



# The Essence of Free Speech and Individual Expression in the Digital Era

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**Abstract.** Entitlement is one of the most inseparable things in human beings. In the right to contain the various elements of protection, one's will and interests. Social media is one of the things that are affecting people's lives today. Through social media people can readily come up with all the opinions they have, social media seems to be formed specifically as a means of individual expression. It is possible to submit opinions via social media with the following rules and laws in Indonesia. The Opinion is expressed by upholding norms in society so as not to cause continual conflict. People are expected to be able to respond and criticize the entire performance of governments. They must be able to provide all the data they need to respond to the performance of the government's freedom of speech set in Chapter 28.

**Keywords:** entitlement · social media · freedom of speech

## 1 Introduction

Technological developments that have proliferated over time are coupled with today's younger generation already attached to technology. Virtually all activities today are feasible, starting with communication, information, and entertainment. Today's generation, for the most part, knows digital technology at an early age and even encourages dependence on technology. They spend most of their day playing video games, listening to music, communicating with others, and looking for news. The digital generation has knowledge and skill in the fields of technology and information. Their proximity to technology triggered specific learning styles that were different from previous generations. The situation then he thinks implicates the system of education, and therefore the system of education must be altered to accommodate the needs of "digital natives." This is evidenced by the Ministry of Communication and Informatics finding that 98% of children and adolescents know about the internet and 79.5% of them are internet users. [1] furthermore, the Association of Indonesian Internet Service Providers (APJII) revealed that Indonesia's internet penetration reached 77.02% in 2021–2022. By age, the highest internet penetration is in the age group of 13–18 years. Almost all (99.16%) of that age

group are connected to the internet [2]. The number of internet users in Indonesia reached 205 million in January 2022. This means that 73.7% of the Indonesian population has used the internet. [3] this is what shows that in this digital era, the younger generation is often spending time monitoring social media on their cell phones.

It's not uncommon for them to comment or merely respond to the posts that others post. In social media, we have free opinions, but being free here does not mean infinite that anyone can respond to anything but speech and opinion should not contain any element of ethnicity, religion, and race. Opinions are more likely these days on social media, for they can also hide their true identity by changing the names and profile pictures posted on social media. Social media is an online information media that is a suggestion of human relationships that are not limited in time and space, where users can share via internet media, join, participate, and create content in the form of Youtube, social media, blogs, and so on. [4] furthermore, social media has also mutated into one of the most frequently used means by the Indonesian people, especially the younger generation, to be able to convey their aspirations, opinions, and opinions in public forums. Not only conveying, but people also have great freedom to be able to use social media for their goals in the fields of economy, socio-cultural life, to the realm of education. In the industrial era 4.0 and web 4.0 technology, as it is today, most Indonesians use social media as a necessity. Starting from young children to adults, most of them have used social media. With social media, it will be easier for people to express opinions, opinions, ideas or ideas. However, this freedom will become a potential conflict and problem if there is no control from a person so as not to overuse his freedom in social networks [5].

Freedom of expression and opinion is the urgency in itself to be regulated and guaranteed its implementation. Moreover, freedom of expression (and opinion) is one of the main categories of human rights. This right falls into the category of the first human right, a right with a civil-politic dimension. This category of rights, for example, can be found in one of the oldest reference human rights documents, such as the French Declaration of The Rights of Man and Citizen of 1789 (art. 11) [6]. The International Covenant on Civil and Political Rights contained in article 9 paragraph (2) also states that "everyone has the right to freedom to seek, receive and provide any information and ideas/ideas, regardless of restrictions, whether orally, in writing, in print, in the form of works of art or through other media at his choice." As for the laws and regulations in Indonesia itself, the exercise of freedom of opinion is guaranteed in articles 28E and 28F of the 1945 Constitution of the Republic of Indonesia. Relying on freedom of speech in the digital age, this paper will discuss how the essence of individualized thought and expression in the digital era. This paper uses a descriptive qualitative analysis method by providing an overview and explanation of the implementation of freedom of opinion in Indonesia and providing a comparison with current laws and regulations.

## **2 Discussion**

### **2.1 Freedom of Speech and Expression in Indonesia**

Right is one of the most inseparable things in human beings. In the right to contain the various elements of protection, one's will and interests. Rights are always connected with obligations so they are inseparable in human life. Valuing the rights that every human

has is a form of equilibrium in social life. This is the balance that should be instilled. Every human awareness of a responsibility to respect the rights of every human being gives implications and caution to action. One of the rights inherent in each individual is freedom of speech. Recognized human rights as one of the evidence of democracy. Indonesia recognizes the existence of human rights in every society as a right that has been inherent since its birth and cannot be forfeited by anyone. In principle, the purpose of human rights is to protect human beings from discrimination from the strong to the weak, promoting equality (egalitarian) in the face of the law, the Indonesian state guarantees and protects the human rights of its citizens, especially about the welfare of their lives, both physical and spiritual, the basic right to enjoy education, health, shelter, a decent environment, in conditions like this to give birth to a peaceful, prosperous and just country as the final goal of the Indonesian nation still needs an extra hard struggle [7].

A country of democracy is one of the few that give people the freedom to speak their minds and free expression both in writing and in speech. Democracy is a great state, people have sovereignty in it, and governments are carried out by the people and for the people so public opinion is one of the most important things in a democracy. The obligation to protect is the obligation to protect the right not only against violations committed by the state but also against violations or actions committed by other entities or parties (non-states) that will interfere with the protection of the so-called rights [8]. Freedom of expression and expression is one of the rights inherent to man as a matter of sharing views and opinions, both by individuals and by groups. Freedom of speech is linked to human rights and Indonesia as a legal state.

Human rights are one of the few that have been attached to man since he was born and cannot be eliminated by anyone. The right to freedom of speech is fundamental and universal. The international declaration has recognized that adherence to the declaration is one part of the declaration of human rights. Freedom of speech and expression shed light on the development of every developing country. Opinion and expression should not be limited to the media. Freedom of speech and expression, therefore, is viewed as a measure of both democracies. Freedom of opinion and expression is considered important because of four things, namely: (1) freedom of expression is important as a way to ensure one's self-fulfillment and also to achieve one's maximum potential (2) for the search for truth and the advancement of knowledge or in other words a person who seeks knowledge and truth must hear all sides of the question, consider all alternatives, test his judgment by exposing the judgment to a view that opposite, as well as making the most of different thoughts. (3) freedom of expression so that people can participate in the decision-making process, especially in the political arena, (4) freedom of expression allows society and the state to achieve stability and adaptation [9].

Indonesian citizens can give their opinions and express them legally to address any criticism of the government and state institutions. So when policies made by governments do not meet the goals that people hope for, then they can control these public policies by themselves. Various organizations are organized in a community environment to allow the community to present any opinions that are easily expressed. Thus state and state lives will be tied to each other. This is what should also be applied in the implementation of opinion-giving on social media. However, the social freedom of speech and expression

is consistently regarded as being capable of positive things. Many societies abused his right to free speech, leading to a continuation of the conflict. Freedom of speech in Indonesia is considered to be lacking due to a lack of control. Communities are becoming increasingly free to offer opinions until they forget good ordinances and norms in presenting them. This is what's finally been able to bring about a misunderstanding into the long conflict between people. This problem is currently occurring continuously in Indonesia, especially with the enactment of law Number 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions regulating law enforcement against violations in the use of information technology, one of which is for individuals who use information technology media such as social media as a medium for conveying criticism of the government. Provisions governing this matter include Article 27 paragraph (3), Article 28 paragraph (2), Article 45A paragraph (2), and Article 45 paragraph (3) of Law 19/2016 concerning the ITE Law [10].

## **2.2 Social Media as a Media of the Digital Age and Expression of Society**

Social media is one of the things that are affecting people's lives today. Social media is a place for everyone to create a personal web page and connect with a general audience of fellow social media users to communicate, exchange information, and can also be a medium for expressing ideas and opinions [10]. Through social media people can readily come up with all the opinions they have, social media seems to be formed specifically as a means of individual expression. However, amid this expression, people must understand the things that are within their reach to voice through social media. Challenges are faced by communities in social media as an impact of free opinion in the current digital age. They can cope with abuse, hate speech, and hoaxes, to plummet norms and ethics in society. Because of this freedom, it finally gave birth to many problems. For example, the number of fake news (hoaxes), hate speech, defamation, and so on which then gives birth to discourse in the public space [11].

Today, social media is characterized by a variety of functions. The upload can be done quickly as a form of expressing everyday life. People can use social media on a variety of subjects, creating new friends and information from all over the world. Therefore, without knowing the boundaries of time and space, humans are free to convey their ideas or ideas on social media because the system is online, anytime and anywhere humans can interact. With the advantages and benefits that such social media provides, social media becomes the current necessity of society. Almost all Indonesians view social media as a daily necessity.

Social media comes in a great variety of ways. The positive and negative functions it produces depend on individuals using the medium themselves. Nowadays people can easily find information from all over the world without time and space constraints. This has led to a wide variety of related information about the country. So, when they find a different and unintended implementation then they will easily give their opinion and criticism. Indonesia does not prohibit its own opinion, it is possible to criticize the government, which is one of the most significant to democracy. Some forms of giving opinions or opinions submitted by the public through social media can be in the form of criticism and opinions on a case that occurs in Indonesia, the implementation of

government policies, incidents of violations of democracy, and other issues. This is the basis for people to be able to express their opinions freely on social media.

The presence of social media in society has been a positive recognition of freedom of expression and expression. However, as good citizens, the public should know that everything that happens in the public sphere is based on law and order. It is possible to submit opinions via social media with the following rules and laws in Indonesia. The opinion is expressed by upholding norms in society so as not to cause continual conflict.

### **2.3 Legal Protection Against Freedom of Speech and Expression on Social Media**

Freedom of speech is one thing that should be fulfilled in a democracy. Each citizen in Indonesia shares a similar position in public participation. Every society has voting rights and participation in public policy. Therefore, for this to work properly, every society should have the same freedom of speech and expression, and be protected by law in Indonesia. One of the legal products with nuances of telematics law in Indonesia today is Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) which was later amended into Law No. 19 years 2016. This law is an effort to prevent and combat crime while providing legal certainty for any actions or transactions in cyberspace. Freedom of opinion and expression is considered important because of four things, namely: (1) Freedom of expression is “important as a way to ensure one’s self-fulfillment” and also to achieve one’s maximum potential; (2) for the search for truth and the advancement of knowledge or in other words, “a person seeking knowledge and truth must hear all sides of the question, consider all alternatives, test his judgment by exposing that judgment to opposing views, and make optimal use of a variety of divergent thoughts”; (3) freedom of expression is important so that people can participate in the decision-making process, particularly in the political arena; and (4) freedom of expression enables society (and the state) to achieve stability and adaptability/adaptability [12].

People are expected to be able to respond and criticize the entire performance of governments. They must be able to provide all the data they need to respond to the performance of the associated government. Freedom of speech is regulated in chapter 28. Freedom does not mean that society can arbitrate in response, but governments accept and accommodate all public aspirations and opinions through social media so that the role of governments and law in controlling the right of free speech and expression in their citizens is more pronounced. This is one part of the realization of democracy and the realization of the general principle of good governance by the government in accommodating the aspirations and opinions of the public as part of public opinion.

In addition, the policy that can be applied in the implementation of freedom of expression is the implementation of restrictions on freedom of opinion and expression. This does not mean that all opinions and opinions of the community are prohibited from being conveyed, but that the rights possessed by a person or citizen do not apply absolutely, where there are slices and rights of others that also need to be accommodated so that problems do not occur. Oral living in society also in addition to limiting freedom of opinion and expression also contributes to it, and existing regulations are the norm as part of maintaining social and political order [13]. In this case, the existence of this restriction aims to regulate the implementation of the course of responsible and good

expression. The restrictions allowed in international legal instruments must be tested in a method called a three-part test, namely (1) the restriction must be carried out only through legislation; (2) restrictions are permitted only for the lawful purposes mentioned in Article 19 Subsection (3) of the ICCPR; and (3) such restrictions are strictly treated to guarantee and protect such lawful purposes [14]. The limitations contained in DUHAM Article 29 state that the limitation of freedom is “Prescribed by law” which means that a law is enacted that aims to respect the rights of others, meet fair conditions in terms of decency, order, and general welfare, and must also not conflict with the objectives and principles of the United Nations. The restriction is allowed if it meets three requirements including those regulated in applicable laws and regulations, having a legitimate purpose by the ICCPR, and restrictions to guarantee and protect the legitimate purpose. This is done to avoid misuse of the government in exercising its governmental rights.

### 3 Conclusion

Indonesia recognizes the existence of human rights in every society as a right that has been inherent since its birth and cannot be forfeited by anyone. Democracy is a state of great importance, people have sovereignty in it, and governments are carried out by the people and for the people, so the opinion of the people is one of the most important things in the democratic state of free speech and expression is one of the rights which are inherent to man as a matter of sharing views and opinions, both by individuals and by groups. Human rights are one of the few that have been attached to man since he was born and cannot be eliminated by anyone. The right to freedom of speech is fundamental and universal. Through social media people can readily come up with all the opinions they have, social media seems to be formed specifically as a means of individual expression. However, amid this expression, people must understand the things that are within their reach to voice through social media. With the advantages and benefits that such social media provides, social media becomes the current necessity of society. Freedom does not mean that society can arbitrate in response, but governments accept and accommodate all public aspirations and opinions through social media to the role of governments and laws.

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