

Pembiaran Pemerintah terhadap Pengguna Media Sosial yang Berperilaku Harmful sebagai Bentuk Crime by Omission (Studi terhadap Pengusikan, Doxing, dan Peretasan pada Pengguna Twitter saat Pengesahan Omnibus Law) = Government Ignorance Towards Social Media Users Who Behave Harmfully as a Form of Crime by Omission (Study of Harassing, Doxing, and Hacking Towards Twitter Users During the Ratification of the Omnibus Law)

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Abstrak

Pada pengesahan Omnibus Law pada tahun 2020, sikap masyarakat Indonesia terpecah menjadi 2 kubu, yaitu kubu pendukung dan kubu penolak. Namun lambat laun sikap kubu pendukung berubah menjadi sikap yang harmful, berupa bentuk kejahatan siber pengusikan, doxing, dan peretasan, yang ditujukan kepada kubu penolak. Menurut data yang tersedia, pemerintah melalui lembaga pemerintah yaitu polisi, sudah bertahun-tahun jarang menindak bentuk-bentuk kejahatan siber ini. Padahal, pemerintah memiliki undang-undang yang mengatur bentuk-bentuk kejahatan siber ini. Penulisan ini menggunakan landasan teori Kriminologi Konstitutif dan metode analisis isi kualitatif.

Pelaku diposisikan sebagai excessive investor karena adanya relasi struktural dengan korban akibat jarang ditindaknya bentuk-bentuk kejahatan siber ini. Jarang ditindaknya bentuk-bentuk kejahatan siber ini juga, memosisikan korban menjadi rentan mengalami viktimisasi crime of repression dan crime of reduction oleh pelaku. Ketidakmampuan pemerintah dalam menjalankan tanggung jawabnya melindungi masyarakat ditunjukkan melalui jarang ditindaknya bentuk-bentuk kejahatan siber pengusikan, doxing, dan peretasan. Ketidakmampuan pemerintah ini disebut sebagai crime by omission.

.....At the ratification of the Omnibus Law in 2020, the people were divide into 2 sides, namely the supporters and the rejecters. Gradually the attitude of the supporters turned harmful in these forms of cybercrime; harassment, doxing, and hacking, which were aimed at the rejecters. According to available data, the government, through its government agency that is the police, has rarely taken action against these forms of cybercrime. Even so, the government has laws that regulate these forms of cybercrime.

This paper performs a qualitative content analysis, based on the Constitutive Criminology frame. The perpetrator is positioned as an excessive investor because of the structural relationship with the victim that occurs because of the lack of action against these forms of cyber crime. The lack of action against these forms of cyber crime also places the victims at risk of facing victimization through crime of repression and crime of reduction

by the perpetrators. The government shows its inability to carry out its responsibilities to protect its public through the lack of action against these forms of cybercrime; harassment, doxing, and hacking. The government's inability to do its duty to its people, is considered as a crime by omission.