

Legal Analysis of Criminal Acts of Extortion and Threats Through Electronic Media

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Abstract

The rapid development of information technology has changed human life to be easier. This has caused changes in human life activities in various fields which have also directly influenced the birth of new criminal acts related to information technology. One of these crimes is extortion and threats through information technology which in principle are the same as conventional extortion and threats, the only difference is that the means are through information technology. The legal regulations used in criminal acts of extortion and threats through information technology are Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

Keywords: Crime, Extortion, Threats, Information Technology.

INTRODUCTION

The impact of the development and progress of information technology is so rapid that it is felt to hit the world including Indonesia. This has caused changes in human life activities in various fields that have directly influenced the birth of new forms of legal acts. Information technology can be used for good and evil purposes, even technology can be a tool for change in the midst of society in the development of people's lives. People who use information technology for evil purposes make other people feel uncomfortable.¹

In 1989, the government ratified and issued Law Number 3 of 1989 concerning Telecommunications and replaced it with Law Number 36 of 1999 concerning Communications, Law Number 11 of 2008 concerning Electronic Information Technology and then by now perfected with Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 (UU ITE). The government can suppress the number of information technology crimes which are currently growing, with the improvement of articles one by one it is hoped that perpetrators of crimes using information technology will not escape the clutches of the ITE Law.

Every act must be in accordance with the rule of law without exception. These provisions are reflected in the main ideas contained in the Preamble to the 1945 Constitution (UUD 1945) paragraph four which states that: To form a government of the State of Indonesia that protects all Indonesian people and all of Indonesia's territory and advances public welfare, educates the nation's life and participates in implementing world order based on freedom, eternal peace and social justice based on Pancasila.²

The accountability of a person who has committed a crime will receive a punishment (sanction) to restore the balance of good community life. The implementation of the

¹Abdul Wahid and Mohammad Labib, *Cyber Crime*, Refika Aditama, Bandung, 2014, page 47.

²Barda Nawawi Arief, *Several Aspects of Criminal Law Enforcement and Development Policy*, Citra Aditya Bakti, Bandung, 2013, page 10.

punishment as the purpose of criminal law is to fulfill the sense of justice desired by society, and to provide a deterrent effect on the perpetrator so that he does not repeat his actions. So, everyone who has committed a crime must be punished according to the sanctions in the legislation.

One of the criminal acts that uses information technology is the crime of extortion and threats which is regulated in Article 27 Paragraph (4) of the ITE Law, namely: Any person who intentionally and without the right distributes and/or transmits and/or makes accessible data, electronic information and/or electronic documents that contain extortion and/or threats.³ Blackmail and threats by one person against another person via electronic media are prohibited under criminal law because the use of violence results in mental trauma and fear for the victim.

Blackmail and threats through information technology are in principle the same as conventional blackmail and threats, the only difference is that the means are through information technology. Where the ITE Law regulates the threat of blackmail and threats against perpetrators of ITE crimes in Article 45 B, namely: Any person who intentionally and without right sends electronic information and/or electronic documents containing threats of violence or intimidation aimed personally as referred to in Article 29 shall be punished with imprisonment of a maximum of 4 (four) years and/or a maximum fine of Rp.750,000,000.00 (seven hundred and fifty million rupiah).⁴

The many cases of extortion and/or threats using information technology that occur in society today have made the author interested in discussing how criminal acts of extortion and threats are defined according to Law Number 19 of 2016 concerning Information and Electronic Transactions and law enforcement against perpetrators of criminal acts of extortion and threats via electronic media?

METHOD

This research is descriptive in nature, namely research conducted to describe the research object,⁵ as this descriptive research collects actual information in detail that describes existing symptoms, identifies problems or examines conditions and practices that apply, makes comparisons or evaluations and determines what others do in dealing with the same problems and learns from their experiences to determine plans and decisions in the future.⁶ The type of research used by the author is a type of normative legal research. Normative legal research is doctrinal legal research or library research. It is called doctrinal legal research because this research is only aimed at written regulations so that this research is very closely related to the library because it will require secondary data in the library.⁷

³Adami Chazawi and Ardi Ferdian, *Information Crime & Electronic Transactions*, Media Nusa Kreatif, Malang, 2015, page 52.

⁴Sigit Suseno, *Jurisdiction of Cyber Crime*, Refika Aditama, Bandung, 2012, page 61.

⁵Bambang Waluyo, *Legal Research in Practice*, Sinar Grafika, Jakarta, 2012, page 8.

⁶Suteki and Galang Taufani, *Legal Research Methodology (Philosophy, Theory and Practice)*, Raja Grafindo Persada, Depok, 2018, page 133.

⁷Bambang Waluyo, *Op. Cit.*, page 13.

The collection of legal materials was carried out by the author through library research which includes primary sources, namely laws and regulations related to the problem, secondary sources, namely legal literature books and other legal writings that are relevant to the problem being studied by the author. This library research includes an inventory of laws and regulations related to the problem to be discussed.⁸

RESULTS AND DISCUSSION

Criminal Acts of Extortion and Threats According to Law Number 19 of 2016 concerning Electronic Information and Transactions

The rapid development of information technology with all its facilities its supporters in modern human civilization today have entered a new era called the digital era. Various areas of life are finally penetrated by the advancement of technology. The development of communication and information technology that emphasizes communication between human individuals directly, such as the use of telephones has experienced significant progress in the use of mobile phones or better known as cellular phones.⁹

It is also necessary to first understand the terminology and scope of cyber law which has formed a new legal regime in Indonesia, especially in information technology activities. The Indonesian government is trying to provide support for the development of information technology, especially the management of information and electronic transactions along with legal infrastructure and its regulations, so that information technology utilization activities can be carried out safely by minimizing negative consequences as much as possible.¹⁰

The Department of Communication and Information issued a law ITE. The presence of the ITE Law was welcomed positively by various groups of society, but there were also many who opposed it. For those who disagree, the ITE Law is considered an attempt to limit the right to freedom of expression and opinion and can hinder a person's creativity in cyberspace. For those who agree, its presence is considered the right step to anticipate various possibilities of uncontrolled misuse of information technology that can harm others.¹¹

Information technology and society are dynamic because they continue to develop, while the law is static. Information technology demands a legal response and the law is at a crossroads, on the one hand the law tries to accommodate the development of information technology for the benefit of society, but on the other hand the law has a responsibility to maintain the existing information technology. So that it continues to maintain the various interests or needs of the wider community that have been met with existing information technology.

The hope is that there will be an ITE Law that contains specific criminal offences against Every unlawful act related to information technology devices, one of which is to be

⁸Mestika Zed, Literature Research Methods, Yayasan Obor Indonesia, Jakarta, 2018, page 11.

⁹Ardi Ferdian, Information Crime & Electronic Transactions, Bayumedia Publishing, Malang, 2011, page 89.

¹⁰Ibid., page 90.

¹¹Yusran Insaini, Copyright and Its Challenges in the Cyberspace Era, Ghalamania Indonesia, Bogor, 2009, page 87.

able to create goodness, from all activities that require information technology devices. This idealism is certainly not something excessive, in the midst of a very advanced life, as an oddity, when the community environment that should be able to provide an atmosphere that provides a good life completely. It turns out that on the other hand, it is also an environment that contains elements criminal act.¹²

Blackmail and threats using information technology are prohibited in Article 27 paragraph (4) of the ITE Law which states: Any person who intentionally and without the right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain blackmail and/or threats. The punishment or sanction given to the perpetrator is imposed under Article 45 paragraph (1), which states: Any person who fulfills the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3) or paragraph (4) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

The development of information technology has also caused a world without borders and caused significant social, economic and cultural changes to occur so quickly. The inadequate readiness of human resources in the use of information technology in terms of intelligence and mental readiness, makes the sophistication of this information technology a means that is vulnerable to being used as a medium for committing criminal acts. One form of crime that is new in nature is threats through electronic media, especially the use of mobile phones by sending short message services. If associated with new patterns in criminal acts of extortion and threats through social media, the internet or electronic media, it is considered quite difficult to ensnare the perpetrators using articles in the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP).

Evidence as regulated in the Criminal Procedure Code can no longer accommodate the development of information technology. To be able to determine whether or not the defendant is guilty according to the evidentiary system adopted by the Criminal Procedure Code. The evidentiary system is based on Article 183 of the Criminal Procedure Code which stipulates that: A judge may not sentence a person unless with at least two valid pieces of evidence he or she is convinced that a crime actually occurred and that the defendant is guilty of committing it. Based on Article 183 of the Criminal Procedure Code, the Criminal Procedure Code uses a negative evidentiary system. This means that in the evidence, research must be carried out, whether there is sufficient evidence in accordance with the provisions of the law, and whether or not the judge is convinced of the defendant's guilt. However, even though there is sufficient valid evidence, if the judge is not convinced or conversely the judge is convinced but there is insufficient evidence, then the judge cannot yet sentence the defendant. This evidentiary system is used in criminal trials, including to try criminal cases regulated in the ITE Law which contain elements of extortion and threats.¹³

¹²Maskun, *Cyber Crime: An Introduction*, Kencana, Jakarta, 2013, page 99.

¹³Adami Chazawi and Ardi Ferdian, *Attacks on the Legal Interests of the Utilization of Information Technology and Electronic Transactions*, Media Nusa Creative, Malang, 2015, page 91.

The provisions for criminal acts of threatening via short message services can charged with the provisions of the ITE Law as special provisions (*lex specialis*) and ignoring the general provisions on criminal acts of threats in the Criminal Code (*lex generalis*).¹⁴This is as stated in the Criminal Code in Article 63 Paragraph 2 which states that: If an act falls under a general criminal rule, also regulated in a special criminal rule, then the special one is applied. The ITE Law broadens the definition of evidence, so that it is able to provide legal certainty in resolving information technology crime cases in court. Evidence in the examination of information technology crime cases is regulated in Article 44 of the ITE Law, that evidence for investigation, prosecution and examination in court according to the provisions of this law is as follows:¹⁵

1. Evidence as referred to in statutory provisions;
2. Other evidence in the form of electronic information and/or electronic documents as referred to in Article 1 number 1 and number 4 and Article 5 paragraph (1), paragraph (2) and paragraph (3).

Article 5 paragraph (1) and paragraph (2) of the ITE Law provides a solution to the vacancy criminal procedure law in cybercrime cases. In Article 5 paragraph (1) of the ITE Law can be grouped into two parts, namely electronic information and/or electronic documents and printed results of electronic information and/or electronic documents. The electronic information and electronic documents will become electronic evidence (digital evidence), while the printed results of electronic information and electronic documents will become written evidence. Article 5 paragraph (2) of the ITE Law stipulates that electronic information and/or electronic documents and/or printed results are an extension of valid legal evidence in accordance with the applicable procedural law in Indonesia.

Law Enforcement Against Perpetrators of Criminal Acts of Extortion and Threats Through Electronic Media

Law enforcement will always involve humans in it and thus will involve human behavior as well. The law will not be able to uphold itself without law enforcement officers who can and optimally bridge it. The law will only be a formulation of norms that are not useful for justice seekers when the law is not empowered as the main foothold in social, national and state life.¹⁶

This shows that the challenges faced by law enforcement officers in the context of law enforcement are not impossible to be very numerous. Law enforcers are not only required to be professional and smart in implementing their legal norms appropriately, but also have to deal with individuals and even groups of community members who are suspected of committing crimes. All actions or actions carried out by humans must have causes and consequences, as well as criminal acts, every criminal act has a motive or reason for committing a crime and each reason must be different from one another. This difference

¹⁴Ibid., page 92.

¹⁵Muhammad R. Miharadi, *Freedom of Public Information Versus State Secrets*, Ghalamania Indonesia, Bogor, 2011, page 55.

¹⁶Teguh Prasetyo, *Criminalization in the Criminal Code*, Nusa Media, Bandung, 2010, page 44.

occurs because each person has different interests. Criminal acts are human behavior that violates the law, is detrimental, annoying, and causes victims, so it cannot be ignored.¹⁷

The scope of the term law enforcement is very broad, therefore because it includes those who are directly and indirectly involved in the field of law enforcement. In this article, which is intended that law enforcement will be limited to groups that are specifically directly involved in the field of law enforcement which is not only includes law enforcement, but also peace maintenance. It can be assumed that these groups include those who work in the fields of the fields of justice, prosecution, police, legal and correctional services.

Sociologically, each law enforcer has position and role. Position is a certain position in the social structure, which may be high, medium or low. The position is actually a container, the contents of which are certain rights and obligations. These rights and obligations are roles. Therefore, a person who has a certain position is usually called a role holder. A right is actually the authority to do or not do something, while an obligation is a burden or task.¹⁸

A particular role can be described in the following elements:¹⁹

1. Ideal role (ideal role);
2. Expected role;
3. The role that is considered by oneself (perceived role); And
4. The role that is actually carried out (actual role).

The actual role played is sometimes also called roleperformance or role playing. It can be understood that the ideal and supposed role comes from another party (or parties), while the role that is considered to be actually played comes from oneself. Already Of course, in reality, these roles function when someone is in contact with another party or several parties. A law enforcer, like other citizens, usually has several positions and roles at once, so it is not impossible that conflicts arise between various positions and roles. If in reality there is a gap between the role that should be played and the role that is actually carried out or the actual role, then there is a role gap.²⁰

The sociological framework will be applied in the analysis of law enforcers, so that the focus of attention will be directed to their role. However, in this case the scope is only limited to the role that should be and the actual role. The issue of role is considered important, because the discussion of law enforcement is actually more focused on discretion. As discretion concerns decision-making that is not strictly bound by law, where personal judgment also plays a role. In law enforcement, discretion is very important, because:²¹

¹⁷Ibid., page 68.

¹⁸Priyatno Dwidja, *The Implementation System of Prisons in Indonesia*, Refika Aditama, Bandung, 2006, page 110.

¹⁹Tien SHulukati, *Special Offenses in the Criminal Code*, Faculty of Law, Unpas, Bandung, 2013, page 48.

²⁰Ibid., page 49.

²¹Andi Julia, *Application of Legal Concepts*, Republic, Yogyakarta, 2006, page 29.

1. No legislation is so complete that it can regulate all human behavior;
2. There are delays in adapting legislation with developments in society, so create uncertainty;
3. Lack of funds to implement legislation as intended by the legislators; and
4. There are individual cases that require special handling.

Law enforcement is one of the serious issues. Law enforcement as an effort of all the nation's strength, becomes a collective obligation of all components of the nation (and this at the same time that the law may only be enforced by certain groups), including:²²

1. State apparatus that is indeed assigned and directed for this purpose, such as police, judges and prosecutors, who in the legal world are ideally as the three musketers or three legal warriors who have enforcement functions with different characteristics but culminating in the creation of fair, orderly and beneficial laws for all humans. The police become the regulators and implementers of law enforcement within society, judges as fair law makers, while prosecutors are state prosecution institutions for lawbreakers brought by the police and implement court decisions that have permanent legal force;
2. Lawyers who have advocacy and mediation functions for the community, whether working individually or collectively through legal aid institutions, who become guides for the community who are not familiar with the law, so that in the judicial process they are still treated as human beings who have honor, rights and obligations, so that the judge's decision will refer to the truth, justice which is based on respect for humans for humans;
3. Executives who are scattered in various fields of service, starting from government employees who have various functions and duties to the organizers, namely those who have political (legislative) power; and
4. The community of legal service users who sometimes ironically become justice seeking society.

There are 3 (three) stages of law enforcement, namely:

1. The formulation stage is the stage of criminal law enforcement by the law enforcement agency. In this stage the formation of laws carry out activities to choose values that are appropriate to the current situation present and future, then formulate it in the form of criminal legislation to achieve legislative results the best criminal invitation, in the sense of fulfilling the requirements of justice and utility. This stage can also be called the legislative policy stage.

²²ChairulHuda, From No Crime Without Fault Towards No Criminal Responsibility Without Fault, Kencana, Jakarta, 2011, page 79.

2. The application stage is the stage of criminal law enforcement (implementation stage) criminal law) by law enforcement officers starting from the police, prosecutors to courts.
3. The execution stage is the stage of enforcing (implementing) criminal law in a concrete by the criminal enforcement officers. At this stage the implementing officers The criminal law is tasked with enforcing criminal regulations that have been made by the formation of laws through the application of criminal penalties that have been determined by the court. The implementing apparatus in carrying out its duties must be guided by the criminal laws that have been made by the formation of laws and the values of justice and utility. This stage is often also called the executive or administrative stage.

In cases of extortion and/or threats via the media This electronic violates Article 27 Paragraph (4) of the ITE Law. Article 27 Paragraph (4) states that anyone who intentionally and without the right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain blackmail and/or threats. Article 45 Paragraph (4) states that anyone who intentionally and without the right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain blackmail and/or threats. making accessible electronic information and/or electronic documents containing blackmail and/or threats as referred to in Article 27 paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

In order to determine whether the accused is guilty or not according to The evidentiary system adopted by the Criminal Procedure Code must contain the following elements:²³

1. The defendant's guilt must be proven by at least two valid pieces of evidence and based on the two valid pieces of evidence; and
2. Then the Panel of Judges obtained the conviction that the crime had actually occurred and that the defendant was guilty of committing it.

The evidentiary system is based on Article 183 of the Criminal Procedure Code. The evidentiary power of indicative evidence is largely determined by the subjective elements (wise, careful, and fair in conscience) of the judge, the subjective elements between one judge and another are generally not the same or different. The main problem of law enforcement in developing countries, especially Indonesia, is not in the legal system itself, but in the quality of the people who enforce the law (law enforcers), thus the role of the people who enforce the law (law enforcers) occupies a strategic position. The issue of transparency of law enforcement is closely related to the accountability of the performance of law enforcement agencies. Law Number 28 of 1999 concerning State Administrators Who Are Clean and Free from Corruption, Collusion and Nepotism, has established several principles. These principles have the aim of being a guideline for state administrators to be

²³Muhammad Ikkal, et al., Criminal Law, Unpam Press, Banten, 2019, page 89.

able to realize administrators who are able to carry out their functions and duties seriously and responsibly.²⁴

Law enforcers are role models in society, who should have certain abilities, in accordance with aspirations society. They must be able to communicate and gain understanding from the target group (society), in addition to being able to perform or carry out roles that are acceptable to them. Apart from that, there are groups role models must be able to utilize certain elements of traditional patterns, so that stimulate participation from target groups or the wider community. role models must also be able to choose the right time and environment in introducing new legal norms or rules and provide a good example.²⁵

One of the causes of weak law enforcement in Indonesia is the low morality of law enforcement officers (judges, police, prosecutors and advocates) and judicial corruption that has become so ingrained that it is very difficult to eradicate. The existence of judicial corruption clearly complicates law enforcement in Indonesia because law enforcers who should enforce the law are involved in corrupt practices, so it is difficult to expect them to participate in creating good governance.²⁶

Law enforcement can only be carried out if legal institutions act professionally, honestly and apply the principles of good governance. Law enforcement comes from the community and aims to achieve peace in society. Therefore, viewed from a certain angle, the community can influence law enforcement. In this section, we outline the opinions of the community regarding the law that greatly affect their legal compliance. It is clear that this must be related to the previous factors, namely laws, law enforcement, facilities and infrastructure.

Indonesian society in particular has opinions certain about the law. First of all there are various or meanings given against the law, the variations of which are:²⁷

1. Law is defined as science;
2. Law is defined as discipline, namely a system of teachings about reality;
3. Law is defined as a norm or rule, namely a benchmark for expected appropriate behavior;
4. Law is defined as a legal system (namely written positive law);
5. Law is defined as an officer or official;
6. Law is defined as the decision of an official or ruler;
7. Law is defined as the process of government;
8. Law is defined as regular and unique behavior;
9. Law is defined as a network of values; and
10. Law is defined as art.

Of the many definitions given to law, there are a great tendency in society to interpret the law and

²⁴Jan Ramelink, *Criminal Code*, Gramedia Pustaka Utama, Jakarta, 2003, page 92.

²⁵*Ibid.*, page 93.

²⁶Supriyadi Widodo Eddyono, *Problem of Defamation Articles in Cyberspace, Internet and Human Rights Series*, ELSAM, Jakarta, 2014, page 73.

²⁷*Ibid.*, page 74.

even identifying it with officers. One of the consequences is that the good and bad of the law is always associated with the behavioral patterns of law enforcers which are a reflection of the law as a structure and process.²⁸

Not every activity or effort aimed at making citizens obey the law, results in such compliance. It is possible that such activities or efforts will even result in attitudes and actions that are contrary to its purpose. For example, if obedience to the law carried out by only presenting negative sanctions in the form of punishment if the law is violated, then perhaps the community will even only obey when there are officers. This does not mean that the way thus (i.e. coercive) always produces false obedience. This means that if this method is always used, then the law and law enforcement will be considered something frightening.²⁹

Other methods can be applied, such as soft methods (persuasion) which aim to make the community firmly know and understand the law, so that there is conformity with the values adopted by the community. Sometimes, the method of providing information and counseling can be applied repeatedly, so that a certain appreciation for the law (pervasion) arises. Another method that somewhat corners the community is compulsion. In this method, a certain situation is deliberately created, so that the community has no other choice but to obey the law. Indeed, by using this method, a situation is created where the community is forced to do or not do something.

Indonesia is a pluralistic society, there are many ethnic groups with special cultures. In addition, the largest part of the Indonesian population lives in rural areas which have different characteristics from urban areas. Problems that arise in rural areas may have to be handled more with traditional methods, in urban areas also not all problems can be solved without using traditional methods. If so, how to get to know the (social) environment as well as possible.³⁰

A law enforcer must be familiar with the social stratification or social stratification that exists in the environment, along with the existing status/position and role order. Every social stratification must have its basis, such as power, material wealth, honor, education and so on. From the knowledge and understanding of the social stratification, the symbols of position that apply with all kinds of social styles can be known. In addition, the factors that influence power and authority can be known, along with their application in reality. This can be known through interviews with various figures or ordinary citizens, or by conducting observations that are involved or not involved.

Another thing that needs to be known and understood is about institutions. a living social institution, and one that is highly valued by the majority of citizens. local community members. These social institutions include government institutions, educational institutions, law enforcement institutions and so on. Theoretically, these social institutions have functional relationships, so they have a very large influence on the stability and socio-cultural changes that will or are happening.³¹

²⁸Eddy OS Hiariej. Principles of the Criminal Code, Cahaya Atma Pustaka, Yogyakarta, 2014, page. 71.

²⁹Mahrus Ali, Basics of the Criminal Code, Sinar Grafika, Jakarta, 2011, page 51.

³⁰Barda Nawawi Arief, Selected Chapters on Criminal Law, Citra Aditya Bakti, Bandung, 2013, page 82.

³¹Ibid., page 83.

Knowing and understanding these things, then the way is open to be able to identify the values and norms or rules that apply in the environment. Knowledge and understanding of values and norms or rules are very important in the work of resolving disputes that occur (or are potential). In addition, it can be known (and perhaps later realized), that written law has various weaknesses that must be overcome with quick and precise decisions (discretion).³²

Law enforcement is not the ultimate goal of the legal process because justice is not necessarily achieved by law enforcement, even though the ultimate goal is justice. This statement is a sign that justice that lives in society cannot be uniform. This is because justice is a process that moves between two poles of the image of justice. At one time justice is closer to one pole and at another time, justice is more inclined to the other pole.

Regarding legal culture as a factor in law enforcement in this case regarding the effectiveness of law enforcement against media users social, then there are several things that were found, including:

1. Know

After the legislation is passed, from that moment on the public is considered to be aware of the existence of a legal regulation, however in reality there are still many people who do not know about the ITE Law.

2. Understand

It is not enough for the public to just know the rules, but they must also understand the contents of the rules, such as the purpose and benefits of issuing the rules. From the number of criminal acts of extortion and/or threats via social media, it can be seen that there are still many citizens are not aware and obedient in using electronic media. This proves that in general the public does not understand the purpose and importance of enforcing the ITE Law.

3. Obey

After knowing and understanding, the community is expected to be able to realizing this understanding through behavior in the form of obedience in behave in the use of electronic media. The most relevant and dominant factor in the process of overcoming criminal acts of extortion and/or threats through social media is the factor of inadequate facilities and infrastructure, which slows down the performance of law enforcement. The poor procedure for creating accounts such as Facebook, Instagram, Twitter, which usually do not match valid identities (KTP).

CONCLUSION

The formulation of the provisions of Article 27 paragraph (4) of the ITE Law which combines the criminal acts of extortion and/or threats. Extortion is a common crime. Extortion is carried out using violence or threats of violence. Threats are absolute criminal complaints, in threats using threats of defamation and will reveal secrets. However, extortion

³²Rasya Adam, *The Police Loved by the People*, Genta Publishing, Bandung 2017, page 78.

and threats have similarities. The similarities between the criminal acts of extortion and threats are that their respective material acts are in the form of coercion and the coercive act is directed at a certain person. Law enforcement against criminal acts of extortion and/or threats through electronic media using Article 45 Paragraph (4) of the ITE Law states that anyone who intentionally and without the right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain extortion and/or threats as referred to in Article 27 paragraph (4) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). It is recommended that the legal provisions for criminal acts of extortion and/or threats not be combined in one provision. Because extortion and threats have different elements, the government should revise the article and law enforcers should improve better facilities and means in terms of seeking evidence in order to improve capabilities in the field of information and communication technology as a support for the effectiveness of handling perpetrators of extortion and threats through electronic media.

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