

Laws and the Premature Impact of Election Campaign Towards Chaos in Cyberspace in the Millennial Generation

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Abstract

This paper explains the sociological approach of law in explaining and understanding the conflicts that occur in cyberspace. The virtual world has become an important part of people's lives, especially the millennial generation. The virtual world is an electronic medium that is used for one-way and two-way communication over long distances. It can be concluded that social media is also a virtual world. The use of social media on a large scale can be utilized for various interests including interests in politics. In this era of technology, all political activities, especially general elections, use social media as a place to campaign. Election campaigns through social media are considered more effective and efficient because all information can be disseminated instantly. However, the implementation of the election campaign can cause various negative impacts such as various chaos caused by differences of opinion. Freedom of expression on social media is often misunderstood by the public, causing the spread of hoaxes or fake news, hate speech, black campaigns, and cyberbullying. Chaos in cyberspace during the implementation of the election campaign can be reduced by enforcing the applicable law in accordance with the violations committed. The purpose of this research is to provide an overview of the law and the premature impact of election campaigns on chaos in cyberspace in the millennial generation. The results of this study indicate that chaos in cyberspace during election campaigns can be in the form of spreading hoaxes or fake news, hate speech, black campaigns, and cyberbullying.

Keywords: Law, sociology of law, Impact, Election Campaign, Cyberspace, Millennial Generation

1. Introduction

There are at least two thoughts or paradigms in understanding what a law is. First is the paradigm of legal positivism, which sees the law as a set of written rules and is formal in both sociological paradigms (Sholahudin, U, 2017). In contrast to the sociologically understanding view in general, which views that law as a rule, but the law in its form within society (Pandika, R, 2022). Conceptually and theoretically, there is no single definition related to the sociological

perspective of law. But to be sure, the sociological perspective of the law wants to see and understand the legal reality of the wise social sciences, especially sociology or, in other terms, the social sciences about the law. The study of legal sociology is a study that objects to legal phenomena but uses the optics of the social sciences and theories of sociology (Kelsen, H., & Trevino, A. J., 2017). Soekanto, S. (1980) defines The Sociology of Law as a branch of science analytically and empirically that analyzes or studies the reciprocal relationship between law and social symptoms.

The study of the sociology of law is an empirical review that sees and explains the real experiences of people caught up in the legal world as decision-makers, legal practitioners, and ordinary citizens (Sholahudin., U. 2017). This review sees and describes the real experiences of people caught up in the legal world because it is an empirical review. The sociology of law is the science of descriptive, explanatory, and predictions. Meanwhile, in the view of Sidharta, B. A. (2009), legal sociology research is empirical research that seeks to establish and explain the influence of social processes and people's behavior on the formation, application of jurisprudence, and the social impact of the rule of law, and the effect of the rule of law on social processes and people's behavior, in this case, the sociology of law approach in understanding premature conflicts that occur in cyberspace due to technological developments.

Advances in technology transform people to get very attached to the internet and social media, especially the younger generation who are categorized as the millennial generation (Wahyudi & Sukmasari, 2018). Social media is known as the virtual world for its imaginary and unreal world. Social media means a technology network used to produce news from internet users as well as a platform to communicate the information obtained (Indika & Jovita, 2017). The widespread use of internet technology makes social media the main place for one-way and two-way interactions remotely and to obtain all information within any space and time limitation. In addition to the benefits obtained from the use of social media, it can also be utilized to share interests in various fields including politics.

In this era of technology, any political activities, specifically, campaigns during general elections, maximize the use of social media. Judging from its openness to the community and freedom of access without any space and time limitations, social media can be categorized as mass media. Social media can be accessed anytime and anywhere, which makes it easier for everyone to obtain information from various sources and parties. In other words, anyone can share any information through that platform instantly. Undoubtedly, this has led to many political campaigns on social media. Campaign means an attempt to influence public trust with a communicative appeal. Furthermore, a campaign is an action in the form of communication to persuade the public (Felicia & Loisa, 2019). Additionally, a political campaign is an effort of political communication by a group of people or political organizations to gain political support from the majority of the people (Fatimah, 2018). Political campaigns, especially election campaigns, aim to gain the public's trust in all information presented by their political organizations (Siagian, 2015). However, the implementation of the election campaign brings some negative impacts such as a chaotic situation caused by differences in opinion. Freedom of expression on social media is often misunderstood by the public, leading to the spread of hoaxes or fake news, hate speech, black campaigns, and cyberbullying. (Lestari, 2021)

The increase in the use of social media along with the affordable cost of accessing the internet puts the millennial generation in two positions, namely as users and content creators. The high demand for social media use, specifically in the millennial generation, forces political actors to treat social media as their political campaign platform. To convey their political

programs, politicians endlessly spread the news on social media to reach their goals: people's trust. Political campaigns are conducted by exchanging messages with a significant impact on the achievement of pre-determined political goals. In the implementation of political activities, such as general elections, social media plays a vital role. It brings significant influence and positive impacts in terms of building public awareness of the importance of participating in politics, one of which is by participating in general elections so as not to be apathetic.

However, social media also has negative impacts on the general election campaign. Social media can be utilized to incite the public with racial issues and spread fake news or hoaxes for the benefit of a certain party (Komariah & Kartini, 2019). The purpose of this research is to provide an overview of the law and the premature impact of election campaigns on chaos in cyberspace in the millennial generation.

2. Methods

The approach used in this study is the sociological approach to law. The sociological process of law is carried out by analyzing the object of study (Wulansari, C. D., & Gunarsa, A., 2013). The sociological system of law is increasingly being developed and utilized to research and provide answers about the problem of the effectiveness of the work of law in the entire institutional structure of law in society. Therefore, according to Soetandyo, in this context, the law is sociologically conceived as an empirical symptom that can be observed in life, how the law plays a role and functions in society through the work of social systems and other systems in a balanced and synergistic manner in one unit.

This research applied a literature study method. A literature study is a method conducted by collecting information from various relevant sources and derived from published works such as journals, books, scientific works, results of previous similar research, and others (Surani, 2019). This research was conducted in a structured manner so that the data could be grouped and formulated by applying certain methods and finding solutions to overcome the existing problems (Melinda & Zainil, 2020). Data sources were obtained by searching for published works through Google Scholar. The data collection technique was carried out by the library method. Literature research was conducted by utilizing scientifically designed references by collecting reference materials related to research objectives (Anwar, 2019).

3. Results and Discussion

3.1 Social Media as a Platform of Choice for Advertising Election Campaign

The use of social media is proven to affect the increase in public participation in politics. This is due to the various advantages of using social media, such as the existence of a wide network, ease in accessing all things, as well as the rapid dissemination of news or information. It makes social media an effective platform to attract public sympathy in politics (Perangin-angin & Zainal, 2018). Countries with high levels of political literacy and awareness have realized earlier that social media is beyond beneficial for political communication due to the significant impacts it brings. Therefore, social media is utilized by political parties to gain support in most circles of society (Alam, 2021). Social media is believed to have the power to influence public opinion, which continues to grow along with various information being spread (Hardi & Hartaman, 2021). Technology that develops over time makes social media an important platform that has proven effective in the process of political communication, specifically in the implementation of election campaigns. The effectiveness of using social media makes the election campaign process run smoothly and optimally (Munzir, 2019).

Since 2014, a campaign through social media has been carried out and the results have been proven to show great influence on the victory of political parties. A prominent event on this fact was in the Presidential Elections where West Java obtained the most votes in national political stakes. Additionally, simultaneous elections in 2019 were using the same method of conducting campaigns through social media. This strategy aims to obtain success in gaining public trust as in the 2014 election. The campaign strategy used by the people's representatives by utilizing social media is seen as an interesting phenomenon because most political activities have been carried out by utilizing social media. It is conducted because social media can disseminate information more effectively and efficiently so this phenomenon is considered a step forward in the implementation of the campaign during the modernization era (Corputty, 2020).

The regional head elections in West Java are inseparable from the national political stakes. Political stakes became quite intense due to the high number of residents in West Java, which is 18% of the national population. West Java has become a hotbed of political struggle since direct elections were introduced (Komariah & Kartini, 2019).

The results of research conducted by (Andriyani, 2017) revealed that in the world of politics, social media plays a crucial role in the community, specifically among the millennial generation. With various information spread on social media, people can more easily recognize political leaders so that they unconsciously identify to be able to assess political figures from various aspects such as background, performance, and the character of the prospective people's representatives. Since they grew up side by side with technology, the millennial generation has creative, innovative, productive, informative, and passionate characters. The role of technology is very close to the life of millennials, where each of them possesses gadgets or smartphones. The daily life of millennials always coexists with technology so they experience dependence on technology. The millennial generation's dependence on internet technology, especially on social media, makes political campaigns through social media an effective strategy in attracting their attention. (Febriani, 2020)

Modern political campaigns are seen from the use of the media. Political communication media are divided into 5 types depending on the communication flows through the media as the model shown in the figure below.

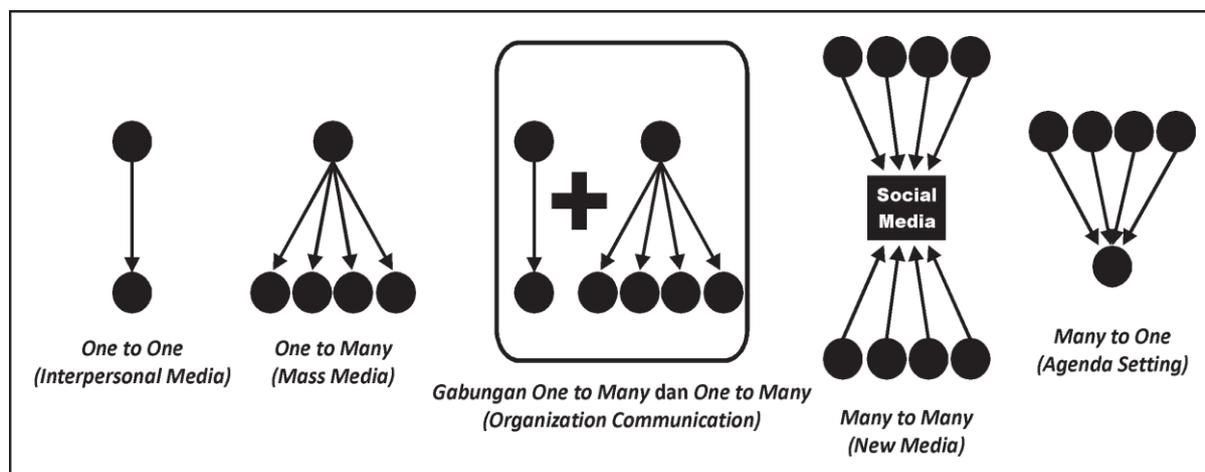


Figure 1. Models of Political Communication Media Patterns

The five models are dynamics that occur in the political communication process, such as in the current era of rapid technological development. Various communication models,

namely linear, circular, and interactional stages can be carried out because of the public space on social media so that communication between political figures, mass media, and the community can be established more easily (Shahreza, 2017).

3.2 Chaos in the Cyberspace as an Impact of the Election Campaign Implementation

Freedom of expression in cyberspace often brings a negative impact when someone does not state their opinion wisely (Chumairoh, 2020). The implementation of general election campaigns often creates chaos in cyberspace or social media. People who make hate speech hide behind the statement “rights of freedom of expression”. This happened during the presidential elections held in 2014 and 2019. At that time, the presidential election was marked by a lot of hate speech and the spread of fake news or hoaxes on social media, causing chaos on social media. Hate speech is all forms of speech that contain hate and is directed at a person or group of people, offensive, and carried out to cause a certain impact, either directly or indirectly, and to encourage people to hurt each other (Widayati, 2018). A hate speech can make the victim feel threatened. However, people's freedom to use social media cannot avoid hate speech, including cyberbullying (Yuniar dkk., 2019). A hoax is a fake news or information made up by a party to cover up the real facts to the public or the wider community. In other words, a hoax is an act that distorts facts through social media so that people do not learn the real situation (Tafonao & Yuliyanto, 2020).

Hate speech cases in Indonesia are high. DKI Jakarta has the highest number compared to other regions in reports related to cases of hate speech and fake news or hoaxes. This is due to the rise of social media as a campaign arena by political actors. The increasing number of hate speech cases in 2017 is due to the political year where the event of DKI Jakarta gubernatorial election took place. The DKI Jakarta gubernatorial election is a prototype for the continuation of elections in Indonesia. (Anggraeni, 2017)

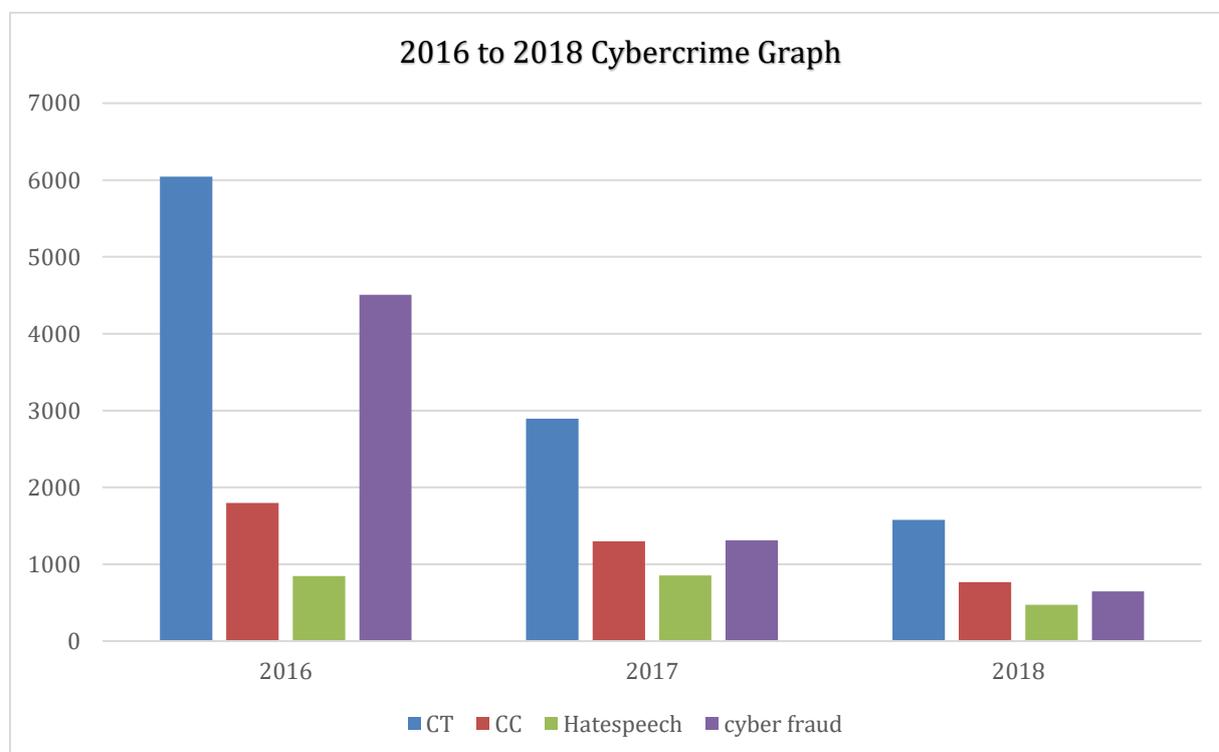


Figure 1. 2016 to 2018 Cybercrime Graph

Sumber: Cyber Crime Investigation Center (Anggraeni, 2017)

Based on research conducted by (Permatasari & Subyantoro2, 2020), there are various forms of hate speech. The most widely used hate speech in social media is shown in Table 1.

Table 1. *Hate Speech Percentage*

No	Types of Hate Speech	Frequency	Percentage
1	Provoking	7	20.59%
2	Inciting	7	20.59%
3	Insulting	7	20.59%
4	Blaspheming	1	2.94%
5	Defamation	4	11.76%
6	Spreading fake news	8	23.53%
	Total	34	100%

Source: (Permatasari & Subyantoro2, 2020)

It can be concluded that the most frequent kind of hate speech on social media is provoking, inciting, and insulting (20.59%), more than blasphemy, defamation, and the spreading of fake news.

Chaos in cyberspace during the implementation of the election campaign is not only caused by the rise of hate speech and the spread of hoaxes, but also because of buzzers that appeared on social media. A buzzer is an account that does not have a clear identity on social media and is created with certain motives (Arianto, 2020). Buzzers help market or spread various things in all fields, one of which is as a promotional media for a sales product. Yet, today, the role of buzzers is very much needed in politics to help spread various news. However, when the election campaign was conducted, the buzzer was used in a negative way, which is as a supporter of a negative campaign strategy or commonly referred to as a black campaign (Juditha, 2019). A black campaign is a strategy done by spreading news or issues that are not supported by evidence and facts. Uncontrolled public opinion in responding to these issues has an impact on the emergence of chaos on social media (Pamungkas & Arifin, 2019). The reason for the use of social media or cyberspace as media to carry out black campaigns is because they own features that are difficult for defenses to control. (Sirait, 2019)

Politicians realize that the use of social media to attract public sympathy in politics is the right strategy in today's digital era. The massive use of social media has a huge impact on the victory of a political party because more and more people who participated in the election can be influenced through social media. However, the increase in public participation in politics also causes various problems in social media, especially during the election campaign. The campaign process is very sensitive because there is always a spread of political issues which are full of criticism and hoax content. Hoax is a deception that aims to make fun of or bring harm. The spread of hoaxes brings a negative impact because it can cause chaos in various media (Harahap, 2020).

3.3 Applicable Laws in Chaotic Election Campaigns in Cyberspace

To avoid the chaos on social media during the implementation of the election campaign, it is regulated in Article 69 PKPU Number 23 of 2018 concerning the General Election Campaign which states that the organizers, participants and Election Campaign Teams are prohibited from: a) Calling into question the Pancasila Constitution that governs the state, the Preamble to the Constitution of the Republic of Indonesia from 1945, and the structure of the

Unitary State that the Republic of Indonesia takes; b) engage in actions that are detrimental to the wholeness of the Republic of Indonesia as a Unitary State; c) insulting a person, their religion, ethnicity, race, class, a candidate, or any election contestant is a violation of the election rules; d) instigating and provoking hostility between individuals, groups, or communities; e) disturbing public order; f) encouraging the use of violence against a person, group of community members, and other election contestants, or making threats to conduct acts of violence against any of these groups or individuals; g) damage and demolish campaign props for Election Contestants; h) Take advantage of facilities run by the government, houses of worship, and educational institutions; i) carry or make use of a picture mark or attribute that is distinct from the picture mark or attribute of the Election Contestant with which they are competing; and j) Participants in the Campaign will be given or promised money and other resources. Based on Article 69 PKPU Number 23 of 2018, the KPU should include hoax and hate speech content (Maryadi & Halimah, 2019).

To overcome or minimize the occurrence of hate speech, the laws governing hate speech must be strictly enforced. Hate speech is a crime that has existed for a long time because criminal acts or legal arrangements have been previously stipulated in the Criminal Code (KUHP). However, there is a slight difference. Now, people are more familiar with hate speech, on the other hand, the Criminal Code defined it as a statement of hostility in public. These crimes are regulated in Article 156 of the Criminal Code and Article 156 of the Criminal Code regarding hate speech that is directly committed against one of several ethnic groups in Indonesia. The threat of punishment from this act is heavy, 4 years in prison will be given to people who have expressed hostility toward one of the Indonesian ethnic groups (Febriansyah & Purwinarto, 2020).

Regulations regarding hoaxes are regulated in Article 28 paragraph (1) and paragraph (2) in addition, Article 45A paragraph regulates the criminal provisions. (1) and paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. It was said in the article that: article 28 paragraph. (1): " Everyone intentionally and without legal justification spreads inaccurate and misleading information, which in turn causes consumers to lose money in their electronic transactions" Article 28 paragraph (2): " Every person who knowingly and unlawfully spreads information intending to stir up hatred or hostility toward specific individuals and groups of people based on their ethnicity, religion, race, or any other intergroup distinction is guilty of a hate crime (SARA)" (Kurniawati, 2020).

There are several types of cyberbullying, including flaming, which is sending messages with anger, harassment, defamation, cyberstalking, imitation, dissemination, deception, and spending. The legal foundation for cyberbullying is regulated by Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) and the Criminal Code. These laws were enacted in order to amend Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) (KUHP) (Wardoyo dkk., 2021).

4. Conclusion

It can be concluded that the implementation of election campaigns on social media has negative impacts, such as the emergence of chaos that occurs in social media caused by differences of opinion and the application of the right to freedom of expression which is sometimes excessive. Freedom of expression that is carried out excessively and does not pay

attention to good communication ethics on social media and uncontrolled public opinion in responding to an issue cause problems. This triggers the rise of hate speech, the spread of fake news or hoaxes, and the existence of a black campaign that throws out issues or news that is not accompanied by existing evidence. If no law regulates these negative behaviors, the chaos will continue until it is out of control. This study shows that there are laws that apply to overcome the possibility of chaos. Therefore, an application of the law of negative behaviors must be enforced wisely so that freedom of expression on social media does not lead to negative impacts that lead to cyberbullying, especially during the implementation of the election campaign. The sociology of law approach can be one of the pillars in resolving the chaos that occurs in cyberspace and will provide a more sense of justice for society.

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