

Freedom of Expression in the Digital Era

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Abstract

Freedom of expression has been provided in the Constitution and the law, freedom of expression is not without limits, but freedom of expression has limits. This freedom of expression is part of the recognition of human rights and is an indicator of a democratic country. The time goes by the expression of opinions has shifted, namely by using social media. The method used in this research is literature review, literature review data is literature study. The purpose of this study is to determine the freedom of expression by people in the digital era, then to find out how to convey opinions and expression based on ethics. The results obtained are rampant hate speech as a result of freedom of expression, hate speech can be overcome by digital ethics by paying attention to the rights of others, using good and polite language, people need to understand the essence of respecting differences of opinion and spreading things that are useful and filter the content found.

Keywords: digital etiquette; freedom of speech; hate speech.

Introduction

Social media continues to grow and have an influence in society recently. The development of social media is supported by availability of internet, social media in the digital world will further facilitate public accessibility. People would live in an easy world. Internet exists to support and help community work, even sometimes internet is a source of community income, for example people can buy, promote and sell things, besides social media is present due to the existence of the

internet (Silambi et al., 2020). Basically the existence of internet is offering various things, but the main focus of the advantages of internet is to help people to connect the communication through online, because many cases that they were lost contact then the communication reconnect by social media. Through the internet and social media, users can freely edit, write, comment and write their ideas and thoughts, as well as various types of content that can be done by the community as a form of freedom of expression. The main concern of the ease of

using social media is that users can freely express their opinions and users can write freely without any interference from other people.

Freedom of expression has been regulated in the constitution and laws, in the law has been written that freedom of expression gives freedom to all citizens to freely express their opinions. Certainly freedom of expression is not without limits, but freedom of expression has limits. This freedom of expression is part of the recognition of human rights and is a fundamental right that Indonesian citizens must have. Freedom of expression is an indicator of a democratic state, and therefore the freedom of expression guaranteed by the constitution Act of 1945 (UUD 1945) Article 28E (3) are each people have the right to freedom of association, assembly and expression. In overcoming the problem of freedom of expression and opinion that is too free in media online, the government establishes a policy or rule that becomes a standard of behavior with certain restrictions for users (Vrysis et al., 2021). There are regulations regarding freedom of opinion which are also specifically regulated in Law Number 9 of 1998 concerning Freedom to Express Opinions in Public. The right to express opinions for all citizens has been regulated in article 2 paragraph (1) of Law Number 9 of 1998. In fact, this law states that freedom of opinion is the responsibility of democracy in the life of society, nation and state as long as it is conveyed based on the corridor. According to Law Number 9 of 1998, freedom to express this opinion is the right of every citizen

to convey thoughts in verbal, in writing freely and responsibly in accordance with the provisions of laws and regulations. Freedom of expression is a complex right because it is accompanied by responsibilities in the form of an obligation to comply with a number of restrictions set out in law (UNESCO, 2013).

As time goes by freedom of expression is done in front of many people, or in places that are crowded with people. Until now, the method of expressing opinions has changed, that previously did in various methods like demonstrations, parades or free platforms. However, with developments of media so freedom of expression has begun to shift to digital media such as social media Facebook, Twitter, Instagram and etc. Social media is an open place for everyone to share their thoughts. Through the existence of social media would help the whole community to easily communicate and express their opinions. Delivery of aspirations can be conveyed directly to the intended party through messages on social media and these aspirations can be quickly followed up. However, apart from the advantage, there are problems that often occur due to freedom of opinion, the rampant cases of hate speech as a result of differences of opinion, besides that many people do not know the limitations in expressing their opinions so that they end up with unlimited freedom, people force their opinions to be accepted by other societies and the worst if there are cases of doxing and cyberbullying. Hate speech legally means all words, behaviors, writings

and performances that are prohibited because they can trigger acts of violence and prejudice (Mawarti, 2018). Based on this fact, many people who have a critical mindset become haunted by fear when they have different opinions from society. The purpose of this study is to determine the freedom of expression by people in the digital era, then to find out how to convey opinions and expression based on ethics. This research is useful to serve as an illustration of the implementation of freedom of expression in society, nation and state

Method

This research uses literature review, literature review data is literature study. This literature study is carried out by collecting data then completing it, and identifying the data that has been obtained from the literature study process. The resulting saturated data will be described descriptively. This literature study is carried out by collecting data from library sources in the form of books, documents, news portals, national journals, international journals, proceedings, various official pages from related sources and relevant library materials. Through this literature study, researchers can analyze data and draw conclusions in accordance with the objectives to be achieved

Result and Discussion

Social media becomes an open tool for people of all walks of life, in the era the all digital role of social media can be felt by everyone. The

ease offered by this social media as if likened to the door wide open, before freedom of expression social media society is still difficult to describe. Many things happen since it was opened public access in conveying in his opinion, freedom without limits becomes the frightening specter of it freedom of speech. Society with easily pass over malicious comments his disapproval of something. Freedom of expression is not just about provision of opinion for government performance only but also freedom of expression and argues on all aspects. For example on social media life, society has freedom to express himself both through comments and content.

Based on article 19 of the Declaration Universal Human Rights (UDHR), freedom of expression and opinion is the rights of all people, these rights include freedom to have opinions without the existence of intervention and to seek, receive and share information and ideas through any media desired and regardless of national borders (UNESCO, 2013). Freedom of expression is not just that just granting rights but freedom followed by a sense of responsibility because there are various limitations that have been established by law. From the existence of freedom of opinion There are many cases that happened motivated by a violation freedom of opinion, for example when people express his opinion and citizens disagree it will end with hate speech that attacks the individual. Hate speech always take refuge behind the word freedom expression, as if it's messing up the true meaning of freedom expression. People need to know the difference

between giving an opinion by throwing hate speech. Give an opinion the real meaning is to give an idea, assessment or opinion on approval or disagreement, like it or not, even a neutral attitude which is accompanied by critical reasons in the absence pressure, but it is different from speech hatred that is usually thrown over basic unreasonable dislike. Hate speech is becoming a challenge of freedom of expression.

Social media users must apply the precautionary principle within use it for being social media there is no limit to upload and comment on something. Based on Ditreskrim's research Polda Metro Jaya, Instagram social media was ranked first for media social media that produces the most news lies and hate speech, then followed by the Facebook platform (Velarosdela, 2020). Freedom of expression on social media the more time goes by the more feels out of control, so it is necessary real effort to set the pattern people's behavior in the digital world. On basically individual freedom will always be side by side with the freedom of others, in line with this individual freedom limited by rights held by other people.

Technically, there are regulations governing the limits on freedom of expression, that is Law Number 11 of 2008 Article 28 paragraph (2) which states that "Everyone deliberately and without rights disseminates information aimed at causing feelings of hatred or individual enmity and/or certain community groups based ethnicity religion, race, and between groups (SARA)". Based on this regulation, the elements

which can be called hate speech are clearly defined. Apart from that it is deep stem the rampant adverse effects of freedom of opinion the government makes the rule namely the Information Law Online Transactions (UU ITE). Through the ITE Law This is expected to be able to restore the existence of social media in order to become a vehicle which is healthy and ethical as it is several rules that bind its use social media. however the presence of this ITE Law considered to be restricting freedom of speech, because there are biased articles and multiple interpretations. Such articles are considered opposite of freedom argue, but the government considers that the ITE Law protects society from acts of hate speech (Kominfo, 2017). In line with the assumption that the articles in the ITE Law which restrict freedom of expression are strengthened by the survey Freedom House which states democracy or freedom of expression in Indonesia is moving backwards because of this there are many restrictions. Strengthened again the results of the survey from the *Economist Intelligence Unit* that is an index of democracy and freedom of expression in Indonesia experienced stagnant or not progressing the same once (Winata, 2020).

Furthermore, the government made a breakthrough to overcome the impact of crime due to freedom of opinion by providing an age limit for social media users, the existence of an age limit for social media users will be able to help maintain their speech, but what should be noted is that age has not been able to show

maturity or maturity in mindset. However, with maturity, a person will know the responsibilities he has. Teenagers tend not to have stable emotions, cannot distinguish between good and bad ones and do not know how to interact on social media properly. The government has a discourse regarding the age limitation of social media users that is included in the Draft Law on Personal Data Protection (Permatasari, 2020). Limiting the age of social media users as an effort to prevent crime in the digital world, children are very risky of experiencing bullying on social media so that age limitation is one of the right steps. The community also warmly welcomes the discourse on age limiting social media users, as a whole the community gives a positive response and provides support. Based on the results of research conducted by *We are Social* and *Hootsuite*, social media users with an age range of 13-17 years reached 13.3 percent, if converted, social media users under the age of 17 are 21.3 millions user (Kumparan, 2020).

In 2011 the United Nations established a joint declaration on Freedom of Expression and the Internet, this declaration to provide protection for the right to freedom of expression. The declaration provides guidance on freedom of expression and the internet (ELSAM, 2013). Furthermore, in social media, it is necessary to have a set of ethics in digital, digital ethics itself is the standard of behavior expected by digital technology users (Pradana, 2017). People need to understand ethics in social media, the first way is

to pay attention to the rights of others, of course the rights of others are the basis for limiting the rights of others. Someone in exercising their rights and obligations will always be side by side with the rights and obligations of others, therefore it is appropriate for us to use social media, especially when commenting on other people's content, to pay more attention to the rights of others. Second, people also need to use good language because most social media users often use abusive language, in today's era when someone speaks, they are always affixed with harsh words. Most of the users who say harsh words are due to the desire to go with the flow of social media, to make them look more friendly, even though the use of harsh words is a fatal mistake because it can shift the use of good and polite language.

The third way, people need to learn about the essence of respecting differences of opinion. Respecting one's own opinion as a form of implementing the fourth principle of Pancasila, a discussion will be difficult to find consensus when people in the discussion insist on defending their respective opinions without tolerating or seeking and choosing the most critical opinion. This does not only apply to discussions or deliberations, but in social media, the community needs to respect the opinions of others because often differences of opinion result in wrong mobilization, such as leading others to support their opinions. The fourth is that people need to spread things that are useful in social media, lately a lot of content in social media are only prioritize public demand only without paying

attention to the quality of the content of the content. But unfortunately the Indonesian people really prefer content that is weightless and not of good quality, this can be seen on trending topics that always show weightless content. In addition, a lot of content distributed on social media shows impotence, thus encouraging other people to send negative comments. So in becoming a good internet user, the user needs to pay attention to certain things that he will spread on social media and the public needs to rethink whether the content he will distribute is useful or not useful and this content encourages the public to provide support or even encourage hate speech . Fifth, people also need to filter the various content they encounter. Filtering is the key factor in social bermedia. the benefits of social media actually depend on the user, if the user uses it positively it will provide good benefits. However, if the user uses it for nonsense, that person will not feel good benefits from the existence of social media

Conclusion

Social media is an open space for everyone to express their expressions. Freedom of opinion is one of the impacts of technological advancement. Freedom of opinion in this digital era often raises problems such as hate speech. Hate speech on social media often occurs without reason and people freely comment negatively by hiding behind freedom of expression and opinion. The public needs to understand the true meaning of hate speech and freedom of expression. Then the delivery of

opinions on social media needs to be based on ethics such as the community pays attention to the rights of others, the use of more polite language, the community needs to learn about the essence of respecting differences of opinion and the community needs to spread useful things on social media and the community also needs to filter againts the various content we encountered.

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