

Opinion Freedom in the Digital Age: A Juridical Study of Restrictions Based on the ITE and Human Rights Law

Dahrir Siregar^{#1}

[#] Law Study Program, Tjut Nyak Dhien University

¹dahrissiregar1977@gmail.com

Abstract Digital technology has revolutionized Indonesia's freedom of speech, however, the Electronic Information and Transaction Law (ITE Law) calls into question excessive restrictions on human rights. This study aims to investigate whether the ITE Law's limitations on free expression are acceptable and how the government enforces them. Utilizing a normative juridical approach, this paper thoroughly investigates the ITE Law's provisions, especially paragraphs 27(3) on defamation and 28(2) on hate speech, and evaluates how law enforcement procedures implement them. The study's findings demonstrate that the ITE Law's provisions have serious flaws in terms of discriminatory application, proportionality of penalties, and norm clarity. The ITE Law satisfies the formal legality requirements, but it falls short of the legal clarity and proportionality standards demanded by international law, according to the analysis conducted using the framework of the three elements of human rights restriction (legality, legitimacy of purpose, and proportionality). This analysis comes to the conclusion that the ITE Law's implementation has significantly reduced online freedom of speech, with a pattern of law enforcement that tends to criminalize criticism of the government and public discussion of controversial issues. Studies comparing Indonesia's internet rules to those of democratic nations reveal that the former are comparatively less proportional and more restrictive.

Keywords : Human Rights, Information Technology, Law Enforcement, freedom of Speech, Legality

I. INTRODUCTION

Human communication and engagement have undergone a fundamental paradigm shift in the digital age. Digital communication technologies and easy access to information provide everyone nearly limitless opportunities to voice their thoughts, critiques, and other types of expression. The primary means of disseminating information and forming public opinion in contemporary culture are social media platforms, blogs, online forums, and other digital communication tools (Herman, 2024). Numerous international legal agreements define freedom of expression as one of the most fundamental human rights. Everybody has the right to freedom of thought and expression, according to Article 19 of the Universal Declaration of Human Rights, which encompasses the liberty to obtain, share, and express views without hindrance on any grounds. This idea is the basis of democracy and allows the community to actively engage in the political and social process (Sugiarto & Badruzaman, 2024).

Article 28 E, paragraph (3) of the 1945 Constitution, which states that everyone has the right to freedom of association, assembly, and expression, guarantees freedom of thought in Indonesia. Law Number 39 of 1999 respecting Human Rights is one of the human rights laws and regulations that enforce this constitutional provision, namely safeguarding the right to freely express one's thoughts and ideas (HAM, 1999). The rapid advancement of digital technology creates extra challenges for the protection of human rights, especially the right to free expression. Digital venues that are open and widely accessible are frequently abused to disseminate damaging material, including defamation, hate speech, hoaxes, and other types of cybercrime. This scenario necessitates a rule that may strike a compromise between the requirement to preserve public order and security and the preservation of freedom of thought.

The Indonesian government addressed this issue by amending Law Number 11 of 2008 about Information and Electronic Transactions with Law Number 19 of 2016 (RI, 2016). Protecting the public from the misuse of digital technology is the goal of the ITE Law while regulating digital activities and giving information technology users legal certainty (Oktabiantoro & Evi Retno Wulan, 2024). This rule covers a wide range of topics, from online crimes to electronic transactions. The ITE Law's defamation and insult restrictions in Article 27 paragraph (3) are some of its most controversial provisions. Distributing, transferring, and making available electronic documents and/or information that include offensive or libelous content is illegal under this

article. This clause is frequently regarded as being open to several interpretations and having the potential to severely restrict freedom of speech (Lim & Firmansyah, 2025).

Human rights protection and law enforcement activities are at odds, as demonstrated by the actual application of the ITE Law. Articles of the ITE Law, particularly those pertaining to defamation, are frequently utilized to stifle criticism and divergent viewpoints, as demonstrated by several examples. The too restrictive restrictions on internet freedom of expression are a source of concern (Zahsy, 2025). The ITE Law's "criminalization of criticism" has drawn significant criticism from a variety of sources, including human rights advocates, academics, and lawyers. Numerous instances demonstrate that people who use social media to voice contentious viewpoints or criticism of government policy are thereafter subject to legal processing under the ITE Law. This disorder makes people excessively afraid to voice their ideas online, causing a "chilling effect" on society (Rauf & Moha, 2025).

The fact that different people have different ideas on what constitutes a legitimate limit on the restriction of freedom of thought adds to the problem's complexity. On the one hand, the right to freedom of opinion is fundamental and must be protected to the greatest extent feasible. However, the public interest and other people's rights must also be taken into consideration while using digital space. The biggest difficulty in creating and enforcing rules in the digital age is striking a balance between these two interests. The human rights method offers a precise normative framework for evaluating limitations on the right to free speech. Only the right to free expression may be restricted under international human rights regulations if they meet three conditions: they must be justified, based on the law, and required in a democratic society (Tazmi, 2025). All three of these conditions must be satisfied at the same time in order to restrict free speech. Regarding the ITE Act, the first question that arises is whether or not the legislative limitations on the right to free speech have conformed with human rights norms from throughout the world. The provisions of the ITE Law require a normative juridical analysis to assess their adherence to human rights norms, specifically in relation to proportionality and the lucidity of legal standards.

A multidisciplinary approach that takes into account not just legal difficulties but also technological, social, and political factors is necessary due to the complexity of legal challenges in the digital era (Nanda Arfianto Nugroho; Arif Bijaksana, 2025). Given the quick advancement of digital technology and the rising usage of the internet in Indonesia, this aims to offer a comprehensive analysis that may serve as a guide for many stakeholders interested in the creation of democratic and equitable digital legislation. The number of internet users in Indonesia is increasing significantly each year, according to data, indicating that more and more people are communicating online. This requirement calls for a precise and well-balanced legislative framework to control digital activity without compromising the community's basic rights.

This study will investigate the ITE Law's provisions that may restrict freedom of opinion in detail, assess their compliance with international human rights standards, and develop suggestions for strengthening Indonesia's digital laws based on the background of the issues that have been explained. It is anticipated that this normative legal research would significantly aid in the creation of a more democratic and equitable cyber legislation in Indonesia.

II. METHOD

The normative juridical approach is a legal research methodology used in this study which looks at and evaluates positive legal norms within a particular legal system. In order to examine the legislative provisions of the ITE Law and their relationship to human rights concepts, particularly freedom of thought, the normative juridical technique was used. This method enables scholars to thoroughly examine the normative elements of laws and regulations and evaluate how well they adhere to higher legal norms, such as the constitution and international human rights agreements.

Doctrinal legal research is the term for this kind of study and it is centered on the analysis of written legal documents. The ITE Law's provisions, particularly those that can impede freedom of thought, will be methodically examined in this doctrinal study and evaluated in light of human rights protection. The data for this study comes from primary, secondary, and tertiary legal documents. The International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights, and more international legal papers, as well as relevant judicial decisions, essential legal sources consist of relevant laws and rules, include the 1945 Constitution, the Human Rights Law No. 39 of 1999, and the Law No. 19 of 2016 modifying Law No. 11 of 2008 governing ITE, legal textbooks, scholarly papers, research reports, scientific journals, and publications from international organizations that address internet governance and freedom of thought are examples of secondary legal documents.

Normative qualitative analysis techniques with a methodical interpretive approach are used in data analysis. An inventory and categorization of all gathered legal documents according to their applicability to the study topic constitute the first step in the analytical procedure. Additionally, grammatical, systematic, historical, and teleological interpretation methodologies are used to conduct a normative examination of the ITE Law's

provisions that may restrict freedom of thought. The provisions of the ITE Law were also compared to international human rights norms and best practices in other nations through a comparative study.

III. RESULT AND DISCUSSION

The ITE Law Restricts the Freedom of Speech

Freedom is a concept that is relatable, yet it can be challenging to define or explain when asked what it means. The phrase "freedom" often refers to the lack of constraints, limitations, bonds, compulsion, hurdles, and duties to do or not do anything. Freedom in human existence is a complicated phenomenon. Thus, the absence of constraints, limitations, ties, pressure, impediments, and duties to do something or do anything is typically linked to the concept of freedom.

The constitution guarantees everyone the right to freedom of thought. Human rights can be controlled and protected by the State of Indonesia, a democratic and law-abiding country. Article 28E, paragraph (3), The Republic of Indonesia's 1945 Constitution's fourth amendment declares that everyone is entitled to freedom of assembly, organization, and speech (Wirawan & Nuryatman, 2025). The interpretation of the article in Article 1 Paragraph 1 (1) is then provided by Law Number 9 of 1998 about the Freedom of Expression of Opinions in Public, this ensures the right to freely and responsibly communicate one's ideas through written, spoken, and in other ways in compliance with the applicable laws (Gheantoro, 2023).

Freedom of thought can be put into practice through writing, books, conversations, or news coverage. Everyone has the freedom to openly express their thoughts, whether through government-created public policy or other official organizations. Every public policy is subject to opinions and criticism, which can influence a government's direction. This is required to ensure that all policies are clearly directed towards the people and do not conflict with human rights. When evaluating Indonesia's democratic situation, four key factors should be considered: (Cindy Nurhasannah et al., 2025)

1. Civil Liberties,
2. Civic Participation,
3. Legal Supremacy,
4. Human Rights Protection.

There are several purposes for freedom of expression. Human rights are being implemented in this way. One of the human rights has been acknowledged, protected, and realized by granting the people the ability to voice their ideas. Another way that democracy is implemented is through freedom of expression. The ultimate form of sovereignty belongs to the people, according to the 1945 Constitution of the Republic of Indonesia. Consequently, the dissemination of public opinion through the government and representative institutions is inextricably linked to the execution of the state. The ability to freely communicate one's thoughts facilitates the process of implementing citizen oversight of the government. The public can voice their concerns, recommendations, and critiques of the state's management through the mass media and representatives of the people. It is believed that the people's oversight would encourage the government to exercise caution and do its best in performing its responsibilities (Sumardi, 2025).

1. The principle that rights and obligations should be balanced. Article 5 of Law No. 9 of 1998 states that citizens who voice their ideas in public have the right to do so without interference and to be protected by the law. Nonetheless, citizens also have a duty and responsibility to uphold public safety and order, respect others' rights and freedoms, uphold generally recognized moral standards, abide by applicable rules and regulations, and preserve the integrity of the nation's unity. Public opinion speech must strike a balance between rights and duties to avoid creating issues.
2. The Deliberation and Consensus Principle. Deliberation, also known as negotiation or debate, is defined by the Great Dictionary of the Indonesian Language as a cooperative conversation aimed at deciding on a solution to the issue. A conclusion reached by consensus is one that was reached after discussion and approved by all parties involved. Thus, it is possible to draw the conclusion that the goal of debates is to bring people together in order to establish a consensus.
3. The Certainty Principle. Justice and the law. The legal certainty and justice concept means that the law must be applied correctly, fairly, and without discrimination, and it must strike a balance between rights and obligations. Consequently, Laws that protect and bind us are in place when we voice our ideas. Every individual who wishes to voice an opinion must also be fair.
4. The principles of professionalism. The Great Dictionary of the Indonesian Language states that professionalism is the capacity to behave professionally. Accordingly, the professional concept is one that gives priority to a talent in accordance with the nation's code of ethics and relevant legislative regulations. It is required of us to always have a basis when we dispute in order to uphold this ideal.

The following categories of public opinion expression are distinguished under Article 9 of Law Number 9 of 1998: (Sari, 2023)

1. One or more persons expressing their opinions in public, whether vocally, in writing, or in other ways, is called a demonstration.
2. Marching on public highways to convey one's views is known as a parade.
3. An open gathering with a specific subject for the purpose of expressing ideas is called a general meeting.
4. The term "free pulpit" refers to an open, unrestricted, and unthemed public opinion-expressing activity.

According to juridical research, the criminalization of comments that are truly valid criticism or scholarly discourse on delicate subjects may arise from the lack of clear boundaries about what is meant by intentionally to incite hatred. Defamation and insults are covered in Article 27 paragraph (3), hate speech is covered in Article 28 paragraph (2), and Article 45A about criminal threats are among the measures in the ITE Law that have the potential to restrict freedom of opinion. The design of legal rules that are overly broad and subject to several interpretations is fundamentally flawed, as evidenced by an examination of ITE Law Article 27 Paragraph 3. The use of the phrase "content of insult and/or defamation" is ambiguous legally, since it lacks a precise and explicit definition in the law. The freedom of thought protected by the constitution may be threatened by law enforcement's subjective and inflated interpretations of this ambiguity.

Article 28 paragraph (2) against hate speech in the ITE Law illustrates that while the goal of stopping the dissemination of hateful information is justifiable, the article's wording nevertheless has flaws in terms of precision and clarity. Clauses that forbid the spread of material meant to encourage hatred or animosity toward specific persons and/or groups of individuals on the basis of race, religion, ethnicity, and intergroup (SARA) may be interpreted broadly. Results using a three-element analytical framework of human rights constraints evaluating the ITE Law's compliance with international human rights standards were not entirely consistent.

The ITE Law's provisions satisfy formal criteria in terms of legality (as required by law) since they are outlined in a law. Nonetheless, there are significant issues with the regularity and clarity of rules in terms of legal quality. Laws must be enforceable, transparent, and predictable according to international norms. The research demonstrates that several ITE legislation provisions, especially those pertaining to defamation, fall short of the legal clarity criteria needed by international human rights legislation (Wibowo & Yulianingsih, 2025).

The majority of the ITE Law's provisions, such as those pertaining to public order, hate speech prevention, and reputation protection, may be justified in accordance with international standards, according to the legitimate objective aspect. Nevertheless, a thorough examination shows that in reality, these clauses are frequently applied for unlawful ends, such stifling dissenting opinions on the government or preventing the public from discussing contentious topics. This demonstrates the discrepancy between the legal normative objectives and their actual application in practice.

The most troubling findings are obtained when the proportionality issue is evaluated. The ITE Law's criminal penalties, including the possibility of up to six years in jail and fines of up to one billion rupiah, are out of proportion to the amount of money lost as a result of infractions. Criminal penalties for digital media defamation cases should be the final option when civil settlements are unsuccessful, according to a comparison of international norms and democratic nations' traditions. The impact of this disproportionate punishment on freedom of opinion is excessively unsettling.

In terms of defending freedom of opinion, the way the ITE Law is applied in law enforcement operations shows a concerning trend. The ITE Law has been utilized to handle hundreds of cases since it was passed, according to data from many monitoring organizations. The majority of these cases involve the sharing of ideas on social media. The bulk of court-decided cases, according to a study, involve addressing contentious public topics, voicing political viewpoints, or criticizing public figures. These results demonstrate a departure from the ITE Law's initial intent, which was to safeguard the public against severe cybercrime.

Article 3 of Law No. 9 of 1998 lists the following five principles of public freedom of expression, while considering the approach to legal growth from the perspective of both national interests and the interests of international relations: (Bakhtiar et al., 2020)

The State of Law's Principle Regarding Opinion Freedom

The right to freedom of expression, assembly, and association is guaranteed to all people under Article 28E, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The Republic of Indonesia's Unitary State has the power to control and safeguard this right's use since it is a legitimate and democratic state. This is due to the state's obligation to protect everyone's basic right to intellectual freedom (Batubara, 2024).

The 1945 Constitution's guarantee of freedom of thought is further governed by Law Number 9 of 1998 Governing Freedom of Expression of thought in Public, Article 1 Paragraph 1. All people are entitled to freely and responsibly express their opinions in writing, vocally, and in other ways under this legislation, provided that they follow the guidelines established by the applicable laws. Everyone, whether acting alone or in concert, has the freedom to openly express their thoughts as a representation of their democratic rights and obligations in the life of the state, society, and nation, as stated in Article 2 paragraph (1) of Law Number 9 of 1998.

Article 4 of Law Number 9 of 1998 states that the following goals are served by limiting the freedom to publicly express one's opinions: (Presiden Republik Indonesia, 1998)

1. Acknowledging responsible freedom as a human rights application in line with the 1945 Constitution and Pancasila;
2. Acquiring steady and ongoing legal protection to guarantee freedom of speech;
3. Fostering an environment that encourages each citizen's creativity and engagement as an expression of their rights and responsibilities in a democracy;
4. Disregarding the interests of individuals or groups while assuming social responsibility for the affairs of the state, society, and nation.

The rule seeks to create enduring and consistent legal protection for the rights of responsible freedom and free expression as part of the realization of human rights, as stated in Pancasila and the 1945 Constitution. It also seeks to cultivate a culture that promotes individual participation and creativity as a manifestation of each person's rights and responsibilities in a democracy, as well as to engage in state, society, and national issues while taking into account the interests of individuals or organizations.

The constitution guarantees freedom of opinion, which is understood as a right to individual liberty that has to be respected and safeguarded. Freedom of thought is a measure of a nation's democracy's viability and may be used to characterize the nation's human rights protection and acknowledgment. Truly democratic nations must be prepared to offer significant protection for the opinions expressed by the media. Everyone has the right to freedom of thought and expression, including legal entities, according to Article 19 of the Universal Declaration of Human Rights, provided that the law deems them capable; This freedom includes the unrestricted expression of one's thoughts and beliefs as well as the capacity to look for, obtain and disseminate knowledge and concepts via any channel.

Indonesia is now seen as having a great degree of freedom of opinion because it is a fully democratic country. People can now openly express their thoughts and criticism of any public policy that the government and governmental institutions enact, allowing the people to take control of the policy if it does not serve the intended goal. This indicates that a small percentage of people in Indonesia have gone beyond the bounds of their right to free speech. Actually, fairness and legal clarity, proportionality, discussion and consensus, and rights and duties must all be balanced for the freedom to freely express one's opinions in public that is, operating in accordance with practice and the advantages of voicing one's opinions for the benefit of others as well as for oneself without inciting divisive sentiments that are spread by using internet technology.

The government enacted the ITE Law, also known as Law Number 19 of 2016 concerning Information and Electronic Transactions, to prevent the misuse of the right to free expression via the internet and media. The government developed the ITE Law to safeguard people's rights and duties regarding expression and opinion, as well as to prevent crimes committed online. Protecting human rights in the online environment and upholding the government's duty to protect human rights generally are the primary objectives of the ITE Law's control of freedom of thought.

In this case, freedom of opinion is governed by Law Number 19 of 2016 respecting Electronic Information and Transactions, Article 27 paragraph (3). It states that anyone who knowingly and without permission distributes, transmits, or makes electronically stored information that contains offensive or defamatory content is in violation of the law. This rule is based on Law Number 19 of 2016's Article 28 paragraphs (1) and (2) related to Information and Electronic Transactions, which state: (Lapian et al., 2024)

1. False and misleading information is purposefully shared by anybody without legal protection, which causes losses for consumers in online transactions.
2. Without any legal protection, anybody freely spreads material meant to incite animosity or hatred toward specific persons and/or groups of people on the basis of their race, religion, ethnicity, and intergroup relations.

In the event that it is established that an individual has broken these two articles, they may face the penalties outlined in Law Number 19 of 2016's Article 45 respecting Information and Electronic Transactions, which states: (Febriana & Ratna, 2024)

1. Anyone who knowingly and without permission spreads false and misleading information that results in consumer losses in electronic transactions faces a maximum penalty of six (six) years in prison and/or a fine of Rp1,000,000,000.00 (one billion rupiah), as stated in Article 28 paragraph (1).
2. The maximum penalty for anyone who willfully and unapprovedly disseminates information intended to incite hatred or animosity toward specific individuals and/or groups of individuals based on race, religion, ethnicity, and intergroup (SARA), as defined in Article 28 paragraph (2), is six (six) years in prison and/or a fine of Rp1,000,000,000.00 (one billion rupiah).

The ITE Law was created by the government as a regulatory measure to safeguard the right to freedom of thought, but it hasn't worked out as planned. Considering that the ITE Law was created with the intention of defending freedom of thought and speech, yet in the end, it resulted in abuses of such rights, this circumstance is quite troubling. It is therefore inappropriate to consider the criminal provisions in the articles of the ITE Law as

a form of regulation to protect the right to freedom of opinion because they lack a clear philosophical foundation and tend to lead to excessive criminalization. This is especially true of the provisions pertaining to insult and/or defamation.

The guarantee of freedom of thought and speech is also governed by the 1945 Indonesian Constitution. Therefore, it has the effect of requiring that no rule under it conflict with the 1945 Constitution. The government enacts rules and regulations to safeguard human rights since the advancement of information and technology also affects this area. Article 14 paragraph (2) of Law Number 39 of 1999 on respect for human rights states that everyone has the right to locate, get, own, store, process, and disseminate information using all available means.

The International Covenant on Civil and Political Rights' Article 19 paragraph (2) states that everyone has the right to freedom of speech, which includes the freedom to seek, receive, and disseminate any information or ideas, whether orally, in writing, in print, as artwork, or through any other medium of their choosing. This rule governs the defense of the basic right to personal liberty, which encompasses the freedom of one's own thought and conscience and cannot be curtailed by anybody or under any circumstances.

The ability to openly express one's thoughts is vigorously upheld by the laws and regulations, Pancasila as a way of life, the foundation of the state, and the unifying factor of the multicultural Indonesian country. Freedom from Pancasila's point of view is the freedom inherent in all Pancasila objects. Recognizing the meaning of Pancasila, which translates to the Five Basics in Indonesian grammar: Whereas sila is the foundation of morality, panca denotes five (Wijayanthi, 2021). From birth, everyone is entitled to freedom of thought under the constitution. Therefore, as a democratic and legitimate state, the State of the Republic of Indonesia has the power to regulate and protect its implementation.

Freedom of speech, especially freedom of thought via electronic and social media, is seriously threatened and suppressed by the ITE Law if such freedom is a component of human rights. The Indonesian government issued Law Number 19 of 2016 covering Electronic Transactions and Content governs how internet users receive, utilize, and distribute media content. Those who utilize social media and the internet are starkly reminded by the ITE Law to exercise caution while using, sharing, and obtaining any kind of private or sensitive information.

Human rights must be upheld and protected as the foundation for the ITE Law's provisions protecting the right to free thought. The development of the legislation must be guided by the same viewpoint on basic human rights and dignity in order to prevent prejudice in its application. These principles must be universally recognized because, in practice, freedom of thought is not now explicitly limited by the values that form the boundaries of the ITE Law. Thus, in accordance with the ITE Law, human rights must be protected, the state of law must prioritize a number of issues, including: (Reynaldi & Baskoro, 2024)

1. The freedom to use the internet is now considered a human right due to a paradigm shift in policymaking meaning that all human rights protection concepts must serve as a foundation and point of reference for associated policymaking.
2. Given that the Criminal Code regulates criminalization, it is crucial to examine all of the laws pertaining to criminalization in order to exclude any repetition of criminal activities from the ITE Law. Proposals to decriminalize (or remove) the criminal laws pertaining to insult and/or defamation should also be taken into consideration.

The first generation is entitled to the freedom of opinion implies that it also has all of its repercussions, such as the ban on weakening or restricting these rights. Other rights are vital, but among the most significant are the rights to personal freedom and freedom of speech. Other rights to personal freedom are directly linked to and influenced by this right to freedom of thought.

A person's right to freedom of opinion is closely linked to their right to association and assembly. It can also be linked to their right to practice their religion as they see fit, to the extent that freedom of the press is considered the fourth pillar of a nation's democracy. Therefore, the fundamental nature of this individual right or the freedom to voice one's opinions is rather expansive. The freedom of opinion is frequently violated concurrently with other rights, including freedom of the press, freedom of association, and freedom of assembly (Nasution & Dianto, 2023).

The democratic principles of a country are directly linked to this right to free expression. One may even argue that a democracy develops as a result of disagreements, or that a nation emerges as a result of a shared viewpoint. Consequently, as stated in the preceding theory, the state should uphold and defend the freedom of expression of this opinion without diminishing it in the highest way. The most significant and necessary component of democracy is freedom of expression, which also increases transparency and social control and public engagement in a state of law. This right is significant because it creates the conditions for constructive debates, constructive dialogue, and a healthy flow of ideas.

IV. CONCLUSION

Indonesia's digital rules and internationally applicable human rights principles are fundamentally incompatible with the ITE Law's clauses regulating freedom of thought and its relationship to human rights standards. The ITE Law's norm construction, particularly paragraphs 27(3) on defamation and 28(2) on hate speech, exposes serious structural flaws in the way the law is written. The preservation of freedom of opinion as a basic right in a democratic society may be harmed by the legal ambiguity brought about by unclear definitions, conflicting interpretations, and non specific norm formulations. Legal ambiguity has been brought about by vague definitions, conflicting interpretations, and vague norm formulations. This uncertainty might jeopardize the preservation of freedom of thought as a basic right in a democratic system. The ITE Law's implementation has had a deep and pervasive chilling effect on the rule of law. The terrifying impact of the ITE Law's criminal threats extends beyond those who are directly subjected to legal processes; it also fosters a culture of widespread dread that prevents democratic engagement in the digital world. The freedom of thought guaranteed by Law Number 19 of 2016 is incompatible with the democratic ideals and human rights (HAM) protections of the Indonesian Rule of Law. This is because the ITE Law's emergence actually threatens and silences freedom of opinion, particularly through social media and electronic media, and does not demonstrate how a person's right to free expression is protected; rather, it restricts that freedom.

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