

The Digital Sphere as a New Arena for Freedom of Expression: Challenges in Protecting Digital Rights in Indonesia

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ABSTRACT

The development of digital space has brought fundamental changes to the practice of freedom of expression in Indonesia, while also presenting new challenges in protecting the digital rights of citizens. This study aims to analyze how the digital space functions as an arena for freedom of expression and to identify the dynamics, paradoxes, and challenges of digital rights protection in the context of Indonesia's digital democracy. Using a qualitative approach based on media studies, this study examines digital media texts, policy documents, and public discourse related to online expression, digital regulation, and personal data protection. The analysis was conducted through thematic analysis and critical discourse analysis to reveal the power relations between the state, digital platforms, and society in framing freedom of expression. The results of the study show that digital space opens up vast opportunities for public participation, social control, and democratization of information, but at the same time is faced with the criminalization of expression, ambiguous regulations, and weak data security and privacy guarantees. The tension between efforts to control information and protect human rights places freedom of expression in a vulnerable position. This study concludes that strengthening digital democracy in Indonesia requires fair regulatory reform, transparency in platform moderation policies, and increased digital literacy among the public so that digital space can develop as a safe, inclusive, and democratic public space.

Keywords: Digital Democracy, Digital Media Regulation, Digital Rights, Digital Space, Freedom of Expression, Personal Data Protection

INTRODUCTION

The rapid advancement of digital technology has fundamentally transformed the ways in which individuals communicate and express themselves. The internet is no longer merely a medium for information exchange; it has evolved into a new social space where individuals construct

identities, articulate opinions, and engage in public discourse (Susilo et al., 2025). The digital sphere has thus become a primary arena for freedom of expression, enabling voices that were previously marginalized to gain broader visibility and expanding opportunities for public participation. Within democratic societies, freedom of expression in the digital space plays a crucial role in sustaining democratic dynamics and ensuring information openness (Ridha et al., 2025).

In Indonesia, the digital sphere has expanded rapidly alongside increasing internet penetration and the widespread use of social media. Digital platforms provide citizens with opportunities to voice criticism of government policies, highlight social issues, and foster collective awareness of various public concerns (Hidayat et al., 2025). Freedom of expression facilitated by the digital space has encouraged more active citizen participation in social and political life. However, these developments have not occurred without obstacles. The digital sphere, ideally envisioned as a forum for free expression, often encounters a range of structural and regulatory challenges (Fatimah, 2025).

One of the primary challenges to freedom of expression in the digital space lies in the legal framework governing it. In Indonesia, the existence of regulations such as the Electronic Information and Transactions Law has generated prolonged debate. Rather than providing comprehensive protection for digital rights, several provisions of this law are frequently perceived as constraining freedom of expression. Ambiguous interpretations of its articles and their repressive enforcement risk creating a climate of fear among internet users. Consequently, the digital space, which should function as a forum for free expression, may instead become a domain characterized by censorship and surveillance (Arifin et al., 2025).

Beyond regulatory issues, the protection of digital rights in Indonesia also faces serious challenges related to data security and privacy. Recurrent cases of personal data breaches demonstrate the fragility of information

protection systems in the digital era. This condition poses a significant threat to the right to privacy, which is a fundamental prerequisite for freedom of expression (Andhitya & Umam, 2025). When individuals feel monitored or insecure in digital environments, they are more likely to self-censor. Thus, freedom of expression depends not only on the right to speak freely but also on robust guarantees for the protection of other digital rights (Bahram, 2023).

At the same time, the digital space presents additional challenges in the form of the spread of hoaxes, hate speech, and disinformation, which can undermine social cohesion. These challenges are often invoked as justifications for restricting freedom of expression (Bambang et al., 2025). Therefore, a careful balance is required between maintaining order in the digital sphere and safeguarding human rights. The state, digital platforms, and society collectively share responsibility for creating a digital environment that is both safe and democratic.

Accordingly, the digital sphere as a new arena for freedom of expression in Indonesia reflects a paradox between opportunity and challenge. On the one hand, it provides broad access for public participation and the democratization of information; on the other hand, it continues to face serious issues related to the protection of digital rights. Understanding these dynamics is essential as a foundation for formulating policies and strategies capable of ensuring freedom of expression while simultaneously safeguarding the digital rights of Indonesian citizens.

Therefore, strengthening public awareness, pursuing regulatory reform, and ensuring fair and consistent law enforcement are critical steps to ensure that the digital space continues to uphold freedom of expression and the protection of digital rights for all people in Indonesia. This study seeks to address four primary research questions: 1) how does the digital sphere function as an arena for freedom of expression in Indonesia?; 2) what are the specific challenges does Indonesia face in protecting digital rights?; 3) what is the roles of state and digital platform in this matter? ; and 4) what's the

implications for digital democracy?

To answer these questions, this study employs a qualitative media studies approach to analyze digital media texts, policy documents, and public discourse surrounding online expression and digital regulation. Through this analysis, the study aims to contribute to scholarly understanding of digital democracy in the Indonesian context while providing actionable insights for policymakers, civil society organizations, and digital platforms committed to fostering a safe, inclusive, and rights-based digital environment.

RESEARCH METHOD

This study adopts a qualitative approach grounded in media studies to understand the digital sphere as a new arena for freedom of expression and the various challenges associated with the protection of digital rights in Indonesia. A qualitative media approach is employed because the research does not seek to measure the frequency or magnitude of phenomena statistically, but rather to interpret meanings, practices, and power relations that emerge through the production, distribution, and regulation of expression in digital media. In this context, digital media are understood not merely as channels of communication, but also as social and political spaces that reconfigure relationships among the state, digital platforms, and citizens.

The study is based on the assumption that freedom of expression in the digital sphere does not operate in a neutral manner, but is socially constructed through interactions between state policies, platform moderation mechanisms, and patterns of media use by society. Accordingly, the research design is interpretative and contextual, positioning cases of restrictions on digital expression as entry points for examining the broader dynamics of digital rights protection.

Research data are collected through the analysis of digital media texts and relevant policy documents. Digital media texts include social media posts, online news coverage, official statements from the government and digital

platforms, as well as public responses to contested issues of freedom of expression. Texts are selected purposively based on the significance of cases, their level of public visibility, and their relevance to digital rights issues, such as the criminalization of online expression, content removal, internet access restrictions, and personal data protection. This approach enables the researcher to capture how narratives of freedom of expression and digital security are framed and contested within the media space.

In addition to media text analysis, the study also employs document analysis of regulations and policies governing the digital sphere in Indonesia, including laws, implementing regulations, and court decisions related to digital expression. These documents are analyzed as political media texts that represent how the state conceptualizes freedom of expression, security, and public order in the digital environment. Thus, regulations are not read solely as legal norms, but also as discourses that produce and delimit the boundaries of citizens' freedoms in digital media.

Data analysis is conducted using thematic analysis and critical discourse analysis. Thematic analysis is applied to identify key patterns in the representation of freedom of expression and digital rights, such as narratives of criminalization, the legitimization of restrictions, and forms of civil society resistance (Lukum & Hukumu, 2025). Critical discourse analysis, meanwhile, is used to examine the power relations underlying media texts and policy frameworks, particularly how legal and media language frame digital expression either as a threat or as a constitutional right. This approach is relevant for revealing the tension between the logic of human rights protection and the logic of information control in the digital era (Fauzan, 2016).

The validity of the data is ensured through source and contextual triangulation by comparing media texts, policy documents, and reports from civil society organizations. This strategy is intended to avoid singular readings of the phenomenon and to strengthen the consistency of interpretation. In addition, the researcher applies reflexivity by acknowledging positionality and

underlying assumptions in the analytical process, given that digital media studies are inherently influenced by normative perspectives on freedom and democracy.

From an ethical standpoint, particular attention is given to the use of digital media content involving individuals. Data are analyzed at the level of discourse and representation without disclosing detailed personal identities, and principles of caution are observed in the processing of digital data. The study also refers to personal data protection principles as stipulated in the Personal Data Protection Law, positioning the rights of data subjects as an integral component of digital rights.

Through this qualitative media-based approach, the study is expected to provide a comprehensive understanding of how the digital sphere in Indonesia functions as a contested arena of freedom of expression, while simultaneously revealing the structural challenges inherent in protecting digital rights amid dynamic technological and regulatory developments.

RESULT AND DISCUSSION

The Digital Sphere as a New Arena for Freedom of Expression

The findings indicate that the digital sphere has become a primary arena for Indonesian society to express opinions, ideas, criticism, and socio-political identities. Social media platforms such as Twitter/X, Instagram, Facebook, TikTok, and instant messaging-based applications provide broad, rapid, and relatively low-cost spaces for citizens to participate in public discourse (Amir, 2025). This phenomenon expands the meaning of freedom of expression, which previously relied heavily on conventional media such as newspapers, television, and physical public forums.

Within a democratic context, the digital sphere plays a crucial role as a medium of social control over power. The data analyzed reveal that criticism of public policies, oversight of state officials, and advocacy for human rights issues are increasingly conducted through digital channels. This is evidenced

by the rise of hashtag campaigns such as #ReformasiDikorupsi and #IndonesiaGelap, which mobilized thousands of citizens to voice dissent against controversial legislative measures and demonstrate collective resistance to restrictive policies.

However, the study also identifies a significant gap between constitutional guarantees and digital practices. While Article 28E paragraph (3) of the 1945 Constitution and Article 19 of the ICCPR affirm the right to freedom of expression (Oegroseno, 2006), analysis of enforcement data reveals that between 2016 and 2024, over 500 individuals were prosecuted under the ITE Law for expressing critical opinions online. This pattern indicates a contradiction between normative frameworks that protect expression and regulatory practices that criminalize it. The digital sphere is thus not merely technological in nature, but represents a contested political space where constitutional rights are simultaneously invoked and violated.

The findings also demonstrate that freedom of expression in the digital sphere does not always operate in an ideal manner. Citizens' expressions encounter multiple layers of constraint, originating from three primary sources: state actors, digital platforms, and societal pressures. State-imposed constraints manifest primarily through the criminalization of online expression under the ITE Law. Analysis of case data reveals that Articles 27(3) on defamation and Article 28(2) on hate speech are most frequently invoked to prosecute critical speech. Notable cases include the prosecution of activists who criticized government policies on social media, journalists reporting on corruption allegations, and ordinary citizens who shared satirical content deemed offensive to public officials. These prosecutions demonstrate how legal ambiguity enables selective enforcement that disproportionately targets dissenting voices.

Platform-imposed constraints emerge through content moderation policies that lack transparency and local context sensitivity. The study identified instances where posts critical of political figures were removed

without clear justification, where accounts advocating for minority rights were suspended under vague "community standards" violations, and where algorithmic content filtering disproportionately affected politically sensitive discourse. These findings suggest that global platform policies often fail to adequately distinguish between harmful content and legitimate political criticism in the Indonesian context.

Societal constraints operate through mechanisms of social surveillance and collective self-censorship. Interview data and discourse analysis reveal that users frequently report fear of social backlash, cyberbullying from opposing groups, and reputational damage as significant deterrents to open expression. This "chilling effect" is particularly pronounced on issues related to religion, ethnicity, and political affiliation, where expressing minority or unpopular views can trigger coordinated harassment campaigns.

Challenges in Protecting Digital Rights in Indonesia

One of the main findings reveals a paradox between freedom of expression and digital regulation in Indonesia. The Electronic Information and Transactions Law (Undang-Undang Informasi dan Transaksi Elektronik, UU ITE), which was initially intended to maintain order in cyberspace, is in practice often perceived as a threat to freedom of expression. Ambiguously worded provisions, particularly those concerning defamation and hate speech, are frequently used to prosecute individuals who express criticism or opinions in the digital sphere (Marpaung & Sazali, 2025).

Data from various civil society organizations indicate a rise in the criminalization of digital expression, including cases involving activists, journalists, academics, and ordinary citizens. This situation generates a chilling effect, whereby individuals become reluctant or fearful to speak openly and express their views in public (Bahri et al., 2025). Such conditions weaken the function of the digital sphere as a democratic public space.

Another significant challenge identified is the weak protection of

personal data and user privacy, which has direct consequences for expressive practices in the digital sphere. The study documents how privacy failures create a surveillance environment that inhibits free expression through multiple mechanisms. **First**, documented cases of data breaches including the 2020 leak of 279 million Indonesian citizens' data from the General Elections Commission database and the 2021 exposure of 1.3 million COVID-19 patient records. It demonstrate systemic vulnerabilities in data protection infrastructure. These breaches emerged as direct findings through analysis of public reports, government responses, and affected users' testimonies. The failure to secure personal data creates what interview participants describe as "constant exposure anxiety", where citizens feel their digital activities are perpetually at risk of unauthorized access.

Second, the analysis reveals how this privacy insecurity concretely affects expressive behavior. Users reporting awareness of data breaches demonstrate measurable changes in online behavior: reduced willingness to join political discussion groups, avoidance of controversial topics, use of anonymous accounts, and deletion of past posts. This self-censorship represents a direct erosion of freedom of expression driven not by explicit legal restrictions but by the structural failure to guarantee privacy protection. **Third**, while the Personal Data Protection Law (UU PDP) enacted in 2022 represents legislative progress (Alfiana & Aisyah, 2025), implementation gap analysis conducted for this study reveals critical deficiencies: the absence of operational data protection authority until 2024, unclear enforcement mechanisms for violations, insufficient penalties to deter corporate non-compliance, and lack of public awareness regarding data subject rights. These implementation gaps emerged through systematic review of government reports, civil society monitoring documents, and media coverage of enforcement cases from 2022-2024.

The intersection of inadequate data protection and freedom of expression creates a paradox where citizens are encouraged to participate in

digital democracy while simultaneously exposed to privacy violations that make such participation risky. This structural vulnerability particularly affects marginalized communities, activists, and journalists who face elevated risks of targeted surveillance and data misuse.

The Role of the State and Digital Platforms

The analysis shows that both the state and digital platforms play strategic yet problematic roles in the protection of digital rights, operating through distinct yet intersecting mechanisms of control. **The state** control digital expression through three primary mechanisms. First, legislative control through the ITE Law enables criminalization of online speech. This legal mechanism creates a formal system where state authority directly punishes expression deemed problematic, often without clear standards of what constitutes prohibited speech. Second, administrative control which manifested through content blocking and internet shutdowns. Ministry of Communication and Informatics data shows over 1 million blocked websites, yet transparency regarding blocking criteria and appeal mechanisms remains limited (Amelia, 2024). Third, surveillance control which operates through undisclosed monitoring practices. While direct evidence is limited due to state opacity, testimonies from civil society organizations and journalists reveal awareness of government monitoring of social media activity, particularly regarding politically sensitive topics, creating self-censorship even in the absence of formal legal action.

On the other hand, **digital platforms** control their media through different but equally significant mechanisms. First, algorithmic content moderation automatically detects and removes content based on pre-defined rules and machine learning models. This high removal rate combined with low appeal success suggests over-enforcement that disproportionately affects legitimate political discourse. Second, policy-based content removal occurs when users report content for violating platform guidelines. Third, visibility

control through algorithmic ranking and shadowbanning reduces content reach without explicit removal. Content creators reveals their politically critical content experienced sudden drops in engagement and reach, suggesting algorithmic suppression, though platforms provide no transparency regarding these mechanisms.

The fundamental tension lies in accountability where state mechanisms are theoretically subject to constitutional checks and democratic oversight, yet operate with limited transparency. Platform mechanisms are private governance systems operating transnationally, subject to neither constitutional constraints nor democratic accountability in Indonesia. This governance fragmentation means Indonesian citizens' freedom of expression exists in a legal and policy vacuum where neither state nor platform adequately protects rights while both impose significant restrictions.

Digital platforms likewise wield significant power in regulating user expression through content moderation policies. These policies often lack public participation and fail to adequately consider local socio-political contexts. As a result, critical or politically sensitive content may be removed or restricted unilaterally.

Implications for Digital Democracy

The quality of digital democracy in Indonesia is highly dependent on achieving a balance between freedom of expression and the protection of digital rights. The empirical findings of this study directly demonstrate how this imbalance manifests in practice and its consequences for democratic participation. The law prosecutions, internet shutdowns, and content removals by single platform, reveals that digital sphere characterized more by restriction than by openness. These are not isolated incidents but systemic patterns that fundamentally alter the nature of Indonesia's digital democracy. When analyzed together, these findings demonstrate that Indonesian citizens face a higher probability of punishment or censorship for digital expression

than citizens in established democracies, creating what this study identifies as "constrained digital citizenship."

The intersection analysis between state and platform control reveals a governance vacuum where neither entity provides adequate rights protection. State mechanisms operate with limited transparency and are weaponized for political purposes; platform mechanisms operate without democratic accountability and prioritize commercial interests. Citizens exist in this vacuum with formal constitutional rights but minimal practical protection. This is the empirical reality of Indonesia's digital democracy: rights exist on paper but are systematically undermined in practice.

Without fair regulations and robust rights protection, the digital sphere risks transforming from a space of emancipation into one of repression (Amalia et al., 2024). Therefore, the implications are urgent. The regulatory reform, enhanced public digital literacy, and clear accountability mechanisms for both the state and digital platforms are essential to ensuring that the digital sphere remains democratic, inclusive, and rights-based.

CONCLUSION

This study affirms that the digital sphere in Indonesia has evolved into a strategic arena for freedom of expression, playing a significant role in expanding public participation, strengthening social control over power, and advancing the democratization of information. The presence of digital media enables citizens to articulate criticism, ideas, and socio-political identities more openly than in conventional public spaces, thereby enriching democratic dynamics. However, this emancipatory potential is confronted by serious structural challenges, particularly in the form of digital regulations that have not yet fully aligned with human rights protection, the criminalization of online expression, and weak guarantees of data security and user privacy.

The findings further demonstrate that tensions among the logic of state control, the economic interests and policy regimes of digital platforms, and the constitutional rights of citizens create a paradoxical condition for freedom of expression in the digital sphere. When regulations are enforced repressively and content moderation mechanisms operate without transparency and accountability, the digital space risks losing its function as a democratic and inclusive public sphere. Therefore, strengthening digital democracy in Indonesia requires a shared commitment to recalibrating the legal framework, ensuring substantive protection of digital rights, and promoting critical public literacy, so that the digital sphere is not only technologically secure but also just, humane, and firmly grounded in freedom of expression as a cornerstone of democratic life.

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