

## Implementation of Law Number 11 of 2008 Concerning Information and Electronic Transactions in The Use of Social Media in Candipuro

Mochamad Reza Kurniawan<sup>1</sup>

Management Department, Institute Technology and Business of Widya Gama Lumajang<sup>1</sup>

Corresponding Author : Mochamad Reza Kurniawan (mochamadrezakurniawan@gmail.com)

Article Info	Abstract
<b>Received:</b> March 21, 2023	Communication and information technology makes it easy for people to communicate and exchange information, with the existence of communication and information technology people can easily communicate and express opinions on social media. There are many factors behind the crime of defamation or defamation through social media, including due to elements of accidental or jealousy seeing other people get luck, success, victory, and so on. Or because of fear that competition could hinder his career path, so he tries to create a bad image for other people by insulting and defaming them. The above problems have occurred in the Candipuro community, in this case the lack of understanding of Law No. 11 of 2008 concerning Information and Electronic Transactions in the Use of Social Media, it is known that a Facebook account has uploaded and commented on behalf of which can cause disputes. From these problems, the researcher has the right problem solving method, namely through counseling and socialization of the importance of understanding UU NO. 11 of 2008 concerning the Use of Information and Electronic Transactions in the Use of Social Media.
<b>Revised:</b> June 02, 2023	
<b>Online available:</b> July 14, 2023	
<b>Keyword:</b> No <i>Implementation, ITE law, Hate Speech, Social Media</i>	

*Cite this as: Kurniawan, M. R. (2023). Implementation of Law Number 11 of 2008 Concerning Information and Electronic Transactions in The Use of Social Media in Candipuro. TGO Journal of Education, Science and Technology, 1(2), 16–21.*

### INTRODUCTION

According to Grindel, implementation is a general process in the form of administrative actions, which can be examined at a certain program level. If the goals and objectives have been set, the activity program has been arranged and the funds are ready, then the implementation process will begin (Akib, 2010). With this definition, researchers can draw conclusions that implementation is based on activities or programs that are ready to be implemented. Still according to Grindel, actual implementation is influenced by two major factors. The first is the content of the policy and the second is the context. According to him, policies always need indicators to measure success, policy goals and programs to achieve the implementation goals themselves. Implementation is also a political and administrative process that contains goals, programs or activities, and funds to implement policies. Therefore, these two factors are interests that are affected by the policy, related to the extent to which the interests of the target or targets can be included in the content of the policy itself. This relates to interests that also influence policy implementation. This indicator also explains that in the implementation of policies there

will be many interests involved, which shows the extent to which these interests influence the existing implementation (Ramadhan, 2012).

Advances in information system technology have entered from various fields (Mutiarin & Wijaya, 2017), so that the existence of the ITE Law originated from several studies aimed at forming regulations in the field of information and communication technology in Indonesia. In fact, these studies are limited studies that aim to improve the development and utilization of telecommunications. Until 2003, a draft law was formed called the Electronic Information and Transaction Bill (RUU ITE). In 2005 the Ministry of Communication and Information of the Republic of Indonesia took steps to complete the draft, until it was completed in March 2008 (Atmaja, 2014). The Information and Electronic Transaction Law was formed based on the principles of legal certainty, benefits, prudence, good faith, and freedom to own technology. While the goal is to educate the nation's life, develop trade and the national economy, increase the effectiveness and efficiency of public services, and utilization of IT providing a sense of, security fairness and legal certainty for IT users and administration. The use of information and communication technology has changed people's behavior to human civilization globally.

This has been stated in the Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions, which has been revised in the Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. The development of information and communication technology has caused world relations to become limitless, causing changes in social, economic, and information culture. On the basis of this matter, what is called cyber law or cyber law is born. internationally, This law is a term related to the use of information and communication technology. Thanks to new technologies such as the internet, all human needs can be met. Starting from fulfilling the need to socialize, accessing all information, to fulfilling entertainment needs. Currently, the use of social media is more utilized by the public (Baidu, 2014). Therefore, of course all groups can freely share all information and communicate with many people without thinking about cost, distance and time barriers. As reported in online news from the official website of the Ministry of Communication and Informatics (Kemenkominfo), internet users in Indonesia have reached 63 million people. Even the results of these internet users, 95 percent are social media users. According to data from Webershandwick, a public relations company and communication service provider, in Indonesia there are around 65 million active Facebook users. As many as 33 million active users per day, 55 million active users use mobile devices to access them per month and around 28 million active users use mobile devices per day (kominfo, 2013). Meanwhile, the latest report from the telecommunications company Ericsson, shows a significant growth in mobile internet users globally. Currently, there are an average of 1 million new mobile internet users every day. Indonesia itself contributes significantly to supporting the growth of mobile internet users in the world (Bohang, 2017).

It is undeniable that social media has become the lifeblood of society. all complain, stories, even fights can now be done through social media. However, since the enactment of the ITE Law Law number 11 of 2008 in Indonesia, there are certain limitations in conveying something through social media. What is rife is cases containing hate speech. Social media is online media where users can easily participate, share and create content including blogs, social networks, wikis, forums and virtual worlds. This is the most commonly used social media application by the public. Meanwhile, social networking is a site where everyone can create a personal web page, then connect with the user's friends to share information and communication (Putri, Nurwati, & Meilany, 2016). Social media has many forms, to the well-known are microblogging (Twitter), Facebook, and Blogs. Twitter is one of the easiest social networks to use, because it only uses a short amount of

time but the information conveyed can instantly spread widely (Zarella, 2010). From the point of view of social integration, it is no different from television. The media is equally used as a form of ritual, this means that humans do not only use the media as limited to information notification, but the media has been used as a habit. The pattern of ritual use in the viewpoint of activity research and selectivity that media use refers to the habits and frequency of use by people with strong media relations with the media (Soliha, 2015). The researcher concludes that social media has been bound almost completely in social life. For example, related to hate speech, which can now be done or often done by social media users. However, who would have thought that hate speech on social media could have a major impact on real life, or say non-social media. Hate speech has meaning as an act of individual or group communication in the form of provocation, incitement or insult, aimed at individuals and other groups. This includes various aspects such as race, differences in skin color, gender, a person's deficiencies (disabilities), sexual orientation, citizenship, religion and others (Kusuma, Criminology Thesis Analysis and Case Settlement Process on Hate Speech Crimes Committed by Children on Social Media at the Investigative Level, 2018).

In another definition, it is stated that hate speech or what is commonly called hate speech is an action, which is not only in the form of speech but can also be in the form of words. The perpetrator usually uses internet media such as social media to insult or discriminate other people. Meanwhile, websites where hate speech is carried out are called hate sites (Rohman, 2016). Hate speech is certainly very dangerous. First, this kind of speech is actually intimidation and a restriction on the freedom of speech of a person or group. This is clear because hate speech can strengthen social situations in the form of barriers to free participation by citizens. Second, it is very important in creating social polarization based on group identity. Third, it can create hostility, spread the seeds of intolerance, hurt feelings. In addition, it is also said that hate speech can mobilize hardline groups. Fourth, related directly and indirectly to the occurrence of things that are discriminatory and also violence (Ahnaf & Suhadi, 2014). The first danger relates to restrictions on freedom of speech. Basically, hate speech will make a person or group feel restricted when it comes to expressing aspirations. This is for example when it occurs in minority groups, who do not seem to have the same rights in voicing opinions. The second danger is about creating social polarization. Hate speech can create a division. One group will split up or form another group. This situation, of course, will undermine the unity and integrity of the state and nation. The third danger is that hate speech can mobilize hardline groups. In this case, hate speech will be able to lead extremist groups to look good in public. what is seen through social media, is not like the real reality. Fourth is triggering discriminatory acts and violence. One group will split up or form another group.

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## METHOD

The method of conducting research on the community is in the form of training which consists of 3 stages, namely preparation, implementation, and evaluation. Each stage is explained as follows:

a. Preparation phase

The preparation stage starts with a more in-depth analysis regarding the partners' understanding of the benefits and ways of using social media. The results of the analysis will find a solution together with partners and determine the schedule for implementing activities to solve the problem.

b. Implementation Stage

The implementation stage is in the form of two activities, namely starting to analyze in terms of the problems being experienced related to Disputes in uploading or commenting on social media, or the process flow for solving cases that occur.

c. Evaluation Stage

The evaluation stage is carried out by providing trial cases in analyzing business problems if problems occur such as disputes and even defamation.

## RESULTS AND DISCUSSION

### a. Implementation of the Electronic Information and Transaction Law in Solving Hate Speech Problems on Social Media

The development of information technology in Indonesia is very rapid as evidenced by statistical data released by the Indonesian Internet Service Entrepreneurs Association (APJII). Internet users reach 25 million people. By itself, the use of electronic transactions has also increased. Through cross-border electronic transactions, Indonesia must be able to adjust by harmonization of laws, especially those relating to privacy settings for personal information. Besides that, the birth of the concept of e-government and electronic transactions, it will encourage the government to protect privacy, especially for data or personal information. public.

laws governing hate speech, namely: (a) Law Number 1 of 1946 concerning the Criminal Code (KUHP), (b) Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), (c ) Law Number 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination and Circular of the Chief of Police Number: SE/06/X/2015 concerning Handling Hate Speech (Febriyani, Sunarto, & Husin, 2018). And in addition to Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. So, actually, the government has taken definite steps in overcoming or at least reducing the number of hate speech on social media by enacting several of these laws. However, in practice,

### b. The ITE Law Suppresses Freedom of Opinion on Social Media

Often found on social media about utterances in the form of comments on social media. This is what happened in Article 27. Many arguments say that this article can trigger multiple interpretations and suppress freedom of speech. Meanwhile, we live in an era where freedom of speech is the main pillar of democracy. In fact, social media is a link between one community and another. However, with the existence of Article 27 paragraph 3, it is actually widely used by parties who feel they are victims to report to the authorities. The proof is that many are victims of this article even though the actual perpetrators are not necessarily guilty. In the ITE law, legal protection for freedom of opinion is indeed limited. These restrictions include the prohibition of intentionally



channeling, disseminate electronic information, electronic documents containing violations of decency, insults, defamation, extortion, threats, hoaxes, and things that trigger hatred based on SARA. In fact, the treatment as above is a limitation in enjoying the right to freedom of expression through information technology (Putri N., 2018). In fact, this legal protection is in accordance with the 1945 Constitution of the Republic of Indonesia Article 28J. In this article, there is a goal of guaranteeing legal protection that needs to be considered in expressing opinions, so that disputes do not occur. treatment as above is a limitation in enjoying the right to freedom of expression through information technology (Putri N., 2018). In fact, this legal protection is in accordance with the 1945 Constitution of the Republic of Indonesia Article 28J. In this article, there is a goal of guaranteeing legal protection that needs to be considered in expressing opinions, so that disputes do not occur. treatment as above is a limitation in enjoying the right to freedom of expression through information technology (Putri N., 2018). In fact, this legal protection is in accordance with the 1945 Constitution of the Republic of Indonesia Article 28J. In this article, there is a goal of guaranteeing legal protection that needs to be considered in expressing opinions, so that disputes do not occur.

## CONCLUSION

Conclusion This research concludes that the implementation of the ITE Law has been adapted to the objectives of the 1945 Law, which wanted to guarantee freedom of opinion without reducing legal protection for those who hold opinions or accept those opinions. However, there are still problems related to the revision of the ITE Law, such as: Meetings discussing the ITE Law have never been declared open by the DPR's Communication and Informatics Commission, alias they are held in closed doors. Article 27 paragraph 3 which contains a ban on the dissemination of information that insults and defames actually reduces the threat of punishment and this will actually threaten freedom of expression. Plus, in the Criminal Code there are the same provisions. The revision of the ITE Law is considered to provide too broad authority for law enforcers. As in Article 43 paragraph 3, where a search must obtain permission from the head of the district court, or in Article 43 paragraph 6, an arrest which previously required a decision from the chairman of the district court is now adjusted to the provisions of the Criminal Code. This is considered to be at the discretion of law enforcement officials. Article 29 is considered to have the potential to increase criminality. Article 40 regarding content screening will make it easier for the government to filter and terminate content. While the procedures for terminating access are minimal and the indicators that are prohibited are inadequate, it will actually result in excessive authority and can be misused by the government. Thus, this can be a tool for censoring news, such as news published by media and journalists from the past. Meanwhile, the resolution of the problem of hate speech is always tied to the rubber articles articles 27, 28 and 29 of the ITE Law never stop. This article seems to be a terrible scourge, and has even been used as a tool for revenge, silencing criticism, winning a case or even becoming a political weapon.

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