



The Reconstruction of Law Number 7 of 2012 Concerning Social Conflict Handling in Indonesia

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Article Info

Article history:

Received 3 December 2024

Received in revised form 13
January 2025

Accepted 30 January 2025

Keywords:

Social Conflict,
Advances in Technology
Information and
Communication
Reconstruction

Abstract

Various social conflicts that have occurred in Indonesia have prompted the Government to pass Law Number 7 of 2012 concerning Handling Social Conflicts. Along with the development of technology, information, and communication, it has resulted in rapid social changes, including the use of social media in communication. The aim is to analyze legislative arrangements and the need to reconstruct Law Number 7 of 2012 concerning Handling Social Conflicts. To respond to growing conflicts due to technology, information, and communication, comprehensive arrangements are needed so that conflicts are easily detected and can be resolved immediately. Thus, the reconstruction meaning of Social Conflict is needed as regulated in Law Number 7 of 2012 concerning Handling Social Conflict. By reconstructing the meaning of Social Conflict, it is hoped that the meaning of Social Conflict will be realized as a result of social changes resulting from advances in technology, information, and communication.

Introduction

Indonesia's ethnic, religious, racial, and cultural diversity with a population of more than 270 million on the one hand is a national wealth that can directly or indirectly make a positive contribution to efforts to create social welfare (Wulandari, 2020). However, on the other hand, this condition can hurt people's lives, because there are conditions of development inequality, injustice and social, and economic inequality, poverty, and uncontrolled dynamics of political life, such as in the implementation of the President and Vice President, Legislative and Regional Head elections. In addition, the democratic transition in an increasingly open world order has resulted in increasingly rapid social dynamics, including the factor of foreign intervention. This condition places Indonesia as one that is prone to conflict, both horizontal conflict and vertical conflict. This conflict has been proven to have resulted in a loss of security, created fear in society, environmental damage, loss of property, loss of life and psychological trauma, and feelings of hostility, thereby hampering the realization of general prosperity (Ismail, 2019).

Various series of conflicts are phenomena that have marked the journey of the Indonesian nation since it proclaimed its independence on 17 August 1945 until the democratic transition process in Indonesia coincided with the implementation of the 1998 Reform Order. First, many social, economic, and demographic factors can trigger the emergence of these conflicts (Tadjoeddin, 2010). The conflict that has occurred has become an obstacle to realizing a safe, united, harmonious, and peaceful life in society, nation, and state (Bambang, 2018). Second, it is difficult to achieve the realization of a society, nation, and state that upholds law, equality, and human rights, as well as the realization of an economy that is capable of providing work opportunities a decent living, and a solid foundation for sustainable development. Thus, a safe

and peaceful Indonesia, a just and democratic Indonesia, and a prosperous Indonesia are only dreams until the conflicts that occur are handled properly (Hamidi et al., 2013).

Experience shows that conflict handling during the New Order era tended to use repressive methods, not only during vertical conflicts but also when handling horizontal conflicts. Several examples of massive horizontal conflicts and the pattern of resolution using repressive methods include riots in Ambon, riots in Banjarmasin, riots in Sambas, etc (Suharno, 2021). As a large nation, Indonesia is currently facing many serious threats related to increasing conflict in society. If this conflict is supported by real, organized power, it will certainly become a potential enemy for the Unitary State of the Republic of Indonesia (Mietzner, 2006).

However, the government continues to improve efforts to handle social conflict with strategies before a conflict occurs, during a conflict, and after a conflict occurs. Various efforts continue to be made based on existing laws and regulations, including establishing a new regulatory framework. Referring to the conflict management strategy developed by the government, the existing regulatory framework also includes three strategies, namely First, the regulatory framework in the context of conflict prevention efforts, such as regulations regarding conflict-sensitive development policies and strategies and efforts to prevent conflict from occurring. Second, a regulatory framework for activities to handle social conflict when a conflict occurs, which includes efforts to stop social violence and prevent the loss of many human and property victims. Third, the regulations that form the basis for implementing post-social conflict management are provisions relating to dispute resolution tasks/legal processes, as well as recovery, reintegration, and rehabilitation activities. The regulatory framework in question is all statutory regulations, both those contained in the 1945 Constitution and other statutory regulations as its implementation (Tuhuteru, 2022).

Realizing the need for more comprehensive and integrative legislation, the Indonesian Government in 2005, through the DPR's initiative, proposed a Draft Law on Disaster Management which was later ratified as Law Number 24 of 2007 concerning Disaster Management. In this law, handling social conflict becomes part of the disaster management system by placing conflict as a type of disaster, namely a social disaster. The weakness of the Disaster Management Law is that it does not consistently regulate the handling of various types of disasters as intended in the law. Conflict or social disaster is a substance that is not formulated precisely and comprehensively. The implication of this is the emergence of a wrong understanding regarding conflict in the Disaster Management Law. This is because the paradigm used in the Disaster Management Law is dominated by the paradigm for handling natural disasters, and ignores the differences in characteristics of natural disasters and conflict. It is feared that such an arrangement will result in the Disaster Management Law being ineffective at the level of implementation. Therefore, the option of strengthening legal regulations for handling social conflicts in the form of laws is increasingly stronger by placing the Law on Handling Social Conflicts as a Specialist Lex for disaster management as regulated in Law Number 24 of 2007. On May 10, 2012, President Susilo Bambang Yudhoyono ratified Law Number 7 of 2012 concerning Handling Social Conflict. One of the interesting issues in the Law on Handling Social Conflict is the role of Regional Government (Nainggolan et al., 2019). In line with the decentralization of government administration, the decentralization of handling social conflicts applies several aspects, namely duties, authority, responsibility, authority to make regulations, authority to declare conflict situations, the formation of conflict resolution commissions, and the provision of funds for conflict handling. Regional Governments, including Governors, Regents/Mayors, determine the state of conflict in their regions and are at the same time responsible for coordinating the handling of social conflicts in their respective regions.

The development of information and communication technology has developed very rapidly over the past few decades. Massive use of the internet in society, both nationally and globally. Various social processes that occur in society today have widely used internet support. The development of internet use has also changed many patterns of interaction in society, both in the private realm and in public patterns such as trade and education (Habibah, 2021).

The development of technology in the above situation has had a positive impact on making it easier for people to carry out their daily activities. The increasingly embedded use of technology in society also has an impact on changes in people's life patterns. There is a very close connection between technology and the creation of values or culture in society which is called techno culture. Techno culture is increasingly visible nowadays with the growing use of the internet in society. Society's dependence on internet-based technology is also increasing. The development of information and communication technology means that information in any country can be disseminated in real-time with very fast distribution (Utama, 2023). Along with the development of information and communication technology, it has a very high impact on the potential for the spread of fake news/hoaxes in Indonesia which is very high (Bimantoro et al., 2021).

A space for disseminating information and communication that is prone to the emergence of social conflict in society. In the information and communication space in cyberspace, interactions between users can give rise to conflicts which are often referred to as cyber conflicts. The emergence of this conflict is often preceded by a war of arguments between users, the spread of fake news/hoaxes, fake news, and so on. Communication content often extends to matters related to ethnicity, race, religion, and intergroup, making it very vulnerable to developing into social conflict (Febriansyah & Muksin, 2020).

Riots due to the spread of fake news/hoaxes occurred in Central Lampung Regency on 17 May 2019. The clashes occurred due to fake news/hoaxes circulating in the communities of the two villages (Cristiana, 2021). Based on the description above, it is the basis for consideration by researchers in analysing various theories, and regulations and developing situations to formulate recommendations in the form of Reconstruction of Law Number 7 of 2012 concerning Handling Social Conflicts.

Methods

This research is normative legal research, namely research by analyzing the laws and regulations that apply or are applied to a particular legal problem. In this research, the regulations analyzed are related to Law Number 7 of 2012 concerning Handling Social Conflict. The approach used in research is statutory (statute approach). The technique of collecting legal materials is carried out by exploring various information related to statutory regulations which have become both primary and secondary legal materials that have been collected, as in descriptive-analytical research, to obtain research results that achieve the target it carried out qualitatively and then conclusions are drawn inductively (Sukarmi, 2021).

Results and Discussion

Legal Framework for Managing Social Conflict

Social conflict is a feud and/or violent physical clash between two or more groups of society that lasts for a certain time and has a broad impact resulting in insecurity and social disintegration, thereby disrupting national stability and hampering national development (Masringor & Sugiswati, 2017). This understanding is contained in Law No. 7 of 2012 concerning Handling Social Conflicts which is a law that specifically regulates the handling of social conflicts. This law was formed as an effort to regulate the handling of social conflicts as

a whole. Previously, arrangements for handling social conflicts were still partial in the form of statutory regulations issued by the government in the form of Presidential Instructions, Presidential Decrees, and Presidential Regulations.

With the existence of the Law on Handling Social Conflict, there are types of regulations that are the main reference in handling social conflict. This law also changes the arrangements for handling social conflicts which were previously partial. The regulatory framework for handling conflict includes three strategies. First, the regulatory framework in Conflict Prevention efforts, such as regulations regarding Conflict-sensitive development policies and strategies and Conflict Prevention efforts. Second, the regulatory framework for conflict management activities when a conflict occurs, which includes efforts to stop violence and prevent human or property casualties. Third, the regulatory framework for post-conflict handling, namely provisions relating to dispute resolution tasks/legal processes as well as recovery, reintegration, and rehabilitation activities. The regulatory framework in question is all statutory regulations, both those contained in the 1945 Constitution of the Republic of Indonesia and other statutory regulations.

Before discussing the importance of Reconstruction, Law Number 7 of 2012 concerning Handling Social Conflict, the author needs to first explain the Hierarchy of Legal Norms. State law as a system of norms in a country recognizes the level theory. Regarding the hierarchy of legal norms, Hans Kelsen put forward a theory regarding levels of legal norm theory (Stufentheori). Hans Kelsen believes that legal norms are tiered and layered in a hierarchy (structure) in the sense that a lower norm applies, is sourced and based on a higher norm, and so on.

Hans Nawiasky as a student of Hans Kelsen also believes that apart from norms being layered and tiered, legal norms in a country are grouped, and the grouping of legal norms in a country consists of four large groups, namely:

Group I: *Staatsfundamentalnorm (State Fundamental Norms)*

Group II: *Staatsgrundgesetz (Basic State Rules/Basic State Rules)*

Group III: *Formell Gesetz (Formal Law)*

Group IV: *Verordnug and Autonoe Satzung (Implementing Rules and Autonomous Rules).*

Judging from the nature of the legal norms, the legal norms in a Basic Law are still single legal norms, regulating general matters and in broad outline or are just the main legal norms, so that the norms in a Basic Law cannot yet be directly and legally binding on the general public. This is different from the legal norms contained in a statutory regulation. In statutory regulations, legal norms are more concrete, and clearer, and have an immediate and binding effect on the general public(Saraswati, 2013).

Prof. Hamid Attamimi developed this theory by including the types of norms that apply in Indonesia. The composition of legal norms according to Prof. Hamid Attamimi, placed Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia as the country's fundamentals. The second layer, which is the basic rules of the state, includes the body of the 1945 Constitution of the Republic of Indonesia and the Decrees of the MPR, as well as constitutional conventions. Meanwhile, the third layer, namely Formal Law, is law. In the final layer, there are technical and autonomous regulations, including government regulations, presidential regulations, ministerial regulations, and so on(Awangga, 2020).

As an implementation of these various opinions, it has been stated in Law Number 12 of 2011 concerning the formation of Legislative Regulations, Article 7 paragraph (1) states that the

types and hierarchy of Legislative Regulations consist of: 1) The 1945 Basic Laws of the Republic of Indonesia; 2) Decree of the People's Consultative Assembly; 3) Law/Government Regulation instead of Law; 4) Government regulations; 5) Presidential decree; 6) Provincial Regional Regulations, and 7) Regency/City Regional Regulations.

Several basic principles which are the focus of attention and also serve as guidelines in drafting laws can be guided by Law Number 12 of 2011 concerning the Formation of Legislation with the following explanation: 1) Clarity of purpose, that every establishment of legislation must have a clear purpose; 2) The institution or organ that forms it is appropriate; 3) Conformity between the type and content material, in the formation of statutory regulations must pay attention to the appropriate content material and the type of statutory regulation; 4) It can be implemented that every formation of statutory regulations must take into account the effectiveness of statutory regulations in society, both philosophically, juridically and sociologically; 4) The effectiveness and usefulness of every legal regulation is made because it is needed and useful in regulating the life of society, nation, and state" ; 5) Clarity of the formulation that every statutory regulation must be able to meet the technical requirements for drafting statutory regulations, systematics, and choice of words or terminology, as well as the legal language being clear and easy to understand, so as not to give rise to various kinds of interpretations in its implementation; 6) Transparency, that the process of forming legislative regulations starting from planning, preparation, drafting, and discussion is transparent and open.

From the description above, the author hopes that Law Number 7 of 2012 concerning Handling Social Conflicts will be perfected based on Arief Sidharta's opinion, one of the characteristics of which is the realization of legal certainty to ensure that legal certainty is realized in society (Sidharta, 2016). Law aims to realize legal certainty and high predictability, so that the dynamics of collective life in society are "predictable" with the principles contained therein related to legal certainty, namely the principle of law establishing various sets of regulations regarding how the government and its officials carry out governmental actions in an appropriate manner continues to maintain human rights which have been formulated and guaranteed protection in the 1945 Constitution of the Republic of Indonesia (Sidharta, 2009). Law Number 7 of 2012 concerning Handling Social Conflicts is a formal law so its drafting must take into account the norms contained in the 1945 Constitution of the Republic of Indonesia. Law Number 7 of 2012 concerning Handling Social Conflicts must also take into account the provisions as stipulated in Article 5 and Article 6 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations so that when they are implemented they can be accepted by all parties.

Regulatory Aspects of the Law on Handling Social Conflict

Making a law or regional regulation must be based on three important arguments. This is in line with Bagir Manan's opinion, namely philosophical, sociological, and juridical arguments. Methodologically, the philosophical, juridical, and sociological aspects are abstractions from theoretical studies, empirical and analytical facts, and evaluations and evaluations of statutory regulations to the urgency of forming a law (Handoyo, 2021). Therefore, the formulation of philosophical, sociological, and juridical arguments for the formation of the Law on Handling Social Conflicts is an abstraction from the descriptions of its substance, especially the policy considerations for handling social conflict.

Philosophical arguments relate to fundamental thoughts on the content of legislative regulations that will be made to be a state, the state's obligation to protect society, the nation, and the basic rights of citizens as stated in the 1945 Constitution (Preamble and Body).

Sociological arguments are empirical facts regarding the development of problems and societal needs related to the substance of law. Meanwhile, juridical arguments concern legal issues related to the substance or material being regulated (Nugroho & Haryani, 2020).

Thus, philosophical considerations talk about how things should be (*das sollen*) which originate from the Constitution. Sociological considerations concern empirical facts (*das sein*) which are abstractions from studies of factual considerations, while juridical considerations are based on abstractions from studies on the analysis and evaluation of existing laws and regulations (Manullang, 2022).

Philosophical Aspect

The Social Conflict Handling Law is based on several philosophical arguments, including: a) Providing guarantees for the continued existence of the ideals of the Unitary State of the Republic of Indonesia, realizing national unity and unity, without being disturbed by differences of opinion or conflicts that occur between groups and factions; b) The aim of the Unitary State of the Republic of Indonesia is to protect the entire Indonesian nation consisting of various ethnic groups, religions, and cultures as well as all of Indonesia's blood, including providing a guarantee of a sense of security and freedom from fear in the context of realizing general prosperity as mandated in the Constitution. Republic of Indonesia in 1945; c) The State's responsibility is to provide protection, promotion, enforcement, and fulfillment of human rights through efforts to create an atmosphere of safety, security, peace, and prosperity physically and mentally as a manifestation of every person's right to protect themselves personally, family, honor, dignity and property under power, as well as the right to feel safe and protected from the threat of fear to do or not do something which is a human right, as well as freedom from fear, a guarantee of the right to live in safety, peace and justice.

Sociological Aspect

The sociological aspect of drafting the Law on Handling Social Conflicts is as follows: a) The Unitary State of the Republic of Indonesia, with its diversity of ethnicities, religions, and cultures, is still marked by development inequality, injustice, and social, economic, political, and poverty, and has the potential to give rise to conflicts in society; b) Indonesia, which is entering an era of democracy, opens up opportunities for the emergence of domestic radicalism movements on the one hand, and on the other hand, living in an open world order with foreign influences is very vulnerable and has the potential to cause conflict; c) The wealth of natural resources and the increasingly limited carrying capacity of the environment can give rise to conflict, either because of ownership issues or because of weaknesses in the management system that does not take into account the interests of the community; d) Conflict causes a loss of security and creates fear in society, as well as environmental damage, damage to social institutions, loss of property, loss of life, and psychological trauma, widening the segregation distance between parties in conflict so that it can hinder the realization of general prosperity; e) Handling social conflicts can be carried out in a comprehensive, integrative, effective, efficient, accountable, and transparent manner and on target based on a dialogic approach and peaceful methods based on adequate legal foundations.

Juridical Aspect

The juridical aspects of handling social conflicts are as follows: a) Several laws related to handling social conflicts prioritize sectoral egos so that their implementation proceeds independently. Such a system does not represent coordinated and integrated conflict management within a strong social conflict management system; b) Sectoral laws do not yet stipulate clearly and comprehensively the actions and stages in handling social conflict, both in the context of prevention efforts and handling during and after conflict (recovery). The

character that appears in each of these regulations is reactive, so it is not yet a systematic and measurable policy; c) Most of the existing regulations are operational, and reactive, without a strong legal umbrella. The steps taken are only based on the policies of executive institutions, both central and regional, but in their implementation, there are doubts for each institution because each institution refers to different rules.

Paradigm for Social Conflict Handling Law

Change from centralized to decentralized management

This change is basically in line with the decentralization of government administration. Decentralization of handling social conflict is implemented in several aspects, namely duties, authority, responsibility, authority to make regulations, authority to declare conflicts, formation of conflict resolution commissions, and provision of funds for handling social conflicts. In terms of authority, for example, decentralization is manifested in the authority of the Governor, Regent/Mayor to determine the state of conflict in their region and at the same time be responsible for coordinating the handling of social conflict in their respective regions (Sulila, 2015). This also has implications for budget provision through the APBD. The paradigm shift from the center to the regions does not mean that all tasks, authority, and responsibility for handling social conflicts are transferred to the regions. Because however, the Central Government cannot fully discharge its responsibility in handling social conflicts. There are even certain activities that are effective if they involve the Central Government.

Change from a security approach to a welfare approach

In the history of conflict in Indonesia, vertical conflict is very prominent so a security approach to defend the Unitary State of the Republic of Indonesia from the threat of separatism becomes the main choice (Maksum & Surwandono, 2020). This approach prioritizes security apparatus such as the National Police, and even the TNI as peacekeepers who are often read as guardians of the Sovereignty of the Unitary State of the Republic of Indonesia. This approach illustrates that the Republic of Indonesia can only be built if the National Police and TNI are strong. However, in line with the development of democratic thinking and the strengthening of demands for a better economic life, security issues are not only determined by the strength of the National Police and TNI but are determined by guaranteeing the welfare of society in a broad sense. Security is determined by whether the rights of a democratic society are fulfilled. In this context, building peace is not only a matter for the National Police and TNI but also a matter for the government in general to create community welfare through development in all areas of life.

Domination of the state/government is everyone's/party's business

Handling Social Conflict that prioritizes state dominance is an approach that believes that only the state is capable of resolving social conflict. People become passive and even tend to be apathetic. The state domination approach is usually part of an authoritarian government, as well as weak community initiative and participation in resolving public problems, including resolving conflicts (Musyafak & Nisa, 2020). With the increasingly strong role of society in various sectors of state life, inevitably the state must recognize the importance of involvement, even individual and community initiatives in resolving social conflicts. In a broader sense, this paradigm shift is a shift toward a multi-stakeholder approach to handling social conflict. Therefore, we cannot just rely on the government alone.

Partial reactive to comprehensive approach

A partial approach to handling social conflict is described in several aspects. First, there is no continuity between pre-conflict handling, during conflict, and after conflict. These three

strategies stand-alone so they seem reactive (Wahab, 2014). The early warning system is considered unimportant and does not work so social conflict handling is carried out when the escalation of conflict is widespread and almost unstoppable. Second, handling social conflict is not integrated into national development and regional development so development matters are considered to have no connection with handling social conflict. Third, partiality is also demonstrated by the laws and regulations that are used as the basis for government action in dealing with social conflicts. A partial to comprehensive paradigm shift means that handling social conflict is a unified system that is proportionally carried out from before to conflict recovery, integrated into national and regional development, and based on a statutory regulation that covers all activities and institutions that will be involved in it.

General to Specific and Rinici Approaches

Vagueness in a system which then has an unclear impact on society is caused, among other things, by a conflict management system which is based on Law Number 24 of 2007 concerning Disaster Management which describes a concept that is very broad and difficult to understand, and cannot even be applied to specific matters. or detailed. The concept of conflict management which is united in the term disaster results in the concept of conflict and its handling being blurred or not defined properly (Sugandi, 2008).

Shift from Formal Judicial to Non-Judicial Formal Conflict Resolution Model, namely Conflict Resolution Based on Local Values

One of the reforms in the field of law that has developed in the last decade is the formation of alternative models. This is a criticism of the weaknesses of the conventional model which is slow, expensive, does not reflect fairness, and is even manipulative (Iskandar et al., 2019). The low level of public trust in formal state judicial institutions has prompted the need to create this alternative for resolving conflicts. One that is relevant to conflict resolution is the "Indigenous Conflict Management Mechanism (Community-Based/Traditional/Indigenous Mediation; Community-Based Conflict Mitigation; Grassroots Approaches to Peace") model. In this way, Law Number 7 of 2012 concerning Handling Social Conflict becomes the legal umbrella or legal basis for regions to revive or form conflict resolution institutions based on local values and wisdom without involving or going through formal state organizations.

The Urgency of Rearranging Law Number 7 of 2012 concerning Handling Social Conflicts

Advances in information and communication technology have influenced social change in society. The social order in society and people's behavior and attitudes change, influenced by advances in information and communication technology. The dimensions of change are found in various aspects of society's social life, including economic, cultural, governance, and so on so these changes are fundamental to society's social system (Al Kautsar & Muhammad, 2022).

The fact of this change can be seen in the drastic change in people's consumption patterns by relying on smartphone facilities. To meet various daily needs, people no longer need to leave the house, such as buying food, home appliances, and electronics, treatment can also be done remotely, as other community needs. Interaction with providers of your needs can be done via smartphone. Likewise, changes to transportation services through online motorcycle taxis and online taxis make it easier for people to get transportation services. Fundamental changes have also occurred in banking services. Customer transactions can be done online so customers do not need to queue at bank offices (Faiza & Firda, 2018).

On the other hand, the socio-cultural system is also experiencing many changes, especially related to communication models that are easier to do without time limitations and cheaper

access. The dissemination of information can also be done massively with the chat application feature in groups via applications such as WhatsApp, Telegram, etc. Apart from that, there is also support for social media such as Facebook, Instagram, and Twitter which accelerate communication interaction patterns between communities. With the support of technological advances, the social system of society is experiencing major changes.

Changes in the social system with the acceleration and expansion of community communication patterns, apart from having a positive impact by increasing the intensity of interaction and exchanging knowledge and information, also have the potential to hurt the community's social system with the existence of new patterns of conflict in society. Support for access to communication and dissemination of information through social media has triggered the emergence of false reports and the spread of rumors which can trigger conflict (Hitlin, 2003). Apart from that, communication and information dissemination supported by electronic convenience can form new habits and build new social systems. This condition will influence people's perceptions of conflict and the way they are involved in it (Kiesler, 2014).

Social change will have a big influence on society, both positive and negative. In Kiesler's view, there is a social reconstruction taking place in society which in its development will influence the perception of social conflict and adaptation to the dynamics that occur within it (Kiesler, 1996). The expansion of conflict will be possible with the support of communication and information technology. The negative impact of using social media applications as a communication tool can contribute to the escalation of conflict, namely by massively forwarding information to several people and groups who are known to have diverse and harsh perceptions of the issues being spread.

This model of disseminating communication and information through messaging applications or social media can also encourage misinterpretation. Messages delivered in written form have the potential for the recipient to provide a broader interpretation of the information provided. Communication that is not carried out directly and face to face creates difficulties in understanding the meaning of sentences and translating the emotions conveyed through text messages (Ade Tuti Turistiati & Andhita, 2021). It was this misunderstanding that then developed deeper into a conflict.

This phenomenon can be seen in the development of political life in society today. Various issues whose truth cannot be confirmed easily spread among society (Pakpahan, 2017). In political life, such conditions can result in very strong polarization of society on each side. Of course, this condition is vulnerable to causing conflict with escalation that could increase. Polarization due to political dynamics in society which is triggered by the spread of incorrect information or even hate speech is a challenge in society today (Wahab, 2015). The escalation will increase during democratic events such as regional head elections, presidential elections, and legislative elections. A sociologist from Gajah Mada University Yogyakarta, Arie Sudjito, revealed as published on the tempo.co page that fake news/hoaxes and hate speech have been proven to cause conflict between groups and a crisis of trust which threatens the quality of Indonesia's future democracy. The widespread crisis of trust creates public unrest so people find it increasingly difficult to differentiate between true and false information. The Director of Nahdlatul Ulama (NU) Online, Muhammad Syafi' Alielha (Savic Ali), said that hoaxes were more a consequence of political battles than identity politics. Savic believes that almost all-important political moments in Indonesia are exposed to fake news/hoaxes. The regional and presidential elections will be big moments that have the potential to give rise to fake news/hoaxes. Hoaxes and hate speech regarding SARA will be more vulnerable to giving rise to feelings of hatred and conflict between groups.

The widespread dissemination of hoax information and hate speech shows that the development of information and communication technology, on the one hand, can increase SARA-based tensions. The existence of cell phone technology, coupled with the development of smartphones, is now not only used as a tool to coordinate protests but is also used to provoke hatred between ethnic groups (Goldstein & Rotich, 2008).

The escalation of potential conflict related to political dynamics and the implementation of regional head elections can be seen, for example, in the implementation of the DKI Jakarta regional elections in 2017 (Nashrullah, 2023). Conflicts between candidate supporters in the DKI Jakarta regional elections were very heated on social media. Polarization due to conflict between supporters of candidates with SARA backgrounds can still be seen in various communications on social media today. Apart from being triggered by conflicting political dynamics, the potential for conflict also arises from ethnic backgrounds. For example, cases of riots due to the spread of fake news/hoaxes have occurred in Indonesia. For example, there was a clash between two villagers in Central Lampung Regency on 17 May 2019 which was triggered by a conflict in a previous small escalation with ethnic ties (Turmudi, 2021). Another case occurred in Wamena on September 23 2019 which was caused by the spread of hoaxes with a SARA background (Gatot, 2023).

This condition shows that there are problems related to conflict, which can be called cyber conflict, with advances in information and communication technology. First, conflict between community groups is easily ignited by the spread of false information or hoaxes. Second, conflicts between community groups with SARA backgrounds are easily ignited. Third, polarization due to social conflict can continue virtually for a long period. Fourth, conflict escalation can develop quickly.

The social system that is experiencing changes in the technocultural era also influences the development of the character of social conflict in society. This development is caused by technological support in communicating and disseminating information between communities. This condition demands new and appropriate strategies or steps in handling social conflicts caused by cyber conflicts.

One of the most prominent and strategic aspects as a tool in this era of information and communication technology is the availability of technology that makes it easier for every party, both government and society, to communicate and access information. Apart from having a negative impact by giving rise to the potential for conflict in society, the technocultural era also provides an easier way to handle conflict. This method is done by taking advantage of the other side or benefits of advances in technology and information, namely by taking advantage of various available communication and information channels, including the use of social media.

In general, handling social conflict includes activities for preventing conflict, ending conflict, and post-conflict recovery as regulated in the Law on Handling Social Conflict. Utilization of developments in information and communication technology can be carried out in the stages of handling cyber conflicts (El Amady, 2021). According to a researcher at the Center for Indonesian Law and Policy Studies (PSHK) M. Nur Sholikin in an interview on September 2, 2021, the development of cyber conflicts which are widespread in the technoculture era with the use of information and communication technology is often caused by a. massive spread of information or fake news/hoaxes and hate speech; and b. perceptions that are developing rapidly in society due to fake news and hate speech. In these two situations, there is a process of producing fake news and hate speech. This process is carried out by the perpetrators by writing and distributing it via social media. The next situation is the process of forming people's perceptions of fake news or hate speech received. In this situation, the recipient of the

information will be faced with a process of understanding what is within him or herself and will then take action to let it go, look for news or information related to the hoax or hate speech on the internet, correct fake news/hoaxes or agree by spreading corrections or approval/ support through his social media (Mahyuddin, 2019). The process of disseminating and expanding information through social media will continue and become more widespread. Therefore, in the current era of information and communication technology, handling cyber conflicts due to hoaxes and hate speech which can lead to an escalation in the form of physical conflict needs to be controlled to limit and end the production of hoaxes and hate speech as well as counter-narratives or straightening out developing information. so that the public has the right perception of fake news/hoaxes and hate speech.

Based on empirical conditions in Indonesia regarding the use of social media technology, it is necessary to take steps to anticipate the misuse of social media which results in social conflict due to fake news/hoaxes and hate speech. This step is to reconstruct by perfecting the Definition of Social Conflict as regulated in Law Number 7 of 2002 concerning Handling Social Conflict, in Article 1 number 1 which reads " Social conflict, hereinafter referred to as conflict, is a feud and/or physical clash with violence. between two or more groups of society that take place over a certain period and have a broad impact, resulting in insecurity and social disintegration, thereby disrupting national stability and hampering development." The elements of fake news/hoaxes and hate speech need to be added to the formulation of this definition to be further explained in the body's norms.

Conclusion

Based on the results of the study of the research above, it can be concluded as follows: Controlling social conflict due to cyber warfare in society is currently regulated in Law Number 7 of 2012 concerning Handling Social Conflict. This law is the main reference in handling social conflicts in Indonesia. In the development of the needs of Indonesian society along with developments in technology, information, and communication which in reality have the potential to give rise to social conflict, steps are needed to refine the definition of social conflict as regulated in Law Number 7 of 2012 concerning Handling Social Conflict.

Efforts to handle and enforce the law on cyber conflicts and social conflicts need to be carried out with several steps from the legal aspect as follows: It is necessary to reconstruct the meaning of social conflict as regulated in Law Number 7 of 2012 concerning Handling Social Conflict due to rapid social changes in the use of social media in communication. Efforts are needed to increase the capacity of the internet user community so that they prioritize good use of the internet and are not easily provoked by fake news and hate speech. This can be done with a series of educational efforts for the community carried out by various government agencies.

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