



## **THE ROLE OF LEGAL DIGITIZATION ON CYBERCRIME CONTROL IN INDONESIA**

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### **Abstract:**

*The purpose of this research is to find out and analyze the extent of the efforts made by the Government and the DPR in overcoming the problems of articles that are multi-interpreted in several existing laws in Indonesia regarding the use of digital applications so that there is legal certainty, and bring up fair and transparent law enforcement. This research discusses the efforts made by the Government and the DPR in an effort to minimize the existing turmoil by doing various ways in order to overcome the problems associated with articles that are multi-interpreted in several existing laws in Indonesia regarding the use of digital applications, besides that in other studies only on the description of multi-interpreted articles and the explanation of the case, while in this research there is an addition on how to overcome problems to prevent turmoil in the community related to multi-interpreted articles that affect legal certainty and law enforcement. The research method used is descriptive qualitative analysis with a literature research approach. From the results of existing research, the conclusion of this study is that there are several articles of multiple interpretations that exist in the laws and regulations in force in Indonesia, where the article is article 27 paragraph 2 and article 28 paragraph 2 of Law No. 11 of 2008 concerning ITE and Article 1 Paragraph 4 of Law No. 27 of 2022 concerning the protection of personal data that is detrimental to society, as has happened in several cases in Indonesia. In addition, from the results of the research, it can be seen that there are several ways to prevent this multi-interpretation article, namely by conducting restorative justice for handling cases related to digital use activities, the efforts of the community to conduct judicial reviews of articles that are multi-interpreted when using digital applications, and the Government's desire to revise several articles in the law relating to the use of digital applications. If the implementation of articles that are contrary to the conscience of the people, which are multi-interpretive and also not in accordance with what the community expects is continued, it will make the State lose its authority, and the law will not be dealt with properly, to the detriment of the community, where this article will erode public confidence in law enforcement in Indonesia which is currently being tested because of the incompetence of law enforcers in handling cases.*

### **Keywords:**

Digitalization, law, development, control, cyber crime

### **1. Introduction**

The changing times gave rise to various eras, where in the 80s technology appeared as a connector for telephones, both landlines and public telephones, so that in the 90s the name telephone shop (wartel) appeared. In addition, in the 90s also appeared internet or web technology, where at that time the development of the internet was only limited to finding information. It was only in the 2000s that a special network for social relations on the internet began to appear through chat and Facebook applications, then in the 2010s various applications for trading activities began to appear, as well as applications for investment. In the period of the 2020s, online trading applications, investments and applications related to activities appeared, which at first these two applications were applications that did not harm the community as consumers. However, over time these two applications have harmed the community as consumers, where many consumers feel losses when using online trading and online investment applications, so that they have a negative effect on society. (Mahfiana, 2017) (Mahfiana, 2017) states that along with the rapid development of the times and dynamic changes, giving rise to the digital world or the era of digital technology, where all activities in people's lives use digital technology or use online applications, where this application has provided many benefits for the community, in addition to several applications that have negative effects on the community as users or consumers of the application.

The digital world is characterized by the emergence of several applications that can eventually become artificial intelligence intended for the benefit of people's lives, where with the emergence of several digital applications that are useful for humans, such as social media for social relations activities, such as chat applications in the 1990s, web applications for creating webs, applications for creating emails, social media applications, such as Facebook, Twitter, and Instagram, as well as applications for economic activities and trade, such as e-commerce applications, marketplace applications, investment applications and also crypto applications that are well known today. (Piliang, 2017) (Piliang, 2017) explains that the various applications that appear can make a person or group of people create a threat of criminality and crime in society, where these negative effects will tend to harm the community, and make people apathetic towards this digital technology and assume that this digital technology has many bad effects than the positive effects that exist, so that people will switch to technology that does not or tends to harm them.

In addition to application technology to be utilized through community activities, this digital technology is also made a technology that is used to help humans in various professions, where this digital technology can be adapted to an artificial intelligence technology, where this artificial intelligence technology can be used for defense and security technology, as well as to protect personal data from the community, as is done in population administration through e-ktip, as well as other matters related to population data collection and also human life. (Ardiyanti, 2016) (Ardiyanti, 2016) explains that artificial intelligence can not only be used for things that are beneficial to society and help people in various fields, but can also be used as a tool to create a crime, such as the technology to break into bank accounts, break into personal data for personal interests and crimes, as well as data manipulation crimes for the benefit of terrorism and other crimes that harm other countries which lead to cyber warfare.

In applying digital technology, it is not only influenced by the procurement of digitization technology, but also made a legal device through applicable laws and regulations, where this law in various countries is very different. As in Indonesia, the digitalization of this law exists in several existing laws, where existing legal instruments can regulate the use of digitalization, as well as prevent the application of digitalization so that it does not become a tool to harm society and also the State. (Sari, 2021) (Sari, 2021) states that existing legal instruments can be used to ward off various cyber crimes in cyberspace, where this cyber crime is closely related to a set of digital networks that are used to commit crimes with various knowledge related to the digital world, where the law can be used to regulate things that have not been regulated in such a way, so that there is legal certainty.

(Okano-Heijmans, Maaik and Voose, 2021) The legal certainty that exists in every activity or community activity through digital applications must of course be carried out a legal breakthrough, as well as the appropriate and unambiguous enforcement of legal sanctions so that later the community will be more careful in using each application or platform that exists, so that the community can later understand and understand the legal consequences imposed on them due to actions taken when using certain applications and platforms, so that the community will be protected from every thing they want to do, so that these intentions and actions can be a good control that will allow the community to carry out activities using digital applications properly. (Pawar, Shekhar and Palivela, 2022) (Pawar, Shekhar and Palivela, 2022) state that a truly definite law will make people able to easily understand, and apply strong controls so that they do not carelessly use digital applications, even though we are free to express something in the application, but the freedom of expression in the application has limits that make application users must respect the privacy and human rights of others.

Indonesia as a State of law should make existing rules relating to the digitization of this law not limit something that makes human rights disturbed, where the laws in Indonesia are dynamic and need to be changed at any time so that later the law cannot be dealt with carelessly which makes privacy and human rights disturbed, thus making people no longer want to use digital applications, even though digital applications are now a necessity in people's daily activities. (Kim, 2019) Explains that human rights in using digital applications must be truly protected, and really considered, where if human rights have been disturbed, it will cause uproar and public antipathy to the rules that are made, so that later these rules will have an impact on decreasing trust in the law itself, where this needs to be used as a basic reference in making a legal framework so that later the bills created do not become controversial, and are not sued by the public. Indonesia should view the existing law as a tool to take action against those who are wrong, and the law should be a tool to create certain justice and indiscriminately take action against those who violate the privacy and human rights of application users, where if application users commit acts beyond reason or commit acts of criminality, then the law becomes the only tool to create justice, and make legal digitization as the first step towards achieving a just law and in favor of the community as users.

(Huang et al., 2021) (Huang et al., 2021) explain that the true level of justice requires a strong impetus so that the attitudes and behavior of the community when this digital application is applied can become a filter that prevents someone from committing actions that harm themselves and others, where the law provides warnings to parties who violate the provisions in the use of applications, so that the law becomes the only way out of some problems that cannot be resolved properly by society in a peaceful and peaceful manner. What is an obstacle to the process of legal digitization in Indonesia today is that some of the existing laws to suppress and counteract every action of the community that will act and express something in digital applications have not been able to create true justice, where the rules made in the law are still there are multi-interpretations, and the existing rules have not really been enforced in reality. However, the law must really help the community, even though the existing laws are still not perfect, so that the existence of existing laws and rules is expected to ward off and prevent people from acting outside the normality of society in general, so that in the end it can prevent people from committing crimes and criminality in the digital world. (Dwivedi, Yogesh K., 2022) (Dwivedi, Yogesh K., 2022) states that the law is a milestone in the establishment of forces that can prevent and hinder every human action, especially when acting on behalf of individuals, groups, and institutions, as well as organizations, where the law must be a problem solver that cannot be resolved properly peacefully and openly, so that with an upright law it will make the existing race of justice real and be able to make the law a reference point in overcoming all forms of community action beyond the limits of reasonableness. With this multi-interpretation rule, the prevention of cybercrime in the digital world now becomes ambiguous and makes the law no clear certainty, so a comprehensive policy is needed to overcome such problems. This will create legal stability and also reduce the turmoil in society. Some of the laws that experience multiple interpretations are as follows:

- Law Number 11 of 2008 concerning ITE Article 27, where in this article the public is prohibited from further disseminating and transmitting immoral content, which if done will be subject to criminal offenses. In this article, there has been a misunderstanding of ordinary people who are actually victims of sexual harassment, where the community reported sexual harassment by transmitting recordings of verbal conversations about sexual harassment committed by their superiors. This became a polemic when his superior reported to the police and was named a suspect by the police, but in court was acquitted, so that the existence of this multi-interpretation article can be used as a loophole to discriminate against parties who intentionally or not have used this digital application to commit a criminal offense, where the statement of the article there is a big misunderstanding and can cause chaos which leads to legal uncertainty.
- Article 28 Paragraph 2 of the ITE Law states that every person or group is prohibited from disseminating information that creates hatred or hostility between one person, as well as certain community groups based on ethnicity, religion and race. This article has become multi-interpretive because it curbs human rights in providing expression and criticism or suggestions, as many people have stumbled over defamation issues on behalf of ethnicity, religion and race which makes this article a trap article for those who are not careful in using digital applications.
- Articles in Law No. 27 of 2022 concerning personal data protection, where Article 1 Paragraph 4 states that the parties controlling this data are individuals, public bodies and international organizations, where this article is multi-interpretive and has not provided a clear legal umbrella regarding the functions of each party, so that personal data protection will be weak and cause a lot of personal data to leak, especially those related to financial aspects.
- (Nilangsari, Sri Yuyu and Muhammad, 2021) stated that there are many aspects that are discussed by the legislation, one of which is the digitalization of the distribution of zakat, where in the terrorism law zakat intended for terrorism activities, both in the form of cash funds, and through funds in digital form is still categorized as a criminal act of terrorism, where the aspect of channeling zakat funds should also enter the criminal act of money laundering which has not been regulated thoroughly, thus causing multiple interpretations in the implementation of the law.

(Bunga, 2019) stated that the differences in multiple interpretations of the law, especially those related to the legal formal of the cybercrime law, where this legal formal applies if the criminal act committed really proves that he committed the criminal act in question, but if he feels that he did not do this, then the legal formal that exists in the

law, especially in each article, will make it impossible to say that the law is properly implemented by law enforcement. (Ringgi et al., 2017) (Ringgi et al., 2017) explains that every law must be able to display all aspects of the law that can provide a deterrent effect, as well as provide protection to parties who are victims of criminal acts that exist in every activity, especially activities in the digital world, so that it can be said that every existing article must provide legal certainty for every problem, so that later with legal certainty, there will be no more forms of public distrust of existing laws. In addition to the multiple interpretations of existing articles, there is also law enforcement that has not been enforced in reality, so that it has an impact on the decline in the level of legal certainty that exists, where with law enforcement that is still biased, it will have a significant impact on people's lives, where legal uncertainty will have an impact on the distrust of various parties towards the State, especially on the Indonesian economy which is experiencing economic improvement after the Covid-19 pandemic. (Stevani, Winnie and Disemadi, 2021) (Stevani, Winnie and Disemadi, 2021) states that legal certainty is a must for every law enforcer to really pay attention to a sense of justice and humanity, where justice can reflect a strong legal illustration that makes humans sensitive to what is happening in society and the State.

(Sviatun et al., 2021) (Sviatun et al., 2021) states that the concept of justice can be seen from the real evidence of law enforcement in creating a real and impartial justice system, but does not have certain interests and motives, so that later with an upright law it will provide clear evidence that the law has a formal legal that can reflect the sense of justice experienced by the community. Based on the background of the problems that have been described, the problem formulation in this study is the existence of multi-interpretive articles in several existing laws in Indonesia regarding the use of digital applications, where these multi-interpretive articles affect the existing legal certainty, so that law enforcement becomes not optimal. The purpose of this research is to find out and analyze the extent of efforts made by the Government and the DPR in overcoming the problem of multi-interpretive articles in several existing laws in Indonesia regarding the use of digital applications so that there is legal certainty, and bring up fair and transparent law enforcement. This research discusses the efforts made by the Government and the Parliament in an effort to minimize the existing turmoil by doing various ways in order to overcome the problems associated with the articles of multiple interpretations in several existing laws in Indonesia regarding the use of digital applications, besides that in other studies only on the description of the articles of multiple interpretations and the explanation of the case, while in this research there is an addition on how to overcome problems to prevent turmoil in the community related to articles of multiple interpretations that affect legal certainty and law enforcement.

## 2. Literature Review

### 2.1. Digitization of Law

(Nur Azmi, 2020) stated that in Indonesia, the doctrine developed regarding law enforcement states that law enforcement elements consist of law enforcement officials, namely judges, prosecutors and the police coupled with other institutions that have specific law enforcement authority. (Marune, Abraha, Etham Martupa Sahat and Hartanto, 2021) (Marune, Abraha, Etham Martupa Sahat and Hartanto, 2021) states that the higher the protection of human rights and constitutional rights that can be obtained through the judicial process, where this judicial process is a process that is preceded by an investigation, then if sufficient evidence is found, an investigation, as well as the determination of a suspect and bringing the case to court. This makes the judicial process the only way to solve problems, especially related to cyber crime, which investigates cases related to crimes in online applications by examining evidence through digital traces in digital applications. (Nurgiansyah, T. Heru and Handoko, 2020) (Nurgiansyah, T. Heru and Handoko, 2020) states that legal digitization is a law enforcement process carried out by referring to articles in one or several applicable laws and regulations from lower laws and regulations, such as Government Regulations to the Law. (Gurning, 2019) stated that the process of legal digitization develops along with the development of existing crimes, where existing laws must be conditioned by the development of the prevailing digital world, such as the emergence of the Law on personal data protection. (Apau & Koranteng, 2019) explained that legal digitization exists if law enforcement is actually carried out by the parties, namely law enforcers who want to resolve cases or problems related to digital crime.

### 2.2. Cyber Crime

(Afrianto, 2018) (Afrianto, 2018) states that cybercrime is closely related to crime in cyberspace, where in the field of education crimes that exist through digital applications, namely by stealing data on students, students, teachers,

lecturers, and basic education data from schools and universities. (Masduki, 2021) (Masduki, 2021) states that cybercrime is a crime that develops in the electronic field through an online application, where the forms of this crime include the spread of fake news, the spread of pornography, the spread of hate speech, fraud under the guise of investment, and other crimes related to the theft of personal data. (Tan & Disemadi, 2021) (Tan & Disemadi, 2021) stated that cybercrime has a rapid development depending on existing developments, such as crimes in the form of online gambling, hacking against walls or boundaries on the Internet to break into certain sites, as well as hacking into population information data, data on one's assets, and other data related to personal interests. (Pratiwi & Krisnawati, 2021) explained that cybercrime has experienced developments that make law enforcement officials, such as the Police, Prosecutors, Judges and also other law enforcers, where the development of crimes that occur is the breach of personal data, and the breach of State secrets, where this crime requires laws that can protect personal data. (Akhuai, Wen, 2022) explains that the development of the digital world that gives rise to new digital applications will make changes or revolutions to laws and regulations in various countries, so that a legal breakthrough is needed that can regulate and overcome these digital crimes.

### **2.3. Methods**

The research method is carried out using descriptive qualitative analysis with a literature research approach, which according to (Hamilton & Finley, 2020) Qualitative descriptive analysis is a research method that is carried out with a thorough description by describing events by describing and analyzing data, where the existing data is data that has been previously processed, then described and described in such a way. (Hamilton & Finley, 2020) explains that the research method with a literature research approach is a study that analyzes and describes the description of data derived from books, journals and also those outside the object of research. The data collection techniques were carried out through interviews, observations and documentation studies.

## **3. Research Results and Discussion**

### **3.1. Research Results**

Crime in the digital world (cyber crime) is a form of crime committed by individuals, by several people or groups carried out using computers or by using online applications, where this type of crime is often not expected beforehand by users or consumers of the internet or online applications. Internet or online application users must really pay attention to the details of what can be done when using online applications or things that do not need to be done when using online applications. Things that are prohibited in using online applications include distributing messages or news from an application or online portal (online news) to several social media applications, where the news or message to be distributed must be examined by the user so that later application users can read first and check first whether the news is actually true or according to facts or not, where many application users do not check the news either the source, or the truth. The distribution of news that is not necessarily the truth includes fake news and through the process of digitizing existing laws, then in 2008 Law Number 11 of 2008 concerning ITE appeared in Article 28 paragraph 2, where this article reads: "Every person intentionally and without the right to disseminate information aimed at creating a sense of hatred or hostility of individuals and / or certain community groups based on ethnicity, religion, race and intergroup (SARA), where everyone who does this, will be subject to a maximum imprisonment of 6 years and a fine of 1 billion rupiah." (Law Number 11 of 2008 concerning ITE, n.d.). Based on the statement from the ITE law Article 28 Paragraph 2 is very ambiguous and can be a trap for the parties who process the problem to the police, where the language of the article makes parties who want to express something will experience complicated legal problems, so a legal breakthrough is needed so that the article can be fully understood by law enforcers, in this case the Police and the Prosecutor's Office in processing this case as effectively and efficiently as possible so that innocent people are not exposed to cases that make the application of multiple interpretations and tend to harm people who experience problems related to the spread of news that is not necessarily the truth.

Especially for internet users, they must also be careful if they want to send an image or chat in the form of a symbol or image that smells of pornography, it will be subject to punishment or criminal sanctions, where this is reflected in the application of Article 27 paragraph 1 of Law Number 11 of 2008, where the text of this article includes: "Every person who intentionally and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency can be punished with

imprisonment of up to 6 years and a fine of 1 billion rupiah"(Law Number 11 of 2008 concerning ITE, n.d.). In accordance with the article, parties who transmit, and spread pornographic content in digital media, will be subject to criminal sanctions, as well as a large fine, where Article 27 is multi-interpretive, because many of the people are often blamed when they want to spread voice recordings of words or pictures of sexual harassment, so this article has the potential to be misused by law enforcement officials who are carriages to show the legal certainty of this article.

For example, the case of Baiq Nuril, a former honorary employee of SMAN 7 Mataram, where Baiq Nuril recorded a conversation containing immoral elements by her superior as the Principal, where the recording was a recording of a conversation related to the Principal's verbal remarks to Baiq Nuril in a harassing tone, so that Baiq Nuril felt disturbed, and people around her accused her of having an affair with the Principal. As a result Baiq Nuril recorded the conversation to provide evidence that she did not have the relationship she was accused of, Baiq Nuril never reported the recording, but she talked about the recording to someone named Imam, then Imam transmitted the data from the cellphone to the laptop, and spread the transmission of the conversation to other parties, so that the Principal did not accept it and reported M to the police and was tried, then sentenced to acquittal at the first level court or district court, then the prosecutor made an appeal to the Supreme Court and found Baiq Nuril guilty and sentenced to 6 months and a fine of 500 million rupiah. From this case it can be seen that this kind of multi-interpretive article can be misused by certain elements, both education elements and elements in the Government, as well as law enforcement elements who carry out the investigation process of this case, where law enforcement elements are really not observant in seeing the situation and criminal acts, and even tend to take sides against the Principal who has clearly committed harassment, Where the law enforcement officers of the Police and Prosecutors are too forcing this case to go to Court, so that the community feels that justice is not upheld and law enforcement is still in favor of the strong, where the Principal should be guilty of committing sexual harassment to be innocent because what is processed by law enforcement is only a case of spreading indecent speech through digital media. This is a bad thing for the existing legal digitization process, where the misinterpretation of Article 27 of the ITE Law has implications for existing legal uncertainty.

Another article that has legal consequences that are not in accordance with the principles of justice and society is the Article on Article 1 Paragraph 4 of Law Number 27 of 2022 concerning personal data protection, where this article reads: "that the parties controlling this data are individuals, public bodies and international organizations".(Law No. 27 of 2022 on Personal Data Protection, n.d.). According to this article, each party should be given their functions and duties in the process of protecting personal data, so that derivative regulations are needed that explain the functions and duties of these institutions regarding personal data protection, so that this unclear derivative legal umbrella creates misunderstandings about the functions of each institution, where there are still many public bodies that leak personal data, so that it is disseminated by irresponsible parties, as a result, if a person provides data for work purposes or the like, miscommunication will occur, if the person is accused of disseminating someone's personal data, thus contradicting the Law on personal data protection. Article 67 of Law Number 27 of 2022 concerning personal data protection, where this article reads. "Every person who intentionally and unlawfully discloses Personal Data that does not belong to him as referred to in Article 65 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp 4,000,000,000.00 (four billion rupiahs). (Law Number 27 of 2022 concerning Personal Data Protection, n.d).. The wording of the article is very multi-interpretive, where this article can trap every individual so that they do not open other people's personal data for any interest. This makes a significant loss for each individual if they want to submit personal data to others for the purpose of employment data in companies, data for taxes, and data for transactions, where the State agency or institution that is given the data should protect the data.

Legal certainty is the only way that must be taken by every member of society so that the course of the state becomes more dignified and able to create comfort for the community, especially for ordinary people who do not know formally the laws that apply in Indonesia, where these ordinary people only know that they must meet the needs of their families by working and earning a living for a bite of rice that will be taken to improve the welfare of the community. Many of these ordinary people lack legal literacy, so that they still have a low understanding of existing laws, where this society is not fully law-abiding, so that many rules and laws are violated for their own desires and also in the absence of real action from the security forces against those who violate the law, so that the security forces are too underestimating the actions apart in overcoming every problem of people who violate the law. On the

one hand, many security or law enforcement officials doubt or even tend to go awry if the actions taken by these officials have not been able to be done properly, because many people criticize the actions of law enforcement officials who are still unable to enforce the law properly and optimally, because there are still many selective cuts from each case reported by the community. Law enforcement officials such as the Police and the Prosecutor's Office still act arrogantly, and there are still those who choose cases and there are still interests from the security forces to one of the litigants, thus affecting objectivity in investigating and investigating cases. For the Prosecutor's Office, there are some parties in the Prosecutor's Office who are still not objective in conducting prosecutions, where the prosecution apparatus must always be at the forefront of existing law enforcement, where the apparatus must prosecute and impose cases in accordance with the articles in the Law and regulations in force in Indonesia. Apparatus actions must be in accordance with clear and transparent procedures, thus requiring high objectivity from security forces in order to create clear and measurable laws, and not harm the community. The community is required to always increase sufficient knowledge with early education and guidance from law enforcement officials to socialize existing laws and regulations to create real justice.

This real justice still cannot be applied to some articles, especially those relating to articles on criminal acts or crimes, both general crimes, such as theft, murder, as well as fraud and rape. However, there are other crimes related to the use of technology and digital applications, which are crimes in disguise, as well as crimes that are often used by individuals, or groups of people using sophisticated equipment, and using several applications, ranging from online fraud, online fraudulent investments, There is also the crime of pornography spread by a person or account on social media, as well as other cyber crimes related to defamation through digital media and the spread of false news through digital media and social media, as well as the rules that are violated regarding the sale of goods through online applications that do not properly inform the goods and often even commit fraud on consumers. These existing crimes are regulated through applicable legislation, where existing laws in Indonesia regulate matters relating to activities using digital applications, where there are several articles regulated in several laws relating to the use of digital applications that experience multiple interpretations or interpretations of the sound of this article that are not completed and interpreted unwisely by security forces or law enforcement officials, such as the Police, Prosecutors and Judges. This results in existing losses to the community due to misinterpretation of the law, resulting in confusion in the community in the process of investigation, prosecution and also sometimes there are ambiguous decisions from judges making justice collapse and the law cannot be enforced properly, even the decision only benefits the strong party and some decisions benefit the community as a weak party.

The community is required to always be legally literate, because Indonesia is a country based on law, so the community must be given a talk about the law, so that he is aware of existing laws, including laws relating to the use of social media applications or digital applications, where the community must be given a guidance so that he understands the substance of the articles in the Act, so that it will make the community later understand what is in the article, as well as the meaning and substance in the article, so that later if problems arise regarding the use of digital applications, they will no longer be ignored, so that the community can freely do something that is not feasible or inappropriate through digital applications, where there are several things that are inappropriate and cause criminal acts, such as spreading false information, spreading pornographic content, disseminating things that harm the community, product notifications that do not match what is being sold, providing product information that does not match the actual situation, and the rise of online poker or gambling, krypto, and online investment which actually causes tremendous uproar that often occurs, Due to the low understanding of online investment from the community, so that there are still many who are wrong to choose the form of online investment that allows customers or consumers to be harmed because if you use an online application, the transactions carried out do not face each other, so they do not know and significantly about the parties related to online investment. The rise of fraud-modeled crimes in online applications has certainly disturbed the community and also the Government, where the Government has contained special rules and special laws related to the protection of personal data, so that the security of personal data is not only the responsibility of the person himself, but also the responsibility of institutions and also the State to protect the data of the Indonesian people so that it is not misused by certain parties who plan to destroy and manipulate data for their own interests and also for the benefit of hidden crimes. The law is actually the party that is able to answer various problems and prevent crimes, especially in the digital field, but there are several articles in the law that trap the community, to the detriment of the community, as a result legal certainty becomes uncertain, thus affecting all aspects of life, especially the economy. This lack of legal certainty affects the comfort

and security of a region or a country. Laws that are not upright will always create riots and uncertainty about the government, so that it will cause a disturbance in people's lives.

With the existence of articles that have multiple interpretations, a legal breakthrough is needed that will guarantee protection to parties who always want to ask for justice and when exposed to problems that are indeed carried out to find a bright spot of the problem. This legal breakthrough can provide a short-term solution in addressing problems regarding articles that have multiple interpretations that tend to harm the community as consumers or users of digital applications. With this legal breakthrough, the community will feel a response from the State to solve problems wisely and wisely, and wisely so that existing problems can be resolved comprehensively and openly. Based on the articles in several laws that include this multi-interpretation article, most of the articles relating to Law Number 11 of 2008 concerning ITE and the latest laws, namely Law Number 27 of 2022 concerning the protection of personal data, where these two laws are the starting point of less law enforcement, so that it requires something wise and something that can solve existing legal problems by legal means and in accordance with current legislation, so that it can be understood that legal problems and law enforcement that are still incompatible are the responsibility of the community and also the State to understand the substance of the apsal of the ITE law and the personal data protection law.

The awkwardness of the multi-interpretive article can be dealt with by a policy, both from law enforcers, the Government and also the State, where the policy that must be carried out to change an article to be precise and in accordance with the meaning of the published law is as follows:

- There is a policy from the Police to carry out Restorative Justice for parties who feel aggrieved about the articles that have multiple interpretations in the law relating to the use of online applications, where Restorative justice is a legal process carried out by the parties to the dispute, where restorative justice is issued through Police Regulation number 8 of 2021 concerning restorative justice, which according to this regulation can fulfill legal certainty, According to this regulation, in order to fulfill legal certainty, it is necessary to handle cases using consolidation and deliberation to achieve existing directions and suggestions, where with this, the sense of justice obtained becomes real, so as to avoid punishment due to discriminatory articles and manipulative articles so that a bright spot is found on this matter, so that early prevention efforts are needed so that this prosecution does not occur and finally peace is created and creates mutual trust between the community and law enforcement officials.
- The public can conduct a judicial review to the Constitutional Court through articles that are manipulative and also multi-interpretive, so that a long time is needed so that the decisions taken fulfill a sense of justice and also create a legal certainty, where this judicial review is carried out by changing the wording of article by article or deleting several articles and replacing them with new language or not changing the language significantly.
- The government and the House of Representatives can jointly make changes to several existing articles through the revision of Law No. 11/2008 on ITE and the latest law, namely Law No. 27/2022, where the revision of this law is not the entire article, but on certain articles like a judicial review, where what is revised is the wording of several articles, as well as the entire article of the law related to the use of digital applications.

### 3.2. Discussion

Based on the results of the research, it can be explained that there are several articles of multiple interpretations in the laws and regulations in force in Indonesia, where the articles are Article 27 paragraph 2 and Article 28 paragraph 2 of Law No. 11 of 2008 concerning ITE and Article 1 Paragraph 4 of Law No. 27 of 2022 concerning the protection of personal data which is detrimental to the community, as has happened in several cases in Indonesia, where according to (Nur Azmi, 2020). (Nur Azmi, 2020) the existence of existing laws should be a legal action that creates a high sense of justice, but the existence of articles that have multiple interpretations makes existing activities, especially those closely related to digital activities, create a sense of caution for those who use them, so that the use of this precautionary principle will be something that makes us have to look closely at these articles so that later our actions do not deviate or fall into, so that we will be exposed to these multiple interpretative articles. The article reflects a lack of sense of justice and law enforcement is like a double-edged psiau, which on the one hand can ensnare the community and on the other hand can become a weapon for the security or law enforcement, such as



the Police, Prosecutor's Office and Judiciary. Based on the results of the research, there are several ways to prevent this multi-interpretation article, namely by conducting restorative justice for handling cases related to digital use activities, such as defamation, spreading false news and distributing words, images and something in the form of pornography, as well as articles related to the dissemination of personal data, where this multi-interpretation article will create something that can harm the parties, especially parties who do not intend to disseminate private conversations that smell of pornography, spread news that is actually not true, and spread data to other parties that are actually used for positive things, but are prohibited by law. In addition, there are community efforts to conduct judicial reviews of articles that have multiple interpretations when using digital applications, as well as the Government's desire to revise several articles in the law relating to the use of digital applications, which will create legal certainty that makes the law enforceable and does not oppress the weak, where according to (Gurning, 2019). (Gurning, 2019) accommodative law, such as restorative justice and judicial review of controversial articles and revision of controversial laws, especially articles that are closely related to activities using digital applications will make the law act fairly and create legal certainty in the midst of society.

#### **4. Implementation**

If the implementation of articles that are contrary to the conscience of the people, which are multi-interpreted and also not in accordance with what the community expects is continued, it will make the State lose its authority, and the law will not be dealt with properly, to the detriment of the community, where this article will erode public confidence in law enforcement in Indonesia which is currently being tested because of the incompetence of law enforcers in handling cases.

#### **5. Conclusion**

From the results of the existing research, the conclusion of this study is that there are several articles of multiple interpretations in the laws and regulations in force in Indonesia, where the articles are Article 27 paragraph 2 and Article 28 paragraph 2 of Law No. 11 of 2008 concerning ITE and Article 1 Paragraph 4 of Law No. 27 of 2022 concerning the protection of personal data that harms the community, as has happened in several cases in Indonesia. In addition, from the results of the research, it can be seen that there are several ways to prevent this multi-interpretation article, namely by conducting restorative justice for handling cases related to digital use activities, the efforts of the community to conduct judicial reviews of articles that are multi-interpreted when using digital applications, and the Government's desire to revise several articles in the law relating to the use of digital applications.

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