

# IMPLEMENTATION OF INVESTIGATIONS BY OFFICIAL CIVIL SERVANT INVESTIGATORS (PPNS) MINISTRY OF COMMUNICATIONS AND INFORMATICS ON CRIMINAL ACTS OF ILLEGAL USE OF RADIO FREQUENCY SPECTRUM

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**Abstract:** *The investigation into the criminal act of using a radio frequency spectrum without a permit will be carried out after knowing that there is interference with another radio frequency. Disturbances in these frequencies can cause danger and harm the community, for example in the aviation sector there will be communication disturbances between the Pilot and the Air Traffic Controller. Based on Law Number 36 of 1999 concerning Telecommunications in Article 38, it is prohibited for anyone to carry out actions that can cause physical and electromagnetic disturbances to other telecommunications operations. The delay in coordination assistance by the National Police Investigator to PPNS Balmon resulted in the investigation of violations of the frequency spectrum being hampered and not running properly and taking a long time.*

**Key Words:** *Investigation, Civil Servant Investigator, Crime, Radio Frequency Spectrum.*

## 1. INTRODUCTION:

The results of monitoring and the use of radio frequencies without a permit are not only detrimental to legal radio frequencies, the community, the government, but also endanger flight activities because they interfere with communication between pilots and airports (flights). One of the causes of aircraft accidents is the occurrence of disturbances in the communication system and flight navigation. The use of criminal law as a means of crime prevention is carried out with a policy-oriented approach to achieve certain goals. That is, the means of criminal law will be used regarding actions that are considered criminal acts and regarding what sanctions will be imposed on the perpetrators [1].

## 2. THEORITICAL FRAMEWORK:

### a. Law Enforcement Theory

Law enforcement theory can be interpreted as the implementation of law by law enforcement officers and by everyone who has an interest in accordance with their respective authorities according to the applicable legal rules.

### b. Theory of Legal Purpose

Theories of Natural Law from Socrates to Francois Geny, still maintain justice as the crown of law. Natural Law Theory prioritizes "the search for justice"[2].

## 3. LITERATURE REVIEW:

The process of investigation and investigation is very important in criminal procedural law, because in its implementation it often has to offend the degree and dignity of the suspected person, therefore one of the important slogans in criminal procedural law is "the essence of criminal case investigation is to clarify the problem, to pursuing criminals, while at the same time avoiding innocent people from inappropriate actions[3].

Crime is a translation of "*strafbaar feit*". In the Books of Criminal Law there is no actual explanation of what is meant by *strafbaar feit*. Usually this crime is called an offense, which comes from the Latin word *delictum*. In German it is called *delict*, in French it is called *delit*, in Dutch it is called *delik forelect*. [4]

**4. METHOD:** The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[5]

## 5. DISCUSSION:

The results of monitoring and the use of radio frequencies without a permit are not only detrimental to legal radio frequencies, the community, the government, but also endanger flight activities because they interfere with communication between pilots and airports (flights). One of the causes of aircraft accidents is the occurrence of disturbances in the communication system and flight navigation. Aviation communication and navigation systems are divided into two, namely *Aeronautical Fixed Service* and *Aeronautical Mobile Service*. In the fixed aviation radio communication system, the communication relationship that occurs is the relationship between a fixed and certain place, while in the mobile aviation radio communication system it is a communication link that occurs between the air traffic controller and the aircraft. The cause of the accident is because this communication system uses radio frequencies. In carrying out the investigation into the criminal act of using the radio frequency spectrum by the Civil Servant Investigator of the Pekanbaru Class I Monitoring Center Agency, it is carried out based on the authority granted by the Law which is the legal basis.

## 6. ANALYSIS:

### A. Conduct of Investigations by Civil Servant Investigators (PPNS) of the Ministry of Communications and Informatics Section of the Pekanbaru Class I Monitoring Center Agency Against Criminal Acts of Using Radio Frequency Spectrum Without Permit

Law enforcement on violations of radio frequency spectrum use as regulated in the UPT Telecommunications Law (UU) . It also contains rules regarding sanctions and the authority of the State Civil Apparatus (PPNS), based on Article 44 paragraph (1) this article states that in addition to Investigators of the Indonesian National Police, there are also certain Civil Servant Officers (PPNS) within the scope and responsibilities of the State Civil Apparatus. in the field of telecommunications, is given special authority as referred to in Regulation of the Directorate General of Resources and Equipment of Post and Information Technology Number 07 of 2021 concerning Procedures for Guidance, Supervision, and Imposition of Sanctions Against Violations of the Use of Radio Frequency Spectrum and Telecommunication Equipment to carry out investigations into criminal acts. crime in the telecommunications sector. Article 44 paragraph (2) Authority of Civil Servant Investigator as regulated in Article 44 paragraph (2), Law no. 36 of 1999 concerning Telecommunications.

### B. Obstacles of Investigating Civil Servant Officials (PPNS) of the Ministry of Communication and Informatics Section of the Class I Monitoring Center Agency of Pekanbaru City in the Implementation of Investigations on the Crime of Using Radio Frequency Spectrum Without Permit

The investigation of radio frequency spectrum crimes by PPNS Balai Monitor (Balmon) also encountered obstacles and difficulties which ultimately hampered the investigation in the investigation, forcing investigators to re-investigate to collect valid evidence of the cases they handled. The obstacles faced by PPNS Balmon Class I Riau Province are related to the implementation of radio frequency spectrum law enforcement in Pekanbaru City, it is necessary to have PPNS Balmon Riau Province Pekanbaru City installed on PPNS and Regional Apparatus Work Units. the presence of a number of PPNS, including those at the Ministry of Communication and Informatics, the Central Class I Supervisory Agency Section of Pekanbaru City and PPNS in the field of Administration.

## 7. CONCLUSION: From the discussion as explained earlier, several conclusions can be drawn, including:

- The investigation by the Civil Servant Investigator (PPNS) of the Pekanbaru Class I Monitoring Center was carried out by joint monitoring with the Balmon Technical Implementation Unit (UPT) to find the location of the source of frequency disturbances where radio frequency violations occurred that were not in accordance with their designation.
- The obstacles found by the Civil Servant Investigator of the Pekanbaru Monitoring Center in the Implementation of the Criminal Investigation of the use of the Radio Frequency Spectrum without a Permit were the lack of coordination between PPNS Balmon and Polri Investigators and did not carry out the mandate according to their respective laws and there was still a culture of egoism between the two institutions.

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