



## CRIMINAL LIABILITY FOR FRAUDULENT PRACTICES IN THE SELECTION EXAMINATION FOR CIVIL SERVICE CANDIDATES (CASN)

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**Abstract:** Cheating on the Civil Service Candidate (CASN) test is an unlawful act committed by an individual or group of individuals that can damage the integrity of the civil service selection process. This act involves manipulating electronic documents in the Civil Service Candidate selection test to make it appear that the applicant's data is authentic so they can take the test (CASN). Perpetrators may be held criminally liable, either individually or jointly, onbased to their roles in the crime. Therefore, what form of criminal liability does cheating on the Civil Service Candidate (CASN) selection test take. This study uses a normative legal approach supported by empirical legal evidence using the applicable laws and regulations as well as literature studies and interviews with sources in this study consisting of judges at the Tanjung Karang District Court and lecturers from the Criminal Law Department of the Faculty of Law at the University of Lampung. Descriptive qualitative data analysis The results of the research and discussion show that the defendant's criminal liability for manipulating personal data in the Civil Service Candidate Selection System (SSCASN) based on Decision Number 510/Pid.Sus/2024/PN TJK is based on two main elements, namely unlawful acts and intentional mistakes. The defendant was proven legally and convincingly to have falsified the identity photos on the ID cards of selection participants for personal gain as a proxy in the CPNS test, thereby fulfilling the elements of Article 35 in conjunction with Article 51 Paragraph (1) of the ITE Law. The Panel of Judges found no justifiable or exculpatory reasons that would eliminate criminal liability

and assessed that the defendant was capable of being held responsible, thus declaring him guilty and imposing a criminal penalty.

**Keywords:** CASN; Criminal Liability; Data Manipulation; Fraudulent Practices

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## **I. INTRODUCTION**

The development of information and communication technology plays a very important and strategic role, and has caused significant changes in various social, economic, and cultural sectors to take place so quickly. Technological evolution has changed the boundaries of social behavior from manual to digital. In the public sector, the application of technology by government agencies has become a necessity and requirement in the administration of government.

The implementation of improved public services has been realized by the government, one of which is by the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB) and the State Civil Service Agency (BKN) in making comprehensive changes to the selection system for the State Civil Apparatus (known as ASN). BKN is a government organization or non-ministerial government agency that is under and responsible to the president through KemenPAN-RB.

The use of computer assistance to ensure transparency in CASN recruitment is carried out in the form of a Computer Assisted Test (CAT) method. CAT is a selection method using computer tools to obtain minimum basic competency standards used in CASN selection to achieve professionalism. The BKN continues to update the CAT system using increasingly modern and sophisticated technology. This system update is expected to enable faster, more accountable, and more transparent testing. The use of the CAT method is organized by the BKN as the agency with the authority to carry out governmental duties and functions in the areas of formulation and determination of technical policies, guidance, service delivery, and control and implementation of technical policies for ASN management. The implementation of selection using the CAT method by BKN is carried out in stages, namely selection preparation, selection implementation, and selection reporting as regulated in Regulation of the Civil Service Agency of the Republic of Indonesia Number 5 of 2024 concerning Procedures for Implementing Selection Using the Computer Assisted Test Method of the Civil Service Agency.

The State Civil Apparatus (ASN) is an important element in the administration of government, playing a strategic role as the implementer of public policy and servant of the people. The ASN recruitment process must be conducted transparently, objectively, and free from fraudulent practices in order to produce competent and ethical human resources. The Indonesian government, through the State Civil Service Agency (BKN), has implemented a computer-based national selection system known as the Civil Service Candidate Selection (SCASN) as a form of bureaucratic reform in the recruitment of ASN candidates.

In practice, various forms of fraud are still often found in the implementation of SCASN exams, such as the use of exam jockeys, question leaks, score manipulation, and computer system hacking. These actions not only violate the principles of fairness and meritocracy in ASN recruitment, but also undermine public trust in government institutions. This phenomenon indicates a decline in moral standards and weak supervision in the implementation of selection exams.

Legally, cheating in SCASN exams can be categorized as a criminal offense, as it involves elements of fraud, abuse of authority, and violation of electronic systems as stipulated in the Criminal Code (KUHP) and Law Number 1 of 2024 concerning the Second Amendment to Law - Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). The use of information technology and electronic transactions in the ITE Law is carried out based on the principles of legal certainty, benefit, prudence, good faith, and freedom to choose technology or technological neutrality. Manipulation of electronic information and / or documents is prohibited under Article 35 of the ITE Law. Manipulation is a series of deliberate engineering processes involving the addition, alteration, deletion, or obscuring of part or all of a source of information, substance, reality, facts, data, or history created based on a planning system that can be carried out individually, in groups, or as a system of values.<sup>1</sup> Violators may be subject to criminal sanctions as stipulated in Article 51 of the ITE Law, with a maximum imprisonment of 12 (twelve) years and / or a maximum fine of Rp. 12,000,000,000 (twelve billion rupiah). Every person who commits a criminal offense must be held accountable for their actions.

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<sup>1</sup> Yolanda Sari KS, et al., 2022. *Analisis Yuridis Terhadap Tindak Pidana Manipulasi Informasi Pengguna E-Commerce Menurut Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik (Studi Putusan No. 542/Pid.Sus/2019/PN.Mlg)*. Locus: Jurnal Konsep Ilmu Hukum 2, no. 1, p. 55, <https://doi.org/10.56128/jkih.v2i2.22>.

Criminal liability is an obligation for those who decide on the acquittal or punishment of a crime, because it has long existed in society and has acquired its own meaning.<sup>2</sup> Criminal liability is not only based on fault but also on the unlawful nature of the act. The unlawful nature of the act is an element of criminal liability, which is different from the unlawful nature of the act as an element of a criminal offense. Criminal liability is determined after a criminal offense has been committed. Criminal liability against a person must first be proven that their actions have fulfilled the elements of the criminal offense with which they have been charged. In criminal law, criminal acts, fault, and criminal liability are manifestations of the principles of *daad-dader-strafsrech*. *Strafuitsluitingsfronden* are circumstances that can result in a person who has committed an act that is expressly prohibited and punishable by law (*delicto*) not being punished. Cannot be punished because cannot be held accountable.

Criminal acts as a manifestation of *daadstrafsrecht* and criminal liability as a manifestation of *dader-strafsrecht*. In order to hold a perpetrator of a criminal act criminally liable, there are two forms of liability: full liability and partial liability. Full liability includes perpetrators (*perpetrators*) as independent persons responsible, *mededader* as joint persons responsible, *medeplegen* (participants), *doenplagen* (instigators), and *uitlokken* (advocates). Meanwhile, partial liability includes perpetrators of *poging* as persons responsible for attempts and *medeplichtige* as persons responsible for aiding and abetting.

There are several conditions that must be met in order for a person to be held accountable for their actions. First, the person's mental state must be such that they are able to understand and realize the value and consequences of their actions. In other words, the person must be fully aware of what they are doing. Second, the person must be aware that their actions are contrary to the norms, rules, or customs that apply in society. Third, the person must have the ability to determine their own will regarding their actions, meaning that they are able to make conscious decisions and take responsibility for their actions. With these three conditions met, a person can be considered capable of being held legally and morally responsible for their actions. A person cannot be held accountable (punished) if they have not committed

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<sup>2</sup> Zidti Imaroh, et al., 2023. *Pertanggungjawaban Pidana Penyebaran Berita Hoax di Media Sosial*. Pekalongan: Penerbit NEM, p7.

a crime. Even if they have committed a criminal act, they cannot always be punished.<sup>3</sup>

## **II. RESEARCH METHODS**

Based on this background, this paper will attempt to answer questions from the public regarding criminal liability for cheating on the State Civil Service Candidate Selection (SSCASN) exam. This study uses a normative juridical approach supported by empirical juridical methods, referencing applicable laws and regulations, literature studies, and interviews with sources including judges at the Tanjung Karang District Court and lecturers from the Criminal Law Department, Faculty of Law, University of Lampung. The data analysis was conducted descriptively and qualitatively.

## **III. ANALYSIS AND DISCUSSION**

### **a. What is the Criminal Liability for Cheating in the Civil Service Candidate Selection Examination (SCASN)**

Fraudulent practices are dishonest, unfair, or deceptive acts committed intentionally for personal gain at the expense of others. Such fraud can lead to corruption, collusion, and nepotism in the CASN broadcasting process, which ultimately undermines public trust in the government. Fraud in the public sector can also disrupt the quality of public services and increase public dissatisfaction.<sup>4</sup> These actions can take the form of fraud, manipulation, or the use of deception that violates legal and moral norms. In the context of criminal law, fraudulent practices are relevant because they are closely related to the concept of criminal liability, which is the mechanism for determining the extent to which a person can be held responsible for their wrongful actions.

Criminal liability is an important issue in the Indonesian legal system because it relates to the understanding of how and why a person should be held responsible for the criminal acts they commit. Criminal liability is the imposition of punishment on perpetrators of criminal acts for their actions that violate the provisions of the law or cause prohibited circumstances. In principle, criminal responsibility is a type

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<sup>3</sup> Moeljatno, 2015. *Asas – Asas Hukum Pidana*. Jakarta: Rineka Cipta, p. 167.

<sup>4</sup> Alfiyatur Rosidah, et al., 2025. *Dampak Sistemik Tindak Pidana Kecurangan Terhadap Kepercayaan Publik di Sektor Pemerintahan*. Jurnal Lentera Ilmu 1, no. 1, p. 170.

of mechanism created to respond to certain agreed-upon violations.<sup>5</sup> As the basis for accountability for the fault found in the perpetrator's mind in relation to his punishable behavior and based on his mental state, the perpetrator can be blamed for his actions.<sup>6</sup> Accountability is a psychological state that justifies the application of punishment, both from a general perspective and from the perspective of the individual.<sup>7</sup>

The general purpose of criminal liability is related to the effectiveness of punishment in achieving the following objectives: creating justice; preventing crime; protecting society; rehabilitating offenders; improving the relationship between victims and offenders; and so on. The basis of criminal liability is the existence of fault, whether intentional (*opzet*) or due to negligence (*culpa*). Without fault, a person cannot be subject to criminal sanctions and their obligation to be held criminally liable will lapse.<sup>8</sup> The Criminal Code itself does not explicitly explain how the criminal liability system is applied, although several articles in the Criminal Code often mention the word "fault," whether in the form of negligence (*culpa*) or intent (*opzet*). However, the exact meaning of each of these words (fault, intent, and negligence) is not explained by law. Wirjono argues that there are three forms of intent (*opzet*), namely:<sup>9</sup>

- 1) Intent as an objective (*opzet als oogmerk*), intent in this form is objective in nature, in the sense that the perpetrator of the crime actually intended to achieve the result that is the main reason for the criminal charge. There are two relevant theories that arise from this type of intent. The first is the theory of will, which states that intent arises when the perpetrator is aware of the act and the consequences of a criminal act. second, the theory of foresight, which views intent as arising when the perpetrator, prior to committing the crime, has a clear idea of the consequences that will occur, and thus adjusts their actions accordingly.

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<sup>5</sup> Chairul Huda, 2006. *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*. Jakarta: Kencana Prenade Media, p. 116.

<sup>6</sup> Deni Achmad, 2013. *Analisis Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penyalahgunaan Tanah Negara (Register 45) (Studi pada Wilayah Hukum Pengadilan Negeri Menggala)*. *Pranata Hukum* 8, no. 1, p. 72.

<sup>7</sup> Tri Andrisman, 2009. *Hukum Pidana*. Lampung: Universitas Lampung, p. 97.

<sup>8</sup> Musa Darwin Pane, 2017. *Pengganti Kerugian Negara dalam Tindak Pidana Korupsi: Alternatif Pengganti Pidana Penjara dan Pidana Mati dalam Persepektif Pemberantasan Korupsi*. Bandung: Logos Publishing, p. 10.

<sup>9</sup> Wirjono Prodjodikoro, 2003. *Asas - Asas Hukum Pidana di Indonesia*. Bandung: Refika Aditama, p. 67 - 70.

- 2) Intentionality with certainty (opzet bij zekerheids-bewustzin), which occurs when the perpetrator's actions do not have the aim of achieving the consequences that form the basis of the offense, nor does the perpetrator know for certain that those consequences will follow the actions.
- 3) Intent with awareness of possibility (opzet bij mogelijkheden-bewustzin), also known as intent with awareness of possibility, occurs when the perpetrator only has a vague idea of the possibility in their plan.

Types of errors other than intentional errors are negligence (culpa), which Wirjono Prodjodikoro defines as "general errors." In technical terms, negligence is defined as a type of error committed by a perpetrator of a criminal act that is less serious than an intentional error, but due to a lack of caution, an unintended consequence occurs. Negligence offenses in the law consist of two types, namely negligence offenses that cause an effect and negligence offenses that do not cause an effect, but which are punishable by criminal penalties for the act of carelessness itself, not solely for the effect of the negligence.

According to Moeljatno, criminal liability is not sufficient with the commission of a criminal act alone, but in addition there must be fault, or a reprehensible mental attitude. It also appears in the unwritten principle of law that there is no punishment without fault (green straf zonder schuld, ohne schuld keine strafe).<sup>10</sup>

Criminal responsibility must first determine who can be held responsible. This means that the person declared to be the perpetrator of a criminal act must first be considered. Whether or not responsibility is sought, the most important thing is the policy of the interested party to decide whether or not they feel it is necessary according to that responsibility. A person or perpetrator of a criminal act will not be held criminally liable or punished if they did not commit a criminal act and the criminal act must be against the law, but even if they did commit a criminal act, they cannot always be punished.

A person who commits a criminal act will only be punished if he or she is proven legally and convincingly to have committed the offense. There is no point in holding the defendant responsible for their actions if those actions are not unlawful. Furthermore, it can also be said that there must first be certainty about the existence of a criminal act, and then all elements of the offense must also be linked to the

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<sup>10</sup> Moeljatno, 1983. *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta, p37.

criminal act committed, so that there is an offense that results in the defendant being punished. Van Hamel states that in criminal liability, a normal condition and psychological maturity give a person three forms of ability to:

- 1) Understanding the meaning and impact of their actions;
- 2) Understanding that their actions are prohibited in society;
- 3) Determining their ability to commit the act.

In principle, criminal responsibility is a type of mechanism created to respond to certain agreed-upon violations. The purpose of criminal responsibility is related to the effectiveness of punishment in achieving the objectives of creating justice, preventing crime, protecting society, rehabilitating offenders, and improving the relationship between victims and offenders. Formulating criminal responsibility in negative terms is mainly related to the repressive function of criminal law. In this case, holding someone criminally responsible means punishing them. Thus, the concept of criminal responsibility is a prerequisite for imposing punishment on a perpetrator of a crime. In holding someone criminally responsible, the perpetrator must be given the opportunity to explain why they committed the crime. If the legal system does not provide such an opportunity, then it can be said that there has been no fair process in holding the perpetrator criminally responsible.

Holding someone criminally responsible only means that it is lawful to impose a criminal penalty on that person, but it also means that it is entirely reasonable to hold them accountable for the criminal act they have committed.

Criminal responsibility is primarily a condition that exists within the perpetrator when they commit a criminal act. Criminal responsibility also means linking the perpetrator's state of mind with the act and the appropriate punishment to be imposed. Meanwhile, criminal responsibility can only be imposed on someone who commits a criminal act. This is the basis for the relationship between criminal responsibility and the criminal act committed by the perpetrator.

Criminal law theory includes the principle of no crime without fault, or *geen straf zonder schuld*, or *actus non facit reum nisi mens rea*, or *actus reus mens rea*. This principle forms the basis of criminal liability, meaning that an act cannot render a person guilty unless it is committed with malicious intent. The concept of criminal liability has principles that form the basis of understanding liability in the criminal justice system. These principles help determine the standards and principles that



must be met when determining that a person is subject to criminal liability for their actions. These principles are as follows: Principle of Legality, The principle of legality in Dutch is called *nullum delictum nulla poena sine pravia lege poenali*, meaning that no punishment can be imposed for an act if there is no clear provision or rule of law stipulating that the act constitutes a criminal offense. This means that in order to impose a punishment on someone, there must be a clear legal basis for deciding whether that person can be held responsible for the criminal act they have committed. Principle of Fault, The principle of fault in Dutch is called *nulla poena sine culpa*, which means that there is no punishment without fault. In this case, a person is held criminally responsible if there is an element of fault attached to the perpetrator of the crime, and the perpetrator is objectively and subjectively responsible for the act. Principle of Individualization / Personalization, The principle of individualization means that the determination of criminal responsibility must be tailored to the individual and their specific circumstances, such as their personality, background, mental condition, and other circumstances. Principle of Proportionality, The principle of proportionality states that the punishment imposed must be commensurate with the level of crime, fault, violence, and negative impact caused by the perpetrator of the crime. The punishment imposed must not be too light or too heavy and deviate significantly from the provisions of the law. Principle of Restoration and Protection, This principle emphasizes the importance of restoring losses incurred as a result of criminal acts and protecting the community from threats and potential dangers that the perpetrator may pose.

Not all acts that are considered reprehensible by society are defined as criminal acts. This means that there are acts that, even though they are considered reprehensible by society, are not criminal acts. The determination of criminal acts can be separated from the issue of morality in society, but the result is the opposite: every criminal act is reprehensible in the eyes of the law.

Criminal liability, referred to as *toerekenbaarheid*, is intended to determine whether a suspect / defendant is liable for a crime that has occurred or not. Criminal liability leads to the punishment of the perpetrator if they have committed a crime and fulfill the elements specified in the law. In criminal law, not everyone who has committed a crime can be imprisoned. This is related to exculpatory and justifiable reasons. An exculpatory reason is a reason why a person cannot be punished because their situation is legally excused as stipulated in Articles 44, 48, and 49

paragraph (2) of the Criminal Code. Justifying reasons are reasons why a person who has committed a criminal act cannot be punished because there is a law that regulates that the act is justified as stipulated in Articles 48, 49 paragraph (1), 50, and 51 of the Criminal Code.

Fraudulent practices in this investigation occurred during the CASN selection test conducted by Cyrilla Zabrina Putri Arzano based on legal facts of committing acts, intentionally and without rights or against the law, manipulating, creating, changing, removing, or destroying Electronic Information and /or Electronic Documents with the aim of making the Electronic Information and /or Electronic Documents appear to be authentic data. This case was revealed when information about a syndicate emerged during the Basic Competency Selection test when verifying Cyrilla Zabrina Putri Arzano Alias Abin's files and personal data. Facial verification was carried out using a camera on a computer, but the witness data did not match, so she was separated from the queue by the supervisory committee.

Fristia Berdian Tamza explained that the ability to be held responsible is based on the condition and ability of one's "spirit" (geestelijke vermogens) and not on the condition and ability to think (verstandelijke vermogens) of a person. The meaning of the ability to be held responsible is still based on the condition of one's spirit, not one's mind. Therefore, intellectual abilities must also be interpreted in terms of mental and psychological abilities. Whether or not accountability is required, the most important thing is the policy of the interested parties to decide whether or not they feel it is necessary according to that accountability.<sup>11</sup>

An act is an action or behavior performed by a person, whether positive (doing something) or negative (not doing something that should be done), which can have legal consequences. Based on Decision Number: 510/Pid.Sus/2024/PN TJK, the criminal liability of perpetrators of personal data manipulation on SCASN is as follows:

1) Behavior and consequences (actions)

Decision Number: 510/Pid.Sus/2024/PN TJK tried a case of electronic data manipulation committed against the CASN selection process at the Attorney General's Office of the Republic of Indonesia, in which the defendants jointly committed the criminal act of manipulating electronic information so that the

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<sup>11</sup> Diah Gustiniati Maulani, 2013. *Analisis Pertanggungjawaban Pidana dan Dasar Pemidanaan Terhadap Pelaku Tindak Pidana Penodaan Agama di Indonesia*. Fiat Justitia Jurnal Ilmu Hukum 7, no. 1, p. 3 – 4.

data would be considered authentic when in fact it was false. Fristia Berdian Tamza explained that their actions included entering false data, creating fake ID cards, and registering SCASN accounts using other people's identities (jokers) to gain an advantage in the selection process. The elements of the offense in question are the concrete actions of the defendants, which include the alteration and creation of false electronic documents used in the SCASN system. This conduct constitutes a concrete act that meets the elements of an offense as required by criminal law, namely an act that violates the law and is committed intentionally (*dolus*).

All defendants were proven to have committed unlawful acts intentionally, which indicates the subjective element of guilt in the form of intent. They not only acted alone, but also collaborated in a structured and concerted data manipulation scheme. This confirms the aspect of intent as a subjective element of criminal liability. Their actions resulted in legal consequences, namely the disruption of the civil service selection process, which should have been fair and transparent, as well as causing harm to the state and society. These consequences reflect the real effects or impact of the defendants' actions, namely immaterial damage to public trust and material damage to the Indonesian Attorney General's Office. The defendant's actions were not only passive but also active in managing registration accounts with false data, sending fake participant cards, and attempting to conceal the true identities of the participants who were being impersonated. This illustrates that the element of "action" in criminal liability takes the form of concrete or active actions that result in the forgery and illegal distribution of electronic documents.

## 2) Against the law

A criminal offense is a series of acts committed intentionally and knowingly by the perpetrator, who is aware that such acts violate norms, values of propriety, and applicable laws and regulations, and that continuing to commit such acts will result in legal consequences in the form of criminal punishment. In Decision Number 510/Pid.Sus/2024/PN TJK, the perpetrator of personal data manipulation at SCASN was proven to have committed an unlawful act in violation of Article 35 in conjunction with Article 51 Paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in conjunction with Article 55 Paragraph (1) of the Criminal Code. The defendant committed acts

of falsification and manipulation of electronic data for personal or group interests. These acts clearly violate the legal provisions governing the security and validity of data in the civil service selection process, thus fulfilling the objective elements of unlawful acts, namely actions that are prohibited and detrimental to the public interest and the state.

The defendant Cyrilla Zabrina Putri Arzano, as the person who was ordered and asked for help by the witness Kamilian (another defendant in the same case with separate files) to register CASN on the BKN website [https://daftar\\_sscasn.bkn.go.id/login](https://daftar_sscasn.bkn.go.id/login) on behalf of Anggun Mitesa and Shinta Julia Rakhellita. As stated by the Public Prosecutor, the elements of Article 55 Paragraph (1) point 1 include "those who commit, order others to commit, or participate in committing." Based on the facts revealed from the examination of witnesses, the defendant was ordered and asked by witness Kamilian (another defendant in the same case with separate files) to register CASN on the BKN website [https://daftar\\_sscasn.bkn.go.id/login](https://daftar_sscasn.bkn.go.id/login) on behalf of Anggun Mitesa and Shinta Julia Rakhellita. According to Prof. Sathochid Kartanegara, what is meant by *opzet willens enweten* (intentional and knowing) is "A person who commits an act intentionally must want (*willen*) to commit the act and must be aware or understand (*weten*) the consequences of the act." The intent behind the act in question is the intent to fulfill a request for help from someone. Therefore, the Public Prosecutor's description of the defendant's intent cannot prove intent. Furthermore, it cannot be proven in court that the defendant intentionally registered for CASN on the BKN website. [https://daftar\\_sscasn.bkn.go.id/login](https://daftar_sscasn.bkn.go.id/login) atas nama Anggun Mitesa dan Shinta Julia Rakhellita.

Perpetrators of data manipulation in SCASN also have no justifiable reasons that can remove the element of illegality, such as self-defense or force majeure. Thus, such acts are legally unjustifiable, and the perpetrators must be held criminally responsible as a form of law enforcement and protection of the values of justice and legal certainty. The act of manipulating electronic documents is done intentionally and without the right to insert, alter, or delete

authentic data to make it appear inauthentic, with the aim of making it appear authentic and usable as intended.<sup>12</sup>

Fristia Berdian Tamza explained that the unlawful element in this case was also reinforced by the perpetrator's intent (*dolus*) in consciously and systematically designing and carrying out data manipulation. The perpetrator not only acted alone but was also involved in collaboration with other parties, which reinforced the subjective element of criminal liability because they had malicious intent and full awareness of the unlawful acts they committed. She further explained that the perpetrator's unlawful actions had significant legal implications, namely the disruption of the civil service selection process, which should have been based on the principles of transparency, accountability, and fairness. The manipulation not only caused material damage to the integrity of state institutions, in the form of a loss of public trust in a fair and clean CPNS selection system, but also had other consequences.

The perpetrators of data manipulation on SSCASN also have no justifiable reasons that can eliminate the element of illegality, such as self-defense or force majeure. Thus, these actions are legally unjustifiable, and the perpetrators must be held criminally responsible as a form of law enforcement and protection of the values of justice and legal certainty.

Based on Decision Number 510/Pid.Sus/2024/PN TJK, the perpetrator's manipulation of data in SCASN qualifies as an unlawful act due to the elements of prohibited actions, the perpetrator's intent, and the detrimental consequences to the interests of the state and society. This decision also emphasizes the importance of imposing criminal sanctions as a form of legal responsibility for violations that undermine the integrity of the civil service selection process.

### 3) Compliance with the provisions of the Law;

The defendant is charged using alternative charges. If the public prosecutor files alternative charges, the *judex factie* must first consider the elements of the first alternative offense. and if it turns out that one of the elements of the

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<sup>12</sup> Jane Christabel Anastasias Lies Haryanto & Rehnalemken Ginting, 2023. *Tinjauan Yuridis Terhadap Tindak Pidana Pemanipulasian Dokumen Elektronik Sehingga Dianggap Sebagai Data yang Otentik (Studi Putusan Nomor 155/Pid.Sus/2018/PN.Cbn)*. Jurnal Recidive 1, no. 3, p.302.

offense is not fulfilled or proven, only then does the *judex factie* consider the elements of the offense in the second alternative charge, for the sake of legal order, so that the Panel of Judges, taking into account the above facts, first considers the first alternative charge of Article 35 Jo. Article 51 paragraph (1) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions in conjunction with Article 55 paragraph (1) of the Criminal Code, the elements of which are as follows:

a) The element of “everyone”

Rakhmad Fajeri emphasized that every person is a subject of law as a bearer/supporter of rights and obligations, including natural persons and legal entities who can be held criminally liable for their actions. In this case, based on the facts revealed during the trial from the testimony of witnesses and the defendant, it has been determined that the legal subject is Cyrilla Zabrina Putri Arzano, alias Abin Binti Defri Arzano, whose identity has been verified in court in accordance with the provisions of Article 155 paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law, the Defendant confirmed this and it also matched the Defendant's identity in the Public Prosecutor's indictment, so in the opinion of the Panel of Judges, the element of “every person” has been fulfilled according to the law.

b) Intentionally and without rights or against the law

Rakhmad Fajeri emphasized that breaking the law is a series of acts committed intentionally and knowingly by the perpetrator, who is aware that such acts violate norms, values of propriety, and applicable laws and regulations, and that if they continue to be committed, they will result in legal consequences in the form of punishment. The defendant's actions of uploading the original data belonging to witnesses Anggun Mitesa and Shinta Julia Rakhellita with the aim of registering on the BKN website <https://daftar-sscasn.bkn.go.id/login> as directed by witness Indra Gunawan, S.T. and witness Kamilian Yussi Permata, demonstrated the Defendant's motivation to obtain the sum of Rp30,000,000.00 (thirty million rupiah) promised by witness Indra Gunawan, S.T. if she agreed to become a CASN proxy, with the condition that the SKD score reached 460 and the test would be conducted offline. The Defendant's actions clearly demonstrated intent and knowledge of the legal violation committed. This action not only violated norms and standards of propriety but also constituted a breach of applicable legal regulations.

- c) Manipulating, creating, altering, removing, or destroying Electronic Information and / or Electronic Documents with the intention of making such Electronic Information and / or Electronic Documents appear to be authentic data.

Manipulating Electronic Information or Electronic Documents: engineering / modifying, i.e. concealing, altering, adding to, or obscuring data to make it appear authentic. Creating: creating electronic data / information or electronic documents that did not previously exist, with the aim of making them appear authentic. Changing, deleting, or destroying Electronic Information / Electronic Documents: meaning altering, deleting, or destroying electronic data / electronic documents. The purpose: to make the information / documents appear to be authentic data, i.e., appear to be valid or original data when in fact it has been manipulated.<sup>13</sup>

Rakhmad Fajeri explained that the definition of the above term is intended to ensure that "Electronic Information and/or Electronic Documents are considered authentic data." In short, electronic evidence must meet formal and material requirements. The formal requirement is that electronic evidence must be valid, i.e., authentic, obtained from its owner, and its integrity must be maintained, while the material requirement is that electronic evidence must be relevant to the criminal act, the identity of the defendant, and the actual facts.

Rakhmad Fajeri added that the panel of judges must consider electronic evidence in physical, logical, and legal contexts. The physical context relates to the procedures for identifying and collecting physical media. Judges must ensure that the evidence submitted is complete from a physical standpoint, such as the original electronic devices / media along with records of their condition and other physical details. The logical context relates to the procedures and processes of examining and analyzing data in electronic devices. The Defendant's actions in filling in / uploading photos of CASN Test participants on behalf of witnesses Anggun Mitesa and Shinta Julia Rakhellita with photos of the Defendant on the BKN website link <https://daftar-sscasn.bkn.go.id/login> and using the ID cards and CASN

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<sup>13</sup> Geraldo Juwandi Kamu, et al., 2025. *Kajian Yuridis Membantu Melakukan Tindak Pidana Manipulasi Informasi atau Dokumen Elektronik (Putusan PN Jakarta Pusat No. 422/Pid.Sus.2024/Pn. Jkt. Pst)*. Jurnal Fakultas Hukum Unsrat 15, no. 4, p. 4.

Selection Exam Participant Cards in the names of Anggun Mitesa and witness Shinta Julia Rakhellita for the purpose of participating in the 2023 Indonesian Attorney General's Office CASN Selection Exam can be categorized as electronic data manipulation. This action was intended to mislead others, so that the information presented appeared to be authentic, when in fact it had been modified illegally. By using an incorrect identity and photo, the Defendant's actions had the potential to undermine the integrity of the 2023 Indonesian Attorney General's Office CASN selection process and create injustice in a system that should be transparent and fair. Furthermore, this action can also be categorized as identity fraud, which clearly violates the law and ethics, and has the potential to obtain illegal gains.

d) Those who commit, those who order, and those who participate in the act Rakhmad Fajeri explained the provisions of Article 55 paragraph (1) of the Criminal Code governing participation, whereby in a criminal act involving participation, there must be more than one perpetrator of the criminal act, which according to the article includes those who commit (plegen), those who order the commission (doen plegen) and those who participate (medeplegen). He further emphasized that the actions of the Defendant and each of the witnesses, namely the Defendant and witness Ratna Devinta Salsabila, were those who committed the act (plegen), while witnesses Kamilian Yussi Permata and Indra Gunawan, S.T. as those who ordered the act to be committed (doen plegen) and those who participated in the act (medeplegen) are witnesses Amantri Subarkah Alias BO and Muhammad Reza Akbar. The actions of the Defendant and the witnesses show awareness of the existence of cooperation.

4) There is no justifiable reason

Based on Decision Number 510/Pid.Sus/2024/PN TJK, the panel of judges firmly stated that the defendant had no justifiable reason that could remove the element of unlawfulness from his act of data manipulation. The defendant's act of manipulating and falsifying electronic data for the purpose of registering SCASN participants was carried out with full intent and without coercion, duress, or other justifiable reasons that would legally justify his actions.

Rakhmad Fajeri explained that this verdict confirms that justifiable reasons such as self-defense (noodweer), orders from a legitimate superior, or an



emergency (compelling circumstances) were not proven in the indictment or during the trial. The defendant acted consciously and with the intent to gain personal benefit through the SCASN jockey scheme, thus fulfilling the elements of intent (*dolus*) and legal capacity without any legal justification.

Rakhmad Fajeri added that the absence of justifiable grounds was reinforced by the fact that there was no physical pressure, legal threat, or extraordinary circumstances that forced the defendant to commit the crime. The defendant actually carried out the act in a planned and structured manner together with a number of other parties as part of a *modus operandi* that led to deliberate and systematic violations of the law. With no legal justification, the element of unlawfulness in criminal liability becomes strong and cannot be dismissed. This is one of the bases for the judge to impose a criminal sentence in accordance with the provisions of the applicable Electronic Information and Transaction Law and the Criminal Code, emphasizing that the perpetrators are responsible for the legal consequences of their data manipulation. Decision Number 510/Pid.Sus/2024/PN TJK explicitly rejects the existence of justifiable reasons for the defendant, emphasizing that the perpetrator acted intentionally without a valid legal defense. Thus, criminal liability remains fully applicable and criminal sanctions are imposed as a form of law enforcement and protection of the integrity of the state apparatus selection process.

The subjective element is an act committed by a person that results in consequences not intended by the law.<sup>14</sup> Fristia Berdian Tamza explains the subjective elements that indicate the perpetrator's intent (*dolus*) or negligence (*culpa*) in committing a criminal act. This refers to the mental state or attitude of the perpetrator when committing the unlawful act, whereby the perpetrator knows and intends the consequences of the act (intent), or is careless, resulting in harmful consequences (negligence).

### **Ability to take responsibility**

Fristia Berdian Tamza added that the ability to be responsible is the basis for assessing a person's responsibility for a criminal act. Basically, a person can only be held criminally responsible if they are conscious and able to distinguish between right and wrong and are able to determine their actions based on that

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<sup>14</sup> Margarita V. Alhabsie, et al., 2021. *Kajian Hukum Tentang Turut Serta Melakukan Tindak Pidana Pembunuhan (Delneming) Menurut Pasal 55 dan 56 KUHP*. Jurnal Lex Crimen 10, no. 2, p. 15.

consciousness. The ability to be responsible in general is a normal psychological state and intellectual maturity that brings three main abilities:

- 1) Able to understand the value and consequences of one's own actions.

The defendant was proven to have consciously manipulated electronic data on SCASN. This shows that the defendant understood that entering false data, creating a fake ID card, and registering an account with someone else's identity were not ordinary acts, but rather had negative value and legal consequences that harmed the state and society. The defendant's awareness of the consequences of these acts proves his ability to understand the value and consequences of his actions.

- 2) Able to realize that his actions are not permitted according to society's views.

The defendant carried out his actions with malicious intent and in a structured manner, indicating an awareness that his actions were not in accordance with prevailing social norms and laws, thus fulfilling the requirement of awareness of the unlawfulness of his actions.

- 3) Able to determine his will regarding the act.

The defendant acted of his own free will and consciously carried out the manipulation to obtain personal gain, such as bribe money as a CASN jockey. There is no indication that the defendant was under pressure or in a coercive situation that deprived him of his ability to determine his will. This confirms that the defendant was able to control and choose his actions, fulfilling the element of free will in his ability to be responsible.

Rakhmad Fajeri explained that the defendant committed acts of forgery and data manipulation with the aim of obtaining personal gain. This confirms that the defendant did not suffer from mental disorders or other conditions that would eliminate his legal responsibility. The defendant was able to understand the consequences of his actions and still carried out those actions of his own free will. The defendant coordinated with other parties in carrying out structured manipulation, which demonstrates a clear capacity and intent to commit the crime. There is no evidence of any justifying factors or conditions that would mitigate his ability to be held responsible, such as coercion, mental disorder, or compelling pressure.

### **The Relationship Between The Perpetrator's Inner Attitude and Their Actions in The Form of Intent or Negligence**

The relationship between inner attitude and actions: perpetrators not only commit acts, but also how they “relate” inwardly to those acts, whether they intend or are aware of the consequences (intentionality), or whether they are negligent or careless, thereby causing prohibited consequences to occur (negligence).<sup>15</sup> This mental attitude refers to the mental state and awareness of the perpetrator when committing an unlawful act, whether he committed the act intentionally (*dolus*) or due to negligence (*culpa*). In Decision Number 510/Pid.Sus/2024/PN TJK, the perpetrator's mental attitude showed intent because the defendant was aware of and desired the consequences of the data manipulation. In this case, the defendant jointly manipulated data with the aim of gaining benefits, such as becoming a CASN jockey and receiving certain payments. The facts of the trial show that the perpetrator's actions were conscious, planned, and with a specific intent, thus fulfilling the element of intent or malicious intent.

Decision Number 510/Pid.Sus/2024/PN TJK confirms that the defendant consciously and deliberately manipulated personal data in SCASN. These actions fulfill the objective elements of a criminal offense in the form of concrete actions such as alteration, falsification of electronic documents, and use of false identities to obtain personal gain. These actions are clearly unlawful and without any justifiable reason.

Furthermore, the defendant has been proven to have legal responsibility because they were aware of the value, norms, and consequences of their actions, and still chose to do so intentionally. The consequences of these actions have caused significant material and immaterial losses, including the disruption of the civil service selection process, which should be transparent and fair, as well as a decline in public trust in the integrity of the CASN selection system.

The defendant's inner attitude shows an element of intent (*dolus*) that strengthens his criminal liability. Therefore, based on the facts and legal considerations, the defendant is declared criminally liable in accordance with applicable provisions. This verdict is expected to have a deterrent effect and serve as a form of protection for the interests of the state and society from the crime of data manipulation in public administration, which can undermine justice and governance.

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<sup>15</sup> Hadi Putra Permana, et al., 2021. *Analisis Yuridis Tentang Tidak Dipertimbangkannya Alasan Pemaaf dalam Kasus Penganiayaan Begal Karena Membela Diri (Studi Putusan Nomor: 01/Pid.Sus-Anak/2020/PN.Kpn)*. Jurnal Komunitas Yustisia Universitas Pendidikan Ganesha 4, no. 2, p. 215.

### **There Are No Grounds For Eliminating The Offense or Eliminating Criminal Liability on The Part Of The Perpetrator (There Are No Grounds For Forgiveness).**

Fristia Berdian Tamza explains that exculpatory grounds in criminal law are conditions or factors that eliminate the fault (subjective element) of the perpetrator, so that even though the act remains unlawful, the perpetrator can be exempted from criminal liability or receive a reduced sentence. These exculpatory grounds are usually related to the perpetrator's mental state or certain conditions, such as mental disorder, coercion, or emergency situations. Based on Decision Number 510/Pid.Sus/2024/PN TJK, the panel of judges explicitly stated that the defendant did not have any exculpatory reasons that could mitigate or eliminate criminal liability for the act of manipulating personal data on SCASN.

The defendant was not in a condition that eliminated or reduced his psychological fault, such as a temporary or permanent mental disorder that affected his ability to be responsible, as stipulated in Article 44 of the Criminal Code and other provisions. In addition, the formulation of the elements of criminal liability often includes the phrase "there are no reasons that eliminate fault (no exculpatory reasons).<sup>16</sup> Thus, there is no legal basis for exempting the defendant from criminal liability on the grounds of exculpatory circumstances. The absence of exculpatory circumstances reinforces the defendant's overall criminal liability, because his actions were carried out with malicious intent (*dolus*) and were declared unlawful without any valid legal defense.

According to the author, Fristia Berdian Tamza agrees that the subjective element of criminal liability is also fulfilled by the defendants' intent (*dolus*). They consciously and systematically manipulated data in order to obtain personal gain through an organized scheme. This intent reinforces the perpetrators' culpability, which is a key requirement for criminal punishment under Indonesian criminal law. Furthermore, the element of unlawfulness is confirmed to be fulfilled in the verdict. The manipulation of electronic data not only violates applicable legal norms but also harms the public interest and the state, particularly by undermining the integrity and transparency of the state apparatus selection process. The perpetrators have no

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<sup>16</sup> Satria Mahdita Pramesta & Safik Faozi, 2023. *Alasan Penghapusan Pidana Dalam Kekerasan Fisik Terhadap Anak dengan Hak Mendisiplinkan (Tuchtrecht) (Studi Kasus Putusan No. 1554 K/Pid/2013)*. Jurnal Hukum & Hukum Islam 10, no. 3, p. 206.

justifiable reasons, such as self-defense or force majeure, that could negate the element of unlawfulness.

The verdict underscores the losses suffered by the state and society as a result of the perpetrator's actions. The manipulation undermined public trust in the civil service selection process, causing immaterial losses in the form of a loss of sense of justice, as well as material losses to the Indonesian Attorney General's Office due to the disruption of a selection process that should have been clean and transparent. The perpetrator's ability to take responsibility was also taken seriously in this verdict. The defendant was proven to be in a conscious state and psychologically normal, thus able to distinguish between right and wrong and capable of controlling his actions. The facts of the trial show that there were no mental disorders, pressures, or conditions that affected his ability to be held legally responsible. The three main aspects of responsibility, namely the ability to understand the value and consequences of his actions, the awareness that his actions were prohibited by social and legal norms, and the ability to determine his will regarding his actions, were all fulfilled by the defendant. This confirms that the perpetrator committed the act of his own free will and with full awareness.

The perpetrator's inner attitude, in the form of intent rather than negligence, is the main basis for criminal liability. The perpetrator was aware of his actions, knew that they were prohibited and harmful, and wanted the consequences for his own benefit. This is reinforced by evidence of structured cooperation between the defendants and other parties in the modus operandi of manipulating SSCASN data. The absence of any excuse or exculpatory reason is the final confirmation of criminal liability. The panel of judges ensured that there was no coercion, mental disorder, or emergency that justified the perpetrator's actions. Thus, all subjective and objective elements were fulfilled without any legal justification that could exempt the defendant from criminal sanctions.

Decision Number 510/Pid.Sus/2024/PN TJK confirms that there are no exculpatory grounds that negate the defendant's guilt, so that all elements of criminal liability are fully met. This ensures that the defendant must be punished in accordance with his actions without any leniency due to exculpatory grounds that usually reduce or negate the guilt of the perpetrator. Furthermore, the criminal acts in this case did not only involve the Defendant but also several other perpetrators, namely Ratna Devinta Salsabila, Kamilian Yussi Permata, Indra Gunawan, Amantri Subarkah, and

Muhammad Reza Akbat were tried in separate trials from the Defendant. Indra Gunawan was sentenced in Case Number: 512/Pid.Sus/2024/PN.Tjk to 1 (one) year and 6 (six) months in prison and a fine of Rp. 30,000,000 (thirty million rupiah). 0000 (thirty million rupiah), while Amantri Subarkah and Muhammad Reza Akbar were sentenced in Case No. 514/Pid.Sus/2024/PN.Tjk to 1 (one) year imprisonment and a fine of Rp. 15,000,000 (fifteen million rupiah), and imprisonment for 1 (one) year and 6 (six) months and a fine of Rp. 15,000,000 (fifteen million rupiah).

#### **IV. CONCLUSION**

Criminal liability for fraudulent practices in CASN examinations is based on two elements, namely the act and the fault. The defendant's act was to manipulate personal data unlawfully by falsifying another person's identity card photo to make it appear authentic in the Indonesian Attorney General's Office CASN system. This was done consciously and intentionally by the defendant, thus fulfilling Article 35 Jo. Article 51 Paragraph (1) of the ITE Law. The perpetrator's fault is categorized as intentional (*dolus*), carried out with a systematic motive and personal desire to become a jockey in the CASN test to obtain economic benefits. According to the Panel of Judges, there were no circumstances that could eliminate criminal liability, either as a justification and/or excuse, and the defendant was capable of being held responsible, so the defendant must be found guilty and sentenced. Therefore, judges are expected to consider whether the act is prohibited or not when deciding on a case, and must consider the malicious intent of the perpetrator.

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