

LEGAL DEVELOPMENTS RELATED TO CRIMINALIZATION OF INSULTING PRESIDENT AND VICE PRESIDENT IN INDONESIA AND ITS COMPARISON WITH THE COUNTRIES OF THAILAND AND THE UNITED STATES

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Abstract

National security is very important for a country. There are many things that can disturb national security which are often called subversive acts which are often associated with insulting the President and Vice President. There is a theoretical gap regarding legal developments related to insulting the President and Vice President in Indonesia, so further research is needed. To deepen the study, legal comparisons are also needed with other countries such as Thailand and the United States. This research uses a normative juridical approach, descriptive research type, and secondary data sources. The results of the research show that there has been legal development regarding insulting the President and Vice President in Indonesia starting from the Dutch colonial era, until it was decriminalized with the decision of the Constitutional Court Number 013-022/PUU-IV/2006 and criminalized again with Law Number 1 of 2023 concerning the Criminal Code. In comparison with Thailand and the United States, both in terms of state form, law enforcement, and legal objects, the law in the United States has many similarities with Indonesia, so according to researchers, the law in the United States is more suitable when applied in Indonesia.

Keywords: *Developments, Comparison, Insult, President and Vice President*

Introduction

National security is the primary foundation for achieving a nation's prosperity and stability. According to the Indonesian Dictionary, security means a state of being safe or peaceful.¹ In conventional views, the concept of national security emphasizes the government's ability to protect the territorial integrity of a country from threats originating both externally and internally.²

Indonesia, as an archipelagic nation with diverse differences, inevitably faces numerous challenges in maintaining its unity and sovereignty. Threats to security can come from both internal and external sources. A serious threat to national security is subversive actions. These actions are considered a significant threat to national security as they involve efforts to

¹ Kamus Besar Bahasa Indonesia. <https://kbbi.web.id/keamanan>. Accessed 5 February 2024.

² Ahmad Robbi Darmawan. 2018. *Pengelolaan Anggaran pada Pengembangan Strategi Keamanan dan Ketertiban Kewilayahan di Kepolisian Resort Kota Palembang Tahun 2014*. Palembang : FISIP Universitas Sriwijaya.

undermine, overthrow, or threaten the legitimate government, thereby potentially disrupting domestic stability and order.³ One form of action often associated with subversive activities is insults directed at the President and Vice President.

Insulting the President and Vice President in Indonesia originally stems from Article 111 of the Nederlands Wetboek van Strafrecht (Dutch Penal Code of 1881). This provision was later adopted into the Penal Code of the Dutch East Indies, and eventually became part of the Indonesian Penal Code, specifically in Articles 134, 136 bis, and 137. On December 6, 2006, the Constitutional Court ruled that these articles no longer had binding power. However, in 2023, Law No. 1 of 2023 on the Penal Code was enacted, which reinstated the offense of insulting the President and Vice President in Article 218, thereby re-criminalizing such actions.

It is evident that the laws regulating the criminalization of insulting the President and Vice President in Indonesia are influenced by the evolving dynamics of time and societal development. This aligns with the historical law sect, pioneered by Friedrich Karl von Savigny, which posits that law continuously transforms in response to changing societal conditions. Therefore, it is impossible to have a universal and static legal system applicable to all nations.

Previous research has also addressed the criminalization of actions insulting the President and Vice President. Ivana Eka Kusuma Wardani's 2021 study examined the criminalization of insults against the President and Vice President in the RKUHP from the perspective of Islamic Law and the Indonesian Constitution. However, this study primarily focused on the comparison between Islamic law and the constitution regarding insults to the President and Vice President, with minimal discussion on the historical development of the law. Consequently, there is a theoretical gap, and the current understanding of the legal evolution concerning insults to the President and Vice President in Indonesia remains limited and lacks depth.

Therefore, an in-depth study on this issue is highly necessary. Additionally, to deepen the analysis, it is essential to include a legal comparison with other countries such as Thailand and the United States. These countries have different legal systems concerning this issue. Consequently, this research can contribute to formulating an effective and contextually appropriate legal strategy for Indonesia based on democratic theory and understanding the legal impact of actions insulting the President and Vice President in a diverse and continuously evolving global scenario.

³ Ninik Suparni. 1990. *Tindak Pidana Suversi : Suatu Tinjauan Yuridis*. Jakarta : Sinar Grafika.

Research Methods

This research is normative legal research with three approaches : statue approach, historical approach, and comparative approach. The sources of data are secondary data, which consist of primary legal materials, secondary legal materials, and tertiary legal materials. This is a descriptive type of research, with data collection techniques using literature study. The obtained data are organized into data collection, then data reduction/data processing, followed by data presentation, and finally, conclusions are drawn deductively.

Discussion

1. Legal Developments Regarding the Criminalization of Insulting the President and Vice President in Indonesia

Historically, the regulation of offenses related to insults against the President and Vice President in Indonesia has deep roots in the Dutch colonial era. During the Dutch colonial period, Indonesia did not have an independent legal system. Consequently, the laws in the Dutch East Indies (now Indonesia) were adapted to align with those in the Netherlands.⁴ This principle known as the *concorantie beginsel*, underpinned the extension of Dutch law to its colonial territories. The *concordantie beginsel* is the foundation for applying European or Dutch law to Europeans residing in the Dutch East Indies.⁵

Dutch criminal law, including the *Wetboek van Strafrecht*, was applied in Indonesia in the same manner as Civil Law and Commercial Law. Insults against the head of state were regulated under Article 111 of the *Nederlands Wetboek van Strafrecht* (WvS Nederland, 1881), which was originally Article 120 of the Dutch government's proposal (*Oorspronkelijk Regeerings-Ontwerp, O.R.O*). At that time, offenses related to insults against the King or Queen were punishable by up to five years in prison or a fine of up to 300 guilders.⁶

On October 15, 1915, *Koninklijk Besluit (KB) Number 33* was issued to enforce the *Wetboek van Strafrecht voor Nederlands-Indie (WvS Nederlands-Indie)*. However, the

⁴ S.E. Wahyuningsih. 2014. *Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Berdasarkan Nilai-Nilai Ketuhanan Ynag Maha Esa*. *Jurnal Pembaharuan Hukum*, 1(1), 17-23.

⁵ Firdaus Muhamad Iqbal. 2022. *Kontribusi Sistem Civil Law (Eropa Kontinental) Terhadap Perkembangan Sistem Hukum Di Indonesia*. *Jurnal Dialektika Hukum*, 4(2), 180-200.

⁶ Rahmasari, Nuzul Shinta Nur, dan Hari Soeskandi. 2022. *Penghidupan Kembali Pasal Terhadap Penghinaan Presiden Dalam Rancangan Kitab Undang-Undang Hukum Pidana*. *Mimbar Keadilan*, 15(1), 27-49.

formal declaration of this law's binding effect was only made in Staatsblad 1915 Number 732.⁷ The offenses related to insults were subsequently codified in Articles 134, 135, 136, and 137 of the WvS Nederlands-Indie, also known as the Kitab Hoekoem Oentoeck Tanah Hindia Nederland.

The Dutch colonial rule in Indonesia ended in 1942, when it was replaced by Japanese occupation. Despite the change in rulers, Dutch laws were not immediately abolished. The Osamu Seirei Number 1 of 1942, issued by the Japanese government, regulated the continuation of Dutch legal provisions in the occupied territories. Article 3 of Osamu Seirei Number 1 of 1942 served as the legal basis for this transition. It stated that all governmental bodies, their powers, laws, and regulations from the Dutch administration would remain recognized and in effect temporarily, provided they did not conflict with the rules and policies of the Japanese military government.⁸

After Indonesia achieved independence, there was a pressing need to adjust and reintroduce Dutch colonial laws. New legislation, including Article 6 of Law Number 1 of 1946 regarding Criminal Law Regulations, renamed the *Wetboek van Strafrecht voor Nederlandch – Indie* to *Wetboek van Strafrecht* or the Criminal Code. Article 8, Number 24 of this law specified that "Koning of der Koningin" in Article 134 of the Criminal Code should be replaced with "President and Vice President".⁹ The former Article 111 of the Dutch Criminal Code, originally designed to protect the Dutch monarch's honor, was incorporated into Articles 134, 136bis, and 137 of the Indonesian Criminal Code, now recognized as offenses related to insulting the President and Vice President.

Following Indonesia's independence, there were notable changes in political and legal landscapes that affected the enforcement of laws concerning insults to the President and Vice President. A key development was the enactment of Law Number 11 PNPS of 1963 on the Eradication of Subversive Activities, which significantly influenced the handling of cases involving insults against the head of state. Under this law, such insults could be deemed as subversive if they posed a threat to national security and the established government.

⁷ S.H. Junaidi, et al. 2023. *Pengenalan Dasar Hukum Pidana*. Yayasan Cendikia Mulia Mandiri.

⁸ Adrian Sutedi. 2019. *Implementasi Prinsip Kepentingan Umum Di Dalam Pengadaan Tanah Untuk Pembangunan*. Jakarta : Sinar Grafika.

⁹ Alexander Galla, Budi Parmono, dan Sunardi. 2024. *Kebijakan Kriminal Penghinaan Terhadap Presiden Dan Wakil Presiden Menurut Undang-Undang Nomor 1 Tahun 1946 Dan Undang-Undang Nomor 1 Tahun 2023 Tentang KUHP*. *Dinamika*, 30(1).

During the New Order period, the Anti-Subversion Law was used to strengthen the provisions on insults against the President and Vice President within the Penal Code. The government increasingly employed this law to prosecute critics under the guise of protecting national stability. This approach often led to the law being seen as repressive and at odds with democratic values and human rights. Critics and activists who voiced their opinions were frequently treated as threats to national security, despite many of them merely providing constructive criticism of the government.

One notable example is the case of Nuku Soleiman in 1994. As a pro-democracy activist, Nuku put up stickers at several locations, including on the grounds of the MPR-RI in Jakarta. The stickers bore provocative messages like "Soeharto Dalang Segala Bencana (SDSB)." Consequently, Nuku was initially sentenced to 3 years in prison by the District Court, and this sentence was later extended to 5 years upon appeal.

In 1998, Indonesia underwent a significant political transition. One major change was the repeal of the Anti-Subversion Law through the enactment of Law No. 26 of 1999, which annulled Law No. 11/PNPS/1963 on the Eradication of Subversive Activities, as it was considered incompatible with the fundamental principles of the Republic of Indonesia.¹⁰ Nevertheless, the criminal offenses related to insulting the president and vice president remained in effect under the Criminal Code.

On December 6, 2006, Indonesia's Constitutional Court (MK) issued a landmark decision, Decision No. 013-022/PUU-IV/2006. This decision annulled the provisions in the Criminal Code regarding insults to the President and Vice President, specifically Articles 134, 136 bis, and 137.¹¹ The MK ruled that these articles could create legal uncertainty because they were open to multiple interpretations. This ambiguity resulted in a situation where individuals were unclear whether their actions would be deemed as an insult to the President or Vice President.

However, in 2023, Indonesia experienced significant changes in its legal framework concerning cases of insults against the President and Vice President. These changes came with the enactment of Law Number 1 of 2023 regarding the Criminal Code. This law reintroduces provisions for enforcing the law against insults directed at the President and

¹⁰ Muladi dan Diah Sulistyani. 2016. *Kompleksitas Perkembangan Tindak Pidana dan Kebijakan Kriminal*. Bandung : PT. Alumni.

¹¹ Azwar Anas dan Rina Khairani Pancaningrum. 2021. *Konstitusionalisme Delik Penghinaan Presiden Pasca Putusan Mahkamah Konstitusi Nomor 013-022/PUU-IV/2006*. Jurnal Education and Development, 9(1).

Vice President through Articles 218 and 219. Article 218, paragraph 1, explicitly states that anyone who attacks the honor, dignity, and stature of the President or Vice President can face imprisonment for up to 3 years and/or a Category IV fine. Meanwhile, Article 219 specifies that disseminating information about attacks on the honor of the President or Vice President through media can result in imprisonment for up to 4 years and/or a Category IV fine.¹²

In the Academic Manuscript prepared by the National Legal Development Agency, it is argued that the criminal offenses listed in Chapter II of the current Criminal Code should be retained. This is because these offenses are seen as consistent with the familial spirit of the Indonesian people. The manuscript posits that any attack or insult directed at the Head of State would be unacceptable to society and would be met with strong disapproval.¹³

On February 28, 2023, the Indonesian Constitutional Court issued Decision No. 7/PUU-XXI/2023, addressing the petition for judicial review of Articles 218(1), 219, 240(1), and 241(1) of Law No. 1 of 2023. The Court determined not to accept the review of these articles, citing that the new Penal Code will only come into effect on January 2, 2026. As a result, the contested provisions have not yet caused any constitutional damage, either in the present or potentially in the future.¹⁴

2. Comparison of laws related to the criminalization of insulting the President and Vice President in Indonesia, Thailand and the United States

A. Indonesia

Currently, Indonesia does not have specific regulations addressing insults directed at the President and Vice President. After the Constitutional Court's Decision No. 013-022/PUU-IV/2006, the legal provisions for insulting the President and Vice President in Articles 134, 136 bis, and 137 of the Penal Code were invalidated. Nonetheless, general insult offenses are still covered under Article 310 of the Penal Code, which prescribes lighter penalties: imprisonment of up to 9 months or a fine of

¹² Law Number 1 of 2023 concerning the Criminal Code

¹³ Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. 2015. *Draft Naskah Akademik Rancangan Undang-Undang Tentang Kitab Undang-Undang Hukum Pidana (KUHP)*. Jakarta.

¹⁴ Constitutional Court issued Decision No. 7/PUU-XXI/2023.

up to 4.5 million rupiah, or up to 1 year and 4 months of imprisonment for offenses involving written or graphical content.¹⁵

In addition to the Penal Code, insult offenses are also covered under Article 27(3) of Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law). This article stipulates that anyone who intentionally and unlawfully distributes, transmits, or disseminates electronic documents containing insults or defamation is subject to criminal penalties as outlined in Article 45(1), which includes imprisonment for up to 6 years and/or a fine of up to one billion rupiah.¹⁶

An example of such a case is the Maryanto case in Boyolali in 2019. The case originated from his Facebook post under the name “Maryanto Gerindra,” which was deemed to contain hate speech for saying, “Dulu Jokowi bukan Presiden jd PKI itu takut sama Soeharto SBY, skr PKI tdk takut saat Jokowi jd Presiden krn Jokowi sendiri anak PKI”. As a result, Maryanto was charged under Article 45(2) in conjunction with Article 28(2) of the ITE Law and was sentenced to 1 year and 3 months in prison and fined 300 million rupiah, with a 6-month imprisonment substitute, according to Decision No. 130/Pid.Sus/2019/PNByl.¹⁷

At present, Law No. 1 of 2023 on the Criminal Code includes provisions on insulting the President and Vice President, outlined in Article 218, which prescribes a penalty of up to 3 years in prison or a category 4 fine. However, an exception is provided in Paragraph (2), stating that such offenses are not punishable if done in the public interest. “Public interest” refers to actions aimed at protecting societal concerns through the exercise of freedom of expression and democratic rights.

B. Thailand

In Thailand, *lèse-majesté* is considered a grave criminal offense. Acts that defame, insult, or threaten the King, Queen, heirs, prospective heirs, or regents are deemed illegal. Historically, during the feudal period, the King, royal officials, royal symbols, and any offenses within the palace were shielded from various forms of “violations.”

¹⁵ Indonesia Criminal Code

¹⁶ Law Number 11 of 2008 concerning Information and Electronic Transactions

¹⁷ Sistem Informasi Penelusuran Perkara Pengadilan Negeri Boyolali. https://sipp.pn-boyolali.go.id/index.php/detil_perkara. Accessed 29 April 2024.

The earliest version of *lèse-majesté* law in Thailand was the modern defamation law introduced in 1900, which aimed to safeguard the King's reputation. This law equated actions against the King with actions against the state. According to Section 4 of The Royal Edict of 1900. Anyone who defames the reigning king of Siam, the chief consort, or the princes and princesses using harsh words clearly seen as truly defamatory, shall be deemed to have acted unlawfully, with a penalty of imprisonment for up to three years or a fine of up to 1,500 baht.¹⁸

In 1908, the Siamese Criminal Code introduced a separation between the King and the state. This legislation imposed penalties for anyone showing hatred or defaming the King, Queen, heirs, or regents, with potential sentences of up to seven years in prison, a maximum fine of 5,000 baht, or both.¹⁹

On January 1, 1957, the Thailand Criminal Code B.E. 2499 (1956) came into effect. This updated code not only prohibited threats and defamation against the King but also broadened its scope to include bans on insults. This change made the law more extensive and thorough in safeguarding the monarchy's dignity. Anyone who defames, insults, or threatens the King, Queen, Heir-apparent, or Regent shall face imprisonment for a period ranging from three to fifteen years.²⁰

Section 14 of the Computer Crimes Act BE 2550 (2007) in Thailand extensively bans the dissemination of information and materials via computer systems if they are considered a threat to national security. This regulation is also utilized to prosecute *lèse-majesté* offenses. The Act aims to manage the risks associated with technology and internet usage.

Section 112 of the Thai Penal Code deals with offenses of defamation against the King, Queen, Heir-apparent, or Regent, carrying a prison sentence ranging from three to fifteen years. Efforts to amend or repeal this provision have faced significant obstacles, reflecting the difficulty and complexity of changing laws related to royal protection in Thailand.

A notable example is the 2020 case of Narathorn Chotmankongsin, who received a two-year prison sentence for selling a calendar featuring satirical cartoons of a yellow

¹⁸ David Streckfuss. 2011. *Truth on Trial in Thailand (Defamation, treason, and lese-majeste*. New York: Routledge. hlm.418

¹⁹ Somchai Preechasilpakul. 2008. *Ramification and Re-Sacralization of the Lese Majesty Law in Thailand*. Chiang Mai University.

²⁰ *Ibid*

duck. The court ruled that these cartoons were an affront to the King of Thailand. The Bangkok court found that the 2021 calendar, which depicted the duck in a manner reminiscent of the King, tarnished his reputation. The yellow rubber duck had been used as a symbol in pro-democracy protests, making its portrayal particularly contentious. Narathorn was prosecuted under Section 112 of the Thai Penal Code.²¹

The strict protection of the King and royal family in Thailand arises from the belief that the King symbolizes the nation's honor. Article 8 of the Thai Constitution asserts that the King's position is inviolable and that the King is always regarded as infallible.²² As a result, any actions perceived as demeaning or threatening to the King are seen as significant threats to national stability and security.

C. United States of America

The United States does not have laws criminalizing insults against the President and Vice President. In the U.S., these offices are respected by the public, allowing anyone the freedom to criticize or even insult the President and Vice President. This right is protected under the First Amendment of the United States Constitution, which states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."²³

Insults or criticisms of the President and Vice President in the United States are seen as exercises of free speech. The legal basis for freedom of speech in the United States is established in several key documents:

1) Virginia Bill of Rights

Adopted on June 12, 1776, the Virginia Bill of Rights is a foundational document that emphasizes freedom of expression and speech, including freedom of the press. It acknowledges these freedoms as vital components of individual liberty and stresses the inherent rights of all people.²⁴ The document highlights that these rights cannot be disregarded or revoked by any authority without becoming

²¹ <https://www.google.com/amp/s/m.antaranews.com/amp/berita/3431766/pria-thailand-dipenjara-atas-tuduhan-menghina-raja>. Accessed 04 May 2024.

²² http://www.sagepub.com/upm-data/47441_chp_2.pdf. Accessed 04 May 2024.

²³ *Constitution of United States*

²⁴ Satrio Supto. 2011. *Pasang Surut Kebebasan Pers di Indonesia*. Jurnal Dinamika Hukum, 11(1), 127-138.

tyrannical. Historically, the Virginia Bill of Rights has significantly influenced other human rights declarations and constitutions worldwide. The principles of press freedom and free expression outlined in this document form the basis of many democratic ideals adopted globally.

2) Declaration of Independence

The Declaration of Independence asserts that all men are created equal and have unalienable rights, including the right to freedom, which encompasses freedom of expression and opinion. It emphasizes the need for a government that respects and protects these rights. Reflecting the Enlightenment's spirit, which advocated for individual rights and opposed tyranny, the Declaration, although not explicitly mentioning freedom of the press, provides a foundation for such rights by underscoring the importance of freedom as a natural right granted by the Creator.²⁵

On January 6, 1941, President Franklin D. Roosevelt delivered a landmark speech to the U.S. Congress known as "The Four Freedoms." In this speech, Roosevelt defined four essential freedoms he envisioned for people globally.²⁶ These freedoms are:

- 1) Freedom of Religion
- 2) Freedom from Fear
- 3) Freedom of Speech and Expression
- 4) Freedom from Want

In the United States, several defenses can mitigate the unlawfulness of defamation cases, both in criminal and civil contexts:

- 1) Fair Reportage: This defense argues that the published content was both accurate and appropriate, even if it included defamatory elements about certain individuals.²⁷
- 2) Qualified Privilege: This privilege safeguards publications containing defamatory content when the publisher is obligated to disseminate the information, and the public has a genuine interest in the information.²⁸

²⁵ Muhammad Roqib, et al. 2020. *Hak atas Kebebasan Berekspreasi dan Berpendapat di Indonesia dengan di Amerika Serikat*. Perspektif Hukum, 41-53.

²⁶ Abdul Rouf Hasbullah, et al. 2021. *Beberapa Aspek Terkait Hak Asasi Manusia*. Surabaya : Cipta Media Nusantara.

²⁷ Bosland Jason, et al. 2015. *Protecting Interferences of Fact in Defamation Law : Fair Comment and Honest Opinion*. The Cambridge Law Journal, 74(2), 234-260.

²⁸ Frank Walsh. 2006. *Qualified Privilege : A defense for Public Relation Function*. Public Relation Review, 32(4), 377-385.

- 3) Fair Comment This defense is based on the principle that public issues should be open to reasonable criticism, and the publication was not intended to harm the individual personally.

Number	Aspect	Indonesia	Thailand	United States of America
1	Form of State	Republic	Monarchy	Republic
2	Law Enforcement	Currently there are none but will be implemented in 2026	Very tight	None
3	Object	President and Vice President	Kings, Queens and royalty	President and Vice Presiden
4	Legal Basis	<ul style="list-style-type: none"> • Article 310 of the Indonesian Criminal Code (KUHP). • Article 45 of the Electronic Information and Transactions Law (UU ITE). • Article 218 of Law Number 1 Year 2023. 	Section 112 Thailand Criminal Code	Amandemen 1 Constitution of United States
5	Punishment	Imprisonment up to 3 years or fine up to category IV	Imprisonment 3-15 years	None
6	Justifying Reasons	Public interest or self-defense	None	<ul style="list-style-type: none"> • Fair reportage • Qualified privilege • Fair comment

Table 1. Comparison of the Laws on Insulting the President and Vice President in Indonesia, Thailand and the United States

The table reveals several comparative aspects regarding the criminalization of insults against the President and Vice President among Indonesia, Thailand, and the United States. Currently, Indonesia does not have specific laws addressing insults towards the President and Vice President, though such provisions will come into effect in 2026. Thailand has laws that criminalize insults against the King and Queen, whereas the United States does not have similar statutes.

Regarding legal subjects, Indonesia and the United States focus on the President and Vice President, while Thailand's laws are concerned with the King and members of the royal family. The legal basis in Indonesia includes Article 310 of the Penal Code, the ITE Law, and the new Law No.1 of 2023 (effective in 2026). In contrast, the United States relies on the Constitution, and Thailand uses the Thai Criminal Code. Indonesia and the United States

provide defenses for insults if they serve public interest or are based on fair reporting, qualified privilege, or fair comment, while Thailand does not recognize such defenses.

The researcher suggests that Indonesia might benefit from adopting the U.S. approach, which avoids specific criminal laws for these offenses but still sets boundaries. This suggestion is based on similarities between the U.S. and Indonesian legal systems. Furthermore, the researcher opposes reintroducing criminal penalties for insulting the President and Vice President in Indonesia, as it could conflict with democratic principles and the Constitutional Court Decision No. 013-022/PUU-IV/2006, which deemed such provisions no longer relevant.

Conclusion

- A. Legal developments concerning insults against the President and Vice President in Indonesia have evolved over time. Initially, Dutch colonial laws were incorporated into the Penal Code and remained in effect after Indonesia gained independence. In 2006, the Constitutional Court's ruling (Decision No. 013-022/PUU-IV/2006) led to the decriminalization of these offenses. However, in 2023, criminalization was reinstated with the introduction of Article 218 in Law No. 1 of 2023, which will come into effect in 2026. The academic draft justifies this shift by emphasizing that the President and Vice President are national symbols that must be respected. This legal evolution reflection of societal changes.
- B. The comparison of legal frameworks concerning the criminalization of insults against the President and Vice President across Indonesia, Thailand, and the United States highlights several differences. The researcher concludes that the legal approach in the United States would be more appropriate for Indonesia. Consequently, the researcher opposes the criminalization of such insults under Law No. 1 of 2023 on the Penal Code.

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