

**ANALYSIS OF FREEDOM OF EXPRESSION: A CASE STUDY ON RELIGIOUS  
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[Bambang.sukoco@ums.ac.id](mailto:Bambang.sukoco@ums.ac.id)**ABSTRACT**

This study aims to understand and analyze the judicial consideration that affects freedom and the review of freedom of expression on social media according to positive law. This juridical-normative study is examined using descriptive analysis method and legislative approach. The data examined are obtained from secondary data sources consisting of primary and secondary legal materials. The results of the research show that the legal case in Religious Court Decision Number 726/PID SUS/2023/PN PLG related to religious blasphemy on social media, when associated with freedom of opinion and expression, may disrupt the judge's decision-making and imposition of sanctions because the judge's decision can trigger reactions that may lead to conflicts among society, causing negative perceptions regarding the law's clarity in handling the issue and significant impacts such as the emergence of similar cases and their association with freedom of expression when someone violates legal regulations. The implementation of law enforcement regarding freedom of expression concerning religious blasphemy on social media is not uniform and comprehensive. Based on the findings of the study, religious blasphemy on social media is still not optimally addressed by the existing laws. The aim of law enforcement is to protect all religions and ensure the protection of individual rights in expressing opinions. Legal actions are expected to comply with applicable laws and not hinder the judicial decision-making process in handling cases related to religious blasphemy and freedom of expression.

**Keywords: Criminal Law; Freedom of Speech; Blasphemy.**

## INTRODUCTION

Social media in Indonesia is experiencing rapid growth, leading to a significant increase in the number of users. Users engage with these platforms not only as a source of up-to-date information from external sources but also as a means of entertainment, self-expression, and the pursuit of personal interests and hobbies. Social media has become a primary necessity for many individuals, as it facilitates communication without the constraints of space and time and provides access to information from various sources. According to a report by We Are Social, as of January 2023, the number of active social media users in Indonesia had reached 167 million, equivalent to 60.4% of the domestic population. Social media usage has expanded to encompass 99.68% of individuals aged between 19 and 34 years. The rapid development of social media enables individuals to share content on specific topics, which can sometimes lead to various issues. Data from the Ministry of Communication and Informatics indicates that between 2018 and 2023, approximately 1 million websites violated social media regulations and 1.5 million pieces of illegal content were disseminated, with most violations occurring on platforms such as Twitter (987 thousand pieces of content), Facebook, Instagram, and TikTok (35 thousand pieces of content). Social media facilitates users seeking information and expressing themselves freely. Many users utilise these platforms for creative activities, including creating entertainment content or sharing daily experiences. This makes social media a space for self-expression unbound by specific limitations. Freedom of expression is an integral part of individual liberty in a democratic society. The freedom to express opinions is the right to communicate ideas or thoughts without coercion, whether verbally or in writing, with responsibility according to applicable laws.

Various legislative regulations in Indonesia govern the right to freedom of expression. Notably, Article 28E of the 1945 Constitution affirms the right to freedom of association, assembly, and expression of thoughts orally and in writing, in accordance with legal provisions for all citizens. This article mandates that individuals understand their rights and responsibilities when articulating their opinions. Such provisions serve as a normative source

for Indonesian law, particularly in the realm of human rights protection. The Preamble of the 1945 Constitution articulates the protection of human rights, asserting that "Freedom is the right of all nations," thereby acknowledging human rights from a juridical perspective. Furthermore, Human Rights Law Number 39 of 1999 and other related regulations also enshrine human rights as inherent entitlements of every individual. The state guarantees human rights, which no one can seize, interfere with, or contest.

Law plays a crucial role in regulating and supervising human behavior, including the ethical considerations involved in delivering criticism on social media, whether directed at the government, the state, or individuals. Fundamentally, social media platforms offer ease of engagement for a range of activities, from simple tasks to complex operations. However, the expansive nature and freedom afforded by these platforms can blur the boundaries between what is deemed acceptable and what is inappropriate. The enactment of Law Number 19 of 2016 on Information and Electronic Transactions (ITE Law) addresses these challenges by regulating the flow of information technology in Indonesia, including the management of the influx of information and applications that enable unrestricted access to information.

Technological advancements have transformed the dynamics of human communication, allowing individuals to receive, create, and disseminate information electronically with flexibility and ease, unrestricted by geographic constraints. This public space is regulated through the ITE Law, which aims to manage the information circulating on social media. The ITE Law is constitutionally grounded, encompassing the fundamental rights of citizens to access information and express themselves, as mandated by Article 28J of the 1945 Constitution. Limitations on public freedom of expression must be legally justified by valid reasons such as public order, public morality, national security, and human rights.

A specific example of this regulation is the legal response to religious defamation on social media. The criminalization of religious defamation in Indonesia is based on Article 156(a) of the Criminal Code (KUHP), which criminalizes expressions of "hostility, hatred, or contempt" towards religious groups, as well as Presidential Decree Number 1 of 1965 on the Prevention, Abuse, and/or Desecration of Religion, which expands the definition of religious defamation to include prohibitions on "deviant interpretations" of religious teachings. Individuals found guilty under these provisions may face a maximum prison sentence of four years under the KUHP and five years under the Presidential Decree.

The Information and Electronic Transactions Law (ITE Law), enacted by Indonesia in 2008, also addresses the dissemination of online content deemed to demean religion. Discussions on religious defamation are closely related to the concept of inter-religious tolerance, which encompasses several indicators. These indicators of tolerance reflect the moral and ethical foundations underlying individual attitudes and behaviors in the face of religious diversity.

First, tolerance aims to achieve peace. This implies that a tolerant attitude not only facilitates harmony and peace among individuals and groups with differing religious beliefs but also seeks to create a peaceful and prosperous environment for everyone. Second, tolerance involves acceptance and appreciation of diversity. This demonstrates that individuals who possess tolerant values not only accept religious diversity but also appreciate and respect these differences. They understand that diversity is a natural part of human life and a source of cultural and spiritual richness.

Third, tolerance respects individuals and differences. This means that individuals with a tolerant attitude not only recognize each person's right to hold different religious beliefs but also value their dignity and personal integrity. They show respect and appreciation for each individual's identity and religious beliefs. Fourthly, love is the seed of tolerance, while indifference is the seed of intolerance. This highlights the importance of compassion and empathy in nurturing a tolerant attitude. When one loves their fellow humans and cares about their happiness and well-being, they are likely to value and respect differences. Conversely, indifference towards the existence and experiences of others often becomes the root of intolerance. Therefore, to build a tolerant society, individuals must cultivate a sense of love and concern for others.

Since the enactment of the anti-blasphemy law, officially initiated by Presidential Decree No. 01 of 1965 concerning the Prevention of Abuse and/or Defamation of Religion, which was subsequently ratified as Law No. 1/PNPS/1965 on the Prevention of Abuse and/or Defamation of Religion (hereinafter referred to as PNPS 1/1965), along with Article 156a of the Indonesian Penal Code (KUHP), there have been numerous cases of criminal prosecution for religious blasphemy up to the year 2017. One notable example is the case involving former Jakarta Governor Basuki Tjahaja Purnama, commonly known as Ahok, in 2016. Under Article 156a letter a of the Criminal Code, Ahok received a 2-year prison sentence for bringing up the

Al-Maidah letter, verse 51, during a discussion about the election of a non-Muslim leader.(6)

The case of religious blasphemy also affected Roy Suryo, who was prosecuted for posting a meme on the Borobudur Temple Stupa in June 2022. This meme was deemed offensive to Buddhists and depicted the face of President Joko Widodo, leading to charges under Article 45, paragraph 2, in conjunction with Article 28, paragraph 2, of Law No. 19 of 2016 on Electronic Information and Transactions, or related provisions, including Article 156a of the Indonesian Penal Code (KUHP). Additionally, there was a religious blasphemy case involving politician Ferdinand Hutahaean, who posted on Twitter the phrase, "It's a pity that your God is apparently weak." The Central Jakarta District Court sentenced him to five months in prison. Furthermore, popular Islamic cleric Derry Sulaiman instigated charges of religious blasphemy against comedians Tretan Muslim and Coki Pardede.

Religious blasphemy cases in Indonesia attract significant public attention due to their potential to incite massive pressure from various groups, often leading to widespread demonstrations expressing strong societal opposition. One notable example is the case adjudicated by the Palembang High Court, involving Lina Mukherjee, a popular content creator on TikTok with thousands of followers and millions of likes. In her video content, Mukherjee was seen eating pork while reciting "bismillah." During a podcast with Ashanty, Mukherjee admitted that the video was an act of revenge against her parents and acknowledged that it violated religious teachings. The Palembang High Court prosecuted this case under the charge of disseminating information intended to incite hatred against individuals or groups based on religion. The prevalence of similar cases has sparked public debate, particularly concerning the limits of freedom of expression and the enforcement of laws on social media. The judicial decisions related to both the Penal Code (KUHP) and the Electronic Information and Transactions Law (UU ITE) have demonstrated a decline in the quality of legal reasoning, which should ideally serve as a tool for protecting freedom of expression in Indonesia. (7) The lack of adequate legal consideration in determining whether an act constitutes legitimate expression or a criminal offense is also a significant issue. (8)

The study conducted by Olivia (2020), titled "The Nature of Freedom of Expression from the Perspective of Human Rights Law," explains that freedom of expression is abstract and subject to limitations insofar as it does not disturb public order, a concept also explored in this research.(9) The distinction between Olivia's study and the present research lies in their

focus: while Olivia's work centers on the discussion of freedom of expression from a human rights perspective, this research concentrates on how freedom of expression can lead to religious blasphemy, incorporating case analyses. Therefore, this study aims to examine and analyze the judicial considerations in the religious case decision No. 726/PID SUS/2023/PN PLG, which impacts freedom and reviews freedom of expression on social media according to Indonesian positive law.

### **RESEARCH METHOD**

This research is a normative legal study that refers to applicable legislation and legal principles. Normative legal research is based on literary documents. (10) Descriptive analytical methods are employed to develop concepts and gather relevant facts to achieve a comprehensive understanding of legal products. (11) The approaches used include legislative, analytical, and case approaches. Data collection techniques involve literature studies encompassing official documents, books, legal dictionaries, research findings, legal journals, and commentaries on court decisions. The data collection procedures include documentation such as note-taking, quotations, and literature searches to identify issues within the study. (12) Legal material analysis uses content analysis methods to detail legal materials or products, facilitating interpretation and formulating legal definitions based on legal principles derived from the review of legislation, while considering the opinions of relevant experts and authors. (13)

### **RESULTS AND DISCUSSION**

#### **Judge's Decision Regarding the Blasphemy Case (Case of Decision 726/Pid.Sus/2023/PN Plg).**

News media generally focus on events deemed important and engaging to the public, continually discussed in societal discourse. The primary function of news is to deliver reports on significant and novel events and opinions to the audience promptly. Through news coverage, crucial information is conveyed to the public, helping them understand their surroundings and engage in relevant conversations about the world. News also plays a vital role in shaping public opinion and aiding the public in making informed decisions. (14)

Social media has become a faster and more effective tool for disseminating news

compared to traditional print media. The speed at which information is spread through social media platforms allows news to reach audiences within seconds. In Indonesia, where sensitivity to religious issues is high, news about religious blasphemy often garners significant public attention. Religious blasphemy cases frequently become major topics covered by both traditional media and social media. The presence of social media enables the public to quickly access the latest information on such cases, express their opinions, and participate in online discussions on these issues.

One notable case that garnered attention on social media was the Lina Mukherjee case in March 2023. Lina, previously known as Lina Lutfiawati, became a hot topic across various social media platforms. The case began when Lina uploaded a video to TikTok. (15) In the video, a Muslim individual was seen reciting "Bismillah" before consuming pork, which some perceived as an act of spreading blasphemy or defamation against Islam. The video quickly went viral, provoking varied reactions from the public, both supporting and opposing Lina's actions. (16) This case exemplifies how the power of social media can amplify certain events and significantly influence public perception and opinion.

The incident occurred on Thursday, March 9, 2023, at approximately 15:00 WITA. The defendant, along with their assistant, said, "Let's try crispy pork" and intentionally went to the Babi Guling Sisin Tukad restaurant located at Jalan Sri Rama No. 8, Kelurahan Legian, Kecamatan Kuta, Kabupaten Badung, Bali Province. Once the crispy pork was served, the defendant instructed the assistant to record a video of the defendant eating the crispy pork using an iPhone 14 Pro Max in purple color.

The video was then disseminated by posting it to the TikTok account @lilumukerji at the link <https://www.tiktok.com/@lilumukerji/video/7208429147918486810>, with a duration of 1 minute and 40 seconds, which garnered 4.5 million views. It was also uploaded to the YouTube account @Linamukherjee at the link <https://www.youtube.com/shorts/J9KiWemAz>, which received 420,901 views. At the aforementioned time and place, witness Syarif Hidayat Bin Syamsudin, a netizen, saw the video content distributed by the defendant, where the defendant was eating crispy pork while speaking the following lines: "Bismillah, oh I forgot. Guys, today I feel like I'm being expelled from my family card because I'm very curious about crispy pork. So today I've definitely violated the pillars of faith and my family card will be revoked, but I'm just curious because there's so much crispy pork on TikTok. But why do I

feel shivers eating crispy pork? Yesterday eating regular meat was fine. How many times has Kak Lili eaten pork? Is it three times in total?”

After watching the defendant's video, witness Syarif Hidayat Bin Syamsudin felt displeased, offended, and condemned the defendant's video for blaspheming Islam by invoking "Bismillah" and "Ya Allah" while eating crispy pork. Similar reactions were shared by other netizens who viewed the defendant's video, including witnesses Martinawati Binti H. Basarudin, Husyam Bin Usman, Zakarshi Bin Jasmani, and Sapriadi Bin Syamsudin. These individuals felt hatred, unease, and believed their religion had been desecrated. Subsequently, witness Sapriadi Bin Syamsudin contacted witness KH. Khobir Asyari, a cleric, to seek an opinion on the defendant's video. KH. Khobir Asyari explained that the content of eating crispy pork created by the defendant constituted a trivialization of Allah's religion through its dissemination on social media. He further stated that for individuals lacking faith, such content could be disturbing, and in the context of state governance, it represents a violation of the first principle of the Pancasila. Consequently, on Tuesday, March 28, 2023, witness Syarif Hidayat reported the defendant's actions to POLDA SUMSEL for further investigation.

Initially, Lina faced a potential prison sentence of 6 years and a fine of IDR 1 billion for alleged religious blasphemy through content featuring the recitation of "Bismillah" while eating pork skin on her account @Linamukherjee\_. In terms of criminal law policy in Indonesia, religious blasphemy is regulated under several articles of the Penal Code (KUHP), including Articles 156, 156a, 175, 176, 177, 503, 530, 545, 546, and 547. Outside the KUHP, criminal regulations concerning religion are outlined in Law No. 1/PNPS/1965 on the Prevention of Abuse and/or Defamation of Religion, which was further reinforced by Constitutional Court Decision No. 140/PUU-VII/2009 dated April 19, 2010. According to this regulation, Indonesia recognizes only six religions: Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism.

Based on Supreme Court jurisprudence, Article 156 of the KUHP is derived from Articles 124A and 153A of the British Indian Penal Code. This article prohibits the expression of hostility, hatred, or contempt towards any individual or group. The enforcement of religious blasphemy offenses typically relies on Article 156 of the KUHP. Article 156 of the KUHP specifically targets individuals who intend to antagonize or insult a religion. The article reads: “Any person who publicly expresses feelings of hostility, hatred, or contempt against one or

several groups of Indonesian citizens shall be punished with imprisonment for a maximum of four years or a fine not exceeding four thousand five hundred rupiah.”

The Draft Criminal Code (RUU KUHP) Article 302 further clarifies that acts of hostility or blasphemy against religion in Indonesia are punishable by up to five years in prison. Similarly, if such actions are performed with the intent to make them widely known, they may be subject to a five-year prison sentence. "Any person who publicly incites hostility, violence, or discrimination against religion, beliefs, other individuals, groups, or communities based on religion or belief in Indonesia shall be punished with imprisonment for up to five years or a fine of category V."

The decision of the Palembang District Court No. 726/Pid.Sus/2023/PN Plg dated September 19, 2023, is as follows:

1. The Court declares the defendant, LINA LUTFIAWATI alias LILU alias LINA MUKHERJEE BINTI ABDUL MUKHIT, guilty of committing the crime of "Intentionally and Without Authorization Disseminating Information Intended to Incite Hatred Against Individuals and Specific Groups Based on Religion," as charged in the Sole Indictment of the Public Prosecutor.
2. The defendant is sentenced to 2 (two) years in prison and a fine of IDR 250,000,000 (two hundred fifty million rupiah). If the fine is not paid, it will be substituted with 3 (three) months of imprisonment.
3. The period of detention that the defendant has already served will be deducted from the imposed sentence.
4. The Court orders that the defendant remains in custody.
5. The Court establishes the items of evidence.
6. The defendant is ordered to pay the court costs at both levels of the judicial process, with the appeal court costs amounting to IDR 5,000 (five thousand rupiah).

The judge's decision was based on Lina's acknowledgment that her content violated religious teachings. The judge also stated that freedom of expression must adhere to religious, customary, ethnic, and racial norms, given Indonesia's diverse society. The National

Commission on Human Rights (Komnas HAM) affirmed that the Electronic Information and Transactions Law (UU ITE) prohibits intentional and unauthorized dissemination aimed at inciting hostility based on ethnicity, religion, race, or group. (17) This decision aligns with the prosecution's demand for a 2-year prison sentence and a fine of IDR 250 million, with a 3-month substitutionary imprisonment if the fine is not paid. Following the verdict, various reactions emerged on social media. Some users criticized the use of sacred texts in the content, while others asserted that religious insults are intolerable. Zainal Arifin from YLBHI emphasized that sociological factors often influence the handling of such cases, where societal pressures can impact legal decisions. Gus Fayyadl from NU also expressed his disagreement with treating Lina Mukherjee's case as religious blasphemy, arguing that the act should be considered a personal sin rather than a criminal offense.

### **Examining Indonesia's Positive Law on Freedom of Expression on Social Media**

Religious blasphemy cases often generate turmoil within society. The dissemination of information can occur at varying speeds, depending on the era and media used. However, such cases are frequently characterized by large-scale mass mobilization. When a prominent figure or public personality is involved in religious blasphemy, it often triggers significant public reactions. The impact can create tension and even unrest, particularly when the case goes viral on social media, where information spreads rapidly through various comments and arguments from users.

Cases of Lina Mukherjee illustrate how dissent and opposition on social media can threaten freedom of expression. The diverse range of comments from netizens can exacerbate the situation, with the potential to incite disputes and hostility. The lack of clarity in legal regulations regarding freedom of expression can further complicate existing legal issues. Despite the initial lack of unrest in the physical world, Lina Mukherjee's case primarily impacted the digital realm, particularly on social media. Nevertheless, the public's response to reporting the case to the police and receiving a prompt response demonstrates that societal actions were in accordance with the prevailing legal norms. Generally, insulting or demeaning an individual's religion often triggers emotional reactions that can lead to conflict and division within society. Therefore, maintaining a high level of tolerance in handling religious blasphemy cases is crucial to prevent exacerbating existing social issues.

Religious blasphemy cases often lead to confusion when prosecuted, especially during a democratic transition that promises an increase in civil rights and justice. Indonesia frequently employs active and less liberal religious blasphemy laws to suppress public criticism of religion. The complexity of religious blasphemy makes it difficult for individuals who feel aggrieved by what they perceive as an unfair judicial process to openly express their objections. Religious blasphemy, often referring to offenses against Islam in Indonesia, can be grounds for punishment and political actions based on the need to maintain public order. However, such laws often become tools of intervention in public affairs, challenging democratic principles such as freedom of expression, tolerance, and diversity.

The concept of religious blasphemy presents challenges in establishing clear and precise legal boundaries. The Penal Code (KUHP) does not explicitly define religious blasphemy, but other literature views it as a deliberate attempt to publicly tarnish the reputation and dignity of individuals or groups. Essentially, religious blasphemy involves actions that insult, demean, or destroy the dignity and values of a religion. This can include insults against religious symbols, sacred teachings, religious figures, or commonly held beliefs of a particular faith.

People often view religious blasphemy as harmful not only to the individuals or groups targeted by the insult, but also to the entire religious community. Such acts can lead to inter-group conflict, social unrest, and even violence, creating tension and discord within a society based on religious differences. Many of these cases arise from a blurring of the boundaries between criticism of religion and freedom of expression, resulting in acts of blasphemy themselves.

The right to criticize or express disagreement with religious teachings or practices is part of the freedom of speech and thought guaranteed in democratic societies. Legal protection is essential to fostering a conducive environment for peaceful religious life. The use of the Electronic Information and Transactions Law (UU ITE), particularly Article 45A paragraph (2), has led to an increase in the incidence of religious blasphemy. People frequently use this article because it closely resembles Article 156a of the KUHP, particularly when it comes to the element of "hostility." In this article, both the public and law enforcement tend to interpret certain actions as religious blasphemy with a similar approach.

Freedom of expression is a fundamental human right. An individual possesses the right

to express themselves in any location and manner they choose. However, this freedom does not negate the necessity of acting with decent faith and decency in the manner of expression. There are legal limitations that must be adhered to, especially on social media, to ensure that security and justice are not compromised. Key prohibitions are outlined in Articles 27, 28, and 29 of the Indonesian Penal Code (KUHP). Violations of these provisions carry legal consequences, including criminal penalties as stipulated in Articles 45, 45A, and 45B.

General Comment No. 34 (which replaces General Comment No. 10) provides a comprehensive analysis of international human rights standards concerning freedom of expression. The comment addresses numerous controversies, particularly regarding the limitations on expressive rights. Such limitations primarily aim to maintain national security, public order, and societal morals. According to Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR), freedom of expression may be restricted provided it does not infringe upon the honor and reputation of others or incite public dissent. There are three main criteria for permissible restrictions under Article 19(3) of the ICCPR: 1) The restriction must be prescribed by law; 2) It must pursue legitimate aims similar to those listed in subparagraphs (a) and (b); and 3) It must be necessary and proportionate.

Subsequently, General Comment No. 34 from the UN Human Rights Committee (UNHRC) indicates that while freedom of expression is a crucial right, there are situations where restrictions may be applied. The UNHRC offers a nuanced perspective on the limitations of freedom of expression, suggesting that restrictions may be acceptable in certain cases. This perspective diverges from a more general view of unrestricted freedom. The UNHRC references General Comment No. 22, concluding that public morality in a nation is not based solely on a single social, philosophical, or religious tradition. Legal restrictions on freedom of expression must consider the diversity of moral values within a society and should not adhere exclusively to one tradition or viewpoint. Thus, restrictions should align with the diverse values present in that society.

Furthermore, General Comment No. 34 reflects a distinct approach where freedom of expression might be restricted, providing various points on the application of these three criteria in context. The sole general analysis of public moral grounds for restricting this right refers to conclusions drawn in General Comment No. 22, asserting that public morality cannot be considered exclusively from a single social, philosophical, or religious tradition.

Accordingly, legal restrictions must conform to this diversity.

Clear and concise laws must regulate any restrictions on freedom of opinion and expression to ensure everyone understands them. Those imposing such restrictions must demonstrate their necessity and maintain proportionality. Additionally, mechanisms to prevent abuse and an appropriate legal process that law enforcement authorities can effectively enforce should support these restrictions. Indonesia is responsible for protecting, promoting, upholding, and fulfilling the right to freedom of opinion and expression, which is an integral part of human rights as enshrined in the 1945 Constitution.

While the right to freedom of opinion is fundamental, it is not absolute. Indonesia, as a democratic state based on law, a republic, and sovereign over its people, upholds human rights principles as stated in the 1945 Constitution. However, this is at odds with provisions in the Penal Code (KUHP) that limit freedom of opinion and expression, thus reducing information freedom and the principle of legal certainty. Therefore, we should abolish such provisions to reform the KUHP.

There are issues in the application of legal regulations concerning freedom of opinion and expression that lead to ambiguities or uncertainties regarding the resolution of various criminal law provisions. Whether to resolve these issues through legal proceedings before a court or through restorative justice, which emphasizes the restoration of circumstances, remains unclear. The courts must provide strong, rational arguments consistent with the principles of human rights protection, including the right to freedom of expression and opinion as per the 1945 Constitution.

The application of blasphemy laws in Indonesia aims to protect religions. However, Indonesia also has legal and human rights instruments that regulate and protect freedom of expression, belief, religion, and worship according to one's religion and beliefs. The constitutional protection of freedom of expression and belief creates specific complexities.

The legal system in Indonesia frequently encounters difficulties in addressing religious blasphemy cases on social media, particularly under the premise of freedom of expression as a fundamental human right that must be upheld. The ideal of freedom of expression, which should serve as a platform for unrestricted discourse, often results in complications when individuals act negligently or carelessly. The legal constraints on freedom of expression remain inadequately defined. Existing laws fail to provide clear guidelines on what is permissible or

impermissible in social media expression, leading to widespread dissatisfaction with the final judgments in religious blasphemy cases, which often stem from breaches of expression limits on social media.

This situation highlights that while current Human Rights Laws affirm and guarantee freedom of opinion and expression, this freedom is undermined by other regulations concerning religious blasphemy. In essence, although there is a guarantee of freedom of opinion, there is a mismatch or contradiction between this guarantee and the regulations prohibiting blasphemy. This creates a scenario where freedom of expression can be restricted or threatened by prohibitions established in the context of religious blasphemy.

There is a need for more specific legal provisions defining criteria for religious blasphemy that do not infringe upon individual rights protected by law. The enforcement of human rights related to freedom of expression, particularly in the context of religious blasphemy on social media, is neither uniform nor comprehensive. This is evident from several cases where the applied laws have resulted in penalties for religious blasphemy, such as in the Lina Mukherjee case. Based on the author's research, the handling of religious blasphemy on social media must be conducted equitably and thoroughly to protect all religions and ensure individuals' rights to express opinions. This should be in alignment with existing regulations and should not hinder judges from rendering decisions in cases involving religious blasphemy and freedom of expression.

## **CONCLUSION**

Religious blasphemy cases, including the one involving Lina Mukherjee in March 2023, frequently become topics of discussion on social media. The Palembang District Court sentenced her to two years in prison and a fine of IDR 250 million. Public reactions to this verdict vary, creating turbulence within society. The dissemination of information in the social media era enables large-scale mobilization, increasing the potential for conflict. Comments and arguments from netizens often provoke disputes, threatening the right to freedom of expression. Such cases not only impact societal hostility and division but also create disturbances on social media. The legal framework for addressing religious blasphemy on social media in Indonesia remains confusing and lacks specific limitations on freedom of expression. The application of the law must align with human rights principles, including freedom of expression and opinion

as stipulated in the 1945 Constitution. While the law on religious blasphemy aims to protect Indonesian religions, its complexity lies in balancing this protection with constitutional guarantees of freedom of expression, belief, religion, and worship. Therefore, there is a need for more concrete legal adjustments that align with universal human rights principles. Moreover, there is inconsistency in the implementation of legal enforcement concerning freedom of expression related to religious blasphemy on social media. Some cases, such as Lina Mukherjee's, indicate that the application of penalties is not yet optimal. Consequently, handling religious blasphemy on social media should be uniform and comprehensive, safeguarding all religions and individual rights to express opinions.

### **SUGGESTION**

The vulnerability to hate speech poses significant challenges to the right to free expression. In legislation, policymakers should formulate clear and stringent limitations regarding religious blasphemy and freedom of expression and opinion. The aim is to ensure that all members of society exercise caution when disseminating information and posting news while respecting others' freedom of expression. This is crucial, given that the law explicitly regulates issues related to religious blasphemy and freedom of expression. Legal regulations concerning human rights, especially in the context of religious blasphemy on social media, must provide specific and clear guidelines on the criteria for religious blasphemy. These regulations should also protect individuals' rights to express opinions, particularly on social media platforms. Although human rights laws guarantee freedom of expression and opinion, there are threats from other regulations concerning religious blasphemy. Therefore, we need a more detailed regulatory framework that defines religious blasphemy criteria without conflicting with individuals' legally protected rights to freedom of expression.

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