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Human Rights in the Control of Digital Public Space Freedom: A Collaborative Approach Based on Islamic Law Principles

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Abstract

Internet control has a close relationship with human rights because the digital space is becoming increasingly integral to social, political, and economic life. The purpose of this study is to discuss Internet control policies that support or hinder human rights and identify the right approach to solving problems related to existing problems. The *research method* adopts a normative juridical approach with a statute and conceptual approach. This study found that internet and social media regulations, namely Electronic Information and Transactions Law, have rubber articles that can be misused to limit freedom of expression, thus



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having implications for socio-political conditions, namely reducing people's space to express their opinions, threatening democracy and political participation, including the implementation of Islamic Law in local governments based on Sharia. The researcher argues that a collaborative approach based on Islamic law, which includes truth and honesty (*Sidiq*), justice and equality (*Adil*), politeness and respect (*Hilm*), and preventing damage and conflict (*Munkar*), can be the most appropriate solution to solve existing problems in Indonesia. This study contributes to the formation and implementation of policies to address potential conflicts between freedom of expression and national security in Indonesia and various countries that have the same problems.

KEYWORDS Human rights; Islamic law; Internet control; Policy

Abstrak

*Kontrol internet mempunyai hubungan yang erat dengan HAM karena ruang digital menjadi semakin integral dengan kehidupan sosial, politik, dan ekonomi. Tujuan penelitian untuk membahas kebijakan Kontrol internet mendukung atau menghambat hak asasi manusia dan menemukan pendekatan yang tepat untuk menyelesaikan masalah terkait problem yang ada. Metode penelitian menggunakan yuridis normative dengan pendekatan perundang-undangan dan konseptual. Penelitian ini menemukan bahwa, regulasi internet dan media sosial yaitu Undang-Undang Informasi dan Transaksi Elektronik memiliki pasal karet yang dapat disalahgunakan untuk membatasi kebebasan berpendapat, sehingga berimplikasi pada kondisi sosial politik yaitu mengurangi ruang gerak masyarakat dalam menyampaikan pendapat, mengancam demokrasi dan partisipasi politik termasuk penerapan Hukum Islam di pemerintah daerah dengan basis syariah. Peneliti berargumen bahwa pendekatan kolaboratif berbasis hukum Islam yang meliputi, kebenaran dan kejujuran (*Sidiq*), keadilan dan persamaan (*Adil*), kesantunan dan rasa hormat (*Hilm*) serta mencegah terjadinya kerusakan dan pertikaian (*Munkar*) dapat menjadi solusi yang paling tepat untuk menyelesaikan problem yang ada di Indonesia. Penelitian ini berkontribusi terhadap pembentukan dan pelaksanaan kebijakan untuk mengatasi potensi konflik antara kebebasan berekspresi dan keamanan nasional di Indonesia dan berbagai negara yang memiliki problem yang sama.*

KATA KUNCI HAM; Hukum islam; Kebijakan; Kontrol internet

Introduction

The internet and social media have changed the format of how individuals communicate, engage in public forum discussions, and even change policymaking through social mobilization and advocacy.¹ The internet allows individuals to fulfill several human rights, including freedom of expression, freedom of information, and the right to privacy.² However, the controls imposed on internet access and content have far-reaching implications for these rights and create a complex relationship between governance, technology and human rights. The United Nations General Assembly has affirmed that rights enjoyed offline should be equally respected and protected, including in the context of their overlap with other rights such as freedom of expression and information.³ This argument has been emphasized in many academic forums about the importance of individual freedom via the internet as part of fundamental human rights that should be included in human rights instruments and implemented in all countries.⁴

In Muslim-majority countries, religious restrictions are placed on individual rights. As in Indonesia, religious restrictions on individual rights in internet control are evident in various legal regulations and practices. One example is the application of the Electronic Information and Transaction Act, which is often used to crack down on content deemed blasphemous or contrary to religious values.⁵ Furthermore, the influence

¹ Yochai Benkler et al., "Social Mobilization and the Networked Public Sphere: Mapping the SOPA-PIPA Debate," *Political Communication* 32, no. 4 (2015): 594–624.

² Alessia Vargiolu, "Personal Privacy and Internet Regulation: Balancing Security and Freedom in the Digital Age," 2022.

³ Merten Reglitz, "The Human Right to Free Internet Access," *Journal of Applied Philosophy*, 2019, <https://doi.org/10.1111/japp.12395>.

⁴ Merten Reglitz, "The Socio-Economic Argument for the Human Right to Internet Access," *Politics Philosophy & Economics*, 2023, <https://doi.org/10.1177/1470594x231167597>; Ryan Shandler and Daphna Canetti, "A Reality of Vulnerability and Dependence: Internet Access as a Human Right," *Israel Law Review*, 2019, <https://doi.org/10.1017/S0021223718000262>.

⁵ Ahmad Yogi Fahrudin, Ardiansyah, and Bintang Wicaksono Ajie, "Hukum Pidana Dan Konflik Agama: Menganalisis Kasus Penistaan Agama Dan Dampak Sosialnya," *HUMANIORUM* 1, no. 4 (January 2024): 116–23, <https://doi.org/10.37010/hmr.v1i4.32>.

of religious fatwas in Indonesia has played a role in shaping internet policies that fall under the study of Islamic law.

Islamic law addresses certain rights, such as the right to life, freedom of belief, and property. These rights are often framed in the context of *Maqasid al-Shari'ah*, which refers to the goals of Islamic law that promote human well-being and prevent harm.⁶ This framework supports the idea that human rights are not merely a Western construct but can be found in Islamic teachings, emphasizing the compatibility of Islamic principles with contemporary human rights standards.⁷ For this reason, it has been influential in making and enforcement of policy in Indonesia.

However, Indonesia's public policy and regulation have affected human rights in the context of internet and social media control, often leading to debates about the balance between national security and freedom of expression. Regulations such as the Electronic Information and Transaction Act have been used to regulate online content, including cracking down on the dissemination of information deemed to disrupt security or social harmony.⁸ However, the implementation of these regulations is considered excessive and potentially curbs freedom of speech.⁹ For example, criticism of the government or authorities conveyed through social media can result in lawsuits, raising concerns about the abuse of power and its negative influence on democracy, amidst the widespread development of the internet.

⁶ Suud Sarim Karimullah, "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 2023, <https://doi.org/10.22515/alahkam.v8i1.7654>.

⁷ Haidar M Fadhil, "Understanding Human Rights in Islam: The Ideas of Abdullah Bin Bayyah," *Muðsarah Jurnal Kajian Islam Kontemporer* 5, no. 1 (2023): 1–9, <https://doi.org/10.18592/msr.v5i1.10231>.

⁸ Thomas Paterson, "Indonesian Cyberspace Expansion: A Double-Edged Sword," *Journal of Cyber Policy* 4, no. 2 (2019): 216–34, <https://doi.org/10.1080/23738871.2019.1627476>.

⁹ Shohib Muslim and Nuryati Solapari, "The Impact of Hate Speech Regulations on Freedom of Expression an Indonesian Legal Perspective," *The Easta Journal Law and Human Rights* 3, no. 01 (2024): 10–19, <https://doi.org/10.58812/eslhr.v3i01>.

Research on social media regulation has been conducted, such as that by Suzor et al.¹⁰, which revealed that content moderation policies by social media platforms have a significant impact on what can and cannot be said in online public spaces. Often, these regulations try to balance combating hate speech and ensuring space for freedom of expression. Research on the impact of policies on society, such as that conducted by MacKinnon¹¹, which explores how internet policies in various countries affect access to information and freedom of expression. Their findings show that strict laws often hinder individuals' ability to communicate and access information, thereby curbing social and political participation. In addition, Cohen et al.'s research on online privacy and security¹² explored how government surveillance practices of digital communications affect public perceptions of privacy. The results show that increased surveillance has the potential to reduce public trust in social media and other institutions involved in data collection.

Research on human rights and internet regulation has been conducted widely, especially in Indonesia. For example, research by Aditya and Sholahuddin Al-Fatih¹³; Sitabuana, et al.¹⁴; Julianja¹⁵; Ghofur¹⁶; and

¹⁰ Nicolas Suzor et al., "Human Rights by Design: The Responsibilities of Social Media Platforms to Address Gender-Based Violence Online," *Policy & Internet*, 2018, <https://doi.org/10.1002/poi3.185>.

¹¹ Danny MacKinnon, "Beyond Strategic Coupling: Reassessing the Firm-Region Nexus in Global Production Networks," *Journal of Economic Geography* 12, no. 1 (2012): 227–45.

¹² Kim M Cohen et al., "The ICS International Chronostratigraphic Chart," *Episodes Journal of International Geoscience* 36, no. 3 (2013): 199–204.

¹³ Zaka Firma Aditya and Sholahuddin Al-Fatih, "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet," *The International Journal of Human Rights* 25, no. 9 (2021): 1395–1419.

¹⁴ Tundjung Herning Sitabuana et al., "The Internet Blockage Policy in Indonesia: A Legal and Human Rights Perspective," in *International Conference on Economics, Business, Social, and Humanities (ICEBSH 2021)* (Atlantis Press, 2021), 100–107, <https://doi.org/10.2991/assehr.k.210805.016>.

¹⁵ Sufiana Julianja, "Pembatasan Kebebasan Berkespresi Dalam Bermedia Sosial: Evaluasi Undang-Undang Informasi Dan Transaksi Elektronik Dalam Perspektif Hak Asasi Manusia," *Padjadjaran Law Review* 6 (2018).

¹⁶ Nilman Ghofur, "Law, Media, and Democracy in the Digital Era: Freedom of Expression and ITE Regulation in Indonesia," *Al-Mazaahib: Jurnal*

Najib¹⁷. Research related to how Islamic law highlights social media and has also been conducted. For example, Shuhufi et al. discussed the MUI Fatwa and interactions on social media.¹⁸ Arisandy, et al's research more specifically discussed the MUI Fatwa regarding freedom of expression on social media, which was analyzed with *Maqosid Shariah*.¹⁹ However, no research has analyzed public policy on internet control from the perspective of Islamic law and human rights has not been conducted. This research fills a gap in previous research by focusing on the relationship between public policy and human rights in the context of controlling the internet and social media using the principles of Islamic law. Through an in-depth study of existing regulations, this research explores how these policies affect freedom of speech and privacy, as well as their impact on social and political dynamics. The main objective is to understand the extent to which these policies support or hinder human rights and to assess their compatibility with Islamic law as it affects current socio-political structures.

Methods

The research methodology uses prescriptive normative juridical with a legislative and conceptual approach that analyzes the legal aspects of internet control and human rights, especially in Islamic law. Primary legal material sources include the Electronic Information and Transactions Law and other related regulations. Secondary legal material sources include

Perbandingan Hukum 12, no. 2 (n.d.): 184–204, <https://doi.org/10.14421/al-mazaahib.v12i2.3703>.

¹⁷ Ainun Najib et al., “Regulation on Freedom of Expression on Social Media in Indonesia and Malaysia,” *Journal of Indonesian Constitutional Law* 1, no. 1 (2024): 46–60.

¹⁸ Muhammad Shuhufi et al., “Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms,” *Samarah Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 823, <https://doi.org/10.22373/sjkh.v6i2.15011>.

¹⁹ Danil P Arisandy, Asmuni Asmuni, and Muhammad S A Nasution, “The Majelis Ulama’s Fatwa on Freedom of Expression on Social Media: The Perspective of Maqashid Sharia,” *Al-Istinbath Jurnal Hukum Islam* 7, no. 2 (2022): 481, <https://doi.org/10.29240/jhi.v7i2.5235>.

documents, books, articles, and journals that discuss Islamic law, human rights, and internet control. The legal material collection technique uses document studies with the following steps: inventory, classification, and systematization of legal materials. The analysis technique uses prescriptive analysis with interpretation and legal argumentation based on legal logic and reasoning.

Discussion

Internet Control and Human Rights in Various Countries

The public policy landscape surrounding internet control is increasingly complex, reflecting tensions between state sovereignty, individual rights and the influence of private actors. As countries grapple with the implications of internet governance, various strategies have emerged, particularly in authoritarian regimes, where the internet is often seen as a tool for control and oppression. One important aspect of internet governance is the concept of “internet sovereignty,” which China has particularly championed. This notion holds that the state has the ultimate authority to regulate internet content within its borders, effectively enabling strict control over online discourse and information flows. China’s model has been described as a form of digital neo-colonialism, particularly in its attempts to export its internet governance framework to other countries, particularly in Africa.²⁰ This approach not only reinforces state power and raises concerns about the erosion of individual rights, as seen in the suppression of dissent and the promotion of state narratives.²¹ It is considered to undermine human rights.

²⁰ Willem Gravett, “Digital Neo-Colonialism: The Chinese Model of Internet Sovereignty in Africa,” *African Human Rights Law Journal* 22, no. 2 (2023): 1–22, <https://doi.org/10.17159/1996-2096/2020/v20n1a5>.

²¹ Beverley Townsend, “Authoritarian Alliances and the Politicking of Data in Africa,” *Journal of Online Trust and Safety* 2, no. 1 (2023), <https://doi.org/10.54501/jots.v2i1.111>.

Instead, the EU has attempted to balance state control with individual rights through initiatives such as the “Right to be Forgotten,” which seeks to empower individuals to manage their digital footprint.²² However, the effectiveness of such measures is often undermined by the influence of the private companies that dominate the internet landscape. In addition to facilitating access and connectivity, these companies play a critical role in shaping governance norms and practices, often prioritizing profit over public interest.²³ This dynamic complicates the regulatory environment because states must navigate the interests of powerful tech companies while seeking to uphold human rights.

Although Islamic law does not specifically address internet censorship, Islamic law sometimes cites moral and religious arguments to restrict online material. In the framework of the Arab Spring, for example, the Egyptian government restricted internet content for moral and religious reasons, which implies that these justifications are more common than political justifications for censorship.²⁴ This trend is in line with a larger trend where governments use religious narratives to justify their control of the digital environment, usually at the expense of personal freedom.

With regulations passed to control online material, internet filtering has been introduced in Turkey as a protective measure for families and young people. Citing several legal pretexts, the Turkish government established regulatory bodies that blocked many websites.²⁵ This practice is

²² Jean-Marie Chenou and Roxana Radu, “The ‘Right to Be Forgotten’: Negotiating Public and Private Ordering in the European Union,” *Business & Society* 58, no. 1 (2017): 74–102, <https://doi.org/10.1177/0007650317717720>; G D Gregorio and Roxana Radu, “Digital Constitutionalism in the New Era of Internet Governance,” *International Journal of Law and Information Technology* 30, no. 1 (2022): 68–87, <https://doi.org/10.1093/ijlit/eaac004>.

²³ Chenou and Radu, “The ‘Right to Be Forgotten’: Negotiating Public and Private Ordering in the European Union”; Gregorio and Radu, “Digital Constitutionalism in the New Era of Internet Governance.”

²⁴ Alisa Shishkina and Leonid Issaev, “Internet Censorship in Arab Countries: Religious and Moral Aspects,” *Religions* 9, no. 11 (2018): 358.

²⁵ Mustafa Akgül and Melih Kırıldoğ, “Internet Censorship in Turkey,” *Internet Policy Review* 4, no. 2 (2015): 1–22.

in accordance with results showing that internet filtering severely restricts people's access to information and their capacity to express their thoughts freely, thus violating their basic human rights.²⁶ Such censorship has significant consequences, as it disrupts daily life and prevents the free flow of information, fundamental to the running of a democracy.²⁷

The rise of digital authoritarianism has led to internet shutdowns and censorship, especially during times of political unrest. For example, the Indonesian government's decision to restrict internet access during the unrest was justified not only as a way to combat the spread of misinformation, but also served to stifle dissent and limit public discourse.²⁸ Such actions highlight the delicate balance between maintaining public order and respecting democratic principles, a challenge many governments face in the digital age.²⁹

The implications of this governance strategy extend beyond national borders because the global nature of the internet complicates unilateral regulatory efforts. Singh notes that unilateral regulation is often ineffective because of the transnational nature of online content and the challenges of enforcing national laws against offshore entities.³⁰ These realities call for a more collaborative approach to internet governance that recognizes the interconnectedness of the global digital space and the need for international standards that protect human rights while enabling legitimate state interests.

²⁶ Dilek Yılmaz, Hava Gökdere Çınar, and Nurcan Özyazıcıoğlu, "Hemşirelik Öğrencilerinde Akıllı Telefon ve İnternet Bağımlılığı İle Üst Ekstremitte Fonksiyonel Aktivite Düzeyleri Arasındaki İlişkinin İncelenmesi," *Süleyman Demirel Üniversitesi Sağlık Bilimleri Dergisi* 8, no. 3 (2017): 34–39.

²⁷ Yılmaz, Çınar, and Özyazıcıoğlu.

²⁸ Rofi A Rahman and Shu-Mei Tang, "Fake News and Internet Shutdowns in Indonesia: Symptoms of Failure to Uphold Democracy," *Constitutional Review* 8, no. 1 (2022): 151, <https://doi.org/10.31078/consrev816>.

²⁹ Yohannes Eneyew Ayalew, "From Digital Authoritarianism to Platforms' Leviathan Power: Freedom of Expression in the Digital Age Under Siege in Africa," *Mizan Law Review*, 2021, <https://doi.org/10.4314/mlr.v15i2.5>.

³⁰ Sumanjeet Singh, "Internet Shaping Freedom of Expression; Freedom Shaping Regulation," *Media Watch* 8, no. 2 (2017), <https://doi.org/10.15655/mw/2017/v8i2/49014>.

Table 1. Similarity and Difference

Aspect	Similarity	Difference
Control Objectives	Maintain the social order	China/Turkiye/Egypt: tight control over political and religious interests
	Limiting the spread of harmful content	EU: Focus on individual rights (e.g., "Right to be Forgotten")
Legal basis	The state has sovereignty over the internet	China: The Concept of "Internet Sovereignty"
		Turkiye and Egypt: moral and religious reasons
Impact on Human Rights	Potentially violating the freedom of expression	EU: Data protection (GDPR). China/Turkiye/Egypt: Tendency to be repressive (website blocking, censorship).
The Role of Private Actors	Technology companies influence policymaking	EU: Trying to balance control and human rights. China: Companies are subject to the state's regulations.
Justification Narrative	Protecting the community	EU: Companies must comply with user rights (example: Google deletes data upon request). China/Egypt: National security/religious reasons EU: protection of privacy.

Source: Author Framework

Overview of the Indonesian Internet and Social Media Regulations

The development of internet users in Indonesia has shown a positive trend in recent years. The development of internet users in Indonesia has shown a positive trend in recent years. In the year of 2018 to 2024. It is estimated that internet users will reach 185.3 million.³¹ The widespread

³¹ Rosmawaty Hilderiah Pandjaitan,. "The Social Media Marketing Mix Trends in Indonesia for 2024: Communication Perspective." *Jurnal Komunikasi Ikatan Sarjana Komunikasi Indonesia* 9.1 (2024): 251-269. <https://doi.org/10.25008/jkiski.v9i1.1005>

use of the internet also creates new spaces for exchanging ideas. Social media and online platforms have become new centres for people to gather, discuss, and collaborate. In Indonesia, this is particularly meaningful in the context of democracy and public participation. The Internet is a tool for entertainment and a vital space for social activism, political education, and mass mobilisation. As such, the Internet has become essential in shaping public discourse and supporting social change in Indonesia.³²

However, this rapid growth also poses significant challenges in the form of regulations that may restrict fundamental rights. Rules governing social media and the internet often distinguish between protecting the public interest and infringing on individuals' freedom of speech and privacy. Countries have implemented laws addressing online hate, disinformation, and national security issues. Still, these laws often provide opportunities for excessive restrictions that can prevent legitimate expression and threaten anonymity and privacy online. However, at least there is an effort to improve regulations that protect the privacy and personal data of internet users in Indonesia.

Indonesia's approach to internet and social media regulation primarily involves balancing the free flow of information with the need to prevent the spread of misinformation, hate speech, and content that may disturb public order.³³ In Indonesia, the regulation of the internet and social media in the context of human rights is governed by several regulations and laws that aim to protect individual rights while

³² Subekti Priyadharma, *Internet and Social Change in Rural Indonesia*. Springer Fachmedien Wiesbaden, 2021. <https://link.springer.com/book/10.1007/978-3-658-35533-3>

³³ Mirna Rahmadina Gumati, "Digital Sovereignty and State Power: Indonesia's Approach to Digital Platforms Regulation," *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik* 14, no. 1 (2024): 99–126, <https://doi.org/10.15575/jispo.v14i1.39500>; Haekal Al Asyari, "Between Freedom And Protection: A Critical Review Of Indonesia's Cyberspace Law," *Prophetic Law Review* 5, no. 1 (2023): 79–103, <https://doi.org/10.20885/PLR.vol5.iss1.art5>.

maintaining public order and national security.³⁴ Here are some of the main relevant laws:

Table 2. Laws Respecting Individual Rights and Public Orders

1	Electronic Information and Transaction Law (ITE Law): Law No. 11 of 2008 (adopted by Law No. 19 of 2016)	The ITE Law regulates electronic transactions and content considered unlawful on the Internet, including social media. This law includes articles that regulate defamation and the dissemination of information that can cause hatred based on ethnicity, religion, race, and intergroup (SARA).
2	Personal Data Protection Law No. 27 of 2022	The Personal Data Protection Law was passed to protect citizens' privacy and establish the rights of data subjects and obligations for data controllers and processors. The law aims to regulate the collection, use, processing, storage, and dissemination of personal data.
3	Telecommunications Law -Law No. 36 Year 1999	This law regulates the operation of telecommunications and the utilization of telecommunications resources in Indonesia, including Internet use. It also includes provisions on wiretapping and surveillance in the context of law enforcement.
4	Public Information Disclosure Law -Law No. 14 of 2008	This law guarantees the public's right to obtain information that is exempt from restrictions, including information held by public bodies. This law supports transparency and accountability in governance.
5	Human Rights Law -Law No. 39 of 1999	Provide a general framework for protecting human rights in Indonesia, including the right to communicate and access information.
6	Broadcasting Law -Law No. 32 of 2002	Regulate broadcasting operations, including digital and online content, to preserve social and cultural values.

Source: Author Framework

³⁴ Tommi Imanuel and Indra Fauzan, "Analysis of Freedom of Expression in the Digital Age in the Issue of Electronic Information and Transaction Law in Indonesia," *PERSPEKTIF* 12, no. 4 (2023): 1117–26, <https://doi.org/10.31289/perspektif.v12i4.9875>.

Internet and social media regulation in Indonesia is an increasingly relevant topic in the context of information and communication technology developments. With the increasing use of social media, the Indonesian government faces the challenge of regulating content and interactions on digital platforms while maintaining the freedom of expression and the protection of human rights. A critical aspect of this regulation is the role of social media as a tool for public participation and law enforcement. Mustaqim emphasized that while social media can serve as a means to achieve fairness and accountability in law enforcement in Indonesia, it requires more substantial support and prudent content management.³⁵ In this context, social media serves as both a communication platform and a "guardian of justice" that assists law enforcement in fostering legal awareness in society.³⁶

However, strict regulation can also raise concerns about freedom of expression. Indonesia's Electronic Information and Transaction Law (UU ITE), which regulates the use of social media, has been criticized for potential oversights in law enforcement, particularly in relation to hate speech and content deemed to violate social norms.³⁷ Research shows that although the ITE Law aims to protect the public from harmful content, its application is often inconsistent and can lead to human rights violations.³⁸ These regulations have a significant impact on socio-political dynamics. One example is (ITE Law) to crack down on content deemed blasphemous

³⁵ Dede Al Mustaqim, "Peran Media Sosial Sebagai Sarana Partisipasi Warganet Dalam Mewujudkan Keadilan Dan Akuntabilitas Penegakan Hukum Di Indonesia," *JMRD*, 2024, <https://doi.org/10.56916/jmrd.v1i1.655>.

³⁶ Anak Agung Gde Semadi, "Peran Media Sosial Dalam Upaya Penegakan Hukum Di Indonesia," *Ijolaes*, 2024, <https://doi.org/10.60153/ijolaes.v2i1.42>.

³⁷ Marisa Kurnianingsih et al., "Sosialisasi Penerapan UU ITE Untuk Penggunaan Media Sosial Di Desa Singopuran Kecamatan Kartasura Kabupaten Sukoharjo," *Jurnal Altifani Penelitian Dan Pengabdian Kepada Masyarakat*, 2021, <https://doi.org/10.25008/altifani.v1i3.148>; I M Kartika, "Peran Generasi Muda Dalam Menangkal Hoax Di Media Sosial Untuk Membangun Budaya Demokrasi Indonesia," *Jocer* 1, no. 2 (2023): 29–40, <https://doi.org/10.60153/jocer.v1i2.26>.

³⁸ Kurnianingsih et al., "Sosialisasi Penerapan UU ITE Untuk Penggunaan Media Sosial Di Desa Singopuran Kecamatan Kartasura Kabupaten Sukoharjo."

or inciting social conflict. This often leads to the arrest of individuals who express critical views on social media, creating an atmosphere of fear and avoidance when expressing opinions.³⁹ As another example, social media serves as an arena for religious populism, where certain groups use these platforms to spread ideologies that can reinforce social and political segregation. Furthermore, phenomena such as “Aksi Bela Islam” show how social movements can be mobilized through the internet, which in turn affects elections and interfaith relations in Indonesia.⁴⁰ As such, internet control impacts not only freedom of expression but also social and political stability in the country.

Therefore, collaboration between the government, civil society and social media platforms is essential to achieve this goal. Overall, the regulation of the internet and social media in Indonesia reflects an effort to balance the need for security and the protection of human rights. With an inclusive and participatory approach, it is hoped that these regulations will support the development of a digital society.

Freedom of Speech, Protection of Individual Rights, and National Security in Indonesia: Problems and Implications

In the Indonesian legal context, Article 27 Paragraph (3) of the Electronic Information and Transaction Law (ITE Law) is often considered a “rubber article” that can be misused to restrict freedom of expression⁴¹.

³⁹ Mustain Mashud, Rachmah Ida, and Muhammad Saud, “Political Discussions Lead to Political Efficacy among Students in Indonesia,” *Asian Journal of Comparative Politics* 8, no. 1 (March 2023): 184–200, <https://doi.org/10.1177/20578911221143674>.

⁴⁰ Muzayyin Ahyar and Alfitri Alfitri, “Aksi Bela Islam: Islamic Clicktivism and the New Authority of Religious Propaganda in the Millennial Age in Indonesia,” *Indonesian Journal of Islam and Muslim Societies* 9, no. 1 (May 2019): 1, <https://doi.org/10.18326/ijims.v9i1.1-29>.

⁴¹ Dhea H Nanda and Faishal A Hariyanta, “Problematika Operasionalisasi Delik Pasal 27 Ayat (3) Uu Iti Dan Formulasi Hukum Perlindungan Freedom of Speech Dalam Ham,” *Jurnal Hukum Dan Pembangunan Ekonomi* 9, no. 2 (2022): 214, <https://doi.org/10.20961/hpe.v9i2.52779>.

Research shows that this restriction can lead to a reduction in the space for people to voice their opinions, which can, in turn, threaten democracy and political participation.⁴² Conversely, the protection of individual rights in the digital context also faces major challenges. With the increasing use of information technology, privacy and personal data protection issues are becoming increasingly important.

In this context, personal data protection is governed by various regulations, but their implementation is often inadequate, leaving individuals vulnerable to data abuse.⁴³ Research shows that personal data protection should be a priority in public policy to ensure that individuals' rights are not violated in the digital era.⁴⁴ National security is also often used as an excuse to restrict freedom of expression. In certain situations, the government may claim that certain actions are necessary to maintain country stability and security. However, this approach often poses an ethical dilemma where human rights may be overlooked in favor of security interests.⁴⁵ Therefore, it is important to find a balance between maintaining national security and protecting individual rights so that systematic violations of freedom of expression do not occur.⁴⁶ These problems have implications for socio-political conditions and the implementation of Sharia Law in Indonesia.

⁴² Osihanna M Kasih, "Penegakan Hak Asasi Manusia Dalam Partisipasi Politik Warga Negara Pada Pemilihan Umum Di Indonesia," *Ijli* 1, no. 4 (2024): 14, <https://doi.org/10.47134/ijli.v1i4.2369>.

⁴³ Imas N Juaningsih et al., "Rekonsepsi Lembaga Pengawas Terkait Perlindungan Data Pribadi Oleh Korporasi Sebagai Penegakan Hak Privasi Berdasarkan Konstitusi," *Salam Jurnal Sosial Dan Budaya Syar I* 8, no. 2 (2021): 469–86, <https://doi.org/10.15408/sjsbs.v8i2.19904>.

⁴⁴ Natasha O Aliza, Yuwono Prianto, and R Rahaditya, "Regulasi Proteksi Data Pribadi Pasien Covid-19 Di Indonesia," *Jurnal Muara Ilmu Sosial Humaniora Dan Seni* 6, no. 1 (2022): 248, <https://doi.org/10.24912/jmishumsen.v6i1.13462.2022>.

⁴⁵ Muhammad Bahram, "Tantangan Hukum Dan Etika (Rekayasa Sosial Terhadap Kebebasan Berpendapat Di Dunia Digital)," *Sentri Jurnal Riset Ilmiah* 2, no. 12 (2023): 5092–5109, <https://doi.org/10.55681/sentri.v2i12.1895>.

⁴⁶ Supriandi, "Hak Asasi Manusia Di Ranah Digital: Analisis Hukum Siber Dan Kebebasan Online," *Jurnal Hukum Dan Ham Wara Sains* 2, no. 08 (2023): 690–703, <https://doi.org/10.58812/jhhws.v2i08.604>.

1. Socio-Political Implications

Internet and social media regulation in Indonesia has significant socio-political implications, especially in the context of freedom of expression and public participation. In recent years, the use of social media has increased rapidly, making it a major platform for expressing opinions and social interactions. However, this increase also brings challenges, including potential misuse and negative impacts on freedom of expression.⁴⁷ Although social media provides space for freedom of expression, strict regulation can create a "chilling" effect that inhibits political participation, especially among the younger generation.⁴⁸ One important aspect of this regulation is how the government regulates online content to maintain public order. Research shows that the regulations implemented are often selective and can lead to restrictions on the right to free speech.⁴⁹ In this context, it is important to balance protecting the public from harmful content and the individual's right to express themselves freely.⁵⁰

In addition, media literacy is a key factor in understanding the impact of this regulation. People who have a good understanding of social media and existing regulations tend to be better able to participate actively and responsibly.⁵¹ Therefore, education about media literacy must become an integral part of efforts to increase political participation and freedom of expression in this digital era. Research also shows that increasing media

⁴⁷ Putri Limilia and Ikhsan Fuady, "Literasi Media, Chilling Effect, Dan Partisipasi Politik Remaja," *Jurnal Kajian Komunikasi* 9, no. 1 (2021): 40, <https://doi.org/10.24198/jkk.v9i1.31939>.

⁴⁸ Nada Marenza Putri et al., "Prinsip Kesetaraan Gender Di Desa Kemang Indah," *Jurnal Dunia Ilmu Hukum Dan Politik* 1, no. 4 (2023): 48–55.

⁴⁹ Rabith M K Harsya, "Regulasi Konten Online Dan Dampaknya Terhadap Hak Kebebasan Berbicara Di Platform Digital Di Indonesia," *Sanskara Hukum Dan Ham* 3, no. 01 (2024): 43–52, <https://doi.org/10.58812/shh.v3i01.446>.

⁵⁰ Putri et al., "Prinsip Kesetaraan Gender Di Desa Kemang Indah."

⁵¹ Donna Revilia and nfn Irwansyah, "Social Media Literacy: Millenial's Perspective of Security and Privacy Awareness," *Jurnal Penelitian Komunikasi Dan Opini Publik* 24, no. 1 (2020), <https://doi.org/10.33299/jpkop.24.1.2375>.

literacy can help people become more critical of the information they receive and build awareness of their rights.⁵²

Overall, Indonesia's internet and social media regulations have broad implications for socio-political dynamics. Although there is the potential to facilitate freedom of expression, inappropriate regulations can hinder public participation and create injustices in law enforcement. Therefore, it is important to continue to evaluate and adjust these regulations in line with the principles of democracy and human rights.⁵³

Countries are encouraged to monitor internet activity for national security, which greatly affects human rights and freedom of expression. Governments sometimes assert today that censorship and monitoring are necessary to maintain public stability and security. However, in the case of freedom of expression, these actions often generate debate and criticism.⁵⁴ For example, in the context of general elections, monitoring social media content can limit public participation and stop the spread of undesirable information, reflecting the sometimes extreme implementation of internet surveillance rules. Studies have shown that such behavior can have significant legal consequences and produce a "chilling" effect that discourages people from expressing their ideas. This can reduce public engagement in political debates and hinder democratic processes.

Through a more open and participatory approach, monitoring activities can be made to ensure that they do not violate human rights. Furthermore, increasing public media literacy will enable people to recognize their rights and engage in public debate without fear, thereby empowering them. Thus, a safe and inclusive digital environment in which freedom of expression can be maintained and protected depends on cooperation among governments, citizens, and civil society organizations.

⁵² Revilia and nfn Irwansyah.

⁵³ Putri et al., "Prinsip Kesetaraan Gender Di Desa Kemang Indah."

⁵⁴ Faisal F Noorikhsan, "Dinamika Internet, Media Sosial, Dan Politik Di Era Kontemporer: Tinjauan Relasi Negara-Masyarakat," *Journal of Political Issues* 5, no. 1 (2023): 95–109, <https://doi.org/10.33019/jpi.v5i1.131>.

2. Implementation of Islamic Law

In Indonesia, the implementation of Sharia law in areas such as Aceh has resulted in specific regulations governing online behavior that reflect local cultural and religious values.⁵⁵ These regulations often aim to align internet use with Islamic principles. For example: Aceh Qanun No. 14/2016 concerning Procedures for Implementing Jinayat Law (Online Behavior) It is prohibited to spread pornographic content or obscene conversations via social media (Article 17). Real Case: In 2021, a Banda Aceh resident was arrested for selling pornographic videos via WhatsApp in 2021. Also prohibited content that insulted Islam or was provocative (Article 19). Real Case: In 2022, a YouTuber in North Aceh was sentenced for creating content insulting clerics. He encouraged a digital environment that was considered morally good. However, this can also create tensions with human rights, particularly regarding the freedom of expression and access to information. Enforcement of these regulations can result in censorship or restrictions on content deemed to conflict with Islamic values, raising concerns about the balance between moral governance and individual rights.⁵⁶

The role of local governance in shaping Islamic law-based internet regulation is also important. Local governments can implement Sharia-based regulations that reflect community values, leading to differences in how internet control is carried out in different regions.⁵⁷ Although this local approach can increase community engagement and compliance with cultural norms, it can also result in discriminatory

⁵⁵ Muhajir Muhajir, "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law," *Jurnal Ilmiah Al-Syir Ah* 21, no. 1 (2023): 86, <https://doi.org/10.30984/jis.v21i1.2321>.

⁵⁶ Anisseh V Engeland, "The Balance Between Islamic Law, Customary Law and Human Rights in Islamic Constitutionalism Through the Prism of Legal Pluralism," *Cambridge Journal of International and Comparative Law* 3, no. 4 (2014): 1321–48, <https://doi.org/10.7574/cjicl.03.04.250>.

⁵⁷ None Muhammadong, "The Contextualization of the Teachings of Islamic Law in the Legal World in Indonesia," *The Easta Journal Law and Human Rights* 1, no. 03 (2023): 93–98, <https://doi.org/10.58812/eslhr.v1i03.85>.

practices against minority groups or those who do not conform to the beliefs of the majority religion.⁵⁸ The challenge lies in ensuring that such regulations do not violate fundamental human rights, particularly in diverse societies where multiple belief systems co-exist.

In addition, the role of local governments in implementing Sharia regulations can further complicate the internet control landscape. Local regulations, as seen in Indonesia, often reflect the cultural and social values of a society, which can lead to variations in how internet governance is approached.⁵⁹ Although these regulations aim to promote social order and moral behavior, they can also result in discriminatory practices, particularly against minority groups or those who do not adhere to dominant religious norms.⁶⁰ This highlights the need for a balanced approach that respects Islamic principles and the fundamental rights of all individuals.

Effective Implementation: A Collaborative Approach Based on Islamic Law Principles

Freedom of expression, protection of individual rights, and national security in Indonesia require close collaboration between the government, society, and various other stakeholders. In this context, government collaboration can be seen as a process involving various actors in the decision-making and implementation of public policy.⁶¹ Research shows

⁵⁸ Engeland, "The Balance Between Islamic Law, Customary Law and Human Rights in Islamic Constitutionalism Through the Prism of Legal Pluralism."

⁵⁹ Syahrizal Abbas and Ramzi Murziqin, "Sharia-Based Regional Regulations in the Indonesian National Law System," *Jurnal Ilmiah Peuradeun* 9, no. 3 (2021): 529, <https://doi.org/10.26811/peuradeun.v9i3.673>.

⁶⁰ Farkhani Farkhani, "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province," *Al-Manahij Jurnal Kajian Hukum Islam*, 2023, 215–32, <https://doi.org/10.24090/mnh.v17i2.7897>; Muhammad Sabir and Nazaruddin Nazaruddin, "Manifestation of Sharia Regional Regulations in Managing Social Morality," *Juris (Jurnal Ilmiah Syariah)* 20, no. 2 (2021): 189, <https://doi.org/10.31958/juris.v20i2.3276>.

⁶¹ Rahma P Khasanah and Titin Purwaningsih, "Analisis Collaborative Governance Dalam Implementasi Kebijakan PSBB Pada Penanganan Pandemi

that good collaboration can increase policy effectiveness and strengthen government legitimacy in the eyes of the public.⁶² One of the main challenges in policy implementation is to ensure that freedom of expression is not threatened by strict regulations. In this regard, the government must create a clear and transparent legal framework that protects individual rights while maintaining national security. For example, regulations governing the use of social media must be designed to prevent misuse without compromising the individual's right to express their opinions.⁶³

Islamic legal perspectives on internet governance are a complex topic that links religious principles to contemporary governance challenges. Islamic law, or Sharia, provides a framework that can influence how internet use, content, and governance are approached in Muslim-majority countries. This framework emphasizes ethical behavior, social responsibility, and adherence to Islamic values, which can manifest in various forms of internet regulation. One important aspect of Islamic law in the context of internet governance is the promotion of ethical online behavior.

Islamic norms encourage the protection of individual dignity and prohibit harmful actions, such as slander and gossip, which can be exacerbated by the anonymity of the internet. For example, the concepts of *Ghibah* (backbiting) and *Namimah* (slander) are strictly prohibited in Islam, prompting calls for legislation to curb such behavior online.⁶⁴ This

Covid-19 Di Dki Jakarta Tahun 2020,” *Jurnal Pemerintahan Dan Kebijakan (Jpk)* 2, no. 3 (2021): 155–69, <https://doi.org/10.18196/jpk.v2i3.12792>.

⁶² Prawira Y Pratama and Achmad Nurmandi, “Collaborative Governance Dan Social Capital: Peran Pemerintah Dan Non-Pemerintah Dalam Disaster Management Di Daerah Istimewa Yogyakarta,” *Jurnal Ilmiah Tata Sejuta Stia Mataram* 6, no. 1 (2020): 429–44, <https://doi.org/10.32666/tatasejuta.v6i1.102>.

⁶³ Dimas Danur Cahya et al., “Indonesia’s Role in Realizing the Vision of the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC),” *International Journal Of Humanities Education and Social Sciences (IJHESS)* 2, no. 6 (June 2023), <https://doi.org/10.55227/ijhess.v2i6.507>.

⁶⁴ Shuhufi et al., “Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms.”

perspective is reflected in fatwas issued by religious authorities, which often guide Muslim users on acceptable online behavior and the ethical use of social media platforms.⁶⁵ The integration of Islamic law into national legal systems can influence how internet governance is structured.

Furthermore, the concept of *Maqasid Shari'ah*, which focuses on Islamic law objectives, can provide a framework for evaluating internet governance policies. This approach emphasizes the protection of life, intelligence, religion, lineage, and property, suggesting that internet regulation should aim to promote societal well-being while respecting individual rights.⁶⁶ By applying the principles of *Maqasid Shari'ah*, policymakers can strive to create a balanced regulatory environment that promotes ethical online behavior without compromising fundamental freedoms.

The intersection of internet control, Islamic law and human rights presents a variety of challenges, particularly in regions where Sharia law coexists with modern governance frameworks. To understand these dynamics, it is necessary to explore how Islamic principles influence internet regulation and its implications for human rights. Islamic law, or Sharia, is a comprehensive legal system that addresses various aspects of life, including economic transactions, personal behavior, and social justice.

From the perspective of *Maqasid Syariah*, there are fundamental principles provide guidance for individuals to express themselves in public spaces, including digital ones. These principles include the following:

a. Truth and Honesty (*Sidiq*):

This principle emphasizes the importance of truth in communication and social interactions. In the context of digital public spaces, internet users are expected to disseminate accurate and reliable information.

This is in line with the goal of *the Maqasid Syariah* to create a society

⁶⁵ Arisandy, Asmuni, and Nasution, "The Majelis Ulama's Fatwa on Freedom of Expression on Social Media: The Perspective of Maqashid Sharia."

⁶⁶ Akilu A Shinkafi and Nor A Ali, "Contemporary Islamic Economic Studies on *Maqasid Shari'ah*: A Systematic Literature Review," *Humanomics* 33, no. 3 (2017): 315–34, <https://doi.org/10.1108/h-03-2017-0041>.

with integrity and transparency. Truth is the foundation of building trust between individuals and communities.

b. Justice and Equality (*Adil*):

Maqasid Syariah emphasizes the importance of justice and equality in all aspects of life. In digital public spaces, this means that every individual has the same right to participate in discussions and access information. Public policies governing digital spaces must ensure that there is no discrimination against certain groups so that all voices can be heard and respected.

c. Decency and Respect (*Hilm*):

In interactions in digital public spaces, the principles of politeness and respect for others are very important. Internet users are expected to behave politely and respect the opinions of others, even when they hold different views. Public policies should create an environment that supports constructive dialog and reduces conflict and encourages users to participate in discussions in a way that respects the dignity of others.

d. Preventing Harm and Conflict (*Munkar*):

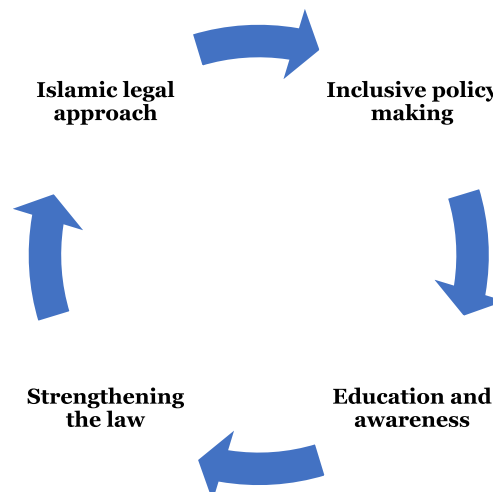
One of the main objectives of *Maqasid Syariah* is to prevent social harm and conflict in society. In the context of the digital public space, policies should be designed to reduce the potential for conflict that may arise from the spread of false or provocative information. Preventive measures, such as content moderation and the regulation of hate speech, should be implemented to maintain order and harmony in society.

The application of Sharia in the context of internet governance often aims to align digital practices with Islamic values, which encourage ethical behavior and social responsibility. For example, the application of Sharia-based regulations in digital finance, such as e-wallets and online lending, emphasizes adherence to Islamic principles, particularly the

prohibition of *Riba and Gharar* (excessive uncertainty).⁶⁷ This regulatory framework seeks to protect consumers while ensuring that financial practices comply with Sharia guidelines, thus reflecting a commitment to ethical governance.

Therefore, effective implementation of policies to ensure freedom of expression, protection of individual rights, and national security requires collaboration between the government, Internet Service Providers, and civil society based on the principles of Islamic Law.

Figure 1: Collaborative Approach Based on Islamic Law Principles



Inclusive policymaking: Develop a framework that involves all stakeholders in the policymaking process.

Education and awareness: raising awareness about human rights and digital responsibility among internet users.

Strengthen the law: Ensure that existing laws are applied fairly and without discrimination, with strong protection for human rights.

⁶⁷ Afif Noor et al., “Regulation and Consumer Protection of Fintech in Indonesia,” *Linguistics and Culture Review* 6 (2021): 49–63, <https://doi.org/10.21744/lingcure.v6ns3.1938>.

Islamic Law approach: This approach provides an Islamic legal approach to Internet behavior to be used as government policy regulations.

Through a holistic and collaborative approach, it is possible to harness the full potential of the internet as a tool for social and political progress while minimizing its risks and negative impacts on society and individuals. Several studies have demonstrated that a collaborative approach to policymaking can help identify and address potential conflicts between freedom of expression and national security.⁶⁸ Therefore, educational programs that focus on digital literacy and human rights should be an integral part of government policies, in addition to the concept of Islamic law offering a brilliant idea.

Islamic Law offers a robust framework for addressing the challenges of digital space freedom and human rights. The concept of 'urf, which integrates cultural practices into legal frameworks, is essential in adapting Islamic Law to contemporary issues arising from digital interactions. Moreover, principles such as justice, equality, and democratic consultation are foundational in Islamic constitutional law, which can guide the development of laws that protect human rights in the digital age. The intersection of Islamic values with modern cybersecurity practices further illustrates how Islamic Law can provide ethical guidelines for data privacy and security, reinforcing the importance of honesty and harm prevention when utilizing social media.

By utilizing social media, the government can be more effective in conveying information and listening to the voices of the people, which in turn can increase public trust and participation in the decision-making process. Overall, to achieve a balance between freedom of expression, protection of individual rights, and national security, a collaborative approach involving all stakeholders is needed.

⁶⁸ Khasanah and Purwaningsih, "Analisis Collaborative Governance Dalam Implementasi Kebijakan PSBB Pada Penanganan Pandemi Covid-19 Di DKI Jakarta Tahun 2020."

Several recommendations for policy makers include: 1) adopt a balanced approach. Create regulations that not only address security needs and effectively protect freedom of speech and privacy. This includes setting clear and transparent limits on the types of data that can be monitored and collected and how they can be used; 2) **reviewing and adapting** regulations. Conduct periodic reviews of existing regulations to ensure that they are relevant to technological developments and social norms. Regulations should be flexible to adapt to technological innovations and changes in user behavior; 3) strengthen data protection. Implement strong data protection laws that give individuals greater rights over their data, similar to the General Data Protection Regulation (GDPR), including the rights to access, erasure, and data portability; and public participation in policymaking. Encourage active participation of the public, including religious leaders, in the policymaking process related to the internet and social media to ensure that policies reflect public interests and concerns.

Conclusion

The regulation of the Internet and social media have wide-ranging and diverse impacts on freedom of speech, privacy, and human rights as a whole. Strict policies often aim to protect national interests and public order, but they can limit individuals' right to express themselves, curbing freedom of speech and privacy. Islamic legal framework for internet control encompasses complex interplay between ethical considerations and cultural values. Islam provides space for public expression through the provisions of the Shari'a based on the principles of truth and honesty (*sidiq*), justice and equality (*adil*), modesty and honor (*hilm*), and prevention of harm and conflict (*munkar*). While Islamic principles can guide the promotion of responsible internet use, the challenge remains to balance these values with the protection of individual rights. Therefore, a collaborative approach based on Islamic legal principles involving the government, Internet Service Providers, and civil society in policy

formulation and enforcement can help address potential conflicts between freedom of expression and national security. This study has several limitations, including a limited amount of empirical data that can be accessed. Therefore, future research can be expanded to other Muslim-majority countries, for example, to examine Internet policies and user experiences.

References

- Abbas, Syahrizal, and Ramzi Murziqin. "Sharia-Based Regional Regulations in the Indonesian National Law System." *Jurnal Ilmiah Peuradeun* 9, no. 3 (2021): 529. <https://doi.org/10.26811/peuradeun.v9i3.673>.
- Aditya, Zaka Firma, and Sholahuddin Al-Fatih. "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet." *The International Journal of Human Rights* 25, no. 9 (2021): 1395–1419.
- Ahyar, Muzayyin, and Alfitri Alfitri. "Aksi Bela Islam: Islamic Clicktivism and the New Authority of Religious Propaganda in the Millennial Age in Indonesia." *Indonesian Journal of Islam and Muslim Societies* 9, no. 1 (May 2019): 1. <https://doi.org/10.18326/ijims.v9i1.1-29>.
- Akgul, Mustafa, and Melih Kırıldoğ. "Internet Censorship in Turkey." *Internet Policy Review* 4, no. 2 (2015): 1–22.
- Aliza, Natasha O, Yuwono Prianto, and R Rahaditya. "Regulasi Proteksi Data Pribadi Pasien Covid-19 Di Indonesia." *Jurnal Muara Ilmu Sosial Humaniora Dan Seni* 6, no. 1 (2022): 248. <https://doi.org/10.24912/jmishumsen.v6i1.13462.2022>.
- Arisandy, Danil P, Asmuni Asmuni, and Muhammad S A Nasution. "The Majelis Ulama's Fatwa on Freedom of Expression on Social Media: The Perspective of Maqashid Sharia." *Al-Istinbath Jurnal Hukum Islam* 7, no. 2 (2022): 481. <https://doi.org/10.29240/jhi.v7i2.5235>.
- Asyari, Haekal Al. "Between Freedom And Protection: A Critical Review Of Indonesia's Cyberspace Law." *Prophetic Law Review* 5, no. 1 (2023): 79–103. <https://doi.org/10.20885/PLR.vol5.iss1.art5>.
- Ayalew, Yohannes Eneyew. "From Digital Authoritarianism to Platforms' Leviathan Power: Freedom of Expression in the Digital Age Under Siege in Africa." *Mizan Law Review*, 2021.

<https://doi.org/10.4314/mlr.v15i2.5>.

Bahram, Muhammad. "Tantangan Hukum Dan Etika (Rekayasa Sosial Terhadap Kebebasan Berpendapat Di Dunia Digital)." *Sentri Jurnal Riset Ilmiah* 2, no. 12 (2023): 5092–5109. <https://doi.org/10.55681/sentri.v2i12.1895>.

Benkler, Yochai, Hal Roberts, Robert Faris, Alicia Solow-Niederman, and Bruce Etling. "Social Mobilization and the Networked Public Sphere: Mapping the SOPA-PIPA Debate." *Political Communication* 32, no. 4 (2015): 594–624.

Chenou, Jean-Marie, and Roxana Radu. "The 'Right to Be Forgotten': Negotiating Public and Private Ordering in the European Union." *Business & Society* 58, no. 1 (2017): 74–102. <https://doi.org/10.1177/0007650317717720>.

Cohen, Kim M, Stan C Finney, Phil L Gibbard, and J-X Fan. "The ICS International Chronostratigraphic Chart." *Episodes Journal of International Geoscience* 36, no. 3 (2013): 199–204.

Dimas Danur Cahya, Desi Albert Mamahit, Yusnaldi Yusnaldi, Pujo Widodo, Herlina Juni Risma Saragih, and Panji Suwarno. "Indonesia's Role in Realizing the Vision of the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC)." *International Journal Of Humanities Education and Social Sciences (IJHESS)* 2, no. 6 (June 2023). <https://doi.org/10.55227/ijhess.v2i6.507>.

Engeland, Anisseh V. "The Balance Between Islamic Law, Customary Law and Human Rights in Islamic Constitutionalism Through the Prism of Legal Pluralism." *Cambridge Journal of International and Comparative Law* 3, no. 4 (2014): 1321–48. <https://doi.org/10.7574/cjicl.03.04.250>.

Fadhil, Haidar M. "Understanding Human Rights in Islam: The Ideas of Abdullah Bin Bayyah." *Muāṣarah Jurnal Kajian Islam Kontemporer* 5, no. 1 (2023): 1–9. <https://doi.org/10.18592/msr.v5i1.10231>.

Fahrudin, Ahmad Yogi, Ardiansyah, and Bintang Wicaksono Ajie. "Hukum Pidana Dan Konflik Agama: Menganalisis Kasus Penistaan Agama Dan Dampak Sosialnya." *HUMANIORUM* 1, no. 4 (January 2024): 116–23. <https://doi.org/10.37010/hmr.v1i4.32>.

Farkhani, Farkhani. "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat

- Law in Langsa City, Aceh Special Region Province.” *Al-Manahij Jurnal Kajian Hukum Islam*, 2023, 215–32. <https://doi.org/10.24090/mnh.v17i2.7897>.
- Ghofur, Nilman. “Law, Media, and Democracy in the Digital Era: Freedom of Expression and ITE Regulation in Indonesia.” *Al-Mazaahib: Jurnal Perbandingan Hukum* 12, no. 2 (n.d.): 184–204. <https://doi.org/10.14421/al-mazaahib.v12i2.3703>.
- Gravett, Willem. “Digital Neo-Colonialism: The Chinese Model of Internet Sovereignty in Africa.” *African Human Rights Law Journal* 22, no. 2 (2023): 1–22. <https://doi.org/10.17159/1996-2096/2020/v20n1a5>.
- Gregorio, G D, and Roxana Radu. “Digital Constitutionalism in the New Era of Internet Governance.” *International Journal of Law and Information Technology* 30, no. 1 (2022): 68–87. <https://doi.org/10.1093/ijlit/eaac004>.
- Gumati, Mirna Rahmadina. “Digital Sovereignty and State Power: Indonesia’s Approach to Digital Platforms Regulation.” *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik* 14, no. 1 (2024): 99–126. <https://doi.org/10.15575/jispo.v14i1.39500>.
- Harsya, Rabith M K. “Regulasi Konten Online Dan Dampaknya Terhadap Hak Kebebasan Berbicara Di Platform Digital Di Indonesia.” *Sanskara Hukum Dan Ham* 3, no. 01 (2024): 43–52. <https://doi.org/10.58812/shh.v3i01.446>.
- Immanuel, Tommi, and Indra Fauzan. “Analysis of Freedom of Expression in the Digital Age in the Issue of Electronic Information and Transaction Law in Indonesia.” *PERSPEKTIF* 12, no. 4 (2023): 1117–26. <https://doi.org/10.31289/perspektif.v12i4.9875>.
- Juaningsih, Imas N, Rayhan N Hidayat, Kiki N Aisyah, and Dzakwan N Rusli. “Rekonsepsi Lembaga Pengawas Terkait Perlindungan Data Pribadi Oleh Korporasi Sebagai Penegakan Hak Privasi Berdasarkan Konstitusi.” *Salam Jurnal Sosial Dan Budaya Syar I* 8, no. 2 (2021): 469–86. <https://doi.org/10.15408/sjsbs.v8i2.19904>.
- Julianja, Sufiana. “Pembatasan Kebebasan Berkespresi Dalam Bermedia Sosial: Evaluasi Undang-Undang Informasi Dan Transaksi Elektronik Dalam Perspektif Hak Asasi Manusia.” *Padjadjaran Law Review* 6 (2018).
- Karimullah, Suud Sarim. “The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues.” *Al-Ahkam*

- Jurnal Ilmu Syari'ah Dan Hukum*, 2023. <https://doi.org/10.22515/alahkam.v8i1.7654>.
- Kartika, I M. "Peran Generasi Muda Dalam Menangkal Hoax Di Media Sosial Untuk Membangun Budaya Demokrasi Indonesia." *Jocer* 1, no. 2 (2023): 29–40. <https://doi.org/10.60153/jocer.v1i2.26>.
- Kasih, Osihanna M. "Penegakan Hak Asasi Manusia Dalam Partisipasi Politik Warga Negara Pada Pemilihan Umum Di Indonesia." *Ijli* 1, no. 4 (2024): 14. <https://doi.org/10.47134/ijli.v1i4.2369>.
- Khasanah, Rahma P, and Titin Purwaningsih. "Analisis Collaborative Governance Dalam Implementasi Kebijakan PSBB Pada Penanganan Pandemi Covid-19 Di Dki Jakarta Tahun 2020." *Jurnal Pemerintahan Dan Kebijakan (Jpk)* 2, no. 3 (2021): 155–69. <https://doi.org/10.18196/jpk.v2i3.12792>.
- Kurnianingsih, Marisa, Purwanto Purwanto, Ivan Andika Handono, Muhammad Naufal Nada Sima, Yustika Kusumaningrum, and Elok Putri Nimasari. "Sosialisasi Penerapan UU ITE Untuk Penggunaan Media Sosial Di Desa Singopuran Kecamatan Kartasura Kabupaten Sukoharjo." *Jurnal Altifani Penelitian Dan Pengabdian Kepada Masyarakat*, 2021. <https://doi.org/10.25008/altifani.v1i3.148>.
- Limilia, Putri, and Ikhsan Fuady. "Literasi Media, Chilling Effect, Dan Partisipasi Politik Remaja." *Jurnal Kajian Komunikasi* 9, no. 1 (2021): 40. <https://doi.org/10.24198/jkk.v9i1.31939>.
- MacKinnon, Danny. "Beyond Strategic Coupling: Reassessing the Firm-Region Nexus in Global Production Networks." *Journal of Economic Geography* 12, no. 1 (2012): 227–45.
- Mashud, Mustain, Rachmah Ida, and Muhammad Saud. "Political Discussions Lead to Political Efficacy among Students in Indonesia." *Asian Journal of Comparative Politics* 8, no. 1 (March 2023): 184–200. <https://doi.org/10.1177/20578911221143674>.
- Muhajir, Muhajir. "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law." *Jurnal Ilmiah Al-Syir Ah* 21, no. 1 (2023): 86. <https://doi.org/10.30984/jis.v21i1.2321>.
- Muhammadong, None. "The Contextualization of the Teachings of Islamic Law in the Legal World in Indonesia." *The Easta Journal Law and Human Rights* 1, no. 03 (2023): 93–98. <https://doi.org/10.58812/eslhr.v1i03.85>.
- Muslim, Shohib, and Nuryati Solapari. "The Impact of Hate Speech

- Regulations on Freedom of Expression an Indonesian Legal Perspective.” *The Easta Journal Law and Human Rights* 3, no. 01 (2024): 10–19. <https://doi.org/10.58812/eslhr.v3i01>.
- Mustaqim, Dede Al. “Peran Media Sosial Sebagai Sarana Partisipasi Warganet Dalam Mewujudkan Keadilan Dan Akuntabilitas Penegakan Hukum Di Indonesia.” *JMRD*, 2024. <https://doi.org/10.56916/jmrd.vii1.655>.
- Najib, Ainun, Umar Umar, Abim Bhakti, Prika Fatikasari, and Aminah Nur Kauthar Binti Zawawi. “Regulation on Freedom of Expression on Social Media in Indonesia and Malaysia.” *Journal of Indonesian Constitutional Law* 1, no. 1 (2024): 46–60.
- Nanda, Dhea H, and Faishal A Hariyanta. “Problematisasi Operasionalisasi Delik Pasal 27 Ayat (3) Uu Iti Dan Formulasi Hukum Perlindungan Freedom of Speech Dalam Ham.” *Jurnal Hukum Dan Pembangunan Ekonomi* 9, no. 2 (2022): 214. <https://doi.org/10.20961/hpe.v9i2.52779>.
- Noor, Afif, Haniff Ahamat, Ismail Marzuki, Dwi Wulandari, Akhmad A Junaidi, Edy Lisdiyono, and Bakti Trisnawati. “Regulation and Consumer Protection of Fintech in Indonesia.” *Linguistics and Culture Review* 6 (2021): 49–63. <https://doi.org/10.21744/lingcure.v6ns3.1938>.
- Noorikhsan, Faisal F. “Dinamika Internet, Media Sosial, Dan Politik Di Era Kontemporer: Tinjauan Relasi Negara-Masyarakat.” *Journal of Political Issues* 5, no. 1 (2023): 95–109. <https://doi.org/10.33019/jpi.v5i1.131>.
- Paterson, Thomas. “Indonesian Cyberspace Expansion: A Double-Edged Sword.” *Journal of Cyber Policy* 4, no. 2 (2019): 216–34. <https://doi.org/10.1080/23738871.2019.1627476>.
- Pandjaitan, Rosmawaty Hilderiah. "The Social Media Marketing Mix Trends in Indonesia for 2024: Communication Perspective." *Jurnal Komunikasi Ikatan Sarjana Komunikasi Indonesia* 9.1 (2024): 251-269. <https://doi.org/10.25008/jkiski.v9i1.1005>
- Priyadharma, Subekti. *Internet and Social Change in Rural Indonesia*. Springer Fachmedien Wiesbaden, 2021. <https://link.springer.com/book/10.1007/978-3-658-35533-3>
- Pratama, Prawira Y, and Achmad Nurmandi. “Collaborative Governance Dan Social Capital : Peran Pemerintah Dan Non-Pemerintah Dalam

- Disaster Management Di Daerah Istimewa Yogyakarta.” *Jurnal Ilmiah Tata Sejuta Stia Mataram* 6, no. 1 (2020): 429–44. <https://doi.org/10.32666/tatasejuta.v6i1.102>.
- Putri, Nada Marenza, Victor Fernando Panjaitan, Shallomta Barus, Adya Zhafran, Maria Dwinoverine, Indri Rizkiyani Kurnia, Exaudi Lestari, and Universitas Riau. “Prinsip Kesetaraan Gender Di Desa Kemang Indah.” *Jurnal Dunia Ilmu Hukum Dan Politik* 1, no. 4 (2023): 48–55.
- Rahman, Rofi A, and Shu-Mei Tang. “Fake News and Internet Shutdowns in Indonesia: Symptoms of Failure to Uphold Democracy.” *Constitutional Review* 8, no. 1 (2022): 151. <https://doi.org/10.31078/consrev8i16>.
- Reglitz, Merten. “The Human Right to Free Internet Access.” *Journal of Applied Philosophy*, 2019. <https://doi.org/10.1111/japp.12395>.
- . “The Socio-Economic Argument for the Human Right to Internet Access.” *Politics Philosophy & Economics*, 2023. <https://doi.org/10.1177/1470594x231167597>.
- Revilia, Donna, and nfn Irwansyah. “Social Media Literacy: Millenial’s Perspective of Security and Privacy Awareness.” *Jurnal Penelitian Komunikasi Dan Opini Publik* 24, no. 1 (2020). <https://doi.org/10.33299/jpkop.24.1.2375>.
- Sabir, Muhammad, and Nazaruddin Nazaruddin. “Manifestation of Sharia Regional Regulations in Managing Social Morality.” *Juris (Jurnal Ilmiah Syariah)* 20, no. 2 (2021): 189. <https://doi.org/10.31958/juris.v20i2.3276>.
- Semadi, Anak Agung Gde. “Peran Media Sosial Dalam Upaya Penegakan Hukum Di Indonesia.” *Ijolares*, 2024. <https://doi.org/10.60153/ijolares.v2i1.42>.
- Shandler, Ryan, and Daphna Canetti. “A Reality of Vulnerability and Dependence: Internet Access as a Human Right.” *Israel Law Review*, 2019. <https://doi.org/10.1017/s0021223718000262>.
- Shinkafi, Akilu A, and Nor A Ali. “Contemporary Islamic Economic Studies on <i>Maqasid Shari’ah</i>: A Systematic Literature Review.” *Humanomics* 33, no. 3 (2017): 315–34. <https://doi.org/10.1108/h-03-2017-0041>.
- Shishkina, Alisa, and Leonid Issaev. “Internet Censorship in Arab Countries: Religious and Moral Aspects.” *Religions* 9, no. 11 (2018):

358.

- Shuhufi, Muhammad, Fatmawati Fatmawati, Muhammad Qadaruddin, B Jalaluddin, Muttaqien M Yunus, and Nainunis M.Nur. "Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms." *Samarah Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 823. <https://doi.org/10.22373/sjkh.v6i2.15011>.
- Singh, Sumanjeet. "Internet Shaping Freedom of Expression; Freedom Shaping Regulation." *Media Watch* 8, no. 2 (2017). <https://doi.org/10.15655/mw/2017/v8i2/49014>.
- Sitabuana, Tundjung Herning, Ade Adhari, Luisa Srihandayani, Imelda Martinelli, and Ida Kurnia. "The Internet Blockage Policy in Indonesia: A Legal and Human Rights Perspective." In *International Conference on Economics, Business, Social, and Humanities (ICEBSH 2021)*, 100–107. Atlantis Press, 2021. <https://doi.org/10.2991/assehr.k.210805.016>.
- Supriandi. "Hak Asasi Manusia Di Ranah Digital: Analisis Hukum Siber Dan Kebebasan Online." *Jurnal Hukum Dan Ham Wara Sains* 2, no. 08 (2023): 690–703. <https://doi.org/10.58812/jhhws.v2i08.604>.
- Suzor, Nicolas, Molly Dragiewicz, Bridget Harris, Rosalie Gillett, Jean Burgess, and Tess Van Geelen. "Human Rights by Design: The Responsibilities of Social Media Platforms to Address Gender-Based Violence Online." *Policy & Internet*, 2018. <https://doi.org/10.1002/poi3.185>.
- Townsend, Beverley. "Authoritarian Alliances and the Politicking of Data in Africa." *Journal of Online Trust and Safety* 2, no. 1 (2023). <https://doi.org/10.54501/jots.v2i1.111>.
- Vargiolu, Alessia. "Personal Privacy and Internet Regulation: Balancing Security and Freedom in the Digital Age," 2022.
- Yılmaz, Dilek, Hava Gökdere Çınar, and Nurcan Özyazıcıoğlu. "Hemşirelik Öğrencilerinde Akıllı Telefon ve Internet Bağımlılığı İle Ust Ekstremite Fonksiyonel Aktivite Düzeyleri Arasındaki İlişkinin İncelenmesi." *Suleyman Demirel Üniversitesi Sağlık Bilimleri Dergisi* 8, no. 3 (2017): 34–39.

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