

The Authority of Interview in the Framework of Protecting Human Rights

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Abstract

Investigative actions including wiretapping must respect Human Rights (HAM) which provide justice for a person, as emphasized in Article 28 D paragraph (1) of the 1945 Constitution. This study aims to analyze and discover the reconstruction of wiretapping authority regulations in the context of protecting human rights based on the value of justice. The research method used is normative legal research, using the constructivism paradigm. The approach method used in this research is social legal research. This research uses primary data and secondary data. Data collection techniques through literature studies, interviews and questionnaires. The data collected was analyzed qualitatively. The results of the study found that the reconstruction of the value of justice in wiretapping authority regulations is clear, complete, uniform, there is a judge's authority in assessing whether wiretapping is legal or not and wiretapping efforts are empowered to prevent criminal acts from occurring. As for the reconstruction of the legal norms of wiretapping authority in the context of protecting human rights based on the value of justice, namely Article 1, Article 77, and Article 79 and Article 81 of Law Number 8 of 1981 concerning Criminal Procedure Code (KUHP), and the addition of provisions on empowering wiretapping for the purpose of preventing wiretapping criminal acts in Law Number 5 of 1997 concerning Psychotropics, Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism, Law Number 30 of 2002 concerning the Corruption Eradication Commission, Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law Number 8 of 2007 2010 concerning Prevention and Eradication of Money Laundering Crimes, and Law Number 35 of 2009 concerning Narcotics.

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A. INTRODUCTION

The development of science and technology today is very rapid and unstoppable, including developments in the field of information and communication which will have an impact on all aspects or all aspects of people's lives.¹ Along with the development of technology, it is necessary to realize that the use of technology in addition to having a positive impact, of course, negative impacts can also be generated.² The negative impact is that information technology can be used to facilitate a crime. Technology abuse. Such information will certainly cause legal problems within public. Facing the negative effects of globalization, namely the globalization of crime and the increase in the quantity and quality of crime or criminal acts, of course, law, especially criminal law, must again assume its role as a means or tool for regulating public order and restoring balance in the life of society, nation and state.³

The act of wiretapping by listening to someone talk is a violation of human rights. This right has been affirmed in Article 28 F of the 1945 Constitution of the Republic of Indonesia⁴, namely: Everyone has the right to communicate and obtain information to develop his personality and social environment, and has the right to seek, obtain, possess, store, process and convey information using all types of available channels."Article 28 letter G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, also states that: , as well as the right to feel safe and protected from the threat of fear to do or not do something that is a human right

Wiretapping to uncover a crime, eradicate criminal acts or crimes that are extra ordinary, eradicate new, highly sophisticated crimes, be used for state defense and security, prevent crimes with mass impact, reveal and anticipate real and potential dangers that may arise or even the unfolding of actions or words that could disturb the peace or public order and so on.⁵ This confirms that even though wiretapping can violate human rights, wiretapping can reveal a criminal act. In the context of law enforcement, law enforcement can carry out

¹ Kristian dan Yopi Gunawa, 2013. Sekelumit tentang Penyadapan dalam Hukum Positif di Indonesia, Bandung : Nuansa Aulia. page 1.

² Leden, Proses 2009. Penanganan Perkara Pidana (Penyelidikan dan Penyidikan), Jakarta. : Sinar Grafika, page 2.

³ Kristian dan Yopi Gunawan, Op.Cit, page 9

⁴ Anis Mashdurohatur, et.al. Authority Of The Constitutional Court In The Dispute Resolution Of Regional Head Elections, Lex Publica, Vol. VI, No. 1, 2019, pp. 52-60. Faisal Sadad, The Ideal Regulatory Construction Of Jointly Owned Waqf Land Based On Justice Values, Journal of Islamic, Social, Economics and Development (JISED), Volume: 4 Issues: 17 [March, 2019] pp. 89 - 103].

⁵ Ranuhandoko I.P.M, 2006. Terminologi Hukum, Jakarta : Sinar Grafika, page 1.

wiretapping. Because law enforcers find it difficult to uncover a crime. Then the wiretapping results can be used as evidence in evidence at trial.

The wiretapping authority for law enforcement purposes is different from the wiretapping authority for intelligence purposes. This, as emphasized by Edmon Makarim, is as follows: "In the context of national security, especially as an effort to prevent and overcome attacks, the act of interception/interception that is carried out is not to obtain information for the purpose of proving in court, but is carried out in order to protect the larger interests namely maintaining the smooth running of the information and communication infrastructure itself. Likewise with surveillance activities or monitoring of communications that occur which are generally carried out by the state intelligence apparatus, this is done not to serve as evidence in court but only to carry out observation and prevention actions."¹

Furthermore, Aloysius Wisnubroto and Gregorius Widiartana stated that: "Although in police duties the intelligence function is part of the investigative process, as is well known, the intelligence process and the legal process are different. The intelligence process is based on indications and analysis, while the legal process is based on evidence and facts."²

The rules governing wiretapping are regulated in various laws, namely: a. Law Number 5 of 1997 concerning Psychotropics b. Law 31 of 1999 as amended by Law No. 20 of 2001 concerning the Eradication of Corruption c. Law Number 36 of 1999 concerning Telecommunications d. Law Number 39 of 1999 concerning Human Rights e. Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism f. Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons g. Law Number 11 of 2008 concerning Information and Electronic Transactions h. Law Number 35 of 2009 concerning Narcotics, i. Law Number 17 of 2011 concerning State Intelligence.

In connection with wiretapping for the purposes of criminal justice and security interests, there are several institutions that have the authority to carry out wiretapping, namely the Indonesian National Police, the Public Prosecutor's Office of the Republic of Indonesia, the Corruption Eradication Commission and the National Narcotics Agency. Furthermore, the authority to carry out wiretapping that is inherent in investigators can only be used to investigate certain criminal acts, namely: corruption, terrorism, narcotics, trafficking in persons and money laundering.

Regarding the wiretapping actions of Nasarudin Zulkarnaen and Rani Juliani, Corruption Eradication Commission advisor, Abdullah Hehamahua, in his press statement on Friday, June 19 2009, stated: that wiretapping can only be done to uncover corruption cases. "That can be said to violate the code of ethics, because wiretapping should only be for the realm of corruption".³ In addition, it does not provide detailed provisions regarding wiretapping, will cause resistance (rejection) and objections from the person being investigated, moreover the applicable wiretapping regulations do not regulate at all an objection/complain mechanism for the examinee who feels that his human rights and privacy rights have been violated by the act of wiretapping communications by a state institution.

B. RESEARCH METHOD

The paradigm in this study is constructivism, in this study the law is seen as a plural and diverse reality.⁴The research method used sociological juridical research approach⁵, descriptive juridical research type, primary and secondary data types, library data collection methods, observations and interviews⁶. Data analysis was done through descriptive analysis.⁷

¹ Edmon Makarim, 2010. Analisis Terhadap Kontroversi Rancangan Peraturan Pemerintah Tentang Tata Cara Intersepsi Yang Sesuai Hukum (Lawful Interception), dalam Jurnal Hukum & Pembangunan Tahun Ke-40 No. 2 April 2010, page 229.

² Al. Wisnubroto & G. Widiarta, 2005. Pembaharuan Hukum Acara Pidana, Bandung: PT. Citra Aditya Bakti, page 46.

³ <<http://m.kompasiana.com/post/umum/2009/06/20/kenapa-rani-disadap/>>

⁴ Erlyn Indarti, Orasi Ilmiah: Menjadi Manusia Merdeka: Menggagas Paradigma Baru Pendidikan Hukum untuk Membangun Masyarakat Madani, Sumber Guba dan Lincoln, page. 24

⁵ Bambang Suprabowo, et.al, Legal Protection for Creditors in Providing Business Credit with Object of Inventory Warranties Based on Justice Values, J.Eng. Applied Sci, Volume. 14, Issue. 12. 2019,pp. 4176-4182. Mahyuni, Land Acquisition of Toll Roads for Public Interest in The Kendal District, Jurnal Akta, Volume 6 Issue 1, March 2019,pp. 153-158, Anis Mashdurohaturun, Zaenal Arifin, The Inconsistency of Parate Execution Object Warranty of Rights in Banking Credit Agreement in Indonesia, International Journal of Applied Business and Economic Research, Vol.15 Issue.20. 2017, see too Sukarmi et.al, Impact of Traffic Congestion on Economic Welfare of Semarang City Community, Journal of Xidian University, Volume 16, ISSUE 2, 2022.

⁶ O. K. Isnainul, et.al. Ideal Legal Concept of Fidusia Guarantee Registration Obligations by Justice-Based Financing Companies, Journal of Asian Research, Vol. 3, No. 2, 2019. pp.139-161. see too Carto Nuryanto, Gunarto, Anis Mashdurohaturun, Reconstruction Of Criminal Sanction And Rehabilitation Combating On Narcotic's Victims Based On Religious Justice, The 5th International Conference and Call for Paper Faculty of Law 2019, Sultan Agung Islamic University, 2019,pp.91-95. See too Wawan Setiyawan and Anis Mashdurohaturun, The Reforming Of Money Politics Cases In Election Law As Corruption Crime. Law Development Journal, Volume 3 Issue 3, September 2021, pp.621 – 629.

⁷ Anis Mashdurohaturun, [Trademark Legal Protection against SMEs in Enhancing Global Competitiveness Based on the values of Pancasila](#), 2nd International Conference on Indonesian Legal Studies (ICILS 2019), 2019/11, Atlantis Press, pp.93-99. Jelly Leviza, Yeltriana, Ideal Reconstruction Of Protection For Layoff Victim At The Industrial Relations Court Based On Justice, International Journal of Law,

C. RESEARCH RESULTS AND DISCUSSION

C.1. Wiretapping Arrangements and Mechanisms in Other Countries

Privacy protection, the Netherlands provides privacy protection for its citizens from wiretapping actions that have been carried out, especially in wiretapping actions carried out for law enforcement purposes. Based on Article 359a Wetboek van Strafvoordering (Dutch Criminal Procedure Code) it has been regulated regarding evidence taken illegally or illegal search, confiscation and wiretapping will have consequences in the form of:

- a. The Court may mitigate the sentence in proportion to the seriousness of the irregularity provided that the harm caused by the irregularity can be compensated;
- b. The Court may exclude the evidence;
- c. The case may be dismissed if the irregularity caused by obtaining the evidence illegally would lead to a trial that would be in conflict with the principle of proper criminal procedure.

The application of Article 359a of the Dutch Criminal Procedure Code¹ has explained that the Netherlands adheres to a form of protection for citizens as a whole, namely by applying a test for the legitimacy of obtaining evidence or a form of post facto supervision. If evidence is obtained illegally according to the Dutch legal system, the evidence is excluded and is not used in court.

The US Congress passed CALEA to assist law enforcement in conducting criminal investigations that require tapping telephone lines.² This law requires telecommunications service providers, telecommunications equipment manufacturers to guarantee that they have made and/or designed their services or communication tools in such a way as to provide convenience or the possibility for law enforcement agencies to be able to wiretapping telephone networks, the internet, as well as VoIP (voice of internet protocol) and get call data records at the same time and in real time.³ This law also requires that it is not possible for a person whose communications have been intercepted to detect that he or she is being intercepted or monitored by an authorized government agency.⁴

Then regarding the purpose of wiretapping in the United States, it is stipulated in Title III of the Omnibus Safe Streets and Crime Control Act 1968 that a court order must be obtained for its implementation. Based on Section 2510 (9) Title III confirms that the competent court in this case is a judge at the US District Court or US Court of Appeals. Prior to being approved by the judge, the application for wiretapping must have authorization from one of the high-ranking officials at the Ministry of Justice as follows:

- (1) The Attorney General
- (2) Deputy Attorney General
- (3) Associate Attorney General or
- (4) Every Assistant Attorney General, Every Daily Executor of Assistant Attorney General or every Acting Deputy Assistant Attorney General.

C.2. Reconstruction of the Value of Justice in the Wiretapping Authority Regulations

1. The Value of Justice in Wiretapping Regulations Based on Pancasila Justice

Justice based on Pancasila has differences and similarities with other justice. The equality of justice based on Pancasila with other justice is to give equal rights to citizens in obtaining their rights in accordance with the capacity of the citizens themselves. Meanwhile, the difference is that justice based on Pancasila is pure justice for the Indonesian nation. Pure justice is obtained from the principles of Pancasila justice obtained from various ethnic groups in Indonesia. Therefore, justice based on Pancasila is part of the Unitary State of the Republic of Indonesia (NKRI), Pancasila is the NKRI and NKRI is Pancasila. In conclusion, the difference between other justice and justice based on Pancasila lies in the Unitary State of the Republic of Indonesia. In addition, the prominent difference lies in secular and non-secular countries, where justice based on Pancasila (non) secular) prioritizes justice based on Belief in One Supreme God.

The characteristics of justice based on Pancasila include the value of justice that originates from the precepts of a just and civilized humanity and the precepts of social justice for all Indonesian people which are the embodiment of the Unitary State of the Republic of Indonesia. The value of justice that emerges from the two precepts reflects the values of the other precepts. It can be concluded that the justice value of Pancasila is a reflection of a unified whole of the precepts contained in Pancasila which emerged from the embodiment of the

Government and Communication, Volume: 4 Issues: 14 [March, 2019]. pp.32-49. Irwansyah, Ahsan Yunus, Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel, Mirra Buana Media, Yogyakarta. 2020. Bimo Bayu Aji Kiswanto, Anis Mashdurohatur, [The Legal Protection Against Children Through A Restorative Justice Approach](#), Law Development Journal, Volume 3 Issue 2, June 2021, pp. (223 – 231).

¹ Hardi Widioso, HR Mahmutarom, Anis Mashdurohatur, A Juridical Review of the Truth of Criminal Stelsel that has not been oriented on the Basis of Balance in the Penal Code, Saudi Journal of Humanities and Social Sciences, June 2019; 4(6): pp. 441-445 .

² <http://pda.etsi.org/AQuery.asp>, <http://portal.etsi.org/li/Summary.asp>.

³ Communication Assistance for Law Enforcement Act of 1994, Section 103

⁴ Hanafi Amrani, Masalah Pengaturan Penyadapan di Indonesia, makalah disampaikan pada Focus Group Discussion dalam rangka penelitian tentang “Pengaturan Penyadapan di Indonesia”, Fakultas Hukum UII, 22 Mei 2014, p. 8.

Unitary State of the Republic of Indonesia (NKRI).

Justice based on Pancasila adheres to several principles which include justice based on Belief in One Almighty God, humanizing humans by prioritizing Human Rights, namely the right to obtain justice, unity in realizing justice, justice can be acknowledged for its truth for all Indonesian people, and equal treatment before law. As part of the right to justice, Roger Smith, as quoted by Uli Parulian Sihombing, identified nine principles of access to justice.¹

The existence of the main law is to realize justice. Justice is placed as the basic basis of legal purposes. If justice is placed as the goal of law then it must be fulfilled and realized to the fullest. Article 24 paragraph (1) of the 1945 Constitution has outlined that "The judicial power is an independent power to administer justice in order to uphold law and justice." Thus the relationship between law and justice in the constitution is an interrelated relationship.

Law and justice as two sides of a coin. If justice is described as material and law as "form", then the value of justice is material that must fill the form of law. Whereas law is a form that must protect the value of justice, thus, justice has both normative and constitutive characteristics for law. Justice is normative for law because it functions as a transcendental prerequisite that underlies every dignified law. Justice is the moral basis of law and at the same time a benchmark for a positive legal system. In other words, justice is always the basis of law. Without justice, a rule does not deserve to be called a law.²

Equating justice and the rule of law is the easiest way to understand justice. Legal regulations are used to promote justice in 2 (two) ways: first, legal regulations introduce a number of moral norms as legal norms and establish norms in the legal system as a justice system. Second, the justice system is established through a number of institutions established by legal regulations to:

- 1) Carry out and enforce legal regulations to obtain justice.
- 2) sorting and presenting to decision makers other forms of law violations;
- 3) Decide when there has been a violation of the law and what the sanctions will be;
- 4) Carry out the contents of the existing decision.³

Tapping or interception is like two sharp knives. A sharp knife has good and bad properties, namely a sharp knife can be used to slice vegetables, but the knife can be used to slice people. Wiretapping is a means of detecting and disclosing a case, but on the other hand it has a dangerous tendency towards respect for human rights, especially the right to privacy. Thus wiretapping is prone to abuse especially the legal rules that underlie it are not in accordance with the principle of respect for human rights, this requires morality to use a legal instrument according to its designation.⁴

Wiretapping is basically an act that has the potential to violate human rights. All wiretapping activities are basically prohibited because they violate the constitutional rights of citizens, namely the privacy right of everyone to communicate as Article 28F of the 1945 Constitution, Article 28 F of the 1945 Constitution reads: "Everyone has the right to communicate and obtain information to develop his personality and social environment, and has the right to seek, obtain, possess, store, process and convey information using all types of available channels." Restrictions on human rights related to the nature of criminal law, namely in the form of restrictions on privacy rights or human rights of every citizen, have been recognized and regulated in Article 28J of the 1945 Constitution. Based on Article 28) paragraph (2) of the 1945 Constitution contains restrictions on the right to move or human rights and freedoms.

According to Philipus M. Hadjon, the 1945 Constitution does not explicitly regulate privacy, but the articles in the 1945 Constitution actually concern privacy, for example in Article 28 F and Article 28 G of the Constitution. 1945. Even though these articles do not expressly use the term "privacy", basically these provisions guarantee the Constitutional Right to Privacy. Rights are constitutionally recognized but restrictions are still made according to Article 28 J paragraph (2) of the 1945 Constitution for the sole purpose of guaranteeing the recognition and respect for the rights and freedoms of others and for fulfilling just demands in accordance with normative considerations, religious values, security, and public order in a democratic society.⁵

2. Reconstruction of Norms in the Regulation of Wiretapping Authorities so that they are based on justice

Considering that one of the obstacles to wiretapping is not based on justice, namely the weakness of the current wiretapping regulations, it is necessary to reconstruct the norms for wiretapping regulations linked to progressive legal theory. In progressive law, it means having to dare to get out of the mainstream of thought of legal

¹ Parulian Sihombing (ed.) et. al., *Mengelola Legal Clinic, Panduan Membentuk dan Mengembangkan Kampus Untuk Memperkuat Akses Keadilan* (Jakarta: ILRC, 2009).

² Bernard L. Tanya, Yoan N. Simanjuntak, dan Markus Y. Hage, 2006, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Jakarta : CV. Kita, page. 106.

³ Richard A. Myren. 1988. *Law and Justice An Introduction*. Brooks/Cole Publishing, Pasific Groove.

⁴ Joseph Raz, 1979, *The Rule of Law and its virtue, in the authority of law*, Oxford : clarendon Press,page 225-226

⁵ Ibid

absolutism, then placing law in a relative position. In this case, the law must be placed in all human problems. Working based on a legal determinant mindset is indeed necessary, but it is not something that is absolutely necessary when jurists are faced with a problem which, if using the logic of modern law, will injure the position of humanity and truth. Working based on a progressive legal mindset (progressive legal paradigm), is of course different from the positivist-practical legal paradigm that so far (before the birth of progressive law, it was more likely to be taught) in universities.¹

Progressive law means law that is advanced. The term progressive law, introduced by Satjipto Rahardjo, is based on the basic assumption that law is for humans. This is the result of the low contribution of legal science in enlightening the Indonesian nation, in overcoming crises, including crises in the field of law itself. As for the notion of progressive law, it is changing rapidly, making fundamental reversals in legal theory and practice, and making various breakthroughs.² The definition as stated by Satjipto Rahardjo means that progressive law is a series of radical actions, by changing the legal system (including changing legal regulations if necessary) so that law is more useful, especially in raising self-esteem and guaranteeing human happiness and welfare.

The characteristics of progressive law include:

- a. Progressive law is a type of responsive law, while at the same time rejecting legal autonomy which is final and inviolable;
- b. Progressive law cares about meta-juridical matters and prioritizes "the search for justice";
- c. Progressive law also idealizes that law is judged by social goals and the consequences of the operation of law;
- d. Progressive law confronts "completeness, adequacy, facts, actions and powers". Therefore, progressive law wants to dismantle the tradition of making judge's decisions on the basis of construction alone. This needs to be done so that the law is in accordance with the real life needs of the community;
- e. Progressive law contains substantial criticism of legal education, formulation, implementation and up to law enforcement;
- f. Progressive law places more importance on the human factor and is above regulation. Greget elements in humans such as compassion, empathy, sincerity, edification, commitment, dare and determination, are considered more decisive than existing regulations. Based on this view, progressive law agrees with the expression "give me good prosecutors and judges, then even with bad regulations I can make good decisions";
- g. Progressive law places the concept of progressivism to accommodate all aspects related to humans and law, both now and ideal life in the future.³

3. The concept of Wiretapping for the Interest of Crime Prevention in Laws based on Justice

The large number of young people who are legally processed, serving prison sentences everywhere or being rehabilitated as a result of drug abuse, can be avoided and prevented, one of which is by wiretapping the telephone when ordering or transacting drugs. Then regarding the prevention of criminal acts of corruption, it is still better than the enforcement actions that have been carried out by law enforcers so far. Sociologically and culturally, prevention is more effective than prioritizing prosecution or red-handed operations. If there are indications of corruption based on the results of wiretapping by anyone, it would be better to be reminded to be aware and continue to commit criminal acts. However, if you have been reminded that you are still committing corruption, then you will become the target of prosecution. If we look at the sociological and cultural aspects in eradicating corruption, narcotics and terrorism or other serious crimes, it would be better to prioritize prevention rather than prosecution. One effort that can be developed is the prevention of criminal acts through wiretapping.⁴

Wiretapping can be used as an effort or means to prevent the occurrence of a crime, because wiretapping can reveal intentions and plans to commit a crime, so that from the results of wiretapping, a person can be warned by investigators not to carry out their intentions and plans to commit a crime.⁵ In addition, wiretapping can be carried out to prevent a crime from occurring, because the offense has not yet occurred, so a warning is needed so that someone does not commit or refrain from committing a crime.⁶

Efforts to wiretapping are needed in preventive or preventive efforts before the crime occurs, as well as for repressive or law enforcement purposes. By carrying out prevention efforts through wiretapping, it will prevent someone from committing a crime, physical or material losses and victims, it will even save the state budget in law enforcement efforts and fostering criminal offenders.

Therefore, prevention (pre-emptive and preventive efforts) by resolving at the source is far cheaper and

¹ Satjipto Rahardjo, 2006. *Hukum Progresif Sebagai Dasar Pembangunan Ilmu Hukum Indonesia, Menggagas Hukum Progresif Indonesia*, Semarang : Pustaka Pelajar. page. 9

² Ibid

³ Sudjito, 2012, *Hukum Dalam Pelangi Kehidupan*, Yogyakarta: Gadjah Mada University Press, page 134 & 136

⁴ Interview with Muhammad Yasir. in the Program Law Room of the Faculty of Law ULM on July 1 2022 at 13.00 WITA

⁵ Interview with Andri Winjaya. as Director of the UNISSULA Faculty of Law Executive Program

⁶ Interview with Muhammad Irwan. South Kalimantan High Court Corruption Special Task Force

beneficial for the state and society compared to efforts to overcome the consequences of crimes that threaten national defense and security as well as the safety of the wider community (repressive measures).

Weaknesses in wiretapping authority regulations in the context of protecting human rights at this time, namely: a) weaknesses in legal substance, namely the variety of wiretapping authority regulations, namely in Law Number 5 of 1997 concerning Psychotropics, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Eradication of Criminal Acts Corruption, Law Number 36 of 1999 concerning Telecommunications, Law Number 30 of 2002 in conjunction with Law Number 19 of 2019 concerning the Corruption Eradication Commission, Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons, Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Information and Electronic Transactions, Law Number 35 of 2009 concerning Narcotics, Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, Law Number 17 of 2011 concerning State Intelligence, Regulations Kapolri Number 5 of 2010 concerning Procedures for Wiretapping at the Police Monitoring Center, Regulation of the Minister of Communication and Information Number 11/Per M.Kominfo/02/2006 Concerning Technical Interception of Information. The wiretapping mechanism is unclear, and there is no objection mechanism against wiretapping. B) Weaknesses in the legal structure, namely 1) there is no single operator in wiretapping, 2) there is no agency that oversees wiretapping, 3) there is no agency to prosecute suspected wiretapping violations, 4) there is resistance from the Corruption Eradication Commission to supervision and wiretapping permits and 5) abuse of authority wiretapping (abuse of power). And c) Weaknesses in the legal culture, namely 1) selective law enforcement, and 2) law enforcement based on political interests. Reconstruction of the value of justice in wiretapping authority regulations so that they are clear, complete, uniform, there is a judge's authority in assessing whether wiretapping is legal or not and wiretapping efforts are empowered to prevent criminal acts from occurring. As for the reconstruction of the legal norms of wiretapping authority in the context of protecting human rights based on the value of justice, namely Article 1, Article 77, and Article 79 and Article 81 of Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), and the addition of provisions on empowering wiretapping for the purpose of preventing wiretapping criminal acts in Law Number 5 of 1997 concerning Psychotropics, Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism, Law Number 30 of 2002 concerning the Corruption Eradication Commission, Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, and Law Number 35 of 2009 concerning Narcotics.

D. CONCLUSION

Wiretapping regulations are not currently based on justice, so it is necessary to reconstruct the value of justice in wiretapping regulations, namely by adopting the Pancasila values of justice and the values of justice in the Constitutional Court Decisions related to wiretapping regulations. In addition to the reconstruction of values, it is also necessary to reconstruct wiretapping regulatory norms so that they are based on values of justice, namely adding objections, in: Article 1, Article 77, and Articles 79 and Article 81 of Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), and adding provisions for empowering wiretapping for the purpose of preventing criminal acts in Law Number 5 of 1997 concerning Psychotropics, Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism, Law Number 30 of 2002 concerning the Corruption Eradication Commission, Law Number 21 of 2007 concerning Eradication of Criminal Acts Trafficking in Persons, Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, and Law Number 35 of 2009 concerning Narcotics,

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