

The Regulation (ITE Law) Socialization and Implementation Model by Kominfo to Mitigate Negative Content on Social Media

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Abstract—The aims of this research are to understand the forms and model of socialization held by Ministry of Communications and Informatics (Kominfo) and to understand the implementation of regulation (Electronic Information and Transaction Law – ITE Law). In general, ITE Law is divided into two major parts, namely control regarding information and electronic transactions and control for any actions that are prohibited regarding internet usage. The role of the Kominfo through socialization is to provide digital education and literacy to users of social media, while the implementation of regulations means that the government becomes an apparatus that carries out law enforcement actions against social media users who are proven to spread negative content. The method used in this research is case study with qualitative approach. It is found that digital literacy and socialization is more suitable for holistic long-term needs while the implementation of regulations combined with serious law enforcement is still needed to anticipate the implications caused by the use of information technology. This research recommends to government to put more effort at digital literacy and socialization to further raise the awareness of self-regulation among social media users rather than law enforcement.

Keywords—socialization; implementation; regulation; digital literacy; social media; hoax

I. INTRODUCTION

The era of information globalization and the rapid growth of internet users in Indonesia leaves a series of problems in internet usage. Four typologies of internet users among the younger generation are: (1) seeking information (cognitive), (2) communication and socialization (social integration), (3) entertainment and recreation (affective), and (4) self-expression (personal integration) [1]. Freedom of opinion in a new public space called cyber space has become a means for some people to spread negative content including on social media. Negative content that is often encountered such as the spread of hoax, hate speech (utterances of hate), pornography and so on.

Based on Mastel's data in 2017, the types of hoax that are most commonly found on society are socio-political (Election, government) and SARA issues. In the Cambridge Dictionary, the word hoax is interpreted as deceiving a large group of people [2]. Hoax are information that is not based on data and facts, but is a hoax with the aim of deceiving the public with a

massive model of information dissemination. The online phenomenon of Hate speech is also growing and causing various problems both at home and abroad. Hate speech online is one of the main trends, becoming faster every year and has the potential to reach a larger audience [3].

The Kominfo's findings in January 2019, hoax productivity increased sharply with a total of 175 cases. Then in February the number of hoax increased to 353 cases. In March 2019, the number of hoax found was 453 cases. When added up, from August 2018 to March 2019, the findings of hoax in the virtual world number 1,224 cases. According to a Mastel survey, 54% of respondents were skeptical about the truth of information on the internet. Still from the Mastel survey data, 92.4% of hoax distribution channels are social media with 62.1% in writing, 37.5% in images and 0.4% in videos.

The Government of the Republic of Indonesia actually has an effort to regulate the use of the internet through regulations which are outlined in the form of products of the Electronic Information and Transaction Act (ITE Law) number 19 of 2016 which revised the previous ITE Law number 11 of 2008. The law is one of them to provide security, justice and legal certainty for users and organizers of Information Technology in Indonesia.

The law is a manifestation of public policy. Therefore, the existence of policies in the form of Law Number 19 Year 2016 concerning Information on Electronic Transactions (ITE) is very important because it regulates information and electronic transactions and arrangements regarding any actions that are prohibited regarding internet usage.

The question arises as to how the regulation itself will be able to answer the challenges of the unstoppable world. This question is interesting, because regulations almost always lag behind the development of communication technology. Moreover, the internet itself is a vast and multilayer network so it is not possible to regulate the internet, which is to regulate human attitudes regarding internet usage. The purpose of this study was to understand how the communication process and the socialization model and the implementation of the ITE Law regulations were carried out by the Ministry of Communication and Informatics in counteracting negative content on social media such as hoax and hate speech.

II. RESEARCH METHODS

The research approach used in this study is qualitative research with case studies, where this study only presents a phenomenon of a case and does not look for or explain relationships, not hypothesize or make predictions. According to Bogdan and Taylor, qualitative research is an effort carried out by working with data, organizing data, sorting it into manageable units, synthesizing it, finding and finding patterns, discovering what is important and what is learned, and deciding what can be told to others. Based on the definition above, it can be concluded that the initial step of data analysis is collecting existing data, compiling in full, managing and analyzing [4]. The data collection technique uses in-depth interviews with speakers from the Ministry of Communication and Informatics. Also used various secondary data that supports this research.

III. REGULATION, ORGANIZATION, PUBLIC POLICY, IMPLEMENTATION

A. *Cyberspace, Negative Content and Internet Regulation*

The internet has created a new world called cyberspace, which is a world of computer-based communication that offers new realities in the form of virtual (indirect and not real). The word cybers in cyberspace, cybercrime, and cyberlaw, and other terms that use the word cyber developed from the use of terminology cybernetics by Norbert Wiener in 1948 in his book entitled *Cybernetics or Control and Communication in Animal and the Machine*. This cyber space is in fact very closely related and influences the real world. The use of computers and internet technology is an integral part of daily life. Something in the real world can affect the virtual world and vice versa [5].

Indeed, activities on the internet cannot be separated from human factors and the legal consequences also intersect with humans who are in the physical world, then the idea arises about the need for legal rules to regulate activities in the cyber space. The government in this case through the Ministry of Communication and Informatics (KemKominfo) has an important role in disseminating legal products in the form of ITE Law as well as taking preventive actions such as closing internet access in order to maintain cyberspace that is conducive and free of negative content, especially since the ITE Law of the year 2008 was ratified. Since then it has been recorded several times that the government has blocked many websites that contain negative elements such as hatred, radicalism and pornography.

Even though currently according to John Palfrey, we are in the fourth phase of internet settings [6]. The initial phase was before 2000 the Internet was not specifically regulated, then the second phase of 2000-2005 called the Access Denied phase, there was a lot of access to certain websites (internet filtering). The third phase of 2005-2010 as the Access Controlled phase is the existence of a mechanism to control the contents of the internet along with the widespread use of the internet in the community. In the fourth phase after 2010 called the Access Contested phase which is intended as an arena for access contestation along with internet penetration in smart mobile devices, where internet becomes a part of everyday life of the community.

In general, the definition of regulation according to Julia Black is a focused and continuous effort to change a person's behavior according to standards or goals with the aim of producing identifiable achievements, which can involve standard regulatory mechanisms, information gathering and behavior change [7]. This definition can also be used to explain internet regulation.

Julia Black also explained the role of regulation and self-regulation in the modern world and explained the function of self-regulation which could be used as a softer form of law, a collective arrangement that is not formal or does not need government involvement, bilateral arrangements between companies and government, unilateral standard adoption, industrial involvement in the formation of rules, neo-corporatist arrangements in which the collective part of state authority makes decisions about standards of behavior, monitoring and law enforcement, but in which relations with government can vary, and / or in what people play besides the person who is regulated, he / she can have a role (auditor, stakeholder).

Social media is defined as "a group of internet-based applications that are built on the ideological and technical foundations of Web 2.0, and that enable the creation and exchange of user-generated content" [8]. Recent examples of social media platforms include social networking sites like Facebook, photo sharing sites such as Flickr, video sharing sites such as YouTube, business networking sites such as LinkedIn, micro blog sites like Twitter, and many others.

The ease of writing on social media coupled with the ease of creating an anonymous account adds to the problem of negative content on this social media. Anonymity is also a challenge in dealing with online hate speech. The internet facilitates anonymous and pseudonymous discourses, which can easily accelerate destructive behavior because it can trigger public discourse.

Digital literacy is needed among social media users to realize healthy internet use, but serious law enforcement efforts are needed to anticipate the implications caused by the use of information technology on social media. Digital literacy is defined as the ability to understand and use information in forms from a very wide variety of sources accessed through computer devices [9]. According to Beetham, Littlejohn and McGill quoted by Sarah Davies, there are seven important elements related to digital literacy, namely information literacy, digital scholarship, learning skills, ICT literacy, career and identity management, communication and collaboration, and media literacy [10].

B. *Organizational Communication*

According to Weick, organizations are not formed from the structure and function of office but from communication activities, therefore Weick does not call it an organization but an organizing process [10]. Robert McPhee views organizations as being formed through communication, through his theory called the Communicative Constitution of Organization (CCO) (Fig 1). In the CCO theory, McPhee introduced four CCO streams namely (1) Membership Negotiation, (2) Self Structuring, (3) Activity Coordination and

(4) Institutional Positioning. Bureaucracy according to Max Weber is a large organization that has legal authority rational, legitimacy, there is a division of labor and is imperational [11].

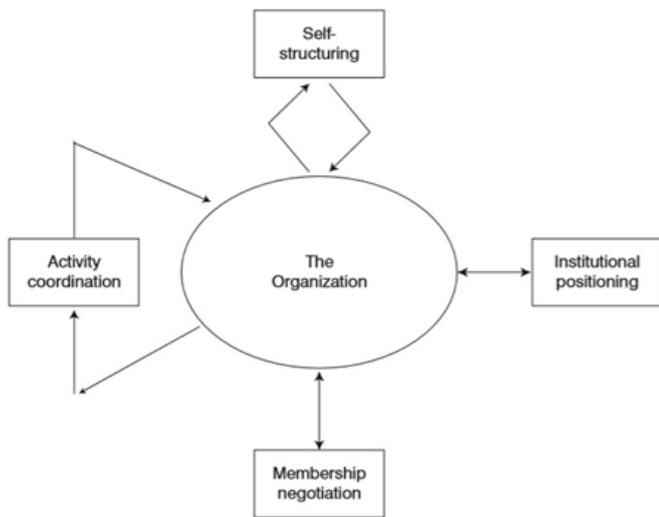


Fig. 1. Four flow of CCO model from Robert McPee.

This CCO four-flow model rests on a series of theoretical choices with important implications. First, communication is seen not only as a contribution to the constitution, but as entirely constitutive of the organization, although of course, events other than communication also occur. Second, the four-flow model suggests contextual choices rather than structuralist thinking, the implication being that organizational constitutions must be seen as rooted in a process (or various processes), not in the characteristics of abstract structures [13].

Organizational communication is the sending and receiving of various organizational messages in formal and informal groups of an organization [14]. Formal communication is communication that is approved by the organization itself and is oriented towards the interests of the organization. The governance system is known as the bureaucracy. Bureaucracy is an institution that as a whole is implementing activities. The type of bureaucratic organization has two main characteristics, which are based on rules (jurisdiction) that have been determined and work with a hierarchical mechanism as an embodiment of the level of authority and power. In this jurisdiction someone has official duties and responsibilities that clarify the limits of his authority in his work. And the communication process that occurs is based on written documents (the files). Both of these cause government bureaucracy is often perceived as closed [15].

The Ministry of Communication and Informatics as a formal bureaucratic organization, led by a Minister assisted by four directorates general, namely Directorate General of Post and Information Technology Resources (SDPPI), Directorate General of Post and Information Technology (PPI), Directorate General of Telematics Applications (Aptika) and Directorate General of Information and Public Communication (IKP) and the General Secretariat (General Secretariat), Inspectorate General and several expert staff. The Ministry of Communication and Informatics has several functions including formulating and stipulating policies in the

management of postal and information technology resources and instruments, organizing post and information technology, application management for information technology, information management and public communication.

The structure of the Communication and Informatics organization applies a top-down form as a form of a formal organization. Agustino explains about top down in the organizational communication flow [13]. The top down approach is similar to the command and control approach and the bottom up approach is similar to the market approach [16]. The top down or command and control approach is carried out centrally starting from actors at the central level and decisions taken at the central level.

Communication is a policy tool for conveying orders and directives (information) from policy-making sources to those who are authorized and responsible for implementing the policy. For this reason, it is necessary to understand the direction of policy delivery. The type of communication proposed by Edward III belongs to the type of vertical communication. According to Karz and Kahn vertical communication includes five things: (a). Specific task instructions (work orders), (b). Information is intended to produce an understanding of the task and its relationship with other organizational tasks (rationalization of work), (c) Information about organizational practices and procedures, (d). Commandments and (e). Directives and implementation sent to program implementers.

C. Public Policy Socialization and Implementation

Knowledge management is the management of knowledge from people and the process of an organization. Every organization usually captures, compiles, or provides tangible and intangible knowledge in the form we know as tacit or explicit knowledge [17]. Takeuchi described two dimensions of organizational knowledge creation, namely epistemological and ontological. Regarding the epistemological side, there are two types of knowledge namely tacit and explicit. Explicit knowledge is knowledge that can be written and is relatively easy to transfer from one person to another. Secret knowledge (tacit) on the other hand is more difficult to articulate because experience often arises.

The ontological dimension ranges from individuals at one end of the range and moves from there to teams, groups, organizations, and so on. "Spirals arise when the interaction between tacit and explicit knowledge increases dynamically from lower to higher ontological levels" [17].

Socialization: is the process of converting from tacit knowledge to tacit. Like the Nonaka and Takeuchi models above, tacit is a type of unwritten knowledge. The most common example is socialization in the form of raining or sharing information through face to face. that runs naturally because it is one of the typical social interactions. But after socialization, knowledge will remain in the mind of the participant (tacit), not recorded in another place (explicit). If the socialization of regulations is done in the form of gathering people to meet face to face, then the activity is included in this process.

One stage of the process in public policy is implementation. A policy that is formulated completely and clearly will not provide benefits and will not achieve its objectives if it is not implemented correctly. Implementation is a crucial stage in the public policy process [18]. Grindle states, implementation is a general process of administrative action that can be examined at a certain program level [19]. Grindle added that the new implementation process will begin if the goals and objectives have been set, the activity program has been arranged and the funds are ready and have been channeled to achieve the goals [18]. The importance of policy implementation is also confirmed by the opinion of Udoji in Agustino that the execution of policies is equally important if not more important than policy making [20]. Policies will remain a dream unless implemented.

In contrast to the top-down approach, the bottom-up approach highlights the implementation of policies formulated from community initiation. The argument given is that problems and problems that occur at the regional level can only be well understood by local residents. So that at the stage of implementation, a policy always involves the community participatively.

George Edwards III proposes an approach to the problem of implementation by first raising two main questions: (i) what factors support the success of policy implementation? and (ii) what factors hinder the success of policy implementation?

Based on the two questions, four factors are formulated as the main requirements for the success of the implementation process, namely communication, resources, bureaucratic or implementing attitudes and organizational structure, including the bureaucratic workflow. These four factors become important criteria in implementing a policy.

According to Edward III in Winarno suggests "tendencies or dispositions is one of the factors that have important consequences for effective policy implementation" (Fig 2) [18]. If the implementers have a positive tendency or attitude or there is support for the implementation of the policy, there is a great possibility that the implementation of the policy will be carried out in accordance with the initial decision. And vice versa, if the implementers are negative or reject the implementation of the policy because of a conflict of interest, the implementation of the policy will face serious obstacles.

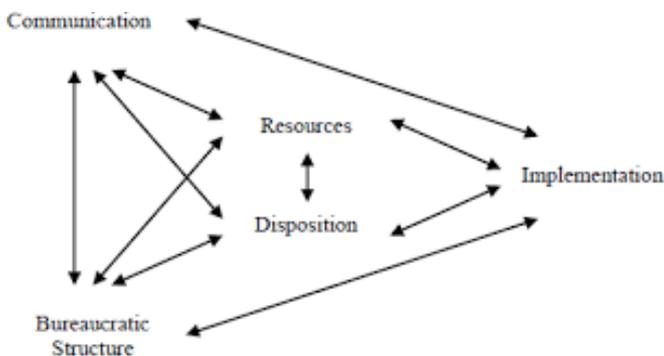


Fig. 2. George Edward III Implementing public policy.

IV. FINDING AND DISCUSSION

Each public policy, including the ITE Law, has good goals, which are goal-oriented, or problem solving or a combination of both. In a democratic country, the policy level is played by the judicial and legislative institutions, while organizational levels are played by the executive. Furthermore, operational level is carried out by implementing units such as service, institutions or ministries. At each level, public policy is realized in the form of institutional arrangements or regulations that are adjusted to the level of the hierarchy.

In this case the Kominfo at the operational level has the duty to implement the implementation of public policy through various formal communication methods, both internal and external. As a formal organization, in carrying out its duties Kominfo can be seen using Robert McPhee's four flow CCO theory, especially in self structuring, activity coordination and positioning institutions. In self structuring, bureaucratic organizations within the Ministry of Communication and Informatics are divided into several Directorate General including the Directorate General of Applications and Telematics (DG Aptika) that have more specific tasks in handling internet regulation, supported by five directorates namely Aptika Governance, Aptika Government services, Economy digital, Informatics Empowerment and Aptika Control. The Directorate General of Information Applications is led by a Director General with the task of organizing the formulation and implementation of policies in the field of informatics application management. Some functions of the Directorate General of Aptika include the formulation of policies in the fields of e-Government governance, e-Business, and information security, improvement of information technology and infrastructure applications, and informatics empowerment; implementation of policies in the field of e-Government governance, e-Business, and information security, improvement of information technology and infrastructure applications, and informatics empowerment.

In the interaction between the lowest policy implementer (street level bureaucrat) and the target group (target group) policy that shows the pattern of policy implementation that determines the impact (outcome) of the policy. In this case the public policy in the form of the ITE Law which contains arrangements in the use of social media, can be seen as a one-way communication model and in the form of top-down and information dissemination or dissemination to educate public.

Taking the CCO flow theory, coordination and positioning institution activity from the Ministry of Communication and Informatics is partnering with industry and stakeholders also involved as Co-regulation, and it is hoped that digital literacy can also be created as a condition called Self-regulation in the community. Indeed, the concept of self-regulation has constraints in being a policy because there is no right key variable, only an assumption that self-regulation becomes a form of collective training on the part of non-government actors, but then there are many variations in general grouping.

KemKominfo's Activity coordination can be seen from the performance of the Directorate General of Aptika in coordinating with various parties providing social media platforms such as Facebook, Twitter, Tumblr, Telegram,

Tiktok and others. In carrying out internal coordination tasks, in an in-depth interview with the Directorate General of Aptika it was found that the obstacle faced was coordination between government institutions, especially in the regions, considering that there were no Aptika work units in each province so that they needed support from the Provincial Communication and Information Agency. Another obstacle revealed by the speakers in coordination is law enforcement which should be universal but constrained by different standards on social media platforms. For example, pornography is prohibited in Indonesia, but abroad is an industry. For example, Vimeo refused when asked to remove video content categorized as containing pornography according to law in Indonesia, so Vimeo was forced to block its access in Indonesia.

Everyone has the right to submit complaints of negative content by registering, uploading links and screenshots of sites or reported content accompanied by reasons, and monitoring the handling process carried out by the Content Complaints Team. Besides being based on complaints, the Content Complaints Team also works with the help of 24-hour crawling and manual analysis machines, 7 days a week nonstop. The achievement of this content complaint every month varies and shows an increasing trend, indicating public participation in regulating internet content is getting better.

In carrying out its function as a state institution that oversees and handles content on the internet, there are two management methods, namely from upstream and from downstream. From upstream, Kominfo continues to educate by campaigning on a number of things with the name of the Firal program (Festival of Digital Literacy) and Siberkreasi.

Firal was initiated with the aim of facilitating dialogue and synergistic cooperation between multi-stakeholder, sustainable inclusions related to education and advocacy of Digital Literacy to Indonesian people in an inclusive internet governance framework. The national creative movement, Siberkreasi movement in which Kominfo collaborates with ministries, state-owned enterprises, state universities, schools, institutions, comes to offices, comes to campus, boarding schools and schools to campaign how important it is to be effective in social media including efforts to fight hoax. This includes the creation of various websites such as indonesiabaik.id and litasidigital.id which are repositories of knowledge in digital literacy.

In the implementation of the regulation in the form of handling negative content included in downstream management (Fig 3), namely in the form of blocking through content scavenger machines that continue to work 24 hours 7 days a week. This movement was supported by 100 people verifying team at the Kominfo building who continuously monitored Cyber Patrol, validated, verified which information was fact where information contained hoax or false news. Cyber Drone 9 is the name of content scavenger machines. Not only does it have the role of passively accepting community reports, the CD9 team is also actively looking for negative content by utilizing a special machine called "Ais", useful to help the CD9 team find sites and accounts for disseminating pornographic content, online gambling, online fraud, radicalism, etc. After Trust + was disbanded and integrated

with CD9, the public was still able to report negative internet content through the aduankonten.id site handled by the CD9 team. Parallel to that, the CD9 team continues to scavenge negative content with the Ais machine.

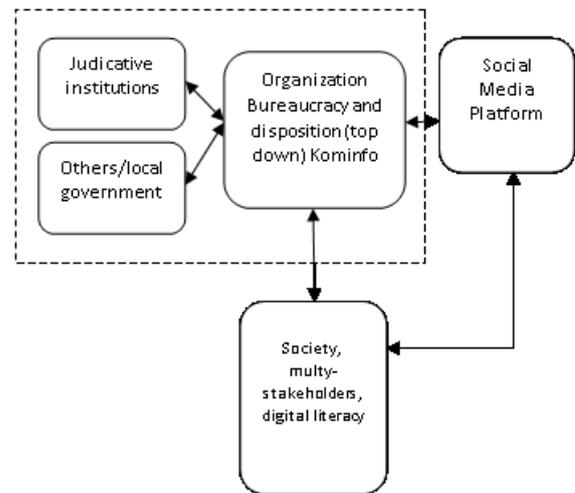


Fig. 3. Regulation (ITE Law) implementation model.

Some variables that influence the success of policy implementation are standard policy objectives, resources and dispositions. Important things that need to be observed in the disposition variable, according to George C. Edward III, is the appointment of bureaucrats; the disposition or attitude of the implementer will cause real obstacles to the implementation of the policy if the existing personnel do not implement the policies desired by high officials [20]. Therefore, the selection and appointment of policy implementing personnel must be people who have dedication to the policies that have been set. That is the perception of executors in the organization where the program is implemented, this can change the attitude of rejecting, neutral and accepting relating to the system of personal value, loyalty, personal interests and so on.

V. CONCLUSION

This information technology has a negative impact that can be detrimental to many parties because activities on the internet cannot be separated from human factors and the legal consequences also intersect with humans in the community who are in the physical world. Building a comprehensive, long-term dimension of the regulation as well as socializing and implementing is certainly not an easy thing. When the development of communication technology is accelerating, regulations with long-term dimensions appear to be almost impossible. But that does not mean that the making of regulations does not need to be done, otherwise regulations are still needed to guard human values in the relationship between humans themselves.

The Ministry of Communication and Informatics in this case, especially the Directorate General of Aptika, has the responsibility to socialize the policy as well as implement public policies in the form of the ITE Law. The bureaucratic communication model at the Ministry of Communication and Informatics as a formal organization is certainly top down, with the organizational structure that has been created according to

the needs of the dynamics of the era. Also, as a state bureaucratic apparatus, the Ministry of Communication and Informatics conducts coordination activities with other Ministries, as well as the Judiciary in law enforcement. Kominfo's activities in mitigating the spread of negative content on the internet have been strengthened by the existence of AIS blocking machines that can capture quickly without waiting for complaints from the public.

There is also horizontal communication between Kominfo with multi-stakeholders such as social media platform providers, internet service providers and the public to cooperate and regulate self-regulation such as the Firal (Digital Literacy Festival) campaign and the Siberkreasi as a form of bottom up communication that is more effective for use in the future long. The hope is of course that these various efforts can make people able to take part in keeping the internet free of negative content.

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