

Islamic Perspectives on Freedom of Opinion and Legal Constraints

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Abstract

This study aims to analyze the concept of freedom of speech (Hurriyatul Ra'yi) in Islamic teachings and compare its limitations with the provisions of Indonesian Constitutional Law (UUD NRI 1945), particularly in the context of restrictions on hate speech, blasphemy, and the spread of fake news. This study uses a normative (doctrinal) legal type. We apply a philosophical-theological approach to examine Islamic Law and a juridical-normative approach to analyze the Constitutional framework. The analysis is conducted in a comparative-synchronized manner to find common ground and philosophical harmony between the two legal systems. The main primary legal materials include the Qur'an, Hadith, Fiqh Siyasah books, as well as the 1945 UUD NRI and the ITE Law. Freedom of speech in Islam is seen as a right bound by responsibilities and obligations (amar ma'ruf nahi munkar), whose main purpose is to realize the public good (maslahat) and must be stopped if it causes harm (mafsadah). These limitations are supported by the principles of ethics and prevention (Sadd al-Dzarāi). Accordingly, the Indonesian Constitution guarantees freedom (Article 28E), but imposes mandatory restrictions through Article 28J Paragraph (2) for the sake of "religious values" and "public order." There is a strong philosophical alignment, where Islamic restrictions aimed at preventing mafsadah align with the Constitutional restrictions that protect religious values and public order. Both legal systems fundamentally reject absolute and destructive freedom of expression. This synchronization forms the legal basis for the implementation of positive law (such as the ITE Law) in demanding digital accountability, which in essence protects collective ethics and morality.

Keywords: Constitutional Law; Freedom of Speech; Islamic Law; Limitations, Sadd al-Dzarāi

1. INTRODUCTION

Freedom of expression occupies a central position in democratic societies because it functions not only as an individual liberty but also as a constitutional mechanism for ensuring transparency, accountability, and public participation. In this regard, Michael O'Flaherty states that "freedom of expression is essential to the good working of the entire human rights system," underscoring its indispensable role within the broader framework of human rights protection.¹ This right is widely regarded as a fundamental pillar of democratic life because it enables individuals to communicate ideas, criticize public authorities, and participate in public affairs. Nevertheless, freedom of expression is not absolute. In international human rights law, restrictions may only be justified when they are prescribed by law and are necessary to protect the rights or reputations of others, national security, public order, public health, or public morals. Likewise, democratic constitutional systems generally require that any restriction on expression comply with the principles of legality, necessity, and proportionality.

From the perspective of Islamic thought, freedom of expression is also acknowledged, but it is framed within ethical responsibility and respect for human dignity. Ali Muhammad

¹ O'Flaherty, M. (2012). *Freedom of expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee's General Comment No 34*. *Human Rights Law Review*, 12(4), 627–654. <https://doi.org/10.1093/hrlr/ngs030>

Bhat² explains that Islam recognizes the right to express one's opinion, yet it does not permit expression that violates the dignity and rights of others or promotes harm in the name of criticism and free speech. This creates an important conceptual and normative issue for the present research: how the concept of freedom of opinion/expression in Islam, together with its limits, can be understood in relation to constitutional law standards on restricting freedom of expression, especially the principles of legality, necessity, and proportionality. The tension between these two frameworks often produces two oversimplified positions: one treats Islamic norms as inherently restrictive of speech, while the other assumes that constitutional guarantees of free expression leave little room for moral or religious limits. This research, therefore seeks to examine whether, and to what extent, these two frameworks can be interpreted as conflicting, complementary, or capable of meaningful reconciliation.

The problem with this research lies in the conceptual and normative tension: how is the concept of freedom of opinion/expression in Islam understood (along with its limits), and how can those limits be interpreted in line with or intersecting with the principles of restrictions on freedom of expression in constitutional law (particularly the principles of legality, necessity, and proportionality)? This tension often gives rise to two equally weak extremes: (1) freedom is understood as “as free as possible” without any framework of responsibility, or (2) restrictions are justified too loosely, turning them into a tool of silencing.

The urgency of this research arises because the contemporary public sphere—especially as mediated by the media and digital platforms—allows harmful expressions (such as hate speech, blasphemy that incites violence, or defamation) to spread rapidly, while legal responses are often inconsistent and prone to selective enforcement. As a result, debates about the “limits of freedom” often stop at moral slogans or normative claims, rather than operational and accountable measures.³

In a democratic context, freedom of expression performs fundamental structural functions. It embodies the principle of popular sovereignty by enabling citizens to participate meaningfully in public affairs, articulate political aspirations, and scrutinize public policy. Without an open sphere of expression, the idea that sovereignty resides in the people risks becoming merely symbolic, as public deliberation and contestation are essential to democratic legitimacy.⁴ Moreover, freedom of expression strengthens mechanisms of control and accountability. Through open criticism and an independent press, citizens and media institutions act as watchdogs over executive, legislative, and judicial power, thereby reducing the risk of arbitrariness, abuse of authority, and corruption. Contemporary scholarship emphasizes that a free press is not only a channel of information but also a

² Bhat, A. M. (2014). *Freedom of expression from Islamic perspective*. *Journal of Media and Communication Studies*, 6(5), 69–77. <https://doi.org/10.5897/JMCS2013.0378>

³ Dukacita Prawira, *Philosophy and Theory of Modern Democracy* (Yogyakarta: Pustaka Pelajar, 2018).

⁴ A Bhagwat and J Weinstein, *Freedom of Expression and Democracy*. In A. Stone & F. Schauer (Eds.), *The Oxford* (Oxford University Press, 2021).

central pillar in sustaining democratic oversight and institutional transparency.⁵ Third, enriching the public sphere: open and diverse public discourse generates innovative ideas and better solutions to social and state problems. Truth is believed to emerge from a competitive and free marketplace of ideas.⁶

Under international law, this right is enshrined in the main instruments of Human Rights, such as the Universal Declaration of Human Rights (UDHR) Article 19 and the International Covenant on Civil and Political Rights (ICCPR) Article 19, affirming its status as a natural right inherent in the dignity of every human being.

The recognition of this right often faces challenges when faced with the context of a multicultural and religious society, such as in Indonesia. Freedom of expression, as stipulated in Article 28E of the 1945 Constitution of the Republic of Indonesia, must be exercised responsibly and limited by law to maintain security, public order, and, most crucially, respect the rights and beliefs of others (as stipulated in Article 28J). Although guaranteed, freedom of expression is not an absolute right. The Indonesian Constitution, through Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), expressly stipulates that the implementation of human rights, including the right to expression, must be subject to restrictions established by law to guarantee recognition and respect for the rights and freedoms of others, and to meet just demands in accordance with considerations of morality, religious values, security, and public order.⁷

In the context of Indonesia, a Muslim-majority country that recognizes Islamic Sharia as a source of positive law, the debate over these limitations is particularly complex. There is an urgent need to balance universal human rights principles with binding local religious and ethical values. This debate is particularly pronounced on sensitive issues such as blasphemy, hate speech based on ethnicity, religion, race, and intergroup relations, and the spread of fake news that has the potential to disrupt social harmony.⁸

The solution offered by this study is to develop a conceptual framework that brings together two things: (a) the foundations of freedom of expression in Islam and the rationale for its limitations (e.g., protection of dignity, prevention of social harm, preservation of honor), and (b) the principle of restriction in constitutional law, which requires that restrictions be clear, valid, necessary, and proportional. Thus, “limits” are not understood as automatic justification for prohibition, but are tested through clear parameters.

In the previous study, Malik emphasized that freedom of expression in Islam is inherent in the principle of human dignity and carries ethical consequences in the form of responsibility, especially when expression turns into hate speech⁹. The advantage of this

⁵ J Steel and J Petley, *The Routledge Companion to Freedom of Expression and Censorship* (Routledge, 2024).

⁶ Human Rights Committee, “General Comment No. 34 (Article 19): Freedoms of Opinion and Expression,” Pub. L. No. 34 (2011).

⁷ Constitutional Court of the Republic of Indonesia, “The 1945 Constitution of the Republic of Indonesia” (n.d.).

⁸ Achmad Syaiful, “The Dilemma of Freedom of Expression and Blasphemy in Indonesia: A Legal and Social Review,” *Journal of Legal Studies* 22, no. 1 (2021): 110.

⁹ Bilal Ahmad Malik, “‘Dignity Embodies Duty’: Islamic Perspective on Combating ‘Hate Speech,’” *Muslim World Journal of Human Rights* 20, no. 1 (September 2023): 19–45, <https://doi.org/10.1515/mwjhr-2022-0003>.

study is that it is strong on the normative foundations of Islam and provides clear moral reasons why certain expressions need to be restricted. Its weakness is that the discussion does not sufficiently detail how these principles are translated into the test of restrictions that are common in the constitutional law framework (legality–necessity, proportionality), so that the bridge to constitutional instruments is still limited.

The second previous study, by Irwanti, discusses Islam's acceptance of freedom of expression while emphasizing that there are limits and regulations so that freedom does not turn into social chaos. Its strength is that it presents textual and ethical dimensions and emphasizes the purpose of regulation as “the proper use of freedom.” Its weakness is that the dominant focus of the study on sources of teaching means that the discussion of constitutional consequences (e.g., strict standards of restriction and accountability mechanisms) has not become a major point of emphasis¹⁰.

The third previous study, Zadi, highlights that freedom of expression is not absolute and its limits may differ between societies, especially when it intersects with matters considered sacred and issues of blasphemy.¹¹ On the plus side, this study is relevant for understanding why claims of “sacredness” are often used to justify restrictions. Its weakness is that it tends to depart from the dynamics of sacred values and does not focus on how restrictions should be strictly tested so as not to fall into overly broad or disproportionate restrictions from a constitutional law perspective.

The core tension in this debate concerns the potential normative conflict between a liberal conception of freedom of expression that is highly protective of speech and the ethical–religious constraints articulated in Islamic thought, as well as the structured limitations recognized in constitutional law.¹² Within the liberal tradition—particularly in the United States freedom of expression is treated as a primary constitutional right that may only be restricted under very narrow circumstances,¹³ most notably where speech is directed to inciting imminent lawless action and is likely to produce such action. This restrictive approach to limitation is reflected in the well-established *Brandenburg* standard, which confines state intervention to situations involving intentional and immediate incitement to unlawful conduct (Legal Information Institute, n.d.). Contemporary constitutional scholarship also underscores that in liberal democracies, restrictions on speech must meet stringent tests of necessity and proportionality, even when confronting harmful or offensive expression.¹⁴

¹⁰ Marlinda Irwanti et al., “The Study of Freedom of Expression in Islamic Teachings with an Emphasis on Nahj Al-Balagha,” *HTS Teologiese Studies / Theological Studies* 79, no. 1 (April 2023), <https://doi.org/10.4102/hts.v79i1.8368>.

¹¹ Kashif Imran Zadi et al., “Rethinking Freedom of Expression in Light of the Emerging Sacredness of Social, Cultural, and Political Values,” *Journal of Islamic Thought and Civilization* 13, no. 2 (December 2023): 258–71, <https://doi.org/10.32350/jitc.132.17>.

¹² O Anjum, *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment* (Cambridge University Press, 2012).

¹³ Legal Information Institute, “Brandenburg Test” (n.d.).

¹⁴ Bhagwat and Weinstein, *Freedom of Expression and Democracy*. In A. Stone & F. Schauer (Eds.).

In contrast, Islamic legal thought frames freedom of opinion (*hurriyyat al-ra'y*) as a right inherently bound by responsibility and oriented toward *maṣlahah* (public welfare). Expression is not evaluated solely by reference to individual autonomy but by its social consequences. Speech that generates *mafsadah* (harm), such as *ghībah* (backbiting), false accusations, or *tahrīd* (incitement), is ethically prohibited because it undermines dignity, social cohesion, and justice.¹⁵ Recent scholarship highlights that Islamic communication ethics emphasizes *tabayyun* (verification of information) as a preventive principle against misinformation and reputational harm, particularly in the digital environment.¹⁶ This preventive orientation reflects a broader maqāṣid-based framework that seeks to protect religion, life, and honor as core objectives of Islamic law.

The political-legal thought of Ibn Taymiyyah further reinforces this orientation. In his work on *al-siyāṣah al-shar'īyyah*, he argues that governance must be directed toward justice and the welfare of the people, and that authority is legitimate only when it serves the public good in accordance with the principles of the Sharia.¹⁷ Thus, both ethical restraint on speech and regulatory authority are justified not as mechanisms of suppression, but as instruments to secure collective welfare and prevent corruption. The normative divergence between liberal absolutist tendencies and Islamic ethical constraints, therefore lies less in the recognition of freedom itself and more in the philosophical weight assigned to communal welfare, moral order, and preventive responsibility.¹⁸

Third, Constitutional Perspective: Taking a middle path, guaranteeing freedom while limiting it for the sake of public interest and religious values, a principle that is in line with the spirit of Islam, but often overlaps in the implementation of legislation (for example, Law Number 11 of 2008 concerning Electronic Information and Transactions or the ITE Law).

Unlike these studies, this study offers advantages at the bridge: it not only explains “what the limits are” according to Islam or “what are the conditions for restrictions” according to human rights standards, but also formulates a way of interpreting restrictions on freedom of expression in Islam in line with the principles of constitutional restrictions—thus addressing the gap in the lack of a strong operational testing mechanism when the concepts of “sacred values,” “dignity,” and “order” are used as reasons for restrictions. With this framework, the study is expected to be able to distinguish between legitimate restrictions (with a clear legal basis, necessary, and proportional) from excessive restrictions or those that are prone to abuse.

The objectives of this study are (1) to explain the concept of freedom of opinion/expression in Islam and the rationale for its restrictions, (2) to outline the principles of restrictions on freedom of expression within the framework of constitutional law and

¹⁵ Yusuf Al-Qaradawi, *Priority Fiqh Translated by Achmad Fuad Fanani*, 11th ed. (Jakarta: Gema Insani, 2005).

¹⁶ M Zamri and F Rahman, *Tabayyun as an Ethical Framework to Counter Misinformation in Digital Communication. In Islamic Perspectives on Media and Communication Ethics* (Springer, 2024).

¹⁷ Ibn Taymiyyah, *As-Siyasah Ash-Syar'īyyah: Governance in Islam. Translated by Achmad Sobari* (Jakarta: Firdaus Library, 2004).

¹⁸ Bhagwat and Weinstein, *Freedom of Expression and Democracy. In A. Stone & F. Schauer (Eds.).*

human rights standards, and (3) to formulate parameters that can reconcile the two to assess whether a restriction is normatively and constitutionally justifiable.

The critical point that is the focus of this research is how the teachings of Islamic law that uphold the ethics of communication and prevention of harm (*mafsadah*) impose limits on freedom of expression, and how these limits interact, conflict, or synchronize with the constitutional limits of the Indonesian state in addressing contemporary issues such as hate speech, blasphemy, and fake news. Analyzing the urgency and limits of this freedom from two legal frameworks (Islam and the Constitution) is crucial to maintaining the balance between individual rights and social order. Therefore, this research is crucial because an in-depth legal analysis is needed to examine how Islamic teachings establish ethical limits on freedom of expression and how such limits can be synchronized with the constitutional framework of Indonesia. This study aims to analyze the concept of freedom of expression and its limitations from the perspective of Islamic law and Indonesian constitutional law, and to formulate a balanced legal understanding that protects civil rights while maintaining social harmony, public order, and legal certainty.

2. METHOD

This research is a normative (doctrinal) legal study that focuses on examining the norms and legal principles governing freedom of expression and its limitations, both within the framework of Islamic law and constitutional law.¹⁹ The research specification is descriptive-analytical, which means that it describes the relevant normative provisions while analyzing their interrelationships and implications in order to formulate a balanced construction of restrictions between the protection of freedom of expression and the protection of religious values and public order.

This research uses several approaches. First, a conceptual and philosophical-theological approach to explain the concept of freedom of expression in Islam and its limitations based on Sharia principles, including *maqāṣid al-sharī'ah* and the prevention of harm (*dar' al-mafāsid*). Second, a statute approach, to examine the regulation of freedom of expression and its limitations within the framework of positive law, especially the 1945 Constitution and the Electronic Information and Transactions Law along with related regulations. Third, a comparative approach is used to find commonalities, differences, and possibilities for harmonization between the normative systems of Islamic law and constitutional law.

The type of data used is secondary data consisting of legal materials: (1) primary legal materials, including the 1945 Constitution, the ITE Law and related implementing regulations/provisions, as well as sources of Islamic law such as the Qur'an, Hadith, and authoritative works relevant to *fiqh* and *fiqh siyasah*; (2) secondary legal materials, in the form of textbooks, scientific journal articles, and previous research results discussing freedom of expression, restrictions on rights, and the concepts of *maqāṣid* and prevention of

¹⁹ Suteki and Taufani Galang, *Legal Research Methodology (Philosophy, Theory, and Practice)* (Jakarta: Rajawali Pers, 2020).

harm; and (3) tertiary legal materials, in the form of dictionaries, encyclopedias, and bibliographic indexes to assist in searching and confirming terms.

Data collection techniques were carried out through library research, namely searching, inventorying, and classifying legal materials based on their relevance to the research theme. The legal materials were then systematically arranged according to the formulation of the problem to facilitate the interpretation and comparison of norms.

Data analysis was conducted qualitatively through the following stages: (1) inventory and systematization of norms (grouping of relevant rules and principles); (2) doctrinal interpretation, to interpret constitutional/statutory norms and Islamic legal principles that form the basis of restrictions; and (3) synchronized comparative analysis, which compares and tests the suitability of the objectives and limits of restrictions in both normative systems to formulate normative recommendations that are proportional between the guarantee of freedom of expression and the protection of religious values and public order.

3. RESULTS AND DISCUSSION

3.1 Freedom Bound by Ethics and Benefit(Islamic Concept)

Freedom of speech in Islam, known as *Hurriyatul Ra'yi*, goes far beyond an individual human right. It is both an inherent right of every Muslim and a collective obligation of the community. This concept is deeply rooted in the fundamental pillar of religion: *amar ma'ruf nahi munkar* (enjoining good and forbidding evil).²⁰ In Islamic thought, freedom of opinion is not treated merely as an individual entitlement, but as a collective responsibility anchored in *amar ma'ruf nahi munkar*. This principle provides the theological ground for why voicing an opinion—especially when confronting wrongdoing can become an obligation rather than a choice.

In the tradition of *siyāsah shar'īyyah* (Islamic constitutional governance), this obligation operates as a form of social and political accountability over *ulī al-amr* (those in authority).²¹ Leaders are expected to be open to criticism and sincere counsel (*naṣīḥat al-a'immaḥ*), particularly when they deviate from justice or ethical governance. Constructive and honest criticism is framed as a moral act aimed at preventing abuse of power and restoring public trust.

Freedom of expression also functions as an instrument for upholding justice by enabling truth-telling and resistance against oppression. Al-Ghazālī emphasizes the moral seriousness of speaking against injustice, and Islamic ethics treats silence in the face of wrongdoing as a communal failure when it allows harm to persist.²² This duty is reinforced by the Prophetic instruction: whoever witnesses wrongdoing should change it by action; if unable, then by speech; if unable, then by inner rejection—an articulation that places verbal

²⁰ Khalid Adliano Akbar Dachi, "Citizens' Rights to Express Freedom of Opinion Based on Legislation from a Fiqh Siyasah Perspective," *Jurnal: AsSyaria: Jurnal Guidance, Counseling, and Family* 6, no. 2 (2024): 2251.

²¹ Mutiara Fahmi, "Basic Principles of Islamic Political Law in Islamic Politics," *Journal of Legal and Sharia Studies* 21, no. 1 (2017): 41.

²² Imam Al-Ghazali, *Ihya' 'Ulumuddin*, Volume II (Beirut: ul Ma'rifah, n.d.).

correction at the center of public moral responsibility. In this sense, *hurriyyat al-ra'y* is tied to the obligation to use speech as a means of reform.

At the same time, the purpose of expressing opinions in Islam is not the pursuit of personal satisfaction or unrestricted self-expression, but the realization of *maṣlaḥah* (public benefit).²³ This orientation aligns with the framework of *maqāṣid al-sharī'ah*, which generally aims to secure human welfare and prevent harm. The ethical value of speech is therefore measured by its social consequences rather than by the speaker's intent alone.

Speech that strengthens the common good and contributes to reform—such as firm criticism of public policy aimed at improving governance—can be justified as long as it pursues public welfare and does not collapse into provocation or reckless destabilization. Conversely, expressions that risk generating unrest, deepening division, or triggering horizontal conflict are treated as *mafsadah* (harm) because it undermines the very objectives Islamic law seeks to protect. This is why Islamic teachings strongly prohibit *buhṭān* and slander (false accusation), *ghībah* (backbiting), and *namīmah* (incitement and tale-bearing); their social effects corrode cohesion and can threaten both *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-dīn* (protection of religion), which are central aims within *maqāṣid* reasoning.²⁴

Freedom of expression in Islam is inseparable from responsibility. It is not conceived as an unrestricted personal liberty, but as a morally guided freedom directed toward constructive ends. The ethical compass of this freedom is *maṣlaḥah*, the pursuit of public good and the prevention of harm. Expression is therefore valued not merely because it reflects individual autonomy, but because it contributes to justice, social balance, and communal welfare. When speech ceases to build and instead becomes a tool of destruction, provocation, or humiliation, it departs from its normative purpose.

Within this framework, Islamic communication ethics establishes clear moral boundaries for *hurriyyat al-ra'y*. Freedom of opinion does not exist in an ethical vacuum; it operates within a structure of divine guidance derived from the Qur'an and Sunnah. These sources emphasize that speech must uphold truthfulness, fairness, and dignity, and must avoid injustice, slander, and hostility. The protection of individual honor (*ḥifẓ al-irḍ*) is treated as a serious objective within Islamic legal and moral thought, recognizing that reputational harm can be as destructive as physical harm. Accordingly, prohibitions against defamation, false accusation, backbiting, and incitement are not arbitrary restrictions, but safeguards designed to preserve both personal dignity and social cohesion.

The ethical limits imposed on speech also reflect a broader concern for communal harmony. Islam acknowledges that words possess social consequences: they can reconcile or divide, clarify or mislead, reform or destabilize. Because of this, the realization of *maṣlaḥah* cannot be justified through destructive means. An expression that claims to defend truth but spreads hostility or fuels conflict contradicts the very objectives it purports to

²³ F Husni, "Freedom of Expression and Citizens' Constitutional Rights from a Siyasa Dusturiyyah Perspective," *IJTIHAD* 37, no. 1 (2021).

²⁴ Al-Syatibi, *Al-Muwafaqat Fi Usul Al-Syari'ah*, ed. Volume II (Kairo: Dar al-Fikr, n.d.).

serve.²⁵ Ethical communication in Islam, therefore demands proportionality, sincerity, and constructive intent, ensuring that criticism remains anchored in justice rather than animosity.

In this sense, freedom of expression in Islam is framed as a disciplined liberty—one that empowers individuals to speak against injustice and participate in public moral life, while simultaneously binding them to principles that protect honor, unity, and the common good. It is a freedom shaped not only by rights, but by duties, and measured not only by what may be said, but by the ethical consequences of saying it.²⁶

Islamic communication ethics places firm limits on speech that harms human dignity and disrupts social order. These limits are not incidental; they are rooted in the moral conviction that words can inflict real damage—psychological, social, and even physical—when they humiliate, provoke hatred, or fracture communal bonds. In this sense, freedom of expression is protected, but it is never treated as a license to violate the rights of others or to undermine the moral foundations of public life.

Speech that destroys individual dignity is treated as a direct ethical violation. Islam prohibits *ghībah* (backbiting), which refers to speaking about a person’s faults in their absence, even when the statements are true. The moral problem is not only the content but the social consequence: *ghībah* corrodes trust, weakens fraternity, and normalizes humiliation as a form of social interaction. A community that tolerates backbiting may still claim “free speech,” but it is actually training itself to enjoy someone else’s degradation.²⁷

Islam also prohibits *buhtān* and forms of slander and defamation. Slander involves spreading accusations that are false or unverified, while defamation reflects a more deliberate intent to damage someone’s reputation through lies. These prohibitions create a clear boundary for public criticism: opinions and judgments must be grounded in truth, responsibility, and verifiable evidence. In other words, Islam does not prohibit criticism of wrongdoing; it prohibits the habit of attacking people without proof and turning speech into a weapon of reputational destruction. If accusations are detached from evidence, “expression” becomes injustice.

Beyond individual dignity, Islamic ethics also restricts speech that threatens unity and harms religion as a shared moral space. One key prohibition here is *namīmah*, which refers to speech intended to damage relationships by carrying inflammatory words between people or groups. The issue is the intent and effect: *namīmah* thrives on provoking suspicion, turning minor disputes into major hostility, and escalating conflict. In today’s terms, this resembles speech practices that amplify hatred and social polarization. The boundary is clear: an expression that intentionally fuels division and incites communal conflict violates the ethical aim of preserving social cohesion.

²⁵ C Melina, “Freedom of Expression in the Era of Democracy: Notes on the Enforcement of Human Rights,” *Lex Scientia Law Review Journal* 2, no. 1 (2018): 189–98.

²⁶ Abdul Haris, “Maslahah Mursale Paradigm as a Method of Limiting Freedom of Opinion in Islamic Law,” *Journal of Islamic Law* 15, no. 2 (2020): 210–25.

²⁷ Frederick Schauer, *Free Speech: A Philosophical Inquiry* (Cambridge: Cambridge University Press, 1982).

Closely related is the issue of insulting religion and sacred symbols. While Islam affirms freedom of belief and acknowledges religious diversity, it also draws a firm ethical line against expression that is designed to demean faith, religious identities, or sacred symbols in ways that predictably provoke hostility or social rupture. Contemporary Islamic discussions on free speech emphasize that the central concern is not disagreement, critique, or reasoned theological debate—Islamic intellectual tradition has long accommodated disputation and argument—but rather speech that functions as humiliation, contempt, or provocation and thereby threatens dignity and social peace. In this respect, the restriction is justified through an ethics of public welfare: when expression is mobilized to dishonor what communities hold sacred, it can intensify polarization and increase the risk of unrest, undermining intercommunal relations and contradicting the objective of *maṣlahah* (public good).²⁸

This ethical position also resonates with broader human-rights reasoning about the boundary between criticism of religion and incitement to hostility. International standards on freedom of expression reject the idea that mere “blasphemy” should be criminalized as such, but they do recognize restrictions on advocacy of religious hatred where it constitutes incitement to discrimination, hostility, or violence. This helps clarify the distinction at stake: the concern is not policing belief or suppressing debate, but preventing speech that foreseeably escalates into collective harm.²⁹ This is prohibited because it can massively hurt public feelings, trigger uncontrolled reactions, and ultimately, damage *hifz ad-din* (protection of religion) and *hifz an-nafs* (protection of the soul), two main objectives of Sharia.³⁰

Thus, freedom of speech in Islam must always be in line with the principles of *qalū qawlan ṣadīdā* (speaking with truthful words) and *qalū lahū qawlan layyīnā* (speaking with gentle words), ensuring that verbal expression is always a means to build truth and goodness, not a tool for social destruction.

3.2 Freedom with Limited Responsibility (Constitutional Concept)

Freedom of expression in Indonesian constitutional law is guaranteed, but it is also deliberately framed as a right that lives inside a constitutional order. In other words, the Constitution does not treat expression as an unlimited personal license; it recognizes expression as a protected liberty that must operate within a legal architecture designed to balance individual rights with the rights of others and with collective interests. This is why the Indonesian model is often described as an “institutionalized” freedom: it is exercised through, and restrained by, the constitutional and statutory system rather than standing outside it.

²⁸ UN Human Rights Committee, “General Comment No. 34: Article 19—Freedoms of Opinion and Expression (CCPR/C/GC/34),” 2011.

²⁹ Mohsen Kadivar, *Free Speech and Critique of Religion in Contemporary Islam.* In *Free Speech, Scholarly Critique, and the Limits of Expression in Islam*, ed. Liakat Takim, Volume 3 (Birmingham, UK: AMI Press, 2022).

³⁰ Nader Hammami, “Freedom of Expression and the Violation of the ‘Sacred’: A Muslim Perspective,” 2020.

The constitutional guarantee is stated clearly. Article 28E paragraph (3) affirms that “every person has the right to freedom of association, assembly, and expression.” The wording places expression alongside association and assembly, which signals that expression is seen not only as private speech, but also as a civic freedom connected to public participation.³¹ In a democratic setting, this guarantee protects citizens’ ability to communicate ideas, criticize policy, advocate for reforms, and participate meaningfully in political and social life.³²

However, the core philosophy of Indonesian constitutional rights is not found only in the guarantee clauses, but also in the balancing clauses. Article 28J paragraph (2) functions as the Constitution’s central limitation framework. It provides that, in exercising rights and freedoms, every person must be subject to restrictions “established by law” and imposed solely to ensure recognition and respect for the rights and freedoms of others and to meet just requirements of morality, religious values, security, and public order in a democratic society. This provision matters because it answers the most difficult question in constitutional rights: when does protected expression become legitimately restrictable expression?

Article 28J paragraph (2) also embeds several important ideas that shape how freedom of expression should be understood. The first is the legality principle: restrictions must be “established by law,” which implies that limitations cannot be improvised by officials, enforced through vague social pressure, or applied arbitrarily. The second is the rights-of-others principle: expression is protected, but it must not erase other people’s constitutional interests, including dignity, privacy, reputation, and equal protection. The third is the “just requirements” principle: limitations are not meant to be punitive or political, but justified as necessary for legitimate constitutional aims—morality, religious values, security, and public order—within a democratic society.

This is where many discussions go wrong. People often treat Article 28E as if it stands alone, or they treat Article 28J as if it were a blank cheque to restrict. Both readings are sloppy. The Constitution places them together on purpose: Article 28E gives the right; Article 28J sets the conditions under which the state may limit it, and it simultaneously imposes a responsibility on the right-holder to respect others. The real constitutional challenge is ensuring that limitations remain exceptional, rule-based, and directed toward legitimate aims—rather than becoming a convenient tool to silence criticism or unpopular views.

In practice, this “institutionalized freedom” model means that expression in Indonesia should be evaluated through a constitutional logic of balance. Strong criticism of government policy can be a core democratic function protected by Article 28E paragraph

³¹ B Guntara and A. S Herry, “The Right to Freedom of Expression on Social Media from a Human Rights Perspective,” *Journal of Education and Counseling (JPDK)* 4, no. 6 (2022): 6945–61.

³² Chairul Syifa, “Implementation of Protection of Freedom of Expression According to Legislation and Islamic Law (A Study of the UI Student Executive Board’s Criticism of the President of the Republic of Indonesia) 2023), 39.” (Ar-Raniry Darussalam State Islamic University, 2023).

(3), especially when it contributes to accountability. Yet expression that unlawfully violates other people's rights, or that reasonably threatens public order and security, may be limited under Article 28J paragraph (2)—but only through restrictions that are grounded in law and justified by legitimate constitutional purposes. In short, Indonesian constitutional law does not promise “freedom without limits”; it promises freedom that is protected, structured, and bounded by constitutional responsibility.³³

Article 28J paragraph (2) of the 1945 Constitution emphasizes that freedom of expression in Indonesia is placed within a framework of constitutional restrictions that are legitimate, measurable, and oriented towards a balance between individual rights and collective interests. The wording of this article shows that rights and freedoms are not understood as unconditional freedoms, but must be exercised with respect for the rights of others and in accordance with fair demands based on considerations of morality, religious values, security, and public order in a democratic society. Thus, freedom of expression is positioned as a right inherent to citizens, but at the same time, it carries a dimension of social responsibility that prevents individual expression from becoming a source of damage to the common order.³⁴ From a philosophical perspective, the restrictions mentioned in Article 28J paragraph (2) can be interpreted as a reflection of the state's values rooted in Pancasila. The presence of the phrases “religious values” and “morals” shows that the spiritual and ethical dimensions are not merely accessories, but are explicitly used as the basis for constitutional restrictions. This marks the normative character of the Indonesian constitutional system, which places freedom in a dialectical relationship with social integrity and moral responsibility.³⁵ In the context of a pluralistic society, the phrases “public order” and “security” also imply the constitutional desire to maintain social cohesion so that freedom of expression does not transform into practices that spark horizontal conflict, reinforce polarization, or normalize speech that demeans certain groups.

However, the affirmation of restrictions in the Constitution cannot be understood as unlimited legitimacy for the state to restrict expression. Article 28J paragraph (2) explicitly requires that restrictions must be “stipulated by law” and directed solely towards legitimate purposes, namely respect for the rights of others and the fulfillment of just demands in a democratic society. Consequently, any restriction on freedom of expression must meet the standards of legality (based on clear norms), legitimacy of purpose (protecting interests recognized by the constitution), and proportionality (not excessive and balanced with the risks/losses to be prevented). This framework is important to prevent restrictions from becoming a tool for silencing criticism, especially when criticism is directed at those in power or public policy.

³³ Constitutional Court of the Republic of Indonesia, The 1945 Constitution of the Republic of Indonesia.

³⁴ Republic of Indonesia, “Law of the Republic of Indonesia Number 11 of 2008 Concerning Electronic Information and Transactions” (2008).

³⁵ Republic of Indonesia, “Law of the Republic of Indonesia Number 1 of 1965 Concerning the Prevention of Abuse and/or Blasphemy of Religion” (1965).

These constitutional restrictions are then operationalized through various *lex specialis* laws, particularly those containing formulations of offenses related to expression. In the digital space, regulations concerning defamation, libel, and hate speech targeting specific identities are often associated with the electronic regulatory regime. The normative rationale is to maintain public order and protect the cohesion of a diverse society, given that hate speech can cause hostility and trigger social conflict. However, the main challenge of this *lex specialis* instrument is the potential for overly broad, multi-interpretable, or easily applied formulations of norms to various forms of expression that are actually still within the realm of legitimate criticism. When the elements of a crime are not strictly formulated and the parameters of proof are weak, the risk of criminalization of expression increases and ultimately creates a chilling effect in the public sphere.

In the realm of “religious values,” restrictions are also enforced through specific provisions that regulate expressions deemed to defame or insult religious teachings and symbols. Argumentatively, these restrictions are often positioned as a mechanism for preventing conflict and maintaining harmony.³⁶ However, a frequent criticism is that such norms have the potential to blur the line between expressions that are truly insulting and those that are simply differences of interpretation, academic discourse, or theological criticism. Therefore, caution is needed in their application so that restrictions do not close off the space for freedom of thought and freedom of expression, which are the very characteristics of a democratic society.

In addition, restrictions related to state symbols and the authority of state institutions are also placed within the framework of protecting public order and institutional stability. Theoretically, institutional stability can be seen as a prerequisite for democracy. However, in a democratic society, the protection of institutions should not lead to immunity from criticism.³⁷ A healthy boundary is to strictly distinguish between expressions that are criticisms of public policies or officials and expressions that actually fulfill the elements of incitement to violence, real threats to security, or attacks that violate the human rights of others.

In this entire construct, the principle of constitutional supremacy must be emphasized: all *lex specialis* instruments that restrict expression must remain subject to the 1945 Constitution. This is where the role of the Constitutional Court becomes crucial as the guardian to ensure that restrictions do not exceed the mandate of Article 28J paragraph (2) and do not erode the substance of freedom of expression as a constitutional right. In other words, the balance sought is not merely between “freedom” and “order,” but between meaningful guarantees of rights and restrictions that are legitimate, measured, and do not open up opportunities for abuse. At this point, efforts to maintain social welfare—in the

³⁶ S. B Harahap and R Hidayat, “A Legal Review of Freedom of Expression from the Aspects of Positive Law and Islamic Law (A Case Study of Bima, Lampung),” *Unes Law Review* 6, no. 2 (2023): 5468–78.

³⁷ Khotbatul Laila, “Progressive Law as a Solution for Freedom of Opinion Based on the Principles of Pancasila Democracy,” *Jurnal Cakrawala Hukum* 10, no. 2 (2019): 182.

sense of preventing harm and protecting the common order—can be understood as ethical rationality in line with the goal of public order in state law, as long as restrictions are carried out proportionally and do not negate the space for legitimate criticism.

3.3 Limit Synchronization (Meeting Point)

This section is the methodological culmination of the research through comparative-synchronization analysis, which is an effort to find philosophical and operational common ground between the limits of freedom of expression according to Islamic Sharia and constitutional restrictions according to the 1945 Constitution. “Synchronization” here is not understood as the absolute standardization of two normative systems with different sources of legitimacy and argumentative structures, but rather as a search for coherence of values and equivalence of functions, especially in terms of the objectives of restrictions and the standards for justifying them.³⁸ With this framework, the research does not stop at abstract claims of normative similarity but assesses whether the two can work in tandem in formulating and assessing restrictions on freedom of expression that are fair, responsible, and accountable in legal practice.

Philosophically, there is a strong similarity in the rejection of the concept of absolute freedom. Sharia views freedom of expression as part of a moral mandate directed towards public interest, so that expression is not justified if it causes mafsadah (harm), damages honor, or threatens social order.³⁹ On the other hand, the 1945 Constitution, through Article 28J paragraph (2), emphasizes that the use of rights and freedoms is subject to restrictions established by law to guarantee the recognition and respect of the rights of others, as well as to fulfill fair demands based on moral considerations, religious values, security, and public order in a democratic society.⁴⁰ Thus, both Sharia and the Constitution shift the center of gravity of freedom from “individual expression satisfaction” to “balance of rights and common interests.” In this logic, freedom of expression is recognized as an important instrument for correcting injustice and voicing the truth, but it must not be turned into a means of symbolic aggression, insult, or a trigger for horizontal conflict.

The philosophical similarity between the two systems is also evident in the protection of values that are considered fundamental or sacred. Sharia explicitly places the protection of religion as one of the main objectives of maqāṣid (ḥifẓ al-dīn), which implies restrictions on expression when it deliberately degrades, insults, or provokes hostility towards religion and its symbols. The Indonesian Constitution, unlike many constitutions that are explicitly neutral towards the religious dimension, includes “religious values” as a basis for restrictions. This shows that spiritual values are not positioned merely as a private matter, but are understood as part of a social order that has public significance. At this point, philosophical synchronization can be formulated as follows: both place the religious-ethical

³⁸ A. M. M Nasoha et al., “Polyandry from the Perspective of Pancasila and Islamic Law: A Constitutional Study and National Values,” *DIRASAH: Journal of Islamic Studies* 1, no. 2 (2024): 207–19.

³⁹ Jimly Asshiddiqie, *Constitutional Law and the Pillars of Democracy* (Jakarta: Sinar Grafika, 2012).

⁴⁰ Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia* (Jakarta: Sinar Grafika, 2010).

dimension as part of the “order” that must be maintained, while demanding that this maintenance be carried out in a lawful and non-arbitrary manner.

The next similarity lies in the principle of prevention. In Sharia, the idea of *sadd al-dzarāʿi* (closing the path to harm) allows for restrictions on actions that may appear neutral in themselves but, in certain contexts, have a strong potential to cause harm. In positive law, the logic of prevention also forms the basis for the criminalization of certain forms of expression, such as speech that incites hostility, provokes hatred, or increases the risk of violence and social disintegration. Functionally, both approaches operate on the premise that social harm is better prevented than dealt with after it occurs. Ideal synchronization does not mean that all forms of prevention are justified, but rather that prevention must be limited by clear measures of real danger, legitimate goals, and proportional means of restriction so that it does not become a mechanism of silencing.

Despite this philosophical similarity, major problems arise when these restrictions are translated and applied in practice. This is where research maps out the legal and technical challenges that determine whether synchronization actually works or remains merely a normative narrative. One fundamental challenge is the terminological mismatch between the two systems. Positive law uses formally defined categories of offenses such as “hate speech,” “defamation,” or “blasphemy,” while Sharia often uses morally oriented ethical categories such as *buhtān/fītnah*, *ghībah*, and *namīmah*. This difference is not merely a matter of terminology; it concerns how to assess wrongdoing. Criminal offenses tend to require precise formulation of elements and strict proof, while Sharia ethical terms often carry broad moral judgments. The challenge is how judges can ensure legal certainty without losing moral sensitivity to the social impact of expression, and how Sharia ethical values can become an interpretive horizon without sacrificing the principles of legality and non-arbitrariness.

In cases involving hate speech and digital expression, general judicial practice typically focuses on two interconnected variables: the presence of intent (*mens rea*) and the actual or foreseeable impact on public order. This approach is understandable because digital communication amplifies reach, accelerates dissemination, and often collapses the distance between expression and harm. A single post can rapidly trigger reputational damage, mobilize collective hostility, or intensify social polarization. Consequently, courts frequently treat the question of “intent and impact” as the decisive axis for determining whether an expression remains within protected speech or crosses into punishable conduct.

Nevertheless, this legal framework still leaves functional space to incorporate Islamic ethical principles, not as a substitute for positive law, but as a normative lens that sharpens how judges and legal actors assess responsibility in the production and circulation of information. One such principle is *tabayyun*, understood as the obligation to verify information before transmitting it, particularly when the information concerns accusations, sensitive claims, or narratives that may generate hostility. In the digital environment, where misinformation and insinuation can be reproduced endlessly and detached from context,

tabayyun offers a morally coherent standard that aligns with modern demands for due care, factual verification, and evidentiary responsibility.

This relevance becomes particularly strong in cases involving unverified information, unsubstantiated allegations, and content designed to provoke antagonism. Many digital disputes are not built on clear evidence of factual wrongdoing; instead, they rely on rumor, insinuation, selective screenshots, edited clips, and emotionally loaded narratives that invite audiences to infer guilt without proof. In such contexts, the ethical demand of *tabayyun* operates as a substantive reminder that speech is not merely about the right to express, but also about the duty not to transmit claims that cannot be responsibly defended. Functionally, *tabayyun* can be read as the ethical equivalent of the legal logic behind verification standards: if a statement asserts facts that harm another person or group, a responsible speaker should be able to show a reasonable basis for believing it is true, or at a minimum demonstrate diligent efforts to verify it.

More importantly, *tabayyun* can help clarify the boundary between legitimate criticism and harmful accusation. Criticism of public policy, institutions, or public officials may be protected as part of democratic accountability, especially when it targets actions, decisions, or governance outcomes. However, when expression shifts from critique to specific allegations—such as accusing an individual or group of criminality, moral deviance, or disloyalty—without credible evidence, the speech is no longer simply “opinion.” It becomes a potentially injurious factual claim disguised as expression. Here, *tabayyun* provides a principled basis for distinguishing between debate that strengthens public deliberation and accusation that degrades it.

At the same time, the incorporation of *tabayyun* must be carefully disciplined. If it is deployed loosely, it risks turning into a vague moral slogan that judges invoke without objective standards. That would be dangerous for two reasons. First, it would undermine legal certainty by allowing moral language to replace evidentiary thresholds. Second, it could be weaponized to punish unpopular views, because any contested expression could be framed as “insufficiently verified” even when the expression is clearly rhetorical, satirical, or opinion-based. For that reason, *tabayyun* cannot function as an open-ended moral condemnation; it must remain tethered to concrete indicators such as the nature of the claim (factual allegation vs. evaluative opinion), the foreseeable harm, the speaker’s access to verification, and the availability of reasonable steps to check reliability.

Accordingly, this study positions *tabayyun* not as a “theological defense” that competes with statutory elements, but as a substantive principle of caution that supports the logic of lawful restriction when the expression takes the form of evidence-free accusation with foreseeable social harm. It strengthens justification for limitations precisely in situations where speech is used to circulate claims that cannot be defended through proof and that predictably produce reputational destruction, collective hostility, or social instability. In this framing, *tabayyun* functions as a bridge between Islamic ethics and

constitutional limitation standards: it reinforces the responsibility side of freedom of expression without diluting the core legal safeguards of legality, proof, and proportionality.

In practical terms, treating *tabayyun* as a cautionary principle encourages a more refined judicial assessment. Rather than merely asking whether a statement was made and whether it offended someone, the court can ask whether the expression involved an allegation presented as fact, whether the speaker had any credible basis for asserting it, and whether dissemination occurred in a way that magnified harm. This approach does not expand state power arbitrarily; instead, it narrows the rationale for restriction to cases where responsibility is clearly absent and harm is foreseeable. Ultimately, such a calibrated use of *tabayyun* strengthens the normative coherence of restrictions: freedom of expression remains protected as a constitutional right, while its misuse as a vehicle for slander, misinformation, and incitement is addressed through a defensible ethical and legal justification.

In the realm of religious courts, freedom of expression rarely arises as an explicit “constitutional right” issue, but aspects of expression, especially derogatory speech, slander within the family, or verbal actions that trigger *syiqāq* (deep quarrels), often arise as relevant facts in domestic disputes. In situations like this, the principles of Islamic communication ethics can serve as a normative basis for assessing the behavior of the parties, for example, when harsh words, slander, or provocation against the spouse's family exacerbate the conflict and impact the best interests of the children. The synchronization tested is not on the abstract claim that “Islam restricts,” but on how the judge's considerations assess the impact of these remarks on the integrity of the relationship, psychological safety, and the welfare of vulnerable parties—while remaining within the corridor of religious court authority and its rules of evidence.

By examining key rulings and patterns of judicial reasoning, this study measures the extent to which normative coherence can be achieved. Ideal synchronization occurs when the Constitution functions as a legal fence that prevents restrictions from becoming arbitrary, while the ethical values of Sharia provide substantive direction so that freedom of expression does not fall into expressions that damage honor, incite hostility, or cause social chaos. In other words, harmony is not achieved by sacrificing freedom for morality or morality for freedom, but by placing restrictions that are legitimate, clear, and proportional, while also being in line with the objectives of public interest that are at the core of Sharia and public order in state law.

4. CONCLUSION

This study answers its research objectives by demonstrating that limitations on freedom of expression in Islamic law and Indonesian constitutional law are philosophically synchronized and operationally comparable, insofar as both reject unrestricted freedom and require responsibility as an inherent element of expression. The findings show that *hurriyyat al-ra'y* in Islam is framed as a duty-bound right grounded in *amar ma'rūf nahy munkar* and oriented toward *maṣlaḥah*, with preventive-ethical restraints expressed through principles

such as *sadd al-dharā'i*, including prohibitions on slander, backbiting, and *namīmah* to avoid *mafsadah* and to protect key *maqāṣid* (religion, life, and honor). In parallel, the 1945 Constitution guarantees expression under Article 28E(3) while mandating limitations under Article 28J(2) to protect the rights of others and to meet just demands based on morals, religious values, security, and public order, which are further operationalized through *lex specialis* regimes such as the ITE Law and the Blasphemy Law. The novelty of this research lies in offering a comparative-synchronization framework that treats Islamic ethics not as a competing “theological defense,” but as a substantive interpretive resource—particularly *tabayyun* as a verification obligation—to sharpen the justification and calibration of constitutional restrictions in digital speech cases, thereby reducing overbreadth while strengthening accountability. In conclusion, both systems converge on the principle that expression must serve collective welfare and may be restricted to prevent foreseeable social harm; therefore, this study recommends clearer statutory formulations, consistent proportionality-oriented judicial reasoning, and the adoption of verification-based standards (aligned with *tabayyun*) in assessing allegation-based digital expression to minimize misuse and chilling effects while preserving legitimate criticism.

REFERENCES

- ADachi, Adliano Akbar, Khalid. “Citizens’ Rights to Express Freedom of Opinion Based on Legislation from a Fiqh Siyasah Perspective.” *Jurnal: AsSyaria: Jurnal Guidance, Counseling, and Family* 6, no. 2 (2024): 2251.
- Al-Ghazali, Imam. *Ihya’ ‘Ulumuddin*. Volume II. Beirut: ul Ma’rifah, n.d.
- Al-Qaradawi, Yusuf. *Priority Fiqh Translated by Achmad Fuad Fanani*. 11th ed. Jakarta: Gema Insani, 2005.
- Al-Syatibi. *Al-Muwafaqat Fi Usul Al-Syari’ah*. Edited by Volume II. Kairo: Dar al-Fikr, n.d.
- Anjum, O. *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment*. Cambridge University Press, 2012.
- Asshiddiqie, Jimly. *Constitutional Law and the Pillars of Democracy*. Jakarta: Sinar Grafika, 2012.
- . *The Constitution and Constitutionalism of Indonesia*. Jakarta: Sinar Grafika, 2010.
- Bhagwat, A, and J Weinstein. *Freedom of Expression and Democracy*. In A. Stone & F. Schauer (Eds.). The Oxford. Oxford University Press, 2021.
- Constitutional Court of the Republic of Indonesia. *The 1945 Constitution of the Republic of Indonesia* (n.d.).
- Fahmi, Mutiara. “Basic Principles of Islamic Political Law in Islamic Politics.” *Journal of Legal and Sharia Studies* 21, no. 1 (2017): 41.
- Guntara, B, and A. S Herry. “The Right to Freedom of Expression on Social Media from a Human Rights Perspective.” *Journal of Education and Counseling (JPDK)* 4, no. 6 (2022): 6945–61.
- Hammami, Nader. “Freedom of Expression and the Violation of the ‘Sacred’: A Muslim Perspective,” 2020.
- Harahap, S. B, and R Hidayat. “A Legal Review of Freedom of Expression from the Aspects

- of Positive Law and Islamic Law (A Case Study of Bima, Lampung).” *Unes Law Review* 6, no. 2 (2023): 5468–78.
- Haris, Abdul. “Maslahah Mursale Paradigm as a Method of Limiting Freedom of Opinion in Islamic Law.” *Journal of Islamic Law* 15, no. 2 (2020): 210–25.
- Human Rights Committee. General Comment No. 34 (Article 19): Freedoms of opinion and expression, Pub. L. No. 34 (2011).
- Husni, F. “Freedom of Expression and Citizens’ Constitutional Rights from a Siyasa Dusturiyyah Perspective.” *Ijtihad* 37, no. 1 (2021).
- Irwanti, Marlinda, Andrés Alexis Ramírez-Coronel, Tribhuwan Kumar, Iskandar Muda, Forqan Ali Hussein Al-Khafaji, Huda Takleef AlSalami, and Aalaa Yaseen Hassan. “The Study of Freedom of Expression in Islamic Teachings with an Emphasis on Nahj Al-Balagha.” *HTS Teologiese Studies / Theological Studies* 79, no. 1 (April 2023). <https://doi.org/10.4102/hts.v79i1.8368>.
- Kadivar, Mohsen. *Free Speech and Critique of Religion in Contemporary Islam*. ” In *Free Speech, Scholarly Critique, and the Limits of Expression in Islam*. Edited by Liakat Takim. Volume 3. Birmingham, UK: AMI Press, 2022.
- Laila, Khotbatul. “Progressive Law as a Solution for Freedom of Opinion Based on the Principles of Pancasila Democracy.” *Jurnal Cakrawala Hukum* 10, no. 2 (2019): 182.
- Legal Information Institute. Brandenburg test (n.d.).
- Malik, Bilal Ahmad. “‘Dignity Embodies Duty’: Islamic Perspective on Combating ‘Hate Speech.’” *Muslim World Journal of Human Rights* 20, no. 1 (September 2023): 19–45. <https://doi.org/10.1515/mwjhr-2022-0003>.
- Melina, C. “Freedom of Expression in the Era of Democracy: Notes on the Enforcement of Human Rights.” *Lex Scientia Law Review Journal* 2, no. 1 (2018): 189–98.
- Nasoha, A. M. M, A. N Atqiya, M. C Shakilla, N Amalina, A Zulaika, and I. M Agustin. “Polyandry from the Perspective of Pancasila and Islamic Law: A Constitutional Study and National Values.” *Dirasah: Journal of Islamic Studies* 1, no. 2 (2024): 207–19.
- Prawira, Dukacita. *Philosophy and Theory of Modern Democracy*. Yogyakarta: Pustaka Pelajar, 2018.
- Republic of Indonesia. Law of the Republic of Indonesia Number 1 of 1965 concerning the Prevention of Abuse and/or Blasphemy of Religion (1965).
- . Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions (2008).
- Schauer, Frederick. *Free Speech: A Philosophical Inquiry*. Cambridge: Cambridge University Press, 1982.
- Steel, J, and J Petley. *The Routledge Companion to Freedom of Expression and Censorship*. Routledge, 2024.
- Suteki, and Taufani Galang. *Legal Research Methodology (Philosophy, Theory, and Practice)*. Jakarta: Rajawali Pers, 2020.
- Syaiful, Achmad. “The Dilemma of Freedom of Expression and Blasphemy in Indonesia: A Legal and Social Review.” *Journal of Legal Studies* 22, no. 1 (2021): 110.
- Syifa, Chairul. “Implementation of Protection of Freedom of Expression According to Legislation and Islamic Law (A Study of the UI Student Executive Board’s Criticism of the President of the Republic of Indonesia) 2023, 39.” Ar-Raniry Darussalam State Islamic University, 2023.
- Taymiyyah, Ibn. *As-Siyasah Ash-Syar’iyyah: Governance in Islam*. Translated by Achmad

- Sobari*. Jakarta: Firdaus Library, 2004.
- UN Human Rights Committee. “General Comment No. 34: Article 19—Freedoms of Opinion and Expression (CCPR/C/GC/34),” 2011.
- Zadi, Kashif Imran, Muhammad Ali, Muhammad Waqas Gujjar, and Muhammad Khabeer Khalid. “Rethinking Freedom of Expression in Light of the Emerging Sacredness of Social, Cultural, and Political Values.” *Journal of Islamic Thought and Civilization* 13, no. 2 (December 2023): 258–71. <https://doi.org/10.32350/jitc.132.17>.
- Zamri, M, and F Rahman. *Tabayyun as an Ethical Framework to Counter Misinformation in Digital Communication. In Islamic Perspectives on Media and Communication Ethics*. Springer, 2024.