

Implementation of the *Lex Certa* Principle towards the Ambiguity of Digital Law's in Indonesia

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DOI: <https://doi.org/10.37729/amnesti.v7i1.5873>

Submitted: Desember 2024

Revision: January 2025

Accepted: Februari 2025

ABSTRACT

Keywords :
Lex Certa,
Digital Rights,
Legal Reform

Ambiguity in Indonesia's digital laws, particularly in the Electronic Information and Transactions Law (ITE's Law), has raised concerns over the criminalization of free expression and the erosion of digital rights. Vague terms like "*contents against propriety*" and "*inflicting hatred or dissension*" in Articles 27 and Article 28 often lead to subjective interpretations, undermining legal certainty and exposing individuals to unfair prosecution. This study examines the role of the *lex certa* principle in addressing ambiguities within ITE's Law and its application to safeguard digital rights. Employing a normative legal research method, that analyzes and systematizes legal norms, synthesizes doctrines, and provides prescriptive justifications aligned with existing laws to guide legal decision-making. This study examines relevant provisions, judicial precedents, and international best practices, including regulatory frameworks in Canada, the European Union, and the United States. The findings highlight that Indonesia's digital laws lack clarity, making them prone to misuse and inconsistent enforcement. Key cases, such as Prita Mulyasari and Baiq Nuril, illustrate the detrimental impact of ambiguous regulations on individuals' rights. The study proposes reforming ITE's Law by redefining ambiguous terms, enhancing law enforcement training, and adopting proportionality tests to ensure restrictions on expression are justified and lawful. By incorporating *lex certa* into digital regulations, Indonesia can balance public order and freedom of expression while protecting digital rights. The study concludes with recommendations for multi-stakeholder collaboration in regulatory reforms to create a fair and inclusive digital legal framework.

ABSTRAK

Kata Kunci :
*Lex Certa, Hak
Digital,
Reformasi
Hukum*

Ketidajelasan dalam hukum digital Indonesia, khususnya Undang-Undang Informasi dan Transaksi Elektronik (UU ITE), telah menimbulkan kekhawatiran tentang kriminalisasi kebebasan berekspresi dan melemahnya hak digital. Istilah-istilah yang tidak jelas seperti "muatan yang melanggar kesusilaan" dan "menimbulkan rasa kebencian atau permusuhan" dalam Pasal 27 dan Pasal 28 sering kali mengarah pada penafsiran subjektif, yang merusak kepastian hukum dan membuka peluang untuk penuntutan yang tidak adil. Penelitian ini mengkaji peran prinsip lex certa dalam mengatasi ketidakjelasan dalam UU ITE dan penerapannya untuk melindungi hak digital. Dengan menggunakan metode penelitian hukum normatif, yang menganalisis dan mensistematisasi norma hukum, mensintesis doktrin, serta memberikan justifikasi preskriptif yang sesuai dengan hukum yang berlaku untuk mengarahkan pengambilan keputusan hukum. Penelitian ini berfokus pada analisis dan interpretasi norma hukum yang ada, makalah ini menganalisis ketentuan terkait, preseden hukum, dan praktik terbaik internasional, termasuk kerangka regulasi di Kanada, Uni Eropa, dan Amerika Serikat. Hasil penelitian menunjukkan bahwa hukum digital Indonesia kurang jelas, sehingga rentan terhadap penyalahgunaan dan penegakan yang tidak konsisten. Kasus-kasus utama, seperti Prita Mulyasari dan Baiq Nuril, mengilustrasikan dampak merugikan dari regulasi yang ambigu terhadap hak individu. Studi ini mengusulkan reformasi UU ITE dengan mendefinisikan ulang istilah-istilah yang ambigu, meningkatkan pelatihan bagi aparat penegak hukum, dan mengadopsi uji proporsionalitas untuk memastikan pembatasan kebebasan berekspresi dilakukan secara sah dan tepat. Dengan menerapkan prinsip lex certa dalam regulasi digital, Indonesia dapat menyeimbangkan ketertiban umum dengan kebebasan berekspresi sambil melindungi hak digital. Studi ini diakhiri dengan rekomendasi untuk kolaborasi multi-pihak dalam reformasi regulasi guna menciptakan kerangka hukum digital yang adil dan inklusif.

1. INTRODUCTION

The development of digital technology has revolutionized various aspects of society, from communication and economy to education. However, this digital revolution has also introduced new challenges to the legal system, particularly concerning regulations that govern digital rights. In Indonesia, the Electronic Information and Transactions Law (ITE's Law) serves as a primary regulation intended to oversee activities in the digital space. Unfortunately, the implementation of ITE's Law has often sparked controversy, as some of its provisions are considered ambiguous and lack adequate legal clarity.

Article 27 and Article 28 of ITE's Law are two examples of contested provisions (Prabandari, 2020). Phrases such as "contents against propriety" in

Article 27 and "inflicting hatred or dissension" in Article 28 often lack specific definitions (Alvina et al., 2022). This lack of clarity leaves room for subjective interpretation by law enforcement officials, which, in turn, can be used to silence criticism, criminalize free expression, and create legal uncertainty (Hening & Kumara, 2019). This phenomenon is evident in high-profile cases such as Prita Mulyasari, Case Number 1269/PID.B/2009/PN.Tng who was criminalized for complaining about hospital services, and Baiq Nuril, Case Number 265/Pid.Sus/2017/PN.Mtr, who was penalized after recording verbal harassment by her superior. These cases illustrate the adverse impact of ambiguous regulations on individual rights.

Furthermore, these ambiguous provisions are frequently misused by certain parties for repressive purposes. The resulting chilling effect discourages the public from freely expressing their opinions in digital spaces, ultimately reducing the quality of democracy in Indonesia. This poses a tangible threat to the digital rights of individuals, including freedom of expression, privacy, and access to information (Cate, 1996).

The *lex certa* principle, which demands clarity and certainty in legal norms, is highly relevant in addressing these issues. In criminal law, *lex certa* ensures that individuals clearly understand which actions are prohibited and the corresponding legal consequences. Unfortunately, this principle has not been fully applied in the formulation of ITE's Law, leading to legal uncertainty and potentially harming the public.

Reforming digital regulations, including ITE's Law, is urgently needed to ensure legal fairness and protect the digital rights of individuals. A principled approach based on *lex certa* can provide an effective solution to address the ambiguities in ITE's Law provisions while creating a more inclusive legal framework grounded in human rights (Permadi, 2020). Lessons from international best practices, such as digital regulations in Canada, the European Union, and the United States, demonstrate that laws drafted with clarity and proportionality can protect freedom of expression without compromising public order. Such reforms are essential not only for safeguarding individuals but also for strengthening the foundation of democracy in the digital age.

2. RESEARCH METHODS

This study employs a normative legal research method, focusing on the analysis and interpretation of existing legal norms (Marzuki, 2019). Normative

legal research consists of three primary aspects. *First*, it examines the legal system, treating it both as the object of study and as a normative framework for legal analysis. *Second*, this approach considers law as a comprehensive system that extends beyond statutes and judicial rulings, requiring in-depth analysis to integrate various legal doctrines and derive overarching principles. *Third*, it seeks to structure and clarify existing laws to ensure consistency in legal interpretation and application. Additionally, this research method includes a prescriptive element, offering legal justifications that align with a country's legal system while remaining independent of external factors such as political or economic influences. Ultimately, the goal of normative legal research is to refine and systematize legal principles to support legal decision-making. This approach is utilized to examine the ambiguity in Indonesia's ITE's Law and its implications on legal certainty and digital rights. The research also evaluates the application of the *lex certa* principle within digital regulations and its potential to safeguard freedom of expression and privacy (Negara, 2023).

The research uses both primary and secondary data. Primary data consists of ITE's Law and the petition for judicial review submitted to the Constitutional Court Case Number 105/PUU-XXII/2024 and Case Number 115/PUU-XXII/2024, which challenges the constitutionality of key provisions within the law. Secondary data is derived from international legal literature, case studies, and reports on digital rights, offering a comparative perspective on how similar issues are addressed in other jurisdictions. The study adopts a statutory approach to examine relevant positive laws and judicial arguments presented in the petition, supported by a comparative legal analysis. The focus is on Articles 27 and Article 28 of the ITE's Law, particularly their ambiguous provisions such as "*contents against propriety*" and "*inflicting hatred or dissension*". Comparative legal analysis is conducted by evaluating international best practices, including regulatory frameworks in Canada, the European Union, and the United States, to identify potential lessons for reforming Indonesia's digital laws. The analysis employs a descriptive-qualitative method to interpret the content and scope of ambiguous provisions in ITE's Law, emphasizing their impact on legal certainty and human rights. This approach allows the study to propose evidence-based recommendations for creating a more inclusive and rights-respecting digital legal framework in Indonesia.

3. RESULTS AND DISCUSSION

3.1 Theoretical Framework

The *lex certa* principle, rooted in the broader concept of legal certainty, is a fundamental element in ensuring the rule of law, particularly in criminal and administrative legal frameworks (Altena, 2019). This principle requires that legal norms be formulated clearly, precisely, and without ambiguity, enabling individuals to understand their rights and obligations and the consequences of their actions under the law (Faure & Goodwin, 2012).

In the context of digital law, the *lex certa* principle becomes increasingly significant due to the complex and dynamic nature of interactions within the digital sphere. Ambiguous legal norms not only lead to inconsistent enforcement but also create uncertainty for individuals navigating the legal boundaries of their digital activities. The principle ensures that digital regulations do not leave room for subjective interpretation, reducing the risk of arbitrary application by law enforcement or misuse by other parties (Shepherd, 2017).

Relevance to Indonesia's ITE's Law is particularly evident. Provisions such as "contents against propriety" and "inflicting hatred or dissension" in Articles 27 and Article 28 have been criticized for being overly vague. These ambiguities undermine legal certainty, exposing individuals to potential criminalization and threatening their digital rights, including freedom of expression and privacy. By adopting the *lex certa* principle in the formulation and implementation of digital regulations, Indonesia can address the risks posed by ambiguous legal norms. This approach not only enhances legal clarity but also strengthens the protection of digital rights, fostering a legal environment that balances public order and individual freedoms in the digital age.

Legal certainty, reflected in the principle of *lex certa*, is vital in regulating digital rights and ensuring freedom of expression. Ambiguities in digital laws, such as undefined terms in Indonesia's ITE's Law, can lead to inconsistent enforcement and misuse, undermining these rights. By providing clear and precise legal norms, regulations can protect individuals from arbitrary restrictions while fostering a safe and open digital environment. Ultimately, safeguarding digital rights through legal clarity is essential for strengthening democratic participation and upholding human rights in the digital age.

Digitisida refers to systematic violations of digital rights caused by ambiguous or poorly implemented regulations in the digital sphere. This concept highlights how unclear legal norms can lead to widespread harm, undermining individuals' digital rights such as freedom of expression, privacy, and access to

information. During the Constitutional Court hearing on the judicial review of the ITE's Law, Dr. Herlambang Perdana Wiratraman, an expert witness for the petitioners, introduced and discussed the concept of *digitisida*. The expert intended to illustrate that genocide also exists in the digital realm, thus coining the term *digitisida*. According to him, several legal aspects concerning digital rights are central to this issue (Wiratraman, 2020):

1. Cyber Defamation
 - a. Provisions on defamation, particularly Article 27 paragraph 3 (now Article 27A) of the ITE's Law, are often misused as a basis for criminalization.
 - b. Despite Constitutional Court rulings requiring alignment with Articles 310 and 311 of the Penal Code, these provisions are still widely abused.
 - c. Public officials and figures, he emphasized, should not use defamation laws to suppress legitimate expressions of criticism.
2. Hate Speech
 - a. Article 28 Paragraph 2 of the ITE's Law on hate speech lacks alignment with international legal standards, particularly Article 20 Paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR).
 - b. Key elements like "*incitement to discrimination, hostility, and violence*" must be incorporated to distinguish hate speech that warrants legal action from permissible expressions.
 - c. Hate speech that does not incite actual violence should still be addressed legally to maintain social cohesion.
3. The Ambiguous Phrase "*Without Authority*"
 - a. The term "*without authority*" in the ITE's Law is biased and frequently misinterpreted.
 - b. Its application should require intentionality, especially in contexts such as investigative reports, legal proceedings, or academic publications.
 - c. The expert differentiates between individual rights and state authority, emphasizing that state powers do not grant immunity for engaging in hate speech.
4. Introducing Digital Justice and Digitisida
 - a. Digital Justice: A legal and constitutional framework ensuring that human rights are safeguarded in the digital age.

- b. Digitisida: Defined as systematic digital crimes, including mass surveillance, doxing, internet blocking, and the criminalization of dissent, often executed by state or non-state actors.

Digitisida represents a systematic violation of digital rights due to unclear and ambiguous regulations. It reflects the negative impact of laws that fail to protect individuals' digital rights, such as freedom of expression, privacy, and access to information. (Wiratraman, 2020), the expert, describes it as:

1. A coordinated digital offense targeting civilians through mass surveillance, digital persecution, or arbitrary prosecutions.
2. A phenomenon where poorly designed laws, such as ambiguous terms like "*contents against propriety*" or "*inflicting hatred*," lead to unjust criminalization.

Internationally, similar issues arise in countries with vague digital regulations, but progressive nations like Canada, the U.S., and the EU have implemented clear and specific laws to mitigate such risks. Conversely, Indonesia continues to face challenges in ensuring legal certainty within its digital regulatory framework. (Wiratraman, 2020) highlights several practices that qualify as *digitisida*, including:

- a. Systematic surveillance,
- b. Internet blocking,
- c. Digital persecution,
- d. Dissemination of false information,
- e. Doxing, and
- f. Arbitrary imprisonment of dissenters.
- g. The potential impacts include:
- h. Significant physical, mental, and social harm, and
- i. Violations of human rights, especially privacy, freedom of expression, and protection from discrimination.

Digitisida occurs when the lack of clarity in legal norms results in actions that systematically erode the public's confidence in their ability to safely participate in digital spaces. This can create a *chilling effect*, where individuals self-censor out of fear of legal repercussions, thereby limiting public discourse and undermining democratic principles. To prevent *digitisida*, regulations must respect digital rights and ensure that restrictions serve legitimate objectives like

public morality or order. Evidence-based policymaking and collaboration among stakeholders, including policymakers, civil society, and academics, are vital steps in reforming the current regulatory framework.

Addressing digitisida requires the application of the *lex certa* principle to ensure that digital regulations are clear, precise, and aligned with human rights standards. By reforming ambiguous provisions and fostering a more transparent legal framework, governments can mitigate the risks of digitisida and promote a digital environment that upholds the fundamental rights of individuals.

3.2 Ambiguities in the Provisions of ITE's Law

The Electronic Information and Transactions Law (ITE's Law) contains provisions that have often been criticized for being ambiguous, particularly Articles 27 and Article 28 of the ITE's Law. These articles use broad and undefined terms that are prone to subjective interpretation, leading to inconsistent enforcement and the potential for misuse. Article 27 Paragraph 1 of the ITE's Law regulates content that is considered "*against propriety*", a phrase that lacks a clear definition and depends heavily on subjective moral or cultural norms. This ambiguity has led to the criminalization of content that may not objectively violate propriety standards. Article 28 Paragraph 2 of the ITE's Law addresses actions "*inflicting hatred or dissension*", which are similarly undefined. The absence of clear parameters for what constitutes hate speech leaves significant room for arbitrary interpretation by law enforcement or litigants.

The ambiguity in these articles has had real-world consequences, as demonstrated by prominent cases:

- a. Prita Mulyasari: Prita was criminalized under Article 27 Paragraph 3 of the ITE's Law for sharing a personal email criticizing the services of a hospital. The broad interpretation of "*defamation*" in digital communication led to her prolonged legal battle, highlighting the risks of vague regulations ([Almaarif & Qomariah, 2014](#)).
- b. Baiq Nuril: Baiq was convicted for recording evidence of sexual harassment by her superior. Instead of being treated as a victim, she faced legal consequences under provisions concerning "*propriety*", which were applied subjectively to her actions ([Akhmad & Arifin, 2022](#)).

The ambiguities in ITE's Law create a *chilling effect*, discouraging individuals from exercising their freedom of expression out of fear of legal repercussions. This undermines democratic principles, as citizens become hesitant to criticize

public officials, voice dissent, or engage in open discourse. The inconsistent enforcement of these provisions also weakens trust in the legal system and erodes the protection of fundamental rights.

To address these issues, it is essential to revise ITE's Law by defining ambiguous terms more clearly and ensuring that enforcement aligns with principles of *lex certa* and proportionality. Such reforms are necessary to safeguard freedom of expression and support a democratic digital environment

3.3 The Concept of Digitisida: A Threat to Digital Rights

Digitisida emerges as a severe consequence of ambiguous digital regulations, reflecting a systematic erosion of digital rights. In the context of the ITE's Law, unclear provisions such as "*contents against propriety*" and "*inflicting hatred or dissension*" allow for subjective interpretations that disproportionately affect individuals, the press, and the public sphere.

Ambiguous regulations often lead to unjust criminalization, as seen in cases where individuals are penalized for expressing personal opinions or exposing misconduct. Such instances create a *chilling effect* that deters people from engaging in legitimate digital activities, fearing legal retaliation. This fear undermines their ability to freely access and share information online, a fundamental aspect of their digital rights (Carson & Gibbons, 2023).

For journalists and media organizations, digitisida poses a unique threat by restricting investigative reporting and critical commentary. Ambiguous legal provisions are often weaponized to silence dissent and suppress reporting that challenges powerful interests. This leads to self-censorship among journalists, weakening the role of the media as a cornerstone of democracy (Elman, 1994).

In the broader public sphere, digitisida stifles open discourse and limits the exchange of diverse ideas. It discourages citizens from participating in discussions on digital platforms, reducing their role in democratic processes. Over time, this diminishes the vitality of public spaces, both digital and physical, as forums for debate and accountability. To counteract the threat of digitisida, it is essential to reform digital regulations by ensuring clarity, precision, and alignment with international human rights standards. This involves defining ambiguous terms in laws like ITE's Law, fostering legal certainty, and protecting the rights of individuals and institutions to participate freely in the digital realm. Only through such measures can the integrity of digital rights and democratic values be preserved.

3.4 The *Lex Certa* Principle for Reforming ITE's Law

The principle of *lex certa*, emphasizing legal clarity and precision, is pivotal for addressing the issues arising from ambiguous provisions in Indonesia's ITE's Law. By reducing the potential for subjective interpretations, *lex certa* ensures that individuals clearly understand which actions are legally permissible and which are not, fostering greater legal certainty in the digital realm.

In the context of ITE's Law, the absence of precise definitions for terms such as "*contents against propriety*" and "*inflicting hatred or dissension*" has led to inconsistent enforcement and misuse. These ambiguities undermine the rule of law and expose individuals to arbitrary legal actions. *Lex certa* offers a solution by demanding that laws be drafted in a manner that leaves no room for interpretive ambiguity, particularly in regulations that carry criminal consequences. This principle aligns with the broader goal of ensuring fairness and proportionality in the application of digital laws.

Revising the ambiguous provisions in ITE's Law is crucial for enhancing legal certainty. This can be achieved by:

1. **Defining Key Terms:** Providing clear, objective definitions for terms currently open to interpretation, ensuring consistency in application across cases.
2. **Implementing Proportionality Tests:** Evaluating the necessity and appropriateness of restrictions on digital expression to prevent excessive or unjust criminalization.
3. **Incorporating International Standards:** Aligning the reformed provisions with global human rights frameworks, such as the International Covenant on Civil and Political Rights (ICCPR), to ensure compliance with international norms.

By embedding the *lex certa* principle into the reform of ITE's Law, Indonesia can create a more robust and equitable digital legal framework. This approach not only strengthens legal certainty but also promotes the protection of digital rights, balancing the need for public order with the fundamental right to freedom of expression.

3.5 International Comparative Study

Learning from international practices in countries such as Canada, the European Union (EU), and the United States provides valuable insights into addressing the challenges posed by ambiguous digital regulations like Indonesia's ITE's Law. These jurisdictions have implemented measures to ensure

clarity, proportionality, and alignment with fundamental rights in their digital laws, offering lessons that can be adapted to Indonesia's context.

1. Lessons from Canada

Canada adopts a rights-based approach to digital regulation, emphasizing freedom of expression as a cornerstone of its legal framework (Elman, 1994). For instance, hate speech laws in Canada are narrowly tailored to prohibit only expressions that incite violence or discrimination, as defined in the Canadian Charter of Rights and Freedoms (Kang, 2020). This clear threshold minimizes the risk of misuse while safeguarding legitimate expression.

2. Lessons from the European Union

The EU prioritizes legal clarity and proportionality in its digital regulations. Instruments like the General Data Protection Regulation (GDPR) exemplify precise and detailed drafting, ensuring consistent application across member states. Additionally, the EU's Digital Services Act incorporates mechanisms to balance freedom of expression with the need to combat harmful content, emphasizing transparency and accountability in enforcement (Peukert et al., 2022).

3. Lessons from the United States

The U.S. places significant weight on protecting freedom of expression under the First Amendment. Regulations concerning digital content are designed to avoid overreach, with courts often scrutinizing laws to ensure they do not suppress legitimate speech. This approach underscores the importance of clearly defining prohibited actions and maintaining proportionality in enforcement (Fradette, 2013).

4. Best Practices in Digital Regulation

The following practices from these jurisdictions highlight effective approaches to drafting digital laws:

- a. Clear Definitions: Providing precise and objective language to eliminate ambiguity and prevent subjective enforcement.
- b. Proportionality: Ensuring that any restrictions on digital expression are necessary, appropriate, and narrowly tailored to achieve legitimate aims.
- c. Rights-Based Frameworks: Embedding protections for freedom of expression and privacy as fundamental principles in digital regulations.

- d. Independent Oversight: Establishing mechanisms for judicial or institutional review to ensure accountability and prevent misuse of regulatory powers.

By incorporating these international best practices, Indonesia can reform ITE's Law to better align with global standards, ensuring both the protection of digital rights and the effective regulation of harmful content. This comparative perspective underscores the importance of legal precision and proportionality in creating a balanced and equitable digital legal framework.

4. CONCLUSIONS

The ambiguity in the provisions of the ITE's Law poses a significant threat to digital rights and freedom of expression in Indonesia. Vague and undefined terms, such as "*contents against propriety*" and "*inflicting hatred or dissension*", have led to subjective interpretations, inconsistent enforcement, and the criminalization of legitimate expressions of opinion. This undermines personal freedoms, democratic discourse, and trust in the legal system. Addressing these challenges requires comprehensive reform based on the *lex certa* principle, which emphasizes legal clarity and precision to reduce misuse and align the law with constitutional and international human rights standards.

To ensure the effectiveness of these reforms, clear and specific definitions must replace vague terms, and proportionality tests should be implemented to prevent excessive restrictions on freedom of expression. Law enforcement officials must receive proper training to align enforcement with human rights principles, fostering respect for fundamental freedoms and preventing misuse of the law. Additionally, the reform process should involve collaboration with academics, civil society, and legal experts to incorporate diverse perspectives and create a fair and democratic legal framework. Drawing lessons from international best practices in jurisdictions like Canada, the European Union, and the United States—characterized by precise legal drafting, proportionality, and rights-based approaches—Indonesia can develop a robust and equitable digital regulatory framework. Such reforms are essential to safeguarding digital rights, promoting an open and democratic digital space, and balancing effective regulation with the protection of individual freedoms.

REFERENCES

- Akhmad, M. Z. S., & Arifin, R. (2022). Baiq Nuril Case and Discourse on Freedom of Expression. *Indonesia Media Law Review*, 1(2), 123–144. <https://doi.org/10.15294/imrev.v1i2.60586>
- Almaarif, A., & Qomariah. (2014). Cyber Crime and Computer Forensics Model: Case Study on “Prita Mulyasari” and “Twin Hackers” in Indonesia. *International Conference on Information Technology Systems and Innovation (ICITSI) 2014, November*, 165–170.
- Altena, J. G. H. (2019). Nullum Crimen Sine Lege Certa. Onduidelijkheid in het strafrecht op het niveau van primaire en secundaire rechtsregels. *Strafblad*, 3(17), 12–19.
- Alvina, H., Julianti, L., Sugiantari, A. A. P. W., & Udytama, I. W. W. W. (2022). The State of Digital Freedom in Indonesia an Assessment of Online Censorship, Privacy, and Free Expression. *Journal of Digital Law and Policy*, 1(3), 141–152. <https://doi.org/10.58982/jdlp.v1i3.301>
- Carson, A., & Gibbons, A. (2023). The Big Chill? How Journalists and Sources Perceive and Respond to Fake News Laws in Indonesia and Singapore. *Journalism Studies*, 24(14), 1819–1838. <https://doi.org/10.1080/1461670X.2023.2192299>
- Cate, F. H. (1996). The Technological Transformation of Copyright Law. *Iowa Law Review*, 81(5), 1395–1465.
- Elman, B. P. (1994). Combatting Racist Speech The Canadian Experience. *Alberta Law Review*, XXXII(4), 623–666.
- Faure, M., & Goodwin, M. (2012). The Regulator’s Dilemma: Caught Between The Need For Flexibility & The Demands Of Foreseeability. Reassessing The Lex Certa Principle. *Social Science Research Network*, 24(2), 283–364.
- Fradette, J. E. (2013). Online Terms of Service: a Shield for First Amendment Scrutiny of Government Action. *Notre Dame Law Review*, 89(2), 947–984.
- Hening, P., & Kumara, G. H. (2019). Public Sector Transformation in the Digital Age: Obstacles and Challenges for the Government of Indonesia. *Iapa Proceedings Conference, January 2019*, 75. <https://doi.org/10.30589/proceedings.2019.223>
- Kang, P. H. (2020). Constitutional Treatment of Hate Speech and Freedom of Expression: a Canada – U.S. perspective. *Revue Des Droits de l’homme*, July(14), 1–22. <https://doi.org/10.4000/revdh.4109>
- Marzuki, P. M. (2019). *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.

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- Negara, T. A. S. (2023). Normative Legal Research in Indonesia: Its Originis and Approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1), 1–9.
- Permadi, H. (2020). Tertib Hukum Pembentukan Peraturan Perundang-Undangan Pasca Putusan Mahkamah Konstitusi. *Jurnal Cakrawala Hukum*, 11(1), 50–59. <https://doi.org/10.26905/idjch.v11i1.3642>
- Peukert, A., Husovec, M., Kretschmer, M., Mezei, P., & Quintais, J. P. (2022). European Copyright Society – Comment on Copyright and the Digital Services Act Proposal. *IIC International Review of Intellectual Property and Competition Law*, 53(3), 358–376. <https://doi.org/10.1007/s40319-022-01154-1>
- Prabandari, A. (2020). Digital Natives and Freedom of Speech on Social Media in Indonesia. *ICETLAWBE 2020*, 73.
- Shepherd, A. (2017). Extremism, Free Speech and the Rule of Law: Evaluating the Compliance of Legislation Restricting Extremist Expressions with Article 19 ICCPR. *Utrecht Journal of International and European Law*, 33(85), 62–83. <https://doi.org/10.5334/ujiel.405>
- Wiratraman, H. P. (2020). Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights? *Journal of Southeast Asian Human Rights*, 4(1), 306–334. <https://doi.org/10.19184/jseahr.v4i1.18244>



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