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RELIGIOUS LEADERS IN INDONESIA'S DIGITAL PUBLIC SPHERE AND LEGAL RESPONSIBILITY FOR RELIGIOUS EXPRESSION

Clara Ignatia Tobing[1]*

[1]Faculty of Law, Bhayangkara Jakarta Raya University, Indonesia

*clara.tobing@ubharajaya.ac.id

Alamat: Universitas Bhayangkara Jakarta Raya, Indonesia

Korespondensi penulis: clara.tobing@ubharajaya.ac.id

Abstract. *The expansion of digital platforms has transformed religious expression in Indonesia and intensified religion-based identity polarization in the digital public sphere. This study analyzes the legal responsibility of religious leaders who disseminate religious narratives online. Using normative legal research grounded in constitutional law and international human rights law, the study examines Indonesian legal instruments, including the amended Electronic Information and Transactions Law and the new Criminal Code, alongside the International Covenant on Civil and Political Rights. It also considers interfaith digital dialogue practices and selected online sermon examples. The study finds that religious leaders are full legal subjects who bear personal responsibility for the content and foreseeable social impact of their digital religious expression. Religious authority does not exempt them from accountability. The study formulates four parameters for distinguishing protected religious expression from religion-based hate speech: intent, substance, manner and context of dissemination, and potential social impact. These parameters support proportionate enforcement, legal certainty, pluralism, and the prevention of polarization and hate speech in digital environments.*

Keywords: *digital public sphere; Indonesia; legal accountability; religious expression; religious leaders.*

Abstrak. Perluasan platform digital telah mengubah ekspresi keagamaan di Indonesia dan memperkuat polarisasi identitas berbasis agama dalam ruang publik digital. Penelitian ini menganalisis tanggung jawab hukum pemuka agama yang menyebarluaskan narasi keagamaan secara daring. Dengan metode penelitian hukum normatif yang bertumpu pada hukum tata negara dan hukum hak asasi manusia internasional, penelitian ini mengkaji instrumen hukum nasional, termasuk perubahan Undang-Undang Informasi dan Transaksi Elektronik serta Kitab Undang-Undang Hukum Pidana baru, bersama International Covenant on Civil and Political Rights. Penelitian ini juga memperhatikan praktik dialog lintas agama digital dan contoh khotbah daring. Hasil penelitian menunjukkan bahwa pemuka agama merupakan subjek hukum penuh yang memikul tanggung jawab pribadi atas isi dan dampak sosial yang dapat diperkirakan dari ekspresi keagamaan digitalnya. Otoritas keagamaan tidak menghapus akuntabilitas hukum. Penelitian ini merumuskan empat parameter untuk membedakan ekspresi keagamaan yang dilindungi dari ujaran kebencian berbasis agama, yaitu maksud, substansi, cara dan keadaan penyebaran, serta potensi dampak sosial.

Kata kunci: akuntabilitas hukum; ekspresi keagamaan; Indonesia; pemuka agama; ruang publik digital.

1. INTRODUCTION

In recent years, Indonesia has shown an increasing tendency toward religion-based identity polarization that is no longer confined to physical social spaces but has expanded massively into the digital sphere. Identity polarization can be understood as a process of

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*Corresponding author, clara.tobing@ubharajaya.ac.id

reinforcing the boundaries between "us" and "them," based on religious affiliation, theological interpretation, or particular religious symbols, thereby generating exclusive, antagonistic attitudes and rejection of groups perceived as different.[1] This phenomenon does not always originate from open conflict, but often emerges from differences in narratives, labelling practices, and generalizations that are continuously reproduced within digital public discourse. Identity polarization in digital spaces is evident in the proliferation of dichotomous religious content, such as classifications between "true faith" and "deviant faith," "pious believers" and "liberal groups," or between "majority" and "minority" religions.[2] Such content is frequently presented in the form of sermon excerpts, scriptural quotations detached from their context, religiously themed memes, and short provocative comments. At an initial stage, these expressions may appear as manifestations of freedom of expression or religious preaching; however, their accumulation and repetition form discursive patterns that harden identity boundaries and normalize suspicion toward other groups.[3]

Digital platforms accelerate and expand this polarization through several structural mechanisms. First, content distribution algorithms tend to prioritize material that generates high emotional engagement, such as anger, fear, or a sense of threat. Confrontational religious narratives or those that marginalize others are more likely to generate comments, debates, and shares, thereby achieving broader reach than moderate and reflective messages.[4] Second, the concise and instantaneous nature of digital spaces encourages the simplification of complex religious issues into black-and-white slogans or normative claims, narrowing the space for dialogue and reinforcing group bias.[5] Third, features of anonymity and social distance on digital platforms reduce psychological barriers for users to express statements that they would not convey directly in physical public spaces. This creates a communicative environment that is permissive toward the stigmatization and delegitimization of certain religious identities.[6] Fourth, the digital ecosystem enables the formation of echo chambers, in which individuals are repeatedly exposed to religious views aligned with their own beliefs, while differing

[1] At Turots, "Internalization of Religious Moderation in the Middle of Socio-Political Polarization in Post-Reform Indonesia," *Jurnal Pendidikan Islam* 7, no. 2 (2024): 155-172.
[2] Nadirsyah Hosen, "The Digital Turn in Indonesian Islam: From Online Fatwa to Cyber-Islamists," *Journal of Indonesian Islam* 15, no. 2 (2021): 289-312.
[3] Quinton Temby, "Digital Archipelago: Social Media and Politics in Indonesia," *Pacific Affairs* 92, no. 2 (2019): 261-281.
[4] Siva Vaidhyanathan, *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy* (Oxford: Oxford University Press, 2018), 174-185.
[5] Vitit Muntarbhorn, *The Challenges of Human Rights in the Digital Age* (Singapore: Springer Nature, 2023), 85-102.
[6] Paul C. Cozby dan Scott C. Bates, *Methods in Behavioral Research*, edisi ke-13 (New York: McGraw-Hill Education, 2018), 210-225.

perspectives are marginalized or attacked. Within such spaces, religious identity is not only reinforced but also politicized and continuously contested.[7]

The accumulation of these processes renders identity polarization not merely a natural divergence of beliefs within a plural society, but a form of latent conflict sustained by the architecture of digital platforms. Polarization does not always manifest as direct violence; rather, it materializes through language, symbols, and narratives that gradually erode trust between groups.[8] This condition positions the digital sphere as both a strategic and problematic arena for interreligious relations in Indonesia, as it enables individual expressions to evolve into widespread social phenomena with systemic effects.[9] Within this problem, the role of religious leaders as public figures in digital spaces acquires clearer legal significance following the enactment of Indonesia's amended electronic information law. Religious leaders do not only exercise their constitutional rights to convey religious teachings, but also operate within a legal regime governing the production, dissemination, and societal impact of electronic information in relation to public order and the rights of others.[10]

Constitutionally, freedom of religion and expression remains protected under Indonesian law. However, these freedoms are subject to lawful limitations requiring respect for the rights of others, public order, and justice. This limitation framework aligns with international human rights law, particularly Articles 18 and 19 of the International Covenant on Civil and Political Rights, which recognize freedom of religion and expression while permitting restrictions that are prescribed by law and necessary to protect public order and the rights of others. Moreover, Article 20 of the ICCPR obliges states to prohibit advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence.

Indonesia's electronic information regime reinforces these principles by prohibiting the intentional dissemination of electronic content that incites hatred or hostility against individuals or groups based on religion or belief, accompanied by criminal sanctions. This regulatory approach demonstrates that religious narratives in digital spaces are assessed not solely on moral or ethical grounds, but also on their potential to provoke religion-based hostility in the digital public sphere. The law further affirms the state's authority to prevent the spread of unlawful electronic content through measures such as access restriction and

[7] Petrus Ana Lamma Beding and Yohanes K. N. Beding, "Social Media and Religious Polarization in Indonesia: An Ethical Perspective," *Journal of Asian Orientation in Theology* 3, no. 1 (2021): 45-68.
[8] Burhanuddin Muhtadi, *Vote Buying in Indonesia: The Mechanics of Electoral Bribery* (Singapore: Palgrave Macmillan,2019), 235-258.
[9] Nadirsyah Hosen, "The Digital Turn in Indonesian Islam: From Online Fatwa to Cyber-Islamists", 289-312.
[10] Herlambang P. Wiratraman, "The Challenges of Freedom of Expression in the Post-Reform Indonesia," *Journal of Southeast Asian Human Rights* 2, no. 2 (2018): 320-341.

platform-based content moderation. In practice, digital religious narratives disseminated by religious leaders that meet the legal threshold of incitement may be subject to administrative and criminal enforcement mechanisms. Accordingly, religious leaders are positioned as full legal subjects within the digital public sphere. Beyond their moral and spiritual authority, they bear legal responsibility for the electronic information they disseminate.[11] Digital religious expression must therefore balance freedom of religion and expression with lawful limitations aimed at preserving public order, protecting the rights of others, and preventing the escalation of polarization and religion-based hate speech in accordance with both national law and international human rights standards.[12]

As an illustration of interfaith dialogue practices in the digital sphere, the LogIn program broadcast through Deddy Corbuzier's podcast channel serves as a relevant example. The program is hosted by Habib Husein Ja'far Al Hadarand Onadio Leonardo, with Boris Bokir appearing as one of the regular contributors. The concept of LogIn combines interfaith dialogue, reflective humor, and open discussion designed to reach younger audiences and active users of digital platforms. In several episodes, LogIn features religious leaders and faith representatives from various traditions. Guests who have appeared include Hendry Jacques Pattinasarany as a representative of Protestant Christianity, Reynaldo Antoni Haryanto from the Catholic tradition, and Bhante Dhirapunno representing Buddhism. In addition, Habib Husein Ja'far himself appears as a representative of Islam, emphasizing a dialogical and inclusive approach. The presence of these figures reflects the diversity of religious authorities engaging within a shared digital space.[13]

The impact of these religious figures' participation is evident in public responses following the broadcasts. The non-confrontational interfaith discussions encouraged the emergence of more moderate public conversations in comment sections and on social media. The narratives conveyed in LogIn are not directed toward unilateral theological justification, but toward the introduction of shared human values and respect for religious differences. This condition positions LogIn not only as digital entertainment, but also as a space for pluralism education that functions to mitigate religion-based hate discourse through accessible and egalitarian communication. The post-broadcast impact of LogIn can be observed through several interrelated indicators. First, public resonance is reflected in the high viewership of

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[11] S. Sayyid, "The Digital Ummah and the Politics of the Network," in *The Oxford Handbook of Islam and Politics*, ed. John L. Esposito and Emad El-Din Shahin (Oxford: Oxford University Press, 2013), 620-634.

[12] Heiner Bielefeldt, Nazila Ghanea, and Michael Wiener, *Freedom of Religion or Belief: An International Law Commentary* (Oxford: Oxford University Press, 2016), 525-548.

[13] Syifaul Arifin dan Muhammad Taufiq Al-Makmun, "Digital Da'wah and Religious Moderation: A Case Study of Habib Jafar's Podcast," *Journal of Indonesian Islam* 17, no. 1 (2023): 112-135.

several episodes, reaching millions of views within a relatively short period, accompanied by a predominance of positive comments. Comment sections contain not only appreciation for the relaxed dialogue format, but also personal reflections from audiences regarding their perspectives on other religions. Many viewers explicitly state that the interfaith discussions in LogIn helped correct previously held prejudices and encouraged more open attitudes toward religious differences. [14]

Beyond individual audience responses, empirical impact is also visible through institutional recognition and utilization of the LogIn format. The dialogical model combining religious leaders, public figures, and a non-patronizing communication approach has been regarded as effective in engaging younger generations. This is reflected in the program's involvement in various public outreach initiatives, including collaboration with the Ministry of Youth and Sports in youth education campaigns and civic participation. Such institutional recognition indicates that LogIn is not positioned merely as digital entertainment content, but as a medium of social communication with substantial reach and influence.[15] Another notable impact is the increase in interfaith religious literacy among younger audiences. Conversations emerging after broadcasts, both in comment sections and across other social media platforms, demonstrate exchanges of basic knowledge regarding the teachings, symbols, and practices of different religions. Audiences not only restate the statements of participating religious figures, but also use them as a basis for more respectful dialogue with other users.[16] Several academic studies and reflective writings discussing LogIn have likewise positioned the program as an example of a digital space that successfully facilitates social learning on tolerance and interreligious respect.[17][18]

The series of findings indicates that LogIn functions as a medium for mitigating religion-based polarization in the digital sphere. However, this effectiveness depends on the consistency of the narratives conveyed and on the compliance of religious leaders and platform operators with principles of accountability and applicable legal norms. Without such

[14] M. Syaifuddin, "Millennials' Perception of Religious Moderation on the LogIn Podcast," *Dialog: Jurnal Penelitian dan Kajian Keagamaan* 46, no. 2 (2023): 189-204.
[15] Kementerian Pemuda dan Olahraga Republik Indonesia, "Kemenpora Gandeng Habib Jafar dan Onadio Leonardo dalam Kampanye Moderasi Beragama Pemuda," *Kemenpora RI News*, 15 Juli 2023, https://www.kemenpora.go.id/.
[16] M. Syaifuddin, "Millennials' Perception of Religious Moderation on the LogIn Podcast," *Dialog: Jurnal Penelitian dan Kajian Keagamaan,* 203.
[17] Syifaul Arifin dan Muhammad Taufiq Al-Makmun, "Digital Da'wah and Religious Moderation: A Case Study of Habib Jafar's Podcast," *Journal of Indonesian Islam* .
[18] M. Syaifuddin, "Millennials' Perception of Religious Moderation on the LogIn Podcast," *Dialog: Jurnal Penelitian dan Kajian Keagamaan*.

safeguards, the potential of interfaith dialogue in digital spaces can easily shift from an educational forum into a new source of tension.

At the same time, the success of interfaith dialogue media formats in digital environments raises concrete legal issues. A central question concerns the extent to which religious leaders, as public figures, can be held legally accountable for statements they disseminate through open digital platforms that reach wide audiences. This issue is directly related to the boundary between the freedom to convey religious teachings or theological criticism and expressions that may legally be classified as religion-based hate speech.[19] On the other hand, positive law has not yet provided sufficiently clear standards regarding the point at which protected religious expression transitions into conduct that gives rise to criminal liability or other legal sanctions.[20] This lack of clarity poses two opposing risks: excessive criminalization of legitimate religious expression, or conversely, tolerance of narratives that concretely reinforce polarization and hostility among religious groups.

Accordingly, this study proceeds from the need to examine the legal responsibility of religious leaders in digital spaces in a more structured manner. It focuses on formulating the boundaries of personal legal responsibility of religious leaders as legal subjects, with reference to national legal norms and human rights principles. Through a normative analysis combined with empirical findings drawn from interfaith dialogue practices in the LogIn program, this study seeks to develop recommendations for proportionate standards of legal accountability. Such an approach is expected to preserve openness in religious dialogue while ensuring legal accountability for statements disseminated in the digital public sphere.

2. THEORETICAL REVIEW

The theoretical review of this study is drawn from the normative materials already discussed in the manuscript, particularly the protection of freedom of religion and expression, the lawful limitation of rights, and the responsibility of influential actors in digital public communication. These theoretical foundations are used to frame the legal assessment of religious narratives circulated by religious leaders in Indonesia's digital public sphere.

Human rights constitute the primary normative foundation for the protection of freedom of religion and freedom of expression, including within the development of digital spaces as a new public sphere. In international law, freedom of religion is recognized as a

[19] Al Khanif, *Religious Minorities, Islam and the Law: International Human Rights and Islamic Law in Indonesia* (London: Routledge, 2021), 182-195.
[20] Ifdhal Kasim, "The Blasphemy Law and the Threat to Freedom of Expression," in *Religion, Law and Intolerance in Indonesia*, ed. Tim Lindsey dan Helen Pausacker (London: Routledge, 2016), 133-150.

fundamental right inherent in every individual.[21] Article 18 of the Universal Declaration of Human Rights states that everyone has the right to freedom of thought, conscience, and religion, including the freedom to manifest one's religion or belief in teaching, practice, worship, and observance. This right encompasses both the internal dimension of belief and the external dimension in the form of religious manifestation in the public sphere. This recognition is reaffirmed in Article 18 paragraph (1) of the International Covenant on Civil and Political Rights, which guarantees freedom of thought, conscience, and religion, including the freedom to adopt or choose a religion or belief of one's choice and the freedom to manifest one's religion or belief. The right within the internal realm of belief is understood as a right that cannot be derogated under any circumstances.[22] Meanwhile, freedom of expression is guaranteed in Article 19 paragraph (2) of the ICCPR, which states that everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas through any media and regardless of frontiers. The scope of technological development, digital spaces and social media also fall within the scope of media protected by this provision.[23]

Nevertheless, international human rights law explicitly places freedom of religion and expression within a framework of lawful limitations. Article 18 paragraph (3) of the ICCPR provides that freedom to manifest religion or belief may be subject to limitations prescribed by law and necessary to protect public safety, public order, health, morals, or the fundamental rights and freedoms of others. Article 19 paragraph (3) of the ICCPR likewise affirms that the exercise of freedom of expression may be subject to restrictions provided by law and necessary for respect of the rights or reputations of others or for the protection of national security or public order. Furthermore, Article 20 paragraph (2) of the ICCPR obliges States Parties to prohibit any advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence.

Within the Indonesian national legal system, guarantees of freedom of religion and expression are enshrined in the 1945 Constitution of the Republic of Indonesia. Article 28E paragraph (1) guarantees the freedom of every person to embrace a religion and to worship according to that religion, while Article 28E paragraph (2) guarantees the freedom to express thoughts and attitudes in accordance with one's conscience. Article 29 paragraph (2) of the 1945 Constitution affirms that the state guarantees the freedom of each resident to embrace

[21] Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, edisi ke-2 (Kehl: N.P. Engel, 2005), 408-430.
[22] Malcolm D. Evans, *Religious Liberty and International Law in Europe* (Cambridge: Cambridge University Press, 2008), 75-102.
[23] UN Human Rights Council, "The Promotion, Protection and Enjoyment of Human Rights on the Internet," Resolution 32/13, UN Doc. A/HRC/RES/32/13.

their respective religion and to worship according to their religion and belief. These constitutional guarantees also apply within digital spaces as part of the modern public sphere.[24] However, the 1945 Constitution explicitly regulates the principle of limitation of rights. Article 28J paragraph (2) states that in exercising their rights and freedoms, every person shall be subject to limitations established by law for the purpose of ensuring recognition and respect for the rights and freedoms of others and to meet the demands of justice in accordance with considerations of morality, religious values, security, and public order. This provision reflects a principle of rights limitation that is consistent with the ICCPR, although it does not constitute a direct adoption of the international treaty.[25] Indonesia ratified the ICCPR through Law Number 12 of 2005, thereby rendering the provisions of the ICCPR binding as national law and an important reference in the interpretation of human rights norms, both by legislators and by judges. Accordingly, the relationship between international human rights law and Indonesian national law is complementary, whereby constitutional guarantees are interpreted in harmony with the state's international obligations without altering the position of the 1945 Constitution as the supreme law.[26]

Based on the human rights framework, limitations on religious narratives in digital spaces can only be justified if they satisfy the principles of legality, legitimate aim, and proportionality. These three principles are not merely academic constructs, but possess clear normative foundations in international law and are reflected in the Indonesian national legal system. The principle of legality derives from the requirement that any limitation of rights must be "prescribed by law."[27] In international law, this formulation is explicitly contained in Article 18 paragraph (3) and Article 19 paragraph (3) of the ICCPR, which state that limitations on freedom of religion and expression may only be imposed if they are established by law. This principle requires a clear, accessible, and non-ambiguous legal basis. In national law, the principle of legality is affirmed in Article 28J paragraph (2) of the 1945 Constitution, which states that limitations on rights must be established by law. This principle is also consistent with the principle of legality in criminal law as regulated in Article 1 paragraph (1) of the Criminal Code, which provides that no act may be punished except on the basis of a pre-existing statutory provision.

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[24] Jimly Asshiddiqie, *Konstitusi Beragama* (Jakarta: LP3ES, 2020), 85-110.
[25] Shinta Pinky and Sulis Winuraya, "Freedom of Religion and Expression in the Digital Age: A Legal Analysis of the ITE Law in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 145-178.
[26] Enny Soeprapto, "Penerapan Ketentuan-Ketentuan Perjanjian Internasional Hak Asasi Manusia dalam Hukum Nasional," *Jurnal Hukum Internasional* 1, no. 1 (2003): 21-39.
[27] Gillian D. Triggs, *International Law: Contemporary Principles and Practices*, 2nd ed (Sydney: LexisNexis, 2011), 850-865.

The principle of legitimate aim likewise has a direct basis in Article 18 paragraph (3) and Article 19 paragraph (3) of the ICCPR. Limitations may only be imposed to protect public safety, public order, public health or morals, or the rights and freedoms of others.[28] In addition, Article 20 paragraph (2) of the ICCPR obliges states to prohibit advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence. In national law, these legitimate aims are reflected in Article 28J paragraph (2) of the 1945 Constitution, which identifies the protection of the rights of others, morality, religious values, security, and public order as grounds for limitation. Accordingly, the state may not restrict religious expression merely on the basis of differences in interpretation or theological criticism, but must demonstrate the existence of a legally valid protective purpose.[29]

The principle of proportionality has developed through the practice and interpretation of international human rights law, particularly through General Comment No. 34 of the United Nations Human Rights Committee on freedom of expression under Article 19 of the ICCPR. The Committee emphasizes that restrictions must be necessary and proportionate to the legitimate aim pursued. This means that restrictions must not be excessive, must constitute a measure of last resort, and must not impair the essence of the right itself.[30] Although the term proportionality is not explicitly mentioned in the 1945 Constitution, the Constitutional Court of the Republic of Indonesia has, in various decisions, applied tests for rights limitation requiring a legitimate aim and non-excessive restrictions, which in substance reflect the principle of proportionality in human rights law.

The principles of legality, legitimate aim, and proportionality thus have normative foundations in the ICCPR as international law ratified through Law Number 12 of 2005, and are reflected in Article 28J paragraph (2) of the 1945 Constitution and the principle of legality in national criminal law. This normative framework serves as a benchmark for assessing whether policies and law enforcement measures concerning digital religious narratives fall within limits justified by human rights standards. The state is not permitted to restrict freedom of religion and expression solely on the basis of differences in belief, but may impose limitations when digital religious narratives demonstrably violate the rights of others, disrupt public order, or contain elements of incitement to religious hatred in accordance with lawful and proportionate legal standards.

[28] Peter G. Danchin, "The Emergence and Structure of Religious Freedom in International Law," 1-45.
[29] Shinta Pinky and Sulis Winuraya, "Freedom of Religion and Expression in the Digital Age: A Legal Analysis of the ITE Law in Indonesia", 145-178.
[30] UN Human Rights Committee, "General Comment No. 34: Article 19: Freedoms of Opinion and Expression," UN Doc. CCPR/C/GC/34 (September 12, 2011), para. 21-36.

3. RESEARCH METHOD

This study uses normative legal research. The research is grounded in constitutional law, criminal law, electronic information law, and international human rights law, with emphasis on the legal position of religious leaders as subjects who exercise freedom of religion and expression in digital spaces. The analysis is directed toward identifying the legal boundaries between protected religious expression and religion-based hate speech.

The approaches used in this study consist of a statutory approach, a conceptual approach, and a contextual approach. The statutory approach is applied by examining Indonesian legal instruments already discussed in the manuscript, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2024 concerning Electronic Information and Transactions, Law Number 1 of 2023 concerning the Criminal Code, Law Number 39 of 1999 concerning Human Rights, and Law Number 12 of 2005 concerning the ratification of the International Covenant on Civil and Political Rights. The conceptual approach is used to analyze freedom of religion, freedom of expression, legal responsibility, public order, proportionality, and incitement to religious hatred.

The legal materials consist of primary legal materials and secondary legal materials. Primary legal materials include statutes, constitutional provisions, and international human rights instruments. Secondary legal materials include books, journal articles, reports, and scholarly writings that have already been used in the manuscript to explain digital religious authority, polarization, platform architecture, hate speech, and religious moderation. The study also uses illustrative digital practices already discussed in the manuscript, particularly the LogIn interfaith dialogue program and selected online sermon examples, not as empirical field data but as contextual illustrations for applying the normative parameters.

The collected legal materials are analyzed qualitatively through descriptive and prescriptive legal reasoning. The descriptive analysis explains the legal norms governing religious expression in digital spaces, while the prescriptive analysis formulates assessment parameters for determining when religious expression remains protected and when it may exceed the limits of legal protection because it creates a foreseeable risk of discrimination, hostility, or violence.

4. RESULTS AND DISCUSSION

Religious Identity Polarization in Digital Spaces as a Legal Challenge

Religious identity polarization in digital spaces cannot be separated from the technological characteristics and architecture of digital platforms themselves. Digital spaces

are not merely neutral media for conveying religious views, but ecosystems that structurally influence how information is produced, distributed, and consumed. Platform architecture, content distribution algorithms, user anonymity, and the formation of echo chambers play a significant role in accelerating the development of religious narratives that are exclusive and antagonistic.

Digital platform architecture is designed to maximize user engagement through rapid, repetitive, and emotion-based interactions.[31] On platforms such as X, communication systems based on short posts and instant responses encourage the expression of religious views in concise and confrontational statements.[32] The complexity of religious teachings is often simplified into normative claims or rigid identity labels, facilitating the construction of opposition between groups perceived as sharing the same faith and those positioned as others. In such spaces, provocative religious narratives are more likely to trigger public discussion than reflective and dialogical narratives. Content distribution algorithms further reinforce this tendency. On video-based platforms such as YouTube and TikTok, algorithms recommend content based on viewing history and levels of user engagement. As a result, users who have previously watched sermons or religious content from a particular perspective will continue to be presented with similar content with increasing intensity.[33] This pattern creates a repeated reinforcement of the same viewpoints while limiting exposure to differing religious perspectives. Over time, algorithms contribute to the formation of insular religious narratives and the entrenchment of identity dichotomies. User anonymity also plays a role in intensifying polarization. On platforms such as Instagram and X, user identities do not always reflect real identities in physical social spaces. This condition lowers psychological and social barriers to expressing demeaning, stereotypical, or aggressive statements toward other religious groups.[34] Anonymity creates distance between the speaker and the social impact of their statements, making exclusive and delegitimizing religious expressions easier to produce without consideration of social responsibility.

In addition, digital spaces facilitate the formation of echo chambers, namely communicative environments in which users interact only with content and communities

[31] Nir Eyal, *Hooked: How to Build Habit-Forming Products* (New York: Portfolio/Penguin, 2014), 35-60.
[32] William J. Brady, Julian A. Wills, Jost T. Jost, Joshua A. Tucker, and Jay J. Van Bavel, "Emotion Shapes the Diffusion of Moralized Content in Social Networks," *Proceedings of the National Academy of Sciences* 114, no. 28 (2017): 7313-7318.
[33] Becca Lewis, "Alternative Influence: Broadcasting the Reactionary Right on YouTube," *Data & Society Research Institute* (2018): 14-32.
[34] John Suler, "The Online Disinhibition Effect," *CyberPsychology & Behavior* 7, no. 3 (2004): 321-326.

aligned with their own beliefs.[35] Within these echo chambers, certain religious views are perceived as the sole truth, while differing views are positioned as threats or deviations. Discussion no longer functions as an exchange of ideas, but rather as a mechanism for mutually reinforcing group identity.[36] This phenomenon is clearly observable in comment sections, closed discussion groups, and fan communities of particular religious figures across various digital platforms.

The accumulation of these mechanisms renders religious identity polarization in digital spaces a serious legal issue. Polarization is no longer merely a difference in theological views protected by freedom of religion and expression, but develops into a dynamic that potentially disrupts public order and damages relations among religious groups.[37] Under certain conditions, religious narratives produced and reinforced by digital architecture may transform into incitement to hatred that demands a legal response. Accordingly, polarization in digital spaces becomes a point of convergence between digital social realities and the need for legal regulation capable of protecting freedom of religion while simultaneously maintaining social harmony within a plural society.

Various studies and monitoring efforts demonstrate that religious polarization in digital spaces is not merely a theoretical construct, but a phenomenon that can be identified through measurable and consistent indicators. Monitoring of hate speech conducted by the Centre for Strategic and International Studies during the 2022–2023 period reveals a high intensity of production and dissemination of content related to sensitive religious issues, with repeated targeting of specific religious groups and minorities. These findings illustrate the extensive reach and strong dissemination power of narratives that have the potential to incite hostility among groups based on religious identity.[38] Monitoring carried out by the Alliance of Independent Journalists in collaboration with partner research institutions throughout the 2024 election cycle likewise indicates an increase in hate speech targeting vulnerable groups, including religious minorities. The report outlines systematic targeting patterns, tendencies toward spikes ahead of particular political events, and the involvement of specific accounts and networks in amplifying hate narratives.[39] Similar findings are reflected in reports by

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[35] Matteo Cinelli, Gianna Maria Morales, Alessandro Galeazzi, Walter Quattrociocchi, and Michele Starnini, "The Echo Chamber Effect on Social Media," *Scientific Reports* 11, no. 1 (2021): 1-12.
[36] Cass R. Sunstein, *#Republic: Divided Democracy in the Age of Social Media* (Princeton: Princeton University Press, 2017), 59-97.
[37] Jeroen Temperman, *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination* (Cambridge: Cambridge University Press, 2016), 112-145.
[38] Centre for Strategic and International Studies, *Policy Report: Menavigasi Polarisasi di Ruang Digital Menjelang Pemilu 2024* (Jakarta: CSIS Indonesia, 2023), 12-28.
[39] Aliansi Jurnalis Independen, "2024 Indonesia Local Elections Hate Speech Monitoring Dashboard," https://aji.or.id/hate-speech-monitoring.

Monash University, which record a sharp increase in hate speech during campaign periods and local elections.[40] Studies based on Indonesian language processing, such as IndoToxic and the development of hate speech datasets, demonstrate a quantitative escalation of hate speech and toxicity on Indonesian-language digital platforms in recent years. These analyses also reveal that hate speech is often concealed in the form of theological claims or religious identity rhetoric, thereby posing particular challenges for detection and mitigation without an understanding of local religious characteristics.[41]

The high penetration of social media usage in Indonesia further reinforces these conditions. Platforms such as WhatsApp, Instagram, TikTok, YouTube, and X enable provocative religious messages to spread rapidly through short videos, screenshot uploads, audio narratives, and viral conversation threads. The combination of personal communication features and public recommendation systems creates spaces that facilitate mass dissemination while simultaneously enabling the formation of closed communities based on shared religious identities and viewpoints.

This phenomenon has direct impacts on social life and governance. Digital polarization deepens social fragmentation and reduces trust among communities, thereby narrowing the space for constructive dialogue. Organized hate speech has the potential to influence political processes through the formation of negative opinions toward certain candidates or groups, ultimately threatening the principle of fair elections. Minority groups also face social pressure that affects psychological security and the freedom to carry out religious activities. In addition, the information ecosystem becomes increasingly vulnerable to manipulation by organized actors who exploit platform algorithms to reinforce extremist narratives. This condition underscores the urgency of strengthening an adequate legal framework, including the regulation of platform responsibility, accountable content moderation mechanisms, the enhancement of religious digital literacy, and the affirmation of legal accountability for public actors, including religious leaders, who use digital spaces as a means to disseminate narratives with the potential to divide society.

[40] Monash University Indonesia, "Data & Democracy Research Hub: Social Media Monitoring of the 2024 Election Cycle," https://www.monash.edu.id/research/data-and-democracy-research-hub/reports.
[41] Fajri Koto, Rahmad Mahendra, Afshin Rahimi, and Timothy Baldwin, "IndoToxic2024: A Comprehensive Dataset for Toxic Language Detection in Indonesian Social Media," *Proceedings of the 2024 Conference on Empirical Methods in Natural Language Processing (EMNLP)* (2024): 142-158.

The Position and Limits of Legal Responsibility of Religious Leaders as Digital Public Figures

Religious leaders in Indonesian society have traditionally occupied positions as moral and spiritual authorities with strong social legitimacy. This authority initially operated within physical spaces through pulpits, religious assemblies, educational institutions, and local religious communities. Developments in information and communication technology have driven a shift in the role of religious leaders into digital spaces, positioning them not only as religious authorities but also as digital public figures who actively produce, disseminate, and influence the flow of electronic information. From a legal perspective, this shift carries significant juridical consequences.[42] Religious leaders who utilize social media, video-sharing platforms, or instant messaging applications to convey religious views no longer act solely in a spiritual capacity, but also as legal subjects subject to the information and communication law regime.[43] The position of religious leaders in digital spaces thus lies at the intersection of freedom of religion, freedom of expression, and the legal obligation to respect the rights of others and maintain public order. Law Number 1 of 2024, as an amendment to the Law on Electronic Information and Transactions, affirms that any person who intentionally and without lawful authority distributes, transmits, or makes accessible electronic information containing certain prohibited content may be held criminally liable. This provision applies without exception to social status, profession, or religious position.[44] Accordingly, religious leaders who disseminate religious narratives through digital spaces remain positioned as individual legal subjects responsible for the content and impact of the electronic information they disseminate.

Beyond the electronic information regime, the limits of legal responsibility of religious leaders can also be examined through the new Criminal Code, enacted as Law Number 1 of 2023. This Criminal Code regulates acts that attack the honour or dignity of particular groups, incitement, and statements that have the potential to generate hostility or hatred based on certain identities.[45] Religious narratives conveyed by religious leaders in digital spaces, where they contain elements of incitement or attacks against other groups, may therefore be assessed as exceeding the scope of freedom of religion and entering the domain

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[42] R. Michael Feener, "Dinamika Otoritas Keagamaan di Indonesia: Transformasi dan Tantangan Digital," *Jurnal Hukum & Peradilan* 11, no. 2 (2022): 185-204.
[43] Andrew Murray, *Information Technology Law: The Law and Society* (Oxford: Oxford University Press, 2019), 155-178.
[44] Josua Sitompul, *Cyberspace, Cybercrimes, Cyberlaw: Tinjauan Hukum Pidana Indonesia* (Jakarta: PT Tata Nusa, 2021), 89-112.
[45] Edward Omar Sharif Hiariej, *Prinsip-Prinsip Hukum Pidana: Edisi Revisi UU No. 1 Tahun 2023* (Jakarta: Cahaya Atma Pustaka, 2023), 210-235.

of conduct prohibited by criminal law.[46] Furthermore, Law Number 39 of 1999 on Human Rights provides a normative framework for the limitation of rights. Articles 23 and 70 stipulate that freedom of opinion and expression must be exercised with due regard to religious values, morality, public order, and national interests. This principle is consistent with Article 28J of the 1945 Constitution of the Republic of Indonesia, which states that in exercising their rights and freedoms, every person is obliged to submit to limitations established by law for the purpose of respecting the rights of others and fulfilling the demands of justice, public order, and public security. Accordingly, the freedom of religious leaders to convey religious teachings and interpretations is not absolute, but is constrained by the obligation not to infringe upon the rights and freedoms of others.

From the perspective of legal responsibility principles, religious leaders as digital public figures may be assessed on the basis of the principle of personal responsibility. This principle emphasizes that criminal and civil liability attaches to the individual who actively conveys statements or digital content, regardless of whether such statements are delivered in a personal capacity or on behalf of a religious institution or particular community.[47] The status of a religious leader may in fact increase the weight of responsibility, as their statements possess a broader influence compared to those of ordinary individuals. The principle of personal responsibility is firmly rooted in international legal doctrine and the human rights regime, particularly within the framework of individual responsibility in the exercise of fundamental rights and freedoms. In international human rights law, individuals are positioned as both rights holders and duty bearers, such that the exercise of rights is inherently accompanied by personal responsibility for the social impact it generates.[48]

This principle is clearly reflected in the International Covenant on Civil and Political Rights. Article 19 paragraph (2) of the ICCPR guarantees the right of everyone to hold opinions and to express themselves, including through any media. However, Article 19 paragraph (3) expressly provides that the exercise of this right carries special duties and responsibilities and may be subject to restrictions prescribed by law and necessary to respect the rights or reputations of others, or to protect national security, public order, public health, or public morals. This construction demonstrates that under international law, freedom of expression is not attached to collective status or identity, but to the individual as the rights

[46]W. Cole Durham, Jr. and Brett G. Scharffs, *Law and Religion: National, International, and Comparative Perspectives* (New York: Aspen Publishers, 2010), 215-240.
[47] Mark A. Graber, "Religious Freedom and the Responsibility of Public Figures," *Journal of Law and Religion* 28, no. 2 (2013): 345-367.
[48] Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006), 25-58.

holder. Accordingly, responsibility for expression, including religious expression, is personal in nature and cannot be transferred to institutions, communities, or symbolic forms of legitimacy.

This understanding is reinforced by General Comment No. 34 issued by the Human Rights Committee. In its interpretation, the Committee emphasizes that public figures, including religious leaders, remain subject to limitations on freedom of expression insofar as such expression may give rise to discrimination, hostility, or violence against others. The General Comment also highlights that an individual's social influence is a relevant factor in assessing the impact of expression, such that those in positions of authority bear greater responsibility in their use of public space. Furthermore, the principle of personal responsibility is also reflected in Article 20 of the ICCPR, which prohibits any advocacy of hatred based on religion that constitutes incitement to discrimination, hostility, or violence. This norm does not distinguish whether such incitement is carried out in a personal capacity, on behalf of a religious institution, or in pursuit of a particular religious mission, but instead focuses on the active role of the individual in conveying expression that adversely affects the rights of others.

In contemporary international legal discourse, the heightened responsibility of public figures is also discussed within the framework of special duties and responsibilities. This principle recognizes that individuals with significant social influence, including religious leaders, possess a greater capacity to shape public opinion and collective behaviour.[49] Consequently, the standard of care in exercising freedom of expression is higher than that applied to ordinary individuals. This principle is not intended to diminish rights, but to ensure that the exercise of rights remains consistent with the overall objectives of human rights protection.[50]

International human rights courts and treaty monitoring bodies have consistently affirmed that public figures do not lose their right to freedom of expression;[51] however, the exercise of that right must take into account the broader impact that may arise. In the context of digital spaces, where the reach of messages is transboundary and massive, personal responsibility for expression becomes increasingly relevant, as potential social harm is no longer confined to local communities. Accordingly, from the perspective of international law and human rights, religious leaders who are active in digital spaces are positioned as individual subjects of international law who bear personal responsibility for their religious expression.

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[49] UN Human Rights Committee (HRC), *General Comment No. 34, Article 19: Freedoms of Opinion and Expression*,September 12, 2011, CCPR/C/GC/34, para. 21-26.
[50] Eric Barendt, *Freedom of Speech*, 2nd ed. (Oxford: Oxford University Press, 2005), 115-140.
[51] *Handyside v. United Kingdom*, App. No. 5493/72 (ECtHR, 7 December 1976), para. 49.

Religious status and moral legitimacy do not negate the obligation to respect the rights of others.[52] On the contrary, the influence and public trust attached to religious leaders heighten the standard of responsibility in exercising freedom of expression, in line with the principle of balance between rights and obligations within the international legal order.[53]

Audience reach and the intensity of influence are therefore important factors in assessing the limits of the legal responsibility of religious leaders in digital spaces. Statements conveyed to large numbers of followers, disseminated through platforms with recommendation systems, and packaged in formats that are easily replicated possess far broader potential social impact.[54] Consequently, the law recognizes that the greater an individual's social influence, the higher the standard of care that must be applied in conveying information, including religious narratives.[55]

The social effects of statements made by religious leaders in digital spaces also constitute a normative consideration in determining responsibility. Religious narratives conveyed without due caution may shape collective perceptions, reinforce prejudice, and influence the attitudes and actions of their followers.[56] In the context of a pluralistic and diverse rule-of-law state, such impacts are not merely individual in nature, but also implicate the public interest in the form of social harmony and national unity. Accordingly, the position of religious leaders as digital public figures places them in a role that is both strategic and legally vulnerable. On the one hand, they are protected by freedom of religion and freedom of expression.[57] On the other hand, they are constrained by constitutional obligations and statutory regulations not to misuse their social influence.[58] The limits of the legal responsibility of religious leaders in digital spaces lie at the point of balance between the freedom to convey religious teachings and the obligation to maintain respect for the rights of others, public order, and the integrity of social life within the rule-of-law framework of Indonesia.

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[52] Mashood A. Baderin, "Religion and International Law: An Analytical Survey of the Relationship," *Hague Yearbook of International Law* 24 (2011): 165-175.
[53] Tarleton Gillespie, *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions That Shape Social Media* (New Haven: Yale University Press, 2018), 74-92.
[54] Kyu Ho Youm, "The 'Actual Malice' Standard and Public Figures: A Comparative Law Analysis," *Communication Law and Policy* 26, no. 1 (2021): 45-82.
[55] Kyu Ho Youm, "The 'Actual Malice' Standard and Public Figures: A Comparative Law Analysis."
[56] Susan Benesch, "The Dangerous Speech Framework," *Voices That Poison: A Case Study Methodology on Dangerous Speech* (2013): 12-25.
[57] Bryan S. Turner, "Religious Authority and the New Media," *Theory, Culture & Society* 24, no. 2 (2007): 117-134.
[58] Bryan S. Turner, "Religious Authority and the New Media."

Legal Criteria for Distinguishing Protected Religious Expression from Religion-Based Hate Speech

This study proposes a framework of legal criteria to distinguish between religious expression that falls within the scope of legal protection and religious narratives in digital spaces that may be classified as religion-based hate speech. The formulation of such criteria is necessary to maintain a balance between the guarantee of freedom of religion and expression and the obligation to protect society from narratives that have the potential to trigger hostility and social fragmentation. Without clear normative parameters, law enforcement risks moving toward excessive restrictions on legitimate religious expression or, conversely, allowing the proliferation of hate discourse that undermines communal life in plural societies.

Normatively, the distinction between protected religious expression and religion-based hate speech may be assessed through four main parameters, namely: (1) the intent or orientation of the statement, (2) the substance or content of the narrative, (3) the manner and context of dissemination, and (4) the potential or social impact produced. These four parameters are not constructed arbitrarily, but are rooted in the principles governing the limitation of rights in constitutional law and human rights law, particularly Articles 28E and 28J of the 1945 Constitution of the Republic of Indonesia, as well as Article 19 paragraph (3) and Article 20 of the International Covenant on Civil and Political Rights, which affirm that freedom of expression carries special duties and responsibilities and may be restricted for the protection of the rights of others and public order.

Table 1. Legal Criteria for Distinguishing Protected Religious Expression from Religion-Based Hate Speech

Indicator	Protected Religious Expression	Religion-Based Hate Speech	Normative Legal Basis
Intent or Orientation of the Statement	Expression aimed at conveying religious teachings, faith education, moral reflection, or argumentative theological critique, without the intention to incite hostility or discrimination.	Expression deliberately oriented toward provoking hostility, discrimination, or exclusion against individuals or groups based on religious identity.	Article 19(3) ICCPR; General Comment No. 34 (Human Rights Committee); Articles 28E and 28J of the 1945 Constitution of the Republic of Indonesia
Substance or Content of the Narrative	Theological argumentation, internal doctrinal discussion, or differences in interpretation that do not negate the dignity or existence of other religious groups.	Content containing negative generalizations, assertions of religious inferiority or superiority, stigmatization, or delegitimization of other religious identities.	Article 20 ICCPR; Article 19(3) ICCPR; Article 28J of the 1945 Constitution
Manner and Context of Dissemination	Expression delivered through academic forums, open dialogue, or educational settings, using reflective and non-provocative language, even when disseminated digitally.	Expression disseminated massively through digital platforms using provocative rhetoric, emotional mobilization, or sensational framing that amplifies social tension.	Principle of proportionality in human rights law; Article 19(3) ICCPR
Potential or Social Impact	Expression that does not reasonably pose a risk of discrimination, hostility, or violence and contributes to understanding, dialogue, or peaceful coexistence.	Expression that creates a foreseeable risk of discrimination, hostility, or violence, or that undermines public order and the rights of others.	Article 20 ICCPR; Constitutional Court jurisprudence on public order and rights protection

Source: Author's elaboration, 2026.

First, the indicator of intent or orientation of the statement relates to elements of deliberateness and communicative purpose. In national law, this element is reflected in various provisions requiring conscious intent in the distribution of information containing certain content, as formulated in Law Number 1 of 2024 on Electronic Information and Transactions and Law Number 1 of 2023 on the Criminal Code. From a human rights perspective, the Human Rights Committee, through General Comment No. 34, also emphasizes that restrictions on expression must take into account the communicative purpose and intent. Religious expression aimed at conveying teachings, faith education, or argumentative theological critique remains within the scope of legal protection, so long as it is not directed at inciting hostility or discrimination.

Second, the indicator of substance or content of the narrative refers to the material elements of the statement. Article 28J of the 1945 Constitution and Article 19 paragraph (3) of the ICCPR affirm that the protection of rights is limited when the content of expression violates the rights or reputation of others. Furthermore, Article 20 of the ICCPR expressly prohibits advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence. Accordingly, religious narratives containing internal theological argumentation or differences in interpretation cannot automatically be classified as hate speech. Conversely, when the substance of a statement includes negative generalizations about other religious groups, assertions of inferiority, or the delegitimization of the existence of a belief, such expression moves toward religion-based hate speech.

Third, the indicator of the manner and context of dissemination relates to the medium, audience, and communicative setting. The principle of proportionality in human rights law requires assessment of the social and political context in which a statement is delivered. Expression conveyed in academic forums or open dialogue aimed at clarification carries a different weight from statements disseminated massively through digital platforms using provocative styles and rhetoric that mobilizes collective emotions. In digital spaces, characteristics such as virality and wide reach become relevant factors in assessing the level of social risk posed by a religious narrative.

Fourth, the indicator of potential or social impact refers to the likelihood of discrimination, hostility, or violence arising as a consequence of the expression. This parameter is consistent with Article 20 of the ICCPR, which emphasizes the link between expression and its impact in the form of incitement to harmful actions. In constitutional law practice, the Constitutional Court has also affirmed that restrictions on freedom of expression must take into account real threats to public order and the rights of others. Accordingly, assessment does not stop at the content of a statement, but also extends to the impacts that can reasonably be anticipated from such expression.

Based on these four parameters, religious expression that is legally protected is, in principle, expression that conveys teachings, theological views, or criticism in a reflective and argumentative manner, without leading to the delegitimization or stigmatization of other groups. Conversely, religion-based hate speech is characterized by the use of religious symbols, doctrines, or authority to demean dignity, construct negative stereotypes, or encourage rejection of other groups based on their religious identity, thereby exceeding the limits of freedom of expression in a rule-of-law state that upholds human rights.

An illustration of religious expression that remains within the corridor of legal protection can be seen in the program *LogIn*, broadcast through Deddy Corbuzier's channel.

The program is hosted by Habib Husein Ja'far Al Hadar together with Onadio Leonardo, with Boris Bokir as one of the regular contributors. In terms of intent or orientation, *LogIn* is designed to promote interfaith dialogue and diversity literacy, rather than to justify exclusive truth claims or construct opposition toward other religious groups. In terms of substance or content, the religious discussions in *LogIn* focus on the introduction of shared human values, ethical reflection, and argumentative explanations of differences in belief. In several episodes, the program features religious figures from various traditions, including Hendry Jacques Pattinasarany, Reynaldo Antoni Haryanto, and Bhante Dhirapunno, alongside Habib Husein Ja'far as a representative of Islam. The narratives constructed do not contain negative generalizations, assertions of religious inferiority, or delegitimization of the existence of other beliefs, and therefore do not meet the elements of advocacy of hatred as prohibited under Article 20 of the ICCPR. From the perspective of manner and context of dissemination, *LogIn* employs an open, dialogical, and non-confrontational format delivered in an atmosphere of equality. Although disseminated through digital platforms with a broad audience reach, the communication style remains reflective and non-provocative. This context distinguishes *LogIn*from religious expressions delivered through emotional rhetoric or digital mass mobilization, which, under the principle of proportionality, carry a higher level of social risk. With regard to potential or social impact, the religious narratives in *LogIn* tend to encourage mutual understanding and reduce prejudice among adherents of different religions. Accordingly, the religious expression presented in this program satisfies the criteria for legal protection because it does not pose a rational threat to the rights of others, public order, or social cohesion.[59]

As a point of comparison, religious narrative practices that generate polarization in digital spaces can be found in a number of statements made by Bahar bin Smith through sermons that were subsequently disseminated online.[60] From the perspective of intent and orientation, these statements no longer function as the conveyance of religious teachings or religious reflection, but are instead directed toward attacking and demeaning particular religious groups or symbols. In terms of the substance of the narrative, the use of derogatory diction and stigmatization of other groups indicates a shift from theological critique toward advocacy of hostility based on religious identity. With respect to the manner and context of dissemination, the sermons were distributed through digital platforms with broad reach and employed a confrontational rhetorical style, thereby increasing the potential for the mobilization of collective emotions. The resulting social impact took the form of polarized

[59] M. Syaifuddin, "Millennials' Perception of Religious Moderation on the LogIn Podcast, 189.
[60] Putusan Pengadilan Negeri Bandung Nomor 220/Pid.Sus/2022/PN Bdg.

public reactions and disturbances to social harmony, which are normatively relevant for classification as religion-based hate speech. The comparison between *LogIn* and the statements of Bahar bin Smith demonstrates how the four normative parameters may be operationally applied to distinguish between protected religious expression and expression that exceeds the limits of legal protection. Religious expression that is dialogical, argumentative, and oriented toward respect for diversity falls within the scope of freedom of expression. By contrast, religious narratives that employ religious authority to construct stigma, hostility, and rejection of other groups based on religious identity meet the indicators of hate speech and open the possibility of legal accountability within a rule-of-law framework that upholds human rights.

Additional comparative examples further illustrate the practical application of these parameters. Another widely discussed case concerns a number of online sermons and recorded statements by Abdul Somad that circulated extensively on social media platforms during the late 2010s and early 2020s. Several of these statements generated public controversy and legal complaints, particularly when excerpts were detached from their original explanatory context and redistributed in short digital formats.[61] From the perspective of intent and orientation, certain statements were no longer perceived merely as internal theological explanation, but as outward-facing assertions that framed other religious groups in a dismissive or demeaning manner. In terms of substance, categorical language and symbolic references to other faiths contributed to interpretations that moved beyond theological critique toward stigmatization. Disseminated through digital platforms with wide reach, these statements produced polarized public reactions and heightened interreligious tension, demonstrating how digital circulation can amplify social impact beyond the original communicative setting.

A further point of comparison can be found in a number of public statements and sermons by Rizieq Shihab that were recorded and widely disseminated through digital media. Several of these statements became the subject of legal proceedings and public debate due to their confrontational tone and derogatory references toward particular religious groups or symbols. [62] Assessed through the four normative parameters, the orientation of such statements extended beyond religious instruction and toward mobilization against perceived out-groups. Substantively, the narratives relied on delegitimizing language and symbolic exclusion rooted in religious authority. The manner of dissemination through viral videos and repeated circulation on social media platforms expanded their audience far beyond the

[61] Ahmad N. Amir, "The Dynamics of Religious Authority in Indonesia: The Case of Ustadz Abdul Somad," *Journal of Indonesian Islam* 14, no. 1 (2020): 142-165.
[62] Putusan Pengadilan Negeri Jakarta Timur Nomor 225/Pid.Sus/2021/PN Jkt.Tim.

immediate religious community. The resulting social impact included polarized public discourse, heightened intergroup hostility, and disturbances to social order, rendering these expressions normatively relevant for classification as religion-based hate speech under human rights standards.

Taken together with the comparison between LogIn and the statements of Bahar bin Smith, these additional examples demonstrate that the legal distinction between protected religious expression and religion-based hate speech cannot be determined solely by the religious status of the speaker or by the formal label of preaching. Rather, it requires a contextual and proportional assessment of intent, content, mode of dissemination, and foreseeable social impact. Religious expression that remains dialogical, reflective, and oriented toward respect for pluralism falls within the scope of protected freedom of expression. Conversely, religious narratives that instrumentalize religious authority to construct stigma, exclusion, or hostility toward other groups based on religious identity satisfy the indicators of hate speech and justify legal accountability within a rule-of-law framework grounded in human rights. Accordingly, these criteria provide a coherent normative guide for law enforcement authorities in assessing cases of religion-based hate speech, while simultaneously offering legal certainty for religious leaders and the wider public in exercising religious expression responsibly within digital spaces.

5. CONCLUSION AND RECOMMENDATIONS

This study demonstrates that religion-based identity polarization in Indonesia's digital public sphere is not merely a sociocultural phenomenon, but a legally relevant development shaped by digital platform architecture, algorithmic amplification, user anonymity, and the formation of echo chambers. These structural conditions transform religious narratives from individual expressions of faith into discursive forces capable of producing stigma, exclusion, and incitement to hostility. As a result, digital religious expression increasingly intersects with legal norms governing public order, the protection of the rights of others, and the prevention of religion-based hate speech.

Within this context, the position of religious leaders has undergone a significant normative transformation. Religious leaders are no longer situated solely as spiritual authorities operating within bounded physical communities, but as digital public figures whose expressions circulate widely, cross territorial boundaries, and generate measurable social impact. From both national and international legal perspectives, religious leaders who actively disseminate religious narratives in digital spaces are full legal subjects who bear personal responsibility for the content and foreseeable consequences of their expressions. Neither

religious status nor moral legitimacy operates as a basis for immunity from legal accountability.

The analysis confirms that Indonesian constitutional law and statutory regulation are substantively aligned with international human rights law, particularly the International Covenant on Civil and Political Rights. Freedom of religion and freedom of expression are firmly protected, yet they are not absolute. Articles 18, 19, and 20 of the ICCPR, read together with Articles 28E, 28J, and 29 of the 1945 Constitution, establish a coherent framework in which the exercise of religious expression carries special duties and responsibilities. Limitations are permissible only when prescribed by law, directed toward legitimate aims, and applied proportionally. This framework rejects both the criminalization of legitimate theological discourse and the tolerance of religious narratives that incite discrimination, hostility, or violence.

To operationalize these principles, this study formulates four normative parameters for distinguishing protected religious expression from religion-based hate speech, namely intent or orientation, substance or content, manner and context of dissemination, and potential or social impact. These parameters provide a structured and proportionate method for legal assessment, ensuring that enforcement does not hinge on the identity of the speaker or the formal label of religious preaching, but on the actual characteristics and effects of the expression. The comparative analysis of dialogical interfaith practices, such as the LogIn program, alongside polarizing digital sermons by religious figures, demonstrates the practical applicability of these parameters in distinguishing expression that contributes to pluralism from expression that undermines social cohesion.

From an international law perspective, the findings reinforce the principle that public figures with significant social influence bear heightened responsibility in exercising freedom of expression. In digital environments characterized by virality and mass dissemination, the potential harm arising from religious narratives is magnified, thereby justifying higher standards of care without negating fundamental rights. Legal accountability in this context functions not as a tool of repression, but as a safeguard to preserve both human dignity and democratic pluralism. This study concludes that the effective governance of religious expression in digital spaces requires a balanced normative approach grounded in international human rights law. Clear legal criteria, consistent enforcement, and respect for proportionality are essential to maintaining digital spaces as arenas for constructive religious dialogue rather than sites of polarization and hostility. By articulating principled boundaries of legal responsibility for religious leaders as digital public figures, this study contributes to broader

international discourse on freedom of expression, digital governance, and the protection of plural societies in the digital age.

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