

Law Enforcement during the Covid-19 Pandemic in the Perspective of Progressive Theory and its Effect on the Indonesian Legal System

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Abstract

The COVID-19 pandemic has had a huge impact on people's lives around the world. All aspects of covid-19 have the potential for increased crime. With whole kinds of characters, it is interesting to discuss how to enforce the law for hoax spreaders today. This writing uses various or mixed research methodologies. Data is collected from facts in the field, legal sources or applicable regulations, related to legal material obtained from library review research, and the actual data obtained from both primary which requires data needs. Conclusions from this study law enforcement for hoax spreaders during the Covid-19 pandemic cannot be expressly punished, considering the vast state of Indonesia with a total of 34 provinces, 98 cities, and 416 districts, so that each region has a different dynamic from each other according to regional characteristics. PPKM policies with the existing Covid-19 conditions in law enforcement with a progressive theoretical perspective can change the type and location of objects/targets and increase cybercrime cases. The condition of PPKM during the Covid-19 pandemic requires a new system that is integrated with the internet, in the pattern of punishment as a form of Indonesia's law enforcement system.

Keywords: Law Enforcement, Covid-19, Progressive Theory, Indonesian Legal System

1 INTRODUCTION

THE Covid-19 pandemic has affected civilizations in the World, starting from the Wuhan report. There has been an unexplained increase in cases of pneumonia of its origin [1]. Closures and quarantines for people around the world are a response to problems in everyday life. The impact of COVID-19 has led to a gradual increase in job losses, as well as an income crisis for society [2].

The beginning occurred in Indonesia in mid-March 2020, began to spread rapidly throughout the provinces and districts. The increasing spread of Covid-19, causing anxiety for all Indonesians, so the Indonesian government issued an appeal using 3 M, namely: using masks, keeping distance, and washing hands as a form of prevention [3].

In response to covid-19, Joko Widodo declared a public health emergency in July 2021 issuing Ministry of Internal Affairs Instruction No. 18 the year 2021 about Second Amendment to the Ministry Instruction of the Minister of Home Affairs No: 15 of 2021 concerning the Implementation of Restrictions on Emergency Activities for Corona Virus Disease 2019 for the people of Java and Bali. Although in stopping the spread of the Covid-19 virus, a widespread lockdown has been carried out (Boman & Gallupe, 2020). It impacts life in a way that was not planned initially [2].

This policy shows denial, late this limited to response to the spread of Covid-19; this opinion has also been conveyed by Wiratraman (2020). The regulation has impacted the community due to restrictions on the community activities distance lockouts, prevent is spread of covid-19 [4].

The effect issued by the government raises new problems, namely civil liberties spreading hoax news to influence thinking in Indonesians over the covid-19 pandemic [5]. Since then, Indonesians are enthusiastic about finding the correct information linkages development and Covid-19 Development pandemic. Nevertheless, during ist World's struggle against Covid-19, cyber threat actors are also utilizing the absence of various parties to seek profit.

Ministry Communication and Informatics Johnny G. Plate, since March 2021, in the city of Ia, was wronged 13 fake news (hoax) about COVID-19 Total fake news (hoax) about COVID-19 as many as 1.470. The number said the collection of COVID-19 hoax issues from January 23, 2020, to March 10, 2021. The hoax issue has 2,697 on social

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media, many on Facebook and Twitter platforms. Meanwhile, covid-19 hoax content, namely 1,857 on Facebook, 438 on Twitter, 45 on YouTube, and 20 on Instagram (data source: <https://www.cnnindonesia.com/teknologi/20210312163857-185-616809/ada-1470-hoax-covid-19-hingga-maret-terbanyak-di-facebook>)

The existence of the internet encourages social change followed by the mindset or behavior of citizens (citizens) to become internet citizens (citizens). social media tools such as Twitter, Youtube, Facebook, turns out to have a critical position that can be a mechanism to gather actions, protests, and social movements of the public or the public can participate directly and share information with trusted parties such as friends and family [6].

Users of social media crimes can cause hoax news and can interfere with the running of prevention systems carried out by the government against the public. The mechanism of work from home further increases the potential risk because the work must be done through the network. The Covid-19 pandemic should be addressed by organizations as a momentum to improve information security policies in anticipation of cyber incidents. Good preparation will minimize losses due to information theft or disruption to services, and cyber incidents are expanding more widely. The information obtained during incident handling can be used as a basis for corrective steps and preparation for future incident handling. If necessary, evidence of cyberattacks could be used to support legal action.

All countries, except Indonesia, are obliged to protect human rights and legal supremacy, as The 1945 Constitution in Article 1 paragraph (3) of the 1945 Constitution reads, "The State of Indonesia is a state of law". Thus law enforcement must be firm and fair for the benefit of all Indonesians.

The consequences of this policy, various research questions may be considered. the current goal, the author focuses on how the relationship of The Enforcement of Restrictions on Emergency Community Activities (PPMK) in law enforcement for perpetrators of spreading hoax news in the perspective of Progressive theory? Author's interest is nothing new; most existing research has used temporal crime data sets. These studies are undoubtedly helpful to help resolve crime changes before and after policy [7]–[11].

2 METHODOLOGY

This writing uses a mixed research methodology. Data is collected from facts in the field, source law, or applicable regulations related to legal material obtained from the research review literature and the actual data obtained from primary and secondary data [9].

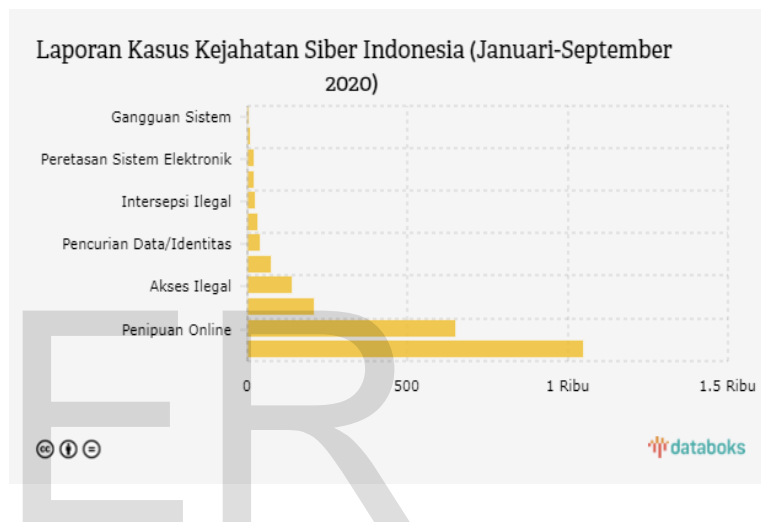
3 DISCUSSION

Coronavirus (COVID-19) has left many workers around the world engagement work in an inappropriate workplace. Public

working from home requires awareness and knowledge so as not to be easily affected by fraud and the type of cybercrime that grows the fastest, namely the spread hoaxes that cause people to fear the Coronavirus [12], [13].

Directorate of Cyber Crime (Dittipidsiber) Bareskrim Polri received 2,259 cybercrime cases from January to September 2020. It noted that news of the spread of provocative content was the most reported, with 1,048 points reported. Through the www.patrolisiber.id website, to date, there have been a total of 7,535 public complaints related to cybercrime. These thousands of cases are estimated to have caused a loss of IDR 27.19 billion, which can be seen in the picture below.

Picture 1.



Source: Indonesian Police

If cybercrime can be described as a reflection of cybercrime, then the statistics Indonesian National Police compared to many hoaxes 2019 with 2020 show a significant decrease in the number of the spread of hoax news (fraud).

Even comparative kominfo data presented the discovery of hoaxes for April, identifying 486 frauds. The number of copies is the largest since August 2018. "A total of 486 hoaxes, fake news, fake news were identified the Kominfo Republic of Indonesia during April 2019". The total number of hoaxes successfully identified, verified, and validated by Kominfo became 1,731 hoaxes from August 2018 to April 2019. From a total of 1,731 frauds from August 2018 to April 2019 identified, verified, and validated with political categories dominating at 620 hoax items, 210 hoax government categories, 200 hoax government categories, 159 hoax health categories, 113 hoax slander categories, crime-related and the rest hoaxes related to religious issues, natural disasters, myths, international and other issues.

can be seen in the picture below.

Picture 2

Data HOAKS terkait Covid-19

JANUARI	40
FEBRUARI	100
MARET	265
APRIL	219
MEI	172
JUNI	102
JULI	108
AGUSTUS (8 AGUSTUS)	22
TOTAL	1.628

Kementerian Kominfo telah melakukan upaya dampak buruk dan melimpahnya pemberitaan seputar pandemi yang memunculkan kecemasan, frustrasi, kecenderungan memunculkan sensasi, reproduksi ketakutan yang tidak memiliki landasan jelas, sampai kecenderungan disinformasi hingga hoaks.

Source: Ministry Communication and Informatics (Kominfo)

However, the national data above cannot directly describe the condition in each region because the level and spread of hoax news is different, reflecting; that the state of the local community has characteristics, culture, and structure that has the values of local wisdom [9].

From table 1 and 2, you can read some assumptions, among others:

The trend of criminality during the Covid-19 Pandemic is not easy to conclude there is an increase or decrease;

National data does not always reflect regional-level data;

1. Certain types of crime increase in certain areas but a reduction in other areas;
2. The Covid-19 Protocol Policy can lower crime rates, but it can also increase other crimes;
3. The crime rate reported to the National Police cannot be released from the Covid-19 pandemic.

3.1 Policy Relationship (PPMK) in law enforcement hoax news spreader in perspective Progressive theory.

PPMK pandemic covid-19 drastically reduces the level of community activity with the models "Work From Home" and "Social Distancing." the models, the quantity of community activity is much reduced, so the chances of rapid occurrence of crime in cyberspace. In contrast, corruption in the way of opinion Hasan [9] assumes will decrease along with the movement of more silent people at home. Cyberspace spreading hoax the criminals trying to take advantage of the widespread panic and unfortunately, succeeded.

With the issue of the new coronavirus to exploit fear, connect vulnerable people, and take advantage of distractions at work [13]. Cybercrime is a threat to any country and one of the biggest problems of mankind. Therefore, it can be said that the level of policy interrelationship between the Covid-19 Protocol and the level of criminality is determined by the extent to which the discipline of work

from home and social distancing is applied and enforced by local government officials.

PPMK regulations issued by the government are policies by reducing the spread of COVID-19. Generally, spreading hoax news through social media has been distributed in various regions of Indonesia to harm the public for incorrect information. For hoax spreaders, it can be threatened regulation of law number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions stipulated as Article 28 paragraph (1) in conjunction with Article 45 (A) IUU ITE (UU ITE) states:

"Any a person who intentionally without rights spread false, misleading news to cause harm to consumers in Electronic Transactions which is threatened with prison sentence pidana a maximum of 6 (six) years and/or a maximum fine of Rp1 billion."

Several hoax news is currently circulating amid the spread of Covid-19 Covid Indonesia; hoaxes have become a national problem, including divisions, political instability, and security disturbances that have the potential to hinder national development.

Law enforcement pandemic covid-19. Indonesian National Police has attempted to conduct investigative activities related to the use of computer technology, information, electronics, communication, broadcasting, and the use of computer forensics laboratories areas support the process of investigating cybercrime [8], [10]. Since Covid-19 until now, there have been several cases that the police have handled, but some have been designated as suspects and further processed, but some are not until further processed.

Similarly, the Ministry of Communication and Informatics (Kominfo) has taken three short-term measures to combat hoaxes:

1. Law enforcement
Enforces the law regarding the spread of hoaxes by arresting the makers, not just the people who spread the word.
2. Involving the organizers of the platform
The spread of hoaxes occurs a lot on social media; therefore, he hopes the platform organizers are engaged in fighting deceptions; for example, the government imposes fines for social media organizers who do not take sufficient steps to suppress incorrect information.
3. Public education
In addition, there needs to be education for the public to report if they find hoaxes and perpetrators. Internet users can register to aduankonten@mail.kominfo.go.id by including links and photos of the image. In addition to through government channels, there is now a community movement

that cares about the circulation of fake news, among others, the Indonesian Society anti-hoax.

3.2 Progressive Theory Effectiveness Law Enforcement

The 21st century is the digital age, so it requires digital thinking. Policy development on digital disinformation during the pandemic suggests that conceptual and empirical paradigms depend on the problems [14].

People should be aware of the enactment of state laws, not only of legal certainty but also to achieve legal justice in society and universal benefits. The existing law does not live in a vacuum but lives in a dynamic human nature. Therefore it is necessary to enforce the laws of the country that are human needs that require information and public services [15].

According to Satjipto Rahardjo, the law's orientation is in delivering happiness for humans, not the other way around. Nurhadi [16] The direction of such legal thinking, in the Preamble to the Constitution (UUD) 1945, was explicitly formulated: ".... by forming that the Indonesian government protects the entire Indonesian nation, entire homeland Indonesia to advance public welfare, educate the nation's life, and participate in carrying out world order based on freedom, lasting peace and social justice Keadilan....." [16].

Indonesian republic police, in enforcing the criminal law spreading false news (hoax) during ppm covid-19, has made a new legal breakthrough by issuing Letter No: SE/2/11/2021 about Awareness of culture Ethics is Realize healthy, clean and productive in the digital space for Indonesia.

That says:

On the count of numbers 2:

based on the above reference by taking into account the national law reform regarding the implementation of Law No: 19 of 2016 concerning Amendments to Law No: 11 of 2008 concerning Electronic Information and Transactions which are considered to be contrary to the right to freedom of public expression through digital space, it is hoped that all Indonesian police will commit law enforcement that can provide a sense of justice.

Consider the number 3 :

That is the framework of fair law enforcement in the community; the National Police always put forward education and persuasive steps to avoid the alleged criminalization of reported people and it can be ensured that Indonesia's digital space remains clean, healthy, ethical, and productive by praying for the following:

1. following the development of the growing utilization of digital space with all kinds of problems;
2. that understanding the moral culture that occurs in the digital realm in connection with an inventory of various impact issues that arise in society;
3. that by prioritizing preemptive and prevention efforts using virtual police and alerts aimed at monitoring, educating, warn, and prevent society from harm cybercrimes;
4. that to get reports from the public, police investigators must be able to clearly distinguish between criticism, input, lies, and humiliation resulting in criminalization by determining the next steps to be taken;
5. conduct comprehensive studies and titles problems handled by involving the Bareskrim/Dittipidter police (using zoom meeting) to make collegial collective a decision based on events and records;
6. that Police investigators using the principles of criminal law are the last resort in law enforcement by prioritizing restorative justice in resolving cases;
7. suspects and people who are suffering will take steps to make peace are investigators prioritize by using restorative justice, except for things that have the potential to divide, such as radicalism, SARA, and separate;
8. against if the victim wants the problems that will be brought to court, but the perpetrators have realized apologized, the perpetrator was no detention and before records were handed over to the public attorney to be given mediation space;
9. that investigators continue to coordinate with Public the prosecutor in coordinating, including providing instructions in terms is conciliation at in prosecution;
10. in carrying out tiered supervision of every investigation process that should be carried out to provide rewards and sanctions for continuous leadership assessments.

4 CONCLUSION

During the Covid-19 pandemic, Police General Drs. List Sigit Prabowo, M.Si., has conducted policies in law enforcement for cybercrime as the Chief of Police. This policy is a form of legal breakthrough in dealing with the hoax news spreader. The number of repetitions can be minimal, indicating that coaching in the police and social control in the community is already running effectively. She can serve as a starting point for criminal law reform in Indonesia.

There needs to be synchronicity between the police and the Ministry of Communication and Informatics (Kominfo). Other stakeholders to reduce the level of cybercrime by preventing and needing to synchronize between the police and the Ministry of

Communication and Informatics (Kominfo) and other stakeholders to reduce the level of cybercrime and socialization related to the use of social media in the community. So it has a massive benefit in serving the law in the pandemic covid-19, but in principle, the law must be firm and still must be obeyed. Therefore, the Covid-19 pandemic is a breakthrough for legal reform in Indonesia.

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