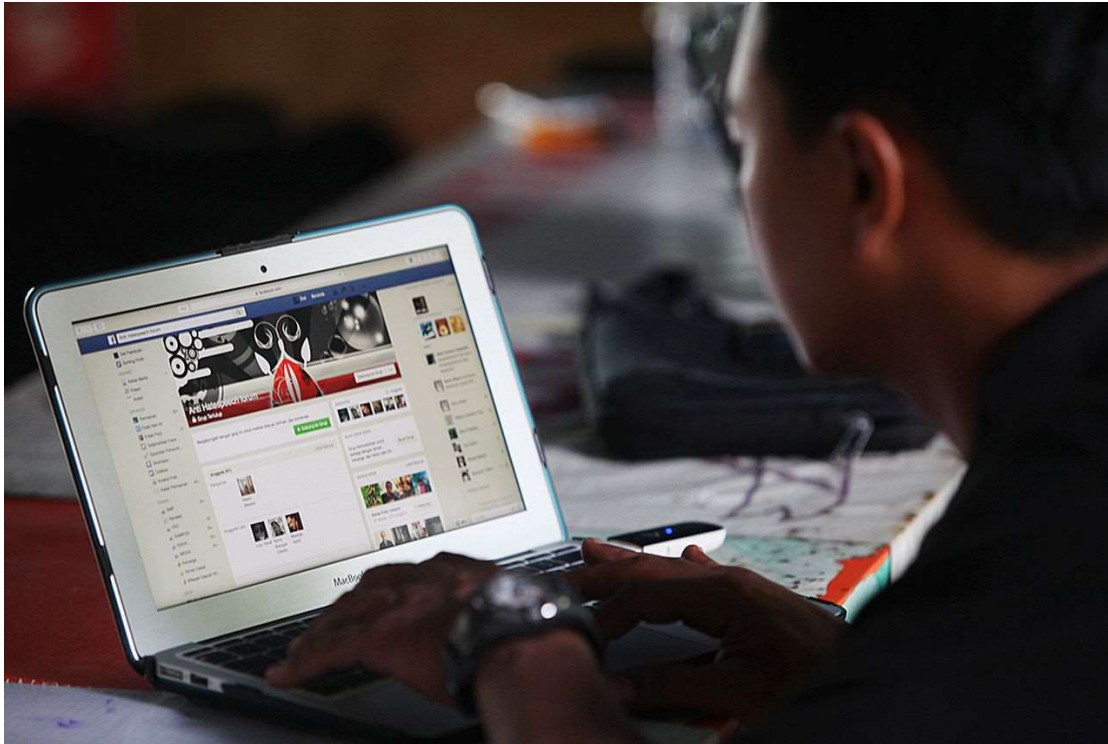


Defining Hate Speech

In a pluralistic country like Indonesia, it is not easy to define hate speech. Given that it is prone to occur in a political year and can trigger polarization, hate speech needs to be anticipated ahead of the 2024 elections.



KOMPAS/LUCKY PRANSISKA

Anti-hatespeech forum on Facebook social network, Thursday (3/12). Social networks are often used as a medium to convey hatred and can end up in court. Kompas/Lucky Pransiska (UKI) 3-12-2015

Until now, there is no clear definition of hate speech in Indonesian legislation. In fact, hate speech is very subjective. Something spoken in a certain area can have a casual effect. However, when spoken in other areas the meaning can be very pejorative or even offensive to the feelings of the community group.

That was the conclusion obtained during two days of training on hate speech, disinformation, and incitement to violence held by the Center for Strategic and International Studies (CSIS) in collaboration with the Asia Pacific Partnership for Atrocity Prevention (APPAP) in Bandung, West Java, early March 2023.

The trainees found it difficult to define unequivocally hate speech. In the terminology "Strategy and Action Plan for Countering Hate Speech" defined hate speech is any kind of communication in speech, writing, or behavior that attacks or uses derogatory or discriminatory language that refers to a person or group based on who they are. In other words, based on religious identity, ethnicity, nationality, race, color, ancestry, gender, or other identity factors.

As for article 28 paragraph (2) of Law Number 11 of 2008 which has been amended into Law Number 19 of 2016 concerning Electronic Information and Transactions, it is stated that hate speech is any person who intentionally and without rights disseminates information aimed at causing hatred or

hostility of individuals and / or certain groups of people based on ethnicity, religious, racial, and intergroup (SARA).

In the training, which was attended by elements of the government, expert staff of the House of Representatives, civil society, and the media, it was also concluded that not all hate speech should be prosecuted. Only hate speech that escalates into mass violence or conflict needs to be prosecuted. Because, some forms of hate speech expression may not have malicious intentions (*mens rea*).

Also read: [Hate Speech and Identity Politics in the Political Year Need to Watch Out](#)



DIAN DEWI PURNAMASARI

Representative of the Asia Pacific Centre for The Responsibility to Protect (APR2P) Kirril Shields attended a training event on hate speech, disinformation, and incitement to violence organized by the Center for Strategic and International Studies (CSIS) in collaboration with the Asia Pacific Partnership for Atrocity Prevention (APPAP) in Bandung, West Java, Thursday (2/3/2023).

CSIS Politics and Social Change Department researcher Alif Satria gave an example of one case of hate speech that triggered mass violence was the expulsion of Shia adherents in Madura, East Java, which occurred since 2006. The conflict stems from an information asymmetry in which Shiites are perceived to behave in extreme ways by the Sunni Islamic community. This is exacerbated by the rampant campaign that Shia is a heretical sect of Islam by certain groups.

Case study

The stigmatization of Shia as a cult, according to Alif, occurred in 1983 and 1984. At that time, the Ministry of Religious Affairs and the Indonesian Ulema Council issued a circular and appealed to all Muslims to be careful of the existence and development of Shia.

One of the cases of hate speech that triggered mass violence was the expulsion of Shia adherents in Madura, East Java, which occurred since 2006.

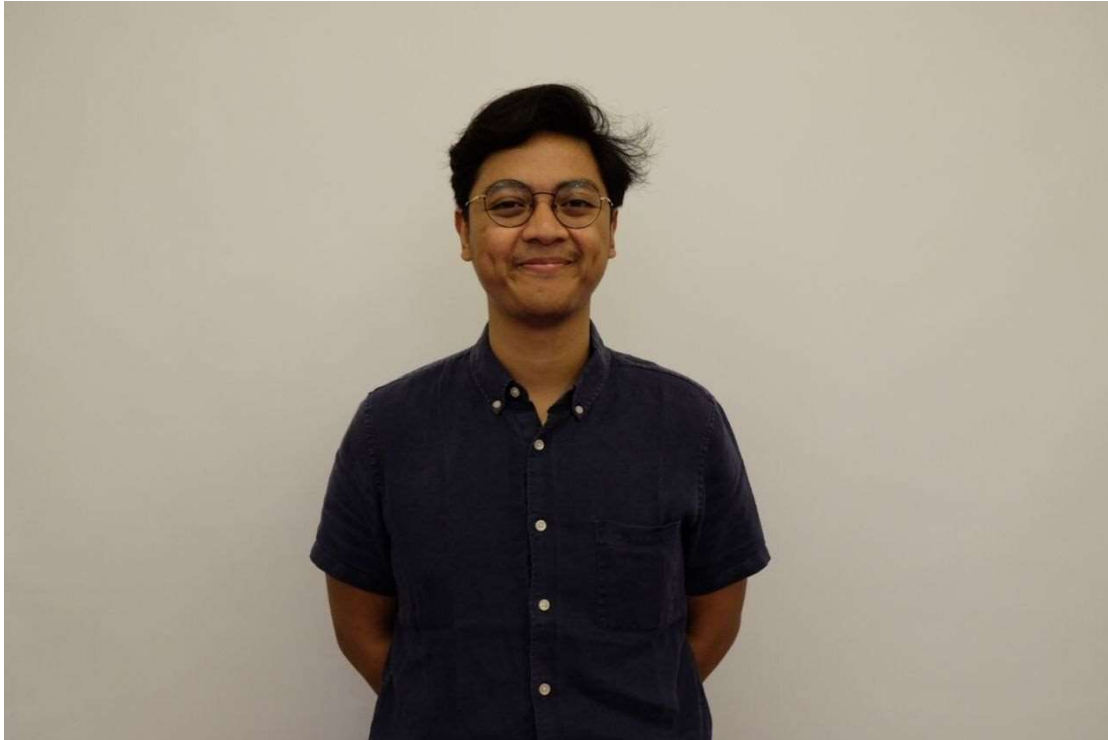
Despite such circulars, until before the Reformation, the Shia community could still live quietly, including the Shia community in Madura. They coexist with the local community peacefully. New

tensions arose ahead of the 2008 East Java Regional Elections (Pilkada) and tapered off ahead of the 2012 regional elections. One of the candidates for regional head at that time voiced a hate speech campaign against the Shia community to win the votes of clerics.

The tension caused the Shia community in Sampang, Madura, to be expelled from their hometown so they were evacuated to flats in Sidoarjo, East Java. Until now, they have not been able to return to their hometown which is 100 kilometers from Sidoarjo.

Alif sees that because the conflict is not resolved completely, there is the potential to be a trigger again if the trigger is pulled back. The trigger that can *trigger* hate speech into conflict is politicization.

Also read: [Stemming Hate Speech from Becoming Violent](#)



DIAN DEWI PURNAMASARI

CSIS Politics and Social Change Department researcher Alif Satria during a training on hate speech, disinformation, and incitement to violence in collaboration with the Asia Pacific Partnership for Atrocity Prevention (APPAP) in Bandung, West Java, Thursday (2/3/2023).

Alif Satria sees that this potential is also evident because there is a grand event for the 2024 Simultaneous Elections. He worries that the momentum could become a place for politicization of hate speech in the regions. Because, in the same year there will also be simultaneous regional elections in 2024 in 548 regions.

"**Identity politics** is easiest to use to mobilize people for violence. And, simultaneous regional elections are vulnerable times because data shows that conflicts often occur during that time," explained Alif.

Prevention strategies

Therefore, according to him, the state must intervene so that hate speech is not normalized by the community. One way is to create a tool to monitor the increase in hate speech.

Police officers at the regional level, namely Bhabinkamtibmas and Babinsa, can be listened to the initial information. When there is potential, it takes good faith and political will from the government to prevent or quell hate speech from becoming mass violence or conflict. level

Meanwhile, Chairman of the Presidium of the Indonesian Anti-Defamation Society (Mafindo) Septiaji Eko Nugroho viewed, during the training, it was found that hate speech specifically targets groups that are systematically marginalized. However, that situation becomes difficult to define in a pluralistic country like Indonesia. A particular religion can be a majority in one province, then a minority in another. In addition, content or expressions that smell of Ethnicity, Religion, Race, and Intergroup (SARA) are also prone to become forms of expression of hate speech.

"We hope that this haphazard definition will not continue to occur in law enforcement efforts in Indonesia. All parties must learn together so that they do not immediately and haphazardly label a content with hate speech because it has consequences for violating the human rights of others," he explained.

Also read: [Waspada Politik Identitas Lewat Manipulasi Opini Jelang Pemilu 2024](#)



KOMPAS/NINO CITRA ANUGRAHANTO

Chairman of Presidium Mafindo Septiaji Eko Nugroho

"We hope that this haphazard definition will not continue to occur in law enforcement efforts in Indonesia. All parties must learn together so that they do not immediately and haphazardly label a content with hate speech because it has consequences for violating the human rights of others," he explained.

Former Komnas HAM Commissioner Beka Ulung Hapsara suggested that to reinforce the definition of hate speech, it would be better if there were technical guidelines made by the police, prosecutors, and the Supreme Court. This technical directive can be a kind of protocol for handling cases of hate speech so as not to become a rubber article that criminalizes society. This is considered to be a solution when the ITE Law has not clearly defined hate speech as a violation of the law.

"Hate speech rules should ideally not restrict [freedom of expression](#). We expect law enforcement officials to prioritize a *restorative justice* approach in this case. Don't immediately convict him," Beka said.

Former Komnas HAM Commissioner Beka Ulung Hapsara suggested that to reinforce the definition of hate speech, it would be better if there were technical guidelines made by the police, prosecutors, and the Supreme Court.

Septiaji agreed that this needs to be implemented, especially in the **political year** ahead of the 2024 elections. He worries that as the political temperature heats up, hate speech will increase, hoaxes will also increase.

Septiaji said, Mafindo itself is currently also intensively intervening at the community level through the hoax vaccination program. The program created is a kind of *debunking* of hoax information spread in the community. With this program, it is hoped that the community can be more immune and resistant to hoax attacks that are predicted to be rife ahead of the election.

"We assist community groups such as the elderly to recognize what hoax content is. So that they are more immune and survive, so as to avoid manipulation of hoaxes," he said.

Also read: [Menjaga Indonesia dari Politik Identitas](#)



KOMPAS/RUNIK SRI ASTUTI

Komnas HAM Commissioner Beka Ulung Hapsara

Septiaji hopes that the intervention from the government will be taken seriously because as happened in Brazil at the beginning of 2023, a series of campaigns, elections, and rejection actions led to riots. Supporters of former President Jair Bolsonaro riot in Praca dos Tres Poderes, Brazil on January 8, 2023. The chaos in the town square is near three state power buildings, namely the Three Powers Plaza, which includes the Supreme Court Congress building, and the Presidential Palace.

In the previous 10 weeks, supporters of former President Jair Bolsonaro had also staged a protest demonstration by camping outside the Brazilian Army headquarters. They demand that the results of the presidential election that won Luiz Inacio Lula da Silva be annulled, (*Kompas.id*, 13 January 2023).

This situation should be a valuable lesson for any country that will host an electoral system. Indonesia is no exception. All parties hope that the democratic party will not be hurt by the politicization of

identity through social media which actually triggers polarization and even conflict in society.