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ETHICS AND POWER OF INDONESIAN SOCIAL MEDIA USERS: A STUDY BASED ON GRAMSCI'S THEORY OF HEGEMONY AND ELECTRONIC INFORMATION AN TRANSACTION LAW

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Abstract

Social media is a space for interaction for humanity in this millennial era. However, social media development is often accompanied by several phenomena such as defamation, hate speech, and bullying. In Indonesia, this latest phenomenon occurs in hate speech and bullying cases that befell Tri Risma Harini as Mayor of Surabaya. This research aims to analyze Indonesian social media users' ethics and power based on the perspective of Gramsci's theory of hegemony and electronic information and transaction (EIT) Law. The research method used in the study is a literature review, which contains reviews, summaries, and the author's thoughts on several sources of literature (articles, books, slides, information from the internet, etc.) on the topics discussed. Meanwhile, Antonio Gramsci's hegemony theory and Law Number 19 of 2016 concerning EIT are used to analyze the literature-status used. The findings in this study indicate that an Indonesian citizen who uses social media cannot freely express his/her will because it is regulated in the ITE Law and local laws limit the freedom of expression of every citizen, spirit (morality), society, and order. Social and political (public order) of a democratic society as contained in article 29 of the Universal Declaration of Human Rights. As an Indonesian citizen, the case that befell Zikria is actually an act that is not wise in using social media. Although the freedom of opinion of every citizen is guaranteed by the laws of this country, an understanding of the substance of the ITE Law must be well understood. Researchers recommend citizens in expressing their opinions must understand and be well aware of the regulations that apply in this country so that there are no negative impacts that can be obtained in the future.

Keywords: social media freedom, attitude ethics, EIT Law

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1. Methodology

Social media allows someone to communicate with each other, exchange ideas, share messages, and pictures without any distance and time restrictions. Currently, social media is supported by the development of smartphone innovation, even though young people to adults it is easier to access various kinds of social media through the applications that are presented in the smartphone content services such as Facebook, Twitter, Path, Instagram, WhatsApp, and others. This makes it easier for everyone to "surf" on social media so that they sometimes forget the existing rules in this country and override ethics. It is not advisable if there are several teasing cases or defamation on social media that have resulted in crimes. If understood further, social media are like two sides of a coin.

On the one hand, it helps facilitate the exchange of information, but on the other hand, there is a lot of abuse, the impact of which was not realized beforehand. In Indonesia, the development of social media is accompanied by several phenomena such as defamation, hate speech, and bullying. It is starting with Prabowo Subianto, Basuki Tjahaja Purnama, Joko Widodo, Anies Baswedan. The most recent is a case of hate speech and bullying that happened to Tri Risma Harini, who incidentally served as the Mayor of Surabaya.

Cases of hate speech and bullying that befell public officials have occurred again in Indonesia, to be precise, at the mayor of Surabaya, Tri Risma Harini. Risma. He experienced the object of hate speech and bullying by a Bogor resident named Zikria Dzatil or ZKR through one of his Facebook social media accounts. Zikria had to deal with law enforcers after being arrested on February 1, 2020, by the Surabaya Police Chief. After going through the investigation and investigation process, Zikria was deemed to have committed insults, defamation, and hate speech through social media, so that he was charged with article 27 in conjunction with article 45, article 28 of Law Number 19 of 2016 concerning AIT. In his Facebook post, Zikria referred to the Mayor of Surabaya as a "female frog".

Zikria wrote on social media Facebook about the heavy rain that occurred on January 15, 2020, and submerged some streets in Surabaya. An article accompanied by a photo of Tris Risma Harini in the middle of a flood was uploaded on his Facebook page. Zikria also wrote inappropriate tweets accompanied by laugh emoticons. On another date, Zikria also uploaded two pictures of public leaders in this country, Anies Baswedan (governor of DKI Jakarta) and Tri Risma Harini (Mayor of Surabaya), as if comparing with writing tweets about Tri Risma's facial expressions and the flood. Zikria's attitude drew criticism from various parties, especially the people of Surabaya. The people of Surabaya city urged the Surabaya City Government to report the perpetrators (read: Zikria). In the end, the report went to the Surabaya Police on January 21, 2020, and an arrest was made by the Surabaya Police Satreskim Resmob Unit Team on February 1, 2020, at his house in the Bogor-West Java area.

If we look further, the emergence of the internet, coupled with the development of communication technology, can significantly change humans in this world. Moreover, the emergence of cyber media has shifted conventional mass media such as print and other electronic media. New media in a more efficient format, because it is packaged in a smartphone, can penetrate space and time in a relatively simpler and simpler format. In fact, internet use is increasing from year to year. Based on data from Internet World Stats: Usage and Population Statistics, it is known that by the end of 2019, there were around 4,536,248,808 internet users in the world, and Indonesia was in the fourth position in the world with 171,260,000 internet users.

Based on data from the Ministry of Communication and Informatics (Kominfo) in 2019, internet users in Indonesia reached 196 million users (Eloksari, 2020). The most accessed social media platforms were Facebook, with a percentage of 50.7%, Instagram 17.8%, and YouTube 15.51%. Quoting cnnindonesia.com, data from the global web index research in the 2nd & 3rd quarter of 2018 released by We Are Social, and Hootsuite explains that Indonesia is included in the list of the world's top five internet addicts (CNN Indonesia, 2019). On average, Indonesian people spend around 8 hours 36 minutes a day accessing the internet. In other words, it can be said that Indonesians spend more than a third of their lives doing internet activities.

Through CNN Indonesia, Head of Sub-Directorate III of the Directorate of Cyber Crime (Dittipidsiber) of the Indonesian National Police, Kombes Kurniadi, stated that the crimes that dominate the cyber world in Indonesia are cases of fraud and the spread of provocative content which includes negative issues in politics, fake news, hoaxes, and speech hatred. The media character that is free to talk, share, socialize, make social media give birth to consumers who are critical like to share, and influence each other in many ways. Netizens (as social media activists) talk about anything in cyberspace such as hobbies, fun, complaining, even private things often spit out in public. But what needs to be regretted is that it is not uncommon for them also to carry out activities that can trigger conflict with each other, such as bullying, discussing issues of SARA, spreading hatred towards others, and reporting things that are not proven true.

Expressing opinions or opinions on social media is a form of freedom of expression. Finally, social media has become an alternative public space for discussing economic, social, political, and cultural issues. Through social media, someone can comment on other people's status, share other people's writings, or create links to news/issues that are being updated on the wall. Social media is currently very useful in providing information, community reinforcement, and action-making nodes for social movements in society (Lovejoy & Saxton, 2012).

Freedom of expression is evidence of the people's sovereignty, which is implemented in a democratic country. This is as mandated in the 1945 Constitution Article 1 paragraph (2), meaning that all matters relating to society must be regulated in such a way by the State, and whatever is regulated by the State must fully consider the interests of the community. Article 19 of the Universal Declaration of Human Rights mandates that freedom of expression contains two contents, namely, freedom for and

freedom from. Anyone can express his expression without intervention from the other party.

The dichotomy between freedom for and freedom is based on the belief that a person's right to express something needs to be accompanied by guarantees from other parties to protect these freedoms and the willingness of other parties to guarantee the existence of information. Freedom of expression is a public property that must be obtained as a consequence of the right to know and the right to convey the right to express (Masduki, 2003). However, this freedom of expression is not an absolute price for democracy. Further, article 29 of the Universal Declaration of Human Rights states that freedom of expression is limited by local laws, morality, society, social order, and democratic public orders (Harahap, 2000).

The involvement of regulators in monitoring freedom to use social media is certainly interesting. On the one hand, it will limit freedom of expression, but on the other hand, it will protect the rights of others. Based on the description in the background of the problems above, this study seeks to answer the following questions: "How is the ethics and power of social media users under the AIT Law?".

2. Literature Review

2.1 Government Intervention in the Media World

According to Hallin and Mancini in the Comparing Media System, government intervention in the media world is permitted in certain aspects. This intervention is not always interpreted as a form of government interference in establishing media and information regulations. This intervention also takes government participation and cooperative action to establish media regulations and help guarantee the protection of the public from interests that harm them and disturb public order (Hallin & Mancini, 2004). In this case, media regulation relates to the control mechanism and rules that act as a fence for the media. This research study is related to regulators, freedom, and social media itself, so the focus of the analyzed regulations also emphasizes the settings that appear in ethics and regulations when expressing via social media.

2.2 Social Media

The rapid development of communication and information technology has given birth to a new media form, namely the internet. With the internet, both personal and mass communication can be facilitated. These communication facilities or facilities grow and develop in various forms known as social media. In simple terms, social media can be said to be a means used for socializing.

Safko (2010) explains in more detail about social media. According to him, this terminology refers to the natural need for humans to connect with other people from the word social. Meanwhile, the media is a means used to relate to these other people. Thus, social media terminology can be explained as a technological means that can be used to reach and connect with other people in various contexts and needs more effectively.

Furthermore, Safko said three primary forms of social media called social media trinity, including blogs, microblogging, and social networks. Blogs are an integral component of social media, namely information sites published on the world wide web. Blogs can help users build trust, place them in a robust environment, and automatically present them to audiences. Microblogging is a blog in a smaller format. Better known according to its brand, namely Twitter. Twitter is the best-known form of microblogging. With Twitter, users can be followed by followers who will read what is being informed through a tweet, which is very likely to forward the information (retweet) to be followed and read by more people. As a form of microblogging, users can also upload photos via Twitter, do tagging, and so on. Social networks are individuals or organizations that are connected by sisters through virtual world social network facilities. Facebook, LinkedIn, MySpace are part of the social network. Facebook is declared the fastest growing in America and even in the world.

Social media is an online media that allows its users to easily participate, share stories and opinions in the form of forums and virtual worlds. Another opinion says that social media is online media that supports social interaction using web-based technology, which turns communication into interactive dialogue. Kaplan and Haenlein (2012) define social media as "*a group of internet-based applications built on the foundation of Web 2.0 ideology and technology, enabling the creation and exchange of user-generated content*".

Social media's characteristic is that messages are conveyed to one person and many people, for example, notifications via SMS or the internet. The notice is given freely without going through a gatekeeper (Enli, 2007). The message conveyed tends to be faster than other media. The recipient of the message determines the interaction time. With the rapid development of technology, it is easier for all social media users to access it only through a cell phone (Abdel-Aziz, Abdel-Salam, & El-Sayad, 2016). This development is what makes social media an effective medium to convey information or something. Apart from being used to convey information or news, social media is now widely used for doing business, for transactions, even for learning with the myriad of scientific features contained therein as well as the ease and speed of providing information or something (Baruah, 2012; Dwivedi et al., 2020). Thanks to the ease and speed of the media in conveying information, it makes social media important for everything and is considered an effective communication medium to socialize with the community.

2.3 Power to the Media
The concept of power is often studied in various social phenomena, not least in the new media, which has the impression that power is not absolutely in the actor's grasp. Within the framework of the practice of power in the media, the media are positioned as a potential source for parties who wish to strengthen their domination through the messages they contain. Moreover, every society has a system of truth, politics of truth, discourse that functions as truth, which means mechanisms and examples to distinguish true and false statements, techniques and procedures for matching values in truth, status labeled as truth (Taylor, 1984). This means that there is no exercise of power without

discourse and a basis for truth associations that operate through it. Power cannot be exercised except through the production of truth. And there is no way out of power into freedom in a power system that is parallel to society. We will just move from one to the other. This logic helps understand the foothold of the old media to the new media and the power that lies in both. The internet as a form of new media has capabilities and barriers in the context of information. The internet provides various sources of information and to compare conflicting viewpoints, while the obstacle is the absence of filters and gatekeepers so that it requires user capabilities to be able to provide value and validity of online information (Flew & McElhinney, 2001).

This diversity of sources provides an excellent opportunity for information needs. Still, the information's validity gives the audience an extra effort to understand the information by assigning additional tasks to confirm the information. Interactive media provides options for users in information systems, both in the choice of access to information sources and control and a choice of system application results (Flew, 2004). It is hoped that media users will be more active with new media with the emergence of interactivity. Moreover, active users no longer need the intermediation of editors and retailers in the network, making them more interactive and autonomous (Van Dijk, 2012). The choice, control, and autonomy mentioned in the new media framework above show the presence of an element of power given to actors to interact with other users in new media.

2.4 Antonio Gramsci's Theory of Hegemony

The term hegemony comes from the ancient Greek word 'eugemonia'. As suggested by encyclopedia Britannica in practice in Greece, it is applied to show the domination of the position claimed by the city-states, individually, for example, by the State of Athens and Sparta towards other countries that are on a par. If linked to the present, the notion of hegemony shows a particular country's leadership, which is not just a city-state against other countries that are loosely or tightly integrated into a "leader" state. Gramsci's hegemony concept rests on class supremacy, where the social class will gain superiority (supremacy) through two ways, domination or coercion, and intellectual and moral leadership. This second method is what Gramsci calls hegemony. For the controlled to obey the ruler, the controlled must not only feel that they belong and internalize the values and norms of the ruler, more than that, they must also approve their subordination. Based on Gramsci's thinking, in society, there are always those who rule and are ruled. And hegemony itself is a chain of victory that is obtained through consensus mechanisms rather than through oppression of other social classes. Hegemony through consensus arises through an active commitment to the social class, which has historically been born out of production relations (Nezar & Andi, 2009).

The concept of hegemony is related to three fields, namely economic, State, and civil society. Economic space is fundamental. However, the political world, which is the arena of hegemony, also displays the highest development moment of a class's history. In this respect, the attainment of state power, the consequences it brings for the possible

expansion and full development of such hegemony has emerged partially, has a special significance. The State with all its aspects, which is expanded to include the hegemony area, gives to the class that founded it both prestige and the appearance of the historical unity of the ruling class in concrete form, which results from the organic relations between the State or political society and civil society. In short, the hegemony of one group over other groups in the Gramscian sense is not forced. This hegemony must be achieved through political, cultural, and intellectual efforts to create a common world view for all societies.

3. Material and Methods

The research method used in this research is a qualitative descriptive approach through literature reviews, which contains reviews, summaries, and author' thoughts on several sources of literature (articles, books, information from the internet, etc.) on the topics discussed, the research objects in this is some literature related to cybercrime problems, especially defamation obtained from social media, scientific journals, books, and several other literary sources. This study only describes situations or events, does not seek or explain relationships, does not test hypotheses, or make predictions (Rakhmat, 2009). In addition, researchers used Antonio Gramsci's hegemony theory and Law Number 19 of 2016 concerning EIT to analyze the literature status used.

4. Results and Discussion

The role of social media is very influential in our daily lives. Unconsciously, people are "forced" to follow the big flow deliberately created by social media until finally, it creates its ideology. The media actually provides a space for netizens to monitor and monitor the development of government information. Even netizens play a role in making persuasive actions towards other social media users with the subjectivity of their ideas, so that later a public debate forum will be formed, where media users have uncontrolled attitudes and wills in issuing their arguments. Even social media can be described as a space to form a massive public opinion through a hegemonic approach raised by the media stakeholders and the stakeholders involved in it, such as advertisers or strong sponsors of any program content or content in the media coverage. Whether we realize it or not, society will be the object of change by a "series" of news that is not well understood and filtered. Social movements, political awareness, participating in determining choices or tastes for figures, parties or artists, and other things that include the realm of human reasoning are the results of hegemony given by the mass media as a result of organic intellectuals who managed to poison society with their ideologies, for example, political ideology, business, and other things.

Social media has hegemony with power or domination over the values of life, norms, and culture of a group of people, which eventually turns into a doctrine against other groups of people in which the dominated group consciously follows. Groups

dominated by other groups (rulers) do not feel oppressed and feel that is the case. The internet user community feels that they are not forced to agree with the news that is booming on social media. Without clarifying and researching the truth of the news, people are encouraged to agree on what is currently a trending topic on social media. Even though the news on social media is not yet true. The domination of social media in society manipulates people's awareness so that they are unwittingly willing to support the dominant class (social media).

Regarding the making of Law Number 19 the Year 2016 concerning EIT by the Indonesian Government, it should be given more appreciation because it aims to limit social media "actors" to not cause problems. The AIT Law is a legal foundation in dealing with problems that arise in cyberspace, especially in social media, to make it healthier and more responsible. This regulation regulates how public space is conducive to realizing a good and healthy democracy in Indonesia. In addition to regulating information and electronics, it also includes the rights and obligations of society as well as sanctions and punishment. This regulation does not intend to limit the right to freedom of expression and expression, as well as the killing of creativity on the internet. But as a guarantee that these individual rights do not violate the rights of others. As in Article 19 of the Human Rights Declaration, there are two elements in it, freedom for and freedom from.

For example, in the Zikria case, she wrote on his personal Facebook page offending Surabaya, Tri Risma Harini. Zikria wrote about conditions of heavy rain, which caused a part of the streets in Surabaya to be submerged, and called the Mayor of Surabaya a 'female frog'. On another date, Zikria also uploaded two pictures of public leaders in this country, Anies Baswedan (governor of DKI Jakarta) and Tri Risma Harini (Mayor of Surabaya), as if comparing with writing tweets about Tri Risma's facial expressions and the flood. Behind this fact, Zikria seemed not to think that what he had done had violated the provisions of Article 27 paragraph (3), which explained that, *"Confirming that the criminal elements in these provisions refer to the provisions of defamation and slander regulated in the Criminal Code". Article 45 paragraph (3) reads, "every person who knowingly and without right distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible which contain defamation and/or defamation as referred to in Article 27 paragraph. (3) shall be sentenced to imprisonment of up to 4 (four) years and/or a maximum fine of Rp. 750,000,000 (seven hundred and fifty million rupiah).* And article 28, paragraph (2) reads, *"Every person intentionally and without right distributes information aimed at causing hatred or enmity for individuals and/or certain community groups based on ethnicity, religion, race, and intergroup (ERRI)".*

In addition, Article 27 paragraph (3) of Law Number 11 the Year 2008 has been regulated in such a way that the prohibition of content that has an insulting or defamatory content is actually trying to provide protection for a person's rights individual, where is each user. Information through the media concerning a person's personal data must be done with that person's consent. In this case, there are violations that have been committed by Zikria against public officials Tri Risma Harini, through her

Facebook social media content. Zikria's actions can be seen as irresponsible in using social media. Plus, ignorance of legal sanctions for his actions. Freedom of opinion is guaranteed in an atmosphere of a democratic country like Indonesia. But do not forget that this freedom of expression is limited by local laws, morality, society, social order, and a democratic society politics as contained in article 29 of the Universal Declaration of Human Rights.

The presence of the AIT Law as part of State hegemony is a form of regulation designed to protect internet activities from cybercrime threats. The cybercrime category includes illegal content used to regulate content spread in cyberspace public spaces, such as articles on blasphemy, online threats, and defamation (defamation). Through the AIT Law, the Government tries to "force" its citizens by regulating illegal content that appears in cyberspace public spaces.

According to the Minister of Communication and Information, Article 27 paragraph (3) is an article that cannot be eliminated in the AIT Law because the deterrent effect on lawbreakers will disappear. Article 27 paragraph (3), which is commonly used to prosecute cases of defamation, has not guaranteed freedom of expression in Indonesia. In fact, this article is a significant and real threat to democratic life in Indonesia. Freedom of expression is a big challenge for the State. On the one hand, the State has the responsibility to guarantee its citizens' freedom of expression. On the other hand, the State must also protect its citizens' interests so that their rights as citizens are not violated. The emergence of this AIT Law regulation has indeed provided fresh air to accommodate these two things. However, it turns out that the AIT Law has created a paradox. The existence of Article 27 paragraph (3), which is expected to provide a clear legal umbrella for the distribution of information and electronic transactions, is considered undemocratic because citizens' freedom of expression on social media has tripped over this article. It is hoped that this legal umbrella can provide legal clarity, not even injure citizens' freedom of expression.

5. Recommendations

Many citizens of the country loudly use social media without knowing the impact it will cause, both positive and negative. Every citizen in Indonesia uses social media to not freely express his will because it is regulated in the AIT Law. In addition, the freedom of expression of every citizen is limited by local laws, the spirit (morality), society, social and political order (public order) of a democratic society as contained in article 29 of the Universal Declaration of Human Rights. So, citizens in expressing their opinions must understand and be well aware of the regulations that apply in this country so that there are no negative impacts that can be obtained in the future.

6. Conclusion

Social media is a new creature that has succeeded in "hegemony" in every citizen's daily life. Social media hegemony with power or domination over the values of life, norms, and culture of a group of people eventually turns into a doctrine against other groups of people in which the dominant group consciously follows. As an Indonesian citizen, the case that befell Zikria is actually an act that is not wise in using social media. Although every citizen's freedom of opinion is guaranteed by the laws of this country, an understanding of the substance of the ITE Law must be well understood. Because in the Universal Declaration of Human Rights, every citizen's freedom to express his opinion in the public sphere (social media) is limited by law, social order and democratic society politics.

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