



The Difference Between Freedom of Speech and Outrageous Opinion Based on Netizens' Behavior

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Abstract. Democracy in Indonesia gives the people the right to take part either through representatives or directly in decision-making that will affect their lives in society and the state. One of them is to argue, the right to express an opinion is one of the basic rights for citizens that must be respected by the government and the applicable laws and regulations. In this era of globalization, many social media users or netizens may express their opinions on social media. However, social media can also be a weapon in attacking individuals through insults or false news. Therefore, the term excessive opinion arises, which is an act of giving an opinion without looking at the rules or norms that apply and is more likely to lead to humiliation than giving an opinion correctly. The data and information that support this writing were collected by conducting a library search.

Keywords: Democracy Freedom of Speech · Netizen

1 Introduction

Democracy is a system in which in running a country, all components of the state have the right to have equal rights in determining how the state will be run. This means that in the bureaucratic system, all components of the state including all levels of society have the right to give opinions or criticisms of state organizers in carrying out their duties. It aims to uphold the function of democracy itself where people have the right to participate in the running of their country. Therefore citizens have the right to have an opinion in their role to uphold democracy in the country they live in. Viewed from the point of view of the concept, the rule of law and the democratic system highly upholds the protection and fulfillment of human rights, especially the right to freedom of opinion. Human rights aim to protect humans from discrimination from the strong to the weak.

Indonesia is one of the countries in the world that implements a democratic system in carrying out its government. This proves that in running the Indonesian government, the Indonesian people have the right to take part both through representatives and directly in making decisions that will affect their lives in the life of society and the state. Democracy is also known as a system of government from the people, by the people, and for the

people which illustrates that in all policies issued by the government it is obligatory to include the people in decision-making before establishing them.

This proves that the right to freedom of speech is one of the basic rights for citizens that must be respected by the government and applicable laws and regulations. In Indonesia itself, freedom of speech in the Indonesian constitution is more precisely in the 1945 Constitution Article 28E paragraph (5) which reads "Everyone has the right to freedom of association, assembly and expression of opinion". The article states unequivocally the freedom of citizens in association, assembly, and expression of opinion. The article becomes the legal basis that provides that every citizen has the right to freedom of speech.

The development of the times has led us to an era where everything has a digital element. This era, which is called the digital era, brings various kinds of innovations that play a role in human life. Not moreover, it is an innovation where humans can interact socially through the internet called social media. Social media itself is a form of progress in the era where humans can interact indirectly with many people who are accommodated by an application. The use of social media can be two sides, namely, it can be useful for something positive or negative. It depends on how the user uses social media according to their wishes.

One of the phenomena that occur due to social media is freedom of speech without restrictions. This makes it necessary to regulate how a person behaves through social media. It is undeniable that social media is a place for many people to gather and all writings and opinions can be seen by many people. Regarding the issue of freedom of speech, social media can be the easiest medium to express opinions. But on the other hand, social media can also be one of the weapons in attacking individuals through insults and fake news. Therefore, the term outrageous opinion arises, which is an act of giving an opinion regardless of the rules or norms that apply and is more suggestive of insults than giving an opinion correctly. The real challenges that will be faced are bullying, hate speech, fake news or hoax, and a decline in ethics in society.

This is the problem where most netizens do not know which can be considered freedom of speech or outrageous opinion. If the majority of netizens do not know the difference between these two things, there will be a phenomenon where insults are considered a form of freedom of speech. Therefore, the author here wants to explain how the difference between freedom of speech and outrageous opinion is based on the behavior of netizens that occurs on social media.

1.1 Methodology Research

The data and information that support this writing were collected by conducting a library search, searching for relevant sources, and searching for data through the internet. The data and information used are data from theses, journals, electronic media, and several relevant libraries.

Some of the data and information obtained at the data collection stage were then processed using a descriptive analysis method based on secondary data. The aspects that will be studied are regarding freedom of expression.

2 Discussion

2.1 The Meaning of Freedom of Speech

Freedom of speech is a basic right for a person who has been attached to a person to have the ability to give his thoughts and ideas to something in the scope of an individual or group. This makes it necessary that the right to freedom of speech should have a basis in regulating how freedom of expression becomes a basic right for all people. In Indonesia itself, freedom of speech is regulated in its constitution, namely in the 1945 Constitution, more precisely in article 28E paragraph (3) which states that “Everyone has the right to freedom of association, assembly and expression of speech”. This proves that freedom of expression has been guaranteed its existence by the state constitution and is the legal basis that affects the legal provisions under it. Moreover, Indonesia is a democracy that upholds the role of society in determining the policies to be taken by the government that affects how the country runs. Therefore, the state should guarantee the realization of freedom of speech for all Indonesians.

The notion of freedom of speech itself is an act of opinion in the absence of restrictive measures as long as the intent of the opinion is not intended to be insulting. The term freedom generally relates to the absence of barriers, restrictions, bonds, coercion, barriers, and obligations from certain things or to do something. From this understanding, it can be taken the understanding that not always an opinion can be regarded as a form of freedom of speech, but it can be that if it crosses certain boundaries it can be called an insult. Etymologically linguistically, freedom of speech consists of 2 words, namely freedom and also speech. Freedom itself can mean a state of freedom in the absence of interference. Meanwhile, the speech itself can mean an emergence of an idea or ideas produced by someone’s thinking. Therefore, freedom of speech can be interpreted as a condition where a person can freely give the results of his thoughts in the form of opinions in private or to the general public.

With the rapid development of technology, many platforms can be used as a medium to express opinions. Especially with the presence of digital platforms and social media consisting of many types, it makes it easier for everyone to explore themselves in looking for information and stating an idea or ideas. The ease of searching for information and also interacting with many people on the internet without certain distinguishing restrictions, makes social media platforms have many users. This makes social media a place for someone to develop themselves in all fields. No exception in terms of providing opinions and ideas, everyone on social media has the right to give their opinion in the form of comments or statuses intended for certain parties. This can be done by simply typing what you want to convey and then pressing the enter key, the content of the opinion you want to convey will be visible to the intended party or other people who use the same platform or can even go to other platforms by sharing. With the progress of this era, the right to free speech has become an easier thing to convey.

However, the problem that arises from the ease of giving opinions on digital platforms is the phenomenon of giving opinions that violate norms. Most internet users feel that the internet is different from the real world. Therefore, it produces an arbitrary behavior in using features in social media. This certainly makes it a problem in interacting with fellow social media users where users tend not to apply the norms contained in real life.

An example of a form of not applying the norms prevailing in real life is the uncontrolled use of swear words to both known and unknown people. This can cause misconceptions against others, especially if the person is not familiar and can cause conflicts between the interacting people. In addition, the phenomenon in which a person easily judges something or information that he does not know well often occurs in social media interactions. This causes frequent misunderstandings and can lead to the spread of hoaxes which of course become unlawful things.

A hoax is a fake news that can be written by anyone to attack one of the parties he wants. This is certainly an unlawful act and can harm the party who is targeted by the hoax. However, another effect of this hoax is that many other parties believe and agree with the content of the hoax and spread it which will create a chain effect. Moreover, people who spread or believe this hoax do not have the desire to seek the truth or real information. This will certainly create conditions where people will trust hoaxes more than true information and will create conditions for people who are easily influenced and provoked.

2.2 The Difference Between Freedom of Speech and Outrageous Opinion

From the phenomena mentioned above, it can be said that the phenomenon occurs as a result of a person's overfreeness in expressing their opinions on digital platforms or it can be called an outrageous opinion. The outrageous opinion itself is a condition in which a person in an opinion does not pay attention to the rules of norms that apply in society. If you look at one of the legal provisions governing ethics in opinion, namely in Law No. 39 of 1999 in Article 23 paragraph (2) which states that the opinion of a person should pay attention to religious values, decency, order, public interest, and the integrity of the nation. If you look at the content of the provisions of the legislation, it can be taken to mean that in expressing one's opinion, there are restrictions that are regulated in the norms and values that apply and live in social life. However, as a result of the rapid development of the times and affecting of the moral degradation of the current generation, making a person in opinion not obey the existing boundaries. Of course, this will affect the life of the nation and state and the consequences of this outrageous opinion can create problems and divisions between citizens.

Therefore, a provision is needed that regulates how a person as a netizen acts and behaves in using social media. Moreover, the lack of socialization results in a person using social media who can freely do what he wants even though the action is legally prohibited. In the law system in Indonesia itself, there are already statutory provisions that regulate how Indonesian citizens can behave in using the internet. The provisions of the legislation are called the ITE Law which regulates how a person can act in using everything related to digital information systems and electronic transactions. Some articles govern how a person can behave in using social media platforms.

A frequent occurrence related to the ITE Law is its content which contains a ban on using social media. Cases that often occur such as bullying, defamation, and also hoaxes are some of the cases that are often related to this ITE Law. Cases that concern violations of the law in using social media are not uncommon, but they often occur and will still be processed by the applicable legal system. Therefore, the phenomenon of outrageous opinion that should be overcome by several rules regulated in the ITE Law.

But some parties disagree with some of the arrangements containing a ban on insulting the government. Those who disagree consider that the ITE Law is the government's weapon to stifle free speech. But on the other hand, what is prohibited in the ITE Law is not a prohibition on giving opinions or criticizing the government, but regulating a ban on insults to the government. Insults are not entitled to be accepted by anyone in any form because they have violated the norms that have lived in society. The criticism submitted must pay attention to norms and ethics or be carried out ethically, if it violates ethics, then the act violates ethical norms. Moreover, the criticism is made to provoke others to hate, not constructive criticism.

Therefore, the difference between freedom of speech and outrageous opinion lies in how a person applies the limits that have been determined by laws and regulations, and norms that live in society. Where, freedom of speech is a basic right that has been inherent in a person to be able to give his thoughts or ideas to individuals and the general public by paying attention to the rules, values, and limits regulated in the statutory system and norms that live in society. Meanwhile, the outrageous opinion is when a person freely and without restrictions does everything they like with their will of themselves without paying attention to the rules, values, and restrictions that apply. Both of these things apply both in expressing opinions directly and through social media platforms, the existing rules are the basis for how a person can act in expressing his opinion either to another individual or to a general audience.

3 Conclusion

It should be that in exercising an existing right, a person must comply with the regulations or restrictions regarding the action to be carried out. Therefore, as a good citizen and complying with applicable laws, one should be obliged to pay attention to how the rules in the Indonesian legal system regulate how the provisions for expressing opinions. In the freedom of expression, a legal instrument is needed to respect and protect others from discrimination. Before spreading an opinion, a person is obliged to see whether his opinion is by the existing rule of law. This is because freedom of expression does not necessarily have a completely free and truly free-to-express opinion. However, freedom of expression can occur with compliance with the applicable rules. In this way, there will be a condition where the situation in expressing opinions will be more targeted and avoid the occurrence of problems caused by outrageous opinions.

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