

# Legal Dynamics in the Digital Era: Navigating the Impact of Digital Transformation on Indonesian Society

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**Abstract.** *Legal philosophy provides an important foundation in understanding the basic principles of law, such as justice, freedom and responsibility. By taking these ethical values into account, legal rules can be formulated that ensure the protection of society's rights and interests in the face of rapid technological change. Through an in-depth study of primary and secondary legal sources, this research describes legal phenomena related to digital transformation in Indonesia by utilizing primary legal materials, especially related laws, to understand the legal basis on which laws are formed in the face of digital transformation. Legal philosophy plays an important role in articulating the concept of justice in the legal system. This concept is a guide for making laws that must develop along with the development of society. In the context of digital technology development in Indonesia, the importance of progressive regulations is crucial. These regulations must provide clear guidelines for the use of digital technology to ensure that the benefits can be obtained while the negative impacts can be minimized. Thus, legal philosophy becomes an important basis in creating legal conditions that are in line with current developments. Legal philosophy brings a deep understanding of the concept of justice and how this concept should be reflected in the applicable legal system. By considering philosophical values and principles, it is hoped that the legal system can achieve nobler goals and provide protection and prosperity for the entire community.*

**Keywords:** *Social Impact; Legal Philosophy; Legal Regulations; Ethical Legal Framework; Digital Transformation.*

## 1. Introduction

Digital transformation has had a significant impact on various aspects of life, especially in the way people interact, work and communicate.<sup>1</sup> However, behind

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<sup>1</sup> Teguh, Prasetyo, Rizky PP Karo Karo, Vena Pricilia, and Natasha Setiadinata, "The Urgency of Law Establishment Regarding Block-Chain Technology in Indonesia Based on the Perspective of Dignified Justice (Keadilan Bermartabat)," *UNIFIKASI: Jurnal Ilmu Hukum* 6, no. 2 (2019): 178. See also: Alfikry, Ahmad Habib, Muhammad Riyan Afandi, and Dian Latifiani, "National Law

rapid technological progress, there are big challenges that need to be faced to maintain a balance between technological innovation and protecting society. Misuse of technology, such as spreading hoaxes or committing cybercrime, can damage public trust and threaten social stability.<sup>2</sup> Therefore, cooperation between government, the private sector and society is essential in developing smart regulations, increasing digital literacy and ensuring that developments in digital technology support sustainability and justice. The great potential in technology also brings various risks of crime, which can threaten people's security and privacy.<sup>3</sup> In Indonesia and around the world, society is facing rapid developments in the digital era that are having a transformational impact on the global economy. Increasing reliance on digital technology has changed the way society interacts with the economy, creating new opportunities while presenting challenges to existing concepts. The growth of the e-commerce and digital payments sector reflects a dramatic shift in consumer behavior.<sup>4</sup>

Problems such as online fraud, data theft, and privacy violations are serious challenges faced in the digital era.<sup>5</sup> These criminal acts not only result in financial losses, but also threaten the sustainability of digital life and human rights. The presence of security gaps in digital applications and platforms allows irresponsible parties to take advantage of them, which ultimately harms many people. To overcome this challenge, relevant and effective legal regulations are needed, covering aspects of cyber security, data privacy and online crime. Online transactions have now dominated the economy, replacing conventional business models. Law Number 11 of 2008 concerning Electronic Information and Transactions (*Informasi dan Transaksi Elektronik/ITE*) is an important step in

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Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic," *Lex Scientia Law Review* 5, no. 2 (2021): 42. See also: Kurniawan, Itok Dwi, "Development of Financial Technology Investment in Indonesia Increasing Public Interest Industrial Revolution 5.0," *JHR (Jurnal Hukum Replik)* 10, no. 2 (2022): 69.

<sup>2</sup> Sinta, Nuriyah, and Wiwik Afifah, "Analisis Kasus Pemerasan Akibat Penyalahgunaan Pada Sosial Media," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 3 (2022): 1242. See also: Siddik, Md Abu Bakar, and Saida Talukder Rahi, "Cybercrime in social media and analysis of existing legal framework: Bangladesh in context," *BILD Law Journal* 5, no. 1 (2020): 69.

<sup>3</sup> Sarah Esther Lageson, "Crime data, the internet, and free speech: An evolving legal consciousness," *Law & society review* 51, no. 1 (2017): 9. See also: Amalia, Syifa, Robby Syahputra, and Alfatih Jagad, "Analysis of The Crime of Human Trafficking in Indonesia (Case Study: Human Trafficking with Marriage Mode in West Kalimantan)," *Unram Law Review* 5, no. 2 (2021).

<sup>4</sup> Satrio Ronggo, Buwono, Lastuti Abubakar, and Tri Handayani, "Kesiapan Perbankan Menuju Transformasi Digital Pasca Pandemi Covid-19 Melalui Financial Technology (Fintech)," *Jurnal Poros Hukum Padjadjaran* 3, no. 2 (2022): 229.

<sup>5</sup> Nur Ro'is, "Cyber Sovereignty Gotong Royong, Indonesia'a Way of Dealing with The Challenges of Global Cyber Sovereignty," *Pancasila and Law Review* 3, no. 1 (2022): 16. See also: Attidhira, Safira Widya, and Yana Sukma Permana. "Review of Personal Data Protection Legal Regulations in Indonesia." *Awang Long Law Review* 5, no. 1 (2022): 281.

strengthening personal data protection with user consent.<sup>6</sup> This regulation is then further regulated in Government Regulation (PP) Number 82 of 2012 and PP Number 71 of 2019. Through this law, efforts are made to enforce the protection of personal data, regulate electronic transactions, and crack down on criminal acts in the digital realm.<sup>7</sup>

Communications technology has also had a major impact on the way society interacts, shares information, and forms networks. The increasingly widespread use of social media opens up opportunities to spread ideas, build awareness and create social movements. However, along with these opportunities, there are also challenges related to the spread of false information, privacy violations, and the dangers of unethical use of technology. Thus, in the midst of rapid technological developments, it is important to have legal regulations that are able to anticipate and respond to these changes.<sup>8</sup> Apart from that, digital awareness and literacy are also key in protecting oneself from the risks associated with the use of technology. Through joint efforts between the government, the private sector and society, it is hoped that a digital environment that is safer, fairer and more trustworthy can be created for everyone.

The development of digital technology has significantly changed the way humans live their lives. This has increased efficiency in various aspects, such as access to information, innovation in different sectors, quality of health services, education, and global employment opportunities. For example, digital technology has enabled faster and more efficient exchange of information, accelerated innovation processes in various industries, and provided wider access to health and education services, even remotely. However, along with the benefits, the development of digital technology also brings significant risks and risks. This requires serious attention from the government and related institutions. To answer this challenge, the government needs to focus on drafting and implementing laws that can keep up with developments in digital technology quickly and precisely. In this context, cooperation between countries in cross-border law enforcement becomes very

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<sup>6</sup> Muhamad Hasan Rumlus, "Kebijakan Reformulasi Tindak Pidana Penipuan Dalam Transaksi Elektronik (Reformulation Policy of Fraud in Electronic Transactions)," *Equality Before the Law* 1, no. 2 (2022): 21. See also: Waluyo, Travis Tio Pratama, Elizabeth Calista, Danielle Putri Ratu, Tasya Safiranita Ramli, and Ahmad M. Ramli, "The Indonesian Electronic Information and Transactions within Indonesia's Broader Legal Regime: Urgency for Amendment," *Jurnal HAM* 12 (2021): 533. See also: Hambali, Muhammad Afied, "Policy model for the use of electronic documents as a proof tool in criminal action after the application of LAW NO 19 OF 2016," *UNTAG Law Review* 2, no. 2 (2018): 119.

<sup>7</sup> Eva, Micheler, and Anna Whaley, "Regulatory technology: replacing law with computer code," *European Business Organization Law Review* 21 (2020): 350.

<sup>8</sup> Sherly Nelsa Fitri, "Politik Hukum Pembentukan Cyber Law Undang-Undang Informasi dan Transaksi Elektronik di Indonesia," *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 7, no. 1 (2022): 105.

important.<sup>9</sup> Criminal acts in the digital world often involve perpetrators from various countries, so effective law enforcement requires cross-border cooperation. With clear and well-enforced legal rules, people can feel safer in their digital lives.<sup>10</sup> This can also be a deterrent for tech criminals, as they will be faced with legal consequences commensurate with their actions. Apart from that, upholding legal philosophical values is also very important in the process of forming legal rules in Indonesia in this era of digital transformation.

Legal philosophy provides a framework for understanding the basic principles underlying law, such as justice, freedom, and responsibility. By considering these ethical values, legal rules can be formulated in a way that ensures the protection of society's rights and interests in the face of rapid technological change. Thus, upholding legal philosophical values can help create a legal system that is responsive and fair in facing the challenges and opportunities presented by the digital era. Legal philosophy explores the meaning of law and discusses its basic values and principles, such as justice, freedom, and responsibility. This helps in formulating legal norms with appropriate ethical principles. In the digital era, legal philosophy is key in designing legal policies that are responsive to technological developments. This includes ethical considerations in the use of technology, protecting the rights of individuals online, and maintaining a balance between technological progress and justice. Thus, it is important for the Indonesian people to understand and use the principles of legal philosophy in developing a legal system that is responsive and in line with the demands of the digital era.<sup>11</sup> With cooperation between the government, the private sector and society, as well as the application of legal philosophical values, it is hoped that society can face challenges and better utilize the positive potential of digital transformation.

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<sup>9</sup> Muhammad, Farhan, Rajasa Syaefunaldi, Dhifa Ridho Dwiputra Hidayat, and Asmak UI Hosnah, "Penerapan Hukum Dalam Menanggulangi Kejahatan Siber Penegakan Hukum Terhadap Tindak Pidana Siber," *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora* 1, no. 6 (2023): 9.

<sup>10</sup> Miftakhur Rokhman, Habibi, and Isnatul Liviani, "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 401. See also: Wijaya, Massulthan Rafi, and Ridwan Arifin, "Cyber Crime in International Legal Instrument: How Indonesia and International Deal with This Crime," *IJCLS (Indonesian Journal of Criminal Law Studies)* 5, no. 1 (2020): 64.

<sup>11</sup> Muhammad Chairul Huda, "Strengthening Pancasila as national ideology to implementate the balancing values to improve law's application in Indonesia," *Jurnal Pembaharuan Hukum* 5, no. 1 (2018): 2. See also: Hutabarat, Dany Try Hutama, Egi Delardi, Ade Irwansyah, Donni Bascara, Bayu Ansori, Faisal Tanjung, Samdoni Jarwal Sinaga et al, "The Eradication of Corruption and The Enforcement of The Law In Indonesia As Seen Through The Lens Of Legal Philosophy," *Policy, Law, Notary And Regulatory Issues* 1, no. 2 (2022): 2. See also: Wiwoho, Jamal, and Wahyudi Sutopo, "Implementation of Javanese traditional value in creating the accountable corporate social responsibility," *International Journal of Law and management* 59, no. 6 (2017): 965.

## 2. Methods

This study adopts a normative juridical method, utilizing online and literature studies to analyze legal documents. Access to and examination of a variety of library resources and secondary data pertinent to the study topic are part of the research process. A thorough analysis of both primary and secondary legal sources is part of the methodology. Laws and core legal documents, which serve as the foundation for new laws, are among the key legal sources that are consulted. Secondary legal sources, meanwhile, incorporate analyses from a range of academics and legal professionals. This study describes legal phenomena associated with Indonesia's digital revolution through descriptive analysis techniques. This research uses primary legal documents, particularly related laws, for analysis in order to comprehend the legal foundation upon which laws are formulated in the context of digital transition. In order to give a more comprehensive background and knowledge of the legal implications and repercussions of digital transformation, analysis of secondary legal documents is conducted. These materials include legal literature and research by legal professionals. In addition, this study incorporates legal philosophy and concepts into Indonesian legal legislation pertaining to the digital transition age. Documentation, notes, and writings pertaining to the topics covered by the scholars are examples of secondary legal resources. The requirements of this study were met by providing the information and conducting a thorough analysis of the relevant positive legislation and legal theories.

## 3. Results

### 3.1. The Influence of Digital Transformation on Society

Digital transformation has brought significant changes in various aspects of Indonesian people's lives.<sup>12</sup> Various sectors, such as social, economic, educational, cultural and bureaucratic, have been affected by advances in digital technology. Socially, technology allows people to connect and interact without having to meet in person, especially through social media and video calls. This has changed the way of communication and interaction between individuals, expanding the scope and reach of social relationships. From an economic perspective, digital transformation has opened up various new opportunities for society.<sup>13</sup> People can sell merchandise online, promote it via social media, and even become influencers by utilizing digital platforms. This expands market access and provides opportunities for entrepreneurs to increase their income. Apart from that, digital transformation also provides people with access to learn and develop new skills in

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<sup>12</sup> I. Gede Agus Kurniawan, "Digitalization of Business Law: Urgency and Orientation of the Industrial Revolution 4.0 and Society 5.0," *Volksggeist: Jurnal Ilmu Hukum Dan Konstitusi* (2022): 254.

<sup>13</sup> Neha Mishra, "The role of the Trans-Pacific Partnership Agreement in the internet ecosystem: uneasy liaison or synergistic alliance," *Journal of International Economic Law* 20, no. 1 (2017): 32.

the digital economy, such as e-commerce and online marketing.<sup>14</sup> In the education and culture sectors, digitalization has brought major changes in the way people access information and knowledge. Access to free education through learning videos on platforms such as YouTube, online seminars, training and video conferencing has become more accessible to the wider community. This opens up opportunities for individuals to continue learning and developing themselves without having to be limited by geographical boundaries or costs. In addition, digitalization also enables the promotion and preservation of regional culture through social media, as well as facilitating cultural exchange between different communities.

This change began with the presence of mobile phones and the internet, which have enabled global connections without the limitations of space and time. Support from broadband technology, smartphones and big data has strengthened this progress, accelerating the pace of digital transformation in Indonesia. Currently, the world is entering the era of Industrial Revolution 5.0, which takes advantage of advances from the previous Industrial Revolution 4.0. However, there is global concern about the potential replacement of humans by machines in this era. The Industrial Revolution 5.0 emphasizes collaboration between humans and machines, as well as between machines and humans, not just the use of machines and robots as happened in the Industrial Revolution 4.0. Industry 5.0 prioritizes the role of humans as the main driver of industry, while digital technology is used to support people's lives. Technology is considered an important tool in industrial development, but the role of humans remains a key factor in directing and controlling this digital transformation. Therefore, it is important for Indonesian people to understand and take an active role in the Industrial Revolution 5.0, by utilizing digital technology as a tool to achieve progress and shared prosperity.

Digital transformation has had a significant impact on society's morality. While providing easy access to information that can improve understanding of moral principles, this transformation also raises new challenges regarding ethics and morality. First of all, with easy access to information via the internet, individuals can become more aware and deepen their understanding of morality. However, conversely, widespread misinformation or inaccurate information can also undermine good moral understanding.<sup>15</sup> Moreover, the use of technology in

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<sup>14</sup> Tasya, Ramli, Dadang Sukarsa, Yusuf Saepul Zamil, Zainal Muttaqin, Sherly Ayuna Putri, Amelia Cahyadini, Ega Ramadayanti, Reihan Ahmad Millaudy, Muhammad Jaka Hidayat, and Bernadette Aurellia, "Pemanfaatan teknologi bagi siswa dalam menyokong peningkatan ekonomi digital dan upaya menghadapi era society 5.0," *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 6, no. 1 (2022): 82.

<sup>15</sup> Trevor, Bench-Capon, and Sanjay Modgil, "Norms and value-based reasoning: justifying compliance and violation," *Artificial Intelligence and Law* 25 (2017): 30.

everyday life, especially through social media, can influence changes in morals and social norms.

For example, widespread negative or unethical content on social media can significantly influence people's behavior and social standards.<sup>16</sup> This kind of content may strengthen or even damage the moral values that have been implemented in society. Apart from that, shortcomings in technological development can also change an individual's morals and character. Phenomena such as increased cases of bullying, inappropriate sexual behavior, online violence, fraud, doxing and hacking are some examples of the negative impacts of the use of technology that is not well managed. To overcome the negative impact of digital transformation on public morality, the government must be ready to follow technological developments by making regulations that not only respond to, but also guide technological development positively. Responsive regulation is needed to ensure that technology provides productive benefits to society, while also reducing the risk of deviation.<sup>17</sup> First, the government needs to develop regulations that ensure that content spread on social media complies with established moral standards. This can include limiting or monitoring content that has the potential to damage public morality, as well as providing sanctions for violations committed by platforms or individuals.

Protection of privacy and data security is also important in the context of morality.<sup>18</sup> With increasing cases of privacy violations and data misuse, governments need to implement strict regulations to protect individual rights and ensure that personal data is not misused for unethical purposes.<sup>19</sup> Apart from that, the government's efforts to facilitate the development of digital technology in

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<sup>16</sup> Devi, Yulianti, Intan Fitri Meutia, and Bayu Sujadmiko, "Indonesia's crisis response to Covid-19 pandemic: From various level of government and network actions to policy," *Journal of Public Administration, Finance and Law* 17, no. 1 (2020): 35. See also: Rosadi, Sinta Dewi, "Protecting privacy on personal data in digital economic era: Legal framework in Indonesia," *Brawijaya Law Journal* 5, no. 1 (2018): 144. See also: Fauzia, Ana, Fathul Hamdani, and Deva Octavia, "The revitalization of the Indonesian legal system in the order of realizing the ideal state law," *Progressive Law Review* 3, no. 01 (2021): 13.

<sup>17</sup> Syarif Hidayatullah, "Strategi Menjaga Pertumbuhan Bank Syariah di Tengah Pandemi COVID-19," *Al-Mizan: Jurnal Hukum dan Ekonomi Islam* 5, no. 1 (2021): 102. See also: Ayuningutami, Putri Intan, and Fatma Ulfatun Najicha, "Regulasi Hukum Terhadap Penerapan Program Reforma Agraria dalam Lingkup Kehutanan," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 13, no. 1 (2022): 39.

<sup>18</sup> Wahyudi Djafar, "Hukum perlindungan data pribadi di indonesia: lanskap, urgensi dan kebutuhan pembaruan," In *Seminar Hukum dalam Era Analisis Big Data, Program Pasca Sarjana Fakultas Hukum UGM*, vol. 26. 2019.

<sup>19</sup> Christina, Tikkinen-Piri, Anna Rohunen, and Jouni Markkula, "EU General Data Protection Regulation: Changes and implications for personal data collecting companies," *Computer Law & Security Review* 34, no. 1 (2018): 135. See also: Parker, Lisa, Vanessa Halter, Tanya Karliychuk, and Quinn Grundy, "How private is your mental health app data? An empirical study of mental health app privacy policies and practices," *International journal of law and psychiatry* 64 (2019): 199.

Indonesia must also consider its impact on the morality of society as a whole. This includes the development of educational programs that promote awareness of digital ethics and responsible use of technology. By increasing digital literacy and understanding of the moral implications of technology use, people can become more aware of the consequences of their actions online. Overall, digital transformation brings new challenges in maintaining societal morality.<sup>20</sup> However, with proper regulation and targeted educational efforts, governments can ensure that digital technology develops positively and provides productive benefits to society, while also minimizing its negative impact on morality and ethics.

From a philosophical point of view, digitalization introduces a new culture called digital culture, which influences the way individuals view the world and live independently. Without realizing it, digitalization changes one's outlook on life and habits, and shapes a person's character. To ensure wise use of technology and integrity, improving the quality of human resources (HR) through digital awareness and literacy is very important in the era of digital transformation. People can develop positive and responsible attitudes by understanding digital ethics and the impact of online behavior. Transformative law is a development of development law theory, which is adapted to Indonesia's current conditions in the era of digital transformation. This theory states that law not only ensures justice, certainty and order, but can also be a foundation for changing society and advancing development, through state institutions and the process of establishing and enforcing laws. The main idea of this theory is that law can be used to design society to face changing times, encourage the transition from traditional to modern, and provide direction for a society that continues to develop.

### 3.2. Formation of Legal Regulations in Indonesia

Plato, one of the main figures in the history of philosophy, provides a definition of what philosophy is. For him, philosophy is a science that tries to find the true truth about the existence of all things. This shows that philosophy is not just an intellectual endeavor, but also a deep search for the essence of reality itself. Aristotle, Plato's famous student, provided a broader perspective on philosophy. For him, philosophy is a science that follows truth, which includes many fields such as metaphysics, logic, rhetoric, ethics, economics, politics and aesthetics. Aristotle clearly showed that philosophy deals not only with fundamental questions about the universe, but also with many aspects of human life. Immanuel Kant, an influential 18th century philosopher, provided an interesting view on philosophy.

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<sup>20</sup> Dani Muhtada, "the Internet, Civic Engagement, and New Civil Society in Indonesia: A Lesson From Two Tales," *Tadulako Law Review* 3, no. 1 (2018): 99. See also: Jun-E, Tan, "Digital rights in Southeast Asia: Conceptual framework and movement building," *Exploring the Nexus Between Technologies and Human Rights* (2019): 1. See also: Mendes, Gilmar Ferreira, and Victor Oliveira Fernandes, "Digital Constitutionalism and Constitutional Jurisdiction: A Research Agenda for the Brazilian Case," *The Rule of Law in Cyberspace* (2022): 66.



For him, philosophy is the basis of all science. He identified four main issues that are the focus of philosophy: God, nature, reason, and humans. This confirms that philosophy is not only theoretical research, but also involves deep reflection on the issues underlying human knowledge and experience. Philosophy can be interpreted narrowly or broadly. Narrowly, philosophy can be considered the science of logic, language and meaning. However, broadly speaking, philosophy is an effort to unite knowledge from various fields into a comprehensive view of life about the meaning of life and the universe. This shows that philosophy does not only deal with theoretical issues, but also tries to provide a deeper meaning and understanding of human life and existence.

Philosophy, law and justice have a close relationship and are interrelated in the context of forming norms, policies and in maintaining a balance between rights and obligations.<sup>21</sup> Legal science, as a branch of science that examines legal actions and regulations, has an important role in assessing the goodness of a law or policy. Legal philosophy plays a key role in legal teaching by being the core of teachings that aim to achieve certain goals, such as justice, peace and prosperity.<sup>22</sup> In this case, legal philosophy not only teaches practical legal principles, but also prioritizes philosophical aspects which underlie the understanding of justice in law. Legal philosophy pays attention to two main aspects, namely functional and philosophical aspects. The functional aspect covers various things, from law enforcement, dispute resolution, to maintaining social order in order to achieve justice in society. Meanwhile, the philosophical aspect includes abstract considerations that underlie legal principles, such as moral values, ethics and political philosophy. Justice, as a concept underlying the legal system, is based on concrete and abstract legal principles. Concrete legal principles refer to legal rules that apply directly in a particular case or situation, while abstract legal principles are more general in nature and include the fundamental values that are the basis of the legal system. Thus, legal philosophy not only functions as a tool for analyzing and criticizing the existing legal system, but also as a basis for formulating legal policies aimed at achieving justice in society. Therefore, a deep understanding of the relationship between philosophy, law, and justice is essential in the establishment and implementation of an effective and just legal system.

Philosophy as a field of study is divided into three main parts, namely ontology, epistemology and axiology. Ontology is a branch of philosophy that studies existing reality and seeks to discover the essence or nature behind all forms of existence. Epistemology, on the other hand, deals with the origins and scope of human knowledge. This includes assessing the validity of knowledge, its structure,

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<sup>21</sup> Safrin Salam, "Rekonstruksi Paradigma Filsafat Ilmu: Studi Kritis Terhadap Ilmu Hukum Sebagai Ilmu," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 18, no. 2 (2019): 886.

<sup>22</sup> Sri Wahyuni, "Studi Perbandingan Pemikiran Filsafat Hukum Islam Al-Ghazali, Asy-Syatibi, dan Ibnu Khaldun," *Al-Mazaahib: Jurnal Perbandingan Hukum* 10, no. 1 (2022): 108.

limitations, and the sources of the knowledge itself. Meanwhile, axiology focuses on the principles and concepts that are the basis for assessing human behavior and attitudes towards knowledge. In the context of legal philosophy, its role is very strategic in forming and evaluating legal products.<sup>23</sup> Legal philosophy helps in evaluating related regulations, doctrines, and institutions. It also provides guidance in implementing the law by considering its objectives and benefits to society. Every legal regulation is built on the basis of a plan that aims to achieve or guarantee certain values in the future. In the Indonesian context, to produce quality legal products that can be obeyed by society, legal regulations must pay attention to the values that exist in society. This is because law originates from society itself, and culture is the root of all social regulations. Therefore, understanding cultural values and local wisdom is very important in the process of formulating and enforcing laws. Thus, legal philosophy provides a solid foundation for the formation of a legal system that is fair, effective and responsive to the needs of society.<sup>24</sup> Through a deep understanding of ontology, epistemology, and axiology, legal philosophy helps in building a strong foundation for the sustainability of a just and sustainable legal system.

The function of legal philosophy in law enforcement involves analyzing and unifying the values contained in the relevant regulations. These values are characteristics or qualities that are beneficial to humans and society, both physically and mentally. Max Scheler, a philosopher, groups values into four main parts, namely life values (such as health and fitness), psychological values (including beauty and psychology), spiritual values (which include faith and purity), and enjoyment (such as pleasure and satisfaction). Every law made by the state has a goal to be achieved, because laws are not created without a clear goal. Therefore, it is important to build a legal system that is based on the values of Pancasila as the foundation of Indonesian thought. Law Number 12 of 2011 concerning the Formation of Legislative Regulations establishes the legal hierarchy in Indonesia, which provides direction in the law formation process.<sup>25</sup> In the process of law formation, legal philosophy plays a role in discussing legal theory and ensuring that the values and objectives of the law are respected. Legal philosophy studies law as a whole, both as it applies today and as it will apply in the future. The aim is that the laws created can ensure that justice is a right that must be upheld and implemented in everyday life. With the norms and ethics of

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<sup>23</sup> Rini Andriani, "Peran Bagian Hukum Sekretariat Daerah Dalam Pembentukan Produk Hukum Daerah Pada Pemerintah Kabupaten Tegal," PhD diss., Universitas Islam Sultan Agung (Indonesia), 2021.

<sup>24</sup> Arlene, Agustina, and Livia Clarista, "The Application of Utility in Indonesia Based on the Principles of Utilitarianism," *Fiat Justitia: Jurnal Ilmu Hukum* 12, no. 4 (2018): 347.

<sup>25</sup> Petra Mahy, "Indonesia's Omnibus Law on job creation: legal hierarchy and responses to judicial review in the labour cluster of amendments," *Asian Journal of Comparative Law* 17, no. 1 (2022): 52. See also: Jacqueline, V. E. L., Yando Zakaria, and Adriaan Bedner, "Law-making as a strategy for change: Indonesia's new Village Law," *Asian Journal of Law and Society* 4, no. 2 (2017): 448.

legal philosophy, we can build a society that is safe, orderly and upholds legal principles. The application of values and principles of legal philosophy in the formation and enforcement of law helps create a fair and just legal system, so that society can live in a stable and orderly environment. Thus, the role of legal philosophy is very important in ensuring that law can be an effective instrument in maintaining order and justice in society.

#### 4. Conclusion

Legal philosophy plays an important role in articulating the concept of justice in the legal system. This concept guides the creation of laws that must develop along with the development of society. Legal philosophy seeks to identify existing problems in society to direct legal changes for the better in the future. This emphasizes that law is not static, but must be responsive to changing social dynamics. In the context of digital technology development in Indonesia, the importance of progressive regulations is crucial. These regulations must provide clear guidelines for the use of digital technology to ensure that the benefits can be obtained while the negative impacts can be minimized. Thus, legal philosophy becomes an important basis in creating legal conditions that are in line with current developments. Legal philosophy also has a significant impact in the formation of legal policy. Through a philosophical view, consideration of values about good and bad is crucial in the policy making process. In this case, legal philosophy functions as a guide to achieving the main goal of law, namely achieving true justice. So, overall, legal philosophy brings a deep understanding of the concept of justice and how this concept should be reflected in the applicable legal system. This allows the creation of better and more responsive laws, as well as providing direction for regulations that are in line with the development of digital technology in Indonesia. By considering philosophical values and principles, it is hoped that the legal system can achieve nobler goals and provide protection and prosperity for the entire community.

#### 5. References

- Agustina, Arlene, and Livia Clarista. "The Application of Utility in Indonesia Based on the Principles of Utilitarianism." *Fiat Justisia: Jurnal Ilmu Hukum* 12, no. 4 (2018): 346-354.
- Alfikry, Ahmad Habib, Muhammad Riyan Afandi, and Dian Latifiani. "National Law Development through Civil Procedure Law Reform as a Manifestation of State Goals during the Covid-19 Pandemic." *Lex Scientia Law Review* 5, no. 2 (2021): 41-64.
- Amalia, Syifa, Robby Syahputra, and Alfatih Jagad. "Analysis of The Crime of Human Trafficking in Indonesia (Case Study: Human Trafficking with Marriage Mode in West Kalimantan)." *Unram Law Review* 5, no. 2 (2021).

- Andriani, Rini. "Peran Bagian Hukum Sekretariat Daerah Dalam Pembentukan Produk Hukum Daerah Pada Pemerintah Kabupaten Tegal." PhD diss., Universitas Islam Sultan Agung (Indonesia), 2021.
- Attidhira, Safira Widya, and Yana Sukma Permana. "Review of Personal Data Protection Legal Regulations in Indonesia." *Awang Long Law Review* 5, no. 1 (2022): 280-294.
- Ayuningutami, Putri Intan, and Fatma Ulfatun Najicha. "Regulasi Hukum Terhadap Penerapan Program Reforma Agraria dalam Lingkup Kehutanan." *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 13, no. 1 (2022): 39.
- Bench-Capon, Trevor, and Sanjay Modgil. "Norms and value-based reasoning: justifying compliance and violation." *Artificial Intelligence and Law* 25 (2017): 29-64. Rosadi, Sinta Dewi. "Protecting privacy on personal data in digital economic era: Legal framework in Indonesia." *Brawijaya Law Journal* 5, no. 1 (2018): 143-157.
- Buwono, Satrio Ronggo, Lastuti Abubakar, and Tri Handayani. "Kesiapan Perbankan Menuju Transformasi Digital Pasca Pandemi Covid-19 Melalui Financial Technology (Fintech)." *Jurnal Poros Hukum Padjadjaran* 3, no. 2 (2022): 228-241.
- Djafar, Wahyudi. "Hukum perlindungan data pribadi di indonesia: lanskap, urgensi dan kebutuhan pembaruan." In *Seminar Hukum dalam Era Analisis Big Data, Program Pasca Sarjana Fakultas Hukum UGM*, vol. 26. 2019.
- Fauzia, Ana, Fathul Hamdani, and Deva Octavia. "The revitalization of the Indonesian legal system in the order of realizing the ideal state law." *Progressive Law Review* 3, no. 01 (2021): 12-25.
- Fitri, Sherly Nelsa. "Politik Hukum Pembentukan Cyber Law Undang-Undang Informasi dan Transaksi Elektronik di Indonesia." *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 7, no. 1 (2022): 104-124.
- Habibi, Miftakhur Rokhman, and Isnatul Liviani. "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia." *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 400-426.
- Hambali, Muhammad Afied. "Policy model for the use of electronic documents as a proof tool in criminal action after the application of LAW NO 19 OF 2016." *UNTAG Law Review* 2, no. 2 (2018): 118-130.
- Hidayatullah, Syarif. "Strategi Menjaga Pertumbuhan Bank Syariah di Tengah Pandemi COVID-19." *Al-Mizan: Jurnal Hukum dan Ekonomi Islam* 5, no. 1 (2021): 101-124.
- Huda, Muhammad Chairul. "Strengthening Pancasila as national ideology to implementate the balancing values to improve law's application in Indonesia." *Jurnal Pembaharuan Hukum* 5, no. 1 (2018): 1-12.
- Hutabarat, Dany Try Utama, Egi Delardi, Ade Irwansyah, Donni Bascara, Bayu Ansori, Faisal Tanjung, Samdoni Jarwal Sinaga et al. "The Eradication of Corruption And The Enforcement Of The Law In Indonesia As Seen Through

- The Lens Of Legal Philosophy." *Policy, Law, Notary and Regulatory Issues* 1, no. 2 (2022): 1-8.
- Jacqueline, V. E. L., Yando Zakaria, and Adriaan Bedner. "Law-making as a strategy for change: Indonesia's new Village Law." *Asian Journal of Law and Society* 4, no. 2 (2017): 447-471.
- Jun-E, Tan. "Digital rights in Southeast Asia: Conceptual framework and movement building." *Exploring the Nexus Between Technologies and Human Rights* (2019): 1.
- Kurniawan, I. Gede Agus. "Digitalization of Business Law: Urgency and Orientation of the Industrial Revolution 4.0 and Society 5.0." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* (2022): 253-265.
- Kurniawan, Itok Dwi. "Development of Financial Technology Investment in Indonesia Increasing Public Interest Industrial Revolution 5.0." *JHR (Jurnal Hukum Replik)* 10, no. 2 (2022): 68-74.
- Lageson, Sarah Esther. "Crime data, the internet, and free speech: An evolving legal consciousness." *Law & society review* 51, no. 1 (2017): 8-41.
- Mahy, Petra. "Indonesia's Omnibus Law on job creation: legal hierarchy and responses to judicial review in the labour cluster of amendments." *Asian Journal of Comparative Law* 17, no. 1 (2022): 51-75.
- Mendes, Gilmar Ferreira, and Victor Oliveira Fernandes. "Digital Constitutionalism and Constitutional Jurisdiction: A Research Agenda for the Brazilian Case." *The Rule of Law in Cyberspace* (2022): 65-87.
- Micheler, Eva, and Anna Whaley. "Regulatory technology: replacing law with computer code." *European Business Organization Law Review* 21 (2020): 349-377.
- Mishra, Neha. "The role of the Trans-Pacific Partnership Agreement in the internet ecosystem: uneasy liaison or synergistic alliance." *Journal of International Economic Law* 20, no. 1 (2017): 31-60.
- Muhtada, Dani. "the Internet, Civic Engagement, and New Civil Society in Indonesia: a Lesson From Two Tales." *Tadulako Law Review* 3, no. 1 (2018): 98-115.
- Nuriyah, Sinta, and Wiwik Afifah. "Analisis Kasus Pemerasan Akibat Penyalahgunaan Pada Sosial Media." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 3 (2022): 1241-1251.
- Parker, Lisa, Vanessa Halter, Tanya Karliychuk, and Quinn Grundy. "How private is your mental health app data? An empirical study of mental health app privacy policies and practices." *International journal of law and psychiatry* 64 (2019): 198-204.
- Prasetyo, Teguh, Rizky PP Karo Karo, Vena Pricilia, and Natasha Setiadinata. "The Urgency of Law Establishment Regarding Block-Chain Technology in Indonesia Based on the Perspective of Dignified Justice (Keadilan Bermartabat)." *UNIFIKASI: Jurnal Ilmu Hukum* 6, no. 2 (2019): 177-198.

- Ramli, Tasya, Dadang Sukarsa, Yusuf Saepul Zamil, Zainal Muttaqin, Sherly Ayuna Putri, Amelia Cahyadini, Ega Ramadayanti, Reihan Ahmad Millaudy, Muhammad Jaka Hidayat, and Bernadette Aurellia. "Pemanfaatan teknologi bagi siswa dalam menyokong peningkatan ekonomi digital dan upaya menghadapi era society 5.0." *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 6, no. 1 (2022): 81-98.
- Ro'is, Nur. "Cyber Sovereignty Gotong Royong, Indonesia'a Way of Dealing with The Challenges Of Global Cyber Sovereignty." *Pancasila and Law Review* 3, no. 1 (2022): 15-30.
- Rumlus, Muhamad Hasan. "Kebijakan Reformulasi Tindak Pidana Penipuan Dalam Transaksi Elektronik (Reformulation Policy of Fraud In Electronic Transactions)." *Equality Before the Law* 1, no. 2 (2022): 20-36.
- Salam, Safrin. "Rekonstruksi Paradigma Filsafat Ilmu: Studi Kritis Terhadap Ilmu Hukum Sebagai Ilmu." *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 18, no. 2 (2019): 885-896.
- Siddik, Md Abu Bakar, and Saida Talukder Rahi. "Cybercrime in social media and analysis of existing legal framework: Bangladesh in context." *BiLD Law Journal* 5, no. 1 (2020): 68-92.
- Tikkinen-Piri, Christina, Anna Rohunen, and Jouni Markkula. "EU General Data Protection Regulation: Changes and implications for personal data collecting companies." *Computer Law & Security Review* 34, no. 1 (2018): 134-153.
- Wahyuni, Sri. "Studi Perbandingan Pemikiran Filsafat Hukum Islam Al-Ghazali, Asy-Syatibi, dan Ibnu Khaldun." *Al-Mazaahib: Jurnal Perbandingan Hukum* 10, no. 1 (2022): 107-132.
- Waluyo, Travis Tio Pratama, Elizabeth Calista, Danielle Putri Ratu, Tasya Safiranita Ramli, and Ahmad M. Ramli. "The Indonesian Electronic Information and Transactions within Indonesia's Broader Legal Regime: Urgency for Amendment?." *Jurnal HAM* 12 (2021): 533.
- Wijaya, Massulthan Rafi, and Ridwan Arifin. "Cyber Crime in International Legal Instrument: How Indonesia and International Deal with This Crime?." *IJCLS (Indonesian Journal of Criminal Law Studies)* 5, no. 1 (2020): 63-74.
- Wiwoho, Jamal, and Wahyudi Sutopo. "Implementation of Javanese traditional value in creating the accountable corporate social responsibility." *International Journal of Law and management* 59, no. 6 (2017): 964-976.
- Yulianti, Devi, Intan Fitri Meutia, and Bayu Sujadmiko. "Indonesia'crisis response to Covid-19 pandemic: From various level of government and network actions to policy." *Journal of Public Administration, Finance and Law* 17, no. 1 (2020): 34-48.

