

Law Enforcement Through Social Media Pressure

Abdul Azis

Universitas Muhammadiyah Surakarta
azis.laogi@gmail.com

DOI: 10.23917/laj.v7i1.654

Submission Track:

Received:

May 2022

Final Revision:

September 2022

Available Online:

October 2022

Corresponding

Author:

ABSTRACT

Problems related to efforts to apply the law from the past have seized the attention of the Indonesian people because they are considered a very important phenomenon because it has the potential to have significant implications for Indonesian law which is basically still widely misused by legal practitioners. If viewed from the perspective of legal policy formulation that is correlated with various legal institutions at various levels, the performance of the work shown is categorized as not yet ideal and has not been able to realize the actual target of implementing the law. This encourages people to often express their disappointment through social media. From information and dissemination of social media news, it often develops into public opinion which in the language of social media communication is often called “viral news” which sometimes leads to the encouragement of law enforcement to act no longer because of law enforcement efforts but has become the fulfillment of public satisfaction and tends to ignore legal norms. Social media has made people sometimes change their image in the hope of getting sympathy and favorable public opinion for them so that it often becomes hyperreality, not reality anymore. Hyperreality is a form and state where you cannot distinguish between reality and fantasy. Through this paper, the researcher tries to do mini research through the socio-legal method where through this method the author seeks to explore further and at the same time explore law enforcement by not only based on the study of legal norms or doctrines, but also trying to see the full context of norms and their application.

This study is solely aimed at providing an overview to the justice-seeking community that in the midst of uncertainty and rampant politicization of law enforcement, social media can be used as a force of coercion (pressure) as a means of law enforcement with justice.

Keywords: *Law enforcement, Social Media, Hyperreality*

INTRODUCTION

The transformation that occurs in society can be considered as an implication of the development of technology and information. People's behavior is transformed after the emergence of social media which then has implications for changing habits and rules. Indonesia is a plural country because the composition of its population is an accumulation of various customs, ethnicities, races and religions which make it very susceptible to shifting or transformation in social life. It is undeniable that every level of society regardless of age in this day and age is sure to have a social media account and use it every day which is functioned to collect and disseminate information widely. Through this study, the author will examine how the culture of society is increasingly inclined to pressure through social media in the context of law enforcement in order to obtain justice and legal certainty. This research is classified as a descriptive study because the purpose of this study is to describe in detail about an event or fact that occurs in the community.

Social media is an online media that makes it easy for users to interact with each other without having to meet face to face in all matters including legal matters. The presence of social media does not only have positive and negative impacts on the legal realm because it has the potential to create pressure. The positive impact of social media as a means of law enforcement pressure is that it makes it easier to relate and communicate, including with law enforcement officers, the distribution of various information can be carried out quickly so that it gets the attention of law enforcement and of course efficiently. While the poor effect of social media in exerting pressure on law enforcement is the tendency of law enforcement to be carried out only with the aim of satisfying the public interest which is sometimes infiltrated by the interests of certain interests so that it often ignores the legal facts that occur. Not to mention, often news that is spread through social media cannot be legally accounted for or in terms of social media is hoax news.

Social media has made changes in social change and balance in society which has made changes in the pattern of law enforcement in Indonesia which has given rise to various positive and negative influences. One of the negative impacts that is most in the spotlight is the tendency of certain groups to use social media as a means of law enforcement pressure but not in accordance with religious values and norms, which in turn creates new legal problems.

PROBLEM STATEMENT

Referring to the title of the article above, the researcher tries to formulate the problem in this article in outline, namely how is the role of social media in encouraging law enforcement in Indonesia so that it can realize justice and equal status for every Indonesian citizen in the eyes of the law.

RESEARCH METHOD

This research is categorized as a normative juridical study which is carried out by conducting a study of various literatures, especially in the form of laws and regulations regarding the development of Indonesian law. Normative legal research is a legal study conducted through an in-depth study of a collection of library materials. The focus in this study is the legal norms or rules contained in various laws and regulations relating to parties involved in law enforcement (Yandi, 2015). Secondary data is the only information that is empowered or utilized in this study.

Complementary data is identified as a collection of data derived from written materials. The accompanying data in this study comes from a number of main legal texts and additional legal materials. All legal materials are reflected in books and various other sources, namely: basic rules and various rules relating to the contribution of social media in emphasizing law enforcement in the form of scientific journals, scientific tabloids, newspapers and various unpublished information, various materials sourced from the internet, and various other materials relevant to the problems studied.

Additional legal material is assumed to be a variety of materials that include detailed directions or descriptions of the main and accompanying legal materials, namely dictionaries and encyclopedias. The various information is then reflected qualitatively using a descriptive-analytical approach.

RESULT AND DISCUSSION

1) The Development of social media in Indonesia

Indonesia is one of the countries where the number of internet access users is growing very quickly, this is due to the ranking of infrastructure quality and suggestions for supporting internet access such as wifi and fiber optics. Indonesia as a country that is continuously progressing, of course, also causes its population to be very dependent on the internet, as evidenced by the results of a study which states that 90% of the total population

of Indonesia is dependent on the internet. This phenomenon is allegedly able to occur because the prices of various internet devices such as cellphones are getting cheaper so that it has implications for the increasing number of internet users.

In today's sophisticated era, social media has experienced a shift in function from what was originally only a place for communication and socializing, now it has been widely operationalized in the fields of politics, economics and law. This then causes many unexpected phenomena or events that eventually go viral.

Not only that, various online petitions are increasingly circulating which raise the assumption that social media users take extra advantage of online media to provide support for certain activities or groups that have the potential to have an impact on their surroundings (Bimo, n.d.). It is very clearly recorded in our memories that social media has a very strong power in maximizing the application of a law, including in assessing the performance of the police agency, that only with the hashtag “#percumalaporpolisi” it becomes viral and has a negative impact on the public's assessment of the image of the police. Not only that, in the last few days, through social media, public opinion has been carried out on people who are considered to be harassing the residents of Kalimantan, especially East Kalimantan with the viral sentence “*Kalimantan is a place to throw jinn*” so that it has shocked the social media universe in Indonesia which led to on the pressure of law enforcement against the alleged perpetrators of abuse.

2) Law Enforcement Reality

The problem of implementing law is actually an imbalance between normative law (*das sollen*) and sociological law (*Das sein*) or an imbalance between ideal legal behavior and the facts of legal behavior. Rescoe Pound identifies it as a comparison between “*law on books and law in action*”. This difference covers a variety of problems, namely:

- How the law that is represented through the regulations that have been implemented clearly reveals the pattern of social behavior that existed at that time;
- Is there a match between the decision that the court says is the same as what it operates;
- Has the intention of implementing a regulation or policy been conveyed and able to bring about the expected impact.

The scope of the problems surrounding law enforcement can be expanded with various problems, namely: is the role of law enforcement officers in accordance with the standards of behavior outlined by law, what is the level of legal compliance of the

community, whether dispute resolution mechanisms or law violations follow the procedures required by law, and what factors influence the law enforcement process?

Understanding the reality, especially with regard to the implementation of the law, requires that these rules be accepted as a description of a fact. If this is formed in the community, then it means that the initial process of the presence of legal myths has been formed, while in fact, legal tales like that can be broken every day. (Luthan, n.d.)

Various aspects desired by the law, in practice the implementation is not always successful and even vice versa because it often misses the intended target. Incidents like this are considered normal, because the law departs from the realm of thought, while the facts are very different because the world is reality and something mortal, and it is very difficult to combine the two aspects.

The fact that the rule of law is not an accurate description of the legal reality in practice, is not a monopoly of contract law, but is a common symptom in the law enforcement process. That is, such a reality also occurs in the fields of criminal law, civil law, administrative law, labor law, and in legal principles in general.

It is explicitly stated in the legal concept that “all human beings have the same position before the law (equality before the law).” This means that there is no difference between one legal subject and another legal subject before the law. The principle of human equality before the law is not only the most basic principle of law, but also the principle of justice. The right to obtain justice is one of the basic human rights, because that right is directly related to human dignity. Justice can only be upheld if there is equal treatment for everyone who has the same conditions.

The social conditions and structures in which the law is enforced are actually filled with various social inequalities. One human being is different from another due to various factors, either because of hereditary background, political power, economic conditions, social status, education level, and so on.

Differences in the level of economic status led to the creation of socio-economic stratification of society into three groups, namely groups of people who live too much (rich people), people who live in affluent ways (well-off people), and groups of people who live full of deprivation (the poor and needy). Differences in social status in society divide people into groups of high social status, middle status, and low status. This difference in social status can arise because of differences in descent background, where the *priyayi* have a high social status, while the people are mostly a group of low social status.

Social stratification based on the control of political resources divides people into the power elite, the middle class, and the general population. Included in this group of power elites are high-ranking state officials, both civilian and military, both central and regional. In other words, there are central, regional, and local elites. The middle class is a group of professionals, such as lawyers, bankers, doctors, and accountants. Therefore, efforts to realize the legal ideals of equal status for every citizen to obtain justice face to face with the different conditions of society. Can the law overcome the obstacles to this inequality in the structure of society? and are law enforcement officers able to handle the obstacles of the community structure?

Although the law has clearly demonstrated its commitment to the principle of equality before the law for all human beings, in reality, the law favors those who have power, those who have wealth, those with high social status, and those who are educated. The implementation of the law in society, which is aimed at people who have little or no political power, is usually safer to carry out than its implementation to people who have greater political power, because in the latter situation the implementation will turn to cause pressure on the law-implementing institution itself.

In this condition, social media has a very important role as a means of communication and pressure to law enforcement officers to enforce the law by forming and leading public opinion so that the deviations that have been carried out so far can become the attention and escort of the public.

Social media has become a part and a means to convey freedom of expression which is a basic human right. Although there has been a legal corridor for social media with the birth of Law no. 11 of 2008 concerning Information and Electronic Transactions, there should still be no restrictions on the right to express public opinion on law enforcement efforts, but still what is conveyed must be in accordance with the legal corridor.

In the end, the existence of social media will be a control as well as a medium to guard and encourage the law enforcement process in Indonesia but still within the cultural corridor of expressing opinions in a good and polite manner.

3) The formation of public opinion encourages law enforcement in Indonesia

Guided by the 1945 Constitution, in particular Article 1 paragraph 3 states that the State of Indonesia is a State of Law, this means that everyone is equal before the law. The definition of a state of law in simple terms is a state in which the administration of government power is based on law. In a state of law, the power to run the government is

based on the rule of law and aims to carry out legal order (Yusni, 2016). Therefore, in a state of law, state power is based on law, not power, state government is also based on the constitution, without this it is difficult to call it a state of law. The rule of law must include three basic ideas of law, namely justice, expediency, and certainty.

Therefore, in a state of law, the law must not ignore the “sense of community justice”. AV Dicey, from Anglo Saxon legal circle, gave the characteristics of the Rule of Law, among others (1). The rule of law, in the sense that there should be no arbitrariness, so that a person may only be punished if he violates the law. (2). Equal position before the law, both for ordinary people and for officials and (3). Guaranteed human rights in laws or court decisions. From the above formulation, Indonesia uses the *Rechtsstaat* system which may be influenced by the concept of Dutch law, including in the Continental Europe area. The conception of a constitutional state of Indonesia can be included as a material legal state, which can be seen in the Preamble of the 1945 Constitution paragraph IV. The Indonesian rule of law according to the 1945 Constitution contains the following principles.

Recently, it has been widely shown before us how the law enforcement process in Indonesia is sharp downwards but blunt upwards so that it often becomes a hot issue through social media which in turn raises public opinion about poor law enforcement in Indonesia. The hashtags “*It’s useless to report to the police, punishment of a wife who abuses her husband*,” and most recently, “*Kalimantan is a place to throw jinn*” is busy milling about on social media so as to form bad opinions against law enforcers.

Talking about public opinion, it can influence public policy. Indeed, not all public opinion can be accepted as a public policy, but the power of public opinion in Indonesia is very dominant in influencing other lines. Given the various facts and assumptions regarding public opinion in Indonesia, this paper tries to describe public opinion and its relation to public policy and the forces that influence it in Indonesia. Public opinion can also influence law enforcement efforts in Indonesia, especially public opinion formed through social media. Therefore, it is not wrong that in one of the laws of public opinion issued by Hadley Cantril (taken from “*Opini Publik*”, compiled by Betty RFS. Soemirat and Eddy Yehuda) which says that: if personal interests are involved, then public opinion in a democratic country tends to precede the policy of those in power, in other words, public opinion can influence public policy.

Based on the above analysis, it can be concluded that the form of public opinion on the law enforcement process is divided into two categories, namely: direct public opinion

and indirect public opinion. Its positive influence is at the level of accuracy and prudence in understanding legal facts and the value of justice that lives in society and also greatly motivates law enforcers in resolving cases professionally.

The negative influence of some forms of opinion distribution given by the public can sometimes hinder the law enforcement process because it puts pressure on the completion of a law enforcement process, such as psychological emphasis on witnesses, victims and even perpetrators.

The public's response to a problem cannot be separated from democratic political intervention, and in the end the assumption arises that public opinion is representative of the aspirations of the general public. Public opinion can be described as the stage of combining various thoughts, emotions, and inputs expressed by the people of a country on a problem that is spreading in the country concerned.

Responses or opinions from the wider community can be considered as the latest source of strength that becomes a balance for law enforcement officials, especially in stopping a legal issue. If it is returned to the basis of the Republic of Indonesia, namely the 1945 Constitution, then this is quite reasonable because the Constitution has previously stated that every resident or community has an equal position before the law. Because of this, law enforcement officers should have wisdom and capability by prioritizing work professionalism in assessing a case before making a decision.

CONCLUSION

The development of the world of cyber technology in Indonesia is growing rapidly. As time goes by, communication through cyberspace is also growing. This brings impact and social change for the community. Almost part of the pulse of human life today cannot be separated from the virtual world, ranging from economic, political, social activities to the legal level for the orderliness of human life can also be done through cyberspace.

The development of law in Indonesia is also inseparable from the influence of social media. Social media has become one of the control tools for law enforcement in Indonesia. The reality of inequality in law enforcement in Indonesia makes social media a tool that pushes (pressure) to form public opinion as a new force to get justice from the weak law enforcement process in Indonesia. With the impetus and intensive social media publications, it is very important to encourage law enforcement in Indonesia so that it is hoped that it can be a means of balancing and learning in law enforcement efforts that are useful, have certainty and justice can be actualized.

REFERENCES

Bimo. (n.d.). *Perkembangan Media Sosial di Indonesia*.

<https://pakarkomunikasi.com/perkembangan-media-sosial-di-indonesia>

Luthan, S. (n.d.). *Penegakan Hukum dalam konteks sosiologi*. Tema Utama.

Yandi, D. (2015). *Jenis Penelitian Hukum*. *Artikel dalam Academia Edu*.

https://www.academia.edu/6730430/Macam-macam_Penelitian_Hukum

Yusni, M. (2016). *Penegakan Hukum Versus Opini Publik*. [https://komisi-](https://komisi-kejaksanaan.go.id/penegakan-hukum-versus-opini-publik)

[kejaksanaan.go.id/penegakan-hukum-versus-opini-publik](https://komisi-kejaksanaan.go.id/penegakan-hukum-versus-opini-publik)