Mapping legal professionals and layfolk on freedom of speech according to constitution, the electronic information and transaction law

Ronny Kusuma ^{(a)*} Fachrudin Sembiring ^(b)

^(a) Postgraduate Programe Faculty of Law, Atma Jaya Catholic University of Indonesia, Jakarta, Indonesia

^(b) Faculty of Law, Atma Jaya Catholic University of Indonesia, Jakarta, Indonesia

ARTICLE INFO

Article history:

Received 16 December 2021

Received in rev. form 02 Feb. 2022

Accepted 11 February 2022

Keywords:

ITE Law, Freedom of Opinion,
Mapping, Human Rights

JEL Classification:
K10

ABSTRACT

One of the concepts upheld in human rights is freedom. Protection of it, guaranteed by Indonesian law which is formulated by norms. The constitution is the highest law that guarantees it. In fact, the existence of the ITE Law threatens freedom of expression from the substance of the regulations themselves. Phrases in it have the potential to ensnare individuals or groups that violate parameters applied. This paper discussed influence factors, potential impacts, and others. The assessment are carried out using a normative juridical method that brings together various theories for a comprehensive analysis. This study clarified overall that can be corrected in the future. The breadth of the terminology within has the potential to give a repressive legal reputation. The summary of the problem in this paper is how and to what extent the provisions in the ITE Law guarantee the protection of human rights, and to what extent the ITE Law actually violates human rights. Thus, this study provided new perspectives related to the protection of human rights in the ITE environment.

© 2022 by the authors. Licensee SSBFNET, Istanbul, Turkey. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).

Introduction

Freedom is essential to human as a gift from God Almighty. The 'freedom' comes from the word 'free' which means to be free from, independent, and not bound. Meanwhile, in the KBBI (Indonesian Dictionary), the word freedom means a state of freedom or independence. This means a state that is not bound and free in behaving, acting, or speaking or which in this case can be said as freedom of speech (Davis, 2012). Freedom of expression is not only a human right but also a manifestation of democracy in a country. A democratic state stands sovereign because of the people, so freedom of speech for the people is an important thing. Indonesia as a democratic country prioritizes ensuring the survival of the people in the Indonesian Constitution (Mutaqin, 2016). KC Where FBA explained that the meaning of the constitution can be broadly divided into two meanings, namely: (1) Constitution which refers to all regulations regarding the state administration system; or (2) a constitution which refers to a document or several documents that contain certain fundamental or basic rules and provisions regarding the state administration system of a country. In terms of the Indonesian state administration, the constitution in question is *1945 Constitution of the Republic of Indonesia (hereinafter the Constitution)*.

The Constitution has guaranteed the constitutional rights of every citizen in the life of the nation and state. This is no exception to the right to freedom of expression as stated in Article 28 of the Constitution (UUD NRI, 1945). The existence of a constitutional right

* Corresponding author.

© 2022 by the authors. Hosting by SSBFNET. Peer review under responsibility of Center for Strategic Studies in Business and Finance.

<https://doi.org/10.20525/ijrbs.v11i1.1604>

Citation: Kusuma, R., & Sembiring, F. (2022). Mapping legal professionals and layfolk on freedom of speech according to constitution, the electronic information and transaction law. *International Journal of Research in Business and Social Science* (2147- 4478), 11(1).

for the public to express their opinion requires a restriction function so that this right can be used wisely. Given a large number of citizens with various mindsets. It is important to have a regulation that limits freedom of expression itself but remains within the corridor of not violating human rights guaranteed by the constitution. In Indonesia's positive legal system, there is Law Number 19 of 2016 jo. Law Number 11 of 2008 concerning Information and Electronic Transactions (*hereinafter* ITE Law) was formed based on the legal needs of the community in the times. However, in practice, ITE Law has various contradictions in the community who assume it tends to be an undemocratic means of repression. This is in line with the number of people who are ensnared by articles that categorize an expression of opinion as an insult or hate speech. This of course hinders the life of democracy if only by expressing a little opinion, someone can be ensnared by articles containing criminal acts. This indirectly labels opinion leaders as criminals. Freedom of expression is one of the most strategic human rights in supporting the way and working of democracy. It is difficult to imagine that a democratic system can work without freedom of speech, attitude, and expression. Defamation offenses can occur when something that the uploader on social media considers as a joke, but by the person concerned is considered an insult. The difference between hate speech and ordinary speech or which in this case is an expression of opinion lies in the intention (Chung et al., 2015; Utama, 2017).

Indonesia as a state of law needs to uphold the values of human rights, including freedom of speech. The number of cases of insults and hate speech based on articles in the ITE Law shows that the government tends to be authoritarian and does not open up space for public opinion. This is very contradictory to what is mandated by the Constitution. It is necessary to conduct a study of the theory and practice related to freedom of expression as an observance of the constitutional mandate. The presidential system of government intersects with the democratic system, which according to Mahfud MD, the presidential government system in Indonesia is not as strong as imagined so that the democratic system in Indonesia is not as democratic (Sibuea et al., 2020). This statement is presented as a supporter that the state is increasingly inclined to be authoritarian and undemocratic. Evidenced by the many cases that ensnare people who express opinions without really paying attention to their intentions. Salim Sakti said in his book that an authoritarian government will reappear when the people are tired of democracy so that the people will seek breakthroughs for the ideals of state stabilization. Democracy died slowly with every government action that seemed legal and constitutional.

This paper employed a normative-juridical method focusing on conceptual approach by explaining the phenomenon relating to freedom of speech according to the Constitution and ITE Law. Yet, analysis or discussion will be focused on how the differences understanding between legal professionals and layfolk to understand certain phenomenon regarding to it. This paper uses secondary data that mainly sourced from the Constitution itself and ITE Law. All sources will be analyzed according to qualitative methods which results reasonable and conceptual answer for the issues. Therefore, this paper will properly answer the research objectives as mentioned above.

Based on the description of the many cases of insults and hate speech, it discussed how the regulations related to freedom of expression in the advancement of information technology from a normative perspective, which in this section discussed the main rules contained in the body of the Constitution along with the rules and regulations. The rule of law under it as part of the attribution as well as the doctrines. Furthermore, it also discussed how the legal side of professionals and layfolk interpret the phenomenon of freedom of expression, which in this section discussed legal interpretations that can be carried out by legal practitioners in enforcing the law to the community. Legal normative principles, doctrines, and theories need to be applied in this study to obtain answers to these questions.

This article explained that there is a contradiction between the mandate of the Constitution and also the implementation of legal norms regulated under the Constitution as the basis of all laws in Indonesia. The application of legal interpretation to a norm in the legislation is vital, considering its great influence on the achievement of the value of justice and the usefulness of the law. So, this issue is interesting to be discussed as a study of the implementation of a law. This paper is expected to provide benefits to the process of applying the law related to freedom of expression in the future.

Literature Review

In the social context, speech is categorized as the main tools for people to interact each other. Recently, supported by the spread of communication media. People simply are divided into two purposes of speech, either freedom of speech or hate speech. Definition of both of them can be misleading. People may assume if they were speaking regardless of freedom of expression. But somehow, the others can suppose it can be a hate speech. Historically speaking, freedom speech is acknowledged as "a fundamental moral requirement that agents be free to express themselves and communicate with others" (Howard, 2019).

In contrast, most of people oftenly conflict the scope of freedom of speech by putting hate speech is part of it. While freedom of speech fully regarding on a fundamental moral requirement. Hate speech does not provide it and possibly does opposite of it. According to William Warner and Julia Hirschberg, "hate speech is a particular form of offensive language that make use of stereotypes to express an ideology of hate" (Warner & Hirschberg, 2012). In addition, Nockleby defines scope of stereotypes on hate speech that must include "any communication that disparages a person or a group on the basis of some characteristic such as race, color, ethnicity, gender, sexual orientation, nationality, religion, or other characteristic".

Nowadays, spread of hate speech widely occurs over social media no exception to Indonesia. Indonesian legal systems has rules related to hate speech. ITE Law is acknowledged as the main legal power to overcome hate speech over the use of social media.

Beside it, Criminal Code also provides several articles for general cases such as insult, defame and contempt. Unfortunately, it always be a problem during the enforcement of any accusation to hate speech. Most of suspect conflict the legal proceeding to the Constitution of Indonesia. Especially article of 28 which stated "The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law". Moreover, sometimes suspect also conflicts the case to other rules that concerning on Human Rights.

Enforcement of possible accusation of hate speech still becoming unsolved in Indonesia. People still does not have access to make differences between freedom of speech and hate speech. In the other side, hate speech gradually spreaded over social media. It can be proved by numbers of report by people to the police station. Even though, the report maker does not have sufficient understanding about hate speech and only concerned to his subjectivity. Many scholars have suggested the government to create powerful legal interpretation, definition, and classification either about freedom of speech or hate speech. It will be helpful for people to get into any phenomenon that occur over social media and does not make rapid report to the police station.

Freedom of Speech in the Advancement of Information Technology

The existence of law in social activities has a massive role urgency. It can be traced back, as stated by Roscoe Pound who explained that law is a tool used as a medium of social engineering. In the context here, one can find the notion that law does not only glorify the greatness of rulers and legal scholars but also provides space, boundaries, rights, and obligations for all elements of a global society. The indicator of the success of law as a medium of social engineering was stated by Balkin (2004) who argued that the law was also used as a form of social regeneration. Social regeneration in this case brings the rationale for how legislative officials in synergizing with other components of government officials design a legal regulation that can meet national demands for better state development.

It should be noted that if a law prioritizes political interests over public aspirations, then the law that is formed will only be repressive. To avoid this, it is necessary to have active public participation which is also academic and logical as the limit of majority power in conveying public aspirations. In the context of freedom of expression, there are several spectrums of scope that serve as the basic foundation for society, which consists of (i) the doctrine of freedom of expression, (ii) the legitimacy of freedom of expression, (iii) normative interpretation of freedom of speech, and (iv) values. and norms contained in freedom of expression itself. The discussion on the legitimacy and normative interpretation of freedom of expression will be described from the point of view of laws and regulations which have absolute authority in regulating social society, but still rely on the values and norms that runs society.

The doctrine of freedom of speech

Habermas's explains that freedom of speech is a form of expressive freedom that becomes a means for the political public sphere in conditions that allow citizens to form opinions and wills discursively in the public sphere (Ananny, 2014). Susanto (2019) explains that freedom of expression is a characteristic for a democratic country as an effort to realize inner and outer independence. So it can be understood that freedom of expression is fundamental in the democratic life of a country.

The legitimacy of Freedom of Speech

Legitimacy according to the Black's Law Dictionary is defined as having elements of equivalent words that give legal meaning, move based on certain laws, and are known as official actions. Legitimacy when associated with the context of freedom of expression means that whatever is considered by legal scholars, social communities so can be accepted and studied properly. The form of legitimacy in freedom of expression is adjusted to the basic foundation of a country, in carrying out state activities.

Freedom of expression in a democratic country is used to express opinions (Voorhoof and Cannie, 2010). This right has been guaranteed by the constitution in Article 28 of the Constitution, which in essence guarantees the independence of citizens to assemble and express opinions both orally and in writing. It is stated in the article that the state has two absolute obligations to fulfill. Namely giving rights to all Indonesian people, and agreeing to it with the basic form of the law written through law. In this case, state does not only provide elements of freedom of expression, only to citizens, but also to the entire global community (Harisman, 2021). Furthermore, Article 28E paragraph (3) concerning the constitutional rights of citizens to express opinions is also regulated. Freedom of expression by the mandate of the Constitution has been implemented in the formation of Law number 9 of 1998 concerning Freedom to express opinions in public. Furthermore, the existence of the ITE Law is also a means of repression to suppress freedom of expression.

In Law Number 39 of 1999 concerning Human Rights, Article 23 paragraph (2) explains: everyone is free to have and express opinions and disseminate them according to his conscience, both orally and in writing using print or electronic media, while still taking into account the values that exist in society (Number, 39). It is clear and understandable that in Indonesia has been established which is in line with international recognition of the right to freedom of expression. This proves that the state has accommodated the principles of democracy itself. Unfortunately, in the last 5 years, the state seems to have neglected to fulfill the "demands" of the constitution and torn apart. We can discover an empirical example of how the state does not accommodate the interests of the public in the process of drafting the Omnibus Law, resulting in demonstrations and statements of attitude expressed by academics, professional experts, students, and other community groups (Khozen et al., 2021). The existence of the civil society movement, the

author sees only as a mere "fulfillment of formalities" of the state's constitutional obligations in providing space for citizens to express opinions.

ITE Law

ITE Law is a legal basis that has the dignity of normative legitimacy in regulating society by electronic elements. The purpose of the ITE Law as it is known is to provide a guarantee and fulfillment of the rights of citizens given by the state for the sake of public order. In the state of power, it is not possible to always be right, mistakes can occur and are very human, so corrections are needed (Sari, 2020). So the error can be corrected and the interests of the people (society) do not become victims.

The existence of the ITE Law, which has a sacred goal or *noble goal*, namely ensuring legal certainty, has become a double-edged sword. At least based on the information that has been compiled by the author, there are more than two hundred descriptions of case reports that are "armed" with the ITE Law. Several articles that become the "main weapons" of the reporter are Article 27 paragraph (1) in conjunction with Article 27 paragraph (3), Article 28 paragraph (2), and Article 29 of the ITE Law. The implication of this is that multiple interpretations are circulating in the community that is "used" by legal practitioners to pick up temporary clients and based on passive arguments. However, Article 27 paragraph (3) of the ITE Law leads to the border in expressing opinions and criticisms which can cause any opinions to be made intentionally or unintentionally, may be the target of accusations of insult (Koto, 2021). This has become a trigger for speculative thoughts regarding the process of the demise of democracy in Indonesia. Article 27 paragraph (3) of the ITE Law, in its application, does not reflect the protection of a person's freedom of speech it seems to restrict freedom of expression (Aditya & Al-Fatih, 2021). Restrictions on democratic attitudes become a problem that should be avoided from the life of the nation and state. Although it has been emphasized in the Elucidation of Article 27 paragraph (3) of the ITE Law that the contestation of defamation and/or slander and the provisions for extortion and/or threats are regulated in the Criminal Code, the author argues that the government only prioritizes the normative side and enforces complaints. However, those who are pro against the ITE Law stated that the expression of opinions through electronic media as part of the development of technology and civilization resulted in many people who were not wise in using it so that insults that could not be controlled often occurred so that the ITE Law was present as an appropriate repressive mechanism (Saraswati, 2019). This is manifested by evidence from data compiled by the Research Center of the Indonesian House of Representatives Expertise Board which states that there are abuses committed by the public against the element of freedom of speech within the scope of electronic media. One of the examples mentioned in the spread of hoaxes that have a structured *modus operandi* with the arrest of the *Family Muslim Cyber Army* in mid-2019 (Chung et al., 2015). This has become polemic, but it does not rule out the fact that the existence of this article in the ITE Law has resulted in the slow demise of democracy.

Norms

Functioning legal norms governing the behavior and also has a function to authorize other legal norms to regulate behavior, rule of law as a regulator of behavior has the following elements (Holmes, 2003). (1) The order, requires people to do things; (2) Prohibition, forbidding the public to do something, the violator of which is subject to sanctions; (3) Exemption or dispensation, a special permit for legal subjects not to do something that is generally required; (4) A special permit, permit or exception to do something that is generally prohibited. The rule of legal norms is a representation of the values that live in society, so that in setting norms that protect the right to freedom of expression, it is also necessary to pay attention to aspects of the benefits that can be presented in people's lives.

Legal Interpretation

Justice, legal certainty, and expediency are three terms that are not necessarily understood by many legal practitioners, for example on justice and legal certainty which have caused various debates. The implementation of law enforcement is practically carried out as an effort to provide fulfillment of a sense of justice for the justice-seeking community, to achieve this, legal practitioners with legal analysis skills, integrity, morals, and good ethics are needed. Legal analysis efforts can be carried out by reasoning legal practitioners. The reasoning is essentially an attempt to obtain the truth or understanding by using reason or logic or reason. The author in terms of providing a series of arguments related to freedom of expression in the sphere of social society always puts forward the noble, Pancasila, and social aspects. If we compare the legal interpretation with the phenomenon of legal problems above, we will get the concept that the public's point of view is still based on sociological and psychological interpretations in general. By taking the example that freedom of expression is like a double-edged sword that can strengthen the desire to be able to give opinions regarding a problem, but on the other hand it can also erode the democratic climate. As we know, the phenomenon that is happening in the community is the rampant community disobedience to social values with evidence of responding to legal problems directly towards legal solutions. This is where the role of legal practitioners in addressing the problems of society who are faced with a dilemma.

Legal practitioners

Enforcement agencies are generally known to include the police, the Corruption Eradication Commission, and so on. More specifically, in the law enforcement profession, the term advocate or legal advisor is also known as a legal professional who participates in legal life, including the judicial process (Carpenter and Fulton, 2009). The categorization of a criminal act will start

from the earliest stage, namely the police agency that receives reports or complaints about the occurrence of criminal acts. The police have the authority to investigate and investigate cases of suspected criminal acts which will then be brought to the prosecutor's office. Then by the prosecutor's office will be considered for trial in court to obtain a sentencing decision. As a legal practitioner, this ability must be followed by a simple, systematic, and, without reducing meaning, a delivery method so that it meets the needs of ordinary people. Borrowing an outsider's perspective may seem simple, but interpretation requires certain techniques. The application of logical thinking and correct argumentation can result in the application of the law by the ideals of the law itself (*ius constituendum*) (Iksan and Wahyiningasih, 2020). So legal practitioners need to have the ability to interpret the law so that they can distinguish whether someone can be prosecuted or not.

Logic and legal reasoning

Logic is knowledge of reason or considerations that lead to a truth that can be proven by the principles that exist and live in society. Legal logic is special logic in carrying out a thought or reasoning to get a conclusion or several conclusions about the law to get legal truth in the form of justice. The law is a system that has characteristics and characteristics that become the driving force and regulator of people's lives. So that in making laws, there needs to be simplicity and non-multi-interpretation so that the law is not misused by some irresponsible people. Thus, the law that can be understood by all levels of society and does not have multiple interpretations will fulfill its main purpose. Law enforcers are positivists. However, in its enforcement, it is more visible in the fulfillment of legal certainty. In law enforcement, justice and expediency are often not achieved because they put too much emphasis on legal certainty as a weakness of legal positivism (Bukido, 2016). Legal positivism in the enforcement process has proven to make the law too rigid and cannot reach some things that should be protected by the law itself because of the limited interpretation carried out by law enforcers with positivism understanding. Reasoning in positivism is the same as legal reasoning in general, only that its special feature is that it is too fixated on the law without really paying attention to other related aspects and should be taken into consideration.

Sociological and Psychological Factors

The community has a role in acting as the main actor in expressing opinions even though they are "protected" by the constitution. The public must know the consequences both from a legal and social perspective in terms of expressing opinions in public, especially by using electronic platforms. Not only does it kill the democratic climate, but this is a form of prevention that has a positive impact on the community itself. As was the case with all cases received by the Supreme Court from 2011 to 2018 (Siregar and Lubis, 2021). The public used the embellishments of the ITE Law to frighten other people and as if to prove that they were taking refuge above the rule of law. The community needs to understand and improve noble values if similar problems are encountered and do not directly deal with law enforcers who in the end only pretend to want "revenge" against other individuals in the form of statements on stamp duty as a form of case settlement. Phenomena like this should receive government studies regarding the importance of public education on ethics in social media, especially in expressing opinions. Based on the sociology of law, there are differences in the pattern of behavior of a person acting in society which is in line with differences in understanding of the implementation of the law. From the point of view of legal practitioners, it can be said that there are powers possessed by individuals with certain professional backgrounds about this case of freedom of expression. Although, as has been stated in the above argument, within the scope of social society, legal practitioners must make a comparison of the subject and object of the freedom of speech case that is imposed on them. One example is that the judge in imposing a sentence needs to explore non-juridical factors such as the sociological and psychological aspects of the perpetrator (Morradi and Chalim, 2019). So that in the implementation of a legal process, judges do not only stick to the law but also the background of the defendant or explore the values that exist in society to ensure the achievement of aspects of justice and benefits in addition to aspects of legal certainty. In this case, if there is a case of insult or defamation which is intended as an effort to express a pure opinion without malicious intent, the judge can minimize the occurrence of punishment which is the crime. *Ultimum remedium* to become *restorative justice*, considering also the sociological and psychological background that can accompany a criminal act.

Conclusions

Regulation regarding freedom of expression on the advancement of technology and information has gained legitimacy, however, it still tends to be repressive with the existence of criminal provisions that are too broad so that they can ensnare anything that is alleged to be an insult. A good legal interpretation of the laws and regulations, as well as logical reasoning on every aspect behind every criminal act, is important for every law enforcement officer as the spearhead of law enforcement in Indonesia. Here, there must be synergy between the community and the government. The government, through its legislative, judicial, and even executive powers, has a major role in the enforcement and adjustment of the democratic climate with the background of freedom to express opinions in public. The concrete form of this is how the government issues a legal framework that is *restorative justice* which is implicit in the laws and regulations coupled with the existence of concrete directions for all relevant legal practitioners who can guide the community. On the other hand, the community, as the main actor in giving their opinion, of course, must agree with the aspects of Pancasila as a guide to state life to create a social environment that is orderly law. Lastly, for the government, there must be room for certainty and security for people who express their opinions in public. Because as stated by Lord Acton, "*Power tends to corrupt, and absolute power corrupts absolutely*". Silencing of freedom of expression is one of the corruptions that spread within the elements of a rule of law state government.

Author Contributions: Conceptualization, RK., FS.; Methodology, RK., FS.; Data Collection, RK., FS.; Formal Analysis, RK., FS.; Writing—Original Draft Preparation, RK., FS.; Writing—Review And Editing, RK., FS. All authors have read and agreed to the published the final version of the manuscript.

Institutional Review Board Statement: Ethical review and approval were waived for this study, due to that the research does not deal with vulnerable groups or sensitive issues.

Data Availability Statement: The data presented in this study are available on request from the corresponding author. The data are not publicly available due to privacy.

Conflicts of Interest: The authors declare no conflict of interest.

References

- Aditya, Z. F., & Al-Fatih, S. (2021). Indonesian constitutional rights: expressing and purposing opinions on the internet. *The International Journal of Human Rights*, 25(9), 1395-1419.
- Ananny, M. (2014). Networked press freedom and social media: Tracing historical and contemporary forces in press-public relations. *Journal of Computer-Mediated Communication*, 19(4), 938-956.
- Balkin, J. M. (2004). How rights change: freedom of speech in the digital era. *Sydney Law Review*, 26(1), 5-16.
- Bukido, R. (2016). Paradigm and Reality of Law Enforcement in Indonesia. *Jurnal Ilmiah Al-Syir'ah*, 4(1), 1-11.
- Carpenter, M. J., & Fulton, R. (2009). *Law Enforcement Management: What Works and what Doesn't!*. New York: Looseleaf Law Publications.
- Chung, Y. L., Tekiroglu, S. S., Tonelli, S., & Guerini, M. (2021). Empowering NGOs in countering online hate messages. *Online Social Networks and Media*, 24, 100150.
- Davis, A. Y. (2012). *The meaning of freedom: And other difficult dialogues*. San Francisco: City Lights Publishers.
- Harisman, H. (2021, May). Protection of Human Rights in the Amendment of the 1945 Constitution of The Republic of Indonesia. In *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* (pp. 384-389). Atlantis Press.
- Holmes, S. (2003). Lineages of the Rule of Law. *Democracy and the Rule of Law*, 19, 35-37.
- Howard, J. W. (2019). Free speech and hate speech. *Annual Review of Political Science*, 22, 93-109.
- Iksan, M., & Wahyuningsih, S. E. (2020). Development Of Perspective Criminal Law Indonesian Noble Values. *Legal Standing: Jurnal Ilmu Hukum*, 4(1), 178-192.
- Khozen, I., Saptono, P. B., & Ningsih, M. S. (2021). Questioning Open Government Principle within the Law-Making Process of Omnibus Law in Indonesia. *Soshum: Jurnal Sosial dan Humaniora*, 11(2), 143-154.
- Koto, I. (2021). Cyber Crime According to the ITE Law. *International Journal Reglement & Society*, 2(2), 103-110.
- Morradi, V. A., & Chalim, M. A. (2019). Criminal Law Enforcement Policies In Prevention Efforts Of Information Technology Crime. *Jurnal Daulat Hukum*, 2(2), 249-254.
- Mutaqin, Z. Z. (2016). The strong state and pancasila: Reflecting human rights in the Indonesian democracy. *Const. Rev.*, 2, 159-169.
- Saraswati, A. A. A. N. (2019). The Need to Protect Freedom of Expression on the Internet Through a Human Rights-Based in Indonesia. *ASEAN Journal of Legal Studies*, 2(1), 1-16.
- Sari, P. T. (2020). The implementation of freedom of speech principles in Indonesian press regulation. *ijcs*, 2, 20-29.
- Sibuea, H. P., Hosnah, A. U., & Tobing, C. L. (2020). A Study on Authoritarian Regime in Indonesia: Perspective of the 1945 Constitution as a Democratic Constitution. *International Journal of Multicultural and Multireligious Understanding*, 7(1), 779-792.
- Siregar, G., & Lubis, M. R. (2021). Juridical Analysis of Religious Blasphemy Crimes Through Smartphone Application Based On The Information and Electronic Transaction. *Journal of Contemporary Issues in Business and Government*, 27(2), 1006-1012.
- Susanto, M. I. (2019). Kedudukan Hukum People Power dan Relevansinya dengan Hak Kebebasan Berpendapat di Indonesia. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 2(2), 225-237.
- Utama, I. M. A. (2017). The anomalous legal thought in building an equitable legal theory. *Indonesia Prime*, 2(1), 33-39.
- Warner, W., & Hirschberg, J. (2012, June). Detecting hate speech on the world wide web. In *Proceedings of the second workshop on language in social media* (pp. 19-26).
- Voorhoof, D., & Cannie, H. (2010). Freedom of expression and information in a democratic society. *International communication gazette*, 72(4-5), 407-423.

Publisher's Note: SSBFNET stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.

© 2022 by the authors. Licensee SSBFNET, Istanbul, Turkey. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).

International Journal of Research in Business and Social Science (2147-4478) by SSBFNET is licensed under a Creative Commons Attribution 4.0 International License.