LEGAL VIEW CONCERNING THE ACT OF AGAINST LAW FORWARD BREAKING INTERNET ACCESS RELATED TO UNDANG-UNDANG NUMBER 11/2008 ABOUT INFORMATION AND ELECTRONIC TRANSACTION

ABSTRACT

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The growth of science and technology present people the easiest way to do their activities. One of the results of this advance science and technology is cyber space known as the internet. Through internet access, one can get much information and do many things such as book or even buy plane or train tickets, pay electricity or telephone bills and other things. However the development of Science and technology brought positive and negative impact. As such activities could cause against the law act of breaking the internet access. For that matter, it is important to study the form of against the law act of breaking internet access. In the positive law of Indonesia, article 30 (3) and article 36 of Undang-Undang Number 11/2008 about Information and Electronic Transaction (ITE) also article 1365 Civil Code could be applied to such crime. The questions are how Undang-Undang Number 11/2008 about Information and Electronic Transaction (ITE) regulated against the law act, and the legal action that could be done to against the law actor of breaking internet access.

This research is using an analytical description with normative juridical approach. The data has been qualitative juridical analyzed considering the hierarchy of the regulations itself and to achieve law certainness as the government execute the regulation actually.

Based on the research, against the law act of breaking internet access fulfilled objective and subjective of article 30 (3) and article 36 Undang-Undang Number 11/2008 about information and electronic transaction (ITE) whom the actor delivery against the law with accessing the computer or any electronic system for this matter without paying any fee to the ISP (internet service provider). Furthermore, this form of action categorized as against the law act based on article 1365 Civil Code, The legal action that could be done to against the law actor of breaking internet access is troughs litigation or file a suit to court based on Indonesia constitution chosen by parties, and troughs non-litigation, such as adaptation, negotiation, mediation, conciliation, also arbitration.