

ARTISTIC FREEDOM AND LEGAL BOUNDARIES: NAVIGATING CENSORSHIP AND EXPRESSION IN INDONESIA'S DEMOCRATIC FRAMEWORK

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Abstract

Art has increasingly become a target for political agendas, often subjected to legal restrictions that limit freedom of expression. This phenomenon is evident in countries like Myanmar, where several laws have been enacted to criminalize speech, surpassing international legal standards. In Indonesia, the rise of authoritarian tendencies has been linked to the weakening of artistic freedom, as reflected in the rising number of cases of artistic repression. This study explores the legal and practical realities of artistic freedom in Indonesia, addressing how the legal system handles attacks on artistic expression and the involvement of state and non-state institutions in strengthening legal protection for artists. It discusses the theoretical framework of artistic freedom, its protection under international human rights law, and Indonesia's legal context, particularly through laws like the 1945 Constitution and various international agreements such as the ICCPR. The research highlights the challenges of balancing artistic freedom with public morality, security, and order, and critiques the misuse of legal restrictions that often result in excessive censorship. By examining historical and contemporary legal cases, the study proposes an ideal legal framework to ensure robust protection for artistic expression in a democratic society, advocating for a balanced approach between law enforcement and fundamental human rights.

Keywords: Artistic Freedom; Censorship; Legal Protection; Freedom of Expression; Human Rights Law.

A. Introduction

In recent years, art has increasingly become a target of political interests and control (Fung, 2021; Mahfud et al., 2024; Serra et al., 2017). Legal mechanisms are often used as tools to suppress or censor artistic expression, rather than protect it (Joseph, 2020; Kennedy & Coulter, 2018). For example, in Myanmar, several laws—such as Article 66(d) of the Telecommunications Law, Articles 33 and 34(d) of the Electronic Transactions Law, and outdated statutes like the Unlawful Associations Act of 1908 or the Official Secrets Act of 1923—have been used to criminalize speech that criticizes the state, often exceeding internationally accepted legal standards (Smith & Smith, 2022; Venkiteswaran et al., 2019). As a result, threats and legal actions have been frequently imposed on journalists, human rights activists, and artists (Macfarlane, 2021; Mchangama, 2016).

In Indonesia, a similar pattern of suppression can be observed. Several studies suggest a worrying trend of democratic backsliding, particularly in the domain of freedom of expression, including the freedom of art. According to the *bebasberkesenian.id* database, by 2023 there were 176 reported cases of violations against artistic freedom, involving 228 victims and 244 perpetrators. The highest number of cases were recorded in East Java (45 cases), followed by Central Java (29), West Java (17), South Sumatra (15), and Yogyakarta (14) (Koalisi Seni, 2023).

Conceptually, artistic freedom is a subset of the broader right to freedom of expression. However, academic and legal discussions have traditionally prioritized press and digital freedoms over the rights of artists. “Press freedom” is commonly protected in constitutions and media-specific laws, while “artistic freedom” is rarely given equal legal recognition. Consequently, there remains a significant gap in scholarly and policy attention toward artistic freedom.

Legally, artistic freedom is supported by several international instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Indonesia through Law No. 11 of 2005, acknowledges cultural rights, including the protection of scientific, literary, and artistic production (Article 15). Additionally, UNESCO’s 1980 Recommendation on the Status of the Artist and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions emphasize the protection of artists’ rights. Under certain conditions, attacks on cultural sites or objects may even be classified as war crimes under international humanitarian law (Rome Statute, Article 8(2)(b)(ix)).

Artistic expression is inherently open to interpretation, and an artist cannot fully control how their work is received. While public controversy is a natural consequence of free artistic expression, it should not justify excessive censorship or repression (Report of SR, 2014). Therefore, the regulation and protection of artistic freedom must be seen as essential components of a democratic legal system.

This study aims to examine both the legal framework and the practical realities of protecting artistic freedom within Indonesia’s legal system. It explores how existing laws and law enforcement mechanisms respond to attacks on artistic expression, and how both state and non-state actors play roles—either as protectors or as perpetrators—in shaping the space for artistic freedom. Furthermore, the study seeks to identify the ideal legal framework required to strengthen the protection and promotion of artistic freedom as an essential element of a democratic state governed by the rule of law.

While various studies have highlighted the history of political and legal repression in Indonesia, especially during the authoritarian New Order regime (Hanafi, 2022; Bouwers & Farjon, 1992; Michael, 2010) and in the Reformasi era (Paramaditha, 2011), this research offers new insights into the persistence—and recent intensification—of these authoritarian legacies. It examines why such pressures continue and how they have evolved, particularly in relation to freedom of artistic expression.

Methodologically, this study employs an interdisciplinary legal approach that integrates doctrinal legal analysis with socio-political contextualization. The research begins by mapping relevant legal instruments, both national and international, that relate to the protection of artistic freedom. It also analyzes selected legal cases and regulatory practices, focusing on how laws have been applied—or misapplied—to restrict artistic expression. This legal analysis is complemented by a political perspective that situates the repression of artistic freedom within broader patterns of democratic regression and authoritarian resilience in Indonesia.

B. Discussions

1. Art as a Weapon: Freedom of Expression Under Pressure

Art is a human expression that becomes part of daily life, both individually and collectively, growing instinctively alongside the creation of art itself (Report of SR, 2013: A/HRC/23/34, para 2; West, 2023). Its functions are diverse—it can serve as religious ritual, aesthetic expression, political criticism, or cultural identity affirmation.

The terms “freedom of artistic expression” and “artistic freedom” are often used interchangeably. UNESCO defines artistic freedom as the right to imagine, create, and distribute cultural expressions without government censorship, political interference, or pressure from non-

state actors. This also includes the right of people to access such works and is essential for societal well-being (UNESCO, 2015).

In Indonesia's legal system, art is related to Law Number 5 of 2017 concerning the Advancement of Culture. Article 5 lists ten cultural objects targeted for advancement, including oral traditions, manuscripts, customs, rituals, traditional knowledge, traditional technologies, arts, languages, folk games, and traditional sports (Kartika et al., 2024).

Artistic expression is also referred to as “cultural expression” or “cultural content.” According to the 2005 Convention on the Promotion of Diversity and Cultural Expression, “cultural expression” includes forms of expression resulting from the creativity of individuals, groups, or communities that carry cultural content. Cultural diversity is demonstrated not only through heritage but also through various models of creation, distribution, dissemination, and enjoyment of art through different media or technologies. “Cultural content” refers to symbolic meanings, artistic dimensions, and cultural values that stem from or shape cultural expressions (Convention on the Promotion of Diversity and Cultural Expression 2005, Article 4, numbers 1, 2).

The variety of artistic expression includes painting, drawing, sculpture, drama, music, dance, creative writing, and photography (Landing, 2016). It also includes figurative linguistic forms in verbal artworks. In this regard, the artistic expression of an artwork is tied to the symbolic value chosen by the creator in a specific context. Freedom of artistic expression is closely linked to freedom of thought, opinion, and religion. Art is also a vehicle for expressing belief (Alexopoulou, 2022; Kakungulu-Mayambala et al., 2019; Pustorino, 2023). These rights also intersect with rights to peaceful assembly, association—including the right of artists and art workers to form or join labor unions—the right to protect moral and material interests from their work, and the right to leisure (Shaheed, 2013). In Indonesia, artistic life has long existed through social traditions passed down across generations, whether religiously or socially inspired (Aragon, 2022). However, art inevitably encounters external perspectives during its development (Turner, 2005).

Art is also essential to advancing knowledge and discovering truth. As a form of citizen participation, art helps to monitor government performance or policies and serves as an expression of public pressure (Eberle, 2007). Everyone has the right to freely enjoy and participate in the expression and creation of art, individually or collectively, to access and enjoy artworks, and to share their experiences of creative expression (Report of SR 2013: para 85). Since the late 1960s until the early 2020s, art in Indonesia has served as a tool for raising ecological awareness and has contributed to political and social change during environmental crises (Jurriëns, 2023).

Artistic expression has also been subject to censorship. In 2018, 673 cases of censorship and repression of art were recorded across 80 countries. Intolerance and violence against artists have intensified, and the culture of silencing continues in various forms (Freemuse, 2019).

The earlier example from Myanmar is not unfamiliar to Indonesia. Under Suharto's New Order regime—often labeled fascist—Indonesia experienced similar repression (Jurriëns, 2017; Saptano, 2005). At the time, art played a central role in opposition movements (Mandal, 2004). There were many instances of censorship, silencing, exile, imprisonment, and forced disappearances. Notable figures include poet WS Rendra, novelist Pramoedya Ananta Toer and Hersri Setiawan—both detained on Buru Island—and poet Wiji Thukul, who was forcibly disappeared.

The work *Land for the People* by Yayak Yatmaka holds significant power. This poster was widely distributed as a calendar and angered the Soeharto military regime. Yayak Yatmaka, also known as Yayak Kencrit, used graphic art to equip the public with critical awareness through metaphors: pigs to symbolize corruption and greed; lewd nudity as a symbol of shameless authority; and guns or army boots to symbolize violence and oppression. Yayak argued in his collection *Pictures as Weapons of the Free People* (Yatmaka, 2010) that corrupt power was more shameless than vulgar imagery, exploiting public suffering for profit. His sarcastic critiques would

likely portray today's corrupt ministers just as boldly. His works were raw and socially critical, often deliberately vulgar.

Yayak was influenced by wartime propaganda art, referencing *Bilders als Waffe* (pictures as weapons), a German World War slogan. He admired the *Simplicissimus* group, who simplified complex ideas and images for impact. *Simplicissimus* was a satirical German magazine from 1896–1967 (Tempo, May 26, 2013). Unsurprisingly, Yayak's "subversive" art became a target of military censorship under the New Order regime.

Artistic freedom often parallels challenges to press freedom. Media also contain art that critiques power and has likewise been subject to silencing (Tapsell, 2012; Keane, 2009; Wiratraman, 2014). Educators, activists, and human rights workers can learn a lot from art. Emotional appeal often moves people more effectively than rational arguments. In a feudal social structure that persists today, change is wrongly assumed to come only from reason and intellect. In reality, awareness often arises through emotional experiences. Art evokes emotions like love, hatred, hope, forgiveness, horror, or empathy—emotions that may resonate more deeply than facts. Theater, for instance, is a powerful medium of expression in authoritarian contexts, not only through acting but also through sharp, satirical dialogue (Bodden, 1997).

Art as a weapon is about perception. The imagery or emotions it evokes can be powerful. Music and storytelling may surpass academic or legal texts in impact. Art overcomes the limitations of political and linguistic formalities. It reflects human rights violations in a unique way, providing powerful forms of "naming and shaming."

Picasso's *Guernica* (1937) condemned the barbarity of aerial bombings in the Spanish Civil War. Bob Dylan's 1975 lyrics drew attention to racial injustice in the US justice system. Both used art as a form of social critique and human rights advocacy (Kraaijvanger, 2017).

Protest and criticism are central aspects of freedom of expression. Artistic criticism challenges human rights abuses and offers an effective medium to reach the public and government emotionally. For example, the *Sibuya Buffalo* sculpture in front of the State Palace criticized President Yudhoyono's sluggish governance. The buffalo drew immediate public attention and had more impact than scholarly criticism alone. This doesn't diminish academic work, but highlights how emotionally intelligent delivery enhances its relevance as a tool for change.

Messages from artists, musicians, or writers on human rights issues can have strong impacts. Many political leaders are historically connected with the arts. Hitler, who sold paintings in Vienna before becoming a fascist, was infamous for looting art. Such acts disgrace the artistic community. Art can also comfort those in distress—refugees, prisoners, the exiled. It can ease emotional pain. For example, Myuran Sukumaran (2017), an Australian drug smuggler on death row in Indonesia, coped by becoming a painter.

People appreciate art in many forms: music, fashion, poetry, painting, and more. Art aids emotional and psychological well-being, shapes individual and collective identity, and often provides financial support. It allows imaginative expression—of unseen objects, places, or ideas—in often multi-interpretive ways. Unlike linear verbal language, art employs varied symbols and ideas open to personal interpretation.

Thus, art as a "weapon" of change is integral to human rights. Freedom of artistic and creative expression is essential to psychological health, cultural dynamism, and democracy. Art displayed in public—such as murals on city facilities—often conveys educational, persuasive, or critical messages aimed at power holders (Trihanondo, 2024; Riyanto et al., 2023; Setiawan, 2010). This form of artistic freedom connects people and transcends boundaries.

2. Safeguarding Artistic Freedom: A Human Right at the Crossroads of Law, Culture, and Expression

Freedom of expression, including freedom of opinion, is guaranteed by the 1945 Constitution of the Republic of Indonesia, specifically Article 28. Since art is inherently a form of

communication and evolves through various mediums, it is also protected under Article 28F of the 1945 Constitution. Art exists as a means of communication in public spaces, making its expression an essential aspect of the right to information. Art also reflects personal belief and is an act of conscience, thus falling under the protection of Article 28E paragraph (2) (Hammar, 2022; Jayadi, 2018; Sayuti et al., 2023).

Artistic freedom, as a form of expression, is also safeguarded under the International Covenant on Civil and Political Rights (ICCPR) (Polymenopoulou, 2023), which was ratified by Indonesia through Law Number 12 of 2005. Article 19 paragraph (2) of the ICCPR ensures that everyone has the right to freedom of expression, including the right to seek, receive, and impart information and ideas of all kinds, regardless of borders, through oral, written, artistic, or any other chosen form of media. However, the ICCPR also acknowledges certain responsibilities and allows for legal limitations, particularly to respect the rights or reputations of others and to protect national security, public order, health, or morals (Kumar, 2006; Makarim et al., 2019; O’Flaherty, 2015).

The freedom of art creates a space for the exchange of ideas beyond the realm of art itself, extending into literature, academia, politics, religion, and science. It provides a platform for artists to express themselves freely and enables the public to enjoy artistic works (Ahlgren, 2019).

Under Indonesian law, artistic freedom in public spaces is linked to the guarantee of ‘freedom to express opinions in public’, as stated in Law No. 9 of 1998. Nonetheless, its implementation warrants critique, as restrictions and bans on artistic expression are sometimes justified by formal procedures and overly broad interpretations of what is legally acceptable. Article 1 paragraph (1), along with Article 5, affirms that the right to express thoughts, whether orally or in writing, is protected, but is limited by the phrase “responsible under the provisions of applicable laws and regulations” (Fernando et al., 2022).

This contrasts with Article 23 paragraph (2) of Law No. 39 of 1999 on Human Rights, which guarantees freedom of opinion but adds that it must consider religious values, morality, order, public interest, and national unity. This vague and broad formulation has led to what is known in Indonesia as a “rubber article” or *pasal karet*—a flexible clause with ambiguous boundaries that allows for potential political pressure.

A notable example is the abrupt cancellation of Yos Suprpto's solo painting exhibition, “Awakening: Land for Food Sovereignty”, just minutes before its opening at the National Gallery of Indonesia on December 19, 2024. The curator, Suwarno Wisetrotomo, removed five out of 30 works, deeming them controversial due to their depiction of a public figure (Tempo, 25 December 2024). Artistic freedom is a fundamental human right and an essential element of human dignity. Denying it is equivalent to denying one’s humanity and goes against the principles of a just society (Lenglinger & Deron, 2023; Polymenopoulou, 2023).

As protected under Article 19 paragraph (2) of the ICCPR, artistic expression is part of the broader right to freedom of expression. General Comment No. 34 (2011) further clarifies that this includes cultural and artistic forms—whether spoken, written, signed, or expressed through non-verbal means such as images or artistic objects. The mediums of artistic expression may include books, newspapers, posters, audiovisual formats, and online or electronic platforms.

Additional international protections are found in Article 27 of the Universal Declaration of Human Rights (UDHR), affirming everyone’s right to enjoy the arts, and Article 15 paragraph (3) of the ICESCR, which obliges states to respect creative freedom. Similar protections exist under Article 13 and 31 of the Convention on the Rights of the Child; Article 13(1) of the American Convention on Human Rights; Articles 9, 17, and 42 of the Arab Charter; Article 10 of the European Convention on Human Rights; and Article 27 of the ICCPR, which upholds freedom of artistic expression for ethnic, religious, and linguistic minorities (Report of SR 2013: Para 13).

In practice, artistic freedom must be upheld without discrimination of any kind—based on race, color, gender, language, religion, political opinion, national origin, property, birth, or status. This is emphasized in Article 2 of the ICCPR and ICESCR, Article 5 of ICERD, Article 23 of

CEDAW, Articles 43 and 45 of the CMW, and Article 21 of the CRPD, all of which confirm that all individuals, regardless of background, are entitled to artistic and creative freedom.

The European Convention on Human Rights, particularly Article 10, protects not only the content but also the form of expression—including written texts, broadcasts, paintings, films, poetry, novels, and satire. Each case is evaluated individually. Satire, for example, is a form of artistic expression that distorts or exaggerates reality to provoke thought. State intervention in such cases must be conducted with careful case-by-case analysis (Bychawska-Siniarska, 2017).

Drawing from international law, the scope of artistic freedom includes: the right to create without censorship or intimidation; the right for works to be supported, distributed, and remunerated; freedom of movement; freedom of association; protection of social and economic rights; and the right to participate in cultural life.

UNESCO's 1980 Recommendation on the Status of the Artist states that countries must cultivate an environment conducive to artistic expression, supporting the development of creative talent, art worker education, labor rights, and copyright protections. Artists must be able to fully enjoy these rights (Foord, 2009; Goldbard, 2006; Soraide, 2023).

The state has a duty to protect and empower artists and their creative freedom. Artists should be able to form unions and organizations and participate in policy-making processes that affect their work. Governments must promote free international movement of artists and never obstruct their ability to perform abroad. The state can fulfill its responsibilities by: (1) educating the public on the importance of artistic freedom; (2) opening spaces for dialogue about rights and responsibilities; (3) building collaboration between ministries and civil society; (4) forming advocacy networks; (5) documenting and monitoring censorship; (6) encouraging law enforcement to protect art events; and (7) supporting artistic freedom through capacity building in civil society.

Artistic freedom also receives specific protection under the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which mandates states to create enabling environments for individuals and communities to create, produce, distribute, and access cultural expressions. States are also required to acknowledge and support the role of artists and creators in enriching diverse and empowering forms of artistic expression.

3. Legal Restrictions on Artistic Freedom, Is It Possible?

Artistic freedom is indeed a type of freedom that can be limited (derogable rights). The key issue lies in how legitimate such limitations are, ensuring they do not become predominantly arbitrary. Generally, the freedom of artistic expression may be restricted in accordance with Article 19(3) and Article 20 of the ICCPR (GC 34, 2011: para. 11). Article 19(3) of the ICCPR states that the exercise of this freedom carries special duties and responsibilities and may therefore be subject to certain limitations. According to the doctrine of 'limitations', such restrictions must be provided by law and necessary for: respecting the rights or reputations of others; and protecting national security, public order, public health, or morals. The interpretation of such limitations must also follow a strict approach, grounded in international human rights law, which is intended to strengthen the overall guarantee of human rights and freedoms.

The legal framework for restrictions is also regulated under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted by the UN General Assembly on December 21, 1965, in Resolution 2106 (XX). The core point of this article is that artistic freedom must not be used to disseminate ideas based on racial superiority or hatred, incitement to racial discrimination, or acts of violence and incitement against any race or group of persons based on skin color or ethnic origin.

According to the UN Special Rapporteur's report, restrictions on artistic freedom must only be imposed when necessary due to violations of other human rights. Often, such restrictions arise from repressive laws or physical and economic coercion (Report of SR 2013: para. 53). In cases involving political expressions or participation in political debates through art, protection remains

applicable under Article 19 of the ICCPR. Public officials and public figures are legitimate targets of artistic criticism. Thus, laws that prohibit criticism of public officials—such as laws on defamation, lese majeste, or disrespect for state symbols like flags—must be carefully drafted to avoid infringing on freedom of expression (Report of SR 2013: para. 25).

In the Indonesian context, one frequent basis for legal restrictions is ‘public morals’. Limitations based on public morals must stem from social, philosophical, and religious traditions, acknowledging that such morals evolve over time and differ between cultures. Therefore, limitations to ‘protect morals’ must not rely solely on one cultural tradition (GC 34, 2011: para. 32). The state is obliged to uphold core societal values, but this authority falls within a ‘margin of discretion’ and must ensure the principle of non-discrimination is upheld (Siracusa Principles, 1984: paras. 27–28). However, critical expressions often highlight issues of gender injustice or gender-biased representations (Nurbayani et al., 2025).

Restrictions also unequivocally prohibit child pornography, including its distribution over the Internet. Prohibitions against child pornography constitute legitimate restrictions and must be codified as criminal offenses. The Optional Protocol to the Convention on the Rights of the Child on the sale of children clearly obliges states parties to criminalize all forms of production, distribution, dissemination, import, export, offering, sale, and possession of child pornography (UN General Assembly: paras. 20–21, 81).

To avoid misuse or state arbitrariness, legal standards for limitations must be clearly examined, particularly with regard to their purpose, and must be subject to judicial review (objection or grievance mechanisms). Moreover, states must dismantle institutionalized censorship systems and refrain from excessive regulatory practices, adhering instead to the legal doctrine developed under Article 19(3) and Article 20 of the ICCPR.

This obligation also applies to legislators and law enforcement authorities, who must consider the unique nature of artistic creativity when evaluating limitations on artistic freedom. Even if artists express dissenting views, they retain the right to employ political, religious, or economic symbols in their artistic expressions, especially as counter-discourses against dominant powers.

An instructive case in this context is *Shin v. Korea*. In that case, the painting by Hak-Chul Shin was deemed to fall within the ambit of artistic freedom, as protected under Article 19(2) of the ICCPR. The UN Human Rights Committee held that the confiscation and penalization of the artwork violated the creator’s right to freedom of expression and that such enforcement measures must be shown to meet the limitation standards under Article 19(3) of the ICCPR (Report of SR, 2013: para. 15; *Shin v. Korea*, para. 7.2).

When legal cases escalate into litigation or criminalization, they must meet the ‘three-part test’ of legal limitations. Lessons can be drawn from the European Court of Human Rights (ECtHR), which applies Article 10 of the European Convention on Human Rights as the relevant legal standard, as in the *Akdaş v. Turkey* case. The case involved an erotic novel, *Les onze mille verges* by French author Guillaume Apollinaire (1907). Similar standards were applied in the cases of *Vereinigung Bildender Künstler* and *Karataş*, both of which emphasized the artistic character as a legitimate defense against interference.

Most often, the suppression of art and artistic expression occurs through formal interpretations of procedural requirements and broad discretionary enforcement of the law. This includes administrative steps such as event notification, publication permits, and censorship, all of which frequently impede artistic freedom. Examples include the disbandment by police of the South Sulawesi Transgender-Bissu Sports and Arts Week (2017); the prohibition by Banyumanik Police of the discussion of Enny Arrow’s erotic literature in Semarang (2017); the ban on the performance of *Maknawi Kidung Maria* in Yogyakarta (2015); the prohibition of the reading of *50 Years of Memory 1965* in Jakarta (2015); the cancellation of the *Belok Kiri Festival* in Jakarta (2016); the prohibition of the screening of the film *Pulau Buru: Tanah Air Beta* in Jakarta (2014); and most recently, the cancellation of the Yos Suprpto painting exhibition (2024). These actions lacked

legal basis and were arbitrary. Law enforcement bodies have often acted excessively—through suppression, intimidation, and even violence—against artists and their works. For instance, in the banning of the band Sukatani’s work, police intimidation between mid-2024 and February 2025 led two musicians, Muhammad Syifa Al Lufti (Al/Alectroguy) and Novi Citra Indriyati (Ovi/Twister Angel), to issue an apology and withdraw their song “*Bayar, Bayar, Bayar*” (Kompas.com, March 1, 2025). Such repression of artistic freedom in Indonesia is intertwined with ongoing democratic backsliding and tendencies toward authoritarianism (Power & Warburton, 2020; Wiratraman & Prakasa, 2024; Setiawan, 2022).

Ideally, law enforcement should not hinder the advancement of human rights (i.e., ensuring a balance between law enforcement and the respect for fundamental rights), as this balance is a key element of a democratic legal state in Indonesia (Council of Europe, 2001).

C. Conclusion

This research has explored the complex intersection between law, politics, and artistic freedom in Indonesia, revealing a concerning pattern of suppression that continues to undermine democratic values. While Indonesia has ratified key international human rights instruments—such as the ICCPR and ICESCR—and its Constitution provides formal guarantees of freedom of expression, in practice, artists and their works remain vulnerable to censorship, intimidation, and legal uncertainty. The concept of artistic freedom, although acknowledged in various laws and conventions, is still largely overshadowed by dominant interpretations of freedom of the press or freedom of speech, with less emphasis given to the protection of artistic and creative expression.

Historically, Indonesia’s authoritarian legacy under the New Order continues to cast a long shadow over the present. The repression of artistic voices during that era—such as the silencing and exile of prominent figures like WS Rendra, Pramoedya Ananta Toer, and Wiji Thukul—demonstrates how art has long been perceived as a threat to state control. Contemporary cases, including the banning of exhibitions, performances, and songs, illustrate that similar patterns of censorship persist today, often justified under the guise of public morality, national security, or religious sensitivity. These justifications are frequently based on vague legal provisions or procedural requirements that enable arbitrary enforcement and excessive state power.

Moreover, this study reveals that current legal frameworks, while appearing to support freedom of expression, contain problematic formulations—such as overly broad restrictions in the name of “public order” or “national integrity”—that contradict the principles of proportionality and necessity required by international human rights law. This results in laws that can be interpreted flexibly to serve political interests, rather than protect fundamental rights. The ongoing use of “rubber articles” has had tangible consequences for many artists, as seen in the cancellation of exhibitions, intimidation by authorities, and even criminalization.

Despite this, the role of art in Indonesia remains vital. Art has long served as a medium for public criticism, emotional expression, and cultural identity. It is a powerful tool that resonates with the public, often more effectively than academic or legal discourse. From protest murals to politically charged songs and visual works, artistic expression enables citizens to engage in democratic dialogue and challenge injustice. As such, protecting artistic freedom is not only a legal obligation—it is a democratic necessity.

The state must take concrete steps to close the gap between law and practice. This includes improving legal clarity, training law enforcement, protecting artistic spaces, involving artists in policy-making, and fostering public understanding of artistic freedom. By ensuring the freedom to create, express, and share without fear, Indonesia can strengthen its commitment to democracy, human dignity, and cultural diversity. In essence, artistic freedom must be seen not as a threat to order, but as a vital force for justice, empathy, and collective progress.

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