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## Article Title

### Integration of Anti-SLAPP in the Reform of the Indonesian Criminal Procedure Code in an Effort to Protect Human Rights

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## **ABSTRACT**

*Public participation in Indonesia faces a threat of systematic criminalization due to a procedural legal vacuum in Law Number 8 of 1981. This loophole enables the abuse of the legal process through SLAPP, a practice that silences critical voices and delegitimizes the constitutional guarantees for Human Rights. This study aims to analyze the urgency of and formulate a normative framework for comprehensively integrating an Anti-SLAPP mechanism into the Criminal Procedure Code Bill. Using a normative legal research approach, this study examines the disharmony between substantive protection norms and the absence of procedural enforcement instruments. The analysis reveals that without an early screening mechanism, a rule for shifting the burden of proof, and the recognition of a public interest defense, Law Number 8 of 1981 structurally fails to protect citizens. Therefore, this study recommends the integration of an inclusive and non-sectoral Anti-SLAPP mechanism into the Criminal Procedure Code Bill, designed to protect not only conventional activism but also participation in the digital space. This step is a fundamental prerequisite for strengthening the rule of law, fulfilling commitments to SDG 16, and ensuring the resilience of Indonesian democracy in the future.*

**Keywords:** *Anti-SLAPP; Bill; Criminal Procedure Law; Human Rights; Public Participation.*

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## **INTRODUCTION**

Freedom of expression and the right to public participation are fundamental pillars of a democratic state under the rule of law. This guarantee is constitutionally affirmed in Article 28E and Article 28H section (1) of the 1945 Constitution, which asserts the right of every citizen to expression and to a quality living environment. However, empirical reality reveals a concerning paradox: the exercise of these constitutional rights often culminates in criminalization. This phenomenon specifically targets Human Rights defenders and environmental activists who, in using their right to voice public interests, are instead positioned as criminal offenders through the strategic use of legal instruments ([Riyadi & Hadi, 2021](#)).

The primary threat to public participation manifests through the practice of Strategic Lawsuit against Public Participation (SLAPP). This practice involves the use of legal processes, both civil and criminal, as a tool of intimidation to silence criticism. SLAPP operates systematically by inverting the roles of victim and defendant, creating a widespread chilling effect that paralyzes citizens' courage to participate in overseeing public policy. Its impact is not confined to environmental activists; it also extends to threatening academic freedom, expert independence, and the reporting of corruption, which collectively erodes the substance of democracy ([Basri & Muhni, 2024](#)). This phenomenon indicates that without adequate protective mechanisms, the criminal procedure system is vulnerable to being misused as an instrument of repression ([Diaz et al., 2021](#)).

Normatively, Indonesia has attempted to respond to this threat through Article 66 of Law Number 32 of 2009. This provision explicitly states that any individual

fighting for the right to a good and healthy environment cannot be criminally prosecuted or civilly sued. The existence of this article represents the state's initial acknowledgment of the SLAPP threat. Nevertheless, its effectiveness in providing tangible protection on the ground remains a serious question, given the persistently high rate of criminalization against environmental defenders in Indonesia ([Hikmah & Wartiningsih, 2019](#)).

The fundamental weakness of the existing legal framework lies in the isolation of Article 66 of Law Number 32 of 2009 from Law Number 8 of 1981. This lack of harmonization creates a significant procedural legal vacuum. The article is considered ambiguous because it lacks a precise evidentiary mechanism, rules regarding a reverse burden of proof, or a preliminary review procedure to identify SLAPP indications in the criminal justice process ([Hartiwiningsih et al., 2023](#)). Consequently, law enforcement officials, from investigators to judges, lack adequate technical guidelines to screen or dismiss cases with strong SLAPP indicators. This condition is exacerbated by the low understanding and capacity of officials to recognize the characteristics of lawsuits intended to silence ([Pertiwi et al., 2025](#)).

Previous studies have consistently highlighted various aspects of the SLAPP problem in Indonesia. The research by [Harahap and Pratiwi \(2023\)](#) successfully mapped the patterns of criminalization. Furthermore, several studies have identified weaknesses in the implementation of Article 66 of Law Number 32 of 2009 ([Hikmah & Wartiningsih, 2019](#); [Hartiwiningsih et al., 2023](#)) and demonstrated the adverse impacts of SLAPP on civil society ([Diaz et al., 2021](#); [Riyadi & Hadi, 2021](#)). [Manullang et al. \(2022\)](#) also conducted comparative research with other countries, such as the Philippines, which have adopted formal procedures in their procedural law to counter SLAPP. However, most of these studies tend to focus on analyzing the deficiencies of existing regulations or merely providing general policy recommendations, without offering an in-depth normative analysis of procedural solutions that can be directly integrated into the core of Indonesia's criminal justice system.

This research seeks to fill that gap by positioning itself differently. Whereas previous research stopped at identifying the problem, this study proceeds further by proposing a concrete and strategic solution: the explicit integration of an Anti-SLAPP mechanism into the Criminal Procedure Code Bill. Its novelty lies in the analytical focus on Law Number 8 of 1981 as the primary bulwark of protection. Moreover, this research utilizes the framework of Sustainable Development Goal 16 (SDG 16)—Peace, Justice, and Strong Institutions—as a juridical and teleological justification for this reform ([Sebastian & Masyhar, 2023](#)). Thus, this study not only advocates for protection but also formulates how that protection can be institutionalized within formal legal procedures.

The urgency of this integration transcends merely technical-juridical issues; it touches upon the essence of the rule of law and the quality of democracy. Allowing the procedural vacuum in criminal law to persist indirectly legitimizes the use of the judicial system as a tool of power by parties with the resources to suppress public participation. Therefore, the Criminal Procedure Code reform presents a crucial moment to reinforce the state's commitment to protecting the constitutional rights of its citizens. Without an effective upstream filtering mechanism, the criminal justice system will continue to be inundated with SLAPP cases, which not only harm the victims but also drain state resources and delegitimize law enforcement institutions in the public eye.

Based on this background, this research aims to analyze in-depth the urgency and normative framework for integrating an Anti-SLAPP mechanism into the Criminal Procedure Code Bill. It will outline the position and challenges of Anti-SLAPP regulation within the Indonesian criminal law system. Furthermore, this study will analyze how the integration of such a mechanism into the Criminal Procedure Code Bill can strengthen the protection of Human Rights and prevent the criminalization of public participation. The expected benefit of this research is to provide a conceptual foundation and structured policy recommendations for lawmakers in the legislative process of the Criminal Procedure Code Bill, as well as to enrich the scholarly literature in the fields of criminal procedure law and Human Rights.

## **METHOD**

This study employs a normative legal research approach. This approach was chosen because the primary issue addressed is rooted in the normative gaps and disharmony within the Indonesian positive law system, specifically between sectoral substantive law and criminal procedure law (Qamar & Rezah, 2020). The research focuses on the analysis of law in books, examining legal norms, principles, and doctrines to construct arguments regarding how the law ought to be (*das sollen*). Consequently, a normative approach is the most relevant framework for achieving the study's prescriptive objective: to formulate a model for the integration of an Anti-SLAPP mechanism into the Criminal Procedure Code Bill.

The data sources in this research consist of primary, secondary, and tertiary legal materials, which were systematically collected through library research techniques (Sampara & Husen, 2016). Primary legal materials include the statutory regulations that are the main objects of analysis, such as the 1945 Constitution, Law Number 32 of 2009<sup>1</sup>, Law Number 8 of 1981, and the draft Criminal Procedure Code Bill. Secondary legal materials comprise literature that explains the primary materials, including

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<sup>1</sup>Law Number 32 of 2009, as amended by Article 22 of Government Regulation in Lieu of Law Number 2 of 2022.

textbooks, national and international scholarly journals, previous research findings, and conceptual articles discussing SLAPP theory, criminal procedure law, and Human Rights. Tertiary legal materials, such as legal dictionaries and encyclopedias, were used as supplementary resources to ensure accurate terminological understanding.

All collected legal materials were analyzed qualitatively using descriptive-analytical and prescriptive legal reasoning (Irwansyah, 2020). In the first stage, a descriptive analysis was conducted to systematically outline the content of currently applicable legal norms related to Anti-SLAPP and to identify the absence of its regulation in Law Number 8 of 1981. In the second stage, a more in-depth analysis was performed using systematic interpretation to demonstrate the normative conflicts and gaps between Law Number 32 of 2009 and Law Number 8 of 1981. Subsequently, prescriptive analysis was used as the culmination of the reasoning process to formulate arguments for an ideal model of integrating the Anti-SLAPP mechanism into the Criminal Procedure Code Bill. This analytical framework is specifically designed not only to identify the problem but also to offer a structured and implementable normative solution within the Criminal Procedure Code Reform in Indonesia.

## **RESULTS AND DISCUSSION**

### **A. The Anti-SLAPP Procedural Vacuum in Law Number 8 of 1981: An Analysis of Loopholes Enabling the Criminalization of Public Participation**

An analysis of the Indonesian criminal justice system reveals a fundamental paradox. On the one hand, the state substantively recognizes the right of immunity for environmental advocates through Article 66 of Law Number 32 of 2009. On the other hand, Law Number 8 of 1981, as the operational foundation for law enforcement, provides no instruments whatsoever to implement this immunity. This absence of a procedural mechanism creates a serious legal vacuum, rendering a statutorily guaranteed right paralyzed due to the lack of an enforcement procedure. This condition transforms Law Number 8 of 1981 from what should be a bastion of procedural justice into an arena vulnerable to exploitation for repressive aims that stifle public participation (Nelisa, 2021).

The primary loophole lies in the absence of an early dismissal mechanism within Law Number 8 of 1981. Such a mechanism should be specifically designed to identify and halt criminal reports indicative of SLAPP. Under the current flow of the criminal justice system, law enforcement officials, from the police to the prosecution, are doctrinally bound by the principle of formal legality. They tend to process any report that literally fulfills the elements of an offense without being equipped with the authority or guidelines to assess the motive behind the report. Consequently, reports that are substantively a form of retaliation against critical

activists or citizens are still processed as long as the formal elements of the alleged offenses, such as defamation or ‘unpleasant acts,’ are met (Effendi, 2011).

More profoundly, this vacuum is aggravated by the lack of specific provisions regarding the burden of proof in suspected SLAPP cases. In standard criminal practice, the burden of proof rests entirely on the public prosecutor to prove the defendant’s guilt. However, in the context of SLAPP, this logic needs to be reversed or, at a minimum, modified. Ideally, when there is a strong indication of a motive to silence, the burden of proof should shift to the complainant to demonstrate that their report was made in good faith and not as a strategy for intimidation. Without clear rules on this matter, the defendant (who is the actual SLAPP victim) is forced to endure a lengthy and resource-draining judicial process merely to prove their innocence.

The absence of technical guidelines for law enforcement officials is the most tangible manifestation of this procedural gap. An investigator faces a dilemma: either fulfill their duty to follow up on a report at the risk of criminalizing legitimate public participation, or ignore the report at the risk of being deemed unprofessional. Public prosecutors and judges face a similar predicament. As noted by Indrawati (2023), judges often find it challenging to detect SLAPP in the early stages of a trial because there are no clear juridical parameters within procedural law to perform such an identification. As a result, the case proceeds, and the primary objective of the SLAPP filer—punishment by process—is achieved and facilitated by the justice system itself.

The systemic impact of this procedural vacuum is the opening of a door for structured and institutionalized criminalization. Empirical data consistently show that this loophole is not merely a theoretical issue. Reports from various civil society organizations confirm the high rate of criminalization against environmental and Human Rights defenders. For example, data compiled by Harahap and Pratiwi (2023) show 146 cases of criminalization against environmental defenders within a mere five-year period (2014-2019). This figure indicates a systematic pattern in the use of criminal law as an instrument to suppress critical voices—a pattern that is allowed to exist due to the absence of a procedural fortress in Law Number 8 of 1981.

From a critical legal theory perspective, this phenomenon can be analyzed as a form of legal hegemony. Procedural law norms, which ought to be neutral, instead favor the dominant groups that possess the access and resources to mobilize state apparatuses. In this context, Law Number 8 of 1981, lacking an Anti-SLAPP mechanism, indirectly becomes a tool for corporations or other powerful actors to discipline citizens. It has a particular impact on vulnerable groups,



such as women Human Rights defenders, who face layered vulnerabilities due to potential gender biases inherent in how law enforcement officials interpret and apply norms ([Sembiring, 2019](#)).

Conceptually, the failure of the Criminal Procedure Code to adopt an Anti-SLAPP mechanism also reflects a narrow understanding of the essence of public participation in a democracy. The work of Human Rights defenders and environmental activists is not an individual act; it is a manifestation of the exercise of constitutional and Human Rights guaranteed by the 1945 Constitution and Law Number 39 of 1999. Their participation is a form of public oversight (social control) essential for achieving good governance and a sustainable environment. Therefore, any criminal report targeting these participatory actions should be treated differently and not equated with ordinary criminal offenses.

The complexity of the problem intensifies as SLAPP manifests in various disguised forms. [Handayani et al. \(2022\)](#) categorize SLAPP into several variants, from overt (textbook) SLAPPs to those that are cunning and manipulative. The lawsuit does not always take the form of an accusation directly related to advocacy activities; it can be a counter-report for alleged defamation, property damage, or other deliberately fabricated charges. Without a special mechanism in criminal procedure law capable of identifying these diverse “faces” of SLAPP, law enforcement officials will remain trapped in legal formalism, failing to see the actual substance of the case.

Furthermore, this procedural gap creates a space for impunity for corporations or other actors involved in illegal practices, such as environmental destruction or land grabbing. Studies indicate that SLAPP is often used as a shield to conceal corporate crimes. By criminalizing citizens or activists who report violations, corporations not only succeed in silencing criticism but also divert public attention from their illegal activities ([Muhaling et al., 2025](#)). In this situation, the criminal justice system not only fails to protect victims but also indirectly participates in perpetuating injustice and environmental degradation.

This phenomenon is not limited to environmental activists. Investigative journalists, academics, and whistleblowers are also vulnerable targets. When a journalist publishes an investigative report exposing a corruption scandal, they can easily be sued for defamation. Without a provision in Law Number 8 of 1981 that allows an investigator or judge to consider the public interest element of the journalistic report, the legal process will proceed mechanically, potentially leading to the journalist’s imprisonment. It directly threatens the freedom of the press, one of the main pillars of democracy.

Thus, it can be concluded that the absence of an Anti-SLAPP mechanism in the Criminal Procedure Code is not merely a technical-juridical issue; it is a fundamental structural flaw in the Indonesian criminal justice system. This vacuum has systematically transformed criminal procedure law from an instrument for protecting rights into a tool that can be used to legitimize repression and silence public participation. Without reforms that address the procedural level, all substantive guarantees for the protection of Human Rights defenders will remain a paper tiger, possessing no executive power on the ground (Simamora et al., 2024).

#### **B. The Integration of Anti-SLAPP Mechanisms into the Criminal Procedure Code Bill: A Reconstruction of Procedural Law Based on Human Rights Protection and SDG 16**

In response to the identified procedural vacuum, the most strategic and fundamental solution is the reconstruction of criminal procedure law by explicitly integrating Anti-SLAPP mechanisms into the Criminal Procedure Code Bill. This step is not merely the addition of a norm; it is a paradigm shift that transforms Law Number 8 of 1981 from a merely formalistic law enforcement instrument into a fortress for the protection of constitutional rights. This integration will close the loopholes that have been exploited to criminalize public participation, while providing legal certainty for both citizens and law enforcement officials.

From a Human Rights perspective, this integration is the embodiment of the state's obligation to protect and fulfil the rights to freedom of opinion, expression, and participation (Sihombing et al., 2024). A criminal procedure system that allows its citizens to be criminalised for voicing public interests has failed to fulfil its obligation. Therefore, incorporating Anti-SLAPP provisions into the Criminal Procedure Code Bill is a constitutional imperative, aimed at ensuring that Human Rights guarantees do not remain abstract norms but are effectively implemented in judicial practice.

Teleologically, this reconstruction aligns with Indonesia's commitment to SDG 16. This argument transcends mere global rhetoric. SDG 16 targets explicitly the realization of accountable and inclusive institutions at all levels (Indrawati, 2022). A strong judicial institution is not repressive, but one that is resilient against abuse and capable of guaranteeing access to justice for all. Law Number 8 of 1981, lacking an Anti-SLAPP mechanism, reflects a weak institution, as it is vulnerable to manipulation by powerful actors to silence criticism. It ultimately contradicts the spirit of SDG 16 (Priyatno et al., 2023).

Lessons from international practice can guide the formulation of an effective integration model. For instance, the adoption of the EU Anti-SLAPP Directive demonstrates a global awareness that SLAPP is a systemic threat to the rule of



law. From the European Union's experience, several key principles can be drawn for adoption into the Criminal Procedure Code Bill, including the importance of a clear definition of SLAPP, a mechanism for early case dismissal, and the application of sanctions against parties proven to have abused the legal process. These comparative lessons are crucial for ensuring Indonesia does not repeat the same mistakes and can design a more robust mechanism.

The first and most fundamental pillar of this integration is the formulation of a comprehensive and legally binding definition of SLAPP within the body of the Criminal Procedure Code Bill. This definition must capture the essence of SLAPP as a legal claim filed with the primary motive to intimidate, burden, or silence public participation on issues of public concern. A precise definition will serve as the foundation for law enforcement officials to conduct initial identification and prevent subjective or arbitrary interpretations ([Busthami, 2022](#)).

The second pillar, which is the heart of the procedural solution, is the establishment of an early screening or summary dismissal mechanism. It can be institutionalized through a special pre-trial procedure or a new authority for judges to examine SLAPP indications before the case proceeds to the merits. Under this procedure, the defendant (the SLAPP victim) could file a motion for dismissal by demonstrating that the charges they face are directly related to their public participation activities.

Next, the third pillar is innovation in the burden of proof. Within this early screening mechanism, a rule on shifting the burden of proof must be formulated. Once the defendant successfully demonstrates a link between the charges and their public participation, the burden of proof shifts to the complainant (plaintiff). The complainant must then convince the judge that their claim has a strong legal basis, was made in good faith, and is not intended to be silenced. If the complainant fails to prove this, the case must be promptly dismissed.

The fourth pillar is the formal recognition of a public interest defense. This defense can serve as a basis for annulling criminal liability or at least as a mitigating factor. As analyzed by [Kerševan and Poler \(2024\)](#), public interest considerations must be a central factor assessed by judges. An act, although it may technically fulfill the elements of an offense like defamation, can be justified if it was carried out in the pursuit of a greater public good. Formal recognition of this doctrine in the Criminal Procedure Code Bill would provide substantive protection for Human Rights defenders and activists.

The integration of these four pillars into the Criminal Procedure Code Bill will have a direct impact on restoring the legitimacy of judicial institutions.

When the public sees that the legal system can distinguish between genuine law enforcement and the abuse of law, trust in the judiciary will increase. It will change the image of law enforcement officials from being perceived as instruments of repression to being protectors of citizens' rights. Ultimately, this will strengthen the social contract between the state and society.

Moreover, this reconstruction of procedural law is a long-term investment in the health of procedural democracy in Indonesia. Substantive democracy is not measured solely by the holding of elections but also by the quality of the space for public participation available to citizens between electoral cycles (Muzakkir et al., 2021). By providing strong procedural guarantees, the Criminal Procedure Code Bill will foster a more open and critical culture of public discourse, as citizens will no longer be haunted by the fear of criminalization. It will mitigate the chilling effect and combat the formation of a destructive culture of silence (Hudson Jr., 2020; Fuente, 2023).

As a transitional conclusion, the reconstruction of criminal procedure law through the integration of a structured Anti-SLAPP mechanism is a comprehensive and urgent solution. This model, encompassing a precise definition, early screening, a shifting burden of proof, and the recognition of public interest, not only addresses the existing procedural gaps but also strengthens the foundation of a rule of law based on the protection of Human Rights and democratic principles. The next step is to ensure that the scope of protection offered by this new mechanism is designed inclusively to meet contemporary challenges.

### **C. Expanding the Scope of Anti-SLAPP Protection: From Environmental Issues to the Challenges of Digital Democracy**

The reconstruction of criminal procedure law through the integration of Anti-SLAPP measures would be incomplete if its scope of protection were narrowly defined. The current limitation of Anti-SLAPP protection, which tends to focus on the environmental sector as reflected in Law Number 32 of 2009, is an anachronism. It is no longer relevant to the dynamics of threats against public participation in the contemporary era. Therefore, the Criminal Procedure Code Bill must adopt a broad and inclusive vision of protection that can respond to the evolution of SLAPP from conventional advocacy arenas to new battlegrounds in the digital space.

Fundamentally, restricting protection to specific sectors contradicts the principles of non-discrimination and equality before the law, which are guaranteed by Article 28D section (1) of the 1945 Constitution. There is no acceptable constitutional justification for granting procedural immunity to environmental

activists while denying similar protection to investigative journalists, whistleblowers, defenders of minority rights, or even ordinary citizens who criticize public policy via social media. Public participation is a universal right that cannot be segregated based on the sector of advocacy.

From a sociology of law perspective, legal rigidity in responding to social change can cause the law to lose its relevance. The arena for public participation and resistance has significantly shifted from physical spaces to digital platforms (Ridwan & Afinnas, 2025). Social media, online petitions, and citizen journalism have become vital instruments for holding power accountable (Marua & Muzakkir, 2023). The failure of criminal procedure law to adapt to this transformation will create a misalignment between legal norms and social reality, resulting in a law that protects obsolete forms of participation while ignoring the most dominant forms today.

The threat of SLAPP in the digital era, often referred to as digital SLAPP, possesses more complex and dangerous characteristics. These attacks frequently utilize ambiguous articles in Law Number 11 of 2008<sup>2</sup>, such as those on defamation or the dissemination of false news, as their primary instruments. Due to their flexible formulation, these articles are easily used to criminalize critical expression in the online space. Suppose the new Criminal Procedure Code Bill does not explicitly include an Anti-SLAPP mechanism capable of identifying and screening digital SLAPP. In that case, the reform of criminal procedure law will only perpetuate, and even reinforce, repression based on Law Number 11 of 2008.

Therefore, the definition of “public participation” to be protected in the Criminal Procedure Code Bill must be progressively and broadly formulated. It must not be limited to formal advocacy or official reporting but must be expanded to include all forms of expression aimed at the public interest. As argued in critical legal studies, SLAPP is essentially a form of systematic legal violence against alternative voices that challenge the status quo (Kerševan & Poler, 2024). Consequently, protection must be afforded to all such alternative voices, whether channeled through mass media, academic forums, or digital platforms.

This expanded scope must also encompass unconventional forms of expression, such as political satire, protest art, or critical educational content. These “marginal expressions” are often the primary targets of repression because they are considered subversive or offensive to those in power, yet they hold significant value in maintaining the health of public discourse and preventing monolithic thought. A modern criminal procedure law must be capable of protecting the space for such expressions, rather than extinguishing them.

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<sup>2</sup>Law Number 11 of 2008, as amended several times, lastly by Law Number 1 of 2024.

Constitutionally, this expanded definition of public participation aligns with the guarantee of the right to information enshrined in Article 28F of the 1945 Constitution. Criticism, opinions, and even data disseminated by citizens through various platforms are part of a vital information cycle for government accountability and transparency. Protecting these disseminators of information from the threat of SLAPP is, in essence, protecting the public's collective right to receive correct and diverse information ([Paka & Najicha, 2023](#)). Thus, Anti-SLAPP serves as a procedural bridge connecting the individual's right to expression with the public's right to know.

Furthermore, adopting inclusive anti-SLAPP protection is a crucial preventive strategy to counter the global trend of democratic regression. In many countries, digital SLAPP has become a favored instrument for authoritarian regimes and corporations to control public discourse and silence opposition. By integrating a comprehensive Anti-SLAPP mechanism into the Criminal Procedure Code Bill, Indonesia can send a strong signal of its commitment to constitutional democracy and the rule of law ([Nelisa, 2021](#)).

The greatest challenge in formulating this expanded scope is defining a clear boundary between legitimate public participation and unprotected expression, such as hate speech or dangerous disinformation ([Zainuddin & Salle, 2022](#)). The ambiguity of this boundary is often exploited as a pretext for denying protection. Therefore, the Criminal Procedure Code Bill must establish objective juridical criteria to distinguish between the two, based on international Human Rights principles such as proportionality, necessity, and legitimate aim.

These criteria should be part of the guidelines for judges within the early screening mechanism. Judges must be empowered to assess whether an expression, though perhaps controversial or sharp, still falls within the realm of public interest. Factors to be considered could include the status of the figure being criticized (a public official versus a private citizen), the substance of the issue raised (public versus private concern), and the speaker's intent (to contribute to public debate versus to incite hatred).

Ultimately, the direction for expanding Anti-SLAPP protection in the Criminal Procedure Code Bill must reflect a vision of criminal procedure law that is adaptive, non-discriminatory, and rights-oriented. A failure to broaden this scope will render the Criminal Procedure Code Bill a legal product born obsolete, incapable of meeting contemporary challenges, and ultimately providing only partial and unjust protection. A genuine Anti-SLAPP mechanism must be able to protect every citizen who dares to speak out for the common good, wherever and through whatever medium they voice it.

## CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it is concluded that the absence of an anti-SLAPP mechanism in the Indonesian criminal procedure system constitutes a structural flaw. This flaw systematically legitimizes the criminalization of public participation. This procedural vacuum has transformed Law Number 8 of 1981 from an instrument of justice into a tool of repression vulnerable to abuse, thereby rendering the constitutional guarantees for the protection of Human Rights illusory. This research affirms that the single most fundamental solution is the integration of a comprehensive and inclusive Anti-SLAPP mechanism into the Criminal Procedure Code Bill. This reconstruction will not only close existing legal loopholes but also strengthen judicial institutions, in line with commitments to SDG 16, and protect the democratic space in an increasingly vulnerable digital era.

The implications of these findings demand concrete policy and academic follow-up. In terms of policy, it is recommended that the drafters of the Criminal Procedure Code Bill design anti-SLAPP norms that encompass four main pillars. *First*, a clear and broad definition of SLAPP. *Second*, an early screening mechanism (for example, through a special pre-trial hearing) that allows for the swift dismissal of cases. *Third*, a rule for shifting the burden of proof to the complainant. *Fourth*, the formal recognition of a public interest defense. Furthermore, the Supreme Court and legal training institutions need to develop continuous education modules for law enforcement officials to enhance their capacity to identify and handle SLAPP cases fairly and professionally.

Academically, further research is urgently needed to deepen the understanding of the SLAPP phenomenon in Indonesia. Empirical studies on the perceptions and experiences of law enforcement officials in handling SLAPP cases could provide valuable insights for the formulation of more effective technical guidelines. Additionally, more in-depth comparative legal research on the implementation of Anti-SLAPP mechanisms in countries with similar legal systems could offer alternative models adaptable to the Indonesian context. Through a synergy between structured policy reform and continuous academic development, the protection of public participation can be realized substantively, not merely symbolically.

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