

THE ETHICS OF FREE SPEECH IN SOCIAL MEDIA: A HUMAN RIGHTS REVIEW

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Abstract

This article discusses the importance of ethics in the context of freedom of expression, focusing on its relation to human rights. Freedom of expression is one of the fundamental rights recognized in international human rights declarations. However, its implementation is not always without ethical dilemmas. In this paper, we outline the basic concepts of human rights and describe how freedom of expression is an important element in securing and protecting these rights. Next, we explore the various ethical challenges that arise when this right is exercised, including in contexts of controversy and extremism. We also discussed the responsibility of individuals in exercising their freedom of speech, with an emphasis on restrictions imposed by law on humiliation, social division, and incitement to violence. Within this framework, this article considers the ethical limits of freedom of speech that respect other human rights. Finally, we outline the importance of dialogue and mutual respect in striking a balance between ethics and freedom of expression. Through this analysis, this article aims to promote awareness of the importance of considering ethics in the use of free speech in order to protect fundamental human rights.

Keywords: HAM, Ethics And Morals, Social Media, Freedom Of Opinion.

1. INTRODUCTION

The use of social media is not a foreign thing for Indonesian people, in fact almost all people have social media, both from children, teenagers, to the elderly. Social media is very helpful for Indonesian people in various activities, none other than they can send messages over long distances, exchange stories and share happiness. But not only uploading photos or sharing fun. Even social media can be used as an alternative to shopping, working, and offering goods.

They can also criticize others and the government in the form of writing or video, which this criticism can later be watched by all social media users. Hopefully with the criticism conveyed someone can accept the criticism which then the criticized party can improve the right.

But sometimes Indonesian people neglect the language used to criticize, sometimes they do not realize that the language or words used to criticize hurt some parties and are not considered polite in speech. This then needs to be corrected for the sake of a democratic Indonesia.

Fortunately, social network developers are aware of this problem. All social media already have guidelines and news features that can minimize misleading activity. False

The first is to report comments and posts that are cyberbullying and irrelevant. The program can only distinguish good and bad based on user commands. If the user enters something bad and classifies it as good, of course the program will follow the user's instructions and classify it as good. That is why we as users submit to the topic being discussed and do not consider social media as the culprit of the problem. Users, when providing information about the Program (e.g., comments, posts, or other materials) and it is necessary to determine whether the contribution is appropriate or not.

In my opinion, of course so are limitations and considerations. Because each country has different cultures, perspectives and customs, right? means that something "wrong" may happen, we consider it wrong and arbitrarily dismiss it with malicious comments. Although there are limitations and considerations of opinion, This does not mean that there is no inner freedom of seeing. The theme

is already something What's interesting to talk about, etc? In this essay we will discuss about freedom of opinion about the use of social media referring to the prevailing norms in Indonesia.

Ethics in social media relates to attitudes that are held conscientiously, responsibly, full of honesty and moral actions that benefit me and around. The above ethics should be applied in interaction, engaging, collaborating, expressing opinions and even transacting digitally.

The ethical operation of freedom of opinion is also balanced by human rights. As Komnas HAM can support amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) to protect freedom and expression. It is true that every policy must contain human rights principles. An in-depth review is being conducted with reference to the human rights standards set out in the SNP (Regulatory Standards) on freedom of opinion and expression. The SNP's right to freedom of opinion and expression can be a reference in the examination of the ITE Law.

Although everyone is free to express opinions, certain restrictions in the transmission of state announcements to protect the freedom of belief that one party does not limit the freedom of the other. Their limitations are listed in detail in the Criminal Code (Nurgiansah, 2020). Restrictions on freedom of expression in the Criminal Code: (1) articles 207, 208, 209 involve insults to public economic authorities and organizations; (2) Articles 310, 311, 315, 316, assault or defamation of the honor or reputation of a person in writing; (3) Article 317 on libel, false notice, false complaint: (4) defamation of the dead.

2. IMPLEMENTATION METHOD

The research method used is library research, where literature research is a type of quantitative research of causality, to complete this research it takes approximately 1 week. The approach used in this research is normative law or literature law research, which is an approach based on legal rules as rules and also basic law, as well as in books that are relevant to the discussion in this article, in addition to books about human rights and about the ethics of freedom of opinion, there is also data from journals related to human rights and ethics, as well as the website linked to the title of this article.

3. RESULTS AND DISCUSSION

3.1 Definition of Ethics

The words ethics and phenomenology are etymologically (linguistically) derived from the Greek word ethos. The singular form of the word ethos refers to ordinary dwellings, pastures, surroundings, customs, customs, morals, feelings and ways of thinking.

In the plural, ta etha means custom. In philosophical terms, ethics refers to the science of what people used to do or the science of customs. Ethics is often called morality. Ethics is a reflection of society's view of what is good and what is bad, and distinguishes acceptable behavior or attitudes from those that are rejected in order to achieve good in common life. Ethics refers to the cultural and social values that society has accepted as norms of mutual respect. (Dr. Muhammad Qarid, 2020)

Is ethics the same as morality? To put ethics in place, ethics is defined as the study of right or wrong in reasonable human behavior. In other words, morality is man's effort to use his intellect and thinking power to solve the problem of how he must live (behave) as a human being if he wants to be a good person. While ethics is the science of right and wrong human behavior, in addition to being based on reason it is also based on religious values / customs or certain ideologies.

While the purpose of studying ethics is to get the concept of assessing the good and bad of humans in accordance with the standards applied. The notion of good is all good deeds, while the notion of evil includes every despicable deed. References establish standards that can be enforced

because guidelines cannot be separated from the nature of standards, namely the creation of order and order in the behavior patterns of a community. (wiharto, 2007)

3.2 Definition of Human Rights

Human rights are rights that man has solely because he is human. Mankind possesses it not because it was given to it by society or by positive law, but solely on the basis of its dignity as a human being. In this sense, even if everyone is born with different skin color, gender, language, culture and nationality, he still has these rights. This is the all-inclusive nature of these rights. In addition to being widespread, these rights are also inalienable (basic). This means that no matter how bad the treatment that a person has experienced or no matter how cruel the treatment of a person, he will not stop being a human being and therefore still have these rights. In other words, these rights are inherent in him as a human being.

Indonesian people are of the view that human rights must pay attention to the characteristics of Indonesia. and human rights must be balanced with obligations, so that it is expected to create mutual respect and respect for the human rights of each party. Building comprehensive human rights The Constitution of the Republic of Indonesia Year 1945 can be divided into several aspects Here's what I have to say: first human rights relate to life and livelihood, second human rights relate to family, third, human rights relate to education, science and technology, fourth, Human rights are about work, fifth, human rights are about freedom of religion and religious belief, freedom of opinion, opinion, association, sixth form, human rights are interconnected with information and communication, seventh, human rights are associated with a sense of security and protection Treating people who have a low position and dignity; Eighth, human rights are related to social protection, ninth, human rights are related to equality and justice, Tenth, human rights must respect the rights of others and parties. (alstor, yogyakarta)

Behind that, freedom of expression guaranteed by law is restricted in accordance with the provisions of the Criminal Code, especially those relating to the provisions of defamation, slander, insults and false accusations, among others in articles: (1) Articles 207, 208, 209 of the Criminal Code; insulting the economic body or organization of society, punishable by 6 years in prison, (2) Articles 310, 311, 315, 316 of the Criminal Code; attack or defame the honor or reputation of a person, Such written offenses carry a penalty of 9 months in prison and 16 months in prison. (3) Article 317 of the Criminal Code; Slander False statements, false complaints, sentenced to 4 years in prison. (4) Articles 320 and 321 of the Criminal Code; Insulting or defaming a deceased person carries a penalty of 4 months in prison. (hsb, 2021)

What is meant by "right" in the field of human rights is:

"A situational environment or space of freedom of action where the government provides no restrictions, thus allowing individuals to choose for themselves whether to use it or not." Therefore, rights include restrictions on the sovereign power of governments. Rights are not absolute freedoms, but they have limitations, especially in accordance with what is required by law. Therefore, when you want to exercise your rights, you must also pay attention to the obligations prescribed by law. Here, the function of law on the one hand is to protect human rights, and on the other hand to limit human rights.

3.3 Ethics of Freedom of Opinion in Social Media and Its Limits

Social media ethics are needed so that every internet user in cyberspace understands their rights and obligations as citizens in cyberspace. In fact, In a community, such as a group on the social network Facebook, there are already conditions that users must accept when joining the group. Another example is when a user creates an account on the features provided, such as social media accounts, email accounts, and blog accounts.

As a means of communication and information, social networks have become a new platform for people to express themselves, where people can express their intentions, ideas, and feelings on

social networks, through themselves and in response to something. This expression can be expressed not only in text form, but also in videos, images, and others. even freedom of opinion freely as stipulated in article 28E paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 (hereinafter referred to as the 1945 NRI Constitution) mandates, "Everyone has the right to freedom of association, assembly, and expression." And now freedom of expression in Indonesia is already a right protected by the constitution. (juliana, 2018)

This time, the author will invite readers to focus on the case of Bima Yudho Saputro Report, a content creator from East Lampung Regency, after criticizing the Lampung Regional Government on social media, revealing the problem of shrinking space for freedom of opinion in the digital field, because it is still limited by certain parties. In fact, social media with its open nature can provide an alternative for people who do not always have access to express their criticism through social media state organizations. Issues related to Bima and Lampung did not just arise because they were discussed by netizens. Several politicians and state officials also commented on the incident. Indeed, Bima's viral video made him reported to the Lampung Regional Police for violating Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). The report concerns the use of words that are considered to contain hate speech and insults against ethnicity, religion, race, and intergroup (SARA).

So what is the attitude of the Ministry of Law and Human Rights regarding this case? Director General of Human Rights of the Ministry of Law and Human Rights Dhahana Putra in a written statement also regretted the attitude of Lampung Governor Arina Djunaidi who chose to take legal action in response to Bima's attitude on social media. Although it seems explosive, the content broadcast by Bima about the condition of infrastructure in Lampung can still be considered as a form of criticism. "Criticism is part of freedom of speech, which is not only an essential part of democratic governance but also an important part of human rights guaranteed by our constitution," he said. (rahayu, 2023)

Director of the Human Rights Department of the Ministry of Law and Human Rights Dhahana Putra after being sworn in at the Ministry of Law and Human Rights, on Tuesday (April 4, 2023). Dhahana said freedom of expression is guaranteed in Article 28E paragraph (3) of the 1945 Constitution. Furthermore, the government has also ratified the Convention on Civil and Political Rights (ICCPR) through Law Number 12 of 2025, one of which encourages freedom of expression. The state guarantees freedom of expression. "Given the importance of freedom of opinion and expression in our laws and regulations, we hope that the Governor of Lampung can review the legal steps that have been taken," he said to deal with Mas Bima.

Dhahana added that this issue is quite interesting for the public. For him, prioritizing public dialogue to explain challenges and obstacles in implementing Government programs is a more positive and constructive step. In addition, this method is also in line with the spirit of human rights. "Freedom of expression is an important condition for realizing the principles of transparency and accountability that are essential for the promotion and protection of human rights," he said.

The purpose of social orientation is nothing more than protecting the interests of society so that it can be happy, serene, serene, protected, but not guaranteed rights and disadvantages in action. These rights are exercised in accordance with good customs and traditions. and does not conflict with human rights in general. This is the basis for the growth and development of morality in society (apsari, 2021).

3.4 Code of Ethics of the State Apparatus along with State Supervision on Freedom of Expression in Human Rights Review

Etiologically, ethics comes from the Greek word *ethos* (singular) which means habits, customs, disposition, emotions, attitudes and ways of thinking, while *etha* (plural) means customs. Therefore, morality is a value, a behavior that is considered good, reasonable, and appropriate. Ethics

according to K. Bertens (1999: 6) is a value or norm (moral) that becomes a guide for a person or group to regulate their behavior.

The legal basis of the honorary body as a means of completeness is contained in Article 81, paragraph (1), letter g, Article 123, 124 paragraph 1, 2 and so on, as well as Article 207 and so on in Law Number 27 of 2009 concerning MPR, DPR, DPD, and DPRD.

Komnas HAM can support amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) to protect freedom and expression. It is true that every policy must contain human rights principles. An in-depth review is being conducted with reference to the human rights standards set out in the SNP (Regulatory Standards) on freedom of opinion and expression. The SNP's right to freedom of opinion and expression can be a reference in the examination of the ITE Law. (habibi, 2014)

This was conveyed by Komnas HAM Research and Assessment Commissioner Sandrayati Moniaga when she was one of the persons in charge of the FGD on the implementation of Law Number 11 of 2008 concerning Electronic Information and Transactions, Wednesday (17/3). 2021). In a focus group organized by the Coordinating Ministry for Politics, Law and Security of the Republic of Indonesia, Sandra revealed that Komnas HAM is currently focusing on discussing freedom of opinion and expression. In 2020, Komnas HAM received 22 complaints related to digital attacks and the ITE Law.

Freedom of opinion and expression may be restricted. However, such restrictions can only be applied under and under certain conditions. That such restrictions should be established on the basis of law; necessary in a democratic society; and protect public order, public health, public morals, national security, public safety, and the rights and freedoms of others. (moeliono, 2022)

"When the state restricts freedom of expression, it cannot be done arbitrarily but must be in accordance with the law and have a predetermined basis. There must be clear regulations regarding such restrictions and they must be in accordance with humanitarian principles." and the Human Rights Law, also based on the principle of non-discrimination, so that they are accountable and subject to public scrutiny", concluded Sandra. (Demi Perlindungan Hak atas Kebebasan Berpendapat dan Berekspresi, Komnas HAM Dukung Revisi UU ITE, 2021)

4. CONCLUSION

From this writing, the Indonesian people have obeyed how freedom of opinion should be carried out and how the limits of freedom of opinion should be carried out. Although, sometimes because of something inappropriate on social media that makes them out of control of the limits of freedom of opinion in the form of words and actions that may unwittingly hurt some parties and even harm the party. But there is no need to worry because the limit because Freedom of opinion in human rights issues, is universal. The Declaration of Human Rights or the Declaration of Human Rights in Article 19 of 1948 states: "Everyone has the right to freedom of opinion and expression, in this right includes the freedom to have opinions without interference, and to seek, receive and express information and opinions in any particular way whatever it is and whatever the limitations. And also regulated in the 1945 Constitution. According to the authors, laws protecting freedom of speech, which is a human right, seem to be strong guaranteed, but these days freedom of speech has sometimes been the target of criticism Societies achieve development but freedom of expression is often restricted public space, both oral and written.

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