

## Harmonization of 'Cyber Crime' Articles in The National Criminal Code

Arista Candra Irawati  
Universitas Ngudi Waluyo

Email Correspondence : aristacandairawati@unw.ac.id

**Abstract.** The Electronic Information and Transactions Law (UU ITE) regulates specific criminal offenses, ensures the freedom of expression as part of Human Rights, must be respected and upheld, protected by the state and law towards legal certainty. Research with the aim of understanding how the Cyber Crime articles in the UU ITE are revoked and how the legal and political harmonization of Cyber Crime provisions is achieved within the National Criminal Code (KUHP). Using the empirical juridical research method, it is concluded: 1. The regulation of Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), Article 30, Article 31 paragraph (1), Article 31 paragraph (2), Article 36, Article 45 paragraph (1), Article 45 paragraph (3), Article 45A paragraph (2), Article 46, Article 47, and Article 51 paragraph (2) is deleted and codified, unifying the National Criminal Code. The legal and political strategy of Law No. 1 of 2023 concerning the National Criminal Code is a renewal of substantive criminal law and a process of legal harmonization among legal norms as a legal system within the unity of the national legal system.

**Keywords:** Cyber Crime Article; Harmonization; National Criminal Code; Legal Politics

### Introduction

Law as a tool to achieve the goals of the state functions and always rests on four fundamental principles of legal ideals (*rechtsidee*), namely: (1) Protecting all elements of the nation for the sake of unity (integration); (2) Realizing social justice in economic and societal realms; (3) Realizing the sovereignty of the people (democracy) and the rule of law (nomocracy); (4) Creating tolerance based on humanity and civility in religious life. The four principles of legal ideals must always be a general foundation guiding the realization of the nation's aspirations and goals, as legal ideals constitute a normative and constitutive belief framework. These legal ideals are normative in nature as they serve as the foundation and ideal prerequisites underlying every positive law, and they are constitutive in nature as they direct the law toward the goals intended by the state.

The strengthening of legal instruments in various fields of life due to the effects of globalization in Indonesia is a crucial aspect in achieving legal ideals. The transformation brought about by globalization can lead to changes across various aspects of society. Changes in the social order within society have implications for changes in the national legal framework. According to Soerjono Soekanto's perspective, the issues that are problematic in the legal system encompass five elements: (1) elements or components of the legal system; (2) fields of the legal system; (3) consistency of the legal system; (4) fundamental understandings of the legal system; and (5) completeness of the legal system.

Mochtar Kusumaatmadja emphasizes that legal instruments consist of principles and rules used to regulate human life in a social context. These must encompass institutions or organizations and processes necessary to make law a reality. In this context, legal instruments are interpreted as tools or foundations of the law. Furthermore, Mochtar Kusumaatmadja states that law requires power for its implementation, while power, on the other hand, is determined by legal boundaries. Power is an absolute necessity within a legal society, meaning a society that is governed by law.

Based on Mochtar Kusumaatmadja's perspective, the majority of Indonesia's legal system is based on an inherited legal system from colonial times to the present day. With the recent historical change in Indonesian Law, after a long period of time during which Indonesia adopted the old Criminal Code (KUHP) sourced from the colonial legal product, *Wetboek van Strafrecht* (WvS), as the national codified criminal law, Law Number 1 of 2023 concerning the Criminal Code (KUHP), known as the National Criminal Code, was enacted to replace this old Criminal Code. It includes provisions governing legal norms related to cybercrime, which are regulated by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

Article 28E paragraph (3) of the 1945 Indonesian Constitution reads, "Every person has the right to freedom of association, assembly, and expression." The Republic of Indonesia guarantees

the existence of freedom of expression, but the presence of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), in its implementation, certain articles are considered to have multiple interpretations. It even fails to reflect the very purpose of the law, namely legal certainty, and can be deemed contradictory to Article 28E paragraph (3) of the 1945 Indonesian Constitution.

The articles that are considered to have multiple interpretations are linked to the increase in recorded instances of the misuse of freedom of expression. In 2016, there were 16 cases related to the Information and Electronic Transactions (ITE) Law. In 2017, the criminal offenses under the ITE Law increased to a total of 48, and further escalated in 2018 with 96 cases. In the following year, 2019, the number reached 170 cases. By the year 2020, the number had risen to 217 cases. In other words, the number of criminals involved in violations of the Information and Electronic Transactions Law (UU ITE) is increasing year by year. In reality, the law guarantees the freedom of expression, but there are certain situations that must be adhered to, such as when speech or expression violates the rights of others, promotes hatred and incites violence. The UU ITE requires improvement to achieve its intended purpose, thus preventing people from using the law as a weapon to criminalize the freedom of expression of society.

The opening of freedom of expression is part of Human Rights and even a component of Constitutional Rights, rights enshrined in the constitution. Human Rights laws are inherent to the existence of humans, which must be respected and upheld, protected by the state, the law, and the government. However, on the other hand, freedom of expression is not absolute. It should not violate the rights of others and should align with the establishment of law to ensure legal certainty.

The Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) that falls outside of the Indonesian Criminal Code (KUHP) is referred to as a special criminal offense. The purpose of regulating special criminal offenses is to address gaps or legal voids that are not covered by regulations in the Criminal Code. However, the relationship between general and special regulations is encompassed within a process of legal harmonization, which is an effort or process to achieve consistency, suitability, compatibility, balance, and harmony among legal norms within legislative regulations as part of the legal system within the unified framework of the national legal system.

As the next development, Law Number 1 of 2023 concerning the Criminal Code (KUHP) as the National Criminal Code was enacted on December 6, 2022. Based on a copy signed by President Jokowi on January 2, 2023, it will replace the previous Criminal Code which was a colonial legacy from the Netherlands in Indonesia. The National Criminal Code consists of 37 chapters, 624 articles, and 345 pages. It is divided into two parts: the article section and the explanations. It also revokes several articles within the ITE Law, guided by Article 622 paragraph (1) letter r number 10 of the National Criminal Code.

### **Problem Statement**

In order to gain a deeper understanding of the implementation and application of the articles of the ITE Law that have been revoked and integrated into the provisions of the National Criminal Code as articles to be enforced in the general criminal enforcement process, no longer falling under the domain of the specific criminal offenses under the ITE Law, the fundamental problem formulation raised in this research is :

1. How are the Cyber Crime articles of the Electronic Information and Transactions Law (UU ITE) that have been revoked ?
2. How is the legal policy of the Cyber Crime articles of the Electronic Information and Transactions Law (UU ITE) in the National Criminal Code ?

### **Research Methodology**

The method used in this study is analytical-descriptive with an approach employing the juridical-empirical method. The data obtained are based on both juridical aspects and empirical aspects that serve as tools. Analytical-descriptive means to depict and portray something as the subject of research critically through qualitative analysis within the scope of legal science. Therefore, this normative approach encompasses legal principles, synchronization of legislative regulations, and even the effort to discover concrete legal solutions.

In this study, the legal policy is discussed in relation to the renewal of the National Criminal Code (KUHP) regarding the implementation of "cyber crime" offenses to ensure legal certainty and justice.

## Discussion

### The Revoked Cybercrime Articles of the Electronic Information and Transactions Law (UU ITE).

Law Number 1 of 2023 concerning the Criminal Code (KUHP) as the National Criminal Code was enacted on December 6, 2022. Based on a copy signed by President Jokowi on January 2, 2023, several articles of the Electronic Information and Transactions Law (UU ITE) have been revoked.

The revocation of the cyber crime articles is in accordance with Article 622 paragraph (1) letter r number 10 of the National Criminal Code, which states that 'Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), Article 30, Article 31 paragraph (1), Article 31 paragraph (2), Article 36, Article 45 paragraph (1), Article 45 paragraph (3), Article 45A paragraph (2), Article 46, Article 47, and Article 51 paragraph (2) of Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4843), as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2016 Number 251, Supplement to State Gazette of the Republic of Indonesia Number 5952);' are revoked and declared null and void.

The revoked articles are codified and unified in their application under the articles of the National Criminal Code, namely:

---

THE REVOCATION AND AMENDMENT OF ARTICLE PROVISIONS OF THE  
ELECTRONIC INFORMATION AND TRANSACTIONS LAW (UU ITE) ARE  
ESTABLISHED IN THE NATIONAL CRIMINAL CODE

---

**Article 27**

(1) Every person, intentionally and without right, distributes and/or transmits and/or makes electronically accessible information and/or electronic documents containing content that violates decency.

**Article 45**

(1) Anyone who intentionally and without right distributes and/or transmits and/or makes electronically accessible information and/or electronic documents containing content that violates decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion Indonesian rupiah).

**Article 27**

(3) Anyone who intentionally and without right distributes and/or transmits and/or makes electronically accessible electronic information and/or documents that contain content of insult and/or defamation of character.

**Article 45**

(3) Anyone who intentionally and without right distributes and/or transmits and/or makes electronically accessible electronic information and/or documents that contain content violating decency as referred to in Article 27 paragraph (3) shall be punished with imprisonment for a maximum of 4 (four) years

(1) **Reference changed to Article 407;  
Part Two Pornography Article 407**

Anyone who produces, creates, duplicates, copies, disseminates, broadcasts, imports, exports, offers, trades, rents, or provides Pornography shall be punished with a minimum imprisonment of 6 (six) months and a maximum imprisonment of 10 (ten) years or a minimum fine of category IV and a maximum fine of category VI.

(2) The act as stipulated in paragraph (1) is not punishable if it is a work of art, culture, sports, health, and/or science.

**Reference changed to Article 441;**

Article 441

(1) The criminal provisions as referred to in Article 433 to Article 439 may be increased by 1/3 (one-third) if committed using information technology.

(2) The criminal provisions as referred to in Article 433, Article 434, and Article 436 may be increased by 1/3 (one-third) if the insult or defamation is directed towards an Official who is lawfully performing their duties.

---

and/or a fine of up to Rp750,000,000.00 (seven hundred and fifty million Indonesian rupiah).

**Article 28**

(2) Anyone who intentionally and without right disseminates information intended to incite hatred or hostility towards individuals and/or certain community groups based on ethnicity, religion, race, and intergroup relations (SARA).

**Article 45A**

(2) Anyone who intentionally and without right distributes with the intent to incite hatred or hostility towards individuals and/or certain community groups based on ethnicity, religion, race, and intergroup relations (SARA) as referred to in Article 28 paragraph (2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion Indonesian rupiah).

---

**Article 30**

- (1) Anyone who intentionally and without right or unlawfully accesses another person's computer and/or electronic system by any means.
- (2) Anyone who intentionally and without right or unlawfully accesses a computer and/or electronic system by any means with the intention to obtain electronic information and/or electronic documents.
- (3) Anyone who intentionally and without right or unlawfully accesses a computer and/or electronic system by any means by violating, breaching, surpassing, or bypassing security systems.

**Article 46**

- (1) Anyone who fulfills the elements as referred to in Article 30 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp600,000,000.00 (six hundred million Indonesian rupiah).
- (2) Anyone who fulfills the elements as referred to in Article 30 paragraph (2) shall be punished with imprisonment for a maximum of 7 (seven) years and/or a fine of up to Rp700,000,000.00 (seven hundred million Indonesian rupiah).
- (3) Anyone who fulfills the elements as referred to in Article 30 paragraph (3) shall

---

**Reference changed to Article 243;**

Article 243

- (1) Anyone who broadcasts, displays, or affixes writings or images in a manner visible to the public, or plays recordings audibly to the public, or disseminates using information technology means, containing expressions of hostility with the intent to make the content known or better known to the public, against one or more groups or populations of Indonesia based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability resulting in the occurrence of Violence against people or Property, shall be punished with imprisonment for a maximum of 4 (four) years or a fine of up to category IV.
- (2) If anyone as referred to in paragraph (1) commits the aforementioned criminal act in the course of their profession, and within 2 (two) years since the final legal verdict of conviction for committing the same criminal act has not passed, the offender may be subject to additional punishment in the form of revocation of rights as stipulated in Article 86 subparagraph f.

---

**Reference changed to Article 332; and 134**

Article 332

- (1) Anyone who intentionally and without right or unlawfully accesses another person's computer and/or electronic system by any means shall be punished with imprisonment for a maximum of 6 (six) years or a fine of up to category V.
- (2) Anyone who intentionally and without right or unlawfully accesses a computer and/or electronic system by any means with the intention to obtain electronic information and/or electronic documents shall be punished with imprisonment for a maximum of 7 (seven) years or a fine of up to category V.
- (3) Anyone who intentionally and without proper authorization or unlawfully gains access to a computer and/or electronic system through any means by violating, breaching, surpassing, or bypassing security systems shall be subject to a maximum imprisonment of 8 (eight) years or a fine of up to category VI.

Paragraph 2 Unauthorized Use or Access of Computers and Electronic Systems

Article 134

---

---

be punished with imprisonment for a maximum of 8 (eight) years and/or a fine of up to Rp800,000,000.00 (eight hundred million Indonesian rupiah).

**Article 31**

- (1) Anyone who intentionally and without right or unlawfully intercepts or wiretaps electronic information and/or electronic documents within a specific computer and/or electronic system owned by another person.
- (2) Anyone who intentionally and without right or unlawfully intercepts transmissions of non-public electronic information and/or electronic documents from, to, and within a specific computer and/or electronic system owned by another person, whether it causes any changes or involves altering, erasing, and/or stopping the transmission of electronic information and/or electronic documents being transmitted..

**Article 47**

Anyone who fulfills the elements as referred to in Article 31 paragraph (1) or paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of up to Rp800,000,000.00 (eight hundred million Indonesian rupiah).

An individual cannot be prosecuted twice in the same case if there has been a court verdict that has acquired legal force.

**The reference is changed to Article 258 paragraph (2).**

**Paragraph 3 Wiretapping**

Article 258 (1) Anyone who unlawfully listens to, records, diverts, alters, obstructs, and/or records transmissions of Non-Public Electronic Information and/or Electronic Documents, whether using wired communication networks or wireless networks, shall be punished with imprisonment for a maximum of 10 (ten) years or a fine of up to category VI.

(2) Anyone who broadcasts or disseminates the results of conversations or recordings as referred to in paragraph (1), shall be punished with imprisonment for a maximum of 10 (ten) years or a fine of up to category VI.

(3) The provisions referred to in paragraph (1) do not apply to anyone who implements the provisions of laws and regulations or carries out official orders as referred to in Article 31 and Article 32.

---

**Furthermore, regulated in Article 79 of the Indonesian Criminal Code (KUHP) regarding provisions on criminal fines, namely:**

(1) The maximum fines are determined based on the following categories:

- a. Category I, Rp1,000,000.00 (one million Indonesian Rupiah)
- b. Category II, Rp10,000,000.00 (ten million Indonesian Rupiah)
- c. Category III, Rp50,000,000.00 (fifty million Indonesian Rupiah)
- d. Category IV, Rp200,000,000.00 (two hundred million Indonesian Rupiah)
- e. Category V, Rp500,000,000.00 (five hundred million Indonesian Rupiah)
- f. Category VI, Rp2,000,000,000.00 (two billion Indonesian Rupiah)
- g. Category VII, Rp5,000,000,000.00 (five billion Indonesian Rupiah)
- h. Category VIII, Rp50,000,000,000.00 (fifty billion Indonesian Rupiah).

(2) In the event of changes in the value of money, the determination of the amount of fines shall be established by Government Regulation.

Guided by the revocation of Cyber Crime Articles regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4843) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2016 Number 251, Supplement to State Gazette of the Republic of Indonesia Number 5952), which is binding and effective since the enactment of the National Criminal Code, it implies that the Government should promptly revise the ITE Law. This is because the articles that have been perceived by the Indonesian society as open to multiple interpretations and subjected to law enforcement processes that are considered unfair have been codified and unified in the National Criminal Code, with the regulation of legal norms as part of Indonesia's national legal aspirations, consolidating criminal law/unification as well as being responsive, adaptive, and harmonious in providing legal certainty and justice.

## **The legal implications of Cyber Crime Articles in the Electronic Information and Transactions Law (ITE Law) within the National Criminal Code.**

### **Law as a Tool of Social Engineering.**

Roscoe Pound's perspective suggests that law should act as a driving force towards positive societal changes. The role of law within every society (except totalitarian ones) is determined and constrained by the need to balance legal stability and certainty with the evolving nature of law as a tool for social revolution. Therefore, changes in societal life should be well-planned and directed, so that the objectives of these changes can be achieved with guidance and protection from the law. In this regard, law actively functions as a tool of social engineering. Efforts are made to ensure that the law can accommodate all new developments. Based on Roscoe Pound's theory of "Law is a tool of Social Engineering," this lays the groundwork for the deliberate use of law to bring about societal changes, indicating that law plays an active role in engineering social changes within society. In relation to neutral law, its role is to establish actions and behaviors to ensure legal certainty. However, in the realm of personal life, the law should serve as a means of control within society.

The existence of law positions it as a tool to achieve the State's objectives, thereby establishing the supremacy of law as an effort to centralize law as the guiding principle and framework in the pursuit of the State's goals through national legal policies, rather than as an instrument that supports the will of the executive or the current governing authority.

Several factors that have been identified as obstacles to law enforcement in Indonesia include:

- 1) The supremacy of the law remains merely rhetoric and political slogans echoed during campaigns;
- 2) The current legislation still reflects the interests of the ruling politicians more than the interests of the people;
- 3) The low moral integrity, credibility, professionalism, and legal awareness of law enforcement officials in upholding the law;
- 4) The lack of facilities and resources that support the smooth process of law enforcement;
- 5) The low level of legal awareness and culture in society, as well as the lack of respect for the law;
- 6) The paradigm of law enforcement is still positivist-legalistic, prioritizing the achievement of formal justice rather than substantial justice;
- 7) Policies taken by relevant stakeholders in addressing law enforcement issues are partial, patchwork, not comprehensive, and unsystematic.

Based on Roscoe Pound's theory of "Law is a tool of Social Engineering," linked to the repeal of Article 27 paragraph (1), Article 27 paragraph (3), Article 28 paragraph (2), Article 30, Article 31 paragraph (1), Article 31 paragraph (2), Article 36, Article 45 paragraph (1), Article 45 paragraph (3), Article 45A paragraph (2), Article 46, Article 47, and Article 51 paragraph (2) of the ITE Law, they are interpreted in various normative ways, reconstructed, reformulated, and codified into the National Criminal Code. For instance, the content of Article 434 in conjunction with Article 435 of the National Criminal Code is qualified to differentiate between defamation and slander offenses. In cases where someone commits the crime of defamation, and they are given the opportunity to prove the truth of the accusations, but fail to do so, and the accusations contradict their knowledge, then the perpetrator is penalized for slander. The maximum imprisonment is 4 (four) years or a fine of category IV at most. In such circumstances, if it is proven that the action constitutes slander, the potential sentence is higher than just defamation, reaching up to 4 years. These articles impose caution on individuals, urging them to avoid intentionally making false accusations to avoid being charged with the crime of slander.

The provisions of the articles of the ITE Law that are unified within the National Criminal Code, therefore, the law plays an active role as a tool of social engineering. The law is neutral in nature. The law plays a role in creating certain legal actions and behaviors, while in the realm of personal life, the law must serve as a means of control within society. Furthermore, the National Criminal Code develops a paradigm of fines as sanctions, no longer focusing on imprisonment. Linked to Roscoe Pound's theory, this approach promotes caution in imposing custodial sentences. Humanitarian considerations must be prioritized through legal certainty when imposing penalties on

individuals. The concept of "Law is a tool of Social Engineering" aims to shape and operationalize a national legal system based on Pancasila and the 1945 Constitution. Law, as a tool of social engineering, must earnestly consider the diversity of applicable legal principles in order to realize order, tranquility, ensure legal certainty, and provide justice to society.

### **The Legal Politics of the National Criminal Code**

The underlying principles as stated in the general explanation of Law Number 1 of 2023 regarding the Criminal Code (KUHP) basically.

The National Criminal Code renewal is directed towards a singular mission that encompasses the concept of "decolonization" of the Criminal Code through the form of "reclassification," in line with developments both nationally and internationally. The second mission is the mission of "criminal law democratization." The third mission is the mission of "criminal law consolidation" because since independence, criminal legislation has undergone rapid development, both within and outside the Criminal Code, with various unique aspects, necessitating a reorganization within the framework of the principles of criminal law outlined in Book I of the Criminal Code.

The mission of adaptation and harmonization encompasses various legal developments, resulting from advancements in the field of criminal law as well as the evolution of values, standards, and norms recognized by nations in the international arena. This mission is placed within the framework of legal policy through codification and unification, aimed at establishing and upholding consistency, justice, truth, order, utility, and legal certainty.

Based on Satjipto Rahardjo's perspective, legal politics is the activity of choosing and determining the methods to achieve specific social and legal goals within society (with an emphasis on a sociological approach). In the study of legal politics, there are four aspects: firstly, defining the objectives of the existing legal system; secondly, identifying the most suitable methods to achieve these objectives; thirdly, determining when the law needs to be changed and how such changes should be carried out; and fourthly, formulating a standardized and established pattern that can assist in deciding the process of selecting goals and the appropriate methods to achieve them. Furthermore, Soedarto's perspective on the definition of legal politics is that it is the policy of the State through authorized State bodies to establish desired regulations, which are expected to be used to express the content within society and achieve the intended goals.

Legal politics is inseparable from legal cultures, as a legal concept is understood, perceived, executed, and interpreted, it must be directed towards building awareness in law enforcement. In law enforcement, it must touch on 4 (four) indicators, namely:

1. Legal provisions must ensure consistency among regulations of varying hierarchical levels, as conflicts between regulations can lead to legal uncertainty.
2. Law enforcement officials require strong mental resilience and high integrity, as a breakdown in their mindset can hinder the success of legal enforcement.
3. Sufficient legal implementation facilities are crucial, as without adequate resources, law enforcement becomes challenging.
4. Awareness, legal compliance, and societal behaviour play a pivotal role in the legal system.

The national legal politics must always be directed towards the nation's ideals, which are a just and prosperous society based on Pancasila.

The inclusion of the Cyber Crime Article in the National Criminal Code represents a modernization of Indonesia's national laws. The state restricts or regulates the freedom of criminal acts committed through online means that cause prolonged suffering and extensive impact on victims due to the absence of spatial and temporal boundaries, while ensuring that these actions do not infringe upon the fundamental rights of others. This is achieved by carefully balancing national interests, societal concerns, and individual interests within the Unitary State of the Republic of Indonesia, based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

### **Conclusion**

The freedom to associate and assemble, to express thoughts verbally and in writing, and similar rights are established by law. Human rights, as enshrined in the Human Rights Law, are an inherent aspect of human existence that must be respected, upheld, and protected by the state, the legal system, and the government. The digitalization transformation conveys that expressing opinions is the right of every citizen, to communicate thoughts verbally, in writing, and through other means, freely and responsibly, in accordance with applicable regulations, without infringing on the rights of others or causing harm. Conversely, in the event of harm, criminal sanctions may

be applied.

The role of law as a tool of social control can function effectively through proper socialization to the community, so that they understand that law establishes order and tranquility in societal life. Once the community realizes that law serves as guidelines to be collectively adhered to, aiming for harmony and as a means to resolve conflicts, it is hoped that society will abide by and internalize the law in their lives, emphasizing legal structure, legal substance, and legal culture.

### **References**

- Mahfud MD, 2012, *Membangun Politik Hukum, Menegakkan Konstitusi*, Jakarta, Rajawali Pers, PT RajaGrafindo Persad
- Mahfud MD, 2013, *Hukum Tata Negara*, Jakarta, Jakarta, Rajawali Pers, PT RajaGrafindo Persada
- Abdul Manan, 2018, *Dinamika Politik Hukum Di Indonesia*, Jakarta Timur, Kencana
- Teuku Muhammad Radie, 1995, *Permasalahan hukum Islam dalam Perspektif Hukum Nasional*, Bandung, Angkasa
- Adji Samekto, 2015, *Pergeseran Pemikiran Hukum Dari Era Yunani Menuju Postmodernisme*, Konpress, Jakarta
- Anak Agung Putu Wiwik Sugiantari, 2015, *Perkembangan Hukum Indonesia dalam Menciptakan Unifikasi dan Kodifikasi Hukum*.
- Anggara, et al, 2014, *Pra peradilan di Indonesia Teori, Sejarah dan Praktiknya*, Institute for Criminal Justice Reform, Jakarta.
- Andi Hamzah, 2008, *Hukum Acara Pidana Indonesia*, Sinar Grafika, Jakarta.
- Barda Nawawi Arief and Barda Nawawi Arief, 1996, *Bunga Rampai Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung.
- Bernard Arief Sidharta, 2013, *Ilmu Hukum Indonesia, Upaya Pengembangan Ilmu Hukum Sistemik Yang Responsif Terhadap Perubahan Masyarakat*, Genta Publishing, Yogyakarta
- Fatoni, *Pembaharuan Sistem Pemidanaan: Perspektif Teoritis Dan Pragmatis Untuk Keadilan*
- H.A.S Natabaya, 2008, *Menata Ulang Sistem Peraturan Perundang-Undangan Indonesia. Jejak Langkah dan Pemikiran Hukum Prof. H.A.S Natabaya, SH.LLM, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi*, Jakarta.
- lawrence m. friedman, 1975, *legal system: a social science perspective*,: russel sage foundation, new york.
- Sudikno Mertokusumo, 2014, *Penemuan Hukum Sebuah Pengantar*, Edisi Revisi, Cahaya Atma Pustaka, Yogyakarta.
- L.j Van Apeldoorn dalam Shidarta, 2006, *Moralitas Profesi Hukum Suatu Tawaran Kerangka Berfikir*, PT.REVIKA Aditama, Bandung

### **Legislation:**

Constitution of 1945

Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843), as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2016 Number 251, Supplement to the State Gazette of the Republic of Indonesia Number 5952).

Law Number 1 of 2023 Regarding the Criminal Code