

ABSTRAK

ANALISIS ALAT BUKTI ELEKTRONIK DAN KONVERGENSI HUKUM PADA TINDAK PIDANA PENGANIAYAAN (Studi Putusan Perkara Nomor: 697/Pid.B/2024/PN Tjk)

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Perkembangan teknologi informasi membawa implikasi signifikan terhadap sistem pembuktian perkara pidana, termasuk tindak pidana penganiayaan. Dinamika tersebut mendorong terjadinya konvergensi hukum dalam praktik penegakan hukum pidana. Penelitian bertujuan menganalisis pertimbangan hakim dan konvergensi hukum serta kedudukannya. Penelitian ini menggunakan teori konvergensi hukum, teori pembuktian dan teori *due process of law* sebagai landasan analisis.

Penelitian ini menggunakan metode penelitian hukum dengan pendekatan yuridis normatif dan yuridis empiris, yaitu pendekatan peraturan perundang-undangan dan pendekatan kasus. Data dikumpulkan melalui studi kepustakaan dan studi lapangan. Pengolahan data melalui tahapan identifikasi, klasifikasi, dan sistematisasi data.

Hasil penelitian menunjukkan bahwa hakim menilai alat bukti elektronik berdasarkan aspek keotentikan, keutuhan, dan keabsahan prosedur, serta mengaitkannya dengan alat bukti lain seperti keterangan saksi dan *Visum et Repertum*. Alat bukti elektronik tidak dijadikan dasar tunggal pemidanaan, melainkan dinilai secara komprehensif bersama alat bukti lain yang sah dan diperkuat oleh keterangan ahli digital forensik. Putusan Nomor 697/Pid.B/2024/PN Tjk menunjukkan adanya konvergensi antara bukti elektronik dan bukti konvensional dalam sistem pembuktian negatif menurut undang-undang. KUHAP kerangka prosedural, sedangkan UU ITE memberikan legitimasi hukum. Alat bukti elektronik merupakan perluasan yang sah, mengingat Pasal 5 UU ITE dan Putusan Mahkamah Konstitusi Nomor 20/PUU-XIV/2016 secara tegas mengakui informasi dan dokumen elektronik sebagai alat bukti hukum yang sah.

Perlu adanya peningkatan kapasitas dan kompetensi dari aparat penegak hukum khususnya penyidik, jaksa dan hakim melalui pendidikan dan pelatihan terkait forensik digital, penilaian alat bukti elektronik dan pemahaman mengenai perolehan dan pengamanannya. Aparat penegak hukum mengoptimalkan peran ahli digital forensik dalam proses pembuktian, pada tahap penyidikan dan persidangan, guna memberikan penjelasan yang objektif terkait proses perolehan dan analisis bukti elektronik.

Kata Kunci: Bukti Elektronik, Konvergensi, Penganiayaan

ABSTRACT

ANALYSIS OF ELECTRONIC EVIDENCE AND LEGAL CONVERGENCE IN ASSAULT CRIMES

(Case Decision Study Number: 697/Pid.B/2024/PN Tjk)

By

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The development of information technology has brought significant implications for the evidentiary system in criminal cases, including the crime of assault. Electronic evidence is not explicitly regulated under Article 184 paragraph (1) of the Indonesian Criminal Procedure Code, which raises issues regarding its legal standing and evidentiary value. This research aims to analyze judicial considerations and legal convergence between the Criminal Procedure Code and the Law on Information and Electronic Transactions, as well as the legal position of electronic evidence. This study employs the theory of legal convergence, the theory of proof, and the theory of due process of law as the analytical framework.

This research employs a legal research method using both normative juridical and empirical juridical approaches, namely a statutory approach and a case approach. Data were collected through library research and field research. Data processing was conducted through stages of data identification, classification, and systematization.

The findings show that judges assess electronic evidence based on authenticity, integrity, and procedural legality, and consider it together with other lawful evidence such as witness testimony and visum et repertum, supported by digital forensic expert opinions. Electronic evidence is not used as the sole basis for conviction but is evaluated comprehensively within the negative statutory evidentiary system. Decision Number 697/Pid.B/2024/PN Tjk reflects a convergence between electronic and conventional evidence, where the Criminal Procedure Code (KUHP) provides the procedural framework and the ITE Law grants legal legitimacy. This convergence confirms that electronic evidence constitutes a lawful extension of admissible evidence, as recognized by Article 5 of the ITE Law and Constitutional Court Decision Number 20/PUU-XIV/2016.

The capacity and competence of law enforcement officials, particularly investigators, prosecutors, and judges, should be enhanced through continuous education and training in digital forensics and the evaluation, acquisition, and preservation of electronic evidence. The role of digital forensic experts should also be optimized at both the investigation and trial stages to ensure objective and reliable evidentiary assessment.

Keywords: Electronic Evidence, Convergence, Assault