

---

---

## **LEGAL PROTECTION FOR SOCIAL MEDIA USERS BASED ON INFORMATION TECHNOLOGY LAW**

**Medeleine Antoneta Lorohama Kune<sup>1</sup>, Rineke Sara<sup>2</sup>**  
**Universitas Borobudur, Indonesia**

*Email : [kunemelin@gmail.com](mailto:kunemelin@gmail.com)<sup>1</sup> , [rineke\\_sara@borobudur.ac.id](mailto:rineke_sara@borobudur.ac.id)<sup>2</sup>*

---

### **Abstract**

Along with the development of technology and information, the lives of Indonesian people continue to welcome the use of technology and information that utilizes computers and other means of communication products as the means. The impact of technological advances in the rapidly growing telecommunications industry has a positive impact that can provide convenience in communicating, if misused it can have a negative impact. The promulgation of Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), which was later amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), can serve to provide legal protection for social media users from social media abusers. The construction of legal protection for social media users based on the law of information technology in Indonesia in a sociological juridical manner describes the law of social phenomena with law enforcement. The legal framework for the protection of social media users based on information technology law in Indonesia, based on the development of abuse using information technology facilities, continues to increase and results in harming the community both morally and materially. The legal construction of information technology in Indonesia as outlined in the substance of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE) and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, structured and sequential covering the substance of the Principles and Objectives, the process of action and legal remedies as well as sanctions. The construction model of legal protection for social media users based on information technology law in Indonesia is intended to avoid abusive behavior that can harm other parties.

**Keywords** : Legal Protection of Social Media Users

---

### **INTRODUCTION**

Paragraph IV of the Preamble to the 1945 Constitution of the Republic of Indonesia (UUDN-RI) states that the Government of the Republic of Indonesia protects the entire Indonesian nation, promotes public welfare, and educates the nation's life (Rahman, 2016). The derivation of this paragraph is further described in Article 28 F, of the 1945 Constitution of the Republic of Indonesia (UUD NRI); Article 28F Everyone has the right to communicate and obtain information to develop their personal and social environment, as well as the right to seek, obtain, possess, store, process, and convey information using all available channels (Pratama, 2015).

Information technology is currently a double-edged sword because, in addition to contributing to the improvement of human welfare, progress, and civilization, it is also an effective means of unlawful acts and can also have a negative impact on human life if its use is misused for things that contain elements of crime and harm others (Hidayat, 2020). Likewise, information technology law or telematics law is a manifestation of the convergence of telecommunications law, media law, and informatics law. Other terms that are also used are the law of information technology (law of information technology), the law of cyberspace (virtual world law), and the law of cyberspace (Kalaena & Bagye, 2018).

Along with the use of telecommunications facilities called the internet and their

derivative uses in human life, along with the parallel dynamics of various new crimes that use information technology as a means, namely the internet, computers, and other facilities that allow them to be used as social media tools (Ramli, 2010). New crimes by using information technology facilities that move in cyberspace, these crimes are referred to as telematics crimes or information technology crimes, which in a foreign language are called Cyber Crimes (Ayu, 2016).

Cybercrime is a criminal activity with a computer or computer network as a tool, target, or place of crime (Saputra, 2020). The promulgation of Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), which was later amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), law The law is expected to function to provide legal protection for social media users from social media abusers (Gunarsa & Sidharta, 2013).

Some of the criminal incidents of social media abusers include insulting, inciting, being obscene, defaming, talking about something inappropriate, deceiving, embezzling, spreading something that is against the law, and hates speech. Since the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions, the behavior of the public using social media has actually begun to be disturbed by the behavior of abusers who tend to harm other social media users (Santiago & Syahuri, 2016). Regarding the criminal incident of misuse of social media telecommunications facilities, it is the obligation of the State to provide legal protection to social media users through the law of information technology, namely Law Number 11 of 2008 concerning Information and Electronic Transactions.

Efforts to regulate criminal acts of defamation in the Criminal Code and ITE are a form of legal protection for citizens from criminal acts of defamation. Activities through the media of electronic systems, which are also called information technology rooms (cyber space), although virtual can be categorized as real legal actions or actions, juridically, activities in the information technology space cannot be approached with conventional legal standards and qualifications, because if If this is taken, there will be too many difficulties and things that escape the enforcement of the law. In this regard, it is necessary to pay attention to the security and legal certainty in the use of information, media and communication technology so that they can develop optimally.

Based on Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), which was later amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), in accordance with function, the behavior of using social media is essentially functional as well as the structure of legal protection, procedures for the use of information technology already exist. However, over time, sociologically there are behavioral deviations from some social media users who abuse information technology facilities by committing acts of hate speech and its derivatives.

## **METHOD RESEARCH**

The research method used in this study is a qualitative descriptive method. The type of data used in this study is qualitative data, which is categorized into two types, namely primary data and secondary data. Sources of data were obtained through library research techniques (library study) which refer to sources available both online and offline such as: scientific journals, books and news sourced from trusted sources. These sources are collected based on discussion and linked from one information to another. Data collection techniques used in this study were observation, interviews and research. This data is analyzed and then conclusions are drawn

## RESULT AND DISCUSSION

Utilization of information technology is basically used to reduce complexity, the influence of globalization, and the need for a fast response time (Munthe et al., 2017). Likewise, the components that build information technology include hardware (hardware), software (software), human brain/intelligence devices (brain ware), and data, information, and science (Riau-Pekanbaru, n.d.).

On the other hand, the limitations of the law of telematics law or the law of information technology because the development of telematics technology is extremely fast and not comparable to the law of telematics or the law of information technology, have resulted in many legal vacuums (Iskandar et al., 2021). In addition, telematics legal experts are also very limited, and even then more think about information technology criminal law or telematics legal rules concerning criminal matters, but they are still limited in thinking about information technology civil law.

The existence of legal infrastructure in the form of Information Technology Law in Indonesia can no longer be delayed. This is because a sense of justice must be created in the Law of Telematics or the Law of Information Technology for the people of Indonesia. On that basis, the Information Technology Law system or Telematics Law system is clarified because this affects economic interests other than legal interests.

Information technology law (law of information technology), virtual world law (virtual world law), and Nayantara law were born considering the activities carried out through computer systems networks and communication systems both locally and globally (Internet) by utilizing system-based information technology. a computer which is an electronic system that can be seen virtually. In this regard, the legal world has begun to expand the interpretation of its principles and norms when dealing with intangible material issues, for example in the case of electricity theft as a criminal act.

Activities through the media of electronic systems, which are also called information technology rooms (cyberspace), even though they are virtual, can be categorized as real legal actions or actions, both with positive and negative implications.

Social media can potentially be an alternative means of crime (criminal). Advances in science and information technology based on all digital causes fundamental and widespread changes in the flow of information. In the past, people were not easy to be a source of news, but now everyone has become a source of news. Social media has become a public space, an open space, and an alternative space. When transmitted or sent to social media (upload), in a matter of a few seconds, the impact of the spread is unavoidable.

Philosophically, the freedom to use information technology has the potential to give rise to rights and obligations because of the advantages and disadvantages of cyberspace through the internet.

Aspects of correlation related to legal protection for social users, open opportunities for misuse of information technology that result in harm to other parties with unlimited value and do not recognize the sovereign jurisdiction of a country, that the use of the internet results in risks of rights and obligations, it is necessary to have signs in the form of regulations which is stipulated by law. This means that, based on the contextual philosophical aspects of the presence of information technology and its social implications, sociologically the state that has territorial jurisdiction is responsible for carrying out the process of creating legal construction in order to provide legal protection for social media users.

The limitations of legal regulations in Information Technology Law have resulted in the science of Information Technology Law not developing as desired. At least with the existence of information technology legal regulations where aspects of justice and legal certainty are the most important things in providing legal protection guarantees for social media users. The

initial tool in providing legal protection in terms of the use of telecommunications is Law Number 36 of 1999 concerning Telecommunications. Furthermore, along with developments related to information technology, then Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) was enacted (Haryono, 2012).

The existence of these two laws, in particular Law no. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), is a new provision in Indonesia due to the extraordinarily rapid development of the world of information and telematics. On that basis, it is unavoidable that the existence of telecommunications, information, and telematics laws cannot be avoided anymore. The law that studies telecommunications, information, and telematics is also called Information Technology Law or specifically, we know it as Indonesian Information Technology Law.

Based on the enactment of the law, to overcome security disturbances in the operation of the electronic system, an absolute legal approach will be a means to realize legal certainty and legal protection for the optimal use of information technology. Philosophically, the need for rules and/or norms is to provide guidance for humans in acting and behaving. Rules and/or norms are expected to be “signs” that are adhered to in communicating. Thus, in the juridical context of the existence of Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), at least it is an initial legal policy, which is able to regulate the behavior of social media users who are protected by law through Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) (Ghifary et al., n.d.).

The legal construction of information technology that exists in the concept of the legal system in Indonesia has been formulated in more specific legal rules. These legal rules become the legal basis used by law enforcers in carrying out law enforcement duties, both in the context of the *ius constitutum* and *ius constituendum*, of course, after the promulgation of Law no. 11 of 2008 concerning Information and Electronic Transactions (ITE), which was later amended based on Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE) (Andrea et al., 2020).

The legal construction of information technology regulated under Law no. 11 of 2008 concerning Information and Electronic Transactions (ITE), which was later amended based on Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE), in general, the material of Law no. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), is divided into two major parts, namely the regulation of information and electronic transactions and the regulation of prohibited acts. The contents of the ITE Law, in essence, provide the scope of the principles and objectives as well as the implementation, and the regulation of information and electronic transactions as well as the regulation of prohibited acts and their criminal sanctions. Overall, this is a form or form of legal protection for social media users who need legal protection, justice, and legal certainty.

## CONCLUSION

In the administration of state administration and governance, every country must have standard systems that are used as tools to regulate all aspects of life in their country. One of the most important systems in the life of the nation and state is the legal system. The legal system functions to regulate the relationship between the state and the community and the relationship between the community itself.

Information technology law regulated in Law no. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), is a legal means of information technology and special information technology law, in order to create legal protection for the social media

user community.

In the concept of realizing the construction of legal protection for users from social media abusers based on information technology law in Indonesia, the applicable legislation should have considered the philosophical aspects for the benefit of the community, as well as providing legal certainty guarantees.

The position of law in the realm of information technology or telematics, if examined further, turns out to also have implications for changes that occur in society. The development of information technology (telematics) has given birth to biases for the surrounding environment, including the community. Therefore, legal protection for social media users based on information technology law has binding power for the parties in it (legally bound), which of course is equipped with a sanction mechanism as a means of coercion.

Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, as a form of correction to Law Number 11 of 2008 concerning Electronic Information and Transactions, proves that the substance of the amended law complements and enhances the interests of the state and society.

## REFERENCES

- Andrea, D. L., Permata, R. R., & Safiranita, T. (2020). Freedom Of Panorama Terkait Pelindungan Karya Cipta Di Ruang Publik Berdasarkan Hukum Hak Cipta Dan Hukum Teknologi Informasi Dan Komunikasi. *Jurnal Ilmu Hukum Kyadiren*, 2(1), 59–75.
- Ayu, L. N. (2016). *Penjatuhan Pidana Maksimum Dalam Perkara Tindak Pidana Asusila Terhadap Penyandang Disabilitas (Studi Putusan Nomor 244/Pid./2013/Pt. Smg)*. Universitas Bhayangkara Jakarta Raya.
- Ghifary, F. M., Aryanti, D., & Sh, M. H. (N.D.). *Analisis Pemutusan Hubungan Kerja Studi Kasus Putusan Mahkamah Agung Nomor 23/Pdt. Sus-Phi/2020/Pn. Yk Dan Relevansinya Dengan Force Majeure Di Masa Pandemi Covid-19 Dalam Perspektif UU Ketenagakerjaan*.
- Gunarsa, A., & Sidharta, B. A. (2013). *Meuwissen Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, Dan Filsafat Hukum*. Refika Aditama.
- Haryono, H. S. (2012). *Penerapan Pidana Terhadap Pelaku Pencurian Dengan Pemberatan Berdasarkan Pasal 363 Ayat (1) Ke-4 Kitab Undang-Undang Hukum Pidana (Kuhp):(Studi Kasus Putusan Pengadilan Negeri Tangerang Nomor: 983/Pid. B/2010/Pn. Tng)*. Universitas Bhayangkara Jakarta Raya.
- Hidayat, R. (2020). Construction Of Character Education In Mandailing And Angkola Culture In North Sumatra Province. *Society*, 8(2), 611–627.
- Iskandar, I., Sulaiman, F., & Pramudita, M. (2021). Strategi Peningkatan Indeks Kualitas Lingkungan Hidup Kabupaten Serang Berdasarkan Analisis Indeks Kualitas Air. *Prosiding Satu Bumi*, 3(1).
- Kalaena, L. S., & Bagye, W. (2018). Implementasi Network Attached Storage (Nas) Menggunakan Freenas Pada Stmik Lombok. *Jurnal Manajemen Informatika Dan Sistem Informasi*, 1(1), 6–10.
- Munthe, G. N., Ananda, D., & Telnoni, P. A. (2017). Aplikasi Pengolahan Data Dan Implementasi Denah Pada Perpustakaan (Studi Kasus: Badan Perpustakaan Dan Kearsipan Daerah Provinsi Jawa Barat). *Eproceedings Of Applied Science*, 3(3).
- Pratama, P. A. E. (2015). *Handbook Jaringan Komputer*.
- Rahman, A. (2016). Pengaruh Negatif Era Teknologi Informasi Dan Komunikasi Pada Remaja (Perspektif Pendidikan Islam). *Al-Ishlah: Jurnal Pendidikan Islam*, 14(1).
- Ramli, A. M. (2010). *Cyber Law Dan Haki: Dalam Sistem Hukum Indonesia*.

- Riau-Pekanbaru, K. (N.D.). *Analisis Bentuk Perkara Niet Onvankelijk Verklaard (No) Di Pengadilan Agama Pekanbaru*.
- Santiago, F., & Syahuri, T. (2016). Artikel Dalam Buku Akuntabilitas Mahkamah Agung Asosiasi Pimpinan Perguruan Tinggi Hukum Indonesia, Pt. *Rajagrafindo Persada, Depok*.
- Saputra, A. F. (2020). *Pengendalian Peredaran Produk Secara Mandiri Sebagai Instrumen Pelaksanaan Tanggung Jawab Sosial Korporasi Rokok: Sebuah Studi Sosio-Legal*.

**Copyright holders:**

**Medeleine Antoneta Lorohama Kune, Rineke Sara  
(2023)**

**First publication right:**

**Injurity - Interdisciplinary Journal and Humanity**



**This article is licensed under a Creative Commons Attribution-ShareAlike 4.0  
International**