Students Demonstration as a Constitutional Rights
According to the Act Number 9 of 1998 the Freedom of Expression in Public

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Andrizal

Universitas Lancang Kuning, Pekanbaru, 28265 Indonesia,
Tel/Fax: +62761 7123
E-mail: andrizal2017@gmail.com

Abstract: Student demonstrations are conducted to express opinions or ideas to improve the life of the community. This article analyses the practice of student demonstration in the city of Pekanbaru whether it has been conducted in accordance on Act Number 9 of 1998 on the FREEDOM OF EXPRESSION IN PUBLIC. The research method used in this article is the method of Sociology of law. Data are obtained from primary, secondary and tertiary were analyzed inductively. The results of the analysis found student demonstrations in Pekanbaru is still not effective in accordance to Act Number 9 of 1998. The study found that students are unlikely to report of any future plans of demonstration to the authority, student demonstrations exceeds the time limit that has been set according to the law, and student demonstrations is disruptive and tend to be anarchist.

Keywords: Demonstration, Students, Act Number 9 of 1998

1. Introduction

The Act Number 9 of 1998 regulates the Freedom of Expression in Public. In Article 3 of the constitutions states that the practice of demonstration has to follow a number of basic principles, namely (1) the principle of equality of rights and obligations, (2) Principle of deliberation and consensus, (3) The principle of the legal certainty and justice, (4) Principle of proportionality, and (5) principle of merit.

The enforcement of this constitution does not guarantee more orderly practice of demonstration. In practice, disruptive and uncontrollable demonstrations happened much frequently and have resulted in violence. There are five determinants that need to be fulfilled for riots to occur; (1) Social situation that allows the emergence of violence, (2) social tensions (3) the widespread development of prejudice against a particular target, (4) mobilization of masses for demonstration, (5) social control by security forces.

The freedom of expression in public is a form of Human Rights that is guaranteed by 1945 Constitution of the Republic of Indonesia and The Universal Declaration of the Human Rights. The freedom of expression in Public is a form of embodiment of democracy in the society, nation and state structural system. Based on the explanations above, this article analyses the practice of student demonstrations in Pekanbaru according to Act Number 9 of 1998 on the Freedom of Expression in Public.

2. Research Method

This study employs a sociology law approach with sample study in the city of Pekanbaru. The research method consists of Kaur Bin Ops Sat InterlamPolresta, Directors of BEM owned by state and private universities, Chairman of the Indoensian Association of Journalists Pekanbaru and a member of the commision 1 of the House of Representative of Pekanbaru (who is also a leader).

The data used in this study consist of primary, secondary, and tertiary data. The techniques of data collection used in this study are direct obervations of the research obiect, interviews, and literature review.
Qualitative analysis of the data using inductive methods that draws a conclusion of a statement or proposition that draws specific statements or propositions into a general statement or proposition.

3. Result and Discussion

Article 1 Clause (2) Act Number 9 of 1998 on the Freedom of Expression in Public defines demonstration as an act undertaken by one person or more to express their opinion. Demonstration is a media and means of conveying ideas that are considered true and mass-driven publicity. Demonstration is also a mean or tool and it is closely related to the purpose of the use of such means or tools and how they are used.

Demonstration is a form of act to deliver disagreement, critics, impartiality, and rejection of things considered an aberration. Demonstrations are not as narrow as understood by most society by doing long-march, shouting, burning tires, theatrical actions, destroying fences, or actions that have long been associated with the word demonstration.

Demonstrations can be viewed as positive, and also negative. Meaning when a demonstration upholds democracy, it is seen as something positive that holds value in society. However, when a demonstration is carried out ignoring the essence of democracy then it is views as something negative. Demonstrations is also a form of conveying thoughts or opinions which must be supervised and guarded so negative purpose driven demonstrations is unlikely to occur.

Demonstration is a part the Human Rights that needs be protected. In the body of 1945 Constitution, human rights principles are defined as 1) All citizens are equal before the law and the government (Article 27 Paragraph (1)), 2) The right to work and to earn a humane livelihood (Article 27 Paragraph (2)), 3) The freedom to associate and to assemble (Article 28), 4) to express written and oral opinions (Article 28), 5) Freedom to worship, each according to his/her own religion or beliefs. (Article 29 Paragraph (2)), 6) the right to receive education and teaching (Article 31 Paragraph (1).

The practice of students demonstration in Pekanbaru does not corresponds to the Act Number 9 of 1998 on the Freedom of Expression in Public. In general, the participants do not understand the regulations written in Act itself.

Hotman Sitompul as a Member of Commision 1 of Regional People's Legislative Assembly (DPRD) of Pekanbaru strongly agrees with the existence of certain requirements and procedures in demonstration practices. He reasoned that laws needed in order for demonstrations to run in an orderly manner. Asril Darma, the Chairman of The Indonesian Journalist Association Pekanbaru (PWI) states that he does not comprehend the intention of a particular regulations for students as the existing law should be universal for all circles.

Raja Kosmos Parmulais, Head of Operations Development Affairs (Kaur Bin Ops Sat) Intelkan Polresta Pekanbaru explains that there are procedures for demonstrations. In his opinion, demonstrations is the right of every citizen and that freedom protected by the law. However, there is a particular procedure regulated by the law in order to guard the right to demonstrate in order to avoid violating others' rights.

In regards of regulations of forms, etiquettes, dan responsibility in implementation of expressing opinion in public according to Act Number 9 of 1998 on the Freedom of Expression in Public, respondents agree on the regulations. Unfortunately, most of the respondents have not follow the regulations.

4. Conclusions
According to the analysis in this discussion, it can be concluded that the students’ orderliness in demonstrating is not running effectively in accordance to Act Number 9 of 1998 on the Freedom of Expression in Public. Students are less likely to notify police on action plans, student demonstrations exceeds the time limits set by the applicable laws, student demonstrations are disorganized and tend to be anarchist, etc.

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