

Freedom Of Speech In The Digital Age Toward Peace Campaign

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Abstract. Freedom of opinion is guaranteed by the 1945 Constitution in the context of the 2024 election, where the digital era has become an important part of society's activities today. However, freedom of opinion is sometimes misused by some individuals to carry out negative campaigns and spread hate speech against opposing parties, thus making the political arena unhealthy. The Information and Electronic Transactions Law (UU ITE) regulates freedom of opinion, limits the space for criticism and opinion for internet users, and many criticisms have legal consequences for society. The author emphasizes the need for participants in the 2024 election and internet users who observe the political scene via social media to understand the importance of freedom of opinion based on ethics, freedom of opinion based on the constitution and the ITE Law, as well as freedom of opinion which contributes towards peaceful elections in 2024.

Keywords: Freedom Of Speech, Campaign, Digital Age

1 Introduction

A significant growth in the use of social media in Indonesia has occurred in recent years. Based on data from the Indonesian Internet Service Providers Association (APJII) in 2017, the number of internet users in Indonesia reached 143.26 million people or around 54.7% of the total population. A significant increase compared to the previous survey in 2016 which recorded 132.7 million internet users in Indonesia. Among online activities, social media dominates with 87.13% of internet users using this platform to fulfill their information needs. However, there are differences between life in the real world and what happens in cyberspace, indicating that although social media has experienced rapid growth, the realities of everyday life do not always line up with what is presented on these online platforms.[1]

The impact of freedom of expression on social media platforms in Indonesia, safeguarded by Article 28 of the 1945 Constitution and the transition from the old regime to the reform era in 1998, has increased the intensity, speed and timeliness of activities there. But, as a result, individuals tend to use social media with an excess of freedom, even casually. There are no real restrictions on expressing opinions through social media, which often results in attacks, insults, and a decrease in the dignity of other individuals, often leading to legal problems for violating the rules of freedom of opinion regulated by Law Number 19 of 2016 concerning Electronic Information and Transactions, or better known as the ITE Law. This kind of situation illustrates an individual's lack of understanding of social media literacy itself.[2]

As the 2024 election approaches, social media users, who are often referred to as buzzers, whether they do paid or unpaid promotions, are increasingly structured in spreading content. This has and will continue to clog the public space of social media with information that may influence the opinions and decisions of netizens, especially those who are just about to vote in the election. Many of them are not fully familiar with the track records of presidential and vice presidential candidates, so the information they get from social media will be the main determinant in the formation of their views.

2 Research Method

The qualitative approach used in this journal research is descriptive method. By choosing this method, it is hoped that it can answer research questions related to the Freedom Of Speech In The Digital Age Toward Peace Campaign. Secondary research was conducted based on data collected from government surveys, Research and Development, Microsoft, journals and literature related to internet users, social media, cybercrime and digital literacy. Data is collected according to the writing topic, combined, compared, analyzed using qualitative data analysis, and concluded.

3 Result and Discussion

3.1 Freedom of Speech

Freedom of opinion, according to KBBI, comes from the word 'free' which means a state of independence or unlimitedness, while 'opinion' refers to a person's idea or idea about something. Thus, freedom of opinion means a person's freedom in expressing ideas or ideas. The existence of freedom of opinion is reflected in the extent to which people's aspirations can be expressed without hindrance, considering that freedom of opinion is a basic right that should be obtained by all citizens in a democratic state, especially in a country whose principles are based on popular sovereignty.

Freedom of opinion is a complex right because it is not absolute, but must be accompanied by special obligations and responsibilities. The existence of restrictions provided for by law is important in the use of this freedom. The right to freedom of expression not only protects individuals who voice their opinions, but also involves protecting the right of other individuals to hear and receive those opinions.[3]

These two equal rights sometimes contradict each other and are difficult to balance because it is not always easy to find the right middle point between freedom of speech and the rights to honor, safety and privacy. Situations that give rise to conflict between the two often arise, such as when the expression of opinion can damage someone's honor or threaten privacy, as well as when the information disclosed has the potential to endanger the safety of individuals or society. Careful organization is needed to balance these rights, but decisions about how to handle conflicts between free speech and other rights often require careful evaluation and a thorough assessment of the situation.[4]

In general, freedom of speech has great significance for four main reasons. First, freedom of speech is important as a way to ensure that individuals can express themselves and reach their

full potential in conveying ideas. Second, freedom of speech is the foundation for seeking truth and increasing knowledge by enabling people to consider different points of view, test their views, and make effective use of diversity of thought. Third, freedom of opinion is key to individual participation in decision-making processes, especially those related to political affairs. Fourth, freedom of expression is also the basis for the stability and adaptability of societies and countries, enabling them to develop and adapt with changing times.[5]

The recognition, protection and fulfillment of freedom of opinion and expression is constitutionally regulated in the 1945 Constitution. Article 28E paragraph (2) of the 1945 Constitution states "Everyone has the right to freedom of belief, expression of thoughts and attitudes, in accordance with his conscience." In paragraph (3) Everyone has the right to freedom of association, assembly and expression. Article 28F of the 1945 Constitution states that "Everyone has the right to communicate and obtain information for the development of his or her personal and social environment, and has the right to seek, obtain, possess, store, process and convey information using all available channels." The provisions regarding this freedom are also regulated in Law Number 9 of 1998 concerning Freedom of Expression in Public and Law Number 39 of 1999 concerning Human Rights.

Article 1 point 1 of Law Number 9 of 1998 concerning Freedom of Expressing Opinions in Public states "Freedom to express opinions is the right of every citizen to express thoughts orally, in writing, and so on freely and responsibly in accordance with the provisions of applicable laws and regulations." In public is in front of a crowd, or other people including in places that everyone can go to and or see. Article 23 paragraph (2) of Law Number 39 of 1999 concerning Human Rights states "Everyone is free to have, express and disseminate opinions according to their conscience, orally and or in writing through print and electronic media with due regard to religious values, decency, order, public interest, and the integrity of the nation."

3.2 Digital Era

Social media is a digital-based platform that provides space for users to express their opinions and thoughts, through social media users can exchange information.[6] In 2020, around 59% of Indonesia's 272.1 million population, or around 160 million Indonesians, are active social media users. In a day, the average social media user in Indonesia spends more than 3 hours surfing on various social media platforms . Based on age, in 2020 the majority of social media users in Indonesia were aged 25 to 34 years with a percentage of 35.4 percent of the population. Followed by people aged 18 to 24 years as active social media users with a percentage of 30.3%.[7]

However, in the current development of social media, there has been an increase in various false information or hoaxes, as well as the emergence of hate speech and intolerant content. This is due to the lack of ability of social media users to understand the limits of using free speech on digital platforms.[8] This makes ethical behavior and ways of expressing opinions through social media a serious focus of attention. Based on a Microsoft survey, Indonesia has the lowest netizen politeness index in the digital environment, placing it in 29th place out of 32 countries surveyed.[9]

Meanwhile, in the political realm, social media is also a new medium in gaining votes, especially young voters. Social media today is also used as a means to make its users politically literate.[10] The incessant political literacy in the realm of social media has also given birth to

the phenomenon of political buzzers. The term buzzer was originally often used in marketing terms, but since the 2014 election, buzzers in the political realm have become a trend in campaigning on social media. Politicians use buzzer services to shape public opinion to increase their electability.[11]

The development of technology in the field of Telematics in Indonesia, which includes Technology, Media, and Informatics, is regulated by the ITE Law. This law is the first legal foundation in Indonesia to regulate information technology and electronic transactions, which should also include protection of freedom of expression in internet media. The Internet has become a major challenge in the context of freedom of expression. While providing global access to information, the Internet also poses problems for countries, individuals, and the international community that seeks to regulate the flow of information. The internet now acts as an electronic mass media that can change various aspects of human life, both positive and negative. Freedom of opinion and expression is a fundamental right of every citizen, and a constitutional right guaranteed by the state. As a state of law and democracy, Indonesia has the authority to regulate and protect the implementation of human rights.[12]

This is stated in the fourth amendment to the 1945 Constitution of the Republic of Indonesia in Article 28E paragraph (3) which states that "everyone has the right to freedom of association, assembly, and expression." Then the interpretation of the article is accommodated through Law Number 9 of 1998 concerning Freedom to Express Opinions in Public Article 1 paragraph (1) "freedom to express thoughts orally, in writing and so on freely and responsibly in accordance with applicable laws and regulations." At the level of national law, the right to information is a right regulated in the 1945 State Constitution of the Republic of Indonesia Article 28 F, which states that "Everyone has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, possess, store, process, and convey information, using all types of available channels". The constitutional mandate was then revealed in more detailed rules such as Law Number 19 of 2016 concerning Amendments to Law 11/2008 concerning Electronic Information and Transactions and Law Number 14 of 2008 concerning Public Information Openness.

3.3 Peace Campaign

Freedom of expression, as guaranteed by the constitution, deserves recognition for the important role it plays in constitutional democracy.[13] In today's human rights sphere, the Internet has become one of the most influential issues in influencing freedom of expression. Since the beginning of the 21st century, there have been drastic changes in the media sector, especially with the shift in dominance from traditional media to social media. The constant availability of information over the Internet allows citizens to become more informed about state affairs, and this has the potential to increase interaction between citizens and governments. Although challenges to freedom of expression on the Internet are seen in democratic or established democracies around the world, this study is descriptive in nature and aims to investigate the impact and processes generated by the Internet on freedom of expression. The paper also aims to formulate policies and measures related to Internet use, as well as how those policies are designed to regulate freedom of expression in countries around the world.[14]

In its development, social media has become the latest trend among people to voice their political goals. Social media is considered the most efficient and practical way to spread ideas,

points of view, and criticize government policies. This relationship is closely related to the ease of access to social media sites through mobile devices. At first, social media only acted as a social networking platform, but later developed into an important media in the context of democracy. Users have control in adapting this technology according to their daily needs. Research conducted by CK Jha and Kodila-Tedika examines the relationship between social media and democracy in more than 125 countries around the world.[15]

Intense activity on social media often results in tension among users, often fueled by figures known as opinion makers, who then transform into buzzers. In South Korea, the buzzer phenomenon first emerged in 2012, where they delivered increasingly dramatic and exaggerated product reviews to trigger an emotional response, not by using logic, sometimes even by spreading inaccurate information, which ultimately affected product sales significantly.[16]

Social media has changed the panorama of media information as well as practices within newsrooms. The evaluation now uses social media analytics, which identifies users of social media content, their location, activities performed, and how the content is disseminated within the network.[17] While social media has provided more open access to information, these platforms have essentially no democratic or non-democratic orientation. On the contrary, social media is a tool that can be used by political actors for various purposes, including in paradoxical cases, for purposes that are not in line with liberal principles.[18]

In recent years, attention to the responsibility of social media platforms towards their users and society as a whole has become a major focus in politics. However, regulatory efforts responding to the social media crisis have not yielded generally satisfactory results. In addition, the concept of media as an area of 'institutional freedom' can be applied to current challenges and has the potential to strengthen the role of democracy in social media.[19] Due to its participatory, interactive, and cost-efficient nature, new media has become a significant tool in support of democratic goals and processes. The media plays a role in facilitating information sharing, monitoring, and evaluation in the context of the electoral process, reducing tensions and anxieties often associated with elections, and strengthening transparency and accountability. However, there are challenges for social media, such as the risk of abuse and manipulation; However, such risks can be effectively minimized through careful monitoring and adequate regulation without compromising freedom of expression.

3.4 State-Regulated Freedom of Speech

As a state of law, Indonesia has a responsibility to uphold the principles of legal protection, especially related to Human Rights (HAM). The law has a central role in upholding the principles of upholding and protecting human rights in Indonesia. Moreover, as a democracy, restrictions on freedom of expression may be considered strange and incompatible with basic democratic principles.

In the context of a democratic country, freedom of expression is considered very important, in line with the aim of creating a situation that supports the protection and enforcement of human rights. Freedom of expression not only includes the right to express an opinion, but also provides space for expression, a very vital aspect in a democracy.

A democratic country, like Indonesia, should reflect the protection of freedom of open assembly and discussion. The sovereignty of the state should be in the hands of the people, and the

protection of this freedom can express itself through support, surveillance, criticism, and advice on the administration of government.

Therefore, maintaining freedom of opinion as a form of public expression and participation in government supervision is an obligation. Legal protection, embodied in laws and regulations, is an important foundation to ensure that freedom of expression is not only recognized but also well maintained in a democratic country like Indonesia.

Freedom of expression is the right of every Indonesian citizen as stipulated in Article 28 of the 1945 Constitution and Law No. 9 of 1998 concerning Freedom in Expressing Opinions in Public. This right not only includes freedom of opinion, but also involves the right to assemble, protest, and demand change.

Provisions regarding freedom of assembly and expression of opinion are regulated in Articles 28, 28E, and 28F of the 1945 Constitution. Article 28F specifically states that every individual has the right to communicate, obtain information, and seek, obtain, possess, and store information through electronic media for the needs of self-development and social environment. This right, especially in the context of the use of media technology, must take into account the limitations set out in the law. Its purpose is to ensure recognition and respect for individual rights and freedoms, as well as meet moral considerations, societal norms, religious values, and public order in a democratic society.

Therefore, the submission of opinions needs to be regulated in a regulation that includes limits on politeness in its delivery, as well as sanctions or penalties for violating these provisions. Technological developments, meanwhile, have had a significant impact on various aspects of people's lives, including in the context of crime. The development of technology is often followed by the emergence of new crimes, such as defamation, which occur due to the ease of access and implementation of criticism of information.

Freedom of opinion is a basic right that must be realized in the practice of freedom of expression. This right allows every citizen to express his thoughts freely while remaining accountable according to the law. As a country based on law, Indonesia has regulations that protect the rights of its citizens, including human rights given by God, according to Locke's view.

According to Locke, human rights are natural rights that every human being is born with, including the right to speak and express opinions without discrimination. Expressions of various forms such as book writing, discussions, articles, and others become a way for individuals to express their opinions. The principles of legal protection, especially related to human rights, must be upheld by a state of law such as Indonesia. This includes providing strong justifications for achieving objectives, be they positive or negative, to ensure that government measures are always in line with human rights principles.

The law has a very important role in upholding the principles of upholding and protecting human rights in Indonesia, especially in the context of a democratic country. Freedom of speech is very important in democracies, and restrictions on that freedom can seem strange. Freedom of opinion and expression is a key aspect of democracy, reflecting a situation that supports the protection and enforcement of human rights.

Freedom of expression also has an impact on expression, which is a crucial element in the context of democracy. A democratic state would reflect the protection of freedom of open assembly and discussion. A democratic state should grant sovereignty to its people, and protection of free speech allows citizens to provide oversight, criticism, and advice on the administration of government.

Protection of freedom of opinion and expression in Indonesia is constitutionally guaranteed through Article 28E paragraphs (2) and (3) of the 1945 Constitution, and further regulated in Law No. 9 of 1998 concerning Freedom to Express Opinions in Public. This law serves to protect and guarantee the space and the right of citizens to express open opinions in accordance with the values of Pancasila and basic regulations.

Legal protection is also regulated in Article 23 paragraph (2) of Law No. 39 of 1999 concerning Human Rights. The role of the state in protecting and guaranteeing freedom of expression is crucial, especially in the era of the development of electronic information media, such as social media. Legal protection is expected to maintain freedom of opinion amid the rapid spread of information on social media, keeping in mind that it is wise in attitude.

However, in exercising freedom of opinion, people need to be wise and not excessive. Freedom of expression must be exercised responsibly. The state, through human rights laws such as Law No. 9 of 1998, is committed to maintaining and guaranteeing people's freedom of opinion, in line with the times and technological advances.

3.5 Freedom of Opinion is People's Sovereignty

Each country basically has a theory of sovereignty that has been adjusted to its respective characteristics and ideologies. The main function of any theory of sovereignty is to improve the welfare of society. Each theory of sovereignty carries certain consequences that must be adhered to. For example, a state that adopts the theory of the king's sovereignty must obey the king's orders as the holder of the supreme power. Similarly, the theory of the rule of law is needed, where it takes a rule of law that can regulate and direct every aspect of life.

This is in line with the approach applied by Indonesia which carries the theory of people's sovereignty. In this context, the ultimate power is in the hands of the people, but the government still functions according to its obligations. When the people become the highest power holders, every rule or regulation made must lead to the main goal, which is to improve the welfare of the people's lives. Therefore, in an effort to realize this, there must be no restrictions on the rights possessed by the people, including the right to freedom of opinion.

This certainly raises people's sovereignty which when related to the correlation Guarantees and protection of freedom of opinion allow every citizen to voice his aspirations, ideas, and ideas freely with responsibility. This freedom must be upheld without attempts to silence the aspirations of the people, as long as they do not cause conflict or problems. The Johannesburg Principles outline several aspects of Human Rights restrictions, with the requirement that restrictions must conform to clear, unambiguous and carefully crafted laws. Restrictions should serve a true purpose, protect legitimate national security interests, and should be the lowest possible means of restriction.

In emergency situations, states may impose restrictions, but only to the extent necessary and in accordance with international law. Discrimination should not be the basis for restricting the right to freedom of expression. Freedom of expression is evidence of the running of a sovereign and democratic system of government, in which the opinion of the people, as the holder of supreme power, must be heard.

It is important to remember that restrictions can be placed if the expression of opinions is considered to be a security hazard, not based on differences of views. Freedom of expression encompasses many forms of expression, including oral, written, discussion, and press activities. However, it should be noted that in some cases, freedom of expression in Indonesia has narrowed the space for public expression, which includes policies related to the Papua issue, violence against demonstrators, narrowing academic freedom, and restrictions on trade unions.

As a sovereign state, it is important to instill the principle that the guarantee of free speech without silencing is the foundation of a true democracy. Every opinion should be valued, although not all can be implemented. The application of freedom of opinion can start from small actions, such as deliberation, which teaches participatory values, respects the opinions of others, and provides space to convey people's aspirations.

3.6 Elections as a democratic process

Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "Sovereignty is in the hands of the people and is exercised in accordance with the Basic Law". The meaning contained in the phrase "sovereignty is in the hands of the people" is that the people have the right, responsibility, right, and obligation to democratically elect leaders who will form a government to serve all levels of society. In addition, the people also have the right to elect representatives of the people who will oversee the running of the government.

The exercise of popular sovereignty is realized through the implementation of general elections (elections) as a means for the people to elect leaders, including the president and vice president who are elected in one pair directly. The election also involves the election of members of the People's Representative Council, members of the Regional Representative Council, President, Vice President, and members of the Regional People's Representative Council. This process must be carried out based on the principles of direct, public, free, confidential, honest, and fair, and all this is done within the framework of the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

It is based on, Elections are a means to realize people's sovereignty, Elections become a tool for political leaders to gain legitimacy, Elections provide opportunities for the people to participate in the political process, Elections become a mechanism to change leaders constitutionally, Elections are run based on electoral laws that not only detail the democratic principles of elections, but also must ensure legal certainty.

Elections do not only involve thoughts about specific individuals or personal interests, but include thoughts about the general public (the people). In this context, it is inseparable that in this thought process, human beings as individuals belonging to the concept of the electorate also become an integral part. With its conceptual nature, philosophical thinking is an activity that

exceeds the limits of individual daily life experience. Its scope involves consideration of the future, but remains rooted in an understanding of the prevailing common things, especially those that must be respected in the present moment.

The people, as the core of the teachings or concepts of democracy based on law or dignified democracy, cannot be separated from the understanding that in it there is man, the creation of God Almighty, God Almighty. In this context, the people are the central part of democratic thinking and are a key element that must be considered. However, it is important to note that the people who are at the core of democratic thinking are not the people in the "wild" sense. The people who are the focus of democracy are the people who are defined and governed by applicable laws. Furthermore, they should also have been tested before the courts and produce judgments that have permanent legal force.

The concept of the people at the core of the understanding of democracy emphasizes ethics (ethics) which can only be recognized if it is in accordance with applicable laws and regulations. In other words, democracy cannot exist without the role of the people being regulated and supervised by the prevailing legal framework.

A democratic political system has a distinctive feature that lies in the democratic basis underlying the ruler, so that democratic elements not only become the norm in government but also empirically function in accordance with established democratic principles. Although it is a desirable choice, realizing a democratic political system requires the fulfillment of a number of prerequisites, and this is not always easy to do because of various factors such as the level of education of the community, the level of education and political awareness of the community, the commitment of those who hold power to create a democratic political system, to the existence of legal regulations that can be an instrument for the implementation of a democratic political system.

Theoretically, Diamond, Linz, and Lipset define democracy as a system of government that meets three main conditions: Genuine and widespread competition among individuals and groups of organizations to compete for government positions that have effective power, with a regular period of time, and without involving the use of force. Participation that involves as many citizens as possible in the election of leaders or policymaking. Political and civil liberties, including freedom of speech, freedom of the press, freedom of forming and joining organizations, are sufficient to ensure the integrity of competition and political participation.[20]

When looking at the development of democracy discussion today, the term democracy is currently a trend in public life, often compared to the terms totalitarian, tyrannical, or dictatorial. In his book entitled "Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries," Arend Lijphart outlines six concepts about models and implementation of democracy, which include (1) Western-style models of democracy, (2) models of consensus democracy, (3) comparison of the implementation of democracy in 22 countries, (4) constitutions (majority power vis-à-vis minorities), (5) referendums in representative democracy, and (6) rational democracy models, prescriptive, and empirical.[21]

The concept of democracy is often related to the principles and values applied in a country. According to Wolff, discussing good values and diverse types of states has been the standard in

political philosophy since the time of Plato. Although John Locke made a treatise on Sir Robert Filmer's arguments against the hereditary rights of kings, trust in traditional authority today has weakened. There is only one form of political community that offers hope for the resolution of the conflict between authority and autonomy, and that is democracy. In the literature of political science or state science it is mentioned that direct government by the people is considered impossible. Therefore, in the discussion of democracy, it is known as direct democracy and representative democracy.

The main theoretical weakness in unanimous direct democracy lies in its demand that decisions be taken by unanimous agreement in order to create legal authority. In practice, these demands significantly limit the situation that can actually allow the development of a country. More serious, however, is if the failure of democracy unanimously hinders the way for those with good intentions to resolve differences between them. To ensure that the concept of a justified state is not merely the subject of useless study, it must at least provide possibilities for conflict resolution without undermining the autonomy of citizens or the authority of the state itself.

Conflicts do not always arise because of differences in interests; Sometimes, it's just a disagreement about how best to achieve the common good. The solution that arises naturally is the rule of the majority. When voters have different opinions, voting can take place; Give everyone voting rights, and let them collectively respect the majority of votes. Its widespread belief in majority rule makes it considered a tool for managing differences and reaching decisions in various variants of democratic theory. Our task is to find arguments showing that autonomy in democracies is unanimously protected in democratic practices guided by majority government. In other words, we must investigate whether members of a democratic government are morally bound to obey majority decisions. This becomes the essence of the concept of majority democracy, in which the interests of minorities remain concerned.

If you look at this opinion, of course, it can be questioned how democracy will be in the future. The interesting thing about the nature of democracy in the future is not how successful the achievement of ideal government is, but how democracy can be perceived actually. Therefore, in the evolution of democratic life in the modern century, the question arises why and what democracy is, both in an ideal and actual context, related to political institutions and political dynamics of a country.

Ideal democracy addresses the concept of what democracy is, and in this context, Robert A. Dahl presents five basic criteria of democracy. First, all communities must know the policies that have been taken in order to participate effectively. Second, in expressing opinions, there must be a balance or equality of votes (voting equality). Third, every community must have the same opportunity to understand each policy to understand its aims and objectives, referred to as enlightened understanding. Fourth, the public must also be given the freedom to oversee the implementation of government policies, known as control of agenda. Fifth, in an ideal democracy, this concept is described as mature thoughts and attitudes in looking at political dynamics, where decision making must consider the interests of society as a whole or based on the spirit of the constitution, not based on emotions. This situation in an ideal democracy is referred to as inclusion of adult.

The idea of ideal democracy arising from the human mind can feel very abstract if it is not applied in everyday life. Therefore, an actual conception of democracy is needed to realize the

ideals of democracy in real life practice. This can be achieved through political institutions that exist within a country.

Actual democracy is realized through the election of elected officials, and it is important to emphasize that democracy is not only an individual or personal concept, but grows in line with the concept of the people (plural). Representative elections must be held fairly and freely (free, fair, and frequent elections), which in Indonesian electoral parlance is often referred to as "honest elections."

Actual democracy also includes the conception of freedom of expression, the continuation of press freedom, or openness for people to access information from various sources (alternative sources of information). In addition, the right to association and assembly (associational autonomy) is also recognized as an important part of actual democracy. The value of people's participation in democracy is determined by the right to vote (inclusive citizenship).

In the actual implementation of democracy in the modern century, its democratic form faces many changes and challenges. Key challenges include the high cost of participatory democracy, especially related to the movement of legislative candidates to constituencies (dapil) in Indonesia's open proportional electoral system. These challenges include the cost of travel to meet constituents, which is an important aspect of future democracies. As Robert A. Dahl illustrates, the challenges of democracy ahead involve economic issues, the influence of international issues or globalization, cultural diversity, and especially the issue of political education for the people.

3.7 Human Rights and Freedom of Expression on Social Media Towards Peaceful Elections

The right to express opinions, express thoughts, and confirm these rights is regulated by the 1945 Constitution, especially in Articles 28 E and F. Article 28 E of the 1945 Constitution stipulates human rights with the following points: (1) Every individual has the right to practice his or her religious beliefs, choose education, profession, citizenship, residence, move, and the right of return. (2) Freedom of belief, thought, and opinion in accordance with their respective consciences is guaranteed. (3) The human rights of everyone involve freedom of association, assembly, and expression.

Article 28 F guarantees the right of every individual to communicate, receive information, develop his personality and social environment. This includes the right to seek, obtain, store, process and convey information through a variety of available channels. The interpretation of Article 28 F is also affirmed in Public Law No. 9 of 1998 concerning Freedom of Expression, which defines freedom of expression as the right to express opinions freely and responsibly in accordance with applicable law. Overall, freedom of expression regulated by the 1945 Constitution and Law No. 9 of 1998 affirms that this right is part of the human rights guaranteed and protected by the state.

The concept of human rights, especially related to freedom of opinion, is often debated when applied in the context of the rule of law. Although Indonesia as a state of law has ratified a

number of international regulations supporting freedom of expression, the constitution also protects the government from criticism deemed unlawful.

Freedom of speech is guaranteed by the Indonesian constitution, but there are restrictions recognized as an effort to safeguard the security and well-being of citizens. The addition of Human Rights (HAM) in the second amendment to the 1945 Constitution, which previously did not contain human rights articles, was the result of the MPR reform in 1998. These reforms came in response to societal pressure and the demands of various sectors, including students and youth, who emphasized the importance of the rule of law, respect for human rights, and efforts to eradicate corruption, collusion, and nepotism (KKN).

The amendments to the 1945 Constitution between 1999 and 2002 reflected a step forward in Indonesia's transformation. This initiative is part of efforts to make the 1945 Constitution a more modern and democratic constitution. With the inclusion of Human Rights (HAM) in the 1945 Constitution, the human rights of every Indonesian citizen and resident are constitutionally guaranteed, marking the commitment of the Indonesian nation to the principles of democracy and human rights

Thus, the democratization process in Indonesia today affirms the role of the public as the main owner or controller of freedom of speech. Freedom of speech is considered the fundamental right of every individual to express his ideas, opinions, and feelings in order to be heard by others. This right is an integral part of human rights, but it needs to be safeguarded so as not to violate the public interest or harm others.

Freedom of opinion and expression applies to many different types of ideas, including those that may be considered controversial or offensive. However, it is important to ensure that such freedoms are accountable and can be lawfully restricted by the government if they violate decency ethics. The government has a responsibility to prohibit speech that promotes hatred, incitement, or any form of expression that may cause harm.

The right to opinion or speech must be conveyed openly, but still follow the norms and provisions that apply in society. This is done in order to protect the public interest and the reputational rights of others. Although the rights of speech and expression are closely related to each other, they differ from the concepts of the right to freedom of thought and conscience. Freedom of thought and conscience refers to the right of individuals to form their personal views and values in the absence of external restrictions. Thus, although freedom of speech and expression is valued, a clear understanding of ethical and legal boundaries remains an underlying principle.

This right must be accompanied without harming the rights of others, especially in future elections there will be political contestation to choose leaders for the next five years, it should be underlined that people often do not realize that certain actions they take on social media can potentially cause harm to other parties, both in the form of material losses and defamation. Defamation through social media often occurs due to a lack of caution from the community itself when doing activities on the platform.

Activities that may cause problems include uploads of text, photos, videos, or information that may not be verified. Lack of prudence in carrying out such activities can lead to serious

consequences, especially related to the integrity and reputation of other people, groups, or even certain establishments.

It is important to raise public awareness of the impact of activity on social media and encourage caution in sharing information. Preventive measures, such as verification of information before uploading, as well as respect for the privacy and rights of others, can help reduce the risk of defamation in the digital environment. The role of online ethics education and understanding is also key in addressing these challenges and creating a more positive social media environment.

Social interactions on social media often become more open and private between users, especially in the context of elections, often making people forget the norms of politeness in interaction. The use of social media is also often a means to express opinions, but keep in mind that in expressing opinions, caution and attention to polite norms are very important. This is so that criminal defamation does not occur.

Although every individual has freedom of opinion, this freedom must be exercised responsibly and in accordance with applicable legal rules. Submission of opinions without a clear basis and without responsibility can result in losses to certain parties, both in the form of material losses and defamation.

In the context of expressing opinions on social media, it is important to guard against acts of anarchy on social media, which can be interpreted arbitrarily and undermine the norms of expressing opinions. Therefore, regulations governing the limits of politeness in expressing opinions need to be applied. The regulation shall include sanctions or penalties if such provisions are violated. It aims to create a more controlled social media environment and in accordance with the values of decency prevailing in society to achieve peaceful elections.

4 Conclusion

Ideal democracy is a concept rooted in human thinking about freedom, participation, and just government. However, for democracy to be real and manifest in everyday life, an actual conception of democracy that accommodates those values through a country's political institutions is needed.

In the Indonesian context, actual democracy is realized through the election of representatives, which affirms that democracy is not just an individual concept but grows along with the concept of the people. The process of electing representatives must be carried out fairly and freely, creating honest elections. In addition, important aspects of actual democracy are freedom of expression, freedom of the press, the right to association and assembly, and the right to vote as a form of popular participation.

In the modern century, the implementation of democracy faces challenges, especially related to the high costs of participatory democracy. Legislative electoral systems, such as open proportional elections in Indonesia, pose cost challenges due to the movement of legislative candidates to constituencies. Therefore, financial problems become one of the challenges of democracy in the future.

In addition, economic issues, the influence of globalization, cultural diversity, and people's political education are aspects that need to be overcome to realize a well-functioning democracy. Democracy is not just about giving a voice, but also about understanding, active participation, and respect for democratic values.

In the context of human rights and freedom of expression, Indonesia has laid a strong foundation through its constitution and laws. The right to express opinions, freedom of belief, and the right to communicate are clearly regulated. However, such protection must be carried out responsibly, avoiding actions that may harm the public interest or defame others.

Social media, as a channel of expression and information, plays an important role in the context of elections. However, freedom on social media must be accompanied by awareness of its impact. Defamation and carelessness in sharing information can harm individuals or groups. Public awareness of online ethics and responsible use of social media is essential to create a positive environment.

In the face of elections, prudence in opinion, respect for norms of decency, and understanding online ethics can help prevent conflict and create peaceful elections. Enforcement of rules and sanctions against violations of such norms also need to be implemented to create a controlled online environment.

Thus, the concept of ideal democracy that grows out of human thought requires concrete implementation through actual democracy. It involves popular participation, protection of human rights, and awareness of responsibility in exercising freedom of opinion, especially in the age of social media. With joint efforts, people can create democratic, peaceful, and respectful elections for democratic values.

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