

Freedom of Expression and Human Rights in the Digital Era

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ABSTRACT

Freedom of expression is a fundamental human right that plays an important role in ensuring public participation, information exchange, and the strengthening of democratic values. The development of digital technology has expanded the exercise of freedom of expression through various electronic platforms that enable individuals to convey opinions more quickly and broadly. However, digital transformation has also generated new legal challenges related to human rights protection, information governance, and the protection of digital rights. This study aims to analyze the effectiveness of freedom of expression regulation from a human rights perspective and to examine the urgency of addressing this issue in the digital era. The research employs a normative juridical method using statutory, conceptual, and human rights approaches. The legal materials consist of Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning Electronic Information and Transactions, and Law Number 27 of 2022 concerning Personal Data Protection, supported by scholarly literature published over the last five years. The findings indicate that these regulations provide a relatively adequate legal framework for protecting freedom of expression in digital spaces. Furthermore, the discussion remains increasingly urgent as technological developments continue to create new challenges requiring adaptive, proportional, and sustainable human rights protection.

Keywords: *Digital Era, Digital Regulation, Freedom of Expression, Human Rights, Personal Data Protection.*

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1. | INTRODUCTION

The development of information and communication technology has fundamentally changed the pattern of social interaction, information distribution, and the implementation of basic rights of citizens in the digital space. Advances in digital technology allow individuals to express opinions, obtain information, and participate in public discourse without significant geographical limitations. In this context, freedom of expression is one of the most significant human rights that has undergone the most significant transformation because digital space provides a wider, faster, and more interactive medium than conventional public spaces. Freedom of expression is not only seen as an individual right, but also as an important instrument in realizing a democratic, participatory, and respect-oriented society for human rights (Gunatilleke, 2021; Fernando et al., 2022).

Normatively, freedom of expression is part of human rights guaranteed in various national and international legal instruments. In the national legal system, the guarantee of freedom of expression is reflected in Law Number 39 of 1999 concerning Human Rights which provides protection for the right to express opinions, convey information, and communicate ideas to other parties. On the other hand, the development of the digital space requires a legal instrument that is able to regulate electronic communication activities more comprehensively through Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. In addition, Law Number 27 of 2022 concerning Personal Data Protection also provides a new dimension in the protection of digital rights, especially related to the relationship between freedom of expression and the right to privacy in the modern digital ecosystem (Marwan et al., 2023; Imanuel et al., 2023).

However, freedom of expression in the digital era cannot be understood as an absolute right. The characteristics of the digital space that allow the rapid and massive dissemination of information present various legal challenges that require proportional regulation (Ridha et al., 2025). Various issues such as the spread of misleading information, hate speech, privacy violations, and misuse of digital platforms show that the implementation of freedom of expression must still pay attention to the rights and freedoms of others. Therefore, restrictions on freedom of expression can be justified as long as they are carried out based on the principles of legality, legitimate necessity, and proportionality as developed in modern human rights regimes (Helm & Nasu, 2021; Pentney, 2022).

In more recent developments, the emergence of digital platform governance and the use of algorithm-based technology have created new dynamics in the protection of freedom of expression. The content moderation mechanisms implemented by digital platform operators often raise debates about the boundaries between the protection of the public interest and the potential restriction of the right to expression. On the one hand, content moderation is necessary to maintain the security of the digital space, but on the other hand, it can pose the risk of excessive restrictions if it is not accompanied

by transparent and accountable standards (Griffin, 2023; Funta & Ondria, 2023). This condition shows that the effectiveness of regulations regulating freedom of expression in the digital space need to be continuously evaluated in order to remain in line with human rights principles.

In addition to the issue of the effectiveness of regulations, the urgency of discussing freedom of expression in the digital era is increasing as various forms of technology-based social interaction develop. Protection of the right to expression must be able to go hand in hand with the protection of privacy rights, personal data security, and public interests in the digital space (Ridha et al., 2025). This balance is important to ensure that technological developments do not reduce the essence of human rights as a right inherent to every individual. Thus, the study of freedom of expression from a human rights perspective is not only academically relevant, but also has practical significance in supporting the formation of a legal framework that is responsive to the development of digital technology (Masferrer, 2023; Sabubun & Hammar, 2024).

Based on this description, this study asked two research questions. First, how effective is the regulation of freedom of expression from a human rights perspective through Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning Information and Electronic Transactions, and Law Number 27 of 2022 concerning the Protection of Personal Data in the face of the dynamics of the digital space? Second, why is the discussion of the regulation of freedom of expression from a human rights perspective becoming increasingly urgent in the development of the contemporary digital era?

2. | RESEARCH METHOD

This research uses a normative juridical method, which is a legal research method that focuses on the study of norms, principles, principles, and legal systems that govern a certain legal problem. This approach is used because the object of the research is not oriented to societal behavior or empirical measurement, but rather to an analysis of the legal constructs that govern freedom of expression in the perspective of human rights in the digital age. Normative juridical research allows researchers to examine the conformity between human rights principles and applicable regulations in regulating expression activities in the digital space, as well as evaluate the effectiveness of legal arrangements in responding to increasingly dynamic developments in information and communication technology.

The approaches used in this study include statute approach, conceptual approach, and human rights approach. The statute approach is used to examine various laws and regulations that are the basis for regulating freedom of expression, especially Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 27 of 2022 concerning Personal Data Protection. The conceptual approach is used to understand fundamental concepts regarding freedom of

expression, digital rights, human rights restrictions, proportionality, and protection of rights in cyberspace. Meanwhile, the human rights approach is used to analyze applicable regulations based on human rights principles that have developed in legal doctrine and contemporary academic literature (Gunatilleke, 2021).

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to human rights, freedom of expression, information technology, and personal data protection. Secondary legal materials consist of scientific articles, legal journals, books, and research results published in the last five-year period that are relevant to the research theme. The tertiary legal materials are in the form of legal dictionaries, legal encyclopedias, and other supporting sources that help explain the legal concepts and terminology used in research.

The technique of collecting legal materials is carried out through library research by tracing various scientifically indexed academic sources. Furthermore, the analysis of legal materials is carried out qualitatively using the prescriptive-analytical method. Through this method, various legal provisions related to freedom of expression are systematically analyzed to assess the effectiveness of their regulation in the digital era while identifying the urgency of strengthening the protection of human rights in the face of technological developments and the governance of contemporary digital space (Fernando et al., 2022).

3. | RESULTS

The Effectiveness of Freedom of Expression Regulations in the Perspective of Human Rights in the Digital Era

Freedom of expression is one of the fundamental rights that has a central position in the human rights system and a democratic state of law. In its development, digitalization has expanded the space for the implementation of these rights through various electronic communication means that allow individuals to express opinions, obtain information, and participate in public discourse more openly. This condition requires a legal framework that is able to provide protection for the right to expression while maintaining a balance with other rights that are also guaranteed by law. In this context, the effectiveness of regulations is an important aspect to assess the extent to which the law is able to carry out the function of protecting human rights without ignoring the need for legal order and certainty in the digital space (Gunatilleke, 2021; Fernando et al., 2022).

Normatively, Law No. 39 of 1999 concerning Human Rights provides the main foundation for the protection of freedom of expression through the recognition of the right of everyone to express their opinions, obtain information, and communicate with others. The arrangement shows that freedom of expression is positioned as an integral part of human dignity and citizen participation in social life. The existence of these norms is the basis for all policies and regulations that regulate communication activities

in the digital space. Thus, the effectiveness of the protection of the right to expression has essentially gained strong legal legitimacy in the national legal system because it is rooted in universal human rights principles (Marwan et al., 2023; Ahmad & Anggraeni, 2022).

The development of information technology then encouraged the birth of more specific regulations through Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (Rauf & Moha, 2025). This regulation functions as a legal instrument that regulates communication activities in electronic media, including the dissemination of information and the use of digital platforms. From the perspective of regulatory effectiveness, the existence of the ITE Law shows that there are efforts by the state to adapt the law to changes in the pattern of community interaction that increasingly depends on digital technology. Through these regulations, the law not only provides protection for the right to expression, but also regulates the necessary limits to prevent the misuse of digital space that can harm the public interest and other individual rights (Immanuel et al., 2023; Helm & Nasu, 2021).

The effectiveness of regulations can also be seen from its ability to apply the principle of human rights restrictions in accordance with modern legal standards. From a human rights perspective, freedom of expression is not an absolute right (Andriansyah & Kusnadi, 2024). Restrictions can be made as long as they meet the principles of legality, legitimate necessity, and proportionality. These principles are important to ensure that restrictions do not turn into instruments that deprive the substance of the right to expression itself. Studies on freedom of expression in the digital era show that the effectiveness of regulation is largely determined by the ability of the law to maintain a balance between the protection of individual freedoms and the protection of the public interest proportionately (Pentney, 2022; Muslim & Solapari, 2024).

In addition, the existence of Law Number 27 of 2022 concerning Personal Data Protection strengthens the effectiveness of the legal framework that regulates freedom of expression in the digital space. The protection of personal data is closely related to the exercise of the right to expression because individuals need security and privacy guarantees when participating in the digital space. Regulations on personal data help create a safer and more trusted digital environment so that people can express their views without worrying about misuse of personal information. In this case, privacy protection and freedom of expression are not seen as two conflicting interests, but rather as complementary rights within the framework of modern digital rights protection (Sabubun & Hammar, 2024).

Nonetheless, the effectiveness of regulations is not only determined by the existence of legal norms, but also by their ability to respond to the governance dynamics of digital platforms. The development of social media, the use of algorithms, and content moderation mechanisms have created new challenges that cannot be fully answered through conventional legal approaches. A number of studies show that

transparency, accountability, and protection of diversity of opinion are important elements in ensuring that regulations are still able to effectively protect freedom of expression in the midst of very rapid technological developments (Griffin, 2023; Funta & Ondria, 2023).

Based on this description, the effectiveness of regulating freedom of expression from a human rights perspective can be considered relatively adequate because it is supported by the existence of Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning Information and Electronic Transactions, and Law Number 27 of 2022 concerning the Protection of Personal Data which are complementary in providing protection for the right to expression in the digital space. These three regulations form a legal framework that is able to accommodate the recognition of rights, regulation of digital activities, and privacy protection as part of digital rights. Therefore, the effectiveness of regulation lies in its ability to maintain a balance between freedom of expression, protection of human rights, and the need for responsible governance of the digital space (Masferrer, 2023).

The Urgency of Regulating Freedom of Expression in a Human Rights Perspective in the Digital Era

The development of digital technology has fundamentally changed the way individuals communicate, obtain information, and participate in social life. The digital space no longer functions simply as a means of information exchange, but has developed into a new public space that influences the formation of opinions, social participation, and the implementation of various human rights (Fatimah, 2025). In these conditions, the discussion of freedom of expression becomes increasingly important because this right is one of the main foundations in democratic life and information-based society. The rapid digital transformation presents opportunities for the expansion of freedom of expression, but at the same time it also poses increasingly complex legal challenges that require more serious attention from a human rights perspective (Fernando et al., 2022; Gunatilleke, 2021).

The urgency of regulating freedom of expression is increasingly evident because the digital space allows the dissemination of information on a much wider scale than conventional media. Each individual can become a producer as well as a distributor of information without going through the filtering mechanisms commonly found in traditional media. These conditions increase access to information and expand the space for public participation, but also create the risk of inaccurate, manipulative, or misleading information. Therefore, regulations are needed that are able to maintain a balance between the protection of freedom of expression and the protection of the public interest so that the digital space continues to function as a healthy and responsible means of communication (Helm & Nasu, 2021; Pentney, 2022).

From a human rights perspective, the urgency of regulating freedom of expression is also related to the need to provide legal certainty for people in using digital space. Freedom of expression that is not supported by a clear legal framework has the potential

to create uncertainty regarding the boundaries of individual rights and obligations. In this context, Law Number 39 of 1999 concerning Human Rights provides a normative basis for the recognition of the right to expression, while Law Number 1 of 2024 concerning Electronic Information and Transactions provides more specific regulations regarding electronic communication activities. The presence of these two regulations shows that the protection of the right to expression requires legal instruments that are able to adapt to the characteristics of the digital space that continues to evolve (Marwan et al., 2023; Imanuel et al., 2023).

The urgency of discussing this regulation is also inseparable from the development of digital platform governance which is increasingly affecting the distribution of information. Today, various digital platforms use algorithmic systems and content moderation mechanisms that directly affect people's access to information and expression. In practice, content moderation policies can have an impact on the space of freedom of expression if they are not accompanied by adequate principles of transparency and accountability. Therefore, the study of the regulation of freedom of expression is important to ensure that technological developments and platform governance remain in line with human rights principles and do not reduce people's rights to express their opinions legally (Griffin, 2023; Funta & Ondria, 2023).

In addition to being related to information management, the urgency of regulation also arises because of the close relationship between freedom of expression and the right to privacy. In a digital environment, expressive activities often involve the use, storage, and processing of personal data. Without adequate protection of personal data, individuals may experience fear or hesitation to express their opinions because they are worried about the misuse of their data. In this context, Law Number 27 of 2022 concerning Personal Data Protection has an important role in strengthening the protection of digital rights as part of human rights. Effective privacy protection will create a safer digital space so that freedom of expression can be optimally exercised without compromising other basic rights (Sabubun & Hammar, 2024; Ahmad & Anggraeni, 2022).

Furthermore, various cutting-edge studies show that freedom of expression faces new challenges in the form of increasing information polarization, the spread of hate speech, and the vulnerability of certain groups in the digital space. This phenomenon suggests that technological developments do not necessarily result in the automatic expansion of rights, but can also pose new risks to the protection of human rights. Therefore, regulations that regulate freedom of expression need to be continuously studied in order to be able to provide balanced protection between individual rights and the interests of society as a whole. A human rights-based approach is important because it allows the formation of policies that are not only oriented towards risk control, but also on the protection of human rights and dignity as the main values in the legal system (Masferrer, 2023; Muslim & Solapari, 2024).

Based on this description, the urgency of discussing the regulation of freedom of expression from a human rights perspective lies in the need to ensure that the development of digital technology continues to run in line with the principles of rights protection. The existence of Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning Information and Electronic Transactions, and Law Number 27 of 2022 concerning Personal Data Protection shows that there are efforts to build a legal framework that is able to accommodate the dynamics of the digital space. However, the continuous technological developments make the study of these regulations relevant and urgent so that the protection of freedom of expression can continue to be guaranteed in an adaptive and sustainable human rights framework.

4. | CONCLUSION

Freedom of expression is one of the human rights that has a fundamental position in the life of society, nation, and state. The development of digital technology has expanded the space for the implementation of these rights through various electronic communication platforms that allow the public to express their opinions, obtain information, and participate in public spaces more openly. In this context, the effectiveness of regulating freedom of expression can be seen from the existence of a legal framework that provides protection for these rights while regulating the limits necessary to protect the rights of others and the public interest. Law Number 39 of 1999 concerning Human Rights, Law Number 1 of 2024 concerning Information and Electronic Transactions, and Law Number 27 of 2022 concerning Personal Data Protection form a complementary regulatory system in regulating the implementation of freedom of expression in the digital era. The three regulations show that there are efforts to maintain a balance between the protection of individual rights, legal certainty, and the need for responsible governance of the digital space.

On the other hand, the discussion of freedom of expression from a human rights perspective is becoming increasingly urgent because the development of digital technology presents increasingly complex legal challenges. The digital space has created a wider range of opportunities for the exercise of the right to expression, but it also poses various risks related to the dissemination of information, privacy protection, personal data management, and governance of digital platforms. Therefore, the regulation of freedom of expression needs to continue to be studied and developed in order to remain able to respond to the dynamics of technology that continue to change. A human rights-oriented approach is important to ensure that the protection of freedom of expression is maintained without neglecting the protection of other rights. Thus, the existence of regulations that are adaptive, proportionate, and based on human rights principles is an important prerequisite for realizing a safe, inclusive, and respectful digital space.

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The data that support the findings of this study are available from the corresponding author upon reasonable request.

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