

Legal Enforcement of Illegal Bandwidth Reselling in Indonesia: A Friedman Legal System Analysis

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Abstract

The rapid development of digital transformation has increased the public's need for internet services. However, this increase has not been accompanied by equitable distribution of telecommunications infrastructure, thus encouraging the emergence of illegal bandwidth reselling practices as an alternative to providing internet access. This practice raises various legal issues because it is related to the provision of telecommunications services that require licensing. This study aims to identify and analyze factors that hinder law enforcement against illegal bandwidth reselling practices in Gorontalo Province. The study uses an empirical juridical method by combining a statutory approach, a conceptual approach, and a socio-legal approach. Research data were obtained through interviews with law enforcement officials and a literature review of relevant laws and regulations. Furthermore, all data were analyzed qualitatively using descriptive-analytical methods. The results show that the effectiveness of law enforcement is still hampered by the absence of regulations that explicitly regulate bandwidth reselling practices, weak oversight and coordination mechanisms between institutions, limited capacity of law enforcement officials, and low levels of public compliance with licensing provisions and service agreements. Viewed from the perspective of Islamic Law, this practice is contrary to the principles of al-muslimūna 'alā syurūṭihim and wafā' bil 'uqūd because customers use internet services outside the scope of the agreed contract. This study contributes in the form of an empirical analysis of the relationship between regulatory weaknesses, the capacity of law enforcement officers, and the legal culture of the community in enforcing telecommunications law at the regional level, while also offering recommendations in the form of strengthening regulations, optimizing supervision, and increasing inter-institutional coordination as an effort to increase the effectiveness of law enforcement in the telecommunications sector.

Keywords: Law Enforcement; Bandwidth Reselling; Telecommunications; Legal Effectiveness; Cyber Law; Digital Surveillance.

Abstrak

Perkembangan transformasi digital yang berlangsung secara cepat telah meningkatkan kebutuhan masyarakat terhadap layanan internet. Namun, peningkatan tersebut belum diikuti oleh pemerataan infrastruktur telekomunikasi, sehingga mendorong munculnya praktik illegal bandwidth reselling sebagai alternatif penyediaan akses internet. Praktik tersebut menimbulkan berbagai persoalan hukum karena berkaitan dengan penyelenggaraan jasa telekomunikasi yang mensyaratkan adanya perizinan. Penelitian ini bertujuan untuk mengidentifikasi dan menganalisis faktor-faktor yang menghambat penegakan hukum terhadap praktik illegal bandwidth reselling di Provinsi Gorontalo. Penelitian menggunakan metode yuridis empiris dengan memadukan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan sosiologis (*socio-legal approach*). Data penelitian diperoleh melalui



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wawancara dengan aparat penegak hukum serta kajian kepustakaan terhadap peraturan perundang-undangan dan berbagai literatur yang relevan. Selanjutnya, seluruh data dianalisis secara kualitatif menggunakan metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa efektivitas penegakan hukum masih terkendala oleh belum adanya pengaturan yang secara tegas mengatur praktik bandwidth reselling, lemahnya mekanisme pengawasan dan koordinasi antarlembaga, keterbatasan kapasitas aparat penegak hukum, serta rendahnya tingkat kepatuhan masyarakat terhadap ketentuan perizinan dan perjanjian layanan. Ditinjau dari perspektif Hukum Islam, praktik tersebut bertentangan dengan prinsip *al-muslimūna 'alā syurūṭihim dan wafā' bil 'uqūd* karena pelanggan memanfaatkan layanan internet di luar ruang lingkup akad yang telah disepakati. Penelitian ini memberikan kontribusi berupa analisis empiris mengenai keterkaitan antara kelemahan regulasi, kapasitas aparat penegak hukum, dan budaya hukum masyarakat dalam penegakan hukum telekomunikasi di tingkat daerah, sekaligus menawarkan rekomendasi berupa penguatan regulasi, optimalisasi pengawasan, dan peningkatan koordinasi antarlembaga sebagai upaya meningkatkan efektivitas penegakan hukum di bidang telekomunikasi.

Kata Kunci: Penegakan Hukum; Reselling Bandwidth; Telekomunikasi; Efektivitas Hukum; Hukum Siber; Pengawasan Digital.

INTRODUCTION

In Indonesia, digital transformation is developing rapidly, driven by the growing number of internet users and mobile devices, creating a huge opportunity to drive new economic sectors. This has attracted the attention of policymakers and industry representatives to maximize the digital economy as a new driver of national economic growth.¹

By early 2025, the digital ecosystem in Indonesia has reached an unprecedented level of development. Data from the Indonesian Internet Service Providers Association (APJII) and *the We Are Social* report show that the internet penetration rate has reached 80.66% of the population, which means that more than 221 million Indonesians are now connected to the internet. Furthermore, there are about 180 million active social media users, representing 62.9% of the total population, with an astonishing average daily usage of more than three hours. These numbers are not just statistics, but rather indicators of fundamental changes in the way people interact, access information, and make purchasing decisions.²

The government, through the Ministry of Communication and Digitalization (Komdigi), continues to strive to expand digital infrastructure by building fiber optic networks, improving broadband internet connectivity, and expanding the 5G network so that stable internet access can be enjoyed throughout Indonesia. However, *broadband* development still faces various obstacles related to expanding infrastructure coverage and increasing the use of internet services by the community. Although *mobile broadband* (4G/LTE) coverage has reached 97.16% of populated areas, *fixed-line broadband* only reaches 70.88% of sub-districts, while the 5G network is still limited, with coverage of around 4.44% of populated areas.³

¹ Lasih Amaliyah et al., "Evaluation of Digital Economy Strategies: Transformation and Challenges in Indonesia," *Journal of Economic, Business and Accounting (COSTING)* 7, no. 6 (2024): 7256–65, <https://doi.org/10.31539/costing.v7i6.13425>.

² Ni Putu Novita Pradnyani et al., "Transformation of the MSME Digital Ecosystem Towards the Society 5.0 Era: An Empowerment Strategy Based on Artificial Intelligence and Omnichannel Marketing in 2025," *JOURNAL OF BUSINESS ECONOMICS AND MANAGEMENT (EKO-BISMA)* 5, no. 1 (2026): 58–70, <https://doi.org/10.58268/eb.v5i1.243>.

³ 2025 Performance Report, Ministry of Communication and Digital. <https://tinyurl.com/wku2m9mn>

The Internet has become a basic necessity, supporting a wide range of activities such as education, business, and public services. However, consistent internet access in Indonesia still faces obstacles, especially in areas with limited network infrastructure. This situation has led to the emergence of the practice of bandwidth resale, which is the redistribution of internet services purchased from authorized providers to the public at a certain cost.⁴ This practice of reselling bandwidth is known as "RT/RW Net" Internet services taken from official providers and then redistributed to the public. Although it provides the benefit of more affordable internet access, this practice also raises legal issues, because the provision of telecommunication services generally requires official permission from the government.⁵

Law Number 36 of 1999 concerning Telecommunications requires all telecommunication service providers to obtain a permit from the government. Article 47 states that the provision of telecommunication services without a license can be subject to a maximum prison sentence of six years and/or a maximum fine of 600 million rupiah. While the sale of unlicensed bandwidth can be considered a crime, enforcement of penalties for such violations is rare, raising doubts about the extent to which law enforcement is effective. At the national level, the responsibility for supervision of telecommunication service providers is in the hands of the Ministry of Communication and Digital (Komdigi) through the issuance of permits, compliance checks, and the application of administrative sanctions. However, surveillance at the regional level continues to face obstacles, such as lack of resources, weak inter-agency coordination, and inadequate monitoring systems. This condition results in suboptimal supervision, which encourages the practice of reselling bandwidth without permission.⁶

According to the supervision segment, Komdigi was able to collect data on these illegal telecommunication activities. However, the limitations in resources for supervision and the vastness of Indonesia's geography make such supervision less effective. This phenomenon shows that existing regulations do not always meet the needs of communities and cannot address local problems, especially since criminal penalties are rarely implemented, which in turn can weaken existing laws.⁷

In various regions in Indonesia, including Gorontalo Province, bandwidth resale activities are expanding. This happens in small community-based businesses, such as RT/RW networks, where individuals or groups obtain internet services from authorized providers such as PT. Telkom and then sell it again to other users in the same area at a cheaper price.⁸ Although this situation makes it easier for people to get internet access at a lower cost, it also raises legal problems because it is done without permission from the telecommunication service provider. This shows that the problem of bandwidth resale is not only a national issue, but is also felt at the local level, including in Gorontalo. It is

⁴ Nugroho, Y., & Susanto, H. *Information and Communication Technology in Indonesia: Digital Transformation and Infrastructure Challenges* Yogyakarta: Andi Publisher, 2021, pp. 45-48.

⁵ Setiawan, R. *Internet and Digital Society in Indonesia* Jakarta: Prenadamedia Group, 2018, pp. 72-75.

⁶ Meliana, "Analysis of the Legal Responsibility of Telecommunication Service Providers for the Confidentiality of Service Users' Call Record Data: A Telecommunications Law Perspective," *Lex Librum: Journal of Law* 11, no. 1, 2024. Pg. 73-86.

⁷ F. Suryawan, "Legal Aspects of Reselling Internet Services and Contract Enforcement in Indonesia," *Telecommunications Law Journal* 12, no. 2 (2023): 50.

⁸ Muhammad Arbani, "Legal Aspects of MSME Protection in Sales in E-Commerce," *Legal Article* No. 3 of 2025, p. 5-10.

important to investigate how effective surveillance and law enforcement are regarding this practice in the area.

The example that occurred in Gorontalo between May 2020 and January 2024 involved three people: MM (business owner), RH, and AI (technician). This illegal activity has spread to several villages in Limboto and Tolangohula districts in Gorontalo Regency. The perpetrators used the Mikrotik device to redistribute bandwidth from the internet network of PT. Telkom Gorontalo, which is prohibited from being resold according to the *Wifi Manage Service* (WMS) agreement made between PT. Telkom and its consumers. They sell internet vouchers from various villages, earning around 46 million rupiah every month.

The case illustrates that the nearly four-year delay in identifying such violations reflects the inadequacy of the monitoring and enforcement systems that are not optimal in detecting the illegal resale of bandwidth. Lawrence M. Friedman revealed that the success of law enforcement is influenced by three main elements: the structure of the law, the substance of the law, and the culture of the law.⁹

Previous research has shown that the sale of *bandwidth* without a license is a violation of the Telecommunications Law. Law enforcement continues to face several challenges, including low public legal awareness, weak government oversight, and high demand for affordable internet access.¹⁰ Previous research has typically focused on the legal liability of illegal Wi-Fi service providers and violations of the Telecommunications Act, identifying low public legal awareness, weak government oversight, and high demand for internet access as the main barriers to law enforcement. However, these studies have not specifically examined the factors that hinder law enforcement against illegal bandwidth resale practices at the local level, particularly regarding regulations, institutional prosecutions, and the source of available resources.

In addition, research examining the effectiveness of supervision and law enforcement against illegal *bandwidth reselling* practices in Gorontalo Province is still limited, although the prevalence of similar cases in the region is increasing. Therefore, this study intends to fill the gap by thoroughly analyzing the factors that hinder law enforcement against the illegal bandwidth resale practice in Gorontalo, from the perspective of Lawrence M. Friedman's legal effectiveness.

Based on this description, this study aims to analyze the factors that hinder law enforcement against illegal bandwidth resale practices in Gorontalo, especially related to regulatory weaknesses, limitations of law enforcement agencies, and supporting resources in the telecommunications sector.

RESEARCH METHODS

This study is an *empirical legal research* that aims to analyze the effectiveness of law enforcement against the practice of illegal *bandwidth reselling* in Gorontalo Province. The research was conducted by examining the relationship between the applicable legal provisions and their implementation in practice. To obtain a comprehensive analysis, the research combines a statute *approach*, a conceptual approach, and a socio-legal *approach*, so as to be able to explain the normative,

⁹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, New York: Russell Sage Foundation, translated in various Indonesian legal literature, see Rifki Taufik, Lawrence M. Friedman's Legal System Theory and Its Implications in Indonesia, Jakarta: Rajawali Pers, 2024, pp. 55–63.

¹⁰ Muhammad Kenza Radhya Ersya Atmawijaya et al., "Criminal Liability for The Provision of Illegal WIFI Telecommunications Services," *IJCLS (Indonesian Journal of Criminal Law Studies)* 8, no. 1 (2023): 121–50, <https://doi.org/10.15294/ijcls.v8i1.43273>.

conceptual, and empirical aspects that affect the implementation of law enforcement on these practices.¹¹

The data used in this study includes primary data and secondary data. Primary data was obtained through *in-depth interviews* with Gorontalo Regional Police investigators, regulators in the telecommunications sector, internet service providers, and other parties who have direct involvement in illegal bandwidth resale practices. The secondary data is sourced from primary legal materials in the form of laws and regulations, secondary legal materials that include books, scientific articles, research results, and expert opinions, as well as tertiary legal materials such as legal dictionaries, encyclopedias, and various other relevant references to support the analysis.¹²

Data collection was carried out through semi-structured interviews combined with systematic literature studies to obtain accurate, valid, and comprehensive information. All collected data is then analyzed using qualitative analysis methods through the stages of data reduction, data presentation, and inductive conclusions. The analysis is prepared with a descriptive-analytical approach, which is to interpret empirical findings based on the provisions of laws and regulations, legal system theory, and relevant legal concepts, so as to provide a comprehensive picture of the effectiveness of law enforcement, factors that hinder its implementation, and alternative policies in overcoming illegal bandwidth resale practices in Gorontalo Province.¹³

RESULTS AND DISCUSSION

Regulatory Factors and Weaknesses of Legal Arrangements in Indonesia

Indonesia as a country of law places law as the main foundation in regulating all aspects of society, nation, and state life. This principle is affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is a state of law." This provision is a foothold in realizing legal certainty and justice in various sectors, including the telecommunications sector which is regulated through Law Number 36 of 1999 concerning Telecommunications. The law requires every telecommunication service provider to meet the applicable licensing requirements and obtain official permits in the use of public facilities, such as poles owned by PLN, for the construction of telecommunication networks. However, the results of the study show that in practice there is still an internet network construction that is carried out without adequate supervision or clear approval from the authorized agencies.¹⁴

The results of the study revealed that the practice of illegal bandwidth reselling took place in Gorontalo Regency from May 2020 to January 2024. The activity was carried out by MM together with RH and AI by utilizing MikroTik devices to redistribute PT Telkom Gorontalo's internet services to the community in the Limboto and Tolangohula

¹¹ Kornelius Benuf and Muhamad Azhar, "Legal Research Methodology as an Instrument for Unraveling Contemporary Legal Problems," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/https://doi.org/10.14710gk.2020.7504>.

¹² S. Sony et al., *Legal Research Methods, Approaches, Techniques, and Applications* (Cv. Gita Lentera, 2026), https://www.researchgate.net/profile/Citrano/publication/400413986_Metode_Penelitian_Hukum_Pendek_atan_Teknik_dan_Aplikasi/links/6982a25542f94d1212a68d62/Metode-Penelitian-Hukum-Pendekatan-Teknik-dan-Aplikasi.pdf#page=37.

¹³ Peter Mahmud Marzuki, *Legal Research Revised Edition* (PT. Kencana Prenada Media Group, 2013), p. 93.

¹⁴ Qurotul Aini et al., "Supervision of Unauthorized Wi-Fi Telecommunication Service Providers in Infrastructure at Dpmtsp Bojonegoro," *PESHUM : Journal of Education, Social and Humanities* 4, no. 2 (2025): 2580–94, <https://doi.org/https://doi.org/10.56799/peshum.v4i2.7377>.

areas through the Wi-Fi Managed Service (WMS) scheme. In fact, the provisions in the service agreement expressly prohibit customers from reselling bandwidth to other parties. From these activities, the perpetrators earn a profit of around IDR 46,000,000 every month.¹⁵ The findings of the study also show that the practice of reselling bandwidth is carried out in an organized manner and oriented towards economic profits, so it cannot be categorized as the use of internet services for personal interests. Therefore, this action is contrary to the provisions of Law Number 36 of 1999 concerning Telecommunications which requires service providers to have official licenses, as well as violating the *Wi-Fi Managed Service* (WMS) agreement which explicitly prohibits customers from distributing or reselling internet services to third parties.

Viewed from the perspective of Islamic law, the practice of *reselling bandwidth* without the consent of the service provider is a form of violation of the agreed contract. The customer uses the internet service outside the scope of the rights granted in the *Wi-Fi Managed Service* (WMS) agreement, thus contrary to the principle of *fiqh al-muslimūna 'alā syurūṭihim*, which emphasizes that every condition agreed upon in a contract must be fulfilled as long as it does not conflict with the provisions of the sharia. Thus, the prohibition to resell internet services as stated in the agreement is a clause that is binding on the parties and must be complied with as an implementation of the principle of *wafā' bil 'uqūd*, which is the obligation to fulfill every contract or agreement that has been agreed.¹⁶

In the perspective of muamalah fiqh based on *Maqāṣid al-Sharī'ah*, an agreement is not enough to only meet the requirements of formal validity, but must also be carried out in accordance with the purpose of its formation and uphold the principles of transparency, justice, and protection of property (*ḥifẓ al-māl*). Therefore, the use of internet services for commercial purposes without obtaining the consent of the service provider is not only a violation of the provisions of the agreement, but also contrary to the purpose of sharia which requires the protection of the rights and interests of each party bound by a contract.¹⁷

The case shows that law enforcement against the practice of illegal bandwidth resale in Gorontalo has not been running optimally. The practice can last almost four years without being detected by the authorities, indicating that the monitoring mechanism implemented is still reactive. This condition also shows that the prevention function in the law enforcement system has not been implemented effectively to anticipate the occurrence of violations.

In addition to weak supervision, the effectiveness of law enforcement is also influenced by constraints in the regulatory aspect. Although Law Number 36 of 1999 concerning Telecommunications regulates the implementation of telecommunication services, the provisions regarding internet service customers who resell *bandwidth* have

¹⁵ Kutina, "Gorontalo Police Reveal Case of Misuse and Sale of Bandwidth Owned by PT. Telkom Without Permission of the Ministry of Communication and Informatics," *Polda Gorontalo*, n.d., accessed June 28, 2026, <https://tribrataneews.gorontalo.polri.go.id/70881/polda-gorontalo-ungkap-kasus-penyelagunaan-dan-penjualan-bandwidth-milik-pt-telkom-tanpa-ijin-kementrian-kominfo/>.

¹⁶ Kasman Bakry et al., "Actualization of the Rule of Fiqh of al-Muslimūna 'alā Syurūṭihim in Buying and Selling Transactions: Actualization of the Rule of Fiqh of al-Muslimūna 'alā Syurūṭihim in Buying and Selling Transaction," *AL-KHIYAR: Journal of Islamic Muamalah and Economics* 1, no. 1 (2021): 45–59, <https://doi.org/10.36701/al-khiyar.v1i1.447>.

¹⁷ Hilmi Hadad Alwi and Anton Athoilah, "The Issues of Contract in Islamic Stock Transactions on the Indonesia Stock Exchange: A Critical Analysis Based on Maqāṣid al-Sharī'ah," *Mabahits Al-Uqud* 2, no. 1 (2025): 34–49, <https://doi.org/10.15575/mau.v2i1.1643>.

not been strictly regulated.¹⁸ The lack of regulation creates ambiguity about the boundaries between the use of internet services for personal gain and their use as commercial activities. This legal loophole is then used by the perpetrators to run businesses without a license, thus hindering the effectiveness of law enforcement against the practice of illegal *bandwidth* resale in Gorontalo Province

The sustainability of illegal *bandwidth reselling* practices is not only influenced by weak law enforcement, but also by a supervisory pattern that focuses more on educational efforts than on the application of sanctions. This approach shows that the function of the law as a prevention instrument has not been effective so that it has not been able to increase the level of public compliance with applicable regulations. On the other hand, the rapid development of telecommunications and internet technology has not been matched by adequate regulatory updates. As a result, the practice of *reselling bandwidth* carried out at the household and community scale is still in areas that have not been clearly regulated. This creates legal uncertainty and makes it difficult for law enforcement officials to distinguish between the use of internet services for personal interests and commercial activities carried out without permission.¹⁹

The limitations of the regulatory framework are further exacerbated by the coordination that has not been carried out effectively between local governments, law enforcement officials, and internet service providers in carrying out the supervisory function. The complexity of inter-agency coordination has caused the early detection mechanism for illegal bandwidth resale practices to not be implemented optimally. As a result, surveillance measures are still reactive and are generally only carried out after public reports or when there is a disruption to the service provider's official network.

In addition, the application of sanctions against the perpetrators of *illegal bandwidth resale* has also not shown adequate effectiveness. In practice, violations are more often resolved through the provision of administrative warnings than through the enforcement of criminal sanctions in accordance with applicable regulations. This condition reduces the deterrent and deterrent effect for the perpetrators, so that the practice of illegal bandwidth resale continues to develop.²⁰ Therefore, various weaknesses in the legal system, both related to the substance of regulations and their implementation, are the main inhibiting factors in law enforcement against the practice of illegal bandwidth resale in Gorontalo Province. Regulatory ambiguity, weak supervision mechanisms, suboptimal inter-agency coordination, and the application of sanctions that have not yet been firm have caused efforts to eradicate the practice have not been implemented effectively and consistently.

Factors of Limited Apparatus and Law Enforcement Facilities in Gorontalo

The limited authority and resources possessed by law enforcement officials in Gorontalo are one of the factors that reduce the effectiveness of law enforcement against various forms of violations, including violations in the telecommunications sector and the illegal use of internet access. In its implementation, the success of law enforcement does

¹⁸ Rizal Irvan Amin and Achmad Achmad, "Unraveling the Problems of Laws and Regulations in Indonesia," *Res Publica: Journal of Public Policy Law* 4, no. 2 (2020): 205–20. <https://jurnal.uns.ac.id/respublica/article/view/45710>

¹⁹ Tasya Safiranita Ramli et al., "New Regulation on Telecommunications and Over-the-Top Platforms in Indonesia," *Journal of Telecommunications and the Digital Economy* 11, no. 1 (2023): 44–56, <https://doi.org/10.3316/informat.942170523641539>.

²⁰ Anshar, "Criminal Law Policy Analysis of the Use of Radio Frequency Spectrum Without Permission and Telecommunication Devices That Do Not Meet Technical Standards," *Tadulako Master Law Journal* 9, no. 1 (2025): 31–43, <https://doi.org/...../LO.Vol2.Iss1.%2525.pp%2525>.

not only depend on the existence of laws and regulations, but is also influenced by the readiness of human resources, the availability of operational facilities and infrastructure, technological support, and synergy between authorized institutions. If these elements have not been adequately met, the law enforcement process tends to run less effectively, slowly, and has not been able to provide optimal results.²¹

Law enforcement is essentially a process to harmonize the values contained in legal norms with real behavior that develops in society, so as to create, maintain, and guarantee social order. Therefore, law enforcement is not only interpreted as the formal implementation of legal provisions, but also as an effort to realize fundamental values, such as justice, legal certainty, and usefulness in community life. The effectiveness of law enforcement implementation is influenced by a number of interrelated factors, including the legal structure, legal substance, and legal culture.²²

The legal structure reflects the existence of law enforcement institutions and officials, such as the police, prosecutor's office, courts, and correctional institutions, which have the authority to implement and enforce legal provisions. Meanwhile, the substance of the law includes all norms, laws and regulations, and various legal decisions that serve as guidelines in the implementation of law enforcement. In order to function effectively, the substance of the law must have a clear formulation, provide a sense of justice, and be able to adapt to the developments and dynamics that occur in society.²³

From the perspective of legal culture, in addition to the existence of law enforcement institutions such as the police, prosecutor's office, courts, and correctional institutions that have the authority to enforce the law, there are also aspects related to values, attitudes, levels of awareness, and patterns of public behavior towards the law. Legal culture reflects the extent to which society understands, accepts, and complies with applicable norms.²⁴ Public legal awareness has a very important role because no matter how good the legal structure and legal substance is, law enforcement will not run effectively if it is not supported by a legal culture that encourages compliance with the rules.

Law enforcement against the practice of illegal *bandwidth* resale in Gorontalo still faces various obstacles stemming from the aspect of legal structure. Handling cases in the telecommunications sector requires adequate technical mastery because it is related to internet network systems, bandwidth distribution mechanisms, and the development of digital technology. However, not all law enforcement officials have adequate competence in the field of information technology and telecommunication networks. This limited understanding causes the process of identification, investigation, and handling cases to be more complex.

The lack of experts who have expertise in the field of information technology is also an obstacle in detecting and cracking down on illegal bandwidth resale practices. In general, law enforcement officials have greater experience in handling conventional crimes compared to crimes that utilize information technology. This condition causes the

²¹ "The Challenge of Law Enforcement vs the Judicial Mafia," accessed June 28, 2026, <https://www.pta-gorontalo.go.id/berita/kolom-kpta/3756-tantangan-penegakan-hukum-vs-mafia-peradilan>.

²² Jericho Firliansyah and Faisal Yahya, "Law Enforcement Against Narcotics Trafficking Crimes in Tapaktuan (Research Study at the South Aceh Police)," *Teunuleh Scientific Journal The International Journal of Social Sciences* 6 (2025), <https://doi.org/teunuleh.v6i4.218>.

²³ *Ibid.*

²⁴ Derita Prapti Rahayu et al., "Law Enforcement in the Context of Legal Culture in Society," *LAW REFORM* 16, no. 2 (2020): 276–89, <https://doi.org/10.14710/lr.v16i2.33780>.

process of supervision and law enforcement against illegal internet distribution activities to last longer and cannot be carried out optimally.

In addition to limited human resources, inadequate supporting facilities and infrastructure also affect the effectiveness of law enforcement. Monitoring the distribution of illegal internet access requires special tools, such as network monitoring systems, digital tracking technology, and access to technical data owned by internet service providers. However, these facilities are not adequately available, especially in rural areas. As a result, law enforcement officials have difficulty effectively monitoring illegal internet network activities that operate behind closed doors and are difficult to detect.

Factors of Low Legal Awareness in the Community

The low level of legal awareness in the community is one of the factors that causes the practice of *illegal resale of bandwidth* or internet access to continue. Many members of the public do not understand that the activity of sharing or reselling internet access is not just a network sharing activity, but can be categorized as the implementation of telecommunication services that must comply with the applicable legal provisions. This condition shows that the problems faced are not only related to the existence of regulations, but also to the extent to which the community understands, accepts, and internalizes the legal norms that govern these activities.

One of the causes of low legal awareness is the educational factor. People with relatively low levels of education generally face limitations in obtaining information about legal provisions, so that an understanding of the content, purpose, and legal consequences of a regulation is also inadequate. As a result, an action is often seen as a common practice in everyday life without realizing that it can have legal consequences. In the case of illegal bandwidth resale, the limited understanding causes some people to not be able to clearly distinguish between using the internet for personal needs, sharing network access, and providing internet services for commercial purposes that should be carried out through a licensing mechanism.²⁵

In addition to the education aspect, the economic condition of the community also affects the emergence of the practice of *illegal bandwidth resale*. Limited economic resources, such as lack of access to capital, financial services, investment opportunities, and employment, encourage some people to look for alternatives to obtain additional income. One of the ways taken is to provide internet access to the surrounding community through the resale of internet services obtained from official providers. Although this practice is often seen as a form of fulfilling the needs of internet access in the surrounding environment, from a legal perspective, this action is still a violation if it is carried out without permission or outside the mechanism of legitimate cooperation with telecommunication service providers. Economic pressure causes some people to prioritize financial benefits over compliance with applicable legal provisions.²⁶

In addition to being influenced by economic conditions, the level of public legal awareness of the provisions in the telecommunications sector is also influenced by the legal culture that develops in social life. In many cases, people tend to be guided by long-

²⁵ Syamsarina Syamsarina et al., "Legal Awareness and Legal Compliance: An Analysis of Factors Affecting Legal Awareness and Community Legal Compliance," *Strait Journal* 10, no. 1 (2022): 81–90, <https://doi.org/10.31629/selat.v10i1.5216>.

²⁶ Arjuna Wicaksono et al., "Different economic, social and educational facilities and cause inequality in the ability of the younger generation to get out of the poverty line," *The Officium Nobile Journal* 2, no. 1 (2025): 1–9, <https://doi.org/10.70656/tonji.v2i1.321>.

standing habits compared to written legal provisions. As a result, activities that were initially only in the form of sharing internet access were seen as something natural, then developed into commercial activities without realizing that they had exceeded the limits allowed by law. This condition is further exacerbated by the lack of clear legal regulations, weak implementation of law enforcement, and low socialization of applicable provisions. As a result, the level of public awareness and compliance with the law remains low, thus hampering the effectiveness of law enforcement against illegal bandwidth resale practices.²⁷

Another factor that also affects low legal awareness is the complexity and unclarity of applicable legal norms. If a provision is drafted in language that is technical, difficult to understand, or not adequately socialized, the public will have difficulty understanding that an act falls under the category of prohibited actions. These conditions often cause differences in interpretation between the public and law enforcement officials. In the field of telecommunications, for example, regulations regarding the implementation of internet services, business licensing, and cooperation mechanisms in the resale of telecommunication services have not been fully understood by the public. As a result, some people still consider these activities as just a form of sharing internet access that is commonly done, not as a commercial activity that requires a permit.

On the other hand, the consistency of law enforcement also plays an important role in shaping public legal awareness. If a violation is rarely acted upon or the sanctions given do not provide real consequences, people tend to think that the rules do not need to be followed. Such conditions create a permissive culture of violations of the law and encourage the sustainability of practices that are contrary to applicable regulations. Therefore, the formation of legal awareness does not only depend on the level of public knowledge about the law, but is also influenced by the consistency of the apparatus in implementing the rules firmly, fairly, and sustainably.²⁸

Based on the above explanation, it can be understood that these various factors are interrelated in influencing the effectiveness of law enforcement against illegal bandwidth resale practices in Gorontalo Province. As long as the public does not fully understand the legal limitations regarding the implementation of telecommunication services, and supervision and law enforcement have not been implemented consistently, the practice of reselling bandwidth without permission will still have the potential to develop. Therefore, it is not enough to increase the effectiveness of law enforcement only through the application of strict sanctions, but must also be accompanied by strengthening public legal awareness, increasing legal education and socialization, and continuous supervision to encourage compliance with regulations in the telecommunications sector.

CONCLUSION

This study shows that law enforcement against illegal bandwidth reselling practices in Gorontalo Province has not been carried out optimally. This condition is influenced by weaknesses in three elements in Lawrence M. Friedman's Legal System Theory, namely the substance of law, legal structure, and legal culture. In terms of legal substance, there is no regulation that expressly regulates the practice of illegal bandwidth resale causing a

²⁷ Kayus K. Lewoleba Dean Putri Amelia, "Analysis of the Form of Awareness and Legal Compliance for Indonesian People in Social Life," *Media hukum Indonesia (MHI)*, ahead of print, June 10, 2024, <https://doi.org/10.5281/ZENODO.11554045>.

²⁸ Ahmad Heru Romadhon et al., "Legal Awareness as an Effort to Strengthen an Inclusive and Peaceful Society for Sustainable Development," *Ilmu Hukum Prima (IHP)* 7, no. 2 (2024): 255–64, <https://doi.org/10.34012/jihp.v7i2.5818>.

void in norms and uncertainty in its application. In terms of legal structure, inter-agency coordination, supervision systems, and the capacity of law enforcement officials are still inadequate to anticipate the development of violations in the telecommunications sector. In terms of legal culture, the low level of public awareness and lack of compliance with licensing provisions and clauses in service agreements are factors that contribute to maintaining the sustainability of the practice. In addition to being contrary to positive legal provisions, the practice of *illegal bandwidth reselling* is also not in accordance with the principles of Islamic Law, especially al-muslimūna '*alā syurūṭihim and wafā' bil 'uqūd*', which affirm the obligation of the parties to fulfill every agreed terms and contract.

The main findings of this study show that the success of law enforcement in the telecommunications sector is not only determined by the existence of regulations alone, but also highly depends on the integration between the clarity of legal norms, institutional effectiveness, and the culture of community compliance with the law. The combination of Lawrence M. Friedman's Legal System Theory with the perspective of Islamic Law results in a more comprehensive analytical framework in explaining the factors that cause the suboptimal enforcement of *illegal bandwidth reselling* practices. Thus, this research makes a theoretical contribution to the development of telecommunications law studies and *socio-legal studies*, as well as expanding the study of the harmonization between positive law and Islamic Law values in building legal compliance in the era of digital transformation.

Based on these findings, there is a need for regulatory reform that specifically and explicitly regulates the practice of reselling bandwidth so that it no longer creates a legal vacuum. In addition, strengthening the technology-based supervision system, improving the competence of law enforcement officials, and optimizing coordination between the government, telecommunications regulators, internet service providers, and law enforcement officials are steps that need to be prioritized. In addition, the implementation of legal education in a sustainable manner is also important to increase public understanding of legal and ethical aspects in the use of telecommunication services. The implementation of these various recommendations is expected to increase legal certainty, strengthen the effectiveness of law enforcement, and support the realization of more accountable, adaptive, and sustainable governance of telecommunications operations in Indonesia.

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