

LAW ENFORCEMENT AGAINST VIOLATIONS OF THE SALE OF TELECOMMUNICATION STARTER CARDS BY USING OTHER PEOPLE'S IDENTITIES

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ABSTRACT

*With the development of information and technology, problems are discovered, one of which concerns the misuse of NIK and KK to register and sell starter cards while active on social media with the aim of making a profit. In response to this, the National Police of the Republic of Indonesia, namely Subdit V Cyber, Ditreskrimsus Polda Bali, has the authority to carry out law enforcement of these violations, However, in its implementation, investigators still found obstacles. Based on this, the author formulates the problem, that is: How is the law enforced against violations of starter card sales by using someone else's identity by Sub-Directorate V Cyber, Ditreskrimsus Polda Bali and What are the obstacles faced in enforcing the law in cases of violations of the sale of starter cards by using another person's identity by Sub-Directorate V Cyber, Directorate of Criminal Investigation of the Bali Police. The theory used is law enforcement theory, authority theory, effectiveness theory, justice theory and legal system theory. This research uses an empirical method that describes *das sollen* and *das sein*. Source of legal materials: primary and secondary data. Collection techniques using direct observation techniques, document studies and interviews The conclusion of this research is law enforcement against violations of starter card sales by using other people's identities with two actions including repressive and preventive actions. Then the obstacle faced by Subdit V Cyber Ditreskrimsus Polda Bali in enforcing the law in cases of violations of selling starter cards by using someone else's identity is the difficulty of finding the main perpetrators of this case, namely sellers of NIK and KK and sellers of registered starter cards who use fake accounts. on social media*

Keywords: Law Enforcement, Sales Violations, Starter Cards.

1. INTRODUCTION

Life in the era of globalization like today is increasingly developing, communication flows are increasingly needed. Increasingly advanced technology also supports the development of the telecommunications world in Indonesia starting from telephone, SMS and the internet. The rapid growth and spread of the population today has a very significant impact on all aspects of human life, one of which is the demand to communicate smoothly in conveying information.

Along with the pace of information and technology development, one of the problems is the misuse of the Population Identification Number (hereinafter referred to as NIK) and Family Card Number (hereinafter referred to as KK) to register starter packs. A starter card or called a SIM card (*Subscriber Identification Module*) is an internal integrated circuit physical electronic device that securely identifies and authenticates between the user and the wireless operator. Every mobile phone will be connected to the telecommunication network through the availability of a SIM card (*Subscriber Identity Module*) installed in it, therefore the mobile phone must have a SIM card in order to function, (Rezki, 2020:35).

The misuse of the identity of others has been regulated in Law Number 27 of 2022 concerning Personal Data Protection. As stipulated in Article 4 Paragraph

(1) that there are two types of personal data, namely specific personal data and general personal data. Then it is also related to Article 32 Paragraph (2) of the *Junto* Article 48 Paragraph (2) of Law Number 19 of 2016 concerning ITE and Article 95A of Law Number 24 of 2013 concerning Population Administration and Article 67 Paragraph (1) of Law Number 27 of 2022 concerning Personal Data Protection. Then it is also regulated in Permekominfo Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems and Permenkominfo Number 5 of 2021 concerning the Implementation of Telecommunications. The crime of misusing population data by registering starter cards that illegally use other people's NIK and KK was discovered for the first time by investigators from Sub-Directorate V of the Cyber Directorate of the Directorate of Special Criminal Investigation (Directorate of Special Criminal Investigation) of the Bali Police in February 2022. Based on the case handled by Sub-Directorate V Cyber Directorate of the Bali Police in 2022, it has indeed reached the P21 stage, but the settlement has only touched the perpetrator from the second party where the perpetrator of the first party selling NIK and KK data has not been found, which is due to an obstacle, namely the *Facebook* account used is a fake account, (Interview with Police Brigadier I Komang Gede Oka Purnawan, 2023).

In 2021 there were no cases found, which was because the results of *profiling* could not be followed up and then in 2022 there was one case that could be handled by a member of Sub-Directorate V Cyber Directorate of the Bali Police Directorate, which started from a cyber patrol and was found on one of the *Facebook* accounts that sold starter packs that had been registered using other people's NIK and KK data on the *Facebook* market place, so that in the end the case was handled and reached the P21 stage and secured 2 perpetrators. Based on the case handled by Sub-Directorate V Cyber Directorate of the Bali Police in 2022, it has indeed reached the P21 stage, but the settlement has only touched the perpetrator from the second party where the perpetrator of the first party selling NIK and KK data has not been found, which is due to an obstacle, namely the *Facebook* account used is a fake account, (Interview with Police Brigadier I Komang Gede Oka Purnawan, 2023). Then in 2023 there will be no cases because the results of the profiling cannot be followed up by investigators.

Based on this description, the author is then interested in researching the role of the National Police, especially in the Bali Police, which is outlined in a thesis research entitled: Law Enforcement Against Violations of Starter Card Sales by Using Other People's Identities by Sub-Directorate V Cyber of the Bali Police Directorate. Based on the background of the problems described above, several problem formulations can be drawn, namely: How is the law enforcement against violations of the sale of starter packs by using the identities of others by Sub-Directorate V of the Cyber Directorate of the Bali Police? and What are the obstacles faced in enforcing the law against cases of violations of the sale of starter packs by using the identities of other people by Sub-Directorate V of the Cyber Directorate of the Bali Police?

2. METHOD

The type of research used in this study is empirical legal research, which is research that analyzes the work of law in society (*law in action*). This research is descriptive research that describes something in a certain area and at a certain time. Usually in this study, the researcher has obtained or has an overview in the form of preliminary data on the problem to be researched in the form of provisions, legal norms, written works published both in literature and journals and doctrines. Data and data sources consist of primary data and secondary data, including: the primary data is sourced from field research obtained directly from the first source in the field, both from informants and respondents obtained in the field, namely Sub-Directorate V Cyber Directorate of the Bali Police and secondary data, namely data sources in

the form of laws and regulations and literature related to problems. In this case, the secondary data consists of: primary legal materials and secondary legal materials. Data collection techniques: direct observation techniques, document study techniques and interview techniques. The processing and analysis of this research data by systematizing existing legal materials and systematizing in this case means making a classification of primary and secondary legal data to facilitate analysis.

3. RESULTS AND DISCUSSION

3.1. Law Enforcement Against Violations of Selling Starter Packs by Using Other People's Identities by Sub-Directorate V of Cyber Directorate of Criminal Investigation of the Bali Police

Law Enforcement by the National Police is the stage of criminal law enforcement (the stage of applying criminal law), namely law enforcement officials are tasked with enforcing and implementing criminal laws that have been made by lawmakers. Anticipation of these crimes includes the effective functioning of criminal law instruments through *law enforcement*. Through legal instruments, unlawful behavior is tackled preventively and repressively, (Satriana, 2015: 1) Then in this case, legal enforcement is an effort used by the government to achieve justice, welfare and order in people's lives, (Indradewi, 2019 : 6). As law enforcement officers in carrying out their duties, the National Police of the Republic of Indonesia is required to instill a sense of trust in the community, because upholding the authority of the law, in essence means instilling the value of trust in society. In addition to the value of trust in the community, the National Police is also required to have professionalism in enforcing the law. Professionalism means quality, quality and actions that are characteristic of a professional profession, (Purnama, 2018: 61). In law enforcement, there are factors that affect law enforcement, including the following:

- a. The legal factor itself
- b. Law enforcement factors, namely the parties who form and implement the law
- c. Factors of facilities or facilities that support law enforcement
- d. Community factors, namely the environment in which the law applies or applies
- e. Cultural factors, namely as the result of works, creations and tastes that are based on human karsa in life relationships, (Soekanto, 2004: 8).

Good law enforcement has referred to the principles of democracy, legitimacy, accountability, protection of human rights, freedom, transparency, power-sharing and public control. Law enforcement is defined in 3 concepts, as follows: (Sunarso, 2012 : 88)

- a. The concept of law enforcement is total (*total enforcement concept*), this concept demands that all values behind legal norms be upheld without exception.
- b. The concept of *full enforcement* is a concept that recognizes that the total concept must be limited by procedural law and in order to protect individual interests.
- c. The concept of *actual law enforcement concept*, this concept emerged after believing that there is discretion in law enforcement due to limitations related to infrastructure, quality of human resources, quality of legislation and lack of community role.

In this case, Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigation enforces criminal laws related to the crime of violating the sale of starter cards by using the identity of other people in the form of investigations and investigations of criminal acts. The National Police in their duties as investigators and investigators are an important part of the criminal justice system, (Safrina, et al., 2017 : 17).

1. Based on the results of an interview with Police Brigadier I Komang Gede Oka Purnawan as the Officer of Unit 1 Sub-Directorate V Cyber of the Bali Police Directorate said that law enforcement against violations of the sale of starter packs by using the identities of other people at this time, especially in Sub-Directorate V Cyber of the Bali Police Directorate continues to carry out *profilning*, or investigations either conventionally or by way of investigations on the internet into the existence of individuals who commit violations of the use of other people's data to register and buy and sell cards and including individuals who buy and sell other people's data, especially with the enactment of Law Number 27 of 2022 concerning Personal Data Protection which regulates more deeply about these violations. Against the perpetrators who have been successfully exposed, especially in Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigations, strict legal measures are carried out, then a press release is carried out for every disclosure with the aim of appealing to the public that the police are serious in handling related to these violations, (Interview results with Police Brigadier I Komang Gede Oka Purnawan, 2024)
2. Based on an interview with Aiptu Suherman Prayudi as the Officer of Unit 1 Sub-Directorate V Cyber of the Bali Regional Police Directorate of Criminal Investigation, he said that law enforcement against the crime of violating the sale of starter cards by using the identities of other people in the Jurisdiction of the Bali Regional Police will take strict action against the perpetrators in accordance with the applicable law and in a measurable manner. Then the National Police also invites the public to participate in the prevention of the crime of selling starter packs by using other people's identities through a *press release* carried out by the Sub-Directorate V Cyber of the Bali Police Directorate, (Results of an interview with Aiptu Suherman Prayudi, 2024)
3. Based on an interview with Ipda I, Ketut Siwa Darmadi as PS Panit 1 Unit 2 Sub-Directorate V Cyber Directorate of Criminal Investigations said that law enforcement is carried out in two ways, the first is repressive, namely taking decisive action according to what is stated in the applicable law. Then the second is preventively, namely providing socialization and appeals through social media such as *Instagram* in the form of short videos and posters through the account of the Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigations, (Interview Results with Ipda I Ketut Siwa Darmadi, 2024)

3.2. Obstacles Faced in Enforcing the Law on the Case of Violation of Selling Starter Cards by Using the Identity of Others by Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigation

Cybercrime has been rampant since 2003, crimes such as hacking, skimming, cracing, malware (viruses/worms/trojans/bots), cybersuattng, phishing (internet banking fraud), pornography, online gambling, Carding or (credit card fraud), transnational crimes such as drug trafficking, terrorism, mafia, gyman trafficking, money laundering, underground economy, (Rumlus & Hartadi, 2020 : 412). The use of communication and information technology in addition to triggering *cybercrime* also has great potential for data-related crimes that require the management of personal data, (Situmeang, 2021 : 39). In an effort to fulfill life and

improve the standard of economic life, sometimes the efforts made have an impact or intersect with the law and tend towards unlawful acts, (Satriana, 2015 : 2). Law enforcement in Indonesia is currently experiencing difficulties in dealing with *cyber crime*. This is motivated by the fact that there are still few law enforcement officials who understand the ins and outs of information technology, limited facilities and infrastructure, and a lack of public legal awareness in efforts to overcome *cyber crimes*. The limitations of special *cyber crime* tools owned by the police in the districts to sub-districts to support the facilities and infrastructure of investigators in uncovering the crime of electronic transaction fraud. The limitation of modern tools in the region causes a long time in uncovering crimes of fraud, electronic transactions, and the tools needed also require large costs, (Satriana, 2015 : 114).

Regarding effectiveness, Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigations which carries out the task of handling cases of violations of the sale of starter packs by using the identities of other people, we need to know together how the obstacles faced by the police in carrying out law enforcement in the midst of the advancement of the world of information and communication technology as it is today are as follows.

1. Based on the results of an interview with Police Brigadier I Komang Gede Oka Purnawan as the Officer of Unit 1 Sub-Directorate V Cyber Directorate of the Bali Police said that the obstacles faced in enforcing the law against cases of violations of the sale of starter packs by using other people's identities is to look at the current conditions in the field, it can be categorized as many violations that occur against the use of personal data used to register starter packs both in the form of selling cards that have been registered as well as in the form of selling raw data (NIK and KK) which is used as material for registration, but is often constrained in its disclosure because on average violators transact online with *fake* accounts and anonymous data. In addition, in terms of inadequate investigator resources with the increasing level of cybercrime, it affects the number of cases that have been successfully uncovered and handled, (Interview, 2024).
2. Based on an interview with Aiptu Suherman Prayudi as the Officer of Unit 1 of the Cyber Sub-Directorate V of the Bali Police Directorate of Criminal Investigations, he said that the obstacles faced in enforcing the law against the case of violations of the sale of starter packs by using other people's identities are related to the ability of investigators, technology and IT equipment that are still inadequate, so that the police, especially the Sub-Directorate V Cyber, need more technology experts and more sophisticated equipment to supporting the task of carrying out law enforcement to its roots, (Interview, 2024).
3. Based on an interview with Ipda I Ketut Siwa Darmadi as PS Panit 1 Unit 2 Sub-Directorate V Cyber Directorate of Criminal Investigations of the Bali Police said that the obstacle faced in enforcing the law against the case of violations of the sale of starter packs by using other people's identities was that no one reported related to it, then when members of Sub-Directorate V Cyber of the Bali Police Directorate of Criminal Investigations conducted cyber patrols and *profiling* So the obstacle is that it is very difficult to know the whereabouts of the card seller, which is because in the marketing and sales process he hides his identity on social media, in this case also because the National Police's Cyber tools are inadequate to accurately identify the perpetrator and the position of the perpetrator, (Interview, 2024).

4. CONCLUSION

- a. Law enforcement against violations of the sale of starter packs by using the identities of other people by Sub-Directorate V Cyber of the Bali Police Directorate is based on the theory of law enforcement that Sub-Directorate V Cyber of the Bali Police Directorate is as an apparatus that carries out law enforcement against violations of the sale of starter packs which is

- based on Law Number 27 of 2022 concerning Personal Data Protection and based on the theory of authority that the National Police, namely Sub-Directorate V Cyber The Directorate of Criminal Investigation of the Bali Police has the authority by attribution to carry out law enforcement against criminal acts by carrying out two actions, which include preventive actions and repressive actions. The real form of preventive measures carried out is to conduct routine cyber patrols, conduct investigations by conducting *continuous profiling* and providing appeals in the form of posters and short videos on social media to prevent this from happening, while repressive actions follow up until the perpetrators are found and then processed by the law in a strict and measured manner in accordance with the applicable law.
- b. The obstacle faced in enforcing the law against the case of violation of the sale of starter packs by using other people's identities by Sub-Directorate V Cyber Directorate of Criminal Investigations of the Bali Police is the difficulty of finding the main perpetrators who incidentally are the root of the problem of this case, namely NIK and KK sellers who use fake accounts in the market place which because the tools and human resources are inadequate so that it can be said that law enforcement is not optimal. Then to follow up on the sale of starter packs that have been registered on social media, they also experience the same obstacle, namely the difficulty of tracking this seller which is because the location and payment method have been arranged in such a way that it is difficult for investigators to reveal it.

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