Legal Knowledge Development Plan in Responding Student's Understanding on IT Law: *"Pawongan"* Approach

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Abstract: In regards to the life of Hindus, they are guided by *Tri Hita Karana*, a concept that emphasizes three human relationships in life in this world. Human relationship with God (Parahyangan), human relationship with others (*Pawongan*) and human relations with nature (*Palemahan*). In social life with fellow applied concepts, namely pawongan. This study aims to see how much the concept of *Pawongan* in *Tri Hita Karana* is applied by young people who, along with the development, always follow the changes in existing technology. The sample of this research is students taking lectures at STMIK STIKOM Indonesia with the method used namely descriptive analysis that processes the data that has been obtained to get results. The results obtained from this study are sure that there are still quite a lot of students who have not fully applied the concept of *Pawongan* in socializing with fellow humans, which can be seen from hoax news dissemination and how to respond to a news they have received.

Keyword: UU ITE, cyber law, local wisdom

INTRODUCTION

The rampant issues about various indecent acts related to the use of digital facilities that lead to criminal acts. The various crimes are using information technology media. As Barda said on his research, cybercrime are includes :(Arief, 2006) economic cybercrime, electronic funds transfers crime, cybank crime, internet banking crime, online business crime, cyber / electronic money laundering, hitech wcc (white collar crime) internet fraud (fraud bank, fraud credit card, online fraud), cyber terrorism, cyber stalking, cybersex, cyber (child) pornography, cyber defamation, cyber-criminals.

A crime related to the field of information technology (IT), it is certain that the perpetrators of these crimes are people who have expertise in the field of IT. cybercrime contains the notion of "special ability in cyberspace",(Curtis, n.d.) that means a person must have special abilities in committing a crime. One can acquire such special abilities through formal or informal schools (courses or self-taught) in IT.

Cyber law in Indonesia is regulated in Law Number 11 Year 2008 jo Act Number 19 of 2016, *Undang-Undang Informasi dan Transaksi Elektronik* (UU ITE). The rules about cyber law are fairly new. The effectiveness is also not maximized. The occurrence of moral crisis or lack of understanding about the regulations become a concern. Internal factors related to the morals understanding of Indonesia, while the external factors are associated with the development of technologies and ideas or thought of a foreign culture.(Ismayawati, 2011)

STMIK STIKOM Indonesia as one of the IT-based colleges placed in Bali, is one of the most favorite. It shows from the number of students who increasingly enter the college every

year (Class of 2017 recorded 1126 students). Educate the students to become competent and noble is the duty and responsibility of the academic community. Such responsibility leads the institution to bring the graduated students of STMIK STIKOM Indonesia in order not to engage in crime in cyber space later.

The concept of cosmology *Tri Hita Karana* is a formidable philosophy of life. This philosophy has a concept that can preserve the diversity of culture and environment in the midst of globalization and homogenization. Basically the essence of the *Tri Hita Karana* teachings emphasizes three human relationships in life in this world. The three relationships include relationships with fellow humans, relationships with the natural surroundings, and relationships with God that are interrelated to one another. Every relationship has a way of life respecting fellow aspects around it. The principle of its implementation must be balanced, in harmony with one another. If the balance is achieved, humans will live by avoiding all bad actions. His life will be balanced, peaceful, and peaceful. The basic essence of *Tri Hita Karana* contains the understanding of the three causes of well-being that comes from the harmonious relationship between Man and his God, Man with the environment, and Man with each other. By implementing this philosophy it is hoped that it can replace the modern outlook on life which emphasizes individualism and materialism. Cultivating *Tri Hita Karana* will dispel views that encourage consumerism, dissension and turmoil. (Wikipedia, 2019)

Humans are God's creations, while the Atman that exists in human beings is a spark of God's great holy light that causes humans to live. Viewed from this point of view, human beings really owe their lives to God. Therefore every human being is obliged to thank, worship and always bow down to God Almighty. Gratitude and prostration of devotion can be expressed in the form of puja and praise of his greatness, by worshiping and carrying out his orders, by carrying out *Tirtha Yatra* or *Dharma Yatra*, which is a visit to the holy places, by practicing *Samadhi Yoga* by studying, living and practicing religious teachings.

Humans live in a certain environment. Humans get the necessities of life from their environment. Humans are thus very dependent on their environment. Therefore humans must always pay attention to the situation and environmental conditions. The environment must always be maintained and maintained and not damaged. The environment must always be clean and neat. The environment must not be littered or damaged. Forests should not be cut down entirely, animals should not be hunted arbitrarily, because they can disturb the balance of nature. It is precisely the environment that must be maintained in harmony, harmony and sustainability. A neatly arranged and clean environment will create beauty. The beauty of the environment can cause a sense of calm and peace in humans.

Technological developments that occur now are very easy for humans to communicate via smart phones, including teenagers. Which is often a target in the changes that occur are teenagers. The ease of communication is felt by all circles so there are need to be reminded that *Pawongan* which is a basic concept in the lives of Hindus people must continue to run, so that it can go hand in hand with developments that occur.(Wikipedia, 2019)

As social beings, humans cannot live alone. They need help and cooperation with others. Therefore the relationship between each other must always be good and harmony. Human relations must be regulated on the basis of mutual honing, mutual compassion and mutual nurture, which means mutual respect, mutual love and mutual confusion. Relations between families at home must be harmonious. Relationships with other communities must also be harmonious. This good relationship will create security and inner peace in the community. A safe and peaceful society will create a peaceful and prosperous country.

This research is one of the preventive steps, by conducting the survey about UU ITE understanding, hopefully we get an overview of student knowledge. As educators who are committed to the institution, through this survey we are expecting to generate solutions for the problems that may arise related to the understanding of the UU ITE. IT students should have a good understanding of cyber law.

METHOD

This research using empirical juridical method, with sociological approach. With this method researchers begin to work from social facts (economics, politics, etc.)(Barus, 2013), new to the facts of law, because the law is seen as a sociological phenomenon, that law is seen as a product of social interaction. This study is also a qualitative research with anthropology, ethnography and legal approach. The research method used is descriptive qualitative research is one type of research included in the type of qualitative research. The purpose of this study is to uncover events or facts, circumstances, phenomena, variables and circumstances that occurred during the study by presenting what actually happened. This study interprets and describes data relating to the situation that is happening, attitudes and views that occur in a society, conflict between two or more conditions, the relationship between variables that arise, the difference between existing facts and their effects on a condition, and so on (Sugiyono, 2011)

RESULTS AND DISCUSSION

Local Wisdom as a Customary Law

Firstly, should be known how does the law works and what is the suit regulation before making the improvement model of legal knowledge. As a general overview of the law according to Fuller's view, definition of law:

- Laws should be general;
- They should be promulgated, that citizens might know the standards to which they are being held;
- Retroactive rule-making and application should be minimized;
- Laws should be understandable;
- They should not be contradictory;
- Laws should not require conduct beyond the abilities of those affected;
- They should remain relatively constant through time; and
- There should be a congruence between the laws as announced and their actual administration

Based on what Fuller conveys, ideal law should be a set of rules that grow and develop in society. The basic concept of morality found in local wisdom is that the community is expected to direct the society to their social life patterns.

According Soerjono Soekanto, law as an entity that regulates human social interaction effectiveness is influenced by several factors, namely:(Soekanto, 2015)

- The Laws Itself
- Law Enforcement Officials
- Facilities that support law enforcement
- Society, ie the environment where the law is enforced

Friedman stated, according to the law consists of three elements of structure, substance and culture of law. Another way to visualize the three elements of law is to imagine legal "structure"

as a kind of machine. "Substance 'is what the machine manufacturers or does. The "legal culture" is whatever or whoever decides to turn the machine on and off, and determines how it will be used.(Friedman, 1984) Above theories concerning the law has rendering the author's view that the legal community is a group of people who form the law on their needs and capacities with reference to the local culture. In applying a provision within the legal community, the best approach is local wisdom.

Setting out from various contemporary issues related to the UU ITE, it is interesting to study further and tie it into local wisdom. In accordance with the previous discussion, the purpose of the survey is the comprehension of the UU ITE itself, and it must be done in good personal faith. Good faith is a mentality possessed by a person fully aware of the rights and obligations as part of the legal community.

Why is local wisdom? Because there are suggestions has applied as a social norm. Local wisdom is a habit which is hereditary inherent in a society. The habit contains the philosophical (wise) wisdom that is used as a guide for life and is part of the culture in society. Local wisdom is also a sublime heritage of ancestors that survived from generation to generation, delivered through stories from mouth to mouth. Local wisdom is in folklore, proverbs, songs, and people's games. Local wisdom as a knowledge found by a particular local community through a collection of experiences in trying and integrated with an understanding of the culture and nature of a place.(Wikipedia, n.d.)

Indonesia is a nation with cultural diversity and well-known as an archipelagic country. This caused a lot of the uniqueness of culture in everyday life. This uniqueness was generally a positive value to maintain the harmony of human beings and nature.(Kartika, 2016) Diversity becomes the strength of the Indonesia nation that must always be knitted, so it must be managed with the spirit of nationality based on *Pancasila* and The 1945 Constitution in the container *Bhineka Tunggal Ika* and The Unitary State, because if it is not managed well and properly it can lead to the disintegration of the nation and threaten the integrity of the Unitary State of the Republic Indonesia.(Suwitra, 2017)

The Indonesian nation could not deny that the family as the narrowest environment greatly affected the character of a person as an individual being. Families form patterns in social interaction. Families also teach cultural values or habits that become hereditary heritage. We could say the local wisdom of the nation begins values, the rule in the family, and then developed in the community.(Kartika, 2016)

Social interaction of the community generate the legal culture. The legal culture is the values and attitudes of society is affecting the law's prevail.(Satjipto Rahardjo, 1983) Willingness to comply the lesgislation will actualize the purpose of the law itself, ie public order.

Indonesian society has known the law since past time. The law known in the past is Customary Law. Customary law is the original law of the Indonesian nation. The source is the unwritten rules of law that grow and develop and be maintained with the legal consciousness of the people. Because these rules are not written and grown, the customary law has the adaptability and elasticity. Besides, it is also known that the Customary Law community is a group of people who are bound by the Customary Law order as a citizen together with a legal partnership because of the similarity of residence or on the basis of descent.

The Customary Law is strongly existing in Indonesia. Although Indonesia has a national legal system, most Indonesians still adhere the rules contained in customary law. This customary law usually only regulates people in certain areas. Regarding to the culture, some clauses in customary law contain certain appeals and local wisdom with the same goal of creating order in society. Therefore, local wisdom is appropriate teaching materials for the

education of the Indonesian youth as they are edifying some values such as nationalism, harmony, and moral to build an identity.(Meliono, 2011)

Pawongan Approach as a Guidance of Human Interaction in the Internet

In an ancient times in Indonesia, especially in the islands of Java and Bali, there is a well-known conception of life called *Tri Hita Karana. Tri Hita Karana*'s conception consists of 3 words, *Tri* (Tiga), *Hita* (happiness) and *Karana* (cause). These three causes of happiness means the balance of human relations which is create harmony. Three parts of Tri Hita Karana are:

- *Parahyangan* : harmonious relationship between humans and creators
- *Pawongan* : harmonious relationship between humans with another humans
- *Palemahan* : harmonious relationship between humans with the nature (including the plants and animals)

Generally, Balinese people use the principles of *Tri Hita Karana* in their everyday life. Balinese people still carry out the ceremonial procession as a form of their beliefs to create the harmony with God / creator. A harmonious relationship between humans and others can be seen from the interaction of Balinese people in the Banjar's activities (Banjar is a traditional community/group of Balinese people). And the harmony with the nature can be seen from how Balinese people treat animals, plants and yards. Balinese people believe that every living creature and nature around has a life. The essential meaning of all this harmony is how people respect their lives. Beside of using in everyday life, the concept of *Tri Hita Karana* nowdays also inspires many patterns of business interaction in Bali, especially the tourism business field. Tourism business actors implement their business based on *Tri Hita Karana* in accordance with *Pawongan* principles.

In the philosophy of Tri Hita Karana, one of the important concept is the togetherness concept named : "*Tat Twam Asi",* which has means 'I am you and you are me'. This concept describe the meaning of *Pawongan* itself perfectly, because this teaching is an expansion of the concept of the oneness of the soul with the Supreme God and means that all the people originated from the same source. People are supposed to treat others in the same way as they want others to treat them.(Jan Hendrik Peters, 2013) So does people will remind themselves to do something good or bad when remembering this conception while interacting with others.

Pawongan concept is a harmonious relationship among the peoples, as fellow creatures that have the same rights and obligations, in this relation are expected to turn up a bond of the brotherhood of humans that are universal free from racial element. The flexibility principle of *Tri Hita Karana* could also apply in the pattern of human interaction in the digital world. As a concept that actually has a deep meaning as well as general, this concept is considered suitable to be applied as an inclusion for increasing student awareness as a guide to interact in cyberspace.

Survey of Student's Understanding of Information and Electronic Transaction Law

The survey aims to get an overview about the level of understanding of IT-based college students regarding the laws and regulations governing information and electronic transactions. This survey was conducted on STMIK STIKOM Indonesia students class of 2017.
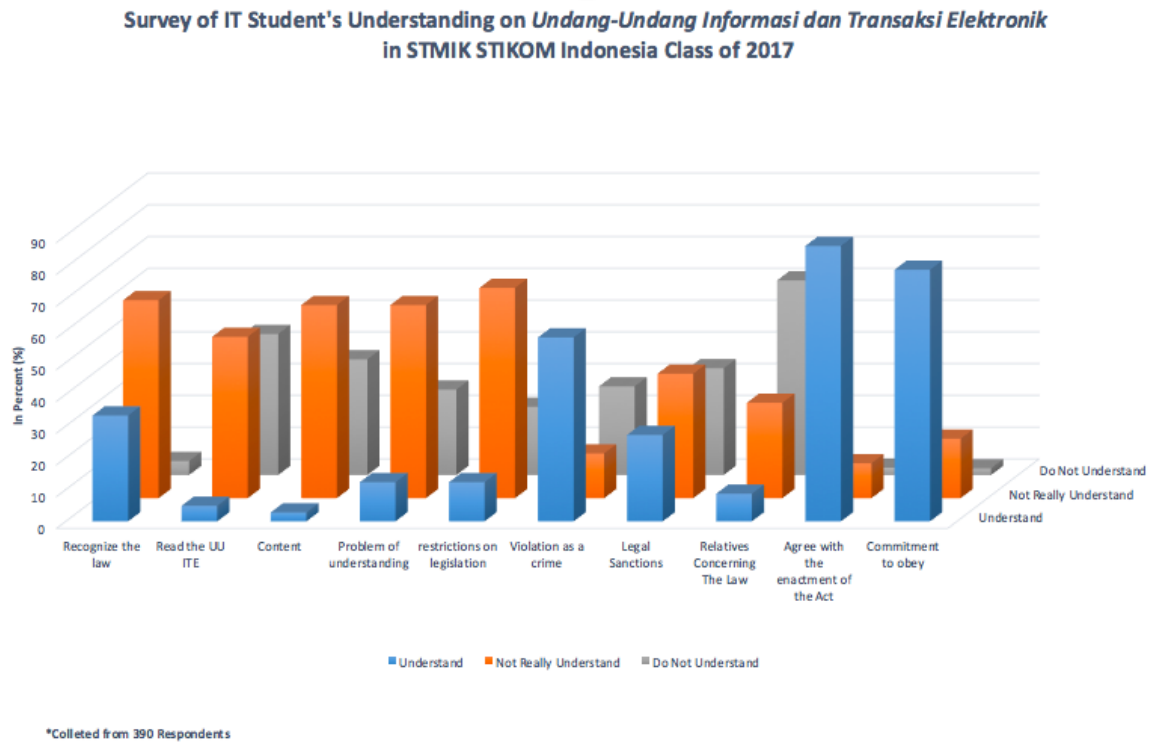
Figure 1. Survey Result of IT Student's Understanding on UU ITE in STMIK STIKOM Indonesia

After knowing the level of student understanding about UU ITE, the next plan is to formulate a learning model that can stimulate students to understand and willing to apply the contents of the Act. So thus, purpose of the establishment of a legislation can be realized. This is also in line with the purpose of higher education as set forth in Article 4 of Law Number 12 Year 2012 on Higher Education is to develop the ability and form the character and civilization of dignified nation in order to educate the life of the nation.(UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 12 TAHUN 2012 TENTANG PENDIDIKAN TINGGI, 2012)

The formation of a student character who is aware about the regulation is the fundamental aims of this survey, especially regarding the UU ITE, at least the student should have the insight of the legislation. While taking the course IT students cannot be separate from any kind of activities related to cyber space. Activities within the cyber space look virtual, but even if they are virtual they can be categorized as real actions of legal action. The juridical activity of the cyber space cannot be approached by conventional law qualities and qualifications alone, because there will be too many difficulties and things that escape the enforcement of the law (Sidik, 2013), therefore knowledge of the ITE Act needs to be possessed by IT students as the norm in limiting behavior in the cyber space.

Pawongan Approach as a Guidance of Human Interaction in the Internet

Discussing about local wisdom approach as a response of this survey, and considering that STMIK STIKOM Indonesia is located in Bali, the authors take the concept of *Pawongan* as one of the local wisdom owned since ancient times in the community in Bali. (Suwetha, 2015) This concept is one of the ideal concept apply to the law, because the effectiveness of the law is always related to how the law community engages in social interaction.

This concept deserves to be the basis of the socialization design to the students. This concept has the flexibility and deep meaning, because not only students who will learn how to interact but also require teachers to do it. The teachers will automatically apply it in the process of teaching and learning, because the pattern of approach in the concept of *Pawongan* itself.

After studying the results of the survey and then linking it with local wisdom in improving the knowledge of the law, in this case *Undang-Undang Informasi dan Transaksi Elektronik*, the model of legal knowledge development is as follows:
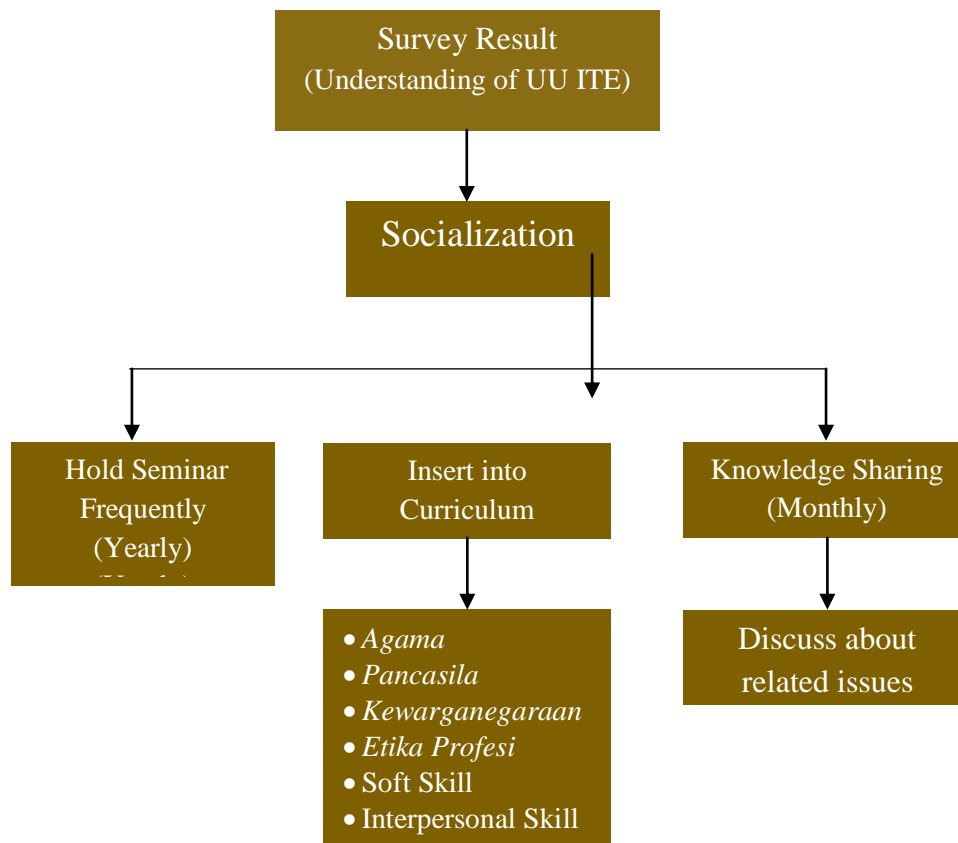

Figure 2. Socialization Programme

Based on the above chart, the socialization plan related to the students' understanding of the UU ITE is divided into three ways: massive socialization by holding seminars once a year with cybercrime themes, then incorporating them into the curriculum inclusively with *Pawongan* concept approach, and strengthening critical understanding and thinking through knowledge sharing.

Elaborate with the subject of *Pendidikan Agama* and Pancasila are necessarily to do. Considering the education of Religion and Pancasila is a compulsory subject and considering the appeal of the Director General of Student Learning, Ministry of Research, Technology and High Education of Republic of Indonesia, Intan Ahmad in her speech about strengthening the strong character of Indonesian-ness that is ready to face the increasingly complex challenges and opportunities of life in the 21st century.(Direktorat Jenderal Pembelajaran dan Kemahasiswaan, 2016) Can be interpreted as a strong character *keindonesiaan* (means : Indonesia-ness) is the character of a strong Indonesian culture will the values of local wisdom.

CONCLUSION

This study aims to see how much the concept of *Pawongan* in *Tri Hita Karana* is applied by young people who, along with the development, always follow the changes in existing technology. Based on the survey conducted on the students of STMIK STIKOM Indonesia, it can be concluded that students who majored in IT, most of them do not understand the UU ITE thoroughly, whereas those who have the most intense interaction possibilities with the virtual world. So in the future this needs to be a concern in various IT-based college, that understanding and appreciation of the UU ITE is a real form of lawful society. Legal order will bring the nation into a civilized nation. On the other hand, there are concerns about human resources, as teachers get challenges to pack and bring the socialization-related material into an interesting socialization.

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