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Cyber crime: Viewed from various perspectives of science and seminar results of research community services

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**RESEARCH INSTITUTIONS AND COMMUNITY SERVICE
UNIVERSITY OF MUSLIM NUSANTARA AL WASHLIYAH
MEDAN**

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2018

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FOREWORD

Praise the presence of Allah SWT, who continuously pours His mercy and grace to us all, so International Symposium with theme "Cyber crime: seen from various perspectives of science and seminar result of research community services", can be done well so this Proceeding can be published. The theme was chosen with the reason to give the academic world attention in various scientific perspectives about the importance of cyber crime that still beum the attention of many people, including the world of college.

Researchers of higher education have produced much research both national and international research results related to issues of education, economics, language, communication and politics in facing the era of globalization, but still many have not been disseminated and published widely, accessible to people in need. On the basis of this, National Seminar The results of this research became one of the national Academics event to present their research, as well as exchange information and deepen the problem of research, and develop sustainable cooperation.

The seminar was attended by researchers from various fields of science from various universities in North Sumatra and other areas outside North Sumatra, which discussed various fields of study in economics, communications and politics in order to provide ideas and solutions to strengthen Indonesia's role in global competition and strengthen national identity.

Finally, we would like to thank the Head of the Muslim University Nusantara Al Washliyah, the Speakers, the Speakers, the Participants, the Organizing Committee, and the Sponsors who have sought to succeed the International Seminar on the Results of this Research. May Allah SWT give His blessings to all of us.

Medan, Pebruari 2018

Nelvitia Purba, SH, M.Hum, Ph.D

chairman of the committee

TABLE OF CONTENTS

Professor Dato' Dr Abdul Rahman Abdul Aziz The 4 th Industrial Revolutions And Its Impact On Social Change ¹	1-7
Petrus Setyo Prabowo Handling Cyber Crime through Public Service.....	8-13
Agus Sudibyo Digital Economy, Nationalism and Globalism.....	14-40
Hardi Mulyono Management Innovation For Leading Leadership Style To Prevent Cyber Crime.....	41-52
Faridatul Akma Azman, Muhamad Hafizi Mazlan, Muhamad Shamil Zaini The Revolution Of Social Media And Its Affects On The Cyber Crime In Malaysia.....	53-61
Sri Sulistyawati, Iwan Setiawan Reinforcing 18 (Eighteen) National Character Values In Solving The Negative Impacts Of Cyber Crime By Using Information And Communication Technology.....	62-71
Syamsul Arifin Crime In Information Technology On The Environment.....	72-80
Nelvitia Purba The Implementation Of Criminal Sanction Toward Credit Card Fraud As An Effort Of Cybercrime Prevention In Indonesia.....	81-89
Mohd Syahril Said, Assoc. Prof. Shafee Saad City Development And Cyber Security : A Smart City Concepts.....	90-95
Nor Asyilah Hussin, Bustaman Che Lah, Nur Hannanie Anuar Social Media Challenges In Malaysia On Human Behaviour Perspective.....	96-104
Yulia Arfanti Cyber Crime In The Context Of Cyber Bullying, Viewed From Cross-Cultural Study And The Theory Of Behavioral Cause In Social Media.....	105-109
Solly Aryza, Andysah Putera Utama Siahaan, Fitria Nova Hulu Smart Method Consumption Energy For Fraud Detection Cybercrime.....	110-115
Pristisal Wibowo, Solly Aryza Analyze Words And Decoration For Router Machine Cyber Crime Based On Arduino Uno	116-121

Andysah Putera Utama Siahaan, Pristisal Wibowo Analyze Once Methode Power System Cyber Crime Based On Scs (Solar Cell System)	122-127
Muhammad Dharma Tuah Putra Nasution, Yossie Rossanty Cybercrime and Fraud Victimization in Online Shop: A Review.....	128-136
Yossie Rossanty, Muhammad Dharma Tuah Putra Nasution Cyber Crime; A Review of Business online and Customer Trust	137-141
Hermansyah, Solly Aryza Implementation Of Rc4 Algorithm For Cyber Crime Field An Audio Voice Data Security Applications.....	142-147
Vita Cita Emia Tarigan, Lidya Rahmadani Hasibuan Case Crime Child Standing Outside In The Distribution Of Heritage Under Marriage Compilation Islamic Law.....	148-153
Lidya Rahmadani Hasibuan , Vita Cita Emia Tarigan Crime Case On Social Media Social Indonesia; A Review.....	154-159
Eddy Fitriani, Nur Asyah Emotional Control Impacts on Cyberbullying.....	160-164
Amran Uteh, Siro Juzilam, Suwardi Lubis, Rujiman Influence Of Population And Quality Of Physical Life Of People Towards Development Area In Regency Of Southern Labuhan batu.....	165-174
Anggriani, Roni Gunawan Patient Data Security System In Digital Era (A Review Of Health Policy).....	175-181
Bambang Hermanto, Sri Wahyuni Sustainable Agriculture Development Model On The Improvement Of Kubis Grower Farmers (<i>Brassica Oleraciae</i>) High Plants In Agropolitan Area In Simalungun District North Sumatera Province.....	182-189
Baznar Ali Culture And Gramatical Competency With Study Reading By Students.....	190-201
Dimposma Sihombing Analysis Of Tourism Development And Its Influence On Regional Development In North Tapanuli District.....	202-214

Dahlia Lubis The Existence of Religious Psychology In Addressing Cyber Crime in Student UIN SU.....	215-226
Iwan Setyawan The Role Of Parents In Preventing Narcotic Distribution Through Online Media On Children.....	227-238
Kaharuddin Business Competition In Islamic View and Its Relation to Cybercrime.....	239-246
Maharani Putri, Pritisal Wibowo, Fitria Nova Hulu, Solly Aryza A Methode Measurement Of Harmonysis On Inductive Loans In Cyber Crime Equipment.....	247-252
Prinsi Rigitta Ideology Formation Of The Characters “ <i>Entrok</i> ” The Novel By Okky Madasari.....	253-259
Ida Basaria Gramatical Tests Of Subject Languages Of Pakpak Dairi: Linguistic Typology Study.....	260-271
Eka Umi Kalsum The Perspective Of Motivation And Environment Work To Improve The Employees Performance At Pt. Coca Cola Amatil Indonesia Medan.....	272-279
Risnawaty Media Literacy Role In The Cybercrime Precaution.....	280-288
Sarintan Efratani Damanik Cyber Crime The In Thievery Of Forest Product In Indonesia.....	289-294
Sri Wahyuni, Eko Hariyanto, Supina Batubara Implementasi Algoritma Image Scrambling Fibonacci dalam Pencacakan Citra Digital.....	295-301
Bonanda Japatani Siregar Law Enforcement Of Cybercrime On Sara Criminal Offense In Simultaneously Of Election The Head Region In 2018.....	302-311
Sahril Language Behavior In Social Media.....	312-320
Sulaiman, Lagut Sutandra Study Analysis Of Negative News Or "Hoax" About The Case Of Management <i>Cervical Root Syndrome</i> In Internet Media.....	321-327

Supina Batubara,Indri Sulistianingsih, Sri Wahyuni Decision Support System Of Beneficiaries For Poor Students Using Weighted Product Method.....	328-331
Rosmawati Harahap Elements Of Character Communicative Of Character Si Mardan.....	332-335
Ulfa Nadra Training And Compensation To Employee Performance At Regional Development Planning Agency (Bappeda) North Sumatera.....	336-341
Ulfa Nadra Conflict And Industrial Relation To Problem Solving Between The Owner And The Worker At Medan City.....	342-347
Rahmadi Ali, Alkausar Saragih Overcoming Cyber Crime Case Through Islamizing The Social Media.....	348-359
Leni Handayani Performance Analysis Of Soybean Agribusiness System In Stabat Districts Langkat Regency North Sumatra.....	360-366
Wirda Fitriani, Indri Sulistianingsih, Nova Mayasari Biometric Technology On Internet Banking To Reduce Security Incidents.....	366-372
Sukiati Cyber Crime Interpretation In Islamic Law Perspective (Study On Computer Crime With Normative Legal Approach).....	373-384
Nurhayati Cyber Crime In The Sight Of Islamic Law.....	385-393
Susy Deliani Plagiarism Ditection Terms.....	394-397

CYBER CRIME IN THE SIGHT OF ISLAMIC LAW

Nurhayati. A

The Lecturer Coordinator of regional private universities. I Medan, DPK. University of Dharmawangsa Medan

Abstract

According to Islamic law or jinayah fiqih, for the perpetrators of cyber crime will be charged by ta'zir sanctions where the decision of the crime is decided by the government through a judge. The determination of the ta'zir punishment is a deep assessment especially when ta'zir is understood based on the approach of fiqih suggestion. There are some things that need to be questioned, especially whose is related or authorized to establish ta'zir's punishment and the maximum and minimum limit of the ta'zir punishment. Ta'zir is a punishment not prescribed by al-qur'an and hadith related to a crime that violates the right of god and right servant, which serves to give lesson to the perpetrator of the crime and prevent it to not repeat the same crime.

Keywords : syara', jinayah, ta'zir, cybercrime.

A. RATIONALES

The development of the times in positive things, will be accompanied by negative developments, such as the variety of crimes committed by humans. Cyber crime is one of the evil acts that emerged in today's modern times, cyber crime or crime in cyberspace in the general refers to criminal activity committed by using computers or computer networks as its main element, the term is also used for crime or criminal acts through computer where computer or computer network is used to facilitate or enable the commission of such crimes. Cybercrime perpetrators can analyze the workings of the computer system and its network, it is also able to find loopholes that will use these weaknesses to be able to enter and commit crimes such as data theft. These people are highly skilled in computer science, and computer programming, for perpetrators of this

criminal cyber crime under Islamic law or jinayah fiqih are subject to ta'zir sanctions in which the decision on a crime is decided by the Government through a judge. The determination of the ta'zir punishment is a deep assessment especially when ta'zir is understood based on the approach of fiqih suggestion. There are some things that need to be questioned, especially those related to who is authorized to establish ta'zir's punishment and is the maximum and minimum limit of the ta'zir punishment.

The Specific terminology for categorizing criminal offenses in Islamic Law, there are three kinds: first: jarimah hudud, which is a criminal act with sanction of punishment (the punishment determined by syara 'and is the right of Allah). Second: Jarimah qishaash / diyat, that is a crime with punishment sanction Jarimah qishaash / diyat (retaliation or punish the appropriate

/ property that must be issued because of criminal action and given to the victim or his family).

Third: Jarimah ta'zir. (Punishment for acts of violation and criminality that are not regulated exactly in law had.

What is meant by the jarimah is: the prohibitions of syara' which threatened by God with the punishment of had or ta'zir. Meanwhile, according to syara' ie: all actions prohibited by syara' to do. The criminal acts included into the jarimah hudud are seven kinds:

1. adultery
2. Qadzaf (accusing others of committing adultery);
3. Drinking;
4. Stealing;
5. Hirabah (acts of crime committed openly and accompanied by violence);
6. Apostates;
7. Al-Baghyu (acts of treason).

Included in the jarimah qishaash / diyat is intentional killing, semi-intentional killing (killing by means and instruments that are not usually for killing) and unintentional abuse. While the criminal acts included in the jarimah ta'zir are all forms of the punishment that can not be punished with the jarimah hudud and jarimah qishaash / diyat.

B. Definition of ta'zir

Ta'zir means: mashdar word 'azzara (رزع) which means to reject and prevent, punish, criticize or beat. "Ta'zir etymologically has a number of meanings, among others, help and exaltation". "Ta'zir is further more popularized in terms of teaching and humiliation". "Ta'zir is interpreted by a punishment in the form of giving a lesson, or preventing a criminal offender from returning to the punishment or

making a deterrent." The notion of ta'zir is a punishment that is not determined by the Qur'an and hadith related to a crime that violates God's right and the right of servant, which serves to provide lessons for the offender and prevent him from recurring similar crimes.

Ta'zir also means unspecified punishment (form and amount) that must be applied to all forms of immorality that does not include hudud and kafarat, whether the violation concerning the rights of Allah or personal rights. The punishment to be handed over to the ruler / judge to determine the form and measure in accordance with the welfare and objectives syara' in establishing the law. The ta'zir's legal sanctions are intended to provide warnings and teachings to make people feel insulted by the actions they have done so that they are motivated to leave them.

C. The division of Ta'zir.

The theologians divide the ta'zir's punishment into two forms:

1. At-ta'zir 'ala al-ma'asi. Immorality is doing an act that is forbidden syara' and abandon the deed required of syara'. This sinful act not only concerns God's rights, but also concerns personal rights. For example syara' determines that prayer is obligatory. So if someone leaves the prayer, then the perpetrator is subject to ta'zir punishment.

Basically the Muslims who leave the prayers are criticized with very severe punishment in the hereafter, there are even a number of hadiths that explain his suture in the afterlife and even considered to be a kafir if Muslims leave the prayer intentionally.

Because such a sinner is not found a nash that states expressly the form and the amount of punishment. But theologians differ on the kind of punishment that should be imposed on people who leave prayers or those who do not work on other mahdhah services. In the case of people leaving prayers, there are theologians who think that his sentence was killed. But the killing of ta'zir punishment performers is not agreed upon by the theologians.

The definition that can be understandable is considered as a jarimah (crime) if the act is an act that is prohibited by shari'at, such as killing, stealing, adultery and others. While the act of leaving prayers, fasting, and alms can not be categorized into non-criminal acts, but still subject to ta'zir or even combat penalty.

2. At-ta'zir li al-maslahah al-Ummah. The ta'zir punishment in this form is usually fixed to those who interfere with and undermine interests, order and public benefit. The Prophet once imprisoned a man who had been accused of stealing a camel. However, when the accused was not proven to commit the theft of the camel, the Messenger of Allah released it. Based on the actions of this Apostle, the theologians believe that the prison sentence is one form of the ta'zir's punishment.

D. The Basic Law of Ta'zir.

Islam is a guideline for living and managing people in carrying out daily life activities, life guidelines in the field of law is called the term fiqh where it is the result of understanding of Islamic scholars against the source of the law ie Al-Qur'an and hadith is a guide to life

for human. The in-depth observation of the provisions contained in the Qur'an provides a basic understanding that the provisions in it are multivariate which is basically aimed at improving human welfare.

Although all the provisions contained in the Qur'an are final, but the meaning of the provisions contained in the Qur'an is not always assertive. If those provisions are assertive then there will be no room for interpretation, then that is positive. So if there are provisions that are not assertive then this will be interpreted / ambiguous. "One of the provisions in the Qur'an and hadith that provides opportunities for differences in determining final legal decisions for perpetrators of criminal acts in Islamic criminal law, especially those related to ta'zir which is part of the punishment in jinayah islam.

The application of this ta'zir's punishment according to some theologians are also based on the Qur'anic texts which explain about the punishment for the offender of violation of public order, and some Qur'anic information which enjoins Muslims to defeat the infidels so that they will do command of God ".

E. Ta'zir case

Generally divided into:

1. Breach of honor;
2. Breach of glory;
3. Destructive acts of reason;
4. Violation of property;
5. Security disturbances;
6. Subversion;
7. Violations relating to religion.

F. Sanctions Or Ta'zir Punishment

1. Death penalty;

2. Whips that can not be more than 10 times;
3. Jail;
4. Exile;
5. Boycott;
6. Cross;
7. Compensation (ghumarah);
8. Confiscation of property;
9. Changing the form of goods;
10. The real threat;
11. Advice and warning;
12. Revocation as a property right (hurman);
13. disapproval (tawbikh);
14. Proclamation (tasyhir).

It is necessary to determine the appropriate form and size of ta'zir sanctions for each of the offenders. Fuqaha madhhab formulate a number of forms and sizes of ta'zir sanctions, some are very heavy as sanctions kill ". "And some are lighter, such as confinement", "fine", and "whip". Rasulullah SAW said that means: "do not be beating more than ten lashes, except only in the execution of punishment that has been established by Allah SWT".

Each sanction is intended, except for the death penalty, there are still levels and sizes. Penalty sanctions for example, can be selected how long the confinement. If fined, it is necessary to ascertain how much the fine or if whipped, it must be determined how many lashes and so on. The types of punishment in the ta'zir punishment, according to fiqh theologians are usually the mildest form of punishment, such as rebuking the convicted, denouncing or humiliating the convict and the toughest punishment, such as the death penalty. Such punishments are of a physical nature, such as beatings or chests, some of which are spiritual, such as rebuke, threats and warnings, some of which are both

temporal and spiritual, such as temporary detention and imprisonment, others of material nature such as fines. among the ta'zir's punishments there are mentioned in the texts (verses of the Qur'an or hadith) and some are not mentioned at all. Ta'zir has become a separate term given the sense as a legal sanction imposed on the offenders outside the hudud and kifarat. Hudud sanctions are among others imposed on the perpetrators of theft, adultery, drinkers and accusers. While kifarat charged to wata' perpetrators during the day of Ramadan or when it is ihram.

G. Research Results

In the view of Islamic Law ta'zir is a punishment stipulated by the Government or judge against a crime that is not mentioned penalty firmly and detailed in the Qur'an and hadith or punishment that does not include the jarimah hudud, qishas and diyat and kafarat. The Shari'ah of Islam only sets forth a number of applicable penalties, in accordance with the wishes of the will therefore, the application of punishment in accordance with the crime committed is left entirely to the wisdom of the ruler / judge. However, the authorities / judges are not allowed to abuse the delegation of authority in determining the ta'zir punishment. In determining a punishment against the ta'zir punishment, the authorities / judges must always be based on the circumstances of the convict, the environment surrounding the convicted, the welfare of the people who desire and oriented on the desired punishment goal syara 'namely the prevention of a person and the cessation of a person committing a criminal offense ta'zir.

In the modern era, the application of the ta'zir punishment depends heavily on the extent and narrow effect of the offense committed by the perpetrators of the crime. The more widespread the negative effects that the perpetrators of crime have, the law should be maximized. In addition, the social status of the offender criminal must also be a consideration so that the *syariah*'s goal in the form of universal justice can be achieved. If so, ta'zir legal sanctions have broader object of enforcement. Associated with the application of ta'zir legal sanctions against perpetrators of the above violations may be considered elements of certainty and legal justice that should have a judge. Implementation of the sanctions, in addition to making the culprit deterrent so repentant, also to maintain the benefit of the people from the possibility of becoming victims of the violation.

H. Conclusions

According to Islamic law or fiqh jinayah cyber crime or crime in the cyber space is subject to get ta'zir sanctions where the decision on this crime is decided by the Government through a judge, in cases of cyber crime prosecuted / expected a judge's wisdom to decide or sentence to a perpetrators of cyber crime with a just punishment in accordance with his actions, the application of ta'zir legal sanctions against cyber crime perpetrators will be seen / examined or investigated to the extent and narrow effect of violations committed perpetrators of cyber crime.

The more widespread the negative effects of cyber crime perpetrators, such as treason or subversion to disturb state security, the law must be maximized, or vice versa if negative effects do not harm the community / person, but disturb society / person, a judge can give a warning or the reprimand also makes an agreement to prevent the perpetrator or the fear of committing a similar crime, ascertain the deterrent effect in his treatment or in his life.

REFERENCES

- Al-Zuhayli, Wahbah, *Al-Fiqh Al-Islamiy Wa Adillatuh* (selanjutnya disebut "*Al-Fiqh*") Juz IV, Damaskus: Dar Al-Fikr, 1989.
- Asmaqandi, Abu Laits, *Uqubat Ahlu Al-Kabair*, Beirut: Dar Al-Kutub Al-Ilmiyah 1985.
- Al-Asqalani, Ahmad bin Ali bin Hajar, *Fathu al-Bari, Syarah Shahih al-Buhkari*, Al-Qahirah: Dar al-Hadits 1997.
- Djazuli, H. A. *Fiqh Jinayah (Upaya Menanggulangi Kejahatan Dalam Islam)*, Jakarta: Raja Grafindo Persada 2000.
- Hazm, Ibnu, *Al-Muhalla bi Al-Atsar*, Beirut: Dar Al-Kutub Al-Ilmiyah 1988.
- Sabiq, Al-Sayyid, *Fiqh Al-Sunnah*, Juz III, Beirut: Dar Al-Fikr, 1403/1983.
- Santoso, Topo, *Menggagas Hukum Pidana Islam*, Bandung: Asy-Syamil 2000.
- <https://ahmadsopyan.wordpress.com/2009/06/22/cyber-crime-menurut-fiqh-jinayah/>.