

Positive and Negative Impact of Legal Digitalization in Indonesia

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Abstract: The era of digitalization has resulted in increasingly rapid digital transformation, many community activities that were previously carried out conventionally, are now more modern by utilizing developing technology. However, it turns out that the consequences of technological developments have had positive impacts such as the presence of e-court justice, while negative impacts such as cybercrime continue to grow. Cybercrime exploits computer networks as both a tool for criminal plans and a target for those seeking to practice illegally online through such means. Cybercrime is currently rampant, this is a reflection that apart from crime having to develop, the law must also follow and adapt to these developments. This article uses a type of research that is normative juridical in nature, where the research describes existing problems, and discusses related and applicable laws sourced from library journals, books, laws and other sources as references for writers in preparing data. The author's research determines both beneficial and detrimental consequences stemming from the Digitalization Era, emphasizing the necessity of legal digitalization as a means to challenge the progression of criminal acts within our increasingly technology-driven society.

1 INTRODUCTION

1.1 Background

The progress and development of the world today has developed to an even higher level, this cannot be separated from the increasingly developing role of technology. The era of digitalization that the world has now entered demands the digitization of every aspect of life, signalling a shift wherein all facets must adopt virtual forms. Indonesia as a country of law is also affected by the world digitalization process both in the social life of its people and also in terms of the development of its legal world. Community activities that were previously carried out more conventionally are now more advanced by utilizing technology, as happened several years ago with the Covid-19 virus outbreak, the impact of which was really felt by the world community and especially the Indonesian community. The conditions that occurred at that time required people to be able to adapt in order to survive, namely by minimizing direct interaction (social distancing). This encouraged people to be able to innovate in carrying out their daily lives. One form of innovation that really had an impact on society was the use of technology to support In society's daily life, with this technology,

activities can still be carried out even if only from home, such as working from home, studying from home by utilizing advanced technology through media such as WhatsApp, Zoom, Telegram, Google Drive, Gmail, Google Docs, and others.

While technological advancements continue to rapidly develop and become increasingly sophisticated over time, bringing with them both benefits as well as risks, one concerning by-product of progress is the perpetually expanding threat of cybercrime and the harms it causes. Cyber Crime is defined as the dark side of the rapid development of technology which has a negative influence on all areas of life today, so that this crime cannot be underestimated because this crime is an extra ordinary crime. Currently there are various forms of Cyber Crime, one of which is defrauding people through fake investments under the guise of trading on an application. This trading case has become a trending case in Indonesia, this is due to the presence of public figures who were later proven to be involved in the case and the large amount of losses suffered. by victims of this application and there are many more Cyber Crime cases that are increasing in Indonesia. Consequently, through their writing the author aims to investigate both the advantages and disadvantages of how digitization has transformed the legal system within Indonesia.

2 PROBLEM FORMULATION

What ramifications, both favorable and adverse, manifest as a consequence of the digitalization of law in Indonesia?

3 RESEARCH METHOD

Research methods are a scientific activity that contains methods, systematics and aims to study certain legal events by analyzing them. "Research is a scientific method by conducting a thorough and complete investigation of the evidence obtained from a problem." The research method in this research is as follows:

1) Type of Research

The research method in this proposal is Normative Juridical research. According to Soejono Soekanto, research with a normative juridical approach is legal research carried out by examining library materials or secondary data as a basis for research by conducting searches of regulations and literature related to the problem being studied. This research is juridical research, namely research carried out with the aim of researching "POSITIVE AND NEGATIVE IMPACT OF LEGAL DIGITALIZATION IN INDONESIA"

2) Research Approach Method

The author's legal research uses two types of research approaches, including a statutory approach and a conceptual approach. The first approach is the statutory approach or statute approach, which is an approach that departs from the views and doctrines that develop in legal science. This legal writing is intended to be able to understand and comprehensively analyze the hierarchy of statutory regulations and the principles in statutory regulations. invitation. This approach is carried out by reviewing all laws and regulations that are related to "POSITIVE AND NEGATIVE IMPACT OF LEGAL DIGITALIZATION IN INDONESIA"

4 RESULTS OF ANALYSIS AND DISCUSSION

Technological developments have a significant influence on society. The dynamics of change inevitably become a challenge for all elements, including government, society and other agencies. All elements must be able to face changes that occur with

a positive attitude and of course filter out anything that will have a bad impact on life. While society continues advancing with modern technological progress, connecting more humans, objects, and systems through cyberspace in applications like never before, it cannot be claimed that cybercrime is dwindling, as the unfortunate reality remains that such developments have enabled criminal behavior online to expand at an alarming rate due to the expanded interconnectivity that technology provides. In Artificial Intelligence (AI), it is a computer technology that has intelligent thinking like humans and can be adjusted according to human desires.

The very rapid transformation of technology has given rise to a crime which is usually called Cyber Crime. This crime is a criminal activity that utilizes computer networks as a tool and becomes a destination for the practice of cybercrime. While cybercrime remains an ongoing challenge for law enforcement due to its highly organized and technical nature, carried out by sophisticated actors whose digital footprints obscure their physical whereabouts, complicating efforts to gather sufficient evidence and thus prove criminal culpability relative to other unlawful acts. the perpetrator was caught. Referring to the statement of Akhmada Muqowam who is the Chair of Committee I DPD RI, he stated that in Indonesia the level of cyber or mayantara crime is ranked second in the world. This shows that Cyber Crime must be a serious concern for all parties, especially the government, in preventing and dealing with it. Law as a means of protection for society must be able to protect internet users as well as take firm action against cybercriminals. The nature of cybercrime is a crime without time and space limitations, so in terms of eradicating this crime, complex cooperation is needed and awareness that this problem is not only the task of the government or law enforcement alone, but this is a problem for all elements, both individuals, society and even Country.

Cyber Crime is one of the crimes that is of concern in the international world, this is shown by the classification conveyed by the United Nations (UN) at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders which was held in Vienna, 10-17 April 2000, classified Cyber Crime into 2 views narrowly and broadly:

- Cybercrime in a narrow sense ("computer crime"): any illegal behavior directed by means of electronic operations that targets the security of computer systems and the data processed by them.
- Cybercrime in a broader sense ("computer-

related crime”): any illegal behaviour committed by means of, or in relation to, a computer system or network, including such crimes as illegal possession, offering or distributing information by means of a computer system or network.

In Black's Law Dictionary 9th Edition, the definition of Cyber Crime is as:

A crime involving the use of a computer, such as sabotaging or stealing electronically stored data Also termed cybercrime.

Based on the UN Instrument above, the regulation of Cyber Crime in Indonesia can also be seen in a broad and narrow sense. Broadly speaking, cybercrimes are all criminal acts that use electronic means or with the help of electronic systems. This means that all conventional criminal acts regulated in the Criminal Code (KUHP) as long as they use the help or means of electronic systems, such as theft and human trafficking, can be included in the category of cybercrimes in a broad sense. In a similar vein, both criminal behaviors addressed under Law Number 3 of 2011 pertaining to Fund Transfers as well as acts of money laundering covered in Law Number 8 of 2010 regarding Prevention and Elimination of Crimes of Money Laundering.

However, in a narrower sense, the regulation of cybercrimes is regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2016, 2008 concerning Information and Electronic Transactions. Similar to how the Convention on Cybercrimes refrains from defining cybercrimes yet subdivides them into groupings that reference said Convention, the ITE Law also abstains from providing a definition while categorizing such offenses which allude to those outlined in the Convention on Cybercrimes:

- Criminal acts related to illegal activities.
- Criminal acts related to interference.
- The criminal act of facilitating prohibited acts.
- Criminal act of falsifying information or electronic documents.
- Additional criminal acts; And
- Aggravation of criminal threats.

The ITE Law not only regulates material cybercrimes but also regulates formal cybercrimes. Article 42 of the ITE Law dictates that probes into cyber offenses must follow the procedures as outlined in the Criminal Procedure Code as well as adhere to the stipulations explicitly stated in the ITE Law. This means that the provisions in the Criminal Procedure

Code remain in effect as long as they are not regulated otherwise in the ITE Law. The things that differentiate between the ITE Law and the Criminal Procedure Code are:

- 1) Investigators who handle cybercrimes are from the Indonesian National Police or Civil Servant Officers ("PPNS") of the Ministry of Communication and Information.
- 2) Investigations are carried out considering the protection of privacy, confidentiality, smooth running of public services, data integrity or data integrity.
- 3) Searches and/or seizures of electronic systems related to suspected criminal acts must be carried out in accordance with the provisions of the criminal procedural law.
- 4) When conducting searches and/or confiscation of electronic systems, investigators are obliged to safeguard the interests of public services.

Even While the digitization of law currently has negative consequences that cannot be dismissed, it would be remiss not to acknowledge that it has likewise benefited the evolution of pre-existing legal frameworks. one example is the existence of the Republic of Indonesia Supreme Court Regulation no. 3 of 2018 concerning Electronic Administration of Cases in Court which has been updated with the Republic of Indonesia Supreme Court Regulation No. 1 of 2019 and most recently updated with Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court. The existence of this regulation is a form of realization of Presidential Decree no. 95 of 2018 concerning Electronic-Based Government Systems. The existence of this regulation provides progress in the trial process in Indonesia with the presence of e-court. E-court is a service for Registered Users for Online Case Registration, Obtaining Online Estimates of Case Fees, Online Payments, Summons made via electronic channels, and Hearings conducted electronically. It is hoped that this will be a solution to the problems of certainty in trial times, affordability and the integrity of court officials and users.

What is interpreted as an electronic trial is a series of processes of examining and adjudicating cases by a court which is carried out with the support of information and communication technology. This trial applies to the trial process with the presentation of claims/petitions/objections/rebuttals/resistance/interventions along with amendments,

answers, replicas, duplicates, evidence, conclusions, and pronouncements of decisions/determinations and legal appeals. Regulations for electronic case and trial administration in Article 3 paragraph (1) of the Republic of Indonesia Supreme Court Regulation Number 7 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court states that e court applies to level courts first and appeal levels for civil cases, special civil cases, religious civil cases, military administration, and state administration.

5 CONCLUSION

The existence of digitalization needs to be addressed wisely, this is because the development of digitalization in people's lives cannot be avoided and must be faced by also developing digitalization of law so that cyber crime prevention can be handled well. And also future legal developments can be better and the achievement of justice which must be carried out quickly, simply and at low cost as well as freely, honestly and impartially must be applied consistently at all levels of justice.

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