CONSTRUCTION OF LEGAL CULTURE MODEL FOR CORRUPTION PREVENTION THROUGH SOCIAL MEDIA IN INDONESIA

Agus Riwanto

Universitas Sebelas Maret Surakarta
agusriwanto@staff.uns.ac.id

Abstract

Fighting corruption is done not only repressively but also preventively through a legal culture approach. This article examines and explores the construction of a legal culture model to prevent corruption through social media. Because the rampant corruption in Indonesia is also caused by cultural factors, including the weak culture of religiosity, strong kinship culture, and paternalistic culture. The research method used is non-doctrinal or social-legal with a conceptual approach. This study found that preventing corruption from the aspect of legal culture can be done by utilizing internet-based culture in the new age in various social media, such as Facebook, Twitter, WhatsApp, Instagram, and blogs, as a tool for social movements to prevent corruption. Because philosophically, the media functions for surveillance, interpretation, linkage, and the transmission of values and entertainment simultaneously. The urgency of the role of the media as a tool for the anti-corruption community movement or civil society is because, in the tradition of internet-based democracy or e-democracy, social media is placed as the fourth pillar of democracy or the fourth estate democracy for a balancer in the supervision of democratic governance. Several construction models of the legal culture of the anti-corruption watchdog social movement are needed through social media, namely, the model for forming a non-profit social media organization. Second, the model creates an anti-corruption icon on social media. Third, a

model for the legal protection of the anti-corruption movement on social media.

Keywords: Legal culture, watchdog, anti-corruption, and social media

Introduction

The corruption perception index in Indonesia is constantly deteriorating, based on a survey by Transparency International Indonesia releasing the Corruption Perception Index (CPI) for the 2020 measurement year. The 2020 CPI is based on 13 global surveys and assessments by experts and leading business actors to measure corruption in the public sector in 180 countries and territories. CPI assessment is based on scores. A score of 0 means very corrupt, and 100 is very clean. Indonesia's CPI in 2020 is at a score of 37/100 and is ranked 102 out of 180 countries surveyed. This score is down 3 points from last year's 2019, which was at a score of 40/100.[1]

Based on data from 2004-2021 Corruption Eradication Commission (KPK) action against corruption committed by public officials in Indonesia, namely Members of the DPR and DPRD with 274 cases, Head of Institution/Ministry 28 cases, Ambassador 4 cases, commissioner 7 cases, Governor 21 points, Mayor, Regent, and his deputy 122 cases, echelon I, II, III officials 230 cases, Judge 22 cases, Prosecutors 10 cases, Police 2 cases and lawyers 12 cases, private 308 and corporations.[2]

From a cultural perspective, behavior is patterned and carried out repeatedly by a community and later will give birth to symbols, norms, and values that are shared.[3] There are several factors causing

---

[1] Wawan Suyatmiko, "Corruption Perception Index 2020: Corruption, the Covid-19 Response and the Decline of Democracy". https://ti.or.id/indeks-persepsi-korupsi-2020-korupsi-respons-covid-19-dan-kemunduran-demokrasi/. Accessed, 1 Agustus 2021.

[2] Tim Redaksi. "Corruption Eradication Commission Statistics Based on Professional Position" https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-profesi-jabatan. Accessed, 10 Agustus 2021

[3] Walsham G, "Cross-Cultural Software Production And Use: A Structurational Approach*," MIS Quarterly*, 26(4), 359-380 dan George F. MacDonald,

corruption in Indonesia from a cultural perspective, including The lack of religious belief results in not placing the values of morality and honesty as pillars in life.[4] The Indonesian people have cultural factors that can encourage corruption. For example, there is a tradition of giving gifts and souvenirs to government officials.[5] Paternalistic culture in Indonesian society, where relationships between people are still based on patron-client.

According to Muchtar Lubis, the Indonesian mentality tends to be hypocritical. The main character is like to pretend, another in front, another behind, different in words, different in the heart. In short, Indonesian people like to lie and pawn their beliefs.[6]

The subjects that make up the legal culture are divided into the external legal culture that involves the broader community in general, and the internal legal culture developed by law enforcement officers. These two types of legal culture influence each other. If the external legal culture is healthy, the internal legal culture will automatically adjust because law enforcement officers are essentially products of their society.[7]

Repeated behavior patterns will eventually be agreed upon and binding on all community members. An excellent legal culture will contribute to forming a healthy legal system, while a bad legal culture will encourage the emergence of a sick legal system. At this point, a systematic effort is needed from legal culture to construct a model of the anti-corruption prevention movement through social media. Using social media as a monitoring tool (watchdog) provides accurate information regarding various scandals, corruption of state money, and abuse of power, where it is often difficult to find objective news in strong government power.[8]

"What Is Culture?", *Journal of Museum Education*, 16:1, 1991, 9-12, DOI: 10.1080/10598650.1991.11510161

[4] Rodi Wahyudi, "Relationship between Corruption Behavior and Religious Obedience in Pekanbaru City," *Jurnal Integritas KPK*, Volume 2 Nomor 1 – Agustus 2016,p. 191-214.

[5] Mohtar Mas'oed, *Politics, Bureaucracy and Development*, Yogyakarta: Pustaka Pelajar, 1999, p.77.

[6] Ignas Kleden, *Writing Politics: Indonesia as a Utopia*, Jakarta: Kompas, 2011, p.36

[7] Muchtar Lubis, *Indonesian Man, An Accountability* , (Jakarta: Yayasan Obor,1997), 12

[8] Sidarta, "What is Legal Culture" , https://business-law.binus.ac.id/2019/10/04/apa-itu-budaya-hukum/. Accessed, 1 Agustus 2021

Accurate proof of elite corruption scandals is challenging to obtain, except only by using social media as a watchdog because often, the public media has been covered by various forms of propagandist social media and the protection of political elites to secure their power.[9]

The trend of globalization and the strong development of science and technology have made social media a means of communication between citizens in various strata, whether we like it or not. Even the use of social media as a new culture has different characteristics and typologies from the previous era. That is why creative ways to cultivate the anti-corruption movement through legal culture through social media are a must.

Data from the research company *GlobalWebIndex* calculates that Indonesians' average usage length of social media usage is approximately 2 hours and 45 minutes.[10]

The mass media in the context of government administration has a function to help the public to know the course of government programs, a tool for participation in making every decision, and to ensure government accountability.[11]

The tradition of journalism, known as the term guard journalism or "Watchdog Journalism," is a journalistic activity or reporting as the implementation of social control functions. One of the functions of the media in accordance with Article 3 Paragraphs (1) and (2) of Law Number 40 of 1999 concerning the Press, stated that: (1). The national press has a function as a medium of information, education, entertainment, and social control. (2). In addition to the functions mentioned in paragraph (1), the national press can function as an economic institution.[12]

Social movement through social media to prevent a culture of corruption is a manifestation of the strength of civil society in

---

[9] Hanitzsch, Thomas, "Deconstructing Journalism Culture: Towards A Universal Theory*," Journal Communication Theory* 17 (4), 2017, p. 367-385.

[10] Fernando Duarte, "How much time do Indonesians spend on social media?" https://www.bbc.com/indonesia/majalah-49630216. Accessed, 2 Agustus 2021.

[11] Kriztine Rosales-Viray Sonny M. Versoza, "Media Engagement and Ethnic Identity: The Case of the Aeta Ambala of Pastolan Village," https://knepublishing.com/index.php/KnE-Social/article/view/2534/5467#citations. Accessed, 3 Agustus 2021

[12] Law of The Republic of Indonesia Number 40 of 1999 concerning the Press

participating in the control of political power so that it is clean and accountable.

Based on the problems above, this article will discuss the following 2 problem formulations: (1) What is the urgency of social media as a tool for social movements? and (2) How to construct a model of the legal culture of the social movement supervision (watchdog) through social media to prevent corrupt behavior of the state apparatus?

Research Method

The research method used is non-doctrinal or socio-legal research, using interdisciplinary and social science research, because the definition of law varies according to the context.[13] The law referred to in this study is the principles of truth and justice which are natural and universally applicable to philosophical-oriented reasoning.[14] With an approach to legal principles and legal concepts.

The Urgency of Social Media as a Watchdog for Corruption Prevention

Social media refers to a group of internet-based applications that allow the creation and exchange of information. In essence, with social media, people can carry out various two-way activities in various forms of exchange and collaboration and get to know each other through writing, visuals, and audio-visuals.

According to Trisha Dowerah Baruah, social media can be classified as follows:[15]

1. Social networking sites, namely social networking sites that, provide a web-based platform to build social networks or social relationships between people, for example, shared interests or

---

[13] Jan Micheil Otto, *Some Introductory Remarks on Law, Governance and Development*, Leiden: Van Vollenhoven Institute, Faculty of Law, Leiden University, 2007, p.14-15.

[14] Soetandyo Wigyosoebroto, *Law: Concepts and Methods*, Malang: Setara Press, 2010, p. 13-15.

[15] Trisha Dowerah Baruah, "Effectiveness of Social Media As A Tool of Communication and Its Potential For Technology Enabled Connections: A Micro-Level Study," *International Journal of Scientific and Research Publications*, Volume 2, Issue 5, May 2012, p. 4.

activities. The means used to interact are usually via the internet, e-mail, and mobile phones.

2. Blogs derived from the word weblog are online journals where every person, legal entity, or institution independently presents their thoughts, ideas, and beliefs to the public for knowledge.

3. Content-generating and sharing sites, namely, these sites serve as sources of information for various topics. Photo-sharing sites like Twitter, Facebook, Instagram, Flicker.com, picasaweb.google.com, video-sharing sites like youtube.com, slide-sharing sites like slideshare.com, document-sharing sites like docstoc.com, etc., all fall under this category.

4. User appraisal sites, that is, sites containing user appraisal sites that serve as a platform for evaluating various products and services.

Social media speeds up the conversation as opposed to traditional media, which delivers content but does not allow media consumers, such as readers, viewers, or listeners, to participate in developing and disseminating content. The website, as the main element used on the internet, has become an option as a popular communication medium and is one of the benchmarks for the usefulness and convenience of information technology. If information technology is considered accessible and useful by users, it can be seen that users can accept the application of the new information technology

.

Media convergence usually refers to the development of digital communication technology made possible by network convergence. Now even media convergence has developed, namely merging or integrating existing media to be used and directed into one destination point. According to Hendry Jenkins, convergence is the flow of content across multiple media platforms, the collaboration between various media industries, and the migration behavior of media audiences. This media convergence unites the 3Cs: computing (entering data through a computer), communication, and content.[16]

The phenomenon of convergence makes the media mix happen on a media device. We can do various things related to various kinds of

---

[16] Jenkins H. "The Cultural Logic of Media Convergence." *International Journal of Cultural Studies*. 2004;7(1):p. 33-43. doi:10.1177/1367877904040603

media consumption, for example, by having a media device (cell phone/laptop/tablet personal computer, and others). Currently, we can become radio listeners, online newspaper readers, television program viewers, socialize through social media, become writers on personal blogs, provide direct criticism on an organization's website, and so on.

That is why social media can be used as a watchdog to monitor corrupt behavior. Even social media can also be used as a social engineering tool is social media. For social media to function for that purpose in the future, social media will play an essential role in determining public policy and the management of government and state for several reasons:[17]

1. Functioning as surveillance consists of two main forms: supervision, warning, and instrumental supervision.
2. It Serves as an interpretation, meaning that apart from the media broadcasting facts and data from the head of the general public, it also provides a performance of important events.
3. Functioning as a linkage, in this case, the mass media can be a unifying tool for various members of society to form brotherly ties based on the same interests and interests about something.
4. Mass media functions as a transmission of values. This function is commensurate with the socialization function. That is why the mass media should show the public news about how they should act and what is expected of them.
5. Serves as entertainment. Every media always carry out the entertainment function. That is why all media in presenting entertainment should apply norms and ethics.

Thus in the future, the function of social media will be for special and general functions. Social media's general functions are information, education, influence, mental development, environmental adapting, and environmental manipulating functions. While the special function of mass media is the function of convincing, granting status, anesthetizing, and creating a sense of unity and social relations.

Social media as a social engineering tool is also interpreted that social media functions as a need for personal integration, namely the need to increase credibility, self-confidence, stability, and individual

---

[17] Wahyu Wibowo (Editor), *Broadcasting Regulatory Frequency Sovereignty, Role, and Media Convergence*, Jakarta: Penerbit Kompas, 2013, p. 35-36.

status. Social integration needs, namely the need to strengthen contact with family, friends, and the outside world, and the need for tension release, namely the need to be used as a place to escape, relieve stress, diversion, and seek other variations in life.[18]

Social media as a watchdog tool is also intended for social engineering in the digital era. The widespread use of social media as a new culture needs to be directed at its usefulness to prevent corruption and abuse of state power that harm the people.[19]

To show the role of social media as a watchdog for the corrupt behavior of state officials and scandals in the political economy, one can see the shocking world events some time ago, namely the leaking of confidential data on assets and money from a number of world politicians, prominent businessmen, famous artists to athletes. Wealth of world reputation allegedly kept in the form of new accounts to investments in several companies in Panama by using the services of the law firm Mossach Fanseca. It became known as the "Panama Papersgates" scandal. The leak of this highly confidential data is due to the super investigative hard work of a number of world journalists who are members of an international consortium entitled International Consortium of Investigative Journalists (ICIJ). Then exposed through a series of viral social media in the world until it arrived in Indonesia.[20]

The leak of super-secret international data is not the first time that has happened, previously in 2011, the international public was also surprised by the expertise of WikiLeaks who dared to reveal data clearly about the actions of a number of leaders in the world who were suspected of abusing power in various forms.

Inevitably, WikiLeaks had received blasphemy, swearing and even terror from world leaders whose personal data was reported by WikiLeaks. Not to forget at that time, President Susilo Bambang Yudhoyono (SBY) and his ministers were suddenly shocked and even hit by the news quoted by two Australian print media: The Sydney

---

[18]Mulharnetti, *Do people need to be educated?* Jakarta:Penerbit Kompas, Jakarta, 2013, p. xxxiii.

[19] R. Narayan and R. Vaidyanathan, 2013, *Social Media as Watchdog*, New Delhi: Karmic Action, 2013, p. 123.

[20]Barratut Taqiyyah, "Panama Papers," Biggest Financial Data Leak Scandal," https://money.kompas.com/read/2016/04/05/050000726/.Panama.Papers.Skandal.Kebocoran.Data.Keuangan.Terbesar?page=all Accessed, 29 Juli 2021

Morning Herald and The Age, about the alleged abuse of power that was committed. President SBY and Mrs. Any Yudhoyono sourced from WikiLeaks data.[21]

Suddenly this news has not only succeeded in igniting the emotions of the Merdeka Palace, but has also degraded the integrity and credibility of the SBY government for almost two terms internationally. A number of international political elites mentioned in these two Australian media, are busy denying it.

Sociologically, the presence of ICIJ and WikiLeaks is a positive sign for the rise of the era of mass media (papers and electronic) as a foundation of hope to carry out systematic control and correction of the actions of political elites, economic elites and world-class celebrities who behave in a manner that deviates from public ethics. In terms of media politics, according to Warren Francke (1995) is referred to as the rise of the media era as a tool to bark (watchdog) to shout out the need to uphold the objective values of universal virtue based on the principles of international humanism.[22]

The mass media (papers and electronic) do not only function to produce news and information that are flat and just for entertainment, but have changed their behavior in informing the public, towards forming public opinion and supervising corrupt and distorted political power, as well as the practice of - Illegal business practices globally.

Even in the modern democratic tradition, the media as reminded by Prabhat Ranjan and Sinhuja Kashyab have been placed as a public tool that acts as the "fourth pillar" (the fourth estate) which is convincingly capable of being a counterweight to the independent, unofficial supervision of the three other branches of power in the tradition. Trias Politica was initiated by the theoreticians, namely the Executive, Legislative and Judiciary.[23] This means that the three

---

[21]Egidius Patnistik, "WikiLeaks: SBY Abuses Power", https://internasional.kompas.com/read/2011/03/11/0954270/~Internasional~News.diakses Accessed, 11 Agustus 2021.

[22] Warren Francke, "The Evolving Watchdog: The Media's Role in Government Ethics", *The Annals of the American Academy of Political and Social Science* Vol. 537, Ethics in American Public Service, Jan., 1995, p. 109-121.

[23] Prabhat Ranjan and Sinhuja Kashyab, "Media as the Fourth Estate of Democracy", https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2485908. Accessed, 29 Juli 2021.

branches of power in democracy in the era of global information disclosure based on internet technology can no longer move freely in carrying out their duties not only based on the constitution, but also on the basis of public opinion voiced through the media.

The leak of the secret data scandal "Panama Papers" is the culmination of an era that is increasingly open globally to anyone's actions, in this era there are no more sacred and secret things, all things can be consumed by the public without the barriers of state, race, and religion. All things that are informed by the media that are irrational and non-normative will certainly attract international public attention and become shared consumption.

This era has also strengthened the tradition of mass public freedom of expression, which is getting stronger, as evidence that now there is no longer an absolute subordinate relationship between the rulers and the people, between celebrities and the masses, between the conglomerates and the people. Because this tradition of absolute subordination has presented facts about totalitarianism in politics and economic conglomerates and unstoppable renters for decades. In the future, there will be an unequal political system and an economic system that always presents an acute poverty gap in the world.

These facts have inspired, there have been a number of aggressive and investigative networks of media crews who are solidly joined in various international level associations to be able to cover in depth, sharp and reliable various kinds of political information and practice deviations. International illicit business practices carried out by world-class rogue conglomerates to the general public through the media. As did the International Consortium of Investigative Journalists (ICIJ) who leaked the data on the Panama Papers scandal.

Therefore, the power of media in this digital era is increasingly unstoppable and in fact now there is an incarnation of power that dominates the world, namely the media, not the state and power itself. When power becomes more unequal and corrupt and the conglomerate elite becomes more greedy and greedy to hide their wealth from illicit business proceeds, it is certain that media control will be stronger.

John Stuart Mills (1956) stated: "Least government is the best government" Its means good government is the government whose role is getting smaller. This is what then presents the flow of the role of the minimalist state. When the role of the media is strong in serving

information to the public that functions as a control, then the government's role and power will certainly be weakened and minimal.[24] This means that the state and its apparatus can no longer abuse power at will. Likewise, the world's rogue economic renters and conglomerates can no longer secretly hide their assets from illicit business proceeds in various forms because they will certainly be monitored by internet-based media networks.

Utilizing social media as a tool for community social movements or a kind of civil society movement (independent efforts of the community together) ranging from family networks, social non-profit organizations, religious, professional and others in the form of fostering a sense of anti-corruption solidarity and social care people become very urgent.

In the future social media can become a forum for civil society to carry out surveillance (watchdog) to prevent corruption, it needs to be done systemically. Therefore, the right construction model is needed, including:

Model for the Formation of Non-Profit Social Media Organizations

To create an anti-corruption social movement through social media by using social media as an anti-corruption watchdog, it is necessary to have the idea of forming social media-based citizen associations to create social and political justice and sensitivity due to the corrupt behavior of public officials and public policies that are not anti-corruption. As is known so far, citizen associations through social media have been mobilized and become social movements, but only in the realm of fighting hoaxes or fake news, sensationalism and slander that threaten national integration and divisions based on ethnicity, religion, race and between groups have not touched efforts to establish an anti-corruption social media association.

Indonesia with a relatively large population with multi-ethnic, religious and cultural backgrounds has great potential in the use of

---

[24] Heribertus Jaka Triyana,"Freedom of Expression: Guaranteed Protection and Restrictions in Theory and Legal Studies", in R. Herlambang Perdana Wiratraman, et al, *Freedom of Expression in Indonesia, Law, Dynamics, Problems, and Challenges,* Jakarta: Elsam, 2016, p. 15-16.

information technology as an effective communication tool to push towards progress.

The development of social media has encouraged social media to be accepted by the public as an alternative media for resistance to mainstream media and is very encouraging because the public is treated to alternative discourses that enlighten and educate not only alternative entertainment media, but also sharp and objective opinion and news requirements regarding attitudes corrupt state apparatus and deviant public policies. Although social media often loses its identity and vital role because sometimes it can metamorphose into a medium for attacking each other, accusing each other, slander, and hoax news.

The destructive power of social media in destroying the knitting of ethnic, racial, religious and inter-group differences in this country is very large. One of the triggers of social conflict is often caused by the unwise use of social media.[25] Various conflicts that occur in the country and in various parts of the world today cannot be separated from the role of social media. The revolution in Arab countries or known as the Arab Spring is also inseparable from the role of social media.[26]

Conflicts with ethnic, religious, racial and inter-group nuances occurred in the city of Solok, West Sumatra, which befell a doctor named Fiera. The case began when he uploaded a status on *Facebook* expressing different political views from the Islamic Defenders Front (FPI) in the case of insulting religion by the candidate for Governor of Jakarta Basuki Cahaya Purnama (Ahok). Fiera's doctor was considered a prostitute, an insult to the clergy and a communist. Then apologized on social media by force, intimidated and hurt by a group of FPI activists. Finally, Fiera had to move from the city of Solok to Jakarta.[27]

That is why in the future, in order for this anti-corruption social movement to grow in society, it is necessary to encourage the public to

---

[25]Boyd, & Ellison, "Social Network Sites: Definition, History, and Scholarship" dalam Gerungan, *Psikologi Sosial,* Bandung : PT Eresco, 2007, p. 2.

[26] Ahmad Rizky Mardhatillah Umar*, "Social Media and Political Revolution: Re-understanding the "Arab Spring" Phenomenon in the Perspective of Transnational Public Space"*, Jurnal Ilmu Sosial dan Ilmu Politik* Volume 18, Nomor 2, November 2014, p. 130-145.

[27]Merselinus Gual, "The Story of Fiera, the Doctor from Solok Who Was Accused of Hina Rizieq". https://www.cnnindonesia.com/nasional/20170602095239-20-218822/cerita-fiera-dokter-dari-solok-yang-dituding-hina-rizieq. Accessed, 10 Agustus 2021.

initiate community-based social media associations as a joint anti-corruption social movement, such as the anti-hoax community movement and the launch of the *TurnBackHoax.id* site and the Mastel (Telecommunications Society and Informatics Indonesia) which launched the *TURNBACKHOAX* program mobile application.

Therefore, anti-corruption social movements need to take advantage of social media as a watchdog tool by creating anti-corruption mass organizations and launching various mobile applications campaigning for anti-corruption news and exposure to corruption losses, as well as anti-corruption morality education. This is important to continue to be developed as a form of independent civil society initiation to fight corruption massively through the use of social media to strengthen the moral and ethical responsibility of the nation.

Model Creates Anti-Corruption Icons on Social Media

To create an anti-corruption icon through social media that is able to create hatred for corrupt behavior and encourage anti-corruption public policies. By first designing the iconic model of nationalism.

The urgency of realizing nationalism through the hate-corruption movement through social media is by first finding a mascot (icons) or some kind of common platform to form public awareness of the need to love one's country. According to Ernest Renan, the presence of nationalism is based on the feeling of having suffered together, so it is necessary to pick up the glory (genuine glory).[28]

Corruption should be a burden and a shared sense of suffering for the citizens of this nation. It is because of corruption that this nation is unable to immediately rise from the slump of a prolonged crisis. To drag all the people in this country into vain victims of corruption. For this reason, we must hurry and be consistent together to fight and hate corrupt behavior, so that we can immediately pick up the glory of the nation's future.

Nationalism, like other major ideologies such as capitalism, democracy or human rights, is an ideology that is constantly evolving.

---

[28] Ernest Renan. "What is a Nation?" in Eley, Geoff and Suny, Ronald Grigor, ed. *Becoming National: A Reader*, New York and Oxford: Oxford University Press, 1996, p. 41-55

The understanding and practice of this great ideology in one era will be different from the other due to various new developments. Applying the old nationalism in an era that has changed so much would be an act of suicide.

There should be something that remains, but there is also something that has changed in the notion of nationalism. What remains is the definition of nationalism as a cultural identity, namely an expression of love for the country that grows naturally or is grown through a political process into the hearts of citizens. Into that sense of nationalism transcends primordial interests, such as ethnicity, race, or religion. Outwardly, the sense of nationalism is anti-colonialism and foreign occupation.

The icon that can be created in the anti-corruption solidarity movement through social media is to design various models of icons that connect nationalism and anti-corruption, such as: *"Koruptor Tak Nasionalis"*, *"Koruptor Kolonial Baru", "Korupsi Memalukan"*, or in slang: *"Hari Gini Korupsi"* and others.

Designing the iconic model that corruptors are enemies of the state and society in various forms and forms on social media that continue to be viral will unconsciously indoctrinate social media users towards anti-corruption moral actions.

Anti-Corruption Movement Legal Protection Model on Social Media

The challenge that is often faced by social media users when voicing anti-corruption opinions, ideas and thoughts on social media is the threat of criminal acts (criminalization) from parties who are not pleased, especially government officials, including the articles in the Criminal Code, namely:

1. Articles that sow hatred *(haatzai artikelen)* such as Articles 154-157 of the Criminal Code.
2. Humiliation and Defamation, Article 134, 136 bis, Article 137, Article 207-209, Article 130, 311, 315, and 316 of the Criminal Code
3. Spreading false news, Article 171, 317 of the Criminal Code
4. Incitement, Articles 160-161 of the Criminal Code
5. Violation of decency and decency, Articles 282 and 533 of the Criminal Code

6. Violation of state secrecy, Articles 112-115 of the Criminal Code

The actions of parties who threaten social media users who voice opinions, ideas, news and anti-corruption information are often daunting. It is necessary to construct a legal model to protect social media activists to remain critical, courageous and not easily criminalized.

State apparatus in this era of internet-based democratization (e-democracy) does not need to react easily by using the means of criminal law to report critical activists on social media who express freedom of speech and criticize corrupt laws and government. Legal officials should prioritize dialogue and make criticism from social media activists as positive input for improving their performance.

The running of a democratic state government and fair law enforcement requires public involvement in the form of criticism, input and constructive suggestions. In modern democratic practice, even public participation should be used as a means of public expression to voice their rights in order to obtain adequate services from anti-corruption government policies. Therefore, every criticism, input and suggestion from the public through social media should be responded positively as a means to evaluate the performance of the state apparatus.

The presence of internet-based social media is the culmination of an era that is increasingly open globally to anyone's actions, in this era there are no more sacred and secret things, all things can be consumed by the public without the barriers of state, race, and religion. All things that are informed by the media that are irrational and non-normative will certainly attract international public attention and become shared consumption.

This era has also strengthened the tradition of mass public freedom of expression, which is getting stronger, as evidence that now there is no longer an absolute subordinate relationship between the rulers and the people, between celebrities and the masses, between the conglomerates and the people. Because this tradition of absolute subordination has presented facts about totalitarianism in politics and economic conglomerates and unstoppable renters for decades.

The urgency for protecting activists using critical social media is so that they are not stigmatized as provocateurs, non-nationalist foreign stooges, and sometimes even accused of being involved as activists of banned political parties. That is why it is not uncommon for critical social media users to receive inadequate treatment as free human beings,

such as receiving threats and violence in the form of murder, death threats, kidnapping, arbitrary arrests, beatings, torture during detention, harassment, defamation, disruption of meetings, attacks on homes or offices, even terror on their families. Of course, this should not happen in a democratic country because it will only encourage the birth of an authoritarian and anti-critic state which will slowly but surely lead to a democratic state becoming an anarchic state.

If examined more deeply, actually there are various legal rules that encourage democratic countries to protect critical activists including social media users who voice public aspirations for anti-corruption for virtue so that they are free from various forms of state violence in the form of physical and psychological. As in a number of international legal instruments, including: United Nations Resolution Number 53/144 dated December 9, 1998 concerning the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom.

It is no longer time to solve legal problems of mass media and social media and their derivative products using criminal law instruments and prioritize criminalization for the following reasons:

1. The point of view of the history of law enforcement, in the authoritarian and post-authoritarian eras, these criminal articles are not meant to support the guarantee of press freedom, but instead suppress the press.
2. Based on the jurisprudence, Supreme Court Decision Number 1608/K/PID/2005 Supreme Court stated that legal cases related to the use of media must comply with media law not the Criminal Code and media regulations must take precedence over criminalization using the Criminal Code.
3. The reality is that now more than 50 countries have shifted the issue of criminalization of the use of social media into a civil law issue. Now day criminal defamation should be changed to civil defamation.

Conclusion

Social media needs to be utilized as a social movement tool for the community to voice their ideas, opinions and views in monitoring the corrupt behavior of state apparatus and public policy fraud. Because

essentially the mass media functions for: surveillance, interpretation, linkage, transmission of values and entertainment at the same time.

The construction of a legal culture model for social movements of supervision (watchdog) through social media requires several models, namely a model for the formation of a non-profit social media organization that is able to provide and accommodate anti-corruption communities to move to exercise control over corrupt government officials and deviant public policies.

Creating anti-corruption icons on social media that can encourage the birth of various forms of anti-corruption icons in the nationalism forum, and models of legal protection and human rights that can protect social media users from the threat of criminalization from the perspective of criminal law being converted into civil law.

Bibliography
Books:

A.S Hikam, Muhammad, "Scholars and Strengthening Civil Society in Indonesia", in Masika's Editorial Team, *Freedom of Intellectuals, Reflections of Young People,* Yogyakarta, Yayasan Bentang Budaya dan Pustaka Republika, 1986.

Boyd, & Ellison, "Social Network Sites: Definition, History, and Scholarship", dalam Gerungan. *Psikologi Sosial.* Bandung : PT Eresco, 2007.

Heribertus Jaka Triyana, "Freedom of Expression: Guarantees of its Protection and Restrictions in Theory and Legal Studies", in R. Herlambang Perdana Wiratraman, et al, *Freedom of Expression in Indonesia, Law, Dynamics, Problems, and Challenges,* Jakarta: Elsam, 2016.

Hanitzsch, Thomas, "Deconstructing Journalism Culture: Towards A Universal" *Theory Communication Theory* 17, 2007, (4), 2007.

Kleden, Ignas, *Writing Politics: Indonesia as a Utopia*, Jakarta: Kompas, 2001.

Lubis, Muchtar, *Indonesian Man, An Accountability*, Jakarta: Yayasan Obor, 1997.

Mas'oed, Mohtar, *Politics, Bureaucracy and Development,* Yogyakarta:Pustaka Pelajar, 1999.

Marder, M, *Journalism This Is Watchdog Journalism In Nieman Reports*, Massachusetts: Cambridge University, 1999.

---------, *Watchdog Journalism Arrogance Wins? In Nieman Reports,* Massachusetts Cambridge University, 1998.

Mulharnetti, *Do people need to be educated*, Jakarta: Penerbit Kompas, 2013.

Perdana Wiratraman, R. Herlambang, "Freedom of the Press, Law and Its Development", in R. Herlambang Perdana Wiratraman, et al, *Freedom of Expression in Indonesia, Law, Dynamics, Problems, and Challenges,* Jakarta: Elsam. In 2016.

Renan. Ernest "What is a Nation?" in Eley, Geoff and Suny, Ronald Grigor, ed. *Becoming National: A Reader.* New York and Oxford: Oxford University Press, 1996.

R. Narayan and R. Vaidyanatahn, *Social Media as Watchdog*, New Delhi:Karmic Action, 2013.

Otto, Jan Micheil, *Some Introductory Remaks on Law, Governance and Development*, Leiden: Van Vollenhoven Institute, Faculty of Law, Lieden University, 2007.

Wigyosoebroto, Soetandyo, *Law: Concepts and Methods*, Malang: Setara Press, 2015.

Wibowo, Wahyu (Editor), *Broadcasting Regulatory Frequency Sovereignty, Role and Media Convergence*, Penerbit Kompas, Jakarta, 2013.

Journal:
Dogan, Matteri, "Nationalism in Europe: Decline In The West, Revival In The East", *Journal Nasionalism and Etnics Politic,* Volume 3 1997 Issue 3, 1997.

Dowerah Baruah, Trisha, "Effectiveness of Social Media As A Tool of Communication And Its Potential For Technology Enabled

Connections: A Micro-Level Study", *International Journal of Scientific and Research Publications*, Volume 2, Issue 5, May, 2012.

Floribert Patrick C, Endong, "Watchdogging Versus Adversarial Journalism by State-Owned Media: The Nigerian and Cameroonian Experience", *International Journal of English, Literature and Social Science (IJELS)* Vol -2, Issue-2, Mar-Apr, 2017.

Francke, Warren, "The Evolving Watchdog: The Media's Role in Government Ethics", *The Annals of the American Academy of Political and Social Science* Vol. 537, 1995.

Jenkins H, "The Cultural Logic of Media Convergence". *International Journal of Cultural Studies.* 2004;7(1), 2004. doi:10.1177/1367877904040603

Mardhatillah Umar, Ahmad Rizky, "Social Media and Political Revolution: Re-understanding the "Arab Spring" Phenomenon in the Perspective of the Transnational Public Space", *Jurnal Ilmu Sosial dan Ilmu Politik,* Volume 18, Nomor 2, November 2014.

Walsham G, "Cross-Cultural Software Production And Use: A Structurational Approach". *MIS Quarterly*, 26(4), 2002.

Internet Sites/Web:

Duarte, Fernando, "How much time do Indonesians spend on social media?" https://www.bbc.com/indonesia/majalah-49630216. Accessed, 2 Agustus 2021.

George F. MacDonald, "What Is Culture?, *Journal of Museum Education*, 16:1, 1991. DOI: 10.1080/10598650.1991.11510161 Accessed, 1 November 2021

https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-profesi-jabatan. Accessed, 10 Agustus 2021.

Tim Redaksi, *https://kominfo.go.id/content/detail/8710/siaran-pers-no-2hmkominfo012017-tentang-gerakan-bersama-anti-hoax-dan-peluncuran-turnbackhoaxid/0/siaran_pers.* Accessed 11 Agustus 2021.

Tim Redaksi, *https://apjii.or.id/downfile/file/BULETINAPJIIEDISI74November2020.pdf*. accessed, 8 Agustus 2021

Merselinus Gual, Cerita Fiera, *"The Doctor from Solok Who Was Accused of Hina Rizieq"*. *https://www.cnnindonesia.com/nasional/20170602095239-20-218822/cerita-fiera-dokter-dari-solok-yang-dituding-hina-rizieq.Diakses* Accessed 10 Agustus 2021.

Kriztine Rosales-Viray Sonny M. Versoza. "Media Engagement and Ethnic Identity: The Case of the Aeta Ambala of Pastolan Village", https://knepublishing.com/index.php/KnE-Social/article/view/2534/5467#citations. Accessed, 3 Agustus 2021.

Patnistik, Egidius, "WikiLeaks: SBY Abuses Power", https://internasional.kompas.com/read/2011/03/11/0954270/ ~Internasional~News.diakses, Accessed, 11 Agustus 2021.

Prabhat Ranjan and Sinhuja Kashyab, 2014, *Media as the Fourth Estate of Democracy,* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2485908. Accessed, 29 Juli 2021.

Suyatmiko, Wawan, "Corruption Perception Index 2020: Corruption, the Covid-19 Response and the Decline of Democracy". https://ti.or.id/indeks-persepsi-korupsi-2020-korupsi-respons-covid-19-dan-kemunduran-demokrasi/. Accessed, 1 Agustus 2021.

Sidarta, "What is Legal Culture", https://business-law.binus.ac.id/2019/10/04/apa-itu-budaya-hukum/. Accessed, 1 Agustus 2021

Taqiyyah, Barrut, "Panama Papers", Biggest Financial Data Leak Scandal", https://money.kompas.com/read/2016/04/05/050000 726/.Panama.Papers.Skandal.Kebocoran.Data.Keuangan.Terbesa r?page=all, Accessed, 29 Juli 2021.