

## Indonesia

In a judgment dated 19 September 2023, the Court of First Instance in Palenbang, Indonesia, in Judgment No. 726/Pid.Sus/2023/PN sentenced influencer Lina Luftiawati, aka Lina Mukherjee, to two years' imprisonment and to pay a fine of 250 million rupiah (equivalent to approximately 15.130 euros), for disseminating information intended to create feelings of hatred towards Islam, pursuant to Sections 45A(2) and 28(2) of Act No. 19/2016, which amended Act No. 11/2008 concerning electronic information and transactions.

The accusation arose from the fact that the defendant, on 24 March 2023, at 6 p.m., broadcast via Tiktok and via Youtube a one-minute and 40-second video of herself, filmed on 9 March, which showed her ordering and consuming pork in a restaurant, after pronouncing the Islamic formula of blessing Bismillah ya Allah, admitting *apertis verbis* that she was aware that she was eating pork, and likewise that she was performing an action forbidden by the Islamic religion, to which she herself belongs, while downplaying the seriousness of the matter.

The video has been seen by 4.5 million people, and she has received several complaints for trivialising Islamic precepts (for the video in which she claims to be eating pork even though she is Muslim), for contempt of the Islamic religion (for pronouncing the Bismillah blessing on pork) and for inciting contempt of the Islamic religion (because her young Muslim followers have seen that if they want to become famous, they only have to do things that are forbidden by the Islamic religion, so that the video goes viral in cyberspace).

Among others, the Indonesian Ulema Council has also issued a fatwa, No. 3/MUI-SS/IV/2023 of 12 April 2023, explaining that a video in which one eats pork, blessed with the formula 'Bismillah', undoubtedly constitutes degradation, insult and defamation of Islam.

The influencer herself, moreover, acknowledged that she had done something she should not have, apologised on tiktok and youtube to the Muslim community and said she would accept any verdict, renouncing *a priori* to appeal.

The court of first instance found her guilty, with the aggravating circumstance of wilful misconduct, since, while it is true that eating pork even for a Muslim woman is not an offence in Indonesia, the fact that she let herself be filmed while doing so, declaring at the beginning of the video that she was a Muslim and that she intended to eat pork, even after pronouncing the Bismillah blessing formula, demonstrates the intention to provoke scandal, and therefore disturbance among the Muslim faithful, for the sole purpose of increasing the number of views, a purpose which in itself is ephemeral, if the aim was to have many views in order to receive more payment from social

platforms, it would mean committing sacrilege for the sake of gain, which would be of immense gravity.

However, the Court wants to take into account the defendant's repentance, and the fact that she has publicly apologised on her social networks, and therefore applies the minimum penalty, stating that insulting a religion can also be substantiated by the combined effect of acts that, taken individually, could also be fully admissible.

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