The Role Of Digital Forensic In Revealing Criminal Acts Of Online Prostitution At Kepolisian Daerah Jawa Timur

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Abstract

This thesis talks about the role of digital forensic in revealing criminal acts of online prostitution. Digital forensic itself is not specifically regulated in the Indonesian Criminal Code Act, but digital forensic is very important in its role in the process of analyzing an item of evidence obtained from a criminal offence. The subject matter that the author discusses is, how the digital forensic role in exposing the criminal acts of online prostitution and whether the barriers in the application of digital forensic in exposing the criminal acts of online prostitution. The research methods that the author uses are juridical empirical. The author also conducted an analysis on the role of digital forensic in exposing the criminal acts of online prostitution associated with the Information and Electronic Transaction Law which is then presented by the author’s thought. The results of this study can be seen through several digital forensic roles at the level of investigation, prosecution and also the courts, in addition, there are also some obstacles that faced by the experts of Digital Forensic Examiner and the efforts that can be done in overcoming those obstacles.

Keyword: Digital Forensic, Online Prostitution, Information and Electronic Transaction Law

I. Introduction

In this current era, information and communication technology develops rapidly, it brings people into the era of globalization which in this case also make a big change in people’s lives, especially in Indonesia. Those change changed the traditional habits of society into the modern habits, for an example, a long time ago the society can only access news through the newspaper, but in the present day, people can access the news easily through gadgets such as mobile phones and also computers that supported with Internet access. The development of this information and communication technology has caused the world to be limitless or in other words, borderless, so that the dissemination of information and communication is becoming increasingly fast worldwide.

The revolution in information technology and communication began since the discovery of a computer that in its development created an independent world that is commonly referred to as the virtual world that is part of the various discoveries in the field of

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information technology and communication that currently allows people to use the Internet network through personal computer/PC or other electronic media anywhere. 1

These technological advances have provided a lot of cases and benefits for people in order to improve the welfare of mankind, but when there are many positive impacts gained, there must be negative impacts on it. The negative impacts in the development of this information and communication technology can threaten and endanger people, one of the negative impacts is a crime in the realm of the internet itself. The Internet can be an effective tool that is easy to use in conducting acts of criminal acts and acts against the law. The negative impact of information and communication technology advances is the emergence of new criminal acts in the field of information and communication technology, both in the form of criminal acts of confidentiality, integrity and availability of data or computer systems. In addition, there are also criminal acts conducted using information and communication technology media as tools, such as cyber fraud, credit card fraud, the spread of pornography content, online prostitution, etc. 2

Crimes that happen on the internet lately are very common in Indonesia. Exposing the Internet crime cases can not be separated from the evidence tools used in the proving process at the trial and in the investigation process, the police must seek evidences that can be used in the process of revealing the cyber criminal act in question. A proof tool that can help cyber crime is an electronic proof tool that has been regulated under Law No. 11 of 2008 on Electronic Information and Transactions (ITE LAW), in article 5 clause (1) The ITE LAW governs that the electronic information and/or electronic documents and/or its print results are a valid legal evidence, while according to article 5 paragraph (2) it is asserted that the electronic information and/or electronic documents and/or the printed results constitute an extension of the legal proof of law in accordance with the law of the event in Indonesia. 3

In terms of the search for electronic evidence tools, forensic experts are required. Forensic is an activity to investigate and establish facts relating to criminal events and other legal issues. Forensic analysis is an important step that needed in cyber crimes,

2Ibid. p. 2
especially when it is necessary to bring it into the court. Digital Forensics is a part of forensic science that covers the invention and investigation of material (data) found on digital devices. Therefore, electronic proof tools require digital forensics in order to be analyzed whether the electronic evidence tool can be used as a proof tool in court or not.

II. Method

The type of research that used by the author on this research is empirical research on empsliced. This research uses data derived from primary data and secondary data obtained from live studies and literature review of several literature and documents, books, papers, articles, as well as laws and other written materials related to the discussion in this thesis. Based on the nature of this study that uses a research method of analytical descriptive, the analysis used is a qualitative approach to primary data and secondary data. This qualitative approach itself is an approach aimed at describing the nature of something that is underway at the time of study. The descriptive includes the content and a positive legal structure, i.e. an activity conducted by the author to determine the content or meaning of the rule of law that is used as a reference in resolving legal issues that become the object of the study.

III. Main Heading of the Analysis or Results

A. Procedure of Evidence from The Beginning of Criminal Acts Took Place into The Hands of Digital Forensic Experts

In this thesis, the author raised a criminal act of online prostitution that occurred in the law area of East Java District Police, the case involved an artist named Vanessa Angel. The procedure of evidence from the beginning of the criminal act to the hands of forensic experts is as follows:

1. Early investigation, carried out by the presence of a cyber patrol by Subdit V Cyber Ditreskrimus Kepolisian Daerah Jawa Timur.

2. Investigation, in the investigation police should protects the evidences that related to the criminal offence concerned. The protection is done in the following ways:
   a. Search of the evidence, done by determining what evidence can be allegedly strong into evidence that strengthens the crime that happens from the first place.
b. Forfeiture of the evidence, is done by requesting permission to the local district court chief.

c. Security of the evidence, done by labeling the evidences.

d. Delivery of the evidence, carried out from the crime scene to the forensic laboratory of the Kepolisian Daerah Jawa Timur.

Furthermore, the evidences are examined in the forensic laboratory of the Kepolisian Daerah Jawa Timur, when it’s completed, then the files are collected to the police investigators in order to be handed over at the local attorney to make an indictment. The role of digital forensics in exposing the more specific criminal acts of online prostitution occurred in the case of Vanessa Angel. This online prostitution case was seen in the process of inspecting the evidence of mobile phones acquired by the Kepolisian Daerah Jawa Timur’s investigator with the suspect that’s named Vanessa Angel and some pimps who channeled the suspect Vanessa Angel to the man that wanted to “rent” her as a one night stand partner and of course, those man should pay some money as the rule.

B. The Role of Digital Forensic in Revealing Criminal Acts of Online Prostitution At Kepolisian Daerah Jawa Timur

The role of digital forensics in exposing the criminal acts of prostitution online is divided into 3, the first one is the role of digital forensics in the police investigation phase, at this stage of investigation, digital forensic plays a role to provide the certainty and accuracy of the evidence in the form of mobile phones gained in this online prostitution criminal act. The accuracy category referred to this case is how the evidence should be able to demonstrate if it is true that the evidence is used in the process of occurrence of criminal acts concerned. If they (forensic digital experts) have ensured the accuracy of the evidence, then the results of the examination can be used to complete the case’s file of evidence proofing event.

The second role of digital forensics is its role in the prosecution stage. The role of digital forensics in the prosecution stage is to strengthen the criminal element that is being asked by the public prosecutor. In addition, public prosecutors can also do a consultation with the digital forensic examiner about those images and video that used as a tool of evidence, the prosecutor can also request more examination about the evidence. The
examination is also done for determine the accuracy of the images and videos that have been obtained, whether the images and videos are original or not.

The final digital forensic role exists at the judicial stage in the court. The role of digital forensics here is to show what data is obtained after the examination conducted by a digital forensic examiner. In addition, digital forensics also play a role to cross-check between the evidence and the witnesses as well as suspects. This digital forensic is also used to assist the judge in providing consideration for dropping the verdict in a criminal offence.

C. Obstacles That Faced by The Digital Forensic Examiner in Revealing Online Prostitution Crime

Obstacles that faced by the digital forensic examiner in revealing online prostitution divided into 2, namely procedural obstacles and non procedural obstacles.

1. Procedural Obstacles

Procedural obstacles are the obstacles that occur in the process of implementing of the evidence itself. This obstacles occur a lot in the tools that are used in the examination process of the evidence. The evidence mentioned in this examination are a handphone and a laptop or computer. According to Kristanto, a member of the digital forensic examiner or computer forensic at Forensic Laboratory Center Surabaya of East Java District Police, the obstacles that happening here are:

a. In the examination of handphone evidence, the obstacles that occur in the tool used for the examination called UFED (Universal Forensic Extraction Device), are sometimes there is a disturbance such as UFED can not read the evidence and so on. In addition, there are other obstacles in this examination process, and that is a virus attack that can occur at any time and make the data that already obtained can be lost.

b. On the examination evidence of laptop/computer, the obstacles that occur are the same as in the handphone examination, and that is a virus attack that can occur, in addition, this examination also requires large storage media that has a fairly expensive price to get.
2. Non Procedural Obstacles
   a. The availability of the tools for the evidence examination are very lack.
   b. The availability of forensic digital’s examiner are very lack.
   c. The settlement of the crime scene is so slow.

D. Efforts that Taken to Face The Obstacles

Effort is one form of an activity in order to face a problem. In this thesis, the efforts to overcome the obstacles that occurred in this thesis, are:

1. Efforts to Overcome Procedural Obstacles
   a. Efforts to Overcome The Obstacles on Mobile Phone Examination as an Evidence

   Efforts that made by a professional forensic examiner or commonly called as computer forensics on the examination of the evidence in the form of mobile phone, are by installing an anti virus on a computer that used to save the digital evidence and also computer that used to do the examination of laptop or computer as an evidence. This anti virus is used to prevent viruses that attack the computer to come back again and damage the system on the computer. There are many anti viruses that can be used by digital forensic examiners, for an example Avast and Smadav. The Anti virus can be obtained by buying it on the official website, so the virus will not easily attack the computer.

   b. Efforts to Overcome The Obstacles on Laptop/Computer Examination as an Evidence

   Efforts that made by a professional forensic examiner or commonly called a computer forensics on the examination of evidence in the form of a laptop or computer, is done in the same way as an effort to overcome the obstacles in the examination of the evidence in the form of mobile phone. The way to overcome the obstacles is to install an anti virus on the computer that used to do a digital forensic examination process. In addition, a digital forensic examiner should also scan the hard drives that used to save the digital evidence periodically in order not to be attacked by viruses that could damage the hard disk. This scan process is done to clean up some useless data and to remove the viruses that attack the
The next effort that should be done in the second obstacle, is the needs of some large storage media such as hard disk, this thing can be done by requesting the procurement of tools to the head of Central Forensic Laboratory in Jakarta through the head of Surabaya Branch Forensic Laboratory.

2. Efforts to Overcome Non Procedural Obstacles

a. Submit a Request for Procurement of Tools

The lack of UFED tools available at the Surabaya Branch Forensic Laboratory of East Java District Police, encouraged the professional digital forensic examiner to submit a tool procurement to the head of the Jakarta Forensic Laboratory. A few years ago, UFED tools that owned by the Surabaya Branch Forensic Laboratory of East Java District Police was only 1 unit, but because the tool is very lack and very impede the performance of the digital forensic examiner, then they ask for the procurement of equipment, so now the Surabaya Branch Forensic Laboratory of East Java District has 2 units of UFED.

b. Doing Overtime Work

The lack of professional digital forensic examiner at the Surabaya Branch Forensic Laboratory of East Java District Police, made the digital forensic examiner should do overtime work to complete an examination of evidence. Overtime work is also done so that the other cases that enter the investigation do not accumulate, because in the year of 2019 this cyber cases are very happening. The examiners who belongs to the Surabaya Branch Forensic Laboratory of East Java District Police are not proportional with the cyber cases that enter the forensic laboratory itself. If they didn’t do overtime work, then the investigation will take a very long time and ineffective.

c. Do a Good Communication with The Investigators

The slow completion of the crime scene is also very impeding in the process of implementing this digital forensics, hence the effort that should be made by the digital forensic examiner or forensic computer is to communicate with the investigators of the case. This good communication should be done so that the investigators can deliver
evidences more quickly, in order to be examined immediately in the forensic laboratory and didn’t take a long time.

IV. Conclusions

The role of digital forensics in the investigation process is to provide the assurance and accuracy of evidence of criminal acts of online prostitution. The accuracy of the evidence is obtained by conducting a digital forensic examination to the evidence that is matter, in this case, the evidence is a mobile phone. Digital Forensics also play an important role in the prosecution process, digital forensic is an instrument that used to strengthen the criminal element that the public prosecutor has to lease. At this stage, prosecutors can also consult directly & request a further examination to the Digital Forensic Examiner about the images and video that are used as evidence. In the proceeding, digital forensics help judges to give consideration for the verdict to impose a criminal offence, which in this case is an online prostitution criminal act, after seeing the data that obtained from digital forensics that have been examined by the digital forensic examiner, the judges can provide their consideration and also can give a fair verdict according to the data that has been disclosed and also the description of experts who examine the evidence.

Procedural obstacles are divided into 2, i.e. obstacle in the mobile phone examination is the presence of virus attack that can occur on the computer that is used to perform the storage of the results of evidence analysis. The next obstacle occurs in the examination of laptop/computer evidence is the presence of virus attacks, in addition they also need some expensive hard disks for the storage media. The next non procedural obstacles are the availability of the tools is very lack, lack of tools available, the availability of the digital forensic examiners is very lack, and the settlement of the crime scenes is very slow. Efforts that taken to face the obstacles on the examination of handphone evidence is to install an anti virus on the computer, in the examination of laptop or computer evidence is the same, they also should be do an anti virus installation, in addition they have to clean the hard disk periodically, so there will be no virus attack. In non procedural obstacles, the efforts that they should do are to make a request for the procurement of tools to the head of the Central Forensic Laboratory in Jakarta, doing overtime work, and conduct the communication with the investigators in the crime scene for a faster investigation.
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