Cyberlaw in the Perspective of the Effect of Technological Development on Hate Speech on Social Media

I Nyoman Alit Arsana[1], Ni Wayan Purnawati[2], I Made Pustikayasa[3]
[123]Institut Agama Hindu Negeri Tampung Penyang Palangka Raya
[1]alitarsana86@gmail.com, [2]nw_purnawati@iahntp.ac.id, [3]imdpus@gmail.com

ABSTRACT

Social media has become an important part of people's lives in the midst of the development of information technology. The development of information technology, especially social media, has many positive impacts and also has negative impacts. The negative impact is hate speech. Technological advances have influenced the perpetrators in committing hate speech because of the availability of facilities and facilities that are easily available. Such facilities include the ease of obtaining a smartphone, the existence of multiple facilities or features, profile cloning. This convenience should be followed by legal awareness, especially the Electronic Information and Transaction Law (ITE Law).

Keyword: Social Media, ITE Law, Hate Speech, Technology Development

I.   Introduction

The development of technology affects all aspects of human life, ranging from education, economics, government and community life. Social media has become an important part of people's lives amid the development of information technology. Youtube, Twitter, Instagram, Facebook, Whatshaap are some of the applications that have become a trend in society (Sasongko et al., 2021). Through social media, people can convey ideas, opinions, and speeches. The development of information technology, especially social media, has many positive and negative impacts. These negative impacts are hate speech.

Hate speech means derogatory speech that targets characteristics of a particular group, such as ethnicity, religion, gender, or sexual orientation. Hate speech aims to cause hatred or hostility between certain individuals/groups of society (Sasongko et al., 2021). Another definition of hate speech is a criminal offence in the form of blasphemy, insult, provocation, defamation, incitement,

spreading false news, unpleasant actions, and all of these actions have the purpose or can have an impact on violence, loss of life, social conflict, and discrimination (Fakhry, 2018;Widayati, 2018).

Hate speech through social media has started to develop since the 2000s with the introduction of social media such as Facebook, Twitter, YouTube, Instagram and others (Sa'idah et al., 2021). The high use of social media makes it easier for everyone to access and provide information. Everyone can freely communicate and the process takes place in various contexts - physical, psychological, and social - because the communication process does not occur in an empty space. (Ningrum et al., 2019). The Indonesian Ministry of Communication and Information has handled 3,640 content regarding ethnic, religious, racial and intergroup speeches since 2018(KOMINFO, 2021). In order to curb hate speech, the House of Representatives of the Republic of Indonesia has approved the Electronic Information and Transaction Law (ITE). This law aims to educate the nation's life, open the widest possible opportunity for everyone to advance their thoughts and abilities in the field of the use and utilisation of Information Technology, provide a sense of security, justice, and legal certainty for users and operators of Information Technology (Permatasari & Wijaya, 2019; Wulandari, 2017).

From the description above, it can be studied, how is the influence of technological development, especially information technology on acts of hate speech? Literature study is carried out by collecting and reviewing literature sources in the form of proceedings articles, books, national and international journals, as well as the results of previous relevant research. The collection aims to obtain answers to the problems studied.

II.   Discussion

There are several factors that cause perpetrators to commit hate speech on social media. (1) factors from within a person, including the psychological and psychological state of the individual. (2) factors from outside a person include the environment, lack of social control, community interests, community ignorance, as well as facilities, facilities and technological advances(Astuti et al., 2019; Sa'idah et

al., 2021). Technological advances influence perpetrators in committing hate speech because of the availability of facilities and facilities that are easily available. Increasingly sophisticated technological advances make it easier for every social media user to access all information without limits. These facilities include the ease of obtaining a smartphone. Smartphone users have always increased from year to year, this is due to consumer consumption patterns that always want convenience in communication(Rifal, 2018). Any consumer can easily buy a smartphone through e-commerce sites or authorised stores. In addition, consumers are also given many choices in buying smartphones such as brand, quality, and price(Adrianto, 2021; Rifal, 2018; Sholikhah, 2021).

Multiple account facilities or features on some social media, this feature allows one individual to have more than one account that is utilised for various purposes. This feature allows users to create and manage more than one account on a single smartphone they own(Retasari Dewi, 2018; Shabrina et al., 2022). This feature allows perpetrators of hate speech to hide their true identity. This feature also allows to post more content and freely or usually called spam (Permana & Sutedja, 2021). Profile cloning, allows someone to steal social identity by faking someone's account for a specific purpose. The perpetrators of profile cloning usually use photos, names and other identities to make it look as if the account belongs to the real user(Ayu et al., 2020; Zabielski et al., 2016). Profile cloning makes it possible to commit crimes through certain devices, to influence other people and achieve a goal that harms others (Suseno, 2019).

Use of VIRTUAL PRIVATE NETWORK (VPN) applications. VPN applications can be used for free or unpaid. VPN has the ability to change the user's location and IP (Internet Protocol) address, thus making the IP address of the user's computer or smartphone hidden (Andini et al., 2020; Rachman, 2019). This VPN capability allows perpetrators to carry out hate speech without knowing their real location.

Advances in technology, especially information technology, such as the existence of multiple account facilities, cloning profiles, and the use of VPNs allow users to make hate speech on social media. The misuse of information technology for the purpose of hate speech is regulated by Law Number 11/2008. Article 28

paragraphs 1 and 2 explain that every person intentionally and without the right to spread false and misleading news that results in consumer losses in Electronic Transactions, as well as disseminating information aimed at creating a sense of hatred or hostility of individuals and / or certain community groups based on ethnicity, religion, race and intergroup (SARA) is included in prohibited acts(Astuty & Atika, 2019; Irawati et al., 2021; Rohmy et al., 2021).

III. Closing

The development of technology indirectly has an influence on acts of hate speech. Such as the misuse of multiple account features, profile cloning, and the use of VPNs. As one of the external factors, technological advances in both facilities and facilities that are increasingly sophisticated make it very easy for every social media user. This convenience should be followed by legal awareness, especially of the Electronic Information and Transaction Law (ITE). This is outlined in article 28 paragraph 2 explaining that "Every person intentionally and without the right to disseminate information aimed at creating a sense of hatred or hostility of individuals and / or certain community groups based on ethnicity, religion, race and intergroup (SARA)".

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