Freedom of Expression Through Social Media in Indonesia : Case study – Student of Governmental Studies in Universitas Muhammadiyah Yogyakarta

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Abstract

This study aims to know the perception of Student of Governmental Studies about freedom of expression through social media in Indonesia. The respond of this study were 5 students of Governmental studies with selected using purposive sampling, as mentioned by Denscombe (2007) "With purposive sampling, researchers already know something about certain people or events and deliberately choose certain because they tend to produce the most valuable data". This study using qualitative research methods, with in-depth interviews about their perceptions of the conditions of freedom of expression through social media in Indonesia. The result showed that there were 4 of 5 students of governmental studies has positive statement about freedom of expression through social media in Indonesia. This indicate that freedom of expression through social media in Indonesia, as in the level of good. It is expected that this exploration can provide benefits to the community and government in order to provide better media for expression in social media.

Key words : Freedom of Expression, Social Media, Student of Governmental Studies.

INTRODUCTION

Background

In the era of democracy that still exists today in this system that is used in many countries in the world, it can even be called democracy as the system that makes it the best, all of the United States as winners of the cold war that have been created and continue to spread to a system capable of providing welfare for the people. To spread by itself, democracy has spread to all continents, mostly Asia or in more detail than Southeast Asia, and for this reason the Indonesian state adopted a democratic system. As can be seen from the history of democracy in Indonesia, democracy began in the era of President Sukarno, which began with parliamentary democracy, and then changed until recently changed to Pancasila, until now.

Indonesia is in the process of developing a democracy that has many problems such as freedom of expression in voicing the aspirations of separate peoples for sensitivity to the State of Indonesia. Freedom of expression according to the Universal Declaration of Human Rights is "Every person has the right to freedom of opinion and expression; this right includes freedom to hold opinions without intervention and to seek, receive and share information and ideas through any media and regardless of national borders. " (Article 19, Universal Declaration of Human Rights, 1948) and According to the 2018 Global Democracy Index data released by The Economist Intelligence Unit last February, Indonesia ranked 68th out of 167 countries with a score of 6.39 (Global Democracy Index, 2018). This position decreased from 48 in the previous year so that the Indonesian compilation got a score of 6.97. With this result, Indonesian democracy is still included in the disability democracy category. This situation as a whole has been held by Indonesia for the past six years. Economic indices are accepted through five variables, one of which is the variable of civil liberties that guarantees freedom of expression. The latest data shows that the value of freedom of expression in Indonesia is low (score 5.59) among the five other variables. This is the Red report for Indonesia. While there is a black color above with a white color that describes the country of Indonesia as a democratic country in Article 5 of Law no. 9 of 1998 delivered in public opinion, gives equal rights to Indonesian citizens to release their minds when they get legal protection.

Indonesia does not lack rules for gaining freedom of expression in public, many layers of law have been issued. There are already many rules governing freedom of expression, but for freedom of expression on social media, it is only regulated in the ITE Law, which contains rules on social media. Article 27 paragraph 3 of the ITE (Information and Electronic Transactions) Law states that it prohibits anyone intentionally and without the right to distribute and / or transmit and / or make access to Electronic Information and / or Electronic Documents that have libel and hoax content. How the effects of the ITE Law ensnare many people who carry out the process of giving opinions on social media from year to year are always related to this law, and the fact that the law is one of the factors driving the erosion of freedom of expression on social media. Social media is one media where users can find information, communicate with each other, and make friends online. As is known, various social media including Facebook, Twitter, Line, BBM, WhatsApp, Instagram, and several other social media. Hemawan (2009) states that the use of social media can also easily create a forum where individuals can communicate with one another and exchange ideas with one another. If we combine the two words namely freedom of expression on social media is a right that includes freedom to think without intervention and to search, receive and share information and ideas through online media or via the internet such as Facebook, Instagram, line and other social

media. According to SAFE Net data that from 2008 to 2018 most of the reporters were officials, and the most reported were ordinary people and cases continued to increase (SAFE Net, 2018). What are the gaps related to who and for what this ITE Law? From here, the authors conducted a study of the perception of the community itself as government students because students have a mission to become agents of change with the golden generation label. Because students are the number one social media user and government students are government students, who must provide opinions and aspirations about freedom of expression on social media, therefore the perspective of government students will provide some clarity about freedom of expression on social media in Indonesia using data and facts they feel, with that can provide benefits in the form of perspective that will help in solving the problem of freedom of expression on social media in Indonesia.

There is a lot of literature on freedom of expression trends through social media in Indonesia. Starting with 'Ethics in Expressing Opinion on Social Media in Perspective of Citizens' Constitutional Rights '(Kodiyat, 2018),' Freedom of Expression on Social Media for Youths in a Creative and Responsible Way: For High School Students of Al-Ma'soem Rancaekek and High School of Muhammadiyah Pangandaran '(Arifin, et. al, 2017),' Freedom of Opinion on Social Media Media Discourse Analysis of Facebook From Friendship Networks Towards Resistance Networks' (Arsyad and Nadjib, 2011), to 'Electronic Information and Transactions Associated with Freedom of Expression' (Freedom of Expression Networking) Noor, et al, 2015). We know that freedom of expression through social media is a new direction in democracy. In the view of Professor Jack M. Balkin, a professor from the Yale Law School of the United States (2004), the digital era broadens the possibility of broad individual participation in the growth and spread of culture, including expanding the possibility for the realization of a truly democratic culture. But at the same time technology also produces methods of control that can limit cultural participation that is truly democratic.

The presence of social media enlarges the direction of democracy which was originally only embedded in daily life that is face to face, into a direction where without meeting and face to face can already communicate with the internet media. The advancement of the digital social era also allows the ideas and ideas of democratization of freedom of opinion described by Habermas in his book Public Space (Habermas, 2006). Freedom of expression is a form of expressive freedom which is a vehicle for 'public political' spaces in communication conditions that allow citizens to form opinion and shared will discursively Public Space.

Besides the development of the era, the law must indirectly continue to adjust so as not to lag and become a law that is not in accordance with the current context. The problems that arise in changing the law are the extent to which the law can be in accordance with these changes and how the legal order is not left behind by changes in society. Besides that, the extent to which the community can bind themselves in the development of law so that there is harmony between the community and the law in order to give birth to the expected order and order (Suhariyanto, 2013). Considering that the use of an electronic system and information technology often creates a problem, a regulation is born, namely Law Number 11 Year 2008, especially article 27 paragraph 3 concerning Electronic Transaction Information. Where this rule provides information about the prohibition of insults through digital or social media. Much literature discusses freedom of expression through social media, but does not see the perspective of students, especially students of government science who are academically related to it, therefore this study appears to fill this knowledge gap and to provide identification of what their opinions really are regarding the

condition of freedom of expression through social media in Indonesia as one of the generation that actively uses social media.

Research Question

In accordance with the background of the problems listed above, the research questions specified in this study are:

1. Does freedom of expression through social media in Indonesia remain in the good category ?
2. Does the ITE Law limit freedom of expression through social media in Indonesia ?

Research Objectives

The purpose of the study is a guideline for researchers to conduct their research, and based on the background and formulation of the problems specified above this study aims to:

1. Analyzing the opinion student of governmental studies in Universitas Muhammadiyah Yogyakarta, regarding freedom of expression through social media in Indonesia.
2. Analyzing their opinion about the ITE Law as a rule that binds freedom of expression through social media in Indonesia.

Benefits Research

The results of research conducted by researchers are expected to provide the following benefits:

a. Human Rights Sector

This research can be a source of information and references regarding the condition of freedom of expression through social media in Indonesia from the perspective student of governmental studies, as future government agents.

b. For researchers

The results of this study are expected to broaden researchers' insights about the theories used and things that occur in fields related to democracy.

c. For viewers

This research is expected to help the general public to become reference material in responding to the problem of freedom of expression through social media in Indonesia.

METHOD

This research aimed to find and analysis the perception students of governmental studies about freedom of expression through social media. The participants of this study were 3 males and 2 females student of governmental studies namely Nada (female 19), Yanti (female 20), Dila (female 20 years), Tono (male 20 years) and Aji (male 20 years). At the time of this research, the respondents were 5th and 3th semester who were active in using social media and vocal in their opinions. All names in this paper are pseudonyms. Using qualitative research methods, the participants were selected using purposive sampling. As mentioned by Denscombe (2007) "With

purposive sampling, researchers already know something about certain people or events and deliberately choose certain because they tend to produce the most valuable data".

Seeing their activities on social media that are active and vocal in voicing things like on Instagram and Facebook. Seeing this makes them worthy of being asked for their perceptions of freedom of expression through social media in Indonesia. Data is collected using in-depth interviews recorded and transcribed. This is permitted by student of governmental studies to explore their perceptions or opinions about the problem being asked. To make the participants comfortable in sharing stories, the interview session was conducted in Indonesian. There are two important things along with their sub-categories which are the focus of the researcher, namely, first on the experience of using social media in arguing, secondly regarding the stipulation of the existence of the ITE Law which becomes a limitation in expression on social media, from this it will show the results of their perceptions.

RESULTS

The results of the interviews revealed that from 5 respondents, they gave the opinion that social media represented a good place to express opinions or responses in this modern era, then freedom of expression on social media was pro-contra, while 1 respondent who disagreed with freedom of expression on social media because The ITE Law Regulation, but on the other hand 4 respondents received the ITE Law agreeing on freedom of expression but instead made people more have a culture of expression that was in accordance with the process with manners.

Social Media Becomes a Place of Expression

Based on the first interview with the second semester student of governmental studies named Nada, who is 18 years old, she very active in the activities of campus institutions and organizations has interesting arguments about freedom of expression on social media. Based on the findings from interviews with researchers, Nada, who is a user of social media and quite vocal, he is quite active in social media such as Instagram. She has been using Instagram for around 5 years, according to her social media is one place where she expresses his opinions and complaints about something, sometimes about personal life and more general affairs.

"If I am quite active on social media, and I have been using Instagram for 5 years, the social media that I often use is Instagram, because on Instagram I can express my opinion using photos or writing, sometimes I am sad to post snapgrams to Instagram and especially if there are many tasks "(Extract 1 / Nada)

In the second interview with respondents named Aji as 4th semester students of governmental studies stated that he used social media for around 6 years with social media Facebook, on Facebook social media he did a lot of activities such as giving opinions and posting things related to information general. Because according to him with social media he can find more information and spread it more easily.

"For social media, I definitely use it, more often use Facebook and Instagram, to share something and make an opinion status" (Extract 2 / Aji)

The third interview with respondents named Dila as 4th semester Governmental students who was active in campus internal activities, especially the International Government Student Community organization which became a forum for Governmental student communication, stated that regarding the use of social media, she was very active in using it, moreover Facebook had used social media for 7 years that is. According to her in using social media, she uses social media without any burden and is limited, because her domain only posts photos and establish friendships through social media.

"For myself, I feel that I am still free to use social media for make some status like in Facebook, because without any restrictions, even if there is a block, it is for reasons of poor use" (**Extract 3 / Dila**)

For the fourth interview with respondents named Yanti as 4th semester students of governmental studies who was active in institutional activities of Student Executive Bodies at the university level, and social organizations, and as activists on social media she brings positive narratives in communication, because social media is a broad container , therefore in 6 years she uses Instagram, many things which she thinks become a problem but do not have a solution in it, so that a rule according to here in a country is very important to be applied.

"I use social media for a long time, about 7 years, for my favorite social media, it's clear Instagram and Facebook, to share memories in the form of photos and videos"(**Extract 4 / Yanti**)

Social media usage according to Tono in Indonesia has not changed, because he feels that as a social media user who has been active for about 7 years on Facebook, until now he can still comment and carry out opinion activities with his friends using abusive languages but still in the realm of joking and no legal action to take him to prison.

"Social media is actually no different from our daily lives, but only in the realm of through online media, I use social media very often, like Instagram and Facebook to share my daily activities. (**Extract 5 / Tono**)

Interview results show that students use social media as a forum for expression with photos, status or videos. The social media they use are Facebook and Instagram, being their favourites in expressing their opinions, according to Johnson's research (2016) showing that social media users in the world, every day, mostly access Facebook (76%), Instagram (51 %), and Twitter (42%), in line with the research APPJI (2016) shows similar things, the most popular social media of Indonesian people are Facebook 54%, Instagram 15%, Youtube 11%, and Twitter 5.5%.

The Rule of Law That Limits Freedom of Expression On Social Media

Freedom of expression in Indonesia, especially in social media, has many problems, starting from the many claims about defamation, for example, which have been very often seen and that is due to communication on social media. Nada feels that the issue of freedom of expression is due to the rules of the government or existing laws that are still being debated, namely the ITE Law, Nada expressly strives to give confidence to researchers that freedom of expression in Indonesia has been limited and even violated by people who has a high position, and the main reason is the ITE Law.

*"In my opinion, indeed currently social media is often used as a tool or forum to voice something, I know the ITE Law but indeed what I see now is that there have been many cases of people being arrested because of the ITE Law rules, which are easy to use. What else do I see in the news that many officials use it to silence criticism from their people, that is bad "***(Extract 6 / Nada)**

Seeing the published cases that Nada saw the reality of the effects of the ITE Law from cases that ensnared people who were actually innocent, but because the ITE Law was even blamed. In addition, the development of existing and published cases is an indication that other people are afraid to claim something, if it is related to the government later, so it is clear that respondent 1 felt that the presence of the ITE Law had a fearful effect on the community, because she felt that way.

*"For example the problem from the ITE Law, I see also in the news, there was a teacher who was arrested for spreading sexual harassment through chatting himself from his headmaster to social media, to be given social sanctions, but he was even exposed to the ITE Law article and it made me rather afraid to comment at this time "***(Extract 7 / Nada)**

Based on interviews with Nada that freedom of expression on social media has been restricted because of the ITE Law, and has the effect of fear in expressing personal opinions. Meanwhile, according to Habermas in the book "Structural Transformation of Public Spaces", Public Spaces are conceptualized as the reality of social life in which there is a process of exchanging information and various views on subject matter that are of general concern. so that public opinion is created in the process (Habermas, 1962). With the generalization of public opinion, in turn it will shape state policies and ultimately will shape the whole society order. The existence of Public Spaces requires the activeness of community members to exercise their right to participate in the thoughts involved in hot discourse on certain days, especially those related to political matters. In the development of a larger society, the process of forming a discourse towards public opinion is then followed by the mass media.

Regarding simple freedom of expression, according to Aji he explained that the condition of Indonesia was still in the stage of developing a democracy that was still enacted en masse, he said that it was not without reason, he was quite active on social media and he felt he gave opinions or arguments on social media, he feel normal, without a tendency to be afraid, but when the writer asks about one legal product that a few years ago became a common problem, namely the ITE Law which seems to limit people's freedom of expression on social media. Aji gave an interesting argument that although there are legal products such as the ITE Law, but only limited to observing how the provisions in expression on social media, because social media is a public forum that if we give comments or arguments will be considered by many people, but with the actual legal product make positive things. Harmoniously, the banners explain that rules do not affect the path of freedom of expression because basically the main element of democracy is the power of society, if given a limit, there will still be problems and that is a general problem, so freedom of expression remains present and strong in Indonesian society.

"I think it's normal to be criticized, relax without a hitch, but when it comes to the ITE Law, it is not a limitation in my opinion, but providing education through rules, that in the field of public social media there are rules that apply" **(Extract 8 / Aji)**

In response to this, the author provides an example of a case where freedom of expression seems to be a fear of society, which makes people passive in debating, but banners of siblings still feel that the pillars of democracy are the highest in society so that rules can be implemented. does not affect, and what happens is freedom of expression can still be done until now.

"Regarding fear, I feel unafraid, because what is actually a fear of a regulation. The ITE Law is also still in a reasonable stage, we are not killed if we issue opinions like the Suharto era" **(Extract 9 / Aji)**

Expressions on social media are still the mainstay of the community with evidence that there are still many arguments and debates about something, and this is an important foundation, because the conditions of society do not consider freedom of expression on social media as a direct problem. , because there is still no strong push. Seeing this concept of democracy explained by Abraham Lincoln that democracy is from the people, by the people and for the people, the reality is that it is still a strong goal and remains the basis for the application of freedom of expression on social media like the Aji Expression is happening in Indonesia today.

On the other hand, according to Dila in general, people are still free to communicate on social media without such restrictions themselves, but with many problems concerning the arrest of people who are exposed to cases of abuse of electronic media in Indonesia. communication, from responding to this by providing an explanation he gained from his experience and observation, that social media is now the main focus in everything, because it is a container that can accommodate many interests. In communicating there are often overlapping arguments and even debates in justifying arguments and opinions, the problem is whether social media still provides these things or not, Dila feels that the community still has rights and uses their rights in expression but that tools are needed to protect things. in order to be conducive, he thinks that many things can make freedom of expression on social media conducive while maintaining the principles of communication and behavior. But the reality is that on the ground today there are legal products such as the ITE Law which are the basis for violations that occur on social media, and much is debated about their essence, whether to close freedom of expression or just become a means. In monitoring, Sister firmly answers the most important thing of Freedom of Expression is that we can still issue our opinions but with conditions without damaging the rights of others in the opinion as well, meaning there are positive things in giving arguments that do not harm the integrity of the arguments of others , the focus is on the field of communication.

*"I know and understand the function of the ITE Law, but actually people out there even consider the ITE Law as a rule that covers freedom of expression, even through it is not. The ITE Law was made to make people orderly in communication, in a sense of not taking and harming the rights of others, because the social media sphere, full of freedom, can debate but does not cause problems, it depends on myself "***(Extract 10 / Dila)**

Seeing and hearing respondent Dila arguments there are interesting things, the researcher is shown two perceptions where there is a similarity in the percentage of freedom of expression on social media, whether to form a positive or negative framework depends on the nature of the community in distributing it, if politely the essence of freedom expression will still be channel, but if otherwise it removes the essence of expression. So that the stigma in setting rules legally or not does not affect but individuals who will shape everything, this is reinforced by Palmer's theory that seeks to overcome the lack of attachment elements that exist in the use and gratification theory by

creating a theory which he calls the theory of expectation-value (expectation theory score). Within this theoretical framework, the satisfaction sought by individuals from expression in the media is determined by individual attitudes towards the media, individual beliefs about what the media can provide to individuals and individual evaluations of the material.

Broad communication on social media will bring freedom of expression from conditions that provide a comfortable and safe place, and currently proven, without punishment for those who comment, but different for those who comment by mentioning negative elements or insults such as elements of religious and race tribe. The concept of facing each other is explained by Yanti, when people carry out their obligations as good citizens, their right to obtain State facilities will also be implemented, but if fair legal provisions are the solution, it is stated in the ITE Law, as a good legal product and in accordance with the realm of current conditions. Existing legal certainty is evidenced by many reports of violators of freedom of expression on social media from 2008 to 2014, total 71 criminal cases (ICT, 2014). With this law, it provides an immune effect so that Indonesian people better understand the meaning of arguments in their essence, without carrying out activities that demean and take the rights of others.

"When we become good citizens, many things will be given by us from the State, so that the ITE Law is a form of fair treatment of the state, when someone acts evil on social media, he will be punished, an eye for an eye is the right concept according me " **(Extract 11 / Yanti)**

By seeing the answer from Yanti, it is very clear that support for the ITE Law in its implementation, which is important in maximizing existing legal products and providing public education in the form of sanctions, seems rather cruel but becomes a solution, this is related to absolute theory (retributive theory), see that punishment is retaliation for the wrongs that have been committed, so that they are action oriented and lie in the crime itself. Criminalization is given because the perpetrators must accept sanctions for their mistakes. According to this theory, the basis of punishment must be sought from the crime itself, because the crime has caused suffering to others, in return (verification) the perpetrator must be given suffering. The substance of the law in its form as a law, has been accepted as an official instrument that has aspirations to be developed, which is pragmatically oriented to deal with contemporary social problems. Law with such character is better known as the concept of legal law as a social engineering tool, to make good human behavior (Pound, 2011). Such a concept is the right material for monitoring freedom of expression, freedom is the main meaning, but the essence of the rights of every individual must be maintained.

"The ITE Law is intended to reduce the adverse impact of social media that creates lies and words that are not educating, which is a good step from the government, but many problems are captured, is the first step to correct the bad culture of social media use" **(Extract 12 / Tono)**

Tono feels that the problem of freedom of expression has happened a lot, but that does not mean freedom of expression is prohibited, the expression of important activities in giving arguments and what Tono has done explains how expressions are called free, meaning free says he accepts his obligations, but on the one hand he limits rights other people. The emergence of many problems that exist on issues that say freedom of expression is prohibited is a narrative hoax, you see empirically if people feel their right to expression is taken, they will move to fight, but researchers try to question by showing evidence and cases about the problem of freedom of expression on social media, many cases involve freedom of expression, not only politicians but

also artists and actors like that, but these are just a few samples that do not have a strong overall assumption that freedom of expression in society has been lost.

DISCUSSION AND CONCLUSION

This study aims to determine how perceptions of government students. Data were collected through in-depth interviews with 5 student of governmental studies. The evidence from this study shows that participants have different perceptions when using social media, regarding goals with the conditions they feel as users of social media, apart from freedom of expression the majority of them argue that social media is a good place to communicate. However, regulations such as the ITE Law are needed to regulate the use of social media. In order for activities such as hoaxes, pollution with elements of racism, to harassment does not occur.

Considering some of the findings drawn from this study, several things can be used as conclusions. First, social media is the right place to express themselves both in writing and in videos and photos in criticizing. Secondly, the use of Facebook and Instagram media is a favorite of Third Government students, however, in the process, regulations are needed to monitor and provide education so that the community is not neglected by taking and damaging the rights of others, because communication vehicles are needed to benefit the community and filling each other. And the four ITE Laws as a rule do present new pressures in the form of many who are affected by violations of the principles of communication on social media, but it is the first step in creating educated social media users and using polite manner in giving arguments or communicating with each another one.

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