

INTISARI

Penulisan hukum ini ditujukan untuk mengkaji apakah pemberlakuan *network disruption* yang dilakukan Pemerintah Indonesia pasca kerusuhan tanggal 22 Mei 2019 sesuai dengan syarat pembatasan hak kebebasan berekspresi sebagaimana diatur dalam *The International Covenant on Civil and Political Rights* (ICCPR).

Penulis menggunakan metode studi pustaka atau studi literatur untuk mengkaji isu tersebut dengan mempelajari informasi yang didapatkan dari sumber hukum primer, sekunder, maupun tersier, termasuk namun tidak terbatas pada peraturan perundangan-undangan, teori-teori hukum dan lain-lain. Data yang Penulis dapatkan kemudian dianalisa menggunakan 3 (tiga) metode interpretasi yaitu interpretasi gramatikal, komparatif, dan sistematis.

Hasil penelitian menunjukkan bahwa pemberlakuan *network disruption* oleh Pemerintah Indonesia pasca kerusuhan 22 Mei 2019 tidak memenuhi syarat pembatasan hak kebebasan berekspresi sebagaimana diatur dalam ICCPR. Pemberlakuan *network disruption* hanya memenuhi syarat “*provided by law*”, namun gagal memenuhi syarat “atas dasar tujuan yang sah” serta tidak sesuai dengan “*principle of necessity and proportionality*”.

Kata Kunci: hak kebebasan berekspresi, hak asasi manusia, *network disruption*, *internet shutdown*

ABSTRACT

The main objective of this research is to identify if network disruption that was implemented by Indonesian government following the 22 May 2019 riot complies with limitation of freedom of expression as regulated in The International Covenant on Civil and Political Rights (ICCPR).

The method used to identify the issue is by doing literature studies, in which various legal sources such as legal theories, laws, regulations, and other relevant sources are used. The data will be analyzed using 3 (three) methods of interpretation namely grammatical, comparative, and systematic interpretation.

The research shows that network disruption implemented by Indonesian government following the 22 May 2019 riot does not comply with the limitation of freedom of expression as regulated in ICCPR. While the implementation complies with “provided by law” condition, it does not, however, comply with “legitimate purpose” condition and “principle of necessity and proportionality” as stated in ICCPR.

Keywords: freedom of expression, human rights, network disruption, internet shutdown