

SOCIOLOGY OF LAW PERSPECTIVES IN REVIEWING THE EFFECTIVE SOCIAL CONTROL FOR SOCIAL MEDIAS

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Abstract

Law as a means of social control is a process of influencing everyone to behave in accordance with society's expectations of the parties and/or victims who will take steps to become a priority part for restorative justice, except for cases that are and have the potential to be divisive. Therefore, communication ethics in social media must not use harsh, provocative, pornographic, or discriminative words and not to post articles or sites that refer to lies. The use of communication media facilities has now grown so rapidly along with advances in communication technology, where we are faced with many choices to be able to convey/access information both through conventional media such as print media and electronic media and the most developed is social media. This research aims to find out the effectiveness of social control for social media. It uses normative legal research with a qualitative analysis. It found that there is a need to regulate the use of social media as a means of communication so that the unwanted information can be avoided.

Keywords: *Social Control, Social Networking, Sociology of Law Perspective*

A. Background

Social control is a method used to prevent deviations and direct individual members of the community to act according to the norms and meanings of social values that already exist and are institutionalized in society with a formal nature in the form of legislation or non-formal that applies to certain customs. Accordingly, the social control becomes a supervisory action carried out from one group to another to provide direction on the roles of individuals and groups as part of community members to create situations and even social conditions that are in accordance with what is expected.¹

In society, there are always means in the form of control to regulate various behaviors of members of social groups so that the behaviors are within the limits of conformist behaviors. This means that human behavior should be limited by rules so that humans can know what can be done and what cannot be done. This is of course in the form of orders and prohibitions. Ordered behavior means that

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¹ Hardianto Djanggih and Nurul Qamar, "Penerapan Teori-Teori Kriminologi Dalam Penanggulangan Kejahatan Siber (Cyber Crime)," *Pandecta: Research Law Journal* 13, no. 1 (2018): 10–23, <https://doi.org/10.15294/pandecta.v13i1.14020>.

it contains deviant and antisocial values and norms. On the other hand, the behavior that is ordered means that it contains values and norms that are conformable. Commands and prohibitions on human behavior are called social control.²

Social norms and values are not only a guide for the behavior of members of social groups, but they also have the power of control that binds the community so as not to commit social deviations. Prevention or handling efforts so that the community does not violate the rules. In the community group there must be a set of values and norms to prevent or reduce violations of the rules. This is what is called a form of social control. Thus, social control is the supervision of other groups or individuals who direct the role of individuals or groups as part of society in order to create a social situation in accordance with social expectations, namely a harmonious social life.³

Social networking is very widespread development around us. In fact, the users are very numerous and cover almost all age groups ranging from children, teenagers, and adults. The emergence of this social networking site began with an initiative to connect people from all over the world. Social network itself has a meaning as a social structure consisting of individual or organizational elements. This network shows the way in which they are related because of the similarity of sociality, starting from those who are known to their family. In its simplest form, a social network is a map of all the relevant ties. The network can also be used to determine the social capital of individual actors. This concept is often depicted in social network diagrams that represent nodes as points and ties as connecting lines.⁴

B. Identified Problems

When internet and mobile phone technology is more advanced, social medias also grew rapidly. Now to access Facebook can be done anywhere and anytime by using a mobile phone. The speed of social media is also starting to appear to replace the role of media conventional mass in spreading the news.⁵

Social medias have several advantages. They can establish social interaction among people in the world. They can also be used as a business channel. Through online media, everyone can develop a business and publish them. They may also increase creativity because everyone may use the medias to express their thoughts either in writing or videos. They can be used to disseminate

² Elly M. Setiadi and Usman Kolip, *Pengantar Sosiologi: Pemahaman Fakta Dan Gejala Permasalahan Sosial: Teori, Aplikasi Dan Pemecahannya* (Jakarta: Kencana Prenada Media Group, 2010).

³ Ida Bagus Sudharma Putra, "Sosial Control: Sifat Dan Sanksi Sebagai Sarana Kontrol Sosial," *Vyavahara Duta* 13, no. 1 (2018), <https://doi.org/http://dx.doi.org/10.25078/vd.v13i1.529>.

⁴ Setiadi and Kolip, *Pengantar Sosiologi: Pemahaman Fakta Dan Gejala Permasalahan Sosial: Teori, Aplikasi Dan Pemecahannya*.

⁵ Indra Permana, "Pengaruh Tayangan Media Sosial Youtube Terhadap Perkembangan Perilaku Menyimpang Siswa Di Sekolah SMA Indonesia Raya Bandung," Tesis., (Universitas Pasundan, 2017).

and share information to public.⁶ However, social medias also have disadvantages. There is a lot of crime that occurs through social media, for example online fraud. People may waste their time because of using too much of their time using social media, for example online games or Facebook. They may make people to be addicted and as the result, time and money can be wasted.⁷

In the context of social interaction, there are always problems that may lead to a conflict that is difficult to resolved. Hence, it becomes imperative that there must be a set of rules which instructs humans both individually and in society to be introspective to avoid a social turmoil. The dynamics of social life that penetrates the joints of social life not easy to solve without being based on a basic concept that expected to be implemented as a social basis or role model society.⁸

The context of the sociology of law approach views law as a social institution that cannot be separated from social building. The law is not understood as a text in the law or written rules, but as a social reality that manifests in life. Law is not understood textually normatively, but contextual. Accordingly, the legal approach is not only based solely on legal logics, but also with social logics in framework searching for the meaning. In this regard, Sociology of Law seeks to provide a description of legal practices. It aims to explain why a legal practice in the social life of society occurs, the causes, what factors influence it, its background, etc. It always tests the empirical validity of regulations or legal statements so as to be able to predict a law that is appropriate and or not in accordance with a particular society. Yet, it does not evaluate the law.⁹

To search and find solutions to the effective enforcement of the law nothing but examining the correlative relationship between law and society. It is given that the law for the community, and society needs law in managing social life, not society for law. To find out the relationship. The correlation cannot be separated from the role of the sociology of law.¹⁰ This approach is used to examine the effective social control for social medias. In this regard, this research raises two main questions as follows:

1. How is Sociology of Law used to approach the existing rules that control social medias?
2. What is the effective social control for social medias?

⁶ Ibid.

⁷ Ibid.

⁸ Yoyok Hendarso, *Pengertian dan Ruang Lingkup Sosiologi Hukum*, <https://pustaka.ut.ac.id/lib/wp-content/uploads/pdfmk/SOSI441603-M1.pdf>

⁹ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2006).

¹⁰ Roseffendi, "Hubungan Korelatif Hukum Dan Masyarakat Ditinjau Dari Perspektif Sosiologi Hukum," *Al-Imarah: Jurnal Pemerintahan Dan Politik Islam* 3, no. 2 (2018): 189-98, <https://doi.org/10.29300/imr.v3i2.2151>.

C. Research Methods

This research uses the juridical normative method, or mostly known as legal analysis, which conducted by reviewing library materials or so-called secondary data, and the data is be analyzed by using a qualitative method. This normative legal research uses a conceptual approach. It analyzed the primary legal materials, namely Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Transactions Electronics and relevant literature regarding similar themes as the secondary legal materials.

D. Findings and Discussions

1. Sociology of law approach to the existing rules that control social medias

In the era of information technology that continues to develop, the presence of social media is increasingly needed, because social media can be a means of communication and public information that can reach directly and quickly to all parties. As a medium of communication, social media is not only used for various information and inspiration, but also self-expression, “self-image” (personal branding), and a place to “vent” and even complain. The best statuses on social media are informative and inspiring status updates. In addition, social media removes human limitations for socializing, spaces, and time boundaries. Social media makes it possible for humans to communicate with each other wherever they are and at any time, no matter how far apart they are, and no matter day or night. Social media also has a huge impact on our lives today. Someone who is originally "small" can instantly become big with social media, so should a "big" person in a second become "small" with social media. Various inputs and comments, both positive and negative, can enter without being controlled so that it affects our behavior as users of these social media.¹¹

Social media has become an inevitable part of its users (netizens). Through social media we can share messages through writing, audio and video. Social media also has rules or norms that must be obeyed otherwise, it may lead to legal consequences. Social media is an open space, which anyone can access. Even though there are closed spaces, there are still gaps in publishing them. As a legal reference in information and electronic transactions, the Law on Information and Electronic Transactions (Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Transactions Electronic). The ITE Law also regulates any person who commits a legal act as regulated in this law, both

¹¹ JDIH Provinsi Kepri, “Melek Hukum Penggunaan Media Sosial,” JDIH Provinsi Kepri, 2018, <https://jdih.kepriprov.go.id/index.php/artikel/informasi-kegiatan/7-melek-hukum-penggunaan-media-sosial>.

within the jurisdiction of Indonesia and outside the jurisdiction of Indonesia, which has legal consequences within the jurisdiction of Indonesia and/or outside the territory of Indonesia. Indonesian jurisdiction and detrimental to the interests of Indonesia.¹²

Some of the most common misuses of social media include spreading fake news or making hate speech, uploading indecent photos, sharing photos of accident victims/ dead people, sharing photos of war victims, sharing photos of small children smoking, swearing with harsh words to express anger, gambling or betting on social media, bullying on social media, defamation. However, interestingly Trubus Rahardiansah, the lecturer of Universitas Trisakti asserts that differences of opinion on an issue either through social media or in person are common. Sociology views it as just a common social interaction. However, utterances in the form of criticism, true news or fake news can have legal consequences if there are parties who feel aggrieved and there is a real impact.¹³

2. The effective social control for social medias

Social control is a social institution that plays a role in controlling the behavior of community members so that social life remains in a state of conformity. However, the effectiveness of the role of social control will largely depend on the effectiveness of the sanctions imposed on violators and on potential violators. Sanctions are a form of suffering, the loss of a heavy burden that is deliberately created by social institutions to force community members to obey existing norms. Every human being during life must experience changes. Changes can have limited or broad effects, slow changes and fast changes. Changes can be about social values and norms, patterns of organizational behavior, the composition of social institutions, layers in society, power and authority, social interaction and so on. Changes that occur in society are normal symptoms. Its influence can spread quickly to other parts of the world thanks to modern communication.¹⁴

Social networks view social relationships as knots and ties. Nodes are individual actors in the network, while ties are relationships between these actors. There can be many types of ties between knots. Research in various academic fields has shown that social networks operate at many levels, from family to country, and play an important role in determining how to solve problems, run organizations, and the degree of success of an

¹² Ibid.

¹³ Muhammad Fikhri Syafarulloh, "Ahli Sosiologi Hukum Berpendapat, 'Jika Tidak Ada Yang Dirugikan Atas Cuitan Jumhur, Maka Perkara Selesai,'" LBH Jakarta, 2021, <https://bantuanhukum.or.id/ahli-sosiologi-hukum-berpendapat-jika-tidak-ada-yang-dirugikan-atas-cuitan-jumhur-maka-perkara-selesai/>.

¹⁴ Anang Sugeng Cahyono, "Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat Di Indonesia," *Jurnal Publiciana* 9, no. 1 (2016): 140–57.

individual in achieving his goals. There are many benefits that we can get from social networking. In addition to its unlimited reach so that we can communicate with anyone anywhere, social networks are also commonly used for social control of the community against the government. In addition to the advantages of social networking, of course, it also has some disadvantages or negative impacts. For example, such as fraud, pornography. One of the impacts caused by some people who abuse Facebook so that social networking becomes a bad thing and inappropriate for the general public. Though there are many benefits that can be obtained through social networking.¹⁵

There needs to be a social control to regulate the use of social media as a means of communication so that unwanted things do not occur. Based on the form and variety of social control, such as rumors to provocative things against someone who is considered deviant and removed from the membership status of an organization, social groups even to the form of physical punishment sanctions and so on. Various actions in the form of reprimands, excommunication, including imprisonment is a form of social control. Yet, the most effective social control is law since it contains Pancasila as the basic norm.¹⁶

Using the ITE Law as a means of social control is more powerful because the application of its sanctions is effective and imperative. Yet, to avoid the punishment under the ITE Law, Mariyani Ekowati provides the following social media tips: Make sure to know deeply with whom you are interacting. Do not be too easy to believe in the invitation of other people you just met. Do not believe the photos that are in one of the social media accounts that are not recognized. Many social media users intentionally use fake (anonymous) names and photos. Even though they are not close or do not know each other, they still respect ethics, because whatever is discussed on social media, everyone can see. Written language is different from spoken language, so use good grammar and don't cause misunderstandings by others. Do not forget to include the source when making posts, pay attention to copyright when copying or distributing writings, images or videos from other parties/sites so that they can be accounted for and there will be no demands in the future. Make sure the post that will be uploaded on your social media is not related to discrimination, because if someone disagrees and is offended by the post, they can easily report it to the authorities. Do not produce or distribute false information with unclear sources (HOAX) and pornographic images/photos. Do not provide personal data easily on social media, this is done because personal data can

¹⁵ Ibid.

¹⁶ Dani Pinasang, "Falsafah Pancasila Sebagai Norma Dasar (Grundnorm) Dalam Rangka Pengembangan Sistem Hukum Nasional," *Jurnal Hukum UNSRAT* 20, no. 3 (2012): 1–10.

be misused by other parties. Use social networks like Facebook, Twitter, Path, and so on to discuss positive things and use them wisely and manage access times to stay productive.

E. Conclusions

Social media has rules or norms that must be obeyed otherwise, the use of it may lead to legal consequences. Based on the Sociology of Law perspectives, different opinions in social media must be regarded as a common social interaction. However, it must be noted that this common social interaction may have a legal consequence if it is proved to be fake or contain hate speech or it can be qualified as defamation.¹⁷

The most effective social control for social media by using laws. The ITE Law as a means of social control is appropriate because the application of its sanctions is effective and imperative.

¹⁷ JDIH Provinsi Kepri, "Melek Hukum Penggunaan Media Sosial," JDIH Provinsi Kepri, 2018, <https://jdih.kepriprov.go.id/index.php/artikel/informasi-kegiatan/7-melek-hukum-penggunaan-media-sosial>.

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