

Denpasar Provincial Court is Not Entitled to Pass Judgment on the Internet Case

Translated best as could

The cyber crime suspect, Sang Ayu Made Karnasih, yesterday, Tuesday (21/6), presented on the session in Denpasar Provincial Court (Pengadilan Negeri). On this session which was presided by Judge Nyoman Karna, she procured her applications for case exception as presented by her lawyer.

The lawyer said that the company which is owned by Karnasih has a cooperation with PT Pasifik Lintas Buana in Jakarta.

PT Pasifik Lintas Buana holds a national internet service provider license issued by Dirjen Postel and including Bali. "If this corporation is illegal, the only court entitled to pass judgment of this case is Jakarta Provincial Court (Pengadilan Negeri), where PT Pasifik Lintas Buana is located," Azhari said.

Besides, he also explained that prosecutor, Suhadi, S.H, ignored the formal legal requirements (to deliver a court summons letter).

The prosecutor provided the false information to the judge, that he had delivered the court summons letter the right way.

On the exception, (the lawyer) said the prosecutor had delivered only one summon letter to Karnasih, which was put on her office table without receipt. I it should have been received (at least) three days prior to the session, but it was delivered one day before the scheduled first session.

The prosecutor also did not provide legal reason why Sang Ayu Made Karnasih became the suspect of this case.

Based on that consideration, Azhari asked the judge to declare Denpasar Provincial Court not entitled to this case and to refuse the indictment.

The prosecutor will give his reply next Tuesday (28/6).

On his indictment, the prosecutor stated that Karnasih is operating an illegal internet business. Her company (CV Candi Internet) operates a web site named www.candiinternet.com and is located on Jl. Raya Seminyak, Kuta.

So, the prosecutor charges her with Telecommunication law No. 36 year 1999.

Prior to the first session, she was taken by (police) force, because she never appeared at (previously scheduled) sessions of (this) public court.