

Research Article

Macro Approach in Economic Crime Response Technology in the Age of Global Transformation

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Abstract.

The economic interest that dominates the pattern of modern human life causes the most prominent global transformation in terms of economic activity. Related to this, a macro approach is needed in overcoming technology-based economic crimes. The urgency of this research is expected to provide input for the development of legal science, specifically in Judicial Law and Economic Criminal Law related to cybercrime and make improvements in the provisions of laws and regulations relating to telematics crimes, especially in terms of electronic transactions. This study uses normative legal research. This study uses secondary data and primary data as supporting data. The results of this study show that overcoming technological economic crimes requires a multi-aspect concept because the nature of technological economic crimes is very complex. Its complexity continues to grow following the flow of global transformation in the economy. Therefore, the concept of handling it must be done with a multi-aspect concept.

Keywords: economic, crimes, technology, global

1. INTRODUCTION

Global transformation is the biggest current of change in the modern age that cannot be avoided. The changes brought about by globalization have both positive and negative impacts. Globalization has made it harder for national governments to make decisions on their own. Including to hinder with negative impacts[1]. One of the negative impacts caused by the globalization process is the emergence of crimes with a global dimension, such as smuggling, piracy, money laundering, human trafficking, and cyber crime. In other word, globalization has changed the nature of crime[2].

The economic interest that dominates the pattern of modern human life causes the most visible global transformation in terms of economic activity. That is why it cannot be

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said "all", crimes with global dimensions are generally motivated by economic motives. Economics and technology can be said to be "three money ties" in the sense that they both support and need each other. In the modern era when science and technology are developing very rapidly, the economy is determined by three factors, namely: Capital, Management and Technology. Therefore, the trend of economic crime in this global era is crime based on high technology[3].

The outbreak of high-technology-based economic crimes raises complex problems and is increasingly difficult to overcome. is still classified as "the new corner to modernization" but crimes with economic motives by utilizing advanced technology are also developing in Indonesia. The impact of a technology-based economy is very wide, so effective countermeasures are needed [4]. It seems that the modern question of the threat of technology- based crime does not only apply to developing countries such as in Indonesia, but has become an international problem.

As is the case with crime in general, which is a complex social problem rather than a technology-based economic crime law problem, it is formed from various complex factors so that it is impossible to tackle it effectively with only a partial approach. Related to this, a macro approach is needed in overcoming technology-based economic crimes. In this case, the macro approach is interpreted as a multi-aspect approach that deals with macroeconomic problems.

Moving on from the background as described above, the fundamental problems in the legal field, especially business crimes in order to overcome crime in electronic transaction activities, legal issues and problems can be formulated, among others, as follows: Does technology-based crime prevention efforts in the era of the global economy require a multi-aspected concept? and Howthe impact of global transformation on the economy implemented in various aspects?

2. METHODS

The research method used in this study is a normative juridical research method, namely research that is focused on examining the application of rules or norms in positive law. Normative juridical is legal research that is carried out by examining library materials or secondary data as the basis for research by conducting searches on regulations and literature related to the problems studied. The problem approach used is the statutory approach and the conceptual approach[5]. A statutory approach is absolutely necessary in order to further study the application of the law against violations/criminalities in electronic transaction activities contained in various sources of positive criminal law,

including criminal law in the economic field in Indonesia and the ITE Law which is deemed inadequate. Conceptual approach (conceptual approach), is used to examine and analyze the framework of thought or conceptual framework as well as the theoretical basis in accordance with the purpose of this research, namely to examine anticipatory efforts and legal strategies for overcoming telematics crimes in the field of electronic transactions in the era of global trade.

3. RESULT AND DISCUSSION

Analysis of Technology-Based Crime Prevention Efforts in the Multi-Aspected Global Economic Era Penal Policy at the Applicative Stage: Operational Strategy for Various Sources of Criminal Law in the Economic Sector

Global transformation in the economic field is not a new thing at all. The process has started centuries ago since civilized nations explored various worlds until the era of colonialism. In the era of globalization, which is driven by the development of transportation and communication technology, it seems to make this world increasingly narrow and unified and open. Openness in the era of globalization has resulted in the transformation of various aspects, including the economic, social, political, cultural and value systems. The positive impact of this transformation is progress in all aspects of human life so that its benefits greatly support humans in achieving prosperity.[6]

In the economic field, globalization is seen as a driving force for international trade activities that make it easier for economic actors to access various transactions. In the socio- political field, globalization is an effective means for the development of democratization. In the field of culture, globalization affects the universality of lifestyle so that it can be used as a means to harmonize relations between nations, so that it can be seen as a means of building human civilization. However, every process has its advantages. Likewise, globalization that has hit the world cannot be avoided from its bad effects, ranging from changes in behavior that deviate from the order of local wisdom values to the spread of global crimes that threaten the life of the world[7].

Globalization on the surface seems to open up the unification of the system so that the promise of equality does not automatically guarantee prosperity in the economic, social and cultural fields for all countries[2]. The era of the free market, however, which is still colored by the ambitions and interests of strong countries and the unpreparedness of developing countries to compete, has actually made the gap between the strong and the weak wider. In the socio-cultural field, the openness system is also often used by strong countries to impose the internalization of western values (liberalism, capitalism, etc.) on

developing countries which ultimately strengthens the interests of developed countries. Globalization in the economy is supported by the presence of technology. In the wave of community development that has entered the post-industrial stage that forms the information society, the existence of information technology increasingly dominates part of human life. Information Technology, which is based on the computerized paradigm, has revolutionized the world economic system.

Economic activity in all parts of the world is increasingly dependent on the existence of telematics technology (telecommunication, media and informatics). This telematics technology, which is effective and efficient, is beneficial for economic actors. For example, in terms of transactions, E-commerce technology is able to bring together sellers and buyers from all over the world and carry out buying and selling transactions only from behind a computer connected to the internet network. The same is true with EFT (Electronic Fund Transfer) technology, sending money between economic actors in far-flung parts of the world can be done in a matter of seconds. Utilization of technology also depends on who uses it. Similarly, technology is actually neutral. In other words, the emergence of economic crime is strongly influenced by various complex factors, especially human factors.

Technology-based economic crime is a serious threat in the era of global trade. Even though in the field of economy and technology, Indonesia is still a developing country or at least as a Newly Industrialist Countries (NIC), in reality the use of information technology in the business world (e-banking, e-commerce, e-government, etc.) Indonesia. The application of this technology, of course, comes with all the consequences, including its excesses in the form of modern business crimes (another word for technological economic crimes). Against the outbreak of this new type of crime. In fact, so far Indonesia has made various efforts to overcome, among others, by processing the law for perpetrators of technology-based economic crimes with the applicable criminal law, updating laws and regulations in the economic field, to improving the quality of judicial institutions and their human resources. However, these efforts have not shown optimal results, as evidenced by the emergence of technology-based economic crimes. Even these crimes show developments both in quantity and quality[1].

Crime is an increasingly complex part of human civilization. Crime cannot be seen as a deviation from humans as individuals, but more than that it is also closely related to the social environment, cultural background, economic pressure and can even be seen as part of the problem of the political system. Therefore, efforts to overcome it partially. For example, merely emphasizing the legal aspect, it will definitely be difficult to solve the problem of the development of technological crimes that are experiencing increasingly

complex developments. This is even more so if it is realized that technological economic crimes are a product of the excesses of global transformation in the economic field with multivariate dimensions. So that it can be concluded that realizing the complexity of the problem of technological economic crime, multi-aspect prevention efforts are needed. Some aspects that stand out or are most affected by the current global transformation in the economic field are social, cultural, economic, technological, political and legal aspects.

Analysis of the Implementation of Multi- Aspects of Technology-Based Crime Prevention as a Result of the Effect of Global Transformation on the Economy

1. (a) **Social and Cultural Aspects** Sociologically, globalization has influenced people's behavior and lifestyle. The influence is not limited to changes in lifestyle that are increasingly similar, but also brings a shift in attitude towards life values. The presence of Information and Communication Technology (ICT) as a "child" as well as a "motor" of global transformation in this modern age has changed society by shaking its institutional "roots", namely the most basic human interpersonal life at work and in the family [8]. Some global lifestyles that are seen as negative behaviors include individualism, consumerism, pragmatism. Liberalism and free live can often trigger economic crime in developing countries. Carding acts as a variant of hacking, for example, why are these acts rife in countries such as Indonesia, Ukraine and so on, not in developed countries such as Europe (west) and America? It seems that the western lifestyle that has hit developing countries (due to globalization) is not balanced with the welfare of the people (to fulfill) a modern lifestyle, ethics, and a sense of social responsibility to maintain order. This also happened in the case of rampant computer software piracy in Indonesia. In this regard, the global community and its cyber community need to develop an ethical culture in universal information technology

that can be strengthened by relevant local cultural values.

The social sanction system is also known in cyber society. Netter's black list (in this case as Indonesian consumers by various online shops abroad (especially America) so that they cannot access the goods order system through e- commerce, is one example of dealing with the spread of carding. It's just that this way less effective considering that carders are hackers who are always challenged to break through the system. Based on this, it is necessary to develop a code of ethics for users and a monitoring system and enforcement mechanism. The parties that are considered strategic to campaign

for ethical actions in technology are NGOs working in IT , Computer Entrepreneurs (for example by not providing installation of illegal software), Internet Cafe Entrepreneurs (for example preventing users from downloading software illegally) and Educational Institutions, especially LP Computers (for example, not only in educating students so that students are experts / proficient in IT mastery but also have an attitude ethical morals).

(a) **Economic and Technological Aspects** Economic factors or more specifically, the economic system is positively correlated to the development of business/economic crime[9]. The current of globalization which tends to drag the economic system into a liberal and capitalist economy often forces technology to play in the laws of the market. Computer viruses, logic bombs, hacking and Denial of Services (DoS) may have been deliberately created and developed continuously to support the business of anti-virus programs and computer network security programs to carry out espionage or sabotage (part of fraudulent competition) between corporations. The modern economic system supported by telematics technology does promise convenience, practicality, speed, fluency, comfort and security. However, on the other hand, the modern economic system also has potential limitations, weaknesses that open up opportunities for fraud or irregularities. The liberalization of trade in goods and services in the era of globalization has indeed become a world agreement, not least with Indonesia which has accepted the WTO (World Trade Organization), with all the consequences. It seems that it is rather difficult for Indonesia to avoid the various principles set by the WTO as well as various subsequent world agreements such as GATT, AFTA, NAFTA, APEC etc..[10] which are often unbalanced (more favorable to strong countries). However, Indonesia's attachment to the global economic system does not necessarily crush the ideology of the Indonesian Economy (Economy

Pancasila) which is socially just. In relation to efforts to overcome technological economic crimes, the development of the economic system and its supporting technology should not only be concerned with prospects related to profit or solely based on the wishes/interests of the owners of capital, but must also pay attention to the interests of the wider community.

In the economic system, the issue of effectiveness and efficiency is very important and that is what is currently being prioritized in the development of technology. As a result, the weak side of an economic and technological system gets less attention.

This opens up opportunities for irresponsible parties to commit crimes by breaking through the weaknesses of the economic and technological system. In this regard, every development of the economic system and its supporting technology must be balanced with the development of a system to counter its excesses. In other terms, it is necessary to develop a technology-based economic crime prevention system with an Economic Prevention or Techno Prevention approach.[11]

4. Political and Legal Aspects

The unfavorable socio-political situation often triggers the occurrence of technological economic crimes. Some carders admit that when relations between Indonesia and other countries, say Australia, are heating up. Then it is a good opportunity to make the country as the target of his Carding. The reason is quite logical, namely when relations between countries are not harmonious, the cooperation system in dealing with transnational crimes will not function so that carders feel safe in carrying out their actions. Likewise, the limitations of the law and its apparatus are also a driving force for the occurrence of technological economic crimes. When carding initially spread in several cities in Indonesia such as Yogyakarta and Bandung in the 2000s, carders felt safe because they knew that Indonesian law did not cover their actions. In responding to the spread of software piracy, for example, the government tends to make policies that are pro-Microsoft regardless of the ability (economic) of the majority of Indonesian users to legally own software with Microsoft operating systems. Whereas in other countries there is a movement to break away from dependence on Microsoft by switching to open-source operating systems (eg Linux). Even through controversial political policies, such as the move by the Indonesian government to enter into an MoU (Memorandum of Understanding) with Microsoft which reaped the pros and cons, it actually shows the powerlessness of the Indonesian people in the vortex of globalization driven by neoliberalism. The law in this case the

legislation actually has an important role in counteracting the excesses of globalization. However, with the conditions and position of Indonesia politically, economically, technologically and human resources in the current world arena, it becomes very difficult to carry out a barrier to entry policy to better protect the majority of Indonesian people through laws and regulations.

Thus, the harmonization of laws and regulations on economic criminal law products with several international agreements remains important but remains in a constitutive context (protecting the entire Indonesian nation). Even though as of this writing, the

Indonesian criminal law regulations that specifically regulate technology-based economic crimes are still few and inadequate, but this should not be used as an excuse not to process cases that occur in Indonesia. Law enforcement will affect efforts to tackle crime. Several cases of technological economic crimes that have been successfully resolved through the criminal justice process by optimizing the application of the applicable criminal law are the first steps that can be used as jurisprudence for the settlement of other cases. From the explanation above, it is clear that as part of the excesses of globalization, technological economic crimes must be responded to with a global approach, namely through macro policies that are multi-faceted. What is meant by macro policy in this case is an approach in formulating policies to address certain problems based on various aspects of the background of the problem in a careful and integrated manner. So the multi- aspect macro approach is not just looking for technical problem solving through short-term strategies[12].

So far, the emphasis on crime prevention (including modern crimes) is more on juridical and technical proofs, especially for the purpose of resolving cases that occur. Indeed, studies are now beginning to emerge on the issue of technological economic crime from a non- juridical point of view, specifically intended to understand the social changes that have occurred in the era of information technology and cyber community and to try to find control efforts through an ethical approach [13]. However, these activities are still largely limited to the discourse level (not yet lead to implementation) and have not been integrated into a macro policy. One interesting example to put forward to show the phenomenon of incoherence in the effort to tackle technology-based economic crime is the dynamics that have occurred in preparing

legislation policies regarding the use of information technology in Indonesia. The multi- aspect approach in crime prevention can also be interpreted as a systemic approach, namely the social, cultural, economic,

technological, political and legal aspects, each of which is a subsystem that is interrelated and influences each other. Countermeasures through the legal process, for example, will certainly be influenced by economic, social, cultural and political aspects, as well as countermeasures with economic policies will be influenced by other aspects and so on. Through a multi- aspect approach, it is hoped that the map and the root of the problem will be known comprehensively before moving on to more technical efforts.

5. CONCLUSION

Awareness of the importance of a multi-aspect macro approach in dealing with high technology- based business/economic crimes is built with an understanding of the issues discussed in this chapter, which can simply be summed up as follows: Technology-based crime prevention efforts in the era of the global economy have tended to be carried out partially. This can be observed in the incoherence between economic policies, social policies, political policies, cultural policies and legal policies in the use and development of high technology in Indonesia. This approach which is not fully conceptualized (partial) has caused technology- based economic crime prevention efforts so far to be ineffective. Therefore, overcoming technological economic crimes requires a multi-aspercted concept because the nature of technological economic crimes is very complex, the complexity of which continues to grow following the flow of global transformation in the economic field. next Technology-based crime is one of the excesses of the global transformation in the economy. Therefore, the concept of overcoming it must be carried out with a multi-aspect concept, namely by implementing various approaches in a complete and integral way. Globalization has affected various aspects of life, namely economic, social, cultural, political and legal aspects, therefore the prevention of technology-based economic crime must be carried out with social policies (including cultural aspects), economic policies (including policies for the development of supporting technology) and political and economic policies. law. Each policy should be viewed as an integral part of the other policies.

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