



Cybercrime Prevention Based on Democracy in Indonesia

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Abstract. Massive usage of the internet indicates its impact on community democracy. The negative side of digital democracy is the spread of messages or posts containing hate speech from and for a group or individual. This becomes an obstacle in building quality digital democracy, especially because the animus character which often become a potential factor that is likely to lead nothing more than a democracy full of gossip, not full of truth. Cybercrime in a broad sense is all forms of crime directed at computers both from the network and its users as well as conventional crimes that use computer technology, and Indonesia has legislation to prevent and handle all crimes which are related to that called the ITE (*Informasi dan Transaksi Elektronik*) Law, as the basis for legal solutions to this problem.

Keywords: Digital Democracy · Cybercrimes · ITE Law

1 Introduction

In this modern era, the Internet has become an important milestone in almost all sectors of life in the world community, both in terms of politics, economy, society, and culture. Along with the development of the times and increasingly rapid technology and the increasingly massive use of the internet, this indicates that this progress has impacted the democracy of the people who were previously offline to become online.

With the internet, the community can be more active in involving themselves in government decision-making processes, besides that the community can also provide control over the running of a government. However, of course, there are negative effects of digital democracy. The presence of digital democracy produces quite serious problems related to people's behavior in the digital world itself. As a tangible form of the negative side of digital democracy, there is the spread of messages or postings of digital photos and videos that contain hate speech to a certain group or individual, even openly bullying, known as cyberbullying, which is certainly a serious matter.

This reason is an obstacle to building quality digital democracy, the animus character which is often a potential factor that is likely to lead to nothing more than a democracy full of gossip. One of them is the online campaign in the Pilkada, several successful

teams often put forward the bad side of each of their political opponents rather than upholding a quality work program that ends up being attacked by each other that has the potential to attack religion, race, and ethnicity.

Even so, it is predicted that digital democracy will continue to provide new hope, especially the hope of expanding as well as improving the quality of democracy in the offline space. Digital democracy which is characterized by virtual public spaces will provide a surplus value of democracy but also a deficit value. Virtual public space contains the values and practices of connectivity, interactivity, and anonymity so that it will create a direct, communicative, free, and confidential principle [1].

In addition, the surplus value itself in the form of wider freedom of the internet community in connecting, grouping, contesting votes, exchanging information, and expressing, this will be an opportunity for strengthening the life of political democracy. Meanwhile, the deficit or problematic value is the widespread abuse of the anonymity principle with the habit of “Throwing stones and hiding hands” or more specifically, not wanting to be responsible. In this way, the general public who are irresponsible can increasingly take advantage of this freedom to demonstrate, shout, and be vulgar in virtual spaces. Instead of being responsible, they prefer to hide behind anonymity or multiple identities.

Based on the facts above, it can be concluded that the digital democracy in Indonesia that utilizes online media, especially social media, is still emotional and has various other negative impacts. Social media should be part of the political intelligence of the community, but in reality, it is still colored with vulgar political practices that do not heed political ethics and are filled with hate speech and even negative campaigns. One of the main reasons is that people still believe in the assumption of media effects, as well as the lack of interest in literacy in this country. Edward T. Hall said that culture is communication and communication is culture. On the other hand, communication is a mechanism for socialize the cultural norms of society, both horizontally, from a society to other society, or vertically, from one generation to the next generation [2]. New media can be a potential avenue for minimize the shortcomings in politics. Although new media in this case the “internet” can also a boomerang in politics government. But that can’t be denied. The government can’t control anyone people who access the internet [3].

Digital democracy or cyber will continue to run constructively and productively if basic requirements such as interest in reading and the level of media literacy of citizens can increase slightly. Therefore, the success of the democratic practice in Indonesia is highly dependent on public awareness of critical thinking, so that the practice of black campaigning and negative campaigning can be minimized by itself.

2 Discussion

2.1 The Role of the Internet in the Democratic Movement in Indonesia

From 1994 to early 2000, David T. Hill and Krishna Sen revealed that communication technology played a very important role in overthrowing the Suharto dictatorship, this was the beginning of the internet being used for the pro-democracy movement in Indonesia [4].

During the leadership of President Soeharto, the information circulating was very tightly controlled, ranging from the rules for orderly permits, and intervention at the

editorial desk by the regime, to the killing of students and journalists. One example is Brendel or the restriction that is considered an “angel of death” for critical media, once the license is revoked, the media cannot operate from that very second. To overcome this is to issue haatzai articles or laws that threaten the press if they publish writings that contain elements of hatred against the government.

On June 21, 1994, the Press Publishing Business License (SIUPP) belonging to the three major media at that time, namely Detik, Tempo, and Editor, was revoked by the Ministry of Information through Decree Number 123/KEP/MENPEN/1994 because it was deemed not to hold the Pancasila press life which should be healthy and responsible to disrupt national stability. Even though this violates Press Law Number 21 of 1982, namely authoritarian power causes an information impasse [5].

As a result of the closure of the three media outlets, the media at that time immediately acted on the information impasse that occurred by establishing the Alliance of Independent Journalists (AJI) in August 1994 and publishing Suara Independent magazine which contained information that contradicted the information that had been regulated by the authoritarian powers under Suharto’s command.

In the same year, the Indonesian Student Solidarity for Democracy (SMID) participated in the struggle for democracy in Indonesia by using email as a tool to exchange information and coordinate with each other and disseminated it through existing mailing lists to the public. A breath of fresh air came after the news portal Detik.com, which was managed by a former journalist detik.com, Budiono Darsono, and his friends emerged in July 1998. With the existence of this news portal, freedom of information is noted to have the power to make meaningful social changes in the country.

After the fall of the New Order era, the number of media has increased drastically which provides various sources of information, both through conventional media and digital media.

Another example of using the internet for democracy in Indonesia is the 2014 General Election which marked a digital initiative to improve the quality of democracy in Indonesia. In the 2014 Digital Democracy Forum (FDD), John Muhammad from the Public Virtue Institute stated that there are at least 64 initiatives on the internet in the form of platforms, websites, and mobile apps that seek to improve democracy.

The two examples above have given a strong picture that the role of the internet is quite significant in this country’s democracy. This is in line with the use of the internet, especially social media in this world, the internet is no longer used as a distribution of the right to free opinion, but also human rights as a fulfillment of the people’s right to the truth. Without the internet, ideas for transparency, accountability of public officials, eradicating corruption, or public participation in the policy-making process will be more difficult to realize.

Coupled with the presence of the Law on Information and Electronic Transactions No. 11 of 2008 is a regulation regarding defamation, blasphemy, and online threats which are considered to be able to fill the regulatory vacuum to ensnare criminals who use information technology. Through the ITE Law, the government is trying to regulate content that is spread online, such as during elections where public political participation increases.

2.2 Handling Cybercrimes Based on the ITE Law

Cybercrime is a crime that arose along with the birth of the technological revolution. Cybercrime in a broad sense is all forms of crime aimed at computers both from the network and its users as well as conventional crimes that use computer technology. In a narrow sense, cybercrime is an act that violates the law by utilizing computer technology.

Cybercrime itself is divided into two, namely, pure cybercrimes such as cracking, hacking, defacement, and crimes related to the cyber world related to the regulation of illegal information and content.

Meanwhile, according to Susan W. Brenner in her book entitled “Defining cybercrime: A review of State and Federal Law”, cybercrimes are divided into three categories [6].

- Crimes in which the computer is the target of criminal activity.
- Crimes in which a computer is a tool used to commit the crime.
- Crimes in which the use of the computer is an incidental aspect of the commission of the crime.

The Coordinating Ministry for Political, Legal, and Security Affairs of the Republic of Indonesia is the state authority agency that oversees cyber security regulations in Indonesia. Through the Decree of the Coordinating Minister for Political, Legal, and Security Affairs No. 24 of 2014 concerning the National Cyber Information Security and Resilience Desk (DK2IICN), the police is the institution authorized to handle cybercrime through the information crime division. The police also have the right to control internet content as a form of law enforcement for the ITE Law.

In the ITE Law, cybercrimes are grouped based on the Convention on Cybercrimes [7]:

- 1) Crimes related to illegal activities:
 - Distribution or dissemination, transmission, and accessibility of illegal content, which consists of a) Morals (Article 27 paragraph (1) UU ITE); b) Gambling (Article 27 paragraph (2) of the ITE Law); c) Insults and/or defamation (Article 27 paragraph (3) of the ITE Law); d) Extortion and/or threats (Article 27 paragraph (4) UU ITE); e) Fake news that misleads and harms consumers (Article 28 paragraph (1) of the ITE Law); f) Generating hatred based on SARA (Article 28 paragraph (2) of the ITE Law); g) Sending information containing threats of violence or intimidation aimed at personally (Article 29 of the ITE Law)
- 2) In any way carry out illegal access (Article 30 UU ITE)
- 3) Interception or illegal wiretapping of electronic information or documents and Electronic Systems (Article 31 of Law 19/2016)
- 4) Criminal acts related to interference (interference), namely:
- 5) Interference with Electronic Information or Documents (data interference–Article 32 of the ITE Law).
- 6) Interference with Electronic Systems (system interference– Article 33 UU ITE)
- 7) The crime of facilitating prohibited acts (Article 34 ITE).
- 8) The crime of falsifying information or electronic documents (Article 35 of the ITE Law).

- 9) Additional crime (accessoir Article 36 UU ITE).
- 10) Weights against criminal threats (Article 52 of the ITE Law).

The following are examples of actions that violate the ITE Law:

- Distributing electronic documents containing immorality, gambling, defamation, extortion, and threats (article 27).
- Distributing fake news or hoaxes to the public regarding ethnicity, religion, and intergroup race (article 28).
- Spreading threats of violence or intimidation (article 29).
- Accessing, retrieving, and hacking other people's electronic systems in any way (article 30).
- Interception or wiretapping of other people's electronic systems from public to private and vice versa (article 31).
- Changing, destroying, transferring to an unauthorized place, hiding information or electronic documents, and opening confidential documents or information (article 32).
- Interfering with electronic systems (article 33).
- Provide hardware or software, including computer passwords and access codes for violators of the aforementioned prohibitions (article 34).
- Forgery of electronic documents through manipulation, creation, alteration, deletion, and destruction (article 35).

3 Conclusion

In this modern era, the Internet has become an important milestone in almost all areas of people's lives in the world, be it political, economic, social, or cultural. However, digital democracy certainly has its drawbacks. As a tangible manifestation of the negative side of digital democracy, the spread of messages containing hate speech or the publication of digital photos and videos to certain groups or individuals, or even public intimidation known as cyberbullying, is certainly a serious problem as this is a barrier to building a high-quality digital democracy, this anomalous nature is often the underlying factor leading to gossip-ridden democracies.

Digital democracy characterized by virtual public spaces will provide the residual value of democracy, but also a deficit value. Virtual public spaces adhere to the values and practices of connectedness, inactivity, and anonymity, thereby establishing the principles of candor, communication, freedom, and non-disclosure. In addition, the added value itself in the form of wider freedom from the internet community in connecting, classifying, contesting votes, exchanging information, and expressing, will be an opportunity to strengthen the life of political democracy. Instead of being responsible, they prefer to hide behind anonymity or multiple identities.

Social media should be part of the political intelligence of society, but in reality, it is still full of vulgar political behavior, neglect of political ethics, hate speech, and even negative campaigns. One of the main reasons is the public perception of the effects of media, and the lack of interest in literacy in this country. Digital or online democracy

will continue to function constructively and productively if basic needs such as reading interest and citizens' media literacy levels can be increased slightly. Thus, the success of Indonesia's democratic practice is highly dependent on public awareness to think critically so that the practice of black campaigning and negative campaigning itself can be minimized as much as possible.

The role of the Internet in the Indonesian democracy movement. Under President Suharto, the dissemination of information was tightly controlled, ranging from orderly licensing, and regime interference in the newsroom, to the killing of students and journalists. One example is Brendel or the ban which is considered an "angel of death" for critical media, once the license is revoked, the media cannot operate from that very second. On June 21, 1994, the Press Publishing Business Permit (SIUPP) belonging to the three major media at that time, namely Detik, Tempo, and Editor, was revoked by the Ministry of Information through Decree No. 123/KEP/MENPEN/1994 because it was deemed not to hold the Pancasila press life. Which should be healthy and responsible to disrupt national stability.

In the same year, the Indonesian Student Solidarity for Democracy (SMID) participated in the struggle for democracy in Indonesia by using email as a tool to exchange information and coordinate with one another and distribute it through existing mailing lists to the public. A breath of fresh air emerged after the Detik.com news portal, which was managed by former journalist Detik, Budiono Darsono, and his friends were established in July 1998. Another example of using the internet for democracy in Indonesia is the 2014 General Election which marked a digital initiative to improve the quality of democracy in Indonesia.

The two examples above have provided a strong illustration that the role of the internet is quite significant in this country's democracy. Without the internet, the notion of transparency, accountability of public officials, eradication of corruption, or public participation in the policy-making process will be increasingly difficult to realize. 11 of 2008 is a regulation regarding defamation, blasphemy, and online threats which are considered to be able to fill the regulatory vacuum to ensnare criminals who use information technology.

Through the ITE Law, the government seeks to regulate content that is spread online, such as during elections where public political participation increases. Cybercrime is a crime that emerged along with the birth of the technological revolution. In a narrow sense, cybercrime is an act that violates the law by utilizing computer technology.

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