

## Hate Speech on Social Media: the Urgency of Criminal Law Regulation and Approaches

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### ABSTRACT

The spread of hate speech on social media is one of the results of rapid advances in information and communication technology. However, these advancements have also created new opportunities for social interaction. Hoaxes that appear on the internet often have negative social, psychological, and even political consequences. This study aims to determine the importance of regulating hate speech in social media and analyze methods that can be used in criminal law to deal with the spread of hate speech. Using the descriptive analysis method, this study shows that the current regulations are weak and ineffective, so a firmer method in criminal law is needed to deal with the spread of hate speech. The study also emphasizes how important it is to work together between governments, social media platforms, and the public to prevent hate speech from spreading.

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## INTRODUCTION

In today's era of computers and the internet, social media has become an important part of human life. In the global public space, platforms like Facebook, Twitter, Instagram, TikTok, and YouTube allow people to interact, share, and form opinions. Social media users have the ability to connect with each other, share opinions, and share various ideas and ideas. Social media can also help spread information, both positive and negative, with users spread across the globe. However, behind the convenience they offer, social media also allows various negative actions, one of which is the spread of hate speech.

Expressions of hatred, insults, or harassment against people or groups based on identity such as race, religion, ethnicity, sexual orientation, or political views are called hate speech. This hate speech can come in various forms, such as derogatory words, insulting memes, to video content that encourages hatred against certain groups. Hate speech often has the potential to cause division, social tension, and violence between groups, in contrast to general opinion or criticism.

In this country with an incredible diversity of cultures, ethnicities, religions, and races, the spread of hate speech has the potential to be a major threat to the unity and unity of the nation. In addition, as a country with a majority Muslim population, Indonesia faces challenges related to religious and racial feelings, which are often the main targets of hate speech on social media. Hate speech often leads to group strife, sharpens social polarization, and instills intolerance. This, in turn, can disrupt the social harmony that has been built over the years and threaten the peace of society.

Hate speech on social media is not only unsettling for the general public, but also has a bad impact on the psychology of the hated group or individual. Victims of abuse can experience trauma, anxiety, depression, and stress in some cases. This phenomenon is increasingly complex because the digital space is

very dynamic and data spreads quickly, which facilitates the spread of destructive content. It is not uncommon for hate speech perpetrators to use anonymity on the internet to spread hatred without fear of being punished.

To overcome this problem, the Indonesian government has issued several laws, one of which is Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), which prohibits the dissemination of information that contains hateful elements. Despite existing laws, law enforcement on social media harassment is far from ideal. No clear limits to hate speech, ineffective law enforcement against perpetrators, and difficulty showing malicious intent in spreading hate speech are some of the problems that arise. Additionally, there is a risk of abuse of the law, which means people who criticize the government or certain groups can be charged with racism charges.

On the other hand, social media is heavily involved in the spread of content that contains harassing speech. As platforms that allow users to interact, they are often not quick enough to find and remove content that violates their rules. However, some major platforms such as Facebook, Twitter, and Instagram have started using algorithms to detect and remove hate speech. However, many people question the success of these efforts due to the platform's slow response and problems with ensuring their internal policies are properly implemented. There is even debate about whether these platforms should be legally responsible for the spread of hate speech that occurs on their sites.

To combat hate speech on social media, it is crucial to use a clearer and more assertive approach to criminal law. Criminal penalties can help stop hate speech on social media, but they should be used with caution so as not to interfere with freedom of expression. Therefore, the government and other relevant parties need to prioritize stricter social media regulation and law enforcement.

In this article, we will discuss how important it is to regulate hate speech in social media as well as the criminal legal methods that can be used to address this issue. The purpose of this study is to evaluate current regulations and find better alternatives to combat hate speech on social media, so that the digital world can be a safer and more productive place for everyone.

## METHODOLOGY

Legal regulations that control hate speech and its effects on society are analyzed in this study through a qualitative descriptive method. The purpose of this approach is to provide an in-depth overview of the laws that apply to hate speech on social media, both in Indonesia and at the international level. The data sources used are scientific literature, laws and regulations, and previous research on social media policy, criminal law, and hate speech.

In addition, the study analyzed the success of existing laws and law enforcement issues, including how social media platforms handle hate speech. This study not only discusses legal theory but also how the law is applied in a digital society.

## RESULTS AND DISCUSSION

In this article, researchers will discuss some important things about hate speech on social media. We will discuss the definition and types of hate speech, the effects it causes, current regulations, and criminal law enforcement issues against the spread of hate speech. We will also discuss how social media platforms can help governments, communities, and platforms work together to prevent the spread of hate speech.

### Definition and Form of Hate Speech on Social Media

In general, speech or expression that shows hatred, insult, or harassment against an individual or group based on identity such as race, religion, ethnicity, gender, sexual orientation, or political views is called hate speech. Hate speech on social media doesn't just consist of harsh words or direct insults; it can also include symbols, images, memes, or videos that contain hate messages, either explicitly or indirectly. Hate speech spreads quickly on social media, often without users realizing it. Some types of hate speech that often appear on social media include:

**Spread of racial and religious hatred:** The spread of hate often focuses on racial or religious differences. In Indonesia, issues related to ethnic, religious, racial, and inter-group differences (SARAs) are often the main triggers for the spread of hatred, which can lead to social unrest and division.

**Incitement to violence:** Hate speech that encourages people to commit violence against a specific group, either through direct provocation or indirect incitement. This kind of speech is very dangerous because it can trigger physical violence against groups that are insulted or cornered.

**Spread of hoaxes and disinformation:** Hoaxes are not direct hate speech; However, misinformation or falsehood disseminated on social media often contains hatred or fear against certain groups. For example, misinformation about religion or minority groups can cause social tensions to escalate.

**Discrimination based on gender or sexual orientation:** On social media, hate speech that focuses on specific gender identity or sexual orientation is increasingly prevalent. This is especially true for LGBT rights, which are often the target of hate speech.

It is essential to understand how hate speech can appear in various forms and content on social media because it can be carried out by individuals, groups, or even organizations that seek to divide or instill hatred against a particular group.

### **The Impact of Hate Speech on Society**

Hate speech on social media has far-reaching and damaging consequences that include various social, psychological, and political aspects. Some of the main consequences of spreading hate speech on social media include:

**Social polarization:** Bad speech often exacerbates polarization in society. A group may react in a more aggressive or defensive way when they feel insulted or degraded, resulting in damage to the group relationship. This polarizing can lead to serious social tensions, which can damage harmony between groups of society.

**Increases social tension and violence:** Hate speech can trigger violence against the insulted group. This violence can include persecution, property damage, or even murder. In certain situations, religious or racial abuse can lead to significant unrest that can disrupt social stability.

**Radicalization and extremism:** Bad speech often triggers individuals or groups to become more radical. In situations like these, the spread of hate can reinforce extremist beliefs and encourage people to join more radical and dangerous groups or actions. This undermines democracy and threatens national security.

**Psychological impact on the victim:** Victims of abuse can experience serious mental disorders, such as stress, anxiety, depression, and other mental disorders. When a person or group is harassed and harassed constantly through social media, they can feel isolated, lose their sense of security, and be anxious about their future.

**Threats to democracy:** Hate speech can also threaten the democratic process because it can hinder freedom of opinion and association, which is a pillar of democracy. Hate speech targeting certain groups has the potential to silence critical voices and create a climate of fear that reduces people's participation in political life.

### **Regulation of Hate Speech in the Law**

Several laws in Indonesia restrict hate speech; one of them is Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), in Article 28 paragraph (2) which states that everyone is prohibited from disseminating information or electronic documents that contain hatred or hostility towards individuals or groups based on ethnicity, religion, race, or inter-group. Despite the fact that this law provides a legal basis for prosecuting hate speech spreaders, its implementation and enforcement is still a big problem.

**Law enforcement of hate speech on social media faces several problems, including:**

**Ambiguity in the definition of hate speech:** The law enforcement process is often confused because the definition is too broad or unclear. This can cause existing articles to be used to obstruct legitimate freedom of opinion.

**Difficult to identify hate speech perpetrators:** Social media allows people to be anonymous, making it difficult to identify hate speech perpetrators. Perpetrators can usually use fake accounts or hide their identities behind the system.

**Slow law enforcement process:** Although there are laws that control hate speech, law enforcement processes on the internet are often late. This is because law enforcement officials do not have enough resources to handle cases like this, as well as the difficulty of monitoring and verifying every piece of content uploaded.

European countries such as Germany, the United Kingdom, and France have established stricter laws on hate speech on social media outside Indonesia. For example, the German Network Surveillance Act, or NetzDG, requires platforms to remove content containing hate speech within 24 hours of being reported. These countries have used more organized systems to combat hate speech, but freedom of expression is still a big problem.

### **The Role of Social Media and Collaboration with the Government**

Social media is essential for combating hate speech because they are the main communication platforms and must ensure that the content posted there does not damage the social order or cause hatred. Many reports of the misuse of social media to spread hate speech have prompted major tech companies such as Facebook, Twitter, and Google to start developing more sophisticated algorithms to detect and remove content containing hate speech.

Although technology has evolved, discrimination is still a problem. How to ensure that the platform's internal policies are not used to restrict legitimate freedom of speech is a major issue. Additionally, the platform's policies can lead to subjective decisions about whether or not content should be removed.

It's important to remember that governments and social media platforms are not only responsible for controlling hate speech on social media. In addition, the public must actively report harmful content and raise awareness of the importance of maintaining order on the internet. Therefore, to create a safer and more tolerant digital space, governments, technology companies, and society must work together.

### Collaboration in Countering Hate Speech

Strong collaboration between governments, communities, and social media platforms is essential to create more effective efforts to address hate speech. Governments should update and strengthen existing regulations, and social media platforms should be responsible for monitoring and quickly removing harmful content. Instead, people should use social media with caution and avoid spreading hateful content.

It is hoped that with good cooperation between all parties, violence can be reduced and avoided, so that cyberspace becomes healthier and more peaceful for everyone.

### CONCLUSION

Due to its far-reaching impact on the social, psychological, and political stability of the community, hate speech on social media is a very important and urgent issue to address. The spread of hate speech on the internet can exacerbate social polarization, increase tensions between groups, and pose a threat to the peace and harmony of the country. This phenomenon in Indonesia is often associated with SARA problems, which can lead to social conflicts that disturb the balance of society.

Although there is already a law that controls hate speech through the Electronic Information and Transaction Law (ITE), the implementation of the law still faces a number of problems. These include vague definitions, problems identifying perpetrators, and sluggish law enforcement processes. In addition, although freedom of expression is limited, social media platforms that serve as the main medium for the spread of hate speech must also be stricter in monitoring and removing harmful content.

To solve this problem, clear and firm criminal legal action is needed along with better law enforcement. In addition, close cooperation between governments, communities, and social media platforms is essential for creating a safe, healthy, and hate-free online environment. Governments should update current regulations, and social media platforms should step up efforts to detect and remove negative content. The public must also actively participate in reporting hateful content, as well as understand the importance of maintaining ethics and tolerance in interactions. If all parties work together, countering hate speech can be done better, which can result in a more peaceful digital space, and support healthy democracy.

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