

The Impact of the Information and Electronic Transaction Law (UU ITE) on Legal and Social Changes in Society

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Abstract

In principle, the improvement of information and technology systems that are currently developing in the global community, turns out to have a very significant impact on the social and legal system in Indonesia as a whole. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that the existence of the ITE Law as a new legal product that applies in Indonesia is actually enough to bring changes in the positive legal justice system in Indonesia, although in principle the use of this law is still considered taboo and has not had a tremendous impact on various actions related to the use of information and communication in a very broad scope, advances in information and communication technology also have an impact on the development of legal interactions and social interactions. In addition to making a positive contribution to users, this information technology media also creates a negative side. For this reason, through law number 11 of 2008 concerning information and electronic transactions, various policies and legal justice can be realized evenly and can provide the fairest legal protection for all Indonesian people.

Keywords

information; electronic transactions; law



I. Introduction

The development of the increasingly rapid flow of information technology has changed human life to be easier, because of the sophistication and power of its effective and efficient work. The existence of information technology was initially only used by certain circles, but over time, the use of this technology has targeted all levels of society, both government and private agencies (Junaidi *et al*, 2020). Utilizing and maximizing the role of technology and communication in everyday life seems to have created a new culture in society at large, of course almost all sectors of human life are affected by the use of information and communication, the sophistication and practicality of information technology in government agencies is used to manage all types of data, provide information, and also other facilities such as public services through various government websites on-line and others. Likewise, private agencies or business entities use information technology to manage all types of data by conducting on-line sales transactions (e-commerce).

Basically, the benefits of the creation of this ITE Law are to provide the principles of legal certainty, benefits, prudence, good faith, and freedom to own technology (Pakpahan, 2021). While the aim is to educate the nation's life, develop trade and the national economy, increase the effectiveness and efficiency of public services, open up the widest possible opportunities for everyone to advance their thinking and abilities in the field of using and utilizing information technology, providing a sense of security, establishing a judiciary, and legal certainty for users and the implementation of technology and

information among the global community, As has been explained in the 1945 Constitution of the Republic of Indonesia which states that every citizen has the same rights and position in law and government. Such rights have also been guaranteed in Law No. 19 of 2016 concerning Electronic Information and Transactions (Setiawan & Arista, 2013; Rajab, 2018; Permatasari & Wijaya, 2019).

In fact, the development of the world of information and communication has indeed formed a culture that has a lot of influence on the order of social life as a whole, but the point of the problem is the extent to which humans are able to use the internet more intelligently, wisely and do not violate and even get criminally charged for violating the internet. Information and Electronic Transactions Law (UU ITE), The emergence of this information technology revolution will not only have an impact on the development of technology itself, but will also affect other aspects of life such as religion, culture, social, politics, personal life, society and even the nation. and country. The current global information network or internet has become one of the means to commit crimes both domestically and internationally (Nugroho, 2010; Sidik, 2013)

Information globalization has placed Indonesia as part of the world's information society. This has led to changes in the activities of human life in various fields which have directly influenced the birth of new forms of legal action related to information technology. So that it requires regulation regarding the management of information and electronic transactions at the national level as outlined in the form of legislation.

The development of information and communication technology has changed world relations to become unlimited, causing various structural changes in human life such as social, economic, and information culture aspects. On this basis, what is called cyber law or cyber law, the Indonesian state itself regulates and classify the entire series of uses of electronic media into the Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions, which has been revised in the Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Transactions Electronic. On the other hand, the existence of the internet also in fact has a very large impact on the increase in crime in the cyber world, because in accordance with the explanation in the ITE Law, the use of information technology, media, and communication has changed both the behavior of society and human civilization globally. In the Electronic Information and Transaction Law (UU ITE), the material is divided into two major parts, namely the regulation of information and electronic transactions and the regulation of prohibited acts (Sugiarso et al, 2017; Sidiq, 2021).

The development of information technology has given birth to a new system in everyday life, meaning that life has been influenced by various needs electronically, as a legal product that is legalized by the government and the state. For parties related to the use of electronic transactions through telecommunications media and information technology in this case the internet and other social media networks, the ITE Law is also a legal breakthrough that is considered capable of encouraging the development of information and technology (IT), the business world and even the interests of the public, so that they are able to realize the legal function as a social engineering tool. The real problem is the mandate of Law No. 19 of 2016 concerning Electronic Information and Transactions is not understood subjectively by both the public and law enforcement so that there are many polemics in the application 19 of 2016 concerning Information and Electronic Transactions, Information Technology is currently a double-edged sword because in addition to contributing to the improvement of global welfare, progress, and human civilization, it is also an effective means of unlawful acts (Lubis, 2011; Winarno, 2011).

II. Review of Literature

The rapid growth of technology has now enabled the internet to become one of the rapidly evolving advances in information technology (Gunawan and Sulaeman, 2020). The Association for Education Communications and Technology (AECT) defines media as all forms used to distribute information. So that the media can be defined as an intermediary tool used in the framework of communication and interaction (Ediyani *et al*, 2020). In addition, the reach of online media is wider than offline media (Mulyati *et al*, 2020). To minimize the various forms of use of information and communication that developed in society at large, in 2003, a draft law was formed under the name of the Draft Law on Information and Electronic Transactions (RUU ITE) which was ratified directly by the government to take action and In order to control internet and social media users in Indonesia, in 2005 the Indonesian Ministry of Communication and Information took steps to finalize the draft, until it was completed in March 2008 (Asmadi, 2021; Achmad, 2021). So that the existence of the ITE Law began with several studies aimed at forming regulations in the field of information and communication technology in the Indonesian community as a whole (Mastur, 2016).

III. Research Methods

This study uses descriptive analysis using qualitative methods. Researchers also want to examine a phenomenon that discusses the Impact of the Electronic Information and Transaction Law (UU ITE), on Legal and Social Changes in Society. Qualitative research is focused on a very detailed and detailed study where the results of the research are studied in depth and then interpreted clearly. There are two sources of data used in this study, where the data includes primary data and also secondary data, then the facts of the findings are described in a very easy form of discussion so that researchers can find a complex and structured understanding in a directed manner.

IV. Results and Discussion

4.1 Interaction of Social and Legal Changes Through Electronic Information and Communication

As we know that freedom of expression is included in social media and is guaranteed by the constitution and applicable laws, where everyone is given the freedom to associate and assemble to express their opinion in public, while according to the Big Indonesian Dictionary, media is a means of communication. which is located between two parties, an intermediary and liaison The main purpose of communication technology media is to make it easier for humans to interact with others in a fast and short time, even though they do not have to be face-to-face with each other. two-way communication.

Meanwhile in other contexts, the definition of information technology, according to Article 1, Chapter of General Provisions in Law Number 11 of 2008 concerning Information and Electronic Transactions is a technique for collecting, preparing to store, process, announce, analyze, or disseminate information. One of the means of implementing the use of this technology is to use the media of a set of computers that can process all data, network systems to connect computers to one another and information and telecommunications technology (ICT) used so that data can be disseminated and accessible globally, technological advances has given a lot of freedom to its users to carry out each of their activities as freely as possible in accordance with the rights and needs they want.

On the other hand, the paradigm that develops in providing a format for the interaction of social change and legal changes that develop in society at large with the presence of this globalization era is, the existence of law will provide guarantees and services to various interests of the community equally, then the law will continue to develop and adapting to the changing direction of the existing era, these changes tend to be followed by several other systems because of their interconnectedness with one another, one of which is the change in the social order, then the rapid adjustment of the law to new conditions as a function of service. In fact, law develops following events, meaning that the place is behind events, not before them and law can create social changes in society or at least can spur changes that take place in the civilization of society at large (Yeh, 2019; Jiang et al, 2020).

As for other characteristics which state that law can be used as a tool for change in the structure of people's social life, the law is seen as a tool of social control, and is able to be oriented to the future, the law plays an active role with the community not only creating order but creating and encourage these changes and developments. Regarding the dimensions of legal change, there is an opinion which states that society changes because of the existence of the law itself, there are several factors driving the change that are not actually law, but other factors such as the development and use of advanced technology (Maskun et al, 2016). The Electronic Information and Transactions Law (UU ITE) which was passed by the DPR on March 25 is proof that Indonesia is no longer behind other countries in making legal instruments in the field of cyberspace law. This law is intended to answer legal problems that are often faced when they are related to electronic delivery of information, communication, and/or transactions, in particular

in terms of evidence and matters related to legal actions carried out through the electronic system. The essence of the ITE Law covers all electronic-based transactions such as computers and networks and has legal force.

4.2 Contents of the Law on Information and Electronic Transactions in Indonesia

Various activities on the internet cannot be separated from the factor of human existence in it, as well as the legal consequences that are in direct contact with the scope of humans in the real physical world, then the idea arises of the need for legal rules to regulate activities in cyberspace.) the. as we know that the characteristics between the two have a very basic difference, so there is an opinion about whether or not conventional laws can regulate activities in the virtual space.

In line with the rapid flow of information, the public is also required to be smarter in receiving and processing news and information. The public also needs to verify every news and information from social media. This step aims to address the number of sites and accounts on social media that display fake news for personal gain, so there is a need to inculcate ethics in using media in accordance with applicable legal rules, ethics for media users can overcome the development of the flow of information on social media that is so rapidly, the phenomenon of the use of social media in Indonesia also deviates a lot. Based on the news in the national media, there are so many crimes that originate from social media, be it fraud, kidnapping, fighting each other and ending in a criminal sentence, although there are some negative impacts caused by the role of technology and communication in the environment. society at large, but the process of juridical validity of the ITE Law must be carried out by looking at the positive prospects. The negative impact as mentioned in this information technology has a negative impact that can harm many parties due to the unclear laws governing the use of information technology, such as crimes in the world of telematics (cybercrime), violations of Intellectual Property Rights

(cyberspace) and others as well as weak regulations. regarding the guarantee of security and confidentiality of information in the use of information technology (Zamroni & Putera, 2018).

In general, the pros and cons of whether or not the conventional legal system can regulate the activities of various crimes committed in the digital world, get different views from various circles of society, and among them are, the characteristics of activities on the internet as part of the digital world. of information technology is cross-border or world relations become borderless so that it is no longer subject to territorial boundaries and causes significant changes in various aspects of human life such as economic, social, technological and cultural, conventional legal system which is based on territorial, considered insufficient to be adequate to answer the legal problems that have just arisen and are raised by human activities in cyberspace, the ITE Law must be able to be translated as the principle of information and electronic transactions where a rule made by the state with the use of information technology plays an important role in trade and national economic growth to realize the welfare of the community and the government needs to support the development of information technology through legal infrastructure and regulations so that the use of information technology is carried out safely to prevent its misuse by taking into account the religious, social and cultural values of the Indonesian people (Atim, 2020; Herdiyanto et al, 2020).

Government through Law no. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) is the first cyber law owned by the Indonesian state, although it can be said that it contains several contents and a very broad scope in regulating various crimes committed by involving information. and communication, although on some sides there are still arrangements that are less straightforward and have not been perfected properly, if further analyzed the materials contained in the ITE Law adhere to 2 (two) regulatory models, namely, arrangements that favor strict segregation of legal material so that the regulations made are narrow and specific to certain sectors and comprehensive arrangements in the sense that the content of the regulated material covers a wider range of matters adapted to the needs that are currently happening, so that the regulation will cover aspects material civil law, civil procedural law a and criminal, (although it can be in the form of certain legal guidelines).

Utilization of Information Technology plays an important role in trade and various national economic growth. The government in this case seeks to realize the welfare of the community and support the development of Information Technology through legal infrastructure and regulations so that the use of Information Technology is carried out in a structured and secure manner and seeks to prevent widespread abuse. In the ITE Law, the party responsible for all legal consequences in the implementation of Electronic Transactions, all legal consequences in the implementation of Electronic Transactions are the responsibility of the parties who transact as Article 33 explains that "Everyone intentionally and without rights or against the law take any action that results in the disruption of the Electronic System and/or causes the Electronic System to not work properly, in this law also regulates anyone who violates it will be punished or sanctioned in accordance with the demands of the applicable law.

As explained earlier, that there are still some weaknesses in the process of implementing the ITE Law, among which are, the ITE Law severely limits the right to freedom of expression, expression of opinion and can hinder people's creativity in using various information and communications as a whole. , as contained in Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), and Article 31 paragraph (3) is very much against the 1945 Constitution Article 28 concerning freedom of opinion. In Article

16 it is stated that the electronic system operator is obliged to fulfill the requirements in operating the electronic system, the requirements stated are still unclear, for example in paragraph 1 (b) regarding protecting confidentiality and if a user of the electronic system, for example on a web server that has a weak security aspect, then an explanation in another article, namely Article 27 regarding prohibited acts, namely Articles 1 and 2 contents that violate decency and the content of gambling there is not explained how the standard of decency and the definition of a gambling is, some of these descriptions also at least create a concern among the wider community. in using technology and information because it is feared that it can violate the ITE Law, as a result the community's space for movement becomes narrow and limited in expressing various opinions through social media networks and various internet applications. the use of the Act, can hamper the creativity of the children of the Indonesian nation (Syafriana, 2017; Saragih & Tanjung, 2020).

In general, there are several aspects that are protected in the ITE Law, among others, the main point is the personal position of a person who has received various losses such as fraud, threats, and insults to one's good name, then also concerns the existence of a group of people or communities who are also affected by this. various problems of decency, moral problems such as gambling and slander, corporations (companies) or institutions from losses due to leakage of confidential and financial information as well as exploitation of works, some of the activities above are in fact within the realm of protection of the ITE Law and are legally obligated to be processed. further in the trial and prosecution process.

However, in reality the application of the ITE Law in force in Indonesia has various advantages and one of them can anticipate the possibility of internet abuse that is detrimental to the wider community, for example breaking into certain government-owned websites and electronic transactions such as business via the internet can also minimize abuse and fraud. . In Article 2 of the ITE Law, the application is not only for Indonesian citizens, the article can also judge and ensnare people who violate the law outside Indonesia, then another benefit contained in this ITE Law is to provide a legal basis regarding the force of law. electronic evidence and the formal and material requirements of electronic evidence so that it can be accepted in court, Adding evidence that has been regulated in criminal procedural law in Indonesia, Expanding the scope of evidence that has been regulated in criminal procedural law in Indonesia. The ITE Law, which was enacted since April 2008, is indeed a breakthrough for the legal world in Indonesia, because for the first time cyberspace in Indonesia has legal instruments, and contains several rules of the game that contain the entire use of technology and information as a whole. Known as Cyber Law, like Cyber Law in other countries, the ITE Law is also extraterritorial in nature, so it does not only regulate the actions of people who live in Indonesia, but applies to everyone who is in a jurisdiction outside Indonesia.

V. Conclusion

Information globalization has placed Indonesia as part of the world's information society so that it requires the establishment of a regulation regarding the management of Information and Electronic Transactions at the national level, so that the development of Information Technology can be carried out optimally, evenly, and spread to all levels of society in order to educate the nation's life and provide protection. law in accordance with the 1945 Constitution and Pancasila as the nation's ideology. The rapid development and progress of Information Technology has caused changes in the activities of human life in various fields which have indirectly influenced the birth of new forms of legal action that have never existed before, so that the birth of the ITE Law is expected to form a judicial

system that is based on the overall use of information and communication, so that the use and utilization of Information Technology must continue to be developed to safeguard, maintain, and strengthen the unity and integrity of the Indonesian nation and state.

Although in principle the application of the ITE Law in Indonesia still has various weaknesses and debates among the public, but at least the application of the law is expected to reduce the number of crimes committed by several parties who use various information and communications in an unwise manner and can detrimental to the rights and authorities of others, as explained by Law no. 11 of 2008 concerning Information and Electronic Transactions in particular has a separate relationship with social changes and legal changes in the territory of the Republic of Indonesia.

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