

# **DEMOCRATIC CHALLENGES OF INDONESIA IN THE SOCIAL MEDIA ERA**

**Nunik Nurhayati, Rohmad Suryadi**

Faculty of Law, Universitas Muhammadiyah Surakarta

Faculty of Communication and Information, Universitas Muhammadiyah Surakarta

nn123@ums.ac.id

## **Abstract**

*The era of social media today bring significant change into democracy in Indonesia. Social media bring the expansion of the public space in cyberspace, citizens can directly deliver aspirations regarding the state policy. However, on the other side, social media vulnerable to abuse because of many the anonymous account, which acts as the buzzer political influence public perceptions and to get political support but is not elegant way. This shows that social media provides a challenge to democracy, including Indonesia as a third largest country that has access to the social media in the world's. Based on it's the problems, this research aims to identify the impact of the social media on democratic life, and how the challenges of democracy in Indonesia ahead in the social media today. This Research using qualitative methods. Data collection through the study of literature. Then analyzed with a critical discourse analysis. The results of the study showed that the impact of social media in Indonesia has brought problems such as hoax, which is currently a serious concern of the government. Attempts were made through the campaign against hoax and make regulation, Information and Electronic Transactions Law (ITE Law), which aims to regulate the use of social media and to prevent hoaxes. The life of democracy in Indonesia receive significant challenges, but of the repressive laws against users of social media may actually weaken the democratic life in Indonesia.*

*Key word: Democracy, Social Media, ITE Law, Anti Hoax*

## **1. Introduction**

The enormous amount in the use of social media in Indonesia today, making democracy work is called the 2.0 election era. Because social media is an important medium for delivering messages and programs from politicians to constituents interactively. The existence of social media complements mainstream media such as television, newspapers and radios that have existed long ago, as the fourth pillar of democracy. However, today the presence of social media is considered to shift the mainstream media that have been present before.

Indonesia is currently the country with the third largest access to social media in the world. According to data on September 2016, Internet World Stats released there are 132,700,000 internet users in Indonesia with penetration rate of 50.4%. This amount is

quite large when compared with the population of Indonesia currently there are 263,510,146 inhabitants. Meanwhile, the largest social user used by the population in Indonesia is the Facebook media, data per June 2016 there are 88,000,000 facebook users in Indonesia with an average penetration rate of 33.4%. (<http://www.internetworldstats.com/asia/id.htm>, 2016)

Most internet users in Indonesia today are used for social media. As released in the survey results of the Association of Internet Service Providers Indonesia (APJII) on November 2016 mentioned internet users in Indonesia access social media of 97.4% or 129.2 million internet users. Both followed access to Entertainment for 96.8% or 128.4 million. And third access the news of 96.4% or 127.9 million. (APJII, 2016)

The current flow of social media in Indonesia brings significant changes to the democratic life of the country. Reality different from the condition of Indonesian democracy at the time of the New Order. Where social media has not been booming as in the Reform Era. In the New Order era, the opportunity to express critical and direct opinions through social media is almost non-existent. Because the authoritarian regime that has a policy of mass media censors is very tight.

While at this time, freedom of expression in the Reform Era is directly proportional to the development of information technology such as social media. The presence of social media on one side brings expansion to public space in cyberspace, where citizens can directly convey their voice or aspirations about state policy. The simplest example is via Twitter, a citizen can express his opinion directly by mentioning the twitter account of the president or the minister or the state official related issues discussed. So that social media channels become effective in channeling the aspirations of society in the era of modern democracy in Indonesia today.

However, on the other hand, social media is vulnerable to misuse in our democratic arena. Because in the contestation of democracy, for example in the struggle for power through elections. Many found anonymous or cloned accounts that serve as a paid-money buzzer. For the purpose of improper dissemination of information or hoaxes as a political agenda to influence public perception and gain political support in a less elegant manner.

Chen in Roida (2017) states a hoax is misguided and dangerous information because it misleads human perception by passing false information as truth. Hoax is able to influence many people by destroying an image and credibility. Based on research

conducted by Indonesian Telematics Society (Mastel), Roida (2017) shows political issues and Clan, Religious, Racial, and Inter-group issue is the most frequently raised matter for hoax content. Sensitive issues of social, political, ethnic, religious, racial, inter-group, exploited by hoax proponents to influence public opinion. A total of 91.8% of respondents admitted most often received hoax content on socio-political issues, such as during the procession of regional head election and government.

This shows that social media flows challenge Indonesia's democracy. Therefore, culturally it is necessary to do media literacy so that it is not easy to be a "victim" hoax that is deliberately spread for the purpose of slander, bullying, negative campaign and dropping certain parties for political purposes.

As well as structural efforts, the government has made related regulations to address issues emerging in social media through the establishment of the Law on Information and Electronic Transactions (ITE Law). However, in some perspectives there is still debate about the substance and effectiveness of this regulation. In addition, there are concerns that irregularities in law enforcement may occur because the existence of this regulation enables the government's repressive attitude toward netizens (citizens of internet users) who can be held accountable for their critical attitude. In fact, in a democratic life the criticism and aspirations of the citizens is a necessary thing that marks the ongoing democratic life.

On that issue, this research is done with the purpose of knowing how the impact of hoax of social media on the life of democracy, and how Indonesia's democratic challenges ahead in the midst of the current social media.

## **2. Research Method and Materials**

This study uses descriptive qualitative method through literature study method with data collection techniques in the form of text - text provided through tracing documents ITE Law and study of discourse hoax in social media. Then the data obtained is analyzed by critical discourse analysis.

The analytical approach uses Norman Fairclough's theory which states that discourse through text is not only understood as a simple language. However, the text is built into three aspects of analysis; Textual, cultural and discursive practices (Jorgensen & Philips,

2007). With these three analyzes, it will be possible to see how the hoax discourse and the regulation of the ITE Law become a tool not just the language of the text, but in the context of perpetuating the practice of power within the arena of democracy in Indonesia.

### **3. Results and Discussion**

#### **3.1. Social Media Impact on Democratic Life**

Negative impact in the development of social media that rife in Indonesia brought the issue of the outbreak of hoax. Hoax became widespread because in the arena of democratic contestation quickly spread and became a tool to impose each other. In every issue that occurs in the social-political sphere, hoax is inevitable. This fact is reinforced by the emergence of anonymous accounts that are proven to spread hoaxes.

The phenomenon of anonymous accounts of hoax spreaders began to bloom since the 2000s. Where anonymous account on social media twitter named initially @ triomacan200 later days switch @ TM2000Back is often problematic with the law for spreading hoax information. This account was a concern netizen during the election of the governor of DKI Jakarta at 2012 Year 's ago. Where the political topics raised by the Trio Macan considered able to influence public opinion and political choice. However, due to the large number of hoaxes raised by this anonymous account causing the owner of the Trio Macan account many reported by the victim and eventually arrested by the police and imprisoned. This phenomenon indicates that the mingling of opinion in the democratic contestation in the reform era is accompanied by the widespread hoax that was deliberately for political weapons.

This is in line with the objective of a hoax opinion propagated by an anonymous account is to make viral in social media then ultimately influence public perception broadly. The widespread use of social media as a target for this anonymous account is both politically and economically. Because in a managed issue is not infrequently racked against the related parties who were attacked and dropped credibility in cyberspace.

One example of a victim hoax who did not receive and report this tiger trio account to the police is the former Minister of Cooperatives, Syarif Hasan who feel slandered by the trio macan account. In addition, the case of a tyrannical trio admin

account extortion slander and hoax against telecom officials ends with the arrest of the anonymous account admin of the slander spreader.

Although there has been a case of punishment against the anonymous account admin of this hoax news spreader, but to date there are still many anonymous accounts that often produce slander news when there is a national or local election. It even happened outside the moment of the election. Social and political issues dominate the spread of hoaxes. Although not denied the economic motive is always behind the issue of the hoax.

The emergence of a hoax causes the democratic life to go unhealthily, because it ignores the prevailing norms and regulations. This is a serious concern of the government. Seen from the anti-hoax campaign echoed by the government these days. Not only that, the government has revised the regulation of the Electronic Information and Transaction Act Number 11 Year 2008 (ITE Law) - currently, after the revision into Law No. 16 of 2016 - which aims to regulate the use of electronic media including social media, Aims to prevent the occurrence of hoax that spread through social media in the virtual space.

Seeing the biggest problem in cyberspace is the occurrence of a crime such as the outbreak of hoax, the need for legislation as cyberlaw is needed as a positive legal tool used to control the acceleration of life in cyberspace community in Indonesia (Bungin, 2006). Furthermore, according to Satjipto Raharjo (Atmaja: 2014) the presence of ITE Law also shows the desire of the state in upholding its sovereignty in cyberspace. Therefore, the set of rules contained in the text of the ITE Law shows the country expanding its power into virtual space.

It also shows that the occurrence of social change in a society, then the cause is not the law. However, the law is seen as a result of changes that occur in society. If there is a new legal regulation, it is only a result of changing society that has indeed changed. Before the law emerges as a tool for creating change, it has actually worked other changing forces such as the discovery and utilization of new information technology, After walking up to a certain level of change, then the law is called to solve the problems arising from the change. (Sidik, 2013)

Since the emergence of this ITE Law has been happening pros counter public. One of them is the examination of Article 27 paragraph (3) ITE Law by the Petitioner

from human rights activist and the press. Basically, the applicants who submitted the test did not reject the birth of the ITE Law and initially the applicants strongly supported the government's initiative to propose this law, as it is important to fill the legal vacuum of information technology (Mahrus Ali, 2010). However, since in one of the articles in the formulation of the law is deliberately and consciously and in such a manner as defined to contain freedom of speech, opinion, writing, and expression, the applicant expressly refuses.

However, the result of Judicial review to the Constitutional Court relates to Article 27, paragraph 3 by the applicant Eddy Cahyono, Nenda, Amrie, Syamsuddin Rajab (Chairman of the National Committee of the Indonesian Legal Aid and Human Rights Association), Nezar Patria (Alliance of Independent Journalists - AJI) , And Hendrayana, SH (Executive Director of LBH Pers), is Constitutional Court declared that the petition is unacceptable which was decided in the Consultative Meeting of Constitutional Court Justices dated May 4, 2009 based on Decision No. 2 / PUU-VII / 2009.

### **3.2. Challenges of Indonesia's Future Democracy Amidst The Social Media Stream**

The challenge of democracy in Indonesia is significant, because the repressive laws against social media users actually weaken the democratic life in Indonesia. The birth of this ITE Law is criticized because it is considered not to meet all the main principles of a legal product. According to Bungin (2006) should legislation, including cyberlaw in it must contain the main principles such as; First, giving a sense of security to every citizen, both cyber community and society in the community of real reality. Secondly, cyberlaw must provide a sense of justice for activity in cyberspace. This is to protect the interest of fellow netizens (cyber community members) to various activities of "killing" each other among members of cyber. Thirdly, Cyberlaw is expected to be able to protect the intellectual and other material rights of every cyber citizen. Fourth, able to provide a deterrent sense for law offenders who are in cyberspace. So the crime is not followed by other cyber citizens.

Of the four main principles that should be met in the ITE Law as a cyberlaw it produces a critique of the continuity of legal life. At the same time as a challenge for

democratic life in Indonesia in the future. First, concerns about the "abuses" of later regulations are used to silence people's aspirations to make safety principles less relevant. Critical voices of this regulation continue to be voiced by various circles for law enforcement to actually run fairly. Looking at the facts, to date there are several suspects accused of intent to subversive act because of criticism addressed to the government.

Secondly, there is criticism in the text contained in article 3 of the ITE Law, including in the revised edition, is not yet felt the principle of justice. Article 3 of the ITE Law only states that "the utilization of Information Technology and Electronic Transaction is carried out based on the principle of legal certainty, benefit, prudence, good faith, and free choice of technology or technology neutral." There is no justice principle contained in this article. In fact, the principle of justice is usually coupled with the principle of legal certainty and expediency.

The unequivocal principle of justice in the ITE Law can be regarded as a waiver of justice as the basis for the enactment of the law. Setting aside the principle of justice in the text of the law is tantamount to not seeking to uphold justice. Justice is very important because the Law on EU contains a lot of criminal formulation addressed to citizens. Alpa implies the principle of justice in the ITE Law is tantamount to thinking that justice in the virtual space does not need to be realized through the law. (Atmaja, 2014)

Third, Actually, the presence of state regulation in the virtual space through ITE law is required to provide legal certainty so that in case of disputes and disputes in cyberspace, the government can act as a fair referee. Guarantees of copyright and intellectual work regarding a particular product must be fully guaranteed in the cyber space. Similarly, in an argumentation of criticism intended for the government as the organizer of the state should be guaranteed its existence. Disputes regarding disagreements are common among netizens. So the government served to mediate, neutralize the cyber space. Instead of making "chaos" in the cyber space. Because of the arbitrariness in enforcing the rules.

Fourth, the deterrent effect for perpetrators of violations that are proven to actually spread the hoax news for the purpose of degrading, spreading hatred, harassment and resulting hostility perpetrated through social media must be punished by strict laws. It is important that the law be as upright as upright and not always repeat the same case. Future challenges related to the increasing number of anonymous accounts that appear in the realm of cyberspace because of political celebrations almost every two years once the

holding of elections, the Law on ITE can be a reference. What related rules can and should not be done in social media. Law enforcement agencies must act decisively to enforce regulations for hoax pen holder owners who are found to be infringing. During the Year 2016, as many as 300 anonymous accounts of hoax news spreaders were blocked by police. This figure is expected to continue to rise in the following years due to the increasingly political situation in the country.

If the rule of law can run fairly and provide legal certainty for cyber community (netizens) in Indonesia. Then democracy will run elegantly and lead to high legal norms. So what happens is a productive, scientific and intellectual debate. And that happens is not silencing the aspirations of society. Undoubtedly Indonesian democracy will be stronger. And the sovereignty of the state will be stronger as well.



#### **4. Conclusion**

The conclusion of the results discussion of this study provides an illustration that anti-hoax campaign and the emergence of UU ITE that has been created by the Government in Indonesia at this time has not been able to make democracy more polite and cool. However, it makes democracy face the challenges ahead of potential voices of critical citizens through social media could be charged with the ITE Law. Under the pretext of defaming the government through hoax news, provoking by spreading hate speech, even accused of subversive acts against the state. Supposedly, the regulation through the ITE Law and anti-hoax campaign further strengthens the democratization process in Indonesia today.

#### **References**

- AP Edi Atmaja. (2014). *Kedaulatan Negara di Ruang Maya: Kritik UU ITE Dalam Pemikiran Satjipto Rahardjo*. *Jurnal Opinio Juris*. Vol 16 Mei - September 2014
- Burhan Bungin. (2006). *Sosiologi Komunikasi Teori, Paradigma dan Diskursus Teknologi Komunikasi di Masyarakat*. Jakarta: Kencana
- Mahrus Ali (2010). *Pencemaran Nama Baik Melalui Sarana Informasi dan Transaksi Elektronik (Kajian Putusan MK No. 2/PUU-VII/2009)*. *Jurnal Konstitusi*, Volume 7, Nomor 6, Desember 2010
- Roida Pakpahan (2017), *Analisis Fenomena Hoax di Berbagai Media Sosial dan Cara Menanggulangi Hoax*. Konferensi Nasional Ilmu Sosial dan Teknologi (KNiST) di Jakarta 30 Maret 2017
- Jorgensen, Marianne W& Louise J. Phillips (2007). *Analisis Wacana Teori dan Metode*. Pustaka Pelajar: Yogyakarta
- <http://www.internetworldstats.com/asia/id.htm>
- <http://news.liputan6.com/read/2127838/raden-nuh-pemilik-akun-triomacan2000-ditangkap-polisi>
- <https://news.detik.com/berita/d-3384819/selama-2016-300-akun-medsos-penyebar-hoax-diblokir-polisi>
- Republik Indonesia, Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Lembaran Negara Republik Indonesia Nomor 58 Tahun 2008.

Undang-Undang Republik Indonesia Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik Lembaran Negara Republik Indonesia Tahun 2016 Nomor 251

Suyanto Sidik (2013). *Dampak Undang-undang Informasi dan Transaksi Elektronik (UU ITE) terhadap Perubahan Hukum dan Sosial dalam Masyarakat*. Jurnal Ilmiah WIDYA Volume 1 Nomor 1 Mei-Juni 2013