

Judgment on Criminal Case no.235/Pid.B/2005/PN.Dps

-noted by Azhari / translated by www.toggleTeext.com -

Arrested:

During the court sessions the Defendant was arrested since June 15 2005 till now.

Weighted:

- the Accusation of the Public Prosecutor ...
- the advisory Exception the Law ...
- the Public Prosecutor's Response ...

The District Court (PN) Denpasar decided they had the authority to try this case.

Facts of the Court Sessions:

- That the Defendant is the founder, the owner and also the managing director CV. Candi Internet. Initially the Defendant's efforts moved in the field warnet (the internet kiosk) afterwards to mid 2004 had the plan to make ISP. That for this intention the Defendant carried out preparations yayit by buying equipment, installed it in the areal of CV. Candi Internet, afterwards it was directed to Speedcast in Hong Kong and to the earth satellite so as to be able to operate as ISP [already].
- That furthermore for the need to undertake ISP, the Defendant had a co-operation with PT. PLB. That the co-operation could not be justified because CV. Candi Internet not was the legal body whereas that was permitted only the co-operation between PT and PT.
- That CV. Candi Internet had not put forward the permission request. Not also had put forward ULO.

The charges against the Defendant were compiled in the form of the alternatives which are

First:

Violation of article 47 yunto article 11 articles (1) of the Republic of Indonesia regulations no. 36/1999 about Telecommunications,

or Second:

Violation of article 52 yunto 32 (of law 36/1999 – certification of equipment),

The charges are considered proven with elements as follows:

1. Barang Siapa (?? Anyone ??)
2. Trading, manufacturing, assembly, put or made use of telecommunications equipment in the Republic of Indonesia.
3. That was not in accordance with the technical condition
(??? Correct: Not in accordance with technical standards ??)

1. The element "anyone"

According to the law anyone whose intention was the subject of the law that could take the form of the person and the legal body.

2. Memperdagangkan... (?? similiar responsibilities ??) . Indonesia

This element was alternative so as to be enough if one of the alternatives was proven.

The defendant carried out this activity in CV. Candi Internet that was in the Republic of Indonesia territory.

The defendant planned to become ISP by buying equipment from and being installed by the director PT. Telemedia.

- Considered Made Karta Susila's information that said that after this equipment was installed in the premises of CV. Candi Internet, telecommunications was enabled.

Further the witness Purnawan Andoko [GM PT. TeleMedia] explained that the equipment that he installed could function.

- So it is proven that the Defendant made use of this equipment.

3. The technical condition was not appropriate

- Weighed the condition to do ISP [operator] must have a body of the law but because CV. Candi Internet not have a body of the law then could not become ISP. Necessarily the Defendant also put forward ULO. The Defendant has held the telecommunications by being connected with the company in Hong Kong.
- Weighed that all the elements have been proven.
- Weighed that the Defendant was the founder, the owner at the same time the managing director CV. Candi Internet, the responsible Internet was full on all the activities that were carried out both by the employee and people in CV. Candi Internet.
- The court did not have grounds for justification/excuse that the Defendant avoided criminal [activities].

Incriminating Reasons:

- During the sessions the Defendant gave complicated information

Alleviated Reasons:

- The Defendant has never been condemned sebelumnya [never done something illegal]
- The Defendant acted polite during the sessions
- The Defendant regretted and will not repeat again perbuatannya [something illegal]
- The Defendant still be aged relatively young so as still had the opportunity to improve her prilaku.

- Judgement -

1. Said that the Defendant Sang Ayu Made Karnasih was proven **GUILTY**
2. Imprison the criminal for 5 month
3. Punished the defendant to pay the fine of Rp 3 million or subsider 3 months prison.
4. The time to be in prison will be reduced by the time undergone in prison already
5. The Defendant continues to be a Prisoner
6. Stated the material evidence take the form of:
 - 1 (one) unit Comtech EF the Data CDM-570L L-Band Satellite Modem
 - 1 (one) unit MP 800 Routers Serieswas seized by the Country [US\$ 8,000 value will not be returned]
 - 8 (eight) sheets print out website CV. Candi Internet continue to be attached in the bundle of the case
7. The Defendant has to pay the case cost of Rp 1.000,-