

The importance of the role of the police in law enforcement, the image of the police must be good in the eyes of the community because the presence of the police is for the benefit of the community itself. The task of the police is to maintain security and order and protect the community

by enforcing the law[4]. The same thing is also emphasized in Law (UU) Number 2 of 2002 concerning the Indonesian National Police which states that the Police are obliged to maintain public security and order, enforce the law, provide protection, protection and services to the community.

The image of the police today represents public satisfaction with the police itself. Today, the image of the police is experiencing a downturn because according to the Kompas R & D survey, the image of the police was in its best image in 2021 in October at 77.5 percent, then decreased to 57 percent in June-October in 2022, which then in 2023 experienced an increase back to 61.6 percent in May. The data shows that the level of public satisfaction with police performance experienced a very significant decline in 2022, which was around 20 percent. However, in 2023 it only rose by about 4 percent[5].

Based on the results of the pre-research, through an interview with the TIPIDTER Investigator of POLRESTABES Semarang in August 2023, namely Mr.

[4] Wahyono, (2011). Dynamics Of Police Function And Its Relationship With Community Policing Program. Perspektif, 16(3), 160-172.

[5] Zunita Putri, 2023. "Police Image Starts To Recover, Here's The Data In The Kompas R & D Survey", Detiknews, Https://News.Detik.Com/Berita/D-6731634/Citra-Polri-Mulai-Pulih-Begini-Datanya-Di-Survei-Litbang-Kompas.

Agus with the rank of Adjunct Police Inspector Two, stated that,

''To solve cases up to submission to the court, they prioritize handling cases on the basis of how much the public highlights the case[6].

For example, the case of a motorcycle theft at Semarang City Hall which was committed on Sunday, December 3, 2023 which then went viral, the Semarang City Police quickly followed up on the case and only took 2 days, namely on Tuesday, December 5, 2023 immediately arrested the perpetrator[7].

The next case that went viral and took precedence in law enforcement was a beating committed by 6 suspects that was viralized by the Instagram account @terangmedia, which occurred on Monday, May 30, 2022. The beating case caught a lot of public attention so that the police on the same day immediately arrested 6 suspects[8]. Based on this case, the

[6] Interview With Aipda Agus Tri Harmoko, S.S.As An Investigator Of Tipidter Polrestabes Semarang, Monday, August 7, 2023 At 10:00 A.M. Wib.

[7] Titis Anis Fauziyah And Khairina, "Motorcycle Thief At Semarang City Hall Who Went Viral Caught, Turns Out To Be A Recidivist", Kompas.Com, Https://Regional.Kompas.Com/Read/2023/12/05/220706578/Maling-Motor-Di-Balai-Kota-Semarang-Yang-Viral-Tertangkap-Ternyata-Seorang#Google_Vignette.

[8] Angling Aditya Purbaya, "Video Of Brutality In Semarang Goes Viral, Police Arrest 6 Perpetrators", 2022, Detikjateng, Https://Www.Detik.Com/Jateng/Hukum-Dan-Kriminal/D-6102409/Video-Pengeroyokan-Di-Semarang-Viral-Polisi-Tangkap-6-Pelaku.

police only needed a few hours to handle the viral case. This is none other than because the case attracted a lot of public attention, so it can be assumed that the method of solving cases in the police is by determining the level of virality as well, not just the ease and difficulty of the case due to evidence and so on.

Enforcement and prosecution of cases based on the level of *virality* gives the impression of prioritizing cases and does not seem to put the principle of *equality before* the *law*, which is the right to legal protection for everyone to be treated equally before the law, into bias. The principle of equality before the law is a fundamental right of every citizen, as in the French revolution, namely *liberte, egalite, and fraternite*, which was inspired by the political philosophy of individual liberalism and *laissez-faire* economic theory, where human rights limit the freedom of state intervention and state power[9]. The equality of all citizens before the law and the government should provide protection and equal treatment before the law to the public by law enforcement officials.

[9] Burns H. Weston, 1993, Human Rights, In Human Rights In World Society, Issues And Actions, T. Mulya Lubis (Editor, Translated By A. Setiawan Abadi, Yayasan Obor Indonesia, Pages. 12

The principle of equality before the law is one of the legal issues of the concept of democratization that emerged with the fall of Western European feudalism. The rise of capitalism and the emergence of individual freedom in free trade as well as political freedom and the strengthening of the relationship between parliament or state and monarch reinforced the idea of freedom. The definition of democracy includes individual rights, the state of society and the rule of law. This concept is one of the elements or parts of a democratic rule of law, namely the rule of law, equality before the law, and due process[10]. The principle of equality before the law is defined as the same submission of all groups of society to the laws generally applicable in the country, by setting aside exceptions and immunities of government officials and authorities or certain other people for the sake of compliance to carry out the law[11]. Justice itself has been regulated in Islam in the letter QS An Nisa ayat 135:

[10] W. Friedman, Legal Theory And Philosophy, Law And Contemporary Problems, Translated From Legal Theory, By Muhammad Arifin, Publisher Pt. Raja Grafindo, 1994, Pp. 45-46.

[11] A. V. Dicey, Introduction To The Study Of The Law Of The Constitution, Introduction To The Study Of Constitutional Law, Translated Nurhadi M.A., Publisher Nusa Media, 2007, Pp. 266.

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا كُوْنُوْا قَوّٰمِيْنَ بِالْقِسْطِ شُهَدَآءَ لِلّٰهِ وَلَوْ عَلٰٓى اَنْفُسِكُمْ اَوِ الْوَالِدَيْنِ وَالْاَقْرَبِيْنَۚ اِنْ يَّكُنْ غَنِيًّا اَوْ فَقِيْرًا فَاللّٰهُ اَوْلٰى بِهِمَاۗ فَلَا تَتَّبِعُوا الْهَوٰٓى اَنْ تَعْدِلُوْاۚ وَاِنْ تَلْوٗٓا اَوْ تُعْرِضُوْا فَاِنَّ اللّٰهَ كَانَ بِمَا تَعْمَلُوْنَ خَبِيْرًا

"O you who believe, be ye upholders of justice and witnesses for Allah's sake, even if the testimony be against yourselves, your fathers and mothers, or your relatives. If he (the witness) is rich or poor, Allah knows better. So, do not follow your lusts to deviate from the truth. If you twist your words or turn away (from bearing witness), surely Allah is Examining of all that you do."

Equality before the law must be defined dynamically and not statically. This means that if there is equality before the law, then there must also be a balance to treat everyone equally. If two people come before a judge with a dispute, then the judge must treat both equally (*audit et alteram partem).* It is believed that equality before the law, defined in reverse, gives everyone the opportunity to pursue justice, regardless of their background. According to Aristotle, the state must provide justice to everyone, and the law has an obligation to comply so that justice reaches

everyone without discrimination. People, whether rich or poor, have the same right to justice[12].

Equality before the law also applies in law enforcement by the police, if we draw conclusions, then the existence of a settlement or prosecution of cases based on the level of *virality* certainly violates the principle of *equality before the law*. This creates problems in law enforcement because there seems to be discrimination in handling cases carried out by the police, for the sake of its image in society. On the other hand, the selective enforcement carried out by the police will also cause problems in terms of substantive justice.

Substantial justice is also known as progressive justice or progressive law. The concept of "progressive law" according to Satjipto Rahardjo is a law that makes people and the country happy, because based on the fact that the current law can only be understood and only applied through the formulation of laws and *textbook-structured* reasoning[13]. This means that the interpretation of the law itself is only based on articles that do not necessarily represent justice for

[12] Imly Asshiddiqie, (2010). Indonesian Constitution And Constitutionalism. *Sinar Graphic, Jakarta*., Pg.6

[13] Haryono, (2019). Law Enforcement Based On Substantive Justice Values (Study Of Constitutional Court Decision No. 46/Puu-Vii/2012 Dated February 13, 2012). *Progressive Law Journal*, *7*(1), Pp. 20-39.

the community. When we correlate it with the actions of the Police to resolve cases based on the virality of the case, of course there is a dispute between viral and non-viral cases. Cases that do not attract the attention of many people will be put aside or delayed to be processed and prioritize viral cases.

When referring to one of the basic concepts of progressive law inspired by Satjipto Rahardjo, that law is for humans[14], which means that humans are the orientation and determinants of the law itself to ensure a sense of justice for the community or humans who are the subject of law. So, the whistleblowers whose cases are not viral, as fellow humans as legal subjects, can certainly intersect with the principles of progressive law.

B. Problem Formulation

1. How is the process of resolving criminal cases based on the priority of viral cases by the police?
2. How are the implications of the priority of viral cases handled by the police for the principles of equality before the law and substantial justice for the community*?*

C. Research Purposes

[14] Rahardjo, S. (2006). *Dissecting Progressive Law*. Jakarta: Kompas. Page. 4

1. To find out the process of solving criminal cases based on the priority of viral cases by the police.
2. To find out the implications of the priority of viral cases handled by the police on the principle of equality before the law and substantial justice for the community.

D. Research Benefits

1. Theoretical Benefits

The findings of this research are expected to have a positive impact on the development of legal science, and at the same time empirically increase knowledge of law enforcement that upholds the principle of equality before the law to realize substantial justice.

2. Practical Benefits

a. For the Community

This research is expected to increase insight and provide information to the public regarding the application of the principle of equality before the law and the concept of progressive legal thinking in law enforcement in Indonesia.

b. For Law Enforcers

Hoped that it can provide legal input regarding the use and implementation of the principle of equality before the law in enforcing the law in Indonesia.

c. For Academics

This research is expected to be used as a reference for academics to be used as comparative material for similar research that examines the role of law enforcers and the use of the principle of equality before the law and provides legal input regarding the use and implementation of the principle of equality before the law in conducting legal research.

d. For writers

hoped that this research can increase the insight and benefits that will be carried out by researchers so that it can be implemented in the community.

E. Literature Review

In the research to be carried out, researchers seek some information from previous studies that are relevant to the author's research. The purpose of this literature review is so that researchers can examine and examine problems and the use of the same theory or legal data as other studies and display updates from previous studies. Then the function of this literature review can also prevent plagiarism from

previous studies. Some studies that are relevant to this research are:

1. Thesis from Glory Donda Monika, a student of Law Study Program, from Atma Jaya University Yogyakarta, in 2015 with the title "Police Efforts in Overcoming the Crime of Robbery in the Yogyakarta City Area"[15].

   This research discusses the prosecution of criminal acts of begal by the police as a result of the news going viral and highlighting public attention because people in the Yogyakarta area are restless because of the action of begal in their city. This made the process of resolving the *viral* begal crime accelerated by the Police.

   The difference between this research and the research that the researcher wrote is that the author discusses the prioritization of case resolution by police investigators who get public attention or *viral* cases and uses analytical tools in the form of the principle of *equality before the law* and substantial justice for the community.
2. Thesis from Putri Irawana Harahap, a student of the Journalism Department, from Syarif Hidayatullah State

[15] Glory Donda Monika. (2015). Police Efforts In Overcoming The Crime Of Robbery In The Yogyakarta City Area.

Islamic University Jakarta, in 2023 with the title "construction of police professionalism issues in tirto.id media"[16].

The study discusses the issue of police professionalism with data from tirto.id which always criticizes the professionalism of the police by going *viral*or raising the case to the media and then the case is processed by the police.

The difference between this research and the research that the researchers wrote is that the author discusses prioritizing the settlement of cases by police investigators that get public attention or *viral* cases and using analytical tools in the form of the principle of *equality before the law* and substantial justice for the community, while research from Putri Irawana Harahap discusses the professionalism of the Police.

3. Thesis from Fika Nadia, a student of the Faculty of Law, from the University of Lampung, in 2018 with the title "Analysis of the Implementation of the Principle of Equality Before The Law in Law Enforcement (Hate

[16] Putri Irawana Harahap. 2023. *Construction Of Police Professionalism Issues In Tirto.Id Media* (Bachelor's Thesis, Faculty Of Da'wah And Communication Sciences, Syarif Hidayatullah State Islamic University Jakarta).

Speech Case Study in the Legal Area of the Tanjung Karang District Court)"[17].

The research discusses the implementation of the principle of *equality before the law* in law enforcement in the realm of the court. The principle of equality before the law discussed by Nadia is about equality of position and equality of treatment by law enforcers towards all parties involved in the law enforcement process, by taking a case study in the jurisdiction of the Tanjung Karang District Court.

The difference between Nadia's research and this researcher's research is that Nadia discusses in terms of justice enforcement that must prioritize the principle of *equality before the law* in the realm of the court, while the researcher discusses law enforcement in terms of *virality* in cases handled by the police, taking a case study at POLRESTABES Semarang.

4. Research from Agus Triono, Rodhi Agung Saputra, and Bonifa Refsi from the Faculty of Law, University of Lampung, in 2022 with the title *The "No Viral No*

[17] Fika Nadia. (2018). Analysis Of The Implementation Of The Basis Of Equality Before The Law In Law Enforcement (Case Study Of Hate Speech In The Legal Area Of The Tanjung Karang District Court).

Justice" Paradigm In Getting Access To Justice In Indonesian Community"[18].

The study discusses the *no viral no justice* paradigm is a form of public dissatisfaction with law enforcement and discusses that law enforcement by law enforcement is not based on the *principle of equality before the law*.

The difference with the researcher's research is that the research from Triono et al. Only discusses in terms of *equality before the law,* while the researcher's research discusses the perception of the principle of *equality before the law* in *viral* cases handled by the police associated with substantial justice.

5. Research from Ali Ridho Azhari and Dr. Soleh Rosyad from La Tansa Mashiro University, 2023 with the title "The Viral Phenomenon on Social Media is a New Legal Norm-No Viral, No Justice*"*[19].

The study discusses the phenomenon of viral cases processed by the police as a new legal norm in society and emphasizes the presence of the police in social media

[18] Triono, Saputra, & Refsi. (2022). The "No Viral No Justice" Paradigm In Getting Access To Justice In Indonesian Community. *Iosr Journal Of Humanities And Social Science (Iosr-Jhss) Volume*, *27*, 50-55.

[19] Azhari, Ridho, & Rosyad. 2023. The Viral Phenomenon On Social Media Is A New Legal Norm-No Viral, No Justice. *International Journal Of Advanced Multidisciplinary Research And Studies*, *3*.

to resolve *viral* cases, giving rise to the concept of *no viral no juctice.*

The difference between this research and the researcher's research is that the research from Azhari and Rosyad discusses the concept of *no viral no juctice* which is currently rife on social media as a new legal norm that is developing in society. Meanwhile, the researcher's research discusses the perspective of the principle of *equality before* the *law* when the police prioritize the level of *virality* in solving cases and is associated with substantial justice in society.

F. RESEARCH METHODS

Research is a scientific and systematic quest to obtain relevant information about a particular topic. In fact, research is the art of scientific inquiry[20]. Research is also considered a systematic effort to gain new knowledge[21]. Research as an action, an action from the unknown to the known[22]. It is actually a process of discovery. One has a crucial instinct of curiosity when the

[20] Deo Renaldi Saputra, 2023, The Concept of *Travel Writing* in Roman *Au Soleil* De Guy De Maupassant: Carl Thompson's Travel Literature Analysis, Thesis: Semarang State University.

[21] Redman and Mory Dalamkothari, C. R. (2004). *Research Methodology: Methods And Techniques*. *New Delhi: New Age International*. Pp. 6

[22] Faruk. 2012. Literary Research Methods: A Preliminary Exploration. Yogyakarta: Student Library. Pg. 77

unknown, one will wonder and that curiosity allows one to investigate and achieve a fuller and more complete understanding of the unknown. This curiosity is the source of all knowledge and the method that humans use to gain knowledge about anything unknown can be referred to as research.

The method used in conducting this research is:

A. Type of Research

1. Qualitative Research

   Qualitative research is a process of scientific activity that aims to understand human or social phenomena by presenting a clear and complex picture that can be presented with a series of words, has a detailed view of the source and can be carried out in a natural atmosphere[23].

   The purpose of qualitative research is to describe the phenomenon in as much detail as possible through detailed data collection. This qualitative research does not prioritize population size or sample size, even with a very limited sample size. If the data collected is deep enough to explain the phenomenon under study, then there is no need to look for other data[24]. Qualitative research focuses on the quality

[23] Walidin, Saifullah, & Tabrani. (2015). Qualitative Research Methodology & Grounded Theory. Ftk Ar-Raniry Press.

[24] Sulistiyono. 2015. Descriptive Qualitative Study of Consumer Behavior of Vynil Physical Releases in Yogyakarta. Thesis. Yogyakarta: State University of Yogyakarta. Page 46

of information or data rather than the quantity of data or information[25]. Qualitative research is used to explain in detail about the phenomenon of viral cases and their law enforcement priorities by the police whose data are poured in the form of descriptions and narratives.

2. Field Research

Field research is research that studies the background of the current situation in society, institutions, groups, individuals, and social interactions intensively[26]. Field research is a study whose activities go directly to the field to observe social phenomena needed to collect data and other activities related to research, field research is needed for researcher research because the focus of the research is a sense of justice that exists in the community that reports and also law enforcement by the police in viral and non-viral cases handled by the police.

B. Research Approach

This research approach uses empirical juridical, which examines empirical reality juridically. Empirical legal

---

[25] Kriyantono, Rachmat. 2009. Practical Techniques of Communication Research. Jakarta: Kencana. Page 37

[26] Husaini Usman Dkk, 2006, Social Research Methodology. Jakarta: Pt. Bumi Aksara, pp. 5

research is legal research on the validity or application of the formal legal system to a legal problem in society[27]. Empirical juridical research answers problems that require field research data. In the context of legal theory, empirical juridical research methods are related to the concept of natural and universal law and legal processes in the field of national law[28]. The empirical juridical approach is used because the focus of research in this thesis is on law enforcement of viral cases carried out by the police.

C. Research Location

The location of this research is at the Semarang City Resort Police (POLRESTABES Semarang) because the jurisdiction of POLRESTABES Semarang often handles viral cases and is active in law enforcement in the community so that it can be more effective in conducting research, Ngaliyan West Semarang Police, Sungai Raya West Kalimantan Police, Broto Hastono *& Associates* law *office*, and *MBI Law office*.

[27] Abdulkadir Muhammad, 2004, Law and Legal Research, Bandung, Citra Aditya Bakti, 134 pp.

[28] Shidarta, S. I. (2009). Legal Research Methodology, Constellation and Reflection. *Yayasan Obor Indonesia, Jakarta*. Page. 54

D. Data Sources

1. Primary Data Sources

   Primary source means data or information received or collected by researchers or people who need it directly through interviews[29]. This research in searching for data uses primary data in the form of direct interviews with Investigators at the Semarang City Resort Police (POLRESTABES Semarang), with sister Dessy Novianti as a case reporter at Sungai Raya West Kalimantan Police Station, Mr. Maulana Anwar as a reporter of fraudulent investment cases at Ngaliyan West Semarang Police Station, Advocates from Broto Hastono *& Associates* law *office*, and *Advocates* from MBI *Law office.*

2. Secondary Data Sources

   Secondary data is important data that can be used as a reference in a study as part of a literature review. The supporting materials used in this research come from books, theses, and articles. Secondary data is data that is not provided directly by the data source, so the data

[29] Iqbal Hasan. 2002. Principles of Research Methodology and its Applications. Jakarta: Ghalia Indonesia. Page. 25

is obtained from documents or other people[30]. Secondary data from this study are in the form of books, journals, articles, theses, theses, case reports in the Police, and other secondary data related to research.

E. Legal Materials

Research sources are needed to address legal problems and issues. The source of law itself means everything that can give rise to a law and the meeting of the law[31]. Legal research sources can be divided into research sources in the form of primary, secondary, tertiary legal materials[32].

1. Primary Legal Materials

   Primary legal materials are legal documents and consist of deeds or decrees, procedures, regulations, informal legal documents, rules, norms, laws, jurisprudence, treaties, and so on. In addition, primary

[30] Sugiyono. (2015). Quantitative Research Methods. Qualitative And R&D. Bandung Alfabeta. Page. 187.

[31] L.J. Van Apeldoorn, 2005, Introduction to Legal Science, Cet. 31, Pt. Pradnya Paramita. Page. 96

[32] Peter Mahmud Marzuki, (2013). Legal Research. *Jakarta: Kencana Prenada Media*, p. *55*.

legal materials have a legal nature, namely having authority[33]. Primary Legal Materials used are:

1. Law (UU) Number 8 of 1981 concerning Criminal Procedure;
2. Law (UU) Number 2 of 2002 concerning the Indonesian National Police;
3. Chief of Criminal Investigation Police Regulation Number 4 of 2014 on Standard Operating Procedures for Supervision.

2. Secondary Legal Materials

Secondary legal materials are materials that comment on, discuss, or explain primary legal materials, such as draft laws, research results or legal opinions, legal journals, theses, theses, and related legal publications[34]. This research uses secondary legal materials in the form of books, journals, theses, and theses that are relevant to the research topic and primary legal materials.

F. Data Collection Techniquee

[33] Fitriyah Nurrahmah, (2015). *Legal Consequences of Ex Officio Rights of Judges Against the Ultra Petitum Partium Principle in Divorce Cases Qabla Al-Dukhul: Case Study of Case No. 4841/Pdt. G/2011/Pa. Kab. Mlg* (Doctoral Dissertation, Maulana Malik Ibrahim State Islamic University). Page. 45

[34] Ibid, Page. 155

The techniques used for data collection are interviews and literature.

1. Interview Techniques

   Interview technique is a way to collect data or information by asking directly to respondents or sources of information[35]. To obtain data for the study, the researcher conducted interviews with investigators at POLRESTABES Semarang who are in charge of resolving cases that have been reported to the police by the public and interviews with the public whose cases went viral and also did not go viral.

2. Docuuesmentation Technique

   The documentation technique is a technique carried out through data collection activities with the aim of obtaining information of a library nature, by examining relevant data in depth and then from the review a conclusion is drawn[36]. To obtain data, researchers collect data from library sources such as books, journals, and laws and regulations.

G. Sampling Determination Techniques

[35] H. Katsiran, 2008, Qualitative and Quantitative Research Methodology, Malang: Uin Malang Press, p. 186

[36] Ibid, Page 20

Snowball sampling is an approach to finding key informants who have a lot of information, the initial source helps attract more respondents through recommendations[37]. Researchers will look at social media regarding viral cases and ask the handling of these cases to police investigators at POLRESTABES Semarang in determining sampling and will compare with several cases that do not appear on social media so as to see the difference between handling viral and non-viral cases that have been reported to the police.

H. Data Validity Testing Techniques

Data triangulation is a combination or combination of methods to get different perspectives in studying interrelated phenomena. The triangulation used by researchers is data source triangulation[38]. Triangulation of data sources is the process of knowing the truth of certain information using various methods and different data sources. For example, in addition to interviews and observations, researchers can use written documents, archives, historical documents, official records, personal notes or writings, and drawings or

[37] Nurdiani, N. (2014). Snowball Sampling Technique in Field Research. Comtech: Computer, Mathematics And Engineering Applications, 5(2), pp. 1110–1118. Https://Doi.Org/10.21512/Comtech.V5i2.2427.

[38] Denzin, N. K. (2012). Triangulation 2.0. *Journal Of Mixed Methods Research*, *6*(2), Hal. 80-88.

photographs of the people involved. All of these approaches will produce different data or evidence, which in turn will provide a different perspective or understanding of the phenomenon under study[39].

This is by comparing the results of interviews from one investigator with another investigator at Semarang Police Station and the results of community interviews with cases reported to be viral and also not viral.

I. Data Analysis Techniques

This research uses descriptive qualitative analysis techniques, which is a research process that aims to understand human or social phenomena by building a comprehensive and complex picture that can be represented in words, providing detailed insights from sources of information and carried out in a scientific manner[40].

The use of descriptive qualitative techniques is to explain how the role of the police in solving cases based on the level of virality, by conducting interviews with police investigators regarding the handling of viral cases and

[39] Nur Fauziyah R., 2015 Effectiveness of Using Hand Movement Reaction Aids for People with Disabilities. Thesis: Indonesian University of Education. Page 34

[40] Walidin, W., Saifullah, & Tabrani. (2015). Qualitative Research Methodology & Grounded Theory. Banda Aceh: Ftk Ar-Raniry Press. Page 88

interviewing people who report their cases to the police but the cases are not viral which will then be examined using a research knife in the form of the theory of substantive justice and the principle of equality before the law.

J. Research Process

The research process consists of making a research design, conducting research with literature or field studies, and compiling a research report. This process begins with determining the research location, collecting data, and presenting the research findings in the thesis.

1. Making a Research Design

a. Formulating Research Variables

In the early stages of the research, researchers selected and formulated research variables. The researcher formulated this by looking at previous literature. The variables used in this research are viral criminal cases, the principle of equality before the law, and substantial justice. Researchers brought these three variables because the phenomenon of viral cases is currently an issue that is widely discussed by the public. Researchers discussed the principle of equality before the law because it is a fundamental principle of law, so that

when dealing with law in law enforcement regarding the settlement of criminal cases, the principle of equality before the law is in accordance with the topic discussed. Furthermore, researchers discuss substantial justice because the data used compares viral and non-viral cases so that there are implications regarding justice from people who do not get the treatment they should get when dealing with the law.

b. Pre-Research

Preliminary study is the process of reading relevant literature to understand the theories and research relevant to the research topic. This process helps the researcher gain a better understanding of the context and complexity of the issue under study. Preliminary studies are also conducted to ensure that the content of the research is not the same. To ensure that there are no similarities in the research, researchers used the literature method by selecting viral and viral cases, conducting research on the principles of equality before the law and substantial justice. As a preliminary, the researcher conducted some preliminary data such as quoting

the words of Mr. Agus Tri Harmoko as an investigator at POLRESTABES Semarang;

"They prioritize the handling of cases based on how much public attention they receive[41].

Furthermore, the case of a motorcycle theft at Semarang City Hall which was committed on Sunday, December 3, 2023 which then went viral, the Semarang City Police quickly followed up on the case and only took 2 days, namely on Tuesday, December 5, 2023 immediately arrested the perpetrator.

Furthermore, data regarding non-viral cases such as the case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA was reported in 2020 and until now there has been no progress at all because the case did not grab the attention of many people or was not viral.

c. Formulating Research Problems

After conducting a preliminary study through a literature study process, the researcher then formulates research problems with considerations

[41] Interview Results with Aipda Agus Tri Harmoko as Tipidter Investigator of Semarang Police, Monday, August 7, 2023 at 10.00 WIB

that have been built with data in the field. In this case, the researcher's problem formulation process consulted with the supervisor through discussion. Then the researcher searched for literature that supported the researcher's references, studied the concepts of criminal law, police investigations, the principle of equality before the law, virality, and substantial justice, and found legal gaps between these variables to determine the problem formulation.

The research raised the first problem formulation, namely How is the process of solving criminal cases based on the priority of viral cases by the police. The researcher raised this issue because it was to find out how viral criminal cases were resolved and compared to non-viral criminal cases.

Researchers raised the second problem formulation, namely how the implications of the priority of viral cases handled by the police on the principle of equality before the law and substantial justice for the community. Researchers raised the formulation of the problem to find out what implications occur if the police prioritize the

settlement of viral criminal cases first compared to non-viral crimes from the perspective of the principle of equality before the law and substantial justice.

d. Formulate Basic Assumptions

Researchers formulate basic assumptions as a basis for formulating problems in research so that they can be examined carefully. The basic assumption or initial hypothesis of the researcher is that the police in solving criminal acts tend to prioritize viral criminal cases over non-viral criminal cases. This will certainly violate the principle of equality before the law and substantial justice of the community.

e. Determining Concepts and Theories

According to Effendi, a concept is a concept or definition used to describe an event, situation, group or person that becomes an object or term for a number of interrelated events[42]. Because concepts also function to represent the most complex things.

[42] Singarimbun, Masri and Sofian Effendi. 1987. Survey Research Methods. Jakarta: LP3ES. Page 33

This research uses the concepts of crime, virality, equality before the law, and substantial justice quoted from books, journals, theses, and student theses. The researcher brought these concepts because they were considered interconnected with the topic being discussed. Meanwhile, theory is a set of aggregate relationships, namely things that follow certain rules that are relevant or related to the main data that can be observed and used as a tool to provide explanations for observed phenomena[43]. The theory that the researcher built in this study was determined based on previous research and adjusted to the pre-research data so that several theories were taken, namely the virality theory from Jonah Berger and Katherine L. Milkman and the theory of substantial justice from Muhamad Syamsudin which raises 4 criteria so that it can be said that the law enforcement decision is in accordance with substantial justice, namely; rationality, honesty, objectivity, and impartiality.

[43] Sugiyono. (2010). Quantitative, Qualitative, and R&D Research Methods. Bandung: Alfabeta. Page 52

f. Determining Research Methods and Approaches

The phenomenon of viral cases has caught the attention of many people, resulting in the term no viral no justice. The phenomenon assumes that the police are more concerned with viral cases first to be resolved than cases that are not viral. With the presence of this phenomenon, researchers are interested in discussing viral criminal acts to be reviewed and detailed further. In order to clarify the direction of the research, the researcher brings two other variables so that the variable of priority for resolving viral crimes can be analyzed from various perspectives. First, there is the variable of the principle of equality before the law that researchers discuss because it is a fundamental principle of law, so that when dealing with law in law enforcement regarding the settlement of criminal cases, the principle of equality before the law is in accordance with the topic discussed. Furthermore, researchers discuss substantial justice because the data used compares viral and non-viral cases so that there are implications regarding justice from people who do

not get the treatment they should get when dealing with the law.

The type of research that researchers take is qualitative and field research. Qualitative research is a process of scientific activity that aims to understand human or social phenomena by presenting a clear and complex picture that can be presented with a series of words, has a detailed view of the source and can be carried out in a natural setting. Field research is research that studies the background of the current situation in society, institutions, groups, individuals, and social interactions intensively.

Researchers chose an analytical descriptive method with an empirical juridical approach, namely legal research on the validity or application of the formal legal system to a legal problem in society. Empirical juridical research answers problems that require field research data. In the context of legal theory, empirical juridical research methods are related to the concept of natural and universal law and legal processes in the field of national law. Empirical juridical approach, namely how the law is implemented, including in the law

enforcement process. This is because the research approach discussed reveals problems related to the implementation and enforcement of law in society and justice in society.

2. Research Implementation

a. Data Collection Process

This research in finding data uses primary data in the form of direct interviews in order to obtain clear and complete data. Informants are determined based on how much the informant's role in the data needed by the researcher. The interview conducted by the researcher was a direct interview with an investigator at the Semarang City Resort Police (POLRESTABES Semarang) named Agus Tri Harmoko, S.S.. with the rank of Aipda as Tipidter Investigator of Semarang Police Station and Mr. Yusuf as PIDUM Investigator of Semarang Police Station, online interviews with Dessy Novianti as a case reporter at Sungai Raya Police Station in West Kalimantan as a community whose case did not go viral, online interviews with Mr. Maulana Anwar as a case reporter of fraudulent investment at Ngaliyan Police Station in West Semarang who had

reported their case to the police and the case did not go viral, Kornelius Benuf S. H. Advocate from Broto Hastono *& Associates* law office who handled the viral case with number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023 as well as a legal practitioner and observer, Rizky Prasetyo, S.H Advocate from Broto Hastono *& Associates* law office as a legal practitioner and observer, and Muhammad Basir S.H.I., M.Ag Advocate from MBI *Law office* who has handled viral cases as well as legal practitioners and observers.

Secondary data from this research are in the form of books, journals, articles, theses, theses, case reports in the police and other secondary data related to the research.

b. Data Processing Process

Researchers process and organize data to sharpen and organize it. researchers process data by analyzing viral and non-viral cases, which are then tested with the concepts of substantial justice and *equality before the law*.

c. Data Analysis Process

This research uses qualitative analysis. Data analysis is the analysis of data that has been collected by researchers using certain methods. In qualitative research, data analysis is carried out over a period of time during data collection. During the interview, the researcher analyzed the respondent's answers. If the analysis results are not satisfactory, the researcher will ask another question until he gets data that can answer the problem under study. Qualitative data analysis is carried out interactively and continuously until completion.

Researchers analyze data using theories that have been used previously to assess the results of data processing. In this case, the researcher uses descriptive data analysis to provide an overview of the subject and object of research. Descriptive qualitative techniques are used to explain how the role of the police in solving cases based on the level of virality, by conducting interviews with police investigators regarding the handling of viral cases and interviewing people who report their cases to the police but the cases are not viral which will then be examined using a research knife in the form of

the theory of substantive justice and the principle of *equality before the law* and assisted by legal materials in the form of laws. The following is the data analysis process:

1. Data Reduction

   Select data that is in accordance with the research focus. Analysis known as data reduction in the form of activities to classify, direct, discard unnecessary, and organize the reduced data. This analysis provides a clearer picture of the observations.

2. Data Presentation

   Data presentation is a set of information arranged so that conclusions and actions can be made. Researchers group data systematically to make it easier to understand the relationship between components in a complete context. By displaying data, it will be easier to understand what is happening and plan further work based on what has been understood.

3. Drawing Conclusions

The researcher made formulations and used them as findings. After that, the researcher evaluates the existing data repeatedly. Data collected in the field must be recorded carefully and in detail. After the data is reduced, summarizing, focusing on important things, and finding patterns. After that, the data is presented, so that it is organized and arranged in a relationship pattern so that it is easier to understand. After that, conclusions were drawn.

d. Data Validity Testing Process

This research uses source triangulation in its data testing. Triangulation of sources, namely interviews conducted to investigators from the police at POLRESTABES Semarang.

After conducting interviews with several investigators, researchers validated the data with legal practitioners, namely Rizky Prasetyo, S.H. Advocate from Broto Hastono *& Associates* law office as a legal practitioner and observer, Kornelius Benuf S.H. Advocate from Broto Hastono *& Associates* law *office* as a legal

practitioner and observer, and Muhammad Basir S.H.I., M.Ag Advocate from MBI *Law office* who has handled viral cases as well as a legal practitioner and observer. As well as victims who experienced criminal acts, namely Dessy Novianti as a case reporter at the Sungai Raya Police in West Kalimantan and Mr. Maulana Anwar as a case reporter of fraudulent investment at the Ngaliyan Police in West Semarang. After the interview data was validated, researchers corroborated the main data with additional data such as document number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Central Java Police dated December 26, 2023 and document number: TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA.

e. Data Presentation Process

To be able to understand the situation in the field under study, data presentation is necessary. "An organized set of information that provides the possibility of drawing conclusions and taking

action" is the definition of data presentation[44]. In qualitative research, data is not presented in the form of narrative text because it makes it poorly organized. A better version of this data is presented in the form of charts, brief descriptions, flowcards, relationships between categories, and so on.

This research in presenting data uses data presentation based on category relationships because it can explain and narrate in more detail and structure between one sub-discussion and another.

3. Preparation of Research Reports

a. Guidance Process

The researcher conducted the first guidance on February 19, 2024, after which Mrs. Novita Dewi gave several revisions to my thesis proposal to add some data in Chapter I, adjust the problem formulation to the title, and revise the research benefits.

[44] Miles, M. B. & Huberman, A. M. (1994). Qualitative Data Analysis: An Expanded Sourcebook. United States: Sage Publications. Pp. 167

After the revision, we continued the guidance online via *Whatsapp* with some revisions in the research methods section. After that Mrs. Novita Dewi approved my research to continue until chapter 5 independently and will be revised at the end when everything has been completed.

After everything was finalized, we discussed again and asked questions about data, theories, problem formulations, and variables presented in the research title. The research was completed on September 27, 2024 and then the final corrections were made again by Mrs. Novita Dewi as the first supervisor and Mr. Nazar Nurdin as the second supervisor.

b. Data Analysis and Presentation

In this study using an analysis technique in the form of descriptive qualitative, which is a research process that aims to understand human or social phenomena by building a comprehensive and complex picture that can be represented in words,

providing detailed insights from sources of information and carried out in a scientific manner[45].

The use of descriptive qualitative techniques is to explain how the role of the police in solving cases based on the level of virality, by conducting interviews with police investigators regarding the handling of viral cases and interviewing people who report their cases to the police but the cases do not go viral which will then be examined using a research knife in the form of the theory of substantive justice and the principle of *equality before the law*.

c. Formulating Suggestions

After knowing and investigating the *legal gaps* found, the researcher makes suggestions or recommendations. After the data is complete, the researcher draws a final conclusion about the implications of the priority of virality of criminal cases by the police on the application of the principle of equality before the law and substantial justice for the community.

[45] Walidin, W., Saifullah, & Tabrani. (2015). *Qualitative Research Methodology & Grounded Theory*. Banda Aceh: Ftk Ar-Raniry Press. Pp. 77

d. Supervisor's Approval

Researchers received approval from the supervisor with the research title, namely “Prioritization of Law Enforcement In Viral Cases by the Police in the Context of Implementing the Principle of Equality Before the Law and Substantial Justice” researchers received a research title on February 19, 2024 by the first supervisor, namely Mrs. Novita Dewi Masyithoh.

CHAPTER II
OVERVIEW OF VIRAL CRIMES, THE PRINCIPLE OF *EQUALITY BEFORE THE LAW*, AND SUBSTANTIAL JUSTICE

A. CRIMINAL OFFENSE

The three main topics of criminal law relate to what is called crime (*criminal offense, strafbaarfeit*, and criminal act), criminal responsibility, and punishment. The concept of crime is an issue that is closely related to the issue of *criminal policy*, namely the process by which a person's actions that were not originally criminal become criminal[46].

Crime is a basic understanding of criminal law that refers to acts that violate criminal law. According to Vos, crime is an unlawful act threatened by law, namely an act that can usually be prevented by the threat of a crime[47]. According to Simons, a crime is an act that is punishable by punishment, which is illegal and against the law, contains fault, and can be held accountable by the perpetrator[48].

---

[46] Rasyid Ariman and Fahmi Raghib, Criminal Law, (Malang: Setara Press, 2016), Page 57.

[47] Tri Andrisman. Criminal Law: Principles and Basic General Rules of Indonesian Criminal Law. University of Lampung. 2007. Bandar Lampung. Page 81

[48] Moeljatno, Principles of Criminal Law, Jakarta, Bina Aksara, 2005, p.20

A crime is basically an act that is prohibited by law or the act that results from it is also prohibited by law. Certain crimes are more closely related to law enforcement or legislation. Certain crimes are only concerned with legal norms or regulations, and do not take into account legal facts. So that the interpretation and implementation of existing laws in society will be very incompatible with what the community itself wants because the implementation of a law is based on a *strict norm* or only norms that have been regulated in the law, not based on field facts in society.

B. Virality Concept

Viral is an abbreviation of the English word "*virus virtual*", meaning a *virus* that is not real[49] which in the development of the term "viral" is defined as the widespread and rapid spread of a *virus*. When we talk about the Internet, the word "viral" means that it becomes popular among Internet users because it is often commented on, liked, or shared. Viral is the dissemination of information via the Internet, which then spreads rapidly, generates fame and publicity and becomes the

[49] Yuni Retnowati, (2023). Viral Phenomena And Social Capital In The Case Of The Abandoned Luxury House Of Tiko And Mrs. Eny. *Indonesian Journal Of Advanced Research*, *2*(1), pp. 51-70

talk of the crowd[50]. The process of social media virality can first be explained by understanding social media data and audience characteristics. Information is a commodity in the digital era[51].

In the consumption of information, it is necessary that the name is *work of consumption,* then the *work of consumption* is influenced by the ability and competence of the audience then in the process it can be defined that the audience is an active audience. By utilizing information, audiences also fulfill the function of *work of production* because they produce new information from old information. In other words, when sending content or information on social networks, the sending does not just stop at one person, but other users can also send the content to others to their accounts with different narratives. This process is a *work in progress*. This process requires an effort to consume and reproduce previously used information. Therefore, people act as producers as well as consumers[52].

Information as a commodity is attractive to audiences who act as digital agents who are willing to do *work of consumption* and *work of production* , giving rise to a stage of *work in*

[50] Christiany Juditha, (2018). Hoax Communication Interaction in Social Media and Its Anticipation. *Pekommas Journal,*, *3*(1), pp. 31-44.

[51] Cesaero in Rulli Nasrullah. (2022). Cyber Media Theory and Research. Jakarta: Kencana Prenada Media Group. Page. 64

[52] Fuch in Rulli Nasrullah. (2022). Cyber Media Theory and Research. Jakarta: Kencana Prenada Media Group. Page. 65

progress. In other words, there is a process of sharing information on social networks so that it does not stop at just one person. At the same time, information spreads quickly and widely, resulting in virality. The emergence of a culture of information sharing as a new culture after the emergence of social media. This culture is not only about content created by social media users themselves, but also reposting or sharing content created by others[53]. Sharing on social media helps spread content because the number of *shares* is higher than other content is the basis for making information go viral. Content or information that has negative emotions will certainly contribute negatively to the virality of a content. Conversely, content with positive emotions will also make a positive contribution to content virality[54].

Information can be said to be viral if it is shared many times by social network users[55]. The results of research conducted by Deza and Parikh show that viral content or information has a high virality value than other content, this

[53] Nasrullah. (2022). Cyber Media Theory and Research. Jakarta: Kencana Prenada Media Group. Page. 65

[54] Jonah Berger and Katherine L. Milkman, (2013). Emotion And Virality: What Makes Online Content Go Viral? *Nim Marketing Intelligence Review*, *5*(1), Pp. 19.

[55] Arturo Deza And Devi Parikh, (2015), *Understanding Image Virality", Proceedings Of The Ieee Computer Society Conference On Computer Vision And Pattern Recognition*, Pp. 1818-1826. Doi: 10.1109/Cvpr.2015.7298791. Pp. 1819

virality metric can be obtained from the number of visitors who see the post (*views)*, the number of social media users who like the post more than other posts[56]. As stated by Dijk and Poell, social media can make its users famous[57]. This popularity makes many users compete with each other to create content that can go viral. Usually, these users plan or predict the content that will be created to go viral. Vallet's research shows that content virality can be assessed by calculating the level of popularity of social media content and its viral score. The social networks used in Vallet's research are YouTube and Twitter. It is known that the popularity value of a YouTube content is reflected in the number of people who see the content, while the value of viral content from Tweeter is reflected in the number of mentions and *Re-Tweets* made[58].

C. POLICE AS CRIMINAL CASE INVESTIGATORS

The composition and position of the police in various countries around the world are always associated with the

[56] Deza and Parikh in Lidya Agustina, (2020). Content Virality on Social Media. *Popular Semi Scientific Magazine of Mass Communication*, *1*(2), pp. 155.

[57] José Van Dijck And Thomas Poell, (2013) "Understanding Social Media Logic", Media And Communication, 1(1), . Doi: 10.12924/Mac2013.01010002. Pp. 16

[58] David Vallet Et Al. (2015), Characterizing And Predicting Viral-And-Popular Video Content", International Conference On Information And Knowledge Management, pp. 1598. Doi: 10.1145/2806416.2806556.

administration and criminal justice system, even the police administration system is a subsystem of both systems. Public administration or government administration is concerned with the maintenance of order at the level of prevention and control so that it has the characteristics of basic public services such as: Regulatory tasks, licensing, implementation of basic functions, supervision, and dispute resolution. The criminal *justice* system applies a repressive approach to policing and is therefore characterized by a criminal justice system. Richard J. Terrill, in his book The World's Criminal System, compares the criminal justice systems of various countries, such as the United Kingdom, France, Sweden, Japan, and the Soviet Union, which consist solely of the following aspects: government, police, judiciary, regulatory, correctional and juvenile justice, and is not affiliated with the armed forces or military sector as it is generally considered unrelated. Furthermore, it can be concluded that the composition and position of the police does not correspond to the composition and position of the army or armed forces[59].

Inquiry and investigation are important because investigating officers at the inquiry and investigation level have the opportunity to take coercive actions such as arrest,

[59] Richard J. Terrill. (2013). *World Criminal Justice Systems*. Anderson Publishing, Limited. Pp. 113

detention, search, seizure, and seizure of documents. If the victim objects to law enforcement actions that are carried out unlawfully, he or she can file an objection, or pretrial.

Based on Article 1 point 5 of the Criminal Procedure Code, an investigation is a series of actions/investigations to seek and find an event suspected of being a criminal offense in order to determine whether or not an investigation can be carried out according to the procedures regulated in the Law.

The Inquiry is carried out before the investigation, because the emphasis is on the search for criminal offenses, so the investigation is essentially an investigating officer who tries or on his own initiative determines a case that may be a criminal offense. The purpose of the investigation is to provide responsibility to those conducting the investigation and not to commit acts that offend the dignity and humanity of a person[60].

Meanwhile, investigation, as emphasized in Article 1 point 2 of the Criminal Procedure Code, is "a series of actions carried out by investigating officials in accordance with the methods regulated in this law to seek and collect evidence and with this evidence make or become clear the criminal acts that

[60] Luki Arif Wibowo, 2017, The Role of Police Investigators in Criminal Investigation (Case Study of Semarang Police Station), Thesis: Semarang State University. Page. 6

occurred and at the same time find the suspect or perpetrator of the criminal act"[61].

The police have the authority to enforce the law against all types of criminal acts[62].The main tasks of the Indonesian National Police are:

a. Maintaining public security and order,
b. enforcing the law, and
c. provide protection, protection, and service to the community.

Then in article 14 paragraph (1) letter g of the Police Law states that: In carrying out its main duties as referred to in Article 13, the Indonesian National Police is tasked with conducting investigations and inquiries into all criminal offenses in accordance with criminal procedural law and other laws and regulations. Thus the police have been given great authority to enforce the law against all violations of applicable laws in Indonesia.

Investigation work focuses on finding crimes or suspected crimes. Investigation emphasizes the discovery and collection of evidence. So that it is clear the crime that is found

[61] Criminal Procedure Code of the Republic of Indonesia

[62] Parlin Azhar Harahap, et al. (2021). The Role of the North Sumatra Regional Police (Polda-Su) in Law Enforcement Against Election Crimes. *Retentum Journal*, *2*(1), pp. 94.

and then a suspect is named based on the investigation. Between investigation and investigation, two fields of activity but have the same characteristics. Both aim to resolve a criminal case.

D. PRINCIPLE OF EQUALITY BEFORE THE LAW

Equality before the law as a generality of rules is irrelevant as a demand for equality, only partially sufficient, but it is not at the heart of the problem of applying the law. The argument that the existence of general rules can fulfill the demand for equality is an ancient one, which Plato and Aristotle had put forward when they supported the rule of laws instead of men. This argument is meant to provide an ethical argument, which aims to avoid the arbitrariness of governments treating people arbitrarily without equal care and respect, but it does not necessarily guarantee fair equality. Since it is generally nothing more than the equal application of a group of people, as has been shown, the general nature of *equality before the law* is not only compatible with racial and other discrimination but also useful for institutionalizing it. However, it must be recognized that the existence of rules, regardless of their application, can provide some kind of restriction on arbitrary power, thus being a necessary though not a sufficient condition to ensure that a social order has the minimum equality necessary for well-being

to exclude arbitrary power[63]. Since equality before the law requires something more than the mere existence of announced or declared rules, which is understood here to refer only to announced rules, it cannot be applied to the overall meaning of those rules. The principle of equality before the law means that courts or law enforcers must give equal treatment to people in similar cases[64].

Equality in the application of rules is common sense, and it is not a superfluous or, worse, a perverse principle. Demonstrating the ethicality of this principle is a different matter, asking to what extent equality before the law should take precedence over other possible criteria, such as substantive justice or, in the case of valid but practically unenforceable rules[65]. This point was made by Kelsen when he stated that equality before the law has nothing to do with justice because such equality is perfectly compatible with rules that are grossly unjust and inegalitarian.

---

[63] Isaiah Berlin. 1978. Equality. In J. Berlin, Concepts and Categories. Philosophical Essays, pp. 97. London: The Hogarth Press.

[64] Thamariksa In Pratama, Y.I. 2023. Inclusion of Capital Punishment as Principal Punishment in Law Number 1 Year 2023 on National Criminal Code in Relation to the Principle of Equality Before The Law. Thesis: Pasundan University Bandung. Page. 36

[65] Alfonso Ruiz Miguel, (1997). Equality Before The Law And Precedent. *Ratio Juris*, *10*(4), pp. 372-391.

We can fully recognize that the application of any rule that contains unjust distinctions is unjust without accepting, as Kelsen seems to do, that equality before the law has no ethical value whatsoever. Kelsen is correct in stating that if a legal rule is unjust, then its legally correct application will also be so. However, this fact does not mean that equality before the law has no moral weight. It only allows us to conclude that the principle, as well as the principle of legality and many other legal principles, are not absolute and conclusive criteria, but only criteria that can be overridden. This therefore means that when rules are fair and perhaps even when they are not blatantly or outright unfair, the principle of equality before the law deserves great, if not absolute, respect.

Equality before the law serves as an ethically sound legal principle when it functions within a framework that reasonably guarantees equality in law, allowing for exceptions, through judicial review of the validity of regulations that do not respect the basic requirements of equal justice. For example, where the regulation discriminates on the basis of race, gender or the like. While equality before the law carries some weight, this is more apparent when we consider rules that are only slightly unfair. Suppose I go to the police station to file a report on my case and they take care of the investigation but I have to wait for months, but there are other people who have only been

filing reports with the police for a few days and have already been investigated in a matter of weeks. This is an unfair imbalance in the application of the rules that cannot be justified. Of course, because simple equality can always be obtained in two ways (obeying and disobeying the rules in each case) and because the rules exist. That is, it is a privilege granted to others before the law.

The principle of equality before the law is contained in the general explanation of the Criminal Procedure Code (KUHAP), which states that everyone is treated equally before the law, without discrimination[66]. Article 27 Paragraph (1) of the 1945 Constitution also emphasizes that all citizens have the same status and position before the law. The principle of equality before the law is found in almost all state constitutions, this is the basis that protects the human rights of citizens. “If this is enshrined in the Constitution, then it is a logical consequence that the government and law enforcers must implement and apply this principle in the life of the state."[67].

[66] M. Yahya Harahap, 2012. Discussion of Problems and Application of Kuhap, Investigation and Prosecution, Second Edition, Sinar Grafika, Jakarta, Page 436

[67] Diska Kurnianto. 2017. Implementation of Deponering in the Perspective of the Principle of Equality Before The Law. Thesis: University of Muhammadiyah Magelang. Page. 24.

Equality before the law in the 1945 Constitution is a series of rights and obligations that must be carried out based on their respective positions. Equality before the law means that law enforcers and the government must treat every citizen fairly with no special treatment and without discrimination[68].

E. CONCEPT OF SUBSTANTIAL JUSTICE

According to some definitions, the term "justice" is derived from the Arabic word *"adl",* which means "not one-sided, impartial, in favor of the right, proper, or not arbitrary[69], meaning that justice is all about one's attitude and actions in interpersonal relationships. Justice includes how each person treats the other without indiscrimination or favoritism. Aristotle provides a fundamental description of justice in Book Five of the Nicomachean Ethics. To understand justice and injustice, we have to talk about three main things: namely what actions are associated with the term "justice", what justice means, and where justice lies between two conflicting points.

Justice under the law, also known as legal justice, is justice established by law in the form of rights and obligations,

[68] Ahmad M. Ramli, 2008, Analysis and Evaluation of the Law of Prosecution and Examination of Corruption Crimes, National Law Development Agency, Ministry of Law and Human Rights, Jakarta. Page. 90

[69] J. C. T. Simorangkir. 2019. Legal Dictionary, Catra Dharma Press: Jakarta. Pg. 21

and violations of this justice will be punished through legal proceedings[70]. This suggests that if someone has violated justice, they will be subject to punishment through legal proceedings.

So far, justice remains the most important and interesting subject to discuss in both the theoretical and practical realms. This is due to the fact that in the field of theory, the interpretation of justice is still a subject of continuous debate that has yet to reach a consensus on the actual parameters of justice. So far, the public has stated and judged that law enforcement agencies are unfair because they are too full of rigid procedures and slow in making decisions on disputes and conflicts. This factor seems to be inseparable from the law enforcers' approach to law which is very normative-procedural.

Because law enforcers, especially the police, are no longer just *la bouche de la loi* (the mouthpiece of the law), they must be able to function as living interpreters who are able to capture the spirit of justice in society and are not shackled by the procedural normative rigidity that exists in a statutory regulation.

According to *Black's Law Dictionary* Seventh Edition, substantive justice is when it is administered in accordance with

[70] Fuady, Munir. (2007). The Dynamics of Legal Theory. Bogor: Ghalia Indonesia. Page. 118

substantive legal rules without considering procedural errors that do not affect the substantive rights of the Plaintiff or the party in conflict[71]. This shows that materially and substantively, formal errors can violate justice. Conversely, formal errors may be justified if they are materially and substantively fair. Law enforcement can tolerate procedural errors as long as they do not violate the substance of justice. In other words, substantive justice does not mean that judges must always ignore the letter of the law. Instead, substantive justice allows judges to ignore laws that do not provide a sense of justice.

According to Mertokusumo, a legal scholar must have the ability to solve juridical cases, which consists of three activities: (i) determining legal problems, solving them, and making decisions. Therefore, in the process of solving legal problems, appropriate legal reasoning steps are required[72].

There are at least six main steps in the process of legal reasoning in the decision-making process: (1) Identifying the facts to produce the most convincing case structure that the case actually occurred, (2) connecting the case structure with the relevant legal sources, in order to determine the legal act from

[71] Black, H. C., Garner, B. A., Mcdaniel, B. R., Schultz, D. W., & West Publishing Company. (1999). *Black's Law Dictionary* (Vol. 196). St. Paul, Mn: West Group.

[72] Mertokusumo, S. (1990). Legal Education in Indonesia in the Spotlight. *Kompas Daily*, *7*, 2.

a legal point of view. (3) selecting sources related to the law and legislation to find the guidelines of the law, so as to create a coherent legal structure. (4) linking the legal structure with the case structure. (5) looking for alternative solutions, and (6) deciding on the choice of a path, and then making it the final decision[73].

Legal reasoning should enable a *socio-legal* approach to understand legal issues in society in a more contextual manner and in relation to the sociocultural conditions of the community. These are the things that are considered to produce substantive justice. Qualitative justice is based on public morality and human values, and is able to provide satisfaction and happiness for the community. This is different from formal justice which is measured quantitatively or formal justice[74].

The rules that apply in the most *socially oriented* stages of justice discovery are not only considered in substantive justice decisions. Much sociology of law considers justice as a social issue, not just a juridical one. Substantive justice depends on the "response" of society, so problem solving depends on the law "listening to the conscience of society". In other words, the

[73] Shidarta. 2004. Characteristics of Legal Reasoning in the Indonesian Context. Bandung: Cv. Utama. Page. 177

[74] Umar, Sholehudin. 2011. Law & Community Justice. Malang: Setara Press. Page. 44

law has the ability to understand the public's wishes and is committed to achieving substantive justice[75].

Luthan and Syamsudin define substantive justice as follows: substantive justice that is made based on logical, honest, impartial, and objective (logical) considerations[76]. According to this idea, there are four criteria that can be used to determine whether a decision contains substantive justice: rationality, honesty, objectivity, and impartiality.

Objective parameters use rational criteria external to the person making the judgment, such as perceptions, assumptions, or beliefs. In contrast, subjective parameters use internal parameters from the person making the judgment, such as perceptions. Information, opinions, information, or facts are considered objective if they correspond to the true state of things[77].

[75] Ridwan. 2008. "Realizing the Progressive Legal Character of the General Principles of Good Governance Solution for the Search and Discovery of Substantive Justice." Pro Justicia Law Journal Vol. 26 No.2. Page 67

[76] Syamsudin, Muhamad. 2008. Proficient in Writing Legal Memorandum. 2nd Ctk. Jakarta: Prenada Media Group. Pp. 67

[77] yamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), pp. 18-33.

CHAPTER III

RESEARCH METHODS

A. The Process of Resolving Criminal Cases Based on the Prioritization of Viral Cases by the Police

1. Criminal Act of Theft

After responding to the viral case that occurred in the previous discussion, it is inversely proportional to what was experienced by Dessy Novianti who has reported a case of theft of her cellphone since 2020 with report Number: TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA. The chronology of the case began when Dessy was leaving the house using her motorcycle and parked the vehicle on the side of the road[78].

After parking the vehicle, Dessy had not yet gotten off her motorcycle and then from the left direction there was a motorcycle with two people on a bicycle approaching Sister Desyy's motorcycle and took Dessy's cellphone which was on the *dashboard of* Dessy's motorcycle. After it was taken, Dessy realized this and immediately chased the perpetrator

[78] Interview with Dessy Novianti, Sunday, September 21, 2024 at 13.00 Wib.

and Dessy could not catch up with the perpetrator and lost his trail. On the same day the victim reported the incident to the police. After reporting, the victim posted the incident to Facebook and was seen by a friend of the perpetrator. The perpetrator's friend told Dessy about the identity of the person who took her cellphone and told her the exact same motorcycle with the license plate that the perpetrator used to steal it. In fact, the perpetrator's friend had escorted the victim and the police to the perpetrator's house. However, the police have not followed up on the case at all until now.

There is no progress at all, even the police report is just a formality[79].

The case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA has not progressed at all. The case did not grab the attention of many people or did not go viral. There is quite a lot of evidence such as the cellphone case that belongs to the perpetrator's friend and the victim's headset is also with the perpetrator's friend. Worse, the perpetrator's own friend told Dessy that it was

[79] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

the perpetrator who took Dessy cellphone. Dessy already knew the address of the perpetrator and had given the information to Dessy. However, until now the police have not moved quickly and it has been counted 4 years since there has been no progress at all on the case reported by Dessy.

I am disappointed with the performance of the police because the reports that were reported showed no progress at all and I hope that the police will follow up on all cases reported to the police and not only focus on big cases, but also cases that are directly related to the community, such as this cellphone theft[80].

Dessy Novianti was disappointed with the performance of police investigators who did not follow up on the case she reported. She commented that the police should follow up on all cases that have been reported not only on large or viral cases, but all cases without exception. Moreover, the case reported by Dessy is an easy case because the evidence, witnesses, and address of the perpetrator are already known. This means that the police only need to summon or process those reported. Contrary to what should have been, it turns out that the police did not even have any progress,

[80] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

communication or anything about the case reported by Sister Dessy. This is in accordance with what Dessy said as follows:

Until now, there has been no summoning of witnesses and no progress at all until now[81].

As if it was just a formality, the report reported by Dessy was only a data collection and there was no follow-up at all. This is certainly very detrimental to people like Dessy who feels that the loss of the cellphone has affected her life because the cellphone is used for selling and daily activities. Based on the size of the case, a *restorative justice* scheme should have been implemented in Sister Dessy's case because this case was not too big. However, even up until now, the police have not implemented this scheme. This means that this is not a matter of the size of a case, but has entered the realm of police performance which deliberately did not process the cellphone theft case reported by Dessy. In accordance with the answer of the interview results said by Dessy when asked whether there had been communication by the police or summoning the parties to be asked to reconcile or do a *restorative justice.*

[81] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

Never met the perpetrator at all[82].

In the current digital era, social media is used as a tool to report victims in any case, including criminal cases. Social media can encourage netizens to collaborate and act in various cases, encouraging law enforcement officials to handle cases. Many criminal cases have not been resolved by law enforcement, but law enforcement only considers the case after it is widely spread on social media. So, the phenomenon of "*No viral no justice*" is the reason why it arises to uphold justice for victims. Irresponsible individuals often undermine the law enforcement process through abuse of power, corruption, collusion, nepotism, and others.

So it is not surprising that law enforcement issues are currently a real problem and attract public attention. Law enforcement officials, especially the police, must respond to criminal cases reported by the public or justice seekers without first going viral on social media.

Law Enforcement is carried out to achieve the objectives of criminal law. Legal experts have different opinions about the purpose of criminal law, but different

[82] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

opinions always lead to the equation between the purpose of criminal law and the purpose of imposing punishment or punishment. This is due to the fact that there is no significant difference between the two[83].

To create a sense of justice in society, criminal law is applied. Undoubtedly, the paradigm of justice changes as society evolves. *Restorative justice* is the result of a shift in the perspective of criminal law, which initially focuses on retaliation and leads to corrective justice aimed at repair[84].

2. Crime of Vehicle Embezzlement

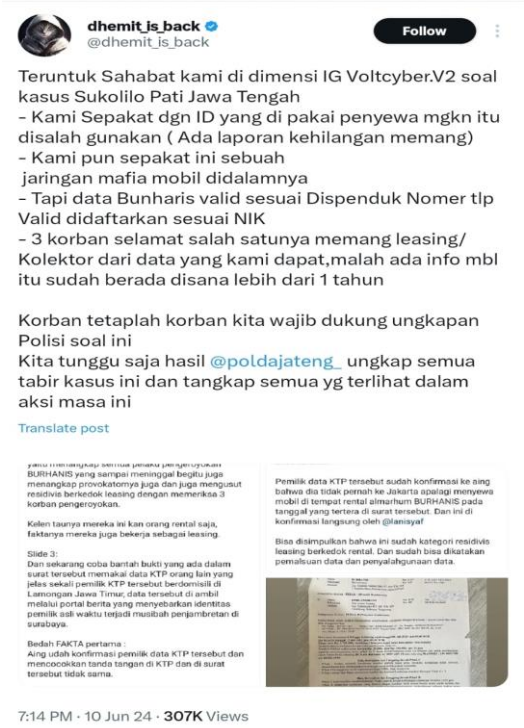
In early 2024, we saw the case in Sukolilo Village in Pati which was so viral that the public was very concerned about the case, even if we look at the Intagram account @voltcyber_v2 (which is now blocked*)* and the tweet account @dhemit_is_back there the owner of the account provides a location where the collectors gather so that the police raid *door to door* every house that has a vehicle to show the letters, would the police have been silent if the case had not gone viral?

[83] Ali, M. (2022). *Fundamentals of Criminal Law*. Jakart: Sinar Grafika.

[84] S., T. Burhanuddin. (2022). Changing the Paradigm of Justice. Bandung: Marja.

The effect of these activities from the Semarang police station itself, peninindakan against traffic violators is increased. Such as patrols and law enforcement then. Likewise, the police stations increased their patrols.[85].

Picture 4.1.
Screen Shoot IG Voltcyber



Source:

[85] Interview Results with Mr. Yusuf as Criminal Investigation Officer of Semarang Police, Friday, July 28, 2024 at 14.00 WIB

https://x.com/dhemit_is_back/status/1800139425021833500?t=SvBH8Y3-8s5yse4IAVSQYQ&s=19

From the data above, the police responded to viral news spread on the internet by increasing enforcement or traffic compliance operations, to patrolling the roads around Semarang. So, with *viral* news in the community, it will also correlate with police performance in the community.

Moreover, advocate Muhammad Basir from MBI *Law Office* said that the element of virality in a case is:

The element of virality in a case is of course very influential on the speed of solving the case because the police see the interest in the community as well, especially the police must also pay attention to our SOPs and legal procedures in solving it[86].

Cicero said, "*ubi societas, ibi ius*", which means that law exists where society exists. Societies make laws to regulate their lives. In other words, laws are made and enacted for the benefit of society to maintain order, tranquility and prosperity. In fact, laws are not always obeyed. There are often violations that jeopardize the integrity of society. The

[86] Interview Results with Muhammad Basir S.H.I., M.Ag, Tuesday, October 1, 2024 at 10.00 WIB.

duty to ensure that laws are obeyed, prevent violations, and punish those who violate them is necessary to realize legal order. Basically, society can do the above three things. Nonetheless, the state takes over these duties due to conflicting interests among the people[87].

Furthermore, the enforcement and resolution of criminal cases in Indonesia can certainly be based on whether the case is viral or not because the police see how much the public highlights and oversees the case. This is similar to the words of Kornelius Benuf S.H. an advocate from BROTO HASTONO & Associates who stated:

Virality in a criminal case certainly affects the resolution of the case. Not only in the realm of the police, but up to the trial stage. However, even though the case is viral, the police or other law enforcers are obliged to follow existing procedures and SOPs in resolving existing criminal acts. For example, the Vina case and the case of the DPR RI's son Ronald Tanur, which attracted so much public attention that it was very viral, certainly greatly affected the resolution of the case[88].

[87] Kurniawati, V. N. F. (2021). Police Performance Study on Wrongful Arrest Cases. *Juristic Journal*, *2*(02), pp. 153-165.

[88] Interview Results with Kornelius Benuf S.H., Friday, October 4, 2024 at 13.30 WIB.

Mardjono stated that the criminal justice system is a crime control system consisting of police, prosecutors, courts, and correctional institutions[89]. The aim is to prevent others from becoming victims of crime, solve crime cases so that the public is satisfied that justice has been served and the guilty are punished, and make people who have committed crimes stop doing it again. Criminal justice is also a formal way of responding to crime. However, it does not justify reckless overreaction without the protection of human rights, such as the right to be presumed innocent, the right to legal aid, the right not to be tortured, and other rights in situations where a person is found guilty. Of course, the criminal justice system must conduct examinations in a professional manner with more focus on evidence or facts.

Virality can actually affect and also not affect the resolution of criminal cases in Indonesia. Because any case must refer to two valid evidence, then it can be followed up to be transferred to the prosecutor's office and court. In certain cases, it can certainly have an effect, such as the case of V. Esthanya Widyatmiko, which went viral yesterday and our office also resolved it, of course the course of the case was fast because there was a lot of coverage. On the

[89] Anthony. 2014. The Face of Our Judiciary, Refika Aditama, Bandung. Page 74

other hand, of course, if the case does not have sufficient evidence, even if it goes viral, it certainly cannot be processed further. But, of course, it can affect the mobilization of existing resources to resolve the case[90].

The police, who are at the forefront of implementing the law in Indonesia, must be careful in carrying out their duties. Because it is not just about carrying out state duties, but must think about material-oriented substantial justice, not just procedural ones in positive law. As with cases that go viral and become the concern of many, the police must be wise in handling the case and take appropriate steps in its prosecution.

So, is it necessary for the police to satisfy the wishes of the people in carrying out their duties and always defending the interests of the community? And do the police have to do everything according to procedural rules?

In essence, the police work optimally, it is better to do wrong, than to do nothing and it is wrong. Whatever the case, the police must be present in the midst of society. For example, if there is an unauthorized demonstration, it is certainly wrong if the police are

[90] Interview Results with Rizky Prasetyo, S.H., Friday, October 4, 2024 at 13.30 WIB.

present because there is no permit, but the police must act and must continue to secure it[91].

From the data above, it can be described that the police must be present in the community for whatever reason. It is not a matter of having to satisfy the community, but as a form of security for the police's authority as law enforcers. Regarding whether the police must always prioritize procedural in action, of course, from the data above it can be concluded that in the action of an unlicensed demonstration the police cannot be present because there is no legality for the demonstration in accordance with article 13 of Law Number 9 of 1998 concerning Freedom of Expression in Public. However, with the function of the police as security, the police must be present at the demonstration even though it is not in accordance with the procedure if the police are present at the demonstration. The presence of the police in the community will certainly correlate with substantial justice, not formulative because the presence of the police at the

[91] Interview Results with Mr. Yusuf as Criminal Investigation Officer of Semarang Police, Friday, July 28, 2024 at 14.00 WIB

demonstration should be when the demonstration has a permit.

3. Crime of Murder

The next case was a viral case in report number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/ Central Java Police on December 26, 2023. According to the prosecutor, the chronology of how Richie died was that the defendant took the victim to the bathroom to defecate at 5.45pm. The defendant came out of the bathroom and left the victim with the door open, and had removed the victim's pants. The defendant cooked some snacks and ate lunch while checking on the other children. After 30 minutes, the defendant returned to the bathroom and found the victim lying on her back. The defendant examined the victim who was already dead. The victim did not move even though the defendant patted her cheek. After that, the defendant put on the victim's pants even though her buttocks were full of faeces[92].

The defendant then directed the victim in front of the bathroom door and grabbed her by the neck. He then

[92] Interview with Kornelius Benuf S.H., Friday, October 4, 2024 at 13.30 Wib.

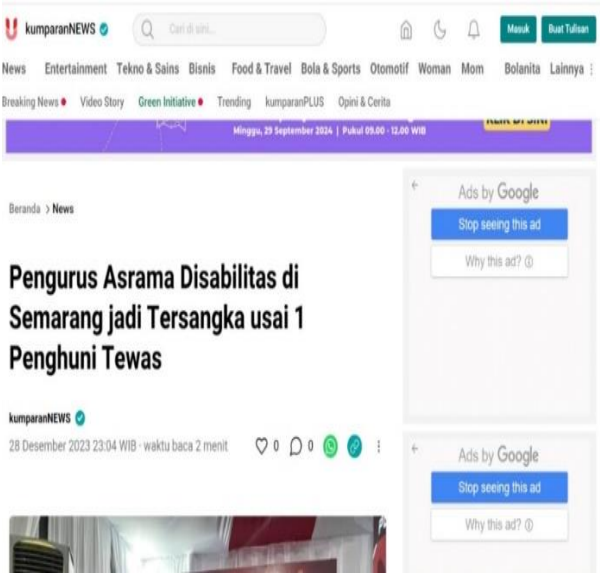
took the victim's clothes and put them around her neck. After that, the defendant pulled the victim. The defendant fell backwards because he was not strong enough. With the shirt collar wrapped around her neck, the defendant dragged the victim for a distance of ten meters. The defendant was put into a car after arriving at the garage. The defendant took the victim to the Elizabet Hospital. The victim was examined in the ICU because she was already pale; there was no response when called, and no pulse or breath. The victim was pronounced dead at 6.54pm.

The *post mortem* showed blunt force with bruises on the face and abrasions on the victim's back and face. In addition, there were lacerations to the heart and wounds to the neck. He stated that the blunt force on the neck caused disruption of airflow to the airway. The victim died of suffocation. The victim died two to six hours before the examination. In the first charge, the defendant was charged with Article 338 of the Penal Code or Article 359 of the Penal Code in the second charge.

Viral criminal acts are due to a process of *work of consumption* and *work of production* , giving rise to a stage of *work in progress.* A criminal case becomes *work*

of consumption and ends up *work in progress* because many people highlight it. As is the case with the case of V. Esthanya Widyatmiko, which went viral in various online news. Here are the data:

Picture 4.2.
Viral Case of Esthanya Widyatmiko on Kumparan



Source: https://kumparan.com/kumparannews/pengurus-asrama-disabilitas-di-semarang-jadi-tersangka-usai-1-penghuni-tewas-21rJpae8X16

Picture 4.3.
Viral Case of Esthanya Widyatmiko on DetikJateng

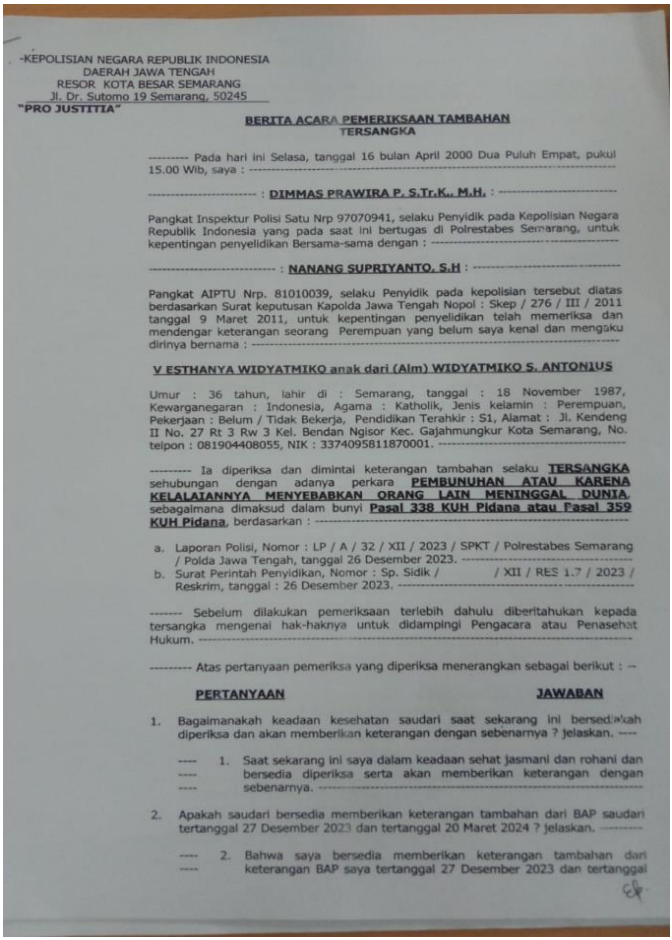
Source: https://www.detik.com/jateng/hukum-dan-kriminal/d-7113686/maksud-hati-tolong-orang-jatuh-pengasuh-difabel-di-semarang-jadi-tersangka

Picture 4.4.
Viral Case of V. Esthanya Widyatmiko on Tvonenews.com

Source:
https://www.tvonenews.com/daerah/jateng/177704-pengasuh-disabilitas-di-semarang-diamankan-polisi-gegara-jadi-pemicu-orang-meninggal-dunia

The case experienced by V. Esthanya Widyatmiko went viral and was featured on various Web news and became the concern of many people. The case has now been resolved by the police with less than 5 months already submitted to the court. The process carried out by the police is fairly fast and seems prioritized because it only takes a matter of days to process from the report stage to the stage of arresting the suspect. The reconstruction stage carried out by the police also only took 3 (three) months which was then followed by the stage of additional information on the suspect by the police. Here are the data:

Picture 4.5.
Additional BAP of Suspects



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo 19 Semarang, 50245
"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN TAMBAHAN
TERSANGKA

--------- Pada hari ini Selasa, tanggal 16 bulan April 2000 Dua Puluh Empat, pukul 15.00 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P. S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan tambahan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan : ----------

a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

-------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

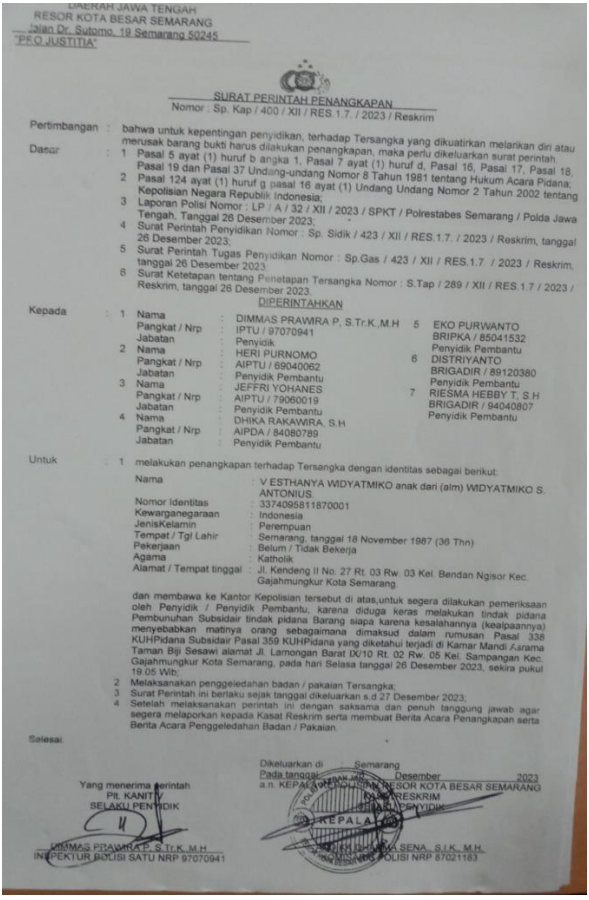
--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

PERTANYAAN	**JAWABAN**
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersedia/kah diperiksa dan akan memberikan keterangan dengan sebenarnya ? Jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan bersedia diperiksa serta akan memberikan keterangan dengan sebenarnya. ----------
2. Apakah saudari bersedia memberikan keterangan tambahan dari BAP saudari tertanggal 27 Desember 2023 dan tertanggal 20 Maret 2024 ? Jelaskan. ----------	---- 2. Bahwa saya bersedia memberikan keterangan tambahan dari keterangan BAP saya tertanggal 27 Desember 2023 dan tertanggal

Source: Broto Hastono & Associate Office[93]

[93] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates.

Picture 4.6.
Arrest Warrant



DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jalan Dr. Sutomo, 19 Semarang 50245
"PEO JUSTITIA"

SURAT PERINTAH PENANGKAPAN
Nomor : Sp. Kap / 400 / XII / RES.1.7. / 2023 / Reskrim

Pertimbangan : bahwa untuk kepentingan penyidikan, terhadap Tersangka yang dikuatirkan melarikan diri atau merusak barang bukti harus dilakukan penangkapan, maka perlu dikeluarkan surat perintah.

Dasar :
1 Pasal 5 ayat (1) huruf b angka 1, Pasal 7 ayat (1) huruf d, Pasal 16, Pasal 17, Pasal 18, Pasal 19 dan Pasal 37 Undang-undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana;
2 Pasal 124 ayat (1) huruf g pasal 16 ayat (1) Undang Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia;
3 Laporan Polisi Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, Tanggal 26 Desember 2023;
4 Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES.1.7. / 2023 / Reskrim, tanggal 26 Desember 2023;
5 Surat Perintah Tugas Penyidikan Nomor : Sp.Gas / 423 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023;
6 Surat Ketetapan tentang Penetapan Tersangka Nomor : S.Tap / 289 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023.

DIPERINTAHKAN

Kepada :
1 Nama : DIMMAS PRAWIRA P, S.Tr.K.,M.H
Pangkat / Nrp : IPTU / 97070941
Jabatan : Penyidik
2 Nama : HERI PURNOMO
Pangkat / Nrp : AIPTU / 69040062
Jabatan : Penyidik Pembantu
3 Nama : JEFFRI YOHANES
Pangkat / Nrp : AIPTU / 79060019
Jabatan : Penyidik Pembantu
4 Nama : DHIKA RAKAWIRA, S.H
Pangkat / Nrp : AIPDA / 84080789
Jabatan : Penyidik Pembantu
5 EKO PURWANTO
BRIPKA / 85041532
Penyidik Pembantu
6 DISTRIYANTO
BRIGADIR / 89120380
Penyidik Pembantu
7 RIESMA HEBBY T, S.H
BRIGADIR / 94040807
Penyidik Pembantu

Untuk :
1 melakukan penangkapan terhadap Tersangka dengan identitas sebagai berikut:

Nama : V ESTHANYA WIDYATMIKO anak dari (alm) WIDYATMIKO S. ANTONIUS
Nomor Identitas : 3374095811870001
Kewarganegaraan : Indonesia
JenisKelamin : Perempuan
Tempat / Tgl Lahir : Semarang, tanggal 18 November 1987 (36 Thn)
Pekerjaan : Belum / Tidak Bekerja
Agama : Katholik
Alamat / Tempat tinggal : Jl. Kendeng II No. 27 Rt. 03 Rw. 03 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang.

dan membawa ke Kantor Kepolisian tersebut di atas,untuk segera dilakukan pemeriksaan oleh Penyidik / Penyidik Pembantu, karena diduga keras melakukan tindak pidana Pembunuhan Subsidair tindak pidana Barang siapa karena kesalahannya (kealpaannya) menyebabkan matinya orang sebagaimana dimaksud dalam rumusan Pasal 338 KUHPidana Subsidair Pasal 359 KUHPidana yang diketahui terjadi di Kamar Mandi Arama Taman Biji Sesawi alamat Jl. Lamongan Barat IX/10 Rt. 02 Rw. 05 Kel. Sampangan Kec. Gajahmungkur Kota Semarang, pada hari Selasa tanggal 26 Desember 2023, sekira pukul 19.05 Wib;
2 Melaksanakan penggeledahan badan / pakaian Tersangka;
3 Surat Perintah ini berlaku sejak tanggal dikeluarkan s.d 27 Desember 2023;
4 Setelah melaksanakan perintah ini dengan saksama dan penuh tanggung jawab agar segera melaporkan kepada Kasat Reskrim serta membuat Berita Acara Penangkapan serta Berita Acara Penggeledahan Badan / Pakaian.

Selesai

Dikeluarkan di : Semarang
Pada tanggal : Desember 2023
a.n. KEPALA KEPOLISIAN RESOR KOTA BESAR SEMARANG
KASAT RESKRIM
SELAKU PENYIDIK

KEPALA

Yang menerima perintah
Plt. KANIT V
SELAKU PENYIDIK

DIMMAS PRAWIRA P, S.Tr.K, M.H
INSPEKTUR POLISI SATU NRP 97070941

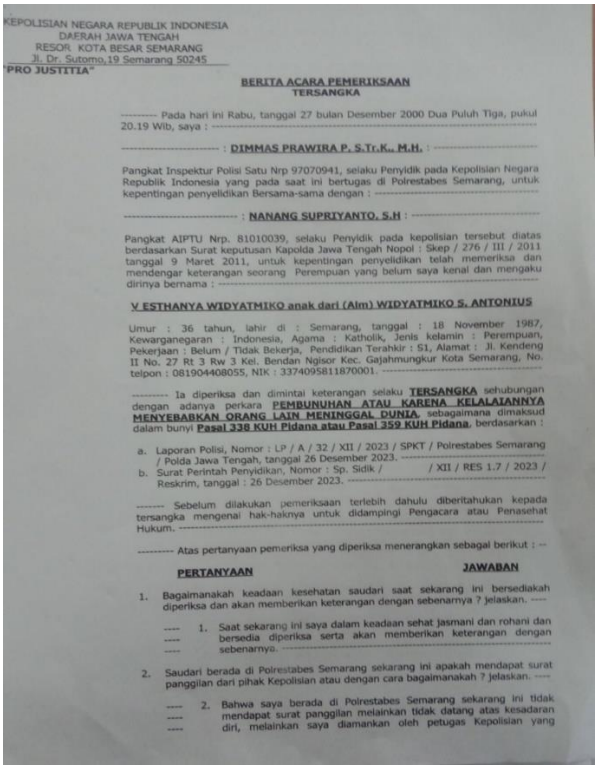
ADITYA SENA, S.I.K., M.H.
AJUN KOMISARIS POLISI NRP 87021183

Source:Broto Hastono & Associates Office[94]

[94] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates.

Picture 4.7.

BAP Suspect Examination



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo,19 Semarang 50245
"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN
TERSANGKA

--------- Pada hari ini Rabu, tanggal 27 bulan Desember 2000 Dua Puluh Tiga, pukul 20.19 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P. S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan :

a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

-------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

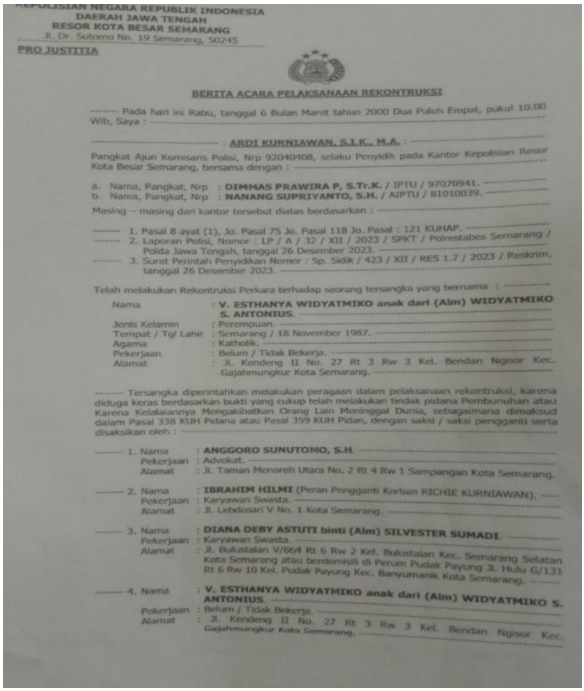
PERTANYAAN	**JAWABAN**
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersediakah diperiksa dan akan memberikan keterangan dengan sebenarnya ? jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan ---- bersedia diperiksa serta akan memberikan keterangan dengan ---- sebenarnya. ----------
2. Saudari berada di Polrestabes Semarang sekarang ini apakah mendapat surat panggilan dari pihak Kepolisian atau dengan cara bagaimanakah ? jelaskan. ----	---- 2. Bahwa saya berada di Polrestabes Semarang sekarang ini tidak ---- mendapat surat panggilan melainkan tidak datang atas kesadaran ---- diri, melainkan saya diamankan oleh petugas Kepolisian yang

Source:Broto Hastono & Associates Office[95]

[95] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates.

Picture 4.8

BAP Reconstruction of Incidents



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo No. 19 Semarang, 50245

PRO JUSTITIA

BERITA ACARA PELAKSANAAN REKONTRUKSI

------- Pada hari ini Rabu, tanggal 6 Bulan Maret tahun 2000 Dua Puluh Empat, pukul 10.00 Wib, Saya : ----------

---------- : **ARDI KURNIAWAN, S.I.K., M.A.** : ----------

Pangkat Ajun Komisaris Polisi, Nrp 92040408, selaku Penyidik pada Kantor Kepolisian Resor Kota Besar Semarang, bersama dengan : ----------

a. Nama, Pangkat, Nrp : **DIMMAS PRAWIRA P, S.Tr.K.** / IPTU / 97070941. ----------
b. Nama, Pangkat, Nrp : **NANANG SUPRIYANTO, S.H.** / AIPTU / 81010039. ----------

Masing – masing dari kantor tersebut diatas berdasarkan : ----------

------- 1. Pasal 8 ayat (1), Jo. Pasal 75 Jo. Pasal 118 Jo. Pasal : 121 KUHAP. ----------
------- 2. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
------- 3. Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES 1.7 / 2023 / Reskrim, tanggal 26 Desember 2023. ----------

Telah melakukan Rekontruksi Perkara terhadap seorang tersangka yang bernama : ----------

Nama : **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Jenis Kelamin : Perempuan. ----------
Tempat / Tgl Lahir : Semarang / 18 November 1987. ----------
Agama : Katholik. ----------
Pekerjaan : Belum / Tidak Bekerja. ----------
Alamat : Jl. Kenderig II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

------- Tersangka diperintahkan melakukan peragaan dalam pelaksanaan rekontruksi, karena diduga keras berdasarkan bukti yang cukup telah melakukan tindak pidana Pembunuhan atau Karena Kelalaiannya Mengakibatkan Orang Lain Meninggal Dunia, sebagaimana dimaksud dalam Pasal 338 KUH Pidana atau Pasal 359 KUH Pidan, dengan saksi / saksi pengganti serta disaksikan oleh : ----------

------- 1. Nama : **ANGGORO SUNUTOMO, S.H.** ----------
Pekerjaan : Advokat. ----------
Alamat : Jl. Taman Menoreh Utara No. 2 Rt 4 Rw 1 Sampangan Kota Semarang. ----------

------- 2. Nama : **IBRAHIM HILMI** (Peran Pengganti Korban RICHIE KURNIAWAN). ----------
Pekerjaan : Karyawan Swasta. ----------
Alamat : Jl. Lebdosari V No. 1 Kota Semarang. ----------

------- 3. Nama : **DIANA DEBY ASTUTI binti (Alm) SILVESTER SUMADI.** ----------
Pekerjaan : Karyawan Swasta. ----------
Alamat : Jl. Bulustalan V/664 Rt 6 Rw 2 Krd. Bulustalan Kec. Semarang Selatan Kota Semarang atau berdomisili di Perum Pudak Payung Jl. Hulu G/131 Rt 6 Rw 10 Kel. Pudak Payung Kec. Banyumanik Kota Semarang. ----------

------- 4. Nama : **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Pekerjaan : Belum / Tidak Bekerja. ----------
Alamat : Jl. Kenderig II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

Source:Broto Hastono & Associates Office[96]

[96] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates.

4. Fraudulent Investment Crimes

This case was experienced by Mr. Maulana, a student of UIN Walisongo Semarang, who reported a case of fraudulent investment at the West Semarang Ngaliyan Police Station, which made no progress at all, even though the report occurred in September 2021. The chronology of the case is when in 2021 Mr. Maulana joined an online investment *group* on Telegram called Binomo Trader Indonesia and contacted one of the admins there. Furthermore, because he was tempted by testimonials from members of the group, Mr. Maulana then invested IDR 2,000,000. After the money was paid, the admin contacted Mr. Maulana again and said that the slot for capital of Rp. 2,000,000 had run out and the remaining Rp. 5,000,000. So, Mas Maulana was told to send another Rp. 3,000,000. Mas Maulana objected to this and asked for a refund of the funds he had sent earlier. However, the admin did not return the money even though the agreement at the beginning was that if there was an error or any matter, the money would be returned 100%. Two days after that, Mas Maulana's contact was finally blocked by the admin of the Binomo Trader Indonesia group. After that Mas Maulana reported this to the Ngaliyan West Semarang Police. After reporting the

case, it turned out that the police did not follow up on the case reported by Mas Maulana further[97].

The fraudulent investment report that Maulana has reported, has there been any progress to be resolved by the police?
Answer: No. In fact, the police themselves said that there were many things like this and they had piled up and were only limited to reports, aka they were not followed up[98].

Based on this data, it is known that the police deliberately ignored the report that Mr. Maulana reported. This is very inversely proportional to the case that V. Esthanya Widyatmiko experienced and went viral to famous news channels such as Kompas, tvonenews, and Kumparan. The basic thing from this data that we can conclude is that the virality of a case can have an impact on the rapid or slow resolution of the case because the case of Mas Maulana did not go viral like the case of V. Esthanya Widyatmiko and V. Esthanya Widyatmiko. Esthanya Widyatmiko and the case of vehicle embezzlement that was viralized by the @Voltcyber_v2 Instagram account as well as case number: TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK

[97] Interview Results with Maulana Anwar, Sunday, September 22, 2024 at 17.00 WIB
[98] Interview Results with Maulana Anwar, Sunday, September 22, 2024 at 17.00 WIB

SUNGAI RAYA, which did not go viral and has not been processed until now, accounting for 4 years. With the reporter Dessy Novianti who also did not go viral from 2020 until now the case has no progress at all even though there are witnesses, evidence, and the perpetrator's address has been given.

Viral cases that are in front of our eyes will certainly be processed by the police immediately because this is evidenced by some of the data compared previously. With the disparity between the vehicle embezzlement case, the case of V. Esthanya Widyatmiko and the cases of Dessy Novianti and Maulana Anwar, we can conclude that the element of virality in law enforcement, especially in the police, plays a role in the speedy or slow resolution of criminal cases.

Furthermore, even the cases of Dessy Novianti and Maulana Anwar were not processed at all. This means that the case is only limited to the formality of a black and white report without any meaningful progress. This is certainly very contrary to the principles of substantive justice and the principle of *equality before the law*.

CHAPTER IV
RESEARCH RESULTS AND DISCUSSION

A. Implications of the Prioritization of Law Enforcement of Viral Cases by the Police on the Application of the Principle of Equality before the Law

The principle of *equality before the law* is the notion that courts or law enforcers should give equal treatment to people in similar cases[99]. Equality in the application of the rules is common sense, and it is not a superfluous or, worse, a perverse principle. Demonstrating the ethicality of this principle is a different matter, asking to what extent equality before the law should take precedence over other possible criteria, such as substantive justice or, in the case of valid but practically unenforceable rules[100]. This was put forward by Kelsen when he stated that equality before the law has nothing to do with justice because such equality is very much in line with rules that are very unjust and not egalitarian.

---

[99] Thamariksa In Pratama, Y.I. 2023. Inclusion of Summary Punishment as Principal Punishment in Law Number 1 Year 2023 on National Criminal Code in Relation to the Principle of Equality Before The Law. Thesis: Pasundan University Bandung. Page. 36

[100] Alfonso Ruiz Miguel, (1997). Equality Before The Law And Precedent. *Ratio Juris*, *10*(4), 372-391.

We can fully recognize that the application of any rule that contains unjust distinctions is unjust without accepting, as Kelsen seems to do, that equality before the law has no ethical value whatsoever. Kelsen is correct in stating that if a legal rule is unjust, then its legally correct application will also be so. However, this fact does not mean that equality before the law has no moral weight. It only allows us to conclude that the principle, as well as the principle of legality and many other legal principles, is not an absolute and conclusive criterion, but only a criterion that can be overridden. It therefore means that when rules are just and perhaps even when they are not blatantly or outright unjust, then the principle of equality before the law deserves great, though not absolute, respect.

Equality before the law serves as an ethically sound legal principle when it functions within a framework that reasonably guarantees equality in law, allowing for exceptions, through judicial review of the validity of regulations that do not respect the basic requirements of equal justice. For example, where the regulation discriminates on the basis of race, gender or the like. While equality before the law carries some weight, this is more apparent when we consider rules that are only slightly unfair. Suppose I go to the police station to file a report on my case

and it is taken care of by them for investigation but I have to wait for months, but there are other people who have only been filing reports with the police for a few days and are already being investigated in a matter of weeks. This is an unfair imbalance in the application of the rules that cannot be justified. Of course, because simple equality can always be obtained in two ways (obeying and disobeying the rules in each case) and because the rules exist. That is, it is a privilege granted to others before the law.

The principle of equality before the law is contained in the general explanation of the Criminal Procedure Code (KUHAP), which states that everyone is treated equally before the law, without discrimination[101]. Article 27 paragraph (1) of the 1945 Constitution also emphasizes that all citizens have the same status and position before the law. The principle of equality before the law is found in almost all state constitutions, this is the basis that protects the human rights of citizens. “If this is enshrined in the Constitution, then it is a logical consequence that the

[101] M. Yahya Harahap, Discussion of Problems and Application of the Criminal Code, Investigation and Prosecution, Second Edition, Sinar Grafika, Jakarta 2012, p. 436

government and law enforcers must implement and apply this principle in the life of the state."[102].

Equality before the law in the 1945 Constitution is a series of rights and obligations that must be carried out based on their respective positions. Equality before the law means that law enforcement and the government must treat every citizen fairly without special treatment and without discrimination[103].

Information as a commodity is attractive to audiences who act as digital agents who are willing to do *work of consumption* and *work of production* , giving rise to a stage of *work in progress*. In other words, there is a process of sharing information on social networks so that it does not stop at just one person. At the same time, information spreads quickly and widely, resulting in virality. The emergence of a culture of information sharing as a new culture after the emergence of social media. This culture is not only about content created by social media users themselves, but also reposting or sharing content created by

[102] Diska Kurnianto. 2017. Implementation of Deponering in the Perspective of the Principle of Equality Before The Law. Thesis: University of Muhammadiyah Magelang. Page. 24.

[103] Ahmad M. Ramli, 2008, Analysis and Evaluation of the Law of Prosecution and Examination of Corruption, National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta.

others[104]. Sharing on social media helps spread content because the number of *shares* is higher than other content is the basis for making information viral. Content or information that has negative emotions will certainly contribute negatively to the virality of a content. Conversely, content with positive emotions will also make a positive contribution to content virality[105].

Information can be said to be viral if it is shared many times by social network users[106]. The results of research conducted by Deza and Parikh show that viral content or information has a high virality value than other content, this virality metric can be obtained from the number of visitors who see the post (*views)*, the number of social media users who like the post more than other posts[107].

As stated by Dijk and Poell, social media can make its users famous[108]. This popularity makes many users

---

[104] Nasrullah. (2022). Cyber Media Theory and Research. Jakarta: Kencana Prenada Media Group.

[105] Jonah Berger and Katherine L. Milkman, (2013). Emotion And Virality: What Makes Online Content Go Viral? *Nim Marketing Intelligence Review*, *5*(1), 18-23.

[106] Arturo Deza And Devi Parikh, (2015), *Understanding Image Virality", Proceedings Of The Ieee Computer Society Conference On Computer Vision And Pattern Recognition*, Pp. 1818-1826. Doi: 10.1109/Cvpr.2015.7298791.

[107] Deza and Parikh in Lidya Agustina, (2020). Content Virality on Social Media. *Popular Semi Scientific Magazine of Mass Communication*, *1*(2), 149-160.

[108] José Van Dijck and Thomas Poell, (2013) "Understanding Social Media Logic", Media And Communication, 1(1), Pp. 2-14. Doi: 10.12924/Mac2013.01010002.

compete with each other to create content that can go viral. Usually these users plan or predict the content that will be created to go viral. Vallet's research shows that content virality can be assessed by calculating the level of popularity of social media content and its viral score. The social networks used in Vallet's research are YouTube and Twitter. It is known that the popularity value of a YouTube content is reflected in the number of people who see the content, while the value of viral content from Tweeter is reflected in the number of mentions and *Re-Tweets* made[109].

Similarly, criminal cases go viral because of a process of *work of consumption* and *work of production* , giving rise to a stage of *work in progress.* A criminal case becomes *work of consumption* and ends up *work in progress* because many people highlight it.

1. **Comparison of Law Enforcement of Viral Crime of Vehicle Embezzlement and Non-Viral Crime of Theft and its Implication to the Principle of Equality Before the Law**

   In early 2024 we saw the case in Sukolilo Village in Pati which was so viral that the public was very

[109] David Vallet Et Al. (2015), Characterizing And Predicting Viral-And-Popular Video Content", International Conference On Information And Knowledge Management, Pp. 1591-1600. Doi: 10.1145/2806416.2806556.

concerned about the case, even if we look at the Intagram account @voltcyber_v2 (which is now blocked) and the tweet account @dhemit_is_back there the owner of the account provides a location where the collectors gather so that the police raided door to door every house that had a vehicle to show the letters, would the police have been silent if the case had not gone viral?

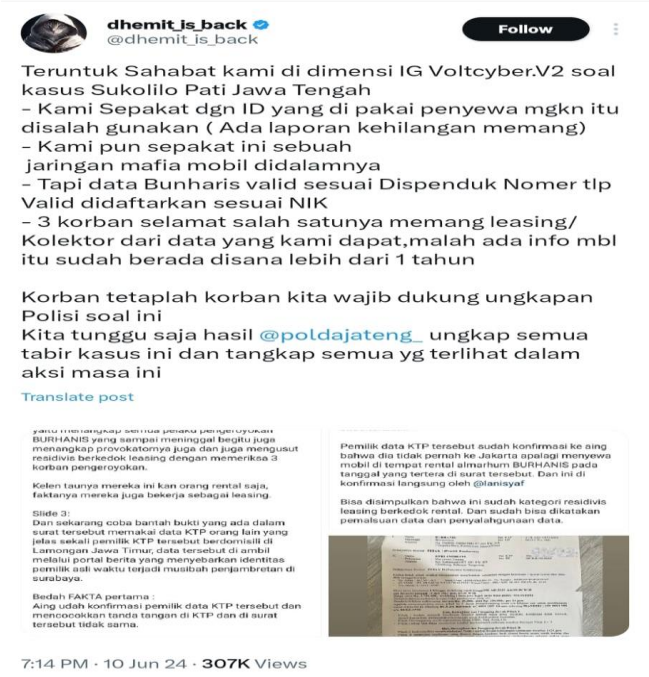
Efek dari kegiatan tersebut dari polrestabes semarang sendiri, peninindakan terhadap pelanggar lalulintas ditingkatkan. Seperti patroli dan penindakan hukum lantas. Begitu juga polsek-polsek meningkatkan patroli daerahnya[110].

Kepolisian cepat merespon berita viral yang tersebar di internet dengan meningkatkan penindakan atau operasi patuh lalu lintas, hingga berpatroli di jalan-jalan di sekitar Semarang. Maka, dengan adanya berita *viral* yang berada di Masyarakat hal tersebut akan berkorelasi pula dengan kinerja kepolisian di Masyarakat. Setelah viralnya berita banyak kendaraan bodong di Sukolilo Pati, kepolisian kemudian mengadaka razia besar-besaran yang menyasar warga di Pati dan didapati banyak sekali kendaraan yang diduga

[110] Hasil Wawancara Dengan Bapak Yusuf Selaku Penyidik Pidum Polrestabes Semarang, Jumat, 28 Juli 2024 Pukul 14.00 Wib

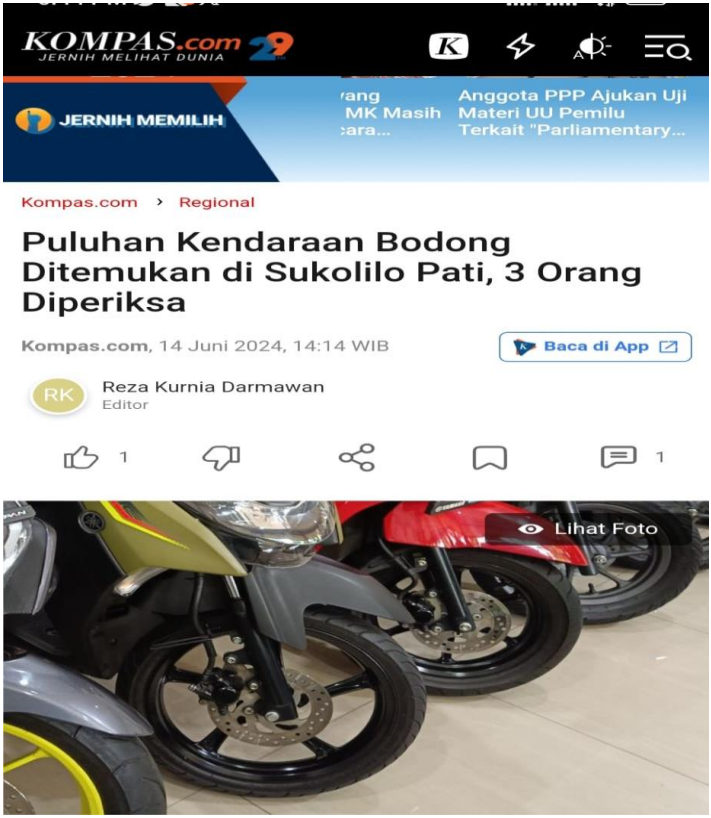
hasil penggelapan, pencurian, hingga pembegalan. Dapat dilihat pada pemberitaan berikut:

Picture 4.9
***Screen Shoot* Tweeter Voltcyber_v2/ dhemit_is_back Sumber:**



Source:
https://x.com/dhemit_is_back/status/1800139425021833500?t=SvBH8Y3-8s5yse4IAVSQYQ&s=19

Picture 4.10



Source: https://regional.kompas.com/read/2024/06/14/141400178/puluhan-kendaraan-bodong-ditemukan-di-sukolilo-pati-3-orang-diperiksa

Muhammad Basir from MBI Law Office said that:

> *The element of virality in a case is certainly very influential on the speed of the settlement of the case because the police see the interest in the community as well, especially the police must also pay attention to our SOPs and legal procedures in resolving them*[111].

Cicero said, "*ubi societas, ibi ius*", which means that law exists where society exists. Societies make laws to regulate their lives. In other words, laws are made and enacted for the benefit of society to maintain order, tranquility and well-being. In fact, laws are not always obeyed. There are often violations that jeopardize the integrity of society. The duty to ensure that laws are obeyed, prevent violations, and punish those who violate them is necessary to realize legal order. Basically, society can do the above three things. Nonetheless, the state takes over these duties due to conflicting interests among the people[112].

Furthermore, the enforcement and resolution of criminal cases in Indonesia can certainly be based on

[111] Interview with Muhammad Basir S.H.I., M.Ag, Tuesday, October 1, 2024 at 10:00 WIB.

[112] Kurniawati, V. N. F. (2021). Police Performance Study on Wrongful Arrest Cases. *Juristic Journal*, *2*(02), 153-165.

whether the case is viral or not because the police see how much the public highlights and oversees the case. This is similar to the words of Kornelius Benuf S.H. an advocate from BROTO HASTONO & Associates who stated :

Virality in a criminal case certainly affects the resolution of the case. Not only in the realm of the police, but up to the trial stage. However, even though the case is viral, the police or other law enforcers are obliged to follow existing procedures and SOPs in resolving existing criminal acts. For example, the Vina case and the case of DPR RI's son Ronald Tanur, which attracted so much public attention that it went viral, certainly greatly influenced the resolution of the case[113].

Mardjono stated that the criminal justice system is a crime control system consisting of police, prosecutors, courts, and correctional institutions[114]. The aim is to prevent others from becoming victims of crime, solve crime cases so that the public is satisfied that justice has been served and the guilty are punished, and make people who have committed crimes stop doing it again. Criminal justice is also a formal way of responding to crime. However, it does not justify reckless overreaction without the protection of human rights, such as the right

[113] Interview with Kornelius Benuf S.H., Friday, October 4, 2024 at 13.30 Wib.

[114] Anthony. 2014. The Face of Our Judiciary, Refika Aditama, Bandung. Page 74

to be presumed innocent, the right to legal aid, the right not to be tortured, and other rights in situations where a person is found guilty. Of course, the criminal justice system must conduct examinations in a professional manner with more focus on evidence or facts.

Virality can actually affect and also not affect the resolution of criminal cases in Indonesia. Because any case must refer to two valid evidence, then it can be followed up to be transferred to the prosecutor's office and court. In certain cases, it can certainly have an effect, such as the case of V. Esthanya Widyatmiko, which went viral yesterday and our office was also the one who resolved it, of course the course of the case was fast because there was a lot of coverage. On the other hand, of course, if the case does not have sufficient evidence, even if it goes viral, it certainly cannot be processed further. But, of course, it can affect the mobilization of existing resources to solve the case[115].

The police, who are at the forefront of implementing the law in Indonesia, must be careful in carrying out their duties. Because it is not just about carrying out state duties, but must think about material-oriented substantial justice, not just procedural ones in positive law. As with cases that go viral and become the concern of many, the police

[115] Interview with Rizky Prasetyo, S.H., Friday, October 4, 2024 at 13.30 Wib.

must be wise in handling the case and take appropriate steps in its prosecution.

Unlike the non-viral case in police report Number: TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA. The chronology of the case began when Sister Dessy was leaving the house using her motorcycle and parked the vehicle on the side of the road.

After parking the vehicle, Sister Dessy had not yet gotten off her motorcycle and then from the left direction there was a motorcycle with two people riding on it and took Sister Dessy's cellphone which was on the *dashboard of* Dessy's motorcycle. After it was taken, Dessy realized this and immediately chased the perpetrator and Dessypun could not catch up with the perpetrator and lost his trail. On the same day the victim reported the incident to the police. After reporting, the victim posted the incident to Facebook and was seen by a friend of the perpetrator. The perpetrator's friend told Dessy about the identity of the person who took her cellphone and told her the exact same motorcycle with the license plate that the perpetrator used to steal it. In fact, the perpetrator's friend had escorted the victim and the police to the

perpetrator's house. However, the police have not followed up on the case until now.

There is no progress at all, even the police report is just like a formality[116].

Furthermore, the theft case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA until now there has been no development at all. The case did not grab the attention of many people or did not go viral. There is quite a lot of evidence such as the cellphone case that belongs to the perpetrator's friend and the victim's headset is also with the perpetrator's friend. Worse, the perpetrator's own friend told Dessy's sister that it was the perpetrator who took Dessy's cellphone. Dessy's sister already knew the address of the perpetrator and had given the information to Dessy's sister. However, until now the police have not moved quickly and it has been counted 4 years since there has been no progress at all on the case reported by Dessy's.

I am disappointed with the performance of the police because the reports reported have not progressed at all and I hope that the police will follow up on all cases

[116] Interview with Dessy Novianti, Sunday, September 21, 2024 at 13.00 Wib.

reported to the police and not only focus on major cases, but cases that are directly related to the community as well such as the theft of this cellphone[117].

Dessy Novianti was disappointed with the performance of police investigators who did not follow up on the case she reported. She commented that the police should follow up on all cases that have been reported not only on large or viral cases, but all cases without exception. Moreover, the case reported by Sister Dessy is an easy case because the evidence, witnesses, and address of the perpetrator are already known. This means that the police only need to summon or process those reported. Contrary to what should have been, it turns out that the police did not even have any progress, communication or anything about the case reported by Sister Dessy. This is in accordance with what Sister Dessy said as follows:

Until now there has been no summons of witnesses and no progress at all until now[118].

[117] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

[118] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB.

Based on this statement, it seems that it is only a formality, the report reported by Sister Dessy is only a data collection, there is no follow-up at all. This is certainly very detrimental to the community like Sister Dessy who feels that the loss of the cellphone has affected her life because the cellphone is used for selling and daily activities. Based on the size of the case, a *restorative justice* scheme should have been implemented in Sister Dessy's case because this case was not too big. However, even up until now, the police have not implemented this scheme. This means that this is not a matter of the size of a case, but has entered the realm of police performance which deliberately did not process the cellphone theft case reported by Sister Dessy. In accordance with the answer of the interview results said by Sister Dessy when asked whether there had been communication by the police or summoning the parties to be asked to reconcile or do a *restorative justice.*

Never met the perpetrator at all[119].

[119] Interview Results with Dessy Novianti, Sunday, September 21, 2024 at 13.00 WIB

The principle of equality before the law is contained in the general explanation of the Criminal Procedure Code (KUHAP), which states that everyone is treated equally before the law, without discrimination[120]. Article 27 paragraph (1) of the 1945 Constitution also emphasizes that all citizens have the same status and position before the law. The principle of equality before the law is found in almost all state constitutions, this is the basis that protects the human rights of citizens. “If this is enshrined in the Constitution, then it is a logical consequence that the government and law enforcers must implement and apply this principle in the life of the state."[121].

Equality before the law in the 1945 Constitution is a series of rights to be granted based on their respective positions. Equality before the law means that law enforcers and the government must

[120] M. Yahya Harahap, Discussion of Problems and Application of the Criminal Code, Investigation and Prosecution, Second Edition, Sinar Grafika, Jakarta 2012, Page 436

[121] Diska Kurnianto. 2017. Implementation of Deponering in the Perspective of the Principle of Equality Before The Law. Thesis: University of Muhammadiyah Magelang. Page. 24.

treat every citizen fairly with no special treatment and without discrimination[122].

From the motorcycle embezzlement case and the theft case that Dessy was involved in, it can be concluded that the police have violated the principle of *equality before the law.* Because, if we compare the case experienced by sister Dessy, which was reported from 2020 to 2024, there is no progress at all. However, when the viral vehicle embezzlement case in Sukolilo Pati surfaced on June 10, 2024 yesterday, as of June 14, 2024 the police began to intervene and raid house to house to find fake vehicles from embezzlement. *Equality before the law* means equality before the law. If we guess from equality of treatment, then surely the embezzlement and theft cases used as data can make a conclusion that the police do not apply the principle of *equality before the law* properly.

[122] Ahmad M. Ramli, 2008, Analysis and Evaluation of the Law of Prosecution and Examination of Corruption Crimes, National Law Development Agency, Ministry of Law and Human Rights, Jakarta.

2. Law Enforcement of Viral Crime on Murder and Non-Viral Crime on Fraudulent Investment and its Implication to the Principle of Equality Before the Law

Case No. LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023, with the chronology of the case According to the prosecutor, in relation to how Richie died, the defendant took the victim to the bathroom to defecate at 17.45 WIB. The defendant came out of the bathroom and left the victim with the door open, and had removed the victim's pants. The defendant cooked some snacks and ate lunch while checking on the other children. After 30 minutes, the defendant returned to the bathroom and found the victim lying on her back. The defendant examined the victim who was already dead. The victim did not move even though the defendant patted her cheek. After that, the defendant put on the victim's pants even though her buttocks were full of faeces[123].

The defendant then directed the victim in front of the bathroom door and grabbed her by the neck. He then took the victim's clothes and put them around her neck.

[123] Interview with Kornelius Benuf S.H., Friday, October 4, 2024 at 13.30 WIB.

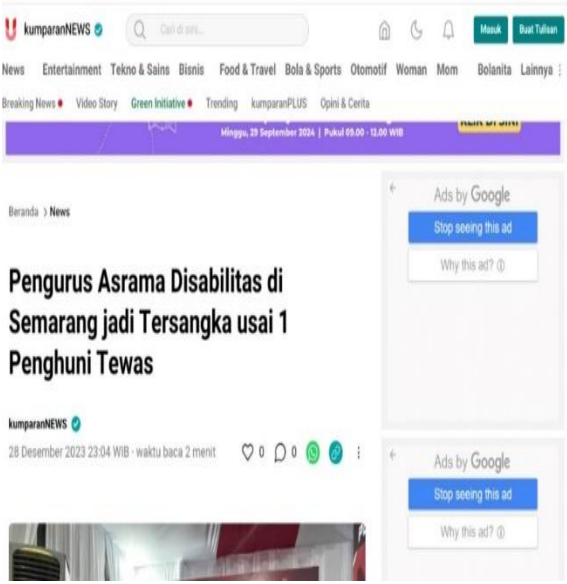
After that, the defendant pulled the victim. The defendant fell backwards because he was not strong enough. With the shirt collar wrapped around her neck, the defendant dragged the victim for a distance of ten meters. The defendant was put into a car after arriving at the garage. The defendant took the victim to the Elizabet Hospital. The victim was examined in the ICU because she was already pale; there was no response when called, and no pulse or breath. The victim was pronounced dead at 6.54pm.

The *visum et repertum* showed blunt force with bruises on the face and abrasions on the victim's back and face. In addition, there were lacerations to the heart and wounds to the neck. He stated that the blunt force on the neck caused disruption of airflow to the airway. The victim died of suffocation. The victim died two to six hours before the examination. In the first charge, the defendant was charged with Article 338 of the Penal Code or Article 359 of the Penal Code in the second charge.

Crimes that go viral because of a process of *work of consumption* and *work of production* give rise to a stage of *work in progress.* A criminal case becomes *work of consumption* and ends up *work in progress* because

many people highlight it. As is the case with the case of V. Esthanya Widyatmiko's case which went viral in various online news. Here are the data:

Picture 4.11
The Case of V. Esthanya Widyatmiko That Went Viral on Kumparan



Source:
https://kumparan.com/kumparannews/pengurus-asrama-disabilitas-di-semarang-jadi-tersangka-usai-1-penghuni-tewas-21rJpae8X16

Picture 4.12
The case of V. Esthanya Widyatmiko which went viral on DetikJateng

Source:
https://www.detik.com/jateng/hukum-dan-kriminal/d-7113686/maksud-hati-tolong-orang-jatuh-pengasuh-difabel-di-semarang-jadi-tersangka

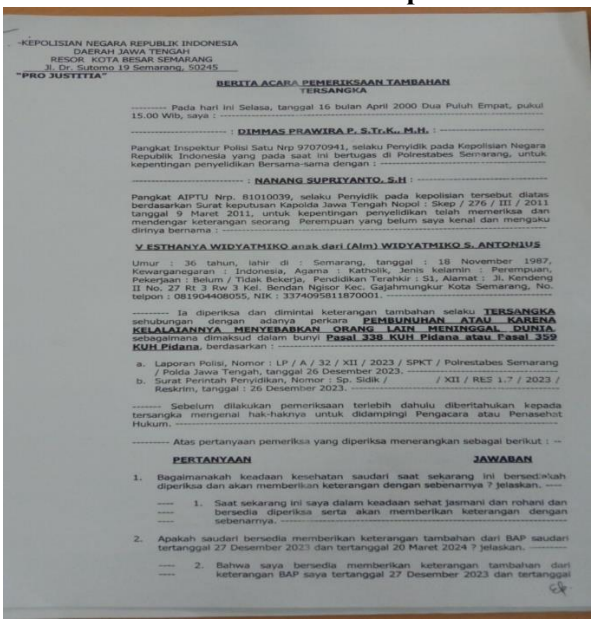
Picture 4.13
The Case of V. Esthanya Widyatmiko That Went Viral on Tvonenews.com

Sumber:
https://www.tvonenews.com/daerah/jateng/177704-pengasuh-disabilitas-di-semarang-diamankan-polisi-gegara-jadi-pemicu-orang-meninggal-dunia

The case experienced by V. Esthanya Widyatmiko went viral and was featured on various Web

news and became the concern of many people. The case has now been resolved by the police with less than 5 months already submitted to the court. Here are the data:

Picture 4.14.
Additional BAP of Suspects



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo 19 Semarang, 50245
"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN TAMBAHAN
TERSANGKA

--------- Pada hari ini Selasa, tanggal 16 bulan April 2000 Dua Puluh Empat, pukul 15.00 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P. S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan tambahan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan : ----------

a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

-------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

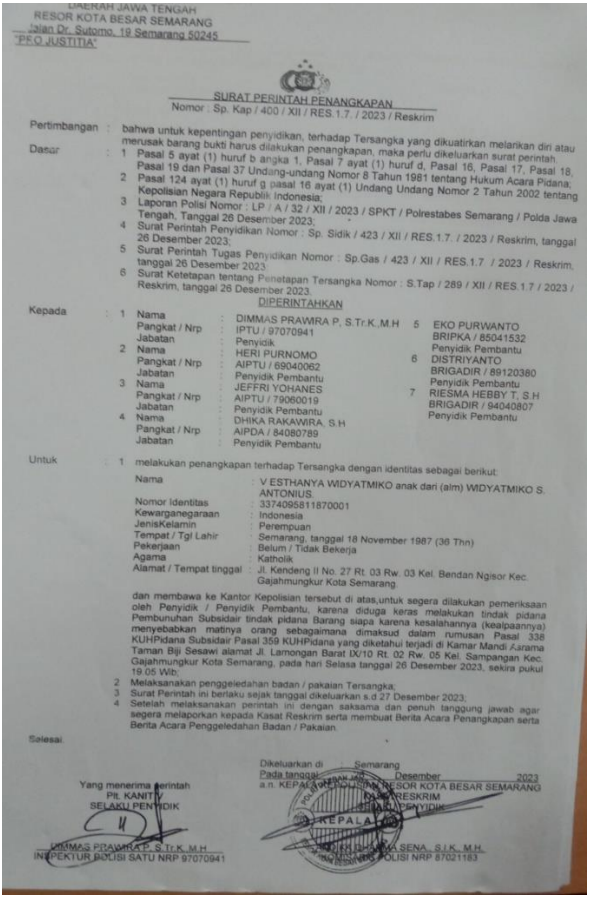
--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

PERTANYAAN	JAWABAN
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersedia/ah diperiksa dan akan memberikan keterangan dengan sebenarnya ? jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan bersedia diperiksa serta akan memberikan keterangan dengan sebenarnya. ----
2. Apakah saudari bersedia memberikan keterangan tambahan dari BAP saudari tertanggal 27 Desember 2023 dan tertanggal 20 Maret 2024 ? jelaskan. ----------	---- 2. Bahwa saya bersedia memberikan keterangan tambahan dari keterangan BAP saya tertanggal 27 Desember 2023 dan tertanggal

Source: Broto Hastono & Associates Office[124]

[124] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates

Picture 4.15.
Arrest Warrant



DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jalan Dr. Sutomo, 19 Semarang 50245
"PEO JUSTITIA"

SURAT PERINTAH PENANGKAPAN
Nomor : Sp. Kap / 400 / XII / RES.1.7. / 2023 / Reskrim

Pertimbangan : bahwa untuk kepentingan penyidikan, terhadap Tersangka yang dikuatirkan melarikan diri atau merusak barang bukti harus dilakukan penangkapan, maka perlu dikeluarkan surat perintah.

Dasar :
1 Pasal 5 ayat (1) huruf b angka 1, Pasal 7 ayat (1) huruf d, Pasal 16, Pasal 17, Pasal 18, Pasal 19 dan Pasal 37 Undang-undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana;
2 Pasal 124 ayat (1) huruf g pasal 16 ayat (1) Undang Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia;
3 Laporan Polisi Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, Tanggal 26 Desember 2023;
4 Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES.1.7. / 2023 / Reskrim, tanggal 26 Desember 2023;
5 Surat Perintah Tugas Penyidikan Nomor : Sp.Gas / 423 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023;
6 Surat Ketetapan tentang Penetapan Tersangka Nomor : S.Tap / 289 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023.

DIPERINTAHKAN

Kepada :
1 Nama : DIMMAS PRAWIRA P, S.Tr.K.,M.H
Pangkat / Nrp : IPTU / 97070941
Jabatan : Penyidik
2 Nama : HERI PURNOMO
Pangkat / Nrp : AIPTU / 69040062
Jabatan : Penyidik Pembantu
3 Nama : JEFFRI YOHANES
Pangkat / Nrp : AIPTU / 79060019
Jabatan : Penyidik Pembantu
4 Nama : DHIKA RAKAWIRA, S.H
Pangkat / Nrp : AIPDA / 84080789
Jabatan : Penyidik Pembantu
5 EKO PURWANTO
BRIPKA / 85041532
Penyidik Pembantu
6 DISTRIYANTO
BRIGADIR / 89120380
Penyidik Pembantu
7 RIESMA HEBBY T, S.H
BRIGADIR / 94040807
Penyidik Pembantu

Untuk :
1 melakukan penangkapan terhadap Tersangka dengan identitas sebagai berikut:
Nama : V ESTHANYA WIDYATMIKO anak dari (alm) WIDYATMIKO S. ANTONIUS
Nomor Identitas : 3374095811870001
Kewarganegaraan : Indonesia
JenisKelamin : Perempuan
Tempat / Tgl Lahir : Semarang, tanggal 18 November 1987 (36 Thn)
Pekerjaan : Belum / Tidak Bekerja
Agama : Katholik
Alamat / Tempat tinggal : Jl. Kendeng II No. 27 Rt. 03 Rw. 03 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang.

dan membawa ke Kantor Kepolisian tersebut di atas,untuk segera dilakukan pemeriksaan oleh Penyidik / Penyidik Pembantu, karena diduga keras melakukan tindak pidana Pembunuhan Subsidair tindak pidana Barang siapa karena kesalahannya (kealpaannya) menyebabkan matinya orang sebagaimana dimaksud dalam rumusan Pasal 338 KUHPidana Subsidair Pasal 359 KUHPidana yang diketahui terjadi di Kamar Mandi Arama Taman Biji Sesawi alamat Jl. Lamongan Barat IX/10 Rt. 02 Rw. 05 Kel. Sampangan Kec. Gajahmungkur Kota Semarang, pada hari Selasa tanggal 26 Desember 2023, sekira pukul 19.05 Wib.
2 Melaksanakan penggeledahan badan / pakaian Tersangka;
3 Surat Perintah ini berlaku sejak tanggal dikeluarkan s.d 27 Desember 2023;
4 Setelah melaksanakan perintah ini dengan saksama dan penuh tanggung jawab agar segera melaporkan kepada Kasat Reskrim serta membuat Berita Acara Penangkapan serta Berita Acara Penggeledahan Badan / Pakaian.

Selesai

Dikeluarkan di : Semarang
Pada tanggal : Desember 2023
a.n. KEPALA KEPOLISIAN RESOR KOTA BESAR SEMARANG
KASAT RESKRIM
SELAKU PENYIDIK

KEPALA

ANDRA SENA, S.I.K., M.H.
AJUN KOMISARIS POLISI NRP 87021183

Yang menerima perintah
Plt. KANIT V
SELAKU PENYIDIK

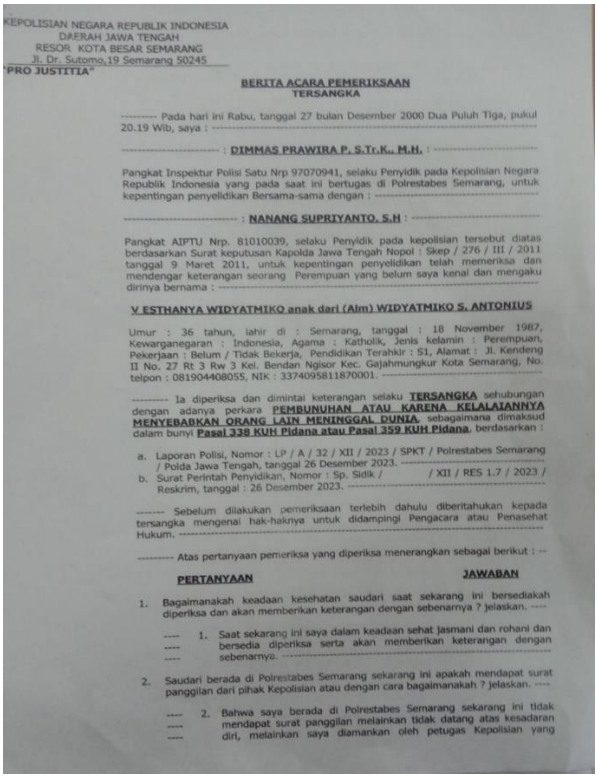
DIMMAS PRAWIRA P, S.Tr.K, M.H
INSPEKTUR POLISI SATU NRP 97070941

Source: Broto Hastono & Associates Office[125]

[125] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates

Picture 4.16.

BAP Suspect Examination



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo,19 Semarang 50245
"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN
TERSANGKA

--------- Pada hari ini Rabu, tanggal 27 bulan Desember 2000 Dua Puluh Tiga, pukul 20.19 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P. S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan :

a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

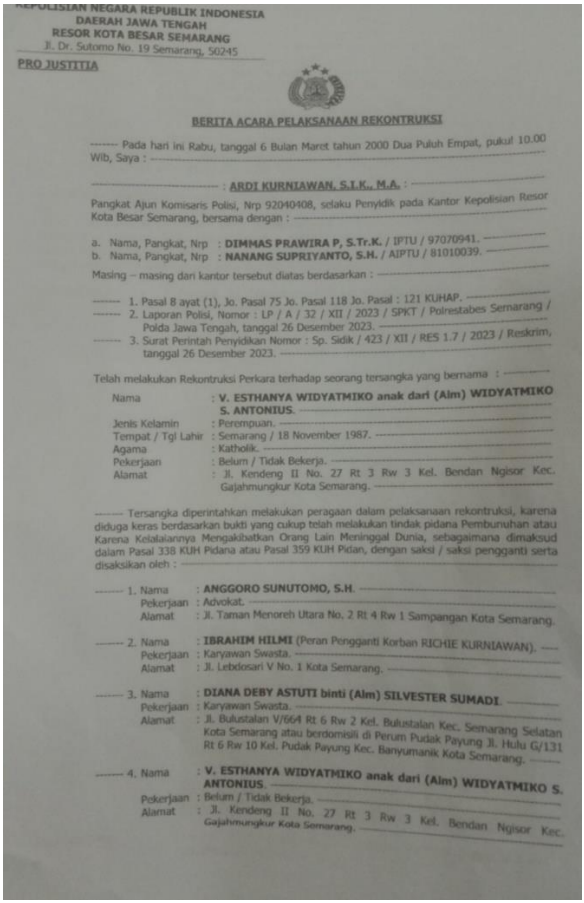
--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

PERTANYAAN	JAWABAN
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersediakah diperiksa dan akan memberikan keterangan dengan sebenarnya ? jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan ---- bersedia diperiksa serta akan memberikan keterangan dengan ---- sebenarnya. ----------
2. Saudari berada di Polrestabes Semarang sekarang ini apakah mendapat surat panggilan dari pihak Kepolisian atau dengan cara bagaimanakah ? jelaskan. ----	---- 2. Bahwa saya berada di Polrestabes Semarang sekarang ini tidak ---- mendapat surat panggilan melainkan tidak datang atas kesadaran ---- diri, melainkan saya diamankan oleh petugas Kepolisian yang

Source: Broto Hastono & Associates Office[126]

[126] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates

Picture 4.17.
BAP Reconstruction of Incidents



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo No. 19 Semarang, 50245

PRO JUSTITIA

BERITA ACARA PELAKSANAAN REKONTRUKSI

------- Pada hari ini Rabu, tanggal 6 Bulan Maret tahun 2000 Dua Puluh Empat, pukul 10.00 Wib, Saya : ----------

---------- : ARDI KURNIAWAN, S.I.K., M.A. : ----------

Pangkat Ajun Komisaris Polisi, Nrp 92040408, selaku Penyidik pada Kantor Kepolisian Resor Kota Besar Semarang, bersama dengan : ----------

a. Nama, Pangkat, Nrp : **DIMMAS PRAWIRA P, S.Tr.K.** / IPTU / 97070941. ----------
b. Nama, Pangkat, Nrp : **NANANG SUPRIYANTO, S.H.** / AIPTU / 81010039. ----------

Masing – masing dari kantor tersebut diatas berdasarkan : ----------

------- 1. Pasal 8 ayat (1), Jo. Pasal 75 Jo. Pasal 118 Jo. Pasal : 121 KUHAP. ----------
------- 2. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
------- 3. Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES 1.7 / 2023 / Reskrim, tanggal 26 Desember 2023. ----------

Telah melakukan Rekontruksi Perkara terhadap seorang tersangka yang bernama : ----------

Nama	: **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Jenis Kelamin	: Perempuan. ----------
Tempat / Tgl Lahir	: Semarang / 18 November 1987. ----------
Agama	: Katholik. ----------
Pekerjaan	: Belum / Tidak Bekerja. ----------
Alamat	: Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

------- Tersangka diperintahkan melakukan peragaan dalam pelaksanaan rekontruksi, karena diduga keras berdasarkan bukti yang cukup telah melakukan tindak pidana Pembunuhan atau Karena Kelalaiannya Mengakibatkan Orang Lain Meninggal Dunia, sebagaimana dimaksud dalam Pasal 338 KUH Pidana atau Pasal 359 KUH Pidan, dengan saksi / saksi pengganti serta disaksikan oleh : ----------

------- 1. Nama	: **ANGGORO SUNUTOMO, S.H.** ----------
Pekerjaan	: Advokat. ----------
Alamat	: Jl. Taman Menoreh Utara No. 2 Rt 4 Rw 1 Sampangan Kota Semarang.
------- 2. Nama	: **IBRAHIM HILMI** (Peran Pengganti Korban RICHIE KURNIAWAN). ----
Pekerjaan	: Karyawan Swasta. ----------
Alamat	: Jl. Lebdosari V No. 1 Kota Semarang. ----------
------- 3. Nama	: **DIANA DEBY ASTUTI binti (Alm) SILVESTER SUMADI.** ----------
Pekerjaan	: Karyawan Swasta. ----------
Alamat	: Jl. Bulustalan V/664 Rt 6 Rw 2 Kel. Bulustalan Kec. Semarang Selatan Kota Semarang atau berdomisili di Perum Pudak Payung Jl. Hulu G/131 Rt 6 Rw 10 Kel. Pudak Payung Kec. Banyumanik Kota Semarang. ----------
------- 4. Nama	: **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Pekerjaan	: Belum / Tidak Bekerja. ----------
Alamat	: Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

Source: Broto Hastono & Associates Office[127]

[127] Secondary Data Obtained From Bap Case Files Provided by Kornelius Benuf S.H. As an Advocate from Broto Hastono & Associates

When referring to Article 14 Paragraph (1) letter g of Law Number 2 of 2002 concerning the Indonesian National Police which states "The Indonesian National Police is tasked with investigating and investigating all criminal acts in accordance with criminal procedural law and other laws and regulations". From the *recht verbis* of Article 14 Paragraph (1), it states that the police are tasked with investigating and investigating all criminal acts without exception when not prohibited by a law or other legal rules.

This means that all criminal reports received by the police must be processed and resolved. However, it is different from the case experienced by Mr. Maulana, a student of UIN Walisongo Semarang, who reported a case of fraudulent investment at the West Semarang Ngaliyan Police Station, where there was no progress at all, even though the report occurred in September 2021. After discussing the case of V. Esthanya Widyatmiko who was ciral and received quick handling by the police, in contrast to the case experienced by Mr. Maulana, a student of UIN Walisongo Semarang who reported a case of fraudulent investment at the Ngaliyan West Semarang Police Station, where there was no progress at all, even though the report occurred in September 2021.

The chronology of the case is when in 2021 Mr. Maulana joined an online investment *group* on Telegram called Binomo Trader Indonesia and contacted one of the admins there. Furthermore, because he was tempted by testimonials from members of the group, Mr. Maulana then invested IDR 2,000,000. After the money was paid, the admin contacted Mr. Maulana again and said that the slot for capital of Rp. 2,000,000 had run out and the remaining Rp. 5,000,000. So, Mas Maulana was told to send another Rp. 3,000,000. Mas Maulana objected to this and asked for a refund of the funds he had sent earlier. However, the admin did not return the money even though the agreement at the beginning was that if there was an error or any matter, the money would be returned 100%. Two days later, Maulana's contact was finally blocked by the admin of the Binomo Trader Indonesia group. After that Maulana reported this to the Ngaliyan West Semarang Police. After reporting the case, it turned out that the police did not follow up on the case reported by Maulana further.

The fraudulent investment report that Maulana has reported, has there been any progress to be resolved by the police?

Answer: No. In fact, the police themselves say that there are many things like this and they have piled up and are only limited to reports, aka they are not followed up[128].

With this data, it is known that the police deliberately ignored the report that Mr. Maulana reported. Of course, the discussion above is very interesting if we discuss it from the perspective of *equality before* the law or equal rights and treatment before the law in the context of criminal acts and criminal cases. Crime is a basic understanding of criminal law that refers to acts that violate criminal law. According to Vos, a crime is an unlawful act punishable by law, which is an act that can usually be prevented by the threat of a crime[129]. According to Simons, crime is an act that is punishable by punishment, which is illegal and against the law, contains fault, and can be held accountable by the perpetrator[130].

A crime is basically an act that is prohibited by law or the act that results from it is also prohibited by law.

[128] Interview with Maulana Anwar, Sunday, September 22, 2024 at 17.00 Wib.

[129] Tri Andrisman. Criminal Law: Principles and Basic General Rules of Indonesian Criminal Law. University of Lampung. 2007. Bandar Lampung. Page 81

[130] Moeljatno, Principles of Criminal Law, Jakarta, Bina Aksara, 2005, Page 20.

Certain crimes are more closely related to law enforcement or legislation. Certain crimes are only concerned with legal norms or regulations, and do not take into account legal facts. Therefore, the interpretation and implementation of the law in the community will be very inconsistent with what the community itself wants because the implementation of a law is based on a *strict norm* or only the norms that have been regulated in the law, not based on field facts in the community.

The argument that the existence of general rules can fulfill the demands of equality is an ancient argument, which has been put forward by Plato and Aristotle when they supported the rule of laws, not men. This argument is meant to provide an ethical argument, which aims to avoid the government arbitrarily treating people without equal care and respect, but it does not necessarily guarantee fair equality.

Since it is generally nothing more than the equal application of a group of people, as has been shown, the general nature of *equality before the law* is not only compatible with racial and other discrimination but also useful for institutionalizing it. However, it must be recognized that the existence of rules, regardless of their application, can provide some kind of restriction on

arbitrary power, thus being a necessary though not a sufficient condition to ensure that a social order has the minimum equality necessary for well-being to exclude arbitrary power[131]. Because equality before the law requires something more than the existence of announced or declared rules, which is understood here to refer only to announced rules, it cannot be implemented to the overall meaning of these rules. The principle of equality before the law is the notion that courts or law enforcers must give equal treatment to people in similar cases.

Every case that goes to the police must be processed fairly and prioritize equal rights in accordance with existing rules in Indonesia. Not one-sided and tend to be ignored or not processed at all.

> *According to Mr. Maulana, should every citizen have the same rights in the investigation of cases that have been reported?*
>
> *Answer: It should be in accordance with Law No. 8/1981 of the Criminal Code so that every party who reports is not just made a report letter*[132].

Equality in the application of rules is common sense, and it is not a superfluous or, worse, a perverse

[131] Isaiah Berlin. 1978. Equality. In J. Berlin, Concepts And Categories. Philosophical Essays, 81-102. London: The Hogarth Press.

[132] Interview with Maulana Anwar, Sunday, September 22, 2024 at 17.00 Wib.

principle. Demonstrating the ethicality of this principle is a different matter, asking to what extent equality before the law should take precedence over other possible criteria, such as substantive justice or, in the case of valid but practically unenforceable rules[133]. This point was made by Kelsen when he stated that equality before the law has nothing to do with justice because such equality is perfectly compatible with rules that are grossly unjust and inegalitarian[134].

We can fully acknowledge that the application of any rule that contains unjust distinctions is unjust without accepting, as Kelsen seems to do, that equality before the law has no ethical value whatsoever. Kelsen is correct in stating that if a legal rule is unjust, then its legally correct application will also be so. However, this fact does not mean that equality before the law has no moral weight. It only allows us to conclude that the principle, as well as the principle of legality and many other legal principles, is not an absolute and conclusive criterion, but only a criterion that can be overridden. This therefore means

[133] Alfonso Ruiz Miguel, (1997). Equality Before The Law And Precedent. *Ratio Juris*, *10*(4), 372-391.

[134] Asshidiqie, Jimly. 2006. Hans Kelsen's Theory of Law. Jakarta: Secretariat General and Registrar of the Constitutional Court Ri. Page. 36

that when rules are just and perhaps even when they are not blatantly or totally unjust, the principle of equality before the law deserves great, though not absolute, respect.

Equality before the law serves as an ethically sound legal principle when it functions within a framework that reasonably guarantees equality in law, allowing for exceptions, through judicial review of the validity of regulations that do not respect the basic requirements of equal justice. For example, where the regulation discriminates on the basis of race, gender or the like. While equality before the law carries some weight, this is more apparent when we consider rules that are only slightly unfair. Suppose I go to the police station to file a report on my case and it is taken care of by them for investigation but I have to wait for months, but there are other people who have only been filing reports with the police for a few days and are already being investigated in a matter of weeks. This is an unfair imbalance in the application of the rules that cannot be justified. Of course, because simple equality can always be obtained in two ways (obeying and disobeying the rules in each case) and because the rules exist. This

means that there is a privilege given to others before the law.

The principle of equality before the law is contained in the general explanation of the Criminal Procedure Code (KUHAP), which states that everyone is treated equally before the law, without discrimination[135]. Article 27 Paragraph (1) of the 1945 Constitution also emphasizes that all citizens have the same status and position before the law. The principle of equality before the law is found in almost all state constitutions, this is the basis that protects the human rights of citizens. “If this is enshrined in the Constitution, then it is a logical consequence that the government and law enforcers must implement and apply this principle in the life of the state."[136].

Equality before the law in the 1945 Constitution is a series of rights and obligations that must be carried out based on their respective positions. Equality before the law means that law enforcers and the government

[135] M. Yahya Harahap, Discussion of Problems and Application of the Criminal Code, Investigation and Prosecution, Second Edition, Sinar Grafika, Jakarta 2012, p. 436

[136] Diska Kurnianto. 2017. Implementation of Deponering in the Perspective of the Principle of Equality Before The Law. Thesis: University of Muhammadiyah Magelang. Page. 24.

must treat every citizen fairly without special treatment and without discrimination[137].

From the comparison of viral criminal acts about murder and non-viral criminal acts about fraudulent investments, it can be concluded that the police have violated the principle of *equality before the law.* When comparing the case experienced by Maulana's brother, which was reported from 2021 to 2024, there was no progress at all. However, when the viral vehicle embezzlement case committed by V. Esthanya Widyatmiko, which surfaced in December 2023, as of May 2024 the criminal file had been submitted to the Semarang District Court. *Equality before the law* means equality before the law. If we guess from equality of treatment, then surely the murder and fraudulent investment cases used as data above can make a conclusion that the police did not apply the principle of *equality before the law* properly.

[137] Ahmad M. Ramli, 2008, Analysis and Evaluation of the Law of Prosecution and Examination of Corruption Crimes, National Law Development Agency, Ministry of Law and Human Rights, Jakarta.

5. Implications of Police Prioritization of Viral Case Law Enforcement on Substantial Justice

According to Mertokusumo, a legal scholar must have the ability to solve juridical cases, which consists of three activities: (i) determining legal problems, solving them, and making decisions. Therefore, in the process of solving legal problems, appropriate legal reasoning steps are required[138].

There are at least six main steps in the process of legal reasoning in the decision-making process: (1) Identifying the facts to produce the most convincing case structure that the case actually occurred, (2) connecting the case structure with the relevant legal sources, in order to determine the legal act from a legal point of view. (3) selecting sources related to the law and legislation to find the guidelines of the law, so as to create a coherent legal structure. (4) linking the legal structure with the case structure. (5) looking for alternative solutions, and (6) deciding on the choice of a path, and then making it the final decision[139].

---

[138] Mertokusumo, S. (1990). Legal Education in Indonesia in the Spotlight. *Kompas Daily*, *7*, 2.

[139] Shidarta. 2004. Characteristics of Legal Reasoning in the Indonesian Context. Bandung: Cv. Utama. Page. 177

Legal reasoning should enable a *socio-legal* approach to understand legal issues in society in a more contextual manner and in relation to the sociocultural conditions of the community. These are the things that are considered to produce substantive justice. Qualitative justice is based on public morality and human values, and is able to provide satisfaction and happiness for the community. This is different from formal justice which is measured quantitatively or formal justice[140].

The rules that apply in the most *socially oriented* stages of justice discovery are not only considered in substantive justice decisions. Much sociology of law considers justice as a social issue, not just a juridical one. Substantive justice depends on the "response" of society, so problem solving depends on the law "listening to the conscience of society". In other words, the law has the ability to understand the public's wishes and is committed to achieving substantive justice[141].

[140] Umar, Sholehudin. 2011. Law & Community Justice. Malang: Setara Press. Page. 44

[141] Ridwan. 2008. "Realizing the Progressive Legal Character of the General Principles of Good Governance Solution for the Search and Discovery of Substantive Justice." Pro Justicia Law Journal Vol. 26 No.2

Luthan and Syamsudin define substantive justice as follows: substantive justice that is made based on logical, honest, impartial, and objective (logical) considerations[142]. According to this idea, there are four criteria that can be used to determine whether a decision contains substantive justice: rationality, honesty, objectivity, and impartiality.

Objective parameters use rational criteria external to the person making the judgment, such as perceptions, assumptions, or beliefs. In contrast, subjective parameters use internal parameters from the person making the judgment, such as perceptions. Information, opinions, information, or facts are considered objective if they correspond to the true state of things[143].

The police as the main role holder who is directly related to the community (*crusial),* that every action taken by the police will have a direct impact on the community. The police are one of the pillars in the success of law enforcement, this means that law enforcement does not run properly if police officers are not professional in carrying out their duties. The police are at the forefront of crime fighting

[142] Syamsudin, Muhamad. 2008. Proficient in Writing Legal Memorandum. 2nd Ctk. Jakarta: Prenada Media Group. Pp. 67

[143] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), pp. 18-33.

to enforce the law in every case handled. Good and effective regulations without professional and competent officers will definitely have an impact on law enforcement, and conversely, good policing with a poor legal system will also have a negative impact on law enforcement.

The importance of the role of the police in law enforcement, the image of the police must be good in the eyes of the community because the presence of the police is for the benefit of the community itself. The task of the police is to maintain security and order and protect the community by enforcing the law[144]. The same thing is also emphasized in Law (UU) Number 2 of 2002 concerning the Indonesian National Police which states that the police are obliged to maintain public security and order, enforce the law, provide protection, protection and services to the community.

Based on the results of the research, through an interview with the TIPIDTER Investigator of POLRESTABES Semarang in August 2024, namely Mr. Agus with the rank of Adjunct Police Inspector Two, stated that:

[144] Wahyono, (2011). Dynamics of Police Function and Its Relationship with Community Policing Program. *Perspektif*, *16*(3), pp. 160-172.

''To take a case through to submission to court, they prioritize cases on the basis of how much public attention they receive[145].

Aristotle provides a fundamental description of justice in Book Five of the Nicomachean Ethics. To understand justice and injustice, we have to talk about three main things: namely what actions are associated with the term "justice", what justice means, and where justice lies between two conflicting points.

Justice under the law, also known as legal justice, is justice established by law in the form of rights and obligations, and violations of this justice are punished through legal proceedings[146]. This suggests that if someone has violated justice, they will be subject to punishment through the legal process.

Talking about justice means that we must prioritize equal rights before the law. Such as the right to immediately follow up on every police report by police investigators without distinguishing between viral and non-viral cases. It is inversely proportional to the reality with the case experienced by Mr. Maulana and Sister Dessy who felt the unfairness of

[145] Interview Results with Agus Tri Harmoko, S.S. as Tipidter Investigator of Semarang Police, Monday, August 7, 2023 at 10.00 WIB

[146] Fuady, M. (2007). The Dynamics of Legal Theory. Ghalia Indonesia: Bogor. Pg. 33

the legal process by the police. The case they reported did not take a short time, but took 3-4 years and there was no progress at all. Law enforcers, especially the police, are no longer just *la bouche de la loi* (the mouthpiece of the law), they must be able to function as living interpreters who are able to capture the spirit of justice in society and are not shackled by the normative procedural rigidity that exists in a legislation.

According to *Black's Law Dictionary* Seventh Edition, substantive justice is when it is rendered in accordance with substantive legal rules without considering procedural errors that do not affect the substantive rights of the Plaintiff or the party in conflict[147]. This shows that materially and substantively, formal errors can violate justice. Conversely, formal errors may be justified if they are materially and substantively fair. Law enforcement can tolerate procedural errors as long as they do not violate the substance of justice. In other words, substantive justice does not mean that judges must always ignore the letter of the law. Rather, substantive justice allows law enforcers to ignore laws that do not provide a sense of justice.

[147] Black, H. C., Garner, B. A., Mcdaniel, B. R., Schultz, D. W., & West Publishing Company. (1999). *Black's Law Dictionary* (Vol. 196). St. Paul, Mn: West Group.

1. Law Enforcement of Viral Crimes of Vehicle Embezzlement and its Implications for Substantial Justice

In early 2024, we saw the case in Sukolilo Village in Pati which was so viral that the public was very concerned about the case, even if we look at the Intagram account @voltcyber_v2 (which is now *blocked*) and the tweeter account @dhemit_is_back there the account owner gave the location where the collectors gathered so that the police raided *door to door* every house that had a vehicle to show the letters.

The police responded to viral news spread on the internet by increasing enforcement or traffic obedient operations, to patrolling the roads around Semarang. So, with *viral* news in the community, it will also correlate with police performance in the community. After the viral news of many fake vehicles in Sukolilo Pati, the police then held a massive raid targeting residents in Pati and found a lot of vehicles suspected of being the result of embezzlement, theft, and robbery.

With the data above, it must meet the four criteria from Luthan and Syamsudin, namely:

a. Objectivity

Objective parameters use rational criteria external to the person making the judgment, such as perceptions, assumptions, or beliefs. In contrast, subjective parameters use internal parameters from the person making the judgment, such as perception. Information, opinions, information, or facts are considered objective if they correspond to the true state of things[148].

The parameter that can be used to make the decision of the police objective is when it is based on facts and information that actually exist and actually occur in the field. The existence of embezzled vehicles in Pati is a fact revealed by the public and the Voltcyber_v2 Instagram account which was then responded to by the police by conducting raids directly to the given location. And it turned out that the police found a lot of embezzled vehicles. So, this can fulfill the objectivity criteria of substantial justice.

b. Honest consideration

[148] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

Honest judgment is the second criterion of substantive justice. Honest or fairness means that there is a correlation between existence (the essence, nature, or identity or inherent quality of something corresponds to the assertion of the existence or nature or identity of something). For example, the existence of information corresponds to the statement about the existence or nature or identity of the information. False information is called false information, while true information is called true information[149].

The existence of embezzled vehicles in Pati is a fact revealed by the public and the Voltcyber_v2 Instagram account which was then responded to by the police by conducting raids directly to the given location. And it turns out that the police found a lot of embezzled vehicles. The information provided by the Voltcyber_v2 account corresponds to the facts found by the police so that it can be said that it meets the criteria for honest consideration.

[149] Syamsudin, M. (2014). Procedural and Substantive Justice in the Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

c. Impartiality Considerations

Impartiality is the third criterion of substantive justice. In a lexical sense, impartial is compared to partial, bias, and prejudice. Conceptually, impartiality can be defined as an attitude or action that does not take sides when faced with two conflicting matters or interests. Impartiality can also be defined as the attitude or action of treating all people in the same way, without distinguishing, or without privileging[150].

The existence of embezzled vehicles in Pati is a fact revealed by the public and the Voltcyber_v2 Instagram account which was then responded to by the police by conducting raids directly to the given location. And it turns out that the police found a lot of embezzled vehicles. The decision of the police to conduct raids is an SOP of the police themselves who respond to complaints from the public about a criminal offense that occurred. This means that the police do not take sides or prioritize one side. Therefore, the police decision to conduct the raid

[150] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

can be said to be in accordance with impartial considerations.

d. Rational Consideration

The fourth parameter of substantive justice is rational judgment that results in rational and logical decisions. Rational means in accordance with reason or can be accepted by common sense, and logical means in accordance with logic and the laws of logic[151].

The existence of embezzled vehicles in Pati is a fact revealed by the public and the Voltcyber_v2 Instagram account which was then responded to by the police by conducting raids directly to the given location. And it turns out that the police found a lot of embezzled vehicles. The decision of the police to conduct raids is an SOP of the police themselves who respond to complaints from the public about a criminal offense that occurred. The decision taken by the police to raid the fake vehicles is certainly based on rational considerations because it is in accordance with article 5 of the Law of the Republic

[151] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

of Indonesia Number 2 of 2002 concerning the Indonesian National Police which reads "The Indonesian National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the public in the context of maintaining domestic security." From this article, of course, in legal logic, the police must follow up on complaints from the public. Then the follow-up to the complaint is the holding of a raid. With this, the police decision is in accordance with rational considerations.

With the explanation and discussion of the data above, with the criminal case of vehicle embezzlement that was viralized by the Voltcyber_v2 Instagram account, the police decision in handling the case was in accordance with substantive justice which requires 4 criteria, namely: objectivity, honesty, impartiality, and rationality.

2. Law Enforcement of Non-Viral Offenses of Theft and its Implications for Substantial Justice

Dessy as a victim of injustice in law enforcement is not a puncture crime whose case did not go viral expressed her disappointment with the police for the

handling of her case which was considered discriminatory, that:

> *We should have the same rights to cases that have been reported, because the law should be fair for all people, whether rich or poor. It's not like now there are those who easily get legal aid because of connections, money or other things*[152].

A type of settlement that emphasizes substantial justice is needed in line with the increasing problem of criminal cases in Indonesia. This substantial justice will protect the rights of all parties and restore social harmony. People have recently been dissatisfied with the resolution of criminal cases. This is due to the possibility that criminal law enforcement does not provide a sense of justice to the small community.

The current law only focuses on procedural justice rather than substantial justice. In this case, procedural justice is justice that refers to the letter of the law, as long as the letter of the law applies, so is law enforcement. Further investigation is needed to determine whether material justice is truly fair to many parties. The enforcers of procedural justice often ignore

[152] Interview with Dessy Novianti, Saturday, September 21, 2024 at 13.00 WIB

this because they are usually positivistic and do not see how people do not feel justice, which is actually realized by law as a means of realizing justice that is more than just a formality[153].

Dessy regrets when police officers handle cases based on whether they are viral or not, thus undermining justice for justice seekers like Dessy.

The police should not wait for a case to go viral before it is processed, because the law must be fair and must be processed quickly and accurately.
154.

Justice and humanity are the goals of law, so "law for people" also means "law for justice", meaning that humanity and justice are above the law. The main emphasis is on law enforcement with justice, or the creation of public welfare, which is referred to in Indonesia as a "just and prosperous society"[155]. Therefore, the Indonesian National Police is a government agency responsible for maintaining the nation's security and order, enforcing the law, and

[153] Taufiq, M. (2013). Criminal Case Settlement with Substantial Justice. *Yustisia*, *2*(1).

[154] Interview with Dessy Novianti, Saturday, September 21, 2024 at 13.00 Wib.

[155] Susanto, F. A. (2004). Police in Law Enforcement Efforts in Indonesia Rineka Cipta. *Jakarta. Guidelines for the Implementation of the Criminal Procedure Code*.

providing protection, protection, and services to the public in order to maintain domestic security.

In relation to the purpose and spirit of law enforcement, it can be said that if law enforcement and compliance in enforcing the law carry out their duties with integrity and effectiveness and provide great benefits to society, then they demonstrate good moral character. Conversely, if law enforcement and the legal profession do not carry out their proper duties and commitments in a manner that is inconsistent with their moral obligations, then it can be said that law enforcement and the legal profession in Indonesia are immoral. With the ineffectiveness of the police in handling cases in the community, this will certainly have a negative impact on substantive justice. Not only does it not fulfill progressive law, but it does not fulfill formulative law because there is no progress at all given to Dessy's case.

With the data above, it must fulfill the four criteria from Luthan and Syamsudin, namely:

a. Objectivity

Objective parameters use rational criteria external to the person making the judgment, such as perceptions, assumptions, or beliefs. In contrast,

subjective parameters use internal parameters from the person making the judgment, such as perception. Information, opinions, information, or facts are considered objective if they correspond to the true state of things[156].

The parameter that can be used to make the decision of the police objective is when it is based on facts and information that actually exist and actually occur in the field. In fact, the facts that have been provided by Sister Dessy to police investigators have not been followed up until now. In fact, even with very clear witnesses and evidence, the police have never processed this matter. Thus, with the facts that have been presented, the police decision not to process the report from Sister Dessy does not meet objective considerations.

b. Honest consideration

Honest judgment is the second criterion of substantive justice. Honest or fairness means that there is a correlation between existence (the essence, nature, or identity or inherent quality of something corresponds to the assertion of the existence or

[156] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

nature or identity of something). For example, the existence of information corresponds to the statement about the existence or nature or identity of the information. False information is called false information, while true information is called true information[157].

The case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA has not progressed at all. The case did not grab the attention of many people or did not go viral. There is quite a lot of evidence such as the cellphone case that belongs to the perpetrator's friend and the victim's headset is also with the perpetrator's friend. Worse, the perpetrator's own friend told Dessy's sister that it was the perpetrator who took Dessy's cellphone. Dessy's sister already knew the address of the perpetrator and had given the information to Dessy's sister. However, until now the police have not moved quickly and it has been counted 4 years since

[157] Syamsudin, M. (2014). Procedural and Substantive Justice in the Decision of Magersari Land Dispute. *Judicial Journal*, *7*(1), 18-33.

there has been no progress at all on the case reported by Dessy's.

> *I am disappointed with the performance of the police because the reports reported have not made any progress at all and I hope that the police will follow up on all cases reported to the police and not only focus on major cases, but cases that are directly related to the community as well such as the theft of this cellphone*[158].

Dessy Novianti was disappointed with the performance of police investigators who did not follow up on the case she reported. She commented that the police should follow up on all cases that have been reported not only on large or viral cases, but all cases without exception. Moreover, the case reported by Sister Dessy is an easy case because the evidence, witnesses, and address of the perpetrator are already known. This means that the police only need to summon or process those reported. Contrary to what should have been, it turns out that the police did not even have any progress, communication or anything about the case

[158] Interview with Dessy Novianti, Sunday, September 21, 2024 at 13.00 Wib.

reported by Sister Dessy. This is in accordance with what Sister Dessy said as follows:

Until now there has been no summoning of witnesses and no progress at all until now[159].

As if it was just a formality, the report reported by Sister Dessy was only a data collection and there was no follow-up at all. This is certainly very detrimental to people like Sister Dessy who feels that the loss of the cellphone has affected her life because the cellphone is used for selling and daily activities. Based on the size of the case, a *restorative justice* scheme should have been implemented in Sister Dessy's case because this case was not too big. However, even up until now, the police have not implemented this scheme. This means that this is not a matter of the size of a case, but has entered the realm of police performance which deliberately did not process the cellphone theft case reported by Sister Dessy. In accordance with the answer of the interview results said by Sister Dessy when

[159] Interview with Dessy Novianti, Sunday, September 21, 2024 at 13.00 Wib.

asked whether there had been communication by the police or summoning the parties to be asked to reconcile or do a *restorative justice.*

Never met the perpetrator at all[160].

From the facts on the ground regarding the theft case experienced by Sister Dessy, several facts have been described and led the police officers themselves to trace the facts. However, the police still have not solved the case. Therefore, the police did not fulfill the criteria of honest consideration.

c. Impartiality Considerations

Impartiality is the third criterion of substantive justice. In a lexical sense, impartial is compared to partial, bias, and prejudice. Conceptually, impartiality can be defined as an attitude or action that does not take sides when faced with two conflicting matters or interests. Impartiality can also be defined as the attitude or action of treating all

[160] Interview with Dessy Novianti, Sunday, September 21, 2024 at 13.00 Wib.

people in the same way, without differentiating, or without privileging[161].

The case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA has not progressed at all. The case did not grab the attention of many people or did not go viral. There is quite a lot of evidence such as the cellphone case that belongs to the perpetrator's friend and the victim's headset is also with the perpetrator's friend. Worse, the perpetrator's own friend told Dessy's sister that it was the perpetrator who took Dessy's cellphone. Dessy's sister already knew the address of the perpetrator and had given the information to Dessy's sister. However, until now the police have not moved quickly and there has been no progress at all on the case reported by Dessy's sister for 4 years. With these facts, it can be concluded that the police are not concerned with justice and take sides with the perpetrator because they do not bring the perpetrator and victim together to be resolved

[161] Syamsudin, M. (2014). Procedural and Substantive Justice in Magersari Land Dispute Decision. *Judicial Journal*, *7*(1), 18-33.

immediately. Therefore, this certainly does not meet the criteria of impartiality.

d. Rational Consideration

The fourth parameter of substantive justice is rational judgment that results in rational and logical decisions. Rational means in accordance with reason or can be accepted by common sense, and logical means in accordance with logic and the laws of logic[162].

The case reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA has not progressed at all. The case did not grab the attention of many people or did not go viral. There is quite a lot of evidence such as the cellphone case that belongs to the perpetrator's friend and the victim's headset is also with the perpetrator's friend. Worse, the perpetrator's own friend told Dessy's sister that it was the perpetrator who took Dessy's cellphone. Dessy's sister already knew the address of the perpetrator and had given the information to Dessy's

[162] Syamsudin, M. (2014). Procedural and Substantive Justice in the Decision of Magersari Land Dispute. *Judicial Journal*, *7*(1), 18-33.

sister. However, until now the police have not moved quickly and there has been no progress at all on the case reported by Dessy's sister for 4 years.

The police have the authority to enforce the law against all types of criminal acts[163]. The main tasks of the Indonesian National Police are:

a) Maintaining security and public order,
b) enforcing the law, and
c) provide protection, protection, and services to the community.

Then in article 14 paragraph (1) letter g of the Police Law states that: In carrying out its main duties as referred to in Article 13, the Indonesian National Police is tasked with conducting investigations and inquiries into all criminal acts in accordance with criminal procedural law and other laws and regulations.

Thus the police have been given great authority to carry out law enforcement against all violations of applicable laws in Indonesia. The Police Act itself clearly states that the police are

[163] Parlin Azhar Harahap, et al. (2021). The Role of the North Sumatra Regional Police (Polda-Su) in Law Enforcement Against Election Crimes. *Retentum Journal*, *2*(1), 90-98.

required to carry out investigations and inquiries in handling criminal cases. However, with the facts experienced by Sudari Dessy whose case has not been processed until now, the police logically do not exercise their authority. Therefore, with this fact, the police decision is not based on rational consideration..

With the explanation and discussion of the data above, with the criminal case of theft reported by Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA, it brings a conclusion that the police decision in handling the case is not in accordance with substantive justice because it does not meet the 4 criteria of substantive justice, namely: objectivity, honesty, impartiality, and rationality.

3. Law Enforcement of Viral Crimes of Murder and its Implications for Substantial Justice

Crimes that go viral because of a process of *work of consumption* and *work of production* give rise to a stage of *work in progress.* A criminal case becomes *work of consumption* and leads to *work in progress* because many people highlight it. As is the case with the case of V. Esthanya Widyatmiko, which went viral in various online news.

The case experienced by V. Esthanya Widyatmiko went viral and entered various Web news and became the concern of many people. The case has now been resolved by the police with less than 5 months already submitted to the court. The process carried out by the police is fairly fast and seems prioritized because it only takes a matter of days to process from the report stage to the stage of arresting the suspect. The reconstruction stage carried out by the police also only took 3 (three) months which was then followed by the stage of additional information on the suspect by the police.

With the data above, it must meet the four criteria from Luthan and Syamsudin, namely:

a. Objectivity

The parameters for an objective police decision are when it is based on facts and information that actually happened in the field. Information from the

public prosecutor regarding the case experienced by V. Esthanya Widyatmiko report number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023 is in accordance with the facts in the field because it has been proven in court. Therefore, the facts on the ground and the decision by the police to determine and process the case of V. Esthanya Widyatmiko are in accordance with the facts on the ground. Esthanya Widyatmiko is in accordance with the criteria of objective consideration.

b. Honest consideration

The testimony of the public prosecutor regarding the case of V. Esthanya Widyatmiko report number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023 is in accordance with the facts on the ground because it has been proven in court. So, that way the facts in the police and the facts on the ground are in accordance, so the police decision is in accordance with honest considerations.

c. Impartiality Considerations

The testimony of the public prosecutor regarding the case of V. Esthanya Widyatmiko's report number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023 is in accordance

with the facts on the ground because it has been proven in court. The police who investigated the case. Esthanya Widyatmiko is an offense report. This means that the police themselves found the fact that there was a criminal offense found in the case. The police with their authority to prosecute criminal offenses must raise the case into the record, even though the family did not report the case. This means that the police only carry out their duties and obligations in law enforcement in Indonesia without taking sides with the perpetrator or the victim's family. Therefore, the police decision is in accordance with the impartiality criteria of substantive justice.

d. Rational Consideration

The testimony of the public prosecutor regarding the case of V. Esthanya Widyatmiko's report number: LP: A/32/XII/2023/SPKT/Polrestabes Semarang/Polda Jawa Tengah dated December 26, 2023 is in accordance with the facts on the ground because it has been proven in court. The police who investigated the case. Esthanya Widyatmiko is an offense report. This means that the police themselves found the fact that there was a criminal offense found in the case. The police with their authority to prosecute criminal offenses must raise the

case into the record, even though the family did not report the case. This means that the police only carry out their duties and obligations in law enforcement in Indonesia without taking sides with the perpetrator or the victim's family. This is certainly in accordance with Article 338 of the Criminal Code on murder which is an ordinary offense, meaning that it is not a complaint offense that only the parties concerned can report, but the police can also report their own findings. This is certainly in accordance with rational legal logic and in accordance with the criteria for rational consideration of substantial justice.

With the explanation and discussion of the data above, with the viral murder case, the police decision in handling the case is in accordance with substantive justice which requires 4 criteria, namely: objectivity, honesty, impartiality, and rationality.

4. Law Enforcement of Non-Viral Crimes on Fraudulent Investment and its Implications for Substantial Justice

The case of Mr. Maulana, a student of UIN Walisongo Semarang, who reported a case of fraudulent investment at the West Semarang Ngaliyan Police

Station, which has made no progress at all, even though the report occurred in September 2021. The chronology of the case is when in 2021 Mr. Maulana joined an online investment *group* on Telegram called Binomo Trader Indonesia and contacted one of the admins there. Furthermore, because he was tempted by testimonials from members of the group, Mr. Maulana then invested IDR 2,000,000. After the money was paid, the admin contacted Mr. Maulana again and said that the slot for capital of Rp. 2,000,000 had run out and the remaining Rp. 5,000,000. So, Maulana was told to send another Rp. 3,000,000. Maulana objected to this and asked for a refund of the funds he had sent earlier. However, the admin did not return the money even though the agreement at the beginning was that if there was an error or any matter, the money would be returned 100%. Two days later, Maulana's contact was finally blocked by the admin of the Binomo Trader Indonesia group. After that Maulana reported this to the Ngaliyan West Semarang Police. After reporting the case, it turned out that the police did not follow up on the case reported by Maulana further and told Maulana to give up his money[164].

[164] Interview with Maulana Anwar, Sunday, September 22, 2024 at 17.00 Wib.

With this data, it is known that the police deliberately ignored the report that Mr. Maulana reported. In the case experienced by Maulana, it is necessary to explore the fulfillment of justice, not only concerned with the budget issues that will be incurred by the state and the value of the reporter's losses.

> *The police have always objected to the cost of handling these cases. The police themselves say the loss of Rp.2,000,000 is not worth our operational costs*[165].

From Mr. Maulana's statement, the police carry out investigative tasks taking into account operational costs and the value of losses. This is because there was no development of the case reported by Maulana because the losses experienced were not large enough so that no further process was carried out by police officers. This will certainly have implications for substantial justice because Maulana did not get his rights before the law as a reporter who suffered losses.

Law enforcers are no longer just *la bouche de la loi* (the mouthpiece of the law), they must be able to function as living interpreters who are able to capture the spirit of justice in society and are not shackled by the

[165] Interview with Maulana Anwar, Sunday, September 22, 2024 at 17.00 Wib.

normative procedural rigidity that exists in a legislation. If the police feel that their operational costs are not comparable to the losses of Maulana, then they should provide other options that can provide justice to Maulana so that they get substantive justice.

It should have the same rights to cases that have been reported, because the law should be fair for all people, whether rich or poor. It's not like now there are those who easily get legal aid because of connections, money or other things[166].

With the data above, if analyzed using four criteria from Luthan and Syamsudin, namely:

a. Objectivity

The parameter that can be used as an objective police decision is when it is based on facts and information that actually exist and actually occur in the field. The case experienced by Maulana is a fact that has been conveyed to the police in his report, but the police are reluctant to process further and only carry out formalities such as recording reports on the basis of lack of operational costs. This means that there is a gap that does not match the facts on the

[166] Interview with Dessy Novianti, Saturday, September 21, 2024 at 13.00 Wib.

ground because every case in the police must be borne by the state and cases must be processed. Therefore, the police decision does not meet the criteria of objectivity.

b. Honest consideration

The case experienced by Mas Maulana is a fact that has been conveyed to the police in his report, but the police are reluctant to process further and only carry out formalities such as recording reports on the basis of lack of operational costs and the process is convoluted and difficult to complete. The police budget will always be adjusted to the needs that exist each year. So, when a case cannot be resolved due to budget shortfalls, it will of course be audited and considered for budgeting in the following year. However, the police have decided from the start not to process the case and only record the report without any progress at all. With this, there is certainly no conformity with the facts and certainly does not meet the criteria for honest consideration of substantive justice.

c. Impartiality Considerations

The case experienced by Maulana is a fact that has been conveyed to the police in his report, but the

police are reluctant to process further and only carry out formalities such as recording reports on the basis of lack of operational costs and the process is convoluted and difficult to complete. The police budget will always be adjusted to the needs that exist each year. So, when a case cannot be resolved due to budget shortfalls, it will of course be audited and considered for budgeting in the following year. However, the police have decided from the start not to process the case and only record the report without any progress at all. With the reasons given by the police for not processing the case, there is certainly a partiality towards the perpetrators of the fraudulent investment and this is very contrary to the criteria for impartial consideration of substantive justice.

d. Rational Consideration

The case experienced by Mas Maulana is a fact that has been conveyed to the police in his report, but the police are reluctant to process further and only carry out formalities such as recording reports on the basis of lack of operational costs and the process is convoluted and difficult to complete. The police budget will always be adjusted to the needs that exist each year. So, when a case cannot be

resolved due to budget shortfalls, it will of course be audited and considered for budgeting in the following year. However, the police have decided from the start not to process the case and only record the report without any progress at all. With these facts, it is certainly not in accordance with Article 14 paragraph (1) letter g of the Police Act which states that: In carrying out its main duties as referred to in Article 13, the Indonesian National Police is tasked with conducting investigations and inquiries into all criminal offenses in accordance with the criminal procedure law and other laws and regulations. Thus the police have been given great authority to enforce the law against all violations of applicable laws in Indonesia. This means that the decision of the police is certainly not in accordance with legal logic and does not meet the criteria of substantial justice which is a rational consideration.

Based on the explanation and discussion of the data above, with the case of fraudulent investment crimes that are not viral, the police decision in handling the case is not in accordance with substantive justice which requires 4 criteria, namely: objectivity, honesty, impartiality, and rationality.

CHAPTER V
CLOSING

A. CONCLUSION

Based on the results of the research and analysis of the discussion using various literature studies, concepts and theories, the researcher can then draw conclusions:

1. The process of solving criminal cases based on virality can affect the speed or slowness of solving the case, this is because the public oversees cases that are currently busy on social media so that the police will mobilize more energy and resources in solving a case.
2. Prioritization of case completion based on the virality of criminal cases by police investigators can have implications for substantial justice because it does not meet the 4 criteria of substantial justice according to Syamsyudin, namely logical, honest, impartial and objective considerations. At the same time, the priority of solving cases based on the virality of criminal cases by police investigators can have implications because it violates the principle of *equality before* the *law* because of the injustice before the law experienced by the reporter whose case did not go viral.

Based on the data of the Voltcyber_v2 case and the case of V. Esthanya Widyatmiko whose case went viral was resolved quickly by the police and when compared to the cases of Dessy Novianti and Maulana Anwar who did not go viral, the resolution of their cases was very slow and there was no progress at all for 4 years.

With some differences in treatment from the data shown, the virality and non-v virality of a case in the completion of the investigation by the police will have implications for the principle of *equality before* the *law* which considers that every Indonesian citizen must be given equal treatment before the law without distinguishing anything in accordance with the 1945 Constitution, at the same time of course it will also have implications for substantial justice that progressive law must prioritize the interests of the people. By not processing the reports from Dessy Novianti and Maulana Anwar, it indicates that substantial justice has been harmed.

B. SUGGESTIONS

1) Society

Public must actively participate in overseeing cases handled by the police so that we can assess and make

input and constructive criticism for the police to continue to improve and carry out their duties based on positive laws in Indonesia and defend justice for the community..

2) Police

The police must continue to improve and be able to complete every report that has been entered and provide progress to victims who want their rights restored. The police as the vanguard of law enforcement is certainly very instrumental in defending the justice of victims who feel their rights have been violated, so they need law enforcers who can protect these rights from being violated. If they consider the case to be small and not worthy of going to the prosecutor's office, then the police must play an active role in finding alternative ways such as *restorative justice* so that victims get their rights back.

LITERATURE

BOOK

Ali, M. (2022). *Basics of criminal law*. Jakart: Sinar Grafika.

Andrisman, T. Criminal Law: principles and basic general rules of Indonesian criminal law. Bandar Lampung: University of Lampung.

Susanto, A. F. (2004). The face of our judiciary: social construction of deviance, control mechanisms and criminal justice accountability. Refika Aditama: Bandung.

Ariman, M. R., & Raghib, F. (2015). *Criminal law*. equivalent Press.

Asshiddiqie, J. (2010). Indonesian Constitution and Constitutionalism. *Sinar Graphic, Jakarta*.

Burns H. Weston, 1993, Human Rights, in Human Rights in World Society, Issues and Actions, T. Mulya Lubis (Editor), Translated by A. Setiawan Abadi, Yayasan Obor Indonesia.

Dicey, A. V., & Wade, E. C. S. 2019. *Introduction To The Study Of The Law Of The Constitution*. London: Macmillan.

Kriyantono, Rachmat. 2009. Practical Techniques of Communication Research. Jakarta: Kencana.

Kothari, C. R. (2004). *Research methodology: Methods and techniques*. New Age International.

Faruk, H. T. (2012). *Literary research methods: an initial exploration*. Student Library.

Fuady, M. (2007). The dynamics of legal theory. Ghalia Indonesia: Bogor.

H. Katsiran, 2008, qualitative and quantitative research methodology, Malang: UIN Malang Press.

Harahap, P. A., Siregar, G. T., & Siregar, S. A. (2021). The Role of the North Sumatra Regional Police (Polda-Su) in Law Enforcement Against Election Crimes. *Retentum Journal*, *2*(1), 90-98.

Harahap, Yahya, M. 2012. Discussion of Problems and Application of KUHAP, Investigation and Prosecution, Second Edition, Sinar Grafika, Jakarta.

Hasan Iqbal. (2002). Principles of Research Methodology and its Applications. Jakarta: Ghalia Indonesia.

J. C. T. Simorangkir. 2019. Legal Dictionary, Catra Dharma Press: Jakarta

Mahmud Marzuki, P. (2005). Legal research. *Jakarta: Kencana Prenada Media*, *55*.

Mertokusumo, S. (1990). Legal Education in Indonesia in the Spotlight. *Kompas Daily*, *7*, 2-5.

Miles, M. B. & Huberman, A. M. (1994). Qualitative Data Analysis: an Expanded Sourcebook. United States: Sage Publications

Moeljatno. 2005. Principles of Criminal Law, Jakarta, Bina Aksara.

Moleong, L. J. (2016). Qualitative Research Methodology. Bandung: PT. Remaja Rosdakarya

Nasrullah, R. (2022). *Cybermedia theory and research*. Jakarta: Prenada Media.

Prastowo. A. (2012). Qualitative Research Methods in the Perspective of Research Design. Yogyakarta: Ar-ruzz Media

Rahardjo, S. (2006). *Dissecting progressive law*. Jakarta: Kompas.

Shidarta. 2004. Characteristics of Legal Reasoning in the Indonesian Context. Bandung: CV. Utama.

Shidarta, S. I. (2009). Legal Research Methodology, Constellation and Reflection. *Yayasan Obor Indonesia, Jakarta*.

Singarimbun, Masri and Sofian Effendi. 1987. Survey Research Methods. Jakarta: LP3ES.

Soebroto Wignjo soetandyo, (1993), "Methodological Problems in Legal Research in Connection with the Problem of Diversity of Conceptual Approaches.", Jakarta: Directorate General of Higher Education.

S., T. Burhanuddin. (2022). Changing the Paradigm of Justice. Bandung: Marja.

Sugiyono. (2015). Quantitative, Qualitative and R&D Research Methods. Bandung: Alfabeta.

Syamsudin, Muhamad. 2008. Proficient in Writing Legal Memorandum. 2nd Ctk. Jakarta: Prenada Media Group.

Terrill, R. J. (2013). *World criminal justice systems*. Anderson Publishing, Limited.

Umar, Sholehudin. 2011. Law & Justice Society. Malang: Setara Press

Usman, H., & Akbar, P. S. (2006). Social Research Methodology Jakarta: Bumi Aksara.

Van Apeldoorn, L. J. (1998). Introduction to the Science of Law (32nd ed.). *Pradnya Paramita, Jakarta*.

W. Friedman, 1994, Legal Theory and Philosophy, Law and Contemporary Problems, Translated from Legal Theory, by Muhammad Arifin, Publisher Pt. Raja Grafindo.

Walidin, W., Saifullah, & Tabrani. (2015). Qualitative research methodology & grounded theory. Banda Aceh: FTK Ar-Raniry Press.

UNDERGRADUATE THESIS

Donda Monika, G. (2015). POLICE EFFORTS IN TACKLING THE CRIME OF ROBBERY IN THE CITY OF YOGYAKARTA.

Harahap, P. I. *Construction of Police Professionalism Issues in Tirto.id Media* (Bachelor's thesis, Faculty of Da'wah and Communication Sciences, Syarif Hidayatullah State Islamic University Jakarta).

Kurnianto, Diska. 2017. Implementation of Deponering in the Perspective of the Principle of Equality Before The Law. Thesis: University of Muhammadiyah Magelang. Page. 24.

Nadia, F. (2018). Analysis of the Implementation of the Principle of Equality Before The Law in Law Enforcement (Case Study of Hate Speech in the Legal Area of the Tanjung Karang District Court).

Nur Fauziyah R., 2015 The Effectiveness of Using Hand Movement Reaction Aids for People with Disabilities. Thesis: University of Education Indonesia.

Pratama, Y.I. 2023. Inclusion of Capital Punishment as Principal Punishment in Law Number 1 Year 2023 on National Criminal Code in Relation to the Principle of Equality Before The Law. Thesis: Pasundan University Bandung.

Saputra, Renaldi Deo 2023, The Concept of Travel Writing in Roman Au Soleil De Guy De Maupassant: Carl Thompson's Travel Literature Analysis, Thesis: Semarang State University

Sulistiyono. 2015. Descriptive Qualitative Study of Consumer Behavior of Vynil Physical Releases in Yogyakarta. Thesis. Yogyakarta: State University of Yogyakarta.

Wibowo, L. A. (2017). The Role of Police Investigators in Criminal Investigation (Case Study of Semarang Police Station).

Under Graduates thesis, Semarang State University. Retrieved from lib. unnes. ac. id.

DISSERTATION

Nurrahmah, F. (2015). The legal consequences of the judge's ex officio right to the principle of ultra petitum partium in the case of divorce qabla al-dukhul: Case study of case no. 4841/Pdt. G/2011/PA. Kab. Mlg (Doctoral dissertation, Maulana Malik Ibrahim State Islamic University).

JOURNAL

Ahmad M. Ramli, 2008, Analysis and Evaluation of the Law of Prosecution and Examination of Corruption, National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta

Azhari, T. M. A. R., & Rosyad, S. The Viral Phenomenon on Social Media is a New Legal Norm-No Viral, No Justice.

Berger, J., & Milkman, K. L. (2013). Emotion and virality: what makes online content go viral? *NIM Marketing Intelligence Review*, *5*(1), 18-23.

Berlin, Isaiah. 1978. Equality. In J. Berlin, Concepts and Categories. Philosophical Essays, 81-102. London: The Hogarth Press.

Chandra, H. E., Mau, H. A., & Nainggolan, M. (2023). PROGRESSIVE LAW IMPLEMENTATION IN FALL

ADDITIONAL CRIMINAL ON ITE CRIMINAL ACTIONS. *World Bulletin of Management and Law*, *26*, 34-43.

Denzin, N. K. (2012). Triangulation 2.0. *Journal of mixed methods research*, *6*(2), 80-88.

Deza, A. and Parikh, D. (2015) "Understanding image virality", Proceedings of the IEEE Computer Society Conference on Computer Vision and Pattern Recognition, 07-12-June-2015, pp. 1818-1826. doi: 10.1109/CVPR.2015.7298791.

Haryono, H. (2019). Law Enforcement Based on Substantive Justice Value (Study of Constitutional Court Decision No. 46/PUU-VII/2012 Dated February 13, 2012). *Journal of Progressive Law*, *7*(1), 20-39.

Juditha, C. (2018). Hoax communication interaction in social media and its anticipation. *Pekommas Journal,*, *3*(1), 31-44.

Kurniawati, V. N. F. (2021). Police Performance Study on Wrongful Capture Cases. *JURISTIC Journal*, *2*(02), 153-165.

Miguel, A. R. (1997). Equality before the Law and Precedent. *Ratio Juris*, *10*(4), 372-391.

Retnowati, Y. (2023). Viral Phenomena and Social Capital in the Case of the Abandoned Luxury House of Tiko and Mrs. Eny. *Indonesian Journal of Advanced Research*, *2*(1), 51-70.

Ridwan. 2008. “Realizing the Progressive Legal Character of the General Principles of Good Governance Solution for the Search and Discovery of Substantive Justice.” Pro Justicia Law Journal Vol. 26 No.2

Siallagan, H. (2016). The Application of the Principles of the Rule of Law in Indonesia. *Sociohumaniora*, *18*(2), 122-128.

Syamsudin, M. (2014). Procedural and Substantive Justice in the Decision of Magersari Land Dispute. Judicial Journal, 7(1), 18-33.

Taufiq, M. (2013). Criminal Case Settlement with Substantive Justice. *Yustisia*, *2*(1).

Vallet, D. et al. (2015) “Characterizing and predicting viral-and-popular video content”, International Conference on Information and Knowledge Management, Proceedings, 19-23-Oct-2015, pp. 1591-1600. doi: 10.1145/2806416.2806556.

Van Dijck, J. and Poell, T. (2013) “Understanding social media logic”, Media and Communication, 1(1), pp. 2-14. doi: 10.12924/mac2013.01010002.

Wahyono, (2011). Dynamics of Police Function and its Relationship with Community Policing Program. Perspektif, 16(3), 160-172.

Winarno, N. B. (2011). Some Problems in Police Investigation and Investigation. *Perspective*, *16*(2).

CONSTITUTION

Constitution of the Republic of Indonesia Year 1945.

Law No. 2 of 2002 on the National Police of the Republic of Indonesia

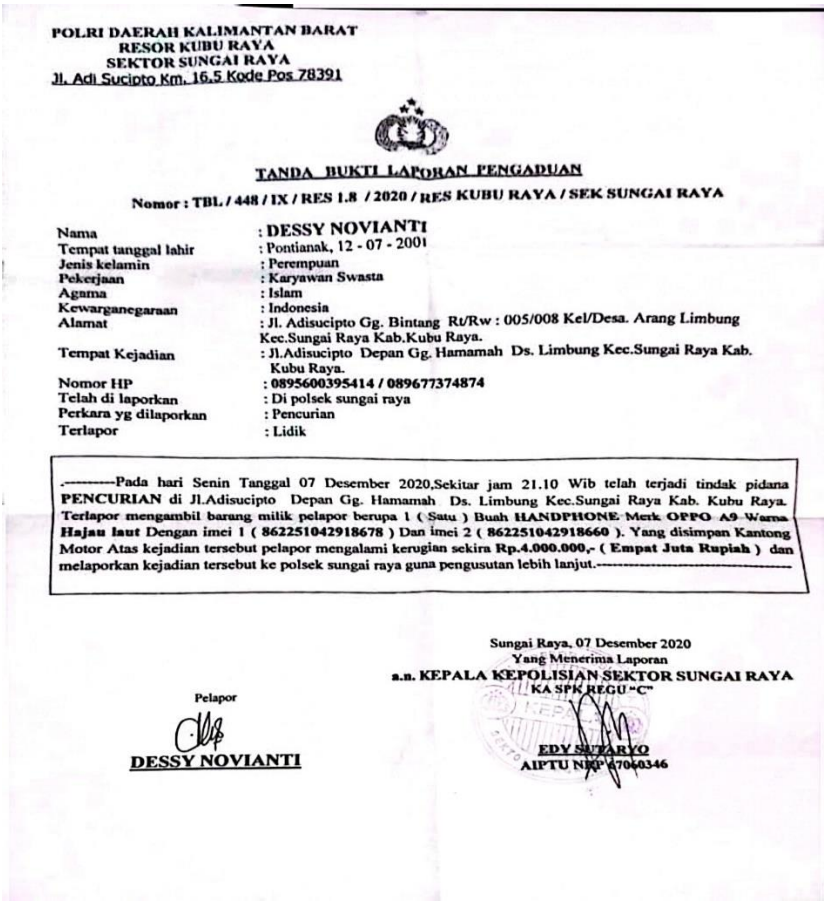
Chief of Criminal Investigation Police Regulation Number 4 of 2014 on Standard Operating Procedures for Supervision.

Law No. 9 of 1998 on Freedom of Expression in Public

APPENDIX

A. APPENDIX LIST OF IMAGES

1. Case reported by sister Dessy Novianti with report number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA



POLRI DAERAH KALIMANTAN BARAT
RESOR KUBU RAYA
SEKTOR SUNGAI RAYA
Jl. Adi Sucipto Km. 16,5 Kode Pos 78391

TANDA BUKTI LAPORAN PENGADUAN

Nomor : TBL / 448 / IX / RES 1.8 / 2020 / RES KUBU RAYA / SEK SUNGAI RAYA

Nama	: **DESSY NOVIANTI**
Tempat tanggal lahir	: Pontianak, 12 - 07 - 2001
Jenis kelamin	: Perempuan
Pekerjaan	: Karyawan Swasta
Agama	: Islam
Kewarganegaraan	: Indonesia
Alamat	: Jl. Adisucipto Gg. Bintang Rt/Rw : 005/008 Kel/Desa. Arang Limbung Kec.Sungai Raya Kab.Kubu Raya.
Tempat Kejadian	: Jl.Adisucipto Depan Gg. Hamamah Ds. Limbung Kec.Sungai Raya Kab. Kubu Raya.
Nomor HP	: **0895600395414 / 089677374874**
Telah di laporkan	: Di polsek sungai raya
Perkara yg dilaporkan	: Pencurian
Terlapor	: Lidik

.----------Pada hari Senin Tanggal 07 Desember 2020,Sekitar jam 21.10 Wib telah terjadi tindak pidana **PENCURIAN** di Jl.Adisucipto Depan Gg. Hamamah Ds. Limbung Kec.Sungai Raya Kab. Kubu Raya. Terlapor mengambil barang milik pelapor berupa 1 (Satu) Buah **HANDPHONE Merk OPPO A9 Warna Hajau laut** Dengan imei 1 (**862251042918678**) Dan imei 2 (**862251042918660**). Yang disimpan Kantong Motor Atas kejadian tersebut pelapor mengalami kerugian sekira **Rp.4.000.000,- (Empat Juta Rupiah)** dan melaporkan kejadian tersebut ke polsek sungai raya guna pengusutan lebih lanjut.----------

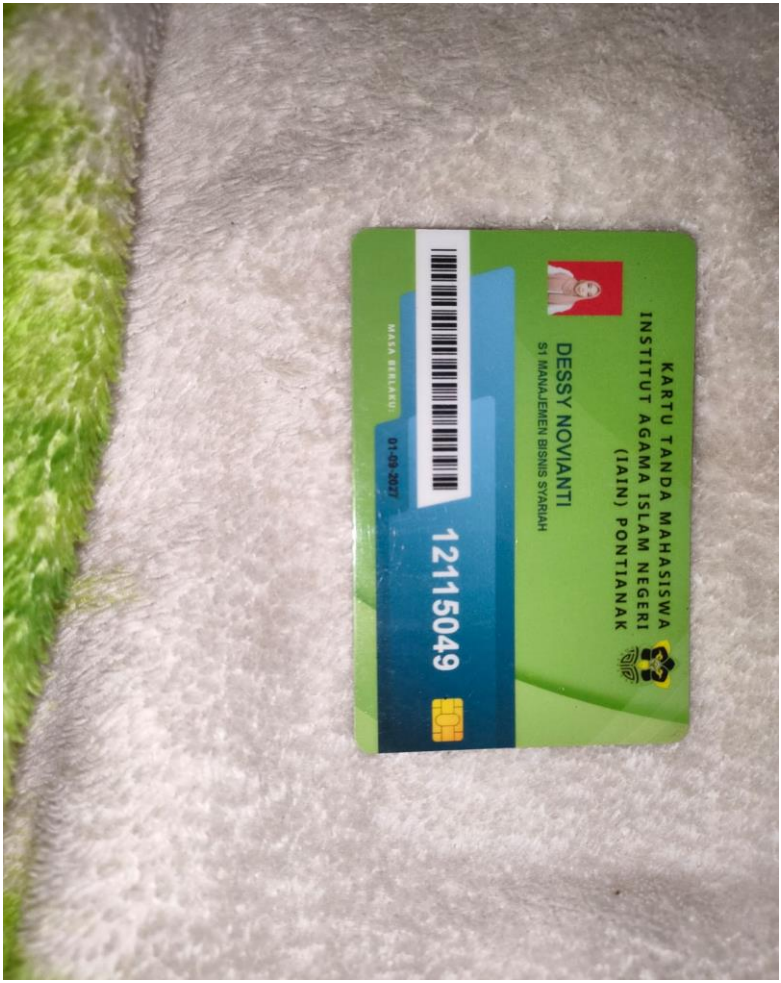
Sungai Raya, 07 Desember 2020
Yang Menerima Laporan
a.n. KEPALA KEPOLISIAN SEKTOR SUNGAI RAYA
KA SPK REGU "C"

Pelapor

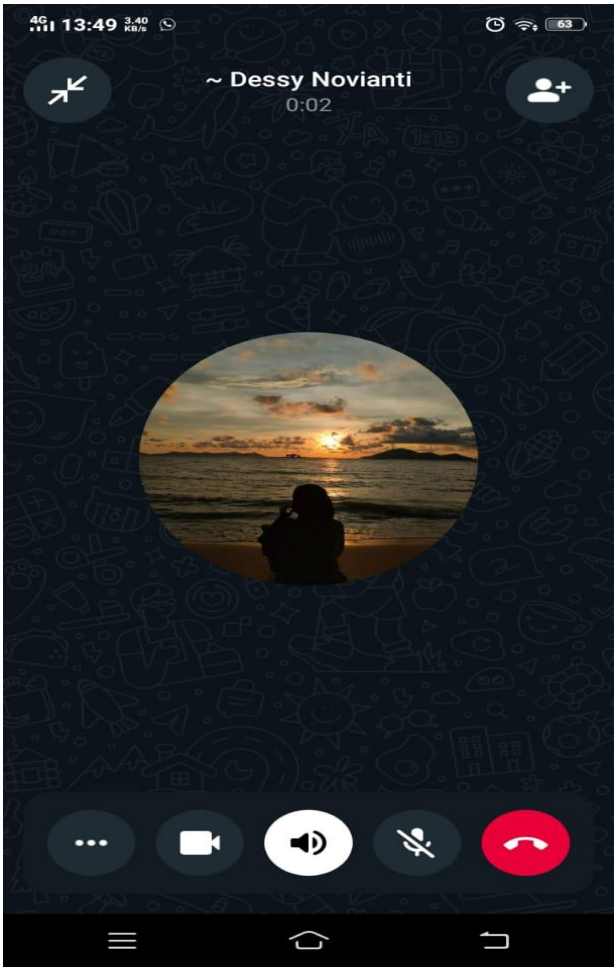
DESSY NOVIANTI

EDY SUTARYO
AIPTU NRP 67060346

2. STUDENT IDENTITY CARD of Dessy Novianti

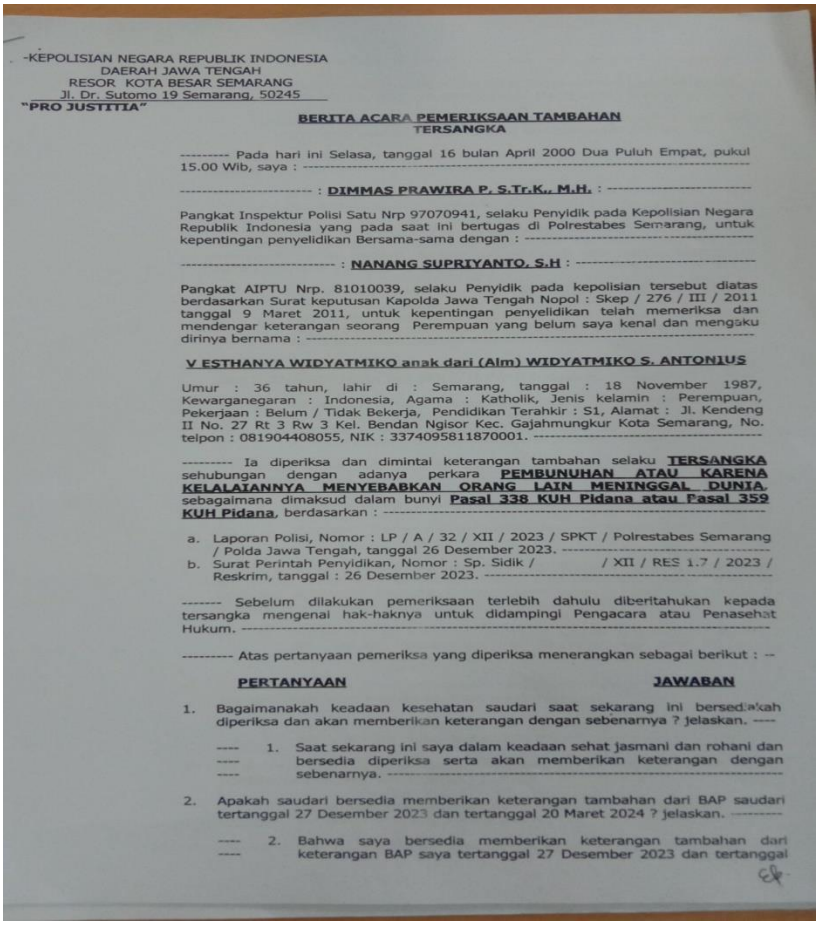


3. **Interview with Dessy Novianti as the reporter of criminal case number TBL/448/IX/RES1.8/2020/RES KUBU RAYA/SEK SUNGAI RAYA on Sunday, September 21, 2024 at 13.49**



4. **Interview with Maulana Anwar as the Reporter of Bodong Investment Case at Ngaliyan Police Station on Sunday, September 22, 2024**

5. Additional BAP of Suspects from Case V. Esthanya Widyatmiko



-KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo 19 Semarang, 50245
"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN TAMBAHAN
TERSANGKA

--------- Pada hari ini Selasa, tanggal 16 bulan April 2000 Dua Puluh Empat, pukul 15.00 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P, S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan tambahan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan : ----------

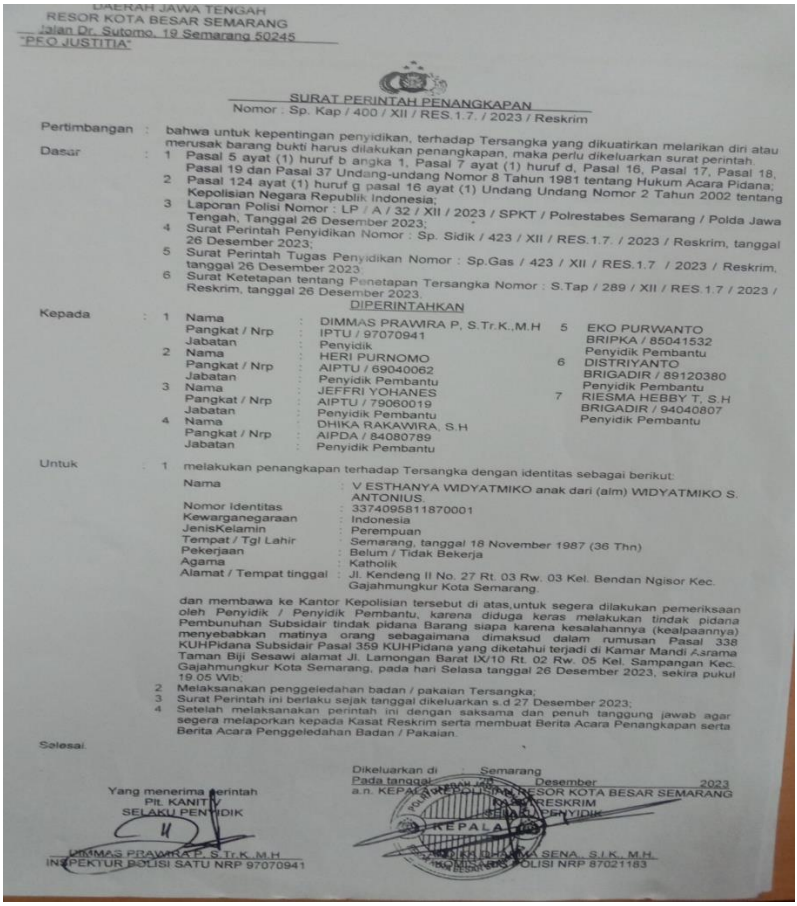
a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

-------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

PERTANYAAN	JAWABAN
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersedia/kah diperiksa dan akan memberikan keterangan dengan sebenarnya ? jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan ---- bersedia diperiksa serta akan memberikan keterangan dengan ---- sebenarnya. ----------
2. Apakah saudari bersedia memberikan keterangan tambahan dari BAP saudari tertanggal 27 Desember 2023 dan tertanggal 20 Maret 2024 ? jelaskan. ---------	---- 2. Bahwa saya bersedia memberikan keterangan tambahan dari ---- keterangan BAP saya tertanggal 27 Desember 2023 dan tertanggal

6. Arrest Warrant of Case V. Esthanya Widyatmiko



DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jalan Dr. Sutomo. 19 Semarang 50245
"PEO JUSTITIA"

SURAT PERINTAH PENANGKAPAN
Nomor : Sp. Kap / 400 / XII / RES.1.7. / 2023 / Reskrim

Pertimbangan : bahwa untuk kepentingan penyidikan, terhadap Tersangka yang dikuatirkan melarikan diri atau merusak barang bukti harus dilakukan penangkapan, maka perlu dikeluarkan surat perintah.

Dasar :
1 Pasal 5 ayat (1) huruf b angka 1, Pasal 7 ayat (1) huruf d, Pasal 16, Pasal 17, Pasal 18, Pasal 19 dan Pasal 37 Undang-undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana;
2 Pasal 124 ayat (1) huruf g pasal 16 ayat (1) Undang Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia;
3 Laporan Polisi Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, Tanggal 26 Desember 2023;
4 Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES.1.7. / 2023 / Reskrim, tanggal 26 Desember 2023;
5 Surat Perintah Tugas Penyidikan Nomor : Sp.Gas / 423 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023;
6 Surat Ketetapan tentang Penetapan Tersangka Nomor : S.Tap / 289 / XII / RES.1.7 / 2023 / Reskrim, tanggal 26 Desember 2023.

DIPERINTAHKAN

Kepada :
1 Nama : DIMMAS PRAWIRA P, S.Tr.K.,M.H
Pangkat / Nrp : IPTU / 97070941
Jabatan : Penyidik
2 Nama : HERI PURNOMO
Pangkat / Nrp : AIPTU / 69040062
Jabatan : Penyidik Pembantu
3 Nama : JEFFRI YOHANES
Pangkat / Nrp : AIPTU / 79060019
Jabatan : Penyidik Pembantu
4 Nama : DHIKA RAKAWIRA, S.H
Pangkat / Nrp : AIPDA / 84080789
Jabatan : Penyidik Pembantu
5 EKO PURWANTO
BRIPKA / 85041532
Penyidik Pembantu
6 DISTRIYANTO
BRIGADIR / 89120380
Penyidik Pembantu
7 RIESMA HEBBY T, S.H
BRIGADIR / 94040807
Penyidik Pembantu

Untuk :
1 melakukan penangkapan terhadap Tersangka dengan identitas sebagai berikut:

Nama : V.ESTHANYA WIDYATMIKO anak dari (alm) WIDYATMIKO S. ANTONIUS
Nomor Identitas : 3374095811870001
Kewarganegaraan : Indonesia
JenisKelamin : Perempuan
Tempat / Tgl Lahir : Semarang, tanggal 18 November 1987 (36 Thn)
Pekerjaan : Belum / Tidak Bekerja
Agama : Katholik
Alamat / Tempat tinggal : Jl. Kendeng II No. 27 Rt. 03 Rw. 03 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang.

dan membawa ke Kantor Kepolisian tersebut di atas,untuk segera dilakukan pemeriksaan oleh Penyidik / Penyidik Pembantu, karena diduga keras melakukan tindak pidana Pembunuhan Subsidair tindak pidana Barang siapa karena kesalahannya (kealpaannya) menyebabkan matinya orang sebagaimana dimaksud dalam rumusan Pasal 338 KUHPidana Subsidair Pasal 359 KUHPidana yang diketahui terjadi di Kamar Mandi Asrama Taman Biji Sesawi alamat Jl. Lamongan Barat IX/10 Rt. 02 Rw. 05 Kel. Sampangan Kec. Gajahmungkur Kota Semarang, pada hari Selasa tanggal 26 Desember 2023, sekira pukul 19.05 Wib;
2 Melaksanakan penggeledahan badan / pakaian Tersangka;
3 Surat Perintah ini berlaku sejak tanggal dikeluarkan s.d 27 Desember 2023;
4 Setelah melaksanakan perintah ini dengan saksama dan penuh tanggung jawab agar segera melaporkan kepada Kasat Reskrim serta membuat Berita Acara Penangkapan serta Berita Acara Penggeledahan Badan / Pakaian.

Selesai.

Dikeluarkan di : Semarang
Pada tanggal : 26 Desember 2023
a.n. KEPALA KEPOLISIAN RESOR KOTA BESAR SEMARANG
KASAT RESKRIM
PENYIDIK

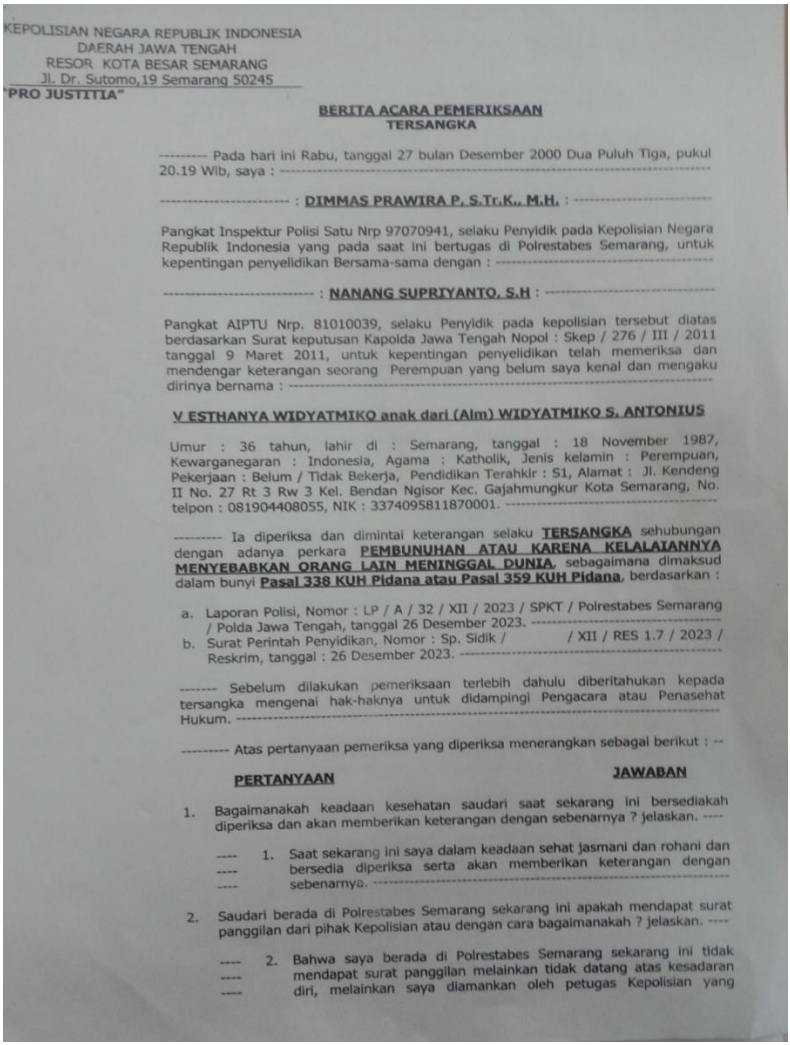
KEPALA

ABDUL HAKAM NAJA SENA, S.I.K., M.H.
AJUN KOMISARIS POLISI NRP 87021183

Yang menerima perintah
Plt. KANIT V
SELAKU PENYIDIK

DIMMAS PRAWIRA P, S.Tr.K.,M.H
INSPEKTUR POLISI SATU NRP 97070941

7. BAP for Examination of Suspect in the Case of V. Esthanya Widyatmiko



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo,19 Semarang 50245

"PRO JUSTITIA"

BERITA ACARA PEMERIKSAAN
TERSANGKA

--------- Pada hari ini Rabu, tanggal 27 bulan Desember 2000 Dua Puluh Tiga, pukul 20.19 Wib, saya : ----------

---------- : **DIMMAS PRAWIRA P, S.Tr.K., M.H.** : ----------

Pangkat Inspektur Polisi Satu Nrp 97070941, selaku Penyidik pada Kepolisian Negara Republik Indonesia yang pada saat ini bertugas di Polrestabes Semarang, untuk kepentingan penyelidikan Bersama-sama dengan : ----------

---------- : **NANANG SUPRIYANTO, S.H** : ----------

Pangkat AIPTU Nrp. 81010039, selaku Penyidik pada kepolisian tersebut diatas berdasarkan Surat keputusan Kapolda Jawa Tengah Nopol : Skep / 276 / III / 2011 tanggal 9 Maret 2011, untuk kepentingan penyelidikan telah memeriksa dan mendengar keterangan seorang Perempuan yang belum saya kenal dan mengaku dirinya bernama : ----------

V ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS

Umur : 36 tahun, lahir di : Semarang, tanggal : 18 November 1987, Kewarganegaran : Indonesia, Agama : Katholik, Jenis kelamin : Perempuan, Pekerjaan : Belum / Tidak Bekerja, Pendidikan Terahkir : S1, Alamat : Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang, No. telpon : 081904408055, NIK : 3374095811870001. ----------

--------- Ia diperiksa dan dimintai keterangan selaku **TERSANGKA** sehubungan dengan adanya perkara **PEMBUNUHAN ATAU KARENA KELALAIANNYA MENYEBABKAN ORANG LAIN MENINGGAL DUNIA**, sebagaimana dimaksud dalam bunyi **Pasal 338 KUH Pidana atau Pasal 359 KUH Pidana**, berdasarkan :

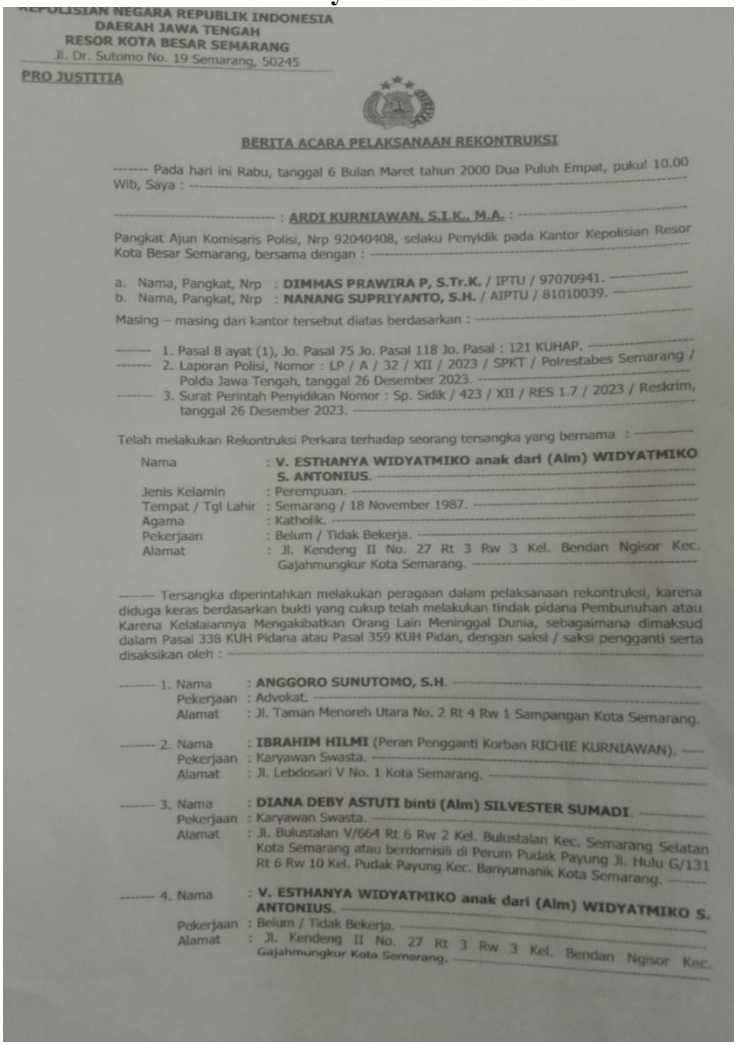
a. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
b. Surat Perintah Penyidikan, Nomor : Sp. Sidik / / XII / RES 1.7 / 2023 / Reskrim, tanggal : 26 Desember 2023. ----------

------- Sebelum dilakukan pemeriksaan terlebih dahulu diberitahukan kepada tersangka mengenai hak-haknya untuk didampingi Pengacara atau Penasehat Hukum. ----------

--------- Atas pertanyaan pemeriksa yang diperiksa menerangkan sebagai berikut : --

PERTANYAAN	**JAWABAN**
1. Bagaimanakah keadaan kesehatan saudari saat sekarang ini bersediakah diperiksa dan akan memberikan keterangan dengan sebenarnya ? jelaskan. ----	---- 1. Saat sekarang ini saya dalam keadaan sehat jasmani dan rohani dan ---- bersedia diperiksa serta akan memberikan keterangan dengan ---- sebenarnya. ----------
2. Saudari berada di Polrestabes Semarang sekarang ini apakah mendapat surat panggilan dari pihak Kepolisian atau dengan cara bagaimanakah ? jelaskan. ----	---- 2. Bahwa saya berada di Polrestabes Semarang sekarang ini tidak ---- mendapat surat panggilan melainkan tidak datang atas kesadaran ---- diri, melainkan saya diamankan oleh petugas Kepolisian yang

8. BAP Reconstruction of the Case of V. Esthanya Widyatmiko



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH JAWA TENGAH
RESOR KOTA BESAR SEMARANG
Jl. Dr. Sutomo No. 19 Semarang, 50245

PRO JUSTITIA

BERITA ACARA PELAKSANAAN REKONTRUKSI

------- Pada hari ini Rabu, tanggal 6 Bulan Maret tahun 2000 Dua Puluh Empat, puku! 10.00 Wib, Saya : ----------

---------- : **ARDI KURNIAWAN, S.I.K., M.A.** : ----------

Pangkat Ajun Komisaris Polisi, Nrp 92040408, selaku Penyidik pada Kantor Kepolisian Resor Kota Besar Semarang, bersama dengan : ----------

a. Nama, Pangkat, Nrp : **DIMMAS PRAWIRA P, S.Tr.K.** / IPTU / 97070941. ----------
b. Nama, Pangkat, Nrp : **NANANG SUPRIYANTO, S.H.** / AIPTU / 81010039. ----------

Masing – masing dari kantor tersebut diatas berdasarkan : ----------

------- 1. Pasal 8 ayat (1), Jo. Pasal 75 Jo. Pasal 118 Jo. Pasal : 121 KUHAP. ----------
------- 2. Laporan Polisi, Nomor : LP / A / 32 / XII / 2023 / SPKT / Polrestabes Semarang / Polda Jawa Tengah, tanggal 26 Desember 2023. ----------
------- 3. Surat Perintah Penyidikan Nomor : Sp. Sidik / 423 / XII / RES 1.7 / 2023 / Reskrim, tanggal 26 Desember 2023. ----------

Telah melakukan Rekontruksi Perkara terhadap seorang tersangka yang bernama : ----------

Nama	: **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Jenis Kelamin	: Perempuan. ----------
Tempat / Tgl Lahir	: Semarang / 18 November 1987. ----------
Agama	: Katholik. ----------
Pekerjaan	: Belum / Tidak Bekerja. ----------
Alamat	: Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

------- Tersangka diperintahkan melakukan peragaan dalam pelaksanaan rekontruksi, karena diduga keras berdasarkan bukti yang cukup telah melakukan tindak pidana Pembunuhan atau Karena Kelalaiannya Mengakibatkan Orang Lain Meninggal Dunia, sebagaimana dimaksud dalam Pasal 338 KUH Pidana atau Pasal 359 KUH Pidan, dengan saksi / saksi pengganti serta disaksikan oleh : ----------

------- 1. Nama	: **ANGGORO SUNUTOMO, S.H.** ----------
Pekerjaan	: Advokat. ----------
Alamat	: Jl. Taman Menoreh Utara No. 2 Rt 4 Rw 1 Sampangan Kota Semarang.
------- 2. Nama	: **IBRAHIM HILMI** (Peran Pengganti Korban RICHIE KURNIAWAN). ----
Pekerjaan	: Karyawan Swasta. ----------
Alamat	: Jl. Lebdosari V No. 1 Kota Semarang. ----------
------- 3. Nama	: **DIANA DEBY ASTUTI binti (Alm) SILVESTER SUMADI.** ----------
Pekerjaan	: Karyawan Swasta. ----------
Alamat	: Jl. Bulustalan V/664 Rt 6 Rw 2 Kel. Bulustalan Kec. Semarang Selatan Kota Semarang atau berdomisili di Perum Pudak Payung Jl. Hulu G/131 Rt 6 Rw 10 Kel. Pudak Payung Kec. Banyumanik Kota Semarang. -------
------- 4. Nama	: **V. ESTHANYA WIDYATMIKO anak dari (Alm) WIDYATMIKO S. ANTONIUS.** ----------
Pekerjaan	: Belum / Tidak Bekerja. ----------
Alamat	: Jl. Kendeng II No. 27 Rt 3 Rw 3 Kel. Bendan Ngisor Kec. Gajahmungkur Kota Semarang. ----------

9. Interview Photo with Rizky Prasetyo, S.H and Kornelius Benuf S.H, Advocates from Broto Hastono & Associates Law Firm on Friday, October 4, 2024 at 13.30 WIB.

10. **Interview with Muhammad Basir S.H.I., M.Ag, as an ADVOCATE at MBI Law on Tuesday, October 1, 2024 at 10.00 WIB.**

11. **Interview with the Investigator at the Semarang City Police Resort (POLRESTABES Semarang) named Agus Tri Harmoko, S.S. with the rank of Aipda as a Tipidter Investigator at the Semarang Police on August 7, 2023 10.00 WIB.**

B. LIST OF QUESTIONS ATTACHMENTS

Interview Subject: Mr. Yusuf Work Unit: Semarang City Police Department Criminal Investigation Unit Position: TIME: Friday, July 28, 2024 at 14.00 WIB

POLICE LOAD

1. For Propam itself, is there a daily schedule to supervise or conduct inspections of the police or investigators?

   No, so Propam works according to incoming reports. If there are no reports, Propam does not conduct inspections of the police or investigators. If there is a report, the police will be summoned to explain the progress of the case, and if unprofessionalism is found in handling the case, the reported police will be subject to an ethics hearing.

2. What do you think is the current burden on the police in investigating criminal cases?

   It depends on each person. It cannot be generalized, or casuistic. For example, if there are both cases of persecution, if one has two pieces of evidence, it will be easy to solve it, but if the other is less than two pieces of evidence, it is also difficult to solve it, so the consequence is that the processing is also different. The point is in article 184 whether *viral* or not *viral,* if there are two pieces of evidence, the police will

proceed to the next stage so that it can be processed immediately.

3. According to you, with the current burden of the police in investigating criminal cases, does anything have to be reformed or is it currently effective?

   According to me (Mr. Jusuf) the process of conducting investigations at the police station in Semarang there are some who do not conduct investigations, the hope is that all can conduct investigations so that they can be as optimal as possible in resolving the cases that enter the report, because the number of cases that enter the report every day is very large.

4. Regarding the resolution of criminal cases by the police, does the police deserve to be professional in carrying out their duties?

   The public is the judge..

5. Are the current investigating officers at the Semarang Police Station comparable to the incoming cases?

   Not comparable, because the investigating personnel are lacking in solving incoming cases. And if you look at the input, there are quite a lot of reports, complaints and so on

every day. Meanwhile, the output (solving cases) is small because at least investigators can complete the case in 3 months and then it can go up to the prosecutor's office if the case has a detained person. If not detained, then it can take more than 3 months, depending on the examining prosecutor's office.

6. In conducting investigations, do you always sort out each case to be handled based on certain criteria?
   In the Semarang Police Criminal Investigation Department, all reports are received and distributed evenly to existing investigators so that each investigator has the same burden and responsibility and will be handled by all (if all the evidence is complete, it can be less than 2 months).

7. Are investigators given a maximum number of cases they can handle?
   No. No matter how many cases come in, they are followed up and divided equally, there is no maximum.

8. Is there a backlog of cases in the investigation?
   There are, because there are cases that can reach 3 months and of course it is seen from the evidence found first, if there

are already 2 pieces of evidence then it will be processed as soon as possible.

9. When an investigator handles a case for more than 1 year but does not advance to the investigation stage, i.e. only at the investigation stage for 1 year, is there any negative stigmatization of the investigator's performance from colleagues or superiors or even a written reprimand imposed on the investigator?

Those who judge the community. The case depends on the difficulties such as evidence that can be obtained such as no witnesses, evidence, until the victim himself cannot describe the case he experienced, making it difficult for the police to handle the case. So written reprimands and others will not exist, so there will only be from propam, siwas etc. And investigators who are reported to propam will be asked for the progress of the investigation if there are complaints from the public on the basis of these complaints. If unprofessionalism is found, then a kkip professional disciplinary hearing can be submitted.

10. What do you think about equality before the law?

Every person is no different, whether it's stealing chickens, durian and others are the same. Just look at the elements of

the article in each crime. And must prioritize the principle of presumption of innocence. As well as before conducting a suspect examination, the police must fulfill the stages of investigation such as reports, clarification to the determination of suspects.

11. Does your investigation always prioritize the principle of equality before the law *?*

Everyone is no different, whether it's stealing chickens, durian and others are the same. Just look at the elements of the article in each crime. And must prioritize the principle of presumption of innocence. As is the case before conducting a suspect examination, the police must fulfill the stages of investigation such as reports, clarification to the determination of suspects. If every person is treated the same, for example if the examination is a woman, then she is accompanied by a female investigator. If the suspect is examined, he is accompanied by a lawyer and the state provides a lawyer for free (with a criminal sentence of 5 years and above).

STIGMATIZATION NO VIRAL NO JUSTICE

1. Do you as an investigator agree with the term no viral no justice? Why?

Disagree. Because all reports and complaints from the public, whether they are viral or not viral and enter the police, must be followed up whether the case can be revealed or not, depending on 2 pieces of evidence.

2. Does the police need the community to do their job?
   Mandatory. They really need the community. For example, the libas application is an example that the police want to be closer to the community. Because if the police are close to the community, the police can get complete information, and can solve cases quickly. For example, in a case of assault causing death, if the police get a report, they just need to collect evidence, identify the suspect, etc. If it is complete, it only takes 2 days to be processed.

3. After seeing the case in Sukolilo village in Pati, the public was very concerned about the case, even if we look at the Intagram account @voltcyber_v2 there he gave the location where the collectors gathered so that the police raided door to door every house that had a vehicle to show the letters, would the police have been silent if the case had not gone viral?
   The effect of these activities from the Semarang police station itself, peninindakan against traffic violators is

increased. Such as patrols and law enforcement then. Likewise, the police increased their patrols.

4. According to you, the police are actually concerned with the community or concerned with justice?
   Justice. Because justice comes from the victim, not the community. If the victim feels that it is fair, and the report is sufficient and satisfied, then the police put aside the opinion of the community.

5. With similar cases in point 3, do you agree that the police actually need encouragement from the community to move?
   Not necessary. Because even without encouragement, the police will move.

6. Then with the viral cases handled by the police, do you agree if they are included in our positive law, with the aim of representing the wishes of the community based on justice?
   It has nothing to do with the community, but only with the victim because it only defends justice, not the community.

7. When you are faced with a choice of two cases that are both being handled by you, will you resolve the case that has captured the attention of the community first based on the

demands of the community who feel it is important to resolve the case first, or will you resolve the case that is mandated to you first?

All cases that are mandated will be followed up. If the first case is mandated to the investigator, there will automatically be a follow-up, whether the case is viral or not, it will still be processed, the point is that there are 2 pieces of evidence met, so it will be followed up.

8. Do you think the police are currently efficient enough in handling incoming cases?

If analyzed by resources, then the polrestabes are still far less, for example compared to the Surabaya polrestabes. For example, if training is carried out, not all of them can be included because of the limited budget available.

9. According to you as a police officer, is it important if we satisfy the community?

In essence, the police work optimally, it is better to do wrong, than not doing anything and it is wrong. Whatever the case, the police must be present in the midst of society. For example, there is an unauthorized demonstration, it is certainly wrong if the police are present because there is no permit, but the police must act and must continue to secure.

10. Does the interference of the community in the process of solving cases in the police interfere with the objectivity of the police?

    Investigators are independent. The public cannot influence whether or not a criminal event is completed. For example, a case title, if it is a case of investigation and determination of suspects, then those present are the investigators themselves and other units and supervisory functions such as siwas, propam and legal sie. They all discuss and propose, and the leadership makes a decision from the proposal. Regardless of complaints from the public, all parties involved in the title were also presented, such as the reported party and the reporter by explaining the next steps of the investigation. And community leaders are summoned, only to witness, not for intervention and input, and are not given the opportunity to resolve the case..

11. What is your opinion if it is included in Indonesian positive law such as Perkapolri or even the Law that “Police in conducting investigations, investigators must pay attention to the case being handled, if the case attracts the attention of many people, then it should be resolved as soon as possible?

No need, because when two pieces of evidence are fulfilled, the police will quickly resolve the case.

12. What do you think should be immediately improved in the legal system in Indonesia?
    Not answered.

Interview Subject: Dessy Novianti

Occupation: Student

TIME: Sunday, September 21, 2024 at 1:49 p.m.

1. Report lost the cellphone whether There is progress resolved by the police ?
   There is no progress at all once, even report police the only like formality just .

2. Whether case Miss is this viral?
   Not viral because No enter news or other channels .

3. Whether There is goods proof or witness who saw that the perpetrator who stole the cellphone ?
   Evidence His mobile phone Already for sale , but There is witness his friend show proof in the form of a headset and cellphone case I was stolen by the perpetrator

4. About report lost my cellphone sis Dessy who has Miss report That until Now No There is what's next , what's next? opinion Miss Daisy about police ?
   I am disappointed with performance police Because reported report No There is progress The same once and i hope police

take action continue all reported cases to police and not just focus on cases big only , but related cases direct with the community as well as this cellphone theft .

5. According to Miss , is it? every public That must own equal rights in implementation investigation cases that have been reported ?
   Should own equal rights to cases that have been reported , because law That should fair For all circles whether rich or poor. Unlike Now there is something easy get help law Because connections , money or matter other .

6. According to Miss , is it? Miss agree if case Miss This must go viral first new resolved by the police ?
   Should police No wait a viral cases first formerly new processed , because law That must fair and must processed with fast and precise .

7. What is the input? Miss to police especially those who handle case Miss ?
   To be more responsive and transparent in operate his job , i hope police Can more fast respond report from the community and maintain good communication so we know the progress cases , as well as it is also important to ensure all processes running fair , professional and not protracted so that public trust remains awake .

8. Whether Miss satisfied with performance investigator police in charge the case that sis report ?
   To be honest I Not yet feel satisfied to investigator who handle case I , even No there is progress too once , so expected investigator Can more alert give transparent and

expeditious information case so that I as reporter Can feel calm and confident case I handled by the police .

9. Whether party police Already call witnesses or try to inform progress to Miss until moment This ?
Until Now No There is The same very summons witnesses and not there is progress too very until now

10. Whether Miss agree that If case This is case small so that No need resolved by the police ?
I do not agree that case This considered small and not need resolved by the police. To report by the community wants That big or small important For handled Because concerning justice. For me, the case This impact direct to life I and everyone have the right get protection law whatever the problem .

11. Whether according to Miss fair that Viral cases are prioritized For resolved by the police rather than case Miss Daisy?
I feel No fair If Viral cases are prioritized over cases other like case I'm the one who's not viral.

12. Whether during This police Once bring together Miss Daisy as reporter and perpetrator For make peace in one table?
At all No Once met with perpetrator.

Interview Subject: Agus Tri Harmoko, S.S.

Work Unit: TIPIDTER POLRESTABES Semarang

Position: AipdaWAKTU: 7 Agustus 2023 10.00 WIB

1. Does this mean that the police workload is very heavy, sir?
   Yes, it is quite heavy because many cases enter the Semarang Police Station
2. To solve one case it takes how long sir?
   Not necessarily, depending on the case. Because it is related to the evidence of the case whether it is in accordance with our law or not. And also how much the public highlights the case. If it goes viral, the work can be taken home to be done.

Interview Subject: Maulana Anwar

Occupation: Student

TIME: Sunday, September 22, 2024

1. Has the police made any progress in resolving the fraudulent investment report that Mr. Maulana has reported?
   Answer: No, even the police themselves say that there are many cases like this and they have piled up and they are only limited to reports, meaning they are not followed up on.
2. Is the case you reported viral?

Answer: No

3. Is there any evidence or witnesses that can be connected to the fraudulent investment case?

   Answer: No, there is no proof of transfer anymore.

4. Does Mr. Maulana know the address or identity of the perpetrators of this fraudulent investment?

   Answer: No, I had asked Danamon Bank for the perpetrator's account number, but the bank did not allow it because of the SOP, except for investigative purposes. I had also asked the police to investigate, but the police refused.

5. Regarding the investment case report that Mr. Maulana has reported, which until now has not had any follow-up, what is Mr. Maulana's opinion about the police?

   Answer: The police have always objected to the cost of handling this case. The police themselves said that the loss of 2,000,000 rupiah is not comparable to our operational costs.

6. In your opinion, should every member of society have the same rights in the investigation of reported cases?

   Answer: It should be in accordance with Law no. 8/1981 of the Criminal Code so that each party who reports is not only given a report letter.

7. In your opinion, do you agree that Maulana's case should go viral first before being resolved by the police?

   Answer: No, because apart from making things difficult for the reporter, it also causes psychological problems for the reporter.

8. What input does Mr. Maulana have for the police, especially those handling the fraudulent investment case that you reported?

   Answer: Carry out according to the laws and regulations, do not look at operational costs or only carry out reports on serious cases and interfere with other light cases.

9. Are you satisfied with the performance of the police investigators who handled the case you reported?

   Answer: Not at all.

10. Have the police called witnesses or tried to inform you about the progress of the fraudulent investment case to date?

    Answer: No

11. Do you agree that if this case is a minor case, it does not need to be resolved by the police?

    Answer: Disagree . Maybe . In the Eyes police This case small but in fact I even saw myself many files piling up related to fraudulent investments and I met her at the police

station and she was also a UIN Walisongo student who was deceived by fraudulent investments.

12. According to Mr. Maulana, is it fair that the viral case is prioritized to be resolved by the police rather than Ms. Dessy's case?
    Answer: No
13. Have the police ever brought together Mr. Maulana as the reporter and the perpetrator to make peace at one table?
    No, let alone meeting them, I was the one who was lectured about operational costs.
14. Does Mr. Maulana agree that currently the police prioritize solving cases that go viral and attract a lot of people's attention rather than ordinary cases that do not attract a lot of people's attention?
    Answer: Agreed.

Interview Subject: Kornelius Benuf S.H.

Occupation: Advocate at Broto Hastono & Associates

TIME: August 7, 2023 10:00 WIB

1. In criminal cases, does the virality of a case affect its resolution by the police?
   Answer: Virality in a criminal case certainly affects the resolution of the case. Not only in the realm of the police,

but up to the trial stage. However, even though the case is viral, the police or other law enforcers are obliged to follow existing procedures and SOPs in solving existing criminal offenses. For example, the Vina case and the case of DPR RI's son Ronald Tanur, which attracted so much public attention that it went viral, certainly greatly influenced the resolution of the case.

2. According to Mas Benu, does the public need to monitor the performance of the police in solving criminal cases?
   Answer: It is very necessary because the community can assess the performance of the police and can evaluate their work if it is not in accordance with applicable law.

Interview Subject: Rizky Prasetyo, S.H.

Occupation: Advocate at Broto Hastono & Associates

TIME: August 7, 2023 10:00 WIB

1. In criminal cases, does the virality of a case affect its resolution by the police?
   Answer: Virality can actually affect or not affect the resolution of criminal cases in Indonesia. Because any case must refer to two valid pieces of evidence and then it can be followed up to be handed over to the prosecutor's office and

the court. In certain cases, it can certainly have an effect, such as the case of V. Esthanya Widyatmiko, which went viral yesterday and our office was also the one who resolved it, of course the course of the case was fast because there was a lot of coverage. On the other hand, of course, if the case does not have sufficient evidence, even if it goes viral, it certainly cannot be processed further. But, of course, it can affect the mobilization of existing resources to solve the case.

2. According to Mr. Rizky, does the public need to monitor the performance of the police in solving criminal cases?

   Answer: It is necessary, as Mas Ben said earlier that the community must accompany the police and assess their performance so that they continue to improve and not deviate from the proper path and work according to existing SOPs.

CURRICULUM VITAE

PENGALAMAN KERJA

PT. Natar Gerbang Angkasa (Lampung Selatan, Indonesia)

Staff Marketing (December 2019 - Februari 2020)

- Menjaga hubungan baik dengan pelanggan baru maupun retensi
- Mempromosikan dan menjaga citra produk
- Menjelaskan prospek kepada calon pelanggan atau pembeli
- Bertanggung jawab menginput laporan data produk yang berhasil terjual

Hotel Aruss (Semarang, Indonesia)

Magang Administrasi (Juli 2022 – Desember 2022)

- Meng-*input* pemesanan bahan-bahan keperluan FnB
- *Data Entry FnB*
- Pengecekan stock barang
- *Daily Market data entry*

Hotel Aruss (Semarang, Indonesia)

Event Leader Organizer (Desember 2022 – Februari 2022)

- Meng-*handle event* harian

- Meng-*handle wedding event*
- Membagi tugas pekerja paruh waktu

Kantor Hukum Broto Hastono & Associates

Magang Legal Drafter, Opinion, Mapping, and Administration (Februari 2024- Juni 2024)

- Membuat *legal* opini dasar
- Membuat *legal mapping* kasus
- Mengelola administrasi kasus
- Membuat surat gugatan

Kantor Hukum MBI Law Office

Magang Legal Drafter, Opinion, Mapping, and Administration (Oktober 2024- Desember 2024)

- Membuat *legal* opini dasar
- Membuat *legal* mapping kasus
- Mengelola administrasi kasus
- Membuat surat gugatan
- Pendaftaran perkara
- Pendampingan *client*

KEMAMPUAN BAHASA

- Indonesia (Native)

- Perancis (Intermediate)
- Inggris (Advanced)

PENDIDIKAN

Universitas Islam Negeri Walisongo Semarang (2021 - Sekarang)

S1 Ilmu Hukum

- Membuat Jurnal Hukum Ketenagakerjaan
- Membuat Jurnal Hukum Perdata Islam
- Pelatihan Kepemimpinan seminar UIN Walisongo

Universitas Negeri Semarang (2019 - 2023)

S1 Sastra Perancis

- Mendapatkan Beasiswa KEMENDIKBUD - UNNES
- Bertanggung jawab dalam acara pelantikan Keluarga Besar Beasiswa 2019
- Mengikuti *Research Program* UKM Penelitian Unnes 2019
- Koordinator mahasiswa penerima beasiswa BSA Unnes
- Ketua Acara seminar Internasional mahasiswa Unnes – Mahasiswa asal Ukraina
- Membuat 4 Jurnal Psikologi Sastra

SMAN 1 Natar (2016-2019)

Jurusan IPS

- Mengadakan Aksi Peduli Uyghur 2018
- Lulusan berprestasi ke 3 IPS serta siswa dengan nilai UN terbaik ke 4 Kabupaten Lampung Selatan jurusan IPS
- Mengikuti Olimpiade Ekonomi 2018
- Mengikuti Olimpiade Ppkn Provinsi Lampung 2018
- Mengikuti Lomba Debat Bulan Bahasa Oleh Kantor Bahasa Lampung 2018

PENGALAMAN ORGANISASI

Ketua *Human Cares* di SMAN 1 Natar dan SMA Swadhipa Lampung (2018)

- Penanggung jawab dan Koordinator aksi peduli Uyghur 2018

Wakil Ketua Keluarga Besar Beasiswa FBS UNNES (2019)

- Bertanggung jawab dalam acara pelantikan fungsionaris Keluarga Besar Beasiswa 2019
- Koordinator mahasiswa penerima beasiswa BSA Unnes

- Master of Ceremony Event Pelatihan, kepemimpinan dan Upgrading
- Master of Ceremony Seminar Internasional pertukaran budaya Unnes - Ukraina

Staf Ahli Himpunan Mahasiswa(HIMA) BSA UNNES 2019

- Panitia kompetisi olahraga dan seni
- Panitia penggalangan dana HIMA peduli UKT 2019

Asosiasi Pengelola Jurnal Indonesia (APJI) (2024-Sekarang)

- Mengelola publikasi jurnal non sinta

Asosiasi Periset Bahasa Sastra Indonesia (ASPIRASI) (2024-Sekarang)

- Mengelola publikasi jurnal dan riset rumpun ilmu kesusastraan di Indonesia

Asosiasi Peneliti dan Pengajaran Ilmu Hukum Indonesia (2024-Sekarang)

- Mengelola publikasi jurnal dan riset rumpun I lmu Hukum di Indonesia