

An Analysis of Information and Electronic Transaction (ITE) Crimes from The Perspective of Criminal Law and Victim Protection

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ABSTRACT: Social activities, economic transactions, communication, and the dissemination of information are now conducted through electronic media. However, this modernization has also been accompanied by the emergence of new forms of crime that were previously unknown in conventional criminal law. Technology-based crimes, or cybercrime, pose a serious challenge to the national legal system, particularly with regard to law enforcement and victim protection. Indonesia has responded to this phenomenon through Law Number 11 of 2008 on Information and Electronic Transactions, which was later amended by Law Number 19 of 2016. Nevertheless, the implementation of the ITE Law continues to give rise to various problems, such as the multiple interpretations of legal provisions, difficulties in electronic evidence, and disparities in victim protection. These conditions indicate the need for an in-depth academic study to evaluate the effectiveness of existing regulations and to formulate a more comprehensive model of legal protection.

KEYWORDS: Criminal Law and Victim Protection

INTRODUCTION

The development of information and communication technology has brought significant changes to various aspects of human life. Social activities, economic transactions, communication, and the dissemination of information are now conducted through electronic media. However, this modernization has also been accompanied by the emergence of new forms of crime that were previously unknown in conventional criminal law. Technology-based crimes, or cybercrime, pose a serious challenge to the national legal system, particularly in relation to law enforcement and victim protection.¹

Indonesia has responded to this phenomenon through Law Number 11 of 2008 on Information and Electronic Transactions, which was later amended by Law Number 19 of 2016. Nevertheless, the implementation of the ITE Law continues to give rise to various problems, such as multiple interpretations of legal provisions, difficulties in electronic evidence, and disparities in victim protection.² These conditions indicate the need for an in-depth academic study to evaluate the effectiveness of existing regulations and to formulate a more comprehensive model of legal protection. Based on these considerations, the author conducts a study entitled "An Analysis of ITE Crimes from the Perspective of Criminal Law and Victim Protection."

Problem Formulation

1. What are the various forms of ITE-related crimes that have emerged in Indonesia?
2. How effective is the ITE Law in combating ITE-related crimes?

¹ Rahmanto, T. Y., Kav, J. H. R. S., & Kuningan, J. S. (2019). Penegakan hukum terhadap tindak pidana penipuan berbasis transaksi elektronik. *Jurnal Penelitian Hukum De Jure*, 19(1), 31.

² Wardhana, R. S. K. (2021). Kebijakan Hukum Pidana Dalam Menanggulangi Tindak Pidana Penipuan Melalui Sarana Elektronik. *Jurnal Ilmiah Dunia Hukum*, 5(2), 111-133.

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METHODOLOGY

This research employs a **normative legal research method (doctrinal legal research)**, which focuses on the analysis of positive legal norms governing Information and Electronic Transaction (ITE) crimes and victim protection within the Indonesian criminal law system, using a **statutory approach**..³

DISCUSSION AND RESULT

Types of Information and Electronic Transaction (ITE) Crimes

The development of technology has given rise to various forms of digital crime, including :⁴

1. Defamation and Hate Speech

Activities involving the dissemination of information that may damage an individual's reputation or incite hostility through social media and other electronic platforms.

2. Online Fraud and Phishing

Fraudulent activities carried out through investment scams, fake lotteries, or identity theft by exploiting digital manipulation techniques.

3. Unauthorized Disclosure of Personal Data (Data Leaks)

Including the publication of telephone numbers, personal photographs, or confidential information without the consent of the data subject.

4. Cyberbullying and Cyberstalking

Acts of insult, threats, or harassment conducted repeatedly through electronic media.

5. Illegal Access and Hacking

Actions involving unauthorized access to another person's system for economic, political, or criminal motives.

These forms of crime underscore the need for regulatory reform and the enhancement of law enforcement capacity.

Legal Framework for Addressing Information and Electronic Transaction (ITE) Crimes

The primary regulation for addressing ITE crimes is :⁵

1. Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 on Information and Electronic Transactions (ITE Law)

- a. Covers provisions related to defamation, fraud, illegal access, data manipulation, and electronic threats.
- b. Has relevance to the Indonesian Criminal Code (KUHP), particularly concerning offenses of defamation and fraud.
- c. Harmonizes with the Personal Data Protection Law (PDP Law) as a new legal instrument for safeguarding personal data.

Nevertheless, there are several implementation weaknesses :⁶

- a. Ambiguous provisions that are prone to misuse.
- b. Difficulties in proving electronic evidence due to the modifiable nature of digital data.
- c. Weak inter-agency coordination and limited digital expertise among investigators.

CONCLUSION

1. ITE crimes have increasingly developed alongside the rapid advancement of digital technology, including defamation, online fraud, unauthorized disclosure of personal data, and illegal access.
2. The ITE Law provides an important legal framework; however, its implementation still faces challenges, particularly regarding ambiguous provisions and the limited technological expertise of law enforcement officers.

³ Sunggono, Bambang. "Metodologi Penelitian Hukum, Raja Grafindo Persada, Jakarta, 2006." Suteki dan Galang Taufani, Metode Penelitian Hukum (Filsafat, Teori dan Praktik), Raja Grafindo Persada, Depok (2020).

⁴ Abidin, D. Z. (2015). Kejahatan dalam teknologi informasi dan komunikasi. Jurnal Processor, 10(2), 509-516.

⁵ Aprilianti, A. (2024). Efektivitas dan Implementasi Undang-Undang Informasi dan Transaksi Elektronik sebagai Hukum Siber di Indonesia: Tantangan dan Solusi. *Begawan Abioso*, 15(1), 41-50.

⁶ Ganjar, S. D. (2025). Urgensi Pembaruan Hukum Pidana dalam Menanggulangi Kejahatan Siber: Tinjauan Kritis Terhadap Kesesuaian KUHP Nasional dan Perubahan UU ITE. *Locus Journal of Academic Literature Review*, 4(3), 197-208.

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ACKNOWLEDGMENT

I declare truly that to the best of my knowledge in this research there is no scientific work that has ever been submitted by anyone else.

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