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The law regulates serious crimes under the Criminal Code and the Code of Criminal Procedure

Reimon Supusepa

Lecturer, Department of Penal Law, Faculty of Law, Pattimura University Ambon, Maluku, Indonesia

* Corresponding Author: **Reimon Supusepa**

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Abstract

One of the main issues in law using criminal law (criminal law) is deciding which should be considered a crime. This issue cannot be analyzed separately from the general context of terrorism policy and national development policy. The above evaluations need to be carried out by analyzing the policy for improving not only criminal law, but also the law on the elimination of crimes, in terms of the nature of the main law in which the opposition takes place. Corruption law applies. Use research methods and apply research strategies and policies. The study was descriptive; Sources of primary and secondary legal sources, including legal and secondary legal sources, research articles on writing bias, article writing strategies legitimized by data research, and online advertisements.

The conclusion and argument of this article is to establish the principle of injustice of law, which is one of the aims of the struggle, and to reduce crime to ensure public health. It must be admitted that today, legal-based law (criminal law) is still a long way away. This requires a reversal not in terms of the writing of the law, but in terms of the sentence of the crime. Rather, it should be determined from the context (legal documents) of the development and development of the Indonesian nation, such as law, morality and fairness of justice.

Keywords: under, Code of Criminal, regulates

1. Introduction

Since the promulgation of the Constitution in 1945, in accordance with the recognition of the amendment to the 1945 Constitution, Article 2 and other provisions requiring the Indonesian government to replace the former government (Dutch East Indies, Japanese Army) had to continue in the same form. time. The time to change this policy is effective. [1]

The right to change laws, especially the criminal law, is the function of the democratic state. The principle of freedom should be taken into consideration in every aspect of the country's life, especially in law. Legal products and equipment must have features that reflect Indonesia's characteristics as a prosperous country that respects and values human rights. From this perspective, law should have a unique character arising from its connection with the social basis. [2] This social foundation includes material[3] and non-material elements, which are included in the Preamble of the 1945 Constitution as the most important and purpose of Indonesia.

According to the above, Sudarto believes that when faced with the problem of decision, which behavior should be considered a crime, the purpose of the crime, the verdict on bad behavior, the comparison of content and consequences, and the potential. law enforcement needs to be taken into account [4]. Criminal law policy was also seen at the National Criminal Law Reform Symposium held in Semarang in August 1980. One of the reports states, inter alia: The criminal law adopted by the country of Indonesia, that is, where the punishment of crime in society and in the world important values is considered appropriate or inappropriate in the context of the organization of events of public interest." [5]

Presentation and conclusions of the workshop According to the study, it has been determined that there is a need for action study in the behavior and thought of society. Even this should be investigated especially in terms of new technologies that can help change lives. Additionally, Komariah Emong pointed out that "If certain behaviors are determined as crimes (crimes) by the law, the behavior in question can be punished." [6]

However, in Indonesia, law is not only considered law, but is also treated as law and other unwritten rules (not so legal). Roslan Saleh believes that "law and law are not the same in the minds of Indonesians." Although most laws in Indonesia are still unwritten.[7] In the path of the growth of people and types of crime, the change and re-evaluation of the use of natural law and basic principles in the formation of Indonesian legal law, it is now recognized that things are far from identity control according to the Law provided by the law (the principle of legality of crime and punishment). violations. This requires a change not in law but in the way crimes are prosecuted. This situation requires a reversal not from a legal perspective, but from the verdict of the crime. Rather, the values of laws, morality and justice that exist in Indonesian society should also be determined by the values (legal documents) such as justice that grow and grow in society. Therefore, the legal system can be good or bad law because its provisions can be forgiven, the punishment commuted, or more punishment can be imposed. [8] The phenomenon of kingdom policy responses updated the fast improvement of the group-funding industry circuiupdated, whether or not we like it or no longer, indicates that the state has no different choice in responding up to date the crowd funding industry however up to date reply updated the challenges within the area of entrepreneurial finance proportionally and ensure safety for updated. This then does now not rule out the possibility of giving rise up to date two types of domestic regimes with the tightening and strengthening of regulations and monetary regimes with an orientation updated modify up-to-date the desires of the crowd funding marketplace and neighbourhood up-to-date. consequently, a rustic's authorities up to date be up-to-date inspire the increase of crowd funding with the aid of implementing integrity policies that cover the guarantee of inner market balance and facilitate the introduction of competitive market conduciveness. For that reason, it's miles hoped that the minimization of information asymmetry and increased transparency and invesupdatedr protection may be created (Cicchello and Leone 2020).

In Indonesia, ECF started up to date exist in early 2018; at that point, there has been no regulation governing ECF in Indonesia. At that point, Santara had started out an ECF commercial enterprise with ECF-up to date updated up to datekens or coins instead of up to date or fairness. at the cease of 2018, regulations up-to-date ECF in Indonesia via the economic offerings Authority had been issued. alrighthas issued regulations within the form of financial services Authority regulation range 37/POJK.04/2018 on Urun Dana offerings thru facts-generation-up to date up-to-date Offerings (equity Crowd funding") ("POJK 37/2018"). In December 2020, all rightissued the upupdated regulation up-to-date the monetary offerings Authority regulation No. 57/POJK.04/2020 on Securities offerings thru records-era-up to date updated Urun Dana services ("POJK No. 57/2020").

Primarily based on POJK No. fifty seven/2020, in the Urun Dana provider activities, there are three parties worried, namely the organizer, company, and financier. The organizer is an Indonesian criminal entity that offers, manages, and operates the Urun Dana provider. The issuer is an Indonesian legal entity within the form of a constrained legal responsibility organization that offers supupdated thru the organizer. The financier is the birthday party who purchases the issuer's up-to-date via the organizer.2

Until now, there had been 4 Urun Dana service providers who have permission from OJK, namely Santara, Bizshare, Crowddana, and Landx. The Santara platform, controlled by using PT Santara Daya Insiparatama, is the first Urun Dana carrier platform and is the marketplace chief in this industry. Santara is the first equity crowdfunding platform updated receive permis- sion from alrightright up to date updated on Decree number: KEP-fifty nine/D.04/2019.three Up until the fourth week of may additionally 2020, Santara up to date updated recorded updated have raised funds of more than IDR forty five billion, which has been disbursed up-to-date forty one publishers. Up until the fourth week of can also 2020, Bizshare is recorded up to date have raised funds of extra than IDR 26 billion, which has been disbursed up to date 26 publishers.4

In Indonesia, business acupatedrs also are dominated by micro, small, and medium enter- prises (MSMEs), which additionally have sizeable potential updated be scaled up. up to date on records on the quantity of MSMEs in 2020 in Indonesia, approximately 64 million, 41 million MSMEs are updated financing and banking institutions; past that, there are 23 million MSMEs who do not have get entry upupdated up-to-date investment.5

Safety of the parties in this fund service urgently wishes up-to-date be found out considering that the securities crowd funding industry or securities offering via the Urun Dana service is a fairly new industry and has many risks. This is consistent with the provisions of Article 66 of POJK No. 57/2020, which calls for the organizer and up-to-date updated mitigate risks. What is supposed with the aid of danger mitigation is the mitigation of all dangers contained inside the Urun Dana service, up to date together with enterprise chance, funding loss threat, danger of a loss of liquidity, threat of the scarcity of dividend distribution, and chance of the dilution of proportion ownership.8

In addition up to date the dangers mentioned above, there are still criminal risks which are potentially confronted by the parties. In phrases of carrier vendors, Urun Dana has up to date totally dominant function inside the enterprise manner of Urun Dana offerings. The organizer is a issuer of Urun Dana provider platform price range which might be used as a meeting location for publishers and financiers of digital price range. Further, the organizer is likewise a celebration who has the authority up to date behaviour an assessment and assessment of the eligibility of prospective issuers. Considering this, carrier organizers have up updated have the equal pointers for assessing and reviewing potential publishers.

Guidelines on conducting tests and the assessment of prospective publishers carried out through the organizer up-to-date also practice the precautionary precept. Financiers inside the service of Urun Dana most effective contribute updated the statistics furnished via the writer and posted through the organizer via its platform. So, it is able up updated be said that the organizer is the birthday celebration that provides all of the statistics that is the main attention for the financier up-to-date determine his funding choice. As such, the opera updated has a obligation updated provide and/or offer 3177227fc5dac36e3e5ae6cd5820dcaa records approximately Urun Dana services this is correct, honest, clean, and no longer misleading.9.

In phrases of the writer, the most dominant threat is commercial enterprise hazard. This happens considering that the issuer who will offer the securities providing via this Urun

Dana provider is a micro, small, and medium agency (MSME). MSMEs are nonetheless susceptible to mitigating commercial enterprise dangers, one of which maintains the agency's ongoing worries. Boundaries in phrases of capital and control represent one element, and innovation is usually a contributing aspect.

It's miles crucial that security and protection guarantees to the events in this carrier are strengthened. This is an attempt to hold the fin tech provider enterprise sustainable and now not destructive to the events. The regulator whose nature is very well have to take a position in developing ensures, and protections for the events can be accommodated by means of providing enough law to offer legal guarantees and protections for the parties in addition to the enforcement of regulations by using the financial offerings Authority.

Relating to the cutting-edge regulations, specifically POJK 57/2020, there are nonetheless a few loop- holes that need to be perfected to create safety ensures and protection of the parties within the supplying of securities via the Urun Dana carrier. Therefore, this paper desires to research "The design of fairness Crowd funding arrangements That guarantee felony reality in the virtual age".

Library evaluate

Studies on the topic of fairness crowd funding in Indonesia has been broadly accomplished. The following are some studies associated with fairness crowd funding:

the first examine, entitled "Urgency of imposing Regulatory Sandbox by monetary services Authority as An attempt to protect regulation for equity Crowd funding Financiers", written with the aid of Na'im Fajarul Husna, Universitas Sebelas Maret, become posted in magazine de Jure quantity 12 no 1 in April 2020. This examine discusses equity crowd funding practices in Indonesia and compares regulatory sandboxing in different countries. The outcomes of this observe concluded that current guidelines have now not accommodated criminal protections for financiers and that potential losses can be incurred through organizers and issuers. Consequently, to save you losses from being incurred, there ought to be an ordeal to ensure the readiness of the organizer. A regulatory sandbox can be a way to trial regulations for prospective equity crowd funding groups. Later, it's far expected that the trial length in the regulatory sandbox may be a benchmark of whether the company is feasible and allowed to operate in equity crowd funding. This desires to be finished to offer felony safety for fairness crowd funding financiers.

With the lifestyles of felony actuality necessities based totally at the clarity of require- ments and acceptance from the felony community worried, this has demanded prison truth viewed from aspects. the 2 sides are, on the only hand, that prison actuality calls for choices that are regular with the frame work of the prevailing legal machine; however, the call for for legitimacy demands choices that are not only constant on the subject of the encircling criminal system however must additionally be rationally justified for all individuals to simply accept them as rational selections (Paunio 2009, p. 2). in keeping with the above, R. Lanneau argues that legal truth additionally depends on the interrelationship between information and the law. There are three dimensions related to legal reality. First, there is truth about the content material of the regulation itself, specifically the understanding of legal fabric. Second, there's the knowledge of transition from reality to regulation, or in different words, the prison truth of

the event. 1/3, there's the life of certainty in forming a circle, associating the regulation with facts and varieties of the efficacy of legal actuality (Al-Fatih and Aditya 2019).

The time period 'crowd funding' is a spinoff of the extra popular time period 'crowdsourcing', which describes the procedure of outsourcing a activity to a set of humans (the internet com- munity) and counting on their assets, resources, knowledge, or understanding. If compared with the concept of Hemer (2011, p. 8), crowd funding is extra supposed to reap finances. Budget raised for crowd funding can be used for diverse functions consisting of the finishing touch of positive initiatives, donations of humanitarian sports, and others (Josua *et al.* 2019).

Enactment of the jobs Act's law.12

Law of the monetary offerings Authority No. 37 of 2018 on Urun Dana services through facts-era-primarily based stock services ("POJK No. 37/2018"). POJK No. 37 of 2018 has been revoked through the law of the monetary offerings Authority Regulation No. 57 of 2020 on Securities services through facts-generation-based Urun Dana services ("POJK No. 57/2020"). currently, POJK No. fifty seven/2020 turned into amended again with the promulgating of monetary services Authority regulation No. sixteen/POJK.04/2021 on changes to economic services Authority law No. fifty seven/POJK.04/2020 on Se- curities offerings through facts-generation-based totally Urun Dana offerings ("POJK No. 16/2021"). POJK No.16/2021 best adjustments a few articles in POJK No. fifty seven/2020. Regula- tion in POJK No. fifty seven/2020 stays valid besides for a few articles which are amended with POJK No. sixteen/2021.

Conclusions

Equity crowd funding (ECF) arrangements in Indonesia have undergone modifications considering the fact that first being promulgated in monetary offerings Authority (POJK) law No. 37/2018. POJK No. 57/2020 Junto POJK No. 16/2021 is the most effective criminal umbrella that regulates the existence of the ECF provider industry in Indonesia nowadays. In substance, the arrangement regarding ECF services need to provide prison safety and actuality for the parties in ECF, particularly organizers, issuers, and financiers. However, the present day POJK is still not sufficient to provide safety and prison actuality, specially to financiers of ECF offerings. This takes place due to the fact, in terms of regulatory substance, it isn't sufficient due to the fact it's miles most effective regulated in okay rules and, in terms of regulatory enforcement and supervision, through regulators who're nonetheless susceptible. Of the three parties inside the carrier of ECF, financiers are the most liable to dangers in the service industry. Regulators should be related to financiers in coverage making and the regulation of funds so that policies can be created that could offer criminal certainty for all parties within the service of ECF in Indonesia.

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