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Abstract. This research aims to discover the Indonesian-moderate Muslim communities opinion on social media hate speech. The qualitative research data on 73 Indonesian-moderate Muslim figures in West Java was collected by direct interviews, via email, social media, telephone calls, and from their opinions in various media. The results showed that Indonesian-moderate Muslim leaders in West Java uphold and respect freedom of expression as one of the basic human rights, but they refuse if this right is misused to spread hate speech. They also agree with the importance of rules and law enforcement to overcome the problem of spreading hate speech, but according to them, the legal aspect is not the only approach. They view multicultural education as a long-term strategy to build a mature democratic society with high ethical standards.

Keywords: Indonesian-moderate Muslim, social media, hate speech.

I. Introduction

Social media are seen as a more effective platform in conveying messages, sharing information, disseminating ideas, notions and thoughts, is a new weapon that is truly utilized by radical-militant groups in various countries, including Indonesia. In the name of freedom of speech and expression—to tackle the issues that these groups have not really liked so far, various forms of hate-speech they create, share, and spread through social media to provoke, spread hatred, create hostility, intimidate, scare, and threaten other groups who do not agree with them.

In Indonesia, social media hate-speech often intertwines with political and religious issues. The events of political events, especially general elections, are the momentum of the proliferation of hate speeches on social media. The topic of social media hate-speeches is the international issue which is not of Indonesia's style. Internationally, the proliferation of hate speech has much to do with the issue of economic migrants, refugees, increased extremism and xenophobia (Mesa, 2016). In Indonesia, based on the results of a study by Husin et al. concluded that the increase in hate-speech is caused more by the psychological condition of individuals, which are psychology, environmental factors, amenities, facilities and technological advances, lack of social control, ignorance of the community, and the interests of society (Husin, Febriyani, & Sunarto, 2018). However, the

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issue that is seen as the most powerful influence on the rise of hate speech is the increasing religious extremism (Matteo, 2017).

7 The increase of hate speeches on social media confronts the most fundamental human rights issues, the freedom of speech and expression which is a very interesting topic not only for lawmakers and social activists, but also for the researchers. On the one hand, freedom of speech and expression requires the open, tolerant social spaces that respect racial, ethnic and religious differences supported by multicultural awareness of its citizens; on the other hand, that social spaces, especially social media, becomes the main trigger of the proliferation of hate speeches, especially through social media (Husni, 2016).

That dilemma of social spaces is what becomes the background of this study. Using the Indonesian-moderate Muslim community as the object, this study aimed to find out the views of the Indonesian-moderate Muslim community in West Java about freedom of expression and hate speech on social media and the role of multicultural education in dealing with that dilemma (Husni, Setiawan, Azis, Tantowie, & Rizal, 2020). Freedom of expression is a human right protected and recognized in various national and international rules. At the international level, there are the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) which guarantee the freedom of expression. This freedom is protected by UDHR, especially on article 19, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The ICCPR Rules on this freedom are also found in article 19 paragraph (1) and (2), "(1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

36 At the national level, the guarantees of freedom of expression are found in the 1945 Constitution, MPR Decree, and a number of laws. In the 1945 Constitution that has undergone several amendments, freedom of expression is stipulated in Article 28 which protects the citizens' freedom of association, assemblies and gives opinions. Freedom of expression is also guaranteed through the Decree of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR) of the Republic of Indonesia Number XVII/MPR/1998 on Human Rights. Through this MPR Decree, the Indonesian nation has ratified UDHR. In addition, the guarantee of freedom of expression by law is contained in Law Number 39 of 1999 on Human Rights and Law Number 12 of 2005 on the Ratification of International Covenant on Civil and Political Rights. Other legislative laws governing this freedom are Law Number 40 of 1999 on Press, Law Number 32 of 2002 on Broadcasting, Law Number 11 of 2008 on Information and Electronic Transactions, and Law Number 33 of 2009 on Films.

28 According to the UDHR and ICCPR, freedom of expression in principle includes the types of freedom without restrictions (to hold opinions without interference). However, Indonesia is not absolutist (Pember, 2001) that gives absolute freedom to its citizens. In addition, freedom of expression is included in the derogable human rights (Svensson-McCarthy, 1998), so that the state can limit it through statutory regulations. This is different from the non-derogable human rights (Weissbrodt & de la Vega, 2007), where the state cannot reduce its fulfillment even in an emergency. These human rights with non-derogable type include (i) rights to life; (ii) rights to be free from torture; (iii) rights to be free from slavery; (iv) rights to be free from imprisonment for

15 inability to fulfil a contractual obligation (debt); (v) rights to be free from retroactive criminal law; (vi) Rights to recognition before the law; and (vii) Rights in the freedom of thought, conscience and religion

In accordance with the UDHR and ICCPR, the state is permitted to restrict its citizens' freedom of expression as long as they are carried out with three conditions: restrictions must be regulated in the law, must be in accordance with one of the objectives stated in the text, and such restrictions are required. In Indonesia, restrictions on freedom of expression are regulated in the constitution, especially Article 28J paragraph (1) and (2). The regulation is also carried out by Law No. 39 of 1999 concerning Human Rights, in Articles 70 and 73. Restrictions on the implementation of freedom of expression in the ICCPR is needed to ensure the realization of public order, public health, public morals, national security and public security, rights and the freedom of each people, the rights or reputation of each people, the interests of the people's personal lives relating to restrictions on the press and the public on the court. In the 1945 Constitution and Law Number 39 of 1999, restrictions are needed to guarantee recognition and respect for the rights of the people's freedom, morals, religious values, security, public order, morality and the interests of the nation.

The regulation of restrictions on freedom of expression by this law is deemed necessary to prevent what John Stuart Mill called "mischievous" expression or action (Mill, 1865) which is delivered in verbal, written, image, audio, video, or through various media channels (print, electronic, internet, social media, etc.), which are then also known as "hate-speech". Academically, hate speech is not easily defined. However, basically, hate speech can be interpreted as a statement—oral or written—intended to humiliate, harass, hurt, berate, revile, offend, insult, humiliate another person or group of people (Hauptfleisch, 1993). Nicholas Wolfson limited it as an offensive statement directed at minorities (Wolfson, 1997). For him, hate speech can be subtle and vulgar. In a subtle format, hate speech can be in the form of books, films, and television shows that demean minorities, while a vulgar example is a racist and sexist nickname. Included in the vulgar hate speeches are any statements that threaten and intimidate, spread hatred, incite, complain, and create hostility (Erjavec & Kovačič, 2012) in the community based on religion, ethnicity, race, tribes, color, gender, sexual orientation, age, physical or mental disability, etc (Frable, 1997).

Susan Brison interpreted hate speech as slander delivered face-to-face using hostile words to create a hostile and frightening environment (Brison, 1998). In Rae Langton's view, hate speech is about expressing, inciting, and spreading hatred (Langton, 1993). The Council of Europe's Committee of Ministers stated that the terminology of hate speech must be understood as encompassing all forms of expression that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hate based on intolerance, including intolerance expressed through nationalism and ethnocentrism aggressiveness, discrimination and hostility towards minorities, immigrants and their descendants. It seems clear that the Council's terminology of hate speech in Europe's Committee of Ministers refers to cases of hate speech that often occur in European countries, especially anti-Semitism and xenophobia due to the influx of immigrants from Africa and the Middle East. In contrast to European countries, the issue of anti-Semitism and xenophobia in Indonesia is not as severe as the issue of religion, religious sect, belief, so the expression of organized hate in Indonesia is emphasized in statements that incite hatred towards individuals and/or groups on the basis of ethnicity, religion, religious sect, beliefs, race, class, color, ethnicity, gender, disability, and sexual orientation.

The hate speech is spreading easier thanks to the support of social media technology, and it is one of the biggest challenges of human civilization today. Social media—a collection of online communication channels dedicated to input content, messages, and information, interact, share content, and collaborate in the community (Marmo, 2017), is a very effective, easy, fast, and cheap platform in expressing and spreading hatred. From the data released by Hootsuite about the use of the internet and social media in Indonesia showed that 150 million active social media users in January 2019 rose 15% compared to 2018. The data from the same source showed the average length of time Indonesian people access social media is 3 hours 26 minutes per day and it is ranked fourth in global after Philippine, Brazil, and Colombia. The popular social media platforms in Indonesia are Youtube (88%), Whatsapp (83%), Facebook (81%), Instagram (80%), Line (59%), Twitter (52%), Facebook Messenger (47%).

II. Research Methods

This study with the descriptive method was based on the data obtained from 73 respondents of Indonesian-moderate Muslims (later called IMMs) in West Java, Indonesia. The study was conducted from November 2018 to May 2019. The data were collected by direct interviews, via telephone, e-mail, and social media. The data is also obtained through text analysis in printed mass media and online social media. Indonesian-moderate Muslims in this study are Muslims who have moderate views, attitudes, and behaviors in responding to various issues. Muhamadul Bakir Yaakub explained moderate in referring to the characteristics of individual and collective behaviors that are considered moderate, balanced, not being excessive or extreme (Yaakub, 2016, p. 67).

The considerations used by researchers to choose respondents are based on a number of criteria, which are Muslims who have moderate and not extreme views, attitudes, and behaviors, prioritize balance and tolerance, have commitment to peace, recognize diversity and pluralism, love virtue, invite (preach) with wisdom, recognize and accept the principles of democracy, and avoid hate. It must be admitted that these criteria can be very subjective, but, naturally, subjectivity in qualitative research is very difficult to avoid.

III. Results and Discussion

The views of Indonesian-moderate Muslims (IMMs) in West Java, Indonesia, about freedom of expression, hate speech on social media, and multicultural education were elaborated and presented in the following four sub-discussions.

Freedom of Expression as a Basic Human Right

Of the 73 people who are considered to represent IMMs in the West Java region of Indonesia, all of them stated that freedom of expression is one of the human rights guaranteed by the constitution and legislation. According to IMMs, freedom of expression is something that is inherent in every individual regardless of race, ethnicity, religion, gender, level of education, social status, and political affiliation. In their view, each

individual citizen has the right to express or convey views, opinions, statements, judgments, and responses through various channels of communication and information in verbal, written, or video-audio, including through online social media.

None of the 73 respondents denied that freedom of expression is a human right protected by the constitution and law. They rejected the view that freedom of expression is part of Western values that are not in accordance with the social and cultural norms of the Indonesian people. For them, freedom of expression should be universal and not limited by space and time. Freedom of expression is not a monopoly of a particular culture or community, because it is inherent in every individual since birth.

They also disagreed with the view that freedom of expression is not in accordance with Islamic teachings. In their view, Islamic teachings provide a place and guarantee for everyone to express opinions, thoughts, and attitudes. Even one of the respondents, Fadlil Yani Ainusyamsi, argued that each country was obliged to guarantee the lives of its people to freely express their opinions. The state is not only obliged to protect and guarantee the security and safety of its people, but also must provide full guarantees of any dissent among its citizens. According to the religious leader who is also one of the lecturers of the Faculty of Adab and Humanity of Sunan Gunung Djati State Islamic University, every citizen should understand and realize that differences of opinion are part of the democratic process and the dynamics of society towards the aspired life. According to the lecturer, as the executor of constitutional life, the government may not monopolize opinions and deny the opinions of others. The government is required to be able to act as a facilitator of the dynamics and differences that occur in the community. The government must also be prepared to accept to disagree with the components of other nations, including receiving criticism as a manifestation of the implementation of democracy.

Hasan Bisri, one of the Indonesian-moderate Muslim academics who has expertise in the field of interpretation and Islamic law, connected this idea of freedom of expression with the concept of *hurriyyah al-ra'y* in Islamic fiqh. According to Hasan Bisri, this concept etymologically means freedom of opinion or freedom of speech. In the opinion of the lecturer of Sunan Gunung Djati Islamic State University, the term *ra'y* in Islamic teaching is usually divided into three types, praiseworthy, despicable, and doubtful. The praiseworthy *ra'y* or opinion is the *ra'y* described in the Qur'an, the Sunnah, the opinions of the Companions of the prophet, the *ra'y* which is the result of *ijtihad*, and *ra'y* achieved through the process of deliberation. The despicable one (*al-ra'y al-mazmumah*) is known in three types: *bid'ah* (destructive and misleading innovation), *hawâ* (bad intention), and *baghy* (law violation). In the perspective of *ushul al-fiqh*, he said, *ra'y* is usually defined as an opinion on a matter which is not regulated in the Qur'an and the Sunnah. It is a thoughtfully considered opinion, achieved as a result of deep thought with the effort and hard work of a person. Thus, *hurriyyah al-ra'y* requires an intense, deep and sincere opinion and thought. Everyone may express their opinion as long as it does not violate the law with blasphemy and defamation and as long as it is based on logical, factual and responsible arguments.

Cucu Surahman, writer and lecturer at the Indonesian Education University (Universitas Pendidikan Indonesia/UPI) Bandung, viewed freedom of expression as one of the important instruments in a democratic country. Freedom of expression, according to Cucu Surahman, is in the spirit of democracy itself. For Cucu Surahman, freedom of expression is one of the instruments to realize the principle of check and balance in the

order of a democratic society. Only by guaranteeing freedom of expression, a nation can create a balance between various socio-political forces through healthy opposition.

As one of the basic human rights, freedom of expression for citizens can be implemented for all types of expressions, ranging from opinions, views, arguments, impressions, statements, judgments, feelings, attitudes, interpretations, thoughts, responses, insights, estimates, etc. and include all objects and theme of expressions, starting from personal issues, friendships, social issues, economics, politics, religion, culture, international relations, etc. However, some respondents viewed that there were a number of issues which they considered as *tidak pantas* (inappropriate), *tidak elok* (not elegant), *wagu* (awkward), *tidak patut* (ill-suited), *tidak etis* (unethical), *tidak sopan* (disrespectful), *tidak pada tempatnya* (out of place), and should not be expressed or discussed freely through social media. Sensitive issues that they thought should not be expressed freely on social media are about mental and physical disorders; disability or physical limitation, cognitive, mental, and emotional; one's religion or belief; ethnicity, race, skin color; the issue of lesbian, gay, bisexual and transgender/transsexual (LGBT). For respondents, statements on social media that contain elements of sensitive issues such as "he is a Christian", "his parents are Hindu", "he comes from a family of Syi'ah", "Ahmadiyah is not part of Islam", "he has small eyes", "he is an honest man, but unfortunately a Chinese", "tranny", "sissy", "handsome but gay", are unethical, not elegant, impolite, and out of place expressions.

However, IMMs' view in West Java on the expression of these sensitive issues had more moral and ethical appeal. They tended to choose and use imperative phrases of moral and ethical guidance; not prohibitions, restrictions, or prohibitions that have legal connotations. These phrases are more suggestive in social media than to prohibit, curb, or even forbid. It can be interpreted that IMMs' views of freedom of expression, including freedom of expression on social media, as something that is very basic and important, so that sensitive issues should not be prohibited from being discussed on social media.

The Views of Hate Speech on Social Media

All IMMs who were interviewed viewed the hate speech as a very serious problem faced by society today. They were concerned about the growing prevalence of hate speech on social media. Hate speech—as an incitement statement that fuels hatred towards individuals or groups on the basis of ethnicity, religion, belief, race, class, color, ethnicity, sex, disability, and sexual orientation—is a very problematic seriously faced by every community and nation in an era where all opinions, statements, arguments, attitudes, and judgments can be expressed through social media by everybody. That is why, Fadlil Yani Ainusyamsi, viewed the hate speech on social media as a serious challenge for the integration of the nation. If not handled properly, the spread of hate speech on social media can tear the social and cultural order of a nation. Hasan Bisri said that the spread of hate speech, especially on social media, was a threat to human civilization. Dadang Gani saw the strengthening of cases of hate speech on social media as one of the anomalies in communication and information technology that supports the rapid development of social media. Nasrulloh, one of the Indonesian-moderate Muslim figures from Cikarang-Bekasi, viewed the hate speech as a crime, especially if the hate speech is expressed in the form of insults, defamation, unpleasant acts, provocation, spreading false news, and all the above actions have a

purpose or can have an impact on acts of discrimination, violence, killing, or social conflict as one form of criminal offense from hate speech.

According to Cucu Surahman, if hate speech is not anticipated and is not handled properly in accordance with statutory provisions, it can potentially lead to acts of discrimination, violence or even murder. Hate speech—which can be expressed through speeches on political campaign activities, banners, social media networks, public expressions or demonstrations, religious preach, printed and electronic mass media, and pamphlets—not only contrary to the laws and regulations, but also forbidden in religion, especially if it contains elements of incitement, humiliation, and abuse.

IMMs in West Java believed in the aspect of law enforcement as a very important instrument to overcome the spread of hate speech, especially on social media. Legal action against perpetrators of hate speech is a very important solution to overcome the spread of hate speech. They also believed that enforcing the rule of law fairly, honestly, truthfully and openly can protect and fortify the public from the spread of hate speech on social media. Law enforcers are required to have firmness and courage to take action against every perpetrator who spreads hate speech on social media. According to the respondents, the courage and firmness of law enforcers are very important and urgently needed considering the case of the spread of hate speech on social media is very alarming.

However, Indra Gumilar Prasetya; Cucu Surahman; Eva Saufana; Dede Ahmad Ramdani; Nasrulloh; Ustadz Hasbi Habibi; Asep Deni Adnan Bumaeri; Badru Al-Khair; Ustadz Jajang Aisyul Muzakki; Amas M. Tamsis; Aep Kusnawan; Sugiri Permana; Irma Irawati; Didin Zain; Mursana; Ogi Lesama; and M. Anwar Syarifuddin viewed the aspect of law enforcement as not the only solution to overcome the spread of hate speech on social media.

According to Indra Gumilar Prasetya, the legal approach is certainly less effective in overcoming the spread of hate speech on social media. It needs a more holistic approach, especially social, cultural and educational. According to Cucu Surahman, the effectiveness of legal prosecution on hate speech actors also needs to be supported by preventive efforts through social action and education. According to Badru Al-Khair, the legal approach can indeed be used in upholding the rules regarding the implementation of freedom of expression, but the legal aspect is not the only way. According to him, religion plays a very important role to fortify individuals from slander, lies, hatred, and hostility. Amas M. Tamsis considered that the legal approach alone is not real justice because according to him, not every thief deserves to be imprisoned. He also viewed religion, moral norms, and ethics as having an important role in overcoming the problem of spreading hate speech. Aep Kusnawan, also viewed law enforcement as inadequate, moreover the legal aspect often looked at something in black and white. In his view, a multi-perspective approach is needed, which according to him can be started by extracting the root of the problem, elaborating on the actual conditions, and considering the possible impacts and handling steps, so that the condition can be read as a whole through wisdom approach. According to Didin Zain, to overcome the spread of hate speech, the legal approach is not the only way. In the other hand, the legal approach can indeed provide a deterrent effect. However, for the long term, religious approaches, education, mental revolution, exemplary figures or other approaches need to be applied, so that the spread of hate speech is increasingly suppressed.

Irma Irawati, a novelist from Sukabumi, was also skeptical of a legal approach use as the only way in dealing with the problem hate speech. In fact, according to Irma Irawati, relying solely on legal aspects can worsen the problem, because the “braking” system is not based on conscience. She offered an approach to religion, ethics, and awareness for the consciences. For her, if a person is accustomed to expressing words by considering consciences first, perhaps the spread of hate speech can be suppressed and reduced.

The legal approach is indeed not effective in stemming the spread of hate speech on social media, according to M. Anwar Syarifuddin, especially when the implementation of the law uses double standards, On the one hand, the law is sharp to the opposing group, while on the other hand, the law is very blunt to the inside group. The same thing was also stated by Syahirul Alim, as long as the law is still a “tool” of power and to pressure the authorities, and is merely aimed at creating social stability, then the law is difficult to rely on in finding true justice, therefore, the law is also difficult to rely on to overcome the spread of hate speech on social media.

Relying on the legal aspects as the only approach to address the spread of hate speech on social media is seen as ineffective by almost all IMMs in West Java who were interviewed because the spread of hate speech concerns a broad dimension and is triggered by complex variables. Sugiri Permana, a Religious Judge and Head of the Religious Court from West Java, tends to view the spread of hate speech not literally based on the writings or sayings of the perpetrators, but needs to be thoroughly and comprehensively examined, in the legal language, there needs to be reconstruction when someone spreads the hate speech. A person’s expression in hate speech cannot be generalized, but needs to be examined the background of the conditions and atmosphere when someone spreads it so that it can be clearly known whether the statements that they express contain hate speech that meets the criminal element.

Freedom of expression and hate speech on social media according to most respondents is a dilemmatic condition. On the one hand, freedom of expression provides an open space for every citizen to express opinions, statements, arguments, attitudes, judgments, and responses in the public sphere, but on the other hand, freedom of expression can be seen as harassing the human rights of other people or parties. This dilemma, according to the respondents, can only be overcome through the establishment of clear rules and regulations that do not contain multiple interpretations, and are enforced fairly. The Indonesian government actually, according to the respondents, has had a number of laws and regulations governing freedom of expression and hate speech, among others, the Criminal Code (KUHP); Law Number 12 of 2005 on Ratification of the International Covenant on Civil and Political Rights; Law Number 30 of 1999 on Human Rights ; Law Number 40 of 1999 on Press, Law Number 32 of 2002 on Broadcasting, Law Number 11 of 2008 on Information and Electronic Transactions, and Law Number 33 of 2009 on Films; Law Number 19 of 2016 on the Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions; and Circular Letter of the Chief of the National Police Number SE/06/X/2015 concerning Handling of Hate Speech. From the aspect of rules, the actual freedom of expression and the spread of hate speech on social media are clear and complete. However, according to some respondents, there are problems related to enforcing the legislation. This is what M. Anwar Syarifuddin, referred to as sharp to the opponent but blunt to friends and inside groups. Or in the Syahirul Alim’s opinion, the law is used as a tool of power and a tool to pressure the authorities and aims solely to create social stability.

Laws that are not open, transparent, honest, and fair, will only make citizens lose their trust in the law and the law enforcement agencies. This condition will make the hate speech to spread more. Some IMMs viewed that law enforcement in Indonesia has fulfilled the principles of openness, justice and equality; but some of the other IMMs were concerned about law enforcement efforts that were not maximized and seemed selective. This situation, among other things, causes the spread of hate speech on social media to occur frequently.

IV. Conclusion

Upholding and respecting freedom of expression—as one of the basic human rights—is a noble character and a leading indicator of democracy. According to Indonesian-moderate Muslims in West Java, Indonesia, restrictions on the freedom of expression of citizens can be carried out to protect the human rights of other people or parties and be carried out based on clear rules of law. They also viewed that these human rights should not be misused to make and spread hate speech, including hate speech on social media. The spread of the hate speech on social media, according to the Indonesian-moderate Muslims, can be overcome by rules and law enforcement that meet the principles of justice and equality. However, the rules and law enforcement are not the only instruments to stem the spread of hate speech.

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