



**DEMOCRACY AND HUMAN RIGHTS PERSPECTIVE ON THE ARTICLE ON  
INSULTING PRESIDENT AND VICE PRESIDENT IN LAW NUMBER 1 OF 2023  
CONCERNING CRIMINAL CODE**

**UNDERGRADUATE THESIS**

**Submitted as one of the requirements to obtain Sarjana Hukum**

**By:**

**Jeane Kellysia Merary**

**017202000004**

**FACULTY OF HUMANITIES**

**LAW STUDY PROGRAM**

**CIKARANG**

**MAY 2023**

## **PANEL OF EXAMINER**

The Panel of Examiners declare that the undergraduate thesis entitled “**Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**” that was submitted by Jeane Kellysia Merary majoring in Law from the Faculty of Humanities was assessed and approved to have passed the Oral Examination on 29 May 2023.

### **Panel of Examiner**



Dr.Dra. Fennieka Kristianto, S.H., M.H., M.A., K.Kn.

### **Examiner I**



Handa S. Abidin, S.H., LL.M., Ph.D.

### **Advisor**

## STATEMENT OF

In my capacity as an active student of President University and as the author of the undergraduated thesis/final project/business

Name : Jeane Kellysia Merary

Student ID number : 017202000004

Study Program : Law Study Program

Faculty : Humanity

I hereby declare that my thesis/final project entitled “**Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**” is, to the best of my knowledge and belief, an original piece of work based on sound academic principles. If there is any plagiarism detected in this undergraduated thesis/final project/business plan, I am willing to be personally responsible for the consequences of these acts of plagiarism, and will accept the sanctions against these acts in accordance with the rules and policies of President University.

I also declare that this work, either in whole or in part, has not been submitted to another university to obtain a degree.

Cikarang, 30 May 2023



Jeane Kellysia Merary

## SCIENTIFIC PUBLICATION APPROVAL FOR ACADEMIC INTEREST

As an academic community member of the President's University, I, the undersigned:

Name : Jeane Kellysia Merary

Student ID number : 017202000004

Study program : Law Study program

for the purpose of development of science and technology, certify, and approve to give President University a non-exclusive royalty-free right upon my final report with the title :

**Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**

With this non-exclusive royalty-free right, President University is entitled to converse, to convert, to manage in a database, to maintain, and to publish my final report. There are to be done with the obligation from President University to mention my name as the copyright owner of my final report.

This statement I made in truth.

Cikarang, 30 May 2023



Jeane Kellysia Merary

## ADVISOR'S APPROVAL FOR PUBLICATION

As a lecturer of the President University, I, the undersigned:

Advisor's Name : Handa S. Abidin, S.H., LL.M., Ph.D.

NIDN                    0301058504

Study program    : Law Study Program

Faculty             : Faculty of Humanities

declare that following thesis:

Title of undergraduate thesis : **Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**

Undergraduate Thesis author : Jeane Kellysia Merary

Student ID number                017202000004

will be published in **journal** / **institution's repository** / **proceeding** / **unpublish**  
/  
(underline one that applies)

Cikarang, 30 May 2023



**Handa S. Abidin, S.H., LL.M., Ph.D**

## ANTI - PLAGIARISM

### Turnitin-Jeane4

#### ORIGINALITY REPORT

<b>13%</b> SIMILARITY INDEX	<b>12%</b> INTERNET SOURCES	<b>9%</b> PUBLICATIONS	<b>2%</b> STUDENT PAPERS
--------------------------------	--------------------------------	---------------------------	-----------------------------

#### PRIMARY SOURCES

<b>1</b>	<a href="http://jurnal.radenfatah.ac.id">jurnal.radenfatah.ac.id</a> Internet Source	<b>3%</b>
<b>2</b>	<a href="http://jurnalius.ac.id">jurnalius.ac.id</a> Internet Source	<b>2%</b>
<b>3</b>	Robinsius Asido Putra Nainggolan. "Comparasion Of Insult Regulation Towards President/Vice President In The Decree of The Constitutional Court", Constitutionale, 2021 Publication	<b>2%</b>
<b>4</b>	<a href="http://jurnal.dpr.go.id">jurnal.dpr.go.id</a> Internet Source	<b>2%</b>
<b>5</b>	<a href="http://jurnal.unissula.ac.id">jurnal.unissula.ac.id</a> Internet Source	<b>1%</b>
<b>6</b>	<a href="http://repository.bakrie.ac.id">repository.bakrie.ac.id</a> Internet Source	<b>1%</b>
<b>7</b>	<a href="http://mediamon.esdm.go.id">mediamon.esdm.go.id</a> Internet Source	<b>1%</b>
<b>8</b>	Submitted to University of New South Wales Student Paper	<b>1%</b>

---

9 Zico Junius Fernando, Pujiyono, Umi Rozah, Nur Rochaeti. "The freedom of expression in Indonesia", Cogent Social Sciences, 2022 <1%  
Publication

---

10 [www.researchgate.net](http://www.researchgate.net) <1%  
Internet Source

---

---

Exclude quotes  On  
Exclude bibliography  On

Exclude matches  Off

## ANTI AI - REPORT



This text is most likely to be written by **a human**  
There is a **0%** probability this text was written by AI

### CHAPTER 1

#### INTRODUCTION

The right to freedom of expression is a very important human right and it is protected as a constitutional right of all Indonesian citizens. [Butje Tampi, "The Controversy over the Inclusion of Article Insulting the President and Vice President In the Upcoming Criminal Code", Journal of Legal Sciences Law, Vol. III, No.9, August 2016, page.1] However, when in practice, the right to express opinions and speech is considered to violate the dignity of the President and Vice President, should one of them be



## ABSTRACT

**Jeane Kellysia Merary**

**Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**

The article on insulting the President and Vice President is an interesting thing to observe and study, after it was declared unconstitutional by the Constitutional Court in Decision Number 013-022/PUU-IV/2006. It turns out that it was reintroduced in the 2019 Draft Law on the Criminal Code (*RUU KUHP*) which has now been ratified on December 6, 2022. Because of the revival of this article, many people in Indonesia think and give opinions that the article on insulting the President and Vice President removes the human rights of speech and democracy in Indonesia. So what if Indonesia has an authoritarian President? From the author's perspective, it is not something to worry about, if the President of Indonesia is authoritarian and the President reports massively on the community, then the legal apparatus will determine as long as it does not insult and defame the President. The purpose of the author writing this research is to find out whether the revival of the article on Insulting the President and Vice President has resulted in the elimination of human rights in opinion and democracy in Indonesia or not. The author use juridical-normative legal research method, this method tends to characterize law as a prescriptive discipline. The result of this research is that the article on insulting the President and Vice President after being declared unconstitutional by the Constitutional Court, it turns out that it is contained in the new Criminal Code is not contradictory or insubordination of the legislator to the Constitutional Court Decision Number 013-022 / PUU-IV / 2006 and the honor, dignity of the President and Vice President are still required to be protected through the provisions of the laws and regulations.

Keywords: Article on insulting the President and Vice President, New Criminal Code,

## ACKNOWLEDGMEN

All thanks and praise be to the Lord Jesus Christ, because of His abundant grace, mercy and great love, the author can finally complete the writing of this thesis in order to fulfill one of the requirements in achieving the Bachelor of Laws Degree at President University.

The title of this thesis writing is:

**Democracy and Human Rights Perspective on the Article on Insulting President and Vice President in Law Number 1 of 2023 concerning Criminal Code**

The author fully realizes that this thesis is still far from perfection because it realizes all the limitations that exist. For this reason, in order to perfect this thesis, the author really needs support and contribution of thoughts in the form of constructive criticism and suggestions. With the completion of this thesis, the author would like to express his deepest thanks to My deepest gratitude to my parents Konner Siregar S.H and Marwary Febrina who have provided love, advice, motivation and physical and mental support and endless prayers to the author and Mr. Handa S. Abidin, S.H., LL.M., Ph.D. as the Advisor who provided direction and guidance with thoroughness from the beginning to the end of the preparation process from the beginning to the end of the process of preparing this thesis. Titi Asmara Dewi, SH., MH as my mentor sources for this Thesis.

May God Almighty always bestow His grace and guidance. Finally, the author hopes that this thesis can be useful, both for the author in particular and for those who need it in general.

Cikarang, 30 May 2023

## TABLE OF CONTENT

<b>PANEL OF EXAMINER APPROVAL</b>	<b>I</b>
<b>STATEMENT OF ORIGINALITY</b>	<b>II</b>
<b>SCIENTIFIC PUBLICATION APPROVAL FOR ACADEMIC INTEREST</b>	<b>III</b>
<b>ADVISOR'S APPROVAL FOR PUBLICATION</b>	<b>IV</b>
ANTI - PLAGIARISM REPORT	V
.	VI
ANTI AI - REPORT	VII
<b>ABSTRACT</b>	<b>VIII</b>
<b>ACKNOWLEDGMENT</b>	<b>IX</b>
<b>CHAPTER 1</b>	<b>1</b>
INTRODUCTION	1
<b>CHAPTER 2</b>	<b>2</b>
RESULT AND DISCUSSION	2
<b>CHAPTER 3</b>	<b>6</b>
CONCLUSION	6
<b>BIBLIOGRAPHY</b>	<b>7</b>