

The Role of Cyber Law in The Use of Technology in Mass Media

Asih Handayanti

Prodi Ilmu Komunikasi, Fakultas Ilmu Komunikasi, Universitas Islam Nusantara

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ABSTRACT

In the era of convergence, as now, technological changes are developing quite rapidly, so that the desired information can be obtained quickly. In the virtual world, the name Cyber Law is known from the term Cyberspace Law which includes several legal subjects in it by using digital technology that can be utilized by the public at large. The development of human thought towards technological progress has provided many positive aspects for human life, but technological progress has also brought its own problems, especially in the aspect of crime. Technological advances can also be utilized by criminal (cyber) perpetrators in completing evil intentions. The impact or effect of this cyber law is felt by all levels, especially in the world order of the mass media. Where the real world is almost replaced by the virtual world. The presence of the cyber era makes human relations no longer hindered by distance and time. All information and news can be accessed by everyone without any obstacles. This is where a new chapter of life begins and the mass media inevitably flocks into a new world called cyberspace. Therefore, there is a need for a standard that regulates the freedom and use of facilities in cyberspace. Because cyber law is the solution to legal uncertainty in cyberspace.

ABSTRAK

Di era konvergensi seperti sekarang ini, perubahan teknologi berkembang cukup pesat, sehingga informasi yang diinginkan dapat diperoleh dengan cepat. Di dunia maya, nama Cyber Law dikenal dari istilah Cyberspace Law yang memuat beberapa subjek hukum di dalamnya dengan menggunakan teknologi digital yang dapat dimanfaatkan oleh masyarakat luas. Perkembangan pemikiran manusia menuju kemajuan teknologi telah memberikan banyak aspek positif bagi kehidupan manusia, namun kemajuan teknologi juga membawa permasalahan tersendiri terutama pada aspek kejahatan. Kemajuan teknologi juga dapat dimanfaatkan oleh para pelaku kejahatan (cyber) dalam menuntaskan niat jahatnya. Dampak atau efek dari hukum siber ini dirasakan oleh semua kalangan terutama di tatanan dunia media massa. Dimana dunia nyata hampir tergantikan oleh dunia maya. Kehadiran era cyber membuat hubungan antar manusia tidak lagi terhalang oleh jarak dan waktu. Semua informasi dan berita dapat diakses oleh semua orang tanpa ada kendala. Di sinilah babak baru kehidupan dimulai dan media massa mau tidak mau berduyun-duyun memasuki dunia baru bernama dunia maya. Oleh karena itu, diperlukan suatu standar yang mengatur kebebasan dan penggunaan fasilitas di dunia maya. Karena hukum siber adalah solusi dari ketidakpastian hukum di dunia maya.

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Corresponding Author:

Asih Handayanti,
Prodi Ilmu Komunikasi,
Universitas Islam Nusantara
Jl. Soekarno – Hatta No. 530, Sekejati, Buahbatu, Bandung, Jawa Barat,
Email: asihhandayanti@uninus.ac.id

I. INTRODUCTION

Cyber Law is closely related to the world of crime. this also supports Globalization. Time keeps changing and humans keep up with the changing times. This change was followed by positive and negative impacts. There are two most important elements of globalization. First, with globalization humans are affected and secondly, with globalization humans are affected (become affected or influenced). The continuous development of information technology has positive and negative impacts. The positive side of this virtual world will certainly increase the trend of global technological developments with various forms of human creativity. In addition, the negative impact can cause a crime called cyber crime or cyber crime via the internet (Ana Irawati et al, 2021).

Cyber attack or what is commonly called cyber crime is a crime committed by a person or group that is able to use information technology connected to the internet as a tool of crime. According to Murti (2005) cyber crime is a term that is widely used to describe criminal acts using computer or internet media. Gregory (2015) defines cyber crime as a form of virtual crime by utilizing computer media connected via the internet, and can exploit other computers connected to the internet.

Cyber law is no longer the same as traditional law. Cyber activities, even though they are virtual, can be categorized as real legal acts and actions. Cyber activities are virtual activities whose impact is very real even though the evidence is electronic. Thus the subject of the perpetrator must also be qualified as a person who actually committed a legal act. According to Robert Tappan Morris (Disability Discrimination Act, 1992) Cyber law is a term used to describe a body of law related to the internet and electronic commerce. Many of these laws involve the application of defamation laws with some internet communications. Cyber law Also the role of the government in an online world where the government is only an observer, not a proactive power for policy makers or regulations knows no boundaries, cyber law must reconcile how government and regulation fit in the ever-changing technological tensions. Barda Nawawi (2006) Cyber crime is a new phenomenon in crime as a direct result of information technology developments. Several names are given to this new type of crime in various writings, including: as "cybercrime", a new dimension of "hi-tech crime", a new dimension of "transnational crime", and a new dimension of "white collar crime".

Legally, Indonesia also has a special law regarding cyber crime, namely the 2008 ITE Law, which discusses procedures, limits on computer use and sanctions to be given if there is a violation. For example, the act of illegal access or making unauthorized access to this action has been regulated in Article 30 of Law Number 11 of 2008 concerning Information and Electronic Transactions states that: "everyone intentionally and without rights or unlawfully accesses a computer and/or other people's electronic systems paragraph (1) in any way, paragraph (2) in any way with the aim of obtaining electronic information and/or electronic documents, paragraph (3) in any way by violating, violating, exceeding, or destroying the transaction security system.

This study aims to examine the application of cyber law in strengthening the national information security system so that in the end it can support national sovereignty on a global level. Terrorists use the internet to plan and carry out attacks, fraudsters use other people's credit cards to shop through the internet. The development of IT in the era of globalization will be colored by the benefits of the existence of e-commerce, e-government, foreign direct investment, and information provider industries.

Cyber Law

Cyber Law, namely the law that limits cybercrime through the internet network), of which in International Law there are 3 types of Jurisdiction, namely Juridical to establish laws, (The Jurisdiction to Enforce) Juridical to punish and (The Jurisdiction to Adjudicate) Juridical to sue (Jonathan, 1997). Cyberlaw is defined as a term that originates from Cyberlaw and is currently used in legal terms related to the use of IT. IT law (Information Technology Law), Virtual World Law and Mayantara law are also used. Academically, the term "cyber law" is not yet a general term. Other terms used for the same purpose, such as Internet law, information superhighway law,

information technology law, information law, etc. In Indonesia itself, there is no agreed upon terms. This term is a translation of "cyber law", for example information system law, information law and telematics law (telecommunication and informatics).

In a broad sense, a conventional crime committed through online media can also be applied to existing provisions in the Criminal Code (KUHP), such as for example cases of human trafficking committed via the internet. In addition, Law Number 3 of 2011 concerning Transfer of Funds and banking crimes and money laundering crimes in Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes can also be enforced.

Technology

Technology is also a very important thing to support a company's business processes so that companies can gain a competitive advantage (Luih, Haryani & Widjaja, 2022). Utilization and use of technology today always has an impact on people's mobility, starting from ways of communicating that switch to digital-based technology and people's way of working, to other mobility. With the existence of technology, of course, it provides various conveniences for human life. The use of technology basically refers to a science that investigates how things work in engineering, and also refers to the knowledge used in certain companies or industries (Harahap, 1982). This definition of course refers very much to the practical definition of technology, which is found in many companies and also certain industries.

Information technology is a facility and infrastructure such as hardware, software, and useware with methods used for several stages of obtaining, sending, processing, storing, organizing and using data meaningfully (Bambang Warsita, 2008: 135). In the era of globalization Of course, this technology has a high utility in human life. One of them is in the area of information and communication. Currently communication is faster and more practical because of technology. If in the past we had to rely on letters, this time we can only exchange messages through digital platforms. The platform is a place that is used to run software system devices (Andika, 2015).

In addition, the platform is also the result of consumer knowledge and experience, and information shared by consumers in the online review feature can be in the form of product reviews, seller responses, and even delivery speed (Lidya et al, 2018). And examples of platforms that are widely used today are social media such as Instagram and Twitter as well as online buying and selling platforms such as Shoppe and Bukalapak. The use of technology basically refers to a science that investigates the workings of engineering, and also refers to the knowledge used in a particular company or industry. This definition of course refers very much to the practical definition of technology, which is found in many companies and certain industries.

Media Massa

The mass media has a very important role in life. Mass media is an environmental factor that changes the behavior of audiences through a process of classical habituation, operant habituation or social learning processes (Rakhmat, 2001). With the existence of the mass media, people's behavior has also changed along with the impact that has been experienced by the mass media.

Along with its development, the mass media has a variety of forms, ranging from print media to digital mass media. Mass media is a tool used in delivering messages from sources to audiences (receiving) by using communication tools (Canggara, 2002). The mass media is also defined as a tool in communication that can disseminate messages simultaneously, quickly to a wide and heterogeneous audience (Nurudin, 2007). The mass media is divided into two kinds, namely print mass media and electronic mass media. Print media includes newspapers and magazines. Meanwhile, electronic media includes radio, television and the internet. In the following, we will describe the various types of mass media, from print media to electronic media.

According to Assegraf (1991) the mass media presents a series or various choices of material that are broad and varied and can reach all walks of life. Mass media in particular, the Internet is

one of the mass media which is very popular with the general public, especially teenagers. The internet itself is a network of interconnected computers. This network is continuously available as electronic messages, including e-mail, file transmission, and two-way communication between individuals or computers (Severin and Tankard, 2011: 6).

Mass media has an important position in people's lives, so that the mass media is placed as a mass communication that acts as a communicator and agent of change, becomes a pioneer of change in the public environment that can influence audiences through messages in the form of information, entertainment, education and other messages and accessible to the general public. (Khatimah, 2018). This is what makes mass media an important tool in the course of the life cycle where mass media becomes a tool for conveying various information. In addition, the mass media has a function to meet the need for fantasy that exists in society (Rakhmat, 2001).

II. RESEARCH METHODS

This research was prepared using a literature study approach. According to Zed (2008: 3) the literature study method is a series of certain activities related to the method of collecting bibliography, taking notes and reading, and managing research materials. This method uses data or sources related to the research topic, namely writing ability. Literature studies get sources from journals, books, internet, and literature. In this study, the authors will collect reference sources relevant to the research topic, as well as sources that support the course of this research from several electronic journals, books and reference sources from Google Scholar that are relevant to this research.

III. RESULTS AND DISCUSSION

The Big Indonesian Dictionary explains that the meaning of "media" is a communication tool, such as newspapers, magazines, radio, television, movies, posters, and banners. Then, "mass media" is an official means and channel as a communication tool to spread news and messages to the wider community. Maybe it is not foreign if it is mentioned that newspapers, magazines, radio or television are media. It's just that this understanding only stops at the definition put forward by Laughey (2007) technology that communicates messages to audiences in different locations, countries, or even parts of the world. As describe by Luhmann (2000: 2), that what is mentioned is basically better known as mass media which means there is no interaction between the sender of the message (sender) and the recipient of the message (receiver). The basic nature of the mass media also indicates that messages are produced by a single (centralized) source and disseminated to all (Grossberg, et al., 1998). The message that is distributed is also massive or spreads regardless of the demographics and what is needed by the recipient of the message.

Mass media in particular, the internet is one of the mass media which is very popular with the general public, especially teenagers. The internet has the meaning that is a collection of several computers, it can even reach millions of computers in the world and then they are connected and connected to one another. The internet can provide a wide variety of information. In the era of globalization people can easily access the internet, even the internet can also be accessed via gadgets. It is this convenience that they get that sometimes makes them abuse the internet. Society, especially teenagers, want things quickly and instantly without paying attention and thinking about what is happening or the impact of their behavior. Cyber mass media is the internetization of conventional mass media as well as new forms of mass communication innovation that are possible due to the unique nature of the internet. (This cyber mass media is hereinafter referred to as "cyber media" because it conforms to the official title of the Press Council.

The presence of the internet in this era of globalization certainly provides various conveniences that we can access at any time. The internet can make it easier for us to access information. Besides that, the internet also makes it easier for us to communicate with others,

because in the mass media, especially the internet, there are various kinds of sites or platforms for us to communicate, such as Facebook, Twitter and others. The rapid development of technology and information creates new problems in society. This can be seen in changes in behavior and lifestyle that seem to follow various foreign cultures. Apart from that, because of the ease with which they can access mass media, they become dependent on mass media. Therefore, it can be concluded that the mass media has an important role for human life. With the existence of mass media technology, it certainly provides various conveniences for human life. However, it turns out that bad impacts also lurk in the general public, especially teenagers as users of mass media. This is what gives rise to various forms of crime in the digital world or often called cyber crime.

Cyber crime is all kinds of use of computer networks for criminal / high-tech criminal purposes by misusing the convenience of digital technology (Wahid and Labib, 2010:40). Meanwhile, according to Widodo (2011: 7), Cyber crime is any activity of a person, group of people, legal entity that uses a computer as a means of committing a crime, or makes the computer a target of crime. Hamzah (1986) which means that cyber crime as a crime in the field of computers in general can be interpreted as illegal use of computers. Parker (Andi Hamzah 1993:18), cyber crime is an action or event related to computer technology. Where one person gains at the expense of another party.

The type of cybercrime that is currently happening among Indonesian youth is pornography. Pornography is included in the type of juvenile delinquency that occurs as a result of the existence of the mass media, because of the lack of supervision of what they do in the mass media. Juvenile delinquency is evil behavior or crime caused by a form of social neglect, so that they develop a deviant form of behavior (Kartono, 2010). Based on data from the Indonesian Child Protection Commission (KPAI), it was noted that there were 526 child complaints related to pornography and cybercrime as of August 2020. Most of the cases occurred in children related to the possession of pornography, with 348 cases. This report increased from the previous year as many as 94 cases. The next most common case was that children became victims of online sexual crimes, with 89 cases. Then the reported children also became victims of pornography from social media as many as 44 cases and victims of bullying from social media as many as 33 cases. Finally, children became bullies on social media in 8 cases and 4 cases of online sexual offenders. From these cases it can be concluded that the most cases regarding pornography and sexual crimes were from social media.

But it turns out that in addition to pornography that attacks teenagers, digital world crimes or Cybercrime are increasing and inevitable. Rosenoer (1997) divides the scope of Cyber Law in a number of ways including: Copyright (copyright), Trademark (brand rights), Defamation (defamation), Hate Speech (blasphemy, insult, slander), Hacking, Viruses, Illegal Access, (attacks on other computers), Regulation Internet Resource (setting internet resources), Privacy (personal convenience), Duty Care (caution), Criminal Liability (crime using IT), Procedural Issues (juridification, evidence, investigation, etc.), Electronic Contract (electronic transactions), Pornography, Robbery (theft via the internet), Consumer Protection (consumer protection), and E-Commerce, E-Government (internet use in daily life).

Cyber Law is important to be enforced as law in Indonesia. This is caused by the development of time. According to those who are pro against Cyber Law, it is time for Indonesia to have Cyber Law, bearing in mind that traditional laws are unable to anticipate the rapid development of cyberspace. Cyber law can be interpreted as law in cyberspace (cyber), particularly the internet and the use of other computer devices. Cyber law is an aspect of law relating to people/humans (legal subjects) who utilize computer and internet technology.

One example of a law that becomes cyber law is Law no. 11 of 2008 or what is often referred to as the Electronic Information and Transaction Law (UU ITE). This law regulates electronic transactions such as video recording data, sound, text, and others that can be used as legal evidence. The ITE Law also explains criminal acts and the threats of punishment given to

perpetrators of crimes in cyberspace. Laws in the cyber world are felt to need to be made to control the rapid growth of technology. Conventional crimes can now occur through computer devices, and even have a higher level of security and processing speed.

According to Sitompul (2012:39), Cyberlaw is required for 2 reasons, namely:

- a. The cyber (virtual) world community comes from the real (real) world that has values and interests.
- b. Transactions in the virtual world will also affect the real world. Individuals in cyberspace must come from individuals in the real world so that the two cannot be separated from each other. The nature, position, behavior and other values will not have much difference either. The same goes for the interests of each individual, both personal and group.

It was previously stated that in Indonesia more and more strategic infrastructure and public services depend on information, technology and network systems. The national security paradigm has shifted to a broader aspect, which includes guaranteeing the personal security of citizens. "The main obligation of a country is to provide security for its citizens, including security from various cyber crimes. At any times citizens can feel threatened by the assets they own" (Marita L, 2015). In a wider range, limited state technology mastery and the absence of stricter regulations regarding cyber defense can seriously harm the state. Other countries or groups with specific interests can easily enter the realm of vital infrastructure that our country has.

Therefore, an information system security policy is needed that provides frameworks for making specific decisions, for example what mechanisms will be used to protect the network and how to design services. Security programming policies are also the basis for developing secure guidelines for users and system administrators to follow. The most important information system security policy exists in the national legal order in the form of the Cyber Law which regulates cyberspace activities including imposing sanctions on malicious and harmful activities. With the existence of a strict cyber law in the international world, it would be able to reduce the rise of crime in the cyber world.

Technical steps that must be taken to be able to monitor the operational continuity of internet network infrastructure. Meanwhile, viewed from a business perspective, the internet is considered as a medium or tool or means for various stakeholders in their efforts to carry out exchange of goods and/or services. Without the context of needs, there will be no business events. On the one hand, there are companies that, if the internet does not work, will incur tremendous losses, while on the other hand, there are organizations that without the internet can still run well. So the need to secure the information system.

As our shared responsibility, we need to carry out prevention and mitigation, especially within the ranks of the government with related agencies and in synergy with non-government parties, the internet is nothing but a combination of a number of technical components - such as computers, routers, hubs, modems, databases, applications, printers, websites, firewalls, and others that form a giant network, where data and information can freely be exchanged for various decisions. Thus the existence of cyber law is expected to become a legal basis for law enforcement processes to combat the use of internet facilities to commit digital crimes.

IV. CONCLUSION

At the present time, where information technology advances very rapidly. Which of course this development provides a lot of benefits and convenience for the survival of society. However, behind the convenience and benefits, of course, there is also the misuse of information technology, so that efforts are needed to prevent and prosecute cyber crime perpetrators. There are many types of cyber crimes, such as credit card theft, hacking, e-commerce, theft of personal data and the spread of fake news that require special handling because these actions are very detrimental to a party. Many people are irresponsible who do not think about the consequences of their actions. Therefore, it is necessary to have a cyber law or cyber law that handles this case. With the existence of this cyber

law or what is commonly called cyber law, it is hoped that crimes in the misuse of information technology can be overcome, the perpetrators are expected to have a sense of fear and deterrence. The public must also be wiser and sort out the information they receive whose truth is not known.

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