



# Legal Aspects of Social Change in Cybercrime Relationships

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**ABSTRACT.** Human nowadays stay at modern civilization which depends to everything to be fast, efficient, and effective. Based to the rapid changes in the Times according to science and technology's development we have entered the modern era with all of digital things hard knick knacks, which included the time loss and also space barriers among some country. This study aims to have an in-depth elucidation among the law's role at dealing with social changes also the cybercrime's relationship in society that listed of Law Number 19 of 2016 concerning Electronic Information and Transactions.

**Keywords:** Crime, Social Change, Digital World.

## 1 Background

Currently, cyberspace has been transformed, as stated by Huberman, as a public space and used as a means of discussion for individuals regarding any matter which makes humans change their direction of doing everything online and making social media such as Facebook, Email, web blog, chat, Twitter, e- learning, e-commerce and so on are used as effective and flexible tools without having to involve physically. This revolution will have a good influence because the existence of technology has two sides, one of which is to provide high efficiency for humans in living their lives, but will also tend to have a negative impact in the form of global crime, where technology that is developing very rapidly can have a positive or negative impact. negatively towards the behavior and mental state of society. Based on the perspective of criminology there is a similar meaning compared to technology which is an indicator making caocyrnruse of the public and longing to commit a crime, facilitate and occurrence.

### Problems

Based on the background above, researchers propose problems that will be studied as follows:

1. How is the law's role related to social change which occur in Indonesia?
2. What is the role of Law Number 19 of 2016 regarding Information and Electronic Transactions in relation to social change?

## 2 Research Methodology

Normative Legal Study is a study that is managed through a review of literature which has another term, namely doctrinal law type research. Peter Mahmud stated that normative legal research is included in the mechanism in which a legal principle and rule is established and its doctrine is aimed at responding to legal-related issues where in this category law is often interpreted as something written in regulations and also conceptualized as regulatory provisions as guidelines in assessing the appropriateness of a person's behavior. This type of research applies normative type case studies as a form of legal behavior, for example, observations on laws and materials used become rules or regulations that are implemented against society as a guide in action. This research therefore focuses on the inventory of positive law, legal review in cases of the *in conceeto* type, legal mechanisms, as well as comparisons between legal history and the law.

## 3 Discussion

### 3.1 What drives the social changes that occur in Indonesia

Selo Soemardjan about social change as occurred at social institutes in Public that impact to its social process listing values, patterns also attitude of behavior between any groups. Satjipto Rahardjo tells that social change in perspective define as characteristics in digital society that included some elements which can drive it:

- a. Biological, physical, and demographic elements related to the population's intensify and some factors in it.
- b. Technological elements that using more the modern technology impacts on adjustments built by the community;

Ideological variables, relating to people's views on some things that new: At community, social change causes transformation and shifts at the relation also have close relationship to the law as the place it has function that coexist with each other, which are:

- a. Law could be defined as social engineering;
- b. Has the same meaning with social control.

Soerjono Soekamto stated some factors which existed as the social change's causes, there are :

- a. Internal indicators which stated as the reason of social change in public, such as:
  - a) Some new discovery
  - b) Transformation of population
  - c) Revolution/revolt within society;
- b. External indicators
  1. Natural elements as important or crucial things in human life;
  2. Warfare;
  3. Cultural influences of other societies.

Here, influences from other people's cultures are inevitable. Co-operation between countries and increasingly sophisticated is the meaning of information and communication including radio, tv, internet that make everything easier for the cultural influence of other societies to enter a country and the results prove there are modification in public that received the cultural impact.

### **3.2 Role of Law No. 19/2016i on Informationi and Electronic Transactionsi in Relation to Social Change and Cyber crime**

Law carried out by provoking specific people's behavior or the relationship which build by Public. The aims is how to imagine the work of some functions which are

1. Norm's creations that all supply/serve designations and establish every people's relationship.
2. Completion of strife.
3. Ensuring suistanable community life at change's event in it.

In Indonesian society, we are familiar with the existence of social diversity and stratification that would trigger the phenomenon which give impact to the diversity. Distinction which emerge at public included as elements which influence social change that occured. By the distinction, public's attitude and habit would change assuredlt. Meanwhile the change that amoccur not the same with changes that go in positive direction although has the side of negative/bad changes.

Positive changes are things which provide advantages. Something that notices us are changes which give negative influence. If we relate the change to the legal individual's life we could say offences or mischief that are contrary to positive law in Indonesia.

Therefore, forms of change that are contrary to the law must of course be resolved through applicable laws and regulations so. Therefore the law's role in it can be applicated properly also relevantly until occurs at society includes the following:

- a. Laws are also used as social controllers, namely mechanisms so that they can have an impact on people so that guidelines can be obeyed in acting where regulations also conceptualize social control as something that can carry out several activities in which it involves state power as a state institution or organization politically and through institutions that Thus, social control is formed by the community itself or by agencies that issue various policies in order to erode negative influences through social change.
- b. LawLaw becomes a medium for carrying out social engineering where in the context of the modern type of law actually the implementation of law is as a forum for carrying out social engineering as a common thing and in fact it is not too far away if people say how law is now used as a means for carrying out social engineering and law as social engineering is law that is actually applied to achieve a condition of society as Independent created or carrying out the desired changes. This capability is generally limited to Malacca in relation to modern law which has no relevance to customary law and now customary law has minimal strength when compared to western law to respond to a problem even though the nature of customary law and its existence is still recognized but it is

set aside and customary law is included in the category of positive law in Indonesia, however, because the people are subject to the law, the customary law is pledged as a whole. Thus, the enforcement of Western law becomes stronger because it can be comprehensive for all levels of society in Indonesia.

Law Number 19 of 2016 concerning information and electronic transactions exists regarding legal contributions in social transformation which are used as controllers and also media to carry out social engineering, thus these regulations exist as a forum for responding to social change and concretely responding to the needs of society to overcome cyber crime which is the newest category of crime and the reasons for its causation can be reviewed through the general explanation through this regulation which is stated where the use of information technology has changed both the behavior of society and human civilization globally and its development has also led to correlations without any specific boundaries and has made various fields as social culture as well as economy changes significantly rapidly.

This IT has become a weapon that can provide a high role for prosperity and civilization for humans because it is a very efficient container for fighting or contradicting the law where a new legal regime has been born which is known as cyber law or telematics law, while this legal regime is included in the laws mentioned above.

Law Number 19 of 2016 concerning information and electronic transactions explains in detail regarding several restrictions imposed by legal subjects in relation to the world of information technology where Article 3 regulates the use of it and transactions in electronic matters carried out based on the principle of ethical legal certainty accompanied by utility. and the freedom to choose a technology where these guidelines form the basis of one's actions in cyberspace.

Whereas in article 4 it states related to the utilization of information technology and electronic transactions with the following targets:

- 1) To make the nation smarter and become part of the world's information society.
- 2) Carry out development in terms of economy and trade nationally aimed at increasing the prosperity of the community.
- 3) Making public services more efficient and effective.
- 4) Provide a very high opportunity for all people to be able to develop their abilities and thoughts forward in the field of use and utilization of information technology optimally and responsibly.
- 5) Serve certainty as well as the times for those who use the information technology and those who created it.

Prohibited acts are regulated in Articles 27 to 37 of Law No. 19/2016 on Information and Electronic Transactions. These articles regulate the following matters:

**a. Article 27**

- (1) Each person deliberately and also without right transmitter/ disparts/makes obtainable Electronic Information and/or Documents which contain violates courtesy.
- (2) Each person deliberately and also without right transmitter/disparts/ makes obtainable Electronic Information and/or Documents which contain gambling content.

- (3) Each person deliberately and also without right transmits/disperses/ makes obtainable Electronic Information and/or Documents which contain humiliate and/or vilification
- (4) Each person deliberately and also without right transmits/disperses/ makes obtainable Electronic Information and/or Documents which contain counsel and/or impudence.

**b. Article 28**

- (1) Each person deliberately and also without right propagates false and also misunderstands news which listed in consumer's danger on Electronic Transaction.
- (2) Each person deliberately and also without right propagates information purposed about making sense of resentment or enmity about particular individual and/or groups of community.

**c. Article 29**

- (1) Each person shall deliberately and also without right transmit Electronic Information or/and Electronic Documents containing hatred of intimidation called individually.

**d. Article 30**

- (1) Each person shall deliberately and also without right or unjustifiably accept other User's Computers or/and Electronic System' by means.
- (2) Each person shall deliberately and also without right or unjustifiably accept other User's Computers or/and Electronic System' by means with the aims from sustaining both of them.
- (3) Each person shall deliberately and also without right or unjustifiably accept other User's Computers or/and Electronic System' by means by breaking, through, exceeding, and breach or penetrating a system' which held by security.

**e. Article 31**

- (1) Each person shall deliberately and also without right or unjustifiably accept other User's Computers or/and Electronic System' by means belonging to other account
- (2) Each person shall deliberately and also without right or unjustifiably accept other User's Computers or/and Electronic System' by which is not society from, to, also within distinctive computer or/and Electronic System' to other people of or not making changes, omission, or/and cessation that being infected.
- (3) Except for apprehension as accorded at paragraph not 1 and 2 the prosecutor's office, police and enforcement institutions established with law.
- (4) Further certainty concerning the mechanism for interception based on paragraph 3 will be certain with Government Regulation

**f. Article 32**

- (1) Each Person shall intentionally and without right or unlawfully by any means alter, add, subtract, transmit, damage, eliminate, move, conceal any Electronic Information and/or Electronic Document belonging to another Person or to the public.

- (2) Each Person intentionally and without right or unlawfully by any means moves or transfers Electronic Information and/or Electronic Documents to the Electronic System of another person who is not entitled.
- (3) For the actions stipulated in paragraph 1 which make the presence of electronic information or electronic documents with confidential characteristics and the public is able to have accessibility based on incorporation data that does not comply with the provisions.

While regulations related to criminal acts are based on articles 45 - article 52 of Law Number 19 of 2016 concerning Information and Electronic Transactions.

## 4 Closing

### 4.1 Conclusion

Some conclusions which can be pinched based on various discussion here these are:

- 1) Social changes are things things that occurred at social institute at public and affects ITS mechanism when this could happen in consequence of the factors.
- 2) Law's role here becomes a tool of control IM social sector as a means of social engineering and the Regulation was exist to be the answer about social changes that happen now especially when cybercrime existed.

### 4.2 Suggestion

The author can suggest for the improvement of various groups such as:

- 1) Social change as a need in life therefore community member must have ability to be smart at dealing with it;
- 2) Some format of law must played a role in this topic therefore stakeholders shall make the right and fast acceleration in answering legal needs for existing social changes; and the Law, has good material and formal provisions, so it is hoped that all components will serve espouse support to comprehensive application of the Law.

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