



ISSN Print: 2541-5298
ISSN Online: 2541-6464

SRIWIJAYA Law Review

Editorial Office: Faculty of Law, Sriwijaya University
Jalan Srijaya Negara, Palembang, South Sumatra 30139, Indonesia.
Phone: +62711-580063 Fax: +62711-581179
E-mail: sriwijayalawreview@unsri.ac.id| sriwijayalawreview@gmail.com
Website: <http://journal.fh.unsri.ac.id/index.php/sriwijayalawreview>

Human Rights Defenders in Indonesia's Digital Age: Navigating Limited Spaces in the Quest for Digital Democracy

Rahayu^a, Kholis Roisah^a, Khansadhia Afifah Wardana^a, and Vania Lutfi Safira Erlangga^b

^a Faculty of Law, Universitas Diponegoro, Indonesia. Corresponding author Kholis Roisah, email: kholisroisah.fh.undip@gmail.com

^b Public International Law, Faculty of Law, Universiteit Leiden, the Netherlands.

Article

Abstract

Keywords:

Digital Democracy;
Freedom of Speech;
Human Rights Defenders.

Article History

Received: Apr 30, 2024;
Reviewed: Jul 23, 2024;
Accepted: Jul 30, 2024;
Published: Jul 31, 2024.

DOI:

10.28946/slrev.Vol8.Iss2.
3860.pp358-375

The enactment and application of the Electronic Transaction Information Law are pivotal for delineating the appropriate boundaries for exercising freedom of opinion and expression within Indonesia's digital sphere. According to reports from international digital rights research and advocacy organisation, online media journalists and human rights activists frequently encounter direct pressure and cyber harassment. This article explores the balance of freedom of expression in Indonesia's digital domain to ensure a secure environment for human rights defenders advocating for human rights. This study uses socio-legal methodologies to draw on data from literature reviews and in-depth interviews. It underscores the need for regulatory reforms to define prohibited hate speech explicitly. SafeNet documented 153 cyber-attacks in Indonesia in 2022, predominantly targeting civil society groups, students, activists, and journalists. Additionally, the National Committee on Human Rights reported that 52% of attacks on human rights defenders occurred in the digital realm. While the protection of digital democracy varies by nation, Indonesia must establish an institution responsible for properly enforcing the ITE Law alongside an independent monitoring mechanism and related policies. Such institutions, including those dedicated to human rights defenders, uphold human rights and demonstrate a commitment to the principles of freedom, respect, equality, and dignity within society.

©2024; This is an Open Access Research distributed under the term of the Creative Commons Attribution License (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original works are properly cited.

INTRODUCTION

The Internet has increased global communication, human interaction, and access to information.¹ It has also been seen as a "major progress" in promoting free speech worldwide. In addition, technological advances have also created the term Digital Democracy, namely a shift in political

¹ Donald J Leu et al., "Toward a Theory of New Literacies Emerging From the Internet and Other Information and Communication Technologies," ResearchGate, 2004, https://www.researchgate.net/publication/265628542_Toward_a_Theory_of_New_Literacies_Emerging_From_the_Internet_and_Other_Information_and_Communication_Technologies.

contestation in the online space.² This assumes optimism that the Internet is essentially a public space, a space where freedom of information is born and comes with healthy, universal, and strong conditions. The information society generated by technological advances has begun to move to form virtual public spaces as a means of representing people's will and desires to declare their existence.³ These new technologies invite us to rethink democracy in the digital era. However, there are serious concerns about free speech on the Internet; firstly, some countries have claimed that free speech on the Internet will lead to political instability." For example, communication on social media, such as Twitter and Facebook, played a significant role in igniting the Arab revolution (Arab Spring) that swept across the Middle East and North Africa in 2011.⁴ Second, freedom of speech on the Internet allows for potentially controversial speech about social interests and sensitive individuals. By enabling close contact between different cultures, freedom of speech increases the risk of others being harmed by online expressions. Due to the existence of different cultures, people can easily insult others' beliefs through expressions on the Internet. Free speech can also be hate speech that has the potential to cause intercultural or cross-cultural conflicts.⁵ This has the potential to cause riots, violence, conflict, or anxiety.

The rise of internet users in Indonesia can be seen by the incredibly large number of 201 million internet citizens, famously known as netizens, which makes Indonesia the sixth country in the world with the largest number of active internet users.⁶ With that many internet users, Indonesia has the potential to start a massive movement for digital activism – activism through digital technology in cyberspace to promote social movements. Examples include the #Blacklivesmatter movement in the United States (US) and the movement to encourage the ratification of the Sexual Violence Crime Bill (RUU) in Indonesia. However, currently, Indonesian society is facing a shrinking civil space, which is marked by incessant physical and digital repression, as well as the annexation of key institutions in democracy by actors who hold power.

Indonesia considers freedom of opinion as one of the rights that is protected and fulfilled based on the Constitution of the 1945 Constitution.⁷ Freedom of expression in public in the 1945 Constitution after the second amendment has been regulated in Article 28E paragraph (3), which states, "Everyone has the right to freedom of association, gather, and express opinions."

² Holly Ann Garnett and Toby S. James, "Cyber Elections in the Digital Age: Threats and Opportunities of Technology for Electoral Integrity," *Election Law Journal: Rules, Politics, and Policy* 19, no. 2 (2020): 111–26, https://doi.org/https://doi.org/10.1089/ELJ.2020.0633/ASSET/IMAGES/LARGE/ELJ.2020.0633_FIGURE1.JPEG.

³ Jay G. Blumler and Michael Gurevitch, "The New Media And Our Political Communication Discontents: Democratizing Cyberspace," *Information, Communication & Society* 4, no. 1 (2001): 1–13, <https://doi.org/https://doi.org/10.1080/713768514>.

⁴ Christian Fuchs and Vincent Mosco, *Social Media, Mediation and the Arab Revolutions* (BRILL, 2016), <https://brill.com/display/book/9789004291393/B9789004291393-s016.xml>.

⁵ Kitsuron Sangsuvan, "Balancing Freedom of Speech on the Internet under International Law," *North Carolina Journal of International Law and Commercial Regulation* 39 (2013), <https://heinonline.org/HOL/Page?handle=hein.journals/ncjint39&id=729&div=&collection=>.

⁶ Pandu Adi Cakranegara Suhardjono, S. et al., "Analysis of Internet Utilisation for the Community in Terms of Rural and Urban Conditions in the Province of Indonesia.," *Jurnal Mantik* 6, no. 3 (2022): 2954–61.

⁷ M. I. Susanto, "Kedudukan Hukum People Power Dan Relevansinya Dengan Hak Kebebasan Berpendapat Di Indonesia.," *Jurnal Ilmu Hukum Dan Konstitusi* 2, no. 2 (2019): 225–37, <https://doi.org/https://doi.org/10.24090/volksgeist.v2i2.2844>.

However, the rights to freedom of opinion and expression are not classified as non-derogable rights (rights that cannot be reduced under any circumstances). Therefore, exercising the right to freedom of opinion and expression may be limited. However, it is essential to note that restrictions on the rights to freedom of opinion and expression should not be imposed arbitrarily. Limitations prescribed by law are necessary to respect the rights or reputations of others and protect national security, public order, public health, or morals. In the digital realm itself, Indonesia has Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), amended through Law No. 19 of 2016. This law can criminalize anyone who writes in electronic media, including the Internet, on defamation charges. Article 27 Paragraph (3) of the ITE Law states a prohibition against "intentionally and without rights distributing and/or transmitting and/or making accessible electronic information that contains insults and/or defamation." Meanwhile, Article 28, paragraph (2) of the ITE Law mentions hate speech acts, which read, "Every person intentionally and without rights disseminates information aimed at causing hatred or hostility to certain individuals and/or community groups based on ethnicity, religion, race, and ethnicity." The ITE Law in Indonesia is a form of limitation on the right to freedom of opinion and expression on the Internet.

Freedom House, an international digital rights research and advocacy organization, reported a decline in scores for freedom in the internet space, including freedom of opinion and expression, in the last three years.⁸ Freedom House stated that online media journalists and human rights activists often face pressure directly and through cyber in the form of online harassment. Death threats and online pressure activities are also experienced by some journalists, activists, and the general public in Indonesia. Indeed, Article 1 of the Declaration on Human Rights Defenders states that everyone has the right, individually or collectively, to promote and fight for the protection and fulfilment of human rights and freedoms at the national and international levels.⁹ Furthermore, the crisis of narrowing civil space has not only taken away most of the freedoms of society but has also made human rights defenders a new vulnerable group. Further study of the existence and implementation of the ITE Law is urgently needed to find appropriate boundaries in the practice of freedom of opinion and freedom of expression in Indonesia's digital space.¹⁰ This article discusses how freedom of expression in Indonesia's digital space can be balanced, thus providing a safe space for human rights defenders to advocate for people's human rights.

This research is different from several previous studies on human rights defenders, which discussed the state's legal obligation to fulfil the protection of women human rights defenders,

⁸ Freedom House, "Freedom on the Net 2019: Indonesia," 2019, <https://freedomhouse.org/country/indonesia/freedom-net/2>.

⁹ UN General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms," *Advances in Social Science, Education and Humanities Research*, 1999, <https://www.refworld.org/docid/3b00f54c14.html>.

¹⁰ Sinta Amelia Febrianasari, Sunny Ummul Firdaus, and Farhan Fathurrahman, "Modernisation and Technological Developments That Have an Impact on Freedom of Expression in Today's Digi-Tal Age, Proceedings of the International Conference for Democracy and National Resilience," 2022, https://doi.org/10.2991/978-2-494069-75-6_14.

considering how vulnerable women human rights defenders are.¹¹ Several things overlap between journalists, such as the concept of human rights defenders and the framework of international norms that protect both.¹² Another article discusses the development of relations between business and human rights defenders, aiming to transform hostile interactions into more cooperative ones. This ultimately contributes to a more holistic interpretation of the UN Guiding Principles on Business and Human Rights (UNGPs).¹³ Another paper examines the relationship between 'refugees' and 'human rights defenders' to show that the 1951 Refugee Convention could cover human rights defenders.¹⁴

The article mainly discusses the importance of addressing the obstacles faced by human rights defenders in Indonesia. It calls for increased support and protection for these individuals to ensure their voices are heard effectively in human rights discourse. Indonesia, as one of the largest democratic states, is regarded as one of the biggest democratic parties in the world¹⁵, surely it is shameful to see the current reality that does not reflect the praise sung by the international community. In addition, there is a need for continued emphasis and monitoring, as well as advocacy to safeguard the rights and safety of human rights defenders within the national legal system and other international human rights platforms, advocating for a more inclusive and protective environment so that human rights defenders can operate without fear of reprisal.¹⁶

RESEARCH METHODS

This research is a socio-legal study that combines analysis of social theory and law in a multidisciplinary manner.¹⁷ The focus is on the interaction phenomenon in the digital space related to human rights advocacy carried out by human rights activists. The data was obtained in the form of primary data, namely through in-depth interviews with related parties, namely academia, Non-Governmental Organisation, and independent Human Rights Defenders. This article needed primary data to understand the context and nuance of what kind of human rights violation had happened to the victim, especially in the digital platform. It needs to be more adequate for this article to rely on literature review and court judgment, hence the need to collect data through interviews. Primary data is also collected through social media observations traced through keyword search methods and digital track records, to generate a general awareness of cases related to the violation of freedom of expression in the digital era. Secondary data is collected through literature studies covering legal and non-legal, court decisions and journalistic

¹¹ Savitri et al., "Legal Status and Protection for Women Human Rights Defenders in Indonesia," *Fiat Justisia: Jurnal Ilmu Hukum* 16, no. 4 (2022): 297–320, <https://doi.org/https://doi.org/10.25041/fiatjustisia.v16no4.2455>.

¹² T Mitchell, "Journalists as Human Rights Defenders: International Protection of Journalists in Contexts of Violence and Impunity," *Reporting Human Rights, Conflicts, and Peacebuilding*. Palgrave Macmillan, Cham, 2019, https://doi.org/https://doi.org/10.1007/978-3-030-10719-2_14.

¹³ INEICHEN M., "Protecting Human Rights Defenders: A Critical Step Towards a More Holistic Implementation of the UNGPs.," *Business and Human Rights Journal* 3, no. 1 (2018): 97–104, <https://doi.org/doi:10.1017/bhj.2017.32>.

¹⁴ Koula A-C, "International Refugee Regime: An Alternative Form of Protection for Human Rights Defenders?," *Israel Law Review* 54, no. 3 (2021): 340–68, <https://doi.org/doi:10.1017/S0021223721000066>.

¹⁵ Alexander R. Arifianto, "What the 2019 Election Says about Indonesian Democracy.," *Asia Policy* 14, no. 4 (2019): 46–53.

¹⁶ M. J. Voss, "Contesting Human Rights Defenders at the United Nations Human Rights Council," *Global Society* 36, no. 1 (2021): 49–53, <https://doi.org/https://doi.org/10.1080/13600826.2021.1881049>.

¹⁷ Reza Banakar and Max Travers, "Theory and Method in Socio-Legal Research," Hart Publishing Ltd, 2005, <https://portal.research.lu.se/en/publications/theory-and-method-in-socio-legal-research>.

media, mostly books and articles that explain the process of digital democracy and how it is relevant in building a healthy democracy, as well as the importance of upholding a safe implementation of freedom of expression in the digital world. This study analyses the restrictions on freedom of expression in the digital space and the limited implementation of digital democracy in Indonesia.

ANALYSIS AND DISCUSSION

The Dynamics of Digital Democracy

In terms of traditional democratic theories, in a democracy, everyone has the right to participate in government, either directly or through representatives. Another important thing is that in a democracy, there are the principles of political equality, or as Dahl thought, "Only in a democratic government can a relatively high level of political equality be fostered,"¹⁸ so that there is recognition of the dignity of each human. The flexible elements of democracy cannot escape globalization and technology's strong influence and demands. The modern world system is increasingly complex and requires the dynamics of democracy to be able to follow developments that occur in reality. The advancement of democracy goes hand in hand with the proper implementation of freedom of expression; in this case, freedom of expression, as a first-generation right, means that it also carries with it all the consequences, including the prohibition on reducing or limiting this right. The right to personal freedom and the right to freedom of expression are some of the most important rights apart from other rights. The right to freedom of opinion is closely related to other personal freedom rights that a person has and are interconnected and influence each other. This right (freedom of opinion) is closely related to a person's right to associate and assemble. It can also be related to the right to embrace one's religion in accordance with one's beliefs and even concerns freedom of the press as the fourth pillar of democracy in a country. The essence of personal rights, or the right to express an opinion, is very broad. In fact, violations of freedom of expression often occur simultaneously with other violations, such as violations of the right to freedom of association and assembly to freedom of the press.

Digitisation is driving democracy to be faster, more complex, and borderless. The most significant opportunity for the practice of digital democracy is the expansion of spaces for interaction between stakeholders in democracy. In the sense of "traditional" democracy so far, the concept of democracy opens spaces for dialogue between democratic actors. Each party in the democratic stakeholder can express opinions in the public sphere without being worried by the political risks that may occur, including the risk of feelings of fear and other forms of coercion. Digital democracy has a role in expanding the reach of public participation spaces. Digital tools improve transparency and accountability in governance and the potential for digital technologies to enable the formation of more inclusive and representative democracies. We argue that more research is needed on how digital technologies can be used to support democracy

¹⁸ Sidney Verba, "Would the Dream of Political Equality Turn out to Be a Nightmare?," *Perspectives on Politics* 1, no. 4 (2003): 663–79, <https://doi.org/https://doi.org/10.1017/S1537592703000458>.

upgrades.¹⁹ The added value of the practice of digital democracy is the realization of equality for every citizen to participate in politics.²⁰

Castell provides his understanding of digital democracy and calls it a series of interactions between the public, political parties, governments, local communities, and social networks or a dialectical interaction between technology and society.²¹ The Internet can generate new forms of participation in social life, such as encouraging a more enlightening exchange of ideas, changing political debates, carrying out socio-societal changes, and reforming the political system.²² The starting point for the emergence of the role of the Internet in democracy in Indonesia, namely from 1994 to early 2000 when the Internet began to be used by the pro-democracy movement in Indonesia until David T. Hill and Krishna Sen wrote that communication technologies such as the Internet played a role central to overthrow the Suharto dictatorship.²³ The first step of digital democracy was seen in the momentum of the General Election in 2014 through the *kawalpemilu.org*²⁴ website, which functions to facilitate public votes and oversee the performance of the General Election Commission. With a crowdsourcing and big data approach, this site, which Ainun Najib initiated, brings together the initiatives and intentions of citizens to oversee and control the election process facilitated by the Internet. The election escort site was then transformed into *kawalppresident.org*. This example is an explicit illustration of the significant role of the Internet in today's democracy. This is in line with the wave of use of internet technology, especially social media in various parts of the world that today the Internet no longer only enables a person to exercise the right to express his opinion freely but is also able to voice human rights²⁵ and encourage society's progress in a better direction. It also has a role in fulfilling citizens' right to the truth. Without access to adequate information provided by the Internet, the idea of transparency, accountability of public officials, eradicating corruption, or public participation in the policy-making process is more difficult to materialize.

The digital space has become an integral part of democratic processes and practices. In the past few decades, social media has revolutionized how we communicate, share information, and participate in societal discussions. Platforms like Facebook, Twitter, Instagram, and YouTube have given millions of people around the world unprecedented access to express their opinions,

¹⁹ Dirk Helbing et al., "Democracy by Design: Perspectives for Digitally Assisted, Participatory Upgrades of Society," *Journal of Computational Science* 71 (2023).

²⁰ Muhammad Saud et al., "Cultural Dynamics of Digital Space: Democracy, Civic Engagement and Youth Participation in Virtual Spheres," *International Journal of Intercultural Relations* 97 (2023), <https://doi.org/https://doi.org/10.1016/j.ijintrel.2023.101904>.

²¹ Manuel Castells, *The Internet Galaxy: Reflections on the Internet, Business, and Society*, *The Internet Galaxy* (London: Oxford University Press, 2022), <https://doi.org/https://doi.org/10.1093/ACPROF:OSO/9780199255771.001.0001>.

²² Sebastian Berg and Jeanette Hofmann, "Digital Democracy," *Internet Policy Review* 10, no. 4 (2021), <https://doi.org/https://doi.org/10.14763/2021.4.1612>.

²³ David T. Hill and Krishna Sen, "The Internet in Indonesia's New Democracy," *Democratisation* 7, no. 1 (2000): 119–36, <https://doi.org/https://doi.org/10.1080/13510340008403648/ASSET//CMS/ASSET/AEDAB2C9-F728-41D9-8AAE-3855C3F67FE4/13510340008403648.FP.PNG>.

²⁴ Arie Purwanto, Anneke Zuiderwijk, and Marijn Janssen, "Citizen Engagement in an Open Election Data Initiative: A Case Study of Indonesian's 'Kawal Pemilu,'" *ACM International Conference Proceeding Series*, 2018, <https://doi.org/https://doi.org/10.1145/3209281.3209305>.

²⁵ Bart Custers, "New Digital Rights: Imagining Additional Fundamental Rights for the Digital Era," *Computer Law & Security Review* 44 (2022), <https://doi.org/https://doi.org/10.1016/j.clsr.2021.10563>.

create content, and speak out about the issues that matter to them. However, along with technological advances and the increasingly widespread use of social media, various issues related to freedom of expression have emerged that require in-depth attention. One of the main novelties in this context is the role of technology and algorithms in regulating the social media ecosystem. Freedom of expression on social media becomes increasingly complicated when considering issues such as the spread of false information (hoaxes), hate speech, and online harassment, as well as the potential for excessive monitoring by the authorities. Questions arise about how freedom of expression should be regulated in the context of social media and where the line should be drawn between the freedom of expression afforded to individuals and the protection of the public interest and other individual rights.

The Indonesian government has made efforts to regulate digital space through the Law on Information and Electronic Transactions. At the beginning, the regulation of digital space in Indonesia was governed by Law Number 11 of 2008 concerning Information and Electronic Transactions. It was then revised in 2016 through Law Number 19 of 2016. The ITE Law of 2016 was enacted to ensure the recognition and respect for the rights and freedoms of other people and to meet the demands of justice while considering public security and order in a democratic society.²⁶ In essence, the ITE Law represents an effort to uphold democracy within the digital space. Digitisation facilitates increased public participation in the democratic process.²⁷ Through social media platforms and various digital applications, citizens can voice their opinions, share information, and engage in political discourse. Digitisation broadens public involvement in decision-making processes and allows a greater diversity of voices to be heard. Information that the public can readily access could enable citizens to monitor governmental actions and demand accountability.²⁸ Subsequently, access to information helps prevent corruption and strengthens public trust in democratic institutions.²⁹

Wider access to information is also one of digitisation's advantages. The public can quickly and easily access information on political and social issues, helping them make more informed decisions and participate more actively in political life.³⁰

However, this development does not come without negative implications. One impact is the emergence of false information (disinformation, fake news, hoaxes) and even hate speech.³¹ One of these facts is driven by the low sensitivity of the people to the truth of information or news; they need to be more active in checking so any information/news that is taken for granted and is even disseminated to a broader circle of friends. The prospects and challenges of digital

²⁶ Rosadi and Sinta Dewi, *Pembahasan UU Pelindungan Data Pribadi (UU RI No. 27 Tahun 2022)*. (Sinar Grafika, 2023).

²⁷ Albadry, Syah Amin, and Sasmita Rusnaini, "Digital Transformation and Its Role in Improving Democracy: A Systematic Literature Review.," *Open Access Indonesia Journal of Social Sciences* 6, no. 3 (2023): 1004–9.

²⁸ Paul T. Jaeger and John Carlo Bertot, "Transparency and Technological Change: Ensuring Equal and Sustained Public Access to Government Information.," *Government Information Quarterly* 27, no. 4 (2010): 371–76.

²⁹ Jaeger and Bertot.

³⁰ Alex-Assensoh and Yvette M, *Democracy at Risk: How Political Choices Undermine Citizen Participation and What We Can Do About It* (Brookings Institution Press, 2005).

³¹ Widholm et al., "Democracy and Digital Disintegration Platforms, Actors, Citizens," *Nordicom Review* 45, no. 1 (2024): 1–141, <https://doi.org/10.2478/nor-2024-0005>.

democracy go hand in hand. Wilhelm³² proposes several views on digital democracy, namely (1) the availability of infrastructure that can spur the public's spirit to participate in politics; (2) ensuring that information can be accessed by all users, including marginal groups who have not been facilitated; (3) maintaining the quality of discussion in a Castells-style network community; (4) loss of public space under the pressure of dominating market forces. These four challenges become the people's homework, given the pluralism of users and the increasing circulation of information. The presence of the ITE Law is one of the challenges in question. It causes the emergence of 4 (four) new criminal patterns: revenge actions, legal barter, silencing critics, and shock therapy, which are biased from their original goals. Initially, these articles were intended to arrest cybercriminals. Still, they are more often used to criminalize citizens who use the Internet and social media to express complaints, opinions, thoughts, polemics, and even criticism of regional leaders.

Even though the ITE Law has been revised as of 26 October 2016 and ratified as Law No. 19/2016, the problem still needs to be resolved to its root, namely the existence of these articles in the ITE Law. Efforts to release guidelines for implementing the ITE Law through a Joint Decree (SKB) signed by the Attorney General, the National Police Chief, and the Minister of Communication and Information did not produce the expected results. Criminalisation cases under the ITE Law have increased since the SKB was signed on June 23, 2021. As many as 80% of the total victims of criminalization were reported under the ITE Law in July-August 2021.³³ Even more unfortunate is that law enforcement officials still need to understand the ITE Law guidelines' implementation widely. A good understanding on the part of the police is one of the steps to sort out which cases are not worthy of being criminalized. In one of the criminalization cases in South Sulawesi, the police clearly stated that they were unaware of this SKB, so they continued to process the report under Article 27 paragraph 3 of the ITE Law. It takes a concerted effort from those who believe that internet technology can be used for democracy so that this problem is handled properly. It will cause severe problems in Indonesian democracy if it is not resolved quickly. SafeNet also reported the same thing, with many victims being trapped in Article 27 Paragraph (3) and Article 28 Paragraph (2), so these two articles are often referred to as the rubber article.

The second revision of the ITE Law or Law Number 1 of 2024, which President Joko Widodo signed, still maintains old problems. In the second revision of the ITE Law, there are still rubber articles that are used to criminalize civilians, including Article 27, Paragraphs (1) to (4), Article 28, Paragraphs (1) and (2), which are often used to silence criticism, to punishment provisions in Articles 45, 45A, and 45B. These problematic articles will prolong the threat to the public's access to information and the right to freedom of expression in Indonesia. "In fact, the DPR and the government are still adding new provisions such as Article 27 A concerning attacks on people's honour or good names and Article 27 B, which has the potential to criminalize critical communities," said Nenden. Haris and Fatia have also submitted a judicial review of the defamation article to the Constitutional Court. The Constitutional Court was asked to declare that

³² Anthony G. Wilhelm, "Democracy in the Digital Age : Challenges to Political Life in Cyberspace," *Democracy in the Digital Age*, 2002, [https://doi.org/https://doi.org/10.4324/9780203902509](https://doi.org/10.4324/9780203902509).

³³ SAFEnet, "Laporan Hak-Hak Digital Selama Pandemi Tahun 2021," n.d.

the defamation article was unconstitutional. Article 14³⁴ and Article 15³⁵ of Law Number 1 of 1946, in conjunction with Law 4 of 1976, were declared to be against the provisions of the 1945 Constitution. In their decision, the Constitutional Court judge stated that Article 14 and Article 15 of Law Number 1 of 1946 concerning The Criminal Law Regulations (state gazette of the Republic of Indonesia II number 9) conflict with the 1945 Constitution of the Republic of Indonesia and do not have binding legal force. However, according to human rights scholar Herlambang Wiratraman, the lawsuit will have a minor impact because what is being sued is an article in the old ITE Law. Meanwhile, the legislators have now approved the second revision of the ITE Law.

Human Rights Defenders and Freedom of Speech in the Digital Age

Human rights defenders play an important role in the human rights movement by documenting violations, supporting victims, fighting impunity, and promoting a culture of human rights at various levels.³⁶ The foundation of freedom of expression in Indonesia is contained in Pancasila, which encourages the occurrence of "People led by wisdom in deliberation or representation" so that people are given the freedom to express their thoughts orally or in writing. This aims to avoid the occurrence of irregularities committed by state institutions and actors that are not in line with Indonesia's national goals, namely the nation's welfare. The ideals contained in the Pancasila were then strengthened by several legal foundations related to freedom of expression, namely, the 1945 Constitution, Law No. 9 of 1998 concerning Freedom to Express Opinions in Public, Law No. 39 of 1999 concerning Human Rights, Law No. 40 of 1999 concerning the Press and TAP MPR No. XVII/MPR/1998 on Human Rights. In Law no. 9 of 1998, in Article 1 paragraph (1) concerning the Freedom of Expressing Opinions in Public, it is stated that "freedom of expression is the right of every citizen to express thoughts orally and in writing freely and responsibly in accordance with the provisions of the applicable laws and regulations." Furthermore, Article 5 states, "Citizens who express their opinions in public have the right to express their thoughts freely and obtain legal protection" in MPR Decree No. XVII/MPR/1998 article 19 also states, "Everyone has the right to freedom of association, assembly and expression".

The brick wall in the practice of freedom of expression in Indonesia appears in the form of the ITE Law, a regulation that initially had several objectives, namely: to educate the nation's life, provide the widest possible opportunity for everyone to advance their thinking and abilities in the field of using and utilizing information and technology as optimally as possible, and responsibly; and the last is to provide a sense of security, justice, and legal certainty to users and providers of information technology. However, the ITE Law sometimes traps other parties with

³⁴ Article 14: "(1) Any person who, by broadcasting false news or notifications, deliberately causes trouble among the people, shall be punished with a maximum prison sentence of ten years. (2) Any person who broadcasts news or issues a notification, which may cause trouble among the people, while he reasonably believes that the news or notification is a lie shall be punished by imprisonment for a maximum of three years."

³⁵ Article 15: "Any person who broadcasts uncertain, excessive, or incomplete news, even though he understands that it is at least reasonable to suspect that such news will or can easily cause trouble among the people, shall be punished by imprisonment for a maximum of two years."

³⁶ O Melnyk, *Legal Protection Of Human Rights Defenders As An Element Of The European Union's Human Rights Policy, Collection of Scientific Papers «ΛΟΓΟΣ»* (Cambridge: United Kingdom, 2022), <https://doi.org/https://doi.org/10.36074/logos-20.05.2022.017>.

hate speech reasons. The emergence of *Surat Edaran* (SE) No. SE/2/11/2021 concerning Ethical Cultural Awareness to Create a Clean, Healthy, and Productive Digital Space for Indonesia as a guideline for implementing the ITE Law released by the National Police Chief in 2021 has proven to have no significant impact. In practice, there are often unfair trials by state actors against citizens who are accused of violating the ITE Law on expressions or utterances conveyed publicly in the digital space.

Although the Internet has been around since the 1960s, Frank La Rue, former United Nations special rapporteur on Freedom of Expression and Access to Information 2008-2014, wrote in his report on May 16, 2011, that the Internet has become the most potent instrument. In the 21st century, it increases transparency in overseeing government, provides access to information, and facilitates citizens to participate in building a democratic society. The Internet not only allows one to exercise the right to express opinions freely but also to voice human rights and promote the progress of society for the better. The Internet also plays a role in fulfilling the right to truth. The existence of the Internet as part of world globalization has succeeded in becoming the most prominent forum that accommodates the participation of the general public in the form of expression and speech. The Internet has become a unique medium for human communication processes on earth. Some of the main actors in the interaction system on the Internet are (1) the sender or speaker, (2) the recipient or listener, and (3) media or service providers.³⁷ In this sense, social media includes a popular form of electronic communication that allows people to create online communities to share information, ideas, private messages, and other content so that information can be exchanged, collected, aggregated, and disseminated in a fraction of a second. The Internet is a device or container that allows people to express, communicate, or provide information. Therefore, the right to free speech on the Internet must be protected from interference. Human rights instruments recognize that the protection of free speech under international human rights law extends to the Internet. Article 19 of the Covenant on Civil and Political Rights, which protects freedom of speech, must apply to the Internet." This means that the right to free speech on the Internet must be protected, just as the general right to free speech is. Although the Covenant on Civil and Political Rights does not guarantee the right to the Internet, Article 19 (2) explicitly protects expression and information regardless of platform channel. "The text and history of the drafting of the Covenant on Civil and Political Rights also shows that negotiating states intend that the term 'media' includes not only the specific channels of communication available at the time (e.g., newspapers and increasingly radio and television) but also technologies that were yet to be invented."³⁸

Persecution of activists and the general public is often carried out in the digital space, negatively affecting outside life. Ni Kadek Vany from LBH Bali explained that there was an attempt to take over his cell phone after participating in a demonstration regarding the RKUHP in September 2019. This happened to her and several other fellow activists and demonstration participants from various backgrounds. In academia, restrictions on freedom of expression

³⁷ A. John III Harper, "Traditional Free-Speech Law: Does It Apply on the Internet," *Computer Law Review and Technology Journal* 6 (2001), <https://heinonline.org/HOL/Page?handle=hein.journals/comrlrtj6&id=273&div=&collection=>.

³⁸ Molly K. Land, "Toward an International Law of the Internet," *International Law Reports* 60 (2012): 511–642, <https://doi.org/https://doi.org/10.1017/CBO9781316151877.075>.

against students are increasingly widespread. Udayana University has formed a supervisory body that requires each discussion forum to obtain permission first and, in implementing the platform, must be accompanied by one of the university's supervisory body representatives. The system was implemented after the massive participation of Indonesian students who held demonstrations related to the draft of the new Criminal Code. The latest case is the emergence of spamming actions against citizens who open discussion rooms and become speakers on Twitter. This case focuses on implementing Minister of Communication Regulation No. 5 of 2020 concerning Private Scope Electronic System Operators or PSE regulations. The widespread use of the ITE Law, often brought up by national news, has inspired the general public to use the regulation when involved in a dispute. LBH Bali faces the same problem. The legal aid agency said that many residents still ask for legal assistance and intend to use the ITE Law as a way out of the problems they are experiencing.

Based on data from the Southeast Asia Freedom of Expression Network (SafeNet) and Amnesty International, the number of cases related to the ITE Law has tripled, from 74 cases during former President Yudhoyono's second term (2009-2014) to 233 cases during President Joko Widodo's first term (2014-2019). Of the 241 individuals charged during Joko Widodo's presidency, 82 were accused of insulting the President.³⁹

The development of digitization in Indonesia not only opens new opportunities for public participation in democracy but also brings significant challenges related to freedom of expression. Although the ITE Law was designed to regulate and protect activities in the digital space, its application has often been controversial. The data indicate a significant increase in ITE cases during President Joko Widodo's era, reflecting the tension between legal regulation and freedom of speech in the digital era.⁴⁰ This raises profound questions about how the state can balance maintaining security and public order and guaranteeing freedom of expression, which is the foundation of democracy.

One of the cases that succeeded in attracting the attention of the general public was related to the efforts to silence human rights activists carried out by the official Coordinating Minister for Maritime Affairs and Investment Luhut Binsar Pandjaitan, who reported Lokataru Director Haris Azhar and KontraS Coordinator Fatia Maulidiyanti to the Metro Jaya Police on suspicion of criminal defamation and an Rp100 billion lawsuit due to discussions related to a study made by Kontras and several NGOs regarding mine ownership in Intan Jaya Papua.⁴¹ In international guidelines, one of which is the Rabat Plan of Action⁴², a new utterance or expression may be prohibited by the state when the expression is classified as hate speech, but to qualify as the spread of hate speech, it must first be seen: (1) The context in expression; (2) The position and status of the individual who conveys the expression; (3) The intention of the delivery of the

³⁹ Kompas, “Amnesty: Kasus Penjeratan UU ITE Saat Kepemimpinan Jokowi Meningkatkan Tajam,” accessed June 8, 2024, <https://nasional.kompas.com/read/2020/10/28/22311391/amnesty-kasus-penjeratan-uu-ite-saatkepemimpinan-jokowi-meningkat-tajam>.

⁴⁰ Kompas.

⁴¹ CNN Indonesia, “Walhi Hingga KontraS Dicecar 27 Pertanyaan Di Kasus Haris Vs Luhut,” n.d., <https://www.cnnindonesia.com/nasional/20220404200337-12-780199/walhi-hingga-kontras-dicecar-27-pertanyaan-di-kasus-haris-vs-luhut>.

⁴² Jacob McHangama and Natalie Alkiviadou, “Hate Speech and the European Court of Human Rights: Whatever Happened to the Right to Offend, Shock or Disturb?,” *Human Rights Law Review* 21, no. 4 (2021): 1008–42, <https://doi.org/https://doi.org/10.1093/HRLR/NGAB015>.

expression to advocate hatred and incitement; (4) The charge strength of the expression; (5) The reach and impact of the expression on the audience; and (6) The possibility and potential dangers that threaten the above-conveyed expression. The vulnerability of the abuse of this article on Incitement to Hatred requires law enforcement officials to be more careful in assessing an expression with severely harmful content so that it can be punished. Meanwhile, the hazard qualifications still need to be met in this event.

The situation becomes increasingly complex when the law's misuse targets journalists, activists, and citizens. A critical question was then raised about the balance between security, order, and freedom of expression in a democratic society. Throughout 2019, the most vulnerable professional group in Indonesia facing cyber threats were journalists, who are frequently targeted by criminal charges.⁴³ Besides journalists, activists and citizens were also vulnerable groups, with five cases recorded under the ITE Law.⁴⁴ This law categorizes defamation via the Internet as a criminal offense. However, in practice, this provision is often abused to silence criticism, particularly aimed at public officials.⁴⁵ UNESCO research entitled "Threats that Silence: Trends in the Safety of Journalists," indicates that seven out of ten female journalists surveyed experienced digital attacks.⁴⁶

Violations of digital rights experienced by human rights defenders are not limited to arbitrary restrictions on freedom of expression⁴⁷ but also violations of privacy through the leakage of personal data and terror, known as doxing. In this case, human rights defenders are broadly interpreted to refer to anyone carrying out peaceful activities to defend human rights. Human rights defenders benefit civil society groups that support protecting individuals and groups engaged in human rights work worldwide, regardless of their profession, gender, race, religion, ethnicity or group association.⁴⁸ Digital rights violations often occur along with the momentum when activists launch criticism of government policies. As has been the case in previous years, digital attacks have always had a broader context, with massive digital attacks occurring in the three highest months. One of the controversial political issues last year was the implementation of the *Tes Wawasan Kebangsaan* on the staff of the Corruption Eradication Commission (KPK). Civil society organisation consider the test to have violated the law. For example, Indonesia Corruption Watch (ICW) assessed that the test violated human rights and suspected a conspiracy to dismiss KPK employees. Since May 2021, ICW and other civil society organisation have actively rejected it, including conducting online discussions about the test. At that time, they were attacked by the buzzers as a subtle form of attack and violently. A similar digital attack also occurred on activists in Pontianak, West Kalimantan, who discussed the whole aspect of the test in June 2021.

⁴³ Kompas, "Amnesty: Kasus Penjeratan UU ITE Saat Kepemimpinan Jokowi Meningkatkan Tajam,"

⁴⁴ Kompas.

⁴⁵ Damar Juniarto, "Bangkitnya Otoritarian Digital: Laporan Situasi Hakhak Digital Indonesia 2019," SAFEnet, 2020.

⁴⁶ UNESCO, "Threats That Silence: Trends in the Safety of Journalists," in *World Trends in Freedom of Expression and Media Development: Global Report 2021/2022*, ed. Theresa Chorbacher, Kate Musgrave, and Rachel Pollack (Paris: Unesco, 2021), 82–89.

⁴⁷ Muna Abbas et al., "Invisible Threats: Online Hate Speech Against Human Rights Defenders in Guatemala," 2019, <https://doi.org/http://dx.doi.org/10.2139/ssrn.3483258>.

⁴⁸ Alice M. Nah et al., "A Research Agenda for the Protection of Human Rights Defenders," *Journal of Human Rights Practice* 5, no. 3 (2013): 401–20, <https://doi.org/https://doi.org/10.1093/jhuman/hut026>.

Another befallen victim was Daniel Tangkilisan, an environmental activist. As time goes by, more illegal shrimp farms are being built. In 2022, Daniel Tangkilisan and his friends will fight to reject illegal shrimp farming in the #SAVEKARIMUNJAWA campaign. He was then reported to the police because of his comments on Facebook. In a video upload regarding the condition of Karimunjawa, which is affected by shrimp pond waste, Daniel Tangkilisan wrote via the comment's column, "*Masyarakat otak udang menikmati makan udang gratis sambil dimakan petambak. Intine sih masyarakat otak yang itu kaya ternak udang itu sendiri. Dipakani enak, banyak & teratur untuk dipangan.*"⁴⁹ Based on a report from a resident on February 8, 2023, Jepara Police detained him on Thursday, December 7, 2023. After being released, he was detained again before his case file was declared P21 by the Jepara District Prosecutor's Office. After undergoing a series of trials, Daniel Tangkilisan was finally sentenced to 7 (seven) months in prison and a fine of IDR 5 (five) million or a subsidiary of 1 month because he was deemed proven to have violated the Law on Information and Electronic Transactions (UU ITE). Daniel is subject to Article 28 paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law No. 11/2008 concerning Information and Electronic Transactions (UU ITE). However, after an appeal was submitted, the Semarang High Court granted the appeal of Karimunjawa environmental activist Daniel Tangkilisan, free from legal action.⁵⁰ Through decision No. 374/Pid.Sus/2024/PT SMG, the Semarang High Court granted Daniel's appeal to be released from the lawsuit and corrected the previous decision.

Protection of human rights defenders is also stated in the guidelines prepared by the National Human Rights Committee through Standard Norms and Regulations Number 6 concerning Human Rights Defenders. Those included as human rights defenders are "Every person, group of people, or organization is said to be a Human Rights Defender, regardless of the legal right or wrong of the party being defended, based on the principle of good faith. Human rights defenders who carry out human rights defence work for the right to land against someone who occupies land illegally according to formal law must be protected because such defence is based on the right to reside and the state's obligation to fulfil it." In this case, it can be said that Daniel Tangkilisan is one of the human rights defenders who should be entitled to more specific and special protection guarantees than the general public because of the potential risk of threats and/or attacks that they receive due to the defence activities they carry out.

Based on the above, the criteria for Human Rights Defenders in this SNP are as follows: 1) Individuals (individuals) or groups or organisation; 2) Consistently carry out work that advances and fights for respect, protection, and fulfilment of human rights and basic freedoms at the local, national, regional, and international levels; 3) Accept and acknowledge the universality of human rights; and 4) Carry out their activities in a peaceful manner. Daniel's action in which he posted a comment criticizing illegal fishermen is legitimate and necessary and should not be understood as hate speech or incitement. The state must be able to differentiate between criticism and incitement, as the latter would then actually be forbidden by law.

⁴⁹ Amnesty International, "Bebaskan Pembela Lingkungan Karimunjawa," accessed July 6, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/bebaskan-pembela-lingkungan-karimunjawa/04/2024/>.

⁵⁰ Basten Gokkon, "Indonesian Activist Freed in Hate Speech Case after Flagging Illegal Shrimp Farms," accessed July 6, 2024, <https://news.mongabay.com/2024/05/daniel-frits-maurits-tangkilisan-indonesia-environmental-activist-exonerated-illegal-shrimp-farm-hate-speech-karimunjawa-marine-protected-area/>.

Restrictions on the rights of Human Rights Defenders, whether individually, in groups, or in organisation, must be in accordance with the law, by international human rights obligations and standards, in a proper, appropriate, and proportionate manner, solely to respect the human rights and fundamental freedoms of others, and meet the requirements of public order and the general welfare in a democratic society. The terms appropriate, appropriate, and proportionate are used to test the limits permitted under international law. The burden of proof lies with the person or official who alleges that the Human Rights Defender has violated the restriction.

The methods of threats and attacks against human rights defenders are increasingly diverse, including digital technology. The ITE Law, which is expected to be a regulation to protect the digital rights of all levels of society in Indonesia, has turned into a silencer weapon for those who struggle to advocate and defend the protection of the human rights of the Indonesian people. Criticism of public officials should not be seen as personal attacks aimed at hurting their dignity and worth but as an effort to convey previously ignored aspirations. Efforts are needed to create an inclusive, responsive, and participatory political climate at every decision-making level. The National Human Rights Commission (Komnas HAM) has created Standard Norms and Regulations (SNP) regarding Freedom of Opinion and Expression. Law enforcement officials can use this as a guideline to provide space to protect civil liberties. When handling cases of rubber articles of the ITE Law, the SNP created by Komnas HAM can be guided so that cases do not need to drag on to court. The protracted process in court can create fear for the public to speak critically. In the future, it is necessary to consider how legal instruments are created in line with the doctrine of civil freedom and expression. This simultaneously avoids creating vertical conflicts between civil society and the state, often requiring expensive settlement costs.

In sum, progress or setbacks in upholding human rights depend on the existence of human rights defenders. The protection and security provided by the state to human rights defenders is crucial regarding legal and physical protection and mental safety. As universal basic rights, human rights must be upheld and fought for by anyone, against normatively anyone who wants to eliminate, reduce or take away these rights. So, the real obligation is not only on the government but all levels of society together to realize the fulfilment of human rights, starting from improving understanding and implementing it proportionally. Resistance to human rights violations does not only rely on courage but also on concrete facts that can be legally justified.

Relevant regulatory changes are needed to provide more explicit boundaries regarding prohibited hate speech and opinion, or criticism directed at public officials. Collaborations with various stakeholders, including the government, non-governmental organisation (NGOs), universities, and the private sector are also required. To make this possible, the government must take proactive steps to revise the ITE Law and consider input from various stakeholders, especially those directly affected by the regulation. The revisions should include clearer and more explicit definitions of hate speech and a clear distinction between legitimate criticism and genuinely harmful actions. The government must also ensure that the implementation of this law is not used as a political tool to silence opposition or criticism. Transparency in the law enforcement process and fair complaint mechanisms should be enhanced to prevent abuse of power. As one of the stakeholders in this matter, the NGOs play a crucial role in advocacy and public education regarding digital rights. NGOs can assist by providing legal support for victims ensnared by ITE Law cases and conducting public awareness campaigns on the importance of

freedom of expression in the digital realm. Additionally, NGOs can collaborate with the government and the private sector to develop ethical guidelines for using social media and other digital platforms to prevent the spread of hate speech and misinformation.

Universities and academic institutions also have a vital role in conducting research and studies on freedom of expression and digital regulation. Through this research, universities can provide the necessary data and analysis to support the revision of the ITE Law. Furthermore, educational and training programs on digital literacy should be enhanced to ensure that the public, especially the younger generation, understands their rights and responsibilities in the digital space. Academic institutions can also host discussion forums and seminars involving various stakeholders to discuss current issues related to digital regulation and freedom of expression. Lastly, the private sector, particularly technology companies and internet service providers, is also responsible for creating a safe and inclusive digital ecosystem. Technology companies must commit to protecting user data and providing platforms that support freedom of expression without allowing the spread of harmful content. They can also participate in law enforcement efforts by providing training to law enforcement officers on technology and digital regulations, ensuring that the enforcement process is conducted more fairly and transparently.

This collaboration among various stakeholders is essential for creating a healthy and sustainable digital democracy. The government, NGOs, universities, and the private sector must work together to ensure that digital regulations are not used as tools to silence critical voices but as mechanisms to maintain security and order in cyberspace. These efforts should be grounded in the principles of human rights and freedom of expression and aimed at enhancing public participation in the democratic process. It is important to establish independent oversight mechanisms to monitor the implementation of the ITE Law and other related policies. This oversight body should be able to review cases involving violations of freedom of expression and provide recommendations for corrective actions. The separation of human rights functions in modern states is essential for the effective functioning of institutions dedicated to safeguarding human rights and civil liberties, reflecting a commitment to freedom, respect, equality, and dignity in society. With such mechanisms in place, the misuse of the law for political purposes can be minimized, and public trust in the legal system can be strengthened.

CONCLUSION

Advances in technology have created a new phenomenon known as digital democracy, which identifies the exchange of information and communication in the digital space. The change from the conventional system to a modern world democratic system closely related to technology should open up a wider and more effective public participation space. However, the existence of the ITE Law is a significant challenge for the safe and healthy implementation of digital democracy. Though the bill has been revised three times, some articles still hinder human rights defenders' freedom of speech. Scholars and human rights activists still fear for their safety and retaliation by the government when they do their activism or voice out the human rights agenda in Indonesia. Although the restriction effect will affect all levels of society, human rights activists or defenders are the most prominent victims of this regulation. Relevant regulatory changes are needed by providing more explicit boundaries regarding prohibited hate speech, not just opinions or criticism directed at public officials. The case of Daniel Tangkilisan was only one of the other

examples of how the current regulation still operated arbitrarily because of the need for more knowledge and detailed analysis from the judges regarding assessing the case of freedom of speech in the digital world. The demand is still high for a human rights policy that focuses on supporting the activities of human rights defenders and ensuring the protection and promotion of human rights and fundamental freedoms. It is important to establish an independent board that oversees the implementation of the ITE Law, and an independent monitoring mechanism is also needed to monitor its implementation and other related policies. Only if we have the integrity and political willingness to construct such reform, then it reflects a commitment to the fulfilment of freedom, respect, equality and dignity in society.

ACKNOWLEDGEMENT

This work was supported by the Institute of Research and Community Services, Universitas Diponegoro No. 215/UN7.A/HK/VII.

REFERENCES

- Abbas, Muna and Al-Wohaibi, Elaf and Donovan, Jonathan and Hale, Emma and Marugg, Tatyana and Sykes, JonB and Land, Molly K. and Wilson, Richard Ashby, *Invisible Threats: Online Hate Speech Against Human Rights Defenders in Guatemala* (May 21, 2019). *American Bar Association Center for Human Rights*, 2019, Available at SSRN: <https://ssrn.com/abstract=3483258> or <http://dx.doi.org/10.2139/ssrn.3483258>
- Alice M. Nah, Karen Bennett, Danna Ingleton, James Savage, A Research Agenda for the Protection of Human Rights Defenders, *Journal of Human Rights Practice*, Volume 5, Issue 3, November 2013, Pages 401–420, <https://doi.org/10.1093/jhuman/hut026>
- Banakar, Reza, and Max Travers. *Theory and Method in Socio-Legal Research*. Hart Publishing Ltd, 2005. <https://portal.research.lu.se/en/publications/theory-and-method-in-socio-legal-research>.
- Bart Custers, New digital rights: Imagining additional fundamental rights for the digital era, *Computer Law & Security Review*, Volume 44, 2022, 105636, <https://doi.org/10.1016/j.clsr.2021.10563>
- Berg, Sebastian, and Jeanette Hofmann. “Digital Democracy.” *Internet Policy Review* 10, no. 4 (December 20, 2021). <https://doi.org/10.14763/2021.4.1612>.
- Blumler, Jay G., and Michael Gurevitch. “THE NEW MEDIA AND OUR POLITICAL COMMUNICATION DISCONTENTS: DEMOCRATIZING CYBERSPACE.” *Information, Communication & Society* 4, no. 1 (January 2001): 1–13. <https://doi.org/10.1080/713768514>.
- Castells, Manuel. *The Internet Galaxy: Reflections on the Internet, Business, and Society*. *The Internet Galaxy*. London: Oxford University Press, 2002. <https://doi.org/10.1093/ACPROF:OSO/9780199255771.001.0001>.
- Dirk Helbing, Sachit Mahajan, Regula Hänggli Fricker, Andrea Musso, Carina I. Hausladen, Cesare Carissimo, Dino Carpentras, Elisabeth Stockinger, Javier Argota Sanchez-Vaquerizo, Joshua C. Yang, Mark C. Ballandies, Marcin Korecki, Rohit K. Dubey, Evangelos Pournaras, *Democracy by Design: Perspectives for Digitally Assisted*,

- Participatory Upgrades of Society, *Journal of Computational Science*, Volume 71, 2023, 102061,
<https://doi.org/10.1016/j.jocs.2023.102061>
- Fuchs, Christian, and Vincent Mosco. *Social Media, Mediation and the Arab Revolutions*. Brill, 2016. <https://brill.com/display/book/9789004291393/B9789004291393-s016.xml>.
- Garnett, Holly Ann, and Toby S. James. "Cyber Elections in the Digital Age: Threats and Opportunities of Technology for Electoral Integrity." *Election Law Journal: Rules, Politics, and Policy* 19, no. 2 (June 1, 2020): 111–26. https://doi.org/10.1089/ELJ.2020.0633/ASSET/IMAGES/LARGE/ELJ.2020.0633_FIGURE1.JPEG.
- Harper, A. John III. "Traditional Free-Speech Law: Does It Apply on the Internet." *Computer Law Review and Technology Journal* 6 (2001). <https://heinonline.org/HOL/Page?handle=hein.journals/comlrtj6&id=273&div=&collection=>.
- Hill, David T., and Krishna Sen. "The Internet in Indonesia's New Democracy." *Democratisation* 7, no. 1 (2000): 119–36. <https://doi.org/10.1080/13510340008403648/ASSET//CMS/ASSET/AEDAB2C9-F728-41D9-8AAE-3855C3F67FE4/13510340008403648.FP.PNG>.
- INEICHEN M. Protecting Human Rights Defenders: A Critical Step Towards a More Holistic Implementation of the UNGPs. *Business and Human Rights Journal*. 2018;3(1):97-104. doi:10.1017/bhj.2017.32
- Koula A-C. International Refugee Regime: An Alternative Form of Protection for Human Rights Defenders? *Israel Law Review*. 2021;54(3):340-368. doi:10.1017/S0021223721000066
- Land, Molly K. "Toward an International Law of the Internet." *International Law Reports* 60 (November 19, 2012): 511–642. <https://doi.org/10.1017/CBO9781316151877.075>.
- Leu, Donald J, Charles K Kinzer, Julie L Coiro, and Dana W Cammack. "54 Toward a Theory of New Literacies Emerging From the Internet and Other Information and Communication Technologies," 2000.
- McHangama, Jacob, and Natalie Alkiviadou. "Hate Speech and the European Court of Human Rights: Whatever Happened to the Right to Offend, Shock or Disturb?" *Human Rights Law Review* 21, no. 4 (September 30, 2021): 1008–42. <https://doi.org/10.1093/HRLR/NGAB015>.
- Mitchell, T. (2019). Journalists as Human Rights Defenders: International Protection of Journalists in Contexts of Violence and Impunity. In: Shaw, I.S., Selvarajah, S. (eds) *Reporting Human Rights, Conflicts, and Peacebuilding*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-10719-2_14
- Melnyk , O. (2022). LEGAL PROTECTION OF HUMAN RIGHTS DEFENDERS AS AN ELEMENT OF THE EUROPEAN UNION'S HUMAN RIGHTS POLICY. *Collection of Scientific Papers «ΛΟΓΟΣ»*, (May 20, 2022; Cambridge, United Kingdom), 62–63. <https://doi.org/10.36074/logos-20.05.2022.017>
- Muhammad Saud, Rachmah Ida, Mustain Mashud, Farhan Navid Yousaf, Asia Ashfaq, Cultural dynamics of digital space: Democracy, civic engagement and youth participation in virtual

- spheres, *International Journal of Intercultural Relations*, Volume 97, 2023, 101904, <https://doi.org/10.1016/j.ijintrel.2023.101904>.
- Purwanto, Arie, Anneke Zuiderwijk, and Marijn Janssen. "Citizen Engagement in an Open Election Data Initiative: A Case Study of Indonesian's 'Kawal Pemilu.'" *ACM International Conference Proceeding Series*, May 30, 2018. <https://doi.org/10.1145/3209281.3209305>.
- Sangsuwan, Kitsuron. "Balancing Freedom of Speech on the Internet under International Law." *North Carolina Journal of International Law and Commercial Regulation* 39 (2013). <https://heinonline.org/HOL/Page?handle=hein.journals/ncjint39&id=729&div=&collection=>
- Savitri, Niken, Dyan Franciska, Dumaris Sitanggang. 2022. "Legal Status and Protection for Women Human Rights Defenders in Indonesia". *Fiat Justisia: Jurnal Ilmu Hukum* 16 (4):297-320. <https://doi.org/10.25041/fiatjustisia.v16no4.2455>
- Sinta Amelia Febrianasari· Sunny Ummul Firdaus· Farhan Fathurrahman, Modernization and Technological Developments that have an Impact on Freedom of Expression in Today's Digital Age, Proceedings of the International Conference for Democracy and National Resilience 2022 (ICDNR 2022), https://doi.org/10.2991/978-2-494069-75-6_14
- 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. <https://doi.org/10.24090/volksgeist.v2i2.2844>
- Verba, Sidney. "Would the Dream of Political Equality Turn out to Be a Nightmare?" *Perspectives on Politics* 1, no. 4 (2003): 663–79. <https://doi.org/10.1017/S1537592703000458>.
- Voss, M. J. (2021). Contesting Human Rights Defenders at the United Nations Human Rights Council. *Global Society*, 36(1), 49–68. <https://doi.org/10.1080/13600826.2021.1881049>
- Widholm, Andreas; Ekman, Mattias, Democracy and digital disintegration Platforms, actors, citizens, *Nordicom Review*, Volume 45, Issue s1, Pages 1 - 141 March 2024. 10.2478/nor-2024-0005
- Wilhelm, Anthony G. "Democracy in the Digital Age: Challenges to Political Life in Cyberspace." *Democracy in the Digital Age*, June 1, 2002. <https://doi.org/10.4324/9780203902509>.