HOAX AS A CYBER CRIME IN THE WHIRLPOOL OF INFORMATION TECHNOLOGY

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Abstract
This study aims to determine the development of information technology as a cause of hoox crime in the cyber world and also want to know the legal sanctions for hoax spreaders related to the principle of justice in the cyber world. The form of research that the author uses in this writing is normative juridical research with data collection methods through secondary data in the form of data in the library (Library Research). The author examines secondary data relating to the main problem in the subject matter of the discussion which includes books of scientific work, opinions of scholars, which are theoretical in nature. After the data is collected and then analyzed and processed to answer the problems raised in this study. The results of the study show that Information technology has created a new crime trend in the world of cyberspace. The development of computer and internet-based technology has caused various types of crimes that were previously conventionally developed to become cyber crime. Legal sanctions for perpetrators of cybercrime crimes can be subject to information technology laws, however the perpetrators can also be subject to articles contained in the Criminal Code. Although the information technology law and articles contained in the Criminal Code have not been fully able to overcome the problem of cybercrime crime.

Keywords: Hoax, crime, information technology.

INTRODUCTION

As it is known that the development of information technology has made it easier for people to do various kinds of social activities, security, business, even education. Information technology spoilspeople who have been able to experience benefits for a long time because it is done conventionally, now only seconds the benefits are immediately felt. For example, if someone previously sent information or a message must be done by sending a letter. Now with just one tap, information and messages arrive straight away without a hitch.

Information technology that can send news and messages quickly or online, namely through Facebook messages, instagram, tweeter, "whatsApp" (WA). If we look at information technology in the form of "WhatsApp", then "whatsApp" is an information technology that is currently used by many people to send information or messages. Before "whatsApp", the message is done through "Black Berry Messenger" (BBM). Long before "Black Berry Messenger" the message was delivered via "peger". The development of information technology began to wander in the 21st century around 2010. The forms of messages sent through the application "whatsApp" seemed to be present without limits. Almost everyone has this application. Even the presence of this Android-based application so much presents and sends information or messages. Regardless of whether the information is true or not. Regardless of who sent the message, what is certain is that the information technology is connected via the internet.

With the Internet has changing how people communicate, and how how to get news and information. There have been many community members accessing the internet.[1] Through the

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[1]Sudirman Siahaan, Pemanfaatan Teknologi Informasi Dan Komunikasi (Tik) Untuk Pembelajaran: Sebuah Kajian, *Jurnal Teknodik*, Vol. 18 - Nomor 3, Desember 2014, p. 275.

presence of the internet, they can get the information they need wherever and whenever they want.[2] Including short messages from several social media.

For example, around the beginning of December 2016 during lunch at a Padang warung in the Blok M area, the author received a message from Black Berry Messenger (BBM), from a friend. It looks like the message was also received from someone, then forwarded to the author. The BBM message is basically more or less like this, "If you send this message to 10 (ten) contact numbers of your friend, then you will get an additional credit of 100 (one hundred) thousand rupiah". Because the author often gets the same broadcast, the writer just leave the message BBM. Because, where possible there will be an additional credit just by sending a message, that is the author's pulse will decrease when sending the message.

Of course for some people who have whatsApp or Black Berry Messenger have or often get broadcast messages like the above or the like. Question, how do you respond? Was it ignored while laughing? Or is it trusted then continue to order another friend? All people certainly have ways and attituides to respond. Then why do people believe so easily with hoax news that sometimes the news is not necessarily the truth. Even though theoretically, someone is very vulnerable to hoax news. This is because the hoax news is easy to spread throughout whatsApp groups. Nevertheless, the ease with which someone is exposed to hoax news will depend on how much he has the ability to think of exploring social media critically by using logic, and common sense to see and evaluate any information that enters, not just the ability to use information technology by sending messages or shares from next door neighbors, without checking the truth of the text or news in the message.

People should be more observant in disseminating various information.[3] In many cases we often see and witness how social media connoisseurs forward whatSApp messages to other WhatsApp groups without considering the risks that the sender might receive. It could be that the message that is forwarded has a very high legal impact and risk, for example there is an element of defamation or insult. Sometimes a message that is received or sent by another party seems to be just a joke, but it might be something funny by someone or anyone in the message. From that, if using the direct path, an interpreter understands the text without using a methodology to understand and investigate the meaning contained in the text.[4]

Hoax aims to make public opinion, lead public opinion, shape perceptions also for hufing fun that tests the intelligence and accuracy of internet and social media users. The purpose of distributing hoaxes is varied but hoaxes are generally distributed as material jokes or just fad, dropping competitors (black campaigns), promotions with fraud, or invitations to do good deeds- actually good practices have not yet been clearly stated in them. But this caused many hoax recipients to be lured into spreading it to their colleagues so that the hoax eventually spread widely.[5] Law enforcement must be firm to overcome it.[6]

To minimize the bad effects of hoaxes, it is necessary to filter every news, so that social media users no longer deal with the law because it violates legal provisions as contained in information technology laws. Social media with an atmosphere of comfort and happiness should be an entertainment for its users. However, unwittingly the use of internet facilities is often overlooked which can ultimately harm themselves and other parties.[7]

However the form of news and messages received. From whoever the message and news is received. One thing is certain, as the recipient of the message will definitely ask, is this a hoax or

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[2] Rediana Setiyani, Pemanfaatan Internet Sebagai Sumber Belajar, *Jurnal Pendidikan Ekonomi Dinamika Pendidikan* Vol. V, No. 2, Desember 2010, p. 118.

[3] Dharlinda Suri, Utilization of Communication Media and Information for Embody National Development, *Jurnal Komunikasi Pembangunan*, Juli 2019, Volume 17, No. 2, p. 170.

[4] F. Budi Hardiman, *Seni Memahami,* Yogyakarta: Penerbit Kanisius, 2015, p.244.

[5] Dedi Rianto Rahadi, *Perilaku Pengguna Dan Informasi Hoax Di Media Sosial*, Jurnal Manajemen dan Kewirausahaan, Volume 5 Nomor 1 2017, p. 61.

[6] Andrew Ashworth, *Principles of Criminal Law,* New York: Oxford University Press, 2003, p. 23.

[7] Thamrin Dahlan, *Bukan Hoax,* Jakarta, Peniti Media, 2016, p.11.

not? This is certainly very human, because so often we as people receive the same news and messages. It even makes us bored sometimes. If it's not a hoax, it's sure to bring benefits to many people. However, if the news hoax is certain to be the cause of the breakup of friendship and potentially trigger friction and hostility.

The phenomenon that we currently see in people's lives which is increasingly full of dynamics and challenges must be addressed by means of thinking that is healthy and not with mere euphoria in addressing life filled with various kinds of problems.

PROBLEMS

In this research several problems will be formulated, namely:

1. How is the Development of Information Technology the cause of hoax crime in the cyber world?
2. How are legal sanctions for hoax spreaders related to the principle of justice in the cyber world?

RESEARCH METHODS

The form of research that the author uses in this writing is normative juridical research with data collection methods through secondary data in the form of data in the library (Library Research). The author examines secondary data relating to the main problem in the subject matter of the discussion which includes books of scientific work, opinions of scholars, which are theoretical in nature. After the data is collected and then analyzed and processed to answer the problems raised in this study.

DISCUSSION

Information Technology and Cyber Crime

The development of information technology is very difficult to stem. This problem then has caused an unavoidable phenomenon. This is because humans always try to facilitate activities in getting information. To get information, one does not have to go to newspaper and magazine stalls to buy copies of the newspaper and magazine. To get information in the current era of information technology development, one does not have to press TV remote and sit watching TV in the family room. However, in the era of development of information technology based on computers or cellular phones, someone anywhere, whatever they can, can directly access or find out various information that is currently being discussed. No need to wait long, with just one tap, all information will be immediately obtained.

Previous telecommunications technology was only limited with modernization becoming deformed in such a way that it was difficult to distinguish whether telecommunications technology or information technology had become. But what is certain is that information technology is part of telecommunications technology. Information technology cannot escape from communication technology. This is very closely related to the protection of the law and the progress of modern society that cannot be dammed by the people of Indonesia.[8]The legal protection is due to the existence of cyber crime in the scope of people's lives. Cyber crime develops in such a way without recognizing boundaries, the perpetrators can be men and can be women. The culprit can be parents or even teenagers. Cyber crime develops without knowing space and time. The culprit can be in the territory of Indonesia, or maybe in the territories of other countries outside the territory of Indonesia, but the impact is very likely to be felt in Indonesia.

The formulation of the definition of cybercrime that is universal and accepted by all parties turns out to be very difficult to do. Several times the experts tried to form a representative

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[8]Nudirman Munir, *Pengantar Hukum Siber Indonesia,* Jakarta: Rajawali Pers, 2017, p. 4.

definition, but experienced many obstacles. Nevertheless, the terms and concepts of cybercrime can be accepted by each country even though sometimes they do their own definitions.[9]

The existence of cyber law in the development of information technology is no longer a dream, utopia or an ideal but is a necessity and a reality that must be faced by the people of Indonesia. Losses that occur both members of the community, the government must be stopped in the presence of cyber law. Moreover, cyber law cases continue to grow and it is difficult to say that they have not affected Indonesian society. In fact cybercrime, both seen nationally and globally, has threatened the every country in the world so that rules or norms are needed both nationally and internationally.[10]

As a further development of information technology, the world community and especially in Indonesia, introduced a new thing and is a modernization of information technology, namely telematics technology. This technology has developed rapidly even more rapidly than any technology in the world today. Telematics technology has even entered into all other technological systems in the world. As if without the existence of telematics technology that complements any modern technology in the world, then modern technology is not yet perfect.[11]

If it is observed, crimes related to information technology such as those that occur in Sidoarjo, where a graduate of a High School who managed to earn a sum of billions of rupiah. The young man's actions were carried out by breaking into the server of a pulse distributor company. Not long ago, crimes related to information technology by utilizing computer facilities connected to the internet were the occurrence of online prostitution.

In general, internet usage and cyberspace in Asia are growing very rapidly. However, infrastructure and penetration are still relatively behind compared to western countries. In certain contexts there is even a technological leap experienced by Southeast Asian countries. In conventional internet usage, Southeast Asian countries are relatively lagging behind, but instead jump into the use of Web 2.0 and social media facilities.[12]

From that, crime in the world of the internet whatever its form must be eradicated and must not live and develop in society. All crime handlers must be carried out with effective law enforcement. Effective law is to implement all existing legal provisions without compromising anyone who commits criminal acts in the world of cyberspace. Talking about law enforcement means that what we want to criticize is how the law is implemented in the midst of society by legal apparatus. With another understanding that the law is enforced for perpetrators of cyber crime.

These law enforcers refer to the high level of crime on the internet that cannot be denied in the real life of Indonesian society today, although actually compared to other countries such as China and America or in Europe, internet users in Indonesia are still relatively small. However, this does not mean that crime in the internet does not exist, on the contrary it is increasingly high and must be aware of.

Social Media and Hoax

It is no exaggeration that for some people having social media seems to have become a necessity. Without social media life is like there is a lack. In everyday human life there are so many social media that are used so that they can easily be contacted or contacted. One of these social media is WA (WhatSapp or BlackBerry Messenger (BBM). Messages from BBM and WA above almost all social media users get it. As a recipient of the message you will definitely ask. What hoax is this not?

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[9]*Ibid,* p. 27.
[10]*Ibid*, p. 6.
[11]*Ibid*, p.5.
[12]Tobias Basuki, *Tantangan Cyberspace dan Cyberpolitics di Kawasan pada Masa Mendatang,* Analisis CSIS, Vol. 43 No. 4, Desember, 2014, p. 410.

If we refer to the word hoax, then in general people will say that hoax is actually news or false stories that are intentionally made or spread, as if the news or story is true. Hoaxes in any field have several characteristics; lebay, full of threats and the edges are commercial. In Indonesia hoaxes can bring in 600 to 700 million rupiah per year, while abroad, the figure can reach 200,000 US dollars.[13]

People are more likely to believe hoaxes if the information is in accordance with their opinions or attitudes.[14]From that, the community must be wise and use logic in using and utilizing internet-based technology.

With the proliferation of internet-based social media, it turns out hoaxes have a place to grow in human life. Indeed, hoaxes have gotten a place when social media became very common and developed in the free era of access to internet use. The audience, not only adults and even children. Just look, where and whenever social media is used by many people, for example, Twitter, Facebook, Google, Instagram, BBM, WhatshApp and others.

No wonder then social media has turned into a primary need for some people. Activities that were once able to be carried out without the presence of social media, are now as if they cannot be done without the name social media. Many people pour feelings through status updates, upploud important events in their lives as well as through social media. Both marriages, romance and careers. Be it political, legal and social. But in fact, unique events that have occurred in human life are sometimes just a hoax or mere issues that are deliberately arranged as well as possible so that it looks very convincing.

The use of social media is needed by many people, both for access to knowledge, friendship, meeting, missed, or for supporting facilities in the profession. As long as social media is not misused, its existence is definitely permitted. Because in a modern and sophisticated life like today, social media has played a very important function as life support, for example in running a business. From that, the use of social media does not make people forget all that is right and not true. That is, users of social media should be able to capture the right and incorrect news. In a hoax message, for example, how many people become victims because they are fooled to believe it.

There are three important approaches needed to anticipate the spread of hoax news in the community, namely institutional, technological and literacy approaches. Institutional approach, by continuing to promote the anti-hoax community. In terms of the technology approach, the application of the hoax cheker can be used by the public to check the truth of the news indicated by hoaxes. Literacy approach, with anti-hoax news and socialization movements from the school to the general public that are enhanced and encouraged, not only by the government but also by all levels of society including other non-government institutions.[15]

In many thoughts, hoaxes have two purposes. First for just a joke among fellow social media user groups. Second, aim at evil, deliberately shared to cheat or deceive. So that it has an impact on the ugliness of the person or group being addressed. The hoax news that is rife lately in people's lives through social media, such as whatsApp or blackbery certainly makes some people anxious and anxious, even though some consider that news on WhatsApp or Blackbery is only a sweetener of social media in the form of entertainment, whose existence just enjoy it. No need to get too dizzy. But for some people, hoax messages through social media have made his personal life uncomfortable. This is because the perpetrators of hoax spreaders sometimes attack and drop good names. In this case, is it a personal, institutional or even family name? Even worse, many people are consumed by the hoax issue which causes them to argue with each other or even fight with each other through cyberspace. In the end, many of their relationships are interrupted in the real world. Even hoax news sometimes has the power to change and reinforce one's views on something.

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[13]Nudirman Munir, *Op cit,* p, 258-259.

[14]Respati, *"Mengapa Banyak Orang Mudah Percaya Berita Hoax"?,* Jakarta: Kompas, 2017, p. 5.

[15]Christiany Juditha, *Interaksi Komunikasi Hoax di Media Sosial serta Antisipasinya Hoax Communication Interactivity in Social Media and Anticipation*, Jurnal Pekommas, Vol. 3 No. 1, April 2018, p. 42-43.

Because maybe the hoax news is addressed to someone, a group of people who have a negative side. For example in implementing regional head elections. When the candidate who is promoted is not liked, then when there is news about the candidate, usually the person who reads directly responds and then agrees as if it is true. Though information and news that are negative and contain elements of lies can cause anxiety and fear and can reduce the credibility of the person being reported. Not necessarily the truth of the news, but it has already been consumed by the public.

If you pay close attention, the role and influence of the internet is very much, it requires a wise and positive attitude in viewing the internet. The role of the internet increasingly dominates people's lives. The internet has mastered all kinds of information. Almost all information is controlled by the internet. Anything can and can be found on the internet. The community was eventually spoiled by the presence of the internet. Even to spend the kitchen needs of the community easily get it without having to come to the markets or shopping centers and no less importantly there are so many people using the internet to learn various kinds of things, such as learning to cook, learn languages and various other knowledge. Thus, it is right, if in this millennium, social media should be used to support life for the better.

Legal Sanctions for Hoax Spreaders and the Role of Legal Officials

The concept of state law directly refers to the concept of supremacy of state law. As a state of law, Indonesia adheres to the concept of a Continental European legal system which prioritizes written law in the form of legislation.[16]The form of the regulation must be beneficial for people's rights. Including the right to feel safe from various kinds of self-esteem and good name. Similar to this is the act of utterance of hatred by someone using computer and internet-based social media.

Behind this, of course we still remember in our minds as a community about hoax news in the form of speeches of hatred carried out by certain groups. This news is broadcast continuously in print and electronic media. The news began with the arrest of the perpetrators of the spread of hate speech, slander with the quality of hoaxes by irresponsible groups. This event is clearly an act which ultimately aims to divide the nation, and at the same time damage the religion of Islam.

From the various stories about hoaxes above, it increasingly explains to all of us, that with the abundance of information that can be said as difficult as unstoppable, it has caused new problems in the community, meaning that the community seems to have difficulty choosing which news can be trusted and which news lying or hoax. Between false news and true circulation widely in cyberspace. The irony is that so many people are caught up in the news so they take part and play a role in spreading it.

If seen from several hoax events and utterances of hatred that exist in various reports in print and electronic media, then the form of utterances of hatred or hoax, clearly their actions are not blessed by Allah SWT. When the message lies or hoaxes circulate in the community, the community has been attacked by cyber crime. Because hoax is definitely part of cyber crime. Because it is implemented using information technology. This type of crime is more lust-oriented which attacks the good name of a person or certain group with the ingredients through cyberspace or social media.

Hoax attacks on technology-based social media will make people confused about information that is right and wrong, which ones are slanderous and which contain truth values. That is the state of social media that is used by society today. Social media is so easily accessible and has become a forum for information that can connect people in other parts of the world. Social media can be enjoyed without being limited by space and time. But unfortunately, the ease of enjoying social media was not followed by intelligence using social media. Social media should convey a

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[16]Rachmat Wahyu Hidayat, *Kedudukan Hukum Adat Sebagai "Living Law" Dalam Peraturan Perundang-Undangan Berdasarkan Prinsip Negara Kesatuan Republik Indonesia,* Prodigy Jurnal Perundang-Undangan, Badan Keahlian DPR RI, Vol. 5 No. 1, Juli, 2017, p.11.

variety of information that can be trusted and known for its accuracy and validity. From that, it needs accurate efforts so that the cyber space that we use can avoid hoax attacks and cyber crime.

Every act of slander that leads to defamation is a criminal act that creates a victim. Victims of crime generally suffer losses.[17] Therefore, violations of criminal law are understood as conflicts between individuals that cause harm to the victim.[18] For this reason, the law can function as a rule that must be obeyed.[19]

There is a rule of law in this respect that governs every crime. The rule of law that gives sanctions to hoax players, whether it is in the form of speech hate or defamation is Law Number 19 of 2016 concerning Information on Electronic Transactions. Article 45 A paragraph (2) states: "Every person who intentionally and without the right to disseminate information aimed at arousing hatred or hostility of certain individuals and / or groups based on ethnicity, religion, race and intergroup (SARA) as intended in Article 28 paragraph (2) shall be sentenced to imprisonment for a maximum of 6 (six) years and / or a fine of a maximum of Rp1,000,000,000.00 (one billion rupiah)."

While the perpetrators of defamation can be ensnared by Article 45 paragraph (3). The article reads: "Everyone who intentionally *and without rights distributes and / or transmits and / or makes access to Electronic Information and / or Electronic Documents that have content of insult and / or defamation as referred to in Article 27 paragraph (3) convicted with a maximum imprisonment of 4 (four) years and / or a maximum fine of Rp. 750,000,000.00 (seven hundred fifty million rupiahs).

The possibility of cyber crime is very high in the community. In a legal state, the legal apparatus in the smallest area in the region has an obligation and authority in the prevention of cyber crime. For example at the level of the sector police. Likewise in the broad sense by all bodies dealing with the prevention of crime in the criminal law system. Thus, in addition to the legislation, the role of the law apparatus is needed. The legal apparatus must be assisted by the community.

Crime is a form of violation of social principles.[20] This includes, of course, hoax crimes. This requires good law enforcement. Law enforcement is not an independent activity, there is a close reciprocal relationship with the community. In law enforcement by law enforcement officials it is better not to ignore the people behind them. Law enforcement in a society has its own tendencies caused by the structure of its society.[21]To realize a legal state it is very important the role of the institutions or the driving body is functioned. In this case legal norms cannot stand alone as legal substances.[22]The need for institutions and regulatory agencies to prevent various types of crime.

Prevention can be done in a preventive and repressive manner. Preventive prevention efforts are not solely through juridical approaches, but can be accompanied by sociological, psychological, criminological and cultural approaches. On the contrary, repressive law enforcement is the process of implementing criminal law which is an act of carrying out or not conducting an investigation,

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[17]Jonlar Purba, *Penegakan Hukum Terhadap Tindak Pidana Bermotif Ringan dengan Restoratif Justice,* Jakarta, Jala Permata Aksara, 2017, p. 46.

[18]Andrew Ashworth, Victim Impact Statements and Sentencing, The Criminal Law Review, August, 1993, p. 25.

[19]Theo Huijbers, *Filsafat Hukum Dalam Lintas Sejarah*, (Yogyakarta: Kanisus, Cetakan Keempat Belas, 2007), p. 23.

[20]Nandang Sambas dan Dian Andriasari*, Kriminologi Perspektif Hukum Pidana,* Jakarta: Sinar Grafika, 2019, P. 115.

[21]Muchamad Iksan, *Hukum Perlindungan Saksi Dalam Sistem Peradilan Pidana Indonesia,* Surakarta: Muhammadiyah University Press, 2012, p. 41.

[22]Sri Hastuti dan Lasmaida Limbong, 2016, *Pengukuran Kepuasan Masyarakat Terhadap Kinerja Kejaksaan dalam Penanganan Perkara*, Jurnal Bina Adhyaksa, Vol. 6 No. 3, Juli, 2016, p.226.

committing or not prosecuting and dropping or not imposing a crime.[23]*Any intellectual actor behind the hoax distribution group. Anyone who becomes a major player and who participates in the spread of hoaxes should be punished as fairly as possible.*

This expectation will be carried out well and effectively, if supported by legal instruments, administrative officials and law enforcement as an absolute means. These administrative and law enforcement legal instruments need to be evaluated both in terms of position and function. It needs to be questioned for example, is it clear the profile and figure of our legal system that is considered to support the realization of the state and government based on law?[24]*Thus, the issue of legal products, administrative officials and law enforcers play a very important role in following up crime in the world of information technology.*

There are a number of things that need to be immediately addressed in the issue of the use of internet-based information technology media, before it has further become a no man's jungle and no legal provisions or regulations are applied. Important things that need immediate attention are the need for applicable legal instruments and legal norms that are adapted to the characteristics of the media that are still relatively new.[25]The provisions or legal regulations that apply must be in favor of a sense of justice. The legal apparatus must carry out justice in accordance with the existing criminal threats. So that the principles of legality are fulfilled. This is the challenge in the Indonesian justice system going forward to create a sense of justice for the community. Wherein in the criminal justice is questioned about very important issues such as justice and rights for the general public.[26]

Criminal threats to criminal offenders must be stated in specific laws and regulations so they can reflect the principle of legality and legal certainty. No less important, given the punishment for cybercrime, the new Criminal Code Bill needs to be made about the threat of criminal substitution.[27]In order to create a more effective case settlement process it is necessary to study what if the special lane is regulated and enforced in the applicable legal system in Indonesia.[28]

In several other parts of the world, the country that first regulates cybercrime in special legislation and has the most legislation governing the mayantara world is the United States. While the last country issued a special law that regulates cybercrime was Mauritsius in 2003. The country that first entered into an amendment to the Criminal Code to regulate cybercrime was the United States. While the last country to amend the Criminal Code is Sweden, namely in March 2005.[29]

The legal development described above basically follows the development of the crime itself, so that normatively it is almost certainly still one step behind the development of the crime itself. Perhaps it is true an expression that "law is always of social changes" because legal changes are always directed at the dynamic needs of society including the development of crime itself. Meanwhile, the Indonesian Criminal Code which was codified and unified since 1958 certainly cannot keep up with the times including the development of crime.[30]The Criminal Code was developed later. Based on law No. 1 of 1946. Now it is just how the Indonesian state applies to threats or criminal sanctions for perpetrators of cyber crime, either in its Criminal Code or in its own special rules governing cyber.

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[23]Moh. Hatta, *Beberapa Masalah Penegakan Hukum Pidana Umum & Pidana Khusus,* Yogyakarta: Liberty, 2009, p. 26-27.

[24]M. Solly Lubis, *Serba-Serbi Politik dan Hukum,* Jakarta: PT. Sofmedia, 2011, p. 48.

[25]Nudirman Munir, Op cit, p. 58.

[26]Marshall Croddy dan Bill Hayes, *Criminal Justice in America,* California: Constitutional Right Foundatioan, 2012, p6.

[27]Widodo, *Sistem Pemidanaan Dalam Cyber Crime*, Yogyakarta: Laksbang Mediatama, 2009, p. 23.

[28]Marfual Latifah, *Pengaturan Jalur Khusus Dalam Rancangan Undang-Undang Tentang Hukum Acara Pidana,* Jurnal Ilmiah Hukum Negara Hukum Membangun Hukum untuk Keadilan dan Kesejahteraan, P3DI Sekjen DPR RI, Vol. 5 No.1, Juni, 2014, p. 34.

[29]Marfual Latifah, *Op cit,* p. 89.

[30]Sukardi, *Penyidikan Tindak Pidana Tertentu (Beberapa ketentuan Pidana diluar KUHP),* Jakarta: Restu Agung, 2009, p1-2.

Thus this law is expected to be able to answer various rights relating to laws relating to cyberspace, laws regarding information technology, and communication and law concerning trade using electronics.[31]While the Criminal Code should also not be defeated, there must be articles that can deter the perpetrators of hoaxes from being severely punished. So that the objectives of the law and the Criminal Code as positive law can be achieved. When the government issues a new law and applies to the whole community, it can force the community to comply, so it is called normative law.

In the legal tradition in countries that adhere to a European continental legal system such as Indonesia, the existence of the law as a form of implementation of the principles of the rule of law is a necessity. Therefore in Indonesia, the law has a very strategic position. The regulatory function will provide values and norms that apply and live in society.[32]

Criminal law as one of the positive laws that lives in society also provides values and norms that can bring goodness and prosperity to society. The purpose of criminal law is a law that provides punishment in the KUHP concept. Likewise with the purpose of imprisonment in criminal Islam. Even though in certain cases Islamic law has the principle of separating the purpose of punishment that is firm. In Islamic criminal law penalties are established to improve individuals, maintain the general public, and maintain their systems. The bases for realizing these goals are business oriented that can prevent people from committing crimes, the need for public safety, nurturing the community from evil behavior, and the aim of educating the perpetrators of various bases of self-improvement.

In the future, the rules or legal provisions that govern later must be made in full to complement the existing law on ITE. Of course, penalties or sanctions imposed on citizens in the form of imprisonment sanctions.

Prison sentences as a form of punishment or suffering, now no substitute can be sought, let alone abolished. If calculated profit and loss from imprisonment, there are no results of research that say more harm to the perpetrators as well as vice versa. Prison punishment as one of the safe choices to make perpetrators deterred, repent or obey the law is very dependent on the assessment of people who are harmed directly or family members of the community even the country.[33]

Dari apa yang disampaikan pada paparan diatas, maka masyarakat dimanapun membutuhkan media sosial untuk melengkapi dan memenuhi kebutuhan hidupnya, baik dalam bekerja, bisnis bahkan dalam dunia pendidikan sekaligus. Masyarakat tidak dapat menolak kehadiran teknologi yang sangat pesat. Hanya sekarang bagaimana masyarakat menyikapi kehadiran teknologi khususnya dalam menggunakan media sosial sehingga tidak melanggar undang-undang teknologi informasi. Sebab pertumbuhan teknologi dapat membawa dampak, baik positif maupun negatif.

CLOSING
1. Conclusion
a. Information technology has created a new crime trend in the world of cyberspace. Information technology should be used by the community for positive things. But in practice, the development of computer and internet-based technology has caused various types of crimes that were previously conventionally developed to become cyber crime. It is the government's duty under the Ministry of Communication and Information to continually actively explain to the public how to use information technology-based social media positively. Traffic using social media through the Internet must be closely monitored, including by stopping various sites or accounts that can damage the moral, unity and unity of the nation's children. In addition, parents, teachers, academics,

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[31] Munir Fuady, *Pengantar Hukum Bisnis*, Bandung: Citra Aditya Bakti, 2013, p. 413.
[32]A. Rosyid Al Atok, *Checks and Balances dalam Pembentukan Undang-Undang Dengan Sistem Bikameral Dilima Negara Kesatuan,* Jurnal Legislasi Indonesia, Vol. 13 No. 3, September, 2016, p. 222.
[33]Petrus Irwan Panjaitan dan Chairijah, *Pidana Penjara Dalam Perspektif Penegak Hukum, Masyarakat dan Narapidana*, Jakarta: Indhill Co, 2009, p. 87.

community leaders, non-governmental organizations and religious leaders must work together and work together to play their role in avoiding the public from using and using social media. This is the true task of all elements of society going forward.

b. Legal sanctions for perpetrators of cybercrime crimes can be subject to information technology laws, however the perpetrators can also be subject to articles contained in the Criminal Code. Although the information technology law and articles contained in the Criminal Code have not been fully able to overcome the problem of cybercrime crime. For that in the future there needs to be a change or the formation of laws that are very specific in dealing with problems or crimes in the cyber world, especially crime in the form of hoaxes. The formation of new laws would be very important given the high and dangerous nature of cyber crime in people's lives. So that this new or more specific law in the future can prevent or at least reduce the development of cyberspace crime in the social life of society.

2. Suggestions

The efforts of the Indonesian people to fight hoaxes on social media should be constantly carried out. Beware of hoaxes to live comfortably with good news and away from false news. As a community can take lessons from the news hoaxes that attack. Let us not be trapped with misleading news, because it will be harmful to ourselves and even to others. To those who like to produce and share hoax news to immediately stop their actions, because Allah SWT has explained in Surah Al-Bagarah verses 8-10 that Allah SWT will give them a painful punishment, because they lie.

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