

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## **Challenge Law Enforcement against Human rights violations in Campaign Black on Social Media in the 2024 Election**

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**Abstract.** *Law enforcement against human rights violations in black campaigns on social media faces various challenges. One of them is the complexity of technology which makes it difficult to track and take action against violations. In addition, existing regulations may not be adequate to address these new challenges. Lack of awareness of the importance of law enforcement against human rights violations is also an obstacle, especially among the community. Apart from that, there is political pressure that can affect the independence of law enforcement agencies in handling cases of human rights violations in black campaigns on social media. This creates uncertainty in law enforcement efforts and can reduce their effectiveness. Objective study Identify types human rights violations that occurred in campaign black on social media in the 2024 Election. Formulation problem in study This is: how enforcement law in campaign black on social media in the 2024 election? and how human rights violations in campaign black on social media in the 2024 election? Method study in study This use type study law normative (juridical normative). Thus, an in-depth understanding of these challenges is important to formulate effective strategies in strengthening law enforcement against human rights violations in black campaigns on social media in the 2024 Election. These steps include improving regulations, increasing the capacity of law enforcement agencies, increasing public awareness, and law enforcement independent of political pressure. In this way, the integrity of the democratic process can be maintained and the rights of citizens remain protected.*

**Keywords:** *Campaign; Enforcement; Human; Law; Violations.*

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## 1. Introduction

In this era of advances in the digital world, all aspects of life have been disrupted by technology and one of the important aspects that is affected is related to law and politics in Indonesia. The world of politics in Indonesia which upholds democratic values has been running since the beginning of reform and continues to be maintained to this day, but as time goes by, competition in the world of politics continues to develop until several new problems arise in the political process, one of which is the problem of black campaign violations ahead of elections. general election ("election") that occurs on social media.<sup>1</sup>

Digital technology, which has developed so rapidly, is also being used for the sake of political contestation. The black campaign leading up to the election took place on social media in a structured and massive manner. Therefore, enforcement of the ITE Law, which is a vital instrument for tackling criminal acts, must be carried out. Several factors that influence the enforcement of these laws and regulations include the law itself, law enforcement, facilities and facilities, as well as society and culture. Enforcement of the ITE Law can be achieved through repressive and preventive efforts. Preventive efforts can be carried out through digital literacy which allows people to select the information they receive. Meanwhile, repressive efforts require cooperation between institutions so that they can work as one to eradicate black campaigns ahead of elections on social media.<sup>2</sup>

One of type digital campaign, which is pillar from the modern political marketing model, are branding and construction image Presidential Candidate Politics or Vice Presidential Candidate in the Election President 2024 via social media. Marketing political contemporary is branch from political marketing and communications political use various social media channels or digital platforms for increase involvement audience in digital campaign. Digital campaigns can used for do action or movement social, even movement politics, aside sell goods. In the current digital era This is discourse problem politics, especially desire election simultaneously, a lot utilize social media platforms like WhatsApp, Line, Instagram, YouTube, Facebook, or Combined TikTok with conventional media channels like television, newspapers, or radio, and use in draft communication marketing integrated.<sup>3</sup>

Election General held in frame realize sovereignty people at a time application principles or values democracy, necessary executed with complete readiness. Implementation election need institution nature independent for supervise election. Implementation election without strong supervision potential will give rise to impact negative like disappearance right choose society, widespread political money, campaign black, and elections that are not in accordance rule. In

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UU Number 7 of 2017 concerning Election General (next called Law No.7/2017) at least There is three institution organizer elections, that is Commission Election General (KPU), Supervisory Body Election General (Bawaslu), and Honorary Council Organizer Election (DKPP). Supervisory agency Election is Bawaslu is supervising it maintenance Elections throughout the territory of the unitary state Republic of Indonesia. Besides existence Bawaslu as supervisor, yes other functions of Bawaslu that is compiling and producing something regulations, run practice supervision Good in form prevention nor follow-up, and authority for do action solution dispute.

Campaign black is method for drop against his politics to be opposed his politics the seen as if No Can Work. Every desired business occupy position, esp for position government, then leading news to campaign normal black called with black campaign tend cornering the proposed candidates for occupy something position. Issue That usually tightly connection with what is called "3Ta", namely: Wealth, Throne and Women. Treasure usually rumored in form corruption, woman in form wife savings or infidelity, meanwhile throne assessed in attitude ambitious. Campaign black in social media can form action insults , slander, bullying until spread news lie in various online media for make opinion public , public order the more believe that against his politics committing vile slander , deeds No moral and engineering character bad For candidate partner other through fake data or data that is engineered to make it more public believe , with method using social media that is not limited and easy accessed . This matter aggravated with character of people who are used to it for easy believe without look for correct data source.

Campaign black very clear has violate law and ethics in campaigning, aside That use campaign black in social media felt very effective for drop against political so that deep regional elections usage campaign black has violate principle fair play / justice. Enforcement Constitution Information and Transactions Electronic expected can prevent as well as cope widespread use campaign black with use means technology information or social media. With progress technology, enforcement law and security national face challenge new. Enforcement law must adapt with development technology new and create plan for overcome threats that arise from use technology in a way negative. Deployment content illegal or inciting violence via social media can bother security and stability social. Government responsible answer for guard security of the state and society according to constitutional law. But for avoid violation rights civil and freedom speaking, effort for supervise or control social media must done with Be careful.

Digital era, campaign political the more Lots rely on social media as means for convey message and influence opinion public. This matter open opportunity for practice campaign black can

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violate right basic human rights (HAM). In the 2024 election, there are challenge in enforcement law to human rights violations that occurred in campaign black on social media. Practice like spread information false, utterance hatred, or online bullying becomes.

Problem serious that can be damage integrity elections and detrimental rights citizen. Besides that is, complexity law and technology also become complicating factors enforcement law to human rights violations in context campaign black on social media. Existing laws Possible Not yet Enough capable overcome challenges that arise from phenomenon digitalization campaign politics. In context this, understanding deep about challenges This very important for formulate effective policies and strategies in enforcement law to human rights violations in campaign black on social media in the 2024 Election. Based on description background back on top, then identified a number of problems that will studied in study This is: how enforcement law in campaign black on social media in the 2024 election? and how human rights violations in campaign black on social media in the 2024 election?

## **2. Research Methods**

Method study in study This use type study law normative (juridical normative) author choose type study normative Because in accordance with the data used in study This in the form of secondary data in the field later law differentiated Again into 3 types based on strength binding it, namely primary, secondary and tertiary legal entities. The approach is based on rule law regulation legislation. Furthermore characteristic study This is descriptive analysis. Data sources used for do study juridical normative This is sourced from secondary data that uses material law Good form material primary law, materials law secondary and materials law tertiary. Deep data collection tools study This is with studies library / study documentation and analyzing data and regulations existing legislation. Studies documentation is studies that examine about various documents, both related with regulation legislation nor existing documents There is <sup>8</sup>

## **3. Results and Discussion**

1) Internal Law Enforcement Campaign black on social media in the 2024 Election Article 167 paragraph (4) Law no. 7 years 2017 states that one of the stages the election is held during the campaign period Election. An election campaign is defined as activities of election participants or other parties appointed by Election Contestants to ensure voters by offering a vision, mission, program and/or self-image of election participants. Besides that, the election campaign is intended as part of community political education is carried out responsibly. The essence of Article 267 paragraph (1) Law no. 7 of 2017, namely the campaign Elections are held responsibly.

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This means that there are rules or sanctions that follow during the election campaign This is done outside the rules or norms that applies in society. Election Campaign Of course you have to have campaign materials that will be expressed, both in visual form as well as sound. There are many campaigns on social media used by election participants.

Article 275 paragraph (1) Law no. 7 of 2017 has a new substance that has not been regulated the same once in Law Number 10 Years 2008 concerning the General Election of Council Members People's Representatives, Regional Representative Council, and the Regional People's Representative Council (Law no. 10 of 2008) and Law Number 42 2008 concerning Presidential and Deputy Elections President (Law No. 42 of 2008). Substance The new question is about implementation election campaign carried out by participants Election via social media. Election

Campaign via social media this is not known inside Article 38 Law no. 42 of 2008 and Article 81 UU no. 10 of 2008. Article 275 paragraph (1) of the Law No. 7 of 2017 shows that electoral laws have begun to be adopted technological transition in the implementation of elections, especially those related to campaigns.

Rules regarding black campaigns (black campaign) is currently implicitly regulated in the Act No. 7 of 2017. Article 280 paragraph (1) Law no. 7 of 2017 states that the implementer, participants, and election campaign teams are prohibited for:

- a. questioning the State Foundation of Pancasila, Preamble to the State Constitution Republic of Indonesia in 1945, and form The Unitary State of the Republic of Indonesia;
- b. carrying out dangerous activities integrity of the Unitary State of the Republic Indonesia;
- c. insulting a person, religion, ethnicity, race, groups, candidates and/or election participants another;
- d. inciting and pitting individuals against each other or society;
- e. disturbing public order;<sup>11</sup>
- f. threatening violence or advocates the use of violence to a person, a group of members community, and/or Election Participants who other;
- g. damaging and/or removing props Election Contestant campaigns;
- h. use government facilities, places worship, and places of education;

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i. carrying or using picture signs and/or attributes other than image marks and/or attributes of election participants concerned; and

j. promise or give money or other materials to Campaign participants

1. Election.

Violation of Article 280 paragraph (1) UU no. 7 of 2017 can be subject to criminal charges as regulated in Article 521 which states that every implementer, participant, and/ or the election campaign team deliberately violating the prohibition on campaign implementation election is punishable by a maximum prison sentence 2 (two) years and a maximum fine Rp. 24,000,000.00 (twenty four million rupiah).

Explanation of Article 69 letter c of Law no. 8 years 2015 determines that conducting a campaign in the form of inciting, slandering, pitting one PKPU No. 23 of 2018 regulates return to the prohibition as regulated in Article 280 paragraph (1) Law no. 7 of 2017 only imposed on implementers, participants and teams election campaign. This means that apart from implementers, participants and campaign teams elections cannot be subject to Article 280 paragraph (1) Law no. 7 of 2017. Article 269 paragraph (1) of the Law No. 7 of 2017 says that the implementer presidential and vice presidential election campaigns consisting of administrators of political parties or coalitions the proposing political party, 13 individual and designated activity organizing organization by participants in the presidential and vice presidential elections. Based on this, it can be said that apart from implementers, participants and campaign teams elections are not subject to sanctions as regulated in Article 521 of Law no. 7 of 2017. However, creation and spread of black campaigns (black campaign) on social media is not necessarily possible subject to Article 521 of Law no. 7 of 2017. Pg This is due to social media users (accounts). often the true owner is unknown his account (anonymous). This is one trick perpetrators of black campaign crimes (black campaign) in carrying out its activities. The formation of this anonymous account is indeed profitable for criminals, because it is difficult to trace its whereabouts. Besides that, Social media users cannot be categorized as implementers, participants and campaign teams election. Apart from Law no. 7 of 2017, someone who carried out a black campaign (black campaign) on social media will be imposed Article 27 paragraph (3) Law Number 19 2016 concerning Information and Transactions Electronics (Law No. 19 of 2016) which states that everyone is prohibited from doing so intentionally and without right to distribute and/or transmit and/or create Accessibility of Electronic Information and/or Electronic Documents that have content insult and/or defamation. Violation of this provision is punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of

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IDR 750,000,000.00 (seven hundred and fifty million rupiah) as for This provision constitutes a complaint offense. Besides That is, Article 28 paragraph (2) Law no. 19 of 2016 also said that everyone is prohibited intentionally and without right to distribute information intended to cause feelings of hatred or hostility towards certain individuals and/or groups of society based on based on ethnicity, religion, race and intergroup (SARA). If this is violated, then the threat of sanctions is imprisonment a maximum of 6 (six) years and/or a fine a maximum of IDR 1,000,000,000.00 (one billion rupiah). Article 28 paragraph (2) Law no. 19 years old 2016 used by the National Police for enforcement law on black campaigns on social media. This is as it says by the Head of Unit 5 of the Cyber Crime Subdirector Ditreskrimsus Polda Metro Jaya Commissioner, James Hutajulu, said, the perpetrators of the black campaign in social media can be charged under Article 28 paragraph (2) in conjunction with Article 45 paragraph (2) Law no. 11 of 2008 regarding Information and Electronic Transactions. Black campaign in the media social activities are carried out in a structured and massive manner. This is supported by current technology so it is possible to create a account which then forms content or the social media content is carried out by an account robot. This of course will be difficult for you law enforcers to carry out enforcement law. Violation of black campaign There are a lot of black campaigns on social media nowadays subject to Article 28 paragraph (2) of Law no. 19 years old 2016. This article applies if there is someone who deliberately spread it information that creates feelings of hatred or hostility based on SARA issues. Apart from this, it cannot be worn provisions of Article 28 paragraph (2) of Law no. 19 years old 2016. Article 28 paragraph (2) Law no. 19 of 2016

This also has many pros and cons, because there is no clear definition regarding give rise to feelings of hatred or hostility individual. The definition gives rise to feelings of hatred and hostility becomes its own debate various circles, so can said that Article 28 paragraph (2). becomes "article rubber".

Rules regarding black campaigns (black campaign) has indeed been layered with several binding law. Despite the rules regarding the black campaign in social media is not specifically regulated within UU no. 7 of 2017, but is regulated clearly black campaign (black campaign) is prohibited by legislation. The rules scattered in various laws and regulations, both Law no. 7 of 2017, Law no. 19 of 2019, as well as Law no. 8 of 2015 a bit annoying, because the rules are scattered in various laws and regulations has the potential to not be optimal law enforcement. Definition or substance regulated in statutory regulations This cannot necessarily be applied to certain legal events.

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2) Internal Human Rights Violations Campaign Black on social media in the 2024 Election Advances in technology and media social media, people can now participate in politics through social media campaigns, online forums, online petitions, and elections. All forms involvement of ordinary citizens (who are not own authority) in taking decision influencing government life they 're nice individually or collective, called participation public in the development process, which also includes the political process .18 In the implementation of democracy through elections, campaign elements cannot be separated from it. A campaign is an activity of a candidate, a successful team parties or groups that support it to convince people to want to vote for them to take office, by offering or promising what will be done in the program it works. Campaign black will justify all method for get something although through wrong way. campaign black (black campaign) become solution for murder character (assassination character) partner other candidates will impact appearance conflict partner between candidate, team success, and support partner candidate.

Right basic man using social media and technology for voice opinion them and support freedom speak. Social media often become the only one method for people in some countries where the government limit or hinder freedom expression. With so, they are No need worry about repression or censorship If they voice concern they. Freedom speak is right basis guaranteed by the constitution in matter constitutional law. Part of right basic every man is right for own freedom opinion. Article 1 of the Law Number 39 of 1999 concerning Human Rights states that "Rights Asasi Man is set rights inherent in essence and existence man as creature Almighty God One and is His obligatory grace respected, upheld high, and protected by the state, law, government, and everyone for honor and protection honor and dignity humans." Technology and social media play role important in increase freedom speak with give platform for people to in a way open convey criticism , ideas and views they .20 Based on the considerations of the Human Rights Law, The importance of protecting human rights is due, among other things, to human rights basic rights that are naturally inherent in humans, are universal and lasting, therefore it must be protected, respected, maintained, and must not be ignored, diminished, or usurped by anyone and the commitment of the Indonesian people as members of the United Nations assumes moral and legal responsibility to uphold and implement the Declaration Universal Human Rights established by the United Nations. Reputation or the honor of an individual is guaranteed by Article 29 paragraph (1) of the Human Rights Law, which states that Everyone has the right to protect themselves, their family, honor, dignity and property rights. The right to reputation or honor in foreign terms is known as the right to honor or reputation. Meanwhile, these rights are in the UN Universal Declaration of Human Rights, especially in Article 12, which states that everyone has the right to recognition of all rights and freedoms

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outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or status other. In addition, no one should be insulted, tortured or treated arbitrarily.

A black campaign is known as an attack on the reputation or honor of something individual is a violation of human rights. However, the black campaign in UU Human rights are not included in serious human rights violations as explained in Explanation of Article 104 paragraph (1) of the Human Rights Law, which states that human rights are violated serious human beings are mass murder (genocide), arbitrary or external killing court decisions (arbitrary/extra judicial killing), torture, forced disappearance of people, slavery, or discrimination carried out systematically (systematic discrimination). Meanwhile, because it is not fulfilled as a serious violation of human rights, then the practice of black campaigns known as a minor human rights violation .

Black campaigning in elections even though it is a minor violation of human rights can cause divisions between communities. This was caused by a black campaign addressed to the contestants in the election is a figure that allows them to have There are quite a few followers or sympathizers, so of course there is a black campaign carried out by Minor human rights violations result in conflict between communities supporting parties aimed at the black campaign and the people who support the black campaign which in the end has a bad impact and has a domino effect. Black campaigning in elections is a minor violation of human rights negative impacts that have a domino effect, it is necessary to be serious about preventing rights violations light human rights caused by black campaigns, in this case the National Commission Human Rights as one of the enforcers of Human Rights law despite black campaigns is a violation of Human Rights but needs to be taken seriously to prevent it and to enforce the law .<sup>22</sup> As human rights violators, angry people , questionable religion , and pro - caliphate. However message circulating post- truth No from part propaganda strategy of second team winning. Second team winning disclose that propaganda strategy that is spread carry political ideas, with bring narrative about development economics, no with spread messages political post-truth without data and facts. Only second team winning put possibility exists spread message post-truth or accusation to each stronghold against.

#### 4. Conclusion

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Implementation elections in the digital era bring challenge new related enforcement law to human rights violations in campaign black on social media. Practice campaign black, like spread information fake and utterance hatred, to be threat Serious to integrity of the democratic process. However, enforcement law face various challenges, like complexity technology, lack of adequate regulations, as well limitations source power and capacity institution enforcer law. Although has There is effort for increase enforcement law, its effectiveness Still limited. Lack of coordination Good between institution related, lack awareness society, and pressure political become obstacle in effort overcome human rights violations in campaign black on social media. There fore that is necessary comprehensive and coordinated steps for strengthen enforcement law, incl repair regulation, improvement capacity institutions, improvement awareness society, as well cooperation cross sectoral. Only with steps that's what it is, enforcement law to human rights violations in campaign black on social media in the 2024 Election can strengthened, so integrity of the democratic process can protection and rights permanent citizen protected.

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