

Hate Speech Offences and Their Legal Implications in Indonesia

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Abstrak: The current trend in hate speech offences in Indonesia is dominated by digital platforms and social media, with a sharp rise in incidents whenever there is a political campaign or local elections. In line with the widespread adoption of the internet, the modus operandi of these offences has shifted from conventional to cyber-based, making it one of the most common types of cybercrime dealt with by law enforcement agencies in Indonesia. This study aims to analyze the legal framework governing hate speech offences in Indonesia, identify problems in its implementation, and examine its legal implications for society and the law enforcement system. This study employs a normative legal methodology with a legislative and conceptual approach, through a study of the Criminal Code, the Electronic Information and Transactions Act, and relevant legal literature. The research findings indicate that, although regulations concerning hate speech are in place, there remain weaknesses in the form of ambiguously interpreted provisions, the potential for the criminalization of freedom of expression, and disparities in law enforcement. Furthermore, developments in digital technology have created new challenges regarding evidence and jurisdiction. The legal implications of hate speech offences encompass the protection of human rights, legal certainty, and the dynamics of social life and democracy. Therefore, regulatory harmonization, clarity of legal norms, and capacity building for law enforcement officials are required to ensure that law enforcement is carried out proportionately, fairly, and whilst safeguarding freedom of expression.

Keywords: Hate Speech; Offences; Legal Implications; Indonesia

1. INTRODUCTION

The rapid development of information and communication technology has brought about significant changes in the patterns of social interaction.¹ The presence of various social media platforms such as Facebook, X, and TikTok enables every individual to easily

¹ Caleb T. Carr & Rebecca A. Hayes, "Social Media: Defining, Developing, and Divining," *Atlantic Journal of Communication* 23, no. 1 (2015): 46-65.

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convey opinions, ideas, and expressions widely and instantly.² On the one hand, this situation is a tangible manifestation of the freedom of expression guaranteed under the 1945 Constitution. On the other hand, however, this ease of access also creates opportunities for various forms of abuse, one of which is hate speech.

Hate speech has become an increasingly prevalent phenomenon, particularly in the digital sphere.³ Content containing insults, provocation or incitement to hatred based on ethnicity, religion, race and inter-group relations (SARA) not only has the potential to undermine social harmony, but can also trigger horizontal conflicts within society.⁴ In this context, the state intervenes through legal instruments to regulate and take action against such acts, including through the Criminal Code and the Law on Information and Electronic Transactions.

Nevertheless, the provisions regarding hate speech offences in these various laws and regulations still give rise to a number of issues. One of the main problems is the presence of norms that are open to multiple interpretations, such as the phrases 'inciting hatred' or 'hostility', which lack clear boundaries. This situation opens the door to subjectivity in law enforcement, thereby potentially creating legal uncertainty.⁵

Furthermore, the application of hate speech offences often conflicts with the principle of freedom of expression. It is not uncommon for criticism or expressions that should be protected to be classified as criminal offences. This raises concerns about the criminalisation of freedom of expression, which could ultimately threaten democratic values.

Another issue of equal importance is the disparity in court rulings on hate speech cases. Differences in interpretation amongst law enforcement officials ranging from the Indonesian National Police to judges in the courts indicate that there is as yet no consistent standard for determining the elements of this offence. Furthermore, the development of cross-border technology also poses its own challenges in terms of jurisdiction and the effectiveness of law enforcement.

Based on this analysis, it is evident that the offence of hate speech is not merely a legal issue, but is also closely linked to social, political and technological aspects.⁶ Therefore, a comprehensive study is required to analyse how hate speech offences are regulated, the problems arising from their application, and the resulting legal implications, in order to achieve legal certainty whilst ensuring the protection of freedom of expression.

Based on the above discussion, this background indicates that hate speech offences in Indonesia require special attention, both in terms of regulation and practice, in order to

² Hendro Margono, Muhammad Saud, and Asia Ashfaq, "Dynamics of Hate Speech in Social Media: Insights from Indonesia," *Global Knowledge, Memory and Communication* 11 (2024): 64, <https://doi.org/https://doi.org/10.1108/GKMC-11-2023-0464>.

³ Arne Dreibigacker et al., "Online Hate Speech Victimization: Consequences For Victims' Feelings Of Insecurity," *Crime Sci* 13, no. 4 (2024), <https://doi.org/https://doi.org/10.1186/s40163-024-00204-y>.

⁴ A Brown, "Hate Speech Laws, Legitimacy, and Precaution: A Reply to James Weinstein," *Journal Constitutional Repository* 34 (2017): 21.

⁵ Kurnia Arofah, "Rhetorical Analysis of Hate Speech: Case Study of Hate Speech Related to Ahok's Religion Blasphemy Case," *MediaTor (Jurnal Komunikasi)* 11, no. 1 (2018): 91-105, <https://doi.org/http://dx.doi.org/10.29313/mediator.v11i1.3119>.

⁶ F. Richter, "Infographic: Facebook Ramps Up Efforts Against Hate Speech," www.statista.com, 2020, <https://www.statista.com/chart/21704/hate-speech-content-removed-by-facebook/>.

guarantee legal certainty and justice for all parties involved. Therefore, the author has defined the research question to be discussed in this article as follows:

- a. How are hate speech offences regulated in Indonesian legislation, specifically in Article of the Criminal Code and the Law on Information and Electronic Transactions?
- b. What issues arise in the application of hate speech offences, particularly regarding the multiple interpretations of legal norms and the potential for the criminalization of freedom of expression?
- c. What are the legal implications of the application of hate speech offences for society and the law enforcement system in Indonesia?

2. METHOD

The research method employed in this article is the normative legal research method, which focuses on the analysis of legal norms set out in legislation and court rulings relevant to the offence of hate speech.⁷ This research was conducted using both a statutory approach and a conceptual approach. The statutory approach was used to examine the various legal provisions governing hate speech, particularly in the Criminal Code and the Electronic Information and Transactions Act, whilst the conceptual approach was used to understand the concept of hate speech and its limitations from the perspectives of law and freedom of expression.

The legal materials used in this study consist of primary, secondary and tertiary sources. Primary legal materials include legislation such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code, and Law No. 19 of 2016 amending Law No. 11 of 2008 on Information and Electronic Transactions. Secondary legal materials consist of legal literature, academic journals, research findings, and expert opinions relating to hate speech and freedom of expression. Tertiary legal materials include legal dictionaries and encyclopedia's used to provide additional explanations of the terms used in this study.

The technique for collecting legal materials in this study was carried out through library research, namely by searching for, reviewing, and collecting various sources of legal materials relevant to the issues under investigation. Subsequently, the legal materials collected were analyzed qualitatively using a descriptive-analytical method, which involved describing the applicable legal provisions and then analysing them to identify problems, inconsistencies and ambiguities in the regulations governing hate speech offences.⁸

The technique for drawing conclusions in this study was carried out using the deductive method, namely drawing conclusions from general principles to specific cases. In this regard, the author examines the general provisions concerning hate speech offences in legislation, and then relates these to practical application in the field to ascertain their legal implications for society and the law enforcement system. It is hoped that this method will

⁷ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia-Social and Behavioral Sciences* 219 (2016): 201-7, <https://doi.org/http://dx.doi.org/10.1016/j.sbspro.2016.05.006>.

⁸ Johnny Ibrahim, *Theory and Methodology of Normative Legal Research*, (Malang: Bayumedia Publishing, 2006), p. 302.

yield a comprehensive analysis and provide constructive recommendations aimed at achieving legal certainty and the protection of freedom of expression.⁹

3. RESULTS AND DISCUSSION

3.1 Definition and Concept of Hate Speech

Hate speech is essentially any form of expression whether verbal, written or symbolic – that contains elements of insult, incitement or a call to hatred against specific individuals or groups based on their identity, such as ethnicity, religion, race and inter-group relations (SARA).¹⁰ From a legal perspective, hate speech is understood not merely as a form of expression, but also as an act capable of causing social consequences such as conflict and social disintegration. Consequently, restrictions on hate speech are essential to maintaining public order and social harmony.¹¹

Conceptually, hate speech is also closely linked to the principle of the protection of human dignity.¹² In this regard, the state has a duty to protect its citizens from actions that may demean or attack the honour and identity of specific groups. However, such restrictions must be applied proportionately so as not to conflict with the right to freedom of expression, which forms part of human rights.¹³

Regulations concerning hate speech in Indonesia are scattered across various pieces of legislation. In the Criminal Code (KUHP), provisions relating to hate speech can be found, amongst others, in Articles 156 and 157, which regulate statements of hostility, hatred or contempt towards a group. Furthermore, Law No. 19 of 2016 amending Law No. 11 of 2008 on Information and Electronic Transactions (the ITE Law) also prohibits the dissemination of information that incites hatred or hostility on the grounds of ethnicity, religion, race or inter-group relations (SARA) via electronic media.

Although these matters are covered by various regulations, the standards used in these provisions are often considered to remain general and open to multiple interpretations. Phrases such as ‘inciting hatred’ or ‘hostility’ lack clear boundaries, thereby potentially leading to differing interpretations in law enforcement practice. This highlights the need for harmonisation and clearer interpretation to ensure legal certainty.¹⁴

⁹ Amiruddin and Zainal Asikin, *An Introduction to Legal Research Methods*, (Jakarta: RajaGrafindo Persada, 2012), p. 118.

¹⁰ Sri Wahyuni, “Reviewing Hate Speech in Indonesian Social Media Content: Gender and Discourse Perspectives,” *ELT-Lectura* 8, no. 1 (2021): 48–55, <https://doi.org/http://dx.doi.org/10.31849/elt-lectura.v8i1.5573>.

¹¹ V Pejchal, “Hate Speech Regulation in PostCommunist Countries: Migrant Crises in the Czech and Slovak Republics,” *International Journal of Crime, Justice and Social Democracy* 7, no. 2 (2018): 58–74.

¹² Charlotte Elliot et al., *Hate Speech Key Concept Paper* (University of Leeds: Media Conflict and Demonstration, 2016).

¹³ Lina A. Alexandra and Alif Satria, “Identifying Hate Speech Trends and Prevention in Indonesia: A Cross-Case Comparison,” *Global Responsibility to Protect* 2, no. 3 (2023): 1–12, <https://doi.org/https://doi.org/10.1163/1875984X-20230005>.

¹⁴ LaShel Shaw, “Hate Speech in Cyberspace: Bitterness without Boundaries,” *Notre Dame Journal of Law, Ethics and Public Policy* 25, no. 1 (2011): 279–304, <https://doi.org/10.3868/s050-004-015-0003-8>.

Freedom of expression is one of the fundamental rights guaranteed under the 1945 Constitution of the Republic of Indonesia, specifically in Article 28E.¹⁵ This right grants every individual the freedom to express opinions and disseminate information. However, this freedom is not an absolute right; it may be restricted provided that such restrictions are prescribed by law and aim to protect broader interests, such as public order and the rights of others.¹⁶

In the context of hate speech, restrictions on freedom of expression are often a subject of debate. On the one hand, restrictions are necessary to prevent social conflict; on the other hand, excessive restrictions have the potential to stifle freedom of expression. Therefore, a balance must be struck between protecting freedom of expression and preventing hate speech so that democratic values are upheld.

In practice, the application of hate speech offences in Indonesia faces various challenges. One of the main issues is the potential for the criminalisation of criticism or opinions that are, in fact, legitimate within a democratic framework. This is due to the lack of a clear distinction between constructive criticism and destructive hate speech.¹⁷ Furthermore, there are disparities in court rulings regarding hate speech cases. Differences in interpretation amongst law enforcement officials at the investigation, prosecution and judicial stages indicate that there are as yet no uniform standards for determining the elements of this offence. This situation leads to legal uncertainty and risks undermining public confidence in the judicial system.

3.2 Legal Framework for Hate Speech Offences in Indonesia

Within the Indonesian criminal law system, provisions concerning hate speech have long been recognised through the provisions of the Criminal Code (KUHP), specifically Articles 156 and 157. Article 156 of the KUHP deals with statements of hostility, hatred or contempt towards a particular group of the Indonesian people, whilst Article 157 of the KUHP deals with the broadcasting or dissemination of writings or images containing such feelings of hostility or hatred. These provisions demonstrate that, from the outset, Indonesian criminal law has recognised the potential dangers posed by hate speech, particularly in maintaining public order and national unity.

However, the provisions in the Criminal Code still have limitations, particularly in terms of scope and technological developments. The Criminal Code was essentially drafted in the context of conventional communication, and is therefore not yet fully capable of addressing the phenomenon of hate speech that is developing in the digital sphere. Furthermore, the wording of the provisions in these articles remains general and open to

¹⁵ Ensalina Papilaya, Sari Murti Widiyastuti, and Husni, "Adoption of Hardship Clauses in Indonesia's Contract Law Reform System," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 529–535, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.302>.

¹⁶ E Bleich, "The Rise of Hate Speech and Hate Crime Laws in Liberal Democracies," *Journal of Ethnic and Migration Studies* 37, no. 6 (2011): 917–34.

¹⁷ Sergio Andrés Castaño-Pulgarín et al., "Internet, Social Media and Online Hate Speech: Systematic Review," *Aggression and Violent Behavior* 58 (2021): 101608, <https://doi.org/https://doi.org/10.1016/j.avb.2021.101608>.

multiple interpretations, particularly regarding the criteria for ‘hostility’ or ‘hatred’, which has the potential to create legal uncertainty in their application.¹⁸

In line with developments in information technology, the state has subsequently regulated hate speech in the digital context through the Electronic Information and Transactions Act (EITA).¹⁹ The relevant provisions are set out in Article 28(2) in conjunction with Article 45A(2) of the ITE Act, which prohibit any person from intentionally and without authorization disseminating information intended to incite hatred or hostility towards individuals and/or community groups on the grounds of ethnicity, religion, race or inter-group relations (SARA).²⁰ These provisions serve as a key instrument in combating the spread of hate speech on social media and other digital platforms.

Nevertheless, the ITE Law has not been without its critics, particularly regarding the wording of its provisions, which are considered to remain vague and to have the potential to lead to the criminalization of freedom of expression. The lack of clear boundaries regarding what constitutes “inciting hatred” often leads to differing interpretations amongst law enforcement officials. Therefore, careful interpretation and clear guidelines are required in its application to ensure it does not conflict with human rights principles.²¹

Legal regulation of hate speech cannot be separated from the principle of freedom of expression guaranteed in the constitution. In practice, there is often tension between the state’s efforts to restrict hate speech and the protection of the right to freedom of expression. This creates a dilemma, as on the one hand the state has a duty to maintain public order and protect society from the negative effects of hate speech, whilst on the other hand it must also guarantee the individual’s right to express their views freely.

Therefore, a balanced approach is required in regulating and enforcing laws relating to hate speech. Restrictions on freedom of expression must be proportionate, non-discriminatory and based on clear legislation. In this way, the enforcement of laws against hate speech will not lead to the suppression of legitimate criticism or opinions in a democracy.²²

One of the main challenges in regulating hate speech in Indonesia is the lack of optimal harmonisation between existing legislation. The Criminal Code (KUHP) and the Electronic Information and Transactions Act have different scopes of regulation, yet they often overlap in practice. This can lead to confusion in determining the appropriate legal basis for handling hate speech cases.

¹⁸ Devita Kartika Putri, “Hate Speech and The Harm In Indonesian Judicial Decisions,” *Cogent Social Sciences* 9, no. 2 (2023), <https://doi.org/https://doi.org/10.1080/23311886.2023.2274430>.

¹⁹ Alyah AL Sheikh and Rehana Parveen, “Enhancing Women’s Corporate Leadership in Saudi Arabia: A Legal and Policy Analysis under Vision 2030,” *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 535–45, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.303>.

²⁰ Hasan Sazali, “Mapping Hate Speech on Social Media: Religion-State Relations in Indonesia,” *Communicatus Jurnal Ilmu Komunikasi* 6, no. 2 (2022), <https://doi.org/http://dx.doi.org/10.15575/cjik.v6i2.20431>.

²¹ Stephanus Pelor, “Law Enforcement Of Hate Speech Criminals Through Social Media Based On Indonesia’s Positive Law,” *International Journal of Multidisciplinary Research and Literature* 2, no. 3 (2023): 347–58, <https://doi.org/http://dx.doi.org/10.53067/ijomral.v2i3.123>.

²² Ahmad Faizal Azhar and Eko Soponyono, “Kebijakan Hukum Pidana Dalam Pengaturan Dan Penanggulangan Ujaran Kebencian (Hate Speech) Di Media Sosial,” *Jurnal Pembangunan Hukum Indonesia* 2, no. 2 (2020): 275–90.

Furthermore, another challenge relates to law enforcement in the cross-border nature of the digital age. The dissemination of hate speech via the internet knows no territorial boundaries, making matters of jurisdiction and enforcement difficult.²³ Furthermore, there is a need to enhance the capacity of law enforcement officials to understand technological developments and the legal aspects relating to freedom of expression. With the harmonisation of regulations and improved quality of law enforcement, it is hoped that the handling of hate speech offences can be carried out more effectively and fairly.

3.3 Problems in the Application of Hate Speech Offences

One of the main challenges in the application of hate speech offences in Indonesia is the presence of provisions open to multiple interpretations in legislation, both in the Criminal Code (KUHP) and the Law on Information and Electronic Transactions (ITE Law). Phrases such as “inciting hatred” or “hostility” lack clear and measurable boundaries, thereby leaving considerable scope for interpretation by law enforcement officials. This situation has the potential to lead to differing interpretations when determining whether a particular act can be classified as hate speech or not.²⁴ Consequently, legal certainty is undermined and this risks leading to injustice in the enforcement of the law.

Another issue of equal importance is the potential for the criminalisation of freedom of expression. In practice, it is not uncommon for criticism, opinions or forms of expression that are legitimate in a democracy to be regarded as hate speech.²⁵ This indicates that there are as yet no clear boundaries between protected expression and prohibited expression. If not handled with care, this situation could stifle freedom of expression and instil fear in the public, preventing them from voicing their views openly. Ultimately, this could have a negative impact on the development of democracy in Indonesia.²⁶

Disparities in law enforcement are also a significant issue in the application of hate speech offences. Differences in interpretation amongst law enforcement officials ranging from investigators and public prosecutors to judges lead to inconsistencies in the handling of similar cases. In some cases, acts with almost identical characteristics can result in different verdicts. This indicates that there are as yet no standardised criteria for assessing the elements of hate speech offences, thereby creating legal uncertainty and potentially eroding public trust in the judicial system.²⁷

Rapid developments in information technology have also created challenges in the enforcement of laws against hate speech. The dissemination of information via social media is extremely rapid and widespread, even extending beyond a country’s jurisdictional boundaries. This makes it difficult for law enforcement agencies to trace, gather evidence against, and take action against perpetrators of hate speech. Furthermore,

²³ Glenn Mark A. Togle, “Challenges, Acceptance, and Adoption of Electronic Payment at Teodoro Arcenas Trade Center Towards Efficient Local Development,” *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 451–459, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.306>.

²⁴ United Nations, “Hate Speech,” www.un.org, 2025, <https://www.un.org/en/hate-speech>.

²⁵ Abdul Muhid et al., “The Effect of Hate Speech Exposure on Religious Intolerance Among Indonesian Muslim Teenagers,” *Advances in Social Science, Education and Humanities Research* 370, no. December (2019): 148–51, <https://doi.org/10.2991/adics-elssh-19.2019.31>.

²⁶ United Nations, “What Is Hate Speech?,” www.un.org, 2025, <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>.

²⁷ Muhid et al., “The Effect of Hate Speech Exposure on Religious Intolerance Among Indonesian Muslim Teenagers.”

the anonymity of internet users presents a particular obstacle to identifying perpetrators. Consequently, cross sectoral cooperation and capacity-building for law enforcement agencies are required to address these challenges.²⁸

Another issue is the absence of comprehensive and uniform technical guidelines for the law enforcement of hate speech offences.²⁹ Although there are some internal guidelines from law enforcement agencies, their implementation on the ground remains suboptimal. The lack of clear standards for determining the elements of hate speech means that law enforcement agencies tend to adopt a subjective approach. This has the potential to lead to abuse of authority and injustice for the parties involved. Consequently, more detailed and measurable guidelines need to be drawn up so that law enforcement can be carried out consistently and professionally.

3.4 Legal Implications of Hate Speech Offences

The application of hate speech offences has significant implications for the protection of human rights, particularly in maintaining a balance between the protection of individual dignity and freedom of expression.³⁰ On the one hand, these regulations aim to protect individuals or groups from discriminatory acts, insults and provocation that may undermine their honour and identity. By imposing legal sanctions for hate speech, the state demonstrates its commitment to guaranteeing the protection of citizens' fundamental rights, particularly those relating to a sense of security and protection from degrading treatment.³¹

However, on the other hand, the application of this offence also has the potential to restrict freedom of expression if not carried out proportionately. The blurred line between hate speech and legitimate criticism may raise concerns about excessive restrictions on the right to freedom of expression. Therefore, caution is required in law enforcement to ensure that the principles of human rights guaranteed by the constitution are not compromised.

The offence of hate speech also has implications for legal certainty, particularly regarding the clarity of legal norms and consistency in law enforcement.³² The existence of provisions open to multiple interpretations in legislation can lead to uncertainty in determining whether a particular act falls within the category of hate speech. This results in differing interpretations amongst law enforcement officials, which may ultimately lead to inconsistent rulings.³³

²⁸ Muhammad Hatta, "Efforts to Overcome Cyber Crime Actions in Indonesia," *International Journal of Psychosocial Rehabilitation* 24, no. 3 (2020): 1761–68, <https://doi.org/10.37200/IJPR/V24I3/PR200925>.

²⁹ Aaron Fichtelberg, "Performing Legitimacy in Irregular Criminal Justice: Lessons from the People's Tribunals," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 460–472, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.298>.

³⁰ J. K Malik and S Choudhury, "A Brief Review on Cyber Crime-Growth and Evolution," *Pramana Research Journal* 9, no. 3 (2019): 242.

³¹ Raul Bernardino, "Cyber Crime" (Kupang, 2017).

³² Nonzwakazi Beauty Makiwane and Chuma Sikwati, "Unpreparedness during Disastrous Attacks: The View of South Africa Category B Municipalities," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 518–528, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.294>.

³³ Swapnali V Jadhav, "Psychological Influences of Cyber Crimes on Human Mind and Behaviour," *The Indian Police Journal* 69, no. 4 (2022): 31–42.

Such legal uncertainty has the potential to undermine the effectiveness of law enforcement and erode public trust in the judicial system.³⁴ Therefore, there is a need for regulatory harmonisation and clear guidelines on the application of hate speech offences to ensure consistency and legal certainty in the handling of every case.

In the context of social life, the application of hate speech offences plays a vital role in maintaining social stability and harmony. It is hoped that legal regulations will prevent social conflicts triggered by hate speech based on ethnicity, religion, race and inter-group relations (SARA). This is particularly important in a diverse society such as Indonesia, where diversity presents both an opportunity and a challenge in maintaining unity and cohesion.

However, if applied inappropriately, hate speech offences may actually have a negative impact on democracy. Excessive restrictions on freedom of expression can hinder public participation in voicing opinions and criticizing government policies. Therefore, a balance is required between law enforcement and the protection of democratic space so that both can function harmoniously.³⁵

The implementation of hate speech offences also has implications for technological development and the use of digital spaces.³⁶ On the one hand, such regulations can serve as a tool for creating a safer and healthier digital space, free from provocative and harmful content. This is important given that social media has become a primary channel for the dissemination of information capable of influencing public opinion on a wide scale.³⁷

On the other hand, overly strict regulations have the potential to restrict users' creativity and freedom in utilizing digital technology.³⁸ Furthermore, the challenges of law enforcement in the digital realm, such as user anonymity and cross-jurisdictional issues, also require an adaptive and collaborative approach.³⁹ Therefore, a balanced policy is required to ensure that hate speech regulations do not hinder technological development, whilst still being able to protect society from its negative impacts.

4. CONCLUSION

Legal provisions governing hate speech offences in Indonesia are essentially accommodated within the Criminal Code and the Information and Electronic Transactions

³⁴ Janees Rafiq, "Exploring the Issues and Challenges of Deepfakes: A Doctrinal Study," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026), <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.236>.

³⁵ L. Maglaras M. Robinson, K. Jones, H. Janicke, "An Introduction to Cyber Peacekeeping," *Journal of Network and Computer Applications* 114 (n.d.): 70–87.

³⁶ Petrus Sihombing and Iksan Saifudin, "The Illusion of Oversight: Fragmented Governance and Weak Legal Enforcement of Marine Environmental Degradation Caused by Nickel Mining Activities in North Kolaka," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 473–493, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.309>.

³⁷ D Bunga, "Legal Response to Cybercrime in Global and National Dimensions," *Padjadjaran: Jurnal Ilmu Hukum* 6, no. 1 (2019): 69–89.

³⁸ Lesedi Nkoane, "Public Participation in Municipal Planning and Development: South African Local Government Perspective," *International Journal of Law, Social Science, and Humanities* 3, no. 2 (2026): 494–504, <https://doi.org/https://doi.org/10.70193/ijlsh.v3i2.225>.

³⁹ Elli Kyt et al., "Cybersecurity and Cyberwarfare: Ideas for Peace and Security," *Center for Strategic and International Studies*, no. July 2010 (2011): 1–34.

Act as part of the state's efforts to maintain public order and protect society from the negative impacts of hate speech. However, these provisions still face various limitations, particularly regarding the general nature of the legal provisions, which are not yet fully adapted to developments in digital technology. Furthermore, the potential for regulatory overlap and the lack of optimal legal harmonization indicate that regulatory updates and refinements are required to ensure the provisions are clearer, more definitive, and in line with societal dynamics and the principles of human rights protection.

In practice, hate speech offences still face a number of fundamental issues, such as the multiple interpretations of legal provisions, the potential for the criminalization of freedom of expression, and disparities in law enforcement and court rulings. This situation indicates a lack of uniform standards in assessing the elements of hate speech, which has the potential to lead to legal uncertainty and injustice. Furthermore, challenges in the digital age such as the rapid dissemination of information, the anonymity of perpetrators, and jurisdictional limitations further complicate the law enforcement process. Consequently, clear technical guidelines and capacity-building for law enforcement officials are required to ensure that the application of this offence is carried out objectively, consistently and professionally.

The legal implications of hate speech offences encompass various aspects, ranging from the protection of human rights and legal certainty to social life and democracy. On the one hand, such regulations are vital for protecting individuals and groups from discriminatory acts and maintaining social harmony. On the other hand, their disproportionate application risks restricting freedom of expression and undermining the democratic climate. Furthermore, in the context of technological developments, hate speech regulations must also be capable of creating a safe digital space without hindering innovation and user freedom. Thus, a proper balance is required between law enforcement and the protection of fundamental rights so that legal objectives can be achieved fairly and effectively.

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