

Legal Protection for Mubaligh Muhammadiyah in Conveying Da'wah Through Social Media Perspective of Freedom of Opinion

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Abstract

This study aims to provide legal protection for Mubaligh Muhammadiyah who deliver Da'wah through social media from the perspective of freedom of opinion. In terms of conveying da'wah through social media, freedom of opinion is regulated under Act No. 19 of 2016 concerning Information and Electronic Transactions, and prevention efforts so that Mubaligh Muhammadiyah does not violate the law related to conveying da'wah from the perspective of freedom of opinion on social media. Legal protection and prevention efforts aim to convey da'wah quickly through social media and avoid violations of the law so that the da'wah of Amar Makruf Nahi Mungkar can be conveyed to the public. Norms, rules, and legal principles related to the purpose of this study, namely regarding legal protection for mubaligh Muhammadiyah in conveying da'wah through social media from the perspective of freedom of expression, will be a source of secondary data in this study, which has a type and is based on normative legal research, including primary legal materials, secondary, and tertiary, which will be collected, processed, and analyzed qualitatively with a statutory approach (statute approach). The intended normative study will be packaged in a scientific paper as the main output of this research in the form of articles that, God willing, will be published in the journal De Lega Lata: Journal of Legal Studies, indexed in Sinta 3 through OJS, <http://jurnal.umsu.ac.id/index.php/delegalata/index> in the publication period in accordance with the research schedule, and added with other outputs, namely the registration of intellectual.

Keywords: *Legal Protection, Social Media, Muhammadiyah.*

INTRODUCTION

Muhammadiyah is known as an Islamic da'wah movement. This characteristic was present from its inception and is inextricably linked to Muhammadiyah identity. Based on Surat Ali Imran, verse: 104 Muhammadiyah laid down the khittah, or basic strategy, of its struggle, namely, da'wah (calling, inviting) Islam, amar ma'ruf nahi munkar, with the community as its fighting field. The Muhammadiyah movement takes part in the midst of Indonesian society by building various kinds of charities that can really touch the needs of many people, such as various educational institutions from kindergartens to universities, various hospitals, orphanages, and so on. All of Muhammadiyah's charitable endeavors are nothing but a manifestation of Islamic da'wah. All charitable endeavors are carried out with a single intention

and purpose, namely to be used as a means and vehicle for Islamic da'wah. in Allah SWT's pleasure”.

When calling for da'wah to humans, the da'i must have a da'i message so that the da'i's goals are communicated with an appropriate message. In the communication process, the message referred to in the communication process is something that is conveyed by the sender to the recipient. Messages can be delivered face-to-face or through communication media. The contents can be in the form of science, entertainment, information, advice, or propaganda (Cangara, 1998). Technological developments in today's advanced era allow preachers to carry out da'wah activities through existing social media. Social media is a new bridge for preachers to convey activities such as conducting da'wah directly using social media applications or the results of da'wah recordings that are shared through video and audio applications on social media.

Qualitatively, Islamic da'wah carried out by Muhammadiyah aims to influence and transform the inner attitudes and behaviors of the community members towards an order of individual piety and social piety. Da'wah with religious and social messages is also an invitation to be aware of the importance of maintaining a commitment (istiqomah) to the straight path. Da'wah is an invitation made to liberate individuals and society from the external influence of satanic values and ignorance toward the internalization of divine values. Besides that, da'wah also aims to increase religious understanding in various aspects of its teachings so that it is actualized in behavior, thinking, and acting. Da'wah must also be able to present Islam as an icon of universal mercy (rahmatan lil 'alamin), not only in terms of the outlook on life for Muslims but also for other people as to its universality. The protection of the right to freedom of opinion is also protected and guaranteed by law, namely in the 1945 Constitution in Article 28E Paragraph (2), which deals with freedom of thought and attitude in accordance with conscience, and in Paragraph (3), which deals with the freedom to assemble and even associate and express freedom of opinion. Then apart from that, the protection of the right to freedom of expression as a human right is also supported by the implementing regulations of the 1945 Constitution, namely Act No. 39 of 1999, which contains human rights in Article 14 concerning freedom of communication and obtaining information, Article 23 paragraph (2) concerning freedom to express opinions in oral form, also through print and electronic media, as well as in Article 25 concerning the right to express opinions openly.

Guarantees the protection of freedom of expression, so the government and institutions involved in this case should have made efforts to respect this freedom of expression. A state is considered truly democratic (W, 2001). The absence of barriers, boundaries, bonds, coercion, barriers, obligations to certain things or to do something is commonly associated with freedom. The right to freedom of opinion is part of the human rights of every human being. Humans are born with something that should not be disturbed by any party (Sartini, 2008).

In the above-mentioned issues, it is important to study and find solutions so that legal protection for Mubaligh Muhammadiyah can be carried out in order to be able to know and prevent freedom of expression through social media. Researchers are interested in conducting a study that is packaged in a Basic Research paper with the title "Legal Protection of Mubaligh Muhammadiyah in Conveying Da'wah Through Social Media: A Perspective on Freedom of Opinion”.

RESEARCH METHOD

This writing uses normative juridical research, namely research on positive legal principles and legal principles, which is carried out by evaluating legal principles (laws and regulations) and conducting literature studies relevant to the research topic. (Fajar & Ahmad, 2010) Legal research that treats law as a set of norms is known as normative juridical research. The system of norms is about principles, norms, rules of law, agreements, and doctrines. This

normative research is research on legal systematics, namely research whose main objective is to identify the notions or bases in law (Sunggono, 2015). This research was conducted by conducting a literature review and providing an overview of phenomena based on facts that occurred based on literature, journals, reading materials, and regulations related to the object of research.

DISCUSS AND ANALYSIS

Legal Protection for Mubaligh Muhammadiyah Conveying Da'wah Using Social Media

Legal protection is to provide protection for human rights that are harmed by other people, and this protection is given to the community so that they can enjoy all the rights granted by law, or, in other words, legal protection is various legal remedies that must be given by law enforcement officials to provide a sense of security, both mentally and physically, from disturbances and various threats from any party. Legal protection is an action or effort to protect the public from arbitrary acts by authorities that are not in accordance with the rule of law, as well as to create order and peace so that humans can enjoy their dignity as human beings. In the aspect of legal protection for Mubaligh Muhammadiyah conveying da'wah through social media, it is regulated under Act No. 19 of 2016 concerning information and electronic transactions in the general section, namely "That independence expresses thoughts and freedom of opinion and the right to obtain information through the use and utilization of information technology and communication is aimed at promoting public welfare and educating the nation's life as well as providing a sense of security, justice, and legal certainty for users and electronic system operators". In the life of society, nation, and state, rights and freedoms are exercised while taking into account the limitations imposed by law, with the sole purpose of ensuring recognition and respect for the rights and freedoms of others and fulfilling fair demands based on moral, religious, security, and public order considerations in a democratic society.

Submission of Dakwah by Mubaligh Muhammadiyah through social media is detailed under Act No. 19 of 2016 concerning Information and Electronic Transactions. It is prohibited to spread hate or hostility based on ethnicity, religion, race, or class, and sending threats of violence or frightening messages that are directed personally can be accessed, distributed, transmitted, copied, and stored for re-dissemination from anywhere and anytime. In order to protect the public interest from all kinds of disturbances as a result of misuse of electronic information and electronic transactions, it is necessary to affirm the government's role in preventing the dissemination of illegal content by taking action to terminate access to electronic information and/or electronic documents that have content that violates the law so that they cannot be accessed. from the jurisdiction of Indonesia, and authority is required for investigators to request information contained in electronic system operators for the purposes of law enforcement of criminal acts in the field of information technology and electronic transactions.

Legal protection aims to prevent violations before they occur. This is contained in laws and regulations with the aim of preventing a violation and providing signs or limitations on conveying da'wah to preachers on social media. Legal protection provides protection for human rights that are harmed by other people, and this protection is given to the community so that they can enjoy all the rights granted by law, or, in other words, legal protection is the various legal remedies that must be given by law enforcement officials to provide a sense of safety, both mentally and physically, from disturbances and various threats from any party (Raharjo, 2014).

Islam teaches or instructs its people to carry out da'wah either in groups or individually, where the da'wah must always be carried out either orally, in writing, or exemplified in daily actions. The goal of da'wah is to guide the target of da'wah toward a more prosperous, physically

and spiritually. In other words, da'wah is more in essence, which means to invite. In this more cultural sense, da'wah means inviting oneself and other people or society to do good with the provisions outlined by Allah SWT. Da'wah in all its forms is obligatory for every Muslim, including jihad, ber'amar ma'ruf nahi munkar, and giving advice to others. Shari'a, or Islamic law, does not oblige its people to always get maximum results, but it is their efforts that are required as much as possible in accordance with their expertise and abilities.

Muhammadiyah has 7 (seven) Mandates for Mubaligh Muhammadiyah in conveying da'wah to the community, namely:

1. Conveying Islamic teachings in accordance with the Koran and Hadith as understood by Muhammadiyah which was founded by KH Ahmad Dahlan,
2. Inviting families, children and other people to join Muhammadiyah, and not the other way around,
3. Established a Muhammadiyah mosque association at the Muhammadiyah Regional Leadership (PDM) level,
4. Established the TPQ Muhammadiyah association at the PDM level,
5. Collect data on Muhammadiyah Mosques,
6. Be an example and role model in the community environment,
7. Increase competence as a scholar by frequently conducting da'wah in the community.

The use of online media helps broadcast da'wah, and its presence greatly facilitates Muhammadiyah's da'wah activities. Muhammadiyah itself uses the media as a connecting tool or channel in spreading da'wah; they use a lot of social media, which is commonplace among the public. Mubaligh Muhammadiyah is currently facilitated in conveying da'wah through technology. (Masdul, 2022). Social media, a multipurpose platform, aims to connect people with each other in any context and is not limited by time, place, or subject. Of course, with such a large capability, social media plays an important role in the globalization of the outside world in Indonesia. Even though there is ease of entry for foreign cultures, not all cultures can be well received by people in Indonesia. This is one of the factors in the occurrence of opinion debates, which usually arise due to differences in views, habits, culture, and other things. Not infrequently, debates will start or end with comments that are hurtful, vulgar, or other irrelevant things. For example, social media users may make malicious comments that contain slurs against other users because their culture is not taboo in Indonesia (Mayolaika, 2021).

Society enters a new culture unaware of its own strengths and weaknesses. People currently lack an understanding of how to use social media positively and avoid its negative consequences. Social media appears to connect people in a vast and nearly limitless area (Juliswara, 2017).

Prevention So that Mubaligh Muhammadiyah Does Not Violate Laws Related to Freedom of Expression on Social Media

Neutrality and freedom of opinion on social media are a double-edged sword for their users. Without strict laws and ethics in social media, 100% of users can do anything, including things that are not good and harm others, as in the previous example. If something like that happens, it is certain that social media is not a safe place for anyone. In my opinion, of course there are limitations and considerations. Because each country has different cultures, views, and habits, it doesn't mean that something "deviant" can be considered wrong and rejected arbitrarily with malicious comments. Even though there are constraints and considerations in opinion, this does not imply that there is no freedom of expression. This topic is an interesting thing to discuss, so in this essay, freedom of opinion will be discussed in the use of social media, which refers to the norms that apply in Indonesia.

Information and Transaction Electronic Law is information and electronic transactions in which a rule made by the state with the use of information technology plays an important role

in trade and national economic growth to realize people's welfare, and the government needs to support the development of information technology through legal infrastructure and regulations so that the use of information technology is carried out safely to prevent its misuse by paying attention to the religious, social, and cultural values of the Indonesian people. The ITE Law is a stipulation that applies to everyone who carries out legal actions as stipulated in this law, both within the jurisdiction of Indonesia and outside the territory of Indonesia, that have legal consequences in the jurisdiction of Indonesia and/or outside the jurisdiction of Indonesia. Indonesian law and detrimental to the interests of Indonesia. Information and Transaction Electronic Law is very useful in the current digital age because it can anticipate the possibility of abuse and provides legal protection both in the form of electronic transactions and information. There are several articles related to the Information and Transaction Electronic Law, one of which is Article 28 paragraph (1), which reads, "Every person intentionally and without right spreads false and misleading news that results in consumer losses in electronic transactions." The act as described in Article 28 paragraph (1) of the ITE Law is punishable by imprisonment for a maximum of six (six) years and/or a fine of up to Rp. 1 billion (Article 45 paragraph (2) of Act No. 19 of 2016). (Koto, 2021)

In using social media, every individual must have contemporary ethics, namely ethics in the electronic, digital, or online realm. Ethics in social media includes attitudes, procedures, habits that develop along with advances in technology. Electronic ethics is different from everyday ethics because on social media an individual is faced with various kinds of cultures that are very broad and global thanks to technological developments. The person must be able to determine the right attitude towards these cultural variations, of course not all of them are in accordance with the known local culture.

Some of the positive and negative impacts of using social media, viz:

1. Free Expression
2. Vulnerable to Bad Things
3. Causing chaos
4. Decreased Privacy
5. Acceptance of Foreign Cultures that Deviate Culture in Indonesia.

CLOSURE

Conclusion

In its da'wah activities, Muhammadiyah itself uses the media as a connecting tool or channel in spreading da'wah; they use a lot of social media, which is commonplace among the public. Mubaligh Muhammadiyah's da'wah work is now made easier by technology. Legal protection aims to prevent violations before they occur. This is contained in laws and regulations with the aim of preventing a violation and providing signs or limitations on conveying da'wah to preachers on social media. Legal protection provides protection for human rights that are harmed by other people, and this protection is given to the community so that they can enjoy all the rights granted by law, or, in other words, legal protection is the various legal remedies that must be given by law enforcement officials to provide a sense of safety, both mentally and physically, from disturbances and various threats from any party.

Suggestion

In using social media, every individual must have contemporary ethics, namely ethics in the electronic, digital, or online realm. Social media ethics encompasses attitudes, procedures, and habits that emerge as technology advances. Electronic ethics is different from everyday ethics because on social media, an individual is faced with various kinds of cultures that are very broad and global thanks to technological developments. The person must be able to determine the right attitude towards these cultural variations; of course, not all of them are in accordance with the known local culture.

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