

## Conference Paper

# The Attorney's Wiretapping Authority in Special Crimes and Military Crime Connection Cases

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**Abstract.**

The authority in lawful interception in the legal norms in force, in Indonesia today, can be exercised by Law Enforcement Officials (APH) and State Intelligence (IN). APH includes the Police, the Attorney General's Office, the National Narcotics Agency, and the Corruption Eradication Commission, while the only state intelligence agency that has authority is the State Intelligence Agency. The Attorney General's Office in accordance with legal norms has the authority to investigate general crimes in accordance with the material provisions of the Criminal Code (KUHP), special crimes according to provisions outside the Criminal Code, and military crimes in accordance with the provisions of military criminal law after the formation of the Junior Attorney General for Military Criminals (Jampidmil). The Attorney General's authority is to handle specific criminal acts related to corruption, gross human rights violations, money laundering, insubordination, use of unlawful force, theft, embezzlement, and other violations of law involving military personnel. This study will discuss the wiretapping authority of the Attorney General's Office when dealing with special crimes, namely corruption and military crimes connected with terrorism so that the difference in wiretapping procedures can be seen in the handling of these two different crimes at the stages of investigation and prosecution.

**Keywords:** attorney general, lawful interception, investigation, corruption, military crime

## 1. INTRODUCTION

The Attorney General's Office of the Republic of Indonesia is one of the state institutions that exercise state power, particularly in the field of prosecution. As an agency authorized to uphold law and justice, the Attorney General's Office is led by the Attorney General who is elected by and is responsible to the President. The prosecutor's organization consists of the Attorney General's Office, High Court, and District Attorney [1]. Based on statutory provisions, the authority of the prosecutor's office is regulated in Law of the Republic of Indonesia Number 11 of 2021 amendment to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the Prosecutor's

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 OPEN ACCESS

Office as a law enforcement agency is required to play a more active role in upholding the rule of law, protecting public interest, upholding human rights, and eradicating Corruption, Collusion, and Nepotism (KKN). In this new Prosecutor’s Law, the Prosecutor’s Office is a government institution whose function is related to the judicial power that exercises state power in the field of prosecution and other authorities based on the law independently, regardless of the influence of government power and the influence of other powers. (Article 2 paragraph 1 of Law Number 11 of 2021).

The authority to investigate and investigate cases of special crimes and connected military crimes owned by the Attorney General’s Office is regulated in the following statutory provisions:

TABLE 1: The Attorney General’s Authority in Special Crimes and Military Crimes.

Criminal act	Type of Crime	Rule of law
Special Crimes	Corruption Crime (owned by KPK, Attorney and Police) Narcotics Crime (owned by BNN) ITE Crimes (owned by Police and PPNS Investigators from Depkominfo) Pornography Crime (Owned by Police) Money Laundering Crimes (owned by the Police, Attorney General’s Office, KPK and PPNS investigators from Tax)	Law Number 16 of 2004 concerning the Prosecutor’s Office is regulated in article 30 paragraph (1) letter d which states: The duties and authorities of the Prosecutor are “to conduct investigations into certain criminal acts based on the law
Connection Military Crime	Corruption Crime Connectivity Terrorism Money Laundering Connection Crime Other Crimes under the Law (Crime at Sea)	Articles 89-94 of the Criminal Procedure Code Article 1 number 1 of the Criminal Procedure Code, connectivity investigators consist of civil servant officials who are given special authority by law in this case the Attorney General’s Office. Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Law

The Attorney General of the Republic of Indonesia as the highest authority in the prosecutor’s office is assisted by 7 (seven) Junior Attorney Generals, namely the Junior Attorney General for Development (Jambin), the Junior Attorney General for Intelligence (Jamintel), the Junior Attorney General for General Crimes (Jampidum), the Attorney

General Junior Attorney General for Special Crimes (Jampidsus), Junior Attorney General for Civil and State Administration (Jamdatun), Attorney General for Military Crime (Jampidmil) and Deputy Attorney General for Oversight (Jamwas).

Regarding the investigation and investigation activities of special crimes and military crime connection cases by the Prosecutor's Office, several problems were obtained, namely:

1. What is the authority of wiretapping by the Attorney General's Office for special criminal acts and cases related to military crimes?
2. What are the differences in the wiretapping authority by the Attorney for specific crimes and cases related to military crimes in investigative and investigative activities?

## 2. METHODOLOGY/ MATERIALS

The research method used in this topic is the normative legal research method. Research by analyzing existing legal norms in the form of statutory regulations, official records, or treatises in the making of statutory regulations and judges' decisions. The primary legal materials in this study are:

1. the 1945 Constitution of the Republic of Indonesia,
2. Law Number 8 of 1981 concerning the Criminal Procedure Code,
3. Law Number 31 of 1997 concerning Military Courts,
4. Law Number 36 of 1999 concerning Telecommunications,
5. Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia,
6. Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism to Become Law.
7. Law Number 11 of 2008 concerning Information and Electronic Transactions
8. Law Number 17 of 2011 concerning State Intelligence;
9. Government Regulation Number 52 of 2000 concerning Telecommunications Operations

10. Regulation of the Minister of Communication and Informatics of the Republic of Indonesia Number 8 of 2014 concerning Technical Requirements for Legitimate Wiretapping Tools and Equipment for Internet Protocol-Based Information in the Implementation of Cellular Mobile Networks and Local Fixed Wireless Networks with Limited Mobility;

### 3. RESULTS AND DISCUSSIONS

Provisions regarding connectivity crimes are regulated in Articles 89-94 of the Criminal Procedure Code. The article contains a number of provisions regarding connectivity justice, including the matter of forming a connectivity team and determining the military court or general court that will handle criminal cases. In Article 89 of the Criminal Procedure Code it is explained that the crime of connectivity is a crime committed jointly by those who belong to the general court environment and the military court environment. Investigations are carried out by a permanent team consisting of investigators, military police and military prosecutors or high military prosecutors. The existence of the connectivity examination program is reaffirmed in Article 198 of Law Number 31 of 1997 concerning Military Justice. Military investigators are functional officials who in carrying out prosecutions act for and on behalf of the community, government and state, and are responsible according to hierarchical channels. Meanwhile, investigators according to Article 1 point 1 of the Criminal Procedure Code, are officials of the state police of the Republic of Indonesia or certain civil servant officials who are given special authority by law to carry out investigations.

According to Law Number 31 of 1997 concerning Military Courts Article 1 point 11, Indonesian Armed Forces Investigators are investigators authorized to conduct investigations into cases within the scope of military justice, consisting of Superiors with the Right to Punish, certain Military Police officials and Auditors , which is given special authority by the Law on Military Courts to conduct investigations.

#### 3.1. Authority Inquiries and investigations

Criminal procedure law in Indonesia in general has been codified into one document, namely Law Number 8 of 1981 concerning the Criminal Procedure Code or commonly referred to as the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code). In the Criminal Procedure Code, it has been regulated regarding the procedural process in criminal handling which consists of:

1. Investigation, according to Article 1 point 5 of the Criminal Procedure Code, that the purpose of an investigation is to seek and find an event that is suspected of being a crime in order to determine whether or not an investigation can be carried out.

Then the party authorized to conduct an investigation in accordance with Article 4 of the Criminal Procedure Code is every official of the Indonesian National Police.

2. Investigation, according to Article 1 point 2 of the Criminal Procedure Code, that the purpose of the investigation is to find and collect evidence with that evidence to make it clear about the crime that occurred in order to find the suspect.

Then the party authorized to conduct an investigation in accordance with Article 6 paragraph (1) of the Criminal Procedure Code is first an official of the Republic of Indonesia's state police and an official of certain **civil servants** specifically authorized by law. What is meant by certain civil servants as investigators are prosecutors and independent KPK investigators after the revision of Law Number 19 of 2019 concerning the Corruption Eradication Commission Article 45 that KPK investigators can come from the police, prosecutors, civil servant investigators who are given special authority by law and KPK investigators.

Meanwhile, in accordance with Article 7 paragraph (2) of the Criminal Procedure Code, the authority of the party with special authority as investigators from certain civil servants is in accordance with the law which forms their respective legal basis and in carrying out their duties they are under **coordination and supervision** of police investigators.

The provisions in Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Laws in Article 1 states that the Crime of Terrorism is all an act that fulfills the elements of a criminal act in accordance with the provisions of this law and terrorism is an act that uses violence or threats of violence that creates a widespread atmosphere of terror or fear, which can cause mass casualties, and/or cause damage or destruction of strategic vital objects, the environment, public facilities or international facilities with ideological, political or security disturbance motives.

Article 28F and Article 28G paragraph (1), Fourth Amendment of the 1945 Constitution of the Republic of Indonesia, namely:

*“Everyone has the right to communicate and obtain information to develop his personality and environment, and has the right to obtain, possess, store, process and convey information using all types of available channels”.*

*“Everyone has the right to protection for himself/herself, family, honor, dignity and property under his control and has the right to feel safe and protected from threats of fear to do or not do something which is a human right”.*

Based on existing legal norms, the prohibition of wiretapping can be exempted if it is regulated in law (UU) for the sake of law enforcement, as also regulated in Article 31 paragraph (3) of Law Number 11 of 2008 concerning Information and Electronic Transactions, which states that, “ Except for the interception as referred to in paragraph (1) and paragraph (2) the interception is carried out in the framework of law enforcement at the request of the police, prosecutors and/or other law enforcement institutions determined by law”.

When **investigator** carry out investigations and investigations of specific crimes according to Article 83 paragraph (3) of Law Number 8 of 1981 concerning the Criminal Procedure Code, may carry out wiretapping with permission from the Head of the District Court.

Based on Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Laws article 31 paragraph (1) letter (b), reads, “Based on sufficient preliminary evidence, investigators have the authority to intercept telephone conversations or other communication devices that are allegedly used to prepare, plan, and carry out acts of terrorism, as well as to find out the whereabouts of a person or terrorist network. Whereas in Article 31 paragraph (2) it is stated that wiretapping as referred to in paragraph (1) letter b is carried out after obtaining a stipulation from the chairman of the district court whose jurisdiction includes the domicile of the investigator who approves wiretapping based on a written request from the investigator or the investigator’s supervisor. Paragraph (3) then states that wiretapping as referred to in paragraph (2) is carried out for a maximum period of 1 (one) year and can be extended 1 (one) time for a maximum period of 1 (one) year.

In accordance with the provisions in the Attorney General’s Regulation of the Republic of Indonesia Number 1 of 2021 concerning the Second Amendment to the Attorney General’s Regulation Number PER-006/A/JA/07/2017 concerning the Organization and Work Procedure of the Prosecutor’s Office of the Republic of Indonesia, the duties and powers of the Attorney General’s Office in Article 30B of the Attorney Law letter ( a) The Attorney General’s Office stated that in the field of law enforcement intelligence, the Attorney General’s Office has the authority to carry out the functions of investigation, security and support for law enforcement purposes. Whereas in Article 30C of the Law on the Prosecutor’s Office letter (i), the Attorney General’s Office has the authority to do

tapping based on **Special law** which regulates wiretapping and organizes a monitoring center in the field of criminal acts.

In the elucidation of Article 30C letter (i) of the Law on the Prosecutor's Office, what is meant by wiretapping is the activity of listening, recording, diverting, changing, obstructing, and/or recording the transmission of electronic information and/or electronic documents, using either wired communication networks or wireless networks, such as electromagnetic radiation or radio frequency, including checking parcels, posts, correspondence and other documents.

### 3.2. Agencies entitled to carry out lawful wiretapping (Lawful Interception)

Based on Article 31 paragraph (3) Amendments to the ITE Law wiretapping can be carried out legally at the request of the police, prosecutors and other law enforcement agencies. The article directly gives wiretapping authority to designated institutions such as the police and prosecutors. In addition to the amendments to the ITE Law, the authority to carry out wiretapping actions is also granted by other laws. Article 42 paragraph (2) of Law Number 36 of 1999 concerning Telecommunications states that for the purposes of criminal justice proceedings, telecommunications service providers (PJT) can record information sent and/or received by telecommunications service providers and can provide the necessary information on: a) a written request from the Attorney General and/or the Head of the Police of the Republic of Indonesia for certain crimes, b) requests from investigators for certain crimes in accordance with the applicable law.

Thus what is meant by investigators for certain criminal acts besides those mentioned in Law Number 36 concerning Telecommunications, namely the Attorney General's Office and the Police, based on existing legal norms and applies to Corruption Eradication Commission (KPK) investigators in accordance with Law Number 30 of 2002 concerning KPK, then The National Narcotics Agency (BNN) is in accordance with the provisions of Law Number 35 of 2009 concerning Narcotics Article 77 paragraph (1). Meanwhile, the State Intelligence Agency (BIN) has wiretapping authority based on the provisions of Law Number 17 of 2011 concerning State Intelligence Article 32 paragraph (3), it states that wiretapping of targets who already have sufficient preliminary evidence is carried out with the appointment of the Chairperson of the District Court.

Article 31 letter b of the State Intelligence Law states that BIN has the authority to wiretapping, examining the flow of funds, and extracting information on targets related to terrorism, separatism, espionage and sabotage activities that threaten safety,

security and national sovereignty, including those that are currently undergoing legal proceedings. law.

Whereas in the Regulation of the Minister of Communication and Informatics of the Republic of Indonesia Number 8 of 2014 concerning Technical Requirements for Legitimate Wiretapping Tools and Equipment for Internet Protocol-Based Information in the Implementation of Cellular Mobile Networks and Local Fixed Wireless Networks with Limited Mobility in CHAPTER I General Provisions paragraph (1) number 1.3 states that lawful interception of information is an activity to listen, record, divert, modify, inhibit, and/or record the transmission of electronic information and/or electronic documents that are not public, either using a communication cable network or a network wireless, such as electromagnetic beams or radio frequency carried out by law enforcement officials and/or intelligence agencies who are authorized based on the provisions of laws and regulations. In this Permenkominfo it is stated that wiretapping can be carried out by **law enforcement officers (APH)** and/or **intelligence agency**. Then in CHAPTER I General Provisions paragraph (1) number 1.9 it is stated that the State Intelligence Agency, hereinafter abbreviated as LIN, is an organization authorized to request wiretapping and receive telecommunications wiretapping results in the framework of national security.

In accordance with the Law on State Intelligence, article 6 paragraph (1) it is stated that State Intelligence carries out the functions of investigation, security and fundraising. And in Article 8 that State Intelligence is carried out by: a. domestic and foreign State Intelligence organizers, b. defense and/or military State Intelligence organizer, c. administrator of State Intelligence in the context of carrying out police duties, d. implementing State Intelligence in the framework of law enforcement and e. organizers of State Intelligence in the framework of carrying out the duties of ministries/non-ministerial government agencies. It is explained in more detail in Article 9 that the organizers of State Intelligence consist of the State Intelligence Agency, Intelligence of the Indonesian National Armed Forces, Intelligence of the Indonesian National Police, Intelligence of the Republic of Indonesia Prosecutors Office and Intelligence of Ministries/Non-Ministerial Government Agencies.

It should be noted that currently based on data from the Depkominfo, BRTI and Telecommunications Service Providers (PJT) [2] that agencies that have installed **legitimate wiretapping tools (Lawful Interception)** namely Bareskrim POLRI, Baintelkam POLRI, Detachment AT 88, National Narcotics Agency, Attorney General's Office, Corruption Eradication Commission (KPK) and the State Intelligence Agency (BIN). Here it can be seen that POLRI investigators who can carry out wiretapping are from the POLRI Bareskrim, POLRI Baintelkam and Densus AT 88. The POLRI Bareskrim in order to



support the investigation and investigation of general crimes, corruption crimes, certain crimes, narcotics crimes, special economic crimes according to with the authority in the Criminal Procedure Code, while Densus AT 88 is definitely based on the provisions of Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Laws Invite. While the Baintelkam POLRI installs a separate tool whether the Baintelkam investigators come from internal Baintelkam itself or from Bareskrim POLRI which needs further research. Indeed, ideally legal wiretapping equipment within the POLRI should be sufficiently under the coordination of Bareskrim POLRI or a two-star level that can oversee the Bareskrim POLRI, Baintelkam POLRI and Detachment AT 88 POLRI, for example the Head of the ICT Division of POLRI, does not stand alone.

### 3.3. The Power of Wiretapping by the Prosecutor's Office in Special Crimes

Based on existing and still valid legal norms, the prosecutor's mechanism for wiretapping is based on:

1. Article 42 paragraph (2) of the Telecommunications Law, Information and Electronic Transactions Law, Article 31 paragraph (3) and Government Regulation Number 52 of 2000 concerning Telecommunications Operations.
2. Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia Article 30C letter I which reads, "In addition to carrying out the duties and powers referred to in Article 30, Article 30A and Article 30B the Attorney General's Office can carry out wiretapping **under a special law** which regulates wiretapping and organizes a monitoring center in the field of criminal acts. And then in the explanatory article letter i it is stated, "what is meant by wiretapping is the activity of listening, recording, diverting, changing, inhibiting, and/or recording the transmission of electronic information and/or electronic documents, using either wired communication networks or wireless networks, such as electromagnetic radiation. or radio frequency, including checking packages, posts, correspondence, and other documents." In this revision, what is meant by a special law, as of the writing of this writing, there is still no Wiretapping Bill that has been passed.

The limit of the prosecutor's authority in carrying out wiretapping was apparently limited, namely only at the investigation stage, not at the investigation stage. This is because it is stated in Article 188 paragraph (2) of Law Number 8 of 1981 concerning Criminal Procedure Law which is explained in Article 188 that clues are actions, events or circumstances which are due to agreement, both between one and another, as well as with acts. The crime itself indicates that a crime has occurred and who the perpetrator is. Instructions as referred to in paragraph (1) can only be obtained from: a. witness statement; b. letter; and c. **defendant's statement**. So that means wiretapping can be done after becoming a defendant, not a suspect.

### 3.4. The Attorney's Wiretapping Authority in Terrorism Connection Crimes

Things are different, if we read carefully how the authority of investigators, in this case connectivity investigators, when carrying out investigations and investigations into criminal acts of terrorism, sabotage and separatism in the amendment to the Revision of the Terrorism Law, is stated in Article 31 paragraph (1) letter (b), which reads, "Based on sufficient preliminary evidence, investigators have the authority to intercept conversations by telephone or other means of communication that are allegedly used for, **plan, and execute** Criminal Acts of Terrorism, as well as to find out the whereabouts of a person or Terrorist network. Preparing activities can be interpreted that at this stage the terrorists are still making preparations, meaning that law enforcement officials are still in the investigation stage.

Wiretapping by the Attorney General's Office as part of the appropriate military crime team does not need to apply for permission from the court when they want to conduct wiretapping, even though after three days they have to ask for a determination, because Article 31A of the Terrorism Law states that in urgent circumstances investigators can conduct wiretapping beforehand. a person who is strongly suspected of preparing, planning and/or carrying out a Criminal Act of Terrorism and after carrying it out within a maximum period of 3 (three) days must request a determination from the head of the district court whose jurisdiction covers the domicile of the investigator.

### 3.5. The Attorney's Wiretapping Authority in Maritime Crimes

Shipping crimes contained in the Criminal Code are regarding piracy at sea according to Article 438 of the Criminal Code and piracy on the seashore are contained in Article 439

of the Criminal Code. Whereas in Law Number 34 of 2004 concerning the Indonesian National Armed Forces Article 9 letter b the task of the Laut Force is to enforce the law and maintain security in the maritime area of national jurisdiction in accordance with the provisions of national law and ratified international law. Then in the Elucidation of Article 9 letter b of the TNI Law it is explained that enforcing the law carried out by the TNI AL at sea, is limited in the scope of pursuit, arrest, investigation and **investigation** cases which are subsequently submitted to the Attorney General's Office, the TNI AL does not hold trials. This means that after the formation of the Junior Attorney General for Military Crimes, if this sea crime involves military personnel in the TNI, the prosecution of these connectivity crimes will be carried out by the Junior Attorney General for Military Crimes. And the authority to investigate, investigate and prosecute is carried out by the Permanent Connectivity Team.

#### 4. CONCLUSION AND RECOMMENDATION

An analysis of several applicable legal norms regarding wiretapping powers by the Attorney General's Office in the discussion can be drawn the following conclusions:

1. In cases of specific crimes, namely corruption, money laundering, the Attorney General's Office only has wiretapping authority at the investigation stage according to the presence of suspects and/or defendants, in contrast to the KPK based on Law Number 19 of 2019 concerning Amendments to Law Number 30 of 2002 concerning the Commission for the Eradication of Crime Corruption and Bareskrim POLRI which has wiretapping authority at the investigation and investigation stage in accordance with Article 12 paragraph (1) of Law Number 19 of 2019 which reads in carrying out investigative and investigative duties as referred to in Article 6 letter e (investigation, investigation and prosecution of criminal acts of corruption ), KPK has the authority to wiretapping;
2. Terrorism crimes have so far been the duty and authority of the State Intelligence Agency in accordance with the Law on State Intelligence and the Police through the authority of the Anti-Terror Detachment 88 and Bareskrim, but if the crime of terrorism is a crime of connectivity involving military and civilian apparatus, in accordance with Article 89 of the Criminal Procedure Code, it becomes the authority military investigators and prosecutor investigators. And the wiretapping authority in the investigative and investigative stages falls under the authority of the Attorney General's Office in accordance with Article 6 paragraph (1) of the

Criminal Procedure Code who are members of the permanent team of connected military crimes;

3. The Attorney General's Office has wiretapping authority for corruption crimes only limited to the investigation stage, in accordance with the provisions of the Criminal Procedure Code that information that can be used as evidence is the testimony of the accused. Defendant means already in court or suspect. But in connection with military crimes for terrorism crimes, the Attorney General's Office and the investigative team can still carry out wiretapping at the investigation and investigation stages in accordance with the provisions of the Terrorism Law. Meanwhile, military investigators cannot carry out wiretapping themselves because there is a limitation in Article 6 paragraph (1) of the Criminal Procedure Code that the police and civil servant investigators have the right to wiretapping, which is permissible according to law. Meanwhile, military investigators, even though they are part of the team, are still military criminal investigators because they are not civil servant investigators, so they are not allowed to conduct wiretapping themselves because the employment status of TNI investigators is members of the TNI, not civil servants and/or ASN.
4. In cases of criminal acts of terrorism involving perpetrators of criminal acts originating from the military and civilians (connectivity), the Attorney's authority in the military criminal investigation team for criminal connectivity crimes, the prosecutor's connection investigators together with military investigators from the TNI have the authority to conduct wiretapping during the investigation process and the same investigation is under the authority of Densus 88 Anti-Terror in accordance with the Terrorism Law with permission from the district court.
5. The permanent team of military criminal connectivity investigators being discussed is on military criminal connectivity criminal acts of terrorism involving military and civilian personnel, but this does not rule out the possibility that if a military crime is connected with a crime at sea, then the investigative team still connected from the military must come from investigators The Navy, in accordance with applicable legal norms, has investigative authority based on Articles 438 and 439 of the Criminal Code. This means that here investigators from the Lauk Force in carrying out civil and/or military criminal investigations and investigations, criminal connectivity crimes of terrorism and criminal maritime crimes are permitted by law in the investigative and investigative stages to carry out wiretapping where these duties and powers are stated in the TNI Law. as a duty of military operations

other than war. This means that the authority of TNI investigators in carrying out investigations and investigations for military crimes together with the Prosecutor's Office has the authority to carry out wiretapping because TNI AL investigators in the Criminal Code can carry out investigations of marine crimes that are delegated to civil/general justice, namely sea crime crimes. However, if the marine crime is a connectivity crime committed by military and civilian elements, it will be transferred to the general court by prosecutors from military crimes, consisting of a team of investigators and prosecutors from the Attorney General's Office and the TNI.

Paying attention to and observing and understanding the current legal norms and the level of complexity of criminal acts in Indonesia, the authors suggest that researchers:

1. Doing research is what distinguishes the wiretapping authority carried out by Bareskrim POLRI (Indonesian National Police) and Baintelkam POLRI? Why should wiretapping at the POLRI be carried out by three separate work units, namely Bareskrim POLRI, Baintelkam POLRI and Densus 88 AT. What distinguishes the three work units in wiretapping?
2. Conducting a study on whether the authority of the Criminal Investigation Unit of the Indonesian National Police in wiretapping is based not only on the Law of the Police of the Republic of Indonesia but also on the Intelligence Law Article 9? Why doesn't this apply to Tax Intelligence as PPNS and Intelligence of the Indonesian National Armed Forces which can carry out military operations other than war?
3. Examining the revision of the KPK Law requires that the KPK in wiretapping must be based on the permission of the Supervisory Board, then based on the State Intelligence Law, BIN must ask for court permission and based on the Terrorism Law, Densus 88 AT, the Attorney General's Office must also request a determination permit from the District Court to carry out tapping. Does the wiretapping mechanism carried out by 7 (seven) work units/institutions (Bareskrim, Baintelkam, Densus 88 AT, BNN, BIN, Attorney General's Office and KPK) fulfill the requirements according to the provisions of the law and report to the Ministry of Communication and Information Technology (Kemenkominfo) and how? So far, the audit mechanism is interesting to study so that there are no abuses and violations of human rights (HAM).

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