

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Policy Directions for Social Control of Crime in The Digital Era

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Abstract. *The development of digital society has become an inevitable social reality, giving birth to new relationship patterns and new adaptations that lead to social change in society. This also has implications for efforts to create social order in society. For this reason, social crime control policies will also "grow" and "adapt" to social changes that often occur in society. The writing in this article focuses on reviewing the social control of crime contextualized in the momentum of the 21st century, especially the current digital era. This article is based on library research by exploring various library sources in the form of textbooks and journal articles that are relevant to the thematic study of social control policies in the digital era. The results of the study show that social control policies for crime will continue to develop in line with the various 'complexities' that continue to emerge as a consequence of living in society. Efforts to reconfigure social crime control policies, both by formal and informal agents, will continue to grow along with the massive use of various technological tools.*

Keywords: *Digital era; Policy; Social Control of crime.*

1. Introduction

As a science or discipline that studies crime and deviant behavior, criminology (along with the studies that surround it), also continues to follow developments in the contemporary world, especially the current digital era. Garland & Sparks reveal that contemporary criminology inhabits a rapidly changing world and this can be reflected in exploring the study/character of

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criminological subjects which are also changing rapidly, such as analysis of crime rates, policies crime, policing practices, to crime prevention and punishment.¹ In this section, Hagan & Daigle emphasize that criminology is actually concerned with analyzing the phenomenon of crime and criminality by conducting scientifically accurate studies and developing solid theoretical explanations about crime and deviant behavior.² In this way, it is hoped that such criminological knowledge and scientific research can color and direct public policy in resolving several crime problems.

Discussions regarding efforts to control social crime linked to public policy (especially criminal policy), have also contributed to developments along with shifts in the meaning of what crime is. For the current context, many studies in criminology are also colored by a postmodern perspective in observing crime phenomena. Referring to the description of Arrigo & Williams, it is stated that in postmodern criminology crime is something complex, it involves losses that are broader than the legal definition or even the sociological definition, which includes damage caused by the routine practices of social institutions, such as the work environment, bureaucracy, government, law, media, and family.³

The development of theoretical perspectives in criminology also ultimately influences the entire scope of its study in reinterpreting crime more broadly, namely by involving the situational context and its constituent players as things that play an important role in it.⁴ Referring to Lanier & Henry's statement, crime is defined as a social event that involves many players, actors and agencies.⁵ When related to the scope of criminology studies, efforts to reinterpret more broadly are also carried out in the area of forms of criminal behavior, causes and reasons. causes of crime, victims of crime, and even into the realm of society's reaction to crime. Specifically in the scope of society's reaction to crime, one variant of discussion is social control (crime). The existence of social control is an effort to create harmony by maintaining consensus in society. Regarding the scope of social control itself, Black (in Innes, 2003) divides it into 'formal' and 'informal' social control, where Black states that 'formal' social control is related to the application of control based on the existence of law, while informal is the

¹ David Garland and Richard Sparks. "Criminology, Social Theory and the Challenge of Our Times." The British Journal of Criminology 40, no. 2 (2000): 189-204, DOI: <https://doi.org/10.1093/bjc/40.2.189>.

² Frank E. Hagan and Leah E. Daigle. Introduction to Criminology: Theories, Methods, and Criminal Behavior. (Sage Publications, 2018.)

³ Bruce A. Arrigo and Christopher R Williams. Philosophy, Crime, and Criminology. (University of Illinois Press, 2010).

⁴ Mark M. Lanier and Stuart Henry. Essential Criminology (Philadelphia: Westview Press, 2010)

⁵ Ibid., hlm. 35

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application control outside the rule of law.⁶ As is known, agents in 'formal' social control consist of the police, punishment and policy. In particular, the point of 'policy' as an agent of formal social control (crime) can be interpreted as an arrangement that applies generally and is determined by the authorities (government).

The framework of this article focuses more on describing the direction of development of social control of crime policies and discussing further its relevance to the current social situation (digital era). The study carried out was based on library research by exploring various library sources in the form of relevant textbooks and journal articles. It is felt that this thematic discussion needs to be studied in detail in order to obtain comprehensive knowledge and understanding regarding the history of the scope of social control of crime policy up to its latest developments, in the contemporary era of the 21st century.

2. Results and Discussion

2.1. Policy Approach to Social Control of Crime

In this initial section, the discussion about public policy (including criminal policy) and its development refers heavily to the thoughts of James F. Gilsinan as stated in his book *Criminology and Public Policy*.⁷ In explaining the definition of public policy, Gilsinan quotes Dye's statement which states that public policy is whatever the government chooses to do or not do.⁸ Then in the next discussion, Gilsinan tries to link the concept of criminology as an entry point in formulating and implementing public policy regarding crime. For this context, Gilsinan explains that Criminology is an objective and systematic study of how criminal law is enforced, where some people violate the law, then those who have authority (in this case the state with a set/various methods) react to the violators of the law. For this context, Gilsinan uses the term crime control policy which can be said to be part of criminal policy.

Public policy can be interpreted as an effort that is realized in the form of a set of regulations/policies made by the government (as policy making) to achieve goals/consensus in society. As is known, the preparation of public policy goes through several stages, including the stages of formulation, legitimation, implementation and evaluation. From all of these things, it is clear that the essence of public policy is as a tool/means to achieve goals (the common good) in society. Then, if it is related to criminal policy (social control of crime), then criminal policy is a form of public policy. The birth of criminal policy can be seen as an effort to

⁶ Martin Innes. *Understanding Social Control*. (McGraw-Hill Education UK, 2003).

⁷ James F. Gilsinan. *Criminology and Public Policy An Introduction*. (Prentice Hall, 1990).

⁸ Ibid., hlm. 1

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respond, overcome and prevent various problems surrounding crime. In this case, the difference between criminal policy and public policy lies in the objective aspect, namely that criminal policy is made with a more specific/specific aim, namely overcoming and preventing crime problems.

Regarding the development of social control of crime policies, Gilsinan revealed that there were three dominant ideological periods regarding crime and crime control,⁹ namely first, the religious period, within the framework of religious ideology, crime was seen as sin and the individual is seen as in need of redemption. Throughout most of its history, religious ideology placed great emphasis on corporal punishment as a programmatic response to the problem of deviance. This is the weak point of this periodization, which gives rise to criminal justice policies that are unpredictable, cruel and inconsistent.¹⁰

The second ideological period in the history of crime control is the period of utilitarianism. Humans are considered rational and deserve rational treatment. This period brought criminal law reform, the establishment of the modern police force, and a move from corporal punishment and death to the use of confinement. It can be said that the policies in this period were strong compared to the previous era, where the policies that were born had the aim of individual change and attempted to cure individual deviations.¹¹

Meanwhile, in the third period, criminal justice ideology is in a state of flux. In the 1990s, crime control thinking continued to develop based on a single, well-thought-out and integrated program for change, there seemed to be a somewhat liberal and somewhat conservative approach to the problem of crime. At this stage, the policies that are introduced combine various multi-disciplinary approaches, this is what becomes the advantage of this periodization. combining various scientific disciplines.¹² In the 1750s, the study of criminology was synonymous with the era of the classical school and until entering the 2000s the More or less the same thing was also stated by Carrabine et al. which reveals that the study of criminology has developed a lot with a variety of approaches by discussion in criminology has covered the issue of globalization of crime to public criminology.

In this regard, the close relationship between ideological choices that have implications for certain criminal policies has actually been pointed out for a long time by Miller. In his article Ideology and Criminal Justice Policy: Some Current Issues, Miller provides an illustration of the

⁹ Ibid., hlm. 97

¹⁰ Frank E. Hagan and Leah E Daigle, Op.Cit. hlm. 155

¹¹ Iqraq Sulhin. Diskontinuitas Penologi Punitif. (Prenada Media, 2018).

¹² Carrabine et al. Criminology: A Sociological Introduction. (Routledge, 2020).

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significance of ideology as it plays an important role in determining the direction of criminal policy, especially criminal justice policy in the American context. Miller emphasized that ideology and its consequences have a strong influence on the policies and procedures produced in carrying out criminal justice (policies).¹³

For the current context, the product of public policy has combined many components which include rational planning, incrementalism, competition between groups, elite preferences, public choice, political processes, and institutional influences.¹⁴ As part of public policy, criminal policy cannot be separated from a combination of these components. Dye explained that it is important to know the elements of policy analysis to find out (policies) what the government needs to do in order to serve the public. Dye emphasized the importance of efforts to describe (products) public policy (in the fields of welfare, defense, education, civil rights, health, environment, taxation, and so on) and knowing the causes, or determinants of the birth of that public policy.¹⁵ For the cause element, Dye explains that scientifically, when we study the causes of public policy, policy becomes the dependent variable, and various political, social, economic and cultural determinants become independent variables.¹⁶

Meanwhile, Innes also provides his views on the contemporary logic of social control. According to Innes, society will continue to develop in complex ways and at this level, society's behavior will also be increasingly subject to various forms of control. The emphasis given by Innes is that the control of the apparatus is being reconfigured, this can be seen from the use of various layered and interrelated technologies.¹⁷

Furthermore, Innes also adopted Garland's thinking which revealed that it is important to understand the reconfiguration of social control which has become an issue (in overcoming) crime. Innes also emphasized that at that time (2000s) various institutions and buildings had been reconfigured so that they could play a part in helping control crime. Another point that Innes also put forward is that we are all subjects of control, in an effort to implement social control.¹⁸ In this case, every entity in society continues to be encouraged to participate in the implementation of this control, both ourselves and others.

¹³ Walter B. Miller "Ideology and Criminal Justice Policy: Some Current Issues." J. Crim. L. & Criminology 64 (1973): 141, DOI: <https://doi.org/10.2307/1142984>.

¹⁴ Thomas R. Dye. Understanding Public Policy. Florida State University. (Published by Pearson, 2017).

¹⁵ Ibid., hlm. 4

¹⁶ Ibid., hlm. 5

¹⁷ Martin Innes, Op.Cit. hlm. 10

¹⁸ Ibid., hlm. 12

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2.2. Regarding Social Challenges and Dynamics

While Innes has expressed many "opportunities" for reconfiguring social control (crime), especially reconfiguration by utilizing technology or modern control equipment, on the other hand, state institutions are hampered by limited finances and resources from taking full advantage of the potential offered. Lester C. Thurow has long expressed a dilemma like this in his writing *Equity versus Efficiency in Law Enforcement*.¹⁹ Thurow stated that law enforcement efforts are faced by two simultaneous situations, namely demands for the creation of law & order, but these efforts are faced by demands for efficiency in government spending. It can be said that the conditions described by Inness and Thurow will always be relevant and become a challenge for the government in its efforts to form policies for social control of crime.

The depiction of social dynamics associated with social crime control policies can be linked to the policy-making process itself. For this context, a policy will go through several formal stages starting from problem identification to (ultimately) the evaluation stage. Policies that are born through a process of formal stages, if appropriate and correct, usually tend to be easily accepted by the public and easy to implement. This is because the policies that are born are in accordance with the problems or needs/social dynamics of society (involvement of situational context). However, on the contrary, a policy will be contradictory if without/not going through formal stages, the policy tends to be difficult for the public to accept and difficult to implement.

Social crime control policies will continue to develop in line with the various 'complexities' that continue to emerge as a consequence of living in society. This is one of the demands for the development of criminology (as well as policies for the social control of crime) in the future, namely that it must be able and willing to handle broader problems.

For the Indonesian context, there are various steps that have been and will continue to be taken in an effort to create a social order amidst the development of a digital society. In relation to efforts to control social crime committed by formal agents, we can see it from the legal regulations of Law no. 11 of 2008 concerning Electronic Information and Transactions and also the reconfiguration of policing practices with the establishment of the virtual police. Another hot issue that is also of common concern is the discussion of the Personal Data Protection Bill. It is hoped that this law will later become a legal instrument in guaranteeing citizens' rights to regulate personal data from leaks/misuse of personal data which is rampant in the current digital era.

¹⁹ Lester C. Thurow. "Equity Versus Efficiency in Law Enforcement." *Public Policy* 18, no. 4 (1970): 451-62.

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Moreover, civil society, which is also an informal agent of social control of crime, continues to be encouraged to participate in the implementation of this control. Previous studies have also revealed a lot about citizen involvement/participation, both in crime prevention efforts (see Pattavina, Byrne, & Garcia, 2006;²⁰ Bennett.

3. Conclusion

Social crime control policies will continue to be reconfigured to suit developments in the social dynamics of society. This reconfiguration effort involves formal and informal social (crime) control agents. Legal regulations/renewals, changes in policing practices that involve intense use of technology and involving citizens in the form of electronic participation (e-participation) as an effort to create a sense of security are some of the reality illustrations of 'adjusting' the direction of social control of crime policies in the digital era.

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