Social Media, Fake News, Information Manipulation and Democracy and The Challenges of Finding Legal Truth in The Post-Truth Era

Lasmin Alfies Sihombing[1], Iwan Darmawan[2], Yuyut Prayuti[3]
[12]Program Studi Ilmu Hukum, Universitas Pakuan
3Program Studi Ilmu Hukum, Universitas Islam Nusantara
Email: alfies.sihombing@unpak.ac.id, iwan.darmawan@unpak.ac.id, yuyut.prayuti@uninus.ac.id

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Abstract

The post-truth era creates uncertainty in the search for absolute truth, where objective facts are less influential in shaping public opinion than emotions and personal beliefs. This phenomenon has a negative impact on the democratic process, public perception of democratic institutions, and legal justice. The challenge of distinguishing facts from fabricated opinions affects law enforcement and the integrity of the democratic process. The research method used in this article is normative legal research that examines law as norms or rules that apply in society, focusing on document analysis and the use of legal sources. This research aims to find legal norms that are relevant in answering certain legal challenges or problems, as well as to produce arguments and theories as guidelines in resolving legal cases using secondary data (library research or document studies). In the post-truth era, law remains an important foundation in maintaining justice and order. Although challenges to political correctness can shake public confidence, the roots of law remain strong. The post-truth phenomenon is an irrational phenomenon, while legal truth (ontologically, epistemologically, and axiologically) is related to rational things, so it is quite difficult to debate and bring these two things together. Therefore, it is important to position the two different things in a position where we can find the most basic thing, both philosophically and legally.

I. Introduction

This article is motivated by the complexity of social, political, and legal impacts caused by the spread of false information, fake news, and inaccurate information in today's digital era. The phenomenon of fake news has become a major concern in various countries because it can disrupt the democratic process, influence public opinion, and even undermine trust in legal institutions. Fake news is growing along with the development of science and information communication technology (ICT) in the digital era. The development of information and communication technology, especially the internet, has made significant progress in recent decades. One of the main developments is the emergence of social media. Its progress is accelerating, especially with the development of mobile technology, which has played an important role in delivering and shaping the impact of social media (Rahmatullah, 2021). This development is characterized by the invention of technologies such as Bluetooth, Mozilla, Skype, Myspace, Facebook, YouTube, Twitter, Apple iPhone, Google Android, Apple iPad, Instagram, Google Glass, Google Driverless Car, Sophia (artificial intelligence-AI robot), Tesla Model 3, TikTok, and others. The changes and developments that occur in the digital era directly bring changes to the pattern of media use and communication patterns of society (Cahyowati, 2020).

Digital technology and social media platforms allow false information to spread quickly and widely. This can create an environment where public opinion is shaped by inaccurate or biased narratives, thereby influencing political and social decisions. The proliferation of information in the web environment (internet) is rapid and information can be accessed and edited by anyone, and this environment has become the main source of information in various fields (Chen, Chien, & Kao, 2019). The internet is a very open environment where millions of new documents, resources, news, and other content are added every day, causing increasing complexity. (Askar & Mazman, 2013). The problem that arises lies in determining the reliability, objectivity, accuracy, and high quality of information available in the internet environment (Chiu, Liang, & ve Tsai, 2013). The development of Web 2.0 technologies, social media for example, has led to dramatically increased interaction between users and online content, with which individuals (users) can freely and easily share their ideas, experiences, viewpoints, information, and knowledge through social media (Kaplan & Haenlein, 2013). (Kaplan & Haenlein, 2010). As it is known that, social media is a special variation of the internet that has characteristics such as two-way communication and open feedback. (Eren, Celik, & Akturk, 2014), (Kwahk & Park, 2016).

In the perspective of science, knowledge or information contained in printed

materials such as books and magazines has passed through a series of filters, where these resources (information) are written and evaluated by experts in their fields before being disseminated to the public. However, information obtained from the internet often does not go through a similar filtering process by experts or other concerned parties as it does with printed materials (Chiu, Tsai, & Liang, 2015) (Lee & Tsai, 2011). The diversity and breadth of information on the internet makes the value of the information obtained ambiguous and increases the likelihood of encountering incomplete or false information. The reliability, objectivity, currency, and applicability of such information is often questioned, resulting in problems in determining its truthfulness and reliability as well as reliable sources of information on the internet (Kammerer, Amann, & Gerjets, 2015). The emergence and rapid development of social networking sites (social media) as part of the new media in the recent internet environment that is often used by users to create online content, has implications for the quantity of information that is very dense and dynamic (Celik, 2019). Which in many cases, when using social media for information purposes, individuals are often caught in the middle of controversial information flows, which are difficult to assess for accuracy and reliability (Askar & Mazman, 2013).

The negative impact of easy access to information along with the flood of information is that the public and individuals will be constantly flooded with uncontrolled information, including the current political situation. In fact, hateful news against different ethnic, religious, racial and intergroup groups is also spread without control and has the potential to trigger social conflict in the community. At the same time, the mainstream media, which was previously considered as one of the sources of truth, must face the fact that the boundaries between truth and lies, honesty and deception, fiction and non-fiction are becoming increasingly thin and blurred. Mainstream media must compete with social media in spreading news and truth. However, social media in particular does not always carry out rigorous selection and verification of the truth of facts. Easily, social media can become a platform for spreading opinions, hoaxes and even fake news.

The emergence of social media platforms in the new technological era has brought a new dimension to social and political debates. The apparent influence of social media on the revolutionary or counter-revolutionary movements that began in Tunisia in December 2010, and later expanded to Egypt and Syria, has led to greater interest in these issues. In addition, the internet has also become an important part of social life, with its effects being tested in various social movements, and has also had a significant impact in politics (Yerlikaya & Aslan, 2020). With the development of web 2.0 and its dynamic structure, characterized by the change from static web pages to dynamic user-generated content, as well as the growth of social media, it is expected that the direction towards

democratization

will be further strengthened. New media platforms such as Facebook, Twitter and Skype, where individuals play a significant role and there is a sense of reciprocal interaction, have strengthened this argument. In contrast to the limited and supervised participation in traditional media, digital media allows individuals to express themselves without restrictions, creating a freer environment. As a result, the belief that online social networks can create a freer and fairer environment has become widespread as the web evolves and online social networks develop (Deibert, 2015).

While new media technologies can play a role in strengthening democratization processes in certain situations, they can also be used to consolidate power by authoritarian regimes. In the literature, there are various discussions on the impact of internet technologies and social media on processes in democratic and non-democratic countries. Within this debate, there are optimistic approaches that emphasize the role of social media in supporting democracy, but there are also skeptical approaches that highlight the potential use of these technologies in supporting authoritarianism, radicalization, manipulation and surveillance (Dahlgren, 2014).

In the post-truth era, where emotions and opinions often take precedence over facts, finding the absolute truth has become increasingly difficult. Various parties may intentionally or unintentionally spread false or inaccurate information, leading to confusion and uncertainty among the public. Clashes over political dominance, the rise of social media, the spread of cognitive biases and the rise of science denial are some of the main factors leading the global society towards the post-truth phenomenon (McIntyre, 2018). (McIntyre, 2018). The term "post-truth", which was named "word of the year" by the Oxford Dictionary in 2016, is defined as describing a situation in which objective facts have less significant influence in shaping public opinion than attempts to stir up emotions and personal beliefs. The term first appeared in 1992 to describe a political context in which debates are characterized by attempts to manipulate emotions with frequent repetition of half-truths and outright lies, which ignore factual rebuttals (Tesich, 1992) (Grech, 2017).

The spread of fake news also has an impact on the legal system, both in the judicial process and in policy formation. False information can influence people's perceptions of certain legal cases, muddy public opinion, and even affect the outcome of trials. The post-truth phenomenon, according to experts, is a time when the idea arises that the reactions or responses given by the masses can change the facts related to lies (Pardede & Poluakan, 2021). These responses can

stem from deceptive, indifferent, cynical, or delusional thinking that threatens and harms the concept of genuine truth in society. (McIntyre, 2018). A narrower definition is given by Biesecker where he explains post-truth as a concept that describes the consequences of the misuse or misunderstanding of alternative facts, knowledge, opinions, beliefs, and facts of truth (Biesecker, 2018).

The development of the internet and the popularity of social media have in fact fundamentally changed the way we obtain and share information. Phenomena such as the spread of fake news and polarization of opinions have raised deep concerns about the veracity of information in the post-truth era. This has led to questions about how healthy information disclosure and public participation in democratic processes can be compromised. The internet and social media have become fertile ground for the spread of fake news and misinformation, which can undermine the integrity of democratic processes. In this context, a key question is how fake news affects political participation and public perceptions of democratic institutions. It is also important to consider how legal institutions are responding to this challenge, as this issue relates not only to democracy, but also to legal justice. In a society based on the rule of law, the ability to distinguish facts from fabricated opinions is crucial. However, in the post-truth era, law enforcement often faces difficulties in establishing the absolute truth.

This article aims to explore the impact of the internet, social media, and fake news on the democratic process, as well as the challenges of finding legal truth in the post-truth era. By exploring these issues, we can understand the complexity and urgency of finding effective solutions to these challenges. Therefore, it is important to develop an effective legal framework to address the spread of false information and ensure that legal truth is preserved. However, such efforts must also take into accoun the principles of freedom of speech and freedom of the press, so as not to violate human rights. This article is crucial to understanding the impact on society, the political system and the legal system, and to identifying effective strategies to deal with it.

2. Research Method

This article uses a qualitative research approach conducted using normative legal research, which examines the law conceptualized as norms or rules that apply in society, and become a reference for everyone's behavior. Normative legal research, also known as doctrinal legal research, is legal research that is conceptualized and developed based on principles or doctrines that are believed by the researcher or developer (Wignjosoebroto, 2002). Doctrinal legal research, generally limited to document analysis, involves the use of legal sources such as laws, court decisions, contracts, legal theories, and expert opinions as reference materials. This research focuses on written regulations and other legal materials. This method is also often referred to as library research or document study because it prioritizes the use of

secondary data available in libraries (Muhaimin, 2020).

Normative legal research is an effort to find legal norms, principles, or legal doctrines that are relevant to answering certain legal challenges or problems. Through this research, analysis and creation of new arguments, theories, or concepts that can be used as guidelines or recommendations in resolving the case or legal situation at hand are carried out. (Marzuki, 2005). Meanwhile, Soerjono Soekanto and Sri Mamudji explained that normative legal research is a type of legal research that uses library materials, or also called secondary data. This term is used to distinguish it from sociological or empirical legal research which focuses more on the use of primary data (Soekanto & Mamudji, 1995).

3. Results and Discussion

Social Media, Fake News, and Democracy

Yerlikaya & Aslan (2020) explain that the argument that social media tools have a significant impact on politics and social life first emerged in 2010 after the Arab revolutions in Tunisia, Egypt, and Syria. (Herrera, 2014) (Howard & Hussain, 2013), while Manuel Castells highlighted the relationship between social mobilization and technology, where new media tools were widely used during the Arab revolutions (Castells, 2012). Philip Howard also argues that the use of technology opens channels that will strengthen democracy, expand civil society, and support the democratization of the state (Howard, 2011). Positive assumptions believe that initially authoritarian regimes will be replaced by democratic regimes with access to information technology (social media). However, the positive assumption that new media platforms can strengthen democracy has been the subject of significant criticism, especially in recent years.

Critiques of the claim that new internet technologies and digitalization have become part of social movements and have an impact on socio-political moments have emerged from various perspectives. Many argue that the structural changes brought about by new media technologies have been misused and ultimately pose a threat to democracy. For them, the Internet and social media are a major threat to the state and individuals due to the large number of users in different countries (Yerlikaya & Aslan, 2020). Some examples of fake social media accounts creating social chaos and spreading content that manipulates public opinion against governments, elections, or other groups were seen in key events such as the 2016 US presidential election, the Brexit referendum, and elections in France, Germany, and Turkey. The Brexit referendum originated from a social media privacy and personal data breach involving a data scandal between Facebook and Cambridge Analytica. The scandal highlighted the challenges of managing information and data privacy in the digital age. Petrescu & Krishen (2018) and exploded in early 2018 when it was revealed that Cambridge Analytica had accessed the personal data of millions of Facebook users' profiles without their consent, and used the data for political purposes (brexit referendum). The scandal is considered a turning point in the public's understanding of the importance of data privacy, as well as triggering a significant drop in Facebook's share price and a demand for stricter regulation of technology companies. (Rahmatullah, 2021).

The idea that social media can contribute to democratization and help topple authoritarian regimes is strongly criticized by Evgeny Morozov who states that the internet does not have the power to democratize countries, and he calls

people who believe this cyber-utopian. Instead, Morozov cites the use of social media by various actors, both state and non-state, as a tool to manipulate social and political life, stating that social media is a threat to democracy (Morozov, 2011).

In 2017, from an Indonesian perspective, there were at least 800,000 websites spreading fake news. In the following year's general election, the number increased and had various forms of disinformation to influence Indonesians' political choices. The movement of society towards the post- truth realm has a multidimensional impact not only on the socio-political dimension, but also on the legal dimension as an important part of society that also requires society as the "center of gravity" in developing and regulating the law itself (Pardede & Poluakan, 2021). Incidents of disinformation delivery by law enforcement, the use of fictitious data in decision-making, and the formation of regulations based on personal views and feelings show that the law is not immune to the post-truth pandemic that has affected the global community. Therefore, this situation must be immediately responded to by law through institutions, practitioners, and scientists.

"Post-truth" news is spread through the dissemination of fake news and journalism activities that contain deliberate misinformation or hoaxes. Regardless of who creates these activities and news, those involved in political issues (especially government officials, columnists, etc.) generally do not hesitate to present fake news to maintain their power (Cibaroglu, 2019). Post-Truth is a philosophical and political view that signifies "the loss of a shared objective standard for truth" (TruePublica, 2019). Truth is an important part of information to create a positive impact on a responsible society. Post-Truth relies more on emotions, misperceptions, and personal beliefs than on facts, truth, and social reality. All forms of media, including social media, have been misused by individuals in society. Especially, platforms such as Facebook, Twitter, Instagram, Youtube, and Whatsapp, have been utilized specifically to strengthen the regime's power. This has led to the disintegration of news institutions based on ideological orientation. Post-Truth can be explained as the collapse of trust as the social basis of the post-Truth era. Some scholars consider post-Truth as a crisis of ideological challenge among political actors, both at the domestic and international levels. It also results in the misuse of democratic norms and values of modern society that emphasize social responsibility. Cosentino clearly states that liberal democracy and its political and social institutions are currently facing a significant crisis of confidence (Cosentino, 2020).

Academic discussions on post-Truth have started since the 1990s, addressing the historical transformation of media systems and journalism in societies around the world. The issue gained particular attention after the 2016 US presidential election, where the term "post-Truth" became popular. Apart from the West, Post-

Truth has also had a significant global impact as a popular tool and content on social media. These platforms are used to spread false content, online rumors, internet hoaxes and conspiracy theories, influencing political discussions and events around the world. Much of the talk about post-Truth tends to focus on the Western perspective. In addition, post-Truth has also become a radical ideology of the postmodernism era where the economic conditions of a country, such as neoliberalism and political populism, also influence the emergence of post-Truth (Cosentino, 2020).

Walter Lippmann, after thoroughly investigating the relationship between information and democratic decision-making, stated that the quality of news reflects the strengths and weaknesses of democratic societies. Hiding the truth and manipulating information are tactics used by a small group of economic and/or political actors who are willing to substitute their special interests for the public interest in order to gain certain advantages (Lippmann, 1997). Lippmann's pioneering intuition turned out to be very inspiring for current research on the complex relationship between information and democratic politics, not only in established democracies, but also in countries undergoing long and tortuous transitions from authoritarian rule. In addition, the last century has provided ample evidence of the strategic importance of information production and dissemination for organizing international affairs, facilitating or complicating cooperation between governments. A few years ago, the global health crisis caused by the spread of Covid-19 dramatically demonstrated the importance and difficulty of making policies based on objective (unbiased) and reliable (verifiable, scientific) information (Giusti & Piras, 2021).

Information manipulation has a long history. However, over the past two decades, the speed and scope of the phenomenon has increased significantly, mainly due to the massive and continuous dissemination of news by smartphones to large numbers of citizens in both developed and developing countries. Social media platforms, which are fertile ground for amplifying any message, have proven to be a highly effective tool for detecting, targeting and mobilizing large numbers of individuals (users) who will form their opinions based on any news that might reinforce their preconceived notions. The result is the mass dissemination of various disguised information products. Some of these such as fake news, conspiracy theories, opinion pieces, pseudo-satire and others have been part of the historical legacy of information manipulation, while others

- such as hate speech, fake news and deepfakes are relatively new phenomena and their relationship to democratic practices and values remains unclear.

A term often used in political conversations to identify issues related to the manipulation of information is disinformation. Disinformation comes from the Russian word dezinformatsiya, after the KGB black propaganda department responsible for creating false information with the aim of misleading public

opinion (Giusti & Piras, 2021). Disinformation is a relatively new practice in 'propaganda', which dates back to the 17th century and generally reflects the selective use of information to achieve a desired political effect (Christineb, 2017). Propaganda aims to manipulate or influence group opinion in favor of a particular cause or belief, often promoting the benefits and virtues of one idea or group, while simultaneously distorting the truth or suppressing contrary arguments.

Disinformation is the product of deliberate lies, while misinformation refers to information that is incomplete, vague, misleading or ambiguous. Disinformation often consists of facts that are largely true, but are stripped of context or mixed with lies to support the intended message, and is always part of a larger plan or agenda (Christineb, 2017). Based on the Action Plan against Disinformation published in 2018, several actions and programs have been launched to detect and counter disinformation on various politically sensitive issues, such as Brexit, migration management, food safety, and emergency management (Joint Communication to The European Parliament, 2018).

Fake news can be understood as an advanced version of misinformation. The term refers specifically to deliberately manipulated pieces of information that appear on the internet and social media. The spread of fake news was initially linked to political life at the most sensitive moments, such as elections and international crises, later, the use of fake news quickly expanded to cover every aspect of politics and life (Giusti & Piras, 2021). Although the creation of false, alternative, or altered realities and their dissemination through media and/or words that depend on the contested nature of knowledge is not a new phenomenon in politics, what is new is the widespread use of digital communication systems worldwide and the extreme reach of social media. (Corner, 2017) (Fuller, 2018) social media, which can spread news at breakneck speed, makes every message potentially 'viral'. Social media platforms and instant messaging apps have proven to be important disseminators of fake news, and as such have acquired a strategic political role far beyond their original function as platforms for recreation and socialization. Social media platforms and instant messaging apps are powerful political weapons, and thus the combination of fake news and social media is ideally suited to produce a subliminal effect that can reach the deepest and most emotional layers of the human mind, with a high chance of persistence and persuasion against disinformation spread through other means, forms and media.

Fake news can circulate discretely or continuously. In a discrete context, fake news is inconsistent in appearance, even sporadic, whereas in a continuous context, it can create a blob or snowball effect and can spread through multiple channels simultaneously or sequentially, with different doses of information manipulation. This bombardment of manipulated information captures a

potentially large audience and can be the target of multiple waves of fake news attacks. When a stream of fake news reaches its target simultaneously, there is only a short period of time in which recipients can stop to process and understand the nature of the information they have received. This means that recipients, in addition to awareness, may also lack the time and attention to correctly detect what has been transmitted.

In politics, fake news has become so common that it is recognized as one of the tools available to politicians seeking to achieve consensus or gain power, both at the domestic level and in the political arena. The use of fake news can help strengthen the position of a faction or leader, which in turn can harm or defeat a political opponent. The perpetrators manipulating the information and spreading it may remain unidentified, and the lack of clarity in establishing who is responsible and the lack of clear targets may reduce negative reactions to the falsification activities. This makes fake news a very powerful tool of political influence. Although powerful politicians usually condemn fake news and the unfair advantage it brings, in reality, society has become accustomed to fake news, which allows leaders, both authoritarian and democratic, to use fake news extensively to achieve their political goals. Farhall, K. et al (2019) This includes attempts to get rid of critical journalists and media, denigrate political opponents or foreign leaders, or even to support important decisions.

Post-Truth and the Quest for Legal Truth

The term "post-Truth" has been used frequently in recent years and is still relevant today. Why did this term emerge and why is its use important? Post-Truth emerged to name new forms of knowledge, truth production and information circulation, especially in the public sphere and on the web. In general, post-truth is a linguistic-rhetorical practice with the aim of constructing a new reality from scratch, and is a tool used to achieve political goals by manipulating data. Post-Truth requires discipline and a willingness to tell multiple lies that coalesce into one larger lie. It is not just about a few specific sentences that are false, but a broader system of propositions that do not correspond to reality, and creates what is referred to as "post-truth politics", which has become interesting due to the influence of new media and social networks in the production of truth and political legitimacy. (Condello, 2019).

In general, post-truth is understood as a deviation from the truth. However, its basic structure and production system are the same as the truth. Truth is always based on the relationship between subject and predicate (Plato described it with the term "symplokè"). Truth determines the relationship between the two (subject and predicate), which can depend on the situation, more or less correspond to reality. Condello introduces the function of relations in language arguing that such specific relations and correspondences explain the emergence of post-truth

today, as new media (in general) and the web (in particular) multiply the number of possible relations between subject and predicate. As a result, judgments evolve, along with sound systems and sources that contribute to the formation of truth. (Condello, 2019).

Post-truth reflects the stage after truth, which is a kind of "sub-truth", or a smaller form of truth. Ferraris in Condello (2019) explains that processes aimed at creating or producing truth, which characterize the fundamental features of the so-called "post-truth" age, produce an unreal reality that exists parallel to the "real" reality, which is "full of errors, discrepancies, and confusion". There is agreement among most researchers that the main purpose of the "transition" from truth to post-truth is to confuse perceptions of reality and undermine trust in order to achieve individual dependence on the dominant power. Fitzpatrick as cited by Condello sees this transition through the Foucauldian principle that liberal democracy will produce individuality. Similarly, Ferraris sees this moment of change through the concept of the monad (Leibniz) where each individual lives in a bubble where they can produce their own truths (Condello, 2019).

Fitzpatrick and Ferraris' reflections on the consequences of post-truth for socio-legal studies are interesting in that post-truth politics has an impact that goes far beyond mere "public discourse" or political debate. Post-truth creates alternative ways of describing reality, which opens up space for different forms of legitimization, and thus has a significant impact on the value of institutional power and authority. A common characteristic of post-truth communication is that it works on two fronts. The first side generates consensus and legitimizes actions, choices, and judgments based on consensus. On the second side, a strong consensus can undermine other forms of power, such as institutional or legal power. These two sides create a different dimension where the correspondence between language and reality is not verifiable, but based on the authority and charisma of the individual who speaks the truth. This condition results in a clash between different forms of truth, which can be explained by the categories of truth and post-truth, where the main difference between the two lies in the source of the connection between language and reality, which in truth is authority, epistemic control over the process of truth production, while in post-truth, the validity of the connection between language and reality is only guaranteed by the rhetorical power and charismatic attitude of the individual-leader and the consensus derived from it (Condello, 2019).

In post-truth politics, politicians in various countries often use lies to interact with the public, and political campaigns are often filled with unrealistic promises that are difficult to fulfill. In fact, the general public has realized that situations where people are deceived by politicians and governments are not uncommon (Putro & Moeliono, 2020). Harry Frankfurt in Putro & Moelino (2020) mentioned

that there is a significant difference in the post-truth context between someone who lies in general and someone (such as a politician or government) who deliberately spreads false information and no longer pays attention to the truth of what they say. They no longer feel morally responsible for the truth of the information they convey. They are no longer just ordinary deceivers, but they are considered bullshitters.

The understanding of "truth" in the context of the post-truth approach is strongly influenced by the tendency to regard freedom of speech as the right to express personal opinions or perceptions without limits. This is especially facilitated by the development of digital social media. In order to gain sensation or practical political and economic advantage, news, including untruths, are produced, disseminated, and sometimes defended as if they were the truth. In fact, falsehoods are often presented as "alternative truths" or simply as "delayed truths" and are easily spread through digital social media and non-digital platforms, permeating public and private spaces. As a result, in the post-truth era, facts and data presented by perceived authorities (such as scientists, governments, or the media) often lose out in competition with "truths" based on irrational personal or group emotions and beliefs.

Post-truth is a threat to the application of law, both in theory and practice. Both approaches (theory and practice) must still be based on the search and discovery of objective facts, as well as legal discovery activities that involve rigorous reasoning. The increasing prevalence of post-truth may lead to the interpretation of legal views as momentary emotional opinions or views presented as scientific analysis, which may ultimately undermine the validity of legal truths. Law is not only about what actually happened (fact; verum), but also about what is fair (justum) and good (bonum). However, in the post-truth era, facts are often sidelined or even defeated by things that are not facts, even fiction. Facts and data are at stake in a battle with emotions and personal beliefs that form opinions as an alternative reality. From this perspective, it is clear that post-truth poses a threat to the ability of law to regulate and maintain justice in society. On the other hand, post-truth also revives the need to search for truth, justice and goodness. Questions arise about who owns the truth. Post-truth encourages us to radically question the ontological, epistemological, and value bases of reality and its relationship to truth in general, including truth in the legal context (Putro & Moeliono, 2020).

In a legal perspective, legal functions and procedures will remain clear because the consequences of judges' decisions on reality are beyond doubt. Legal truth has clear consequences, so it needs to be processed through clear procedures based on evidence, structured investigation, and continuous verification. Meanwhile, in post-truth politics, truth-making procedures are often hidden to maintain political rhetorical appeal. Law consistently establishes a relationship

between language and reality and assigns value to propositions and facts. The difference between legal truth and post-truth politics lies in the source of validity and the truth-making process, where in law, decision-making procedures are transparent and ensured by authority, while in post-truth politics, truth is often determined by the rhetorical appeal of individuals and the consensus that results from it.

The rule of recognition is an example of such a formal and structured relationship between law and truth: Hart's rule of recognition is a type of secondary rule that legitimizes a legal system and is central, foundational, and essential to any legal system. Law, according to the viewpoint of legal positivism, is constituted by form (Patterson, 1996) where form allows juridical relationships to be clearly understood. Form is what makes something intelligible, makes it what it is, and distinguishes it from other things. In other words, form makes an object or idea intelligible to a thinking subject. As an object of consciousness, form must be understood as a unity, that is, as the unity of content. However, the special nature of the relationship between law and truth is not just a matter of legal positivism or legal formalism, legal procedure is also deeply concerned with the unique nature of legal truths (Condello, 2019).

What we can actually gain by studying and paying attention to the relationship between law and truth in this post-truth era is the nature of truth itself. Without idealizing law, which is a complex and power-related system, we can still say that politics and public discourse would benefit from paying attention to how law relates to truth. Law, both in its "static" form as a positive norm that regulates obligations and is legitimate because of a higher norm, and in its "dynamic" form as a decision that connects facts and norms, is intrinsically constructed and deliberately treats truth as the result of convention. The legal process, at least in principle, does not aim to convince, but rather to justify decisions. Judicial truth involves an interplay between language and the artificial world.

Legal arguments should be assessed based on conformity with objective criteria and procedures. Judicial decisions include both facts and norms, so truth-making must be deconstructed into questions of fact (factual truth) and law (legal truth). Judicial decisions are an interesting example of a mixed system of truth production, in which correspondence between language and reality as well as consistency with the more general values and functions of the legal system are relevant. According to the law, there are no true or false facts or norms, but only true or untrue judgments. Kelsen was quoted by Condella explains that in the empirical testing process used by scientists to find out and establish natural facts, then in the legal context there are decisions enforced by judges, who are the competent authority. A legal fact is not a natural fact identified by the judge in the legal process, but is a recognition of it. Thus, in law there are specific criteria of truth, in line with but different from the natural sciences. The main difference

lies not in the method used, but in the normative designation of the subject authorized to produce legal facts. Therefore, Kelsen recognizes the total independence of the world of legal knowledge and legal reality (Condello, 2019).

Glanzberg in his discussion of Coherence Theory states that a belief is true if and only if it is part of a coherent belief system, and truth is a matter of how beliefs relate to each other (Glanzberg, 2018). Meanwhile, Blackburn explains that truth, according to this view, must be characteristic of a whole set of beliefs that are considered as a system of logically interrelated components-referred to as a "web of belief". An individual belief in the system is considered true if it is sufficiently coherent with other beliefs or makes rational sense in the context of other beliefs or, a belief system is considered true if it is internally coherent (Blackburn, n.d.). (Blackburn, n.d.). Thus, in the view of coherence theory, the "truth" of the law must be assessed based on its level of logical consistency, in structured language, and within the prevailing paradigm of legal thinking. Legal truth is measured by the ability of legal arguments to maintain certainty and stability, and to provide assurance. Justice, whether in the context of justice or fairness, may not be a consideration in this coherence perspective. Thus, a legal argument or decision may fulfill the coherence requirement, but result in an unfair or inappropriate conclusion. A criticism of coherence theory of truth is that its focus is on the consistency between premises rather than their relationship to facts. In practice, this theory reflects an anti-realist ontology in law. In addition, the coherence theory of truth does not distinguish between the theory of justification and the theory of truth, which can be seen in court hearings where both sides argue about what should be the law, but it must still be consistent with the prevailing legal system (Putro & Moeliono, 2020).

According to the view of correspondence theory, a statement will be considered true if it corresponds to reality or can be verified empirically (Kirkham, 1992). Glanzberg in discussing correspondence theory explains that the basic idea of correspondence theory is that what we believe or say is true if it corresponds to the facts or a belief/belief is true if and only if it corresponds to the facts. (Glanzberg, 2018). Thus, in the context of legal truth, correspondence theory is useful for testing facts presented in trials or in the context of explaining how the law operates in society. However, the challenge is that not all legal statements or propositions can or need to be empirically proven. Some things that are considered normatively true or that should be cannot always be proven empirically.

Another theory that can be put forward to examine truth is the pragmatic theory of truth. For pragmatists, truth is about utility. An idea is considered true if it has a practical impact on a particular action, i.e., when it is used effectively to solve a problem. In this view, pragmatic truth theory does not directly reject correspondence and coherence theory. However, according to this theory, ideas

and experiences are only considered to be true if they bring benefits in practice or application. (James, 1907). Pragmatic theory presents a different view of truth offered by American pragmatists. Like correspondence and coherence theory, pragmatic theory is also recognized by some distinctive slogans. For example, Peirce is often thought to hold the view that truth is the goal of inquiry. Peirce and James are associated with the idea that truth is what is satisfying to believe in (Glanzberg, 2018). James defines pragmatism as the practical value of truth, i.e., a true belief will not contradict subsequent experience. Similarly, Peirce considered that true beliefs would remain stable after a long investigation. Although Peirce's slogan may be specifically related to the pragmatic view of truth, contemporary literature has not yet established with certainty a widely recognized neo-classical pragmatic theory.

Meanwhile, Haack states that a pragmatic view of truth also allows for the idea that truth involves correspondence, since the scientific method must correspond to an independent world (Haack, 1976). Peirce did not reject the correspondence theory, but criticized that it only provides a nominal or transcendent definition of truth. This shows an important difference between pragmatic and coherence theories, although these two theories have in common the expectation that the end of inquiry will result in a coherent belief system. James also emphasized the idea of verification that truth is what can be verified. This idea is important in the pragmatist view of truth (Glanzberg, 2018). Therefore, proponents of this theory see laws not as absolute statements. They focus more on predicting outcomes from non- logical factors, such as judges' personalities or political interests. Their attention is on the end result rather than on the formal procedures of lawmaking, such as rulings or regulations. The impact of this legal pragmatism is a tendency to doubt the value and truth of the rule of law.

The view of truth in the context of law is different from the natural sciences' quest for objectivity. The legal world cannot be objectified because we, humans, are in it and part of it. It is difficult for a legal expert to analyze a case by relying on legal norms alone, because he is obviously influenced by various factors such as education, gender, psychology, sexual orientation, religion, social status, social class, tradition, and even his scientific ideology. Law is a living activity, which also includes non-legal elements that are inherently questionable. In the perspective of legal truth as normative truth, a view of the law (a court decision, statute, or other form of law), is not essentially a definitive prediction of what is true, but a claim about what should be true (normative truth). Furthermore, this conclusion does not arise automatically, but waits to be discovered and revealed by legal experts through the process of interpretation.

The "juridical-normative" approach will reflect sociological and psychological aspects (as it is influenced by various factors such as education, gender, sexual orientation, background, social class, ideology, and so on), although these

influences may not be recognized or rejected by the interpreter. (Putro & Moeliono, 2020). This opinion is similar to what was conveyed by Smart who highlighted that judges not only consider legal criteria regulated in procedural law (formal law) when examining and deciding cases, but they also always consider non-legal criteria. As a result, judges dealing with similar cases will never be able or likely to make the same and consistent decision (Smart, 1989). The non- legal criteria referred to here refer to psychological, political, or cultural factors. These are situations or conditions that are also recognized and influence judges' decisions, as the adherents of Legal Realism point out (Danardono, 2020).

The post-truth phenomenon is an irrational phenomenon, while legal truth (ontologically, epistemologically, and axiologically) is related to rational things, so it is quite difficult to debate and bring these two things together. Therefore, it becomes important to position two different things in a position where we can find the most basic things, both philosophically and legally. The post-truth phenomenon cannot be separated from the rapid advancement of digital technology, creating an almost unlimited virtual space. Ironically, this technology 'eats' its creators, humans themselves. Humans are caught in the digital wave, immersed in the virtual world, and become homo digitalis, who consider "clicks" as the determinant of their existence. One's existence is measured by the reactions of other users, so the more dramatic a post is, the more one's existence is felt. This condition develops reality into hyper-reality, which is closely related to post-truth (L. Binawan, 2020). Therefore, when discussing the relationship between post-truth and law, with the assumption that law regulates human interaction, we directly face the human itself, namely homo digitalis. The problem of post-truth in the legal context is not the shaking of the concept of truth, but rather the dissemination of lies. This means that if the understanding of truth is private, then the law, which governs the public sphere, may not be affected too much. However, the problem arises when the dissemination of such lies extends to the public sphere. In other words, in the midst of post-truth turmoil, the principle of the rule of law must still be upheld to maintain social order.

4. Conclusion

Law, as a principle safeguarded by the rule of law, is an indispensable condition for the individual, society, and the dynamic interaction between the two. In a simpler context, law is in a tug- of-war between the interests of society as a whole and the interests of individuals. However, in the post- truth era, these individual interests, especially from an existentialist perspective, often conflict with the interests of society. Although the post-truth phenomenon can destabilize the political correctness guaranteed by law, it will not lead to the collapse of the roots of law itself. The roots of law, which guarantee justice and certainty, remain strong.

However, friction arises when the meaning of justice becomes blurred as it is more subjective and diverse in the view of homo digitalis who are more influenced by

emotions than rationality. Although there is a distance between an individual's understanding of justice and the justice maintained by the law, the law offers a common framework for interpreting reality and justice. In the post-truth context, the main issue is not only about truth, but also about the meaning of freedom and human will. How can homo digitalis make decisions with its free will, when arguments are no longer centered on objectivity but rather on subjective emotions, laws can be applied without compromise, deepening the emotional chasm, and resulting in deeper polarization. In the face of the homo digitalis that is the source of post-truth, the understanding of order becomes a more existential challenge.

With the vast freedom in virtual space, homo digitalis may have difficulty understanding the importance of social order and certainty. Law, which usually regulates human interactions in the real world, is now faced with the challenge of crafting rules for interactions in the highly personalized virtual world. In this regard, law enforcement often struggles, not only in technical terms, but also in non-technical terms. Virtual public spaces, which are almost hierarchy-less and highly personalized, become centered on emotion, spontaneity, and sensation, making law enforcement more complicated. The function of law as a tool of public education becomes important in facing this challenge. Law needs to act as an educational instrument to shape individuals who are able to contribute to society well. However, this is also challenging because individuals and society are dynamic. Post- truth in the private sphere may be handled as a private matter, but it still needs to be monitored so that it does not lead to a closed ideology. The role of non-legal factors is also important, although they can be driven by the law. When these issues enter the public sphere, the principles of public order should be upheld, although law enforcement requires discretion. Law enforcement should consider the context of the local community. This can also be applied in dealing with individuals affected by post-truth who try to force their views on others. When such efforts to spread views or beliefs are accompanied by deceit, then stricter law enforcement, such as criminal penalties, will be required.

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