



Legal Perspective of the ITE Law in Using Social Media as Marketing Communication for the Alfateema Brand

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ABSTRACT

Business people and companies also use social media as marketing communications aimed at their targets. The implementation of the ITE Law really needs to be enforced so that social media users do not make mistakes that could violate the regulations in force in Indonesia on the social media they own. The Alfateema brand utilizes social media as marketing communication in marketing its products to Malaysia and Brunei Darussalam following the rules that apply in Indonesia. The aim of this research is to determine the use of social media as marketing communication for the Alfateema brand from the perspective of the ITE Law. The research method used is descriptive qualitative with data collection through observation, interviews and documents. The Alfateema brand uses its social media for marketing communication activities such as advertising, personal selling, sales promotions, public relations and direct marketing. The Alfateema brand carries out marketing communications by utilizing its social media properly implementing Law Number 11 of 2008 concerning Information and Electronic Transactions Article 4, Article 9, Article 17 paragraphs 1-3, Article 28 paragraphs 1-2, and Article 29 and the Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions Article 26 paragraph 1

Say key : ITE, Brand, Alfateema

Introduction

The development of communication and information technology is experiencing a very rapid evolution. The entry of the internet into Indonesia is proof of the development of communication and information technology which has no boundaries of space and time, making all information uploaded to various websites or platforms that use the internet accessible to everyone, not only in Indonesia, but even throughout the world. One of the



platforms that Indonesian people often use is social media. Online media that encourage social engagement is known as social media, and by using web-based technology, social media turns communication into interactive discussions (Rafiq, 2020).

Social media has changed the way users communicate, interact and participate in social and cultural life. People's communication habits have changed due to social media in recent years because social media makes communication more efficient in terms of time and money (Yustita, 2021). It has also opened up huge opportunities in business, marketing, activism and many other aspects of modern life. According to *We Are Social*, the number of active social media users in January 2023 is 167 million users in Indonesia (Widi, 2023). Popular social media in Indonesia are WhatsApp, YouTube, TikTok, Facebook, Instagram and Twitter. Social media can be a forum for conveying information and freedom of opinion which is the implementation of Law Number 39 of 1999 concerning Human Rights Article 23 paragraph 2, namely, "Everyone is free to have, express and disseminate opinions according to their conscience, verbally and or writing through print and electronic media by paying attention to religious values, morality, order, public interests and the integrity of the nation."

Social media is also used for business for Indonesian people. The business carried out is carried out not only offline but also online. By utilizing *networking activities* (growing networks) to all levels of society, social media helps entrepreneurs offer the various goods they sell (Siregar & Nasution, 2020). The existence of social media means that business people who market their products or services can be seen by anyone, because social media can be accessed easily.

Utilizing social media together with marketing can help increase marketing effectiveness as well as advances in information and technology (Rusdiono, 2019). This use gave rise to the current term *social media marketing*. Different from traditional marketing, social media marketing is a marketing approach that involves promoting businesses and products using online media (Kristiawan & Keni, 2020). Social media marketing is widely used by business people and companies because it is easier to reach many targets spread throughout the world at low costs, previously marketing through conventional media such as radio, television and print media which required high costs, long distribution and limited time.



Business people and companies also use social media as marketing communications aimed at their targets. Marketing communications is an effort to make the public or consumers aware of the existence of the goods or services offered so that they are aware of them, buy them, and then become customers (Trianto, 2021). *Social media marketing* is an important component of holistic marketing communications and serves as an important communication channel to help businesses and individuals achieve their marketing and commercial goals. Therefore, many businesses utilize social media in their marketing strategies as a new concept of *social media marketing communication* that is far from traditional methods to reach a wide target audience by learning and knowing their exact needs and desires in a fast, efficient and low-cost way. (Diebes & Iriqat, 2019).

fashion brand is an MSME from Cirebon, West Java which was founded in 2015 and utilizes social media in its business activities in accordance with the regulations in force in Indonesia. The social media he uses are TikTok, WhatsApp and Instagram. The use of social media is used as social media marketing communication. The activities carried out by Alfateema on its social media include product marketing by creating content as information about the products being marketed, using public figures and influencers to influence consumers and potential consumers, direct selling, etc. have succeeded in making this brand reach Malaysia and Brunei Darussalam. .

All groups and social media users who use it for marketing cannot use social media carelessly at this time, because there are many cases of misuse of social media such as online gambling marketing content, fraud under the guise of online social gatherings, marketing content that violates SARA, copyright violations in the use of videos and images, hate speech. These cases violate the ITE Law which applies in Indonesia. The ITE Law has several provisions covering various aspects including data protection, cyber security, illegal activities in cyberspace and other information technology related matters. The implementation of the ITE Law really needs to be enforced so that social media users do not make mistakes that could violate the regulations in force in Indonesia on the social media they own. Based on this explanation, this research will examine how social media is used as marketing communication for the Alfateema *brand* in the perspective of the ITE Law?



Research methods

This research method uses descriptive qualitative. An in-depth description of an event or phenomenon is provided through qualitative descriptive research without the need to change the actual field conditions (Prayudha.S, 2022). The data source for this research is primary data obtained through observation, interviews and the use of documents, while secondary data is supporting data such as books, journals, electronic media and other references. The data collection technique for this research involves observing all Alfateema *brand* social media accounts , conducting interviews with Alfateema *brand owners* , and documents. Before, during, and after field research are the times when data analysis is carried out in qualitative research. (Sinuhaji et al., 2019). Qualitative data analysis is the analysis of data from sources such as interviews, observations, journals, or documents to understand and extract meaning, patterns, and other qualitative findings.

Results And Discussion

Utilization of Social Media as Marketing Communication for the Alfateema Brand

Marketing communication is communication carried out in marketing a product or service to achieve predetermined goals. Marketing communications can also increase consumer awareness of company products/services, so that consumers can become familiar with offers and be interested in making purchases (Diem & Yulianti, 2019). The most popular media used and which can be used without limitations in space and time for marketing communications is social media. Currently, social media is used by all groups. Social media users can share various types of content, including text, images, videos, articles and more. The content can be related to personal interests, hobbies, business, or educational information that suits the interests of the user.

For business actors, social media is used for marketing communications for their products or services, such as interacting with potential consumers and customers with the *chat feature* or comment column available on social media as a form of service, then providing information about promotions or discounts, information about products/services, using influencers to persuade social media users, and others. Business actors need thorough preparation, understanding of the target market, continuous trend tracking, and performance



analysis to use social media effectively for marketing communications. A marketing strategy that combines various marketing communications components to ensure that they all operate together to achieve consistent and successful marketing objectives is known as *Integrated Marketing Communication (IMC)*. According to *The American Marketing Association*, “*IMC is a planning process designed to ensure that all brand contacts received by a customer or prospect for a product, service, or organization are relevant to that person and consistent over time*” (Noel & Athar, 2023). So IMC combines various communications components to help execute an integrated and successful marketing communications strategy, and marketing communications use IMC every day to achieve marketing goals.

The marketing communications mix concept is known as a form of promotional mix activities (Arianto, 2021). The marketing communications mix consists of five main elements, namely advertising, personal selling, sales promotion, *public relations*, direct marketing (Mujito, Muharam, & Adyas, 2023). Each promotional mix element plays a unique role in the IMC program (Arianto, 2021)

brand marketing communication activities on social media include: Advertisement *Brand* Alfateema carries out advertising activities via social media Instagram ads with a video containing one of its products in the form of a dress that can be used by consumers who wear hijab or non-hijab. The advertising video is one of the contents that was uploaded to the alfateema.id Instagram account. The Alfateema *brand* also uses several influencers and public figures to advertise its products with an endorsement system. These influencers and public figures will upload photos or videos using Alfateema products on their respective social media accounts. Personal sales The Alfateema *brand* communicates with potential customers and consumers via Direct Messages on Instagram and *chat* on the WhatsApp application. Communication is carried out by answering questions asked by potential customers or consumers regarding products they have seen previously on Alfateema's social media accounts. If potential customers and customers are interested and serious about buying, Alfateema will provide an order format that the potential customer or customer must fill in. Sales promotion The Alfateema *brand* has implemented a sales promotion, namely free shipping throughout Indonesia since this *brand* was founded. Then at certain moments they provide discounts, such as on National Batik Day, Ramadhan, Eid al-Adha and other



moments Alfateema *Brand* public relations uses social media to inform about their newest products. Then they also informed their social media account followers about the agency system and launching the Alfateema *brand* in Malaysia and Brunei Darussalam as form of expansion of their business. The Alfateema *brand* also appreciates its consumers who have made purchases by re-uploading content of consumers using Alfateema products and has provided the hashtag #eidwithalfateema during Eid moments on the Alfateema Instagram account.

Brand direct marketing uses social media by uploading videos or photos on Instagram stories about their products and including a link containing their *e-commerce account* in the video or photo. This is done to make it easier for potential consumers or customers to know that purchases can be made via *e-commerce* and connected directly to the Alfateema *brand e-commerce*. Alfateema's Instagram bio also includes several social media links and Alfateema agencies in other countries, so that potential customers and customers can be directly connected according to the information they need.

Brand Marketing Communications using Social Media in the Perspective of the ITE Law

brand uses social media for its marketing communications as part of its business development which started from the MSME business so that it is known to many audiences and is known to Indonesians and has even succeeded overseas. This is in accordance with Law Number 11 of 2008 concerning Information and Electronic Transactions in Article 4, namely "The use of Information Technology and Electronic Transactions is carried out with the aim of developing trade and the national economy in order to improve people's welfare." Then in article 9 which reads, "business actors who offer products through the Electronic System must provide complete and correct information regarding the terms of the contract, the manufacturer and the products offered." Through the social media account, the Alfateema *brand* informs that payment transactions can be made via *e-commerce* or contacting them on the cellphone number listed on the social media account, so that potential consumers or customers can contact Alfateema via WhatsApp social media to determine payment transactions or ask more questions. far from the product being marketed.



brand carries out electronic transactions in online businesses in a private manner because it only disseminates bank account numbers to prospective buyers who have sent order formats via social media which is used as a form of direct sales and does not commit fraud against buyers. The Alfateema *brand* always provides detailed information about its products, such as the types of materials used, product sizes available. This is in accordance with article 17 paragraphs 1,2,3, namely "(1) Electronic Transactions can be carried out in the public or private sphere. (2) The parties carrying out Electronic Transactions as intended in paragraph (1) are required to have good faith in interacting and/or exchanging Electronic Information and/or Electronic Documents during the transaction. (3) Further provisions regarding the implementation of Electronic Transactions as intended in paragraph (1) are regulated by Government Regulations." The agreement regarding the account used for transactions also refers to Article 19, namely, "Parties carrying out Electronic Transactions must use an agreed Electronic System."

brand always tries to provide information in marketing its products without misleading potential consumers and consumers, such as in sales promotions which are in accordance with the information on price cuts or discounts provided by including the time period for the sales promotion, the latest product launching activities are in accordance with the schedule that has been informed. Previously, through Instagram stories, potential customers and consumers could see the catalog whose link was available in the Instagram bio if they were confused about the products being marketed because there was too much uploaded content for publicity. The Alfateema *brand* also never creates video and photo content as marketing messages that offend individuals or society. This is in accordance with Article 28 paragraphs 1 and 2 which reads, "(1) Every person intentionally and without right spreads false and misleading news which results in consumer losses in electronic transactions. (2) Every person intentionally and without right disseminates information aimed at creating feelings of hatred or enmity towards certain individuals and/or groups of society based on ethnicity, religion, race and inter-group (SARA)."

If potential consumers or consumers have contacted Alfateema via direct message or *chat* on social media to ask about the product or even sent an order form, Alfateema never forces or threatens potential consumers or consumers who do not buy the product. This is in



accordance with Article 29, namely "Every person intentionally and without authorization sends electronic information and/or electronic documents containing threats of violence or intimidation aimed at personally." Then Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions Article 26 paragraph 1, namely "Unless otherwise determined by statutory regulations, the use of any information via electronic media that concerns a person's personal data must be carried out on the consent of the person concerned." The Alfateema *brand* never shares data on consumers who have made purchases. The Alfateema *brand* only re-distributes video or photo content that consumers do by tagging Alfateema social media accounts such as Eid moments.

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Based on the research results above, marketing communications for the Alfateema *brand* utilizes social media in the form of advertising, personal selling, sales promotions, *public relations* and direct marketing so that its products are known to potential consumers and consumers which leads to purchases. Then referring to Law Number 11 of 2008 concerning Electronic Information and Transactions, the Alfateema *brand* has implemented marketing communications well by utilizing its social media by providing honest information, carrying out electronic transactions agreed upon with its consumers, not making threats to consumers in accordance with Article 4, Article 9, Article 17 paragraphs 1-3, Article 28 paragraphs 1-2, and Article 29. Meanwhile, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, the Alfateema *brand* has implement it properly by not sharing consumer data in accordance with Article 26 paragraph 1.

Suggestion

This research still needs to be seen from the perspective of other laws relating to marketing communications carried out by the Alfateema *brand* by utilizing social media. It is then hoped that the government will also make its own regulations regarding clear regulations regarding content that is permitted or not on social media. This research is expected to be a reference for communication and legal research regarding social media for business



conducted online.

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