

Analysis of the Constitutional Court's the Judge's *Decision Ratio* in Interpreting the Meaning of *Riots* (in Constitutional Court Decision No. 115/PUU-XXII/2024)

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Abstract

This study examines Constitutional Court Decision Number 115/PUU-XXII/2024 regarding the interpretation of the term "*riot*" (*kerusuhan*) in Article 28 paragraph (3) and Article 45A paragraph (3) of the ITE Law. Previously, the ambiguity of this phrase often led to the criminalization of public criticism on digital platforms. The researcher employs a normative-juridical method, utilizing statutory and case-based approaches to analyze the Constitutional Court judges' "*Ratio Decidendi*". The findings indicate that the Court now restricts the meaning of "*riot*" strictly to public disturbances in the physical realm, rather than mere heated exchanges of opinion in cyberspace. The Court based its ruling on the principle of legality (*lex certa*) and the protection of freedom of expression in accordance with ICCPR standards. This decision effectively prevents the over-criminalization of public opinion. The study contributes an analytical framework for law enforcement officials and legislators to address the vague, "*elastic*" clauses of the ITE Law. Furthermore, it expands the academic discourse regarding the boundaries of criminal law interpretation within Indonesia's cyberspace.

Keywords

Ratio Decidendi, riots, ITE Law, freedom of expression.



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INTRODUCTION

The rapid digital transformation in Indonesia has changed the way citizens communicate, express their opinions, and participate in the public sphere. Social media, online forums, and various internet-based platforms are no longer simply entertainment outlets, but have transformed into new political arenas where criticism of government policies, officials, and public figures can be voiced openly (Estriana et al., n.d.). This shift aligns with the increasing internet penetration in Indonesia, which allows people to access and disseminate information at the touch of a finger, as Nenden Sekar Arum has stated in various discussion forums on digital rights (Widya Nurmala, 2023). However, this convenience is not necessarily matched by adequate legal protection for freedom of expression itself.

The legal umbrella governing citizens' activities in the digital space, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), has drawn sharp criticism since its enactment due to its vague and open-to-interpretation provisions. Nasution and Aqil (2022) note that several articles in the ITE Law are considered to threaten internet freedom because the criminal sanctions contained within them have the potential to restrict the public's freedom of expression through digital platforms (Nasution & Aqil, 2022). These norms have become widely known as "*rubber articles*," namely criminal provisions whose formulation is so loose that their meaning can be stretched according to the interests of the parties applying them, rather than based on the definite boundaries required by the principle of legality in criminal law.

Two revisions to the ITE Law, namely Law Number 19 of 2016 and Law Number 1 of 2024, have not completely eliminated these issues. A civil society coalition comprising the Jakarta Legal Aid Institute, the Press Legal Aid Institute, the Indonesian Legal Aid Foundation (YLBHI), the Institute for Criminal Justice Reform, and the *Southeast Asia Freedom of Expression Network* (SAFEnet) noted that these loose articles continue to be a source of human rights violations, with at least 393 people recorded as being charged under the ITE Law between 2013 and 2021 (Prehatini et al., 2025). This figure strongly indicates that the problem lies not merely in the existence of the law, but in how its norms are interpreted and applied by law enforcement officials in the field.

More recent data shows that the trend of criminalization of digital expression is not slowing down, but rather tends to increase in line with national political dynamics. SAFEnet recorded a 15.9 percent increase in reported cases of digital freedom of expression in 2023, with a total of 124 reported to the police, in line with the increase in politically motivated reports ahead of the 2024 General Election. During the same period, 323 incidents of digital attacks targeting election-related accounts were recorded, a significant increase compared to 302 incidents in 2022, 193 incidents in 2021, and 147 incidents in 2020. This data demonstrates a correlation between political contestation and the intensity of the use of legal instruments, including the ITE Law, to restrict citizens' freedom of expression.

After the second revision of the ITE Law officially came into effect in 2024, hopes for a reduction in criminalization have not been fully realized. SAFEnet's monitoring in the first quarter of 2024 recorded 30 cases of criminalization of digital expression with 52 reported individuals, an increase from 49 individuals in the same period the previous year, with political motives and election issues dominating nine

cases (Fedira et al., 2025). This figure increased in the second quarter to 48 cases with 45 victims, bringing the total recorded in the first half of the year to 78 criminalization cases using the ITE Law. Throughout 2024, SAFEnet's annual report recorded 146 cases of violations of digital freedom of expression with 170 victims, an increase compared to the previous year, which the organization also attributed to the increasing use of the ITE Law as a strategic lawsuit instrument to silence public participation, commonly known as *Strategic Lawsuit Against Public Participation* (SLAPP) (Adhyaksanti & Indrayanti, 2023). SAFEnet Executive Director, Nenden Sekar Arum, even explicitly stated that the 2024 revision of the ITE Law would not have a significant impact, because of the 128 cases recorded, the majority still used norms that were not substantially changed from the previous law.

Among the many provisions deemed problematic, the phrase "*riot*" contained in Article 28 paragraph (3) and Article 45A paragraph (3) of the second amendment to the ITE Law is a crucial point. This provision essentially prohibits the dissemination of false news that causes unrest in society, but does not provide clear boundaries regarding the space or context in which such unrest must occur to qualify as a criminal act. This lack of an operational definition opens the opportunity for very broad interpretation, so that debates or opinion disturbances in the digital space have the potential to be equated with *riots* in the sense of physically disturbing public order, an extension of the meaning that in turn can reduce the space for citizens' freedom of expression. This condition is the background to the submission of a material review application to the Constitutional Court by Jovi Andrea Bachtiar, S.H., who questions the constitutionality of a number of provisions, including Article 310 paragraph (3) of the Criminal Code, Article 45 paragraph (2) and paragraph (7) as well as Article 27 paragraph (1) and Article 45 paragraph (1) of the ITE Law, also requesting that the phrase "*riot*" in Article 28 paragraph (3) and Article 45A paragraph (3) of the ITE Law be declared contrary to the 1945 Constitution. In his application, the Applicant argues that the ambiguity of the norm can be used to silence criticism or views that differ from the official government narrative, thus ultimately reducing the space for freedom of expression which should be protected by the state, not excessively restricted (Kitab & Pidana, 2025).

Interestingly, this petition was decided simultaneously with another case registered under Number 105/PUU-XXII/2024, filed by a resident of Karimunjawa, Jepara Regency, named Daniel Frits Maurits Tangkilisan. Case 105 addresses a different issue, namely the provisions regarding the offense of defamation in Article 27A and Article 28 paragraph (2) of the ITE Law, with a focus on the qualification of

the offense as a complaint offense that can only be processed based on a direct report from the aggrieved party (Hadi et al., 2026). Both cases were read out by the Constitutional Court on the same day, Tuesday, April 29, 2025, and both were partially granted by the panel of judges, thus making this moment an important turning point in constitutional jurisprudence regarding freedom of expression in Indonesia's digital space. In Decision Number 115/PUU-XXII/2024, the Constitutional Court stated that the word "*riot*" in Article 28 paragraph (3) and Article 45A paragraph (3) of the ITE Law is contrary to the 1945 Constitution and does not have conditional binding legal force, as long as it is not interpreted as a condition that disturbs public order in the physical space, not a condition in the digital or cyber space (II, n.d.). The Chief Justice of the Constitutional Court, Suhartoyo, read out the verdict directly, thus normatively emphasizing that the criminal element in this provision is only fulfilled if the resulting disturbance truly disturbs order in the real world, not merely triggering debate or a disturbance of opinion on social media (Susilo & Negara, 2025). Online media also reported that this decision provides stronger protection for freedom of expression, especially for criticism conveyed in the public interest, by preventing the criminalization of debates that occur purely in the digital realm (Adhyaksanti & Indrayanti, 2023).

Despite the positive reception, civil society's response to this ruling was not entirely without criticism. SAFEnet, for example, praised the ruling but firmly called it a partial victory, as the limited definition of "*riot*" does not fully guarantee citizens' freedom of expression from the threat of criminalization through other remaining articles in the ITE Law and the Criminal Code (Nurpranata et al., 2025). This observation is important to emphasize, as it demonstrates that the significance of Decision 115/PUU-XXII/2024 cannot be understood in isolation but must be read within the broader context of how the Constitutional Court constructed its legal argumentation, an argument embodied in the decision's *Ratio Decidendi*.

Theoretically, *Ratio Decidendi* is the legal reasoning used by judges as the basis for their considerations in issuing a decision, distinguishing it from obiter dictum, which is a judge's additional opinion that does not directly form the basis for a binding decision (Fedira et al., 2025). Susilo (2025) emphasized that in Indonesian criminal justice practice, *Ratio Decidendi* and obiter dictum cannot always be clearly separated from each other, but rather complement each other in forming a complete legal reasoning structure, so that a careful reading of both is important so that truly binding legal principles in the future are not mistakenly identified. This understanding is relevant to be applied to Decision 115/PUU-XXII/2024, considering

that the legal considerations of constitutional judges in redefining "riots" have the potential to become an interpretive reference for law enforcement and lower courts in similar cases in the future.

The study of judges' *Ratio Decidendi* is not entirely new territory in Indonesian legal literature. Adhyaksanti and Indrayanti (2023), for example, examined *Ratio Decidendi* in the context of interpreting exoneration clauses in standard contracts, demonstrating how the method of tracing judges' legal arguments can uncover the reasoning patterns behind the interpretation of vaguely formulated provisions. In the criminal realm, a similar study was conducted on online gambling cases, where judges' *Ratio Decidendi* was examined to assess the appropriateness of the application of *lex specialis* and *lex generalis* norms in indictments (Pratomo et al., 2021). Meanwhile, research directly discussing the Constitutional Court's Decision on the 2024–2025 Electronic Information and Transactions Law (ITE Law) is still limited to Decision Number 105/PUU-XXII/2024.

Based on the literature review above, it appears that academic studies specifically examining the *Ratio Decidendi* of Constitutional Court Decision Number 115/PUU-XXII/2024, particularly regarding the legal arguments behind the limitation of the meaning of "riot," are still scarce. Most of the articles circulating tend to be news reports or statements of civil society organizations highlighting the impact of the ruling on freedom of expression in general, without delving deeply into how the constitutional judges constructed their legal arguments, including how the principle of legality, which demands clarity of criminal norms (*lex certa*), and the state's obligation to protect freedom of expression as stipulated in the International Covenant on Civil and Political Rights, are incorporated into these legal considerations. This gap is what this study aims to fill (Riora et al., 2020).

The urgency of this research is increasingly relevant given that the revised National Criminal Code, which will come into effect in 2026, also includes criminal provisions with similar elements related to the dissemination of false news that causes public unrest or disturbances. Without consistent interpretative guidelines, there is a risk that the multiple interpretations inherent in the ITE Law will recur in the application of the National Criminal Code. Therefore, a careful reading of the *Ratio Decidendi* of Decision 115/PUU-XXII/2024 can contribute to the prevention of consistent law enforcement going forward. Based on this description, this research was conducted to examine in depth the *Ratio Decidendi* established by the constitutional judges in reinterpreting the phrase "riot" in Constitutional Court Decision No. 115/PUU-XXII/2024, while also assessing the consistency of the legal

arguments underlying the conditional decision with respect to the principles of legality and the guarantee of freedom of expression. Academically, this research is expected to enrich the study of criminal law and constitutional law regarding the limits of interpretation of norms related to digital space, while practically, the results of this study can be a reference for law enforcement officers, legislators, and human rights activists in encouraging the reformulation of the provisions of the ITE Law and the National Criminal Code which have been vulnerable to misuse to silence citizen criticism.

METHODS

This study uses a normative juridical method with a statutory and case approach, because the objects of study are legal norms and *Ratio Decidendi* in court decisions. Data collection techniques were carried out through literature and documentation studies, without interviews or questionnaires, considering the nature of the study is based on legal texts. The primary data source is the Constitutional Court Decision Number 115/PUU-XXII/2024, while secondary data includes laws and regulations, books, journals, and reports from related institutions. The research procedure includes the planning stage (problem formulation and legal material search), implementation (data inventory and systematization), and qualitative-descriptive data analysis to draw coherent and objective conclusions.

FINDINGS AND DISCUSSION

This normative juridical research examines the legal reasoning of the constitutional judges in Constitutional Court Decision Number 115/PUU-XXII/2024. The applicant, Jovi Andrea Bachtiar, challenges the constitutionality of Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law. The applicant specifically highlights the ambiguity of the meaning of the phrase “riot” in Article 28 paragraph (3) and Article 45A paragraph (3). The Constitutional Court heard this case in response to threats to the right to freedom raised by citizens. This study designed a regulatory-statutory approach and a case-based approach to assess the level of legal certainty. The constitutional judges ruled on this case by overturning the old interpretation that was detrimental to the public interest. This decision fundamentally changes the landscape of cybercrime law enforcement in Indonesia. The state is now obliged to protect citizens who criticize state administrators (Afandi, 2019). Citizens have a constitutional right to monitor government performance through digital spaces without fear. This decision provides interpretation boundaries that bind all law enforcement officers nationally (Kitab & Pidana, 2025).

The 1945 Constitution of the Republic of Indonesia guarantees citizens' freedom of expression. The Constitution mandates the state to facilitate freedom of expression, both verbally and in writing. Previous law enforcement practices have actually distorted the original purpose of the Electronic Information and Transactions Law (Indonesia et al., 1945). Government officials frequently abuse this legal instrument to silence critics of public policy. State officials frequently use the pretext of public disturbance to criminalize the public. A normative legal approach demonstrates a conflict between legal norms and human rights protections. Lawmakers have failed to carefully and proportionally define limits on freedom of expression. The law arbitrarily restricts freedom of expression without regard for the principles of constitutional democracy (Oktaviani, 2024). Civil society has demanded that the state restore the law's function as a protective tool, not an instrument of oppression. The Constitutional Court has responded to these demands by affirming the supremacy of law, which is just and certain.

The principle of legality in criminal law requires lawmakers to outline norms with certainty and clarity (Widayati, n.d.). The principle of legal certainty requires legal advocates to define strict criminal rules. The term "*riot*" in the old regulation created a fatal ambiguity. The lack of an operational definition gave investigators room to interpret the law arbitrarily (Putri et al., 2025). Authorities equated the ferocity of netizens on social media with a public service. This expansive interpretation violated the authority of authorities in the criminal justice system. Constitutional Court judges identified this serious violation of the principle of legal certainty. The Court stated that the gradation between commotion, signing, and coercion has very different dimensions. Law enforcement is obliged to distinguish between digital public opinion noise and crimes that damage the public. Legal certainty requires measurable parameters to prevent citizens from becoming victims of misdirected criminalization (Study et al., 2024).

The panel of judges established a legal penalty that completely separates physical space from cyberspace. The Constitutional Court's ruling conditionally declared the phrase "*riot*" unconstitutional. This criminal norm only applies if law enforcement interprets it as a disturbance of order in the real world. The court defined coercion as a condition that gives rise to violence against people or property. At least three people must physically commit the violent act. Police cannot name a suspect solely based on screenshots of public opinion. Viral debates on social media do not fulfill the elements of a prohibited crime. The constitutional judges limited the scope of this article to prevent authorities from acting in an authoritarian manner.

Citizens can express sharp criticism through electronic channels without fear of imprisonment. This new parameter eliminates the ambiguity of meaning that has previously disadvantaged pro-democracy groups.

The constitutional judges' legal considerations also comprehensively incorporate international human rights standards. The International Covenant on Civil and Political Rights guarantees the state's protection of citizens' freedom of expression. The state may only restrict this right through precise and open-ended laws. Restrictions on freedom of expression must have a legitimate purpose to protect morals, security, or public peace. The Constitutional Court considered the implementation of the previous cyber law to violate the principle of proportionality in the protection of rights. Law enforcement officials failed to identify elements of malicious intent on the part of the information disseminator. Information disseminators who do not explain the news are free from criminal law. International standards reject the criminalization of individuals who simply share critical opinions. Government administrators are obliged to accept public criticism from all branches of government without exception (Rudy, 2023). The adoption of this global standard strengthens Indonesia's commitment to being a modern constitutional democracy.

The Constitutional Court's ruling immediately upheld the rights of all judicial institutions and law enforcement officials. Police and prosecutors are required to halt all investigations based on outdated interpretations. Police investigators bear a much heavier burden of proof than previously practiced. Law enforcement officers must find evidence of material damage in the field, not merely public comment. This crime has transformed from a formal crime to a fully material crime (ALI AKBAR, Pdf, n.d.). A person receives punishment only if the incident actually triggers mass violence in the real world. This fundamental change prevents public officials from using state instruments as a means of revenge. District court judges are required to reject prosecutors' charges that fail to present physical evidence. This ruling exposes the scope of maneuver of trafficking mafias who enjoy harming victims of cybercrime.

This monumental ruling holds great significance ahead of the enactment of the National Criminal Code. The government will simultaneously enact the new Criminal Code in 2026. The Constitutional Court provides preventive interpretative guidance to prevent similar mistakes from being repeated in the new law. The new national criminal code also defines violence as violence by a group of people (North, 2018). The Constitutional Court ruling ensures that authorities do not interpret the *riot* clause in a deceptive and indiscriminate manner. National legal development

demands a comprehensive integration of the values of justice, utility, and legal certainty (Sukti, 2025). Synchronization between the Constitutional Court ruling and the new criminal code creates an adaptive legal system. The state is preparing a more robust legal infrastructure to respond to the dynamics of participation in the digital space (Disantara, 2024). These strict guidelines protect the public from the threat of future repression by authorities. This legal reform fosters a legal culture grounded in the values of human rights protection (Perubahan et al., 2025).

This normative legal study concludes that the Constitutional Court successfully restored citizens' constitutional rights. Constitutional judges dismantled the practice of conversion, which was hidden behind a general guise. This ruling removed the threat of imprisonment for citizens who restrict government policy. Digital space once again functions as a very safe and democratic platform for public participation. State officials lost their primary weapon to criminalize activists and critical students. The clarity of definitions fosters the potential for horizontal conflict due to discriminatory law enforcement (Indriani, 2025). Indonesia has made progress in aligning positive law with universal principles regarding freedom of expression. The state ultimately positions citizens as the primary subjects controlling the direction of legal system development. Decision Number 115/PUU-XXII/2024 stands tall as a pillar protecting freedom of expression in the digital era. The Court demonstrates its vital role as a guardian of the constitution, faithfully protecting the welfare of all citizens.

The Dynamics of the Criminalization of Digital Expression and the Urgency of Legal Certainty

Criminal law studies demand absolute harmony between legal norms, or *das Sollen*, and law enforcement actions, or *das Sein* (Ilmiah et al., 2026). Researchers found a sharp empirical picture before the Constitutional Court issued Decision Number 115/PUU-XXII/2024. Lawmakers initially designed this cyber regulation to maintain public peace. However, law enforcement officers in the field instead used the regulation to stifle citizens' freedom of expression. This dangerous situation has triggered a deterrent effect that undermines Indonesia's constitutional democratic climate. The lack of operational definitions for phrases has given rise to formulations of norms that are open to multiple interpretations. This textual ambiguity allows police investigators to freely interpret criminal regulations. A normative juridical approach proves that this outdated regulation fails to meet the principle of legal certainty (Dan et al., n.d.). The state has also proven to have failed to guarantee the public's right to express opinions digitally. Legislators should formulate criminal

policies that prioritize human rights protection systematically and logically based on progressive legal theory.

The use of manipulative phrases creates collective fear in society. The public has begun to limit its ability to provide critical input on government agencies' work programs. This social phenomenon demonstrates that outdated laws are no longer relevant to the dynamics of contemporary legal protection needs. The government is obliged to restore the function of digital space as a secure and conducive means of social interaction (Anjani, 2024). The Constitutional Court firmly responded to this serious issue through Decision Number 115/PUU-XXII/2024. Constitutional judges limited the interpretation of the mandatory phrase to purely physical disturbances. Law enforcement lost the legal basis for criminalizing critical public opinion. Normative legal studies confirm that this decision revitalizes the principle of legal certainty. The state recognizes the excitement surrounding cyberspace as a manifestation of citizens' freedom of thought. Judges promised to investigate for evidence of material damage before applying this criminal article. The Constitutional Court's proactive steps protect democratic principles from the threat of new-style authoritarianism. This important jurisprudence aligns national economic standards with international human rights protection norms. The public is again assured of security while boldly monitoring the performance of state administrators. Indonesia finally has an electronic criminal law system that is rational, systematic, just and fully respects the dignity and freedom of all digital layers of today's society (Dame & Law, 2025). The escalation of cases of criminalization of digital expression in Indonesia is presented in depth in Table 1.

Table 1. Trends in Cases of Violations and Criminalization of Digital Freedom of Expression in Indonesia.

Period	Number of Cases / Reported	Forms of Violation / Main Issues
2013–2021	393 Victims	Widespread application of the rubber articles of the ITE Law
2022	302 Incidents	Digital attacks on public accounts and activists
2023	124 People Reported (Up 15.9%) & 323 Digital Attacks	Politically motivated criminalization ahead of the 2024 elections
First Quarter 2024	30 Cases (52 Reported)	Criminalization related to election issues and

		policy criticism
Second Quarter 2024	48 Cases (45 Victims)	Escalation of criminalization of citizens and critics
Total 2024	146 Cases (170 Victims)	Use of the ITE Law as a strategic lawsuit (SLAPP)

Source: Secondary Data Processed from SAFEnet Report in Research Document (2025)

The data in Table 1 confirms that problematic norms in the ITE Law are often used as Strategic Lawsuits Against Public Participation (SLAPPs) to silence public criticism. Law enforcement officials frequently equate noisy opinions, heated debates, or high levels of netizen attention on social media with "*riots*" (Kitab & Pidana, 2025). This expansive interpretation threatens citizens' constitutional right to express opinions, as guaranteed by Article 28E of the 1945 Constitution.

Ratio Decidendi of Constitutional Court Decision No. 115/PUU-XXII/2024: Textual and Conceptual Interpretation of the Meaning of "*Riots*"

Case No. 115/PUU-XXII/2024 filed by Jovi Andrea Bachtiar, S.H. was decided simultaneously with Case No. 105/PUU-XXII/2024 on Tuesday, April 29, 2025. The Constitutional Court, in its ruling, stated that the term "*riot*" in Article 28 paragraph (3) and Article 45A paragraph (3) of the ITE Law is conditionally unconstitutional. This norm is only constitutional if interpreted purely as a condition that disrupts public order in the physical space, not in the digital or cyber space.

The *Ratio Decidendi* constructed by the panel of constitutional judges rests on two solid pillars of legal argument:

1. The Principle of Legality of Criminal Law (*Lex certa* and *Lex Stricta*) In criminal law, the principle of legality requires that every criminal act be clearly formulated (*lex certa*) and strictly interpreted (*Lex Stricta*). The Court emphasized that law enforcement must not expand the meaning of "*riot*" to include the dynamics of discourse in cyberspace. The boisterousness of online arguments or differing views constitutes freedom of expression, not a criminal offense.
2. Protection of Freedom of Expression Based on ICCPR Standards The judge's legal considerations refer to the state's obligation to protect freedom of expression as stipulated in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Restrictions on freedom of expression must meet strict requirements: be regulated by clear law, have a legitimate aim, be proportionate,

and be absolutely necessary in a democratic society (Purba et al., 2026). The unrestricted interpretation of the phrase "*riot*" in cyberspace has been proven to violate these restrictive criteria.

To clarify the shift in legal construction before and after the issuance of Constitutional Court Decision No. 115/PUU-XXII/2024, a comparison of legal criteria is presented in Table 2.

Table 2. Comparison of Legal Construction of the Phrase "*Riot*" Before and After Constitutional Court Decision No. 115/PUU-XXII/2024.

Analysis Parameters	Prior to Constitutional Court Decision No. 115/PUU-XXII/2024	After the Constitutional Court Decision No. 115/PUU-XXII/2024	Legal Implications and Consequences
Locus of Event	Unlimited (covers physical space and cyberspace)	Absolutely limited to physical space (real world)	Closing the opportunity for criminalization of debates on social media.
Form of Disorder	The hubbub of opinions, viral debates, netizens' commotion	Physical damage, violence, actual disturbance of order	Rejecting the notion that the proliferation of digital opinion is a criminal act.
Standard of Proof	Subjektif (cukup membuktikan there is online commotion)	Objective (must prove) dampak fisik real in the field)	Demand that investigators provide evidence of measurable material impact.
Principle Conformity	Violates the principles of <i>lex certa</i> and <i>Lex Stricta</i>	Fulfills the principles of <i>lex certa</i> and <i>Lex Stricta</i>	Restoring legal certainty in the formulation of criminal norms.

Source: Research Synthesis Process Results (2026)

CONCLUSION

This study examines the *Ratio Decidendi* of the Constitutional Court in Decision Number 115/PUU-XXII/2024 regarding the phrase "riot" in Article 28 paragraph (3) and Article 45A paragraph (3) of the Electronic Information and Transactions Law. Based on the formulation of the problem and the objectives of the study, the Constitutional Court responded to the legal ambiguity by declaring the phrase conditionally unconstitutional. The judge emphasized that the element of "riot" is only fulfilled if the disruption of general consistency occurs in real physical space, not through the delivery or noise of opinions in cyberspace. This legal consideration is based on the principles of criminal law legality (*lex certa* and *Lex Stricta*) and the standards for protecting freedom of expression under the International Covenant on Civil and Political Rights (ICCPR). The main contribution of this study lies in mapping the legal reasoning framework that successfully closes the gap in criminalization based on *Strategic Lawsuit Against Public Participation* (SLAPP) while providing preventive guidelines for the enforcement of cyber criminal law and preparation for the implementation of the National Criminal Code.

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