



**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

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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,

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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

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