

THE CAUSES AND EFFORTS OF COMPLETING THE LEGAL DISPUTES IN SOCIAL MEDIA

Rini Fidiyani
Andry Setiawan

ABSTRACT

Law is flexible and flows into the problems of human life. The purpose of this study is first; uncovering and identifying the causes of disputes on social media, for teachers in one of the Banyumas Regency vocational high schools, second; an inventory of the country's legal basis and efforts to alternative patterns of approach in resolving disputes on social media. The research methodology was carried out by socio legal research with the anthropological. The results obtained by the dispute are social media because they reject the policies of school leaders and foundations. Perpetrators already know the legal consequences of posting status hate speech which could one day be prosecuted according to Law Number 11 of 2008 concerning Information and Electronic Transactions in conjunction with Act Number 19 of 2016. The victim uses social media legal dispute resolution efforts with the first alternative; ignoring the perpetrators in the second social media; immediately reprimanded directly to the perpetrator, third; insinuate the language of humor to the performer. Fourth; victims report to school leaders and foundations as intermediaries. First conclusion; The main cause of legal disputes is social media because it rejects the policies of school leaders and foundations. Second; the perpetrators are aware of the criminal sanctions imposed via Law Number 11 of 2008 concerning Information and Electronic Transactions in conjunction with Law Number 19 of 2016. Efforts to resolve disputes on social media use social norms that are seen as easier to use and maintain a more harmonious social relationship.

Keywords: legal dispute resolution, social media law, social norms

A. INTRODUCTION

Technological developments go hand in hand with the type and level of human needs according to the demands of the times. Human activities are easily mobile (mobile) with a variety of situations and conditions on the conditions of speed, low cost and right on target. One that is currently capable of meeting the requirements for human activities is moving places with information technology. The emergence of information technology did not come suddenly but rather a long process since the industrial revolution of the 18th century AD to the 4.0 revolution stage now.

Information technology is driven by devices that support and support the smoothness and success of information technology working for human needs services. The device is in the form of communication satellites, internet networks, computers or electronic devices that already have special software and applications in the form of social media with various choices for users, according to Chris Brogan 1) social media is a new set of communication and collaboration tools that enable many types of interactions that were previously not available to the common person. Meanwhile, according to Philip Kotler and Kevin Lane Keller 2) more technically social media is the media used by consumers to share text, images, sound and video information both with others and vice versa.

Social media can be seen from the wide range of accessibility aspects that can be accessed by face book, linkedin, and twitter. 3) which then increases the types and demands on the expression of photos or pictures in the form of instagram. While social media is limited in its scope of messenger and whats up. Basically any type of social media can leak user identity by irresponsible parties.

State law regulates and guarantees in Article 28D paragraph (1), Article 28E paragraph (3), Article 28F, article 28 G paragraph (1), Article 28J paragraph (2) of the 1945 Constitution, article 14 paragraph (1) and paragraph (2) of Law Number 39 Year 1999 concerning human rights. The two basic laws of the country relate to freedom of opinion and expression of part of human rights for each citizen. On one hand, state law guarantees human rights of opinion and expression, but on the other hand, state law provides a threat to strict legal sanctions in Law Number 11 of 2008 amended by Law Number 19 of 2016, especially article 26 paragraph (2) and article 40 limiting freedom of expression if others are violated can file a lawsuit, because it is harmed according to this law and closes access to electronic information that has unlawful content.

According to previous research in 2017 Rini Fidiyani and her colleagues 4) found data, in vocational high schools in the city of Purwokerto, Banyumas Regency with 29 respondents through a questionnaire of all teachers First, knowledge about social media was obtained from colleagues (48.3%), learning self-taught (34.5%), learning from family and friends (17.2%). Second, they have lived the use of social media, more than 4 (four) years as much as 72.4%, more than 3 (three) years 24.1% and only a small number who have used more than 10 years (3.5%). Third, the purpose of the use of social media by teachers to find data on education (17.2%), entertainment (13.8%), lifestyle demands (13.8%) and the rest are a combination of the three plus friendship media.

There are a small number of teachers who like to do mischief via social media, especially face books to make posts and comments that spark hate (hate speech) to fellow teachers and leaders. Then the results of further studies in 2019 Rini Fidiyani and her friends 5) still found a small proportion of teachers who were still troubling in the form of posts and comments on face

books and whats up so that it was necessary to look for the causes of problems and the law to act to overcome conditions of turmoil in work relationships and provide a good example of students.

In the manuscript of this scientific article we want to find out what causes a small number of teachers (minorities) are still making trouble via social media related to school policies and foundations, as well as reviewing efforts to resolve disputes on social media so that working conditions are more conducive and harmonious. Efforts to resolve disputes on social media have several alternatives that can be sourced from social norms to obtain time and cost savings and harmonious relations can be maintained properly.

B. PROBLEM

1. What causes arose social disputes that occur for X vocational school teachers in the city of Purwokerto?
2. What efforts to resolve social media legal disputes are undertaken for X vocational school teachers in Purwokerto city?

C. METHOD

This study uses qualitative research methods and applies to 3 (three) types of socio legal, anthropological and ethnographic approaches. Source of data used both primary data in the form of observation, interviews; secondary research documents and statutory regulations and reinforcement theory to analyze the fundamental problems of this research material. Research locations in vocational high schools and related agencies. The sample of this research on the parties to the dispute consisted of the perpetrators, victims and school leaders and foundations. Data collection methods used are interactive methods with interviews and non-interactive. The data analysis method uses interactive loading data reduction, data display and conclusion drawing then proceed with the flow analysis model.

D. RESULT AND DISCUSSION

1. Human Philosophy in addressing the needs of life

Humans are anthropologically unique and unique creatures. God created man as a perfect being because he is endowed with a different mind and conscience. At the level of national development, human beings are seen as fully human beings as the ideals of the nation's formers and rulers. Philosophically, besides having advantages with the predicate of a perfect being or in other words fully, on the other hand, humans need and pursue the needs of material life which are then characterized by dogmatic empiricism, ideological materialism and programmatic reductionism as well. Human image is considered to experience the unity of the attitude of dogmatic empiricism, ideological materialism and programmatic reductionism as well. 6)

Dogmatic empiricism, ideological materialism and programmatic reductionism can also be found in the creators and users of social media as a result of information technology. Information technology is the study of design, implementation, development, support or management of computer-based information systems, especially in hardware and software applications. While the purpose of information technology was created to solve problems, open creativity and increase effectiveness and efficiency in human activities. 7) Information technology practically facilitates the fulfillment of the needs of human life.

2. Causes of legal disputes

Social media, which are part of information technology products, are developing and following the guidelines of human life. It is as if social media presents two opposing faces, firstly sticking up interactions between individuals and even institutions, while the other side severing the physical and natural relationships of fellow humans relying on social media application tools. Moreover, social media content delivered both posts, speeches, comments and information lead to public relations change. From the data found in the field in 2019 especially for one profession in one of the vocational high schools by using a written questionnaire all respondents can be mapped the causes of social media legal disputes with 39 respondents including:

- a. The perpetrator believes in expressing his opinion on social media on what he sees to be correct in making changes to part of the right to freedom of expression and opinion. Variations of answers strongly agree 10%, agree 46%, disagree 33%, doubtful 3%, others 8%.
- b. Rejecting school leadership policies that are submitted to social media on a large scale involve community comments outside the school. Answer 18%
- c. Personal problems with victims both related to work and emotional conflict with the victim; 10% answer.

Although large and small numbers are good, it is not easy to be fooled by only small numbers, because small numbers are part of the latent expression of the actors to form public construction of posts, utterances and comments as if what the actor said was considered true and valid. From the 3 (three) reasons above using the foundation of cyberculture, it can happen that someone has multiple identities or multiple identities via social media. This means that the perpetrator can easily commit fraudulent identities to attack the dignity of the victim so that the perpetrators' goals are achieved. Behavior in cyberculture is divided into 2 (two) categories, namely first; preventive behavior and second; braggadocian behavior. Preventive behavior is an individual who is always careful in posting status, uploading images or writing or sending news. So in this first category the individual concerned is trying whatever is delivered can have a reverse effect on him. Second; Braggadocian behavior, comes from the word "braggart" which means brag or liar. This category is easy to manipulate and construct others to be impressed, put compassion and bad latent goals. This condition is easily found in people very often update their status, by notifying themselves that they are doing something cool, with a narcissistic style in places that they think are worth knowing by others. 8)

3. Efforts to settle legal disputes with social media

Restrictions on freedom of expression and opinion have been regulated by Article 28J of the 1945 Constitution paragraph (2) in conjunction with Article 70 of Law and Article 73 of Law No. 39 of 1999. The state's reasons for limiting the right to freedom of expression and opinion guarantee the recognition and respect for the rights and freedoms of others and to meet fair demands in accordance with moral considerations, religious values, security and public order in a democratic society. Besides that, at the level of other laws and regulations, Law Number 40 of 1999 concerning the Press can be found to convey the freedom granted to press members or journalists in covering, processing and reporting information, as well as being free from censorship, banning or broadcasting prohibitions. Furthermore, technically practically issued Law Number 11 Year 2008 concerning Information and Electronic Transactions (ITE) in conjunction with Law Number 19 Year 2016 concerning Amendments to the ITE Law. The above state legal products prioritize the imposition of criminal sanctions and administrative sanctions especially for the press.

Whereas at the level of social norms can be used to limit freedom of expression and opinion on the value of decency, insult or defamation, both personal and institutional, especially on information material to the public. Social norms for some communities are more effective in providing social sanctions that are more inherent and practical and cost-effective compared to the approach of state law. Granting social sanctions by blocking the access of perpetrators to social media with victims. The reason is that those who use social norms as part of *ius ciosituendum* and end in *ius constitutum* are taken over by state law; the first is able to restore social relations that were originally broken into harmony back second; the impact of sanctions on social norms for perpetrators feels profoundly become a person who is ostracized and cannot be trusted anymore what he is doing and convey information to others, third; the interaction of social norms can coexist with the approach of state law in overcoming disputes on social credit.

The social media legal dispute resolution efforts undertaken for all teachers proven to incitement, speech and manipulation of the news, including 9) first the perpetrators were invited to deliberations and consensus by school leaders and foundations with a questionnaire answer 2%, answered forntals to the perpetrators of 5%, exiled 0%, let alone in the form of blocking the access of perpetrators in social media with the victims amounting to 26% and others combined between the frontal and let alone 67%. Second; Perpetrators who still do mischief get social sanctions from coworkers as excluded both physically and via social media according to the results of interviews with victims and school leaders, third; needs to be retested and re-evaluated according to the needs of the weight of the dispute on the approach to social norms that live in the local community in the form of a local cultural approach with 51% answers, combined with the applicable state law approach according to the level of disturbance of 31% answers, doubtful number of answers 0% and others included variations of confrontation and clarification of some 10% answers.

E. CONCLUSION

From the discussion above can be summarized as follows:

1. The cause of the first dispute; The perpetrator believes in expressing his opinion on social media on what he sees to be correct in making changes to part of the right to freedom of expression and opinion. Second; Refuse the policies of school leaders which are submitted to social media, third; Personal problems with the victim both related to work and emotional conflict with the victim;
2. Efforts to resolve social media legal disputes taken first; the perpetrators are invited to talk deliberation and consensus by the school leadership, second; ignores the actors in social media, such as blocking access to social media in private, thirdly; isolate personally the perpetrators or directly reprimand the frontal at the same time need to be retested and re-evaluated according to the needs of the weight of the dispute on the approach to social norms that live in the local community in the form of a local cultural approach.

F. ACKNOWLEDGEMENT

The team of authors would like to thank for the help of various parties for the smooth conduct of the fundamental DIPA 2019 skim research, especially

1. Rector of Semarang State University;
2. Chair of the Semarang State University Research and Community Srvce Institut;
3. Dean of the Faculty of Law, Semarang State University;
4. Research informant;
5. Research respondent

G. REFERENCES

- 1) Brogan, Chris, 2010, Social Media 101 Tactic and Tips for Developing Your Business, Online, Wiley, Manhattan, pg.11;
- 2) Muhammad Badri, Types of social media, [http://webcache.googleusercontent.com/search?q=cache:HAF6rU_Scfoj:library.binus.ac.id/eColls/eThe_sisdoc/Bab2/2011-2-01033-MC % 2520Bab2001.pdf + cd = en & ct = cink](http://webcache.googleusercontent.com/search?q=cache:HAF6rU_Scfoj:library.binus.ac.id/eColls/eThe_sisdoc/Bab2/2011-2-01033-MC%2520Bab2001.pdf+cd=en&ct=cink), 2011, pg.13, accessed 12 August 2019;
- 3) Ibid pg132
- 4) Rini Fidiyani, et al, 2017, Law and Ethics in Communicating on Social Media, Journal of Legal Dynamics, Faculty of Law, Unsoed;

- 5) -----, 2019, Fundamental Research Scheme, DIPA UNNES, Urgency Settlement of Social Media Disputes with a Cultural Approach;
- 6) Toeti Heraty Noerhadi, 1984, Full Human Values, Whole Humans in Human Philosophy, pg.55;
- 7) <http://teknologi.id.insight> accessed on 12 August 2019;
- 8) Erik Qualman, 2010, Socialnomics, How Social Media Transforms The Way We Live and Do Business. Burlington: Awareness;
- 9) Rini Fidiyani, et all, 2019, Fundamental Research Scheme, DIPA UNNES, Urgency Settlement of Social Media Disputes with a Cultural Approach;

Rini Fidiyani
Faculty of Law, Semarang State University
Emai: fidiyani.rini@mail.com

Andry Setiawan
Faculty of Law, Semarang State University
Email: andry_style@yahoo.co.id