

## INTISARI

**Tinjauan Hukum Hak Asasi Manusia Internasional Terhadap Hak Kebebasan  
Berekspresi Melalui Media Elektronik di Indonesia  
(Studi Kasus Penghinaan dan Pencemaran Nama Baik)**

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Hak kebebasan berekspresi merupakan hak yang dimiliki oleh setiap orang dan harus dijamin pelaksanaannya. Di era modern seperti sekarang, terdapat berbagai macam media yang dapat digunakan dalam menyampaikan ekspresi, salah satunya media elektronik. Hak kebebasan berekspresi di media elektronik di Indonesia dibatasi melalui Pasal 27 ayat (3) Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Bagi pelaku kejahatan diancam hukuman penjara paling lama empat tahun dan/atau denda paling banyak Rp 750.000.000,- seperti diatur dalam Pasal 45 ayat (3) dan ayat (5) Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Indonesia telah mengaksesi *International Covenant on Civil and Pilitical Rights* (ICCPR) melalui Undang-Undang Nomor 12 Tahun 2005, yang berarti aturan dalam ICCPR berlaku mengikat bagi Indonesia. Setelah dianalisis secara gramatikal, komparatif, teleologis dan sistematis disimpulkan bahwa pembatasan hak kebebasan berekspresi di Indonesia tidak sesuai dengan hukum hak asasi manusia internasional karena tidak memenuhi syarat dirumuskan secara teliti, prinsip kepentingan dan prinsip proporsionalitas.

**Kata Kunci: Hak kebebasan berekspresi, hak asasi manusia, media elektronik**

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## **ABSTRACT**

### ***Judicial Review of International Human Rights Law to the Right to Freedom of Expression on the Electronic Devices in Indonesia: A Case Study of Insult and Defamation***

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*Everyone has the right to freedom of expression and its enforcement has to be guaranteed. Nowadays, in the modern era, there are various kinds of media that can be used to convey expression such as electronic devices. In Indonesia, the right to freedom of expression in electronic devices is restricted by Article 27 para. (3) of Law Number 11 Year 2008 on Information and Electronic Transaction. An offence to that article is punishable with maximum four year imprisonment and/or maximum Rp 750.000.000,- fine by Article 45 para. (3) and para. (5) of Law Number 19 Year 2016 on the Amendment of Law Number 11 Year 2008 on Information and Electronic Transaction. Indonesia has acceded International Covenant on Civil and Political Rights (ICCPR) through Law Number 12 Year 2005, which means that the rules in the ICCPR are binding for Indonesia. After analyzed by grammatical, comparative, teleological and systematic interpretation, concluded that restrictions on freedom of expression in Indonesia is not in accordance with international human rights law because it does not formulated conscientiously and does not comply with principle of necessity and proportionality.*

**Keynotes: Rights to freedom of expression, human rights, electronic devices**

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