

THE ELECTRONIC INFORMATION AND TRANSACTIONS LAW'S SUPPOSED RUBBER ARTICLE

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ABSTRACT

The Supreme Court has rejected a petition for case review from Baiq Nuril Maknun, a West Nusa Tenggara woman who was convicted of defamation against her alleged sexual harasser. Justices Margono, Desniyati and Suhadi rejected Nuril's challenge against the Supreme Court's decision in September 2018, which found Nuril guilty of violating Article 27 of the Electronic Information and Transactions Law and sentenced her to six months in prison and a fine of 500 million. The defamation case has been criticized for using the controversial law to incriminate an alleged victim of sexual harassment, when the Mataram Education Agency reported Nuril for recording the phone call. This research is prescriptive normative research namely, legal research that takes legal issues as a norm system used to provide prescriptive justifications about a legal event. From Nuril's case we can see the laws are sorely inadequate, case in point the Electronic Information and Transactions Law (ITE Law) that got her into trouble. It's so rubbery, it can be interpreted any way anyone wants.

Keywords: Cyberbullying, Electronic Information and Transactions Act, The Freedom of Speech.

INTRODUCTION

At this time information has an important meaning and role in human life, so that the dependence on information is increasing. This triggers changes and developments in information technology with the creation of increasingly sophisticated technological devices and increasingly quality information Aditya & Al-Fatih (2021). Examples such as computers, fax machines, credit card usage, the internet and other things. The internet benefits the community because it provides convenience in carrying out various activities, especially those related to the use of information. One of the most felt benefits is functioning as a medium for sending and receiving information Hambali (2019).

One of the biggest changes due to the use of information technology is the field of socialization and electronic transactions such as the use of mobile banking and internet banking. Information technology and electronic media are considered as pioneers who integrate all one world systems in terms of social, cultural, economic and financial aspects. Technology has changed a pattern of human life in various fields, so that it directly affects the emergence of new legal actions in a society. The form of the new legal action needs to be adjusted and harmonized with existing legislation; by replacing it is no longer appropriate or forming with new provisions. Besides that, with the development of technology, it can increase violations of legal norms, therefore regulations should also be increased, especially in the case of submission of evidence two that will be used as a means of verification in court. Proof and evidence are very important in order to find a truth and legal certainty Kerr (2005).

Various activities and activities can be carried out by using internet technology, such as e-mail which often creates a legal problem, such as the case of spreading false news about failure to complete interbank transactions through electronic systems conducted by Erick J Ardiansjah. Likewise the case of Prita Mulyasari who complained about the poor service of the OMNI Hospital via e-mail and other cases McDonald (2001). It should be understood that the development of the use of electronic devices in various transactions, especially in socializing, has the advantage of being efficient, fast, easy, but there are disadvantages, namely when faced with evidence problems in court, in other words, the development of technology has a large impact on people's lifestyle positive or negative Moussa (2021).

CONCLUSION

Information technology products as electronic evidence are finally accepted as an extension (extensification) of the evidence provided for in article 188 paragraph 2 of the Criminal Procedure Code, with the enactment of UUIITE, there are additional types of evidence. Besides that the electronic document is equal to the documents made on paper as specified in the general explanation of UUIITE. These articles are considered to contain the rules of the rubber article (haatzai Pasalén), because they are flexible and highly dependent on user interpretation. In addition, there are no specifications or legal jurisdiction regarding the alleged offenses.

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