

## The Influence of Social Change on the Shift in Legal Functions (Studies Related to the Development of Information Technology)

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### ABSTRACT

Social change becomes an inevitability in social life, which is then accompanied by changes in existing laws. This legal change is the result of a clash or conflict of attitudes, opinions, behaviors, goals and needs that are always conflicting. This research is a type of normative research. The subject of the study is conceptualized as norms or rules that apply to society and become a reference for everyone's behavior. New discoveries in the field of technology are the impact of social changes that become revolutions, the modernization of education, and so on, which can cause a shift in the function of law. The higher the percentage of information technology users, the higher the opportunity for cybercrime. Thanks to advances in technology, everyone can easily access cyberspace networks. Criminal acts have shifted not only to those contained in the Criminal Code but also clearly give rise to criminal acts that occur through ITE.

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## INTRODUCTION

Right now, innovation can impact life. The advancement of progressively modern innovation is because of the improvement of new media arising in the domain of society (Cahyono, 2016). This new media effectively impacts what is happening in everyday life. Mechanical improvements emphatically affect human existence. This incorporates the universe of correspondence; presently, innovation has made the correspondence cycle something simple to manage without knowing the impediments of distance or spot. Aside from that, in the realm of broad communications, mechanical advancements are additionally ready to make it more straightforward for us to rapidly acquire data (Rosana, 2010). The utilization of PCs, media communications and data innovation has empowered the advancement of exchanges by means of the web on the planet. World-scale organizations are progressively using web offices (Perkasa et al., 2016). In the interim, electronic or online exchanges from different areas are developing, which then, at that point, leads to the terms e-banking, web-based business, e-exchange, e-business, and e-retailing. People in their lives are extremely subject to and obliged to science and innovation. The fact that human progress has been created makes it unquestionably true. Straightforward civic establishments prompting profoundly progressed human advancements are affected by the improvement of science and innovation (Nabila et al., 2023).

On account of progress in these two fields, it has become exceptionally simple for people to live their lives. Science and innovation have assisted people in satisfying every one of their requirements all the more rapidly and without any problem. The fast improvement in the utilization of internet providers likewise welcomes the event of virtual wrongdoings utilizing PC media, bringing about common freedoms infringement where an individual's security will as of now not be safeguarded (Hakim, 2014). William Twining, in his book, *Qualified General Law for the Web*, and taking advantage of different PCs associated with the web, *Understanding Regulation According to Worldwide Viewpoint*, "many individuals who put stock in common liberties ground their origination and support in more extensive, strict perspectives. However, others try to propel originations and supports that are both common and widespread, professing to rise above conviction frameworks and societies. In this view, basic freedoms are the privileges that all people have by temperance of being human" (Twining, 2009).

The improvement of data innovation not only decidedly affects social change but also adversely affects social change. This should be visible in a few cases of delegated digital violations. In friendly perceptions, particularly in the area of social science, in regards to regulation (as its item), regulation is constantly viewed as not independent (Sidik, 2013). Regulation can't remain solitary with legal arrangements alone. Eugen Ehrlich expressed that "at the present as well as some other time, the middle or gravity of lawful advancement lies not in that frame of mind, in law specialist science nor in legal choice, yet in the public arena itself" both now and whenever, is the focal point of movement, and legitimate improvement isn't in that frame of mind, in legitimate science, nor in court choices, but in the public eye itself (Ehrlich & Isaacs, 1922). Social change

turns into a certainty in public activity, which is then joined by changes in existing regulations. This lawful shift is the result of a conflict or struggle of perspectives, suppositions, ways of behaving, objectives and requirements that are continuously clashing (Utsman, 2012). Ralf Dahrendorf in Artha said that each general public is dependent upon a course of endless change that is all over the place; dissensus and struggle are all over; each component of society adds to the deterioration and change of society; and each adjustment of society depends on the compulsion of certain individuals against different individuals. From the foundation made sense of over, the creator will talk about the impact of the advancement of data innovation on the change in the capability of regulation (Artha et al., 2021).

## LITERATURE REVIEW

Information technology has created a virtual world that requires special regulations. Issues such as data privacy, cybersecurity and intellectual property rights are becoming increasingly complex. According to (Lessig, 2006) in his book "Code: Version 2.0", cyber regulation not only requires conventional law but also requires "code" or software as a regulatory tool. With the increasing use of information technology, protecting privacy rights is becoming increasingly important. (Solove, 2004) in "The Digital Person: Technology and Privacy in the Information Age" emphasizes that information technology has changed the way personal information is collected, stored and used, thus requiring new legal approaches to protect individual privacy. Dispute resolution related to online transactions and digital activities requires a special mechanism. According to (Katsh et al., 2001) in "Online Dispute Resolution: Resolving Conflicts in Cyberspace", information technology enables online dispute resolution that is more efficient than traditional methods. Information technology has encouraged the implementation of e-government which facilitates public access to legal and justice services. (Moon, 2002) in "The Evolution of E-Government among Municipalities: Rhetoric or Reality?" highlighting how e-government increases the transparency and efficiency of public services, including in the legal sector.

## METHODOLOGY

This exploration is a kind of normative examination. Regulating legitimate examination is legitimate exploration that involves regularizing lawful contextual analyses as lawful conduct items, for instance, surveying draft regulations (Soekanto, 2007). The subject of the review is conceptualized as standards or decisions that apply to society and become a reference for everybody's way of behaving. So regularizing legitimate exploration centers around the stock of positive regulation, lawful standards and tenets, lawful disclosure in cases in show, legitimate systematics, the degree of lawful synchronization, legitimate correlation, and legitimate history. This research population includes legal experts, information technology practitioners, policy makers, and communities affected by information technology regulations.

Purposive sampling technique will be used to select informants who have knowledge and experience relevant to the research topic (Sugiyono, 2010).

This research will begin with a literature analysis to understand the theoretical framework and previous findings related to social change, information technology, and the function of law. Literature sources include books, academic journals, research reports, and policy documents. In-depth interviews will be conducted with legal experts, information technology practitioners, and policy makers. This interview aims to explore their perspectives on changes in legal functions due to developments in information technology (Sutopo, 2002). An interview guide will be drawn up to ensure that all important aspects are discussed systematically. Several case studies will be selected to concretely illustrate how developments in information technology affect legal functions. These case studies will include analysis of specific situations such as personal data regulation, digital dispute resolution, and e-government implementation in various countries or regions.

## **RESEARCH RESULT AND DISCUSSION**

### ***The Influence of Information Technology Developments on Legal Functions***

Social change can allude to the possibility of social advancement or sociocultural development, the philosophical thought that society pushes ahead rationally or transformatively. This alludes to paradigmatic changes in financial design, for instance, a shift away from feudalism and towards private enterprise. This should be visible from the fast improvement of correspondence and data innovation, which has turned into a peculiarity that is generally of interest. Correspondence and data innovation is a mechanical gadget that helps people interface with or communicate with different people. Progresses in correspondence and data innovation cause it to appear as though people are not generally restricted by their overall setting in their associations with different gatherings. At whatever point and any place, people with these mechanical gadgets can lay out connections, acquire data, and disseminate data to others. Innovation in the advancement of the progression of the creation, utilization and dispersion of data assumes a significant role. The earnestness of the job of innovation in the data massification process happens when the aftereffects of innovation assist with changing correspondence designs that are restricted by reality into limitless data correspondence designs. So the presence of new media (new media) (Hadi, 2009).

The consequences of the 2017 APJII Indonesian Web Client Entrance and Conduct Overview expressed that web client infiltration in 2017 contacted 143.26 million individuals (54.68%). APJII Secretary General Henri Kasyfi Soemartono said this number was an increment compared with last year's 132.7 million individuals. The higher the level of data innovation clients, the higher the chance for digital wrongdoing. Because of advances in innovation, everybody can without much of a stretch access the internet organizations. Criminal demonstrations have moved not exclusively to those contained in the Crook Code, yet they have plainly likewise led to criminal demonstrations that happen through ITE, for example, the capacity to break into financial balances all the more rapidly. At long last, the drive arose to frame a Lex expert regulation

against financial balance robberies helped out through the internet. Moreover, the rise of offending offenses in view of the ITE Regulation is additionally important for changes in the social design, causing affronts committed through ITE to now likewise be managed (Rohadi & Prasetyo, 2020). This demonstrates that the job of regulation in the public arena, particularly in confronting cultural change, should be concentrated on supporting social change. The impact of this lawful job can be immediate, circuitous, critical or not. Regulation has a roundabout impact on empowering the rise of social change in the development of specific social organizations that affect society. Then again, if the law structures or changes essential establishments or significant social foundations, there is an immediate impact, which is then frequently called regulation and is utilized as an instrument to change individuals' ways of behaving.

Regulations are common guidelines that, be that as it may, are not specially appointed rules. The law should be clear to and known to individuals from the local area whose interests are exempt from the laws that apply to everyone else. It's best to try not to apply guidelines that are retroactive. The law should be perceived. by the overall population, there are no clashing guidelines. The arrangement of regulations should focus on the capacity of local area individuals to consent to the law. It is important to keep away from an excessive number of changes to the law since local area individuals can lose endless command over their exercises. , There is a connection between the law and its execution or utilization. Regulation has been impacted by innovation in no less than three ways. The first is the commitment of innovation to the improvement of legitimate methods by providing the instruments that should be utilized to apply the law (for instance, through fingerprints or falsehood indicators). Besides, which is no less huge, is the impact of innovation during the time spent forming and carrying out regulation because of and changes brought about by innovation in the social and scholarly environment in which legitimate cycles are executed (for instance, hearings by means of TV). Third, innovation influences the substance of the law by producing new issues and new prerequisites that should be managed by regulation. The course of changes happening in the public eye is a typical peculiarity whose impact spreads rapidly to different regions of the planet, much obliged, in addition to other things, to the presence of current correspondences with quickly creating levels of innovation. New revelations in the area of innovation, upheavals, modernization of training and different occasions can rapidly be known by different networks that live distant from the focal point of the above occasions. Changes in the public eye can influence values, rules, examples of conduct, associations, the design of social establishments, social separation, power, social connection, etc.

### *The Shifting Effectiveness of the Legal Function in the Development of Information Technology*

The shift in legal function here is a shift in function in technological development. This is due to rapid social changes. The computer network that produces cyberspace and its virtual communities develops along with the

development of crime, resulting in criminal acts that were previously considered impossible but now have become possible, and their impact can even be felt outside the country or territory. Therefore, the application of the articles of the Criminal Code is no longer relevant in dealing with information technology crimes, commonly referred to as the ITE Law. In the ITE Law, Chapter VII regulates prohibited acts in electronic transactions (Articles 27 to 37), while Chapter XI regulates criminal provisions. There are around 11 articles that regulate prohibited acts in the ITE Law, which cover almost 22 types of prohibited acts. Of the 11 articles, there are 3 that are suspected of endangering bloggers, articles that regulate certain prohibitions in cyberspace that could be carried out by a blogger without realizing it. These articles are Article 27 paragraphs (1) and (3), Article 28 paragraph (2), and article 45 paragraphs (1) and (2). In article 27, paragraph (1), every person intentionally and without right distributes, transmits, and/or makes accessible electronic information and/or electronic documents that have content that violates decency (Khakim, 2017). And in article 27, paragraph (3) any person intentionally and without right distributes, transmits, and/or makes accessible electronic information and/or electronic documents that contain insulting and/or defamatory content (Setiawan, 2021).

The preclusion of content that disregards fairness, which is frequently capable of ladies on the internet, as directed in Article 27 passage (1), preferably has an extremely honorable point. This article looks to forestall the development of explicit destinations and is an area of strength for the specialists to make a move to impede these locales. In any case, there is no unmistakable meaning to what is implied by disregarding fairness, so it is expected that this article will turn into an elastic article. It is conceivable that a blog whose point is to give sex and wellbeing conferences will be impacted by the utilization of this article. This article could likewise misfire on websites that contain accounts of unfaithfulness, sentiment or fiction, for example, the Saman novel, the substance of which for specific gatherings can fall into the profane class, so disregarding the standards of decency can be thought of (Bambang, 2021). Similarly, the preclusion on happy containing affronts or potentially slander, which is likewise frequently experienced by ladies who are casualties and suspects, as expected in Article 27 passage (3), is really an endeavor to give security to the privileges of people and foundations, where The utilization of any data through the media that concerns the individual information of an individual or establishment should be completed with the assent of the individual or organization concerned. On the off chance that somebody scatters an individual's very own information through web media, in this situation a blog, without the consent of the individual concerned, and even adversely affects the individual concerned, then notwithstanding respectful responsibility (remuneration) as controlled in Article 26 of the ITE Regulation, the ITE Regulation will likewise capture and give criminal assents to the culprits (Oksidelfa Yanto, 2021).

Article 27 passage (3) of the ITE Regulation can't be isolated from the fundamental legitimate standards in Article 310 and Article 311 of the Crook Code. This is additionally one of the contemplations of the Protected Court in its

choice of case no. 50/PUU-VI/2008 with respect to the legal survey of Article 27 Section 3 of the ITE Regulation against the 1945 Constitution. The Sacred Court reasoned that an individual's decent name and respect ought to be safeguarded by pertinent regulation, so that Article 27 passage (3) of the ITE Regulation doesn't disregard the qualities of vote-based values, common liberties, and the standards of law and order. Article 27 passage (3) of the ITE Regulation is sacred. With the end goal of creating an agreeable and organized public activity, public activity requires a general set of laws. A framework is a unit comprising components or components that communicate with one another. In the framework, there is no craving for struggle between the components; in the event that a contention happens, it is promptly settled by the framework. The essential significance contained in the framework is (Sulaksono, 2015):

- a. The system is goal-oriented (the purposeful behavior of the system is objective-oriented).
- b. The whole is more than the sum of its parts (wholism: the whole is more than the sum of all the parts).
- c. A system is oriented to a larger system, namely its environment (opens the system to interact with a larger system, named its environment).
- d. The working of the parts of the system creates something of value (transformation: the working of the parts creates something of value).
- e. Each part must fit together (the interlacedness of the various parts must be fixed to get there).
- f. There is a unifying force that binds the system (the control mechanism). (In the control mechanism, there is a unifying force that forces the system to get there.)

In this situation, notwithstanding the restrictions of regulation as an instrument of social change, the adequacy of regulation (as well as different components of progress) will additionally be hampered by different powers. In the advanced world, circumstances of protection from change happen more frequently than circumstances of tolerating change. Frequently, change is opposed in light of the fact that it conflicts with conventional qualities and convictions, or certain progressions include extraordinary expenses. At times, individuals oppose change since it conflicts with their propensities or causes them to feel terrified or undermined. In spite of the fact that regulation enjoys specific upper hands over different problem solvers, to see the value of regulation in change, it is useful to recognize a typical state of protection from issues connected with regulation. Consciousness of these circumstances is essential for a more productive utilization of regulation as a strategy for social design.

## **CONCLUSIONS AND RECOMMENDATIONS**

New revelations in the area of innovation are the effects of social changes that become upset, modernization of training, etc., which can cause a change in

the capability of regulation. The higher the level of data innovation clients, the higher the chance for digital wrongdoing. On account of advances in innovation, everybody can without much of a stretch access the internet organizations. Criminal demonstrations have moved not exclusively to those contained in the Lawbreaker Code, yet in addition, they plainly lead to criminal demonstrations that happen through ITE.

### ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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