

CHAPTER I

INTRODUCTION

1.1. Background

Humans are creatures created differently from others unlike animals, plants and inanimate objects, humans have reason and have feelings unlike animals that are based on instinct to survive alone.¹ Because they have reason, they can make values and rules so that harmonious relations between humans can be established, for example humans will do good to other humans so that they are rewarded with kindness and if they are violated there will be consequences. Humans also of course as living individuals have rights and obligations towards themselves and others that can be made based on rules or have been obtained by humans themselves without the need to make a rule. Human obligations for example work, carry out development to develop human civilization and so on. Likewise, humans have rights that must also be fulfilled, because these rights have been obtained by humans before humans are born until they die. These rights are basic rights called human rights.

¹ Mesaros, Claudio, "Aristotle and Animal Mind", West University, Centre for research in Philosophical Historiography and Philosophy of Imaginary, 2013.

There are many kinds of human rights, we can see it for ourselves in our daily life, for example, the right to live, the right to work, the right to have a family and many more. Human rights are rights that are universal and apply to all human beings. According to Article 1 number (1) of the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, they are:

"Human Rights are a set of rights that are inherent in the nature and existence of humans as creatures of the Almighty and are His grace that must be respected, upheld and respected. Protected by the rule of law, the Government, and everyone for the sake of honor and protection of human dignity."²

Amendment to the 1945 Constitution is the place where the human rights contained in Chapter XA are included. Of the many human rights listed in the 1945 Constitution, the author will only discuss the rights to freedom of opinion and expression:

- a) Article 28 E: (2) Everyone has the right to freedom to believe in beliefs, to express thoughts and attitudes, according to his

² Article 1, Law No. 39 of 1999 concerning Human Rights

conscience; (3) Everyone has the right to freedom of association, assembly and expression.

- b) Article 28 F: Everyone has the right to communicate and obtain information to develop their personal and social environment, as well as the right to seek, obtain, possess, store, process and convey information using all available channels.
- c) Article 28 J: (1) Everyone is obliged to respect the human rights of others in the orderly life of society, nation and state.³

From the 3 letters contained in Article 28 above, there are many other articles regarding human rights, the author will focus on rights regarding freedom of opinion and expression as written in the Second Amendment to the 1945 Constitution Article 28 E paragraph (2) and paragraph (3). Of course, humans always want to express themselves. Expression is always related to individual personality. With the term "expression", it is clear that this "personality" is what is expressed by humans from their souls and thus can be known by other humans.⁴ It means is an expression that is a reflection of the human soul that is shown to other humans so that other humans understand what that human wants to express.

³ Article 28, The 1945 Constitution.

⁴ Soediman Kartohadiprodjo, *Human Vision of the Place of Individuals in Life Association (A Problem)*, Dies Natalis Unpar, Jakarta : Development, 1962, page 1

Opinions are generally interpreted as the fruit of ideas or thoughts. To have an opinion means to express an idea or express a thought. In the life of the Indonesian state, a person who expresses his opinion or expresses his thoughts is constitutionally guaranteed. With freedom of expression, humans can express all emotions and opinions that they want to show to the public. According to Abraham Maslow, humans have a hierarchy of needs to actualize themselves or in other words display their expressions in public.⁵ This is done because humans want to be noticed and want to socialize as social beings. As Aristotle said that humans are "social beings", while social beings are given the meaning that humans have the nature to look for groups with others.⁶ The delivery of ideas and ideas by and to the community can be through newspapers, magazines, films, books, etc., or through digital media such as the internet.⁷

Today the development of information and communication technology has developed very quickly. In the past, humans as individuals had to meet face to face in order to socialize and express their expressions to other individuals. Technology itself comes from the word technologia (Greek) techno which means expertise and logia which means knowledge. At first the meaning of technology was limited to tangible objects such as

⁵ C. George Boeree, *General Psychology*, Yogyakarta, Prismsophie, 2008, p. 133

⁶ Soediman Kartohadiprodjo, *Opcit*, page 24

⁷ John W. Johnson, *The Role of Free Media*, Office of International Information Program U.S. Department of State, 2001, p. 51

equipment or machines. While the notion of technology itself is a variety of needs and needs facilities in the form of various kinds of equipment or systems that function to provide comfort and convenience for humans.⁸

According to Lewis Morgan, an anthropologist in the United States, there is a theory called the theory of technological evolution. According to him, the history of technological development is divided into 3, namely savagery, barbarism and civilization.⁹ In this context, of course, society is civilized, but the way of conducting transactions is still simple. with the internet can communicate with each other remotely. This makes it easier for Indonesian people to communicate with each other between islands or other long-distance communications.

Then because of technological advances that facilitate human life in this case, especially information and communication technology, a tool called a telephone began to develop where people could communicate without face to face. The development of information and communication technology is not only limited to that, when the internet is circulating and social media appears, everything is more practical and easy to access by all ages from young to adults. The internet can be accessed anywhere and

⁸ Salamadian, "Understanding Technology: History, Development, Benefits & Examples of Latest Technology" <https://salamadian.com/perkembangan-pengertian-technology/>, last accessed on 28 August 2021.

⁹ Dewi Wulansari, *Sociology of Concepts and Theories*, Refika Aditarma: Bandung, 2009, page 165

anytime through gadgets such as mobile phones, computers, laptops, and others.

With the above equipment, this information can be obtained through media called the internet. Through the internet, humans do invention¹⁰ and innovate continuously and produce technology called social media. Through this social media we can get general information, events that are happening or something that is currently being discussed. Today's well-known social media such as Facebook, Twitter, Line and many more. Social media has developed coupled with the freedom of a person to express opinions and express, so one must often encounter criticism, suggestions, appeals, opinions. However, it is not uncommon for this freedom of opinion to be misused such as blasphemous words, negative comments from social media user accounts just because they have different interests that lead to insults and some even lead to slander, *tribe, religion, race, and inter-communities* [*SARA*], incitement and immorality. another unlawful act.

Regarding insults, slander, *SARA*, incitement and moral acts are some of the criminal acts that can be done on social media. All of the above actions are actions that are not justified and can damage someone's

¹⁰ Invention is something that has never been made before, or the process of creating something that has never been made before, <https://dictionary.cambridge.org/dictionary/english/invention>, accessed on August 28 2021.

honor. Therefore, actions like the above in the regulations that have been made to regulate this, in Indonesia it is regulated in the Criminal Code. The nature of criminal law is public (general) which means any event that disturbs the balance of life and harms members of the community and be a violation of the interests of individuals or community members.¹¹

One example of problems in everyday life in social media, such as a contest of comments on social media between the supporters of the political elite X and the supporters of the political elite Y, both parties hurled insults and insults that could lead to disputes that did not end in division. this nation. It is not often that someone commits defamation of others through social media that can harm someone whose reputation has been defamed because for example the party who has been defamed will lose the good name of his company or other detrimental things. If you look at these problems, it is certainly necessary to make rules to limit insults and defamation on social media.

The Indonesian government is aware of the dangers if the use of the internet, especially social media, needs supervision and regulations that bind it. Because of this, the Electronic Transaction Information Law (UU ITE) was born in 2008. The ITE Law began with research to compile an academic paper on the Information Technology Utilization Bill (RUU

¹¹ R. Abdoel Djamali, S.H., *Introduction to Indonesian Law Revised Edition*, Rajawali Pers: Jakarta, 2013, page 174

PTI) by Padjadjaran University, Bandung Institute of Technology, and the Directorate of Information Technology. General of Post and Telecommunication Ministry of Transportation RI in 1999.¹²

Then, in 2000, the Institute for the Study of Law and Technology, Faculty of Law UI and the Ministry of Industry and Trade conducted research to compile an academic paper on the Draft Law on Electronic Information and Electronic Transactions (RUU ITE). Until, the two bills became one draft of the UU ITE Bill in 2003.

The ITE Law brings new legal principles in Indonesia, such as the principle of freedom to choose or not to use it. The material for the ITE Law also introduces a fairly new scope of law, such as recognizing electronic documents as valid legal evidence, recognizing electronic signatures, regulating intellectual property rights in the digital world, and so on.

The ITE Law is expected by the government to be able to regulate three aspects in the digital world in preventing problems in the future. These 3 aspects include : The ITE Law regulates e-commerce and marketplace cases.

¹² Nugraha, Arif. Lingkar Wacana Unpad. April 30 2021. "ITE Law: Volatility and Ambiguity in Freedom of Expression" <https://kema.unpad.ac.id/uu-ite-kelabilan-dan-ambiguitas-dalam-kebebasan-berekspresi/>, accessed on 28 August 2021

- 1) The ITE Law also regulates cases of illegal access such as hacking, wiretapping, and system destruction.

UU ITE which regulates information technology crimes. This includes illegal content, SARA-based speech, hate speech, fraud, and defamation.¹³

From the three aspects in the digital world covered by the ITE Law, the last aspect is often the basis of the problem. Many articles of the ITE Law are considered as "rubber" articles, both by the public and even legal experts. The ITE Law, which was created as a peacekeeper in the digital world, has made the digital world a comfortable place to stay, but to this day, it is considered a confinement in freedom of speech. This is triggered by how easy it is for someone to report someone, anyone and anywhere to related parties such as the police under the pretext of libel or hate speech. A prominent example is the case of Sri Rahayu, a housewife. He was sentenced to 1 year in prison and fined 20 million in August 2017 for spreading false, misleading and "insulting" news about Jokowi through posts on Facebook. In fact, there are many others who are similar to Sri in that they have been criminalized on charges of "insulting" President Jokowi. Sri's case is only the tip of the iceberg when it comes to freedom of expression in Indonesia.¹⁴

¹³ *Ibid.*

¹⁴ Alamsyah, Syahdan. Detiknews. 18 December 2017. "Terbukti Sebarkan Ujaran Kebencian, Sri Rahayu Divonis 1 Tahun Bui", <https://news.detik.com/berita/d-3775610/terbukti-sebarkan-ujaran-kebencian-sri-rahayu-divonis-1-tahun-bui>, accessed on 26 October 2021.

Referring to the ITE Law, there are 7 (seven) restrictions on a person's right to express themselves, namely against electronic information that has material content, first, violating decency (Article 27 paragraph 1), second, having gambling content (Article 27 paragraph 2), third, contains insults and/or defamation (27 paragraph 3), fourth, has extortion and/or threats (27 paragraph 4), fifth, has hate speech based on SARA (28 paragraph 2), sixth, has contains threats of personal violence (29), seventh, has content that is prohibited in accordance with the provisions of the legislation (Article 40 paragraph 2a).¹⁵

It can be seen that the provisions limiting freedom of expression in the ITE Law contain fairly good content, namely to protect morals, religious values, security, public order and the rights of freedom of others. However, in practice, the provisions for restricting expression can be used to limit freedom of expression itself.

One of the problems that arise is that there is a blurring of content that is considered an insult and that which is considered a criticism. Oftentimes, this problematic loophole opens a space for criminalization of people or entities that are actually intended to express criticism. Launching SAFEnet data, this practice can be seen from several

¹⁵ Law No. 19 of 2016 concerning Information, and Electronic Transactions.

examples, such as the criminal insult imposed on Yusuf who wrote about the agrarian conflict between the community and PT Multi Sarana Agro Mandiri. In addition, he still remembers the case of Prita Mulyasari who was charged with criticizing the Omni International hospital via email for services that were considered unsatisfactory.¹⁶

The obscurity of the content in the provisions of the prohibition on the ITE Law can also create an anomaly, between the desire to protect the rights of others or actually destroying the protection. It is still warm to remember, the case that happened to Baiq Nuril, who recorded the harassment that was imposed on him but was deemed to have spread immoral information.

On the other hand, the practice of imposing the ITE Law is also increasing. Launching data compiled by SAFEnet, it was recorded that from 2008 to early 2021 there were 375 cases that ensnared residents related to the ITE Law and the spike in the use of prohibited articles in the ITE Law occurred from 2014 to 2018 which penetrated 292 decisions. The most widely used articles of the ITE Law relate to information

¹⁶ Rakhmat Nur Hakim, "UU ITE yang Memakan Korban, dari Prita Mulyasari hingga Baiq Nuril", [kompas.com, https://nasional.kompas.com/read/2021/02/16/17092471/uu-ite-yang-memakan-korban-dari-prita-mulyasari-hingga-baiq-nuril?page=all](https://nasional.kompas.com/read/2021/02/16/17092471/uu-ite-yang-memakan-korban-dari-prita-mulyasari-hingga-baiq-nuril?page=all), accessed on 30 November 2021.

content containing insults and defamation (53%), then those containing hate speech (30%), then those that violate decency (17%).¹⁷

Based on these records, it shows the reality that the provisions in the ITE Law in practice have the potential to be used as tools to limit freedom of expression. In addition, it should be noted that the vagueness of the prohibition provisions in the ITE Law has been followed by a pattern of increasing the use of prohibited articles in the ITE Law. This condition is certainly a threat and shows that the spirit of limiting expression as regulated in the ITE Law is actually far from the spirit of democracy which requires sufficient space for people to express themselves.

Data from SAFENET in 2018 shows that of the 245 cases using the ITE Law from 2008, more than a third of the complainants (35.92%) were state officials. Their targets are activists, journalists, to civil servants, and teachers.¹⁸

In general, many cases of silencing critics occur at the local level due to the limited coverage of local media and loyalty to local authorities. Media conditions like that make the case of silencing not exposed and

¹⁷ SAFEnet Annual Report 2018, “Road Road to Fight for Digital Rights”, <https://safenet.or.id/wp-content/uploads/2019/06/Laporan-Tahunan-SAFEnet-2018.pdf> Denpasar, Bali, p. 6. accessed on 28 August 2021.

¹⁸ *Ibid.*

finally left alone. This condition causes state repression of the freedom to criticize state leaders to be “decentralized” – it is no longer a collaborative effort, but is controlled by the individual interests of local rulers.

The ITE Law has been sued seven times in the Constitutional Court (MK). Lawsuits related to freedom of expression have always been rejected. Only once was a lawsuit against the wiretapping article granted in 2010.

The Constitutional Court always rejects the lawsuits filed regarding the ITE Law because they still believe in the importance of this law. They think "if there is no this article, people are free to insult other people". In addition, there is a political interest from the authorities to defend this law because they can criminalize critical voices who are considered "insulting" or "hate" the president and authorities by using this law.

Seeing that the ITE Law is problematic, the government is trying to make it better by revising the ITE Law. On December 22, 2015, the President officially gave the draft of the Bill on the Revised ITE Law to the DPR and assigned the Minister of Communication and Information (Menkominfo) Rudiantara and the Minister of Law and Human Rights (Menkumham) Yasonna Laoly to become government representatives in

the discussion on the Revision of the ITE Law with the DPR. . The Minister of Communication and Informatics stated that the revision would focus on reducing criminal threats, confirming the nature of the complaint offense in Article 27 Paragraph (3), and aligning the application of the ITE Law with the provisions contained in the Criminal Procedure Code (KUHAP). The revision discussion process was initiated in June 2016 with a focus on 62 problem inventory lists. The results of the revision include:¹⁹

- 1) Changes to avoid multiple interpretations of the provisions on the prohibition of distributing, transmitting and/or making accessible Electronic Information containing insults and/or defamation in the provisions of Article 27 Paragraph (3)
- 2) Reducing criminal penalties in two provisions in Article 29
- 3) Implementing the decision of the Constitutional Court on two provisions
- 4) Synchronizing the provisions of the procedural law in Article 43 Paragraph (5) and Paragraph (6) with the provisions of the procedural law in the Criminal Procedure Code
- 5) Strengthening the role of Civil Servant Investigators (PPNS) in the ITE Law in the provisions of Article 43 Paragraph (5)

¹⁹ Nugraha, Arif. Lingkar Wacana Unpad. April 30 2021. "ITE Law: Volatility and Ambiguity in Freedom of Expression" <https://kema.unpad.ac.id/uu-ite-kelabilan-dan-ambiguitas-dalam-kebebasan-berekspresi/> accessed on 28 August 2021.

- 6) Adding provisions regarding "right to be forgotten" or "right to be forgotten" in the provisions of Article 26
- 7) Strengthening the role of the Government in providing protection from all kinds of disturbances due to misuse of information and electronic transactions by inserting additional powers in the provisions of Article 40.

Even though it has been revised, the ITE Law is still a powerful weapon to silence the public. According to Airlangga Herlambang, Coordinator of the Indonesian Caucus for Academic Freedom, the ITE Law must be reformed. In fact, according to him, the criminal defamation in the ITE Law should be abolished for four reasons. He mentioned that first, the article on defamation is often used as a means of revenge, and not to uphold justice. Second, this defamation article is often used to silence critics. Third, freedom of expression is important for a democratic country. Finally, he mentioned that the National Legal Development Agency (BPHN) had recommended the abolition of this criminal defamation crime. This statement also raises the question, what steps should be taken to follow up on the rubber article of the ITE Law.²⁰

Responding to the ongoing polemic of the ITE Law, President Jokowi finally paid special attention to the ITE Law. According to

²⁰ *Ibid.*

President Jokowi, although the ITE Law was created to keep Indonesia's digital space clean, healthy, and ethical, in its implementation it should not create a sense of injustice. In fact, during the TNI-Polri leadership meeting at the State Palace he said "If the ITE Law cannot provide a sense of justice, yes, I will ask the DPR to jointly revise this Law, the ITE Law because this is where it started. , the upstream is here, revision, especially removing the rubber articles whose interpretations can be different which are easy to interpret unilaterally,". The President's statement could be the first step from the government to change the ITE Law into a more just law.²¹

Responding to the President's statement regarding the revision of the ITE Law, SAFEnet Executive Director Damar Juniarto noted that there are nine problematic articles in the ITE Law, with the main problems being in Articles 27 – 29. The articles deemed problematic by SAFEnet are as follows:

- 1) Article 26 Paragraph 3 concerning the Elimination of Irrelevant Information, problems regarding information censorship.

²¹ Persada, Syailendra. Nasional Tempo. 19 Februari 2021. "Jokowi Minta Revisi UU ITE, Ini Peta Dukungan Fraksi di DPR", <https://nasional.tempo.co/read/1434119/jokowi-minta-revisi-uu-ite-ini-peta-dukungan-fraksi-di-dpr>, accessed on 20 September 2021.

- 2) Article 27 Paragraph 1 concerning immorality is problematic because it can be used to punish victims of gender-based violence. Baiq Nuril was sentenced by the Supreme Court for this article.
- 3) Article 27 Paragraph 3 concerning defamation is problematic because it can be used to repress the legal expressions of citizens, critics, and activists.
- 4) Article 28 Paragraph 2 concerning hate speech is problematic because it can be used to repress a group based on SARA.
- 5) Article 29 concerning threats of violence is problematic because it can be used to punish people who want to report to the police.
- 6) Article 36 concerning losses is problematic because it can be used to increase the sentence for defamation cases.
- 7) Article 40 Paragraph 2 (a) concerning Prohibited Content is problematic because it can be used as a basis for internet shutdown by the government. It was done in Papua in 2020 yesterday.
- 8) Article 40 Paragraph 2 (b) is problematic because the affirmation of the government's role takes precedence over court decisions.
- 9) Article 45 Paragraph 3 concerning the threat of imprisonment for defamation is problematic because it allows detention during investigations.²²

²² Juniarto, Damar. 10 March 2021. "Total ITE Law Revision as a Solution" <https://id.safenet.or.id/2021/03/revisi-uu-ite-total-sebagai-solusi/>, accessed on 29 August 2021.

The effectiveness of the option to revise the substance of the ITE Law must then be reconsidered considering that several articles in the law have actually been re-examined many times through judicial review—seven times according to data from JDIH Kemkominfo – and have also been revised by the DPR with Law Number 19 of 2016 concerning amendments Law Number 11 of 2008 concerning Information and Electronic Transactions which was ratified on October 27, 2016 and promulgated and enacted on November 25, 2016. With this expansive track record, it is questionable if the efforts to revise the ITE Law (now) will produce progressive results. (or nothing) compared to the efforts that have not been stopped since the birth of this law thirteen years ago.²³

Criminal law expert from Trisakti University, Abdul Fickar Hadjar, argues that the ITE Law is in practice used to silence dissenting voices and criticize the government and the citizen. He suggested the revocation of Article 27 Paragraph (3) and Article 28 Paragraph (2) so that the public would not report to each other because the definition of a crime which constitutes the two articles was very loose. This opinion is against with the statement of Henri Subiakto, one of the parties involved in the revision of the ITE Law in 2016, during the Mata Najwa event. He is of the opinion that there is nothing substantially wrong with the ITE Law (because it has been repeatedly tested by the Constitutional Court),

²³ *Ibid.*

but the interpretation and application of the law are often wrong. So, another solution offered by the government is not revision, but the creation of interpretation guidelines.

The making of guidelines for the interpretation of the articles of the ITE Law is expected to be a solution to the core problem of the application of these articles in the judiciary: errors in interpretation. In these guidelines, it can be defined specifically and in detail the intent of insult, defamation, inter-group (in the acronym *SARA*), and so on. in order to eliminate the nature of multiple interpretations and provide clear boundaries between what is criticism/input and what is considered insult/defamation. The public will be able to easily internalize these rules and avoid uploading writings that clearly violate them. With all of this, the ITE Law can fulfill its objectives as stated in Article 4 of the law: from "educating the nation's life as part of the world's information society" to "providing a sense of security, justice, and legal certainty for Information Technology users and providers. “—without impeding the right to freedom of expression of the Indonesian people in the digital space.²⁴

So the Indonesian Minister of Communication and Information, the National Police Chief, and the Attorney General officially make the

²⁴ Jemadu, Liberty. July 02 2021. "There is Progress with the SKB of the ITE Law, but an Absolute Revision is Needed." <https://www.suara.com/teknologi/2021/07/02/212654/ada-kemajuan-dengan-skb-uu-ite-tetapi-revisi-mutlak-dibutuhkan?page=all> Accessed on 20 August 2021.

interpretation guidelines in the name of Joint Decree (Surat Keputusan Bersama). Guidelines for Criteria for the Implementation of the Information and Electronic Transactions Law (ITE). With this guideline, it is hoped that law enforcement related to the ITE Law will not lead to multiple interpretations and can guarantee the realization of a sense of community justice.²⁵

In Author's opinion, this SKB is a guideline that should be a transition towards the second revision of the ITE Law. Revision of the law must still be the main solution to this messy ITE Law. The government itself has decided to revise several articles and add one article. These problematic articles are articles of criminal acts in the ITE Law. Ideally, to avoid double regulation of criminal acts, the revision of the ITE Law and the revision of the Criminal Code can go hand in hand.

By issuing the SKB, the government actually admits that these articles are problematic both in terms of the language of the legislation and in their enforcement – otherwise, the SKB would not be needed. The provisions that are already good in the SKB need to be emphasized in the later revision of the ITE Law. The new ITE Law will have to meet several requirements, including clarity of understanding and straightforwardness.

²⁵ Jemadu, Liberty. July 02 2021. "There is Progress with the SKB of the ITE Law, but an Absolute Revision is Needed." <https://www.suara.com/teknologi/2021/07/02/212654/ada-kemajuan-dengan-skb-uu-ite-tetapi-revisi-mutlak-dibutuhkan?page=all> Accessed on 20 August 2021.

In my personal opinion, Article 27 (3) of ITE Law still need to be revised in order to get legal certainty for the citizens, because the Author personally think that SKB is actually helpful but we need a fix law in order to get legal certainty.

Furthermore, there are several other things that need to be regulated in the later revision of the ITE Law, for example the abolition of criminal sanctions for defamation and restoration of reputation for those who have suffered losses due to problematic articles of the ITE Law.

While waiting for the bill to be included in the 2021 Priority Prolegnas amendment. Existing technical guidelines such as the Chief of Police's SE or the Attorney General's Guidelines can continue to be applied.

The hope that the Government wants to realize with the changes to the ITE Law is that with the enactment of the revision of the ITE Law, it will be more perfect to fulfill the elements needed as a form of legal protection for the community, especially for people who use the internet to take legal action.

1.2. Formulation of Issues

In regard to the topic of this thesis, the Author will discuss the following formulation of issues:

1. How is the protection of freedom of speech and expression under Law No. 19 of 2016 concerning Information and Electronic Transactions from a human rights perspective?
2. How can Law No. 19 of 2016 concerning Information and Electronic Transactions be in line with the Article 28 (E) of the 1945 Constitution to better protect people's freedom of speech and expression?

1.3. Research Purpose

This undergraduate Thesis aims to provide the legal framework as regards two main points:

1. To understand the protection of freedom of expression through internet sosial media contained in Law No. 19 of 2016 concerning Information and Electronic Transactions that are reviewed from the perspective of Human Rights.
2. To find out the solution for the Law No. 19 of 2016 concerning Information and Electronic Transactions to be in line with the

Article 28 (E) of the 1945 Constitution to better protect the people's freedom of speech and expression?

1.4. Research Benefits

1.4.1. Theoretical Benefits

Through this research, it is expected to be able to contribute thoughts for the development of science in the field of law, especially for the field of constitutional law theoretically in reviewing the protection of freedom of expression through the internet media in the ITE Law in terms of a human rights perspective. In addition, it is also hoped that this research can be used as a reference for future research.

1.4.2. Practical Benefits

This research is also expected to provide for the preparation of legal development plans, especially for policy makers in drafting new laws or regulations, and can add scientific treasures and develop a mindset for researchers and readers.

1.5. Framework of Writing

This Thesis is arranged into five main chapters that will ease the readers to understand the discussion in this Thesis.

CHAPTER I : INTRODUCTION

This chapter intends to provide context for the topic, identifying the relevant legal regime and the issues that the subsequent chapters will address. Additionally, it gives a background on the Author's motivation for choosing the topic, its intended benefits and the framework of how the Thesis will be written.

CHAPTER II : LITERATURE REVIEW

In the second chapter, this Author will explain the relevant legal framework for the issues formulated in Chapter 1. This will include both primary and peripheral legal regimes that govern and relate to the issues mentioned that are required to answer the research questions posed. This

chapter will also include an index of legal terms and abbreviation that will be used in subsequent chapters.

CHAPTER III : RESEARCH METHODS

This chapter highlights the approach taken by this Author to research this undergraduate Thesis and explains why such an approach was chosen. It will also lay down the sources relied on by this Author.

CHAPTER IV : DISCUSSION AND ANALYSIS

The fourth chapter will be discussing the research problems along with it's solution. This chapter will be divided into two sub-chapters and each sub-chapter will answer the formulation of issues in this Thesis. The first sub-chapter will consist of analysis of the protection of freedom of speech through internet media. The second sub-chapter will consist of finding a solution for Law

No. 19 of 2016 concerning Information and Electronic Transactions to be amended to better protect the people's freedom of speech and expression.

CHAPTER V : CLOSING

This last chapter, the Author will explain the conclusion to the issues that have been analyzed in the previous chapter. The Author will also give suggestions and recommendations about the research.

