

Advocacy Team for Freedom of Expression in Indonesia

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Press Realease for immediate release

The Advocacy Team for Freedom of Expression in Indonesia, acting for and on behalf of Edy Cahyono, Nenda Inasa Fadhilah, Amrie Hakim, Indonesian Legal Aid and Human Rights Association (PBHI), Alliance of Independent Journalists, and Legal Aid Center for Press apply the constitutional review petition against Section 27 sentence (3) Law No 11 Year 2008 concerning Information and Electronic Transaction. All the petitioners are the owner of website/blogs which have address in <http://caplang.net>, <http://aruta.wordpress.com>, <http://amriehakim.blogspot.com>, www.pbhi.or.id, www.ajiindonesia.org, and www.lbhpers.org.

The legal reason to file petition is because Section 27 sentence (3) Law No 11 Year 2008 concerning Information and Electronic Transaction against Section 1 sentence (2), Section 1 sentence (3), Section 27 sentence (1), Section 28, Section 28 C sentence (1) and sentence (2), Section 28 D sentence (1), Section 28 E sentence (2) and sentence (3), Section 28 F, and Section 28 G sentence (1) of Indonesian Constitution.

Section 27 sentence (3) UU ITE according to petitioners have opposed against the principle of rule of law in the basis that forming a law should be explained in clearly, well understood, and fairly enforceable. The Section 27 sentence (3) also oppose against the principle of legality, predictabilities, and transparency.

Section 27 sentence (3) oppose against the democracy principle, where people are entitled to choose government bodies through general election. For that people are entitled to accept, produce, deliver, and overspread the background information of each government body candidates. The information, will very easy to become the insult doing an injustice, so that make petitioners shall no longer can be free to accept, produce, deliver, and overspread the background information of each government body candidates which create the petitioner lose the opportunity to determine their choice precisely, wisely, and rational

The section 27 sentence (3) is also against the principle of lex certa and legal certainty because section 27 sentence (3) is not formed in formula glare at clearly and formulation of unclear criminal definition or too complicated will only peep out uncertainty of law.

The section 27 sentence (3) in connected with Section of 45 sentence (1) have the fearful long-range effect because the imprisonment sanction is more than 5 year can effectively pursue the rights petitioner to become the state official and also make a burden to become part of legal profession.

As the reason mention above the petitioner decide to file petition against the Section 27 sentence (3) Law No 11 Year 2008 concerning Information and Electronic Transaction before the Indonesian Constitutional Court

Yours faithfully

The Advocacy Team for Freedom of Expression in Indonesia

Anggara
Coordinator