



# *Evaluation Of Public Policy Using Harsh Language In The Case Of Rocky Gerung From The Perspective Of Indonesian Legal Culture And Freedom Of Speech (Case Study Of Decision Number: 712/Pdt.G/2023/PN.Jkt.Sel)*

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**Abstract**— Assessment of policy becomes an important component to ensure that the policy is effective, efficient, and equitable. However, if someone evaluates the policy using unethical words, can that assessment be accepted? This is similar to the case of Rocky Gerung, who evaluated the policy issued by Indonesia's 7th President Joko Widodo using inappropriate words. The Rocky Gerung case has sparked pros and cons from the public's perspective. Is this action in line with Indonesia's Communication Culture and the Theory of Freedom of Speech? This paper uses qualitative methods such as court decisions and several articles related to legal culture and communication culture in Indonesia to understand the issues surrounding the Rocky Gerung case in assessing public policy using harsh words, and whether it aligns with Indonesia's Communication Culture and the theory of freedom of speech. In fact, the use of communication culture in assessing public policy is very important because it ensures that the policy is relevant and effective in a diverse social context.

**Keywords**— Rocky Gerung; Communication Culture; Legal Culture; Freedom of Speech.

## I. INTRODUCTION

Indonesia is an archipelago country consisting of 17,000 islands with more than 300 ethnic groups and 700 languages. This diversity creates an extraordinary cultural wealth. The term "culture" comes from the Sanskrit word "Buddhayah," which is the plural form of "buddhi," meaning intellect and wisdom. Culture is a way of life that develops and is shared by a group of people, passed down from generation to generation.[1] Culture is created from many complex elements, including religion, politics, customs, language, and art. Culture is an inseparable component of humanity, so many people tend to consider culture as a component that will always be passed down to the next generation.

According to Ki Hajar Dewantara, culture is the fruit of human intellect, created from the struggle of humans against two strong influences, namely nature and the era. This struggle is evidence of human triumph in overcoming various obstacles and difficulties in life and livelihood to achieve safety and happiness, ultimately leading to an orderly and peaceful existence.[2] Culture functions as a tool to regulate humans so that they can understand how to act and behave appropriately, especially when interacting with others in their lives. Culture serves as: [3]

- 1) *guideline for relationships between individuals and groups.*
- 2) *medium to express feelings and other aspects of life.*
- 3) *guide for human life.*
- 4) *differentiator between humans and animals.*

From the above definition of culture, it can be understood that culture is a very important component in all aspects, especially in public policy. When formulating a policy, it must be aligned with the culture to ensure it is accepted and implemented by the community.

Public policy is a series of actions designed by the government to achieve specific objectives within society [4]. Evaluating policies becomes a crucial component to ensure they are effective, efficient, and fair. However, if someone assesses the policy using unethical language, can that assessment be accepted? This is exemplified in the case of Rocky Gerung, who provided an evaluation using inappropriate language towards policies issued by Indonesia's 7th President, Joko Widodo.

Rocky Gerung's actions reflect the tension between freedom of expression and legal as well as social norms. In the digital age and with the openness of information, this dynamic becomes more complex and requires a proper balance between protecting human rights and enforcing the law to maintain social harmony.

The issue related to Rocky Gerung, who allegedly provided an evaluation of a policy, is a sensitive topic often debated in public and social media in Indonesia. Considering Rocky Gerung's assessment and whether it is appropriate, especially given Indonesia's strong culture of communication, particularly in manners and etiquette in conveying opinions alongside freedom of expression, several aspects need to be analyzed:

- 1) *Has Rocky Gerung's use of harsh language in evaluating public policies aligned with the communication culture and legal culture in Indonesia?*
- 2) *What is the correlation between communication culture and evaluating public policies?*
- 3) *What is the correlation between Rocky Gerung's evaluations and the theory of freedom of expression?*

## II. LITERATURE REVIEW

### A. Legal Culture

The legal culture in Indonesia is influenced by the customary law system, Islamic law, and Dutch colonial law. The values of Pancasila and the principles in the 1945 Constitution play an important role in shaping Indonesia's legal culture.

Legal culture is a series of values, beliefs, practices, and attitudes held by society regarding the law and the prevailing legal system. Legal culture reflects how society understands, appreciates, and complies with the law, as well as how the law is practiced and applied in daily life. It encompasses society's views on justice, legal authority, and the behavior of law enforcement officials and legal institutions.[5]

### B. Communication Culture

Communication culture refers to a set of values, norms, customs, and practices that influence how individuals and groups interact and communicate with each other in a specific context. Communication culture encompasses various aspects of verbal and non-verbal language, communication etiquette, as well as the mindset and perspectives that underpin social interactions.[6]

Communication culture has several elements:

- 1) *Values and Norms*  
*Cultural values and norms determine what is considered appropriate or inappropriate in communication. For example, in cultures that prioritize politeness, the use of refined and respectful language is a firmly held norm.*
- 2) *Verbal and Non-Verbal Language*  
*Communication culture includes the use of spoken language and non-verbal gestures such as hand movements, facial expressions, and voice intonation. Each culture has unique ways of using verbal and non-verbal language.*
- 3) *Etiquette and Customs*  
*This includes unwritten rules that govern how people should interact with each other. For example, ways of greeting, parting, or giving criticism.*
- 4) *Concept of Time and Space*  
*Culture influences how people perceive time (e.g., punctuality vs. flexibility) and personal space (proximity).*
- 5) *Hierarchy Patterns*  
*In some cultures, hierarchy and social status greatly influence communication styles. For example, in cultures that value seniority, younger people might speak more respectfully to their elders.*
- 6) *Communication Context*  
*Communication culture can be high-context, where communication is more implicit and relies on context, or low-context, where communication is more explicit and direct.*

### C. Freedom of Speech Theory

Humans inherently desire freedom. Through freedom, individuals can actualize themselves and develop their potential. Freedom becomes an issue in every aspect of human life, and people continuously strive for it. In the process of striving for personal freedom, it becomes something noble and special.

Freedom of expression is a right of every individual from birth and is guaranteed by the constitution. Therefore, the Republic of Indonesia, as a lawful and democratic state, has the authority to regulate and protect its exercise. The freedom to think and express opinions is outlined in the fourth amendment of the 1945 Constitution of the Republic of Indonesia, Article 28 E, paragraph (3): Every person has the right to freedom of association, assembly, and expression. Freedom of expression, including the freedom of opinion, is one of the most fundamental rights in a democratic state. Law No. 9 of 1998 on the Freedom to Express Opinions in Public, Article 1, paragraph (1), states that the freedom to express opinions is the right of every citizen to express thoughts orally, in writing, and so forth, freely and responsibly in accordance with prevailing laws and regulations.

According to John Stuart Mill, freedom is an inalienable right and a natural state of humanity. The freedom referred to is where all actions and deeds performed by an individual do not harm others. Thus, individuals do everything they desire without coercion, ensuring that their actions do not burden or constrain others. Freedom exists within humans from birth and cannot be taken, transferred, or seized by anyone.[7]

### III. METHOD

This text examines the case of Rocky Gerung using a qualitative approach to understand the issue of him making evaluations of public policies using offensive language, and whether it aligns with the Communication Culture in Indonesia. Therefore, this research applies a deductive mindset to understand the discussed issues and also uses positivistic logic while avoiding subjective judgments. In this case, the researcher positions themselves as a separate part from the object under study. The researcher also hopes that this paper can somewhat answer the issues being discussed because this paper is focused on examining various types of rules, guidelines in expressing opinions, and the freedom gained in expressing opinions that the rakyat does about the Indonesian state that has the form.

### IV. RESULT AND DISCUSSION

#### *A. In The Case of Rocky Gerung Providing an Assessment of Public Policy Using Coarse Language, It's Important to Evaluate Whether This Aligns with Communication Culture and Law in Indonesia.*

In the decision numbered 712/Pdt.G/2023/PN.Jkt.Sel, it is evident that Rocky Gerung as the defendant has committed an unlawful act by insulting the President of the Republic of Indonesia, Mr. Ir. H. Joko Widodo (Jokowi). In a video accessed on August 2, 2023, titled "TEREKAM KAMERA !!! UCAPAN ASLI ROCKY GERUNG DI ACARA KONSOLIDASI AKBAR AKSI SEJUTA BURUH" available on YouTube at: <https://youtu.be/TAoA7RP1HKk>, Rocky Gerung made insulting remarks:

*"Ambisi Jokowi adalah mempertahankan legacy nya, dia masih pergi ke Cina buat nawarin IKN, dia masih mondar mandir dari satu koalisi ke koalisi lain untuk mencari kejelasan nasibnya, dia memikirkan nasibnya sendiri, dia gak pikirin nasib kita, Itu bajingan yang tolol..."* [8]

Perhaps Rocky Gerung's action was not to insult policy but to provide an assessment. From Rocky Gerung's actions, it actually aligns with Article 28E paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states, "Everyone has the right to freedom of belief, to express thoughts and attitudes, in accordance with his conscience." And Article 28 E paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states, "Every person is entitled to the freedom to associate, assemble, and express opinions," this is a form of freedom of expression.

However, it is important to underline that using unethical words such as "BAJINGAN" and "TOLOL" which mean "BASTARD" and "MORON" towards the President is not in accordance with the norms of communication in Indonesia, in addition to the Communication Culture in Indonesia which emphasizes politeness, respect, and caution in communication. The use of polite language and respect for elders or superiors is highly important.

Constructive criticism delivered with politeness is more aligned with the communication culture in Indonesia and can be more effective in delivering a message without causing unnecessary controversy. Therefore, the role of communication culture is crucial in providing assessments of public policies.

The assessment given by Rocky Gerung does not align with the elements of Communication Culture, particularly in terms of values and norms, as Rocky Gerung used two offensive words, "bastard" and "moron," directed towards the President of Indonesia, who is a figure that should be respected.

The use of harsh language by Rocky Gerung in evaluating public policies is not in line with the communication culture and legal culture in Indonesia. The communication culture in Indonesia highly values etiquette, politeness, and respect in speech, especially when delivering criticism. The legal culture in Indonesia also regulates freedom of expression with certain limitations to maintain public order and avoid insults or abuse

of this freedom. Using harsh language in criticism can be considered a violation of prevailing social norms and ethics and may conflict with existing legal regulations.

#### *B. Rocky Gerung's Actions from The Perspective of Culture and Law In Indonesia*

Rocky Gerung's frequent use of coarse language to express his opinions is a controversial topic. In Indonesian legal culture, freedom of speech is protected by law, but there are limitations, especially concerning insults or defamation.

In Term Culture:

- 1) *Social Norms: Indonesian society generally values politeness and etiquette in communication, so the use of coarse language is often considered inappropriate according to prevailing social norms.*
- 2) *Public Reception: While Rocky Gerung has supporters who appreciate his straightforward and critical style of speaking, many also criticize his delivery as being disrespectful.*

In Term Legality

- 1) *Freedom of Speech: Protected by Article 28 E (3) of the 1945 Indonesian Constitution, which states that every person has the right to freedom of association, assembly, and expression.*
- 2) *Insult and Defamation: Regulated by the Indonesian Penal Code (KUHP), specifically Article 310, which states, "Anyone who intentionally attacks the honor or good name of another person by accusing them of something orally, with the intention that it be known to the public, is subject to defamation charges." Article 311 also stipulates that if the accused cannot prove the truth of their accusation and the accusation contradicts known facts, they may be charged with slander.*

From the explanations above, it is evident that the overall use of coarse language in expressing opinions constitutes a violation of social norms and legal principles related to insults, despite being protected in the context of freedom of speech.

#### *C. The Correlation Between Communication Culture and Evaluating Public Policy*

##### *1) Relevant Regulations*

Communication culture is an important component in evaluating public policy, as follows:

- 1) **Understanding Social Context:** Communication culture helps policymakers understand the social and cultural context of the target audience. By understanding the way people communicate, their values, and prevailing norms, policies can be formulated in a more relevant and effective manner.
- 2) **Public Participation:** Using appropriate communication culture facilitates better public participation. People tend to be more engaged and supportive of policies if they feel the communication methods align with their everyday communication styles.
- 3) **Increasing Acceptance:** Policies communicated with consideration of the community's communication culture are more easily accepted. Policy messages delivered in familiar language and communication styles are better understood and accepted by the public.
- 4) **Reducing Misinterpretation:** Good communication culture reduces the risk of misinterpretation or misunderstanding. Communication that does not consider cultural aspects can lead to confusion or resistance from the community.
- 5) **Building Trust:** When policies are communicated with attention to communication culture, it shows that the government values and understands its people. This can build trust between the government and the community.
- 6) **Efficiency and Effectiveness:** Communication tailored to the culture can make the socialization and implementation processes of policies more efficient and effective. Policy messages can be received and implemented more quickly and accurately [9].

#### *D. The Correlation Between Rocky Gerung's Case And The Theory Of Freedom Of Expression*

In analyzing this case, the author chooses Mill's theory as the basis for evaluating public policy, grounded in the understanding that freedom of expression is a key element in creating a dynamic and adaptive environment. Policies that respect freedom of expression tend to be more inclusive and responsive to the needs of the community, as they allow for input from various societal layers. By adopting Mill's perspective, public policies can be designed to encourage open dialogue and active participation, which are essential in building trust and legitimacy of the government in the eyes of the public.

When evaluating public policy, the Theory of Freedom of Expression is a crucial component, with freedom of expression serving as the foundation for social progress and the discovery of truth. Mill argues that freedom of expression not only allows diverse viewpoints to be expressed but also encourages constructive discussion and healthy criticism, ultimately strengthening society as a whole.[10]

Criticism and suggestions using harsh words from Rocky Gerung towards President Jokowi can be analyzed based on John Stuart Mill's theory of freedom of expression. According to Mill, freedom of expression is essential for social progress and the discovery of truth, as it allows for the expression and discussion of

diverse viewpoints[11] . However, there are several important considerations to determine whether the criticism aligns with Mill's theory:

1) *Value of Criticism in Public Discourse*

*Mill argues that all opinions, including controversial ones, should be expressed because they contribute to healthy discussion and debate. If Rocky Gerung's criticism, even if delivered with harsh words, sparks constructive discussion and brings attention to important issues that need resolution, then the criticism can be considered in line with the principles of freedom of expression according to Mill.*

2) *Harm Principle*

*Mill also introduces the harm principle, which states that one's freedom can be limited if their actions cause real harm to others. In this context, if Rocky Gerung's harsh words are seen merely as political criticism that does not threaten the safety or fundamental rights of individuals, then it can be accepted within the framework of freedom of expression.*

3) *Ethics and Social Norms*

*While Mill's theory supports freedom of expression, it is also important to consider prevailing ethics and social norms. Criticism delivered in a harsh and disrespectful manner may not align with the expected ethics of dignified public discourse. Although theoretically, this still falls within the realm of freedom of expression, social norms can influence the public perception and acceptance of such criticism.*

4) *Contribution to Progress and Truth*

*Mill emphasizes that freedom of expression should aim to seek truth and social progress. If the criticism does not make a meaningful contribution to public discussion and is merely personal attacks, then it may not align well with the essence of freedom of expression as intended by Mill. [12]*

From the above explanation, from a legal perspective, expressing opinions using harsh words towards the President can be seen as part of freedom of expression. Rocky Gerung's actions can be viewed as a form of criticism that is a fundamental right that needs to be protected by the constitution.

## V. CONCLUSION

Rocky Gerung, a prominent academic and public intellectual, is known for his vocal criticisms of government policies. His oftenharsh criticisms, sometimes perceived as insulting, towards the President's policies reflect the dynamic of freedom of expression in Indonesia. These criticisms are frequently published through mass media and social media, reaching a wide audience and eliciting various reactions from the public. However, freedom of expression in Indonesia is also restricted by law to prevent misuse that could harm others or threaten public order. The communication culture in Indonesia, which tends to prioritize politeness and respect, is an important component in filtering how opinions on policies are expressed.

Rocky Gerung's critiques of the President's policies embody a duality: legally, they may be seen as violations, but from the perspective of freedom of expression and social dynamics, they can be viewed as part of a healthy democracy. Balancing law enforcement with the protection of the right to free speech is crucial to creating harmony in public communication in Indonesia.

Thus, the use of communication culture in evaluating public policy is vital because it ensures the policies are relevant and effective within a diverse social context. Considering communication culture allows policies to be formulated and disseminated in a manner consistent with the values, norms, and communication styles of the community, making them easier to understand and accept. This also enhances public participation, reduces the risk of misunderstandings, and builds trust between the government and the public. Therefore, integrating communication culture into the public policy process is key to achieving successful implementation and broad societal support.

Rocky Gerung's actions in evaluating the President's performance or policies are a form of freedom of expression but contradict Indonesia's communication culture, which highly values etiquette in communication. Hence, it is necessary to correlate freedom of expression with Indonesia's communication culture, which upholds traditional communication customs, to produce healthy and perfect expression of opinions.

This case highlights the tension between freedom of expression and the prevailing norms of Indonesia's legal culture. It is important to find a balance between the right to freely express opinions and the obligation to respect the values held by society. Constructive and open communication is needed to reconcile these differing views and strengthen democracy in Indonesia.

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