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Juridical Implications of Constitutional Court Decision Number 105/PUU-XXII/2024 Regarding Freedom of Expression in the Digital Space

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ABSTRACT

Constitutional Court Decision Number 105/PUU-XXII/2024 emerges as a crucial judicial intervention amid an Indonesian digital legal landscape characterized by the widespread criminalization of freedom of expression through vaguely worded articles in Law Number 11 of 2008 and its amendments. This research aims to comprehensively analyze the juridical implications of this decision, evaluate its consistency with constitutional norms and international human rights standards, and map its implementation challenges and prospects for future legal reform. Utilizing a normative legal research method that integrates statute, case, and comparative approaches, this study deeply dissects the legal reasoning (ratio decidendi) of the Constitutional Court and its impact on the legal system. The findings indicate that this decision fundamentally transforms the crime of defamation into an absolute complaint-based offense that purely protects individual honor. It significantly strengthens legal protection for public criticism and the democratic oversight function of citizens. It was also found that the decision is fully aligned with the constitutional guarantees in the 1945 Constitution and consistent with the principles of necessity and proportionality within the ICCPR. It is concluded that although the ruling represents a monumental advancement, its implementation faces serious challenges. These challenges include a legal vacuum concerning the protection of institutional reputation and the urgent need for a cultural shift within law enforcement agencies, thereby necessitating that this decision be leveraged as momentum for a broader digital law reform agenda.

Keywords: Constitutional Court Decision; Digital Space; Freedom of Expression; Human Rights.

INTRODUCTION

The digital transformation has fundamentally reshaped the landscape of communication and social interaction, giving rise to a new public sphere that serves as the primary arena for citizens to express opinions, scrutinize government performance, and actively participate in democratic discourse (Marua & Muzakir, 2023). This phenomenon presents complex juridical consequences, particularly in the effort to strike a precise equilibrium between guaranteeing the constitutional right to freedom of expression and the regulatory necessity of protecting public interests and the fundamental rights of other individuals (Asshiddiqie, 2015). Freedom of expression is not an absolute right; rather, it is an essential pillar in a democratic state under the rule of law, enabling the mechanisms of checks and balances (Zubaidah et al., 2023).

Normatively, the Indonesian Constitution provides robust guarantees for freedom of expression. Article 28E section (3) of the 1945 Constitution explicitly states the right of every person to express opinions, which, in contemporary interpretation, extends beyond conventional media to the digital realm. This guarantee is reinforced by Article 28F of the 1945 Constitution, which affirms the right to communicate and obtain information. Consequently, any attempt to limit this right must be rigorously tested against the principles of constitutionality, proportionality, and compelling need within a democratic society.

Nevertheless, the enactment of Law Number 11 of 2008¹ and its subsequent amendments has become an epicenter of controversy in the regulation of Indonesia's digital space. Several of its provisions, such as Article 27A and Article 28 of Law Number 1 of 2024, are considered susceptible to multiple interpretations, creating excessively broad discretionary power for law enforcement officials. The ambiguity of the norms within these articles has historically served as an instrument vulnerable to misuse, leading to the criminalization of critical expression that ought to receive constitutional protection (Ali, 2018).

This juridical problem is substantiated by empirical data revealing a pattern of repressive application of Law Number 11 of 2008 and its amendments. A report by [Amnesty International Indonesia \(2025\)](#) documents 530 cases of criminalization of free expression involving 563 individuals between 2019 and 2024, with the majority of complaints filed by state actors such as the National Police's cyber patrol units and regional governments. These figures affirm that public concern over the potential abuse of legal instruments by state institutions is not a mere assumption but a reality that produces a significant chilling effect and erodes the substance of democracy.

Academic discourse on this issue has grown substantially. Previous studies have consistently highlighted the restrictive impact of Law Number 11 of 2008 and its amendments. Research by [Ningrat and Nulhaqim \(2023\)](#) and [Fedira et al. \(2025\)](#) comprehensively details how these vaguely worded articles have been utilized to silence public criticism and activism. Similarly, analyses by [Putranto \(2023\)](#) and [Indarta \(2025\)](#) have meticulously mapped the unique characteristics of the digital space that complicate the application of conventional legal principles and necessitate regulatory reform.

However, the majority of these studies were conducted prior to a fundamental judicial intervention that drastically altered the legal landscape of free expression in Indonesia. To date, no in-depth analysis has specifically and comprehensively examined the juridical implications of Constitutional Court Decision Number 105/PUU-XXII/2024. This ruling represents the most current legal response to the problem of criminalization, and an analysis thereof will fill a critical research gap in the literature on digital law and human rights in Indonesia.

On April 29, 2025, Constitutional Court Decision Number 105/PUU-XXII/2024 marked a monumental legal breakthrough. In its verdict, the Court granted in part the petition for judicial review filed by environmental activist Daniel Frits Maurits Tangkilisan. Specifically, the Justices provided a conditionally constitutional interpretation of the phrase "other persons" in Article 27A of Law Number 1 of 2024, stipulating that the phrase does not extend to government agencies, institutions,

¹Law Number 11 of 2008, as amended several times, lastly by Law Number 1 of 2024.

corporations, professions, or official positions. As a consequence, the legal subjects entitled to report the crime of defamation in the digital sphere are now limited to private individuals.

This Constitutional Court decision represents a fundamental paradigm shift in Indonesia's cybercrime legal doctrine. By restricting the class of potential complainants, the Constitutional Court explicitly acknowledges and protects the space for public criticism directed at institutions of power, whether state or corporate. This ruling aligns with modern democratic principles that position public oversight as a vital instrument for ensuring accountability and preventing the abuse of authority by state officials (Rahardjo, 2019). Furthermore, it affirms that public institutions must possess a higher degree of tolerance for criticism than private individuals (Suriadi, 2025).

However, this progressive ruling does not resolve all existing issues. Its issuance gives rise to a new set of legal challenges and questions that urgently require analysis. The limitation on reporting subjects raises concerns about the mechanisms for protecting institutional reputation from systematic disinformation or defamation campaigns. Moreover, a deeper examination is needed to assess the ruling's effectiveness within the broader framework of legal harmonization, including its implementation alongside Law Number 1 of 2023, which is set to take full effect in 2026.

Therefore, the objectives of this research are formulated to address this analytical void. *First*, to comprehensively analyze the juridical implications of Constitutional Court Decision Number 105/PUU-XXII/2024 on the protection of freedom of expression in the digital space. *Second*, to evaluate the consistency of this Constitutional Court decision with Indonesia's constitutional principles and international human rights standards. *Third*, to map the challenges and opportunities arising from the implementation of this decision in fostering a just and democratic digital ecosystem. The findings are expected to contribute significantly to the development of constitutional law and cybercrime law. This research is also intended to serve as a valuable reference for legislators and law enforcement officials in formulating derivative policies and to enrich the public discourse on the protection of digital rights in Indonesia.

METHOD

This study is fundamentally grounded in normative legal research, also known as doctrinal legal research (Qamar & Rezah, 2020). This paradigm was selected because the primary focus of the inquiry is the examination, interpretation, and systematization of positive legal norms, particularly as manifested in Constitutional Court Decision Number 105/PUU-XXII/2024. The object of study, being a legal product

(law in books), necessitates a normative method to analyze the validity, coherence, and implications of a legal norm within the broader legal system. As such, this approach represents the most relevant and justifiable methodological choice for addressing the research questions.

To dissect the object of study comprehensively, this research simultaneously employs several approaches. A statute approach is utilized to examine the Constitutional Court Decision within the hierarchy of laws and regulations, particularly in relation to the constitutional norms of the 1945 Constitution and other organic laws. Subsequently, a case approach is applied to conduct an in-depth analysis of the decision itself, focusing on the legal reasoning (*ratio decidendi*) of the Constitutional Court Justices. This approach allows the researcher to understand the legal logic, reasoning, and doctrines that form the foundation of the Court's ruling (Soekanto & Mamudji, 2015).

The data sources for this research consist of legal materials classified according to their level of authority (Sampara & Husen, 2016). Primary legal materials, serving as the main source of data, include the 1945 Constitution, Law Number 1 of 2024, and Constitutional Court Decision Number 105/PUU-XXII/2024 itself. Secondary legal materials comprise academic literature such as textbooks, reputable scholarly journals, and prior research that provide theoretical and doctrinal explanations of the primary materials. Finally, tertiary legal materials, including legal dictionaries and encyclopedias, are used to provide conceptual clarification (Marzuki, 2017). All materials were collected through systematic library research, which also involved sourcing empirical data from reports by credible institutions like Amnesty International Indonesia (2025) to provide a sociological context for the normative analysis.

Data analysis was conducted qualitatively using a multi-layered framework of legal interpretation (Irwansyah, 2020). The initial stage involved descriptive analysis to accurately outline the content and structure of the legal norms under review. It was followed by an interpretive analysis employing legal hermeneutics, which aimed to uncover the philosophical, historical, and teleological meanings behind the legal text. This step was taken to move beyond literal interpretation and grasp the spirit (*geist*) of the decision. Lastly, the research applies comparative analysis by contrasting the legal approach in Indonesia with practices in other countries and with international human rights standards. This series of analytical techniques was systematically designed to address the three research objectives: to analyze the juridical implications, evaluate constitutional consistency, and map the challenges and opportunities of the decision's implementation thoroughly and comprehensively.

RESULTS AND DISCUSSION

A. Juridical Anatomy of Constitutional Court Decision Number 105/PUU-XXII/2024

Constitutional Court Decision Number 105/PUU-XXII/2024 is a judicial product born from the context of the struggle for civil rights in the digital era. The initiative for this judicial review stemmed from a petition filed by Daniel Frits Maurits Tangkilisan, an environmental activist from Jepara who was directly impacted by criminalization for his critical expressions against practices deemed environmentally destructive. The petitioner's legal standing was predicated on the actual constitutional damages he suffered, thereby lending empirical legitimacy to the request to review the problematic norms within Law Number 1 of 2024.

The substance of the petition specifically targeted the constitutionality of Article 27A, Article 28 section (2), Article 45 section (4), and Article 45A section (2) of Law Number 1 of 2024 against the 1945 Constitution. The central argument advanced by the petitioner was that the phrase "other persons" in Article 27A concerning defamation was inherently ambiguous and conflicted with the principle of just legal certainty, as guaranteed by Article 28D section (1) of the 1945 Constitution. The lack of clarity regarding the scope of legal subjects who could be victims under the article was deemed to have created an overly broad space for interpretation, which in practice was often misused by state institutions and corporations to silence public criticism essential to democracy ([Fedira et al., 2025](#)).

In its legal reasoning, the Constitutional Court did not merely examine the textual aspects of the contested norms but also delved into the philosophical foundations of free expression in a democratic state under the rule of law. The Justices affirmed that freedom of expression serves as a vital instrument for social control and public oversight. This reasoning was explicitly voiced by one of the Constitutional Justices, who stated that "the shackling of the right to freedom of opinion and expression will precisely erode the function of control or oversight, which is a necessity to prevent the abuse of power in the administration of government." This consideration prioritizes the protection of public criticism when interpreting criminal statutes.

Furthermore, the Constitutional Court applied a proportionality test to evaluate the restriction on the right to free expression stipulated in Article 27A of Law Number 1 of 2024. The Justices opined that protecting honor or good name is a legitimate objective. However, the means employed—namely, by providing an unlimited scope of potential victims—was deemed disproportionate. The

restriction was found to exceed the threshold of what is necessary in a democratic society and to create a widespread chilling effect. Thus, the Court affirmed that any limitation on the constitutional rights guaranteed by Article 28E section (3) of the 1945 Constitution must be implemented carefully, narrowly, and must not injure the essence of the right itself.

One of the most compelling aspects of the Court's reasoning was its use of teleological interpretation by referencing a norm in Law Number 1 of 2023, which will only take full effect in 2026. Specifically, the Justices referred to Article 433 section (1) of Law Number 1 of 2023, which explicitly denies institutions the status of victims in the crime of insult or defamation. The use of this yet-to-be-enforced norm (*lex futura*) served as a reinforcing argument, indicating the evolutionary direction and legislative intent of Indonesia's criminal law reform. Although this methodological approach is debatable, the Court employed it to strengthen the conclusion that criminal law protection for reputation should be focused on individuals, not institutions.

The culmination of this entire legal reasoning manifested in the final verdict. The Constitutional Court declared Article 27A of Law Number 1 of 2024 to be conditionally unconstitutional. The norm was held to be contrary to the 1945 Constitution insofar as the phrase "other persons" is not interpreted to mean "excluding government agencies, groups of people with a specific or certain identity, institutions, corporations, professions, or official positions." Through this legal construction, the Court did not annul the article in its entirety. Instead, it provided a new, final, and binding interpretation to rectify the norm's meaning to align with the constitution.

This new normative construction doctrinally transforms the qualification of the crime of defamation in Law Number 1 of 2024 into a personal and absolute complaint-based offense (*absoluut klachtdelict*). It means the offense can only be prosecuted if there is a complaint (*klacht*) from the victim, who must be a private individual who has been directly harmed. Consequently, the legal standing (*locus standi*) to be a complainant is significantly narrowed, and collective or institutional entities no longer have the juridical legitimacy to utilize this criminal law instrument.

Overall, the anatomy of Constitutional Court Decision Number 105/PUU-XXII/2024 reveals a meticulous and multi-layered judicial intervention. The ruling not only responds to the concrete case brought by the petitioner but also performs a fundamental restructuring of the legal architecture governing freedom of expression and defamation in the digital space. By dissecting its legal reasoning, the doctrines it employed, and the construction of its verdict, it is clear

that this decision establishes a solid juridical foundation for further analysis of its implications, consistency, and implementation challenges within the Indonesian legal system.

B. The Post-Decision Transformation of Protections for Freedom of Expression

The most fundamental juridical implication of Constitutional Court Decision Number 105/PUU-XXII/2024 is the paradigmatic transformation in the legal protection of freedom of expression in the digital space. This ruling does not merely alter legal text; it fundamentally recalibrates the legal interest (*rechtsbelang*) protected by Article 27A of Law Number 1 of 2024. Prior to this decision, the broad interpretation of the phrase “other persons” allowed the reputation of institutions—both state and private—to be positioned as a legal interest defensible through criminal law. However, through its conditionally constitutional interpretation, the Court has decisively restored the essence of the crime of defamation as one that protects the personal honour and reputation of an individual.

This paradigm shift doctrinally reclassifies Article 27A of Law Number 1 of 2024 as a purely personal, absolute complaint-based offense (*absoluut klachtdelict*). It means that a criminal prosecution can only be initiated based on a complaint (*klacht*) from the person directly affected by the offense. That person must be a natural person (*natuurlijke persoon*). The protected legal interest is not “reputation” in a collective or institutional sense, but the personal honor inherent to every individual. This transformation purifies the purpose of the defamation norm, steering it away from its potential use as a tool to shield institutional image from criticism and returning it to its original function as a bastion for individual dignity.

The most direct operational consequence of this transformation is the elimination of legal standing (*locus standi*) for non-individual entities to act as complainants in defamation cases under Law Number 1 of 2024. The Court’s verdict explicitly lists exemptions for “government agencies, groups of people with a specific or certain identity, institutions, corporations, professions, or official positions.” Thus, the door for ministries, police departments, regional governments, companies, professional associations, or other collective entities to use Article 27A of Law Number 1 of 2024 as a basis for criminal complaints has been formally closed.

In practical terms, this means that law enforcement officials no longer have a juridical basis to accept or process defamation reports filed on behalf of an institution. If a government ministry feels “defamed” by criticism on social media,

the ministry as an institution cannot be the complainant. Likewise, a corporation targeted by criticism over its business practices can no longer use this offense to criminalize its critics. It creates a clear demarcation between the protection of individual reputation, which is guaranteed by criminal law, and the protection of institutional reputation, which should be addressed through other mechanisms such as the right of reply or a civil lawsuit.

By drastically limiting the subjects who can file a complaint, the Constitutional Court's decision effectively strengthens the space for citizens to perform their functions of social control and democratic oversight. Before this ruling, the threat of criminalization was a major deterrent factor preventing the public from voicing criticism against the policies or performance of public institutions and corporations (Muhni et al., 2025). Legal uncertainty and the tendency to use catch-all provisions had created a climate of fear that eroded public participation (Nurdin et al., 2025).

This pre-decision repressive condition is vividly confirmed by data released by Amnesty International Indonesia (2025). The report identifies 530 cases of criminalization of free expression during the 2019–2024 period, with the majority of complaints originating from state actors. This data serves as empirical evidence that Law Number 11 of 2008 and its amendments have become an instrument for institutions of power to silence critical voices. By revoking the legitimacy of institutions as complainants, this decision directly aims to break that chain of criminalization, thereby fostering a safer and more conducive digital public sphere for healthy discourse.

This transformation in protection also reflects an acknowledgment of a fundamental principle in deliberative democratic theory: that public institutions and officials performing public functions must have a greater degree of tolerance for criticism than ordinary citizens (Khanza & Murti, 2022). State institutions and large corporations possess far greater resources to respond to criticism, whether through clarifications, counter-data, or the exercise of the right of reply. Using the instrument of criminal law—intended as a last resort (*ultimum remedium*)—to protect institutional reputation is considered disproportionate and injurious to the essence of democracy, which demands accountability and transparency from those in power.

Ultimately, Constitutional Court Decision Number 105/PUU-XXII/2024 marks a crucial evolution in Indonesian human rights law. It shifts the focus of protection away from the potential for abuse of power by the state and other powerful entities and toward the safeguarding of fundamental individual rights. This transformation, therefore, is not merely a technical-juridical change. It is a reaffirmation of the constitutional commitment to building a digital ecosystem

where freedom of expression is not only formally guaranteed but also substantively protected from the threat of undue criminalization.

C. Constitutional Consistency and International Human Rights Perspectives

The validity and significance of Constitutional Court Decision Number 105/PUU-XXII/2024 lie not only in its juridical implications but also in its conformity with higher normative frameworks at both the national and international levels. Analyzing the ruling's consistency with constitutional norms and global human rights standards is crucial to affirming its legitimacy and situating it within a broader legal discourse. In essence, this decision is a manifestation of the Court's role as the guardian of the constitution and as an agent for internalizing universal human rights values into the national legal system ([Rezah & Sapada, 2023](#)).

From the perspective of Indonesian constitutional law, the decision demonstrates strong coherence with the constitutional guarantees of freedom of expression. Article 28E section (3) of the 1945 Constitution explicitly guarantees every person's right to "express opinions," while Article 28F of the 1945 Constitution protects the right to "communicate and obtain information." Through its legal reasoning, the Court has performed a progressive interpretation of these articles, asserting that these guarantees cannot be diminished by legislation that is susceptible to multiple interpretations and is potentially repressive. By limiting the class of complainants in defamation cases, the Court substantively implements the spirit of the constitution, which prioritizes the protection of citizens' fundamental rights from disproportionate state intervention ([Thohari, 2016](#)).

Moreover, the decision inherently strengthens the principles of a democratic state under the rule of law, which form Indonesia's constitutional foundation. In a democracy, freedom of expression—particularly in the form of criticism directed at public institutions—is not merely an individual right. It is a functional mechanism for ensuring the operation of the system of checks and balances ([Fahira, 2025](#)). This ruling juridically recognizes that public criticism is an essential element for maintaining government accountability and transparency and must therefore be afforded stronger protection ([Purnamawati, 2020](#)). Consequently, the decision not only protects individual rights but also safeguards the health and vitality of democracy itself.

At the international level, the ruling shows significant alignment with global human rights norms, particularly those enshrined in the ICCPR, which Indonesia ratified through Law Number 12 of 2005. Article 19 section (2) of the ICCPR guarantees the right to freedom of expression. While Article 19 section (3) of the ICCPR permits certain restrictions, these limitations must satisfy a strict three-

part test ([Fedira et al., 2025](#)). *First*, the restriction must be provided by law. *Second*, it must serve a legitimate purpose, such as protecting the rights or reputations of others, national security, or public order. *Third*, it must be proven to be necessary in a democratic society.

The Constitutional Court's decision implicitly applies the ICCPR's necessity and proportionality test. The Justices argued that the criminalization of criticism directed at institutions, in the name of protecting reputation, is not a "necessary" measure in a democratic society. Such a broad restriction was deemed disproportionate because its negative impact on freedom of expression far outweighs the benefits derived from protecting institutional reputation. The decision, therefore, effectively harmonizes national law with international standards that require any restrictions on free expression to be applied narrowly and with extreme caution.

Furthermore, a comparative analysis reveals that the spirit behind the decision is in line with well-established doctrines in other jurisdictions, even if not formally adopted. One relevant doctrine is the public figure doctrine, which developed in common law systems ([Kholis, 2018](#)). This doctrine establishes that public officials or public figures must accept a higher standard of criticism and face a heavier burden of proof in defamation cases. They must prove the existence of actual malice on the part of the critic, not merely the falsity of the statement ([Selian & Melina, 2018](#)).

Although the Indonesian legal system does not recognize the actual malice doctrine, the Constitutional Court's decision produces a functionally similar effect. By completely removing the ability of public institutions to be complainants in defamation cases, the ruling creates a much broader "safe zone" for public criticism. In practice, this means public institutions and officials in their official capacities are positioned as subjects who must be prepared to receive intense scrutiny and sharp criticism from society without being able to shelter behind the threat of criminal sanctions.

This functional alignment indicates that the Indonesian legal system, through judicial interpretation, is moving toward a global convergence in the protection of freedom of expression ([Bahram, 2025](#)). Constitutional Court Decision Number 105/PUU-XXII/2024 can be seen as Indonesia's step toward adopting international best practices in balancing the protection of reputation with the urgency of free speech in public discourse. As such, the ruling not only holds domestic significance but also positions Indonesia as an increasingly progressive nation in its commitment to upholding human rights in the digital age.

D. Implementation Challenges and Projections for Digital Law Reform

Although Constitutional Court Decision Number 105/PUU-XXII/2024 is normatively a significant advancement, its effectiveness and substantive impact on society are heavily dependent on a complex implementation process. The transition from a legal norm in text (law in the books) to a practical reality (law in action) will confront a series of multidimensional challenges. An analysis of these challenges is crucial for anticipating potential obstacles and formulating strategies to ensure that the spirit of human rights protection embodied in the ruling can be optimally realized.

The first and most urgent implementation challenge is the emergence of a legal vacuum concerning the mechanisms for protecting institutional reputation. With the door to criminal law closed for government agencies and corporations, the question arises as to how an institution can defend its credibility against coordinated disinformation or defamation campaigns. This challenge demands a reorientation from a punitive to a restorative approach. Public institutions must be encouraged to proactively use non-penal mechanisms such as the right of reply, public clarifications through mass media, and enhanced public transparency and communication ([Abbiyyu & Nindyaswari, 2022](#)). In the private sphere, corporations can pursue civil lawsuits on the grounds of unlawful acts, which require concrete proof of material damages—a higher and more proportional standard than the threat of criminal sanctions ([Putri & Priyana, 2023](#)).

The second fundamental challenge lies in the human resources and legal culture within law enforcement agencies. The Constitutional Court's decision demands a fundamental paradigm shift from a previously repressive tendency to one that is more protective of civil rights. However, this change cannot occur instantaneously. Data from the [Indonesian National Commission on Human Rights \(2022\)](#), which recorded 44 cases of freedom of expression violations between 2020 and 2021—the majority occurring in the digital space—indicates an enforcement culture that remains vulnerable to criminalization. Effective implementation of this ruling, therefore, requires substantial investment in training, the development of internal guidelines, and continuous socialization for the National Police, the Prosecutor's Office, and the courts to ensure a uniform understanding and a strong commitment to the spirit of the decision.

Furthermore, a significant juridical challenge is the potential for inconsistency in law enforcement due to the continued validity of other problematic articles within Law Number 11 of 2008 and its amendments. Although Article 27A of Law Number 1 of 2024 has been redefined, other provisions remain, such as articles concerning the dissemination of information that incites hatred (based on

ethnicity, religion, race, or inter-group relations) or false news that harms critics (Rumondor et al., 2024). The scope of these articles remains open to multiple interpretations. There is a risk that these alternative articles could be used as a “backdoor” to continue to ensnare critical expression that ought to be protected. Without more comprehensive reform, this ruling risks becoming a partial solution whose effectiveness could be undermined by the use of other equally problematic legal instruments.

Nevertheless, amid these various challenges, the decision opens up strategic opportunities and momentum for a broader agenda of digital law reform in Indonesia. The ruling can serve as powerful jurisprudence and a strong argumentative foundation for civil society and academics to push for a total revision of Law Number 11 of 2008 and its amendments. The legal reasoning of the Constitutional Court regarding the principles of proportionality, legal certainty, and the protection of public criticism can be used as a standard or benchmark to evaluate and amend other problematic articles. Thus, this decision is not merely the end of a single case; it is the beginning of a new chapter in the struggle to create truly democratic digital legislation.

This opportunity for reform must also be directed toward anticipating future technological developments. The current legal framework was largely designed to respond to challenges from text- and image-based digital communication. However, the emergence of technologies like artificial intelligence, capable of generating sophisticated disinformation (deepfakes), demands a more adaptive and visionary regulatory framework. The momentum created by this decision must be leveraged to initiate a discourse on future models of digital regulation. This model may need to shift from a rigid criminal law approach toward a co-regulation model involving active collaboration among the state, digital platform providers, and civil society.

Ultimately, the successful implementation of this decision and the realization of a democratic digital ecosystem depend on two decisive factors: political commitment and a transformation of legal culture. Strong political will is required from the government and the legislature not to seek new ways to restrict the space for criticism, but to support the strengthening of accountability mechanisms. Beyond that, a change in the societal legal culture is necessary—one that increasingly values differences of opinion, healthy public debate, and constructive criticism as essential pillars of a mature and substantive democracy.

Therefore, Constitutional Court Decision Number 105/PUU-XXII/2024 must be seen as an open invitation for deeper reflection and reform. It is a juridical roadmap pointing the way toward better protection for freedom of expression. However, the journey to that destination is still long. It demands the collective

effort of all elements of the nation to transform this progressive legal norm into a just social reality.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that Constitutional Court Decision Number 105/PUU-XXII/2024 represents a monumental judicial intervention with transformative juridical implications for the protection of freedom of expression in Indonesia's digital space. This ruling fundamentally recalibrates the crime of defamation from an instrument susceptible to misuse by institutions into an absolute complaint-based offense that purely protects individual honor. This move effectively reduces the potential for criminalization of public criticism and strengthens the democratic oversight function of citizens, in line with the constitutional mandate.

Furthermore, the decision demonstrates a high degree of consistency with both national and international normative frameworks. Domestically, it substantially implements the guarantee of freedom of expression in Article 28E section (3) of the 1945 Constitution and the principles of a democratic state under the rule of law. Globally, the legal reasoning of the Constitutional Court aligns with international human rights standards as enshrined in Article 19 of the ICCPR—particularly concerning the principle of proportionality in restricting rights—and is functionally in step with progressive doctrines that afford greater protection to expression concerning the public interest.

Nevertheless, this progressive ruling presents a series of implementation challenges while simultaneously opening up significant opportunities for reform. The primary challenges lie in the need to develop non-penal mechanisms for protecting institutional reputation and the urgent task of transforming the legal culture of law enforcement agencies to be more protective of civil rights. However, the decision also provides strategic momentum to push for a comprehensive revision of other problematic articles within Law Number 11 of 2008 and its amendments and to design a more adaptive and just digital legal framework.

Based on these conclusions, several suggestions are formulated. Academically, further research is needed to examine the effectiveness of non-penal mechanisms, such as civil lawsuits or the right of reply, as alternative protections for institutional reputation following this decision. On a policy level, it is recommended that the Government and the House of Representatives immediately follow up on this ruling by conducting a holistic revision of Law Number 11 of 2008 and its amendments. The legal reasoning of the Constitutional Court should be used as a benchmark in reformulating other articles that remain open to multiple interpretations. Practically, it is suggested that the Indonesian National Police, the Attorney General's Office, and

the Supreme Court develop internal regulations or guidelines to technically implement this decision. It should be accompanied by continuous training programs to ensure that law enforcement officials at all levels understand and adhere to the spirit of protecting freedom of expression contained within it.

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