Ethics-Based Information Security System Law: Immanuel Kant's Transcendental Paradigm

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ABSTRACT

An ethics-based information security system based on Immanuel Kant's transcendental legal paradigm can give a strong foundation for tackling moral quandaries in AI, hacking, and information systems. Lavanya Singh highlights the necessity of instinctive ethics based on philosophical literature and presents a Kantian ethics application that adheres to the philosophical tradition. Meanwhile, Sanchita Saha et al. address ethical hacking as a method of disclosing vulnerabilities in information systems for the benefit of society, emphasizing ethical concerns in cybersecurity operations. Furthermore, Flávia Maria Santoro and Rosa Maria Esteves Moreira da Costa underline the significance of examining information systems via an ethical lens in order to negotiate conceptual conflicts and make informed judgments in delicate situations, which is consistent with Kant's moral philosophy. Using doctrinal research methodologies with legal material sources derived from literature studies and qualitative descriptive analysis. This study discovered that by incorporating Kant's concepts into information security systems, the transcendental legal paradigm may guide ethical decision making and promote responsible technological advancement. The Ethics-Based Information Security Systems Act, modeled after Immanuel Kant's Transcendental Paradigm, would prioritize universal ethical principles, respect for human autonomy, duty-bound behaviors, transparency, accountability, and a structured regulatory framework. The law will guarantee that information security is maintained not just through technological means, but also via a solid ethical foundation that respects the dignity and rights of all those concerned.

Keywords: *Information-Security-System-Law, Ethic, Transcendental, Imanuel-Kant*

INTRODUCTION

The usage of digital technology as a promotional tool is a key signal in the financial business. The digital platform economy has transformed the system internationally(Nur et al. 2023). Regulations and standards that have superseded conventional modes of law enforcement are paving the way for digital breakthroughs (Amarini et al. 2023). Globalization also has an influence on the need to reinterpret various aspects of Islamic law that are not in accordance with current viewpoints and difficulties, especially those relating to society 5.0, such as the legality of digital transactions (Abdillah 2022).

Indonesia approved Law No. 27 of 2022 respecting Personal Data Protection (Yuspin et al. 2024). However, the implementation of this legislation is less successful since it is inhibited by an unformed supervisory agency, which will have an influence on the system for administering punishments. With the risk of personal data theft in Indonesia, what legal foundation is being alluded to? Or the ITE Law? According to the 2014 Financial Services Authority Circular, PUJK is forbidden from disclosing any personal data or information about its customers to third parties. The intended ban is exempt in the following cases: a. Consumers submit written consent; b. Statutory rules compel it. There are numerous techniques for written consent from customers, which can be stated in the following formats: a. choose to agree or disagree; or b. present a sign of approval in paperwork, product, and/or service agreements (RI 2014). The availability of legal protection for banking consumers impacts legal clarity and fairness. The normative component is critical for all stakeholders to comprehend, including banks, consumers, and the government via the OJK and other organizations with the capacity to give legal protection (Septyanun 2020).

Regional regulations related to information security management systems are formed based on the legal framework provided by Law Number 11 of 2008 concerning Information and Electronic Transactions, as amended by Law Number 19 of 2016 (Haerofiatna and Chaidir 2023) . These regulations aim to ensure regional information security while implementing digital technology programs (Muttaqin and Kalamullah Ramli 2023). The formation of responsive regional regulations is crucial in Indonesia, a democratic legal state that emphasizes human rights protection and justice through community participation in the legislative process (Munif Rochmawanto, Slamet Suhartono, Hufron 2020). Additionally, periodic evaluations of regional regulations, such as those concerning building construction in Bantul Regency, are essential to adapt to societal developments and government administration changes, ensuring

the content remains relevant and aligned with local needs (Vicki Dwi Purnomo, Benedictus Hestu Cipto Handoyo, and Syukron Abdul Kadir 2022). Enactment of regional regulations governing information security management systems (Sumika Putri 2023). Therefore, the legal basis provided by the aforementioned laws serves as a foundation for regional regulations to enhance information security and align with the evolving landscape of digital technologies and community requirements. At regional level, ASEAN does not possess a regional mecha- nism for responding to cyber emergencies or requests for assistance in a cyber emergency. Building such a mechanism is increasingly vital given the escalating risks to CII in the region that originate from accelerat- ing digitalisation, escalating cyber crime or unfavour-able geopolitical factors (Tay 2023).

In Indonesia, controlling information security systems is critical to ensuring public and private rights. Research emphasizes the necessity for information security audits to prevent security threats, especially in the justice sector, as evidenced in the hacking incident at the Supreme Court (Gultom et al. 2024). Furthermore, integrating e-Government services with good governance principles highlights the significance of legal safeguards to secure personal data in e-Government systems, ensuring that people' data security rights are met (Rahimallah 2022). Utilization of Information Technology plays an important role in trade and various national economic growth. The government in this case seeks to realize the welfare of the community and support the development of Information Technology through legal infrastructure and regulations so that the use of Information Technology is carried out in a structured and secure manner and seeks to prevent widespread abuse. In the ITE Law, the party responsible for all legal consequences in the implementation of Electronic Transactions, all legal consequences in the implementation of Electronic Transactions are the responsibility of the parties who transact as Article 33 explains that *"Everyone intentionally and without rights or against the law take any action that results in the disruption of the Electronic System and/or causes the Electronic System to not work properly, in this law also regulates anyone who violates it will be punished or sanctioned in accordance with the demands of the applicable law"*(Nurkholim 2021).

These regulations and policies have established a Solid legal framework for e-commerce in Indonesia. However, given the rapidly changing technology and industry dynamics, these regulations and policies must be continuously updated and adapted to new needs. Therefore, the state's role in monitoring industrial developments, adjusting regulations, and educating the

public is essential in establishing a fair, safe, and sustainable e-commerce ecosystem. Overall, this research shows that balancing consumer protection and industry growth is critical for the future of e-commerce in Indonesia (Winarsasi et al. 2023).

In addition, the growth of cyberspace in Indonesia not only brings economic opportunities, but also raises challenges such as cybercrime and misinformation, requiring strong cyber security law enforcement policies to maintain social order and individual rights (Iswandari 2021). By implementing a comprehensive information security framework and legal mechanisms, Indonesia can better protect public and private rights in the digital era.

What this means for national security is that it has value in terms of protecting the individual's vital interests as well as the health of the political community as an important means through which the individual enacts or realises both vital and further interests (Bellaby 2022). On defining the severe status of information security in the present world, we come across a very renowned technical term known as 'ethical hacking'. Ethical hacking refers to the art of unmasking the vulnerabilities and the weakness in a computer or an information system. The process involves duplication of intents and actions of other malevolent hackers. Ethical hacking can be also called as 'penetration testing', 'intrusion testing', or 'red teaming'. Talking about the term 'hacking', it is basically a challenging and an invigorating procedure to steal information from an unknown computer system or may be a device without the prior knowledge of the owner of that system. Now by the term 'ethical', we understand the process of hacking is done for an ethical purpose which will result in a boon for the society. An ethical hacker tries to recover or destroy the stolen information or data by the non-ethical hackers. The process of hacking can thus become a boon as well as a curse for the society, and it depends upon the intention of a hacker. This is no doubt that a very strong procedure and severely based on what way it is used (Sanchita Saha, Abhijeet Das, Ashwini Kumar 2019).

An important focus of the security protection of public and private information management systems is ethics and morality. Offer an accurate implementation of Kantian ethics, a testing methodology to evaluate how well my implementation coheres with philosophical literature, and instances of my system executing complex moral reasoning.

An ethics-based information security system based on Immanuel Kant's transcendental legal paradigm can give a solid foundation for tackling moral quandaries in AI, hacking, and information systems. Lavanya Singh highlights the relevance of automated ethics based on philosophical literature, proposing an application of Kantian ethics that adheres to the

philosophical tradition (Singh 2022). Meanwhile, Sanchita Saha et al. describe ethical hacking as a method of identifying vulnerabilities in information systems for social benefit, emphasizing ethical issues in cybersecurity activities (Sanchita Saha, Abhijeet Das, Ashwini Kumar 2019). Furthermore, Flávia Maria Santoro and Rosa Maria Esteves Moreira da Costa emphasize the need of examining information systems via an ethical lens in order to negotiate conceptual conflicts and make informed judgments in delicate situations, which aligns with Kant's moral philosophy (Santoro and Costa 2021).

By incorporating Kant's concepts into information security systems, a transcendental legal paradigm may guide ethical decision-making and encourage responsible technology growth. Based on the foregoing, it is critical to regulate and accommodate information security management based on ethical and moral principles. Immanuel Kant's transcendental paradigm serves as the foundation for the study of ethical and moral principles.

RESEARCH METHOD

This research is doctrinal legal research, with the scope of a literature review. Attempts to choose doctrinal legal research methods are often found problems regarding the appropriateness of using legal research methods for the problems being faced (Nurhayati, Ifrani, and Said 2021). Soerjono Soekanto does not use materials law, but uses the term secondary data or library data, which contains the term legal material. Meanwhile, Peter Mahmud Marzuki uses the term legal materials and does not use the word data. The choice of this term is because there is a difference between data and legal materials (Muhaimin 2020). This study employs both primary and secondary legal resources in the form of applicable laws and regulations pertaining to information security management systems, ranging from the highest to the lowest levels. These secondary legal resources comprise of books, scientific journals, reports, mass media, and other pertinent things. The acquired legal materials are subsequently examined utilizing a qualitative descriptive analysis.

DISCUSSION

a. Elements of Immanuel Kant's Transcendental Philosophy

Immanuel Kant's (1724-1804) ethical philosophy is one of the most significant and defining works of the European Enlightenment. It continues to have an impact on moral

philosophers as well as the broader moral and political culture. The essential premise behind Kantian ethics is that the same basic moral rules are objectively obligatory on all of us since they may be viewed as legislated by our own logical capacity to regulate our lives. An equally fundamental aspect of the Kantian worldview is that all human beings have equal dignity as members of the moral society, resulting in an ideal "realm of ends." Ethical principles are defined as those that compel individuals to work together to achieve a system of goals that respects the dignity (or absolute worth) of all persons and provides equally for their enjoyment.

The study contributes to a better understanding of Kant's transcendental philosophy and its implications for numerous elements of human experience and thinking by investigating his ideas through the lenses of moral philosophy, philosophical psychology, religion, and aesthetics. Deepening the conversation on Kantian philosophy by exploring philosophical traditions and addressing essential topics such as reason, morality, and beauty in a cross-cultural context (Puri 2007).

Immanuel Kant's transcendental philosophy encompasses various key elements. Kant distinguishes between the transcendental and the transcendent, where the former denotes the conditions of humanly possible experience while the latter surpasses those limits (Pihlström 2023). He introduces the concept of transcendental idealism, asserting that space and time are human forms of intuition, making them "transcendentally ideal," yet he rejects immaterialism and advocates for practical idealism, emphasizing human freedom of the will and the postulation of God (Copleston 2023). Kant's philosophy involves a complex interplay between appearances and things in themselves, suggesting that objects of knowledge are partially mind-dependent, leading to an anti-metaphysical interpretation of idealism (Anderson 2022). Furthermore, Kant's theory of experience combines empirical realism with transcendentalism, highlighting the reflective epistemological superstructure of his transcendental philosophy (Katrechko 2022). Additionally, Kant's transcendental arguments for the modal categories, like the principle of possibility, are crucial in ensuring the appropriate restriction of pure concepts for empirical application, underscoring the central role of modal categories in his theoretical philosophy (Leech 2022).

Kant's "transcendental idealism" has a complex relationship to idealism proper. On the one hand, he reduces space and time to human forms of intuition, and thus holds that they are "transcendentally ideal." On the other hand, he explicitly rejects Berkeley's

immaterialism, which he calls "material" and "subjective" idealism, insisting that there are things in themselves in addition to appearances as our representations of them, and that we have no reason, at least within theoretical philosophy, to reduce things in themselves to minds. On the other hand, he advocates what might be called "practical idealism," arguing that humans have a radical freedom of the will incompatible with materialism, so as we are in ourselves we must be free minds, and also that we must "postulate" God as an intelligent and incorporeal "author" of nature on moral grounds.

Immanuel Kant's transcendental philosophy encompasses key elements such as the categorical imperative, the moral law, and the realm of ends, which are crucial in understanding his ethical and moral framework. Kant's philosophy emphasizes the objective nature of moral principles that are binding on all individuals based on reason (Wood 2023). Additionally, Kant delves into the subjective aspects of moral consciousness, highlighting the importance of respect and moral sentiments in ethical decision-making (Silva 2022). Moreover, Kant's theory of the unconscious connects our motivations with moral personhood, suggesting that the unconscious mind plays a significant role in moral agency (Micewski 2022). By exploring intuitive representations, concepts, and logical operations, Kant establishes the groundwork for resolving fundamental issues related to synthetic judgments in his philosophy (Olavo Clabria Pimenta 2024). Overall, Kant's transcendental philosophy provides a comprehensive framework for understanding ethics and morality through rationality, respect, and the unconscious mind.

Kant claims that the conditions for our experience of objects must be the same as the conditions for those objects' existence. Because, according to the transcendental idealist worldview, objective reality, in order to be full-blooded objective reality, must be able to manifest itself for us in our experiences. In opposed to this worldview is what Kant refers to as transcendental realism, which holds that full-blooded objective reality cannot basically manifest itself for us in experience. Kant contends that the dominant transcendental realist worldview, of which all previous philosophies are variants, will never explain the possibility of referring to things, and that only his transcendental idealism can. Kant emphasizes the importance of opposition, so I distinguish between transcendental idealism and transcendental realism. Only the latter can explain the possibility of referring to objects and knowing an objective world, leading to empirical realism.

b. The urgency of Kant's transcendental idealism is accommodated in the understanding of information management system regulations

The importance of Kant's transcendental idealism in understanding the regulation of information management systems arises from the ability to use Kant's fundamental principles to construct an ethical, objective, and logical framework for managing information. Kant's transcendental idealism is concerned with how our cognitive structures, which underpin our view of reality, process knowledge and experience.

In the context of information management systems, some of the most significant parts of Kant's transcendental idealism are:

1) A priori and A posteriori.

   A priori are principles or knowledge that exist before experience, are universal, and do not rely on empirical evidence. In information management system rules, this can be regarded as the fundamental concepts and ethical standards that must be generally accepted prior to information processing or management.

2) A posteriori

   - Knowledge earned via experience. In the context of information management, this involves data and information gathered from diverse sources and processed to provide important insights.

   - Phenomena and Noumena

     Phenomena are what we perceive and comprehend through our senses. In information management, this refers to the data we collect and process. Noumena is an authentic reality that exists beyond human awareness. In information management, this may be compared to the ultimate objective or deeper meaning of the data we collect and how we use it for a larger purpose.

3) Causality and Regularity

   Kant stressed the value of order and causation in comprehending the universe. In information management system regulations, it is critical to have clear frameworks and standards for managing data and information, as well as comprehending cause-and-effect links in decision-making based on this data.

4) Ethics and Categorical Imperative

Kant stressed that acts should be founded on universal moral principles. In information management, this implies that legislation and policies must adhere to ethical norms that safeguard privacy, fairness, and honesty.

Cybercrime is a social phenomena that broadens the scientific frontiers in the field of law by demonstrating how a heinous crime may be committed simply by sitting in front of a computer. Cybercrime is a dark side of the evolution of information and communication technology that has far-reaching consequences in many aspects of society, since it is strongly related to economic crime and organized crime. UN Congress X in Vienna declared hacking to be the first sort of cybercrime (Mahardika Jhon ; Jhon 2018). Therefore, there are several approaches to maintaining security in cyberspace: legal, technological, social, cultural, and ethical. The legal approach is absolute to overcome security disturbances in the operation of electronic systems because without legal certainty, the problem of using information technology is not optimal (Ishak 2023).

For the legal paradigm in Indonesia, it is quite suitable for us to reflect on the path of legal philosophical thinking that began a long time ago and appears to have reached its bottom, necessitating a more radical epistemological reconstruction. The current dilemma stems from people's skepticism of the notion of modernity in many parts of life. The development of a transcendental legal epistemological approach marks a watershed moment in positivism's predominance, which has been widely challenged due to its negative influence on human life.

Positivism has evolved into mainstream modern legal philosophy, resulting in legal concerns becoming one of the most significant contributors to the collapse of human civilization. The positivist stance causes modern humans to lack a spiritual horizon, not because there is no spiritual horizon, but because modern humans stand on the edge of the circle of life, resulting in alienation from themselves(Wibowo 2017). Transcendental legal epistemology, which coincides with the resurrection of spiritual values, is predicted to lead to a more civilized Indonesian legal system (Budiono et al. 2021).

Building a transcendental legal epistemology is essential for elevating the dignity and dignity of law in the midst of shifting scientific paradigms. Critical thinking may help reconstruct the legal paradigm and strengthen it via discussion with other scientific fields that share the goal of establishing transcendent ideals as part of human nature.

Shidarta believes that the strictness of legal positivism, which eliminates the prerequisites for connectedness between law and morals, leads to axiology. This principle is solely applicable to attaining legal certainty. Predictability is at the heart of legal certainty, namely the ability to recognize "an individual ought to behave in certain say"(Kasiyati 2020). Legal positivism values legal certainty for enforcement. Transcendental justice paradigm focuses on substantive justice over legal certainty.

The formation and use of information resources for public authorities and regional governments is an obligation of the state through regional governments. The development of modern management system of electronic state and municipal services in the region. The priority directions of development of informatization in state and municipal management, at present, are the integration of the created disparate information systems of management bodies in complex information systems, the development of information infrastructure, the formation and use of information resources – cadastres, registers, distributed databases, the introduction of an automated system of electronic document management, the creation of e-Commerce centers and public procurement, the creation of Internet portals of public authorities and local governments (Ershova et al. 2019). Legal principles have a very important role in the formation of law because it provides guidance to lawmakers in establishing the law. But in stipulating legal regulations, legal principles are not the only factor to be considered, the more determining factor is the real need in an orderly society. This obvious need is not fixed, but follows the development of the community's life itself, also depending on the time and place of the country concerned (Isa 2019). In line with the rapid flow of information, the public is also required to be smarter in

Receiving and processing news and information. The public also needs to verify every news and information from social media. This step aims to address the number of sites and accounts on social media that display fake news for personal gain, so there is a need to inculcate ethics in using media in accordance with applicable legal rules, ethics for media users can overcome the development of the flow of information on social media that is so rapidly, the phenomenon of the use of social media in Indonesia also deviates a lot. Based on the news in the national media, there are so many crimes that originate from social media, be it fraud, kidnapping, fighting each other and ending in a criminal sentence, although there are some negative impacts caused by the role of technology and communication (Nurkholim 2021).

Indonesia's information security system is reinforced at the federal and regional levels through regional laws and legislation. The goal is to secure the confidentiality, integrity, and availability of information assets inside each Regional Government from various information security risks, both internal and external, by implementing information security management.

In comparison, the Sukabumi City Information Communication and Statistics Service regulates and implements information security for assets and information, but this execution is neither recorded or socialized inside the organization. The Information Security Management System employs SNI ISO/IEC 27001:2013 and SNI ISO/IEC 31000:2009 to identify the scope of the ISMS at DISKOMINFO, risk management to determine the risk profile, ISMS operations or implementation, ISMS review, and recommendations for improvement or control of disruptions to IT infrastructure that have information security problems resulting in hacking at DISKOMINFO Sukabumi City. The Information Security Manual, Procedures, Work Instructions, and Forms are then produced (Apriandari and Sasongko 2018).

In carrying out their obligations to protect the law, law enforcement officers are bound by a moral commitment to observe transcendent rules derived from the domain of ideos, which are thought to contain absolute truths straight from God. Reorienting law enforcement in the form of transcendental law necessitates a priori and posteriori synthesis. Because, a priori in law enforcement, the object of experience is the most significant item for carrying out law enforcement, which can solve issues simply and does not represent the biases of one age alone (Sinaga and Putri 2018).

Kant's transcendental idealism, as discussed in various contexts (Mollick et al. 2009), plays a crucial role in understanding the regulations of information management systems. Kant's emphasis on transcendental laws and empirical laws, along with the relationship between mind-dependent appearances and things in themselves, sheds light on the ethical implications of managing personal data in organizations (Monod 2002). By considering Kant's view that objects of knowledge are partially mind-dependent, organizations can navigate the complexities of fair information management practices, especially in an increasingly information-based society. Kant's philosophical framework provides a foundation for addressing ethical tensions and regulatory challenges in information

management, highlighting the importance of aligning organizational practices with ethical ideals and transcendental principles.

By recognizing the necessity of Kant's transcendental idealism, information management systems may be developed on a solid and ethical foundation, guaranteeing that information is processed and handled in a responsible, transparent, and useful manner for all parties involved.

CONCLUSION

The conclusion of an Ethics-Based Information Security System Law grounded in Immanuel Kant's Transcendental Paradigm can be articulated as follows, 1) Foundation of Ethical Principles, Kant's philosophy emphasizes the necessity of grounding laws in universal ethical principles. 2) Universal Applicability, Kant's concept of the categorical imperative requires that any ethical principle should be applicable universally. 3) Autonomy and Respect for Individuals, Central to Kant's ethics is the respect for individual autonomy. Information security laws must respect the autonomy and rights of individuals by protecting their personal data and ensuring that they have control over their own information. 4) Duty and Obligation, Kantian ethics stresses the importance of duty and obligation over consequences. Information security professionals and organizations have a duty to protect information irrespective of the outcomes. 5) Transparency and Accountability, According to Kant, moral actions must be transparent and capable of withstanding public scrutiny. Information security systems must be designed with mechanisms for transparency and accountability, ensuring that actions taken by individuals and organizations can be reviewed and judged against ethical standards. 6) Regulatory Structure, A legal framework inspired by Kant's philosophy would incorporate a structured approach to regulation, where rules are clearly defined, and the causal relationships between actions and their ethical implications are well understood. This structured approach helps in the systematic enforcement of information security laws. 7) Ethical Decision-Making, The transcendental paradigm supports a rational and objective approach to decision-making. Information security laws should facilitate ethical decision-making processes, ensuring that all actions taken in the realm of information security are reasoned, justified, and aligned with universal ethical standards.

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