

Kajian yuridis empiris terhadap peristiwa ujaran kebencian online dalam konteks kemerdekaan dalam berekspresi = Juridical empirical studies about online hate speech in freedom of expression s context

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Abstrak

[Tujuan dari penelitian ini adalah untuk menganalisis jaminan hukum terhadap pengguna media sosial di Indonesia dalam melangsungkan hak kemerdekaan berekspresi yang merupakan Hak Asasi Manusia mengingat peristiwa ujaran kebencian online yang semakin marak. Objek penelitian ini mencakup para pengguna media sosial yang pernah melakukan ujaran kebencian online maupun mereka yang pernah menerima perilaku tersebut melalui media sosial. Data primer didapatkan dengan cara survey awal dan wawancara kepada responden dan informan, sedangkan data sekunder didapatkan dari buku-buku, penelitian terdahulu, dan peraturan perundang-undangan terkait. Hasil dari penelitian ini menunjukkan bahwa hukum Indonesia telah memberikan jaminan bagi pengguna media sosial untuk melangsungkan hak atas kemerdekaan berekspresi, akan tetapi di lain sisi, hukum juga memberikan kewajiban bagi setiap pengguna media sosial untuk menghargai hak orang lain dengan adanya larangan dan batasan dalam melangsungkan hak atas kemerdekaan berekspresi tersebut.

.....;The objective of this research is to analyze legal guarantees for social media users in Indonesia in fulfilling their freedom of expression which is considered as Human Rights and bearing in mind the phenomenal online hate speech. The object of this research are social media users that have had experience of doing online hate speech as well as those who have experienced of being targeted. Primary data were obtained from preliminary survey and interview, while secondary data were obtained from books, previous researches and related regulations. The results of this research show that Indonesian law has guaranteed that social media users are permitted to exercise their freedom of expression, but on the contrary, the law has also given them the obligation to respect other people's rights, for the law has provided prohibition and restriction for social media users in exercising their right which is the freedom of expression.

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