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## HOW THE PROHIBITION OF HATE SPEECH AND DEFAMATION'S SOCIAL MEDIA CONTENT BE ENFORCED IN INDONESIA

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### Abstract

*Legal Aspect of the Freedom of expression was fundamental human rights which was now a concern with the action Monitoring and screening access to information and heavy surveillance application that eventually break the privacy rights of the netizens by government apparatus, whether those acts are done by law or against the law. Freedom of expression was a state authority and its enactment needs to be using Pancasila values in accordance with the law of Law No.11 of 2008 on Information and Electronic Transactions. While ensuring to access information, any citizen could use actualize themselves and express opinions without hatred towards society.*

*This legal research was made using the juridic-normative approach with the secondary data by legal literature study with analyzing between legislation applicable to legal theories and important practices of positive law which will be discussed. This legal research to find out*

*about the regulation of freedom of expression on social media according to law and regulation and the application in Indonesia.*

*This study needs to be developed and discussed in more detail the freedom of expression in social media. The right to freedom of expression was one of the important features of a democratic country that upholds the high sovereignty of the people to realize the implementation of that state well, and the state has jurisdiction to determine, apply, and judge upon anyone who damages Pancasila. Freedom of expression through social media was a fundamental human right that must be protected. However, in the case of the fulfilment of rights, there will also be an obligation to respect the rights of others, the exercise of those rights may be decided by law. Various cases of freedom of expression through social media become a process of enforcing this Human Rights. Prevention by education from government and private sectors were needed in other to decrease the hate speech and defamation's content in social media.*

### **Keywords**

Human Rights, Monitoring and Filtering, Freedom of Expression, Hate Speech

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## **1. Introduction**

### **1.1 Background**

Indonesia as a state of law certainly has ruled in protecting human rights. According to John Locke's hypothesis, the presence of human rights is not actually given by the state, but human rights are the individual rights of a natural nature, which must be possessed by every human being from birth. One of them is the right to speak and express opinions which are owned by every Indonesian society regardless of race, and religion. Freedom of speech and expression can be done in various forms either through oral or written. (Majda, 2007).

Freedom of expression is the right of every individual since birth which has been guaranteed by the constitution. Therefore, the Republic of Indonesia as a legal and democratic country is authorized to regulate and protect its implementation. Such independence of thought and expression is stipulated in the fourth amendment of the 1945 Constitution of the Republic of Indonesia Article 28 E Paragraph (3) where it states "Everyone has the right to freedom of association, assembly, and expression". (The Fourth Amandement of The Republic of Indonesia Constitution). Therefore, freedom of expression is freedom of expression which is one of the most fundamental rights in the life of the state.

The development of today's technology is increasing rapidly making the creation of human creativity and innovation as if it has found a container where freedom of expression can

be poured through various media both electronic media and print media. According to the observer of Indonesia Mass Communication, Agus Sudibyo, freedom of opinion through social media must have certain limits and ethics although social media is a means to realize freedom of expression. (Kebebasan Berpendapat di Media Sosial Ada Batasnya (Suhartadi Imam, 2016)).

Technological developments, especially social media, have facilitated humans to provide convenience in communicating. Indonesian people, especially young generation, should understand and practice the values of Pancasila (Five Pillars Indonesia Philosophy) in everyday life. As we already know that this five pillars Indonesia Philosophy are contain with 5 (five) pillars that they are *Believe in One God, Humanity, The Unity of Indonesia, Democracy, and Social Justice*. But it turns out the younger generation of Indonesia has not entirely applied Pancasila in everyday life as what is expressed by Researcher LIPI, Asvi Warman Adam. (Pancasila, Generasi Muda, dan Media Sosial (EgehamLizsa, 2017)).

Sadly, the positive side of social media is often exploited by certain parties to spread hate speech, incitement and propaganda with the special target of young people. So much information that contained ideology of intolerance and radicalism make tracking easier to do much less retweet and share the information. Increased circulation of content that contradicts the values of Pancasila (Five Pillars Indonesia Philosophy) has actually kept us from the spirit of Pancasila. (Pancasila dan Media Sosial (Aditya Ivan, 2017)).

This is where the strategic role of the state apparatus plays a role as the spearhead of the mental revolution movement. Public communication must be continuously conducted so effective and efficient. Cabinet Secretary of the Republic of Indonesia, Pramono in Forum Group Discussion (FGD) themed Communications Management Government in the Digital Age in Bandung, requested that state institutions can take advantage of social media either by informing the program or policy that has been done. The government public relations institute is emphasized to be more wise and careful in the use of social media. Especially in the digital era, there are still many who have not been able to understand well the use of social media. (Humas Pemerintah Ujung Tombak Melawan Hoax (Kompas, 2017)).

As for the reason why the author chose this research to be a journal is that this case is very important to be discussed but in practice often less attention and completion of the public spotlight. For that the author will pour it in a scientific paper entitled:

**"How The Prohibition of Hate Speech and Defamation's Social Media Content Be Enforced in Indonesia."**

## 1.2 Research Question

Based on the background that has been described above, then the issues to be discussed in this scientific paper are:

1. What are the regulations assessing to monitor and filter hate speech and defamation's content in social media?
2. How has the regulation been enforced to monitor and filter hate speech and defamation's content in social media?
3. How to prevent hate speech and defamation's content in social media?

## 1.3 Research Objectives

The objectives in conducting this research are as follows:

1. To know the regulation to monitor and filter hate speech and defamation's content in social media.
2. To know how the regulation has been enforced to monitor and filter hate speech and defamation's content in social media.
3. To know how to prevent hate speech and defamation's content in social media.

## 2. Discussion

### 2.1 The Regulations Assessing to Monitor and Filter Hate Speech and Defamation's Content in Social Media

The term law state other than known by the term *rechtsstaat* and rule of law, also known term monarchy which means the same as the state law. The point is that, the law applicable in a legal state must be democratically formulated, that is, what the people want. In this case, Indonesia is a democratic constitutional state, where the highest authority is in the hands of the people and remains grounded in the prevailing constitution. The existence of the constitution aims to make the state organizers in performing their duties have clear objectives. (Indonesia Negara Hukum Demokratis Bukan Negara Kekuasaan Otoriter (A Salman Maggalatung, 2015)).

Eventhough freedom of expression article is one of the oldest human rights article which constitutionally recognized, but practically its implementation has been extremely influenced by political configurations and its policies. There have been dynamics and conflict interpretation in recognizing legally freedom of expression as fundamental freedom. It means, in implementing freedom of expression has been often occurred limitations which was exacerbated by political regimes, including Soekarno regime, authoritarian regime of Soeharto,

and post-Soeharto regime. Yet the Netherlands Indies legacy of criminal code which has been often used to pressure activists or oppositions against government, such as hatred sowings. (New Media and Human Rights: The Legal Battle of Freedom of Expression in Indonesia (R. Herlambang Perdana Wiratraman, 2010)).

In the highest hierarchy of Indonesian legislation, the 1945 Constitution of the Republic of Indonesia, mandating the subject of freedom of expression in the following articles:

- a) Article 28 - "Freedom of association and assembly, issuing thoughts with spoken and written and so forth is established by law."
- b) Article 28 F - "Everyone shall have the right to communicate and obtain information to develop his / her personal and the environment, and shall have the right to seek, obtain, possess, store, process and convey information using any available channels."
- c) Article 28J Paragraph (2) - "In exercising their rights and freedoms, each person shall be subject to the restrictions laid down by law with the sole intent of ensuring the recognition and respect of the rights and freedoms of others to satisfy fair demands in accordance with moral development, religious values, security, and public order in a democratic society."

One form of state protection against the right to honour is to include it in national criminal law, namely by criminalizing any attack or act that robs or damages the integrity of every person, like defamation and hate speech. Article 310 paragraph (1) of the Criminal Code which states: "Whoever deliberately attacks the honour or reputation of a person by alleging something, in the light of which is publicly known, is threatened by pollution with a maximum imprisonment of nine months or a fine of four thousand five hundred rupiahs."

Then internationally stipulated in the Universal Declaration of Human Rights of 1948 it was agreed that there had been recognition of the freedom of expression which was then applied to the International Covenant of Civil and Political Right (ICCPR) which later became the binding legal basis for the ratifying States the covenant.

In Article 19 of Universal Declaration of Human Rights of 1948 said that every person shall have the right to freedom of expression which is in this right include freedom of opinion without interruption, and to seek, receive and impart information and ideas through any media and regardless of boundaries. (Article 19 Universal Declaration of Human Rights).

Initially, freedom of expression in social media was felt to be very wide and without limit. But this freedom doesn't last long because of the presence of Law no. 11 of 2008 on Information and Electronic Transactions. This law was original to protect the interests of the State, the public, and the private sector from cyber crime. There were three articles on

defamation, religious defamation and online threats. (UU ITE Baru dan Risiko Hukum Bagi Pengguna Media Sosial, (Hukum Online, 2016)).

Article 27 Paragraph 3 of Law Number 11 Year 2008 on Information and Electronic Transactions states that "Every person intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have contents of contempt and/or defamation". (Law Number 11 Year of 2008 on Electronic Information and Transaction)

In Article 27 paragraph 3 of Law No. 11 of 2008 on Electronic Transaction Information there are two elements, namely objective elements and subjective elements. The objective elements in the article are acts which include distributing, transmitting and making accessible, against the law and the object being electronic information and/or electronic documents containing defamation and/or defamation. The subjective element is in the form of error, which is what is meant by "intentionally." (Elements in Law Number 11 Year of 2008 on Electronic Information and Transaction, (Sudut Hukum, 2017)).

Based on the above explanation, the regulation on monitoring and evaluation on freedom of expression has been regulated nationally and internationally. Within the national scope is contained in article 28 of the 1945 Constitution whereby everyone has the right to express his opinions both oral and written but still under the applicable law. Technology is growing and arguing not only with oral but also written. Media that is now a place of opinion is a social media so that made Law Number 11 Year 2008 on Information and Electronic Transactions. However, the arrangement does not deal much with freedom of expression in social media and has not fully fulfilled the legal certainty so it still creates multiple interpretations in its application.

## **2.2 Enforcement of the Regulation to Monitor and Filter Hate Speech and Defamation's Content in Social Media**

In general, monitoring and filtering on freedom of expression was a duty and responsibility of the Government, in this case, the task of the Ministry of Communication and Information. This is stipulated in the Presidential Regulation of the Republic of Indonesia Number 54 Year 2015 on the Ministry of Communication and Informatics, article 3 letter b stating that the task of the Ministry of Communication and Information Technology is to implement policies in the field of resource management and equipment of post and information technology, management of informatics applications, information management and public communication. (Presidential Regulation No. 54 Year 2015).



However, the role of the state, in this case, the government cannot be done alone. It takes the role of other institutions involved in the monitoring and filtering process. In the context of the virtual world, this role can be given to private parties who have direct involvement in the interaction in cyberspace.

The private parties involved are:

1. The Web Owner
2. Service Provider Network

Freedom of expression is understood as a dynamic freedom. The freedom can be so blooming but it can also pursue so small. Monitoring freedom is valid when freedom of expression stimulates the act of violence that endanger the soul. Freedom of expression issues "special obligations and responsibilities". Therefore freedom of expression to be subject to restrictions on conditions which have been granted shall be determined by law and according to need by reason of "respecting the rights or reputations of others" and "protecting national security or public order or public health or morals."

The function of monitoring and filtering is to eliminate the freedom of expression in propaganda that stimulates war as well as any action that triggers hatred on the basis of nationality, race or religion which is an incitement to discriminate, hostility or violence which otherwise should be prohibited by law.

In this case the Chief of Police has made efforts Law enforcement on the alleged occurrence of hate speech acts in particular through electronic media that refers to the provisions: (Komisi Nasional Hak Asasi Manusia. (2015). Buku Saku Penanganan Ujaran Kebencian (Hate Speech).

- a. Article 28 jis. Article 45 paragraph (2) of Law Number 11 Year 2008 regarding Information and Electronic Transactions, which reads: Article 28:
  1. "Every person intentionally and without right to disseminate false and misleading news resulting in consumer losses in Electronic Transactions".
  2. "Every person intentionally and without right to disseminate information intended to inflict hatred or hostility on certain individuals and / or community groups based on ethnicity, religion, race and intergroup (SARA)."
- b. Article 45 paragraph (2) : "Any Person who fulfills the element as referred to in Article 28 paragraph (1) or paragraph (2) shall be sentenced to a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp1,000,000,000.00 (one billion rupiah).

Apart from the above rules, there are also other rules that serve as the enforcement of the law of prohibition hate speech and defamation's in Indonesia, namely: (The enforcement of SE Kapolri Hate Speech and its Legal Impact (Hukum Online 2015).

1. Law Number 11 Year 2008 on Electronic Information and Transactions ("UU ITE") [Article 28 jo. Article 45 paragraph (2)]
2. Law Number 40 Year 2008 concerning the Elimination of Racial and Ethnic Discrimination ("Law 40/2008") (Article 16)
3. Law Number 7 Year 2012 on Handling of Social Conflict ("Law 7/2012")
4. Chief of Police Regulation No. 8 of 2013 on Technical Handling of Social Conflict ("Perkapolri 8/2013").

The implementation in the field are also still found many cases that fall into the category of violation of the right to freedom of expression, especially that is the continuation of the implementation of some of the above legislation. The articles on defamation in the Criminal Code in practice are still frequently used. The use of this article, for example in the case of Rizal and Jamran related to hate speech through social media, was convicted by the South Jakarta District Court Judge in June 2017 and sentenced to 6 months, 15 days of imprisonment and a fine of 10 million rupiah, mencermankan good name of a governor. Rizal and Jamran violated the violation of Article 28 paragraph (2) Jo Article 45A paragraph (2) of RI Law No. 11 Year 2008 on Information and Electronic Transactions (ITE) Jo Article 65 paragraph (1) of the Criminal Code. (Verdict of The Constitutional Court Decision Number 256/Pid.Sus/2017/PN.Jkt.Sel).

Public society also has a main role as a user in social media content. They need to be educated by not only the government but also private sectors. Private sectors here can include the web owner and also Service Provider Network. Beside that, after monitoring, need prosecution by police, prosecutors and courts. Police in conducting a preventive action in which each member must have knowledge and understanding about forms of hate speech that arise in the community and more sensitive to the symptoms that arise in the community that potentially leads to the crime of hate speech. In addition, members of the police conducted an analysis of the circumstances in their respective circles, especially those related to hate speech. If any action is found that has the potential to lead to a hate speech crime then the member of the police must perform an action to monitor and detect as early as possible the seeds of dissension in the community and approach the party suspected of hate speech. (Article 3 letter a Circular Letter Number SE / 6 / X / 2015).



If the preventive action has been carried out by the police member but does not solve the problem arising from the action of hate speech, the settlement can be done through law enforcement on the alleged occurrence of hate speech with reference to the provisions:

- a) Article 156 of the Criminal Code, said that anyone in public expresses feelings of hostility, hatred or humiliation of one or more Indonesian tribes sentenced to four years in prison with a fine of up to four thousand five hundred rupiah.
- b) Article 157 of the Indonesian Criminal Code which reads, exhibits or affixes public writings or paintings containing contents of feelings of hostility, hatred or humiliation between or against the factions of the Indonesian people, in order to make their contents known or more publicly known, shall be liable to a maximum imprisonment of two years and six months or a fine of four thousand five hundred rupiah. (Article 3 letter b Circular Letter Number SE / 6 / X / 2015).

Based on the above explanation, the application of monitoring and filtering can be done jointly not only involving the state, in this case, is the government through the Ministry of Communications and Information Technology, but also can involve private institutions (private) in the form of Web Owners, Service Provider Network Providers, and also public society. Thus, the monitoring and filtering performed can be in accordance with the values of Pancasila.

### **2.3 Prevention Hate Speech and Defamation's Content in Social Media**

Pancasila as a five pillars is a middle ground against the conditions of the extremities that hit Indonesia today. Market radicalism as well as ideological radicalism has been proven to bring about dehumanization. Pancasila as a system of philosophy and ideology should be put back as a source of law, the source of behavioral order, as a vision of nationality with which axiologically and teleologically reach a social justice for all the people of Indonesia. (Falsafah Pancasila (Fokky Fuad, 2018)).

Therefore, in other to prevent hate speech and defamation's content in social media Police, in this case, acted to enforce the law as an implementation of Pancasila. In the case of law enforcement related to hate speech or defamation, Police has two efforts, namely: Preventive Efforts (Prevention) by doing to the community related to the understanding of hate speech and defamation as well as the impact caused. Then make Repressive (enforcement) efforts by enforcing the transparently applicable law so as to reduce the number of the crime of hate speech and defamation. (Upaya Polri dalam mendegradasi ujaran kebencian Hate Speech, (Tahang, 2017)).

Besides, the role in preventing hate speech and defamation's content in social media also should take by Private Parties, one of which is a social media provider is to create a special link that social media users can use to report accounts that write something that has hate speech or criminal content. (Pengelola Media Sosial Siapkan Channel Khusus untuk Laporan Ujaran Kebencian ke Penegak Hukum, (Theresia, 2016)).

In this case, monitoring and filtering in expression and opinion in social media should be in accordance with the application of Pancasila values in our democratic society. It is no secret that most scholars agree that social media has a tremendous contribution to spreading democracy. The flexibility of people to express their opinions over the internet is more than enough social media by using super-fast applications as without any obstruction anymore. We can see and search easily on the internet all the understandings embraced by a group of people who presented freely through mailing lists, blogs, social networking, websites and so forth. (Kebebasan Berpendapat Melalui Media Baru Dalam Bayang-Bayang UU Informasi Dan Transaksi Elektronik (Ite), Akhmad Syafrudin Syahri).

The function of social control through new media can take place very quickly because, with the ability of technology owned, the information conveyed can overcome the space and time. This can actually affect the process of democratization of a nation becomes more dynamic. Democracy will not work well when one or more of the pillars of democracy are intervened by other pillars.

According to the data of the Southeast Asia Freedom of Expression Network (SAFEnet) Indonesia, the victims of the ITE Lawsuit diverse profession, ranging from citizens, lecturers, businessmen, civil servants, students, students, activists, members of Parliament, journalists and artists. However, the hundreds of cases that ensnare these citizens have escaped the public view.

Ronny Maryanto Romaji – Head of Local Election Supervisory Committees-Semarang. Ronny monitors elections for instances of election law violations, including money politics. In 2014, a politician suspected to be corrupt sued him for defamation because the online media reported on Ronny's investigation against him. At the time of writing, the police is still examining the case. (Protecting Freedom of Expression & Digital Rights: The case study of Indonesia, (Safenetvoice, 2015)).

In other words, to maintain the sustainability of freedom of expression it is necessary to create standards of norms of cooperation from KOMNAS HAM, Religious figures, community and government for law enforcement as well as for judges who decide cases of hate

speech and defamation's social media content. (Kutipan dari pernyataan Mochammad Choirul Anam (Komnas HAM), (Seminar Law and Human Rights to promote inclusivity, 2018)).

So in monitoring and controlling the traffic information on social media required clear understanding and regulation of the local government. In the application of the Information and Electronic Transactions Act in some cases including the Prita case, it appears that the regulations imposed still have weaknesses. One of them is editorial multi-interpretation can be utilized by the parties who feel have the power and dominance in the system that runs to ensnare the opponent is considered weak. This weakness is also not separated from the lack of understanding of the regulators of the object and the problems to be faced.

In this case, the necessity of actualization of Pancasila values in social media. In the event titled, "Actualization of Pancasila Values in Social Media" was organized by the Directorate General of Information and Public Communication (IKP) of the Ministry of Communication and Information Technology, (Menikmati riuh media sosial dalam koridor Pancasila, (Iqko, (2017))). Heri Santoso emphasized how the rules of the game in each of the world can synergize and mutual respect one another. Problems arise if there are conflicts about basics, rules of play, and value criteria. He went on to point out that he must then reflect on the values of how to voice the argument without causing a dispute. How to respect other citizens' voting rights without hurting feelings and upholding diversity. The concept may sound ideal on paper, although in fact, it is often difficult to implement in the real world. How to bring the values of the state, cultured and religious in a polite corridor. He also said that how religious issues that are clashed with culture is still a major commodity in social channel talks. Moreover, the issue of religion and state. Can be a chat or gossip material that will not be endless.

Actually, the context of Pancasila has been carried by God Almighty God, that every citizen has the right to be protected his right in religion. These religious values are then passed on in the constitution to organize the treasures into a civilized society. This is where the emotional intelligence and intellectual intelligence of Indonesian society is needed.

Monitoring and filtering in opinion in social media must be in accordance with the values of Pancasila where science and technology should be utilized to enhance the sense of humanity and alternative media to expand friendship, information sharing, science, not serve as a blasphemous event.

If you look at Pancasila and its relation to freedom of speech in social media, (Penyelewengan Nilai Pancasila Dalam Situs Jejaring Sosial, (Andhina Rizkya)), the first value of Pancasila which is Belief in the Almighty compile science, creating a rational and irrational balance between reason, taste, and will. Based on this precept social media not only

think about what is found, proved, but also consider the intent and consequence of whether harming humanity and its surroundings. Furthermore, the just and civilized humanity principle provides the foundations of morality that humans in applying social media must be civilized. The third Value of Pancasila which is The Unity of Indonesia is to implement universals and internationalism (humanity) in another pillar. Development of social media should be able to develop a sense of nationalism, greatness of the nation, and nobility of the nation as part of the human race in the world. The People's Precepts led by the wisdom in representative deliberations underlie the development of democratic social media. Every scientist must have the freedom to develop science and technology in this social media and to respect and respect the freedom of others and must have an open attitude to be criticized, reviewed, and compared with other scientists' discoveries. Lastly, the precepts of social justice for all Indonesian people to compile the development of social media must maintain the balance of justice in human life with itself, human beings with their God, human beings with other human beings, people with society, nation, and country, and the natural environment.

Media as an important instrument of communication is believed to have a powerful influence on the lives of today's society, as well as the media has a significant power to change and shape its behaviour. It is a fiction if the media has a role of moral responsibility or prophetic ethics that is universally applicable in the society of all time as described in the celestial religions. (Media Komunikasi. Jakarta: UAI Pers, (M. Ghozali Moenawar, Muchammad Nasucha, dan Gusmia Arianti. (2017)),

Based on the above explanation, the state apparatus as a stakeholder in monitoring and filtering of freedom of expression has not applied Pancasila values thoroughly. This is due to the conflict between existing regulation.

### **3. Closing**

#### **3.1 Conclusion**

Based on the above, it can be concluded as follows:

First, Indonesia as a state of law certainly has many rules in all aspects and areas that there has been a regulation on freedom of expression contained in several Laws, one of which Law Number 11 The year 2008 on Information and Electronic Transactions. Before that, there was Pancasila as Staat Fundamental Norm. Pancasila is the basis of the state, where the main points in the formation, arrangement and implementation in the implementation of the state based on Pancasila, the principles that underlie the heart and mind in carrying out government functions and public behaviour in the state.

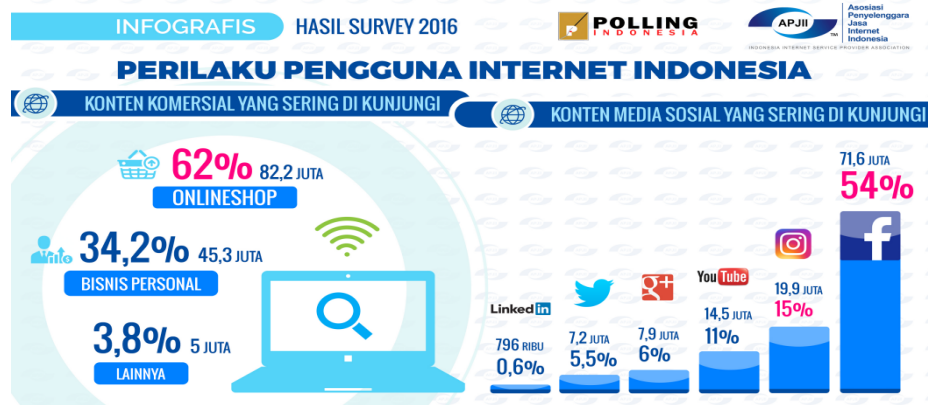


Figure 1 : Statistical Data Internet Indonesia Users

Based on picture above showed that The internet has challenged the dominant role of traditional media, and has gradually been accepted as a reliable source of information among Indonesians. As we can see that facebook app was the most social media that usually used by the citizens.( Statistical Data Internet Indonesia Users, Asosiasi Penyelenggara Jasa Internet Indonesia).

Secondly, there enforcement of the regulation to monitor and filter hate speech and defamation's content in social media was a duty not only by government but also private sectors and the public. The private parties involved are the web owner and also service provides the network. Besides, also need prosecution by police, prosecutors and courts. Police in conducting a preventive action in which each member must have knowledge and understanding about forms of hate speech that arise in the community and more sensitive to the symptoms that arise in the community that potentially leads to the crime of hate speech. In addition, as for the duties and authorities of other government employees is to establish and control law enforcement and justice policies within the scope of duties and authorities of the prosecutor's office. The judiciary has an important role, especially in the process of democratization, in which the transition from an authoritarian political system to a democratic society is transparent in terms of the role of the judiciary in the misuse of the judicial process for the benefit of society, because the judiciary is the implementing institution constitution, protection of human rights and guarantees of fair and democratic procedures to ensure justice and fairness for every justice seeker.

With more than 100 million internet users, Indonesia could become the fourth largest online market by 2020, according to a 2016 study by Google and Temasek.(Indonesia, SE Asia's digital powerhouse, (Keusgen, Tony, 2016). The impact of social media in the presidential election won by Joko Widodo in 2014 encouraged people to use web-based platforms for crowdsourced

local election monitoring and other initiatives in 2015 and 2016. Citizens have used digital tools to respond to problems ranging from natural disasters to inequality.



Figure 2: Freedom on the Net 2016

Third, that there has been an adjustment of monitoring and filtering system in the implementation of Pancasila values, although not maximal so there are still violations in the opinion especially in social media. Prevention can be done through education related to the understanding of hate speech and defamation as well as the impact caused. Then enforcement efforts by enforcing the transparently applicable law so as to reduce the number of the crime of hate speech and defamation.

### 3.2 Suggestions

Based on the above conclusions, the authors provide suggestions namely, need for integrated efforts between the public and private institutions in terms of monitoring and filtering freedom of opinion in social media. The need for regulation in which the private sector is also involved in monitoring and filtering freedom of expression.

The adoption of progressive law so that law enforcement officers are not reckless in conducting the process of freedom of expression because it has the potential to create a climate of fear in opinion and expression on the basis of the public interest and truthfulness of statements in democratic Indonesian society.

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