


How Law Responds to Technological Development?



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ABSTRACT. Law and technological development must go hand in hand. The speed of technological development must be balanced with a fast legal response. Laws that are not quick in responding to technological developments can certainly result in weak regulations and even a legal vacuum in the technology development sector. The technology industry in the fields of financial technology (fintech), online transportation services, and digital health services continues to develop. Without strong regulation, these sectors will have a weak legal basis. The impact faced can be in the form of misappropriation by irresponsible individuals and causing harm to the wider community. Given that sectors such as fintech, online transportation services, and digital health services are related to the interests of the wider community. The state must exist by making laws or regulations that can respond quickly to technological developments. Indonesia as a rule of law must make all aspects run according to the law, including technological developments that produce products. This paper examines the extent to which the speed of law in Indonesia in responding to technological developments.

KEYWORDS. Law; Development; Technology

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Introduction

The statements of the President of the Republic of Indonesia at several events are very interesting to study. The President of the Republic of Indonesia at several events made a statement that the point was that global competition in the current era was not judged by the indicators of a broad country beating a narrow country geographically. Global competition is also not judged by the indicator of a strong country beating a weak country. Today's global competition is seen more from the fast country will beat the slow country. Sooner or later this can be interpreted as responding sooner or later to technological developments. This means that countries that are slow to respond to technological developments will be defeated by countries that are fast in responding to technological developments. So strong, weak, broad, and narrow a country are not the main indicators of global competition. Therefore, the President of the Republic of Indonesia wants Indonesia to become a country that is fast in responding and mastering technology in order to win global competition¹.

The desire of the President of the Republic of Indonesia that the State of Indonesia becomes a country that quickly responds to technological

¹ Chandra Gian Asmara, "Jokowi: Negara yang Cepat akan Kalahkan Negara yang Lambat", *News Online CNBC Indonesia*, September 2, 2019, retrieved from <https://www.cnbcindonesia.com/news/20190902174848-4-96600/jokowi-negara-yang-cepat-akan-kalahkan-negara-yang-lambat>, accessed on 28 September 2020.

developments and wins global competition must be supported and realized. The facts do state that the world has changed. Countries that respond to technological developments and master technology quickly will be able to make an impact on countries that are slow to respond to technological developments. This can be seen from the countries that respond quickly to technological developments are relatively more producers of technology industries. Conversely, countries that are slow in responding to technology tend to become consumers in the technology industry. This means that countries that become producers of technology industries will tend to quickly become developed countries compared to countries that are consumers of technology industry². The question is what about the State of Indonesia? Where is the position of the State of Indonesia in responding to technological developments?

This question deserves an answer to determine the condition and position of the Indonesian State, especially in global competition. Before answering the question. There are several things that must be viewed carefully from the point of view of the constitutional system of the Indonesian State. Technological development is a necessity. Even the development of technology also determines the victory in global competition. However, it should be noted that Indonesia is a state based on law. The 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) states that the State of Indonesia is a constitutional state. The meaning of this verse is very clear that all actions and steps in the nation and state must be based on law. This also has consequences for technological developments. Technological developments must be carried out quickly in order to realize the Indonesian State to win global competition. The technological development must be carried out based on law. Law must be the commander or foundation in carrying out technological developments.

The speed of law in responding to technological developments must be balanced. Do not let the development of technology run so fast, but the law is unable to respond. Finally, these technological developments are not based on law. As a consequence, the 1945 Constitution of the Republic of Indonesia, especially Article 1 paragraph (3), can be violated because technological developments in Indonesia are not based on law. This research will first look at the condition and position of the Indonesian State in

² Fabian Januarius Kuwando, "Jokowi: Sekarang, Negara Cepat akan Mengalahkan Negara Lamban", *News Online KOMPAS*, May 4, 2017, retrieved from <https://nasional.kompas.com/read/2017/05/04/14110021/jokowi.sekarang.negara.cepat.akan.mengalahkan.negara.lamban>, accessed on 28 September 2020.

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responding to technological developments. This study will also analyze the extent to which the speed of law in Indonesia responds to technological developments. Formulation of the problem (1) what is the condition and position of the State of Indonesia in responding to technological developments? And (2) how fast is the law in Indonesia responding to technological developments?

Method

Legal research consists of doctrinal and non-doctrinal legal research. Doctrinal legal research has a type of research, namely juridical-normative. This type of juridical-normative research which regulations or statutory regulations as the main object of study. Juridical-normative research emphasizes the analysis of statutory regulations as primary legal materials will be analyzed and then supported by secondary legal materials such as related literatures. Non-doctrinal research consists of juridical-empirical and juridical-sociological research. This type of juridical-empirical research emphasizes legal studies and also the conditions of facts in the field based on research results. This type of juridical-sociological research is a type of research that examines law and also phenomena that exist in society. Even in sociological-juridical research, the symptoms in society are the main object of study. It is not surprising that in this type of juridical-sociological research, many sources of data directly come from the public³.

This research uses doctrinal law research with juridical-normative research type. This research will examine the laws and regulations relating to technological developments as primary legal materials and references to scientific papers as secondary legal materials. This study will analyze the extent to which these regulations respond to technological developments. The research approach used in this research is a qualitative approach. The researcher will analyze the results of the research and then explain the results of the research qualitatively in the form of a narrative equipped with the references that have been collected⁴.

³ Depri Liber Sonata, "Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum", *Fiat Justisia Jurnal Ilmu Hukum*. Vol. 8. No. 1, 2014, pp. 23-24.

⁴ Hardani, et, al., *Metode Penelitian Kualitatif & Kuantitatif*. Yogyakarta, Pustaka Ilmu. 2020, pp. 277-278.

Condition and Position of the State of Indonesia in Responding to Technological Development

Indonesia is a country that is geographically wide. Indonesia belongs to the group of countries that have the largest area in the world compared to other countries. Indonesia has an area of around 1,904,269 km² and is the largest country in ASEAN⁵. The same is true of the population. The total population of Indonesia in 2018 is estimated at 273.9 million. The population is the largest in ASEAN and is in the top five of the world⁶. This profile can a little to describe the condition of the State of Indonesia. The large number of areas and the large population can make Indonesia a fast responding to technology. This is because the area can be optimized in relation to natural resources that support technological development. Then the large number of people can be empowered to create and develop a technology industry so that it can become a producer of the technology industry. In fact, what is the condition and position of the State of Indonesia, especially in responding to technological developments?

1. Condition of the State of Indonesia in Responding to Technological Development

Answering questions related to the condition of the Indonesian State in responding to technological developments can be answered with one indicator, namely by looking at the condition of the State of Indonesia. The indicator referred to is the State of Indonesia as a country producing technology industry or technology industry consumer, which in this case means a technology consumer. This indicator is not the only indicator to see and know the condition of the Indonesian State in responding to technological developments, but this indicator can be the main indicator to see the condition of the Indonesian State in responding to technological developments. Therefore, it is necessary to find facts related to the condition

⁵ Detik Travel, "Profil Negara ASEAN Terlengkap: Jumlah Penduduk dan Luasnya", *News Online Detik Travel*, July 10, 2020, retrieved from <https://travel.detik.com/travel-news/d-5088612/profil-negara-asean-terlengkap-jumlah-penduduk-dan-luasnya>, accessed on 28 September 2020.

⁶ Detik Travel, "Jumlah Penduduk Dunia 2020: Indonesia Masih Empat Besar", *news Online Detik Travel*, August 30, 2020, retrieved from <https://travel.detik.com/detiktravel/d-5152094/jumlah-penduduk-dunia-2020-indonesia-masih-empat-besar>, accessed on 28 September 2020.

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of the State of Indonesia as a country producing technology industry or as a technology industry consumer.

To prove this, several samples related to the technology industry can be taken, such as in the fields of defense, aerospace, automotive, electronics, finance, trade, transportation services, health, and education. The facts state that the technology industry in this field already exists in Indonesia and as a producer. The Indonesian state already has a technology industry in the defense sector capable of producing defense equipment⁷. Indonesia also has a technology industry in the aerospace sector⁸. In the automotive sector, the State of Indonesia is in demand by many investors by opening the automotive industry. Even many automotive products that are exported abroad are assembled in Indonesia⁹. The same is true of the technology industry in the electronics sector. The Indonesian state has been able to produce electronic products¹⁰.

In the financial sector, the State of Indonesia can be said to have been able to develop technology so that many financial programs use technology. One of the technology industries in the financial sector is Financial Technology or Fintech¹¹. The Indonesian state has also been able to develop the technology industry in the trade sector. This can be seen from trade transactions in the macro to micro sectors that have used a lot of technology¹². The transportation service sector is a leading field in technology development in Indonesia. It is not surprising that the technology industry in the transportation services sector is growing so rapidly in Indonesia. Even young

⁷ Annisa Sulistyono Rini, "Industri Pertahanan Indonesia Makin Berkembang", *News Online Bisnis Indonesia*, July 24, 2019, retrieved from <https://ekonomi.bisnis.com/read/20190724/257/1128082/industri-pertahanan-indonesia-makin-berkembang>, accessed on 28 September 2020.

⁸ Yohanes Paskalis, "Awal 2019, PT Dirgantara Indonesia Produksi Massal Pesawat N219", *Online News Bisnis Indonesia*, September 28, 2018, retrieved from <https://bisnis.tempo.co/read/1131050/awal-2019-pt-dirgantara-indonesia-produksi-massal-pesawat-n219/full&view=ok>, accessed on 28 September 2020.

⁹ Kemenperin, "Kemenperin: Industri Otomotif Kian Kompetitif, Ekspor Semakin Menyosor", *Press Release*, September 26, 2019, retrieved from <https://www.kemenperin.go.id/artikel/21095/Industri-Otomotif-Kian-Kompetitif,-Ekspor-Semakin-Menyosor>, accessed on 28 September 2020.

¹⁰ Didi Kurniawan, "Ekspor Elektronik Indonesia Tembus ke Pasar Nontradisional", *News Online VOI*, February 19, 2020, retrieved from <https://www.voi.id/berita/2934/ekspor-elektronik-indonesia-tembus-ke-pasar-nontradisional>, accessed on 28 September 2020.

¹¹ Miswan Ansori, "Perkembangan dan Dampak *Financial Technology (Fintech)* terhadap Industri Keuangan Syariah Di Jawa Tengah", *Wahana Islamika: Jurnal Studi Keislaman*. Vol. 5. No. 1. April, 2019, pp. 32-34.

¹² Tedy Gumilar (ed), "Perdagangan Digital Kian Membesar", *News Online KONTAN*, July 9, 2019, retrieved from <https://insight.kontan.co.id/news/perdagangan-digital-kian-membesar>, accessed on 28 September 2020.

people in Indonesia are able to develop the technology industry in the field of transportation services¹³. The health sector also has very good prospects. The development of the technology industry in the health sector in Indonesia has increased¹⁴. The education sector is no less advanced than industries in other fields. In Indonesia, the technology industry in the education sector is increasingly advanced. Many educational products are made using technology. This condition reflects that the technology industry in the education sector in Indonesia is experiencing rapid development¹⁵.

These facts can be said as evidence to state that Indonesia can be classified as a country producing technology industry. Although of course there are still pros and cons to this condition. The pros and cons are very reasonable considering that Indonesia is still classified as a developing country¹⁶. But with the vision and mission of the Government of the Republic of Indonesia for the next five years, namely in the period 2019-2024. Indonesia has a vision and mission as a developed country¹⁷. This vision and mission is, in line with facts related to the technology industry in Indonesia.

2. Position of the State of Indonesia in Responding to Technological Development

Considering the condition of the State of Indonesia, which can be classified as a country that produces technology industries. This condition actually determine the position of the Indonesian State in responding to technological developments. The facts that show that Indonesia as a country producing technology industry is still debatable. Of course, this debate cannot immediately negate the condition of the State of Indonesia as a technology producing country. The facts which state that many fields such as

¹³ Ayu Azizah, & Popon Rabia Adawia, "Analisis Perkembangan Industri Transportasi Online di Era Inovasi Disruptif (Studi Kasus PT Gojek Indonesia)", *Cakrawala: Jurnal Humaniora Bina Sarana Informatika*, Vol. 18. No. 2, September, 2018, pp. 152-153.

¹⁴ Doddy Irawan, "Industri Alat Kesehatan Dalam Negeri Terus Alami Peningkatan", *News Online Liputan 6*, March 21, 2018, retrieved from <https://www.liputan6.com/health/read/3391375/industri-alat-kesehatan-dalam-negeri-terus-alami-peningkatan>, accessed on 28 September 2020.

¹⁵ Suteki, "Covid-19 Picu Percepatan Transformasi Digital Pendidikan Indonesia", *Online Article*, May 22, 2020, retrieved from <https://suteki.co.id/covid-19-picu-percepatan-transformasi-digital-pendidikan-indonesia/>, accessed on 28 September 2020.

¹⁶ Eko Nordiansyah, "Indonesia Belum Tergolong Negara Maju", *Online News Media Indonesia*, February 27, 2020, retrieved from <https://www.medcom.id/ekonomi/mikro/yNLGApyK-indonesia-belum-tergolong-negara-maju>, accessed on 28 September 2020.

¹⁷ Kementerian PAN-RB, "Visi, Misi Presiden dan Wakil Presiden RI", retrieved from <https://www.menpan.go.id/site/tentang-kami/tentang-kami/visi-misi-presiden-dan-wakil-presiden-ri>, accessed on 28 September 2020.

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defense, aerospace, automotive, electronics, finance, trade, transportation services, health, and education are able to develop the technology industry in Indonesia are initial evidence that Indonesia is a technology industry producing country.

The facts that serve as initial evidence for the State of Indonesia as a technology producing country clearly influence the position of the Indonesian State in terms of responding quickly or slowly to technological developments. As mentioned earlier, technology industry producing countries tend to be said to be countries that are fast in responding to technological developments. Likewise, on the contrary, countries that are consumers of the technology industry tend to be said to be countries that are slow in responding to technological developments. Looking at the facts and with the evidence previously explained that Indonesia is a country producing technology industry. The position of the State of Indonesia can be said to be in the position of a country that is fast responding to technological developments.

How Law Responds the Technological Development? Some Contemporary Issues in Indonesia

The condition of Indonesia which is included in the technology industry producing countries and is supported by the position of the Indonesian State which is fast in responding to technological developments. This has been the initial evidence that Indonesia is actually one of the countries that have won the global competition. Although the assessment premature. The speed of the Indonesian State in responding to technology can be said to be running fast. However, as mentioned earlier, the speed of the Indonesian State in responding to technological developments must be in balance with the speed with which the Indonesian law responds to technological developments. Do not let technological developments run so fast in the State of Indonesia, but the law in Indonesia cannot respond to these technological developments. The impact that occurs is that there is a legal vacuum due to the law not responding to fast-paced technological developments.

1. To What Extent is the Law in Indonesia in Response to Technological Developments

The speed of law with the speed of technological development must be balanced so that there is no legal vacuum. The legal vacuum in question is due to technological developments that produce products or activities. Of course, these products and activities must have a legal basis to be legal, considering that the State of Indonesia is a constitutional state. Looking at the facts, it can be said that the law is still lagging behind technological developments. It can also be said that the law has not been able to respond to all technological developments. This can be seen from the following facts.

1) Financial Technology (*Fintech*)

Financial Technology or known as Fintech is a new product in the financial sector. However, it can be said that regulations related to Fintech are not yet strong. The legal basis for administering Fintech is Bank Indonesia Regulation Number 19/12 / PBI / 2017 concerning the Implementation of Financial Technology. The same thing happened to Fintech products. One product from Fintech is a technology-based loan service. However, the regulations related to Fintech technology loan services are also not strong. The legal basis for Fintech for technology-based loan services is the Financial Services Authority Regulation Number 77 / POJK.01 / 2016 concerning Information Technology-Based Lending and Borrowing Services. Other sectors related to Fintech which are regulated in the Financial Services Authority Regulation such as digital financial innovation in the financial services sector which are regulated in the Financial Services Authority Regulation Number 13 / POJK.02 / 2018 concerning Digital Financial Innovation in the Financial Services Sector. Then in the crowd funding service sector through technology-based stock offerings is also regulated in the Financial Services Authority Regulation Number 37 / POJK.04/2018 concerning Crowd funding Services through Information Technology-Based Stock Offerings (Equity Crowd funding).

The regulation is said to be not strong because the regulation was formed through non-structural institutions, not through the regulators mandated by the Constitution, namely the Government and

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the House of Representatives. Such a regulation also does not regulate imprisonment but only administrative sanctions and fines. Weak application of sanctions means that the enforcement of these regulations can also have an effect. Although it is known that it is impossible for Bank Indonesia and the Financial Services Authority to issue a regulation containing criminal material. Because it is would be against the above regulations¹⁸. Here it can be said that regulations in response to technological developments in the Fintech sector are still not strong. The absence of strong regulations with the type of law indicates that the law has not been able to respond to technological developments in the field of Fintech. Although there are regulations, these regulations can be said to be weak. The legal response should be to form strong regulations because Fintech also concerns the life of the wider community.

2) Online Transportation Services

The same condition as Fintech can also be seen from the online transportation service sector. Online transportation services are regulated in the Regulation of the Minister of Transportation Number PM 118 of 2018 concerning the Implementation of Special Rental Transportation and Regulation of the Minister of Transportation Number PM 12 of 2019 concerning Protection of the Safety of Motorcycle Users Used in the Public Interest. The two regulations can also be said to be insufficient because they are regulated through a ministerial regulation that cannot contain criminal sanctions. There are only administrative sanctions. Even in the Regulation of the Minister of Transportation Number PM 12 of 2019 concerning Safety Protection of Motorcycle Users Used for Public Interest there is no material that contains specific sanctions. Even though, these regulations are related to protecting safety in riding motorbikes for the benefit of society. Supposedly, because it involves the wider community, online transportation services must be regulated in law so that there is a strong guarantee from the state to the wider community in using motorbikes for the benefit of the community. This condition indicates that the law through strong regulation, namely the law, has not been able to respond to technological developments.

¹⁸ See Article 15 of Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislative Regulations.

3) Digital Health Services

The law is also still slow to respond to technological developments in the digital healthcare sector. In fact, digital health care products are growing rapidly in quantity. There are no specific and strong regulations to regulate this. There is a regulation that seeks to regulate, namely through the Minister of Health Regulation. Of course, once again it is said that regulations on the type of ministerial regulations are not yet strong¹⁹. There is no specific and strong regulation that regulates health service products which is certainly a problem. Health which is parts of people's lives and is guaranteed by the state through the constitution²⁰. The guarantee for health service facility providers referred to in the constitution is not only conventional in nature. There are technological developments related to digital health services. Of course, the constitution must also guarantee without first changing the contents of the constitution regarding health service insurance.

This is because the constitution generally regulates health service coverage. Further regulation must of course be regulated in the type of regulation under the Constitution. However, that does not mean that it will be regulated in a ministerial regulation. Digital or technology-based health services certainly concern the wider community. Therefore, it must be regulated in law so that there is a strong direct guarantee from the state.

Based on these facts it can be concluded that the law is still less rapidly than technological developments. The law has not been able to respond to all technological developments. This condition causes the speed of law to not be balanced with technological developments. The imbalance of law and technology clearly has an impact, namely that there can be a legal vacuum. Even though the legal vacuum is, a regulation can be formed immediately. In fact, the formation of these regulations is very weak based on the hierarchy of statutory regulations. Many regulations are only regulated through Ministerial Regulations or Non-Structural

¹⁹ Rezha Hadyan, "Layanan Kesehatan Online Makin Marak, Regulasi Belum Memadai", *Online News Bisnis Indonesia*, December 10, 2019, retrieved from <https://lifestyle.bisnis.com/read/20191210/106/1179891/layanan-kesehatan-online-makin-marak-regulasi-belum-memadai>, accessed on 28 September 2020.

²⁰ See the 1945 Constitution of the Republic of Indonesia Article 34 paragraph (3).

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Institution Regulations. Such regulations are clearly in a very weak position because they only regulate *sectoral* and more internally²¹. The regulation is also an implementing regulation of the above regulations. Content such as criminal sanctions cannot be regulated in regulations such as ministerial regulations or non-structural institution regulations. In fact, technological developments such as fintech, online transportation services, digital health services are often misused, resulting in the need for criminal sanctions. Therefore, the governing regulation related to technological development must be strong. Strong regulations can be formed by forming regulations of the type of law. Laws are strong regulations because hierarchically, the laws and regulations are under the 1945 Constitution of the Republic of Indonesia²². The content of the law according to Article 10 of Law Number 12 of 2011 concerning the Formation of Legislation states that:

- (1) Content that must be regulated by law contains:
 - a. further regulation regarding the provisions of the 1945 Constitution of the Republic of Indonesia;
 - b. order of a law to be regulated by law;
 - c. ratification of certain international treaties;
 - d. follow-up to the decision of the Constitutional Court; and / or
 - e. fulfillment of legal needs in society.
- (2) Follow-up to the decision of the Constitutional Court as referred to in paragraph (1) letter d shall be carried out by the DPR or the President.

This means that if all sectors related to technological development are regulated by law, then the regulation is said to be strong. Especially if the formation of regulations with the type of law is carried out quickly in accordance with technological developments, then the law can be said to be able to respond to technological developments.

²¹ See Article 7 of Law Number 12 Year 2011 concerning the Establishment of Legislation.

²² See Article 7 of Law Number 12 Year 2011 concerning the Establishment of Legislation.

2. Legal Constraints in Indonesia in Responding to Technological Development

The speed of the law which is said to be slow in responding to technological developments is of course due to obstacles. There are at least two obstacles that cause the law to be unable to respond quickly to technological developments. The two obstacles in question are (1) the formation of regulations that respond to technological developments is still relatively slow, awaiting problems and pressure from the public; and (2) there are many pros and cons in society and it is less productive.

1) The Formation of Regulations Responding to Technological Development is Still Relatively Slow, Awaiting Problems and Pressure from the Community

The slow formation of regulations, waiting for problems, and pressure from the public are the main obstacles for the law not to respond quickly to technological developments. This can be seen from concrete examples related to online transportation services. Regulations related to online transportation services were only issued after problems or conflicts in the community, which resulted in public pressure on the government to regulate online transportation services²³. The government then made regulations for online transportation services through the Minister of Transportation Regulation²⁴. This condition clearly indicates that the law is slow in responding to technological developments. The law is also classified as waiting for problems and pressure from the community before it is established. After the regulation was issued, it turned out that the regulations that were formed were not too strong because of the types of Ministerial Regulations. If situations like this happen continuously, the law can be said to be left

²³ Yuyu Agustini Rahayu, "Kemenhub: Regulasi Ojek Online Terlambat Dibuat", *News Online Liputan 6*, January 8, 2019, retrieved from <https://www.liputan6.com/tekno/read/3865844/kemenhub-regulasi-ojek-online-terlambat-dibuat>, accessed on 28 September 2020; JawaPos.com, "Kisruh Angkutan Online dan Konvensional Berbuntut Panjang", *News Online Jawa Pos*, December 31, 2017, retrieved from <https://www.jawapos.com/oto-dan-tekno/teknologi/31/12/2017/kisruh-angkutan-online-dan-konvensional-berbuntut-panjang/>, accessed on 28 September 2020; Rr Ariyani Yakti Widyastuti, "Ribuan Pengemudi Ojek Online Berdemo, Apa Saja Tuntutan Mereka?", *News Online TEMPO*, November 23, 2017, retrieved from <https://bisnis.tempo.co/read/1036409/ribuan-pengemudi-ojek-online-berdemo-apa-saja-tuntutan-mereka/full&view=ok>, accessed on 28 September 2020.

²⁴ Yuyu Agustini Rahayu, *Loc. Cit.*

behind with technological developments. Legal vacuum will occur as a result of the slow law that responds to technological developments.

2) There are many pros and cons in society and less productive

The classic problem in the formation of regulations is that there are many pros and cons in society. Then the debates that occurred regarding the formation of regulations were also less productive²⁵. The Criminal Code Bill (RUU KUHP) for example. The Criminal Code Bill has too many pros and cons in society. The debates related to the Draft Criminal Code are also long and less productive. As a result, the bill has not yet been passed. Even though the Criminal Code Bill has been proclaimed decades ago²⁶. The same applies to the Work Creation Bill (Omnibus Law), which until now is still experiencing pros and cons as well as unproductive debate²⁷. Regarding regulations that are directly related to technological development, it is almost the same. The Personal Data Protection Bill and the Cyber Security and Resilience Bill have yet to be passed. In fact, reportedly the Bill on Cyber Security and Resilience has been stopped from the process of forming regulations²⁸. Indeed, democracy provides space for pros and cons in society, especially in the formation of regulations. The pros and cons are part of the people's aspirations²⁹. Moreover, the State of Indonesia is a democracy so that the aspirations of the people constitute a sovereignty that must be accommodated³⁰. However, the pros and cons

²⁵ Less productive: Because the regulation is not given a solution so that it has not been passed.

²⁶ Fathurrohman, "Polemik Pengesahan RUU KUHP", *Fajar Indonesia Network*, September 24, 2019, retrieved from <https://fin.co.id/2019/09/24/polemik-pengesahan-ruu-kuhp/>, accessed on 28 September 2020; Lestantya R. Baskoro, "Setengah Abad Lebih Melahirkan RKUHP", *News Online TEMPO*, February 6, 2018, retrieved from <https://hukum.tempo.co/read/1057807/setengah-abad-lebih-melahirkan-rkuhp/full&view=ok>, accessed on 28 September 2020.

²⁷ Vania Halim, "Pro Kontra RUU Omnibus Law Cipta Kerja, Presiden Jokowi Bakal Roadshow", *News Online OKEZONE*, March 1, 2020, retrieved from <https://economy.okezone.com/read/2020/02/29/320/2176148/pro-kontra-ruu-omnibus-law-cipta-kerja-presiden-jokowi-bakal-roadshow>, accessed on 28 September 2020.

²⁸ Fatimah Kartini Bohang, "3 Faktor yang Bikin UU Perlindungan Data Pribadi Belum Disahkan", *News Online KOMPAS*, March 13, 2018, retrieved from <https://tekno.kompas.com/read/2018/03/13/16125617/3-faktor-yang-bikin-uu-perlindungan-data-pribadi-belum-disahkan?page=all>, accessed on 28 September 2020; Bayu Septianto, "Nasib RUU Keamanan dan Ketahanan Siber Tamat", *News Online TIRTO*, September 27, 2019, retrieved from <https://tirto.id/nasib-ruu-keamanan-dan-ketahanan-siber-tamat-eiRq>, accessed on 28 September 2020.

²⁹ Dani Muhtada & Ayon Diniyanto, *Dasar-Dasar Ilmu Negara*, Semarang, BPFH UNNES, 2018, pp. 34-36.

³⁰ Ayon Diniyanto, "Politik Hukum Regulasi Pemiihan Umum Di Indonesia: Problem dan Tantangannya", *Jurnal Legislasi Indonesia*, Vol. 16. No. 2, 2019, p. 165; Ayon Diniyanto,

that drag on and do not find a solution will have the potential to create new problems.

Legal Strategy in Indonesia in Responding to Technological Development

Legal constraints in Indonesia in responding to technological developments must be found for solutions. A strategy is needed so that Indonesian law is able to respond quickly to technological developments. This strategy can be carried out, among others, by (1) forming responsive regulations related to technological developments and alignment with the law; and (2) rapid and representative absorption of aspirations.

1) Establishing Response Regulations related to Technology Development and Legal Harmonization

The formation of regulations and responses to slow technological developments can be achieved by responding responsively. Regulators must be responsive regarding technological developments. Regulators must respond to the rapid technological development by making studies related to technological developments. After forming a study, regulators must quickly take the initial steps in forming regulations in accordance with the mechanism of regulation formation. This is done so that there is prevention related to the negative impact of technological developments. The intended regulation formation is by establishing a law-type regulation so that the regulatory position is strong. Regulators should also not forget to carry out legal harmonization. Do not let the formation of regulations that quickly respond to technological developments overlapping or disharmony. Therefore, harmonization and synchronization of regulations must be carried out first.

2) Prompt and Representative Absorption of Aspiration

Rapid and representative aspirations are a strategy to resolve pros and cons in society and unproductive debates. Pros and cons in society still largely occur in the formation of regulations due to the lack of absorption of community aspirations. Pros and cons in the community are difficult to solve completely, but can still be minimized to a minimum. You do this by fast and representative absorption of aspiration. Fast absorption of

“Tindak Pidana Pemilu dalam Perspektif Negara Demokrasi Indonesia”, *Seminar Nasional Hukum Universitas Negeri Semarang*, Vol. 4. No. 2, 2018, pp. 424-425.

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aspiration is absorption that is carried out immediately or as early as possible when there are technological developments. Regulators must quickly absorb people's aspirations before technological developments become polemic. The fast absorption of aspirations must also be harmonized with representation. Do not allow rapid but unrepresentative absorption of aspiration. Of course this will continue to cause pros and cons in society. Therefore, aspiration absorption must also be broadly representative. This means that all the aspirations of the community components can be represented so as to minimize the pros and cons in society. If the absorption of community aspirations is fast and representative, then the pros and cons in society regarding the formation of regulations will be relatively few. Furthermore, related to the constraints of less productive debate. These constraints can be overcome by absorbing aspirations which are fast and representative. Absorption of old and unrepresentative community aspirations tends to continue to cause unproductive debates. These obstacles must be resolved immediately by absorbing the people's aspirations which are fast and representative.

Conclusion

Finding the extent of legal speed in responding to technological developments can be seen in advance from the conditions and position of the State of Indonesia, especially in responding to technological developments. The condition of the State of Indonesia, especially in responding to technological developments, can be said that the State of Indonesia is classified as a country producing technology industries. The position of the State of Indonesia, especially in responding to technological developments, can also be said to be a country that is fast responding to technological developments. Then related to the speed of law in Indonesia in responding to technological developments can be seen from (1) the extent to which the speed of law in Indonesia in responding to technological developments; (2) legal constraints in Indonesia in responding to technological developments; and (3) legal strategies in Indonesia in responding to technological developments.

To what extent is the speed of law in Indonesia in responding to technological developments, it can be said that the law has not been able to respond to all technological developments. This is because there are obstacles. There are two legal constraints in Indonesia in responding to

technological developments, namely 1) the formation of regulations that respond to technological developments is still relatively slow, awaiting problems and pressure from the public; and (2) there are many pros and cons in society and it is less productive. How to solve these obstacles can be done with a strategy. The legal strategy in Indonesia in responding to technological developments can be done through (1) Formulating responsive regulations related to technological developments and alignment with the law; and (2) rapid and representative absorption of aspirations.

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