

Digital Environmental Activism and The Challenges of Criminalization: A Case Study of Daniel Frits in The Karimunjawa Issue

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ABSTRACT

The case of Daniel Frits, who spoke out about the condition of Karimunjawa, highlights the vulnerability of the digital environmental movement to criminalization. The numerous environmental movements facing issues with the ITE Law illustrate that this regulation protects the government and the private sector against criticism and public demands regarding environmental damage. This article explains how identity formation, resistance to domination, alternative communication, and challenges to norms and policies manifest in the case of Daniel Frits versus the ITE Law. This research employs qualitative methods, using counter-public theory as the primary concept. Primary data was collected through interviews with Karimunjawa activists and WALHI Central Java. Secondary data was obtained from official documents related to the Daniel Frits case. The research results indicate that the identity of an 'environmental activist' remains fragile, making many actors involved in digital environmental activism susceptible to intimidation and criminalization. Resistance in environmental activism is demonstrated through a series of rebellions and the pursuit of social change within social media spaces. However, this also renders environmental activists highly vulnerable to surveillance and arrest by authorities.

Keywords: Digital Environmental Activism, Indonesia's Electronic Information Law, Activists Criminalisation

INTRODUCTION

Social media emerged and developed as a means for many people to obtain information and communicate. Social media is also an update to conventional media such as newspapers, television broadcasts, radio, and so on in terms of efficiency. Nowadays, the majority of people have started to abandon conventional media and turn to social media. The ease of accessing social media is the strongest reason for the majority of people to switch. As a means of expressing oneself, social media has transformed into a means of higher functional value than just mere entertainment. Social media opens up a new arena for people to express their opinions and discuss freely on social media. This transformation eventually became a new phenomenon in a democratic climate. The presence of social media gave birth to a new phenomenon, which we call "digital activism." Utilizing the role of social media as a forum for initiating a movement, mobilizing the masses, and facilitating a movement (Bennett & Segerberg, 2011). Social media has become a powerful new tool for social movements, especially environmental social movements. In responding to environmental issues that occur, environmental social activists use social media to raise an issue in the hope that it will increase awareness among many audiences. Moreover, the Earth's already uncertain climate conditions are increasingly intensifying existing environmental movements. With the existence of social media, it is easier for environmental activists to organize issues and masses effectively. Then, with this tool, environmental activists can disseminate information more widely and quickly and connect with many people out there who have similar thoughts and are fighting for the same things. Social media has removed existing boundaries to connect with the wider world.

To respond to the rapid development of information technology, especially social media, the Indonesian government issued a legal framework to monitor cyber flows. In 2008, Indonesia passed Law Number 11 of 2008 concerning information and electronic transactions. This law regulates electronic transactions, the protection of personal data, copyright, intellectual property, and the security of electronic transactions. The issuance of this law also has two main objectives, namely to facilitate the development of the digital economy in Indonesia and to provide legal certainty to internet users in Indonesia to provide a sense of security and justice for all internet users. The ITE Law contains 13 chapters and 53 articles, which were passed under the leadership of President Susilo Bambang Yudhoyono on April 21, 2008. However, approximately 16 years after the ITE Law was passed, there are still many things that need to be evaluated, one of which is the lack of clarity in the definition, which has resulted in debates regarding limitations on freedom of expression, controversial law enforcement, and others. Nevertheless, this law remains the latest protection for society from the threat of cybercrime (Ramadhani Fariza, 2023).

The world of digital environmental activism in Indonesia is being challenged by the unclear meaning of the ITE Law. The case of Daniel Frits Karimunjawa rose to the surface after he was sentenced to seven months in prison as a result of being caught in the ITE Law's article regarding hate speech. This case began in 2022 when Daniel uploaded a six-minute video on his Facebook page showing the dirty condition of the Karimunjawa coast due to being polluted by illegal shrimp pond waste. According to media reports, during the pandemic, Daniel and his friends tried to help residents promote Karimunjawa tourism again. However, the economic condition there is getting worse due to shrimp farming which is starting to run rampant. Finally, in 2022 Daniel and his friends voiced the #SaveKarimunjawa movement. Daniel Frits was reported on charges of hate speech in the comments column of the video. The

comment read: "The addlebrained community enjoys free food while being eaten by farmers. In essence, the addlebrained community is like shrimp farming itself. "It is delicious, plentiful and regularly eaten." This comment was finally reported by someone with the initials R to the Jepara Police on February 8 2023.

This case that happened to Daniel could have a bad impact on other environmental activists. This case can give a bad picture to environmental activists, even though they care about Indonesia's environmental conditions, which are not good. Moreover, these activist activities are also protected by law to participate in efforts to protect the environment as well as by-laws that regulate freedom of expression. This case is again and again clear evidence that there is a lot that needs to be improved in terms of the interpretation of the ITE Law. Article 27 paragraph 3 and Article 28 paragraph 2 are the most problematic articles. This is because this article is often used as a powerful weapon to silence freedom of expression and silence people's efforts to criticize the government.

To understand a similar case experienced by Daniel, various previous studies are needed to look at the various dynamics that exist in the repression carried out against digital activists. A journal article from Sombatpoonsiri (2024) entitled "Intersectional Powers of Digital Repression: How Activists are Digitally Watched, Charged, and Stigmatized in Thailand" seeks to explain how digital repression schemes consisting of surveillance, prosecution of online activists, and influence campaigns work to limit the space for freedom of expression, which has the potential to threaten the regime and its interests. Digital surveillance can provide the data or intelligence needed to flag dissenting opinions and prosecute online activists. Data collected through digital surveillance is also used to form the narrative needed by political buzzers to stigmatize those who oppose the regime. The stigmatizing smear campaign was also used as a basis for lawsuits against protesters to brand them as a threat to national security (Ibid.). This article also argues that these digital repression mechanisms use panoptic, punitive, and framing powers. The implication of this is that digital repression provides space for the state to paralyze movements by avoiding reactions or counterattacks that are carried out by carrying out overt violent actions.

Repression, defined as state actors using coercive power to eliminate activities or ideas that challenge government personnel, practices, or institutions, has always occurred. However, what is different about this article is the use of digital repression, which is referred to as digital repression. Digital repression is the use of information and communication technology to monitor, coerce, or manipulate individuals or groups to prevent certain activities or ideas that challenge the regime.

Three things that can be considered in digital repression are digital surveillance, content manipulation, and the prosecution of digital activists (Sombatpoonsiri, 2024). Feldstein (2021) explains that digital surveillance consists of the use of technology, systems, or the law to create control through identification, tracking, monitoring, or analysis of individual or system data. The government can also use laws related to information, communication technology, and cyber security to prosecute, detain, and arrest cyber dissidents (Sombatpoonsiri, 2024). This is done by utilizing legal resources to punish netizens who provide criticism, journalists, or activists by providing various legal demands based on their activities on social media (Balbus, 1973). The government can also manipulate public opinion on social media by spreading false and misleading information with the help of generative artificial intelligence (Sombatpoonsiri, 2024). Apart from technology, governments can also

rely on their hegemonic power, such as nationalism, to brand dissidents as public enemies and threats to national security (Aron, Edwards, & Handi, 2023).

Research conducted by Helen Stella, Gunardi Lie, and Moody Rizqy Syailendra in 2023 entitled *The Crime of Spreading Fake News Based on the ITE Law on the Impact of Public Freedom of Opinion on Social Media (Criminalization of the Jerinx Case)*. The journal article discusses the impact of the implementation of the Information and Electronic Transactions Law (UU ITE) on freedom of expression on social media, with a focus on the Jerinx criminalization case. The normative legal method was used to examine how the judge considered the Jerinx case and the impact of the Information and Electronic Transactions Law (UU ITE) on freedom of expression (Stella et al., 2023). Other research conducted by Akhmad (2022) entitled *Baiq Nuril Case and Discourse on Freedom of Expression*. This research uses a case study of Baiq Nuril, a teacher who experienced sexual harassment and recorded the conversation as evidence. Despite being a victim, Baiq Nuril was found guilty under the ITE Law for recording and distributing information that was considered to violate morals. Baiq Nuril's case highlights the complexity of dealing with cases of sexual harassment and individual freedom of expression. This research reveals the complexity of the Baiq Nuril case and the impact of the ITE Law on people's rights in Indonesia, highlighting the issues of freedom of expression, privacy, and digital rights in the context of law and information technology. In another research from Guntik & Yustiawan's research (2022), Prita Mulyasari is an example of a case discussed regarding criminal acts of defamation committed via internet platforms. Prita Mulyasari was charged under Article 27 Paragraph (3) Jo. Article 45 Paragraph (1) of the ITE Law, Article 310 Paragraph (2) of the Criminal Code, and Article 311 Paragraph (1) of the Criminal Code after submitting his complaint against OMNI International Hospital via email, which was deemed to have defamed the good name of OMNI International Hospital.

Southeast Asia Freedom of Expression Network (SAFE-net) data written by Damar Juniarto, Director of SAFE-net (KumparanPlus, March 3, 2021) shows that 70 percent of criminal cases under the ITE Law are carried out by the government, officials and entrepreneurs. This research is a trigger for our research regarding how the interaction between digital environmental activism and parties—corporations or business interests—who are reporters or in this case have a role or involvement in efforts to reduce environmental activism in line with the sensitive environmental context becomes a cost that must be paid, borne from economic activities that are closely related to certain corporations or business interests.

Arief et al.'s (2024) research, entitled *Weaknesses of the ITE Law as a Forum for Criticizing the Government*, explores the debate over the Muhammad Asrul Case (Journalist in Palopo), raising the topic of alleged corruption involving the son of the Mayor of Palopo, Judas Amir. Farid Kasim Judas, son of the mayor of Palopo, complained about Asrul to the police (2019), indicating the potential for abuse of freedom of expression in the context of criticism of the government. Several cases show that the ITE Law can be used to limit criticism of public officials, which in turn can affect freedom of expression and human rights.

The intersection between environmental activism and digital surveillance is a complex and controversial issue. Calibeo (2017) and Schlembach (2018) highlight the potential of digital surveillance to curb environmental activism, and Schlembach specifically discusses the controversial use of undercover policing. However, Jacqmarcq (2021) argues that the neoliberal economic context of digital technologies is at odds with the goals of the environmental movement, potentially limiting the impact of digital activism. Pickerill (2001)

provides a more optimistic view, discussing the use of the Internet by environmental activists in the UK for publicity and campaign mobilization, despite the risks of surveillance. These studies collectively underscore the need for further research and critical analysis of the relationship between environmental activism and digital surveillance.

Resistance to surveillance needs to be reconceptualized about broader activist practices (Dencik, 2016). In our research, the concept of counter-publics proposed by Nancy Fraser provides a strong theoretical foundation for understanding how marginalized groups can organize themselves, articulate their interests, and challenge existing power structures in society. Fraser's concept of counter-publics, as discussed by Fattal (2018), is an important tool for understanding and analyzing social movements such as Occupy Wall Street (Wright, 2012). These movements operate as alternative public spaces, challenging dominant ideologies and norms (Hvala, 2012). Brower (2006) developed the concept that communication can be a tool to form a counter-public and fight the dominance of existing narratives. Communication within counterpublics builds solidarity, mobilizes collective action, and influences social change. The creation of alternative public spaces outside conventional power structures enables activist groups to challenge existing norms and policies. The more people believe they are being watched, the more likely they are to decide to change their behaviour in ways that best suit their local context (Notley, 2013). This theoretical concept analyzes Daniel Frits as a counter public, interacting with the dominant public sphere or society and influencing the discriminatory ITE Law. The case of Daniel Frits gave rise to a lot of solidarity because of the same interests and similar experiences experienced by activists regarding the criminalization of the ITE Law. This solidarity has resulted in digital activism, petitions, and efforts to resist the domination of the ITE Law, including hashtags that have gone viral on social media.

Warner (2005) emphasizes the importance of understanding the relationship between the public and power and how the public can become a forum for criticism and resistance to existing authorities. Alternative communications can also help in expanding the public sphere to include environmental perspectives and support structural transformations in the way society interacts with nature (Habermas, 1962). Although digital media has provided a broad platform for environmental activism, there is a risk that strict regulations or inappropriate legal action could limit the space for activists to use digital media to voice their environmental aspirations. This can be a major challenge for activists who want to use social media and other digital platforms to rally support and spread their message.

METHODOLOGY

The research method used in this research is a qualitative approach with an in-depth case study method with a focus on Daniel Frits and the Karimunjawa issue, exploring in detail how digital environmental activism is manifested in the criminalization of the ITE Law as well as identifying the challenges faced by these activists in facing criminalization efforts.

The researcher collected data at WALHI Central Java as an intern and researcher, which was carried out from April to June 2024. WALHI Central Java is an organization that advocates for environmental and human rights cases in Central Java, including the case of Daniel Frits who was criminalized under the ITE Law. Researchers followed the development of the Daniel Frits case before he was sentenced by the Jepara High Court, until he was released in May 2024.

Data was collected through in-depth interviews with two informants: IA (initials), a member of Daniel Frits' advocacy team, and F (initials), Daniel Frits' fellow activist. Informant IA (initials) is a member of the advocacy team of Daniel Frits and Walhi (Wahana Lingkungan Hidup) Central Java. F (initials) is a Karimunjawa environmental activist and fellow activist Daniel Frits. Interviews with IA (initials) were conducted twice, first on April 29, 2024, at the Walhi Office in Central Java regarding the situation in which Daniel Frits had been sentenced to 7 months in prison. The second interview was held on June 5, 2024, at the Diponegoro University Jogging Track on the situation in which Daniel Frits was declared free after the Semarang District Court granted the appeal of Daniel Frits' advocacy team. The interview with F (initials) was conducted on May 15, 2024, at the Faculty of Social and Political Sciences Building, Diponegoro University.

Apart from that, data was also obtained from the analysis of secondary data such as media documents and news, activist reports, and online publications related to the criminalization of Daniel Frits in the Karimunjawa issue (Detik Jateng, 2024; DetikX, 2023; Hukum Online, 2024; Institute for Criminal Justice Reform, 2024; Juniarto, 2021; Klik Fakta, 2024; Kompas, 2024; Kumparan, 2022; Media Suara Mabas, 2023; Sawitku.id, 2024; Suara Baru, 2024; Tempo, 2024; Tribun Jateng, 2024).

Qualitative data analysis techniques are carried out through interview transcripts by playing back the recording and listening and writing down words that match what was recorded. Next, the researcher carries out data reduction by making abstractions or taking and recording information according to the research context. After data reduction, data presentation is carried out in short description categories and relationships between categories. Concluding and verifying based on valid and consistent literature and interview evidence.

FINDINGS AND DISCUSSIONS

Identity Formation of Environmental Activists in the Digital Space

The Law on Electronic Information and Transaction (UU ITE) explicitly does not cover the meaning of individuals or groups exercising their right to freedom of expression to fight for environmental issues. The case study conducted by the authors explores the 'environmental activist' in the case of Daniel Frits who was "criminalized" under the UU ITE. The majority in similar cases regarding the criminalization under UU ITE leave the limits of freedom of speech (Akhmad & Arifin, 2022 ; Guntik & Yustiawan, 2022 ; Manthovani & Tejomurti, 2019 ; Stella et al., 2023). Previous studies regarding the criminalization of the UU ITE have not touched on the aspect of identifying the clarity of the victim's identity. There is only a slight mention of the perspective of the victim's identity in Akhmad's research recommending a victimology perspective in the ITE Law Case and Manthovani & Tejomurti's research by advocating for the granting of amnesty to Baiq Nuril Maknun as a measure to protect victims of gender-based violence in the context of Indonesian constitutional law. The victimology perspective which was previously a recommendation for the Baiq Nuril case by highlighting the experiences and impacts borne by the victim, it is not relevant to the case of Daniel Frits who faced direct domination, but in the context of social support that existed in the victimology perspective, it

received support from activists environment and environmental networks, such as law enforcement and advocate for Daniel Frits from Iluni UI, Jaringan Jepara, and Walhi.

In an era where environmental issues are increasingly pressing, protection and recognition of the role of environmental activists are becoming increasingly important. They are at the forefront of fighting environmental destruction and giving a voice to the unheard. The formation of individual identity – especially the identity of an 'environmental activist' – has not yet been agreed upon in the form of specific formal regulations. The term "environmental activist" is not defined explicitly in any law, but there are several legal provisions that protect the rights of individuals and groups who advocate environmental protection. Do these provisions provide a form of legal identity for environmental activists?

Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) article 66 contains articles that protect the public or environmental activists who fight for environmental rights from legal action against environmental pollution and/or destruction. It states that they cannot be prosecuted criminally or sued civilly. The legal provision, known as Anti-Strategic Lawsuit Against Public Participation (Anti-SLAPP), protects environmental activists, but there are still challenges and limitations in its implementation, such as in the definition of who is an environmental activist. Can someone who publishes a poster about forest destruction in an area due to mining be identified as an environmental activist? Is someone who re-uploads narratives of environmental destruction considered an environmental activist? Many individuals or groups act as environmental activists by carrying out actions such as campaigns, advocacy, or direct action, but they do not have specific legal protection to support or protect them from threats or criminalization.

In a study conducted by Harry Setiawan & Tundjung Sitabuana (2021), they identified "environmental activists" referring to individuals or groups who actively fight for environmental protection, including rejecting activities that can damage the environment such as pollution or environmental destruction. They are activists or advocates who try to protect and fight for environmental rights. This study does not contain a specific identification regarding the categories or types of environmental activists discussed in the research. The research focuses more on legal protection of environmental activists in general, without providing details about specific categories or types of environmental activists. How does digital environmental activism influence the formation of individual identities, especially the identity of 'environmental activist' in the case of Daniel Frits in the Karimunjawa issue?

In the case of Daniel Frits, digital environmental activism has played an important role in shaping his identity as an 'environmental activist'. Through his participation in online campaigns, sharing content about environmental issues, and supporting environmental protection acts in Karimunjawa, Daniel Frits could feel connected to a community that shares similar values. Digital environmental activism can also strengthen individuals' identities by providing a platform to express their concerns about environmental issues and demonstrate their commitment to positive change.

In the reading of the defense note, on March 26 2024, Daniel's lawyer stated that Daniel's activities in Karimunjawa were environmental activism. Started in 2017 as a volunteer teacher who taught English for free to the community. In 2018, he collaborated with tourism actors, and cultural figures and with the blessing of elders organized the making of a film about Karimunjawa at their own expense. In 2019, he—together with his team—gave workshops, made documentary films and established a language tutoring centre. During the pandemic, he struggled with his team to restore tourism, until 2022 together with several community members calling for the rejection of illegal shrimp farms with the #savekarimunjawa movement.

Involvement and empowerment of local communities in environmental conservation efforts could be seen in the “Kejora Karimunjawa program: Educational projects” which provides quality formal education and English language education and is integrated with the concern for a sustainable environment, making Daniel and his friends' activism approach more inclusive and participatory. Karimunjawa activists promote a holistic approach that does not focus on ecological aspects, but also on economic and social aspects. They're struggling for long-term supportive projects, such as ecotourism and community skills training reflected in English language education for international tourist services, which help create a more sustainable and environmentally friendly economic model at the grassroots level.

Daniel Frits is involved in community empowerment, tourism and culture including involvement in Barikan Kubro, beach cleanings, English language courses and promoting tourism (Suara Baru, 2024). This can strengthen the sense of 'environmental activist' identity held by individuals like Daniel Frits that imply that individual identity is not entirely shaped by digital environmental activism alone. Other factors such as personal experiences, family values, and direct interactions with the environment also play an important role in forming a person's identity as an 'environmental activist'.

In this context, Daniel Frits' activist identity is formed through the struggle against environmental injustice and unjust legal treatment. Fraser in an article entitled "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" argues that many social conflicts can be understood as simultaneous demands for redistribution (economic) and recognition (cultural). In the context of recognition, the identity of the 'environmental activist' must be recognized and respected to overcome cultural injustice. Recognition is key to overcoming subordination and ensuring equal participation in social life.

According to Fraser (2000), the process of recognition as a 'status model' aims to repair internal dislocations and distortions by fighting domination so that a full and collectively incorporated representation or partnership is formed who can participate equally, in the context of digital activism, involves the main aspects of visibility and virality as dialogical constructions in the cultural and political realm. In the context of digital activism, the popularity or virality of content can increase visibility and be connected to power (Hutchinson, 2019). According to Hutchinson, visibility and popularity are said to be successful in assessing two things: the technological context – how to support this content to become viral and visible – and the real impact on society. This research in the subtopic of digital environmental activists'

resistance to criminalization could explain the success of the visibility and virality of Daniel Frits' digital environmental activism on the Karimunjawa issue, in the context of technology in the efforts made by digital activists in supporting Daniel Frits as well as the real impact on society and parties who supports activism as an effort to conserve Karimunjawa. Digital activism strategies in Indonesia must be seen holistically based on technology, socio-cultural conditions, historical context, and the emergence of social movements (Rahmawan et al., 2020).

Digital platforms give activists a means to amplify their voices and raise awareness about environmental issues. Some studies have explored the phenomenon of viral activism, particularly on social media platforms. Compte (2021) and Fung & Shkabatur (2013) highlight TikTok's role in this, Compte emphasizes the platform's unique ability to spread messages quickly and easily, and Fung examines the potential contribution of viral engagement to democracy. Carlo (2023) explores the concept of “slacktivism” further, arguing that even seemingly passive forms of online activism, such as hashtag campaigns, can have a meaningful impact. These studies collectively underscore the power of viral activism in shaping public discourse and driving social change. This visibility is critical to gaining recognition and legitimizing their concerns in the public sphere. Viral campaigns unite conventional social and political networks (Fung & Shkabatur, 2013). Online activism and offline activism have a positive and interrelated relationship, with social media posts promoting offline protests, but also increasing the visibility of activism and facilitating repression in repressive contexts (Greijdanus et al, 2020).

In the case of Daniel Frits, digital spaces allow Daniel to create and spread narratives that challenge dominant discourses regarding the environment. By sharing stories, data, and personal experiences, Daniel Frits and his friends form a collective identity centered on environmental justice. Fraser's ideas about justice also include the need for economic redistribution. In the realm of digital environmental activism, this is interpreted as the availability and access to digital platforms which is very important for effective activism. Redistribution in this context means that the movement or activism has financial support to support campaigns, research and maintain the movement. Activists also use digital platforms to educate the public about environmental issues, thereby contributing to a more informed and engaged society. This aspect of education is a form of cultural recognition because it validates and disseminates environmental values.

Resistance of Digital Environmental Activists to Criminalization Efforts

Specifically, the application of the ITE Law faces technical difficulties and political challenges in regulating digital activism. While regulations regarding criminal defamation exist in both the Criminal Code and the ITE Law, companies cannot act as reporting parties for defamation under the ITE Law (Guntik & Yustiawan, 2022). This stems from the implementation guidelines of Article 27 Paragraph 3 of SKB No. 2/VI/2021, which stipulate that corporations cannot be reporting parties under the ITE Law. These guidelines limit the number of victims who can report defamation to individuals with specific identities, effectively excluding corporations. There are concerns that the ITE Law is being used by certain actors to suppress activists who criticize corporations or the government through individuals affiliated with these

entities. This legal threat, or chilling effect, creates a climate of fear where "environmental activists" feel constantly monitored when criticizing companies or the government, fearing defamation lawsuits. Efforts are needed to revise the ITE Law to ensure that criticism based on facts and aimed at the public interest is not criminalized. IA (initials), in an interview, added findings from Walhi Central Java, which stated that criminalization of the ITE Law occurred in several areas. Below is the complete explanation.

"Apart from Daniel, there were three other residents of Karimunjawa who reported similar cases, namely the ITE Law. The context of Daniel's criminalization did not only occur in Central Java but also occurred in several regions. Along with Daniel's criminalization case, there were also Pakel residents—three Pakel residents who were arrested, just like the ITE Law."

In addition to the dominance of regulations, another force seeking to criminalize environmental activists is the broader struggle between environmental and economic (corporate) interests. In the case of Daniel Frits, this has taken the form of terror and threats. According to Datang (in an interview with DetikX, 2023), "As Daniel feared, it did happen (intimidation and violence) in public in the Karimunjawa Port area". Daniel was threatened by three men, including Ridwan, who tried to grab and strangle him. In addition to Daniel Frits, three other community members were reported to the Central Java Police Special Criminal Investigation Directorate, namely Datang Abdul Rachim (57), Hasanudin (41), and Sumartono Rofiu, on charges of alleged criminal acts under the ITE Law (Detik Jateng, 2024). IA (initials), in an interview, stated that the findings of Walhi Central Java. IA (initials), in an interview, IA (initials) stated that Walhi Central Java's findings related to acts of terror and threats in the Daniel Frits case; several forms of threats also occurred to other activists. Below is the complete explanation.

"There were Kendeng friends who were threatened, then there were Surokonto Wetan residents who were accused of destroying the PTPN area; they were imprisoned. I myself, in 2019, came to know Mr. Yasona Laoly, who at that time served as Minister of Law and Human Rights of Indonesia. I came to express the aspirations of the residents of Surokonto Wetan; finally, they received pardon from the president, and they were released, but they had to experience difficult times for 2 years. Our friend from Walhi, North Sumatra, was found in a ditch, battered, and died while dealing with a hydroelectric power plant case. Even Walhi, in Central Java, was held captive for two days in Dieng by thugs. It's so complicated, especially for the residents, and Daniel is one example."

Cases like this often trigger reactions from the public, both online and offline. A peaceful demonstration by Karimunjawa residents in September 2023 demanded that the government immediately close down the illegal shrimp farms because they were damaging the environment. Online activism can increase public pressure on the government or other forces to stop the criminalization of activists. However, activists involved in digital environmental activism often face an increased risks of repression or retaliation from authorities. In response,

a series of environmental activist resistances have emerged in the form of alternative media for rebellious communication and the embodiment of social change through social movements.

The study by Postill and Saputro (2016), titled "Victims, volunteers, and Voices of the Digital Age: Personifying Digital Issues in Contemporary Indonesia," explains that digital activists in Indonesia have successfully used personification to communicate complex and abstract digital issues to the public in a way that is more understandable and relevant.

Alternative communication can be seen in social media campaigns, such as the #savekarimunjawa hashtag on Instagram. There are more than 2,000 posts on Instagram using the hashtag #savekarimunjawa. Many of these posts discuss Daniel Frits's criminalisation and illegal shrimp farms in Karimunjawa. The accounts that upload content with the #savekarimunjawa hashtag vary, from personal accounts to local collectives such as @lingkarkarimunjawa, @aksidamaimasyarakat_karimunjawa, and @walhijateng to international non-governmental organizations such as @greenpeaceid and @safenetvoice. This shows that the alternative communication built to create these counter-publics has grown so much that it is not just Daniel and his group speaking out about Daniel's criminalization, but also other collectives and NGOs with shared interests.

With the solidarity gathered from activists, various groups emerged that sympathized with the struggle of Daniel and the Karimunjawa activists. This can be seen in the existence of the Save Karimunjawa National Coalition (Koalisi Nasional Save Karimunjawa) which consists of various collectives or organizations such as Lingkar Juang Karimunjawa, Jepara Poster Syndicate, Balong Wani, Walhi Jateng, SAFEnet, Institute for Criminal Justice Reform (ICJR), KontraS, Amnesty International Indonesia, Greenpeace Indonesia, and Aksi Kamisan Semarang as well as legal advisors from the University of Indonesia Alumni Association (Iluni UI), Public Interest Lawyer Network (PIL-Net), Coalition to Guard the Indonesian Sustainable Environment or Koalisi Kawal Lingkungan Hidup Indonesia Lestari (Kawali) and the Press Legal Aid Institute who have the same interests in Daniel. On March 21 2024, they held a press conference in response to the Daniel Frits criminalization case which had reached the stage of reading out the charges by the Public Prosecutor. The Save Karimunjawa National Coalition considers that the demands against Daniel are made up and prepared haphazardly. The coalition believes that these demands are considered part of a malicious prosecution that is not based on evidence and ignores the facts of the trial. The press conference concluded that investigations, investigations and trials were deemed not to reflect national or international human rights standards and the ITE Law was considered dangerous for freedom of expression and a tool to silence activists. With this press conference, the issue of Daniel's criminalization can raise wider awareness among the public due to publications from various mass media such as kompas.com, kbr.id, and several sites from various collectives or organizations that fight for human rights such as khas.org, SafeNet.or.id, thepauajournal.com, and others regarding this press conference.

The National Human Rights Commission (Komnas HAM) Daniel Frits and his friends. This response is the result of advocacy carried out periodically by a total of 31 organizations to request assistance from Komnas HAM to participate in monitoring this case. These

organizations are part of the National Coalition of Communities Rejecting the Criminalization of Environmental Activists and Protecting the Karimunjawa National Tourism Strategy Area from Illegal Shrimp Farms. This coalition is an element of society that firmly rejects the criminalization of environmental activists and the provision of illegal ponds in Karimunjawa, Jepara. In this case, Komnas HAM divided the problems into two parts. The first is the problem of the criminalization of activist Daniel Frits and other convicted environmental activists (Tempo, 2024). Then the second is the environmental problem caused by illegal shrimp farms in Karimunjawa. The division of the problem into two aims to enable Komnas HAM to focus more on resolving the problems that occur.

However, assistance from Komnas HAM does not appear to be enough to free the criminalized environmental activists. The Jepara Police, who were asked for clarification by Komnas HAM, ultimately continued their lawsuit in court. Apart from assistance from Komnas HAM, another thing that happened during Daniel Frits' trial was changed to the new ITE Law. This new change was ratified in Law No.1 of 2024. This is the second change after the previous change was made in 2016. However, instead of clarifying the meaning which was previously considered problematic and ambiguous, the existing change adds confusion to the meaning stated in Article 28 paragraph (2). The changes ultimately strengthened the criminalization of Daniel and his other activist friends. In the end, the results of the trial stated that Daniel Frits was guilty. This decision was the beginning of the weakening of the community movement that cared about the state of the environment, whose condition was getting worse over time. In the end, activists were unable to freely express their concerns about environmental issues on social media due to the confusion in the ITE Law. The shadow of criminalization of the right to express opinions is a serious obstacle for the environmental movement in the realm of social media.

Through efforts to conserve the Karimunjawa environment caused by illegal shrimp farms in Karimunjawa, the National Coalition together with Komnas HAM uncovered environmental problems in Karimunjawa, have carried out the legal handling stage and are in the process of investigating Gakkum KLHK (Law Enforcement of the Ministry of Environment and Forestry) and dismantling the network who were involved in it (Tempo, 2024). IA (initials), in his interview, said that the threats and challenges faced by Karimunjawa residents were many. Below is the complete explanation.

"Karimunjawa is the only good mangrove ecosystem; Karimunjawa is a national park and conservation area and has been designated a biosphere reserve by UNESCO. However, the threats and challenges faced by residents are numerous. First, in 2014, the residents of Karimunjawa were confronted by a coal barge, as a result of which their beautiful corals and distinctive features were destroyed. Second, with the influx of housing for foreign residents in Karimunjawa, large areas were razed or converted into housing for foreign residents, especially Spaniards, and this was rejected by Karimunjawa residents. Third, residents have been faced with massive shrimp ponds since 2019. Karimunjawa has 3 pond points; one point has 15 to 20 plots; if you multiply that, how many ponds are there? Many mangroves have been converted into ponds. In the current context, shrimp ponds are threatened by land and mangrove

conversion, they do not have an IPAL (wastewater treatment), and the waste is dumped carelessly. If you look at the 2009 PPLH Law, they must have an AMDAL. "Diseases in Karimunjawa are quite high; several pipes (waste water or sewage) coming out of the dock are exposed to small children playing or swimming in the waters."

Actions from the government or investigators from the Jabalnusra (Java Bali Nusa Tenggara) LHK Gakkum Center have just carried out their duties and charged four people as suspects related to shrimp farm waste pollution in Karimunjawa. This action received a negative response from residents and environmental activists who stated that they were too late in determining the perpetrators of environmental pollution which they only responded to when it went viral, but this step was still appreciated and they hoped that not only four people but all perpetrators of environmental damage in the Karimunjawa area were caught (Kompas, 2024).

Delay in government action emphasizes the disappointment of residents and environmental activists with the government's tardiness in dealing with cases of environmental destruction. The government took action only after the case went viral, showing a lack of responsiveness to serious environmental issues from the start. Delays in responding to this case could worsen the crisis of trust between the government and society. IA (initials), in an interview, that the government should be able to regulate environmental management in Karimunjawa. Below is the complete explanation.

"Whoever ultimately has the authority and duties in managing the environment, economy, social affairs, and so on, is the government. There is no forum group discussion or discussion for economic development in Karimunjawa without polluting and reducing the function of the Karimunjawa environment; there should be a role for government actors who manage it there. Let's look at this case from Hulu's perspective. Shrimp farms will not exist without buyers (demand). If seen in a national context, These shrimp farms became widespread and appeared in several areas, such as Batang, Pekalongan, and Cilacap. At the same time, everyone appeared and reported to Walhi; some even fought against the TNI. "Because there is a large demand (around 18,000 metric tons of shrimp) to restore nutrition to westerners after the pandemic for export abroad."

The statement made by IA (initials) was confirmed by F (initials) in an interview, who said that there was a lack of effort from the government to preserve the environment so environmental activists were moving and establishing solidarity with groups, especially academics.

"We met and discussed with academics, especially academics who have knowledge related to empowerment and sustainable economics in coastal areas, especially seeking the economic movement of Karimunjawa residents without destroying the Karimunjawa environment, one of which is academics and professors of marine science. We also support the goodwill of academics in holding community service programs for students or research activities carried out in Karimunjawa."

Citizens felt that the government only acted when there was significant public pressure, not because of a true commitment to environmental protection. Delays in handling environmental pollution are disappointing because of the increasing recovery costs. More severe damages require greater effort and resources to repair. Pollution that is not handled immediately can also damage the reputation of the area as a tourist destination, and reduce income from the tourism sector, as stated in detik.com, there is damage to coral reefs and causes itching for tourists who carry out tourist activities on beaches and waters in Karimunjawa. Even though it is late, the government's act of identifying four perpetrators of environmental pollution are appreciated. This shows that laws can be enforced to protect the environment. This case has become a source of political pressure for the government to carry out reforms in environmental law enforcement.

The #SaveKarimunjawa Civil Society Coalition also condemned the arrest of Daniel Frits, because they saw that the criminalization of Daniel was a form of anti-criticism and an attempt to silence freedom of expression and opinion, which also hampered public participation. This is in line with Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Article 44 of Law No. 39 of 1999 concerning Human Rights. This situation shows once again that the state has failed to provide a safe space for the public to participate meaningfully and constructively. This coalition also believes that this criminalization is a form of Strategic Lawsuit Against Public Participation (SLAPP), which aims to intimidate and silence all forms of environmental struggle to #SaveKarimunjawa so that illegal shrimp farms can continue to operate (Kontras, 2024).



Picture 1. Mass action in front of the Jepara High Court on the hearing verdict in the case of defendant Daniel Frits (4 April 2024)

Source: detik.com

Daniel Frits, after the Jepara District Court decided the verdict, stated that his struggle would not stop there. The verdict was rejected by community groups who were present at the trial, after the verdict was read out there were shouts of "Free Daniel" and demonstrations (Kompas, 2024). Shouts of "Free Daniel" and demonstrations showed that the community felt that the verdict was unjust. Daniel Frits' struggle shows his determination to continue fighting for justice. The strong reaction from community groups and the media highlights the importance of this issue to them and the belief that justice has not been fully achieved.

Didit, in an interview with BBC 2024, states that if Daniel was found guilty, it could trigger a negative view of environmental activists as criminals and provocateurs. What Daniel was tried for was part of a strategic process to break the spirit of the environmental struggle in these difficult times (BBC, 2024). This is a response to the limited space for digital activism and the vulnerability of environmental activists to arrest and surveillance by the authorities.

Daniel was acquitted on May 21 2024 of all legal charges in an appeal at Semarang High Court and annulled the Jepara High Court's decision of seven months in prison regarding the ITE Law. Even though he was declared acquitted, Chief Judge Suko Priowidodo and other members of the panel still agreed with the Jepara District Court that Daniel's actions constituted hate speech following Article 28 paragraph 2 of the ITE Law. IA (initials), in an interview, said that the Daniel Frits case was a complex one. Below is the complete explanation.

"The trial was quite complicated, in which the judge did not recognize Daniel as an environmental activist. Daniel was previously sentenced to 7 months. We appealed to the Semarang District Court and were finally acquitted." However, the prosecutor is now appealing, meaning that Daniel is not completely free; the prosecutor is not yet confident that they lost, so they will appeal."

This statement has emphasized that the criminalization of environmental activist Daniel Frits is still not completely free. Institute for Criminal Justice Reform (ICJR) researcher, Nur Ansar, responded to Daniel Frits' acquittal decision that the Semarang High Court decision was an example of the application of Anti-SLAPP as regulated in Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management and Supreme Court Regulation Number 1 of 2023, as well as the complexity of the Daniel Frits case, has impact freedom of expression in Indonesia and there are still law enforcers who misinterpret the article on freedom of expression (Tempo, 2024). This response shows that there is a serious threat to freedom of expression in Indonesia, and may have a deterrent effect on other environmental activists, who are afraid to voice their opinions for fear of being criminalized. This can hinder the development of democracy and freedom of opinion in Indonesia.

Daniel Frits' freedom is interpreted by environmental activists and supporters of freedom of expression as an important victory in fighting the criminalization of the ITE Law. The defendant's legal advisor, ICJR, Komnas HAM, Director of Law Enforcement Auriga Nusantara, and Kawal Indonesia Lestari (Kawali) Central Java appreciated this acquittal and saw it as a victory for freedom of expression and human rights (Tribun Jateng, 2024; Institute for Criminal Justice Reform, 2024; Klik Fakta, 2024; Sawitku.id, 2024; Mongabay, 2024; Hukum Online, 2024). Daniel Frits' freedom was seen as proof that their struggle was not in vain. However, activists and the public also remind us that this decision is a step forward in the long struggle against the criminalization of environmental activists.

Many legal observers and media highlighted this decision as an example that the Indonesian justice system can still uphold justice. They also highlighted the importance of revising the ITE Law to prevent abuse of the law against activists and human rights defenders. Activists and human rights organizations continue to press the government to carry out legal reforms to better protect freedom of expression. This legal reform also highlights Anti-SLAPP

in its mechanisms to be stronger to protect their rights (Institute for Criminal Justice Reform, 2024).

A government official, Deputy V Chief of Presidential Staff for Political, Legal, and Security Affairs and Human Rights, Prof. Dr. Rumadi Ahmad, also gave a statement of appreciation recognizing the court's decision as part of a fair legal process (Presidential Staff Office, 2024). The General Chairperson of PDIP Perjuangan, Megawati Soekarnoputri, also touched on the case of Daniel Frits, who regretted the punishment of environmentalists (Antaranews, 2024). Statements like this show that some government actors are concerned and appreciate a fair legal process and are committed to improving regulations to better protect human rights, including freedom of expression and protection of environmental activists, but yet cannot be evidence that this environmental activism is expressed as an action. safe from criminalization.

Overall, Daniel Frits' acquittal was a catalyst for a larger movement to uphold freedom of expression and improve legal regulations in Indonesia. This movement emphasizes the importance of reforming the ITE Law and stronger implementation of Anti-SLAPP mechanisms to protect environmental and human rights activists.

Challenges of Criminalization of Digital Environmental Activism in Indonesia

In the Jepara High Court decision, the judge decided that Daniel Frits had violated Article 45A paragraph 2 and Article 28 paragraph 2 of Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning ITE. The article reads, "Every person intentionally and without right distributes and/or transmits electronic information and/or electronic documents that are inciting, inviting, or influencing other people to create feelings of hatred or enmity towards certain individuals and/or community groups based on race, nationality, ethnicity, colour, religion, creed, gender, mental disability, or physical disability." However, the comments uploaded by Daniel cannot be considered an insult to the people of Karimunjawa. This is proven by an excerpt from the Semarang High Court decision stating that Daniel is a good and healthy environmental activist. The verdict finding Frits guilty reflects an attempt to silence counter-publics that challenge dominant economic and political interests. The use of the ITE Law in this context shows how the law can be used to maintain structures of dominance by silencing criticism and activism.

Of the three judges who heard Daniel Frits' case, only the chairman of the panel of judges had certified competency in the environmental field. If you look at Perma No.1 of 2023 above, then the court proceedings are following the Perma. Going deeper into the Perma, it is stated that in environmental matters, if there is a party, whether an individual or an environmental organization, who has the potential to be harmed by a State Administrative Decree, they can file a counterclaim with the State Administrative Court. Perma number 1 of 2023 provides special protection for environmental activists. However, what happened in the Daniel Frits case was that the judge handed down a decision using only the ITE Law without using Perma number 1 of 2023.

Because to adjudicate environmental issues, the ITE Law cannot be used partially but must be used in conjunction with the Perma. Meanwhile, in Daniel's decision, the judge only used the ITE Law as an ensnaring law without paying attention to Perma Number 1 of 2023. If the judge finds Daniel guilty, it will be bad news not only for environmental activists but also for everyone who cares about environmental issues around him (BBC, 2024).

Looking back at Daniel's trial case by the three judges who tried Daniel's case, only the head of the panel of judges had certified competence in the environmental field. The lack of understanding and sensitivity of the judges towards environmental issues will be a challenge in law enforcement if criminalization similar to the Daniel Frits case occurs again. Judges who do not have a background or certification in the environmental field do not fully understand the complexity of environmental cases, which can result in decisions that are less precise and fair. Environmental cases, such as the Daniel Frits case, involve various technical, scientific and legal aspects that require depth. Judges who do not have a special background or training will have difficulty understanding the evidence and arguments presented. Competency certification in the environmental field helps ensure that judges have the knowledge and skills necessary to judge environmental cases fairly and appropriately.

The Jepara High Court system in sentencing to seven months in prison is the dominant public sphere, where decisions regarding environmental cases are understood as decisions taken by judges who lack a deep understanding of environmental issues. In this space, environmental perspectives and interests are neglected or not prioritized. Environmental and community activists form counter-publics advocating for specialized knowledge in handling environmental cases. In the Daniel Frits case, the appeal by the defendant's advocacy team pushed the justice system to better accommodate and understand the complexities of environmental cases. The lack of environmentally certified judges reflects how the justice system can fail to accommodate the perspectives of counter-publics championing environmental champions. These counter-publics also play an important role in pushing for systemic change, such as advocating for increased training and certification of judges in environmental cases. By advocating for change, these counter-publics also help shape a new discourse that is more sensitive to environmental issues, which can influence policies and practices in the justice system.



Picture 2. Instagram post @greenpeaceid (January 25, 2024) as a form of support for Karimunjawa environmental activists

Source: [instagram.com/greenpeaceid](https://www.instagram.com/greenpeaceid)

Despite the risk of criminalization, social media continues to provide a platform for counter-publics to disseminate information and mobilize support. Daniel Frits' activism on social media continues to receive widespread support, showing the counter-public's resilience in the face of pressure. According to Nancy Fraser (1990), counter-publics are alternative discursive spaces where subordinate groups can discuss their issues and challenge the dominant public narrative. Daniel Frits' digital activism creates a counter-public space that challenges the dominant narrative about environmental management in Karimunjawa. These criminalization efforts reflect efforts to maintain dominance by companies and governments. However, social media as a counter-public platform provides space for Daniel Frits and his supporters to continue to challenge this structure of dominance by spreading information that may not have a place in mainstream media.

One important finding is the risk that activists who do not have access to digital technology will be excluded from social movements. Data from the Telecommunications and Information Accessibility Agency (BAKTI) of the Ministry of Communication and Information (Kemenkominfo) states that the distribution of internet access in Indonesia is still dominant on the island of Java, with the APJII survey showing 41.7% of the total 73.3% of total internet users throughout Indonesia are on the island of Java (Kumparan, 2022). The latest survey by the Indonesian Internet Service Providers Association (APJII) shows that internet use in Indonesia is not evenly distributed, with 69.5 per cent of users coming from urban areas while rural areas only contribute 30.5 per cent (APJII, 2024). This is in line with the majority of digital activism practices in Java or urban areas. This digital divide reflects significant differences between individuals or groups who have access to and the ability to utilize digital technology and those who do not. In the context of activism, this inequality can result in several vulnerable and marginalized groups in society becoming increasingly unrepresented in social movements.

Digital activism has become an important tool for organizing, campaigning, and disseminating information. The ability to communicate quickly and widely through social media and other digital platforms allows activists to reach larger audiences and build solidarity across geographic boundaries. However, without access to this technology, certain groups may not be able to fully participate in the movement, resulting in their voices and interests not being represented. The results of research by Rahmawan et al. (2020) entitled "Digital Activism Strategies in Indonesia: accessibility, visibility, popularity, and Activism Ecosystem" show that the availability of digital infrastructure and the community's readiness to accept activism practices are explained by the concept of accessibility.

To address this gap, it is important to develop initiatives that ensure more equitable access to digital technologies. This includes providing affordable hardware, improving internet infrastructure in underserved areas, and providing technology training and education for those less familiar with digital tools. In this way, more inclusive participation can be achieved, ensuring that all groups of society can take part in social movements and collective struggles.

Other findings suggest that digital activism can be subject to surveillance and repression by state and corporate actors. In the case of Daniel Frits and his colleagues, they were threatened with physical action and reported to the Special Criminal Investigation Directorate of the Central Java Regional Police on charges of alleged criminal acts under the ITE Law (Detik Jateng, 2024). Auriga Nusantara data shows that there were 133 SLAPP actions or threats against Environmental Defenders in Indonesia in 2014-2023. The Indonesian Forum for the Environment (Walhi) noted that during President Jokowi's leadership, as many as 827 citizens experienced criminalization and violence with 145 people arrested, 28 people suspected, 620 people injured due to violence from the authorities, and 6 people died (Walhi, 2024). This repression can take the form of various actions, ranging from cyberattacks and theft of personal data to the arrest and detention of activists based on their online activities. These cases pose major challenges to freedom of expression.

The use of digital technology in digital activism, while having many benefits, also carries significant risks. Countries and large corporations often have sufficient resources to monitor online activity and identify individuals or groups involved in activism. This surveillance can be used to pressure, intimidate, or even criminalize activists. To combat these risks, activists need to develop and implement strong digital security practices. This includes the use of encryption, secure communication platforms, and tools to avoid online tracking. Education about digital safety must be an integral part of any social movement that uses digital technology. Additionally, there is a need for stronger legal and policy advocacy to protect activists' digital rights and ensure internet freedom.

CONCLUSION

Using the case study of Daniel Frits, this research examines how digital environmental activism confronts the ITE Law and sparks debate about free speech limits in this context. It highlights the lack of clear definitions or special legal protections for environmental advocates, leaving them vulnerable to criminalization. The case of Daniel Frits underscores the formation of an 'environmental activist' identity through personal experiences, family values, and direct interaction with the environment. Key factors in this identity formation include community building, holistic and sustainable approaches, awareness and education, networking, cross-sector collaboration, and the use of social media.

Applying Fraser's theory, the article emphasizes the need for both cultural recognition and economic redistribution to support the 'environmental activist' identity. Digital platforms serve as powerful tools for recognition, support mobilization, and justice demands, but must be backed by equitable access to resources and addressing socio-economic disparities. This approach ensures the empowerment of environmental activists in their fight for a sustainable and just future. The study also addresses the role of social movements and resistance in driving social change against dominant forces, revealing the interaction between digital activism and attempts at criminalization by governments or other entities. To protect environmental activists, there is a call for revising the ITE Law and providing clearer legal protections to prevent criminalization based on factual criticism.

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