

Freedom of Opinion from the Perspective of Islamic Law and Human Rights

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Article Info

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History:

Submitted: 01-12-2025

Revised: 20-01-2026

Accepted: 23-01-2026

Keyword:

Freedom of Opinion; Universal Declaration of Human Rights (UDHR); Islamic Law; Human Rights Law.

Kata Kunci:

Kebebasan Berpendapat; Deklarasi Universal Hak Asasi Manusia (DUHAM);

Hukum Islam; Hak Asasi Manusia.

Abstract

This research examines the right to freedom of opinion from the perspectives of Islamic law and the Declaration of Human Rights. In a democratic system, Indonesia is constitutionally required to protect freedom of expression as a non-derogable right under Article 28I paragraph (4) of the 1945 Constitution. Although essential to human dignity, this right is not absolute and may be lawfully restricted to protect public order, national security, and the rights of others. This study employs a normative juridical method by analyzing legal norms, doctrines, and theoretical frameworks governing freedom of opinion in Islamic legal thought and international human rights law. International recognition is affirmed in Article 19 of the Universal Declaration of Human Rights. The study concludes that clear, proportional, and legally grounded limitations are necessary to ensure responsible exercise within pluralistic societies. Harmonization between these frameworks can be achieved through contextual and purposive legal interpretation.

Abstrak

Penelitian ini mengkaji hak atas kebebasan berpendapat dari perspektif hukum Islam dan Deklarasi Hak Asasi Manusia. Dalam sistem demokrasi, Indonesia secara konstitusional wajib melindungi kebebasan berpendapat dan berekspresi sebagai hak non-derogable sebagaimana diatur dalam Pasal 28I ayat (4) Undang-Undang Dasar 1945. Meskipun penting bagi martabat manusia, hak ini tidak bersifat absolut dan dapat dibatasi secara sah untuk melindungi ketertiban umum, keamanan nasional, serta hak orang lain. Penelitian ini menggunakan metode yuridis normatif dengan menganalisis norma hukum, doktrin, dan kerangka teoretis mengenai kebebasan berpendapat dalam pemikiran hukum Islam dan hukum hak asasi manusia internasional. Pengakuan internasional ditegaskan dalam Pasal 19 Deklarasi Universal Hak Asasi Manusia. Penelitian ini menyimpulkan bahwa pembatasan yang jelas, proporsional, dan berbasis hukum diperlukan untuk menjamin pelaksanaan yang bertanggung jawab dalam masyarakat pluralistik. Harmonisasi antara kedua kerangka kerja ini dapat dicapai melalui interpretasi hukum yang kontekstual dan bertujuan untuk kemaslahatan publik.



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 <https://doi.org/10.65101/p452ds42>

A. INTRODUCTION

1. Background

Freedom of opinion as a whole is interpreted as an independence for a person to issue ideas or ideas about a matter that is a manifestation of the existence of freedom of opinion and expression can be seen from whether the people feel that the aspirations they have able to be channeled properly without any restrictive efforts made considering that freedom of opinion is a basic right that should be given to all people in a democratic country, especially a country based on people's sovereignty.¹ Freedom of expression is one of the most fundamental and widely recognized human rights around the world. This right allows individuals to express their thoughts, ideas and beliefs without fear of repression or discrimination.²

The right to freedom of opinion and freedom of expression are fundamental human rights that play a central role in democratic governance. These rights enable individuals to articulate ideas, engage in public discourse, and participate meaningfully in decision-making processes. In democratic states, the effective protection of freedom of opinion and expression is essential to uphold human dignity, ensure governmental accountability, and sustain an open and pluralistic society.³

Article 19 of the Universal Declaration of Human Rights (DUHAM) declared on December 10, 1948 affirms that "Everyone has the right to freedom of opinion and expression, in this case including the freedom to adhere to certain opinions without interference and to seek, receive and convey information and ideas or ideas through any media without restrictions". Based on this, one of the Human Rights (hereinafter referred to as Human Rights) that must be respected, upheld and protected is the right of a person to express his opinion. One of the human rights as stated in Article 19 of the DUHAM is also listed in the constitution of the Republic of Indonesia, namely in Article 28E number (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the

¹ Sinta Amelia Febrianasari and Waluyo, "Freedom of Opinion in the Perspective of People's Sovereignty." 1, no. 2 (2022): 38–46. <https://doi.org/10.13057/souvereignty.v1i2.223>.

² Muhammad Roqib, Happy Anugraha Sutrisno Putra, Anwar Noris, and Hotma Parlindungan Ambarita. "Hak Atas Kebebasan Berekspresi Dan Berpendapat Di Indonesia Dengan Di Amerika Serikat." *Perspektif Hukum* 20, no. 1 (2020): 41-53. <https://doi.org/10.30649/ph.v20i1.76>.

³ Nyoman Gede, and Anak Agung Sagung Laksmi Dewi. "Pembatasan Kebebasan Berpendapat dan Berekspresi di sosial media berdasarkan peraturan Perundang-undangan nomor 19 tahun 2016 tentang perubahan atas undang-undang nomor 11 tahun 2008 tentang informasi dan transaksi elektronik (ite)." *Kertha Wicaksana* 17, no. 2 (2023): 138–146. DOI: <https://doi.org/10.22225/kw.17.2.2023.138-146>

1945 Constitution).⁴ The 1948 Universal Declaration of Human Rights (LUHR), adopted by the United Nations General Assembly, expressly states in Article 19 that everyone has the right to freedom of opinion and expression. This right includes the freedom to have opinions without interference and to seek, receive and convey information and ideas through any medium regardless of national borders.⁵

Although a number of studies have examined freedom of opinion from the perspectives of Islamic law and human rights, significant gaps remain in reconciling these normative frameworks within a constitutional context. For instance, Mustain emphasize that freedom of opinion in Islam is grounded in Sharia and is inherently limited by the need to preserve social harmony and public order, yet their analysis remains largely doctrinal and does not engage systematically with international human rights standards.⁶

Similarly, Ahmad and Anggraeni analyze freedom of expression on social media from Islamic and human rights perspectives but do not sufficiently explore the normative tensions between Islamic legal principles and the Universal Declaration of Human Rights.⁷ These limitations reveal the absence of an integrated analytical framework that incorporates *siyasah dusturiyah* and constitutional theory to assess convergence and divergence between Islamic law and DUHAM norms. This study addresses that gap by offering a comparative–constitutional analysis that clarifies normative coherence, tension, and practical implications within pluralistic democratic systems it.⁸

However, the implementation of freedom of opinion is not always uniform in every country, region and culture. In the context of Muslim-majority countries, Islamic law often plays an important role in shaping the legal and social framework, including in terms of freedom of opinion. Islamic law, which is based on the Qur'an and Hadith, recognizes the importance of freedom of speech and expression, but with the limits set by sharia. This

⁴ Arnapi, Karnaji, Izzah Khalif Raihan Abidin, and Rofadan Mina Arsyada. "Paradigma Hukum Kedudukan Kepolisian Negara Republik Indonesia Dalam Pengamanan Aksi Unjuk Rasa." *Media Iuris* 7, no. 1 (2024): 31-50. <https://doi.org/10.20473/mi.v7i1.43709>.

⁵ Nizam Tazmi. "Perlindungan Hak Asasi Manusia Dalam Kebebasan Berpendapat dan Berekspeksi di Media Sosial." *Justices: Journal of Law*, 4, no. 1 (2025): 32-43. <https://doi.org/10.58355/justices.v4i1.141>.

⁶ Ahmad Muhammad Mustain Nasoha et al., "Kebebasan Berpendapat dalam Islam: Antara Hak Warga Negara dan Batasan Syariah," *Amandemen: Jurnal Ilmu Pertahanan, Politik dan Hukum Indonesia* 2, no. 2 (2025): 90-100, <https://doi.org/10.62383/amandemen.v2i2.886>

⁷ Pendi Ahmad dan RR Dewi Anggraeni, "The Right to Freedom of Expression on Social Media in the Perspective of Human Rights and Islam," *SALAM: Jurnal Sosial dan Budaya Syar-i* 9, no. 6 (2022): 1825-1836. <https://doi.org/10.15408/sjsbs.v9i6.28120>

⁸ Ramadhan Al-Fitrah Rao, Ramadhan Syahmedi Siregar, Dhiauddin Tanjung. "The Concept Of Freedom Of Opinion In Islam And Its Limitations As Seen In The Face Of Constitutional Law." *JHK: Jurnal Hukum dan Keadilan* 2, no. 6 (2025): 48-56. DOI : <https://doi.org/10.61942/jhk.v2i6.455>.

raises questions about how freedom of opinion is understood and implemented within the framework of Islamic law compared to international standards set by the human rights or human rights.⁹

2. Research Questions

- a. How are the normative foundations and limitations of freedom of opinion constructed in Islamic law and in international human rights law as reflected in the Universal Declaration of Human Rights, and what are the principal points of convergence and divergence between these two legal frameworks within a democratic context?
- b. How can the principles of *siyasah dusturiyah* be integrated as a constitutional framework to formulate a model of freedom of opinion that is compatible with Islamic legal values while remaining consistent with the limitation principles recognized in international human rights law?

3. Research Methods

The research method used is normative juridical, by examining various problems based on theories, concepts and legal norms that apply in Freedom of Opinion in the Perspective of Islamic Law and the Declaration of Human Rights.¹⁰ This research stage is carried out based on literature studies, so that it can identify that the data used is primary legal material, namely national legislation, secondary legal material consisting of expert opinions in the form of doctrines or teachings on law related to Freedom of Opinion in the Perspective of Islamic Law and the Declaration of Human Rights.¹¹

Methodologically, the synchronization between Islamic legal texts and positive law is carried out through a normative-conceptual analysis by identifying shared normative objectives, principles of limitation, and underlying values of human dignity and social order. Qur'anic verses and Hadith relevant to freedom of expression are interpreted using contextual and purposive reasoning, then systematically compared with constitutional and human rights norms to assess convergence, divergence, and constitutional compatibility within a democratic legal framework.

⁹ Moch Sulaiman, "Tinjauan Fiqh Siya>sah Dan Hukum Positif Terhadap Kebebasan Berpikir Dan Berpendapat Dalam Kasus Peretasan Situs Tempo" (UIN Sunan Ampel Surabaya, 2021).

¹⁰ Muchtar, Henni. "Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah dengan Hak Asasi Manusia." *Humanus: Jurnal Ilmiah Ilmu-ilmu Humaniora*, 14, no. 1 (2015): 1-12. <https://doi.org/10.24036/jh.v14i1.5405>.

¹¹ Adlini, Miza Nina, Anisya Hanifa Dinda, Sarah Yulinda, Octavia Chotimah, and Sauda Julia Merliyana. "Qualitative Research Methods of Literature Studies." *Edumaspul: Journal of Education* 6, no. 1 (2022): 974-80. <https://doi.org/10.33487/edumaspul.v6i1.3394>.

B. DISCUSSION

1. Recognition of the Right to Freedom of Opinion

Indonesia as a democratic state has the obligation to protect, promote, enforce, and fulfill the right to freedom of opinion and expression in society, as one of the human rights, as mandated in article 28I paragraph (4) of the 1945¹⁶ Constitution¹². However, what we need to understand is that the right to freedom of opinion and expression is not an absolute right, meaning a right that cannot be restricted or eliminated by any party under any conditions.

This right is considered essential and inviolable because it is directly related to fundamental human dignity and values. Thus, absolute rights are an important foundation for the legal system and the protection of human rights. The recognition and protection of these rights is an indicator of the progress and civilization of a society in respecting and upholding human values.¹³

But of course there are limits to opinion, even in the United States as one of the countries that has the strongest constitutional protection for freedom of opinion or speech in any country in the world, there are still limits that apply.

Meanwhile, in terms of legal substance, one of the fundamental problems in the implementation of the right to freedom of opinion is the overlapping rules. For example, article 9 of Law No. 9 of 1998 concerning Freedom of Public Opinion only regulates notification and/or submission to the Police to conduct rallies or demonstrations, marches, public meetings, and free pulpits as a form of public expression.¹⁴

¹² Siringoringo, Martin P. "Pengaturan Dan Penerapan Jaminan Kebebasan Beragama Sebagai Hak Asasi Manusia Dalam Perspektif Uud 1945 Sebagai Hukum Dasar Negara." *Nommensen Journal of Legal Opinion* 3, no. 1 (2022): 11-24. <https://doi.org/10.51622/njlo.v3i1.618>.

¹³ Anugrah Pradana, Syafaat, Rusdianto Sudirman, and Muh. Andri Alvian. "Kemelitan Penegakan Hukum Terhadap Hak Kebebasan Berpendapat." *DIKTUM: Jurnal Syariah Dan Hukum* 20, no. 1 (2022): 56-68. <https://doi.org/10.35905/diktum.v20i1.2811>.

¹⁴ Nasution, Latipah. "The Right to Freedom of Opinion and Expression in Public Spaces in the Digital Era." *Keadilan Hukum dan Pemerintahan* 4, no. 3 (2020): 37-48. <https://doi.org/10.15408/adalah.v4i3.16200>.

Table. 1 Comparative Dimensions of Freedom of Opinion

Comparative Dimension	Islamic Law Perspective (Siyāsah Shar‘iyyah)	UDHR Perspective (Article 19)	Indonesian Legal Framework
Source of Rights	Divine mandate (<i>Amānah</i> from God)	Inherent natural human rights	Constitutional guarantee (1945 Constitution)
Objective of Freedom	Realization of <i>maṣlaḥah</i> and promotion of <i>amr ma‘rūf</i>	Individual autonomy and democratic participation	Popular sovereignty
Principal Limitations	Prohibition against violations of creed (<i>‘aqīdah</i>) and Sharī‘ah principles	Protection of public order, morality, and the rights of others	Religious values, public order, and national security
Institutional Mechanism	Consultative governance (<i>shūrā</i>)	Free public participation and expression	Pancasila-based democracy

The table demonstrates that freedom of opinion is recognized across Islamic law, international human rights law, and Indonesian constitutional law, albeit grounded in distinct normative foundations. In *siyāsah shar‘iyyah*, freedom of expression is derived from a divine mandate and functions as a moral responsibility aimed at achieving *maṣlaḥah* (public welfare) and fostering social virtue through *amr ma‘rūf*. Conversely, Article 19 of the Universal Declaration of Human Rights conceptualizes freedom of opinion as an inherent and inalienable human right essential for individual autonomy and democratic governance.

Within the Indonesian legal framework, freedom of opinion is constitutionally protected as an expression of popular sovereignty, yet balanced by Pancasila values, religious norms, and considerations of public order and national security. This comparative framework illustrates that, despite differing philosophical underpinnings, all three systems converge on the principle that freedom of opinion must be exercised responsibly within clearly defined legal and ethical boundaries.

a. Declaration of Human Rights (DUHAM)

According to Todung M. Lubis, who proposed the theory of natural law that has 3 (three) thoughts related to human rights is as follows: First, human rights have naturally been owned by everyone since he was born. Second, human rights can be applied to everyone equally regardless of their geographical location; and Third, human rights do not require any action or planning from other parties, regardless

of whether the other party is individuals, groups or governments. In its development, this theory is quite influential and has been translated in many human rights instruments. The "Universal Declaration of Human Rights (DUHAM) 1948" itself was enacted under the banner of natural law theory considering that the DUHAM itself brought many discussions of philosophical, theoretical, legal, and political issues.

Article 19 of the Universal Declaration of Human Rights (DUHAM) states that everyone has the right to freedom of opinion and expression. This right includes the freedom to have opinions without interference and to seek, receive, and convey information and ideas through any medium regardless of national borders. This recognition affirms that freedom of opinion and expression is a fundamental element in a free and democratic human life.¹⁵

1) Right to Opinion

It is in this position of human beings as social beings that human rights issues become very complex. In group life, this right is taken or delegated to the group for a common living arrangement. In its development, community groups become stronger, so that humans are only subordinate to the prevailing system of life. Human life and freedom are neglected for the group. That's when the rights inherent in humans have been taken away.¹⁶

The right to have an opinion without interference means that every individual has the right to own and develop personal views, thoughts, and beliefs without fear of intimidation or retaliation. This is an internal right and should not be interfered with by any authority. This recognition is important because it allows intellectual and spiritual freedom, which is the basis for freedom of opinion and expression.¹⁷

¹⁵ Kristian Megahputra Warong, Caecilia J. J. Waha, and Tangkere Cornelius, "A Study of Human Rights Law on Freedom of Opinion by Civil Society Organizations on Social Media," *Quarterly Journal of Health Psychology* 8, no. 5 (2020): 73–92.

¹⁶ Prayoga, Andi Sugistino, Enjel Kostansa Waitau, Mahfudhotul Jannah, Rahma Shavira Ardana, and Fania Rachamaningrum. "Efektifitas Pembelajaran Jarak Jauh Dalam Perspektif Hak Asasi Manusia Pada Masa Pandemi Covid-19 Di Indonesia." *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 10, no. 1 (2021): 12-21. <https://doi.org/10.33061/jgz.v10i1.5007>.

¹⁷ Wilujeng, Sri R. "Hak Asasi Manusia: Tinjauan Dari Aspek Historis Dan Yuridis." *HUMANIKA* 18, no. 2 (2013): 1-10. <https://doi.org/10.14710/humanika.18.2>.

2) The Right to Express Opinions

In the universal declaration of human rights, Article 19 states that "Everyone has the right to freedom of opinion and expression; This right includes the freedom to have opinions without interference and to seek, receive and convey information and ideas through any media and regardless of territorial boundaries." This shows the importance of freedom of opinion in maintaining the sustainability of human rights. However, in practice, freedom of opinion is often limited by laws or government actions that restrict this right. Some countries recognize freedom of opinion as a constitutional right, but in reality the laws and policies applied often restrict freedom of opinion, as in the case of restrictions on freedom of opinion in China and several other countries ¹⁸.

In addition, freedom of opinion is also closely related to other rights, such as the right to information, the right to privacy, and the right to freedom of the press. This linkage emphasizes the importance of ensuring that freedom of expression is safeguarded and protected in the broader context of human rights. Civil society can play an important role in fighting for freedom of opinion and monitoring government actions to restrict these rights. Meanwhile, the media can help in ensuring transparent access to information, as well as providing a platform for individuals and groups to express their views.

3) Allowed Limits

The sound of the articles of the statutory provisions that are mentioned as clearly as possible that the freedom to express opinions in public has indeed been mentioned in article by article and the limitations of the freedom to express opinions are also explained, including:

- a) Article 28 of the 1945 Constitution This article clearly states that the freedom of association and assembly, expressing thoughts orally and in writing and so on is stipulated by law. That means that the meaning of this article is that the freedom

¹⁸ Sufiana Julianja, "Restrictions on Freedom of Expression in Social Media: An Evaluation of the Information and Electronic Transaction Law in the Perspective of Human Rights," *Padjadjaran Law Review* 6 (2018): 16–29.

to express opinions in public is legal in the eyes of the law, including several articles in other laws that both regulate the freedom to express opinions in public.¹⁹

- b) Article 2 of Law Number 9 of 1998 concerning Freedom to Convey Opinions in Public in Paragraph (1) of Article 2, it is stated that every citizen, individually or in a group, is free to express his opinion as a manifestation of the rights and responsibilities of democracy in the life of society, nation, and state. In the continuation of Paragraph (2), it is also stated that the submission of opinions in public is carried out in accordance with the provisions of the law. Of course, the law in question is Law Number 9 of 1998 and similar laws and regulations that discuss freedom of opinion in public.²⁰
- c) Article 25 of Law Number 39 of 1999 concerning Human Rights states in Article 25 that everyone has the right to express their opinions in public, including the right to strike in accordance with the provisions of the law. In addition to Article 25, in Article 23 Paragraph (2) it is stated that everyone is free to have, issue and disseminate opinions according to their conscience, orally and or in writing through print and electronic media by paying attention to religious values, morality, order, public interest, and the integrity of the nation.²¹
- d) Article 19 of the Universal Declaration of Human Rights Freedom of public expression is also mentioned in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression; This right includes the freedom to hold on to an opinion without any

¹⁹ Junaedi, Asep Mahbub, and Siti Ngainnur Rohmah. "The relevance of the right to freedom of expression in Article 28E paragraph 3 of the 1945 Constitution of the Republic of Indonesia to the study of fiqh siyasah." *Mizan: Journal of Islamic Law* 4, no. 2 (2020): 37–48. <https://doi.org/10.32507/mizan.v4i2.816>.

²⁰ Titis Anindyajati and Helmi Kasim. "Regulation of the Right to Freedom of Opinion in the Constitution." *Indonesian Law Journal* 14, no. 1, (2021): 19-36. <https://doi.org/10.33331/ilj.v14i1.45>.

²¹ Trie Rahmi Gettari, Wira Okta Viana, Meydianto Mene. "Hak Asasi Manusia dan Kebebasan Berekspresi di Indonesia." *Ensiklopedia fo Journal* 5, no. 2 (2023): 228-232. <https://doi.org/10.33559/eoj.v5i2.1590>

interference, and to seek, receive and convey information and ideas through any medium and regardless of territorial boundaries.

Although the above Article already recognizes the right to freedom of opinion and expression in general, this right is not absolute. Restrictions may be imposed to protect the rights and reputations of others, national security, public order, public health or morals. These restrictions must be established by law and must be absolutely necessary in a democratic society. This means that any limits must be proportionate and should not be used to suppress criticism or dissent in an unlawful manner.²²

In a global context, Article 19 plays a key role in protecting press and media freedom, as well as the right of individuals to participate in public discussion without fear. The freedom of opinion and expression recognized by Article 19 is an important foundation for democracy, allowing for transparency, accountability, and active participation of citizens in government. Countries around the world are expected to adapt their laws to conform to the standards set by Article 19, although their application may differ depending on the cultural and political context of each country.

However, the application of Article 19 is not without challenges. Many countries face a dilemma in balancing the protection of freedom of opinion and expression with the need to maintain national security and public order. In some countries, governments often use national security reasons to impose excessive and disproportionate restrictions on freedom of opinion and expression. Other challenges include the abuse of defamation laws, internet censorship, and strict media controls, which can hinder the flow of information and ideas.

Overall, Article 19 of the DUHAM affirms that freedom of opinion and expression is a basic human right that must be respected and protected. The recognition and protection of these rights is an important indicator of a country's commitment to democratic principles and human rights. While challenges in its application remain, efforts to overcome these barriers are essential to ensure that each individual can enjoy true freedom of opinion and expression.²³

²² Triwahyuningsih. "The Right to Freedom of Express Opinions in Public Based on Pancasila." *Journal of Transcendental Law* 3, no. 1 (2021): 1 - 14. <http://dx.doi.org/10.23917/jtl.v3i1.15682>.

²³ Al-Aradi, Asst. Lect. Mohammed Mutashar Hamza, and Asst. Lect. Ameer Qasim Al-Khuzai. "Freedom of Opinion in the Holy Quran: An Analytical Study". *Journal of Jurisprudence Faculty* 2 no. 3, (2025): 87-110. <https://doi.org/10.36324/fqhj.v2i53.21481>

1. Verses about Freedom of Opinion in Democracy

a. Q.S. Ash-Shura: 38

﴿ وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ﴿٣٨﴾ (الشورى/42: 38)

It means: (also better and more eternal for) those who accept (obey) God's call and perform prayers, while their affairs are (decided) by deliberation among themselves.

They gave a part of the sustenance that We bestowed on them (Ash-Shura/42:38)

b. Q.S. Al-A'raf: 12-17

﴿ قَالَ مَا مَنَّكَ إِلَّا تَسْجُدَ إِذْ أَمَرْتُكَ قَالَ أَنَا خَيْرٌ مِنْهُ خَلَقْتَنِي مِنْ نَارٍ وَخَلَقْتَهُ مِنْ طِينٍ ۚ ١٢ قَالَ فَاهْبِطْ مِنْهَا فَمَا يَكُونُ لَكَ أَنْ تَتَكَبَّرَ فِيهَا فَاخْرُجْ إِنَّكَ مِنَ الصَّغِيرِينَ ۚ ١٣ قَالَ أَنْظِرْنِي إِلَى يَوْمِ يُبْعَثُونَ ۚ ١٤ قَالَ إِنَّكَ مِنَ الْمُنظَرِينَ ۚ ١٥ قَالَ فِيمَا أُغْوَيْتَنِي لَأَفْعِدَنَّ لَهُمْ صِرَاطَكَ الْمُسْتَقِيمَ ۚ ١٦ ثُمَّ لَأَتَّبِعَنَّهُمْ مِنْ بَيْنِ أَيْدِيهِمْ وَمِنْ خَلْفِهِمْ وَعَنْ أَيْمَانِهِمْ وَعَنْ شَمَائِلِهِمْ وَلَا تَجِدُ أَكْثَرَهُمْ شَاكِرِينَ ۚ ١٧﴾ (الاعراف/7: 12-17)

Meaning: 12. He said, "What prevents you from prostrating when I tell you?" He (Satan) replied, "I am better than him. You created me out of fire, but he you created out of the ground." 13. He (Allah) said, "Come down from him (paradise) because you should not boast in it. Get out! Indeed, you are a despicable being." 14. He (Satan) replied, "Give me a postponement until the day they are resurrected." 15. He (Allah) said, "Indeed, you are among those who are given a postponement." 16. He (Satan) replied, "Because You have deceived me, I will always hinder them from Your straight path. 17. Then I will surely come to them from the front, from behind, from the right, and from their left. You will not find most of them grateful." (Al-A'raf/7:12-17)

c. Q.S. Al-Baqarah: 233

﴿ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّمَ الرِّضَاعَةَ ۗ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۚ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ بِالْمَعْرُوفِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ۚ ٢٣٣﴾ (البقرة/2: 233)

Meaning: Mothers should breastfeed their children for two full years, for those who want to complete breastfeeding. It was the duty of the father to bear their food and clothing adequately. A person is not burdened, unless it is according to his ability. Let not a mother be made to suffer because of her child, nor should her father be made to suffer because of her child. The heirs are like that. If both of them wish to wean (before two years) based on consent and deliberation between them, there is no sin on both. If you want to breastfeed your child (to someone else), there is no sin for you

if you pay in the right way. Fear Allah and know that Allah is the Most Visible of what you are doing (Al-Baqarah/2:233)

d. Q.S. Ali-Imran: 159

﴿ فَبِمَا رَحْمَةٍ مِنَ اللَّهِ لِنْتَ لَهُمْ ۖ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ ﴿ ١٥٩ ﴾ (ال عمران/3: 159)

Meaning: So, by the mercy of Allah you (Prophet Muhammad) are gentle with them. If you were harsh and rough-hearted, they would naturally stay away from you. Therefore, forgive them, ask for forgiveness for them, and consult with them in all matters. Then, when you have made up your mind, trust in Allah. Indeed, Allah loves those who put their trust (Ali 'Imran/3:159)

2. Verses on Freedom of Opinion Relating to Law

a. Q.S. Al-Baqarah:109

﴿ وَدَّ كَثِيرٌ مِّنْ أَهْلِ الْكِتَابِ لَوْ يَرُدُّوكُمْ مِّنْ بَعْدِ إِيمَانِكُمْ كُفَّارًا حَسَدًا مِّنْ عِنْدِ أَنفُسِهِمْ مِّمَّنْ بَعْدَ مَا تَبَيَّنَ لَهُمُ الْحَقُّ ۚ فَاعْفُوا وَاصْفَحُوا حَتَّىٰ يَأْتِيَ اللَّهُ بِأَمْرِهِ ۗ إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿ ١٠٩ ﴾ (البقرة/2: 109)

Meaning: Many of the Ahlulkitab want them to be able to return you after you have believed to become an infidel again because of envy in them after the truth is clear to them. So, forgive (let it go) and be free (turn away from them) so that Allah gives His command. Indeed, Allah is Almighty over all things (Al-Baqarah/2:109)

b. Q.S. Al-Baqarah: 217

﴿ يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ ۚ قُلْ قِتَالٌ فِيهِ كَبِيرٌ ۚ وَصَدٌّ عَن سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ ۗ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ ۗ وَلَا يَزَالُ الَّذِينَ يِقَاتِلُونَكُمْ حَتَّىٰ يَرُدُّوكُمْ عَن دِينِكُمْ إِنِ اسْتَطَاعُوا ۚ وَمَن يَرْتَدِدْ مِنْكُم عَن دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَٰئِكَ حَبِطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ ۚ وَأُولَٰئِكَ أَصْحَابُ النَّارِ ۗ هُمْ فِيهَا خَالِدُونَ ﴿ ٢١٧ ﴾ (البقرة/2: 217)

Meaning: They ask you (Prophet Muhammad) about fighting in the haram month. Say, "Fighting in that month is a great sin. However, obstructing (people) from the way of Allah, denying Him, (preventing people from entering) the Masjid al-Haram, and driving out the people from the vicinity, is greater in the sight of Allah. Defamation (strife and oppression) is more cruel than murder." They will not stop fighting you until you apostate (leave) your religion if they can. Whoever among you apostates from his religion and dies in disbelief, their deeds in this world and the Hereafter are in vain. They are the inhabitants of hell. They remain in it (Al-Baqarah/2:217)

c. Q.S. Ali-Imran: 149

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَطِيعُوا الَّذِينَ كَفَرُوا يَرُدُّوكُمْ عَلَىٰ أَعْقَابِكُمْ فَتَنْقَلِبُوا خَاسِرِينَ ۝١٤٩ ﴾ (آل عمران/3: 149)

Meaning: O you who believe, if you obey those who disbelieve, they will surely return you (apostate). As a result, you will return at a loss (Ali 'Imran/3:149)

d. Q.S. Al-Maidah: 54

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا مَنْ يَرْتَدَّ مِنْكُمْ عَنْ دِينِهِ فَسَوْفَ يَأْتِي اللَّهَ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُ أَذِلَّةٍ عَلَىٰ الْمُؤْمِنِينَ أَعِزَّةٍ عَلَىٰ الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ تَلَاسِيًا فَذَلِكَ فَضْلُ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ ۝٥٤ ﴾ (المائدة/5: 54)

Meaning: O you who believe, whoever among you apostates from his religion, Allah will bring a people whom He loves and they love Him, who are gentle towards the believers and firm with the disbelievers. They wage jihad in the way of Allah and are not afraid of the reproach of those who reproach them. That is the gift of God that He gives to whomever He wills. Allah is Vast and Knowing. (Al-Ma'idah/5:54)

Freedom of opinion in the context of democracy is an important aspect supported by religious teachings and positive law. In the Qur'an, there are several verses that emphasize the importance of deliberation and freedom of opinion. One of them is Q.S. Ash-Shura verse 38, which emphasizes that affairs between human beings should be decided through deliberation. This verse implies that participation and freedom of opinion in decision-making are principles advocated in Islam ²⁴.

The general view in Indonesia also supports freedom of opinion as part of the human rights protected by law. Law of the Republic of Indonesia Number 9 of 1998 concerning Freedom of Public Opinion affirms that every citizen has the right to express opinions in public. It is a manifestation of democracy that aims to create a just order of life and guarantee human rights.

On the other hand, Q.S. Ali-Imran verse 159 teaches that in leading, the Prophet Muhammad is required to be gentle and consult with his companions. This verse emphasizes that effective leadership requires openness to the opinions of others and decision-making through consensus. This attitude not only creates peace but also strengthens social bonds and trust between leaders and those led. On the legal side, Q.S. Al-Baqarah verse 109 teaches Muslims to remain firm in their faith despite efforts from other parties to change their beliefs. This verse reminds us of the importance of freedom

²⁴ Wiranata, Moh.Khamim, and Imam Asmarudin. "Kebebasan Berekspresi Melalui Media Digital Dan Penerapannya Di Indonesia". *Pancasakti Law Journal (PLJ)* 1, no. 2 (2023): 205-18. <https://doi.org/10.24905/plj.v1i2.21>.

of opinion based on the principles of truth and justice. This freedom does not mean that it is free from responsibility, but it must be exercised with mutual respect and tolerance.

Similarly, in Q.S. Al-Maidah verse 54, it is emphasized that believers must be firm in defending their beliefs and not be easily influenced by misleading views. This verse shows that freedom of opinion must also be accompanied by determination and awareness of the impact of the opinions expressed. Overall, the teachings of the Qur'an and the laws in Indonesia both emphasize the importance of freedom of opinion within the framework of deliberation, tolerance, and responsibility. This freedom is not only a right, but also an obligation to be used for the common good and maintaining harmony in society.

From the description of the restriction of the provisions on freedom of expression of opinions in public, the meaning of the four laws and regulations above has one purpose and purpose in restricting the freedom possessed by a person or group. To make it easy to understand, the author gives an example of the meaning of the above restriction about the freedom in question.

Indonesia, as a democratic country, has an obligation to protect, promote, enforce, and fulfill the right to freedom of opinion and expression of the people. This is in accordance with the mandate of Article 28I paragraph (4) of the 1945 Constitution which states that the right to freedom of opinion and expression is part of human rights. However, it should be understood that this right is not an absolute right that cannot be restricted or eliminated by any party under any circumstances. Although it is considered essential because it is directly related to the dignity and fundamental values of humanity, restrictions are still necessary to maintain the public interest, order, and national security.²⁵

Even so, every freedom of opinion and expression needs to be regulated with clear and concise laws so that it is easily understood by all parties. The restrictions imposed must be proportionate and supported by a security mechanism that stops abuse. In legal practice, one of the fundamental problems is overlapping rules, as seen in Law No. 9 of 1998 concerning Freedom of Public Expression which only regulates notification to the police for various forms of public expression.²⁶

²⁵ Widodo Ekatjahjana and Yasmon, *National Law Magazine Volume 51 Number 2 of 2021* (Central Java, 2021).

²⁶ Bakhtiar, Nur Yusriyyah, La Ode Husen, and Muhammad Rinaldy Bima. "The fulfillment of the right to freedom of opinion is based on Law Number 9 of 1999 concerning Freedom of Opinion in Public." *Journal of Lex Theory (JLT)* 1, no. 1 (2020): 41–58. <https://doi.org/10.52103/jlt.v1i1.43>

The 1948 Universal Declaration of Human Rights (DUHAM) recognizes freedom of opinion as a fundamental right of every individual. Article 19 of the Constitution states that everyone has the right to freedom of opinion and expression, including the freedom to have opinions without interference, as well as to seek, receive, and convey information and ideas through any media regardless of national borders. It confirms that freedom of opinion and expression is an essential element in a free and democratic human life.

Overall, Article 19 of the DUHAM affirms that freedom of opinion and expression is a basic human right that must be respected and protected. The recognition and protection of these rights is an important indicator of a country's commitment to democratic principles and human rights. While challenges in its application remain, efforts to overcome these barriers are essential to ensure that every individual can enjoy true freedom of opinion and expression.

Overall, freedom of opinion is a right guaranteed by law, but it is not free without limits. These limits are necessary to maintain order, security, and respect for the rights of others. With this limit, it is hoped that freedom of opinion can be exercised responsibly and harmoniously in society.

C. CONCLUSIONS

Freedom of opinion is a fundamental right recognized in both Islamic law and the Indonesian legal system as an essential element of human dignity and democratic participation. In Islamic jurisprudence, this right is rooted in the principles of *maslahah* and consultative governance (*shura*), while Indonesian constitutional law guarantees it as part of human rights protection. Both frameworks affirm the central role of freedom of expression in sustaining a just and participatory society.

Despite its fundamental status, freedom of opinion is not an absolute right. Islamic law allows limitations to protect faith, morality, and social harmony, while national and international human rights law permit restrictions to safeguard public order, national security, and the rights of others. Such limitations must be legally justified, proportionate, and necessary to prevent abuse.

This study demonstrates that Islamic principles of *shura* are substantively compatible with international human rights standards, particularly Article 19 of the Universal Declaration of Human Rights. Harmonization between these frameworks can be achieved through contextual and purposive legal interpretation. Therefore, this research

recommends the development of coherent legal policies that integrate Islamic values with international human rights norms to maintain balance in pluralistic societies.

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