

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>vii</b>
<b>CHAPTER I INTRODUCTION.....</b>	<b>1</b>
A. Background.....	10
B. Research Questions.....	10
C. Research Goals.....	11
1. Subjective Goals:.....	11
2. Objective Goals:.....	12
D. Originality of Research.....	12
E. Benefits of Research.....	17
1. Practical Benefit.....	17
2. Academic Benefit.....	17
<b>CHAPTER II THEORETICAL FRAMEWORK.....</b>	<b>19</b>
A. Theory Rule of Law.....	19
B. Critical Legal Theory.....	22
C. Proportionality Principle.....	24
D. Margin of Appreciation.....	26
E. Constitutional Rights and Fundamental Freedoms.....	<b>28</b>
1. Definition of Constitutional Rights.....	28
2. Definition of Fundamental Freedoms.....	31
F. National Security.....	33
<b>CHAPTER III RESEARCH METHOD.....</b>	<b>38</b>
A. Types of Research.....	38
B. Types of Data.....	38
1. Primary Data:.....	39
2. Secondary Data:.....	39
C. Data Analysis.....	40
D. Research Limitations.....	41
<b>CHAPTER IV RESEARCH FINDINGS AND ANALYSIS.....</b>	<b>41</b>
<b>A. The Restriction of Freedom of Expression in The Context of Justifying and Protecting National Security in Indonesia.....</b>	<b>43</b>
1. Freedom of Expression and Human Rights in Indonesia.....	43
2. The Basics of National Security and Sovereignty in Indonesia.....	49
3. Freedom of Rights in the Context of National Security and State Interests	55
<b>B. Indonesia National Security Interest in the Island of West Papua &amp; The Limitation of Freedom of Expression in Indonesia.....</b>	<b>60</b>
1. West Papua and the Tension Between Freedom of Expression and National	

Unity.....	60
2. Papua's case of freedom of expression deemed dangerous for Indonesian national security in conjunction with the rights as based on Article 28J of 1945 Constitution.....	64
3. Challenging the Legality of Government Measures in Papua Under Article 28J.....	73
<b>C. The Government role in balancing national security concerns with regards to the legitimate expression.....</b>	<b>79</b>
1. Legitimate v. Illegitimate expression.....	79
2. The protective measure of legitimate expression in freedom of expression	91
3. The balance between national security and legitimate expression by the government according to the Constitution.....	102
<b>CHAPTER V CLOSURE AND RECOMMENDATION.....</b>	<b>107</b>
A. Conclusion.....	107
B. Recommendations.....	109
<b>BIBLIOGRAPHY.....</b>	<b>111</b>