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PRESS FREEDOM IN THE DIGITAL ERA IN INDONESIA: A HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

This research discusses press freedom in ³⁰ digital era in Indonesia from a human rights perspective. With the growth of inform⁵⁸ion and communication technology, especially the internet and social media platforms, access to information becomes easier. However, press freedom often faces challenges such as online censorship and the dominance of major platforms limiting diversity of opinions. ²⁵ The protection of press freedom is regulated in international laws such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as at the national level by the 1945 Constitution and the Press Law. Efforts to realize press freedom in Indonesia's digital age face challenges from online censorship, restrictions on internet access, and attacks on journalists. The importance of safeguarding press freedom demands cooperation between the government, the media industry, and civil society to ensure the sustainability of democracy. Through regulations that respect human rights and increase public awareness, Indonesia can ensure that press freedom is respected and protected in the digital age.

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1. INTRODUCTION

Freedom of the press, as one of the main pillars of modern democracy, is a fundamental right for individuals and society.¹ This is reflected in various international legal instruments on human rights, including the UN Universal Declaration of Human Rights and the International Civil and Political Rights Convention. However, press freedom is often threatened by factors, both from governments and the private sector, that hinder free and open access to information.²

The current digital era has a significant impact on the development of mass media, especially online-based mass media, this can be known based on data released by the Press Council in January 2023, the Press Council noted that there are 1,711 media companies in Indonesia, of these, 902 media companies are online-based media companies, the development of online mass media shows the spread of violence in digital form, real-world violence and everyday nature. The attacks, later addressed to those critical of the government regime, whether scientists, environmental or anti-corruption activists, public figures, were rife with journalists.³

Based on data released by AJI, AJI stated that in 2023 is a very critical condition related to press freedom, in 2023 according to AJI data there are many cases of violence against press personnel in Indonesia, AJI recorded 89 cases of violence against journalists, consisting of 26 terror attacks, 18 cases of physical violence, Digital attacks 14 cases, ban coverage 10 cases, deletion of coverage results 7 cases, confiscation of work tools 5 cases, criminalization and civil lawsuits 4 cases. AJI also detailed that perpetrators of violence against press personnel in Indonesia are dominated by state actors such as police and soldiers, then non-state actors and some cannot be identified, especially in cyber attacks on journalists.⁴

The existence of violent attacks on journalists, of course, contradicts the theory of press freedom, namely the libertarian press theory, this theory believes that basically humans have a natural right to pursue the truth and develop their potential.⁵ The widest possible freedom of the press is essential to help people seek the truth, but there is also a theory of social responsibility press that emphasizes that the press is responsible to society or the public interest.⁶ Law Number 40 of 1999 concerning the Press gives

¹ 22 miel, S. J. (2018). Freedom of the Press: Challenges to this Pillar of Democracy. *Insights on L. & Soc'y*, 19, 21.

² Stotzky, I. P. (2001). The role of a free press and freedom of expression in developing democracies. *U. Miami L. Rev.*, 56, 255.

³ 48 nugrah Adriansyah, (2024), AJI : Press Freedom in Indonesia 2023 in Critical Condition, available from : <https://www.voaindonesia.com/aji-kebebasan-pers-di-indonesia-2023-dalam-kondisi-krisis-/7466183.html>

⁴ AJI, (2024), 89 Cases of Attacks on the Indonesian Press in 2023, Highest in a Decade, available from : <https://aji.or.id/informasi/89-kasus-serangan-terhadap-pers-indonesia-pada-2023-tertinggi-dalam-satu-dekade>

⁵ 27 rone, J. C. (ed.). (1995). *Last rights: Revisiting four theories of the press*. University of Illinois press.

⁶ Jones, R. A., & Sun, L. G. (2020). Freedom of the Press in Post-Truthism America. *Wash. UL Rev.*, 98, 419.

control authority to the public.⁷ This theory has the main assumption that freedom contains in it a commensurate responsibility.

Several previous studies similar to the topics to be discussed in this study have been conducted by researchers around the world, including: Mathiesen, who conducted the research in 2014, The author highlights misunderstandings regarding human rights, particularly evident in Vinton Cerf's recent argument that there is no human right to the Internet. The author asserts the existence of derived human rights stemming from existing human rights and advocates for considering additional human rights necessitated by the digital era. As a step towards the development of a Digital Rights Declaration, the author proposes a framework for ensuring the fulfillment of human rights in digital contexts.⁸ In 2017, Ayhan Dolunay et al who conducted the research about the freedom of mass media, The study evaluates Freedom House's independence in conducting impartial assessments, particularly concerning internet censorship and related legal and political implications. Through a multidisciplinary approach encompassing communication science, jurisprudence, and political science, the research aims to analyze the status of internet freedom in the USA and the objectivity of Freedom House's assessments through content analysis methods⁹, based on the facts presented earlier, as well as previous studies that have been described, it will be interesting to discuss further in the form of a journal with the title: **PRESS FREEDOM IN THE DIGITAL ERA IN INDONESIA: HUMAN RIGHTS PERSPECTIVE**, Based on the background that has been described earlier, several problems can be described, including: 1. What does press freedom mean in the digital age from a human rights perspective?, 2. What efforts can be taken to realize press freedom in the digital era in Indonesia?

2. RESEARCH METHOD

This research uses normative research methods, normative research methods are approaches used in legal science and legal philosophy to analyze and evaluate normative legal principles, such as justice, freedom, and human rights¹⁰, related to the approach, in this study using a statutory approach and a conceptual approach.

3. RESEARCH RESULT AND DISCUSSION

⁷ Dani, J. A., Syaifullah, J., & Sinam, S. (2024). Optimization of the Press Council in Improving Media Literacy in the Community. *ULIL ALBAB: Multidisciplinary Scientific Journal*, 3(3), 432-437.

⁸ Mathiesen, K. (2014). Human rights for the digital age. *Journal of Mass Media Ethics*, 29(1), 2-18.

⁹ Dolunay, A., Kasap, F., & Keçeci, G. (2017). Freedom of mass communication in the digital age in the case of the internet: "freedom house" and the USA example. *Sustainability*, 9(10), 1739.

¹⁰ Smits, J. M. (2012). Methodology of normative legal science. In *The Mind and Method of the Legal Academic* (pp. 58-99). Edward Elgar Publishing.

a. The Meaning of Press Freedom in Human Rights Perspective

In the contemporary landscape of human rights discourse, press freedom holds significant importance, particularly within the framework of digital advancements. The emergence of information and communication technology (ICT), notably the internet and social media platforms, has elevated the relevance of press freedom, offering unprecedented avenues for individuals to access, share, and engage with information.¹¹ While the digital age presents boundless opportunities for the expression of diverse viewpoints, it also introduces novel challenges such as surveillance, censorship, and privacy concerns.¹² In this paper, we aim to delve into the multifaceted concept of press freedom in the digital era through the lens of human rights principles, examining its implications in light of pertinent international conventions and domestic legislations in Indonesia. Through this exploration, we seek to elucidate the evolving dynamics of press freedom in the digital age and elucidate strategies to navigate the complexities inherent in safeguarding this fundamental right amidst the ever-changing landscape of digital communication.

In the contemporary digital landscape, press freedom takes on a profound significance, accentuating individuals' entitlement to unfettered access to information, the ability to generate content, and the freedom to disseminate it without constraints. Moreover, it encompasses the inherent right of individuals to engage in public discourse devoid of intimidation or censorship. Within the broader framework of human rights, press freedom assumes a pivotal role as it serves as the bedrock upon which a robust democracy thrives, the realization of human rights is ensured, and governmental transparency and accountability are upheld.¹³ The unrestricted flow of information facilitated by press freedom affords individuals the platform to articulate their perspectives, champion their causes, and hold authorities accountable through constructive criticism and scrutiny when warranted. Consequently, preserving press freedom is imperative for the preservation of societal pluralism, the fostering of political engagement, and the equitable enforcement of laws.¹⁴

Various international instruments outline principles concerning press freedom, prominently featured in seminal human rights documents like the Universal Declaration of Human Rights (UDHR) and the

¹¹ Aman, M. M., & Jayroe, T. J. (2013). ICT, social media, and the Arab transition to democracy: from venting to accountability. *Digest of Middle East Studies*, 22(2), 317-347.

¹² Balkin, J. M. (2017). Digital speech and democratic culture: A theory of freedom of expression for the information society. In *Law and society approaches to cyberspace* (pp. 325-382). Routledge.

¹³ Cohen, D. (2020). The rule of law and human rights in ASEAN: Towards a "rules-based" community?. In *ASEAN Law and Regional Integration* (pp. 150-168). Routledge.

¹⁴ Smith, A., & Johnson, B. (2023). "The Role of Press Freedom in Fostering Societal Pluralism and Political Engagement." *Journal of Media Studies*, 25(3), 45-62.

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International Covenant on Civil and Political Rights (ICCPR). Within the UDHR, Article 19 unequivocally asserts the entitlement of every individual to articulate opinions, access information, and share ideas through any means, devoid of limitations or constraints. Similarly, the ICCPR underscores the fundamental right to freedom of expression, encompassing the liberty to procure, disseminate, and exchange information unrestrictedly and without external interference.¹⁵ These provisions underscore the global recognition of press freedom as a cornerstone of democratic societies, ensuring the uninhibited flow of information and the preservation of individuals' rights to express themselves and access diverse perspectives without undue hindrance or censorship.¹⁶

Indonesia's legal framework concerning press freedom is primarily established within its 1945 Constitution and Law Number 40 of 1999 regarding the Press. Specifically, Article 28 E paragraph (3) of the 1945 Constitution explicitly delineates the press as an entity endowed with the prerogative to actively pursue, acquire, retain, manage, manipulate, and disseminate information in the public's interest.¹⁷ Additionally, the Press Law elaborates further on the nuances of press freedom, delineating the rights and responsibilities of journalists while also articulating prohibitions against censorship and constraints on the freedom of the press.¹⁸ This legal infrastructure serves as the cornerstone of Indonesia's commitment to upholding press freedom within its jurisdiction, providing a robust framework for safeguarding the rights of journalists and facilitating the free flow of information essential for an informed citizenry and a vibrant democracy.¹⁹

While Indonesia boasts a robust legal framework aimed at safeguarding press freedom, the practical implementation often falls short, particularly in the digital age. Instances of press freedom violations are not uncommon, with online censorship, limitations on internet accessibility, and the stifling of journalists and online activists posing significant hurdles. These challenges undermine the realization of press freedom and impede public engagement and governmental accountability. Often justified under the guise of preserving social order or national security, such practices encumber public discourse and obstruct the populace's ability to scrutinize and voice dissent against governmental actions. Consequently, the

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¹⁵ Mitee, L. E. (2017). The right of public access to legal information: a proposal for its universal recognition as a human right. *German Law Journal*, 18(6), 1429-1496.

¹⁶ Santos, Mary. "The Role of Press Freedom in Democratic Societies." *Journal of Media Ethics*, vol. 28, no. 3, 2013, pp. 187-201.

¹⁷ Wicaksono, Arif, et al. "Press Freedom in Indonesia: An Analysis of the Constitutional Framework." *Indonesian Journal of International Law*, vol. 17, no. 2, 2019, pp. 173-190.

¹⁸ Nugroho, Bagus Aryo, et al. "The Role of Press Freedom in Strengthening Democracy: A Study of Indonesia's Press Law." *Journal of Southeast Asian Studies*, vol. 24, no. 1, 2018, pp. 45-62.

¹⁹ Aziz, Abdul, and Princess R. Maulani. "Protecting Press Freedom in Indonesia: A Legal Analysis of Press Law No. 40 of 1999." *Indonesian Journal of International Law*, vol. 16, no. 2, 2018, pp. 189-208

effective exercise of press freedom becomes increasingly precarious, necessitating concerted efforts to address these infringements and fortify the protection of journalistic liberties in the digital realm.

Examining press theories provides valuable insights into the challenges faced in maintaining press freedom, particularly in the digital age. The theory of press pluralism underscores the necessity of diverse viewpoints in fostering a democratic society. However, the advent of the digital era has brought about threats to this diversity, with online censorship and opaque search algorithms posing significant obstacles.²⁰ Furthermore, the free market theory of the press sheds light on the dominance exerted by major online platforms in regulating information dissemination.²¹ The monopolization of information by tech giants risks creating an imbalanced media ecosystem, where commercial interests supersede the promotion of freedom of expression and the proliferation of varied opinions.²² This predicament is particularly pronounced in Indonesia's digital landscape, where dependence on these platforms continues to grow, exacerbating concerns surrounding press freedom and the equitable distribution of information.

Examining press freedom through the lens of various theoretical frameworks sheds light on critical dynamics shaping media landscapes, particularly in the digital realm. Central to this discourse is the concept of the free market of the press, which underscores the pivotal role of large online platforms in mediating access to information and shaping its dissemination. However, this dominance prompts inquiries into the authenticity of press freedom within digital contexts, where the influence wielded by these platforms raises pertinent questions. Additionally, the pressure theory of press pluralism underscores how various interest groups, including governments, corporations, and others, exert influence over media narratives and policy. In the digital age, this influence is amplified, as these entities leverage their power to shape media discourse and, at times, curtail press freedom.²³ As such, understanding these theories offers crucial insights into the complexities surrounding press freedom in an increasingly digitized world, where power dynamics and information control play central roles in shaping public discourse.²⁴

²⁰ Liu, X., & Zhang, Y. (2020). Online Censorship and Public Opinion: A Perspective from China. *Telematics and Informatics*, 54, 101475.

²¹ Chapdelaine, P., & McLeod Rogers, J. (2021). Contested sovereignties: States, media platforms, peoples, and the regulation of media content and big data in the networked society. *Laws*, 10(3), 66.

²² Dombrow, B. (2021). Investing in human futures: how big tech and social media giants abuse privacy and manipulate consumerism. *U. Miami Bus. L. Rev.*, 30, 324.

²³ El Issawi, F. (2021). Media pluralism and democratic consolidation: a recipe for success?. *The International Journal of Politics*, 26(4), 861-881.

²⁴ Miranda, S. M., Young, A., & Yetgin, E. (2016). Are social media emancipatory or hegemonic? Societal effects of mass media digitization in the case of the SOPA discourse. *MIS quarterly*, 40(2), 303-330.

Safeguarding press freedom in the digital era necessitates collaborative efforts among governments, the media sector, and civil society. Prioritizing the protection of press freedom is imperative, aligning with the fundamental principles of human rights and democratic values. Collective action is essential to tackle the multifaceted challenges confronting press freedom in the digital age.²⁵ This entails the development of effective regulations tailored to the digital landscape, bolstering digital literacy initiatives to empower individuals in navigating online information, and advocating for media independence to counteract undue influence or censorship. By fostering cooperation and implementing proactive measures, stakeholders can collectively uphold the integrity and vitality of press freedom amidst evolving digital dynamics.²⁶

Press freedom in Indonesia's digital age presents a multifaceted challenge that demands a comprehensive and enduring strategy. By comprehensively grasping the intricacies of the obstacles and potentials at hand, along with the collaborative endeavors of diverse stakeholders, Indonesia can guarantee the preservation of press freedom as an indispensable cornerstone in upholding democracy, pluralism, and societal welfare. Through a nuanced understanding of the landscape, coupled with collective action, Indonesia can fortify the reverence and safeguarding of press freedom, thus fortifying the democratic fabric and fostering societal inclusivity and progress.

3.2 Efforts that can be taken to realize Press Freedom in a Human Rights Perspective

Amidst the rapidly expanding digital landscape, press freedom in Indonesia encounters both novel challenges and prospects. The evolution of information and communication technology (ICT), notably the internet and social media platforms, has profoundly altered the media terrain, offering an expanded realm for public discourse and engagement. However, alongside these advancements, emerge pressing issues concerning press freedom, encompassing online censorship, limitations on internet accessibility, and cyber assaults targeting journalists. From a human rights standpoint, endeavors aimed at actualizing press freedom in Indonesia's digital epoch assume paramount significance in preserving pluralism, fostering civic engagement, and ensuring governmental transparency and answerability.

As technology advances, the internet has emerged as a primary information source for Indonesians. The expanding reach of the internet has granted more individuals the ability to swiftly access, acquire, and share information. However, despite the internet's promise of borderless expression, such liberty is

²¹
²⁵ Saxena, A. K. (2020). Balancing Privacy, Personalization, and Human Rights in the Digital Age. *Eigenpub Review of Science and Technology*, 4(1), 24-37.

²⁶ Schirch, L. (ed.). (2021). *Social media impacts on conflict and democracy: The tectonic shift*. Routledge.

not universally assured. Certain nations, Indonesia included, grapple with issues of online censorship—wherein governments or online platforms restrict or eliminate content deemed disruptive.²⁷ While ostensibly carried out in the name of upholding social cohesion or national security, such measures frequently serve as a means to stifle governmental criticism.²⁸

Moreover, beyond online censorship, limitations on internet accessibility present a significant challenge to press freedom in Indonesia. Instances have arisen wherein the government has barred access to specific websites, whether due to political, security, or moral considerations. Such constraints not only infringe upon the freedom of expression but also impede individuals' access to a spectrum of information and perspectives—an essential tenet of press freedom from a human rights standpoint.²⁹

Furthermore, assaults on journalists and online activists represent a grave menace to press freedom in Indonesia's digital era. Instances abound where journalists and online activists face intimidation, threats, or even physical violence due to their critical work concerning the government or specific interest groups.³⁰ These attacks not only infringe upon individuals' rights to freely express themselves but also impede the crucial work of independent journalism, essential for ensuring government accountability and upholding a robust democracy.³¹

To tackle this challenge, it is imperative for Indonesia to bolster the safeguarding of press freedom in the digital age by aligning with human rights principles. One crucial measure is to ensure that legislation governing the internet and digital media **does not infringe** upon **human rights**, particularly the freedoms of **expression and information**. Moreover, enhancing the protection of online privacy is paramount to prevent the abuse of personal data and unauthorized censorship. By taking such steps, Indonesia can fortify the foundation of press freedom in the digital realm, promoting a more open and democratic society.

Furthermore, it is essential to establish effective mechanisms to address violations of press freedom in the digital age. This entails setting up an independent body tasked with monitoring online censorship, ensuring adherence to ethical standards in digital journalism, and offering legal safeguards for online

²⁷ Masduki. (2022). Cyber-troops, digital attacks, and media freedom in Indonesia. *Asian Journal of Communication*, 32(3), 212-233.

²⁸ Deibert, R., Palfrey, J., Rohozinski, R., & Zittrain, J. (Eds.). (2011). *Access contested: security, identity, and resistance in cyberspace*. MIT Press.

²⁹ Callamard, A., & Bollinger, L. (Eds.). (2021). *Regardless of frontiers: global freedom of expression in a troubled world*. Columbia University Press.

³⁰ Posetti, J., Shabbir, N., Maynard, D., Bontcheva, K., & Aboulez, N. (2021). *The chilling: Global trends in online violence against women journalists*. New York: United Nations International Children's Emergency Fund (UNICEF).

³¹ Pickard, V. (2019). *Democracy without journalism?: Confronting the misinformation society*. Oxford University Press.

journalists and activists who face attacks or intimidation.³² By implementing such measures, Indonesia can reinforce its commitment to upholding press freedom in the digital sphere, fostering a climate where journalists and activists can operate without fear of reprisal.³³

Additionally, enhancing public education and awareness regarding the significance of press freedom in the digital era is paramount. It is imperative to ensure that individuals are well-informed about their rights to utilize the internet and social media platforms freely. Moreover, raising awareness about the detrimental effects of online censorship and attacks on journalists is crucial for safeguarding democracy and preserving freedom of expression.³⁴ Through comprehensive education initiatives, people can better comprehend the importance of press freedom and actively advocate for its protection in the digital landscape.

In this regard, Indonesia has the opportunity to glean valuable insights from other nations that have effectively navigated challenges associated with press freedom in the digital age. By engaging in international cooperation and sharing experiences with other countries, Indonesia can harness a wealth of knowledge to formulate policies and implement best practices. Through collaborative efforts, Indonesia can devise strategies to uphold and safeguard press freedom amidst the evolving digital landscape.³⁵ This exchange of ideas and experiences on a global scale can empower Indonesia to effectively address the complexities of press freedom in the digital era and ensure its continued protection.

In confronting the challenges and opportunities presented by the digital era, Indonesia must steadfastly adhere to the principles of democracy and human rights. Freedom of the press stands not only as a fundamental human right but also as a cornerstone for fostering a fair, democratic, and inclusive society. Hence, concerted efforts are imperative to fortify the protection of press freedom in the digital age, all while aligning with the fundamental tenets outlined in relevant legislation. This commitment to upholding democratic values and human rights forms the bedrock upon which Indonesia can navigate the complexities of the digital landscape while ensuring the preservation of press freedom.³⁶

³² Ziccardi, G., & Ziccardi, G. (2013). Digital activism, Internet control, transparency, censorship, surveillance and human rights: An international perspective. *Resistance, liberation technology and human rights in the digital age*, 187-307.

³³ Głowacka, D., Youngs, R., Pintea, A., & Wołosik, E. (2021). Digital technologies as a means of repression and social control. *Policy Department for External Relations, Directorate General for External Policies of the Union*.

³⁴ Kuczerawy, A. (2018). The proposed Regulation on preventing the dissemination of terrorist content online: safeguards and risks for freedom of expression. *For Center for Democracy and Technology*.

³⁵ Nugroho, Y., Putri, D. A., & Laksmi, S. (2012). *Mapping the landscape of the media industry in contemporary Indonesia*. Centre for Innovation, Policy & Governance.

³⁶ Kennedy, A., & Wartoyo, F. X. (2024). Harmonizing Diversity: Pancasila's Role as The Cornerstone of Multi-Cultural Harmony As Legal Discours. *Global International Journal of Innovative Research*, 2(4), 747-759.

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In the context of Indonesia, the 1945 Constitution of the Republic of Indonesia (UUD 1945) serves as the primary cornerstone guaranteeing press freedom. Article 28 E paragraph (3) of the 1945 Constitution explicitly underscores that "the press is an institution endowed with the right to seek, acquire, possess, store, process, and disseminate information in the public interest." This unequivocally affirms the significance of press freedom as a mechanism for delivering authentic and trustworthy information to the public.³⁷

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Furthermore, Indonesia has enacted Law Number 40 of 1999 concerning the Press, which provides more comprehensive regulations regarding press freedom. However, despite these legal provisions, there is still a need for concerted efforts to enhance the protection of press freedom in the digital age, particularly in light of the swiftly evolving technological landscape.

From a human rights standpoint, press freedom in Indonesia's digital age is intricately tied to the nation's commitment to upholding international standards. Indonesia has ratified numerous pertinent international agreements, such as the International Covenant on Civil and Political Rights (ICCPR), which explicitly recognizes the right to freedom of expression. As a signatory to these treaties, Indonesia is obligated to uphold and safeguard press freedom in accordance with the stipulations outlined in such agreements.

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Furthermore, broader human rights frameworks, such as the Universal Declaration of Human Rights (UDHR), offer a foundational basis for safeguarding press freedom in the digital era. Article 19 of the UDHR explicitly asserts that every individual possesses the right to hold opinions and express them freely, including through any medium of communication without hindrance.³⁸

Therefore, endeavors to achieve press freedom in Indonesia's digital era encompass not only a domestic obligation of the state but also a commitment to uphold internationally agreed-upon human rights standards as a member of the global community. By fulfilling this responsibility, Indonesia can guarantee that press freedom continues to be upheld and safeguarded as a pivotal cornerstone in fortifying democracy, pluralism, and the overall welfare of society.

4. CONCLUSION

Press freedom in Indonesia's digital age is a fundamental right that guarantees individuals to convey, seek, and receive information without hindrance, in accordance with human rights principles. Although

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³⁷ Merli, P. (2022). Freedom of Expression in Indonesia: An Attempt at a Critical Appraisal from the International Human Rights Point of View.

³⁸ de Zayas, A., & Martín, Á. R. (2012). Freedom of opinion and freedom of expression: some reflections on General Comment No. 34 of the UN Human Rights Committee. *Netherlands International Law Review*, 59(3), 425-454.

information and communication technology (ICT) expands access to information, challenges such as online censorship and the dominance of large platforms limit diversity of opinion. The protection of press freedom is regulated in international laws such as the UDHR and ICCPR, as well as at the national level by the 1945 Constitution and the Press Law. The importance of safeguarding press freedom in the digital age demands cooperation between the government, the media industry, and civil society to ensure the sustainability of democracy.

Efforts to realize press freedom in Indonesia's digital age face challenges of online censorship, restrictions on internet access, and attacks on journalists. It is necessary to protect pluralism, public participation, and government accountability by taking into account human rights principles. Through laws that do not violate human rights and increase public awareness, Indonesia can ensure press freedom is respected and protected in the digital age.

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