



Hate Speaking and Hoax as Challenges to Democracy in the Digital Era

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Abstract. Indonesia as a democratic country must open up the widest possible opportunities in an effort to realize the freedom of expression, especially in the current digital era it is felt that there are still many deviations in the name of freedom of expression, even in this case there are still regulations that limit freedom of expression so as not to cause negative impacts. Such as regulations to reduce or limit freedom of expression that been regulated in international conventions on civil and political rights, the restrictions in question are restrictions that aim to minimize these negative impacts. Misinterpretation in the use of the term freedom of expression. This is what is important to pay attention to and must be regulated to encourage the protection of citizens in Indonesia, especially in the use of the internet especially in the digital era.

Keywords: Hate Speaking · Hoax · Digital Era

1 Introduction

The existence of human rights in the concept of a state of law is related the regulation of Human Rights by the state does not mean it has happened restraint by the state but in its conception is regulation by the country. On the one hand, human rights have a basic nature that limits the power of government, but on the other, hand the government is given the authority to limiting basic rights in accordance with the control function [1]. Human rights are a form of rights that must be protected by both the state and the individual. So that the relationship between human rights and constitutional rights of citizens is important to implement.

Freedom of expression is a human right of every individual as a citizen and this right is guaranteed constitutionally by the state. This is contained in the 1945 Constitution of the Republic of Indonesia Article 28E paragraph (3) which states that every individual has the right to express opinions, associate and assemble. Freedom of expression is the most basic right in the life of every human being who is guaranteed and protected by the state. In a country, every community in that country has the freedom to express what they think, whether it includes policies intended for the government. This is an important part of the journey of realizing human rights and democratic freedoms. Freedom of expression is one of the most important elements in the democracy and public participation in implementing their rights effectively, both in terms of their participation in the making

of a public policy or in voting matters. If society does not have the freedom to express their opinion or channel their aspirations. According to Toby Mendel, there are many reasons why freedom of expression is important. First, because this is the foundation of democracy. Second, freedom of expression plays a role in the eradication of corruption. Third, freedom of expression promotes accountability. Fourth, freedom of expression in society is believed to be the best way to find the truth [2].

Democracy is a perspective in life by always prioritizing equal rights and obligations as well as equal actions towards all humans. The origins of the word “democracy” go back to ancient Greek civilization, which consisted of a polis. This system is based on a majority vote. Freedom is widely used compared to other systems. Many countries in the world have adopted a democratic culture. This process is better for others because freedom protects human rights. According to Aristotle, a state can be said to be good if it is intended for the good of all people, but what is classified as bad is aimed at its ruler. Freedom is the foundation of a democratic state. However, with the freedom of expression, not all citizens take advantage of this in a good way, in fact there are some citizens who use this freedom to spread hate speech and hoaxes in the community. Mastel’s survey (2017) revealed that of the 1,146 respondents, 44.3% of them received hoax news every day and 17.2% received more than once a day. The mainstream media is also a channel for spreading hoax information/news, at 1.20% (radio), 5% (print media) and 8.70% (television), respectively [3]. Meanwhile, the data presented by The Ministry of Communication and Information said there are as many as 800 thousand sites in Indonesia which indicated as a spreader of hoaxes and speech hatred [4].

This can be seen from the development of media and digital era which has a big impact on life, especially in the digital era problems that occur. New media brings about changes in processing, searching, producing, storing, receiving, and uploading information [5].

2 Discussion

2.1 Definition of Democracy and the Freedom of Speech

Indonesia is a democratic country which means that the government is in the hands of the people, or we often hear that government is from the people, by the people, and for the people. These two things become challenges in the socio-political field, this is because every topic discussed on social media often becomes an unclear problem due to the mixing of facts and opinions, disinformation, and the emergence of hate speech. Given the freedom of expression by the state, it is not uncommon for many citizens to use this opportunity to spread hoaxes and hate speech. When examined more in this case, there are motivating factors for the existence of a perspective that has an irrational nature. Those who do this have failed to understand what the definition of freedom is. In freedom of opinion, a failure of that understanding which initially had a formulation of regulation in a good direction, made it difficult for people to digest it. Bigham Powel Jr. (2000) affirms the following characteristics of democracy [6].

1. The legitimacy of the government is based on the claim that the government represents the will of its people

2. Arrangements that organize bullying to gain legitimacy are based on competitive elections. In practice there are at least two political parties
3. Most adults can take part in the electoral process both as candidates and as voters
4. Elections in secret and without being forced

The existence of basic rights such as freedom of speech, assembly, organization, and freedom of the press. There are two points of view on the issue of freedom of thought. First, suppose that freedom of expression is not restricted because it is in the form of words and actions. Second, the perception that there are limits to freedom of expression. Namely, hate speech, the right to violence (right to demonstrate) and fraud (hoaks). Part one argues that breaking the law and discriminating is part of the freedom of expression guaranteed by law.

Digital democracy breathes new freedoms. The submission and feedback process is made faster and easier. People's expectations can now be communicated more easily through various means of communication with the government, leading to new developments in the country, on which civil rights and rules are based.

2.2 Hoax and Democracy in the Digital Age

This inconsistency of quick and simple facts is very dangerous for the realization of digital voice freedom. Hoax is a word used to show false news or business to deceive or trick the reader into believe something. News that doesn't based on fact or truth (non-factual) for some purpose. The purpose of the hoax is simply jokes, pranks, to form public opinion [7]. Frauds are often deliberately designed to mislead the public about the spread of racism, fraud, terrorism, and propaganda. The increase in fraud in Indonesia is caused by the use of algorithms, automation, the use of big data or the use of community media that can be used to influence public needs. So, deception is a weak and unprofitable form of freedom. Citizens engage with the government in the face of political propaganda by spreading nonsense.

The advancement and variety of communication media owned by the community causes the community and the state is facing the hoax effect as a result communication jammed that occurs in society. Communication jammed caused by development of communication technology that cannot controlled again. Very high communication traffic complicated to cause hoax news as a simple social construction actions, but become enemies of society and the state, easy to emerge [8]. Substantially the news spread fake (Hoax) is not bound by dimensions space and time. Dimensions of indoor space meaning that the distribution of social networks is local impacting the regions certain, but it is possible to be accepted also in other areas. While dimensions time refers to old news redistributed with the title different for one interest [9].

The existence of the hoax phenomenon in people's lives shows that there is a gap, especially related to wisdom and the ability to use social media and the internet in today's digital era. It is important to note that the readiness and provisions possessed by the community are the most important part of providing restrictions and protection against the wise use of digital media. As for things to note social media makes it possible rapid dissemination of content to the entire network to go viral. Not only. In addition,

social media also provides a way quick to convey information or one-sided opinion without ability to verify the authenticity of the news delivered [10].

The spread of this hoax news is certainly a wrong act and of course must be avoided. This is certainly directly related to efforts that free speech can be restricted and need to be re-sorted. The goal is to prevent abuse of the right to free speech in a democratic system. The application of this news filter will certainly encourage the establishment of a better democracy and guarantee the protection of citizens' rights. The way that can be applied in sorting this news is to know the characteristics of fake news. Some hoax information is in the form of fake news, clickbait (trap links), confirmation bias, misinformation, satire (hard satire) and post-truth or post-truth [11].

2.3 Hate Speech and Democracy in the Digital Age

Hate speech in this era is the biggest challenge for Indonesia. This can be seen even though the government has banned racist content, a lot of negative content is still posted on social media platforms. This is because the analysis of content on social media platforms uses liberal country national metrics. Hate speech in Indonesia is still rampant in the political arena. Politics creates racism because the community (them) creates it. Hate speech is speech hateful, attack and flare up which is meant for have a certain effect, either directly (actually) or indirectly (stop) on intention) that is to inspire someone else to do violence or hurt people or other group [12]. As for hate speech today, it can be done through various media, both in the form of speech and writing on social media. So that the existence of social media and the internet in the current digital era also encourages an increase in incidents. This is an important problem considering that hate speech can be easily done and happens to anyone. Social media is a place for someone to commit crimes of hate speech which is increasing along with the increasing use of the internet and social media.

The reason someone commits a crime hate speech through social media itself is wrong only because it is inside or outside actors who are likely to perceive progress technology and information can be accessed quickly through various media on the internet [13]. As for the regulations in Indonesia, there are several laws and regulations, including the Articles that regulate actions regarding Hate Speech against a person, group or institution based on the Circular Letter of the Chief of Police No: SE/06/X/2015 contained in Article 156, Article 157, Article 310, Article 311, then Article 28 jis. Article 45 paragraph (2) of Law No. 11 of 2008 concerning information & electronic transactions and Article 16 of Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination. The existence of these various rules and regulations shows that there is a need for application to the implementation of the granting of the right to opinion as part of the prevention of hate speech events. Law enforcement is an effort to realize the idea or idea of justice, certainty, and expediency into a real thing. The process of realizing an idea or idea is the essence of a law enforcement or what is called Law Enforcement [14]. So that with this, it is necessary to increase the government's approach or socialization regarding knowledge and media management as part of conveying opinions for the public.

3 Conclusions

Solutions for Handling Hate Speech and Hoaxes in the Digital Age. Along with its benefits, technology has been used by some as an illegal device in new ways through communication and the use of technology. Violations committed by irresponsible persons can be carried out by spreading false information and spreading discrimination. This decision will force the government to give up the right to protect and win. Regulation No. 11 of 2008 has been amended for this regulation. Article 25 of the Criminal Procedure Code (KUHP), Article 378; Law number 40 of 2008 concerning the elimination of racism. Despite cracking down on hateful citizens, the government has announced special rules to control this behavior. In addition to the laws mentioned above, Articles 207, 310 and 321 of the Criminal Procedure Code (KUHP) provide penalties for violators and conditions for the prohibition of various types of violence against humans for the following reasons. He slandered people and lost their reputation. The police also participated in circulating or ratifying circular letter number SE/6/X/2015 regarding racism or hate speech.

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Based on the description of the discussion above, it can be concluded that with the development of technology today has become a digital era in all aspects, one of which is in terms of being a state in a democratic country that provides freedom of opinion because government is in the hands of the people. However, this freedom of expression is misused to spread hate speech and hoaxes that cause divisions and problems both between citizens and between citizens and the government. In an effort to overcome this problem, the government issued several laws to tackle and prevent the spread of hate speech and hoaxes.

References

1. D. luytsky selian dan C. M. Selian, "KEBEBASAN BEREKSPRESI DI ERA DEMOKRASI: CATATAN PENEGAKAN HAK ASASI MANUSIA," *Lex Sci. Law Rev.*, vol. 2, no. 2, p. 191, 2018.
2. S. W. . Anggara, *Kontroversi Undang-undang ITE : Menggugat Pencemaran Nama Baik di Ranah Maya*. Jakarta: Degraf Publishing, 2010.

3. Mastel, "Hasil Survey MASTEL Tentang Wabah HOAX Nasional," *Mastel.id*, 2017. <http://mastel.id/infografis-hasil-survey-mastel%02tentang-wabah-hoax-nasional/>
4. A. Pratama, "Ada 800 Ribu Situs Penyebar Hoax di Indonesia.," *Cnnindonesia.com*, 2016. <https://www.cnnindonesia.com/teknologi/20161229%0A170130-185-182956/ada-800-ribu-situs-penyebar%02hoax-di-indonesia/>
5. M. Nurlatifah, "ANCAMAN KEBEBASAN BEREKSPRESI DI MEDIA SOSIA," 2016, p. 5.
6. A. S. Syahri, "KEBEBASAN BERPENDAPAT MELALUI MEDIA BARU DALAM BAYANG-BAYANG UU INFORMASI DAN TRANSAKSI ELEKTRONIK (ITE)," *J. Hum.*, vol. 10, no. 1, 2010.
7. C. Juditha, "Interaksi Komunikasi Hoax di Media Sosial serta Antisipasinya Hoax Communication Interactivity in Social Media and Anticipation," *J. Pekommas*, vol. 3, no. 1, p. 33, 2018.
8. B. Bungin, *Politik Hiperreality dan Communicatioan Jammed. dalam buku Turn Back Hoax Tantangan Literasi Media Digital*. Surabaya: Buku Litera dan Aspikom Korwil Jawa Timur, 2017.
9. R. Nasrullah, *Media Sosial: Perspektif, Budaya dan Sositeknologi*. Bandung: Simbiosisma Rekatama Media, 2017.
10. T. Siddiqu, S dan Singh, "Social Media its Impact with Positive and Negative Aspects," *Int. J. Comput. Appl. Technol. Res.*, vol. 5, no. 2, pp. 71–75, 2016.
11. D. R. Rahadi, "Perilaku Pengguna dan Informasi Hoax di Media Sosial," *J. Manaj. Dan Kewirausahaan*, vol. 5, no. 1, pp. 58–70, 2017.
12. L. S. Widayati, "UJARAN KEBENCIAN: BATASAN PENGERTIAN DAN LARANGANNYA," *Info Singk.*, vol. X, no. 06, p. 3, 2018.
13. M. Febriyani, "Analisis Faktor Penyebab Pelaku Melakukan Ujaran Kebencian (Hate Speech) Dalam Media Sosial," *Poenale J. Bagian Huk. Pidana*, vol. 6, no. 3, pp. 1–14, 2018.
14. Sanyoto, "Penegakan Hukum di Indonesia," *J. Din. Huk.*, vol. 8, no. 3, p. 199, 2008.

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