

## **A FORMAL FORM OF SOCIAL CONTROL AGAINST ONLINE HATE SPEECH IN INDONESIA**

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### **Abstract**

The development of technology and information gave rise to new media in communication. This new media, called social media, has different characters from well-known characters. The emergence of this new media also has the potential to be used in spreading hate speech online. Unlimited hate speech content can lead to various negative impacts in the community; it can even cause social conflict, physical violence, harassment, and demonstrations. This paper aims to explain the implementation of formal social control over hate speeches in Indonesia by using a qualitative approach through literature studies as a data collection technique. As a result, formal social control over hate speeches in Indonesia is carried out by law enforcement officers by enforcing existing legal rules. In addition, the use of formal social controls that are not balanced in tackling hate speech in Indonesia can cause bias and discrimination and ultimately lead to public distrust of law enforcers and the criminal justice system. A need for alternative social control in controlling hate speech that occurs in the community is to be discussed further.

**Keywords:** *control social, hate speech, crime control, law enforcement*

## 1. Introduction

Emanuel Ritzer (2006) marks globalization as a global network phenomenon that simultaneously unites previously scattered and isolated communities into world interdependence and unity (Al-Rodhan, 2006). The development of globalization, which is increasingly rapid, influences all aspects of life, such as democratization, science, and information technology.

The development of technology and information that gave rise to computers and the internet has contributed significantly to changes in communication and media. The reason it happens because technology builds space and time that is different from reality and is called cyberspace. Cyberspace was unknown 200 years ago; its existence has only emerged and is recognized. Humans created cyberspace as a new space by utilizing the support of digital electronic devices that can be used to collect, store, and transfer information between electronic devices (Woolley, 2006).

Different characters, cultures, and forms of society in cyberspace encourage the formation of communication adapted to cyberspace's conditions, including the use of media. Media that develops because of cyberspace, one of which is social media. The definition of social media itself is very diverse. Almost everyone understands what is called social media. This is because almost every individual accesses social media (Taprial & Kanwar, 2011).

Social media's unique features are its ability to facilitate users to communicate, interact, and exchange information. Taprial and Kanwar (2012) mention several advantages of social media compared to conventional media, namely:

- Accessibility. Social media is cheaper and more accessible to its users.
- Speed Content created on social media can be accessed by everyone immediately after being published.

- Interactivity. Social media can encourage two-way communication or multiple communication channels.
- Longevity / Volatility. Content on social media can last a long time.
- Reach Social media offers unlimited access to all content available in it (Taprial& Kanwar, 2012).

The conveniences offered by social media attract people to use it; the Indonesian people are no exception. As the data mentioned by Internet World Stats in 2019, Indonesia ranks fourth as the country with the highest number of internet users worldwide (Internet World Stats, 2019). a report entitled "Essential Insights Into the Internet, Social Media, Mobile, and E-Commerce Use Around the World" published January 30, 2018, states that of Indonesia's total population of 265.4 million, active social media users reach 130 million with penetration 49 percent. The average Indonesian spends 3 hours, 23 minutes a day, to access social media (Kompas, 2018).

The high users of social media content make it easy for people to communicate. Communication is the process of conveying one's thoughts or feelings to others by using symbols that are meaningful to both parties, in certain situations, using certain media to change the attitude or behavior of a person or several people to cause specific effects that are expected (Effendy, 2003). Not infrequently, the desired effect is to create fear or hatred.

One of the methods used as a weapon in achieving these targets is the expression of hate speech. The concept of hate speech is understood as an act of communication carried out by an individual or group in the form of provocation, incitement, or insults to other individuals or groups in terms of various aspects such as race, color, gender, sexual orientation, citizenship, religion, etc (Massaro, 1991).

Social media often exploit and spread language that demeans or attacks a group of people based on the main aspects of social identities, such as race, religion, ethnicity, gender, sexual orientation, or disability - victimization of

marginalized groups in written or oral language ways. - hate speech (Wall, 2001; Bell, 2014). Social media eventually made it possible (Marsh & Melville, 2009):

- Obtain an immediate response and response, in the form of images or comments that demean the person.
- Strengthening racial narcissism, while emphasizing and promoting diversity.
- Opening the opportunity to do merchandising in order to build an economic power base.
- Download and collect racist speech material

The possibilities provided on social media can encourage engagement for other users to make hate speeches. The part that cannot be ignored is other potential users who feel proud after seeing hate speech in the mass media. In line with research on six countries, it shows that at least social media users are occasionally exposed to hate speech. Then, most respondents accidentally opened sites containing hateful content (Reichelmann, Hawdon, & Costello, 2020).

In Indonesia, at least in the last few years, hate speech always occurs in social media. Some cases lead to various forms of verbal abuse or threats, acts of abuse and abuse, including racist, sexist, homophobic, as well as various discourse on symbolic, psychological, and emotional attacks. The number of hate speech cases that occur on social media requires social control efforts. This paper tries to see how formal social control is implemented in Indonesia by law enforcement officials. Thus, detecting hate speech is very important to do to analyze public sentiment from certain groups towards other groups, so that it can prevent or minimize unwanted actions or things (Patihullah & Winarko, 2019)

## **2. Method**

This research uses a qualitative approach. A qualitative method is an approach that makes researchers think inductively when they capture social phenomena that occur in the field. After that, they attempt to do theorization based on what they observe (Burhan, 2007). Qualitative research is characterized by its objectives relating to understanding several aspects of social life and its methods (in general) producing words, not numbers, as data for analysis (Bricki & Green, 2007). Data collection used in this research is mainly carried out by referring to the news in print, online media, and social media. Data collected from these media is then supported by literature studies both through books and international journals.

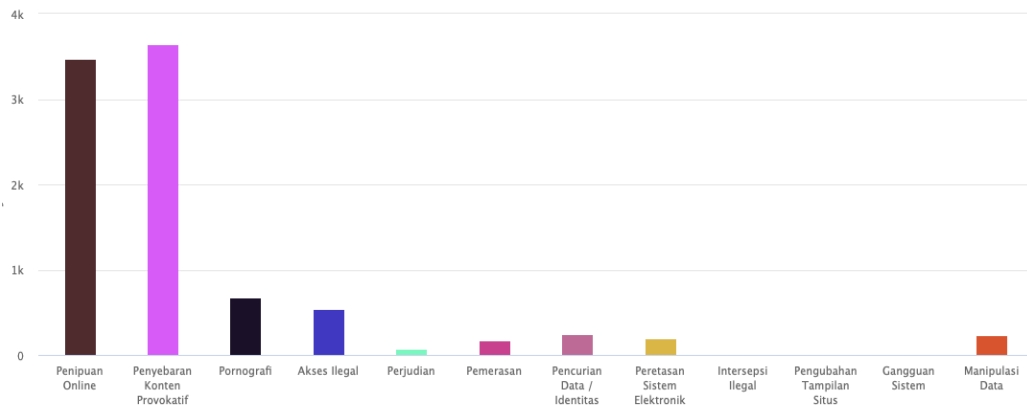
## **3. Result and Discussion**

### **3.1 Hate Speech in Indonesia**

Hate speech in Indonesia is very diverse in forms, ranging from political, social, economic, religious issues to everyday life. There are many cases and violent conflicts in Indonesia that start from acts of intolerance. For example, violence against Ahmadiyah in 2005, the expulsion of the Shia Sampang community in 2012, or that befell the Torikara Muslim Community in 2015. Symptoms and triggers start from hatred, heresy, and stigma, further compounded by government discrimination, to the end with violence.

So far, there has been a lot of hate speech content circulating on social media. One of Indonesia's studies explains that hate speech has racial, ethnic, and religious nuances on Indonesian social media. The hate speech phenomenon appears as a result of the intense relationship between technology and everyday social life. This condition is used by groups that spread hate speech as an effective medium to intimidate other groups considered subordinate groups (Amin, Alfarauqi, & Khatimah, 2018).

Data from the SiberPolri Directorate states that during January 2018 to January 2020, there were 3,642 cases related to the spread of provocative content, as shown in the following graph:



*Graphic 1. Case Data Entry into the CyberDirectorate of Indonesia National Police*

(January 2018-January 2020)(Patroli Siber, 2020)

A large number of cases of disseminating provocative content places this case as a crime with the highest number of cases during that period in the realm of cybercrime detected by the Directorate of Cyber Police.

### 3.2 Hate Speech Formal Social Control

Ira Strauss (2014) mentions that hate speech encourages acts of violence committed due to hatred or commonly called hate crime (Strauss, 2014). The two concepts are interrelated; furthermore, the similarity between hate speech and hate crime is exposure to hatred for specific groups. While the difference is quite significant, hate crime occurs when the effects of crime are apparent. On the other hand, hate speech is seen as a form of hatred that does not necessarily require hateful actions (Rumandi, 2017).

In contrast to other forms of crime, such as theft, murder, or robbery, in hate crime, the element of subjectivity is inherent in the attitude, values, and

character of the perpetrator. The element of dislike is often the reason for perpetrators to justify behavior leading to hate crimes. Therefore, it is not surprising that the target of hate crime is a group with a specific identity, vulnerable as a target of prejudice, visualization of expressions, historical background, to the stigma of constitutional results (Mellgren& Andersson, 2017).

The interpretation of hate crimes, which tends to be dynamic, places it on sensitive issues. Hate crime is so massive, the Organization for Security and Co-Operation in Europe (OSCE, 2018) categorizes prejudice that leads to hatred, generally targeting race and xenophobia, antisemitism, anti-Muslims, anti-Christianity, gender bias, sexual orientation bias, to disability bias.

Related to hate crime, the Federal Bureau of Investigation (FBI) sets hate crime in the 5th position as the most severe crime (FBI, 2017). This is because these crimes have an impact on individuals and have a broader impact on society. One of the statements made by the FBI related to hate crime is as follows; "... groups that preach hatred and intolerance can plant the seed of terrorism here in our country (FBI, 2017)." In the statement, hate speech should not be underestimated because its existence can grow the seeds of terrorism, thus threatening multiculturalism and the integrity of the nation.

### 3.3 Formal Social Control in Overcoming Hate Speech

Sociologically, social control acts as the central concept that connects sociology with philosophy and acts as a unit of analysis of society. The idea of social control itself emerged to carry out an analysis of the social organization and the development of industrial society.

The idea of social control stems from a rejection of economic self-interest theory. Economic self-interest shows that collective social behavior and the existence of social orders can be understood because there are individuals who pursue economic interests. Meanwhile, social control is a form of expression that rejects this understanding because it assumes that economic self-help theory cannot be the basis for the achievement of ethical goals (noble goals).

The terminology of social control found in three contexts of the sociological literature, namely (a) as a description of fundamental social processes or conditions, (b) as a mechanism for ensuring compliance with norms, and (c) as a method used to study the social order of society. The first conception is related to classical sociological theory and is the dominant perspective that has been used during the first part of this century. The second conception is rooted in classical theory but has a more modern innovation. The third conception is the temporal view, which appears later, but in many ways, it still represents the previous conceptions. (Gibbs, 1977).

In 1925, George Herbert Mead in Morris (1975) wrote in the *International Journal of Ethics* that "social control depends, then, upon the degree to which individuals can assume attitudes of others who are involved with them in common endeavors." Meanwhile, sociologist George Vincent offers the use of the language of social philosophy in formulating social control, stating that "Social control is the art of combining social forces so as to give society at least a trend toward an ideal (Janowitz, 1975)."

Parsons and LaPiere (1954) state that social control has a powerful and explicit relationship with deviations. Parsons found the importance of social control in its ability to react to deviations, where deviations cause instability in the social system. This reaction is called sanctions, which are of two types, namely (a) broad structural effects or expressions of sentiment from legal groups (formal sanctions) and (b) interpersonal influences or behavioral evaluations (norms) associated with group membership (informal sanctions) (Meier, 1982).

Thus, the social control perspective emphasizes how institutions have limited behavior by providing formal sanctions, as well as informal sanctions that focus on the bonds formed between individuals and conventional society and social norms in response to antisocial or non-normative behavior (Mills & Freilich, 2018)



Discussing the problem of formal social control in handling hate crime in Indonesia, institutions, or structures that have a significant role is the National Police. This formal social control can be carried out by referring to several legal instruments in force in Indonesia.

Indonesia has ratified the International Covenant on Civil and Political Rights (ICCPR) in Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. The Indonesian government has also passed Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination. Article 4 letter b of this law prohibits people from showing hatred or hatred towards people because of racial and ethnic differences, whether in writing or drawing, speeches, or the use of symbols that are carried out in public.

Article 156 and 157 of the Indonesian Criminal Code (KUHP) regulates the offense that spreads hatred, hostility, or humiliation between or against groups of Indonesian people. Meanwhile, Law No. 9 of 1998 concerning freedom of expression in public also includes the offense of hate speech, especially in article 6 letter e with the sanction of dissolution or termination of speeches.

When referring to the media for spreading hate speech using social media, some rules can be used as a legal umbrella, namely, Law Number 11, the Year 2008 concerning Information and Electronic Transactions. Article 28, paragraph 2, and article 45, paragraph 2 in the ITE Law even explicitly shows the prohibition of hate speech. In addition, to show the seriousness of the National Police institution in handling hate speech in Indonesia, the National Police issued a circular letter SE/6/ X/2015 on October 8, 2015. This circular letter contains instructions for the Police to be more sensitive to the emergence of potential hate speech. Triggering conflict, this Circular Letter is intended to eliminate members' uncertainty in dealing with hate speech and, at the same time, notify that several criminal acts related to hate speech have been regulated in legislation.

Responding to the increasingly widespread hate speech on social media, the Indonesian government has taken a firm stand with social media groups. The Indonesian government will also not hesitate to delete all content that is considered to potentially threaten the unity of Indonesia, such as radicalism and terrorism. pada dasarnya internet telah menjadi tempat baru untuk tujuan radikal. Internet dan online radicalization, telah menjadikan online village dengan setiap para aktor offline yang diwakilise secara online (Schils&Verhage, 2017). Sehingga, hal yang lumrah ketika hate speech mendorong perluasan cakupan atas radikalisme dan terorisme.

Positive steps have demonstrated the commitment of the government and electoral institutions to the dangers of hate speeches in the political year 2018 and 2019 (2018 Regional Elections and 2019 Presidential Elections). In this case, the minister of Communication and Information, the Election Oversight Body, and the Election Commission made agreements with several social media platform companies, such as Google, Facebook, Twitter, Telegram, BBM, LINE, BIGO LIVE, and YouTube, to participate in handling hate speech problems in the political year. Differences in political views, let alone those in the name of religion, should not make a person or a group utter hate speech.

Another commitment is demonstrated by firm action against the perpetrators of the spread of hate speech. The SiberPolri Directorate has arrested at least six people disseminating hoax content, and expressions of intentional hatred (by design) produced and disseminated by certain groups and with specific objectives. The police also carried out arrests of the Moslem Cyber Army group, which is a hoax information dissemination group, which was carried out simultaneously - in Surabaya, Bali, Sumedang, Pangkalpinang, Palu and Yogyakarta. The act of spreading hoaxes like this not only endangers the country's political climate but also threatens the social cohesion that has been built up in a society with the practice of fighting sheep and the pros and cons of information content.

### 3.4 The Impact of Implementing Formal Social Control on HateSpeech

The application of formal social control can be categorized as a forceful control. Peter L. Berger (1963) mentions that the last and oldest way to exercise social control is physical coercion. Coercion intended is an act of force that is used legally and legally. Punishment or imprisonment is included in the category of coercive methods, as stated by Berger. In addition to coercion, there are several other ways, such as persuading, making fun of, humiliating, and isolating (Berger, 1963).

Several hate speech cases do not proceed to the criminal justice system if we look at examples of cases in Indonesia. Although law enforcers continue to investigate and find the culprit, there are some cases where the police only ask the perpetrators to make statements and apologies, which are then broadcast online via social media. This method is another method intended by Berger. The act of apology that is spread through social media is an act that embarrasses the offender to the public. On some social media channels that spread the statement, the public can also add comments (which usually mock and mock acts of hate speech) related to the content.

Not only the perpetrators of hate speeches, but punishment by humiliation is also accepted by law enforcers who are suspected of committing acts of violation of the law. The use of coercion and violence when arrested by law enforcers, for example, has led to a backlash against law enforcement when law enforcement shows weakness (Berger, 1963). In the case of handling hate speech so far in Indonesia, many attacks have been received by law enforcement officers from the community. Discrimination in the process of handling cases of hate speech is the source of the main problem. The public accuses the police of acting unfairly in treating the perpetrators. This relates to the object that is discussed in the content. Society considers hate speech content that makes the government or members of the government as objects in the content will get

strict action. Conversely, if the perpetrators turn groups opposite the government as objects of hate speech, law enforcers seem soft and indecisive.

The process above shows that all available media have presented and sent information. Then, law enforcement institutions have been in charge of controlling narratives and monopolizing crime and social control for quite a long time. Thus, law enforcers position themselves as parties who have the legitimacy to carry out appropriate punishment (Turgeon, 2017). Thus, what is in the media is described as a form of reality that exists in society.

Interestingly, this problem turns out to have been Spitzer's conjecture that punishment itself is a form of social control over groups that are considered to pose a significant threat to social order (Spitzer, 1975). Also, Rusche (1933) also mentioned that imprisonment was used as a form of mechanism to defend specific political and economic interests in the capitalist economic system (Rusche, 1933).

Adding an explanation of the use of formal social control as a tool for groups that have power was also mentioned by other researchers. Dominant groups often use penalties to exert control over the population when they see their interests threatened. This reflects the blurring of broader boundaries between objectives, discourse, and policy texts with practices that do not reflect the expected social policy arrangements (Ecclestone, 2017)

Black (1989, 1993) also argues that individuals or social groups that have political, social and economic status often use law as a mechanism to resolve problems or disputes that occur with groups or individuals who have lower social status. Social groups that have high social status can almost be said to be immune to formal social controls that are implemented, whereas groups with low socioeconomic status will face difficulties in accessing law and justice.

Bias and discrimination that are very likely to occur and be carried out by law enforcers, including in handling criminal cases related to hate speech will naturally cause wider negative reactions. One of the most important problems

and arises as a result of bias, discrimination, and violence perpetrated by police institutions is the declining level of public trust in police institutions. In turn, the principle of trust is a space binding because it implies a commitment to a person and a group. In this perception, there will be a process of changing active trust to active mistrust (Myers & Fridy, 2017).

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Bias and discrimination that are very likely to occur and be carried out by law enforcers, including in handling criminal cases related to hate speech, will naturally cause more extensive adverse reactions. One of the most critical problems and arises from bias, discrimination, and violence perpetrated by police institutions is the declining level of public trust in police institutions.

In addition, Goldsmith (2005) states that without public trust in the police it can also increase the potential vulnerability of the community to become victims of actions that violate human rights (Goldsmith, 2005). Simply put, the lack of public trust will become a nuisance and even damage the relationship between the police and the community. In the context of policing, this will be a big problem, because policing which is more focused on the community or often referred to as community policing precisely its success depends on the positive relationship between the police and the community.

Looking at the broader impact, research conducted by Grounlund and Stala in Silvia Staubli (2017) shows that there is a clear relationship between community social trust and trust in the criminal justice system (Staubli, 2017). Thus, the emergence of public mistrust of police institutions can also result in mistrust of the public in the criminal justice system itself. Of course this can lead

to big problems for the country. When people do not believe in the criminal justice system, the legitimacy of the state is questioned by the public.

Therefore, so far, the handling of hate speech has only been carried out using formal social controls where it does not rule out bias and discrimination in terms of handling by the police. So that this can result in a decrease in the level of public trust in the police; as a result, the process of changing the value of doubt and mistrust of the government and law enforcement agencies can result in individual opinions, perceptions, and actions that can involve individuals in particular propaganda behavior (Tugwell, 1986). In this case, propaganda is distributed to the public to cause hate crimes. This explanation is related to the four typologies of online hate crime by Jacks and Adler (2016). The typology of activists and leaders plays an essential role in shaping, promoting, and committing hate crimes to appear and be socially accepted.

Thus, in addition to a formal social control approach, police institutions also need to use an informal social control approach by mobilizing community social agents to help the police reduce hate speech in society. Formal social control has limitations, especially in influencing online deviant behavior (Berenblum, 2019). Formal and informal social control have in common, not only seeing their effectiveness. Several studies have shown that informal social controls can act as a protective factor, protecting criminogenic effects from harm. Also, findings suggest that weak informal social control mechanisms increase crime and victimization (Velez, 2018). Informal social control will play a significant role in a country with a culture of collectivity in which the group is responsible for controlling individual actions (Lambert, 2012).

#### **4. Conclusions**

Formal social control as an approach in dealing with hate speech in Indonesia has been done based on legitimate rules. This approach is implemented in the form of imprisonment. However, there is a considerable risk that lurks for

law enforcement by prioritizing this approach, namely the occurrence of bias in handling and the discrimination or selective logging of cases. The decline in trust in law enforcement officials or even distrust of the criminal justice system is a significant consequence that arises. These potentials can be a trigger in encouraging the birth of other problems. Therefore, another social control approach is needed, which acts as a compliment and also a counterweight in overcoming the problem of hate speech in Indonesia.

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