Government Policy Regarding the Application of Information and Electronic Transactions Law in the Face of New Media Challenges (Meme, Hoax & Netizen)

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Abstract: Communication through a media known as mass communication is one reason for the effectiveness in terms of communicating or delivering an acceptable message in unison, the internet which is a new media is considered superior. In the dissemination of information and is very easy to access. Social media is one of the innovations of the Internet which is a new media and highly demanded. Through social media, allows the user to share the image as a message delivery medium. The pictures have a message that is informative, persuasive educative to entertaining, there are some phenomena in social media including the meme, hoax and netizen. Meme is an idea that is contained in the form of images, picture text, video or just a word of expression, hoax is a lie news or false information that is often used to spread hate speech on social media. That there is no limit that can cause hostility and strife, while the netizens are social media users themselves, in anticipation of the negative impact of new Indonesian government's issue law RI No. 11 of 2008 Information and electronic transactions (ITE LAW) intended for the country's restriction of information, especially information received through the internet.

Keywords: New Media, LAW ITE, MEME, HOAX, NETIZEN

1. Introduction

Along with the times and technology developments, communication which is an interaction that occurs in everyday life is easier to do and becomes very effective. Communication through a medium known as mass communication is one reason for the effectiveness in communicating or delivering a message that can be simultaneously received. Media communication is also based on technology, distribution pattern, up to how audiences access the media gradually progressively grow, so it is known as old media and new media.

Internet is one of the new forms of media that become the needs of the community, because the internet can provide a wide range of information, entertainment and education that can be accessed very easily and quickly. The data quoted from the current Ardianto Mass Communication book, 76 percent of the US population is already connected to the internet. Not covering the possibilities, 76 percent of the American population used online media as a primary source of information and tended to start leaving conventional media (Ardianto, 2007:149-156). Indonesia ranks the top four most internet users from ten countries in Asia with a total number of 132 million users. Research results of cooperation between the Indonesian Internet Service Provider Association (APJII) with the Center for Communication Studies (PusKaKom) of Universitas Indonesia which began on November 1, 2014 to February 28, 2015, shows the growth of Internet users in Indonesia will also continue to increase. (Heryanto, 2018:38).

The existence of the internet as new media exceeds the advantages in presenting a variety of information in actual. Social media is one of the innovations of the internet which is a new media and highly demanded. Social Media is a form of Internet service that is shown as an online community, for people who share activity, interest in a particular field, or background similarity. In addition to the many ease and effectiveness that is owned by the new media, there are also shortcomings that are difficult to be dammed today, including the emergence of the terms meme, hoax and netizen. Meme is an idea or idea made by a person or group of people to reveal all his expression through words and images, while the hoax is a text or image that cannot be verified and netizens is a designation for people who play an active role in cyberspace. This Meme, hoax and Netizen often lead to misperception even the rare cause of disputes, LAW RI No. 11 2008 on information and electronic transactions (ITE LAW) is meant for country restriction on information, especially information Received over the Internet.

2. New Media

New media is unlike face-to or intermediary interactions that previous mass media presented, but new media provide a new form of interaction that brings us back to personal relationships in ways that the media could not have done before. New media provide open and flexible use, new media contains flexibility that can facilitate users' interaction (Littlejohn. Issue 9:314).

The term New media (New Media) appeared in the 20th century. The new media is a term used to describe traditional media melting (film, image, music and writing) with the power of computer Interactive and communication technology (Wahid,2016:80).

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The new media based on the Internet is very different from the mass media. New media is interactivity or bidirectional and operates in cyberspace, while one-way mass media and operating in the real world (Arifin, 2016:60). The presence of new media as a networked social interaction as a reflection of the internet, making the internet should not be viewed as a technological concept only, but must be understood in various concepts and perspectives especially the concept or perspective Social and cultural communication. Daniel Bell (2001) mentions three keywords in viewing the Internet, namely material, symbolically and experience. The material side sees the internet as a technological device concept. The material side sees the internet as a technological device concept. The symbolic side looks at the internet as a concept that cannot be approached virtually as well as abstract hallucinations that are not real. While the experience side, give the direction and pattern how interactions between individuals with technological devices, as well as between individuals through devices (e.g. simulation in the cabin of airplanes) (Nasrullah, 2016:77).

The Internet as a new medium has provided a very wide space to private and social communities to communicate and copy exchange information. Freedom of obtaining information and expressing opinion or freedom of expression is very possible in this virtual world (Barus,2010:10). Access to information as a main motive of the person using the new media (Papacharisis and Rubin, 2000 as quoted (West and Turner, 2014:113) is determined by the active audience. The audience determines access to the information provided by the new media in three respects, i.e. when the information is accessed, what type of information will be accessed, and whether the audience will share the information they get or not.

New media is a terminology to explain the convergence between computerized digital communication technology and connected to the network. New Media is everything that can transmit information (intermediaries) from the source of information to the recipient of information. "New Media has two main elements, namely digitisation and convergence. The Internet is a proof of convergence because it combines several other media functions such as audio, video, and text" (Mcquail'S, 2009:26).

Based on the explanation above can be concluded that the new media is communication technology involving computer, to facilitate and accelerate the information from the Internet and its easy characteristics in access is easy to use Anywhere without going through a computer but now can be through mobile phones, Android, tablets.

**New Media characters**

The new Media allows us to access any content, at any time, and from any digital device. Even we can find out the latest news both inside and outside the country in a matter of seconds. Here are five characters that distinguish new media from the old media in general, among others (Wahid, 2016:80-82):

1) Packet Switching, is a different way of delivering a message that is owned by the Internet, with the Packet switching allows the data in the form of images, text, and sound can be sent simultaneously.

2) Multimedia, messages sent through internet media can be packaged in a variety of forms, either sound, image, or video. Everything can be served at the same time.

3) Interactive, communicator and communicable can be interconnected directly like face to face. Communicanishes can provide comments directly over the information provided by the Communicator.

4) Synchronicity, exchange of messages made in Internet media is not limited to space and time.

5) Hypertextuality, Internet Media allows the production process of message creation in the form of text should not be sequential.

**3. Social Media**

The term social media was first introduced in 1964 by the Professor J.A. although it was only a year old 1995 social media is tangible as a whole unit. The Social Media that originated from the 1999 Friendship Network, grew wider in various types of views that enrich human life in interacting. One of the characteristics of social media that is based on Internet is its interactive (two-way) that is not institutions such as mass media, social media is easy to use, because it is not institutions such as mass media so not many have "Gatekeeper ". Each individual has the freedom to sort and choose the configuration of the message (information) that suits his wishes, needs, and his/her passion to be conveyed to the recipient. The forms or types of social media such as Facebook, blogs, Twitter, YouTube and your are rapidly growing in popularity rapidly worldwide in conducting social interactions. The type of social media has enriched the communication and human civilization of the 21st century (Anwar Arifin, 2016:62).

Social Media is a website-based feature that can form networks, as well as allow people to interact within a community. With social media we can do a variety of two-way activities in various forms of exchange, collaboration, and get acquainted in the form of writing, visual or audiovisual (Puntoadi, 2011:1)

Social Media is one of the phrases that many people think they should know because it combines two familiar words. However, humans are social beings, relying on one's ability to interact and influence others to survive. As a child, your mother may have told you to ‘go out and socialize. ’ Being social is a desirable thing. The word is connotation to something good. Social Media allows communities to form and interact with each other to communicate (Wiley & Sons, 2009:7). Kaplan and Haenlin (2010) described social media as a media group in the Internet-based application that builds the foundations of the ideology and Web Technology of 2.0. 2.0 Web technologies enable two-way interactive conversations. Evans (2008) states that social media in broad understanding is often linked to democratic terms of information, converting people from content readers to content publishers. Another advantage of social media one of them is that social media has viral properties that means having a viral-like nature, that is spreading rapidly. The information provided by social media users can be spread
out quickly to everyone who accesses social media (Priansa, 2017:363).

In another sense, according to Paramitha in Priansa (2017:358) Social Media or in Bahasa Indonesia called social media is a medium designed to facilitate social interaction that is interactive or bidirectional. Social Media based on internet technology changes the pattern of spreading information from the previous one-way to many audiences. From the explanation above can be inferred social media is a communication tool of today that is based on internet technology with all the convenience and speed exchange of information is very effective.

Social Media is very necessary to get special attention, because its spread is visual and bulk with consequences that could damage individuals and/or groups. Moreover, social media can be anonymous and/or use a false name. But the control of cyber media should also be done carefully, so as not to restrict freedom of expression. There needs to be a balance between freedom and social responsibility in surfing the virtual world (Arifin, 2014:255).

The meaning of the meme according to social media observers Tuhu Nugraha in the interview Metrotvnews.com meme is something that spreads and that causes the spread of the meme is because it is funny and contextual to the situation that is happening. In the merdeka.com site mentioned that a picture called a meme is actually an expression of someone that is shed through the pictures. According to Bauckhage (2011), the meme usually develops through commentary, imitations, parodies, or even the results of news in the media. According to Shifman (2013), the meme can be interpreted as everything that is scattered in cyberspace so that it becomes a culture for its social world. The emergence of a meme is usually taken from interesting events, funny sayings, distinctive, even spelling mistakes. The spread is also through various media, such as social networks, blogs, mailing lists, and even news platforms. The unique feature of the internet transforms the diffusion meme into a very clearly visible and ubiquitous routine. In short, the internet meme can be interpreted as a cultural phenomenon propagated from one person to another online. The Internet meme that is a discussion in this research is the product of the development of cyberculture that is visually visual, in the form of images. Meme phrases are generally applied to illustrate propaganda on content such as jokes, rumors, videos, or sites from one person to another through an internet. Memes can spread in their original form, but they often also bring out the user generated derivatives or updates. His Booming social media meme phenomenon is certainly not separated from the role of social media users itself in the dissemination of information related to the currently popular meme. If you are interested in the topic and image of the meme seen in a social media, users will repost or re-upload the meme to their personal account.

4. Meme

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5. Hoax

From a number of positive things with the existence of the Internet appears a number of challenges in internet use is the emergence of hoaxes. According to the Cambridge Dictionary in Heryanto (2018:70) hoax is a plan to cheat a large group of people; can also be translated a trick. The point of hoax is that information is not based on fact or data, but deceptions with the intention of powering the community with a massive deployment model. Many early versions of the word hoax were seriously traced by the Museum of Hoax based in San Diego, California, USA. An institution that attentively identifies, collects, and categorizes Hoax, both history, stories, photographs, and other claims from time to time of various countries. The word hoax traced from the original history was first used in medieval times until the late 18th century. Derived from the word often used by magicians, namely “HocusPocus” (Heryanto, 2018:70).

Keywords in understanding hoaxes are public scams. That is, the differentiator of hoaxes with other scams is its characteristic that reaches a wider, popular and massive audience. So usually, there is a network that often connects hoax (Heryanto, 2018:71). The more the emergence of social media technologies such as Instagram, Twitter, Facebook makes the hoax grow much more in moments that can be said to be very possible for a rapidly affected community with news spread like Election and others. Based on research conducted by the Indonesian Telematics Society, the most frequent or highest-accepted hoaxes of society are the hoaxes of socio-political, especially about the elections and government (91.80%). The new below is SARA’s (88.60%),
and other issues such as health, food and drink, financial fraud, SCIENCE and technology, news of grief, candor, natural disasters and traffic. Various channels are utilized by irresponsible people spreading hoaxes through multichannel channels that are often used by citizens. Here are the forms and channels of the hoaxes that are most commonly used and incorporated. Hoax forms are most commonly accepted, writings 62.10%, figure 37.50%, video 0.40%. The highest hoax news distribution channel is on social media with a total of 92.40% (Heryanto, 2018:78). In reality, hoaxes circulate in many social media that contain hate speech. In academic literature, for example in the book Kent Greenwalt (1996) defined that hate speech is the greeting and or writing that someone made in front of public for the purpose of spreading or ignite hate a group against other groups that different, either because of race, religious beliefs, gender, ethnicity, disability, and sexual orientation. Many hoax content spread hatred, horizontal and vertical conflict stimulation.

6. Netizen

Conceptually, the term netizens can be found in the academic writings of Colombia University, Michael Hauben, who defines it as a globally connected person or citizen. Physically, live in a country but each other is connected through a global networked computer (Heryanto, 2018:59). Michael Hauben explains it is a new world that connects people, whether personally to private or personal to the collective. People today, have the ability to convey their observations.

Licker and Taylor in Heryanti (2018) define four computer principles to contribute to human communication:
1) Communication is defined as a creative interaction process
2) Time to respond should be quick and make the conversation free and easy
3) Larger networks will be formed from smaller areas of the network
4) Society will be formed based on public interest

While in Mosberger's writings, netizens are also often paired with the term a digital netizens, which generally refers to people who utilize information technology (IT) in order to engage in society, politics, and government participation. He defines the digital citizen as "people who use the Internet regularly and effectively". In qualifying as a digital citizen, a general need to have the ability, knowledge, and access to use the Internet through computers, mobile phones, and web devices to interact with private public Maupin.

Clearly, netizens are people in the virtual world, like people in the physical world, have the identity of civilian occupation (avatar, username), have a home (homepage), have a post box for correspondence (email), have a phone (VoIP: Voice Dover Internet Protocol), can travel such as (using a browser such as Mozilla Fireox, Internet Explorer, Opera, and so on. Conceptually, there are at least three netizens typologies. First, it is the person who uses the internet and joins in one of the Internet user communities. Secondly, Internet users are actually engaging in online communities. That is, if the first one can be called netizens, with this second typology more specifically, the Internet users who are truly in their daily involvement in online community activities. Thirdly, netizens who use the Internet, engage in an intensive online community, and have a civic responsibility awareness. The definition of citizen responsibilities is reflected in the actions and attitudes of democratic governance and social participation. The responsibilities of the citizens can be found in various fields, such as: Politics, economics, the environment, and issues of quality of life (Heryanto, 2018:61-62).

7. Electronic Information and Transaction Act

The Internet is a space that tends to be more free compared to the real world. Despite the rules and ethics of using the Internet, there are still many Internet users who are not mature enough to interact and tend to be reactive in responding to cyberspace (Suwatno, 2016:103). For example, if there's a news or negative campaign against something, it's easy to get viral.

The electronic Information and Transaction Act (UU-ITE), which was passed on 25 March 2008 and entered into force on 21 April 2008. Although the law regulates electronic commerce on the Internet, it can also protect bloggers from assault acts, such as digital thieves, changing views and so on. Nevertheless there is also a chapter that can inhibit freedom of expression (freedom of expressions), namely article 27 paragraph (3) which until now is a controversial chapter (Ariffin, 2016:237)

Article 27 paragraph (3) of LAW-ITE reads, "Any person intentionally and without the right to distribute and/or transmit and/or make, the access of electronic information and/or electronic documents that have a payload and/or contamination Good name ". Article 27 paragraph (3) is related to section 45 clause (1) of LAW-ITE on sanctions, i.e., “any person who fulfills the element as referred to in article 27 paragraph (1), paragraph (2), paragraph (3) or paragraph (4), shall be sentenced to imprisonment in the period of 6 (six) years and/or Fines of at most Rp. 1,000,000,000.00 (one Billion rupiah) ". Article 27 of UU-ITE that governs the humiliation and defamation in cyberspace, has raised concern using cyber media, especially the use of social media. In addition to the very high criminal guidance and rubber article because the criteria of humiliation and defamation are less obvious, the article is ready to capture anyone who is surfing in cyberspace (Ariffin, 2016:238)

Social Media is very necessary to get special attention, because its spread is visual and bulk with consequences that could damage individuals and/or groups. Moreover, social media can be anonymous and/or use a false name. But the control of cyber media should also be done carefully, so as not to restrict freedom of expression. There needs to be a balance between freedom and social responsibility in surfing the cyberspace. According to the decision of the COURT can be concluded that freedom of expression can not be realized without limits, because it can violate the freedom and human rights of others. Freedom of expression in Indonesia should be positive freedom, namely freedom to achieve general benefits. It needs to be cared for, because
not all Indonesians are able to use freedom responsibly, especially the majority of Indonesians are still educated in Junior High School (Arifin, 2016:238).

8. Research Methods

8.1 Research approaches

This research uses a qualitative approach. Qualitative research according to Denzin and Lincoln quoted by Lexy J. Moleong is a research that uses natural settings, with the intent of interpreting the phenomenon occurring and carried out by road involving various existing methods (Moleong, 2011:5) The definition of qualitative research according to Bodgan and Biklen, the paradigm can be interpreted as a collection of loose about logical assumptions embraced together, concepts or propositions that can be a way of thinking from research.

According to Moleong (2002:8), the paradigm outlined what should be presented with the rules of what should be followed in interpreting the answers gained. Thus, the paradigm is a window where people observe the outside world, where people are departing the world with the Insights (world view). A person has a meberfikite way formed by the person's individual experience. The experience he learned determines what concepts and assumptions are formed.

Based on the explanation above, researchers use the paradigm of constructivism as a research paradigm, this paradigm sees that the fact of the construction or formation of human beings itself. That fact is double, can be formed, and is a completeness. Reality exists as a result of a person's thinking ability. The knowledge of human formation is not fixed but continues to evolve.

Qualitative research is based on the paradigm of constructivism that science is not only the result of experience in fact, but also the outcome of the thought of the subject studied. The human introduction to social reality is centered on the subject and not on the object, it means that science is not the result of experience alone, but it is also a result of construction by thought.

8.2 Research Paradigm

The paradigm is a fundamental view of scientists about what is the subject of study and should be studied as a discipline of science. According to Bogdan and Biklen, the paradigm can be interpreted as a collection of loose about logical assumptions embraced together, concepts or propositions that can be a way of thinking from research.

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9. Result of Analysis and Discussion

Below is the opinion of State officials and civil society:

1) Vice chairman of DPR RI – Fadli Zon (Gerindra Party faction)

In the Gerindra party, Fadli Zon stated much to be examined in the Electronic Information and Transaction Act (ITE LAW). Fadli reveals many things that can be attributed to this ACT. Its application relates to the rubber chapters which are still the pros and cons. It is one of the leaders of the DPR to refer back to the articles contained in the ITE LAW. Fadli deplores, in this article many parties can misuse this rubber article. Especially during one of the Gerindra politicians, who was also a musician Ahmad Dhani who was caught in the case of ITE LAW. By the Pileg and the presidential election, Fadli revealed the vulnerability of increased casualties that dragged legal issues due to the ITE Law article.

2) Member of Commission 1 of the House of Representatives – Meutya Hafidz

At the discussion of the ITES revision (BILL) that is only done in article 27 alone by reducing the criminal threat. Again the threat of punishment is 6 years imprisonment, but was revised to 4 years only. Meutya wanted, so that the revision process was in motion to avoid the emergence of new victims due to the “rubber” article. This article is considered as a rubber article because there is no clear explanation or Pakem in the statements in the article. Here's the statement Meutya “I ask for article 27 revised and I hope more, article about immoral is also eliminated. Article of the immoral entered (law ITE) because when the discussion used to be no pornography law. Now it's already there, so it's a good idea to remove the immoral so that it doesn't overlap.”

3) Information Technology Observer (ICT Institute), Heru Sutadi

Article 27 paragraph 1 of the ITE LAW drags many cases, one of which is the case of the initials VA actress. For the experts/Observers of informatics technology, it can drag anyone if it is not defined. However, this case is not related to online prostitution that is lively on preaching. The ITE LAW governs the prohibition to distribute and or transmit and or make accessible electronic information that has a content in violation of morality.

4) Research Institute For Criminal Justice Reform (ICJR), Anggara Suwahju

There have been many kobans that have to undergo legal process due to several rubber articles in existing in the ITE ACT. Some time ago we had a renown event that ensnared the former governor of DKI Jakarta, Basuki Tjahaja Purnama (Ahok) who had been entangled LAW ITE. But the pros and cons continue to scroll until Ahok is free to breathe fresh air after serving the sentence. At the time, Basuki Tjahaja Purnama was officially designated for the alleged religious blasphemy case, Wednesday (16/11/2016). Ahok was designated as a suspect pursuant to article 156 A of the Code of Criminal Code (KUHAP) juncto article 28 paragraph 2 of Law No. 11 of 2008 on information and electronic transactions (ITE LAW). Problem juncto or relation with the ITE LAW of article 28 this, Anggara Suwahju, stated it as an oddity. "Strange if suspected with the ITE LAW,” said Anggara when contacted
KompasTekno, Wednesday. The Act prohibited in article 28 clause (2) of the ITE LAW is deliberately and without the right to disseminate information aimed at incurring the hatred or hostility of certain individuals and/or community groups based on ethnic, religious, racial, and Between groups (SARA).

5) Angga (Student)
The ITE LAW that still raises polemic in society should be immediately resolved by the DPR. The rubber article that can drag anyone can threaten the right in the delivery of a citizen's opinion. This is widely highlighted because the rubber article is widely disused. According to one of the private campuses in Jakarta, this ITE LAW has been a person in dozens of cases.

6) Yuni Sari (Private employee)
Any case imposed by article relating to the Electronic Information and Transaction Act (ITE Law), as long as it raises many multitasking. Pros cons always in every case, starting from the case that ensnare Ahok, until the case of Ahmad Dhani. The ITE ACT is considered to threaten freedom and the right to express one's opinion through sosmed. Restrictions must be made to limit violations that may be classified as a violation of the ITE ACT.

10. Conclusion
Lexy Moleong (2011:287) suggests that data analysis is the process of organizing and sorting data into patterns, categories, and basic description units so that the theme can be found and can be formulated with the work hypothesis as suggested by the data. Thus, data analysis is the process of systematically finding and structuring data obtained from observations, interviews and documentation by organizing the data into units to be learned and created. The conclusion is to be easily understood by both oneself and others. The Data collected in the research process is further analyzed qualitative, namely analysis and interpretation conducted critically. Using a descriptive analytical technique that describes or classifies data and then followed by interpretation of thought results.

The next step is to conduct an exploration, which means lifting the meaning of the results of the research achieved as a donation of thought. For more details here are the steps or stages in the analysis of this data is the data reduction, data display and withdrawal of conclusions or data verification. Data reduction, which summarizes, selects the underlying things, focuses on the important things, search themes and patterns and removes unnecessary data. Thus the data that has been reduced will give a clear picture so as to facilitate the researcher for the next data collection and look for it when needed. Data reduction is a process of sensitive thinking that requires intelligence, breadth and inner high insight where researchers will be guided by the objectives to be achieved.

Data Display, which is a systematic presentation of data that can be a brief explanation for the researcher to be easier to understand the problem researched. The data presented in this stage is the result of reduction data at the previous stage which is the focus of the research. Withdrawal of conclusions or verification in this qualitative study is a temporary test obtained during research activities. If the temporary conclusion is backed by data as well as valid and consistent evidence at the time the researcher returns to the field, then the conclusion expressed is a credible conclusion.

1) Data Reduction
On the application of the ITE LAW many invite pro cons, the ITE ACT is rolled out to the DPR and the government. This is because in Indonesia, it has increasingly rapidly development of digital media/online/social. Meme. Hoaks and netizens are the 3 components that are always there to decorate the face of the digitalization ERA/This new media era. It is also not balanced by regulation which is strong enough that every citizen of his country can know and be careful in communicating in cyberspace.

Researchers take some informant consisting of various circles/stakeholders such as the Chairman of the DPR, members of Commission 1 DPR, information technology observers, researchers, students and private employees. Researchers realized that in addition to the DPR's decision makers, that public vote on ITE LAW was also worth listening to and become a unity that could not be separated in this study.

2) Display Data
In the discussion of data display, researchers will try to outline some of the important points of the informant that researchers have asked for a brief opinion on the ITE LAW. Vice chairman of DPR RI faction of the party Gerindra Fadli Zon assessed that this ITE LAW should be reexamined due to the number of rubber articles used because it feared the increase of victims who dragged the legal problem due to the ITE law.

In line with Fadli Zon, member of Commission 1 of the DPR Group of Works Meutya Hafidz also added that the rubber article is no clear explanation or Pakem. In other cases, the informatics Technology Observer (ICT) Heru Sutadi is associating article 27 ayat 1 the ITE ACT to drag many cases one of which is the case of a VA-initials online actress.

The research Institute For Criminal Justice Reform (ICJR), Anggara Suwahju also attributed the ITE ACT to the case of Ahok which occurred in 2016.

Meanwhile, the opinion of Angga is one of the students and Yuni Sari as private employees, as representatives of the community, the narrative they expressed is the hope that the ITE LAW is resolved by the stakeholders.

3) Withdrawal Conclusion
The conclusion of the informant data that researchers have been asked is that all parties agree that the ITE LAW should be promptly revised and examined in many different considerations. Researchers saw that the informant we chose was a representative of each of the interests that saw this issue with a consistent view. However, the research field also sees many other edges that can be presented in this study.
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