

4-30-2011

TANGGUNG JAWAB HUKUM PENYELENGGARA SISTEM ELEKTRONIK (LAW RESPONSIBILITY OF THE ELECTRONIC SYSTEM PROVIDERS)

Abdul Salam
Faculty of Law Universitas Indonesia

Follow this and additional works at: <https://scholarhub.ui.ac.id/ilrev>



Part of the [Computer Law Commons](#), and the [Internet Law Commons](#)

Recommended Citation

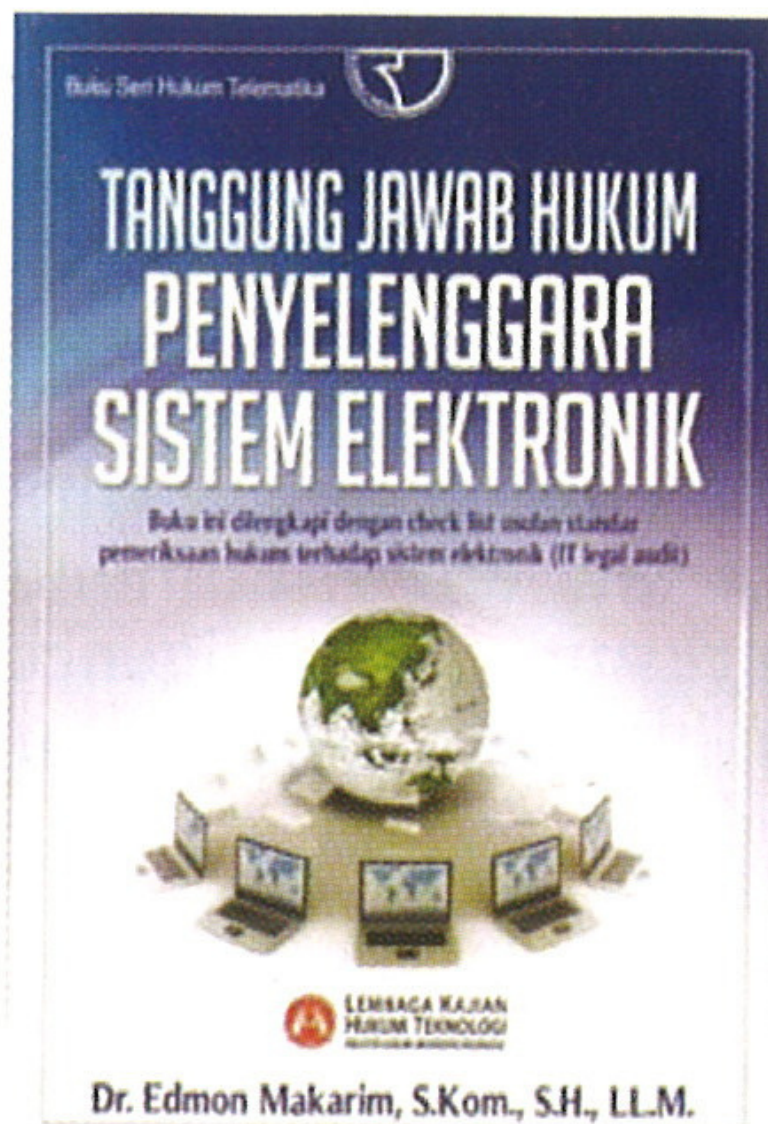
Salam, Abdul (2011) "TANGGUNG JAWAB HUKUM PENYELENGGARA SISTEM ELEKTRONIK (LAW RESPONSIBILITY OF THE ELECTRONIC SYSTEM PROVIDERS)," *Indonesia Law Review*: Vol. 1 : No. 3 , Article 7.

DOI: 10.15742/ilrev.v1n3.64

Available at: <https://scholarhub.ui.ac.id/ilrev/vol1/iss3/7>

This Book Review is brought to you for free and open access by the Faculty of Law at UI Scholars Hub. It has been accepted for inclusion in Indonesia Law Review by an authorized editor of UI Scholars Hub.

Tanggung Jawab Hukum Penyelenggara Sistem Elektronik (Law Responsibility of the Electronic System Providers)



Reviewing Edmon Makarim's book which is about Law Responsibility of the Electronic System Providers, remind us that easiness and availability of electronic system in electronic transaction in private or public happen because the role of electronic system providers. Behind the important and central role, there is big responsibility for electronic system providers. But because of wide of definition of provision of electronic system and so many people who involve in electronic system providers, there is a question in our mind, how is the shape of responsibility of the electronic system providers if the electronic system which is held is broken and / or not in operation as it has to and bring loss to users. Which one from the

electronic system providers should take the responsibility in law?

The formulation of article 15 paragraph 2 in Law of the Republic of Indonesia Number 11 year 2008 Concerning Electronic Information and Transactions says, "Electronic System providers shall be responsible for their Provision of Electronic Systems." Meanwhile if we see the definition of provision of electronic system in article 1 paragraph 1 point 6, "Provision of Electronic System" means an Electronic System usage by the state administrators, Persons, Business Entities, and/or the public." Seeing article 1 paragraph 1 point 6, we can imagine that the providers of electronic system are not only one side but also many sides which are connected to provide an electronic system. Imagine how difficult to decide who has to take the responsibility in law if there is broken which cause loss in provision of this electronic system.

Here is the power of the third book of Cyber Law which has 404 pages. the third book of Cyber Law which written by Edmon Makarim try to analyze the normative and practical side of Law Responsibility of the Electronic System Providers in public, which is in provision of electronic system in public services by government to people. Based on his wide experiences in cyber law, Edmond Makarim pushes the detail in about how the law system which connects in using of Information Technology to be electronic system which is liked organizations with good arrangement based on the principle "best practices" in using Information Technology.

The better things in this book if it's compared with others is this book is the short version of disertation research. So the content of this book contains many informations, datum, and references. Beside that, reader also get bonus in how to do legal audit to electronic system providers which is the list of checking for standart in law about electronic system providers.

Like a disertation research, Edmon in this book asks three questions, first, how is the development of "good governance" theory, especially in provision of electronic system. Second, how the Law Responsibility of the Electronic System Providers based on our national law now. Third, how the standart formulation

of law reviewing which needed to see the responsibility of providers in provision of good governance in information system in national law context.

Those three questions are analyzed in five chapters. First chapter is introduction chapter, second chapter contains the development of “good governance” theory and its implementation in provision system of electronic system. The third chapter explains about how the development of law responsibility theory and its implementation in provision of electronic system. The fourth chapter is explained in how the standart in legal auditing in development and provision of electronic system. The last chapter is closing chapter which is the conclusion of all details.

Law affair which happens in provision of electronic system in public is the law affair of electronic system provider in public (government) with users (consument). About the law responsibility in the law affair, Edmond says eventough basicly the law principle which valid is presume or negligence liability but there is a chance to valid strict liability even absolute liability, for justice to protect the public interest.

This book is still interested to be read eventhough only explains and analyzes in about how the provision of electronic system in public, whereas the provision of electronic system in private isn't explained much. But I recommend you to read this book because in theory and normative, this book is important and also full of practical, which is important not only for practitioner and academician but also public.

Title : Tanggung Jawab Hukum Penyelenggara Sistem Elektronik
Language : Bahasa Indonesia
Publisher : Rajawali Pers
Author : Edmon Makarim
Pages : xv+404
Edition : 1
Year : 2010
Reviewer : Abdul Salam
Lecture of Civil law and Cyberlaw at Faculty of Law, Universitas Indonesia.
Researcher at Center for Law and technology, Faculty of Law Universitas Indonesia.