

INDEPENDENCE IN EXPRESSING OPINIONS ON SOCIAL MEDIA RERVIEWED FROM A LEGAL PERSPECTIVE

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Abstract

The state has guaranteed freedom to express opinions in public, this can be seen from several special regulations that regulate it both in the 1945 Constitution and the laws below. As a nation that has gained independence, the Indonesia nation prioritizes the principles of freedom of opinion independently as the embodiment of a democratic state, however, freedom of opinion both in public and on social media must be regulated carefully and wisely so that the freedom that has been given is not violate applicable legal regulations. This is an effort to prevent problem if problems occur and as an effort to control that even thought the Indonesian state adheres to a democratic system, in opinion, what will be conveyed and expressed in public or on social media must not violate ethics, legal norms and violate Human Rights (HAM). In order to realize freedom of expression, freedom of opinion must be in accordance with the legals rules that have been regulated. The legal basic governing this matter is continued in UUD; 45 Article 28 paragraph (3) and Law No. 9 of 1998 concerning Freedom to Express Opinion In Public and Other Legal Sources

Keywords: Legal, Freedom Of Opinion, Democratic State, Ethics Of Opinions

1. INTRODUCTION

August 17 1945 became a historic day for the Indonesian people, on that date the proclamation of Indonesian independence meant that the Indonesian people had achieved complete independence, namely freedom from all forms of violence, oppression, colonialism and freedom in terms of expressing opinions in public, where So far, the colonialists have been authoritarian towards the Indonesian people by taking away human rights, especially the right to express opinions and express opinions. Law Number 9 of 1998 concerning freedom of opinion in public was the first breakthrough in regulating freedom of opinion, freedom of opinion in public was carried out directly in expressing its income through direct interaction. The existence of these regulations can be a reference in regulating freedom of opinion on social media, namely sharing opinions but via the internet and not interacting directly, this is the difference.

1.1 Formulation of the problem

What is the role of the government as a facilitator in fulfilling the right to freedom in expressing opinions in public and on social media so that it is in accordance with the principles of a democratic state and an ethical nation?

1.2 Metode Penelitian

This research uses a normative juridical method, this method is a basic type of method that analyzes statutory regulations, norms and literature by presenting research qualitatively with a juridical approach.

2. LITERATURE REVIEW

Freedom of association and assembly to express thoughts both orally and in writing has been guaranteed and regulated in the 45 Constitution in articles 28 and 28E paragraph (3) which reads; Everyone has the right to freedom of association, assembly and expression of opinion.¹

2.1. The right to freedom to express opinions

Freedom to express opinions is a human right, this is guaranteed in the Universal Declaration of Human Rights and recognized by the constitution.

2.2 legal consequences

given freedom of opinion, legal consequences are also given if actions, words, writings are proven and can be proven to violate other people's rights, then they will be processed according to applicable law. The ITE Law is a legal forum for every perpetrator who is proven to have violated the law, therefore, as it should be, every person must be wise in their words and actions, especially in public and on social media.

¹ Undang-Undang Dasar 1945 pasal 28 ayat (3)

2.3 the government's role as a facilitator in fulfilling the right to freedom of expression

The definition of independence according to the KBBI is freedom, independence, not being pressured from outside, not being colonized and so on. One of the meanings of independence is the freedom given to each individual to control his own life, make decisions according to his thoughts, determine his life choices and live according to his wishes without any interference from other parties. As a legal state that adheres to a democratic system, the fulfillment of human rights must be fulfilled by the state as the party that facilitates the fulfillment of these rights so that the fulfillment of human rights can be achieved and can operate as regulated in law. As a legal state that adheres to a democratic state system, the government is run based on the interests of the people. We can see this in the UUD'45 and Pancasila as the basis of the state which states that sovereignty is in the hands of the people, by the people and for the people, so all actions are carried out in the interests of the people. together, namely in the interests of the Indonesian people.

Technological advances make it easier for us to obtain various kinds of useful information because there we can access whatever we need, but not everything that is displayed on the internet or on social media can be retrieved without us first examining whether the information is true or not. Therefore, the use of the internet must be used wisely, especially for parents who must control their children when they access the internet. The rise of various internet applications currently has two inseparable sides, namely the positive and negative sides. If we look at it from the positive side, it will make it easier for us to get information, knowledge, learning and so on quickly, but on the negative side, the information provided is not necessarily true, the main thing is proven by various cases that occur on the internet, whether in the form of spreading hoax news, slander, coups and other things that can harm yourself, other people and even the country. Therefore, the use of gadgets today must be used as wisely as possible and there is a need for strict supervision from the government so that technological advances are not misused, especially for the younger generation who are not yet mature enough, not legally competent and whose emotional conditions are not yet stable so that they can be monitored, especially for parents and adult families. So, as adults, we have to be wise in selecting the information or content we will upload, because not only adults can see it, minors can see it, teenagers can also see it easily.

Therefore, there needs to be awareness from all parties to participate in monitoring so that the development of this technology can provide benefits to us. In interpreting the meaning of independence in terms of freedom to express opinions both in public and on social media, it must be based on mutual respect, respect for the rights of other people and everyone who expresses an opinion must be able to take responsibility for their words.

The reason behind freedom of opinion is because Indonesia adheres to a democratic system, namely the best legal and political system in state administration, but what is currently a problem and is being debated is how to implement democracy in practice so that it can be implemented correctly. Therefore, democracy must be developed on the basis of mutual trust between one another because if there is no trust, it cannot be hoped that much democracy will emerge. If the government does not have trust in the people, the government will monopolize existing power, everything will be decided by itself while the people are left behind. Apart from that, we must pay attention that democracy also requires moderate attitudes and behavior and compliance with the rule of law. The tendency to extremism in attitudes will clearly not support the emergence of democracy.² So the government facilitates the fulfillment of the right to express opinions through law by providing freedom as a constitutional right to express opinions in public and on social media, as a form of implementing the democratic system in Indonesia and as a form of trust between the government and its citizens. Apart from these reasons, one of the reasons behind the implementation of a democratic system was during the New Order era led by President Soeharto at that time. This incident occurred on May 21, 1998. At that time, it was a turning point in change in Indonesia, which was initially known as the New Order era, becoming an era of reform. This incident is an event that continues to be remembered to this day, starting from massive demonstrations to changes to the UUD'45 at that time, the people demanded a number of demands, namely;

1. Amendment to the '45 Constitution
2. Elimination of the dual function of ABRI

² Ni'matul Huda, *Hukum Tata Negara Indonesia Edisi Revisi*, PT. Raja Grafindo Persada 2011, hlm 262, Jakarta International Conference on Agriculture, Engineering, Social Science and Education 2024

3. Upholding the supremacy of the law, respecting human rights (HAM), and eradicating corruption, collusion and nepotism (KKN)
4. Decentralization and fair relations between the center and the regions (regional autonomy)
5. Realizing press freedom
6. Realizing democratic life.³

Therefore, it is necessary for each of us to be aware of ourselves so that we can respect each other and respect other people. This is also aimed at the good of ourselves, others and to maintain the integrity of the Republic of Indonesia. *Imu* is indeed important, but the position of *adab* is above knowledge, so what has become the characteristic of the Indonesian nation is a nation that is civilized and upholds the norms of politeness, we should continue to maintain religion considering that we are a nation with eastern characteristics that upholds it highly. good ethical values. Moreover, the government has issued policies to realize a democratic system by providing independence and freedom to express opinions, so we also need to respect it.

3. CONCLUSION

The role of the state as a facilitator in upholding the right to express opinions both in public and on social media is very much needed, this is due to the rapid development of technology where all information can be easily accessed by almost all ages. Therefore, it is necessary to have a controller so that it can run in harmony and balance. Internet users are in almost all circles and are not limited by age. The worrying thing is that if the users are underage then the task for all is to control their children when using gadgets. For people who are adults, when uploading and speaking on social media, it is appropriate to pay attention to the content of the writing, do not convey news that contains slander, hoaxes, hate speech and other negative things because the worry is that underage children, especially those who cannot digest the information properly. This will clearly have a negative impact, therefore

³ Tundjung Herning Sitabuana, *Hukum Tata Negara Indonesia, Konstitusi Press (Konpress)*, hlm.21, Jakarta International Conference on Agriculture, Engineering, Social Science and Education 2024

the government, through the ITE law, makes regulations so that anyone who violates the law gets the consequences. The freedom referred to here is related to freedom of opinion but within the limits of applicable legal norms. Therefore, even though freedom of opinion is guaranteed in law, what we say, whether orally or in writing, must not violate the rights of other people, such as degrading the dignity of other people because that is a human right that must be protected and respected. As a nation that upholds the norms of decency, religion and ethics, we seem to apply this when using social media.

4. ACKNOWLEDGEMENTS

This recognition is made based on legal issues. This is the impact of modernization on technological developments where everyone is given the freedom to freely express their opinions both orally and in writing, especially on social media. The government as a facilitator has regulated various rules and given every citizen the right to express his opinions as a form of a democratic country that upholds human rights, however there are legal consequences if the opinions expressed violate the law, so there is the ITE Law which regulates this. This article was written independently for the purposes of an international seminar organized by Palembang University.

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