

## **EIT Law at the Crossroads: Exploring Legal Dilemmas, Freedom of Expression, and Human Rights**

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### **Abstract**

The recent revision of Indonesia's Electronic Information and Transaction Law (EIT Law) brought significant changes, particularly in Articles 27A and 27B, which address attacks on a person's honor or reputation through allegations. While the revisions aim to balance human rights protection and law enforcement in the digital era, the public views them as a missed opportunity to eliminate vagueness and potential misuse. This research employs normative legal methods with statutory, conceptual, comparative, and futuristic approaches. Findings indicate that the ambiguous definitions and potential for multiple interpretations of Articles 27A and 27B negatively impact freedom of expression, creating fear and uncertainty among the public, journalists, and government critics. From a human rights perspective, these articles violate fundamental principles, particularly the internationally recognized freedom of expression. Aligning the law with human rights principles is crucial to protect freedom of expression without compromising individuals' protection from defamation. Therefore, despite the revision reflecting efforts to address digital age challenges, further amendments are necessary to ensure the law meets law enforcement needs while safeguarding human rights and freedom of expression. Balancing individual protection and freedom of expression is crucial to prevent the law from suppressing critical voices and journalistic investigations, which are vital for a healthy democracy.

**Keywords:** EIT Law, Freedom of Expression, Human Rights, Legal Dilemma, Digital Regulation

### **Introduction**

Information globalization has positioned Indonesia as an integral part of the global information society. (Safitri, 2018) This phenomenon encourages the need for the establishment of regulations governing electronic information and transactions at the national level in response to developments that occur, both at the regional and international levels. (Igorovna Filonova et al, 2019) The Government of the Republic of Indonesia responded to this challenge by enacting

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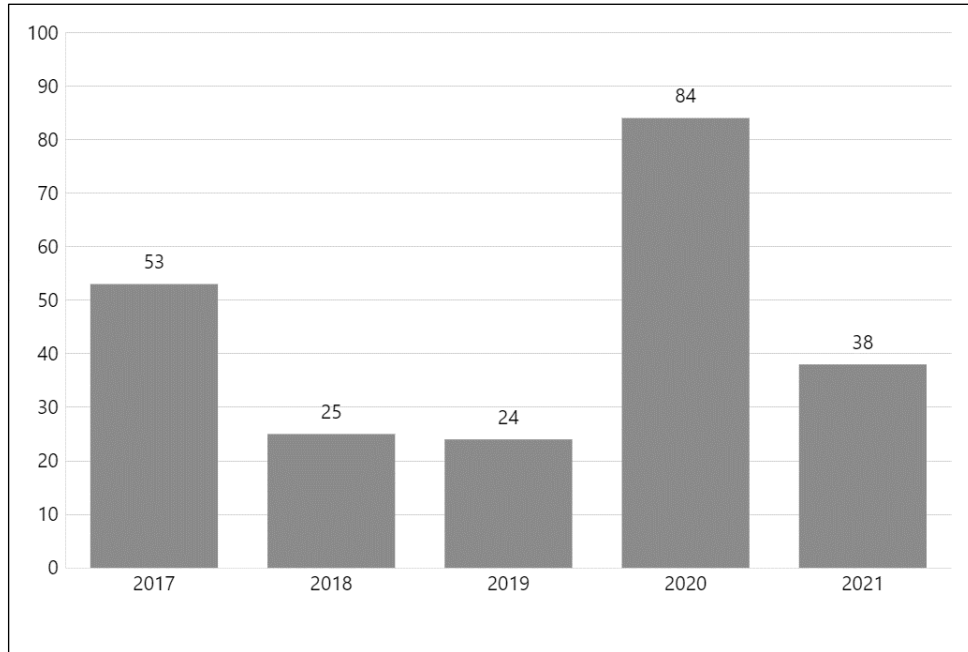
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Law of the Republic of Indonesia Number 11 of 2008 on Electronic Information and Transactions (EIT Law).(Aditya & Al-Fatih, 2021) The enactment of the EIT Law, which is recorded in the State Gazette of the Republic of Indonesia Year 2008 Number 58, is a strategic step to respond to global dynamics in the world of information and technology.(Samudra, 2020) Through the EIT Law, the government seeks to regulate and protect the sustainability and security of electronic transactions while answering the need for regulations that are in accordance with the times.(Blythe, 2007)

Law Number 1 Year 2024 on the Second Amendment to Law Number 11 Year 2008 on Electronic Information and Transactions (EIT Law) stems from the dynamics and rapid development of information technology in Indonesia.(Nugraheny, 2024) Since the enactment of Law Number 11/2008, there have been significant changes in the way people use technology, especially the internet. New challenges have emerged, including addressing issues of privacy, data security, and the spread of false information.(Wójtowicz & Cellary, 2018) Therefore, there is an urgent need to update and adjust legal regulations to remain relevant to current conditions. The first amendment through Law No. 19/2016 has already been made, but there is still room for further improvement.(Setiadi, 2018) This prompted the House of Representatives to pass the second amendment on December 5, 2023. This amendment not only reflects the government's response to technological developments but also responds to various legal issues that have arisen in recent years.(Ardito Ramadhan, 2021) The signing of the law by President Joko Widodo on January 2, 2024, announced on the official website of the State Secretariat, confirms Indonesia's commitment to strengthening the legal framework related to information technology and electronic transactions while maintaining a balance between freedom of expression and protection of individual rights in the digital space.(Rangga Pandu Asmara Jingga, 2024)

The changes have been in the public spotlight due to the controversy surrounding them. Since the enactment of the EIT Law in 2008, there have been many reports of individuals being reported to the police and made suspects for defamation through electronic media.(Putri et al., 2019) The enactment of the EIT Law was originally intended to regulate electronic transactions and information, but over time, several articles in the law have become controversial because they are considered to be misused to suppress freedom of speech and opinion.(Isdyanto et al., 2021) There are concerns that articles relating to defamation could be used as a tool to suppress criticism and views that are not in line with certain interests.

**Figure 1. Number of Victims charged with EIT Law (2017-2021)**

**Source: Southeast Asia Freedom of Expression Network (SAFEnet)**

In 2021, 38 people in Indonesia were the targets of criminalization under the Electronic Information and Transaction Law (EIT Law), according to a report from the Southeast Asia Freedom of Expression Network (SAFEnet). (Vika Azkiya Dihni, 2022) This figure shows a significant decrease compared to 2020, when the number of victims reached 84, the highest in the last five years. Nevertheless, SAFEnet considers that the conditions for freedom of expression in Indonesia have not improved substantially. In SAFEnet's analysis, it was found that the majority of citizens prosecuted under the EIT Law in 2021 came from activists advocating for human rights issues, reaching 10 people, or around 26.3% of the total victims. (Nabilah Nur Alifah, 2022) This is the first time in history that activists have been the group most affected by the criminalization of the EIT Law since the law was enacted in 2008. In addition to activists, there were 8 people (21.1%) victims of violence and their companions who were also charged with EIT Law, as well as 7 people (18.4%) from among citizens. Other victims come from various backgrounds, including journalists, academics, students, laborers, politicians, and community organizations. Based on SAFEnet's records, Article 27 paragraph 3 of the EIT Law related to defamation is considered a "rubber article" that is most often used to limit freedom of expression in the digital realm. During 2021, 17 victims were recorded as individuals prosecuted under this

article.(Jemadu, 2022) This data provides an illustration of how the EIT Law, especially in the context of defamation, is a tool that is often used to limit freedom of expression in the digital era.(Atmajaya et al., 2022)

In a recent case that caught the public's attention, the Executive Director of Lokataru, Haris Azhar, and the Coordinator of the Commission for the Disappeared and Victims of Violence (Kontras), Fatia Maulidiyanti, were named as suspects by Polda Metro Jaya investigators. They were accused of defamation and violated Article 27 Paragraph 3 of the EIT Law.(KontraS, 2023) This case has again highlighted the use of the EIT Law, especially in relation to the issue of defamation, which is often a polemic in the context of freedom of speech. Previously, in Indonesia, several cases involving the EIT Law have shown how this law can impact freedom of press and expression. One of the first cases involved Muhammad Asrul, an editor at berita.news, who was charged with defamation under Article 27 Paragraph 3 of the EIT Law. The case stemmed from the publication of news about alleged corruption, which resulted in a 3-month prison sentence by the Palopo District Court, South Sulawesi, in November last year.(Taher, 2021) The second case was against Sadli Saleh, a journalist and editor-in-chief of Liputanpersada.com. After publishing an opinion piece titled "*Abracadabra: Simpang Lima Labungkari Disulap Menjadi Simpang Empat*" (Abracadabra: Simpang Lima Labungkari Transformed into Simpang Empat)" in July 2019, Sadli was accused of violating the defamation article and the article on spreading information that can cause hatred based on ethnicity, religion, race, and intergroup, according to the EIT Law. He was then sentenced to 1.5 years in prison in March 2020.(Ahmad Akbar Fua, 2020) The third case involved Diananta Putera Sumedi, editor-in-chief of Banjarhits. In August 2020, the Kotabaru Court sentenced Diananta to 3 months and 15 days in prison on charges of spreading information that caused hatred against certain groups of people based on SARA, related to his reporting entitled "*Tanah Dirampas Jhonlin, Dayak Mengadu ke Polda Kalsel*" (Land Seized by Jhonlin, Dayak Complains to South Kalimantan Police)." These three cases reflect the challenges faced by journalists in the digital era, where the EIT Law is often used as a tool to restrict freedom of press and expression in Indonesia.(Ricky Mohammad Nugraha, 2020)

It is ironic that Indonesia's Law on Electronic Information and Transactions (EIT Law), which was originally designed to support and regulate the digital economy, particularly e-commerce, is now the subject of controversy.(Irrynta & Prasetyoningsih, 2023) The original purpose of this law was to facilitate the growth of the digital economy by providing a legal framework for electronic transactions, thereby providing legal certainty and increasing consumer confidence in transacting online.(Pakina, 2023) However, the development of

information technology, especially social media, has caused the EIT Law to be faced with unforeseen challenges. Some articles of the law, particularly those relating to defamation and the dissemination of information that may incite hatred or hostility, are often considered detrimental to individuals and are sometimes seen as a threat to freedom of speech. These criticisms reflect concerns that the law could be misused to curb freedom of expression and inhibit open discussion in public spaces, which ironically contradicts the original spirit of the law aimed at supporting innovation and economic development in the digital age.(Surian et al., 2023)

### **Method**

This research takes a normative legal approach by applying statutory, conceptual, comparative, and futuristic methods.(Akhmad et al., 2023) The statutory approach is used to identify the legal norms that were changed or added in Indonesia's latest Electronic Information and Transaction Law (EIT Law). The conceptual approach helps in understanding the philosophical or theoretical basis of the changes. Meanwhile, the comparative approach allows comparison of the EIT Law with similar laws in other countries, providing insight into the relevant global context. The futuristic approach allows researchers to forecast or provide an outlook on possible further developments in EIT Law in the future. This research is descriptive-prescriptive in nature, which not only describes the existing state of the law but also provides recommendations or views regarding necessary improvements or changes.(Fernando et al., 2023) By adopting the content analysis method, this research conducts a detailed unpacking and examination of the content of legal documents, specifically focusing on the latest revision of the EIT Law, with an emphasis on Articles 27A and 27B.

### **The latest revision of the Electronic Information and Transaction Law (EIT Law)**

The latest revision of the Electronic Information and Transaction Law (EIT Law) in Indonesia has undergone some significant changes and the addition of new articles, according to a release from the Ministry of Communication and Information Technology. In this revision, there are changes to 14 existing articles and the addition of 5 new articles.(Nancy, 2023) These changes include norms related to electronic evidence, electronic certification, electronic transactions, electronic seals, website authentication, and digital identity. One important change is Article 27, often referred to as a "rubber article" because it often ensnares individuals with vague accusations. It has now been amended to include the

removal of insult and defamation content and added Articles 27A and 27B, which regulate slander and coercion with threats.

The revision also includes Articles 16A and 16B regarding child protection when accessing electronic services, including age limits and verification of child users. Article 16A regulates the obligation of the electronic system operator to provide protection for children who use or access the electronic system. The protection includes children's rights stipulated in laws and regulations related to the use of products, services, and features developed by the Electronic System Operator. In terms of providing products, services, and features for children, the Electronic System Operator is required to implement technology and operational technical steps that involve all stages, from development to implementation of the Electronic System. In addition, in an effort to provide protection to children, electronic system providers must provide information regarding the minimum age limit for children who can use their products or services. They are also required to implement a child user verification mechanism and provide a reporting mechanism for misuse of products, services, and features that can harm or potentially violate children's rights. Further provisions regarding child protection in electronic systems are regulated through government regulation. Thus, Article 16A thoroughly outlines the responsibilities and concrete steps that must be taken by electronic system operators to protect children's rights in the digital environment. Article 16B provides provisions regarding administrative sanctions that can be applied as a result of violations of the provisions stipulated in Article 16A. Such violations may be subject to administrative sanctions in accordance with the provisions stipulated in the article. Administrative sanctions that can be applied as referred to in paragraph (1) include several options, namely written warnings, administrative fines, temporary suspension, and/or termination of access. A written warning is the first option that can be given as a warning against violations. In addition, the provision of administrative fines is the next step to provide financial sanctions. Temporary suspension and access termination are more drastic sanction options, where access can be stopped temporarily or permanently. Furthermore, provisions regarding the imposition of administrative sanctions, including procedures and the amount of sanctions, are further regulated in a government regulation. Thus, Article 16B as a whole provides a clear legal basis for administrative sanctions that can be applied in response to violations of child protection provisions in electronic systems as stipulated in Article 16A.

Article 28 is augmented with a new paragraph prohibiting the dissemination of false information that could lead to riots. Article 28 regulates prohibited actions related to the use of electronic information and/or electronic documents. First, any person intentionally and/or intentionally transmitting electronic information and/or

electronic documents containing false notifications or misleading information that may result in material loss to consumers in electronic transactions. Second, any person, intentionally and without rights, distributes and/or transmits electronic information and/or electronic documents that incite, invite, or influence others so as to create a sense of hatred or hostility towards certain individuals and/or community groups. This is especially prohibited based on race, nationality, ethnicity, color, religion, belief, gender, mental disability, or physical disability. Third, every person intentionally disseminates electronic information and/or electronic documents that he or she knows contain false notifications that can cause unrest in the community. Article 28 expressly prohibits the dissemination of electronic information that can harm consumers, incite hatred or hostility based on certain characteristics, and spread false information that has the potential to cause riots in the community. Violations of this provision may be subject to sanctions in accordance with applicable law.

Meanwhile, Article 29, which originally addressed threats of personal violence, has now been amended to cover a broader context. Article 29 regulates prohibited actions related to the use of electronic information and/or electronic documents. According to this article, any person intentionally and without right uses electronic information and/or electronic documents directly to the victim with the intention of threatening, committing violence, or being frightening. Thus, Article 29 clearly prohibits the misuse of electronic information and/or electronic documents to send threats of violence or attempt to directly frighten victims. Violations of this provision may be subject to sanctions in accordance with applicable law. This article aims to protect individuals from potential threats, violence, or fear caused by the misuse of electronic media.

Changes were also made to Article 30, which removed the rules on illegal access, and Article 36, which previously contained the aggravation of punishment for perpetrators. In addition, this revision adds Article 40A, which regulates government intervention in electronic systems, creating a safe and innovative digital ecosystem. Article 40A stipulates the government's responsibility to facilitate the establishment of a fair, accountable, safe, and innovative digital ecosystem. In carrying out this responsibility, the government has the authority to give orders to electronic system providers to make adjustments to the electronic system and/or carry out certain actions. The electronic system operator is required to comply with the order given by the government in accordance with the provisions stipulated in paragraph (2). If the electronic system operator violates this obligation, it may be subject to administrative sanctions in accordance with the provisions stipulated in paragraph (4). Administrative sanctions that can be applied, as stated in paragraph (5), include written warnings, administrative fines,

temporary suspension, and/or termination of access. Further provisions regarding the responsibilities of the government, the authority of the government, the obligations of the electronic system operator, and the imposition of administrative sanctions are further regulated in a government regulation. Article 40A comprehensively regulates the role and responsibility of the government in overseeing the digital ecosystem, provides authority to regulate electronic system providers, and stipulates administrative sanctions as a form of rule enforcement in maintaining the sustainability of the digital ecosystem in accordance with the principles of fairness, accountability, security, and innovation.

Article 43 was also amended to allow investigators to intervene, such as by closing social media accounts, bank accounts, electronic money, and related digital assets. Article 43 outlines the role and authority of certain civil servant officials within the government in charge of information technology and electronic transactions as investigators. This article gives certain authorities and responsibilities to these investigators to conduct investigations into criminal offenses in this field. The Civil Servant Officer in question, in addition to the Investigator of the Indonesian National Police Officer, has special authority as an investigator for criminal offenses in the field of information technology and electronic transactions. The investigation is carried out by taking into account the principles of protection of privacy, confidentiality, smooth public services, and data integrity in accordance with applicable laws and regulations. Furthermore, Article 43 describes some of the powers of civil servant investigators, such as receiving reports or complaints, summoning and examining suspected perpetrators or witnesses, examining the truth of reports, examining persons or business entities suspected of being involved, searching, confiscating, sealing, making related data or electronic systems, requesting information from electronic system providers, requesting expert assistance, terminating investigations, and giving orders for temporary termination of access. The arrest and detention of perpetrators of criminal acts in the fields of information technology and electronic transactions are regulated in accordance with the provisions of criminal procedure law. In addition, in carrying out their duties, investigators must maintain the interests of public services. The investigation process involves coordination with the Public Prosecutor, and after the investigation is completed, the results are submitted to the Public Prosecutor through the Investigator of the State Police Officer of the Republic of Indonesia.

Meanwhile, the revisions to Article 45 relating to the criminalization of perpetrators of decency and defamation show an effort to achieve a better balance between the protection of human rights and law enforcement in the digital era by providing the possibility for perpetrators not to be subject to criminalization in



certain circumstances. As such, the revision of the ITE Law reflects an evolution in legal regulation to accommodate technological developments and emerging challenges while still striving to maintain justice and human rights. This analysis is in line with legal theory, which emphasizes the importance of legal clarity, protection of human rights, and a balance between technological innovation and the interests of society.(Nurkholim, 2021)

### **Pros and Cons of Articles 27A and 27B of the latest revision of the Electronic Information and Transaction Law (EIT Law)**

Since the enactment of the EIT Law, civil society coalitions in Indonesia have demanded revisions to ambiguous "rubber articles" that can be misused to suppress public criticism. Despite these demands, the government's and parliament's responses have been inadequate. The latest revision, through Law No. 1 of 2024, did not eliminate these controversial articles. Instead, it introduced new norms that increase confusion and still allow for subjective and excessive interpretation. This expansion potentially exacerbates the suppression of free expression and the use of the EIT Law to silence critics. This failure to address public demands highlights the tension between regulating digital spaces fairly and maintaining control over public narratives, making the revision a missed opportunity to improve the law concerning human rights and freedom of expression in Indonesia.

Article 27A reads, "Every person intentionally attacks the honor or good name of another person by alleging a matter with the intention that it becomes public knowledge in the form of electronic information and/or electronic documents carried out through an electronic system." This article shows significant potential for multiple interpretations. The phrase "attacking the honor or good name of another person," if you read the explanation of the article, which means "attacking the honor or good name is an act that degrades or damages the good name or dignity of another person to the detriment of that person, including defamation and/or slander, has a wide room for interpretation, which can trigger legal uncertainty. Without a clear definition, any act deemed detrimental to a person's reputation could be interpreted as an offense, opening up opportunities for misuse of the article to suppress free speech. In addition, the emphasis on "alleging a matter with the intention of making it public" is also risky. In practice, legitimate claims or criticisms of individuals or public bodies, which are an important part of public discussion and freedom of the press, can be interpreted as offenses. Without adequate clarification of what constitutes "making allegations," this article could be used to silence forms of expression that should be protected in a democratic society. The combination of vagueness in definitions and the

potential broad application of this article creates an atmosphere of uncertainty and fear among the public, journalists, and government critics. This can stifle freedom of expression and limit the space for healthy public debate, which is crucial in promoting transparency and accountability in government and social spheres. In its analysis, this article reflects the urgent need for more clarification and clear boundaries in the law to ensure that freedom of expression and human rights are not sacrificed in law enforcement efforts in the digital space.

Article 28 paragraph 2 reads, "Every person intentionally and without the right to distribute and/or transmit electronic information and/or electronic documents, with the intent to unlawfully benefit themselves or others, with the threat of defamation or with the threat of disclosure, to force a person to: a. give an item that partly or wholly belongs to that person or to another person; or b. give a debt, make an acknowledgment of debt, or write off a debt." The above article is another example of vagueness in the EIT Law that can cause confusion in its application. This article talks about the act of distributing or transmitting electronic information and/or electronic documents with the intent to unlawfully benefit oneself or others, by threat of defamation or threat of revealing secrets, to force people to give goods, acknowledge debts, or write off receivables. The key to this article lies in the phrase "threat of defamation," which is defined in the elucidation as a threat to attack the honor or good name of another person by alleging a matter with the intention that it becomes public knowledge. Again, the elucidation of this article does not explain anything and still leaves ambiguity in the meaning of the article. Without clear boundaries, these articles are open to broad and subjective interpretation, which can lead to abuse of the law. This can be a serious problem in the practice of law, as it can lead to excessive fear and caution on the part of those who may legitimately wish to disclose important information or engage in constructive criticism. Journalists, activists, and ordinary citizens may feel intimidated to speak out or share information for fear of these vague legal threats. In this context, it is important for lawmakers to provide stricter and clearer definitions so that the law can be applied fairly and consistently while maintaining a balance between legal protection and freedom of expression.

The Second Amendment of the EIT Law, which was passed by the government on January 2, 2024, raises glaring irregularities, one of which is related to the deletion of Article 27 paragraph (3). This article, which has been in the spotlight and has received a lot of criticism from the public, was omitted from the text of the law. However, ironically, the substance of Article 27 paragraph (3), which is often criticized for its multiple interpretations, still exists and appears in a new form, namely Article 27A. The deletion of Article 27 paragraph (3) seems to

create the impression of significant change, but the essence and controversial interpretative potential of the article still exist in the new legal structure. The authorities can use the uncertainty that results from the implementation of this type of legal policy to stifle criticism or viewpoints that are at odds with official government policy. The replacement of Article 27 paragraph (3) with Article 27A is not just a cosmetic change; it presents a substance that seems to have been deconstructed but actually still exists in a new scope. With Article 27A, which addresses the act of "attacking the honor or good name of another person by alleging a matter" through an electronic system, concerns over multiple interpretations and abuse of the law are still relevant. The ambiguous and broadly interpretable substance, without clear limitations, leaves the potential for subjective interpretation and can curb freedom of expression. Thus, the removal of Article 27(3) and the emergence of Article 27A can be considered a mere semantic move, without any substantial improvement in protecting individual rights or ensuring legal clarity. In this context, the legal uncertainty that remains after the changes to the law creates challenges for citizens, journalists, and government critics. Despite the shift in article numbering, the substance that could lead to uncertainty and potential abuse remains. Thus, it is necessary to further evaluate the substantial impact of the Second Amendment to the EIT Law, especially in the context of freedom of expression and human rights in the digital era. (Anak Agung Ayu Nanda Saraswati, 2019)

### **The Latest Dynamics of the EIT Law: Implications of Articles 27A and 27B for Human Rights**

Article 27A of the EIT Law, which focuses on the act of "attacking the honor or good name of another person by alleging a matter" to be made public through an electronic system, does raise critical questions regarding freedom of expression and human rights. The vagueness of the phrases "attacking honor or good name" and "alleging a matter" may limit the scope of freedom of expression, which is an important foundation of democratic societies and human rights. Open criticism and debate are core elements of democracy. (Thomas, 2007)

When laws like Article 27A are open to multiple interpretations, they create an atmosphere of fear and self-censorship among journalists, activists, and citizens. People may hesitate to discuss sensitive issues, fearing their comments could be seen as an attack on someone's honor. This limits freedom of expression and access to information. "Making allegations" is crucial for journalistic investigations and social criticism. Without clear definitions, such activities could be deemed unlawful, hindering efforts to uncover the truth and ensure accountability. Legal provisions must have clear definitions to prevent misuse that

suppresses free speech and human rights. Laws intended to protect against defamation should not silence legitimate voices. A balance between protecting reputations and maintaining free speech is essential to respect and preserve human rights in the digital space.

In the context of human rights, Article 27A of the EIT Law, which has multiple interpretations and has the potential to limit freedom of expression, contradicts basic human rights principles. Human rights emphasize the importance of freedom of expression as an internationally recognized fundamental right, as stated in the Universal Declaration of Human Rights (UDHR) Article 19, which states that everyone has the right to freedom of opinion and expression. (Howie, 2018) This right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any medium, regardless of frontiers. (Voorhoof & Cannie, 2010) Articles like Article 27A that are unclear legally can restrict the space for open discussion and free expression. This directly interferes with an individual's right to convey and receive information, which is an integral part of freedom of expression. In the context of a healthy democracy, this freedom is not only essential for the personal development of individuals but also for active participation in public affairs and social life.

Furthermore, human rights also emphasize the importance of striking a balance between protecting individual rights and maintaining freedom of expression. (Toscano, 2017) When laws such as the EIT Law are used to crack down on expression that is objectionable but not directly harmful or violating the rights of others, this demonstrates an imbalance that leads to the restraint of free speech. (Amnesty International Indonesia, 2022) Disproportionate monitoring and restrictions on freedom of expression can lead to human rights violations. (Fliter, 2021) It is therefore important for states committed to human rights principles to ensure that their laws, including those relating to information and technology, are drafted and applied in such a way that they do not unfairly or unnecessarily restrict freedom of expression. (Kozhamberdiyeva, 2008) Laws such as the EIT Law need to be revised and clarified to ensure that they do not conflict with fundamental human rights principles and can be used effectively to protect freedom of expression while respecting other rights. (Kusuma & Sembiring, 2022)

Article 28 paragraph 2 of the EIT Law, which talks about the act of distributing or transmitting electronic information with the threat of defamation or to reveal secrets with the intention of forcing the provision of goods or the elimination of debts, reflects legal vagueness that can jeopardize freedom of expression and human rights. The phrase "threat of defamation" in the context of attacking a person's honor or good name through accusations, without a clear definition, creates room for broad and subjective interpretations. The uncertainty

created by articles like this can make individuals, including journalists and activists, excessively cautious when disclosing information or criticism that may be important to society for fear of unclear legal consequences. This creates a chilling effect that negatively impacts freedom of expression and the role of the media as a public and social watchdog. From a human rights perspective, freedom of expression is not only important for individuals but also for the health and sustainability of democracy. International instruments like the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights protect this right. Therefore, it is imperative that laws such as the EIT Law not be used to silence critical voices or restrict access to information, which is the backbone of a healthy democratic society. To address the ambiguity and potential for abuse in articles such as these, efforts need to be made to revise and clarify these provisions. Clear definitions and specific limitations need to be put in place so that these articles do not create injustice or curb human rights. This will ensure that the law is enforced in a fair and consistent manner, while also respecting and protecting freedom of expression and human rights.

In the context of human rights, Article 28, paragraph 2 of the EIT Law, has serious implications for freedom of expression, a fundamental human right affirmed by international instruments like the UDHR and ICCPR. The article's vagueness and potential for broad interpretation threaten this freedom by creating legal uncertainty. When laws are unclear and open to subjective interpretation, individuals may fear voicing their opinions or sharing important information, risking ambiguous legal threats and misuse of the article. Human rights emphasize balancing the protection of an individual's right against defamation with the right to free speech and criticism. Clear and precise laws are essential for protecting freedom of expression and the health of democracy. A free press and citizens who can speak without fear are vital for a healthy democratic society. Vague legal articles like Article 28, paragraph 2, and Article 27A of the EIT Law can hinder this. To protect freedom of expression, policymakers must revise and clarify these articles. Clear definitions will help prevent abuse and provide guidance for law enforcement, courts, and the public. Legal revisions, awareness-raising, and better law enforcement mechanisms are needed to balance individual protection with freedom of expression, ensuring human rights are respected and protected.

### **Conclusion**

The latest revision of Indonesia's Electronic Information and Transaction (EIT) Law brings changes, including new norms on electronic evidence, transactions, digital identity, and child protection. However, Articles 27A and 27B are the main focus due to their controversial nature. Article 27A, which addresses

"attacking the honor or good name of another person by means of an accusation," is criticized for its vagueness and potential to suppress freedom of expression. This creates fear and uncertainty among the public, journalists, and government critics. Article 27B also raises concerns due to its potential for subjective interpretation, which could silence critical voices without clear guidelines. These articles violate basic human rights principles, particularly the internationally recognized freedom of expression. Aligning the law with human rights principles is crucial to protect freedom of expression while safeguarding individuals from defamation. Although the revision aims to address digital age challenges, further changes are needed to ensure the law balances individual protection with freedom of expression. This balance is essential to prevent the law from becoming a tool to suppress critical voices and journalistic investigations vital for a healthy democracy.

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