



Reconstruction of regulations for freedom of expressing opinions in public based on the principles of democracy and the values of justice

Sunardi^{1*}, Gunarto², Sri Endah Wahyuningsih²

¹ Doctorate Student, Faculty of Law Sultan, Agung Islamic University, Semarang, Indonesia

² Faculty of Law Sultan, Agung Islamic University, Semarang, Indonesia

Abstract

Expressing opinions in public is one of the human rights guaranteed in the constitution and laws and regulations in Indonesia. Various ways can be done to express opinions in public, including demonstrations, but in reality, in the implementation of expressing opinions in public, there are several problems, especially elements of upholding democratic principles and the value of justice. This study examines and analyzes 3 (three) main problems including (1) KMPDU Regulations as a Form of Implementation of Democratic Principles in Indonesia Currently Not yet Based on Justice Values; (2) Weaknesses of the KMPDU Regulation as the Implementation of the Principles of Democracy Not yet Based on the Current Value of Justice; (3) Reconstruction of KMPDU Regulations as a Form of Implementation of the Principles of Democracy Based on Justice Values. This research is qualitative research, with a socio-legal approach, descriptive analysis, using primary data and secondary data. The results of this study indicate that (1) the Regulation on Freedom of Expressing Opinions in Public as a Form of Implementation of Democratic Principles in Indonesia is currently not based on the Value of Justice, regarding the sound of the principle of balance from Article 3 of Law Number 9 of 1998 concerning Freedom of Expressing Opinions in Advance. The general public has not provided a balance between those who express opinions and those who receive submissions of opinions. (2) Weaknesses of the Regulation on Freedom of Expression of Opinions in Public as the Implementation of the Principles of Democracy Not yet Based on the Values of Current Justice, is to give freedom to the party receiving the submission of an opinion to meet, allow and refuse to conduct deliberations with the party expressing the opinion, so that the five principles regulated in Article 3 of Law Number 9 of 1998 concerning Freedom to Express Opinions in Public, are not fulfilled and even ignored. (3) Reconstruction of the Regulation on Freedom to Express Opinions in Public as a Form of Implementation of the Principles of Democracy Based on the Value of Justice, is to reconstruct the values and norms of Article 3 of Law Number 9 of 1998 concerning Freedom to Express Opinions in Public with the values contained in Pancasila so that the principle of balance as regulated in Article 3 reflects the principle of balance originating from the values of Pancasila.

Keywords: expressing opinions, independence, reconstruction, regulation

Introduction

Expressing opinions in public or demonstrations or known as demonstrations, is a form of freedom of opinion by every individual since birth which has been guaranteed by the constitution. This is as regulated in the constitutional basis, namely Article 28 E paragraph (5) which states that "Everyone has the right to freedom of association, assembly, and expression".

There are various ways to express opinions in public. This can be done by using written media or using other media and moving together while expressing their demands in public places. Freedom to express opinions in public serves as a means of encouraging democratic citizens based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Siregar, 2021) ^[1].

Demonstrations are a manifestation of the democratic process as regulated in Article 1 number (3) of Law no. 9 of 1998 concerning the Freedom of Expressing Opinions in Public which states that "A demonstration or demonstration is an activity carried out by one or more people to express thoughts verbally, in writing, and so on in a demonstrative public manner.

The term "demonstration" is almost in line with the term "political protest" carried out by a person or group of people in a public space. Until entering the 21st century, the changes in the political order that occurred in Indonesia could almost be paralleled with the dramatic changes in government regimes, for example from a foreign government to the government of the Republic of Indonesia, from the old order to the new order, and the new government to the reform order.

As an embodiment of democracy, demonstrations have been carried out and permitted by governments in developed and developing countries. Almost all the capital's newspapers are full of news about various demonstrations. As an illustration (between the second and third week of November 2008) it was reported in the

mass media that the former president of Taiwan, accused of corruption, staged a hunger strike against the court and the ruling political regime. Demonstrations in the form of hunger strikes, not only by the former president of Taiwan but also by many, such as Mahatma Gandhi's hunger strike on September 16, 1932, in Yerovda prison, Bombay, India, the Bobby Sands hunger strike from the Republic of Ireland, who starved to death in Long Kesh in 1981, hunger strike Marwan Barghouti, Palestinian politician, who led the hunger strike on 17 April 2017 (Tirto. Id, 2020) ^[2].

Indonesian state itself has carried out many demonstrations through hunger strikes, including The hunger strike carried out by the Indonesian Online Independent Driver Front in front of the Grab Yogyakarta Office since Tuesday (22/10/2019) ending on Saturday (26/10/2019). Several participants who held a hunger strike were rushed to the hospital because they were critical (Jogja Suara, 2020) ^[3].

A hunger strike has also occurred in Banyuwangi, namely the hunger strike of 12 residents of Pesanggaran Subdistrict, Banyuwangi Regency who took a hunger strike in front of the East Java Governor's Office, on Jalan Pahlawan, Surabaya, Monday (24/2). This is a follow-up action to Cycling from Banyuwangi to Surabaya, demanding the revocation of the Mining Business Permit (IUP) of the gold mining company in Banyuwangi (VOA Indonesia, 2020).

From a sociological perspective, demonstrations are a normal part of the dynamics of a changing society. From historical records in Indonesia, especially in Javanese society, it has been shown that in royal and feudal societies, such as was found in the era of the Demak kingdom to Mataram (1618th century), there was a known "expression of demonstration" in the form of tapa Pepe. The more advanced a society, the more diverse "express demonstrations" will be, such as hunger strikes to bombing or vandalizing public places. Demonstrations are also an important instrument for the community in channeling their concern for the implementation of national development, especially when the results and development process are deemed not in line with the constitutional mandate (Pranadji, 2008) ^[5].

Demonstrations that have led to the destruction of public facilities have recently occurred in the case of demonstrations against Law no. 11 of 2020 concerning Job Creation on October 5, 2020. The demonstrators carried out demonstration activities that we're disorganized and classified as anarchic. It is proven that demonstrators hold demonstrations or demonstrations without heeding the laws and regulations of the Unitary State of the Republic of Indonesia which regulates the procedure for expressing opinions. This can be seen when the demonstrators hold demonstrations accompanied by the destruction of public facilities. However, the destruction of public facilities cannot be justified with the purpose of any defense by demonstrators. Demonstrators destroy universal facilities to make their complaints heard and also wanting to cancel the ratification of Law no. 11 of 2020 concerning Job Creation. Demonstrators are proven to have carried out the violations contained in the Criminal Code Articles 406 and 407 concerning Disturbing and Destroying Objects (Dwiyanti, Budiarta, and Widyanara, 2021) ^[6].

The police were not spared by the demonstrators' attacks, because the police were allegedly obstructing demonstration activities. Police officers have full authority to secure the course of special demonstration activities. This authority rests based on PROTAP/1/X/2010 concerning Overcoming Anarchy and PERKAP No. 1 of 2009 concerning the Use of Force in Police Action (Dwiyanti, Budiarta, and Widyanara, 2021) ^[6].

The destruction and destruction that often occurs in the community is caused by differences in understanding which often interfere with the safety and comfort of the community. Destruction and destruction are regulated in Article 406-412 of the Criminal Code. In the case of tampering, the article used is by the provisions of Article 406 of the Criminal Code which stipulates that a person who unlawfully destroys or damages something belonging to another person is subject to a maximum imprisonment of two years and eight months. Specifically, regarding the crime of destroying public facilities, it is regulated in Article 170 of the Criminal Code (KUHP), in which it is expressly stated that "Whoever in public together commits violence against people or goods, is sentenced to a maximum imprisonment of five years. year and six months". In the judicial process, evidence is a problem that has a very important role in the trial process, because it is with this evidence that the fate of the defendant is determined (Subagyo and Syahriar, 2020) ^[7].

The anarchic demonstrations in Indonesia in 1998 prompted the government to enact Law no. 9 of 1998 concerning Freedom to Express Opinions in Public (UU-KMPMU), the number of participants in the demonstration was much smaller, but it gave birth to anarchism in the form of robbery, looting and burning and even claimed lives and raped. According to the author's observations, the occurrence of anarchism in demonstrations was due to the obstruction of communication channels between the demonstration participants and those who were being demonstrated, or the party being protested was not willing to meet the demonstration participants.

Article 3 of Law no. 9 of 1998 concerning Freedom of Expression of Opinions in Public states that the implementation of freedom of expression in public must fulfill several principles, namely the principle of balance between rights and obligations, the principle of deliberation and consensus, the principle of legal certainty and justice, the principle of proportionality, and the principle of benefit. These principles form the basis for the freedom to be responsible for the expression of opinions in public. The principles referred to are only applied to participants and the police as a security party in the implementation of freedom to express opinions in public, but in the 20 articles regulated in the law, there is not a single article that regulates parties who are demonstrated in the implementation of freedom to express opinions. in public, whether arranged or not arranged to meet and answer the party who demonstrated it. Thus, the five principles of implementing the freedom to

express opinions in public are only applied and intended for participants and the police as security forces, not for those who are demonstrating. Therefore, this study carries the title "Reconstruction of Regulations on Freedom of Expressing Opinions in Public as a Form based on the Principles of Democracy and the Value of Justice".

Based on the background of the problem above, this research contains the following 3 (three) problem formulations:

1. Why is the regulation on the freedom to express opinions in public as a form of implementing democratic principles in Indonesia is not currently based on the value of justice?
2. What are the weaknesses of the regulation on freedom of expression in public as an application of democratic principles that are not based on the values of justice?
3. How is the reconstruction of the regulation on the freedom to express opinions in public as a form of implementing the principles of democracy based on the value of justice?

Method of Research

This study uses a constructivist legal research paradigm approach. The constructivism paradigm in the social sciences is a critique of the positivist paradigm. According to the constructivist paradigm of social reality that is observed by one person cannot be generalized to everyone, as positivists usually do.

This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a certain phenomenon or event.

The approach method in research uses a method (*socio-legal approach*). The sociological juridical approach (*socio-legal approach*) is intended to study and examine the interrelationships associated in real with other social variables (Soekanto, 1984) [8].

Sources of data used include Primary Data and Secondary Data. Primary data is data obtained from field observations and interviews with informants. While Secondary Data is data consisting of:

1. Primary legal materials are binding legal materials in the form of applicable laws and regulations and have something to do with the issues discussed, among others in the form of Laws and regulations relating to the freedom to express opinions in public.
2. Secondary legal materials are legal materials that explain primary legal materials.
3. Tertiary legal materials are legal materials that provide further information on primary legal materials and secondary legal materials.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

Research Result and Discussion

1. Reasons for the Regulation of The Freedom to Express Opinions in Public as a Form of Implementation of the Principles of Democracy not yet Based on the Value of Justice

Freedom of expression in public is one of the human rights. This has also been regulated in several international convention instruments which are used as a source of international law by several countries. *The International Bill of Human Rights* is a term used to refer to 3 (three) main international human rights instruments along with an *optional protocol* designed by the United Nations (UN). The three instruments include the *Universal Declaration of Human Rights*; the *International Covenant on Civil and Political Rights*; and the *International Covenant on Economic, Social, and Cultural Rights*. Freedom of expression is a human right and needs that need to be guaranteed and needs to be upheld by everyone. Freedom of expression can also be exercised through all media. Furthermore, *Article 20 Universal Declaration of Human Rights* states that: (1) *Everyone has the right to freedom of peaceful assembly and association*; (2) *No one may be compelled to belong to an association*. Everyone has the right to assemble and associate peacefully without any element of violence. In an association or union, of course, there is an exchange of ideas either through writing or orally. For example in discussion groups, people have the freedom to participate or not. Participating or not participating in an association is the freedom of opinion for everyone. Thus, *Article 19 and Article 20 Universal Declaration of Human Rights* go hand in hand in guaranteeing freedom of expression. Through the *Universal Declaration of Human Rights*, countries are encouraged to guarantee and at the same time limit the freedom of every citizen through national laws and regulations. Every individual is obliged to comply with applicable laws. Meanwhile, the state is obliged to guarantee the human rights of its citizens based on the guidelines for fulfilling fair requirements in terms of morality, order, and the general welfare in a democratic society, and in line with the objectives and principles of the United Nations. The constitutional basis of the State of Indonesia has regulated the freedom to express opinions in public through Article 28E paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which states that: *has the right to freedom of belief, expression, attitude, according to his conscience*; (3) *Everyone has the right to freedom of association, assembly, and expression*". Then Article 28F of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) also regulates the media in communication, this can be seen through the substance of Article 28F which states that *"Everyone has the right to communicate and obtain information for personal and environmental development*.

social status, and has the right to seek, obtain, possess, store, process and convey information by using all available channels”.

Freedom of expression as regulated in the constitution must deal with restraints through the existence of Law No. 11 of 2008 concerning Electronic Information and Transactions as amended to Amendment Law No. 19 of 2016 concerning Electronic Information and Transactions. "The birth of the law means that the virtual world/internet which is one of the instruments in expressing the freedom of thought and opinion is no longer a free medium (developing thoughts, opinions and expressing criticism) because it has been restrained by undemocratic legal rules.

The rules regarding prohibited acts through electronic media are contained in Article 27 paragraph (2), paragraph (3), and paragraph (4) as well as Article 28 of Law No. 11 of 2008 concerning Information and Electronic Transactions as has been changed into Law Amendment Number 19 of 2016 concerning Information and Electronic Transactions which contains the following: "(2) Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates morality ; (3) Any person who knowingly and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing insults and/or defamation; (4) Any person who knowingly and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing extortion and/or threats.

The articles that attract the most attention in the ITE Law are Article 27 paragraph (3) and Article 28 paragraph (2) of the ITE Law, which has become the most effective instruments to silence freedom of opinion and expression on the internet. Moreover, with the threat of a sentence of six years in prison, referring to the provisions of Article 21 of the Criminal Code, investigators can immediately detain someone suspected of committing a crime.

As a result, in many cases, just because of a trivial post on social media, a person must be deprived of their civil liberties by being detained, the existence of a defamation article in the ITE Law has created a chilling effect on freedom of opinion and expression in Indonesia so that the public becomes worried about expressing his opinion freely.

Based on the data obtained, there were 285 violations of the ITE Law from 2007 to 2019, with the Reporting Parties including the following professions (Kusumo et al, 2021):

- a. Public officials, agencies, and security, with the number of cases by 38%.
- b. Lay reporting with the number of cases by 29%.
- c. Professional circles, with the number of cases by 27%.
- d. Entrepreneurs, with a 5% number of cases.

Restrictions on freedom of expression in the ITE Law are seen as frightening the public when expressing their aspirations because indirectly every social media user has the potential to become a suspect in defamation, which is considered very subjective. According to Anggara, an ICJR researcher, the ITE Law accommodates the government's interest so that people's critical attitudes are curbed and give the government too many new powers. According to him, defamation in Article 27 paragraph (3) is seen as a rubber article, has multiple interpretations, and is easily misused. Many cases have ensnared the public because they complained about the conditions they experienced on social media and were charged with insults and/or defamation (Julianja, 2018).

These are some of the reasons why the values of justice and democratic principles in terms of freedom of expression in public are still not included because several regulations, especially those contained in the Law on Information and Electronic Transactions, still cause ambiguity or rubber articles. As a result, this has resulted in restrictions on freedom of expression for the general public.

2. Weaknesses of the Regulation of The Freedom of Expressing Opinions in Public as the Application of Democratic Principles that are Not Based on Justice Values

Legal System Theory by Lawrence M. Friedman states that an ideal legal system must fulfill 3 (three) components including components of legal substance, structure law, and legal culture. The legal substance component includes legal rules, norms, and real human behavior patterns that are in the system, including the products produced by people in the legal system, including the decisions they issue or the new rules they make. Regarding this matter, Lawrence M. Friedman, stated as follows "*Substance is what we call the actual rules or norms used by institutions, (or as the case may be) the real observable behavior patterns of actors within the system.* (Soekanto, 1984) ^[8].

The linkage of one of the elements in the Legal System Theorie conveyed by Friedman, namely the legal substance that can be linked to Article 3 of the Law on Freedom of Expressing Opinions in Public is not interpreted as a principle of balance, because each party, whether it is the party expressing an opinion in public In public, as well as parties addressed by those who express opinions in public are also given the freedom to accept, reject or allow parties who express opinions.

By granting independence to the party addressed by the party expressing the opinion to reject or accept the submission of opinions in public as a balance between rights and obligations, this provision eliminates other principles, namely the principle of deliberation and consensus; the principle of legal certainty and justice; the principle of professionalism; and the principle of benefit. The substance of Article 3 of the UU-KMPMU in the perspective of Legal Culture (*Legal Culture*) which provides equal independence to guests (who express

opinions in public) who are given the freedom to express opinions in public, with the host party (who is visited by those who express opinions). in public) which is given the freedom to accept, reject or allow the guest, is not by the humanist and religious Indonesian culture, namely the guest is a king who must be respected.

TRE survey 2008 indicated Indonesia's healthy growths in various sectors involved in mobile phone, fixed-line, mobile broadband, and Internet sector for the market share. It would increase competitive advantages to the user regards the tariff regulation, quality of service, and interconnectivity. In addition to the improvement of infrastructure, cyberlaw adoption should contribute positively to enhancing the industry confidence and minimizing anti-competition. The Indonesian execution process of cyberlaw in the court also involves the 'not guilty presumption' principle, so the familiar proof relates to a description by accused, witness, expertise, as well as letter and guidance should be included as well in the process. Digital evidence, *locus delicti*, *tempus*, concept, content, and context are the key components of UU ITE that should be observed, somehow, they could lead to the disaster. Meanwhile, another practical weakness that can be found is there's no implicit rule to make it compulsory for Internet entrepreneurs such as *warnet* (The Local Term for Internet Cafe) to own data mart system whereas if certain people have done something illegal in *warnet*, then sentence imposed to its management; it brings another problem to the enforcement of cyberlaw. Besides that, personal data protection (PDP) has not been considered by the government, many companies spy on their employee or distribute user data to another third party without user rights as well as many definitions need to be explained in detail, it's not the bad weakness to be ashamed of cause some countries have also that problem as well like Maldives (Shakeel and Broujerdi, 2010) ^[11].

3. Reconstruction of the Independence Regulation Expressing Opinion in Public as a Form of Application of the Principles of Democracy Based on the Values of Justice

Some countries have provisions on freedom of expression in public, one of them in Malaysia. The Malaysian Constitution regulates human rights in Chapter II on fundamental freedoms found in Article 9 of Human Rights. The range of such rights starts with the right to personal liberty, prohibition of servitude and forced labor, protection from retrospective criminal law, and repeated trials. Malaysia adopts the same attitude where this right is not a ticket to free speech. Dow Jones Publishing vs AG (1989) 2 MLJ 385 case is a testimony to this where it was held that the right of access to information is not part of constitutionally guaranteed right (Noor, 2020).

Furthermore, the right to freedom of expression is regulated in the Malaysian Constitution in article 10 paragraph 1. Which reads "(a) Every citizen has the right to free speech and expression, (b) All citizens have the right to assemble peacefully and unarmed".

The right to freedom of expression in the legislation in Malaysia does not find rules about it specifically such as Law No. 9 of 1998 on Freedom of Expression in Public. The author finds that the guarantee of the Malaysian Constitution on the right to freedom of expression spread to various laws. Among the related laws, Law Number 15 of 1948 on Sedition, Law Number 30 of 1971 on Colleges and Universities, Law Number 82 of 1960 on Internal Security, Law Number 296 of 1958 on Public Order, Law Number 301 of 1984 on Printing and Publishing, and Law Number 344 of 1967 on the Police. The consistency of the substance of the legislation in Malaysia can be an input for Indonesia in reconstructing regulations on freedom of expression in public. Provisions on freedom of expression in public contained in Article 3 of Law No. 9 The 1998 on Freedom of Opinion in Public does not apply the principle of balance. The provision contains the element of giving independence to the demonstrators and the demonstrators, where the demonstrators have the freedom to accept the protesters by meeting and calling for dialogue to negotiate for consensus, or freedom to let the demonstrators in place by leaving to elsewhere, in another sense, ignoring and refusing to meet the protesters. Such independence has implications with the collision of other principles regulated and enshrined in Article 3 of UU-KMPMU, due to the substance of the law which is not clear legal political direction, and far from the values of justice Pancasila, besides it is not impossible to create disharmony between regulations one legislation with another legislation. Ignoring the Pancasila values contained in the legal substance of Article 3 of UU-KMPMU, the legal structure, in this case, should be the House of Representatives of the Republic of Indonesia (DPR-RI) to reconstruct the article, which is appropriate, in line and respects the noble values contained in Pancasila as the ideology of the State that must be upheld, and embody every law made by the House of Representatives is not based on the configuration of political parties in parliament that existed when the Bill was discussed, should not even be used as a basis to protect certain parties, either it is the legislator and other parties who benefit if the law is enacted.

Article 3 of UU-KMPMU related to the principle of balance in freedom to express opinions in public, has weaknesses and contains injustice, so the article needs to be reconstructed because it is not by the values of Pancasila as set out in the fundamental rules of the state (Opening of the 1945 Constitution).

Fig 1: Following is the table of Reconstruction of Article 3 of Law Number 9 of 1998 concerning Freedom to Express Opinions in Public

Before Reconstruction	Weaknesses of Article	After Reconstruction
Article 3 UU-KMPMU concerning To convey opinions in public is carried out based on:	The weakness of Article 3 of the UU-KMPMU, is that letter is ambiguous a, regarding the principle of balance	Article 3 UU-KMPMU concerning: convey opinions in public is carried out based on:

<ul style="list-style-type: none"> a. The principle of balance between rights and obligations; b. The principle of deliberation and consensus; c. The principle of legal certainty and justice; d. The principle of professionalism; and e. e. The principle of benefit. 	<p>between rights and obligations, who has rights and who has obligations, because in its implementation both those who express opinions and those who are intended to receive opinions, only use their right to accept or reject demonstration participants, so this is the key to anarchy.</p>	<ul style="list-style-type: none"> a. The principle of balance between the rights and obligations of those who express opinions and those who are intended for conveying opinions; b. The principle of deliberation and consensus; c. The principle of legal certainty and justice; d. The principle of professionalism; and e. e. The principle of benefit.
<p>Explanation of Article 3 UU-KMPMU</p> <p>Letter a Sufficiently clear</p> <p>Letter b Sufficiently clear</p> <p>Letter c Sufficiently clear</p> <p>Letter d What is meant by "principle of proportionality" is the principle that puts all activities by the context or purpose of the activity, whether carried out by citizens, institutions, as well as government officials, which are based on individual ethics, social ethics, and institutional ethics.</p> <p>Letter e Sufficiently clear</p>	<p>The explanation of Article 3 of the UU-KMPMU is not clear enough, so it needs to be reconstructed.</p>	<p>Elucidation of Article 3 UU-KMPMU</p> <p>Letter a "The principle of balance between rights and obligations" is the principle of laying a balance for those who express opinions and those who receive opinions. Parties who express opinions have the right freely to express their opinions and are obliged to maintain human rights;</p> <p>The party to whom the opinion is submitted is obliged to accept the party who conveys the opinion to fulfill the principles of deliberation and consensus and is entitled to proportional and professional protection from the state.</p> <p>Letter b Sufficiently clear</p> <p>. Letter c. Sufficiently clear</p> <p>. Letter d. What is meant by the "principle of proportionality" is the principle that puts all activities by the context or purpose of the activity, whether carried out by citizens, institutions, or government officials, which are based on individual ethics, social ethics, and institutional ethics.</p> <p>Letter e Self-explanatory</p>

In addition to the article above, about Article 10 paragraph (3) regarding the notification time for the delivery of opinions in public, it would also have to be reconstructed, in connection with the 2 X 24 hours being too short for the security forces to prepare security forces as well as notification and seek the protestors to be able to accept the protestors who will express their opinions, presumably 15 (fifteen) days as is the case in Malaysia, can be used as a reference because 15 days is a long enough time to be able to mediate between those who will present their opinions with the party to be protested.

Conclusion

Based on the discussion above, it can be concluded that:

Independence in Expressing Opinions in Public has not provided a balance between those who express opinions and those who receive opinions.

Weaknesses of the Regulation on the Independence of Public Opinion As an Application of the Principle of Democracy Not Based on the Values of Justice Today, is to give freedom to those who receive opinions to meet, allow and refuse to consult with those who express opinions, so the five principles set out in Article 3 of Law Number 9 of 1998 on Freedom to Express Opinion in Public, is not fulfilled or even ignored.

Reconstruction of the Regulation of Independence of Public Opinion as a Form of Application of the Principles of Democracy Based on the Values of Justice, is to reconstruct the values and norms of Article 3 of Law Number 9 of 1998 on Independence of Public Opinion, namely reconstructing the values of independence of public opinion in the public eye with values that are by the values contained in Pancasila so that the principle of equilibrium outlined in Article 3 reflects the principle of equilibrium derived from the values of Pancasila.

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