



## FREEDOM OF EXPRESSION IN INDONESIA'S DEMOCRATIC SYSTEM: A FIQH SIYASAH ANALYSIS FROM THE PERSPECTIVE OF MAQĀSĪD ASY-SYARĪ'AH

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**Abstract:** This study examines freedom of expression in democratic systems from the perspective of *maqāṣid asy-syarī'ah*, aiming to analyze the relevance and limitations of the right to express opinions for citizens and their relation to public welfare. The research employs a qualitative library research approach, reviewing classical and contemporary literature on Islamic law, political jurisprudence, the Indonesian constitution, and democratic principles. Analysis focuses on identifying relevant concepts, values, and normative arguments linked to the protection of religion, life, intellect, lineage, and property. The findings indicate that freedom of expression is a fundamental right enabling active citizen participation in public decision-making and governmental oversight. From an Islamic perspective, this right aligns with *maqāṣid asy-syarī'ah*, particularly *hifz al-'aql*, requiring responsible development of intellectual capacity. Freedom of expression is relative and must be exercised with ethics, law, and social responsibility, supporting the achievement of collective welfare without harming individuals or society.

**Keywords:** Freedom of Expression; Democracy; Maqāṣid Al-Shariah; Indonesia

**Abstrak:** Penelitian ini membahas kebebasan berekspresi dalam sistem demokrasi dengan perspektif *maqāṣid asy-syarī'ah*, bertujuan untuk menganalisis relevansi dan batasan kebebasan berpendapat bagi warga negara serta kaitannya dengan kemaslahatan bersama. Penelitian menggunakan pendekatan kualitatif dengan jenis penelitian kepustakaan, menelaah dengan literatur klasik dan kontemporer mengenai hukum Islam, fikih siyasah, konstitusi Indonesia, dan prinsip demokrasi. Analisis dilakukan melalui identifikasi konsep, nilai, dan argumentasi normatif yang relevan, dikaitkan dengan perlindungan terhadap agama, jiwa, akal, keturunan, dan harta. Hasil penelitian menunjukkan bahwa kebebasan berekspresi merupakan hak fundamental yang memungkinkan partisipasi aktif warga negara dalam pengambilan keputusan publik serta pengawasan terhadap kebijakan pemerintah. Dalam perspektif Islam, hak ini sejalan dengan *maqāṣid asy-syarī'ah*,

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*khususnya hifz al-'aql, yang menuntut pengembangan kapasitas intelektual secara bertanggung jawab. Kebebasan berpendapat bersifat relatif, harus dilaksanakan dengan etika, hukum, dan tanggung jawab sosial, sehingga mendukung tercapainya kemaslahatan bersama tanpa merugikan individu maupun masyarakat.*

**Kata Kunci:** Kebebasan Berekspresi; Demokrasi; Maqhasid Syariah; Indonesia

## INTRODUCTION

Freedom of expression constitutes one of the fundamental pillars underpinning the functioning of a democratic system. Beyond serving as a means for articulating citizens' aspirations, it also operates as a mechanism of oversight to ensure that government policies remain grounded in the public interest.<sup>1</sup> In a democratic state, the suppression of people's right to voice their aspirations cannot be justified, as the essence of democracy lies in monitoring those in power to prevent arbitrary actions.<sup>2</sup> Therefore, public participation through the expression of opinions serves to reinforce the principle of accountability and to prevent the abuse of power.

The history of Islamic civilization demonstrates that a tradition of openness to criticism has been practiced since the era of the Khulafā' al-Rāshidīn. Caliph 'Umar ibn al-Khaṭṭāb, for instance, once revoked a policy restricting dowries after receiving criticism from a Qurayshi woman. This historical fact affirms that political authority in Islam is not absolute, but rather remains open to public participation in supervising the conduct of governance.<sup>3</sup> Accordingly, the concepts of *musyawarah* (consultation) and public participation in Islam converge with the principles of modern democracy. Furthermore, the September 11, 2001, attacks on the World Trade Center and the Pentagon were perceived by President George W. Bush as attempts to undermine democracy, with the United States positioned as its global symbol. According to him, the attacks constituted a challenge to democratic principles that demanded a firm response. Democracy was thus positioned as a source of regime legitimacy, as without public support, a state would struggle to maintain stability and govern effectively.<sup>4</sup> Moreover, the zeal to implement *amar ma'ruf nahi munkar* is often not accompanied by an adequate understanding of appropriate methods and strategies, as seen in demonstrations related to government policies that claim to pursue reform but instead contradict religious, state,

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<sup>1</sup> Tohir Bawazir, *Jalan Tengah Demokrasi Antara Fundamentalis dan Sekularis* (Pustaka Al-Kautsar, 2005), p. 81.

<sup>2</sup> Tohir Bawazir, *Jalan Tengah Demokrasi Antara Fundamentalis dan Sekularis*, p. 80.

<sup>3</sup> Jalaluddin as-Suyuthi, *ad-Durrul Mantsur fi Tafsir al-Matsur* (Kairo, t.t.), IV, p. 293.

<sup>4</sup> Fatkhiyatus Su'adah dan Ahmad Royhan, "Implementasi UU Demokrasi Dan Nilai-Nilai Urgensinya Dalam Politik Islam Di Indonesia," *Syariah: Journal of Fiqh Studies* 2, no. 2 (2024): 86, <https://doi.org/10.61570/syariah.v2i2.87>.

or societal norms, or in social unrest caused by segments of the Muslim community that disregard sharia principles.

Statements by several figures emphasize the importance of balancing religious values and democratic principles within Indonesian politics, thereby underscoring the urgency of this study. B. J. Habibie emphasized that human rights can only function effectively when accompanied by fundamental obligations, while the quality of democracy is largely determined by the quality of human resources. Abdurrahman Wahid asserted that a leader must prioritize the welfare of the people, in accordance with the principle of *taṣarruf al-imām ‘alā ar-ra’iyyah manūṭun bi al-maṣlahah*, which stresses that power is aimed at realizing public benefit. John Kenneth Galbraith referred to this principle as *The Affluent Society*, which emphasizes social welfare. In a similar vein, M. Quraish Shihab asserted that the implementation of democracy in Indonesia must take into account religious values that serve as the foundation of society.<sup>5</sup>

Normatively, the Indonesian Constitution guarantees freedom of expression through Article 28E paragraph (3) of the 1945 Constitution, which states, “Every person has the right to freedom of association, assembly, and expression of opinion.”<sup>6</sup> This constitutional guarantee provides legitimacy for citizens to engage in public policy processes, whether through formal forums or broader public spaces. At the global level, freedom of expression has even been recognized as a universal human right protected under international legal instruments such as the Universal Declaration of Human Rights (1948). Nevertheless, the practice of freedom of expression frequently encounters serious challenges, including excessive restrictions by the state and the misuse of public spaces, particularly in the digital era.

From a religious perspective, the values of freedom of expression gain moral legitimacy through the principle of *amar ma’ruf nahi munkar* as enshrined in the Qur’an, Surah Āli ‘Imrān verse 104.<sup>7</sup> Islam views freedom of speech as an instrument for realizing goodness, justice, and public welfare. Such freedom is not absolute, but rather bound by an ethical framework rooted in sharia. This framework is further reinforced by the concept of *maqāṣid al-sharī’ah*, which encompasses the protection of religion (*ḥifẓ ad-dīn*), life (*ḥifẓ an-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ an-nasl*), and property (*ḥifẓ al-māl*).

<sup>5</sup> Fatkhiyatus Su’adah dan Ahmad Royhan, “Implementasi UU Demokrasi Dan Nilai-Nilai Urgensinya Dalam Politik Islam Di Indonesia,” *Syariah: Journal of Fiqh Studies* 2, no. 2 (2024): 86–87, <https://doi.org/10.61570/syariah.v2i2.87>.

<sup>6</sup> *Undang-undang Dasar Negara Republik Indonesia Tahun 1945*, (sekretariatjendral MPR RI, 2020), p. 152.

<sup>7</sup> Ibn Kasir, *Tafsir ibn Katsir* (Dār al-Kutub al-Ilmiyyah, t.t.), II, p. 78.

Various previous studies have strengthened the urgency of examining freedom of expression within the framework of Islam and democracy. Asep Mahbub and Siti Ngainnur Rohmah (2020) emphasized the relevance between Article 28E paragraph (3) of the 1945 Constitution and the principles of *fiqh siyāsah*, particularly in upholding values of equality and respect for human rights.<sup>8</sup> Meanwhile, Latipah Nasution (2020) focused on freedom of expression as a prerequisite for the realization of an accountable democratic government, although in practice it must be balanced with literacy awareness so as not to deviate from public ethics.<sup>9</sup> These two studies, along with the work of Fatkhiyatus Su'adah and Ahmad Royhan (2024) cited previously, indicate that freedom of expression constitutes a meeting point between constitutional democratic norms and religious ethics, although they have not explicitly examined it through the perspective of *maqāṣid asy-syarī'ah*.<sup>10</sup> Rizki Wahyuni and Yati Sharfina view freedom of opinion as an inseparable part of constitutionally guaranteed human rights under the 1945 Constitution, as well as a primary prerequisite for the realization of public participation in a democratic state. Research conducted by Khoirul Iksan through the perspective of *On Liberty* by John Stuart Mill demonstrates that the existence of critical spaces for expression significantly influences the quality of public discourse, as reflected in cases of intimidation against *Tempo* journalists, which indicate the weakness of press freedom protection in Indonesia. Fathor Rahman<sup>11</sup> Further expands the discussion by highlighting the dynamics of hate speech in digital spaces, showing that social media has become an arena of discursive contestation that shapes the practice of freedom of expression within the context of digital democracy.

The novelty of this research lies in the formulation of a conceptual model delineating the limits of freedom of expression based on *maqāṣid asy-syarī'ah*, contextualized within Indonesia's democratic system. Freedom of expression is positioned as an instrument of public welfare that must align with the protection of religion, life, intellect, lineage, and property. Through this framework, the study fills a gap in the literature by operationally integrating democratic principles, political jurisprudence, and *maqāṣid al-*

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<sup>8</sup> Asep Mahbub dan Siti Ngainnur Rohmah, "Relevansi Hak Kebebasan mengeluarkan Pendaapt Dalam Pasal 28e Ayat 3 Undang-Undang Dasar 1945 Negara Republik Indonesia Terhadap Kajian Kajian Fikih Siasah," (*Jurnal-- Institut Agama Islam Al-Zaytun Indonesia (IAI AL-AZIS)*), t.t.

<sup>9</sup> Latipah Nasution, *Hak Kebebasan Berpendapat dan Berekspresi Dalam Ruang Publik di Era Digital*, 2020.

<sup>10</sup> Fatkhiyatus Su'adah dan Ahmad Royhan, "Implementasi UU Demokrasi Dan Nilai-Nilai Urgensinya Dalam Politik Islam Di Indonesia," *Syariah: Journal of Fiqh Studies* 2, no. 2 (2024): 104-5, 2, <https://doi.org/10.61570/syariah.v2i2.87>.

<sup>11</sup> Fathor Rahman, "Demokrasi Digital dan Ujaran Kebencian: Antara Kebebasan Berekspresi dan Represi Politik: Paradoks Ujaran Kebencian dalam Kasus Dhandy," *MEDIASI Jurnal Kajian dan Terapan Media, Bahasa, Komunikasi* 6, no. 3 (2025): 270, <https://doi.org/10.46961/mediasi.v6i3.1777>.

*sharī'ah* in formulating ethical parameters for freedom of expression in Indonesia's public sphere.

Based on the foregoing discussion, this research aims to analyze freedom of expression within the democratic system through the perspective of *maqāṣid asy-syarī'ah*. This study is expected to contribute theoretically by enriching the discourse on the relationship between democracy and Islam, as well as offering a normative perspective that can serve as a reference for managing freedom of expression in an ethical, proportional, and just manner.

## RESEARCH METHOD

This research employs a qualitative approach with a library research design. The research subjects consist of primary works related to Islamic law, classical literature in the field of *Fikih Siyāsah*, as well as contemporary studies on freedom of expression, democracy, and *maqāṣid asy-syarī'ah*. The data are obtained through a review of books, academic journals, constitutional documents, and other relevant official sources. The research procedure begins with the collection of primary and secondary sources, followed by thematic classification related to freedom of expression within the democratic system and the principles of *maqāṣid asy-syarī'ah*. The research instrument takes the form of a text analysis guideline focusing on the identification of concepts, values, and normative arguments. The data are analyzed using content analysis techniques with a descriptive-analytical approach, namely by elaborating the substantive meanings of the reference sources, interpreting their relevance to the context of Indonesian democracy, and linking them to the framework of *maqāṣid asy-syarī'ah*. The results of the analysis are interpreted in relation to the formulation of the research problems and objectives, thereby providing a comprehensive depiction of freedom of expression within the democratic system from the perspective of *maqāṣid asy-syarī'ah*.

## RESULTS AND DISCUSSION

### Values of Maqāṣid Asy-Syarī'Ah

Etymologically, the term *maqāṣid asy-syarī'ah* consists of two components, namely *maqāṣid* and *asy-syarī'ah*. The word *maqāṣid* is the plural form of *maqṣad*, which derives from the verb *qaṣada*, meaning to head toward, intend, aim at, or consciously desire. Meanwhile, *syarī'ah* linguistically refers to a water source or a source of life, as explained in the Qur'an, Surah al-Jāthiyah verse 18, which emphasizes that human beings are placed upon *syarī'ah* as a guideline for regulating religious affairs.

In this context, human beings require guidance to distinguish between good and bad and to measure *maṣlahah* and *mafsadah* in any given matter.

The Sharia functions as a normative instrument that enables humans to recognize actions that bring about goodness (*maṣlaḥah*) and to avoid harm (*mafsadah*), both in worldly life and in the hereafter. Ibn 'Āsyūr defines *maṣlaḥah* as an attribute of an action that produces sustained goodness, whether for individuals or society.<sup>12</sup> Al-Ghazālī emphasizes that *maṣlaḥah* represents efforts to attain goodness and prevent harm based on the objectives of the Sharia.<sup>13</sup> Meanwhile, 'Izz al-Dīn ibn 'Abd al-Salām understands *maṣlaḥah* as encompassing goodness and benefit, while *mafsadah* refers to damage and evil; furthermore, he states that worldly *maṣlaḥah* can be identified through reason, whereas *maṣlaḥah* pertaining to both this world and the hereafter is discerned through the Sharia.<sup>14</sup>

All laws and provisions in the implementation of the Sharia contain universal Islamic values reflected in *maqāsid asy-syarī'ah*, all of which embody the principle of *maṣlaḥah*. Muslim scholars formulate Islamic legal rulings by referring to these universal values through the *maqāsid asy-syarī'ah* approach based on normative Islamic legal reasoning. Islamic law intrinsically contains the values of *maqāsid asy-syarī'ah*, which are classified into three levels: *darūrī*, *ḥājī*, and *taḥsīnī*, according to the order of priority that must be maintained and strengthened.

### 1. *Ad-Darūrī*

*Ad-darūrī* encompasses five fundamental principles: *ḥifẓ ad-dīn* (protection of religion), *ḥifẓ an-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), *ḥifẓ an-nasl* (protection of lineage), and *ḥifẓ al-māl* (protection of property). These values are derived through the *ijtihād* of scholars concerning Sharia rulings. The protection of these five fundamental principles consists of two aspects: the preservation of existence (*murā'ah min janib al-wujūd*) and the prevention of harm (*murā'ah min janib al-'adam*).<sup>15</sup>

First, *ḥifẓ ad-dīn* includes protecting religion from disturbances that may damage individual beliefs and religious practices, as well as safeguarding the foundations of religious teachings for the community. The aspect of preservation involves the regular performance of worship and religious obligations. The preventive aspect includes measures against external threats that disrupt the existence of religion, including the application of sanctions for apostasy in accordance with Sharia law.

Protection of religion (*ḥifẓ ad-dīn*) is often understood reductively as merely guaranteeing freedom of religion. However, if such freedom

<sup>12</sup> Thahir Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat* (Dar Sukhnun, 2020), p. 79.

<sup>13</sup> Muhammad al-Ghazali, *Al-Mustashfa min Ilm al-Ushul* (Dār al-Kutub al-Ilmiyyah, t.t.), p. 275.

<sup>14</sup> Iz al-Din ibn Abd as-Salam, *Qawaid al-Ahkam fi Mashalih al-Anam* (t.t.), p. 54.

<sup>15</sup> Busyro, *Dasar-Dsar Filosofis Hukum Islam* (Ponorogo, 2016), p. 150-151.

is interpreted to mean that a Muslim has the right to leave Islam and adopt another religion, or even choose not to adhere to any religion at all (atheism), such an interpretation is clearly untenable. This is because faith in Islam inherently necessitates commitment to its teachings, norms, and legal provisions.<sup>16</sup> Freedom of religion for non-Muslims means that they may choose or leave a religion without coercion, whereas Muslims are bound by the applicable religious provisions. Faith increases through individual awareness and choice, not coercion. Freedom of religion for Muslims is thus limited to expressions of will within the framework of the Sharia, rendering apostasy a violation of the religious covenant. Accordingly, acceptance of Islam is not a consequence-free choice, but a normative bond that requires full adherence to Sharia principles.

Second, *ḥifẓ an-naḥs* (protection of life). Protection of life ranks immediately after the protection of religion, as human existence constitutes both the subject and object of the Sharia, which aims to realize *maṣlaḥah*. *Ḥifẓ an-naḥs* includes safeguarding individual and collective lives from death. Its manifestations include regulating marriage to ensure continuity of lineage, prohibiting actions that threaten life, and implementing *qiṣāṣ* sanctions for intentional murder. The application of capital punishment (*qiṣāṣ*) for perpetrators of murder is viewed as one form of protecting human life, albeit at the lowest level. Ibn 'Āsyūr asserts that protection of life through the mechanism of *qiṣāṣ* represents the weakest form of safeguarding life among various measures.<sup>17</sup> In line with the protection of human life, Ibn 'Āsyūr further argues that preserving the benefits inherent in bodily organs is also a Sharia obligation. Therefore, any act that threatens or eliminates the function of bodily organs is regarded as equivalent to taking a life, since the loss of bodily function substantially entails the loss of benefits intrinsic to human existence as a living being.

Third, *ḥifẓ al-'aql* (protection of intellect). Intellect is a divine gift that distinguishes humans from other creatures, enabling logical thinking, comprehension of religious teachings, and evaluation of goodness and *maṣlaḥah*. Protection of the intellect includes preventing disturbances to human consciousness, including prohibitions on consuming substances that damage the intellect, such as intoxicants and narcotics. The manifestation of *ḥifẓ al-'aql* cannot be narrowly understood merely as preventing the consumption of food or drink that impairs consciousness. Beyond that, protection of the intellect also encompasses the development of intellectual potential and creative

<sup>16</sup> Abd Allah bin al-Husain Ibn Thahir, *Sulam al-Taufiq* (Kediri, t.t.), p. 7.

<sup>17</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 149.

thinking.<sup>18</sup> This is because the intellect functions not only as a prerequisite for religious accountability (*taklīf*) but also as a fundamental instrument that elevates human dignity through education and civilization. Without intellect, humans would be unable to distinguish between good and evil, or between *maṣlahah* and *mafsadah*. This capacity grants humans a noble status, both socially as communal beings and spiritually as servants of God.

Fourth, *ḥifẓ an-nasl* (protection of lineage). *Ḥifẓ an-nasl* includes safeguarding humanity from extinction and ensuring clarity of lineage. Its manifestations include encouraging marriage, prohibiting adultery, and regulating lawful relationships so that lineage can be identified and social responsibility fulfilled. As a preventive measure against ambiguity of lineage and ancestry, Islam prescribes marriage and prohibits adultery.<sup>19</sup> When *ḥifẓ an-nasl* is understood in this sense, it clearly belongs to the primary (*ḍarūrī*) principles of Islam. Protecting lineage essentially means preserving the continuity of human existence, as future generations replace previous ones who eventually pass away. Thus, protection of lineage is understood as an effort to maintain the continuity of human existence in life.

Fifth, *ḥifẓ al-māl* (protection of property). Property is an essential human need that serves to fulfill primary, secondary, and tertiary necessities. Insufficiency of property may threaten survival and affect one's religious existence. *Ḥifẓ al-māl* includes protecting property from damage and loss without compensation. Its manifestations include prohibitions against misappropriation of property, wastefulness, and extravagance, as emphasized in the Qur'an. Ibn 'Āsyūr understands *ḥifẓ al-māl* as the effort to preserve human property from damage or loss without demanding compensation.<sup>20</sup> In other words, according to Ibn 'Āsyūr, protection of property at the *ḍarūrī* level emphasizes preventing direct damage or loss of property, without considering compensation. Therefore, actions that do not result in damage or loss of property, even if they are legally prohibited under Sharia – such as usury (*ribā*) – are not classified by Ibn 'Āsyūr as falling within the *ḍarūrī* category of property protection.

## 2. *Ḥājiyyāt*

*Ḥājiyyāt* encompass secondary needs that facilitate the attainment of *maṣlahah* and orderly living. Their absence does not disrupt the structure of human life, but their fulfillment alleviates hardship. The implementation of *ḥājiyyāt* can be categorized into three groups:

<sup>18</sup> Tim FORZA PESANTREN, *Ijtihad politik Islam Nusantara* (Lirboyo Pres, t.t.), p. 103.

<sup>19</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 144.

<sup>20</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 145.

- a. As support for the optimal fulfillment of Sharia obligations (*muqaddimah wājibah*). This category includes efforts that facilitate the fulfillment of religious obligations without being primary (*ḍarūrī*) determinants of human survival. An example is the establishment of educational institutions as a means of acquiring knowledge, which represents the protection of intellect (*ḥifẓ al-‘aql*). Although formal education provides convenience, the pursuit of knowledge remains possible independently without formal institutions.<sup>21</sup>
- b. As prevention of actions that may approach violations of Sharia in primary elements (*sad aẓ-ẓarā’i’*). Islam prohibits adultery as part of protecting lineage (*ḥifẓ an-nasl*), and thus any actions that potentially lead to adultery are also prohibited. For example, *khalwat*—being alone with a member of the opposite sex—does not directly damage lineage and does not necessarily lead to adultery, but because it may serve as a gateway to violation, Islam prohibits it as a preventive measure to safeguard lineage.
- c. All forms of Sharia facilitation or concessions (*rukḥṣah*) intended to ease human burdens in worldly and spiritual affairs. Although these concessions are not directly related to threats against human existence, the absence of *rukḥṣah* would result in hardship and difficulty. Examples include acts of worship, such as the permissibility of *qaṣar* and *jam’* prayers during travel, as well as economic transactions, such as sales conducted under the *salām* contract.

### 3. *Taḥsiniāt*

*Taḥsiniāt* represent tertiary needs aimed at refining and beautifying human life. Their fulfillment enhances tranquility and harmony without causing harm or hardship. Legal rulings related to *taḥsiniāt* are recommended (*sunnah*) as positive encouragement and deemed reprehensible (*makrūh*) if neglected. Examples include dressing neatly during worship, possessing noble character, practicing commendable customs, and observing proper covering (*aurat*), all of which collectively embellish human life in accordance with Islamic values.

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<sup>21</sup> Zaprul Khan, *Rekonstruksi Paradigma Maqashid asy-Syari’ah* (Yogyakarta, 2000), p. 81.

## Freedom of Opinion in The Democratic System From The Perspective of Maqāṣid Asy-Syarī'ah

### 1. On Freedom of Opinion in the Democratic System

Before proceeding further, *maqāṣid asy-syarī'ah* is derived from two words: *maqāṣid* (the plural of *maqṣad*, meaning objectives, purposes, or intentions) and *syarī'ah* (linguistically meaning a source of law or regulation). Thus, *maqāṣid asy-syarī'ah* can be understood as the objectives of Allah in establishing law for His servants, namely to protect order and goodness, and to prevent human beings from harm (*mafsadah*), both in this world and in the hereafter.

In general, there is no absolute consensus regarding the mission or form of the democratic system. Democratic practices across countries demonstrate significant variation, each exhibiting distinct characteristics and mechanisms. Etymologically, the term "democracy" originates from the Greek language, where *demos* means people and *kratos* means power or authority. According to the *Kamus Besar Bahasa Indonesia* (KBBI), democracy is defined as a system of government in which all citizens participate in governance through their representatives. Although M. Quraish Shihab does not provide an explicit definition, he emphasizes that decision-making based on the views of the majority constitutes a core characteristic of democracy.<sup>22</sup>

Freedom of speech and opinion is an integral part of Human Rights (*Hak Asasi Manusia* / HAM) that must be guaranteed by the state. Without adequate protection of human rights, social justice, and governance will be disrupted. This right enables citizens to participate in public decision-making, whether through support, suggestions, or criticism of government policies and state institutions, thereby strengthening the role of the people as supervisors and contributors to public policy. In a democratic system, leaders function as representatives of the people; therefore, public participation becomes a fundamental element for the sustainability of just governance.

Human rights consist of two fundamental rights, namely the right to equality and the right to freedom, which serve as the foundation for other rights.<sup>23</sup> The right to freedom of speech and opinion emerges from the principle of equality among citizens and the right to freedom itself. Democracy places freedom of opinion as one of the main

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<sup>22</sup> Fatkhiyatus Su'adah dan Ahmad Royhan, "Implementasi UU Demokrasi Dan Nilai-Nilai Urgensinya Dalam Politik Islam Di Indonesia," *Syariah: Journal of Fiqh Studies* 2, no. 2 (2024): 83-108, <https://doi.org/10.61570/syariah.v2i2.87>.

<sup>23</sup> Abdurrahman, "Hukum kebebasan berpendapat dan informasi: tinjauan filosofis terhadap pasal 22 deklarasi kairo," *STAIN sultan Abdurrahman Kepulauan Riau*, 2018.

characteristics of governance because the role of citizens in expressing ideas directly affects the quality of public policy and social justice.<sup>24</sup>

In Indonesia, the right to freedom of opinion is guaranteed by the 1945 Constitution (UUD 1945) Article 28 and Article 28E paragraph (3), which grants every citizen the right to associate, assemble, and express opinions. This guarantee is reinforced by Law No. 9 of 1998 and Law No. 39 of 1999 on Human Rights, which stipulate that freedom of expression is a fundamental right that must be exercised responsibly, in accordance with the law, and with respect for the rights of others. Freedom of opinion is not an absolute freedom; its implementation must refer to public interest, religious values, morality, public order, and national integrity, as stipulated in Article 28J paragraph (2) of the 1945 Constitution. These limitations are necessary to maintain social stability, public security, and the proper functioning of democracy. Without order, freedom of opinion may result in disturbances to public facilities, violations of others' rights, and public disorder.

The manifestation of freedom of opinion is reflected in citizen participation in general elections, legislative processes, and oversight of government policies. Such participation allows society to function as a social control and policy contributor, ultimately upholding social justice and political stability. This right must be exercised for the public interest and the common good, in line with the principles of *maqasid al-syariah*, which include the protection of religion (*hifz ad-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz an-nasl*), and property (*hifz al-mal*).

## 2. Freedom of Opinion from the Islamic Perspective

Scholars such as Ibn Asyur, al-Ghazali, and Ibn Abd al-Salam define *maslahat* as sustainable goodness, both for individuals and society, and view the objective of the sharia as the realization of benefit in this world and the hereafter. Thus, Islamic law formulated on the basis of *maqasid al-syari'ah* inherently contains the value of benefit (*maslahat*).<sup>25</sup> Expressing an opinion essentially means articulating ideas or thoughts in a logical and contextual manner. Logic here refers to the ability of an opinion to be accepted by general human reason, while context refers to the relevance of the opinion to the issue under discussion.<sup>26</sup> Opinions that do not align with reason or context cannot be regarded as valid opinions.

In Islam, freedom is known by the term *hurriyah*. According to Ibn Asyur, *hurriyah* has two dimensions. First, freedom as the opposite

<sup>24</sup> Tohir Bawazir, *Jalan Tengah Demokrasi Antara Fundamentalisme dan Sekularisme*, p. 81.

<sup>25</sup> Al-Ghazali, *Al-Mustashfa min Ilm al-Ushul*, p. 275.

<sup>26</sup> Abdurrahman, "Hukum kebebasan berpendapat dan informasi: tinjauan filosofis terhadap pasal 22 deklarasi kairo."

of enslavement (*al-'ubudiyah*), which emphasizes a person's ability to act independently, although new limitations may exist that require permission,<sup>27</sup> Such as restrictions imposed on those deemed legally incompetent (*safih*) or the rights of a wife toward her husband. Second, through the use of *majaz*, *hurriyah* is interpreted as the ability to act without any party having the right to prevent it, as long as the action remains within the framework of sharia.<sup>28</sup> *Al-Mausū'ah al-Islamiyah al-'Ammāh* defines freedom as a state of faith that enables humans to perform or abandon actions according to their will within the boundaries of Islamic teachings.<sup>29</sup> Thus, freedom of opinion (*hurriyah al-aqwāl*) is the expression of ideas based on consideration and conviction within the framework of sharia.<sup>30</sup>

From the explanation above, it can be understood that Islam fundamentally recognizes the value of freedom for every human being, including freedom of speech and expression. However, this freedom has limits that must be understood, because the right to freedom is a divine gift intended to be utilized optimally and responsibly.

From the Islamic perspective, humans are endowed with intellect by Allah swt as a means of thinking and expressing the results of their thoughts, as long as these do not exceed the limits of sharia. The Qur'an affirms that humans are created in the best form, equipped with hearing, sight, and intellect. Intellect serves as the distinguishing characteristic between humans and other creatures, enabling humans to judge good and bad, determine behavioral direction, and express opinions.<sup>31</sup> Moreover, the Qur'an emphasizes the importance of thinking through reflection on the signs of Allah's greatness, as stated in Surah al-An'am verse 32:

وَمَا الْحَيَاةُ الدُّنْيَا إِلَّا لَعِبٌ وَهَوٌّ وَلَلْآخِرَةُ خَيْرٌ لِّلَّذِينَ يَتَّقُونَ أَفَلَا يَعْقِلُونَ

*"With regard to the life of this world, it is nothing but play and amusement. Indeed, the Hereafter is better for those who are mindful of Allah. Will you not then understand?"*

With the existence of freedom of thought, humans are able to express the results of their thinking through attitudes and opinions. The process of thinking enables humans to discover truth, and Islam

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<sup>27</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 145.

<sup>28</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 145.

<sup>29</sup> Hai'ah al-Tahrir, *Al-Mausu'ah al-Islamiyah al-'Ammah* (Wazarat wa al-Majlis al-'Ala li al-Syu'un al-Islamiyah, t.t.).

<sup>30</sup> Ibn Asyur, *Maqashid al-Syari'at al-Islamiyat*, p. 145.

<sup>31</sup> Wahbah Az-Zuhaili, *Al-Fiqh al-Islam wa 'Adilatuh*, 1987 ed. (Dār Al-Fikr, t.t.) VII, p. 45.

emphasizes the obligation to disseminate it, as stated in the saying of the Prophet, SAW:

قُلِ الْحَقُّ وَلَوْ كَانَ مُرًّا

*“Speak the truth even if it is bitter.”* (HR. Ibn Hibban)

Freedom of expression is closely connected to the function of reason (*akal*); reason serves as the means to formulate ideas and thoughts, while the expression of opinions constitutes a manifestation of the responsible activation of intellectual potential. Thus, freedom of thought represents a positive form of intellectual activity, as it enables access to information, the exchange of ideas, and the development of intellectual capacities at both individual and societal levels, thereby contributing to overall intellectual progress. The Qur’an explicitly encourages human beings to actualize their intellectual and cognitive abilities in order to attain truth. This is stated in Surah an-Nahl, verses 43–44:

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوحِي إِلَيْهِمْ فَسَأَلُوا أَهْلَ الدِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ (٤٣) بِالْبَيِّنَاتِ  
وَالزُّبُرِ وَأَنْزَلْنَا إِلَيْكَ الدِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُونَ (٤٤)

*“And We sent not before you except men to whom We revealed; so ask the people of knowledge if you do not know. [We sent them] with clear proofs and scriptures. And We revealed to you the Reminder so that you may explain to mankind what has been revealed to them and so that they may reflect.”*

This verse affirms two important points: first, the human responsibility to convey the contents of the Qur’an to humanity; second, the obligation to utilize intellectual potential in examining and understanding truth. One concrete manifestation of this intellectual engagement is respect for the right to freedom of speech and expression. Freedom of opinion not only facilitates the exchange of ideas but also serves as an indicator of human dignity. Conversely, refraining from expressing opinions concerning matters of truth may be regarded as a diminution of one’s dignity, as humans are naturally obligated to employ their intellect in seeking and upholding truth.<sup>32</sup>

The process of thinking carried out through reason constitutes a fundamental step in attaining truth while simultaneously empowering human intellectual potential. The continuous development of knowledge and intellectual heritage necessitates freedom of thought, particularly for Muslims, so that they are able to keep pace with

<sup>32</sup> Mohammad Hasyim Kamali, *kebebasan berpendapat dalam Islam* (t.t.), p. 33.

intellectual dynamics and engage in dialogue with the context of their time. Reason enables human beings to distinguish between good and bad, thereby serving as an instrument for determining actions and attitudes. Al-Ghazali, in *Mizān al-'Amal*, affirms this through his statement:

لَا دِينَ لِمَنْ لَا عَقْلَ لَهُ

"There is no religion for one who has no intellect."

This statement underlines that happiness (*sa'ādah*) in this world and the hereafter can be achieved through the utilization of intellectual potential. Through reason, human beings can fulfill their role as vicegerents (*khalīfah*) on earth, draw closer to Allah Swt., and refine and enhance the quality of their religious practice.<sup>33</sup> Thus, freedom of thought is not merely intellectual in nature but also constitutes a prerequisite for the actualization of humanity's spiritual and social responsibilities.

The suppression of freedom of thought, such as prohibiting critical thinking, has the potential to result in intellectual stagnation and civilizational decline. The history of Islamic civilization demonstrates the importance of freedom of thought in the dynamics of the Muslim community. During the classical period (750–1250 CE), Muslims reached the peak of intellectual achievement with the emergence of major scholars (Hanafi, Hambali, Syafi'i, Maliki) and Muslim philosophers such as al-Kindi. This civilization was acknowledged by Western Orientalists as a source of inspiration for objective and open-minded thinking, as recorded in the research of Romm Landayu.<sup>34</sup> This fact reflects the attention of Muslims to intellectual development and their appreciation of freedom of thought.

The medieval period of Islamic civilization (1250–1800 CE) began with the collapse of the Abbasid Dynasty in 1258 CE, when Mongol forces attacked Baghdad, the capital and intellectual center of Islam. The invasion was marked by extraordinary violence, resulting in the deaths of more than one million inhabitants and widespread destruction of the political, social, and cultural structures of the Muslim community. This defeat marked the onset of Islamic civilizational decline, which also affected intellectual creativity and led to restrictions on critical thinking activities.

Amid these dynamics, differences of opinion continued to emerge among the imams of the schools of law and scholars. These

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<sup>33</sup> Abū Hāmid Muḥammad bin Muḥammad al-Ghazālī, *Mizān al-'Amal* (Dār al-Ma'ārif, 1964) p. 111.

<sup>34</sup> Rizem Aizid, *Sejarah Peradaban Islam Terlengkap* (Diva Press, 2021), p. 87.

differences arose despite their reliance on the same sources, namely the Qur'an and Hadith, due to variations in methodology, modes of thought, and scholarly approaches. The formation of various schools, such as Sunni and Shi'a, as well as the four major schools of jurisprudence, reflects the existence of freedom of thought within the Islamic tradition. The diversity of scholarly outcomes affirms that freedom of thought has been recognized and valued throughout the history of Islamic civilization. This dynamic freedom constitutes an inevitability that in fact serves as a solution for the community.

Normatively and historically, Islam grants legitimacy to freedom of thought. Any actions that restrict or obstruct intellectual activity are considered contrary to Islamic teachings. The freedom in question is not absolute freedom, but rather freedom grounded in responsibility, law, and ethics so as not to harm others.

Freedom of opinion has a close correlation with Islamic teachings. One fundamental principle is the obligation to offer sincere advice (*an-naṣīḥah*) for the sake of goodness. The prophet Muhammad SAW said:

الدِّينُ النَّصِيحَةُ فُلْنَا: لِمَنْ قَالَ: لِلَّهِ وَلِكِتَابِهِ وَلِرَسُولِهِ وَلِأَيِّمَةِ الْمُسْلِمِينَ وَعَامَّتِهِمْ (رواه مسلم)  
 "Religion is sincere advice." We asked, "For whom?" He replied, "For Allah, for His Book, for His Messenger, for the leaders of the Muslims, and for the Muslim community as a whole." (HR. Muslim)

According to Ibnu Baṭṭāl, this hadith emphasizes that religion is reflected not only through actions but also through speech.<sup>35</sup> 'Izz al-Dīn ibn 'Abd al-Salām defines *naṣīḥah* as the act of indicating what is better and more beneficial for others.<sup>36</sup> He emphasizes that under certain conditions, advice must be delivered promptly, especially when there are indications of wrongdoing, such as witnessing a threat to someone's life.<sup>37</sup>

Based on this principle, the obligation to provide advice is not limited to interpersonal relations but also applies to leaders. The manifestation of advising leaders may take the form of supporting policies that align with religious principles, offering courteous reminders regarding less appropriate policies, or affirming a leader's errors when negligence occurs in fulfilling responsibilities. Beyond being a religious obligation, advising leaders represents a form of civic

<sup>35</sup> Abi Zakaria Yahya ibn Syaraf ad-Din an-Nawawi, *Syarah al-Arba'in al-Nawawiyah* (Dar Kutub al-Ilmiyyah, Cet. 3), p. 52.

<sup>36</sup> Iz al-Din ibn Abd as-Salam, *Syajarat al-Maarif walahwal washlih al-aqwal wal a'mal* (Dar al-Hikmah, t.t.), p. 134.

<sup>37</sup> as-Salam, *Syajarat al-Maarif walahwal washlih al-aqwal wal a'mal*, p. 336.

contribution to ensuring that policies align with the public interest. Thus, protecting citizens' rights to advise leaders provides a mechanism of social control over governmental performance.<sup>38</sup> This is particularly relevant in democratic states, where leaders act as representatives of the people and are expected to produce policies that serve the public interest. Accordingly, when leaders' policies contradict public welfare, Muslims are obligated to offer constructive advice.

Muslims are obliged to prevent manifest wrongdoing according to their respective capacities. This may be done through action (*bi yadiah*), speech (*bi lisānih*), or, if neither is possible, through the heart (*bi qalbih*), which constitutes the weakest form of faith (HR. An-Nasa'i). Failing to prevent wrongdoing is equivalent to permitting it, which implies sin comparable to committing the wrongdoing itself.<sup>39</sup>

The concept of *amar ma'ruf nahi munkar* serves as the foundation for establishing social and state order. Enjoining good and forbidding evil constitutes a collective obligation (*fardhu kifayah*) realized through advice, support for correct policies, and admonition of negligent leaders. Al-Ghazali emphasizes that preventing wrongdoing committed by leaders is part of *amar ma'ruf nahi munkar*, and that citizens are guaranteed the right to freedom of opinion for this purpose, as long as it does not result in chaos (*fitnah*).<sup>40</sup>

Islamic history demonstrates that freedom of speech and opinion has been practiced since the time of the Prophet saw., for example through the Constitution of Medina, which granted the inhabitants of Yathrib the right to propose and reject provisions of agreements. The Companions and caliphs, including 'Umar bin Khattab and Harun al-Rasyid, exemplified openness to criticism from the people, whether concerning social policies or legal decisions, as part of early democratic practices in Islam.<sup>41</sup>

Islam affirms the prohibition of disseminating information without a clear factual basis. The Qur'an states:

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا

"And do not follow that of which you have no knowledge. Indeed, hearing, sight, and the heart – each of these will be held accountable." (QS. Al-Isra': 36)

As-Syaikh Ahmad as-Showi al-Maliki interprets this verse as a prohibition against asserting something without direct experience or knowledge: "Do not say 'I saw' when you did not see; 'I heard' when

<sup>38</sup> an-Nawawi, *Syarah al-Arba'in al-Nawawiyah*, p. 52.

<sup>39</sup> an-Nawawi, *Syarah al-Arba'in al-Nawawiyah*, p. 52.

<sup>40</sup> Hujjah al-Islām Abu Hamid Muḥammad bin Muḥammad Al-Ghazālī, *Ihyā' Ulūm Ad-Dīn* (Dār Al-Ma'rifah, 1431), II, p. 255.

<sup>41</sup> Muhammad Amin al-Kurdi, *Tanwir al-Qulub fi mu'amalah Allam al Guyub* (t.t.) p. 77.

you did not hear; or “*I know when you do not know.*” This interpretation underscores the obligation of clarification and verification prior to conveying information.

Conceptually, the practice of conveying unverified information contradicts the principles of social responsibility and ethical communication in Islam. Unverified information has the potential to generate slander, disinformation, and public confusion, which may in turn trigger prolonged social conflict. Thus, controlling the quality of information constitutes a crucial preventive instrument in maintaining social stability and societal integrity.

Abandoning actions that provide no benefit constitutes one indicator of the quality of a person’s Islam. Conversely, engaging in activities devoid of positive value—whether in action, speech, or behavior—reflects a lack of self-restraint. Such unproductive activities essentially amount to wasting time and lifespan, both of which are primary assets for attaining happiness in this world and the hereafter.<sup>42</sup> In this context, safeguarding one’s speech from futile or harmful utterances becomes imperative. The Prophet Muhammad saw. affirmed this in his saying: “*Human safety depends on one’s ability to guard the tongue.*” (HR. al-Bukhari)

Therefore, before expressing an opinion, an individual should consider its potential benefits and harms. This is emphasized in the hadith of the Prophet Muhammad saw.:

إِنَّ الْعَبْدَ لَيَتَكَلَّمُ بِالْكَلِمَةِ مَا يَتَّبِعُ مَا فِيهَا يَرُلُّ بِهَا فِي النَّارِ أَوْبَعَدَ مِمَّا بَيْنَ الْمَشْرِقِ وَالْمَغْرِبِ

“*Indeed, a servant may utter a word without considering its consequences, yet because of it he may slip into the Fire farther than the distance between the East and the West.*” (HR. al-Bukhari)

By considering the positive and negative consequences of speech, individuals can exercise greater caution in expressing opinions, thereby avoiding potential harm to themselves and others while upholding the principle of prudence taught in Islam.

Moreover, honesty constitutes a central principle in expressing opinions. Numerous verses of the Qur’an and hadiths emphasize that truthfulness and honesty lead to goodness and Paradise, and that those who consistently adhere to honesty will be recorded as *shiddiq* in the sight of Allah (HR. al-Bukhari). Accordingly, the right to freedom of speech and expression guaranteed by the state constitution must be exercised to carry out *amar ma’ruf nahi munkar*, offer advice, and convey constructive criticism to leaders, while remaining attentive to ethical,

<sup>42</sup> Muhammad Ibn Umar Nawawi al-Jawi, *Salalim al-Fudhala’* (Kediri, t.t.), p. 54.

legal, and social responsibilities. Indeed, freedom of opinion is necessary to protect the rights and dignity of others and to preserve social harmony and unity. If these boundaries are ignored, social conflict, public instability, and unequal fulfillment of rights may arise. Therefore, the exercise of freedom of opinion must be grounded in responsibility, compliance with regulations, and prevailing norms, thereby fostering a safe, peaceful, and prosperous social, national, and civic order.

### **The Formulation of Limitations on Freedom of Expression from the Perspective of *Maqāṣid asy-syarī'ah* in a Democratic State**

Freedom of expression within a democratic system constitutes a fundamental right that functions as a mechanism for public participation and oversight of power. From the perspective of *maqāṣid asy-syarī'ah*, this right is not absolute but is limited by the objective of protecting the five essential elements of human life: religion (*hifz ad-dīn*), life (*hifz an-nafs*), intellect (*hifz al-'aql*), lineage (*hifz an-nasl*), and property (*hifz al-māl*). Within this framework, freedom of expression is understood as an instrument of *maṣlahah* that must be regulated so that it does not transform into a means of *mafsadah* (harm or corruption).

Normatively, concrete limitations on freedom of expression can be formulated based on its potential impact on the five *maqāṣid*. First, in the domain of *hifz ad-dīn*, expressions that insult religious teachings, disseminate deviant doctrines, or provoke hatred based on belief clearly violate the objective of protecting religion. Second, with regard to *hifz an-nafs*, expressions containing threats of violence, incitement to murder, glorification of terror, or destructive calls endangering human life fall outside the bounds of civil liberty and enter the domain of social crime. Third, in the context of *hifz al-'aql*, disinformation, hoaxes, manipulation of public opinion, and content that encourages addictive behavior undermine collective rationality; therefore, the state bears an obligation to regulate information flows in order to safeguard the quality of democratic discourse. Fourth, *hifz an-nasl* requires protection of future generations through restrictions on pornography, sexual exploitation, or the promotion of deviations that damage the moral character of children. Fifth, *hifz al-māl* obliges the state to regulate freedom of expression so that it is not used for public fraud, economic manipulation, or provocation leading to the destruction of property.

Based on this mapping, a Muslim democratic state may adopt a three-layered system of regulation. The first layer, constitutional, affirms that freedom of expression is guaranteed as a citizen's right under Article 28 of the 1945 Constitution and related human rights legislation, provided that its exercise respects the rights of others and the public interest. The second layer, ethical-*syarī'ah*-based, places all forms of expression within

the protective parameters of the five *maqāṣid* as standards of public morality. The third layer, juridical-operational, translates these limitations into positive law that emphasizes proportionality, accountability, and due process of law. This approach ensures that freedom is preserved while preventing harm to the *maqāṣid*.

This normative formulation can be simplified into the following operational propositions:

1. Any expression that poses a real potential for harm to one of the five *maqāṣid* may be restricted by the state.
2. Such restrictions must be based on urgent public necessity and objective evidence of harm, rather than political interests or the subjective will of those in power.
3. Oversight mechanisms and sanctions must adhere to due process of law to ensure justice, prevent arbitrariness, and maintain democratic legitimacy.

Concrete limitations can be identified through specific indicators. For *hifẓ ad-dīn*: expressions that insult religious beliefs or incite hatred based on religion. For *hifẓ an-nafs*: threats of violence, calls to terror, or glorification of criminal acts. For *hifẓ al-'aql*: dissemination of disinformation, hoaxes, or content that undermines collective rationality. For *hifẓ an-nasl*: pornography, sexual exploitation, and propaganda promoting moral deviation. For *hifẓ al-māl*: public fraud, economic manipulation, or provocation leading to the destruction of assets. The determination of these indicators must be carried out systematically through legal regulations, ethical guidelines, and social control mechanisms.

In the practice of Indonesian democracy, the state has an obligation to balance individual rights with public *maṣlaḥah*. Freedom of expression exercised to criticize government policies or to advise leaders within the framework of *amar ma'rūf nahi munkar* is legitimate and encouraged, as long as it does not generate *fitnah* or threaten the *maqāṣid*. Constructive criticism thus strengthens governmental accountability without disrupting social order. The state must also regulate mechanisms for verifying public information in order to prevent disinformation that could undermine social order, public security, and democratic stability.

The integration of constitutional principles and *maqāṣid asy-syarī'ah* produces a *maṣlaḥah*-oriented model of freedom of expression that emphasizes responsibility, justice, and the protection of public interests. This model transforms freedom of expression from a purely individual right into a regulatory instrument that supports social, moral, and intellectual balance. With a clear formulation, a Muslim democratic state

can uphold freedom of expression responsibly while preventing abuses that threaten the five objectives of the *syarī'ah*.

Overall, this analysis affirms that freedom of expression in Indonesia must be guided by the principles of *maqāsid asy-syarī'ah*, integrated with constitutional protections, and implemented through proportional regulation. This approach enables the creation of a harmonious democratic order: citizens are free to express ideas, society is protected from *mafsadah*, and the state fulfills its supervisory function in accordance with the objectives of the *sharī'ah*, law, and public *maṣlahah*.

## CONCLUSION

Freedom of expression is a fundamental right that constitutes a pillar of democracy and a means of public participation in political decision-making. From the perspective of *maqāsid asy-syarī'ah*, this right not only protects the intellect (*hifz al-'aql*) as one of the primary objectives of the *sharī'ah*, but also demands the responsible use of reason to achieve *maṣlahah* for both individuals and society. The exercise of freedom of expression must respect legal norms, ethics, customs, and culture, and must avoid expressions that harm religion, life, lineage, or property.

Accordingly, responsibly managed freedom of expression becomes an instrument for intellectual development, public oversight, and the realization of social welfare. Constitutional regulations, such as Article 28 of the 1945 Constitution, affirm the guarantee of this right; however, ethical and legal limitations are necessary to prevent potential social harm. The integration of *maqāsid al-syarī'ah* principles with democratic regulation ensures the realization of freedom of expression that is just, productive, and harmonious in serving the public interest.

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