

Legal Safeguards for Government Criticism Expression on Social Media Platforms Under the 2016 Information and Electronic Transactions Law (Law No. 19/2016)

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ABSTRACT

Advances in information technology in the digital era have given rise to social media as a new means for people to voice their opinions, including criticizing the government. However, this freedom of expression often conflicts with legal aspects, particularly the provisions of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), which was amended by Law Number 19 of 2016, specifically Article 27 paragraph (3) and Article 28 paragraph (2). This research aims to examine how these two articles are implemented in responding to criticism of the government conveyed through social media and the extent to which legal protection is provided to citizens. The focus of the research was directed toward the case of Bima Yudho Saputro, who was reported for criticizing conditions in his home region through TikTok. This research adopts a normative juridical method with an analytical approach to legal and case research. The findings suggest that these articles are often misinterpreted and risk criminalizing legally valid forms of criticism, despite not fulfilling the elements of a crime. Legal protection, both preventive and repressive, remains ineffective due to weak regulations, insufficient understanding among law enforcement officials, and limited public access to legal aid. Therefore, regulatory reform and institutional strengthening are needed to ensure that freedom of expression remains protected within a democratic, rule-of-law system.

ABSTRAK

Kemajuan teknologi informasi di era digital telah melahirkan media sosial sebagai sarana baru bagi masyarakat untuk menyalurkan pendapat, termasuk menyampaikan kritik terhadap pemerintah. Namun, kebebasan dalam berekspresi tersebut kerap berhadapan dengan aspek hukum, terutama ketentuan dalam Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (ITE) yang telah diperbarui melalui Undang-Undang Nomor 19 Tahun 2016, khususnya Pasal 27 ayat (3) dan Pasal 28 ayat (2). Penelitian ini bertujuan untuk mengkaji bagaimana implementasi kedua pasal tersebut dalam merespons kritik terhadap pemerintah yang disampaikan melalui media sosial serta sejauh mana perlindungan hukum diberikan kepada warga negara. Fokus kajian diarahkan pada kasus Bima Yudho Saputro, yang dilaporkan akibat menyampaikan kritik terhadap kondisi daerah asalnya melalui TikTok. Penelitian ini menerapkan metode yuridis normatif dengan pendekatan analisis terhadap peraturan perundang-undangan dan studi kasus. Temuan menunjukkan bahwa pasal-pasal tersebut kerap ditafsirkan secara keliru dan berisiko mengkriminalisasi bentuk kritik yang sah secara hukum, meskipun tidak memenuhi unsur pidana. Perlindungan hukum preventif maupun represif masih belum terlaksana secara efektif, baik karena lemahnya regulasi, kurangnya pemahaman aparat penegak hukum, maupun keterbatasan akses masyarakat terhadap bantuan hukum. Oleh karena itu, diperlukan pembaruan regulasi serta penguatan institusi agar kebebasan berpendapat tetap terlindungi dalam sistem negara hukum yang menjunjung demokrasi.

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1. Introduction

The digital era, characterized by rapid developments in information technology and social media, has created new public spaces that provide extensive opportunities for society to express views, share information, and deliver criticism on various issues, including government policies. Various platforms such as Twitter, Facebook, Instagram, and TikTok now serve as primary mediums, particularly for younger generations, to express social and political opinions instantly and openly. Such phenomena reflect the concrete implementation of freedom of expression rights through Article 28E paragraph (3) of the 1945 Constitution, which emphasizes that all citizens have the right to freedom of assembly, association, and expressing opinions freely. In democratic societies, freedom of opinion constitutes a crucial human right. As explained in the Handyside case, freedom of expression represents one of the essential foundations of democratic society.

Although freedom of opinion is constitutionally guaranteed, in reality, delivering criticism through social media often fails to receive constructive responses. Criticism that should serve as a vital component in democracy is frequently met with legal responses, including accusations such as defamation, hate speech, or spreading false information. These accusations refer to provisions within Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE), perfected through Law No. 19 of 2016 (Pratama *et al.*, 2022). Several provisions within such regulations, particularly Article 27 paragraph (3) and Article 28 paragraph (2), are often considered multi-interpretative and unfairly misused to suppress public voices.

Historically, the ITE Law was designed to address legal challenges in digital transactions and cybercrime. Unfortunately, certain articles within, particularly Article 27 paragraph (3) concerning defamation and Article 28 paragraph (2) concerning SARA-based hate speech, are frequently misused to criminalize critical public expression. Both articles are considered vague and overbroad, creating room for broad interpretation and potentially becoming repressive tools to silence criticism toward public officials or government institutions. As stated by Adib Muttaqin Asfar (2024), the ITE Law has potential for misuse, including suppressing individuals who criticize government or public officials. Consequently, ITE Law implementation creates public fear of expression (Adhigama A. Budiman *et al.*, 2021). The unclear boundaries between "criticism" and "insult" as well as between "opinion" and "hate speech" result in many individuals being criminalized despite expressing opinions legally and in accordance with democratic principles. Such conditions have created a chilling effect in society, where citizens become afraid or reluctant to deliver criticism even when presented within legal and ethical corridors. One example that attracted public attention is the case of Bima Yudho Saputro, an Indonesian citizen who delivered criticism regarding infrastructure conditions and regional policies in his hometown through a TikTok video. Such open criticism received harsh reactions from regional government, which subsequently reported Bima using articles within the ITE Law. The case sparked widespread discussion regarding the boundaries of freedom of opinion and legal violations, while highlighting the necessity of legal protection for citizens criticizing government in digital spaces (Fidela *et al.*, 2024).

Rather than being used as evaluation material or discussed openly by relevant officials, such criticism was responded to repressively through legal channels. Bima was reported to police with allegations of violating Article 28 paragraph (2) jo. Article 45A paragraph (2) of the ITE Law, despite the video containing no hatred based on ethnicity, religion, race, or inter-group relations (SARA). Furthermore, Bima's family reportedly experienced pressure, including visits from authorities and verbal intimidation, reflecting indirect forms of silencing individual expression rights.

The case serves as a serious alarm that articles within the ITE Law, which should

protect society from illegal actions in cyberspace, now potentially serve as political and power tools to limit citizen freedom in delivering critical opinions toward state administrators. Ironically, such conditions contradict constitutional spirit and human rights principles that position freedom of opinion as fundamental rights that cannot be reduced.

Within the framework of a democratic rule of law, law should serve as an instrument guaranteeing justice and freedom, not as a tool to silence public voices. As emphasized by Jimly Asshidiqie in Dhika Tabrozi (2025), in a democratic rule of law, the constitution guarantees freedom of opinion, including the right to participate in public discussion as part of human rights. The state has constitutional obligations to provide legal protection, both preventively (preventing violations) and repressively (protecting after violations occur), as stated by Philipus M. Hadjon. Such positions are strengthened by Patra *et al.* (2024) stating that as a rule of law state, Indonesia through its constitution, namely the 1945 Constitution, emphasizes the necessity of protecting freedom of opinion.

Bima case involves not only criminal law issues but also represents conflict between civil liberties and state power, between the right to voice criticism and coercive legal authority. If the practice of reporting legitimate public expression continues unchecked, it will create bad precedents in digital law enforcement that violate democratic essence and social justice. Therefore, academic studies examining how Article 27 paragraph (3) and Article 28 paragraph (2) of the ITE Law are applied in delivering criticism through social media, particularly in Bima Yudho Saputro's case study, become crucial. The research will also explore ideal forms of legal protection in Indonesian cyber law, ensuring freedom of expression in digital spaces is not sacrificed for repressive and arbitrary law enforcement.

The problems in such cases involve not only legal interpretation of the ITE Law but also reflect tensions between human rights protection and criminal law use in freedom of expression (Indah Fitriani *et al.*, 2024). On one hand, the state is responsible for protecting individuals from attacks on their honor and reputation, but on the other hand, the state is also obligated to guarantee freedom of opinion as democracy's foundation. Therefore, critical studies examining the extent to which legal regulations in Indonesia, particularly the ITE Law, can provide fair and balanced protection for society delivering criticism through social media become necessary.

The thesis utilizes several theories. First, the Theory of Law and Technology (Cyber law) suggests that when discussing legal dimensions related to cyber media, it cannot be separated from the concept of cyber law. The term originates from cyberspace law, which refers to a set of legal rules governing the activities of individuals and other legal subjects in utilizing internet technology or electronic devices, starting from when they connect online and enter cyberspace (Syamsidar *et al.*, 2023). Terms such as cyberspace, cybercrime, and cyberlaw are entities that are closely interconnected in the development of information and communication technology today. The scope of law in the cyber realm encompasses various legal disciplines covering various fields, including administrative, civil, and criminal law, collectively known as the cyber law regime or cyberlaw. Cyberlaw is a branch of legal science that regulates legal relationships in digital space, including illegal acts in cyberspace, such as defamation (Situmeang, 2020).

According to Sinta Dewi Rosadi (in Bukit & Rahmi Ayunda, 2022), cyber law coverage is not limited to digital crimes but also includes personal data protection, electronic transactions, and regulation of rights and obligations of information technology users. Thus, the state has urgency to design a specific and flexible legal system capable of facing dynamic challenges in the digital era, particularly in law enforcement aspects regarding crimes occurring in social media realms. Second, the Legal Protection Theory, where legal protection theory is closely related to the main function of law, namely providing guarantees of certainty, justice, and protection for

every citizen. In the case of defamation on social media, the theory is relevant because it positions law as a tool to protect individual rights to honor, reputation, and good name in digital public spaces (Cahyo *et al.*, 2023). Philipus M. Hadjon mentions two forms of legal protection:

- 1) Preventive legal protection, which can be understood as legal efforts aimed at anticipating legal violations before they occur
- 2) Repressive legal protection, referring to forms of protection provided only after legal violations occur, for example through criminal or civil court mechanisms.

Legal protection is also a manifestation of the rule of law (*rechtstaat*), as stated in Article 1 paragraph (3) of the 1945 Constitution, which states that "The State of Indonesia is a rule of law state." This affirms that the state has constitutional responsibility to guarantee protection for every individual from actions that harm their rights, including the right to reputation or good name. Therefore, it is necessary to balance freedom of opinion rights and legal obligations on social media to protect individuals while maintaining order and security in society (Sethiawanza, 2023). As stated by Harahap & Hidayat (2023), freedom in expressing opinions needs to be accompanied by responsibility and limited by law to respect the reputation and rights of others, as well as protect public morals, health, public order, and national security.

Based on such description, the problem formulation of the thesis is: how is the application of Article 27 paragraph (3) and Article 28 paragraph (2) of the Electronic Information and Transaction Law in handling criticism toward government on social media as occurred in Bima Yudho Saputro's case, and how is the legal protection provided to society in delivering criticism toward government through social media. Based on such problem formulation, the author is motivated to conduct research with the title "Legal Protection in Delivering Government Criticism on Social Media Based on Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE).

2. Methodology

Research methodology explains the approach and writing techniques in the field of law. This study adopts a normative juridical method with a qualitative descriptive approach. The normative juridical approach is utilized as a foundation to explore and examine various legal provisions related to freedom of opinion, including examination of legal content in the Electronic Information and Transaction Law (ITE Law), particularly in Article 27 paragraph (3) and Article 28 paragraph (2). On the other hand, the qualitative descriptive approach is used to describe and examine empirical data related to the Bima Yudho Saputro case, as a concrete illustration of the application of these articles in the social media realm (Fidela *et al.*, 2024). This research utilizes primary and secondary legal material sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 19 of 2016 which is an amendment to the previous ITE Law, and Law Number 39 of 1999 concerning Human Rights. Meanwhile, secondary legal materials serve as explanations of primary legal materials. These materials consist of statements from legal experts, legal theories, research findings, scientific journals, textbooks, academic articles, and relevant mass media (Pratama *et al.*, 2022).

2.1 Legal Material Collection Technique

This study applies the literature study method as the main strategy in data collection. This approach involves searching and analyzing various relevant written sources, such as legal documents, academic literature, scientific journals in the field of law, and other

references that support the study focus. Data collection is conducted from university libraries, digital libraries, online academic journals, and official government or international institution sources.

2.2 Legal Material Analysis Technique

This analysis is conducted descriptively-analytically, namely by describing and explaining legal regulations that govern individual rights to express opinions and norms that limit their implementation, as well as analyzing the extent to which provisions in the ITE Law, particularly Article 27 paragraph (3), comply with human rights principles and constitutional provisions (Guntara & Herry, 2022) using normative qualitative methods, namely by systematically interpreting the content of legal regulations and related documents. This analysis process aims to answer research questions regarding the effectiveness of legal protection and law enforcement challenges against phishing conducted through digital invitations.

3. Results

The case involving Bima Yudho Saputro, an Indonesian citizen living abroad and active as a content creator on TikTok social media with the account @awbimaxreborn, attracted national public attention in April 2023. The problem began with a video upload containing criticism of the Lampung Provincial Government, particularly regarding slow development and poor infrastructure conditions, especially roads, which he considered a reflection of the region's lack of progress (Kompas Editorial, 2023). On April 14, 2023, Bima released a video titled "Reasons Why Lampung Doesn't Progress." In the two-minute video, he expressed personal opinions about various problems that he believed hindered the progress of Lampung Province, such as low education quality, weak bureaucratic systems, and poor infrastructure. One statement that sparked controversy was when he described Lampung as if it were a "devil's province," which was then considered insulting by some groups.

The video spread massively through several social media platforms and generated diverse responses from the public. Most netizens supported Bima's courage in delivering criticism, while others considered the statement unethical and defamatory to the region. The Lampung Provincial Government responded seriously to the video. A community figure and advocate, Gindha Ansori, reported Bima to the Lampung Regional Police on April 17, 2023, for alleged violations of Article 28 paragraph (2) in conjunction with Article 45A paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), on charges of spreading information containing hatred based on ethnicity, religion, race, and social groups.

Before the official report was filed, on April 14, 2023, police officers from the Lampung Regional Police and East Lampung Police had visited Bima's parents' residence in East Lampung. The action raised suspicions of intimidation against the family, although the police stated that the visit was part of community outreach activities and was not intended to intimidate. Nevertheless, several civil society organizations, such as LBH Bandar Lampung, the Independent Journalists Alliance (AJI), and several freedom of expression activists, condemned the officers' actions. After conducting a series of investigations, including examinations of experts in language and criminal law as well as case presentations, the Lampung Regional Police on April 18, 2023, stated that the report against Bima did not meet the elements of a criminal act, so it could not proceed to the investigation stage. Thus, the legal process against Bima was officially terminated.

4. Discussion

4.1 Application of Article 27 Paragraph (3) and 28 Paragraph (2) of the Electronic Information and Transaction Law in Handling Criticism of Government on Social Media

The development of information technology in the digital era has given birth to social media as a new platform for society to express aspirations, including voicing criticism of the government. However, freedom of expression facilitated by social media often faces legal challenges, especially when criticism is deemed to have exceeded ethical boundaries, considered defamatory, or triggers conflict in society. In the Indonesian legal framework, two provisions frequently used as the basis for reporting social media activities are Article 27 paragraph (3) and Article 28 paragraph (2) of the ITE Law. Article 27 paragraph (3) contains several elements:

- 1) Every person
- 2) Intentionally and without rights
- 3) Distributes, transmits, and/or makes accessible
- 4) Electronic Information and/or Electronic Documents
- 5) Containing insults and/or defamation

Meanwhile, Article 28 paragraph (2) contains several elements:

- 1) Every person
- 2) Intentionally and without rights
- 3) Spreads information
- 4) Intended to incite hatred or hostility
- 5) Against individuals or groups based on ethnicity, religion, race, and social groups

Actions carried out intentionally and without rights to spread or make accessible electronic information that insults or defames someone's reputation. However, in Constitutional Court Decision Number 50/PUU-VI/2008, it was emphasized that the article constitutes a complaint offense (Constitutional Court of the Republic of Indonesia, 2008). The legal process can only proceed if there are parties who experience direct harm and file complaints. Criticism directed at institutions or public bodies, rather than specific individuals, does not meet these requirements. Article 28 paragraph (2) requires the spread of information that is provocative and discriminatory against community groups based on social identity. Criticism of public officials or government policies does not automatically fall into the category of hate speech if it does not explicitly contain ethnic, religious, racial, and social group elements. Both articles were linked in the case involving Bima Yudho Saputro, an Indonesian student who uploaded a video on his TikTok account @awbimaxreborn in April 2023. In the video, Bima conveyed criticism about development conditions in Lampung Province, including infrastructure and public services. He also used the word "devil" as an expression of frustration with the existing situation. The upload went viral and received various reactions from the public.

Feeling that Bima video insulted the region's image, a lawyer named Gindha Ansori reported him to the police with charges of defamation and spreading hatred, referring to Article 27 paragraph (3) and Article 28 paragraph (2) of the ITE Law. However, after a case presentation by the Lampung Regional Police, investigators decided not to proceed with the report to the investigation stage because sufficient criminal elements were not found. The rejection of the legal process was based on the failure to fulfill the elements of the articles used. In the framework of Article 27 paragraph (3), Bima did not mention or attack specific individuals' names. His criticism was general toward institutions or regional government policies, not personal attacks. Because of its nature as a complaint offense, and no individual felt directly victimized, the formal requirements of the article were not met. The Constitutional Court decision also emphasized that Article 27 paragraph (3) of the ITE Law is a complaint offense limited

only to individuals who feel directly harmed (Constitutional Court of the Republic of Indonesia, 2008). Regarding Article 28 paragraph (2), no statements from Bima contained elements of hatred or discrimination against groups based on ethnicity, religion, race, and social groups. Although the word "devil" was used, the meaning was more directed as satire toward the regional government situation, not speech that systematically attacked specific groups. The police also considered statements from experts, both in language and criminal law, who assessed that Bima's upload was part of freedom of expression, as written in Article 28E paragraph (3) of the 1945 Constitution. The article emphasizes that every citizen has the right to express opinions, assemble, and associate.

Based on legal element analysis, expert opinions, and constitutional norms, law enforcement officials assessed that Bima's actions remained within reasonable limits as criticism. They showed caution to avoid wrongly ensnaring someone who expressed aspirations openly in public spaces. Therefore, the case demonstrates that not all forms of government criticism on social media can be subject to criminal sanctions. The decision not to legally process Bima became an important precedent that criticism not attacking individuals and not containing ethnic, religious, racial, and social group content is part of healthy democratic dynamics.

Different from the case of Daniel Frits Maurits Tangkilisan, a student who criticized shrimp farming projects that damaged the environment in Karimunjawa, Central Java. In his criticism uploaded on social media, Daniel stated that the project negatively impacted society and the environment, even calling shrimp farm defenders "shrimp-brained society." Based on Jepara District Court Decision Number 14/Pid.Sus/2024/PN Jpa, the defendant was sentenced to 7 (seven) months imprisonment with a fine of Rp5,000,000.00, and if the fine was not paid, it would be replaced with 1 (one) month imprisonment (Jepara District Court, 2024). The criticism was also directed at the regional government, especially the Acting Governor of Central Java, Nana Sudjana, who was considered not serious in handling the issue (Semarang High Court, 2024). Unlike Bima's case, Daniel was legally processed. He was charged under Article 28 paragraph (2) of the ITE Law, as he was deemed to have spread hate speech against specific community groups.

At the first level, Daniel was found guilty and served detention time. However, in the appeal process, the Semarang High Court overturned the decision and stated that Daniel's actions were forms of criticism, not hate speech. The decision was then strengthened by the Supreme Court through cassation decision Number 6459 K/PID.SUS/2024, which rejected the Public Prosecutor's cassation request (Supreme Court of the Republic of Indonesia, 2024). The Supreme Court assessed that Daniel's expressions, despite containing harsh phrases like "shrimp-brained," remained within the corridor of freedom of opinion as contained in the 1945 Constitution and international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has ratified through Law No. 12 of 2005.

When viewed comparatively, the striking difference in both cases lies in legal handling and criticism approaches. In Bima's case, although his criticism received wide attention, the legal process did not continue because authorities understood it as general criticism of regional policies. Meanwhile, in Daniel's case, due to phrases deemed offensive and suspected of targeting specific groups, the legal process continued to the Supreme Court level. However, the final result was the same: no criminal elements were found that could justify criminalization. Both cases affirm that expressions of public policy criticism — whether through analytical narratives like Bima's or sharp and emotional criticism like Daniel's — must be placed within the constitutional protection framework for freedom of opinion. The state has obligations not only to refrain from arbitrarily limiting such freedom but also to guarantee and protect it from disproportionate criminalization threats. Therefore, the ITE Law needs careful,

situational application aligned with democratic principles and human rights. Offenses in articles like Article 27 paragraph (3) and Article 28 paragraph (2) should not be misused as tools to silence criticism but as legal instruments that respect constitutional values.

4.2 Legal Protection That Can Be Provided to Society in Delivering Criticism of Government Through Social Media

Legal protection for society delivering criticism to the government represents a crucial element of the right to freedom of opinion, explicitly guaranteed in the constitution. Article 28E paragraph (3) of the 1945 Constitution explains that every individual has the right to assemble, associate, and express opinions. However, in reality, society often faces legal risks when delivering criticism, particularly in social media spheres. Among real examples is the case of Bima Yudho Saputro, who expressed his opinions about Lampung Province conditions through the TikTok platform but was then reported using ITE Law provisions.

To outline the forms of legal protection intended, Philipus M. Hadjon's theoretical approach is used, which classifies legal protection into two types: preventive and repressive. Preventive legal protection is protection provided before legal violations emerge. The state has obligations to create conducive situations so society can deliver views or criticism without fear of criminalization. Such measures can be implemented through drafting clear and unambiguous legislation, such as clarifying differences between constructive criticism, insults, and hate speech in ITE Law articles. Additionally, law enforcement officials must possess good situational understanding of criticism content to avoid immediately responding repressively. In Bima's case, although the content he delivered was criticism of public services, he was still reported by regional officials, showing that preventive protection has not yet functioned effectively.

Meanwhile, repressive legal protection is provided after society experiences legal treatment over criticism delivery. Forms of protection can include legal assistance from advocates, accompaniment from institutions like Legal Aid Institutes (LBH) or the National Human Rights Commission, and access to fair and open judicial processes. In Bima's case, although the report against him was terminated, the process still caused social and psychological pressure. Such situations show that repressive legal protection has not yet fully prevented criminalization of citizens expressing their opinions legitimately.

Criticism delivered by society represents an important part of democratic life and functions as control over government performance. Vebrika Dwi Purnama Dewi (2024) supports the notion that criticism or opinions on public policies become control mechanisms to ensure that government operations, including all policies, do not violate human rights and truly orient toward public interests. Therefore, legal protection for freedom of expression must be strengthened through regulatory improvements, enhanced understanding among society and officials, and provision of responsive and accessible legal assistance. The state as a human rights protector should ensure that citizens are not legally ensnared merely for using their constitutional rights to express opinions. Consequently, the legal protection system for society voicing criticism on social media still requires strengthening from both prevention and handling perspectives. ITE Law provisions need review to prevent becoming tools for silencing public voices. The government must also guarantee that society has safe spaces to express opinions responsibly without criminalization threats.

5. Conclusion and Recommendations

Based on research findings regarding legal protection for citizens delivering government criticism through social media, freedom of expression constitutes a fundamental human right guaranteed by the constitution, specifically Article 28E

paragraph (3) of the 1945 Constitution. However, in practice, such freedom still encounters legal challenges, primarily due to provisions in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), particularly Article 27 paragraph (3) and Article 28 paragraph (2), which remain open to multiple interpretations. The Bima Yudho Saputro case study reveals that criticism directed toward government can be perceived as legal violations, even when criminal elements as stipulated in the ITE Law are not clearly fulfilled. Such situations raise concerns about potential criminalization of criticism in digital spaces. From Philipus M. Hadjon's legal protection theory perspective, both preventive and repressive legal protection forms for citizens have not functioned optimally. Preventive protection remains weak due to unclear regulations and insufficient understanding among law enforcement officials regarding citizens' constitutional rights. Repressive protection has not fully guaranteed justice restoration, as it often emerges only after individuals experience legal or social pressure. Therefore, legal protection for citizens delivering criticism through social media requires strengthening across normative aspects (legal regulations), institutional dimensions (law enforcement roles), and educational facets (public knowledge regarding rights and legal boundaries).

Research findings encourage the author to suggest that government and lawmakers conduct thorough evaluation of the ITE Law, specifically provisions in Article 27 paragraph (3) and Article 28 paragraph (2). These articles require clarification to avoid ambiguity and prevent misuse for suppressing public criticism. Revision of such provisions becomes crucial for guaranteeing freedom of expression protection in democratic society. Furthermore, law enforcement agencies such as police and prosecutors should demonstrate greater wisdom and objectivity when handling reports related to government criticism. Law enforcement should be conducted professionally and proportionally, considering social circumstances and perpetrator intentions, to prevent fear among citizens when expressing opinions openly. Citizens as active social media users also need enhanced understanding of legal norms and ethics in delivering criticism. Freedom of expression must be exercised responsibly, avoiding hate speech, personal insults, or content violating legal provisions. Additionally, legal aid institutions, academics, and civil society organizations play vital roles in safeguarding digital expression freedom. Through legal education activities, advocacy, and law enforcement monitoring, digital public spaces can become safe, healthy, and democratic environments for all citizens.

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