
ANALYSIS OF THE CRIMINALIZATION OF VIOLATING ACTS LEGAL SOCIOLOGY IN THE ERA OF MODERN GLOBALIZATION

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ABSTRACT

The modern era of globalization has brought significant changes in various aspects of life, including in the legal field. Rapid technological developments and increasingly close interconnections between nations have created various new challenges for law enforcement. One of the challenges that arises is the criminalization of actions that violate legal sociology. The aim of this research is to conduct an analysis of the criminalization of unlawful behavior within the framework of legal sociology in the era of modern globalization. This research uses non-doctrinal research methods. The data collection technique in this research is literature study. The data that has been collected is then analyzed in three stages, namely data reduction, data presentation and drawing conclusions. The research results show that forms of criminalization that violate legal sociological norms in the era of modern globalization include drugs, prostitution, pornography, vandalism, religious blasphemy and white collar crime. Criminalization of acts that violate legal sociology in the era of modern globalization is a complex issue that has a significant impact on human rights, social justice and social interaction. Efforts to prevent these acts require multi-faceted efforts involving various stakeholders, such as government, law enforcement, civil society and academics. Implications of the research, the findings of this research underscore the necessity for a holistic approach in addressing the criminalization of actions that violate legal sociology. Policymakers must consider the social and cultural contexts of criminal behavior to develop effective laws and regulations.

Keyword: Criminalization, Sociology of Law, Modern Globalization.

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INTRODUCTION

The era of globalization brings global changes that have a broad impact on various aspects of human life at all levels of society, including economic, social, political, technological, environmental and cultural. Advances in science and technology are changing people's consumption behavior patterns. Globalization is a cultural concept that is the main focus in social science disciplines today. The globalization process is characterized by the tendency for regions in the world, both geographically and physically, to become uniform in social, cultural, economic and political formats (Rosanti et al., 2022).

Rapid technological developments and increasingly close interconnections between nations have created various new challenges for law enforcement, one of the challenges that arises is the criminalization of acts that violate the sociology of law. Sociology of law is a scientific discipline that studies legal behavior in society. According to Soerjono Soekanto, legal sociology is a branch of

science that analytically and empirically evaluates or studies the reciprocal relationship between law and other social phenomena (Hendarso, 2017).

Advanced technology and globalization allow the emergence of new types of crime and facilitate law violations that were previously difficult to occur. For example, cyber crimes such as online fraud, identity theft, and illegal trading via the internet. Statistical data from the National Cyber and Crypto Agency (BSSN, *Badan Siber dan Sandi Negara*) recorded that there would be 370.02 million cyber attacks against Indonesia in 2022. This number increased by 38.72% compared to the previous year which recorded 266.74 million cyber attacks. The government administration sector is the main target of cyber attacks in Indonesia, with total attacks reaching 284.09 million (BPPTIK, 2023).

This challenge demands more adaptive and collaborative law enforcement, involving international cooperation and increased technological capacity to detect and prevent increasingly complex crimes. In an effort to protect computer systems from digital attacks or illegal access, the Indonesian government has issued regulations such as the Electronic Transaction Information Law (UU ITE). The ITE Law not only functions as a protector of society in the digital world but also as a common rule for people who carry out activities in the digital world (Jahriyah et al., 2021).

Previous research by (Oktaviani & Yumitro, 2022) found that globalization is expanding the threat of transnational crime, which now involves children, women and even public figures in Indonesia. Drug smugglers are difficult for the Indonesian government to stop because of the country's geographic location which consists of various islands. Apart from that, drug cases involving political officials and celebrities show that in the era of globalization with advanced technology, access to illegal drugs has become easier for them.

The findings from this research can enrich and develop socio-legal theories related to criminalization in the era of modern globalization, thereby providing a more comprehensive understanding of social and legal dynamics. The aim of this research is to conduct an analysis of the criminalization of unlawful behavior within the framework of legal sociology in the era of modern globalization. So the benefits of this research are expected to provide benefits in various aspects. Academically, this research can enrich legal sociology literature and theories related to criminalization in the modern era of globalization, providing a more comprehensive understanding of social and legal dynamics. Practically, the results of this research can be used as a reference for policy makers, law enforcers, and academics in formulating more effective, fair, and inclusive policies to overcome the challenges of criminality in the era of globalization. This research is also expected to increase public awareness of the importance of cross-sector collaboration in tackling increasingly complex crimes.

METHOD

This research uses non-doctrinal research methods. Non-doctrinal research methods, also known as socio-legal research, is an approach that combines methods from various disciplines to produce empirical data to answer research questions related to legal, policy, or legal reform issues. In contrast to doctrinal research which focuses on analyzing legal texts, regulations and jurisprudential doctrine, non-doctrinal research emphasizes empirical observations and analysis of social data to understand how law operates in practice and its impact on society (Qamar & Rezah, 2020). The data collection technique in this research is literature study by exploring journals, books,

regulations and other information relevant to research obtained from Google Scholar with a publication period of 2014-2024. The data that has been collected is then analyzed in three stages, namely data reduction, data presentation and drawing conclusions.

RESULTS AND DISCUSSION

As social beings, humans naturally engage in interactions with others, which include various forms of communication, cooperation and exchange. In social life, it is important for individuals to act in accordance with the rule of law to ensure harmony and order. The rule of law serves as a code of conduct that helps regulate relationships between individuals and groups, setting clear boundaries on what is considered acceptable and unacceptable in society (Alfarisi & Hakim, 2019). By obeying the law, individuals not only protect their own rights and interests but also respect the rights and interests of others, which ultimately supports social cohesion. Laws also provide mechanisms to resolve disputes and restore justice in the event of violations, thus helping to create a stable and safe environment for all members of society (Nasution et al., 2023)

Law functions as a fixture of society to create order by establishing rules that govern the behavior of individuals and groups in society. These rules provide a clear framework of what is allowed and what is prohibited, thus helping to prevent conflict and chaos (Ferdiansah et al., 2024). Laws also provide a dispute resolution mechanism, ensuring that justice is served and individual rights are protected. With laws in place, society can operate with a sense of security and predictability, which in turn supports social stability and development. Through legislation, enforcement and judicial processes, law plays a crucial role in establishing and maintaining order and creating an environment conducive to progress and shared prosperity (Handoyo, 2021).

Society and law are closely related and influence each other in creating an orderly social order. Law as an instrument that regulates the behavior of individuals and groups in society, establishes norms that must be followed to ensure order and justice (Sujamawardi, 2018). Conversely, the law is also influenced by the values, customs and social norms that exist in society, as legal regulations are often structured based on social consensus regarding what is considered right and wrong. As such, laws not only reflect social conditions but also play an important role in shaping and directing social behavior. The dynamic interaction between society and law ensures that the law remains relevant and effective in responding to social change and community needs (I. A. W. K. Pratiwi et al., 2020).

The study that organizes society and law is called the sociology of law. Sociology of law is a branch of sociology that studies the reciprocal relationship between law and society which includes an analysis of how law affects social behavior and how social, cultural, economic, and political factors affect the development and application of law. The sociology of law focuses on how the law functions in a real social context, including how the law is accepted, obeyed, and applied by society (Saleh et al., 2020). The sociology of law highlights the power dynamics, inequalities and conflicts that occur within the legal system and society. By understanding the complex interactions between law and society, legal sociology can provide valuable insights for policy makers, legal practitioners, and the general public to understand and improve the effectiveness and fairness of the legal system (V. L. Pratiwi, 2023).

The development of the times marked by globalization, technological advances, and economic changes, has had a significant impact on the social values of society. The presence of technology has

created a globally connected modern society, with faster and wider access to information, more efficient communication, and changes in behavior patterns and consumption habits (Wicaksono, 2023). These changes have led to the erosion of existing social values. This has an impact on people's behavior which has also changed, leading to various criminal acts (Aprilia, 2022). Criminal acts are caused by various complex factors that interact with each other. Here are some of the factors that cause criminal acts according to (Khairani, 2019).

1. Economic factors, such as economic inequality, poverty, and unemployment, encourage individuals to seek illegal means to make ends meet, especially when there are no viable alternatives.
2. Social factors, such as dysfunctional families, association with criminal groups, and lack of social control, can influence the norms and values adopted by individuals, increasing the likelihood of involvement in crime. Rapid urbanization can also have a negative impact as it is often not matched by adequate social facilities, creating neighbourhood instability and increasing the risk of criminality.
3. Educational factors, low levels of education and lack of access to quality education make individuals less able to understand and comply with applicable laws.
4. Psychological factors such as mental disorders or past trauma can also trigger criminal behavior by interfering with rational decision-making processes. All these factors point to the complexity of criminality and the need for a holistic approach in its prevention and handling.

Efforts to prevent and overcome the criminalization of acts that violate the sociology of law in the modern era of globalization require a holistic approach involving various sectors and stakeholders. According to (Panjaitan, 2018), efforts to prevent criminal acts are:

1. Legal Education and Awareness

The government and relevant agencies need to develop effective legal education programs and awareness campaigns, both through schools and the mass media. The aim is to provide the public with a better understanding of legal norms, their rights and obligations, and the consequences of violating the law.

2. Socio-economic Development

Priority needs to be given to inclusive socio-economic development, by reducing the economic disparities that often fuel criminality. This can be done through public policies that support job creation, provide access to education and health services, and economic empowerment for vulnerable communities.

3. Improving Family Structure and Social Environment

Concrete steps must be taken to improve family structures and create healthy and safe social environments. This could involve family support programs, provision of adequate public facilities, and promotion of positive values in social interactions.

4. Improved Control and Law Enforcement

Increased control and effective law enforcement are needed to ensure justice for all members of society. This includes strengthening law enforcement officials, an efficient judicial system, and consistent and fair law enforcement.

5. Cross-border Cooperation and Strengthening International Law

Facing the challenge of increasingly globalized criminality, cross-border cooperation and strengthening international law is essential. This involves the exchange of information,

coordination of law enforcement actions, as well as the establishment of more effective legal frameworks to address cross-border crime.

The criminalization of violations of legal sociology in the modern era of globalization reflects the complex dynamics between formal legal norms and evolving social norms. Law serves as a tool to maintain social order, but there is often tension between formalized law and diverse social practices in a global society. Globalization accelerates the exchange of culture, technology and information, which can lead to shifting social values. These changes require laws to adapt, but criminalization processes sometimes fail to accommodate the diversity of local cultures and norms, which can lead to resistance and social conflict. Therefore, it is important for policymakers to consider sociological aspects in formulating laws to be more responsive to the dynamics of society in the era of globalization.

CONCLUSION

In the era of modern globalization, the criminalization of acts that violate the norms of legal sociology has become an increasingly complex and significant issue. The findings reveal that the forms of criminalization violating legal sociological norms include drugs, prostitution, pornography, vandalism, religious blasphemy, and white-collar crime. These issues are significantly impacted by globalization, which brings major changes in social, economic, and cultural structures, influencing the dynamics of crime and law enforcement. The research indicates that the criminalization of such acts has substantial implications for human rights, social justice, and social interaction. Addressing these challenges necessitates a multifaceted approach involving various stakeholders. Governments, law enforcement agencies, civil society, and academia must collaborate to develop fair, effective, and inclusive policies. These efforts should encompass increasing public awareness, enhancing legal education, reforming policies, and strengthening law enforcement institutions. By understanding and addressing the sociological dimensions of criminal behavior, stakeholders can create more comprehensive strategies to promote social justice and protect human rights in the modern era of globalization.

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