SOCIOLOGY OF LAW AS A MEANS OF SOCIAL ENGINEERING IN RELATION TO CYBER CRIME

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Abstract

The existence of law can be a tool for organizing, influencing, and renewing community life. Community thought patterns and behavior can be guided in a righteous and constructive direction if the law can be empowered as a strategic force to influence them.Law has become a crucial instrument for controlling and countering social engineering, particularly in the digital 4.0 era, where cybercrime is on the rise. This paper aims to examine the role of law as a tool for social change in everyday life. This paper utilizes a literature review (library research) method.

Keywords: *Law, Social Engineering, Cybercrime, Digital Era 4.0*

Introduction

One of the unavoidable necessities recorded by history is the demand for dynamics, change, development, and renewal in their lives, whether in economic, political, cultural, educational, social, or legal aspects. This renewal is a logical historical consequence that follows and underlies human life. This demand will be the answer to fulfilling human life's interests. Once these interests have been fulfilled, this cannot necessarily be said to have ended or reached its peak. In the midst of the process of human life's journey as individuals, members of society, and as citizens, there is an open possibility of dialectics (discourse), evaluation, and reform to complete it or fill various deficiencies and other interests. Likewise, in national life, one of which places the legal aspect as a supremacy, which according to our constitution (UUD 1945) has strengthened the position of the state as a "state of law" (rechstaat), legislative works that are the legal-organic implementation of the constitution also require renewal that is in line with the constitution and life's interests, including the rights of citizens. As is well known, the process of legal change (legal reform) continues, in line with the progress of human civilization. Signs of this change can be seen in the shift in the function of law, from its function as a means of conflict prevention or resolution, often referred to as "a means of order and security," to "law as a means of development."[1]During this period there has been a quite spectacular legal reform upheaval, considering that the normative juridical position or the existence of legal theories has experienced development and renewal of its functions and orientation.

Initially, the position of the legal function was a means of preventing conflict, meaning that various cases that arise between citizens and the state can be bridged by law to be resolved, but this function then experienced development and shift (renewal), namely shifting to law as a tool for development interests or what is popularly called "law as a tool to maintain the authority of the state". This is basically related to social elements that continue to maintain patterns and theories that have been recognized as true with other social elements that demand changes and reinterpretations of old discourses whose truth and usefulness for the life and development of the nation have been doubted. Related to this, we cannot escape the current era of globalization which is seen as a global phenomenon that continues to develop rapidly, has provided quite large changes in various aspects of human life both in the economic, social, political, cultural fields.[2] Globalization will continue to shape the world order and shape more modern human patterns and lifestyles. This rapid pace of globalization requires society to adapt to these changes. Globalization is inevitable, with the international flow of technology, information, and even ideologies and ideas occurring. Globalization encourages technological development, such as foreign investment that brings in more efficient technology and management practices, technology transfer from developed to developing countries

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[1]Kosmas Dahu, The Role of Law as a Tool to Change Society in Everyday Life, Warta Journal, Vol 49, July 2016, p. 20.
[2]Paulus Rudolf Yuniarto, Globalization Issues in Indonesia: Between Interests, Policies, and Challenges, Vol. 5, No. 1, 2014, pp. 67-95.

through international cooperation, and the globalization of information, supported by the internet and social media, enabling the faster dissemination of knowledge and innovation.[3] Technological developments, which will continue and advance in line with the dynamics of society, will lead the world into the digital era. Technology is essential in shaping the digital era and is a foundation for changing the way the world works.[4] Technology has created new opportunities and conveniences, such as increased access to information and easier communication. On an international scale, the digital era also creates significant opportunities for increased productivity, efficiency, and innovation, across individuals, organizations, and governments. However, on the other hand, this ease of working through technology has consequences for the entire global community, facing various complex challenges. One major challenge is the emerging threat of cybercrime. According to Andi Hamzah, cybercrime is a crime in the computer field which can generally be interpreted as the illegal use of computers.[5] Broadly speaking, cybercrime is any form of crime committed using electronic systems. Cybercrime has several terms, including computer misuse, computer abuse, computer fraud, computer-related crime, computer-assisted crime, or computer crime.[6] Cybercrime has unique characteristics compared to other crimes, as evidenced by its transnational scope, which can be committed across national borders through electronic systems and the internet. Furthermore, the nature of cybercrime, which is committed in cyberspace, does not directly demonstrate the potential harm it can cause. Generally, perpetrators of this type of cybercrime typically possess a mastery of information technology, particularly the internet, to carry out their actions. The complex modus operandi is understood only by those skilled in the field, and the potential harm it can cause. This phenomenon has become a major concern in global security discussions, as cybercrime is no longer just a threat to individuals but also to companies, governments, and a nation's critical infrastructure.[7] Technological developments in this digital era provide criminals with access to legal action using new methods.

Cybercrimes occurring in this digital era utilize information and communication technology in committing crimes such as data theft, hacking, malware distribution, and online fraud. In this case, the law as a means of changing people's behavior should be used to deal with cybercrimes that are increasingly rampant in the digital era 4.0. Rapidly adaptable transformation through comprehensive rules and regulations is needed to prevent various possibilities that occur due to cybercrimes. Law plays an important role in carrying out social control and as a tool for social engineering. Law as social engineering (hereinafter referred to as social engineering) was coined by Roscoe Pound. Roscoe Pound put forward the concept of "Law as a tool of social engineering." Law is not merely seen as a mere tool of power, but law functions as a tool for social engineering.[8] In line with the school of thought adopted by Roscoe Pound, namely the Sociological Jurisprudence school, the law is used as a tool or instrument to direct society towards a goal to be achieved, as well as eliminating negative habits in society. The author uses the perspective of Sociology of Law, that the use of Sociology of Law itself is to know and understand the development of positive law in society by looking at the factual conditions of society and to know the effectiveness of the implementation of positive law in society, analyze the application of law in society, construct legal phenomena that occur in society and map problems related to the application of law in society. In this study will be analyzed related to how the law functions as a social engineering tool in dealing with cybercrime in the digital era 4.0.

Discussion
Law and Social Change

The paradigm built by Thomas S. Khun, is related to the life of society. After Thomas S. Khun, many experts in Indonesia have discussed (carefully discussed) the relationship between law, power and society. All three have become the focus of attention, considering their respective positions that support and influence each other. For example, in a scientific paper written by the author (Law and Social Change) has outlined two aspects of legal work in relation to social change, namely law as a means of social control and law as a means of social engineering. As a

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[3] M. Izra Andhika, Djaki Hasan, Azka M. Rafif, The Influence of Globalization on Technological Progress in Indonesia, Vol. 20, No. 2, June 2024, pp. 32-35.

[4] Dina Destari, Global Education in the Digital Age: Transformation on an International Scale, Vol. 1, No. 8, August 2023, pp. 538-553.

[5] Yuni Fitriani, Roida Pakpahan, Misuse of Social Media for the Spread of Cybercrime in Cyberspace, Vol. 20, No. 1, March 2020, pp. 21-27.

[6] Widodo, Criminal Law Aspects of Crime, (Yogyakarta: Aswaja Pressindo), 2013, p. 5.

[7] Aldi Gusti Ashari, Berkah, Asmak Ul Hosna S, The Development of Cyber Crime in the Digital Era: Challenges and Solutions, Vol. 8, No. 4, April 2024, pp. 67-72.

[8] Lily Rasjidi, "Fundamentals of Legal Philosophy", (Bandung: Citra Aditya), 1990, p. 47.

means of social control, law is interpreted as a process carried out to influence (including changing/reforming) people to behave according to the expectations of society.[9] In this theory, it clearly indicates the functional position of law which acts as a force that oversees the wheels of social life. The behavior of community members is always under legal monitoring and accountability. What is done by community members must face the power of law. Theoretically, community behavior must be in accordance with the norms that have been implemented. If it is contrary to the norms that have been outlined, there will be action or sanctions. In the perspective of such a theory, what is done or carried out by society is not a form of determining actions according to one's own will and freedom, but as a party that is determined and monitored in how to socialize, relate or organize. Social control is carried out by driving various activities that involve the use of state power as an organized institution.[10] In this terminology, law appears static, merely a means of concretely solving problems and regulating social interactions. Similarly, what must be avoided is ensuring that governmental actions do not lead to/perpetrate arbitrary acts. Therefore, legal oversight of the actions of the governmental organs in question is necessary, in addition to the governmental organs being held legally and morally accountable for their actions.

Law as a force of social control is justified by legal theories that tend to position the state as the organization most responsible for enforcing its laws. Legal theories are borrowed to revitalize law as a tool to monitor the behavior of members of society and resolve a number of problems that arise within society. The interests of social interaction are more dominantly protected from the behavior of its members that may be detrimental or violate norms. This is usually charged through a number of state instruments that have been appointed to enforce the law, so that the legal theories developed by experts can be seen in their empirical implementation. (das sein). Legal theories can only be seen as urgent values when they have been tested in the reality of legal implementation. Then, through this implementation, implementers can put forward assumptions, discourses and criticisms of the theories in question. Some confirm their urgent values after their implementation is beneficial, but there are also those who do not recognize and are not willing to accept them when they do not have an impact on changing and renewing their interests. This is inseparable from the role of the state which is positioned as the most decisive in the existence of law. Since the beginning of the 20th century with the emergence of the teachings of Socialism accompanied by the industrial revolution, changes have emerged, especially in European/Western countries. Countries that previously adhered to the "Staatsonthouding" system (a state that does not participate in all matters of community life).[11] In contrast to the view that law is a means of social engineering, the orientation of law is no longer solely aimed at solving problems, but rather aims to bring about changes in the behavior of members of society. Law as a means of social engineering is the conscious use of law to achieve a desired legal order and social state. Based on this paradigm, law is positioned as a force capable of bringing about behavioral changes within society. This means that legal theories that form the basis of the law are positioned as a normative spirit that can modernize the lives of society, the nation, and the state. In such a paradigm, there is an educational message conveyed through the implementation of a law.

The law that applies in society, theoretically is a collection of rules or norms that can educate society to be directed towards the desired ideals. This collection of rules teaches members of society about how to behave correctly, which makes members of society proactive in leaving behind their paradigms and behaviors that are still conservative and unfavorable. Finally, among members of society grows healthy and professional competition. Of course, it is not only the power of the law above that causes society to change, but also because of several other factors and aspects of human life, such as the influence of the natural environment, socio-economic, political and cultural factors that are also drivers of change. However, the presence of law formulated through the principles and theories, which are placed as a weapon (tool) to guard and change the pattern of relationships vertically and horizontally, between private interests and public interests, is the main factor that justifies, allows and supports the changes made by humans. However, it must be acknowledged that the influence of factors outside the law is sufficient to determine human movement to make changes. For example, economic aspects can encourage humans to conduct transactions or activities that can increase access to renewal in their lives. The pressure of interests that have economic aspects is sometimes able to eliminate other aspects, such as legal aspects.[12] These externally driven changes automatically compel the law to provide a set of regulations that can guarantee legal certainty and uphold justice in society. For example, the Copyright Law, the Consumer Protection Law, the Environmental Law, and the Health Law were

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[9] Kosmas Dahu, Loc.Cit., The Role of Law as a Tool to Change Society in Everyday Life, Warta Journal, Vol 49, July 2016, p. 36.
[10] Ibid., pp. 39-40.
[11] Ibid., pp. 43-44.
[12] Ibid., pp. 52-53.

enacted. These various laws and regulations were born out of the influence of ever-changing societal demands and developments. The interplay between law and society has strengthened the view of social dynamics and legal dynamics, or in other words, the law changes in line with changes in society itself. If the law does not position societal change as an inevitable and open historical paradigm, it will be accused of being outdated or failing to translate the interests of social dynamics. If the law is accused of being treated as a stagnant force, then the risk is that idealized legal theories will ultimately fail to be implemented and their usefulness will be lost.[13]

The Role of Law in Social Engineering

Law can serve as a socio-political tool, such as a means of social control, social engineering, and social welfare. According to Ahmad Ali, law and politics are inseparable, especially written law. Ahmad Ali also refutes the dogmatic view that law as a political tool is not universal, but rather belongs only to certain countries.[14] Social life is heavily regulated by law. Law, as a set of accepted standards, helps maintain order and encourage social change, often referred to as "social engineering." Roscoe Pound, an American jurist, first popularized the concept of law as a tool of "social engineering," with his idea of "Law as a tool of social engineering," viewing law as a tool to change societal behavior in certain ways. This view differs from the Historical School, which argues that law grows and develops with a society driven by custom. As adherents of the sociological school of jurisprudence, they argue that law should function as a tool to encourage society toward desired goals, even if necessary, being used to eliminate various unhealthy societal habits.

Law is used to enforce rules in these situations, as well as serving as a catalyst for progressive social transformation. Reducing social inequality, promoting progress, and incorporating new values into societal life can be the goals of law enforcement. For example, laws related to gender equality, human rights protection, and environmental preservation are clear examples of how laws are used to influence people's thoughts and actions. However, the implementation of law as a method of "social engineering" is not always smooth. Cultural resistance, differing legal interpretations, and a lack of public support often hinder the process of social change through law. Therefore, it is crucial to understand how laws can be effectively created and implemented to become tools for social change that meet the needs of society. By understanding the function of law in social engineering, we can learn how law can serve as a foundation for building a more just, inclusive, and sustainable society.[15]Law is closely linked to social change. Law serves as a guideline for society, enabling it to regulate its structure and dynamics. Laws are created to achieve the state's goals of public order and well-being. Therefore, legal regulations are created to prohibit what is not permitted and enforce what is required, as well as to impose sanctions on those who fail to comply with existing regulations.

Considering the purpose and function of existing laws, they will inevitably intersect with changes occurring in the world. In this era of globalization, where digital technology has dominated the world and transformed all aspects and ways of working, digital technology has accelerated social transformation. For example, the widespread dissemination of information via the internet has increased public understanding of global issues such as climate change, gender equality, and human rights. This digital shift has also substantially impacted societal behavior. The use of social media platforms, e-commerce, and artificial intelligence technology has transformed the way people interact and transact. However, the convenience offered by the digital era also brings challenges, such as the spread of false information, cybercrime, and privacy violations. Individual habits in the digital realm are often difficult to monitor, necessitating responsive and adaptable regulations.

Cyber Crime

Advances in information and communication technology have ushered society into the digital 4.0 era, filled with conveniences and challenges, enabling us to access information, conduct transactions, and connect with others around the world. However, along with these conveniences, the digital era also brings new dangers, one of which is cybercrime. Cybercrime encompasses a wide range of illegal activities, including data breaches, online fraud, hacking, malware distribution, and attacks on critical digital systems. Cybercrime is becoming increasingly prevalent due to the rapid growth of internet users and digital devices. According to international data, the number of cyberattacks increases significantly each year, with increasingly complex and widespread impacts. These crimes

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[13]Ibid., p. 55.

[14]Achmad Ali, Unveiling the Veil of Law: A philosophical and sociological study, Jakarta: PT. Toko Gunung Agung Tbk, 2002, p. 23.

[15]Kosmas Dahu, Loc.Cit., The Role of Law as a Tool to Change Society in Everyday Life, Warta Journal, Vol 49, July 2016, p. 65.

not only cause economic losses but can also threaten the security of personal data, the reputation of individuals and organizations, and economic and political stability. Easy access to digital technology, anonymity in cyberspace, and weak regulation and law enforcement in the cyber realm are factors that facilitate the development of these crimes. Furthermore, low digital literacy among the public makes individuals and organizations more vulnerable to cyberattacks. In this regard, the law faces a significant challenge in keeping up with ever-changing technological developments, with cyber regulations often unable to keep up with technological innovation. *Crybercrime i*This is a crime committed using technology and the internet. According to Indra Safitri, cybercrime is a type of crime that exploits limitless information technology and is characterized by strong technological engineering that relies on high levels of security and the credibility of the information conveyed and accessed by internet users.[16]Some characteristics of cybercrime, when viewed from its scope, due to the global nature of the internet, the extent of this crime also has a global character. Cybercrime is often committed across borders, crossing national borders, making it difficult to determine which country's laws apply. Furthermore, the nature of the crime: in cyberspace, it does not involve violence or cause obvious unrest. While traditional crime usually causes chaos, on the internet, it is different. Therefore, fear of this type of crime is not easily aroused even though the damage caused by cybercrime can be far more severe than other crimes.[17]While traditional criminals can be easily identified and categorized, cybercriminals are more general in nature, with distinct characteristics: they are committed by individuals skilled in the use of the internet and its applications. These perpetrators are not limited to a specific age group or stereotype. Their modus operandi lies in the use of information technology in their operations. This is why operational methods in cyberspace are difficult to understand for individuals without knowledge of computers, programming techniques, and other aspects of the cyber world. The losses resulting from these crimes can be both physical and non-physical. Cybercrime can have significant impacts across various fields, such as politics, economics, and socio-culture, with greater impacts than other high-intensity crimes.

The Need for Regulation as Social Engineering in Dealing with Cybercrime

Law, which acts as a means of social engineering, will influence cybercrime in this digital era. Law acts as an instrument to guide public behavior toward greater digital awareness by providing clear guidance regarding rights, duties, and responsibilities in utilizing technology. Through regulations, law establishes expected norms of behavior in the digital world, including the protection of personal data, respect for intellectual property rights, and the avoidance of the dissemination of unlawful content. Furthermore, law serves as an educational tool by raising awareness of the risks and consequences of actions that violate these norms. Therefore, law not only creates a safe and orderly digital environment but also encourages society to develop more responsible habits and be sensitive to the impact of every digital activity. One of the regulations that has been established by the Indonesian Government regarding law as a social engineering isConstitution Number 11 of 2008 concerning Electronic Information and Transactions as amended byLaw Number 19 of 2016 concerning Amendments Regarding Law Number 11 of 2008 concerning Information and Transactions Electronicand Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. The establishment of regulations regarding electronic crime is intended to change and engineer the current reality, namely that many crimes have emerged due to developments in the field of information and communication technology. The law here plays a role in achieving a social goal, namely order. Thus, there are legal sanctions that can be imposed on perpetrators of cybercrime, where legal sanctions are designed to act as a deterrent and prevent the occurrence of cybercrime. The law is expected to play a role in changing social values in society.[18]This deterrent effect also contributes to increased compliance with established regulations, such as personal data protection, online transaction security, and respect for copyright and intellectual property rights online. Furthermore, by effectively implementing sanctions, the law serves to reinforce social norms related to digital ethics and individual responsibility online.

Closing

The existence of law can be a tool to organize, influence, and renew people's lives. People's mindsets and behaviors can be guided in a straight and constructive direction if the law can be empowered as a strategic force to influence them. Law, as a collection of applicable standards, helps maintain order and encourage social change, often called "social engineering," namely law as a tool to change people's behavior in certain ways. Law also acts

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[16]Indra Safitri, "Crime in the Cyber World" in Insider, Legal Journal of the Indonesian Capital & Investment Market Forum
[17]Sahat Maruli T. Situmeang, Cyber Law, (Bandung: Cakra), 2020, pp. 24-25.
[18]Lili Rasjidi, Ira Thania Rasjidi, Introduction to Legal Philosophy, (Bandung: Mandar Maju), 2007, p. 74.

as an instrument to guide people's behavior towards better digital awareness by providing clear direction regarding rights, duties, and responsibilities in utilizing technology in the digital era 4.0 with the rise of cybercrime. Regulations are created as a means of social engineering to change people's behavior in accordance with the desired goals. In the context of dealing with cybercrime, it is hoped that perpetrators will receive a deterrent effect due to the sanctions in the applicable regulations.

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