

Responding to the need for wise use of social-media through legal counseling in the Foster Village of Cikarageman, Bekasi Village

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ABSTRACT

Currently, all levels of society everywhere can use social media easily. This convenience makes freedom of expression increasingly out of control, and often results in legal problems. According to Indonesia law, violation in using social media can be process as criminal cases. Therefore, educate people, especially women in all level society is necessary that become the main activity in community service (PKM) in Cikarageman Village, Bekasi. Furthermore, the knowledge of using social media wisely could also a basic for e-court that developed rapidly in legal system in Indonesia. Activities carried out offline and materials come with legal cases in term of use of social media and also provided procedure of e-court in Indonesia legal system. The activity was attended by stakeholders' representatives from Cikarageman village units, namely the family welfare, local banking and residents. The discussion went well and ended with an agreement to establish a legal service unit for local residents.



KEYWORDS

Social media
UU ITE
E-court
Community service



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1. Introduction

According to data.goodstats.id, social media users in Indonesia reached 212,9 million users in 2023 and has an increasing trend from year to year and will reach 81,82% of total population in 2026 as show in Fig. 1. Along with the increasing number of internet users for social media, legal problems related to violations of its use have also increased. Data from the National Police Criminal Investigation Agency's of Indonesia shows that the police took action against 55 cases of spreading fake news or hoaxes from January to May 2022. Action against fake news cases occurs every month. In fact, in January and March, the National Police took action against 13 cases.

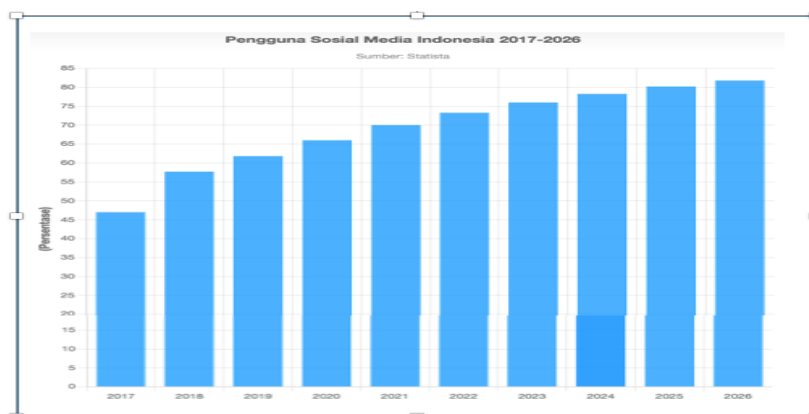


Fig. 1. Number of Internet Users in Indonesia 2017-2026 Source: data.goodstats.id

On the other hand, the threat of punishment of spreading false news or hate speech is maximum prison sentence of six years as stipulated in Law Number 19 of 2016 concerning Amendments to the Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). Therefore, it is necessary for society to understand limitations in law so that nobody is in trouble with the law.

Social media is a digital platform or communication tool that provides facilities for social activities for each user, and contains various possibilities for creating new forms of interaction. Social media is basically a part of internet development. All social media users who are connected to an internet connection can carry out the process of disseminating information or content anytime and anywhere [1]. However, the freedom to convey writing or pictures on social media often creates problems for other parties; posts or pictures posted are considered to insult or defame certain parties [2], [3].

Prohibitions and sanctions as regulated in the Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) are intended so that people in using social media can act wisely by utilizing social media as a means to communicate properly and provide positive benefits for social media users. In the notes of Treviliana Eka Putri, Center Research Manager For Digital Society (CFDS), Faculty of Social and Political Sciences (Fisipol) Gadjah Mada University Yogyakarta (UGM) released data from safenet.or.id criminal cases using Law No. 19 of 2016 Jo Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE) up to 30 October 2020, reached 324 cases. The spirit of the ITE Law should be to create a sense of security for everyone in online media, but in fact many parties use social media as a place to express hatred, insult or post images that offend other parties.

Considering the increasing number of cases of misuse of social media which have become legal cases, it is necessary to educate all citizen, especially to women [4], [5]. Women are creatures who like to socialize in nature, by sharing information that closely related to channeling the contents of the heart and the emotions felt at the same time using any media, including social media [6]. Therefore, it is necessary for this group to distinguish using social media wisely [7]. Furthermore, understanding the work of social media becomes essential toward electronic-based court or e-court or e-litigation that developed recently [8], [9].

This kind of community service was the first time in the village of Cikarageman. From literature point of view, at least 2 similar articles carried out education activities to use social media wisely, i.e: Wise Social Media Education in Karangtaruna Benda Baru, Benda Baru Village, Pamulang District, South Tangerang City (Edukasi Bersosial Media dengan Bijak di Karangtaruna Benda Baru Desa Benda Baru Kecamatan Pamulang Kota Tangerang Selatan) [10], and Training on Wise Use of Social Media as a Character Education Effort for Teenagers (Pelatihan Bijak Bermedia Sosial sebagai Upaya Pendidikan Karakter pada Remaja) [11]. The two activities focus on teenagers as an actor despite of women. While this community service motivated women in Cikarageman to use social media wisely.

As mentioned above, the aim of this community service mainly provides significant knowledge of consequences of social media use, especially for women in the village of Cikarageman, Bekasi. The rationale of this due to facts that women is much more active in social media for many purposes, and high risk to violate the regulation for proper social media use. Based on this background it is essential to respond the need for wise use of social media in the village of Cikarageman, especially for women and provides legal counseling as well at the same time.

2. Method

The activity of community service is carried out in the form of legal counseling through lectures and question-and-answer sessions or discussions. Lectures are delivered by the Counseling Team from the Faculty of Law at As-Syafi'iyah Islamic University, providing material on actions prohibited by the ITE Law, the regulation of sanctions in the ITE Law, and examples of cases in the use of social media. Subsequently, discussions are conducted to answer questions or address issues faced by the community of Cikaregeman Village, especially members of the PKK (Family Welfare Empowerment) who are present, regarding the proper and wise use of social media. In this activity, material is also provided on the e-Court judicial system, along with training on the use of e-Court. At the end of the activity, a legal clinic is held, providing legal consultations related to issues faced by the community of Cikarageman Village, including issues related to land, debts, and household problems.

3. Results and Discussion

This community service activity was carried out in August 2022 with partners from residents of Cikarageman Village, Setu District, East Bekasi, West Java Province. The activity began with a visit to Cikarageman Village to collect data through interviews to find out and map the problems faced by residents of Cikarageman Village. The activity began with an interview with the Village Head, who at that time was represented by the Village Secretary and Village Apparatus, namely the PKK Unit and BPD Unit, all of which were conducted face to face. The PKK unit representative explained the problems faced in the use of social media, especially by housewives. The PKK chairman explained that residents of Cikarageman Village, especially housewives, really need information on using social media well and wisely. Next, the service team prepared material on acts that are prohibited in the ITE Law, the regulation of sanctions in the ITE Law and examples of cases of using social media that ended in legal proceedings, as well as ways to use social media well and wisely, utilizing social media as promotion. and socialization of local products and culture.

After the initial interview was carried out, on the agreed day, namely Saturday, July 30 2022, legal counseling activities and socialization of the ITE Law were carried out in the form of material: 1. actions prohibited in the ITE Law; 2. regulation of sanctions in the ITE Law; 3. examples of cases of social media use that have resulted in legal proceedings; 4. tips for using social media well and wisely.

Apart from legal counseling and socialization of the ITE Law as show in Fig. 2, this activity also provided material and training on the use of e-Court. In the final session of the activity, a legal clinic was carried out, namely providing legal consultations to the community regarding the problems they faced, namely related to land issues, debts and receivables, and household problems.



Fig. 2. During the Socialization of the ITE Law

The material presented in legal counseling and socialization of the ITE Law and socialization of the use of e-Court is as follows:

3.1. Socialization of the ITE Law, Law Number 11 of 2008 Jo. Law Number 19 of 2016

• Actions Prohibited by the ITE Law

Article 27 Law Number 11 of 2008

- Everyone intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that have content that violates decency.
- Everyone intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents that have gambling content accessible.
- Everyone intentionally and without right distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that contain insults and/or defamation.

- Everyone intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that contain extortion and/or threats.

Article 28 Law Number 11 of 2008

- Everyone intentionally and without rights spreads false and misleading news that results in consumer losses in Electronic Transactions.
- Everyone intentionally and without rights disseminates information aimed at creating feelings of hatred or hostility towards certain individuals and/or groups of people based on ethnicity, religion, race and inter-group (SARA)

- **Sanction**

Article 45A Law Number 19 of 2016

- Everyone who deliberately and without rights spreads false and misleading news that causes harm to consumers in Electronic Transactions as referred to in Article 28 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp. 000,000,000.00 (one billion rupiah).
- Any Person who intentionally and without rights disseminates information aimed at creating feelings of hatred or hostility towards certain individuals and/or community groups based on ethnicity, religion, race and inter-group (SARA) as referred to in Article 28 paragraph (2)) shall be subject to imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

Article 45B Law Number 19 of 2016

“Any person who intentionally and without rights sends Electronic Information and/or Electronic Documents containing threats of violence or intimidation aimed at personally as referred to in Article 29 shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of up to a lot of Rp. 750,000,000.00 (seven hundred and fifty million rupiahs)”

- **Cases**

- Prita Mulyasari, Prita was reported by Omni International Hospital on charges of defamation via electronic messages. The e-mail contained her experiences while being treated at the hospital's emergency unit. Prita wrote and sent personal e-mails to her closest friends regarding complaints about the services of the Omni International Hospital. This email then circulated widely in cyberspace. Omni International Hospital objected to Prita's email which has been widely circulated in cyberspace. There was an attempt at mediation between the PM and the Omni Hospital, but the result was a stalemate. In September 2008, Omni Hospital reported Prita Mulyasari to the Police and filed a civil lawsuit at the District Court. In the civil case Prita had to pay material damages of Rp. 161 million and immaterial losses of Rp. 100 million. In criminal charges Prita was detained at the Tangerang Women's Prison, Prita charged under Article 45 paragraph (1) in conjunction with Article 27 paragraph (3) of the ITE Law, on June 25 2009 Prita was acquitted by the Tangerang District Court. At Cassation level, Prita was sentenced to 6 months in prison, but with probation for 1 year. This means that Prita doesn't need to be jailed, as long as she doesn't repeat her actions within one year. At the Judicial Review (PK) level, the Supreme Court declared Prita free. In a civil case, at the cassation level, Prita was acquitted of all compensation amounting to Rp. 204 million.
- Herrybertus Johan, an elementary school teacher was punished after writing an insulting comment on FB, Article 27(3) in conjunction with Article 45 paragraph (1) of the ITE Law, Singaraja District Court.
- Ervany Emy, Ervany commented on her husband's former boss on Facebook. Apparently the post was reported to the police, Article 45 paragraph (1) Jo Article 27 paragraph (3) of the ITE Law or Article 310 paragraph (1) of the Criminal Code or Article 311 paragraph (1) of the Criminal Code, Bantul District Court.

- **Things to Avoid When Using Social-Media [12], [13]**

Indonesian people who use social media must be wiser in using social media to express freedom of opinion so as not to get caught in criminal cases. Things to avoid when using social media.

- Insult or defamation

In Social Media, it is not permissible to badmouth certain individuals or institutions [14].

- Violating decency

Not allowed to post photos or events that violate decency [15].

- Spreading fake and misleading news that results in consumer losses.

Spreading hatred or hostility towards certain individuals and/or community groups based on ethnicity, religion, race and inter-group (SARA).

- **Using Social-Media Wisely [16]**

- As Communication

Social media has become a second world for people in all parts of the world to gather and interact. Social media has succeeded in building communication without time and geography boundaries. Communicating or interacting to provide information or content in the form of writing, photos and videos. Various information in the shared content can be open to all users for 24 hours straight.

- As Branding

Social media is always developing and providing various needs from humans, one of which is branding. Branding is one's way of building an image in the eyes of many people. To do branding, users usually have a unique and distinctive way to design social media accounts so that they are attractive to other users. This is what makes social media accounts similar to the real world, because everyone has their own characteristics.

- As a place of business

Social media can be used as a place to do business or business. As a place that is open 24 hours a day, social media has proven to make it very easy for users to build a virtual business. Social media has proven to make it very easy for users to build a virtual business. This is predicted to have a lot of potential to reach more people compared to businesses that only rely on the real world.

- As Marketing

Social media can also be used as a forum for marketing or marketing. As a platform that is almost always used by humans, currently social media has succeeded in creating services that make it easier for businesses to introduce and reach more consumers. This method has proven to be effective in increasing profits and making it easier for users to get what they need.

- Use Social Media to Create Something

Posting local products, including food, arts, PKK activities, Karangtaruna. A number of local products can be marketed via social media.

- Use a mobile phone to become entrepreneurship

Posting information on tourism destinations can provide great opportunities for the world of UMKM.

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- **Tips on Using Social-Media to Avoid Legal Risks [19]**

- Understand existing regulations
- Uphold social media ethics
- First check the correctness of the information to be shared with the public
- Be more careful when you want to post things or data that are personal [20]

In this session, after the service team socialized the prohibited acts and sanctions provisions in the ITE Law, and case examples, several participants began to ask questions related to:

- How to respond to the behavior of residents who insinuate and write on Facebook that hurt and/or insult/ defame other residents?
- What is the legal process for residents who make posts that insult/ defame other citizens?
- How is the civil process and criminal process in court?

To answer this question, the service team explained the stages in prosecuting parties who have defamed their good name through social media, which can be done in 2 ways, namely

- Report through the Police office
- Sue for civil compensation in the District Court

3.2. Socialization of the E-Court Process at the Bekasi District Court

In this session the service team socialized the implementation of the process in court via e-Court and the procedures for accessing e-Court, which are as follows ;

- The e-court system that has been implemented by the Bekasi District Court includes applications that provide convenience in electronic case administration services, namely:
 - e-filing feature (electronic case registration);
 - e-payment (electronic down-payment of case fees);
 - e-summons (electronic summons and notifications to the parties); And
 - e-litigation (electronic trial process)
- E-court procedures at the Bekasi District Court
 - The Plaintiff/ Petitioner accessed the website/ page <https://ecourt.mahkamahagung.go.id/> then create a user account
 - For the general public, even though they do not yet have an account as an e-court user, the e-court section at the Bekasi District Court can assist in creating an e-court account
 - After having an account, the Plaintiff/Petitioner can use the e-court by selecting the claim or request feature, or rebuttal, depending on what case the Petitioner/Plaintiff will file. Then choose the destination court to register the case. Next is uploading documents, namely : 1) Stamped Power of Attorney, scanned the power of attorney in PDF format; 2) Fill in the identity of the parties; 3) Uploading case files (lawsuit/application/rebuttal letters). This letter must be scanned in PDF format, and of course it has been signed by the Advocates/Petitioners/Plaintiffs; 4) Documentary evidence as initial evidence, it is enough to attach only one or two documentary proofs, scanned in PDF format.
 - After carrying out the steps above, the data of the parties has been recorded and proceed to the down payment process. After the payment is made, a confirmation will appear that the case fee has been paid.

In down payment, the user will automatically get an Estimated Down Payment (e-SKUM) and a Payment Number (Virtual Account) which can be paid via the available electronic channels (Multi Channel).

- After the Applicant makes a payment in accordance with the Estimated Down Payment (e-SKUM), the Court issues a Case Number then the e-court application will provide a

notification/notification that the case has been registered with the Court. Case number information can be submitted on the same day or at least the next day.

- Within 3 days there will be notification of the trial schedule. For the Plaintiff, the trial schedule can be accessed in the e-court. For the Defendant, notification of the trial was carried out manually by the Bekasi District Court bailiff.
- At the first trial, face-to-face mediation was held at the Bekasi District Court. If the mediation is reported to be unsuccessful (failed), then the trial will be continued with the agenda of asking the main parties, the Defendant, for their consent to participate in the follow-up trial electronically (e-court). If the parties agree, the panel of judges will prepare a court calendar according to the menu available in the SIPP application and integrated into the e-court.
- The court calendar will determine the trial schedule. The court calendar must be present in the complete case file as a means of controlling the settlement of cases.
- The panel of judges and clerks access the e-court account to receive case files. The case file is declared accepted if there is validation from the panel of judges, then it can be accessed by the Defendant or Plaintiff for a response.
- Even though it has been agreed to use the e-court, for the trial the evidence and reading of the Verdict are carried out face to face in the courtroom.
- If the Defendant does not agree to use the e-court, the panel of judges determines the schedule for the next trial manually according to the procedural law that has regulated it.
- This condition will cause the effectiveness of the electronic trial process to be unable to be carried out. In practice the implementation of e-court is constrained if the defendant does not agree so that the e-court cannot be carried out.

In the final session, a Legal Clinic was held, namely providing legal consultations to the residents of Cikarageman Village, questions regarding land, debts and receivables and households. Team Photogroup show as Fig. 3.



Fig. 3. Team Photogroup with the Empowerment and Welfare of Families in Cikarageman Village

4. Conclusion

From this community service activity, it is hoped that the Indonesian community, especially the community of Cikarageman Village in Bekasi Regency, will become wiser in using social media to express their freedom of speech, avoiding getting involved in criminal or civil cases. In addition, people should also be smart in utilizing technology on social media. Writing or expressing opinions on social media should be done wisely to avoid legal problems. The wise use of social media can include: 1) using social media as a good communication tool to encourage readers to do good deeds, 2) using social media as a means to promote one's business (branding), 3) using social media as a business platform, 4) utilizing social media for the promotion and socialization of local products. Through this activity, the community

of Cikarageman Village in Bekasi also becomes aware of the legal resolution processes that can be pursued through two avenues, namely criminal and civil. In the civil process, the people of Cikarageman Village learn how to access e-Court, which has been implemented in the Bekasi District Court. This includes e-filing (electronic case registration), e-payment (electronic down-payment of case fees), e-summons (electronic summons and notifications to the parties), and e-litigation (electronic trial process). In the legal clinic session, the volunteers have provided consultations on issues related to land, debts, and household problems.

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