


Criminal Penalties in Cyberspace: Between the Development of Digital Democracy and Authoritarianism

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Abstract

This study examines the implementation of Articles 27, 28, and 45 of the Information and Electronic Transactions Law (UU ITE) in the context of freedom of expression and digital democracy in Indonesia, both before and after the 2016 and 2024 amendments. Utilizing a normative approach that integrates conceptual, comparative, and futuristic methods, the research aims to analyze how these regulatory changes affect political participation in cyberspace and foster a climate of surveillance that may hinder digital democracy. This study also employs positivist legal theory, justice theory, and human rights principles to understand the socio-political and legal implications of these provisions. The findings reveal that Article 27 on defamation, Article 28 on the dissemination of false information and hate speech, and Article 45 on criminal sanctions significantly impact freedom of expression. The implementation of these provisions is often ambiguous and subjective, leading to potential misuse for suppressing criticism of the government and public officials. Although the 2024 amendments introduced changes, such as the removal of Article 27 paragraph (3) and the



addition of Articles 27A and 27B, challenges persist due to vague legal language and severe penalties. This ambiguity creates a "chilling effect," deterring individuals from expressing criticism or engaging in open political discourse in the digital sphere. Furthermore, the study explores the implications of these regulations for the future of digital democracy in Indonesia, particularly in the context of information control. The findings highlight that the UU ITE facilitates non-transparent surveillance, which restricts freedom of expression and political participation. To foster a healthier digital ecosystem, the study recommends more inclusive reforms of the UU ITE, involving various stakeholders, enhancing digital literacy, and promoting collaboration between the government, digital platforms, and society. This research contributes novel insights into the interaction between cyber regulations, freedom of expression, and digital democracy in Indonesia by offering policy perspectives that support fairer and more democratic cyber governance.

Keywords

UU ITE; Freedom of Expression; Digital Democracy; Cyber Surveillance; Regulatory Reform.

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Introduction

Cyberspace plays a crucial role as a pillar of digital democracy, serving as a platform that facilitates various activities integral to democratic processes. It enables individuals to engage in political participation, allowing citizens to voice their opinions, advocate for policies, and take part in public discourse. Furthermore, it provides a medium for public expression, where diverse perspectives and ideas can be shared without geographical constraints. The widespread dissemination of information through cyberspace has also transformed how news, data, and knowledge reach the public, enhancing awareness and engagement on a range of issues.¹ In Indonesia, the legal framework governing the use and development of cyberspace is primarily centered on the Information and Electronic Transactions Law (UU ITE). This legislation outlines the standards and responsibilities for individuals and entities operating within digital spaces. The UU ITE was introduced to establish legal certainty and maintain order in an increasingly complex and interconnected digital environment.²

However, specific provisions within the UU ITE, particularly Articles 27, 28, and 45, have drawn significant public and academic scrutiny. These articles address issues such as defamation, hate speech, and the dissemination of false information. Critics have argued that the wording and enforcement of these provisions can be overly broad, leading to potential overreach. Concerns have been raised regarding their impact on freedom of expression, with claims that these regulations may be used to suppress dissent or limit the ability of individuals to engage in open and critical dialogue online.³

The Information and Electronic Transactions Law (UU ITE) was first enacted in 2008 but has undergone two significant amendments, in 2016

¹ Dwi Nikmah Puspitasari, "Kebebasan Berpendapat Dalam Media Sosial," *Jurnal Ilmu Hukum* 2, no. 14 (2016).

² Thaufan Rezqhy Aqhbar; Ratna Andrea Putri Ardito; Annelies Nafisa Widi A; Muhammad Maulana Yusuf Fajar; Nur Aini Rakhmawati, "Classification of Cyber Crime Cases in Surabaya, Indonesia Based on ITE Law Violation," in *2023 8th International Conference on Electrical, Electronics and Information Engineering (ICEEIE)* (Malang: IEEE, 2023).

³ Damar Juniarto, *Kebebasan Berekspresi Di Indonesia: Tinjauan UU ITE* (Jakarta: Institute for Criminal Justice Reform, 2020).

and 2024, in response to criticism regarding the application of certain provisions deemed to restrict freedom of expression. These amendments were influenced by the concept of progressive law, which emerged in the early 2000s as a reaction to dissatisfaction with the existing legal framework.⁴ It aimed to address the complexities of society that were not adequately accommodated by the previous legal approach. Changes in the legal system were also influenced by the need for improved law enforcement following political and legal reforms.⁵ The 2016 amendments focused on adjusting the criminal sanctions in provisions often deemed controversial, such as Article 27 on defamation and Article 28 on the dissemination of false information. Although the penalties were revised, the application of these provisions is still viewed by some as a means to control public opinion and restrict freedom of expression, particularly in the digital sphere.⁶

In 2024, the UU ITE was amended again in response to increasing pressure from civil society and human rights organizations demanding more fundamental reforms. These changes aimed to improve cyberspace governance to better balance the protection of human rights with security. However, Articles 27, 28, and 45 remain to be a focal point of criticism as they can still be used to target government criticism and limit public discourse in the digital sphere. These articles are still considered controversial as they can be employed to suppress freedom of expression and opinion. Online criticism of the government remains vulnerable to the application of Article 27 as a legal basis. A more thorough revision of Article 27 of the UU ITE is still necessary to ensure the protection of freedom of opinion and expression in the digital realm.

The second revision of Law (UU) Number 11 of 2008 on Information and Electronic Transactions (ITE) stemmed from the need to align regulations in cyberspace with the rapid developments in information

⁴ Budi Handoyo et al., "Tinjauan Yuridis Penegakkan Hukum Kejahatan Cyber Crime Studi Implementasi Undang-Undang Nomor 11 Tahun 2008," *MAQASIDI: Jurnal Syariah Dan Hukum* 4, no. 1 (2024): 40–55, <https://doi.org/10.47498/maqasidi.v4i1.2966>.

⁵ Iman Wildan Alaudy and Nadia Utami Larasati, "Kriminalisasi Aktivis Yang Dilakukan Oleh Pejabat Negara Ditinjau Dari Perspektif Teori Konflik" 8, no. 2 (2024): 427–38.

⁶ Fadilah Raskasih and Universitas, "Batasan Kebebasan Berpendapat Melalui Media Elektronik Dalam Perspektif Ham Dikaitkan Dengan Tindak Pidana Menurut UU ITE," *Jurnal Equitable* 5 (2020): 1–20.

technology. This second revision of the UU ITE was passed by the House of Representatives (DPR) on December 5, 2023, and signed into law by President Joko Widodo on January 2, 2024. One of the main changes was the removal of Article 27 paragraph (3), which criminalized defamation or insults via electronic channels. In its place, two new articles, Articles 27A and 27B, were introduced, specifically addressing respect for honor and the use of electronic information for unlawful purposes. Additionally, the revision includes provisions prohibiting the dissemination of false information that could incite public unrest, as stipulated in Article 28 paragraph (3). With these changes, the government aims to strengthen the protection of digital rights while fostering a safer and more responsible cyberspace. However, the revisions have sparked both support and criticism, particularly concerning the potential misuse of these provisions to restrict freedom of expression. Consequently, this revision reflects the government's efforts to balance protecting freedom of expression with the need to regulate behavior in the digital sphere, aiming to create a safer and more ethical online community. However, concerns have been raised regarding the impact of overly strict cyber regulations on the sustainability of digital democracy in Indonesia. These concerns are not without basis, as various empirical evidence demonstrates that several individuals, including journalists, activists, and academics, have been criminalized under the Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) for their online expressions. Cases such as Baiq Nuril (2018), where a victim of sexual harassment was convicted for defamation, Saiful Mahdi (2021), an academic sentenced for criticizing a university's recruitment process, and Haris Azhar and Fatia Maulidiyanti (2023), human rights activists facing legal action for discussing military-business ties, illustrate how cyber regulations can be misused to suppress dissent. Reports from organizations like Human Rights Watch (HRW), Amnesty International, and Southeast Asia Freedom of Expression Network (SAFE-net) further highlight how UU ITE has been disproportionately applied to silence government critics. Additionally, global digital freedom rankings provide further evidence of these concerns. Reports such as Freedom on the Net by Freedom House indicate a decline in Indonesia's internet freedom due to increasingly restrictive regulations, while Reporters Without Borders (RSF) ranks

Indonesia low in its World Press Freedom Index, citing legal threats against journalists and online platforms.⁷

Unlike previous studies, this research not only analyzes the implementation of the provisions of the UU ITE but also focuses on its impact on the climate of political participation in cyberspace and the future of digital democracy. It integrates a more comprehensive perspective, encompassing legal, socio-political, and policy dimensions, providing a critical analysis of the potential of the UU ITE in shaping a surveillance climate in cyberspace. This study offers novelty by providing a deeper understanding of how cyber regulations, particularly the UU ITE, influence freedom of expression, political participation, and information oversight in Indonesia.⁸ The findings of this study indicate that more inclusive reforms in cyberspace governance are necessary to ensure a healthy digital democracy. The government can involve stakeholders from various segments of society in policymaking related to cyberspace regulation.⁹ Education on digital ethics and online security also needs to be enhanced to raise public awareness of the importance of maintaining a healthy digital democracy.¹⁰

The development of information and communication technology in Indonesia has created a new space for political expression, freedom of speech, and public participation, particularly through cyberspace. Alongside the central role of cyberspace in political and social life, challenges have emerged in managing this space, especially in maintaining a balance between freedom of expression and security.¹¹ In Indonesia, the

⁷ Anggi Anggraeni Kusumoningtyas, "Nexus Pengawasan Siber Sebagai Instrumen Keamanan Nasional Dan Relevansinya Dengan Demokrasi: Perbandingan Beberapa Negara," *Jurnal Adhikari* 2, no. 3 (2023): 416–33, <https://doi.org/10.53968/ja.v2i3.80>.

⁸ Lilik Sumarni, "Pemilu 2024 Dalam Agenda Media: Antara Simulakra, Hiperealitas, Dan Kekuasaan Oligarki," *INNOVATIVE: Journal Of Social Science Research* 3, no. 6 (2023): 4843–64.

⁹ Narendra Jatna et al., "Denationalization of Indonesian National Law (An Implementation of Eu Cyber Conventions Sand Accession)," *International Journal of Advanced Science and Technology* 29, no. 3 (2020): 5026–32.

¹⁰ Febriansyah Putra and Haldi Patra, "Analisis Hoax Pada Pemilu: Tinjauan Dari Perspektif Pendidikan Politik," *Naradidik: Journal of Education and Pedagogy* 2, no. 1 (2023): 95–102, <https://doi.org/10.24036/nara.v2i1.119>.

¹¹ Rasji dll, "Dinamika Konstitusi Dan Perubahan Hukum Tata Negara Sebuah Tinjauan Perubahan Konstitusi Di Era Digital," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 18 (2023): 626–34.

Information and Electronic Transactions Law (UU ITE) serves as one of the primary regulations governing activities in cyberspace.

Previous research was conducted by Herlambang P. Wiratraman, titled *Kebebasan Pers, Hukum, dan Politik Otoritarianisme Digital*, published in *Jurnal Hukum*, Volume 6, Number 1. Herlambang argued that the weakening of press freedom in the digital realm aligns with the strengthening of authoritarian power politics, whether through direct involvement or by allowing such digital attacks to occur.¹² The second study was conducted by Zakki Mubarok and Khamarudhin Syahrul Jihad from Universitas Karya Husada Semarang, published in *Smart Law Journal*, Volume 3, Number 1, titled *Perlindungan Hukum Bagi Korban Dan Pemberian Sanksi Pidana Bagi Pelaku Hate Speech Pada Masa Pemilu Di Indonesia* (Legal Protection For Victims And Providing Criminal Sanctions For Perpetrators Of Hate Speech During The Election Period In Indonesia).¹³ The authors raised two issues regarding hate speech in response to its increasingly harmful impact on victims: the necessity of criminal sanctions for perpetrators of hate speech and legal protection for its victims. The third study was conducted by Andi Mohammad Agus Mustam, titled *Memerangi Kejahatan Siber Di Indonesia, Analisis Regulasi Hukum Pidana Yang Berlaku Dan Tantangannya*.¹⁴ The findings of the research indicate that the development of criminal law regulations in Indonesia to combat cybercrime is continuously being carried out to keep pace with increasingly sophisticated criminal modus operandi. The UU ITE and its amendments remain the primary legal basis for regulating criminal activities in cyberspace.¹⁵

Conversely, this study not only analyzes the implementation of the provisions of the UU ITE but also explores how these regulations shape the

¹² Herlambang P Wiratraman, "Kebebasan Pers, Hukum, Dan Politik Otoritarianisme Digital," *Online* 6, no. 1 (2023): 1–31, <https://doi.org/10.22437/ujh.6.1.1-31>.

¹³ Zakki Mubarok and Khamarudhin Syahrul Jihad, "Perlindungan Hukum Bagi Korban Dan Pemberian Sanksi Pidana Bagi Pelaku Hate Speech Pada Masa Pemilu Di Indonesia," *Smart Law Journal* 3, no. 1 (2024): 12–24.

¹⁴ Andi Mohammad Agus Mustam, "Memerangi Kejahatan Siber Di Indonesia: Analisis Regulasi Hukum Pidana Yang Berlaku Dan Tantangannya," *Jurnal Ilmiah Gema* 35, no. 1 (2023): 10–14.

¹⁵ Eko Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 170–96, <https://doi.org/10.14710/jphi.v4i2.170-196>.

climate of political participation in cyberspace and the future of digital democracy in Indonesia. By employing a normative approach that integrates conceptual, comparative, and futuristic methods, this study highlights how regulatory changes up to 2024 have impacted digital democracy and freedom of expression while identifying emerging challenges due to excessive cyber surveillance. Thus, this research offers a broader and more in-depth perspective by evaluating the UU ITE in the context of information surveillance and its potential use as a political control mechanism in the digital era.

Compared to previous studies, this research differs in several key aspects. First, in analyzing the implementation of Articles 27, 28, and 45 of the UU ITE and their impact on freedom of expression in cyberspace, this study examines how these regulations have been enforced before and after the 2016 and 2024 amendments. The findings reveal that despite the latest revision removing Article 27(3) and introducing Articles 27A and 27B, issues concerning freedom of expression persist due to vague legal definitions and the potential for regulatory misuse. Second, this study highlights the implications of UU ITE provisions for the future of digital democracy in Indonesia, particularly in the context of information surveillance and cyber control. The analysis demonstrates that these regulations have the potential to strengthen state surveillance of online activities, thereby creating a *chilling effect* that discourages political discourse and public engagement in digital democracy. Unlike previous studies that primarily focus on legal protection or law enforcement effectiveness, this research emphasizes the broader impact of cyber regulations on political participation and information freedom in the digital sphere. Third, this study examines the urgency of policy reforms in the UU ITE to support freedom of expression and digital democracy. Unlike previous research that mainly discusses the effects of existing regulations, this study provides specific policy recommendations, emphasizing the need for more inclusive revisions, stakeholder

involvement, digital literacy enhancement, and collaboration between the government, digital platforms, and civil society. As a result, this research not only offers a legal analysis but also presents concrete solutions for developing a more democratic and fair cyber governance system in Indonesia.

Method

This study employs a normative legal research methodology, focusing on analyzing legal norms and principles as reflected in statutory regulations, doctrines, and legal theories.¹⁶ The research adopts three primary approaches: statutory, conceptual, and comparative.¹⁷ The statutory approach involves an in-depth examination of relevant legal provisions, particularly Articles 27, 28, and 45 of the Information and Electronic Transactions Law (UU ITE), including their amendments in 2016 and 2024, to evaluate their evolution and implications for freedom of expression and digital democracy in Indonesia. The conceptual approach explores theoretical underpinnings of legal principles concerning freedom of expression, digital democracy, and information control, drawing from positivist legal theory, justice theory, and human rights principles to provide a comprehensive understanding.

The comparative approach, meanwhile, examines the implementation of similar cyber regulations in other jurisdictions, such as Germany's NetzDG, the United Kingdom's Online Safety Bill, and Singapore's POFMA, to identify best practices and lessons applicable to Indonesia. The nature of the research is both descriptive and prescriptive. Descriptively, the study aims to provide an in-depth analysis of the implementation and impact of the UU ITE provisions on freedom of expression and political

¹⁶ Zico Junius Fernando et al, "The Freedom of Expression in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 1–11, <https://doi.org/10.1080/23311886.2022.2103944>.

¹⁷ Hendra Karianga and Zico Junius Fernando, "The Damage of the Shadow Economy: The Urgency of Addressing Foreign Bribery in Indonesia," *Pakistan Journal of Criminology* 16, no. 2 (April 2024): 783–96, <https://doi.org/10.62271/PJC.16.2.783.796>.

participation in cyberspace. Prescriptively, it offers recommendations for regulatory reforms to enhance digital democracy while safeguarding fundamental rights. Data collection relies on secondary sources, including statutory texts, academic literature, legal commentaries, and case law.¹⁸ The collected data are analyzed using a content analysis method to identify recurring themes, patterns, and contradictions in the implementation and impact of the UU ITE.¹⁹ Through this comprehensive methodology, the study seeks to evaluate the legal and socio-political dimensions of cyber regulations in Indonesia and propose actionable insights for future reforms.

Result and Discussion

A. The Criminal Provisions of Articles 27, 28, and 45 of Law Number 1 of 2024 on Information and Electronic Transactions (ITE) and Their Impact on Freedom of Expression in Cyberspace

The implementation of Articles 27, 28, and 45 of the Information and Electronic Transactions Law (UU ITE) significantly affects freedom of expression in Indonesia's cyberspace.²⁰ These three articles, which regulate defamation, the dissemination of false information, and criminal sanctions, are often used to restrict freedom of expression, particularly in the context of criticism against the government and public figures.²¹

¹⁸ Erdianto Effendi et al., "Trading in Influence (Indonesia): A Critical Study," *Cogent Social Sciences* 9, no. 1 (December 2023): 1–13, <https://doi.org/10.1080/23311886.2023.2231621>.

¹⁹ Panca Sarjana Putra et al., "Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System," *Kosmik Hukum* 23, no. 3 (August 2023): 233–43, <https://doi.org/10.30595/KOSMIKHUKUM.V23I3.18711>.

²⁰ Abdurrahman Alhakim, "Urgensi Perlindungan Hukum Terhadap Jurnalis Dari Risiko Kriminalisasi UU Informasi Dan Transaksi Elektronik Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 89–106.

²¹ Sutan Bakti Harahap and Rahmat Hidayat, "Tinjauan Hukum Tentang Kebebasan Berpendapat Dari Aspek Hukum Positif Dan Hukum Islam (Studi Kasus Bima Lampung)," *UNES Law Review* 6, no. 2 (2023): 5468–78.

Article 27 of the UU ITE regulates the prohibition of distributing or transmitting information containing elements of defamation.²² The implementation of this article often creates fear among the public when expressing criticism through social media or online platforms. Several cases have indicated that criticism of government policies or public officials can be criminalized under this article, leading to a chilling effect or an indirect restriction on freedom of expression.²³ Article 28 of the UU ITE regulates the dissemination of false information and hate speech based on ethnicity, religion, race, and intergroup relations (SARA). This article is often used to address various forms of information deemed to incite social tensions; however, its application is frequently considered inconsistent and subjective. This raises concerns that the policy could be exploited to suppress certain groups or restrict critical discussions in the digital public sphere.²⁴ Article 45 of the UU ITE imposes criminal sanctions for violations regulated under Articles 27 and 28. The severe penalties, including heavy fines and imprisonment, create a climate of fear within society, discouraging active participation in political debates or critical discussions in the digital sphere.²⁵ As a result, the implementation of these articles has negatively impacted freedom of expression in Indonesia, hindered public participation in digital democracy, and created the potential for the misuse of the law for political or specific interests.²⁶

The second revision of Indonesia's Information and Electronic Transactions Law (UU ITE), through Law Number 1 of 2024, brought

²² Lidwina Inge Nurtjahyo, "PARTISIPASI PEREMPUAN DALAM PROSES PENGAMBILAN KEPUTUSAN DI DEWAN ADAT TERKAIT DENGAN PENYELESAIAN KASUS-KASUS KEKERASAN TERHADAP PEREMPUAN: KISAH DARI ATAMBUA, SUMBA TIMUR, ROTE DAN LABUAN BAJO," *Jurnal Hukum & Pembangunan* 50, no. 1 (July 2020): 106, <https://doi.org/10.21143/JHP.VOL50.NO1.2485>.

²³ Harahap and Hidayat, "Tinjauan Hukum Tentang Kebebasan Berpendapat Dari Aspek Hukum Positif Dan Hukum Islam (Studi Kasus Bima Lampung)."

²⁴ Harahap and Hidayat.

²⁵ Siti Mariyam, "Regulasi Konten Ilegal Pada Media Berbasis Teknologi Informasi," *Cita Hukum Indonesia* 1, no. 2 (2022): 103–13, <https://doi.org/10.57100/jchi.v1i2.19>.

²⁶ Mufti Nurlatifah, "Persimpangan Kebebasan Berekspresi Dan Tanggung Jawab Sosial Pada Regulasi Jurnalisme Digital Di Indonesia," *Journal Iptek Kom (Jurnal Pengetahuan Dan Teknologi Komunikasi* 22, no. 1 (2020): 77–93.

changes to several key provisions, including Articles 27, 28, and 45, which had previously been subjected to criticism for being overly broad and susceptible to misuse. These revisions were introduced to address public concerns and provide greater legal clarity, yet they continue to spark debate regarding their potential impact on freedom of expression and public participation in digital spaces.

Article 27 underwent notable changes with the addition of two new provisions, Articles 27A and 27B. Article 27A focuses on offenses related to attacking someone's honor or reputation, while Article 27B regulates threats of defamation through electronic means. Despite these additions aiming to refine the scope of the law, critics argue that the provisions remain ambiguous, allowing for subjective interpretation. Such vagueness raises concerns about the potential misuse of these articles to criminalize legitimate criticism or dissent, particularly in the context of public officials and political matters. The ongoing lack of clear guidelines on what constitutes an attack on honor or a defamatory threat further exacerbates fears of arbitrary enforcement, perpetuating the perception of these provisions as "rubber articles."

Article 28, which regulates the dissemination of false information and hate speech related to ethnicity, religion, race, and intergroup relations (SARA), has also been updated. The revised article now explicitly prohibits the spread of false information that could incite public unrest. While the intent is to maintain social harmony and curb misinformation, critics highlight that the lack of precise definitions for terms like "false information" creates opportunities for misuse. The subjective nature of these provisions could lead to selective enforcement, potentially silencing marginalized voices or stifling critical discussions in digital spaces. Such concerns underscore the tension between regulating harmful content and upholding the principles of free expression and inclusivity.

Article 45, which prescribes criminal sanctions for violations of Articles 27 and 28, was also amended to adjust the severity of penalties. For instance, violations of Article 27A can now result in up to two years of imprisonment or a maximum fine of IDR 400 million, while offenses under Article 27B carry a maximum penalty of six years in prison

and/or a fine of up to IDR 1 billion. While these changes aim to proportionally address the gravity of offenses, the heavy penalties still raise concerns about their potential chilling effect on public discourse. The fear of legal repercussions may discourage individuals from engaging in political debates or critical discussions, undermining the democratic potential of digital platforms.²⁷

Although the revisions to Articles 27, 28, and 45 were introduced to address public criticisms and provide clearer legal frameworks, they have not fully alleviated fears of misuse and overreach. The ambiguous language and heavy penalties associated with these provisions continue to create an atmosphere of caution and self-censorship, potentially hindering the growth of a vibrant and participatory digital democracy. As such, the revised UU ITE remains a focal point of legal and societal debates, highlighting the need for ongoing scrutiny and reform to ensure that the law strikes an appropriate balance between maintaining order in cyberspace and safeguarding fundamental freedoms.

The application of Articles 27, 28, and 45 in the Information and Electronic Transactions Law (UU ITE) after the 2024 revision raises important questions about balancing the need for regulation to maintain order in cyberspace with the protection of freedom of expression. To understand the impact of these articles, it is essential to apply relevant legal theories and philosophies, including positivist legal theory, justice theory, and human rights principles within the framework of digital democracy.

Positivist legal theory, as advanced by scholars like John Austin and Hans Kelsen, focuses on law as a rule established by a legitimate authority. According to this theory, the law is viewed as commands from the state that must be followed, regardless of morality or justice.²⁸ In the context of UU ITE, the application of Articles 27, 28, and 45

²⁷ Judith Townend, "Online Chilling Effects in England and Wales," *Internet Policy Review* 3, no. 2 (2014): 1–6, <https://doi.org/10.14763/2014.2.252>.

²⁸ Ahmad Fanani and Muhammad Sulthon Zulkarnain, "Understanding John Austin's Legal Positivism Theory and Hans Kelsen's Pure Legal Theory," *Peradaban Journal of Law and Society* 1, no. 2 (2022): 107–18, <https://doi.org/10.59001/pjls.v1i2.41>.

reflects the positivist approach to law, aiming to regulate public behavior in cyberspace. These articles, which govern defamation, the spread of false information, and hate speech, are intended to maintain social order and public security, two values that are essential in positivist law. However, the positivist approach is subjected to criticism in this case as the enforcement of UU ITE tends to disregard the dimensions of morality and justice, particularly concerning freedom of expression. The broadly worded articles are often regarded as tools for suppressing legitimate political criticism, particularly against the government and public figures. This criticism is relevant to the positivist framework, which does not necessarily account for democratic values and human rights—both of which should be integral to shaping and enforcing law in Indonesia. In the context of freedom of expression, the justice theory proposed by John Rawls offers a useful perspective to analyze the impact of UU ITE on society. In *A Theory of Justice*, Rawls outlines the principle of justice as fairness, which includes two main principles: first, everyone has an equal right to basic freedoms, including freedom of expression; and second, social and economic inequalities are only justified if they benefit the least advantaged members of society.²⁹ When applied to UU ITE, especially Articles 27 and 28, the first principle of Rawls' theory can be questioned, as the enforcement of these provisions indirectly limits freedom of expression. Such restrictions are not always beneficial to society's least advantaged but are more often used to control criticism against the government and public figures, contradicting the principle of equal liberty. The use of these articles to suppress dissent undermines the democratic values that are essential for political engagement, especially in a digital democracy.

Modern legal philosophy, as proposed by Ronald Dworkin, emphasizes the importance of individual rights within the legal system. Dworkin argues that law is not only composed of rules that are mechanically applied but also includes deep moral principles that

²⁹ Pan Mohamad Faiz, "Teori Keadilan Jhon Rawls," *Jurnal Konstitusi* 6, no. 1 (2009): 135–36, <https://doi.org/http://dx.doi.org/10.2139/ssrn.2847573>.

protect individual rights from misuse of state power.³⁰ In the context of UU ITE, the application of Articles 27, 28, and 45 should be balanced with the protection of freedom of expression, a fundamental right guaranteed by the constitution. In the framework of human rights, freedom of expression is one of the most basic rights, as outlined in Article 28E (3) of the 1945 Constitution of Indonesia, which guarantees the right to express opinions orally and in writing.

Therefore, any limitation on freedom of expression, as included in UU ITE, must meet two primary criteria: first, it must be for a legitimate purpose, such as protecting reputation and public order; and second, it must be proportionate, in excess, and only applied when absolutely necessary. However, the reality that Articles 27 and 28 are often used to prosecute criticism against the government reveals a disconnect with the principles of human rights, which require careful limitation of freedom of expression. This situation leads to a "chilling effect," where individuals are reluctant to express opinions or participate in political discussions due to fear of legal consequences. In this case, human rights philosophy argues that freedom of expression should be more strongly protected in the context of digital democracy.

Digital democracy requires a space that is free and open for political participation, where citizens can engage in discussion, debate, and criticize government policies without restriction. Therefore, the application of Articles 27, 28, and 45, which have the potential to limit freedom of expression, risks undermining the very foundation of digital democracy. While protecting reputation and maintaining public order are legitimate objectives, regulations must ensure that freedom of expression is not excessively restricted or used as a tool to suppress dissent.

Overall, the implementation of these provisions, although intended to safeguard public order and prevent harmful content, must always be assessed in light of fundamental legal principles such as

³⁰ Uniwersytet Mikołaja Kopernika Toruniu and Ronald Dworkin, "Biorąc Prawa Poważnie". Liberalna Teoria Sprawiedliwości Ronalda Dworkina," *Fides, Ratio et Patria. Studia Toruńskie*, no. 1 (December 2014): 207–18, <https://doi.org/10.56583/FRP.1952>.

human rights, justice, and proportionality. Restrictions on freedom of expression must be applied with great caution to prevent any negative impact on an open and inclusive digital democracy. A clearer and more proportionate revision of the law is necessary to ensure that legal provisions serve as fair instruments of justice rather than mechanisms suppressing fundamental rights.

B. The Impact of Criminal Traps of the ITE Law on the Future of Digital Democracy in Indonesia in the Context of Supervision

The UU ITE has the potential to significantly influence the future of digital democracy in Indonesia, particularly in the context of surveillance. While the law serves as a primary reference for regulating social media use during local election campaigns (Pilkada), it is evident that there remains a need for more substantial regulations to ensure the national sovereignty of data and to maintain a healthy digital democracy climate. The current regulatory framework, although instrumental in managing online activities and addressing issues such as defamation, misinformation, and hate speech, is often criticized for its broad and ambiguous provisions that may lead to excessive monitoring and control over online expressions.³¹ As digital platforms continue to play an increasingly pivotal role in political discourse and public participation, the implementation of the UU ITE could pave the way for greater state involvement in monitoring and regulating digital content, raising concerns about the potential for abuse of power. These concerns highlight the necessity for regulations that not only secure national data but also balance surveillance with the protection of fundamental rights, such as freedom of expression and privacy. Thus, achieving a more comprehensive and nuanced regulatory approach is crucial to foster a digital environment where democracy can thrive

³¹ Fariza Ramadhani, "Dinamika UU ITE Sebagai Hukum Positif Di Indonesia Guna Meminimalisir Kejahatan Siber," *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, no. 1 (2023): 89–97.

while safeguarding the sovereignty and rights of individuals in the digital realm.³²

The regulations under the UU ITE, particularly Articles 27, 28, and 45, have a significant impact on the future of digital democracy in Indonesia, especially in the context of surveillance and information control. Some elements of these regulations demonstrate the potential to shape a digital democracy climate that is less free and transparent if not properly reformed.

Law Number 1 of 2024, which regulates the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions (ITE Law). This revision introduces several significant changes, including stricter regulations regarding defamation, the spread of fake news, and slander, with a substantial impact on freedom of expression in the digital world and the future of digital democracy in Indonesia. One important change is found in Article 27A, regulating defamation through electronic media. The penalty for violating Article 27A is now reduced to two years in prison with a maximum fine of IDR 400 million, half of the previous sentence, which could reach up to four years in prison. While this appears to be a step toward more proportional reform, this regulation still allows for potential abuse, especially when linked to Article 27B in dealing with coercion through threats of violence or criminal offenses related to the distribution of electronic information harmful to others. The most attention-grabbing change is found in Article 45 paragraph (6), which imposes criminal penalties on those who report defamation without being able to prove their allegations. This article states that individuals who cannot prove their defamation report could be subjected to up to 4 years in prison and a maximum fine of IDR 750 million. This provision has the potential to create legal uncertainty, making reporters hesitant to publish for fear of punishment if their report is unverified.

³² Muhammad Prakoso Aji, "Sistem Keamanan Siber Dan Kedaulatan Data Di Indonesia Dalam Perspektif Ekonomi Politik (Studi Kasus Perlindungan Data Pribadi) [Cyber Security System and Data Sovereignty in Indonesia in Political Economic Perspective]," *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 13, no. 2 (2023): 222–38, <https://doi.org/10.22212/jp.v13i2.3299>.

It could also lead to the suppression of freedom of expression, especially for those who wish to criticize authorities or public officials. In addition, the latest changes to the ITE Law also include new provisions that regulate the prohibition of spreading fake news that could incite public unrest. Article 28 paragraph (3) explicitly prohibits the dissemination of electronic information known to contain false information with the potential to create disturbances. While this regulation aims to address misinformation that could harm society, many are concerned that this article could be misused to limit criticism of the government or control information deemed sensitive or inconsistent with the government's narrative.

The ITE Law provides a legal basis for the government to monitor citizens' activities in cyberspace. With strict enforcement of provisions such as Article 27 (defamation) and Article 28 (dissemination of fake news), this regulation allows the state to conduct intensive surveillance of content circulating on digital platforms. However, this surveillance is often carried out without adequate mechanisms for transparency and accountability, thereby increasing the risk of abuse of power.³³ Disproportionate surveillance can create fear among internet users, ultimately limiting political participation and healthy public debate in the digital space.³⁴

The strict regulations under the ITE Law also make it easier for the state or certain authorities to control the flow of information in cyberspace. The implementation of Article 45, which imposes severe criminal penalties for violations of Articles 27 and 28, demonstrates that the government has powerful legal tools to regulate the type of information that can be disseminated. By criminalizing acts such as defamation and the spread of fake news, the law provides the state with significant leverage to monitor and censor digital content, potentially allowing authorities to suppress information that may be deemed

³³ Masfi Sya'fiatul Ummah, "Dinamika Pengawasan Administrasi Negara Dalam Sistem Hukum Indonesia," *Ius Facti* 11, no. 1 (2019): 1–14.

³⁴ Muhammad Mutawalli, "PEMILIHAN UMUM LEGISLATIF DI INDONESIA: PENAFSIRAN KONSTITUSIONAL SISTEM PROPORSIONAL TERTUTUP (Legislative General Elections in Indonesia: Constitutional Interpretation of The Closed Proportional System)," *Jurnal Of Merong Mahawangsa* 2 (2024): 155–79.

undesirable or controversial. This creates a situation where freedom of expression and access to information can be significantly curtailed, as individuals or entities may fear legal repercussions for sharing content that falls outside the boundaries set by the state. Consequently, the law may limit public discourse and inhibit open discussion, especially in relation to sensitive or politically charged topics.³⁵ This creates a situation where citizens become more cautious in sharing information, especially regarding political issues or criticism of the government, for fear of facing criminal sanctions.³⁶ As a result, the flow of information, which should ideally be free and open in a digital democracy, is hindered by fear and self-censorship. Citizens, wary of potential legal consequences, may refrain from sharing their opinions or engaging in discussions that could be perceived as critical of the government or other powerful entities. This stifling of open dialogue diminishes the quality of public discourse and undermines the foundational principles of democracy in which a diverse range of voices and ideas should be encouraged. The chilling effect of such regulations not only restricts individual expression but also limits collective engagement in shaping policies, holding the government accountable, and promoting a healthy, participatory democratic process.

In digital democracy, active and open public participation is essential to maintaining the sustainability of a healthy democratic system. Freedom of expression and access to information are fundamental rights that allow citizens to engage in public discussions, criticize government policies, and participate in decision-making processes that affect their lives. However, the current form of the ITE Law can reduce this space for participation, especially with the implementation of regulations that restrict freedom of expression. The imposition of criminal sanctions for violations related to the dissemination of information in cyberspace, such as defamation and the

³⁵ Ramadhani, "Dinamika UU ITE Sebagai Hukum Positif Di Indonesia Guna Meminimalisir Kejahatan Siber."

³⁶ Alya Rahmadani et al., "Regulasi Digital Dan Implikasinya Terhadap Kebebasan Berpendapat (Studi Kasus: Uu Ite Pada Platform Media Sosial Di Indonesia)," *Journal of Social Contemplativa* 2, no. 1 (2024): 1–18, <https://doi.org/10.61183/jsc.v2i1.75>.

spread of fake news, raises concerns about the potential abuse of power by authorities to silence criticism or limit information that does not align with the government's narrative. In this context, online content regulation in Indonesia must be implemented with high transparency and accountability to avoid violating civil liberties. While regulations are necessary to address harmful content that could disrupt social stability or spread misinformation that harms others, such regulations should not hinder legitimate discourse or public participation. It is crucial to ensure that the digital space remains an open arena for constructive debate and discussion and does not become a tool for the government to monopolize information or suppress freedom of speech. With its strict laws, Indonesia has granted broad authority to the government to control and censor online content, which has led to significant public opposition and criticism from civil society concerned about the impact on freedom of expression and democratic participation.³⁷

When individuals feel that they are being surveilled and that the flow of information is being controlled, they are more likely to limit their political participation, avoid discussions on sensitive issues, or withdraw completely from the digital public space. This tendency toward self-censorship can have a chilling effect on civic engagement, as citizens become wary of expressing opinions that may be deemed controversial or critical of those in power. In a society where digital platforms are increasingly becoming the main spaces for political and social interaction, such self-restraint may significantly diminish the diversity of opinions and voices that contribute to a healthy democratic process. With the rapid digitalization of political and social life in Indonesia, the regulations controlling cyberspace will have an increasing influence on how democracy functions. Online platforms, which have become key arenas for public discourse, may turn into

³⁷ Sanskara Hukum et al., "Regulasi Konten Online Dan Dampaknya Terhadap Hak Kebebasan Berbicara Di Platform Digital Di Indonesia" 3, no. 01 (2024): 43–52, <https://doi.org/10.58812/shh.v3.i01>.

spaces of fear and caution, where individuals feel compelled to conform to prevailing narratives rather than challenge them.

The enforcement of laws like the ITE Law, with its broad and somewhat ambiguous provisions, may intensify these concerns. Citizens might become hesitant to engage in political dialogue, express criticism, or even participate in democratic processes due to the potential legal repercussions for actions that might be perceived as violations of the law. The government's ability to monitor and control online content, particularly under regulations such as the ITE Law, gives authorities significant power to suppress dissent or restrict access to information that is deemed unfavorable. This type of control could hinder the natural flow of public discourse, as people are forced to navigate a more restricted landscape in which the potential for legal consequences is a constant consideration.

Furthermore, the influence of such regulations extends beyond the individual level, affecting broader social dynamics. The fear of reprisal or punishment can lead to the erosion of trust in digital platforms as spaces for democratic engagement. Communities may become more fragmented, with individuals retreating into echo chambers where only certain viewpoints are expressed, and the exchange of differing opinions becomes increasingly rare. This shift could weaken the democratic fabric of society, where citizens are less likely to hold the government accountable or engage in meaningful debates about national issues.

As digital platforms become integral to political mobilization and social participation, the regulation of these spaces must be approached with caution. Overregulation risks undermining the very principles that democracy seeks to protect, particularly the freedom of expression and the right to participate in the public sphere. The lack of clear boundaries and transparent mechanisms for oversight increases the likelihood of arbitrary decisions, where individuals or groups could be unfairly targeted for their online activities. This would further

reinforce the climate of fear, reducing the scope for public discourse and political involvement.

C. The Future of Digital Democracy in Indonesia in the Context of Information Control

Facing the challenges of the future of digital democracy in Indonesia, information control will be a key factor.³⁸ Clear policies are essential to protect freedom of expression while preventing the spread of misleading information. Balancing these two aspects is critical to maintain both democratic values and public safety in the digital space. Freedom of expression is a fundamental right that must be safeguarded, yet it must be balanced with the need to prevent harm caused by misinformation. Policies should ensure that individuals have the right to express their views without fear of retribution, while also setting clear guidelines on the responsibility of content creators and distributors to avoid spreading false or harmful information. Furthermore, collaboration between the government, social media platforms, and society is key to creating a healthy and secure digital environment. This collaboration involves multiple stakeholders who have their respective roles to play in regulating content, enforcing policies, and educating users. Social media platforms must take responsibility for monitoring and removing harmful content in a timely manner. Meanwhile, the government should provide regulatory frameworks that help ensure these platforms adhere to principles of accountability, transparency, and fairness. Society, on the other hand, needs to be engaged in the process of digital literacy, enabling individuals to identify credible information sources and avoid spreading false content.

The government should strengthen regulations related to information management on digital platforms to prevent misuse for spreading hoaxes or harmful content. For example, in Germany, the Network Enforcement Act (NetzDG) mandates that social media

³⁸ Khairudin et al., "Cyber Security and Legal Protection for Dropshipping Transactions in Indonesia: Between State Law and Islamic Law," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 81–92, <https://doi.org/10.31958/juris.v23i1.11786>.

platforms remove illegal content within 24 hours or be subjected to hefty fines. This law was introduced to combat hate speech, fake news, and other harmful content online.³⁹ Similarly, in the United Kingdom, the Online Safety Bill is being developed to regulate social media platforms, requiring them to act swiftly in addressing harmful content, including misinformation and online harm. In both cases, the regulations emphasize the importance of platform responsibility, transparency in decision-making, and strong penalties for non-compliance. In contrast, some countries have been subjected to criticism for using content regulation as a tool for censorship. For instance, in Russia, the government has used digital censorship measures to control the flow of information, particularly content critical of the government. The Russian government has enacted laws requiring platforms to remove content deemed harmful or politically sensitive, resulting in widespread concerns about the suppression of free speech.⁴⁰ These international comparisons highlight the importance of a well-defined, transparent, and accountable regulatory framework. While regulations are necessary to ensure that digital spaces remain safe and free from misinformation, they should not be used as a means of restricting legitimate discourse or suppressing dissent. Therefore, in Indonesia, the government should strive for a balanced approach, learning from global best practices, and ensuring that digital regulations respect both the right to free expression and the need to protect public safety.

Social media platforms must take greater responsibility in monitoring and removing content that violates regulations, especially content that could harm social harmony and democracy. Given the power these platforms have in shaping public opinion, they need to ensure that the information being spread is not harmful or misleading to the public. However, this responsibility does not rest solely with the

³⁹ Rafael Jiménez Durán, Karsten Müller, and Carlo Schwarz, "The Effect of Content Moderation on Online and Offline Hate: Evidence from Germany's NetzDG," *SSRN Electronic Journal*, 2022, <https://doi.org/10.2139/ssrn.4230296>.

⁴⁰ Sudhanshu Kumar, "Digital Borders: Russia's Approach to Runet Regulation," *EDPACS* 69, no. 3 (March 2024): 29–39, <https://doi.org/10.1080/07366981.2024.2327152>.

platforms. Society also needs to be involved in preventing the spread of false information by improving digital literacy and critical thinking skills. Digital literacy training programs would help the public in filtering and evaluating information as true or false, thereby preventing the spread of fake news or hoaxes. Collaboration between the government, digital platforms, and society is crucial to creating a healthy and informative digital ecosystem.

For example, the government could issue regulations requiring digital platforms to verify information before publication. This is similar to the approach adopted in Australia, where the government introduced the Code of Practice on Disinformation and Misinformation, mandating social media platforms to take action against the spread of misinformation, including providing transparency reports on their efforts to combat hoaxes.⁴¹ Platforms like Facebook and Twitter have also begun developing verification tools that allow users to report and flag information that is deemed to be false. For instance, Twitter introduced the "misleading information" feature to label content that could potentially spread false or deceptive narratives. This feature was widely used during the U.S. 2020 Presidential Election, where tweets containing unverified claims about voter fraud were flagged to prevent misinformation. Similarly, in Singapore, the Protection from Online Falsehoods and Manipulation Act (POFMA) grants the government the authority to suspend or remove allegedly false news from social media and other online platforms, imposing penalties on individuals or platforms that fail to comply. One notable case occurred in 2019, when opposition politician Brad Bowyer was issued a POFMA correction order for a Facebook post questioning government-linked investments. While the policy aims to protect social stability, critics argue that it carries the risk of being misused as a tool for controlling public opinion and silencing political dissent. The Bowyer case, among others, has raised concerns that such laws could disproportionately target critics rather than genuinely combat

⁴¹ Edward Hurcombe and James Meese, "Australia's DIGI Code: What Can We Learn from the EU Experience?," *Australian Journal of Political Science* 57, no. 3 (July 2022): 297–307, <https://doi.org/10.1080/10361146.2022.2122774>.

disinformation, highlighting the need for clearer safeguards to prevent the suppression of legitimate political discourse.⁴²

With such measures, the Indonesian public could become more intelligent and critical in consuming information in this digital age. This approach requires a synergistic collaboration between the government, social media platforms, and society to ensure that the digital space remains open for healthy discourse, while also protecting the public from the spread of false or harmful information. If implemented properly, these measures could serve as an effective model for strengthening digital democracy in Indonesia, as seen in countries with more mature regulations in managing digital information.

The role of mass media in the digital age is crucial in verifying information before publication. In this context, mass media is not only a disseminator of information but also the frontline defense in protecting the public from the spread of fake news that could harm individuals and groups. To ensure that the information disseminated is accurate, the media must pay attention to clear and reliable sources of information and conduct thorough fact-checking. In many countries, media that fail to verify information properly risk losing credibility and public trust, which can harm their long-term reputation.

Furthermore, the public must be involved in digital literacy training programs to enhance their understanding of how to filter true and false information. Digital literacy, in this sense, refers to the ability to analyze, assess, and use information obtained from various digital platforms wisely. In advanced countries such as Finland, digital education is an integral part of the school curriculum from an early age, with the aim of equipping the younger generation with the skills to identify hoaxes and fake information. Finland also actively supports the development of media literacy programs for adults, including those run by non-governmental organizations (NGOs) and government institutions.

In addition to training, stricter regulations are also necessary to control the spread of false and harmful information. In countries with

⁴² Kai Xiang Teo, "Civil Society Responses to Singapore's Online 'Fake News' Law," *International Journal of Communication* 15 (2021): 4795–4815.

stringent regulations on the spread of fake news, such as Germany, the enforcement of laws related to hate speech and fake news is quite firm. Germany's laws, such as the NetzDG (Netzwerkdurchsetzungsgesetz), require social media platforms to remove illegal content, including fake news and hate speech, within 24 hours of being notified. Failure to comply results in hefty fines for the social media companies. On the other hand, countries with a more lenient approach, like the United States, are subjected to significant challenges in controlling the spread of hoaxes on social media due to strong protections for freedom of speech under the First Amendment of their Constitution.

In Indonesia, similar attention must be paid. Stricter regulations, such as those in the Electronic Information and Transactions Law (UU ITE), can be effective in controlling the spread of false and harmful information. However, a balance must be struck between protecting individuals and ensuring freedom of expression. The regulations must be flexible enough not to restrict free speech but firm enough to address the spread of hoaxes that could harm public interests.

Digital literacy education must also continue to be improved. Countries like Estonia, known for its digital advancement, have integrated digital literacy training into their education system at all levels and even offer free courses to citizens wishing to improve their understanding of digital risks. In this regard, Indonesia must strengthen its digital literacy policies to encourage the public to be more discerning when it comes to distinguishing true information from false. A solid understanding of how social media platforms work, the algorithms that influence what we see, and the impact of fake news on democracy is essential for modern society.

Conclusion

The implementation of Articles 27, 28, and 45 of the UU ITE, both before and after the 2016 and 2024 amendments, has had a significant impact on freedom of expression and political participation in Indonesia's digital

space. These articles are frequently used to regulate online behavior but have sparked controversy due to their potential misuse, which could hinder digital democracy. Article 27, which addresses defamation, has created a chilling effect, particularly when criticisms of the government or public officials are criminalized. Article 28, which governs the dissemination of false information and hate speech, is often applied inconsistently, allowing for subjective interpretations that can silence critical discussions. Article 45, with its heavy criminal sanctions, reinforces a climate of fear, discouraging public engagement in digital political discourse. While the 2024 amendments to the UU ITE removed problematic provisions, such as Article 27(3), and introduced new ones, including Articles 27A and 27B, the core issue of legal ambiguity remains. This lack of clarity continues to create legal uncertainty, leaving the law open to misuse and reinforcing excessive surveillance in the digital space. In comparison, similar regulations in other countries illustrate more balanced and transparent approaches. In Germany, the *Netzwerkdurchsetzungsgesetz* (NetzDG) requires social media platforms to remove illegal content, such as hate speech and misinformation, within 24 hours, with heavy fines for non-compliance. This regulation protects the public without suppressing criticism of the government, as it is supported by transparent oversight mechanisms. Conversely, in Russia, laws on digital content control are often used to censor dissenting opinions, resulting in strict control over freedom of expression. In Singapore, the Protection from Online Falsehoods and Manipulation Act (POFMA) grants the government the authority to remove content deemed false or misleading. However, this law has been subjected to international criticism for its potential to suppress political discussions. These comparisons highlight the need for Indonesia to develop a regulatory framework that balances digital surveillance with transparency and accountability, ensuring the prevention of abuse while protecting fundamental rights. To establish a healthy digital democracy in Indonesia, it is necessary to reform the UU ITE, involving stakeholders from the government, digital platforms, and society. These reforms should aim to refine legal definitions, eliminate ambiguities, and enhance public digital literacy to foster responsible freedom of expression. By learning from the best practices in other countries, Indonesia can create a digital space that is

not only safe and orderly but also supportive of free speech and inclusive political participation. Such efforts will lay the foundation for a democratic and healthy digital ecosystem, which is essential for national progress in the digital era.

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