

# The Law Enforcement of Cyber Crime by Involving the Role of the Cyber Patrol Society in Achieving Justice

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## Abstract

*This research aims to initiate a cyber patrol system by prioritizing community participation (cyber patrol society) in realizing justice. This research is normative legal research with a conceptual and statutory approach. The research results confirm that the urgency of reforming the cyber police by involving community participation is intended to minimize abuse of power from the cyber police, especially those that can disturb people's privacy when carrying out activities in cyberspace or the digital world. Efforts to formulate a cyber patrol society in realizing justice for people who are active in the digital world need to be done by involving the community to participate in law enforcement in the digital world. Viewed from the aspect of justice, community participation is needed to ensure that cyber police do not arbitrarily occur when enforcing the law in the digital world. Apart from that, community participation in the cyber patrol system is needed so that there is a preemptive, preventive and educational approach so that public legal awareness when carrying out activities in the digital world can be achieved.*

**Keywords: Cyber Crime; Cyber Police; Digital World.**

## 1. INTRODUCTION

Cyber crime is one of the developments in the field of criminal law which is increasingly developing massively due to technological developments. Conceptually, cyber crime is a criminal act committed by utilizing technological systems, especially digital technology and computerized systems.<sup>1</sup> In Indonesia, cases related to cyber crime have experienced a massive increase as revealed by data from e-MP Robinopsnal Bareskrim Polri which shows that in 2021 cyber crime cases in Indonesia reached 612 cases and these cases increased in 2022 reaching 8,831 cases. This confirms that cyber crime cases in Indonesia in 2022 will increase 14 times from the previous year.

One factor in the increase in cyber crime cases in Indonesia is the increasing development of technology and information in all fields which is sometimes

<sup>1</sup> Sotirios Katsikeas et al., "Research Communities in Cyber Security: A Comprehensive Literature Review," *Computer Science Review* 42, no. 1 (2021): 100431, <https://doi.org/10.1016/j.cosrev.2021.100431>.

misused for actions that can harm other parties. The development of cyber crime cases in Indonesia was responded to by the Indonesian National Police (Polri) by forming a cyber police whose one aim is to carry out patrols in the cyber world or digital world (cyber patrol). The formation of the cyber police is based on the National Police Chief's Circular Letter Number SE/2/II/2021 concerning Ethical Cultural Awareness to Create a Clean, Healthy and Productive Indonesian Digital Space (SE Cyber) in 2021.<sup>2</sup> Even though it is a progressive idea, the formation of cyber police has also attracted criticism, one of which is because cyber police have the potential to not provide a sense of justice and freedom for people in their activities in the digital world.

Criticism of the cyber police is also because the cyber police come from within the National Police so that in the process of enforcing cyber law it is vulnerable to potentially reducing people's rights to express themselves in the digital world.<sup>3</sup> Based on this criticism, one of the ideal orientations for the cyber police is that the law enforcement process also involves the role of community participation, one of which is by inviting the community or young generation who have cyber-related qualities to become partners with the National Police in carrying out cyber law enforcement so that law enforcement can be achieved, which is participatory and substantive so that it can realize societal justice in cyber space.

This research aims to formulate a cyber patrol system that prioritizes community participation (cyber patrol society) in realizing justice. It is hoped that cyber patrols by prioritizing community participation (cyber patrol society) can be carried out optimally so that the aspect of justice in cyber space which is the aim of cyber patrols can be implemented optimally while still guaranteeing the rights of the community. Research related to law enforcement in cyberspace has actually been carried out by several previous researchers such as: research conducted by Bidaya and Sakban (2021) which focuses on cyber patrol patterns in realizing cyber security.<sup>4</sup> The novelty of Bidaya and Sakban's (2021) research is that the process of implementing cyber patrols is carried out by prioritizing preventive approaches such as education, counseling and understanding to the community, after which cyber law enforcement efforts are carried out. Further research was also conducted by Sasmitha and Subamia (2022) who discussed the effectiveness of cyber patrols in enforcing pornography crimes.<sup>5</sup> The novelty of this research is that in carrying out cyber patrols to enforce criminal acts of pornography, it is necessary to pay attention to the socio-religious conditions of the community so that cyber patrols can be effective and in accordance with the values and norms

<sup>2</sup> Edi Saputra Hasibuan, "The Role of Indonesian Police Through 'Cyber Patrol' in Preserving and Maintaining Cyber Room Security," *International Journal of Social Service and Research* 2, no. 8 (2022): 722–28, <https://doi.org/10.46799/ijssr.v2i8.146>.

<sup>3</sup> Faradiba Suryaningrum, "Efektivitas Penegakan Hukum Patroli Siber Di Media Sosial," *LoroNG: Media Pengkajian Sosial Budaya* 10, no. 2 (2021): 121–32, <https://doi.org/10.18860/lorong.v10i2.966>.

<sup>4</sup> Abdul Sakban and Zaini Bidaya, "Desain Pola Integrasi Cyber Dalam Mengurangi Kejahatan Cyberbullying," *Civicus : Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 9, no. 1 (2021): 38, <https://doi.org/10.31764/civicus.v9i1.5815>.

<sup>5</sup> P D W Sasmitha, I N G Sugiarta, and ..., "Efektivitas Cyber Patrol Dalam Mengungkap Kasus Pornografi Di Polresta Denpasar," *Jurnal Analogi Hukum* 4, no. 3 (2022): 277–82, <https://www.ejournal.warmadewa.ac.id/index.php/analogihukum/article/view/5618%0Ahttps://www.ejournal.warmadewa.ac.id/index.php/analogihukum/article/download/5618/3896>.

developing in society. Research related to cyber patrols was also conducted by Azhari and Arizal (2023) who discussed the importance of cyber patrols in tackling the spread of pornography on social media.<sup>6</sup>

The novelty of Azhari and Arizal's (2023) research is the need for coordination both internally and externally to ensure the effectiveness of cyber patrols in tackling the spread of pornography on social media. From the previous research above, it can be concluded that the author's research which focuses on the cyber patrol system by prioritizing community participation (cyber patrol society) in realizing justice has not been studied specifically by the three previous researchers so this research is original research. The legal issues that this research aims to answer are: cyber patrols as an effort to enforce the law and efforts to formulate a cyber patrol society in realizing justice for people active in the digital world.

This research, which discusses the cyber patrol system by prioritizing community participation (cyber patrol society), is normative legal research by prioritizing conceptual and legislative approaches.<sup>7</sup> The primary legal material used in this research is Law no. 11 of 2008 concerning Electronic Information and Transactions and its amendments (ITE Law and its amendments) and Cyber SE. Secondary legal materials in this research are journal articles, books, and various research results that discuss cybercrime and its enforcement. Non-legal materials are legal dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively by emphasizing the results of literature studies to adapt them to the legal issues to be answered.<sup>8</sup>

## 2. ANALYSIS AND DISCUSSION

### 2.1. Cyber Patrol as a Law Enforcement Effort

Law enforcement is one of the most important aspects in the context of the application and operation of law in society. According to Soerjono Soekanto, law enforcement is a systematic and planned effort through law enforcement officers so that laws and regulations can be implemented.<sup>9</sup> Another view was expressed by Satjipto Rahardjo who stated that law enforcement is an effort to implement "law in action" in which normative values in law are applied comprehensively in society.<sup>10</sup> Referring to the views of Soerjono Soekanto and Satjipto Rahardjo above, it can be concluded that law enforcement is a series of processes aimed at implementing the provisions contained in positive law. Three important aspects in law enforcement refer to Lawrence M. Friedman's view, namely that in the process of implementing and enforcing the law, there must be three aspects that must be fulfilled, namely: substance, structure and

<sup>6</sup> M. Hafidz Azhari, "Peranan Cyber Patrol Dalam Menanggulangi Tindak Pidana Pornografi Di Media Sosial (Studi Kasus Di Polres Pariaman)," *Jurisprudencia* 14, no. 1 (2023): 3–4.

<sup>7</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2017).

<sup>8</sup> J. Ibrahim J. Efendi, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Kencana, 2016).

<sup>9</sup> Robiatul Adawiyah and Umi Rozah, "Indonesia 's Criminal Justice System with Pancasila Perspective as an Open Justice System," *Law Reform* 16, no. 2 (2020): 149–62.

<sup>10</sup> Bambang Hartono, I Ketut Seregig, and Budi Wibowo, "Strategies in Countering Hoax and Hate Speech in Indonesia," *Sociological Jurisprudence Journal* 4, no. 2 (2021): 134–44, <https://doi.org/10.22225/scj.4.2.2021.134-144>.

legal culture, where these three aspects must be fulfilled simultaneously and mutually related.<sup>11</sup>

In the legal substance aspect, law enforcement fully refers to the legal substance, which in this case is statutory regulations. Existing laws and regulations guide law enforcement.<sup>12</sup> This means, if law enforcement does not comply with the provisions of existing laws and regulations, then it can be said that law enforcement has violated the law itself. In the legal structure aspect, law enforcement must also refer to the law enforcement officials who implement it. Law enforcement carried out by law enforcement officers must be based on the competence, quality and integrity of law enforcement officers.<sup>13</sup> Competence in this context is understood as the area of authority of law enforcement officials where law enforcement must see which law enforcement officials have authority over an action that violates the law. In the context of quality, law enforcement officers are also required to always be updated with increasingly massive legal developments, especially when the application of technology and information is carried out on a massive scale. In the aspect of integrity of law enforcement officers, it is also necessary to pay attention because without the integrity of law enforcement officers, law enforcement cannot realize justice as aspired to in the law enforcement process.<sup>14</sup>

In the aspect of legal culture, law enforcement is also obliged to refer to the legal culture that develops in society. Legal culture in this case includes the habits and behavior of society related to law. Law enforcement must be based on legal culture so that law enforcement can run more effectively.<sup>15</sup> Apart from the three aspects as stated by Lawrence M. Friedman, law enforcement must also refer to two other aspects, namely: human resources and facilities and infrastructure. In the aspect of human resources, law enforcement is also obliged to refer to the human resources of law enforcement officers. These human resources can be classified into two aspects, namely the quantity or number of law enforcement officers and the quality of law enforcement officers.<sup>16</sup> This confirms that if law enforcement is oriented towards running optimally, it is necessary to pay attention to the quantity and quality of law enforcement officers. The next aspect is related to facilities and infrastructure. This can be exemplified by the development of technology which causes cyber crimes, so it is also necessary to develop facilities and infrastructure to take action against cyber crimes. Based on the description above, it can be concluded that law enforcement apart from requiring strengthening aspects of

<sup>11</sup> K. Jaishankar, "Cyber Criminology as an Academic Discipline: History, Contribution and Impact," *International Journal of Cyber Criminology* 12, no. 1 (2018): 1–8, <https://doi.org/10.5281/zenodo.1467308>.

<sup>12</sup> Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

<sup>13</sup> Ajoy P. B, "Effectiveness of Criminal Law in Tackling Cybercrime: A Critical Analysis," 2022, <https://doi.org/10.36348/sijlcj.2022.v05i02.005>.

<sup>14</sup> Ratna Herawati Ook Mufrohim, "Independensi Lembaga Kejaksaan Sebagai Legal Sctructure Di Dalam Sistem Peradilan Pidana (Criminal Justice Sytem) Di Indonesia," *Pembangunan Hukum Indonesia* 2, no. 3 (2020): 375.

<sup>15</sup> Zafar Ergashev, "Democratic Legal Culture: How Strong Are Values?," *Journal of Law and Legal Reform* 2, no. 4 (2021): 625.

<sup>16</sup> O. S. Albahri and A. H. AlAmoodi, "Cybersecurity and Artificial Intelligence Applications: A Bibliometric Analysis Based on Scopus Database," *Mesopotamian Journal of Cyber Security* 2023, no. 1 (2023): 158–69, <https://doi.org/10.58496/mjcs/2023/018>.

substance, structure and legal culture also requires increasing and strengthening human resources and improving facilities and infrastructure.

In the context of cyber crime, the law enforcement process cannot be carried out manually and conventionally. This is because cyber crime is a criminal act based on the internet system and computer system so that it is not in the reality of the real world but in the reality of the virtual world (digital world).<sup>17</sup> In general, there are three aspects that differentiate between the law enforcement process in general and the law enforcement process related to cybercrime or cybercrime, namely: first, the law enforcement process in general is easy for the perpetrators and victims to know, making the law enforcement process easier. This is different from cyber crimes where sometimes the perpetrators are difficult to find or know easily. This is because the perpetrators of cyber crime are not people in the physical sense, but are people who are accumulated in electronic system networks so that they require special skills to track them.<sup>18</sup>

Second, the obstacles to law enforcement related to cybercrime are related to the collection of evidence. In law enforcement in general, evidence can be relatively easy to find, making the law enforcement process easier.<sup>19</sup> In law enforcement related to cyber crime, evidence is difficult to find because criminal acts are carried out through electronic systems and are invisible, so collecting evidence also requires special expertise and skills from law enforcement officers.<sup>20</sup> Third, one of the obstacles in law enforcement related to cyber crimes is that there is still no optimal role and participation of the community in enforcing laws related to cyber crimes. Community participation in cyber crime is the most important aspect in law enforcement because with community participation, law enforcement related to cyber crime can be carried out more effectively and substantively. Community participation in this case can take the form of community legal awareness to participate and report potential cyber crimes and for people who have expertise in the field of technology and information, they can also participate by assisting the National Police.

Referring to the three aspects of law enforcement related to cyber crime above, it can be concluded that law enforcement related to cyber crime still faces obstacles in being carried out optimally. One of the obstacles is the aspect of community involvement and participation in carrying out law enforcement related to cyber crime. Community participation in the context of law enforcement, as stated by Muladi, is an important aspect because with the role and participation of the community, the law enforcement process can run more optimally.<sup>21</sup> In the context of law enforcement related to cyber crimes, in fact in 2021 the National Police will have an initiative to form a cyber

<sup>17</sup> Gani Mir and Aasif Hussain Sheikh, "Cyber Crime and Role of Law Enforcement to Tackle Online Crime in Jammu and Kashmir," *Indian Journal of Forensic Medicine & Toxicology* 16, no. 4 (2022): 437, <https://doi.org/10.37506/ijfmt.v16i4.18657>.

<sup>18</sup> M. Chairul Basrun Umanailo et al., "Cybercrime Case as Impact Development of Communication Technology That Troubling Society," *International Journal of Scientific and Technology Research* 8, no. 9 (2019): 1224–28.

<sup>19</sup> Darryl K Brown, "Evidence Disclosure and Discovery in Common Law Jurisdictions Evidence Disclosure and Discovery in Common Law Jurisdictions," *The Oxford Handbook of Criminal Proces* 1, no. April (2018).

<sup>20</sup> Insan Pribadi, "Legalitas Alat Bukti Elektronik Dalam Sistem Peradilan Pidana," *Jurnal Lex Renaissance* 3, no. 1 (2018): 109–24, <https://doi.org/10.20885/jlr.vol3.iss1.art4>.

<sup>21</sup> Nur Cahyo Ari Prasetyo and Sri Endah Wahyuningsih, "The Handling Of Hoax/False Information In The Legal Jurisdiction Area," *Law Development Journal* 3, no. 3 (2021): 564, <https://doi.org/10.30659/ldj.3.3.564-572>.

police. Cyber police are police who are given certain duties and authority to deal with increasingly massive cyber crimes in society. There are two orientations regarding the formation of the cyber police, namely: first, the cyber police are intended as an internal part of the National Police institution whose task is to specifically handle cyber crimes.

The specialty of the cyber police in handling cyber crimes is intended to deal with various modes, motives and cyber crimes which have special characteristics and have massive developments along with the development of information technology.<sup>22</sup> Second, the cyber police are trying to become “cyber police” because even though cyberspace is not a factual world, the large number of human activities in cyberspace has made the National Police put forward an innovation to ensure security and order in cyberspace.<sup>23</sup>

Regarding the two orientations for the formation of the cyber police above, there is actually criticism directed at the authority of the cyber police as formulated in the Cyber SE. There are two important points of criticism of the cyber police, namely: first, although on the one hand the cyber police have a positive position in providing an orderly space in the cyber world or in the digital world, the cyber police have the potential to cause potential violations of human rights, especially the right to expression. and believes that in the virtual or digital world, almost every human action in the digital world is continuously monitored by the cyber police.<sup>24</sup> Second, the cyber police have the potential to ignore people’s private rights in the digital space. Given the broad authority of the cyber police to monitor the public, it is feared that the cyber police will become a new problem in the law enforcement process in Indonesia.<sup>25</sup>

From the problems above, there is an urgency for there to be updates regarding cyber police in Indonesia. Reforms regarding cyber police in Indonesia can be carried out by reforming cyber police institutions in Indonesia which involve the role and participation of the community. The involvement and role of the community in law enforcement regarding cyber crimes in Indonesia is important so that there is internal control so that there is no potential for abuse of power by the cyber police. The role and participation of the community is oriented towards recruitment and training for the community (especially the younger generation who are interested in the field of information and technology) to be involved as part of the cyber police support team.

Based on the analysis above, the urgency of reforming the cyber police by involving community participation is intended to minimize abuse of power from the cyber police, especially those that can disturb people’s privacy when carrying out activities in cyberspace or the digital world. The urgency of involving community participation as

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<sup>22</sup> James Pérez-Morón, “Eleven Years of Cyberattacks on Chinese Supply Chains in an Era of Cyber Warfare, a Review and Future Research Agenda,” *Journal of Asia Business Studies* 16, no. 2 (2022): 371–95, <https://doi.org/10.1108/JABS-11-2020-0444>.

<sup>23</sup> Angel Damayanti Elsafani Daniela Kaburuan, “The Effectiveness of Indonesian National Police Strategy in Cybercrime Eradication through ASEAN Ministerial Meeting on Transnational Crime (AMMTC),” *International Journal of Social Science and Human Research* 05, no. 08 (2022): 3649–61, <https://doi.org/10.47191/ijsshr/v5-i8-42>.

<sup>24</sup> Oberiri Destiny Apuke and Bahiyah Omar, “Social Media Affordances and Information Abundance: Enabling Fake News Sharing during the COVID-19 Health Crisis,” *Health Informatics Journal* 27, no. 3 (2021): 8, <https://doi.org/10.1177/14604582211021470>.

<sup>25</sup> Anwar Sadat, Herman Lawelai, and Ansar Suherman, “Sentiment Analysis on Social Media: Hate Speech To the Government on Twitter,” *PRAJA: Jurnal Ilmiah Pemerintahan* 10, no. 1 (2022): 69–76, <https://doi.org/10.55678/prj.v10i1.584>.

support for cyber police is also important to emphasize the role of the community as well as educate the public about the importance of joint cyberspace between the community and law enforcement officers in enforcing laws related to cyber crimes.

## 2.2. Formulating a Cyber Patrol Society in Realizing Justice in Communities Active in the Digital World

Justice is the most important aspect in law enforcement. In the fact, it can be said that the main goal of law enforcement is justice. Even so, in reality it is not uncommon that law enforcement practices can distort justice itself. Law enforcement practices can distort justice when the values of justice are ignored in the law enforcement process.<sup>26</sup> Therefore, so that law enforcement does not distort justice, in general law enforcement is carried out strictly and is guided by positive law. Efforts to ideally realize justice in the context of law enforcement should be understood from an orientation regarding the concept of justice itself. Lexically, by referring to Black's Law Dictionary, justice has various conceptions regarding guaranteeing proportionality of rights and obligations, implementation of certain proprieties in various conditions, and giving rights to parties who deserve these rights.<sup>27</sup>

From this understanding of the concept of justice, various views on justice have been put forward by various figures and legal experts, but in the context of law enforcement for cyber crimes, John Rawls' view of justice finds relevance when it is related to law enforcement for cyber crimes. In general, the view of justice according to John Rawls is that justice is identified as fairness.<sup>28</sup> In simple terms, fairness is interpreted as the proportionality of rights that must be accepted by the parties. In the context of law enforcement for cyber crimes through the cyber police, there are actually two aspects that must be considered, namely the authority of the cyber police to monitor various actions of the community in cyberspace which can be compared with the rights of the community regarding privacy and freedom of expression in cyberspace.

The presence of the cyber police is intended to ensure that public order can be achieved in cyberspace. However, from another perspective, this action can be interpreted as a form of state intervention in people's private spaces when interacting in cyberspace. It needs to be understood that cyberspace can be said to be a "mirror world" or a mirror of the factual world.<sup>29</sup> The meaning of this statement is that even though the virtual world has different characteristics from the real world, it still has various aspects which must be fulfilled in the real world, so in the virtual world they must also be fulfilled. One of these things is the aspect of rights in digital space or cyberspace. The problem with cyber police in Indonesia, whose task is to monitor various people's behavior in cyberspace,

<sup>26</sup> Bill Swannie, "Corrective Justice And Redress Under Australia's Racial Vilification Laws," *University of Queensland Law Journal* 40, no. 1 (2021): 32.

<sup>27</sup> Bryan A. dan Henry Campbell Black Garner, *Black's Law Dictionary* (Minnesota: West Group, n.d.).

<sup>28</sup> Sunaryo Sunaryo, "Konsep Fairness John Rawls, Kritik Dan Relevansinya," *Jurnal Konstitusi* 19, no. 1 (2022): 001, <https://doi.org/10.31078/jk1911>.

<sup>29</sup> Oskar J. Gstrein and Anne Beaulieu, *How to Protect Privacy in a Datafied Society? A Presentation of Multiple Legal and Conceptual Approaches, Philosophy and Technology*, vol. 35 (Springer Netherlands, 2022), <https://doi.org/10.1007/s13347-022-00497-4>.

is that it must be limited or at least there must be clear boundaries so that the cyber police do not violate people's rights to privacy. In the perspective of justice, according to John Rawls, viewed from the aspect of fairness, clear boundaries must be provided to minimize arbitrariness from the cyber police.

One of the relevant ideas related to cyber police is to formulate cyber police reform by prioritizing a cyber patrol system that prioritizes community participation (cyber patrol society). In this context, cyber patrols by prioritizing community participation do not only involve cyber police, but also involve the active role of the community. The active role and participation of the community is needed because input and supervision from the community is needed to find out whether the cyber police have violated people's privacy rights in cyberspace or not.<sup>30</sup> Apart from that, the use of a cyber patrol system that prioritizes community participation (cyber patrol society) actually has three main orientations, namely: first, a cyber patrol system that prioritizes community participation is needed so that cyber police can synergize and collaborate with the community. In this context, cyber police can position the community as partners to ensure order in the digital world. Second, community participation in the cyber patrol system is needed so that there is a preemptive and preventive approach related to cyber patrols. Cyber patrols with a preemptive and preventive approach are intended so that law enforcement in the digital space can be in line with efforts to create public legal awareness in the digital space.

Third, a cyber patrol system that prioritizes community participation (cyber patrol society) is also important to increase public legal awareness in cyberspace so that educational value is also fulfilled by prioritizing cyber patrol by prioritizing community participation. Referring to the three main orientations of cyber patrol by prioritizing community participation (cyber patrol society), it is necessary to update the concept of cyber police which needs to formulate formulations related to involving community participation in law enforcement in the digital space. This can only be realized if there are efforts to revise the Cyber SE which was ratified in 2021.

### **3. CONCLUSION**

The main contribution of this research is a formulation regarding the role of cyber patrol society which involves community participation. The urgency of reforming the cyber police by involving community participation is intended to minimize abuse of power from the cyber police, especially those that can disturb people's privacy when carrying out activities in cyberspace or the digital world. The urgency of involving community participation as support for cyber police is also important to emphasize the role of the community as well as educate the public about the importance of joint cyberspace between the community and law enforcement officers in enforcing laws related to cyber crimes. Efforts to formulate a cyber patrol society in realizing justice for people who are active in the digital world need to be done by involving the community

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<sup>30</sup> Yadi Darmawan Herlindah, "Development Legal Theory and Progressive Legal Theory : A Review , in Indonesia ' s Contemporary Legal Reform," *Peradaban Journal Law and Society* 1, no. 1 (2022): 18.



to participate in law enforcement in the digital world. Viewed from the aspect of justice, community participation is needed to ensure that cyber police do not arbitrarily occur when enforcing the law in the digital world. Apart from that, community participation in the cyber patrol system is needed so that there is a preemptive, preventive and educational approach so that public legal awareness when carrying out activities in the digital world can be achieved.

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