Freedom
House

# Indonesia

| | 2014 | 2015 |
|---|---|---|
| **Internet Freedom Status** | Partly Free | Partly Free |
| Obstacles to Access (0-25) | 11 | 11 |
| Limits on Content (0-35) | 12 | 12 |
| Violations of User Rights (0-40) | 19 | 19 |
| **TOTAL\* (0-100)** | **42** | **42** |

\* 0=most free, 100=least free

| | |
|---|---|
| **Population:** | 251 million |
| **Internet Penetration 2014:** | 17 percent |
| **Social Media/ICT Apps Blocked:** | Yes |
| **Political/Social Content Blocked:** | Yes |
| **Bloggers/ICT Users Arrested:** | Yes |
| **Press Freedom 2015 Status:** | Partly Free |

## Key Developments: June 2014 – May 2015

- The Supreme Court upheld a Ministerial Regulation on "negative content" passed without legislative review, which gives officials the power to block websites (see **Blocking and Filtering**).

- Video-sharing platform Vimeo was officially blocked in Indonesia for hosting allegedly pornographic content in May 2015, though implementation varied by ISP (see **Blocking and Filtering**).

- At least five people were sentenced to prison under the notorious Information and Electronic Transactions Law (ITE Law), which the government pledged to revise in 2015 (see **Prosecutions and Detentions for Online Activities**).

# Introduction

Joko Widodo, former governor of Jakarta and mayor of Solo, was inaugurated as Indonesia's seventh president on October 20, 2014, ushering in a new administration. The legislative election in May 2014 was followed by the presidential election in July, but the transition was delayed by a failed challenge mounted in the Constitutional Court by the losing candidate.[1]

The third direct presidential election since the democratic transition in 1998 was highly polarizing. Indonesia, the world's third largest democracy, mobilized 187 million voters, including 67 million voting for the first time, and the close result lead to heated debates on social media.[2] Online campaigning was increasingly influential.[3]

The 1998 transition paved the way for stronger protection of human rights, including freedom of expression, through constitutional and legal reform. Vibrant civil society organizations continue to play a major role in democratization, and economic development has increased the middle class population.[4] Internet access continues to expand, though infrastructural challenges remain, while affordable smartphones have helped embed digital communication in daily life.

With an estimated 64 million Facebook accounts, 20 million Twitter users, and 5 million active bloggers, the internet is transforming the social and political landscape in Indonesia.[5] Mobile devices are the medium of choice for the majority of Indonesians who wish to access the internet.[6] Awareness of the internet's potential to facilitate mobilization around social causes has been widely recognized. However, religious intolerance is also on the rise, and the internet has been exploited to spread hate speech.[7]

Digital expression also comes with possible criminal sanctions, especially for defamation, which is more heavily penalized online under the Information and Electronic Transactions Law (ITE Law) than it is under the penal code. The number of charges filed under the defamation clause increased from 10 in 2012 to 41 in 2014. The new minister of ICT pledged to revise the problematic ITE Law by the end of 2015, but the promised reform still fell far short of international standards.[8]

On July 17, 2014, the outgoing Ministry of Communication and Information enacted a regulation granting ministry officials broad powers to filter "negative" content on the internet.[9] After blocking

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1    Jonathan Thatcher and Kanupriya Kapoor, "Indonesian president-elect Jokowi calls for unity after bitter election," *Reuters,* July 23, 2014, http://reut.rs/Un4yBP

2    'Presidential Election Ruins Friendship on Socmed: Report," *Tempo,* July 5, 2014, http://bit.ly/1Lcwon7.

3    Ulma Karyanto, "Social media use and misuse in Indonesia's election," *Rappler*, July 3, 2014, http://bit.ly/1LcxgYT

4    Avi Tejo Bhaskoro, "BCG: Melihat Potensi Pasar Melalui Pertumbuhan Middle Class and Affluent Consumers," *Daily Social*, http://bit.ly/1Ogq5nZ.

5    Number of Facebook users, see, Mariel Grazella, "Facebook has 64m active Indonesian users," *The Jakarta Post*, June 18, 2013, http://bit.ly/MoisPK and Enricko Lukman, "With 64 Million Monthly Facebook Users in Indonesia, Is it Opening an Office Soon?" *Tech In Asia*, June 19, 2013, http://bit.ly/1FT09NE; Number of Twitter users as quoted by Peter Greenberger, June 2014, see: Ardhi Suryadhi, "Para Capres pun Dipepet Twitter," *detik inet*, June 4, 2014, http://bit.ly/1uJ0VXz; No official record is available for the number of active bloggers. The number cited in this report is based on data recorded by the community network ASEAN Bloggers Indonesia Chapter, see: "Jumlah Blogger di Indonesia Capai 5 Juta Orang," *Tempo*, May 10, 2013, http://bit.ly/1n4WMTO.

6    Simon Kemp, "Digital, Social, and Mobile in APAC 2015," Iab.Singapore, March 10, 2015, slides 145-155, http://bit.ly/1B4DIf9.

7    Bambang Muryanto, "Study blames govt for rising religious intolerance," *The Jakarta Post*, June 11, 2014, http://bit.ly/1VzG86f.

8    Ria Indhryani, "Menkominfo Janji Revisi UU ITE Tahun Ini," *Bisnis Jawabarat*, March 12, 2015, http://bit.ly/1PftHr2.

9    Menteri Komunikasi Dan Informatika, Perturan Menteri Komunikasi dan Informatika No. 19/2014, http://bit.ly/UZIkY5.

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several websites, the new ICT Minister faced heavy criticism from the media and civil society groups, and created four panels made up of civil society representatives and governments officials to assess the content reported for blocking—though the process still lacks judicial oversight.[10]

# Obstacles to Access

*While smartphone use is increasing, the total internet penetration in Indonesia remained under 30 percent of the population. This low access rate is mainly due to the geographic conditions of Indonesia, which consists of 17,000 islands and a population that is concentrated in the major islands, namely Java and Sumatera.*

## Availability and Ease of Access

Internet penetration continued to increase over the past year, though precise figures differed. The International Telecommunication Union cited 17.14 percent in 2014, up from 14.94 percent in 2013.[11] Indonesia's ICT Ministry reported 73 million internet users in Indonesia, which would put penetration at almost 30 percent.[12]

Mobile penetration was 127 percent in 2014,[13] while smartphone penetration was at 21 percent in 2014 and projected to increase to 26 percent in 2015.[14] Mobile phones have become the preferred method to access the internet for most Indonesians, overtaking computers.[15] Internet users spend an average of five hours a day online.[16]

Affordable devices are available, and phones with Android operating systems start at US$30. Multiple SIM cards and devices are common, as people shop around for better signal quality and lower connection prices.[17] Prepaid internet packages for smartphones range from US$0.50 a day to $2.50 a month. As mobile phones became more popular, the number of fixed-line internet subscribers has decreased. In urban areas, most shops and cafes provide free Wi-Fi, as do public libraries and schools.

Competition among internet service providers (ISPs) has reduced the cost of connection and made internet use more accessible. In the past, access was concentrated among older urban residents. In 2013, however, 70 percent of Indonesia's online population was under the age of 35.[18]

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10    Kementerian Komunikasi Dan Informatika, "Siaran Pers Tentang Forum Penanganan Situs Internet Bermuatan Negatif," June 18, 2015, http://bit.ly/1L2GK9X.

11    International Telecommunication Union, "Percentage of Individuals using the Internet," 2013, http://bit.ly/1cblxxY.

12    "Internet users in Indonesia reach 73 million," *The Jakarta Post*, March 10, 2015, http://bit.ly/1B2Y8VP.

13    International Telecommunication Union,"Mobile-cellular subscriptions," 2014, http://bit.ly/1cblxxY.

14    Statista, "Smartphone user penetration in Indonesia as share of mobile phone users from 2014 to 2019*," 2015, http://bit.ly/1OinjAc

15    "The Numbers: Indonesia's Mobile Internet Users," *Wall Street Journal*, December 5, 2014, http://on.wsj.com/1GsPww9.

16    Simon Kemp, "Digital, Social, and Mobile in APAC in 2015," *We Are Social* (blog), March 11, 2015, http://bit.ly/1xcuTzA.

17    See, Redwing, "Indonesia's Mobile Driven Telecoms Market," http://redwing-asia.com/market-data/market-data-telecoms/.

18    Amarpal Singh, "South East Asia Digital in Focus 2013: Key Insights and Digital Trends from South East Asia," comScore, July 25, 2013, http://bit.ly/1gtfqDj.

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## Restrictions on Connectivity

Internet access continues to be concentrated in major cities such as Jakarta and Sumatera due to poor infrastructure in rural areas, particularly in the eastern part of the archipelago.[19] By 2012, there were 41 fiber-optic backbone cables, of which 60 percent were located in Java. Less than 2 percent reached Bali and the group of nearby Nusa Tenggara islands.[20] In 2013, a Moluccan Ring cable system was launched to connect Papua and other parts of eastern Indonesia with the existing broadband network.[21]

This gap is even wider for high-speed 3G internet access, as most base transceiver stations (BTS) which facilitate the connections are built by private providers, who determine the number and location based on the market. The highest concentration is in West Java, where there are nearly 10,000 stations, followed by Jakarta with 6,800. There are less than 1,000 3G BTS in Papua, Kalimantan, and the Mollucan Islands combined.[22] In Papua, less than 40 percent of the population owned a mobile phone in 2013, compared to 97 percent in Jakarta.[23] A national 2012 survey put e-literacy in underdeveloped provinces such as Papua and Mollucan far lower than the national average.[24]

The Ministry of Communication and Information (MCI) has made infrastructure a priority since 2010, developing subdistrict internet service provider (PLIK) and subdistrict internet service vehicle (MPLIK) programs to improve connections in the subdistricts that make up the regencies and cities in Indonesian provinces. Other programs, such as *desa berdering* (ringing villages), and *desa pintar* (smart villages), target villages without private internet providers.[25] A 2012 ICT white paper set out to eliminate the digital divide by connecting 33,000 villages.[26]

In 2013, the Attorney General's Office opened a criminal investigation naming government officials and private sector businessmen as suspects in alleged corruption involving an infrastructure budget of US$100 million. The investigation was ongoing at the end of the coverage period of this report.[27] The development project has been suspended citing inefficiency, pending further evaluation.[28]

## ICT Market

There are about 300 ISPs operating in Indonesia. However, 10 major providers dominate the market, and 3 retain the biggest market shares. Two of them are partly state-owned enterprises: PT Telkom-

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19   Global Business Guide Indonesia, "Improving Internet Access in Indonesia," 2013, http://bit.ly/1hkyBzU.

20   Ministry of Communication and Information, "2012 Indonesia ICT White Paper."

21   Ardhi Suryadhi, "*Tifatul Resmikan Pembangunan Palapa Ring Indonesia Timur*," *detik inet*, May 28, 2013, http://bit.ly/1eiA9qE. The project is part of the Palapa Ring Program, which launched in 2011 to develop a backbone fiber-optic system. It comprises 7 small rings connecting 33 provinces and 460 regencies. See, Kementrian Komunikasi dan Informasi, "Palapa Ring Percepat Pembangunan KTI," May 13, 2015, http://bit.ly/1laI8Pc.

22   *Data Statistik Direktorat Jenderal Sumber daya Pos dan Telekomunikasi*, Semester I, 2013, 52-54.

23   Statistic Indonesia, Trends of Selected Economic Indicators of Indonesia, August 2013, 45.

24   Ministry of Communication and Information, "2012 Indonesia ICT White Paper," 22-23.

25   In July 2013, the ministry was questioned by the House of Representatives regarding alleged budget irregularities in the implementation of these programs. See, Margareth S. Aritonang, "Graft suspected in Rp 40 trillion IT project," *The Jakarta Post*, July 11, 2013, http://bit.ly/1Oio0ta.

26   Ministry of Communication and Information, "2012 Indonesia ICT White Paper," 39-40; Kominfo, "Laporan Akhir Tahun 2013," December 27, 2013, http://bit.ly/1LeuIhq.

27   "Kejagung Akan Tuntaskan Kasus Korupsi MPLIK," *Gatra News*, April 15, 2015, http://bit.ly/1FQfiQm.

28   Kominfo, "Siaran Pers Tentang Suspensi (Penghentian Sementara) Layanan Kewajiban Pelayanan Universal/ Universal Service Obligation," March 5, 2015, http://bit.ly/1PfvMmJ.

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sel, with a market share of 60 percent, and PT Indosat with 21 percent. A third, XL-Axiata, accounted for 19 percent.[29] In December 2014, Telkomsel launched 4G-LTE services in the Jakarta and Bali areas, offering faster service that was soon matched by XL-Axiata and Indosat.[30]

In 2013, the Attorney General's Office filed corruption charges against one ISP, IM2, for selling bandwidth under a public frequency licensed only to its parent company, Indosat.[31] IM2 was accused of avoiding a private tax rate on the frequency, causing state losses of IDR 1.3 trillion (US$134 million).[32] Since ISPs generally rent frequencies from other companies in Indonesia, the APJII condemned the investigation. The MCI agreed the practice was in line with ministerial regulations, and practiced by about 280 other ISPs. However, the same year a court sentenced IM2 CEO Indar Atmanto to four years in prison and ordered Indosat to pay IDR 1.3 trillion in compensation.[33] An appeal court rejected the defendant's appeal and increased the CEO's sentence to eight years imprisonment, although it removed the fine.[34] Both Indosat and the attorney general appealed to the Supreme Court. In July 2014 the Court upheld the initial verdict, the eight year prison term for Indar, and reinstated the fine. Indar filed a judicial review to the Supreme Court again in March 2015. No ruling had been announced at the end of the coverage period.[35]

The consequences of this ruling will affect almost all Indonesian ISPs, since so many are renting public frequency from telecommunication companies that have been awarded the rights to use the frequency by paying the Indonesian government. In September 2014, Onno W. Purbo, a well-known ICT figure in Indonesia, started a petition on Change.org in support of Indar Atmanto.[36]

## Regulatory Bodies

The Directorate General Post and Telecommunication Resources and Directorate General Post and Informatics oversee internet services under the MCI. Their mandates include regulating the allocation of frequencies for telecoms and data communications, satellite orbits, ISP licenses, and overseeing private telecom providers. In January 2014, the Internet Defender Front (FPI) and APJII filed a constitutional review of the Law on Post and Telecommunication due to the high cost it prescribes for an ISP license.[37] In March 2015, the Indonesian Constitutional Court rejected the claim and found the existing law constitutional.[38] However, the APJII continues its campaign to get the law revised, including calls for parliament to review it.[39]

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29    Global Business Guide Indonesia, "An Overview of Indonesia's Telecommunication Sector," 2012, http://bit.ly/1VBQJrZ; Oxford Business Group, "The big three: A battle for subscribers and profit," 2012, http://bit.ly/1xw628M.

30    Leighton Cosseboom, "The time has come! Indosat, XL, and Telkomsel to introduce 4G in Indonesia," *Tech In Asia*, December 9,2014, http://bit.ly/1wuezPq.

31    Mariel Grazella,"IM2 Preparing Defense Ward Internet Doomsday," *The Jakarta Post*, January 15, 2013, http://bit.ly/15CrmNm.

32    Conversion as of January 15, 2013, according to Oanda. The value of the rupiah plunged in 2013; as of July 19, 2013, when news reports announced the verdict, the same amount came to US$128 million.

33    Mariel Grazella, "Telco Firms Rattled by IM2 Verdict," *The Jakarta Post*, July 9, 2013, http://bit.ly/1LtXvAs.

34    See, "Indosat Tempuh Kasasi dan Bawa Kasus IM2 ke Arbitrase Internasional," *Kompas*, January 5, 2014, http://bit.ly/1n57Ct8.

35    Khoirul Amin, "Kalla supports judicial review of IM2 case," *The Jakarta Post*, March 25, 2015, http://bit.ly/1VBRstf.

36    Onno W. Purbo, "Berikan Kepastian Hukum kepada ISP & Bebaskan Indar Atmanto," petition, http://chn.ge/1rMVLBX.

37    Twelve ISPs were closed down by the government in 2012 after failing to produce the fee. See, "FPI dan APJII Gugat Biaya Tinggi Usaha Telekomunikasi," *Jurnal Parlemen*, January 17, 2014, http://bit.ly/1nYlxSW.

38    Denny Mahardy, "Gugatan PNBP Ditolak MK, APJII Merasa Tak Masalah," *Liputan 6*, March 19, 2015, http://bit.ly/1Q28wXI.

39    Dewan Perwakilan Rakyat Republik Indonesia, "Program Legislasi Nasional," http://www.dpr.go.id/uu/prolegnas.

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In 2003, a more independent regulator, the Indonesia Telecommunication Regulatory Body (BRTI), was established to oversee fair competition among telecommunications business entities, to resolve industry conflicts, and to develop standards for service quality. The appointment of the head of the MCI's Directorate General Post and Telecommunication as chair raised concerns over its independence,[40] though its composition has been balanced. In May 2015, new BRTI members for 2015-2018 were announced, including three government officials and the remaining six from civil society.[41] Despite this, the body lacks executive power, and can only make recommendations. As a result, it fails to intervene in relevant fraud or corruption cases,[42] and its effectiveness remains challenged.[43]

# Limits on Content

*The MCI regulation on "negative content" was authorized during the coverage period, officially giving power to the MCI to block content deemed pornographic or illegal. This was followed by the creation of four panels to act as consultation councils for different banned topics such as child pornography, hate speech, fraud, fake drugs, illegal investments, gambling, and intellectual property rights. These events were continually challenged by civil society groups, which identified a threat to freedom of expression in the new censorship powers issued without a legislative process.*

## Blocking and Filtering

The authority to block content is granted by the Information and Electronic Transactions Law (ITE Law), provided that limitations are in the public interest and intended to maintain public order.[44]  In practice, blocking tends to be arbitrary, as the wording lacks clarity in its articulation of what is considered as "forms of disturbance," "abuse of electronic information," "public interest," and "public order." Another statute provides a legal framework to block content considered pornographic.[45]

In practice, the MCI has long played a role in managing what content is blocked, but that role was formalized during the coverage period. As one of his last acts in office, former ICT minister Tifatul Sembiring authorized Minister Regulation no. 19/2014 on "negative content" in July 2014 before his position was replaced in the new cabinet.[46] The objective of the regulation was to provide a legal procedure for the government to restrict "negative" websites, with "negative" defined as containing pornographic or otherwise illegal material, under existing Indonesian law.

The regulation specified the existing service Trust Positive as the government's "blocking service provider," or database of websites with negative content for Indonesian ISPs to block. Trust Positive

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40    In November 2005, the MCI issued Ministerial Regulation no. 25/2005 justifying the appointment of a directorate general representing the government to chair the body. See, Peraturan Menteri Komunikasi Dan Informatika, No. 25, November 2005, http://bit.ly/1OTK79s; Badan Regulasi Telekomunikasi Indonesia, "Overview Tentang BRTI," April 5, 2010,  http://bit.ly/1cEejla and Badan Regulasi Telekomunikasi Indonesia, "Fungsi dan Wewenang," March 29, 2010, http://bit.ly/1hdI1ON.

41    Reska K. Nistanto, "Ini Dia Nama-nama Anggota BRIT 2015-2018," *Kompas,* May 20, 2015, http://bit.ly/1OipRy0.

42     Examples include a high profile case of SMS fraud involving the PT Colibri Network CEO and the vice director of Telkomsel Antara. See, "Kasus Pencurian Pulsa Mandeg, Ini Penyebabnya," *GresNews*, March 12, 2014, http://bit.ly/1GsTmW4.

43    Amal Nur Ngazis and Agus Tri Haryanto, "Disorot, Regulator Telekomunikasi Tak Independen," July 28, 2015, http://bit.ly/1NhjKKe.

44    See, Law No. 11/2008, Article 40.

45    Civil society and cultural groups challenged the law before the Constitutional Court in 2009 for its narrow and obscure definition of pornography and pornographic content, which includes LGBTI content and folk traditions which expose the female form, such as the Jaipongan folk dance from West Java and Papuan traditional clothes. The Court upheld the Law.

46    Edy Can, "Tifatul teken aturan pembatasan situs negatif," *Kontan*, July 23,2014, http://bit.ly/1FT5Vit.

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is a filtering application operational since 2010, managed directly by the ministerial office, with a database of continuously updated websites. In 2015, the Trust Positive website listed 763,126 websites blocked.[47]  The majority of blocks come under the category of pornography. Other categories include radicalism, hate speech, fraud, gambling, child violence & pornography, internet security, intellectual property rights, violence and miscellaneous.

The regulation also detailed procedures for the public to report negative content online or via email, and how to appeal in case of wrongful blocking. Members of the public or website owners can file complaints to remove the website's URL address from the Trust Positive database of banned sites, and the complaint must be resolved in 24 hours.

ISPs are obliged to implement ongoing blocks based on the database, which functions as a minimum list of required blocks, so each ISP can add more sites. As each ISP can employ different software for blocking, and create independent databases, content restrictions are inconsistent. In the past, researchers were unable to identify whether blocks implemented by three ISPs were based on Trust Positive or an independent list.[48] This creates uncertainty for users seeking redress when content is wrongfully blocked.

In November 2014, the regulation was subject to a Supreme Court judicial review after a challenge was filed by several NGOs and individuals. The challenge said there was no clear law by which MCI officials could assess content, and that the regulation represented a threat to citizens' constitutionally guaranteed freedom of expression.[49] In May 2015, the Indonesian Supreme Court rejected the application.[50]

With the new ICT minister Rudiantara in office, requests to block websites under the regulation began to appear in October 2014. Some of the blocks appeared to target criminal activity.[51] By December 2014, the ICT Ministry reported that they have blocked 400 websites for selling fake drugs,[52] and another 45 websites offering unregistered marriage services.[53] Other examples were less clear, like a YouTube video showing bullying in an elementary school in Bukittinggi, Padang, which was blocked at the request of an individual.[54] The blocking of 19 websites for allegedly radical Islamic teaching also attracted public criticism.[55]

In response to these objections, Rudiantara announced the creation of four panels to review each website reported for blocking. The four panels cover pornography and child abuse; terrorism, hate speech; illegal investment, fraud, gambling, food and drugs; and copyright infringement.[56] Responding to the panels, the Institute for Criminal Justice Reform stated that any effort to limit citizens' rights must undergo legislative review, and that doing so by ministerial regulation violates the constitution.[57]

47    Trust Positif, website, http://trustpositif.kominfo.go.id/.

48    OpenNet Initiative, "Indonesia," August 9, 2012, http://bit.ly/1LcG1Cr.

49    Institute for Criminal Justice Reform," PERMEN Penanganan Situs Internet Bermuatan Negatif ke Digugat ke Mahkamah Agung," November 21, 2014, http://bit.ly/1RrnIE9.

50    Andi Saputra, "Gugatan Permen Konten Nagatif Tidak Diterima MA," *Detik News*, May 22, 2015, http://bit.ly/1MbzxVe.

51    "Polisi Minta Kominfo Blokir Situs Penjualan Narkoba di Internet," *Tribun Nasional*, October 18, 2014, http://bit.ly/1Z4Tpmn.

52    "Kominfo Blokir Ratusan Situs Penjualan Obat Palsu," *Kompas,*December 31, 2014, http://bit.ly/1MbzIjn.

53    "Kemenag laporkan 45 situs online nikah siri ke Kominfo," *Antara News,* March 25, 2015, http://bit.ly/1WIZ4wg.

54    "Kominfo Didesak Blokir Video Kekerasan Siswa SD," *Okezone,* October 13, 2014, http://bit.ly/1hmn7RJ.

55    "Ini Daftar 19 Situs yang Diblokir Kominfo," Tempo, March 31, 2015, http://bit.ly/1MdXIqh.

56    Susetyp Dwi Prihadi, "Daftar Panel Pemblokir Situs Negatif yang Dibentuk Kominfo," April 2, 2015, http://bit.ly/1JSjwS5.

57    "ICJR Kritik Pembentukan Forum Penanganan Situs Internet Bermuatan Negatif," *Tribun Nasional*, April 4, 2015, http://bit.

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The video service provider Vimeo became inaccessible on many ISPs in mid-2014, apparently in response to an MCI directive to individual ISPs and the site's inclusion in the Trust Positive database for allegedly pornographic content.[58] (Vimeo bars sexually explicit content in its terms of service.) Though implementation of the directive remained intermittent, blocking was documented by users and by researchers at the University of Toronto-based Citizen Lab.[59] In November 2014, the ICT minister asked internet users to participate in a dialogue with Vimeo's CEO after the company declined to modify its terms of service for the Indonesian market.[60] Despite dialogue during the coverage period, which included civil society representatives, Vimeo and the ICT Ministry still cannot agree on a way to filter allegedly pornographic material selectively for Indonesian users. As a result, Vimeo remains officially blocked from use in Indonesia.[61]

Since filtering relies on keywords, blocks can be overly broad. Some minority voices, particularly LGBTI groups, suffer from arbitrary filtering. In April 2013, the LGBTI group website Our Voice could not be accessed on the XL-Axiata network, though it was available through other providers, such as Telkomsel and First Media. After investigating the group's complaint, the provider was unable to determine if the group's domain fee had lapsed, or if it was formally blocked. In June, XL-Axiata's customer service said on its company Twitter account that Our Voice was listed in the Trust Positive database, which the MCI denied. However, after the APJII intervened, the blocking was ultimately lifted in September. It apparently stemmed from the inclusion of keywords such as "gay" and "lesbian" in the database.[62]

Besides the MCI, the independent Nawala Foundation provides a free DNS server enabling service providers to block hundreds of thousands of websites for content including pornography and gambling. Its database included 811,190 sites by January 2014, but no longer issued statistics in 2015.[63] Nawala provides a form for website owners subject to accidental blocking, though how it processes complaints is not known.

## Content Removal

Administrative requests to delete or take down content are less common. From January to June 2014, Google reported two government requests to remove content from its platforms, involving defamation and nudity.[64] The government has threatened service providers for failing to implement censorship in the past. In 2011, BlackBerry agreed to filter pornographic websites on their devices in

ly/1LyeyBq.

58    Dwifantya Aquina and Amal Nur Ngazis, "Situs Vimeo Diblokir Pemerintah , Apa Sebabnya?" *Viva*, May 12, 2014, http://bit.ly/SRNNyy.

59    Adam Senft and Irene Peotranto, "The Blocking of Vimeo in Indonesia," Citizen Lab, May 26, 2014, http://bit.ly/1HimFPN.

60    Achmad Rouzni Noor II, "Menkominfo Ajak Netizen Video Conference dengan Bos Vimeo," *Detik Inet,* November 11, 2014, http://bit.ly/1Gw0KQs.

61    Yoga Hastyadi Wildiartanto, "Vimeo Masih Diblokir, Ini Kata Menkominfo," *Kompas*, February 2, 2015, http://bit.ly/1LhWx8z.

62    Wahyudi Djafar and Zainal Abidin, Membelenggu Ekspresi, "*Studi Kasus Mengenai Praktik Pemblokiran Penyaring Konten Internet Dan Kriminalisasi Pengguna Internet di Indonesia,*" ELSAM, 2014, 23-25. For a detailed chronology of the blocking, see, Gusti Bayu, "Kronologis Pemblokiran Website Our Voice Oleh Provider XL," *SuaraKita*, July 5, 2013, http://bit.ly/1Q7uGHW. The International Gay and Lesbian Human Rights Commission (ILGA) was also blocked by three ISPs, namely Telkomsel, Indosat, and Lintas Arta, in 2012.

63    See, "KEAMANAN INTERNET: Nawala Targetkan Peningkatan Database Situs Negatif Tiga Kali Lipat," *Industri*, March 20, 2013, http://bit.ly/1Lynhnh.

64    Google, "Indonesia," *Transparency Report*, http://bit.ly/1Gw46Db.

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Indonesia after the government regulator warned that the firm's market access could be restricted if it failed to comply.[65]

## Media, Diversity, and Content Manipulation

Journalists and internet users did not exercise undue levels of self-censorship during the coverage period of this report. Interference from state agencies has declined significantly compared to past years, but social pressure still periodically leads to self-censorship among journalists, and occasionally manifests online in relation to religion, sensitive political corruption charges, or potential defamation.[66]

Indonesia has enjoyed a thriving blogosphere since around 1999, though traditional media outlets—rather than blogs—typically cover important political developments and corruption investigations. Indonesians are also avid users of social media and communication apps, which are freely available. However, social media growth has produced new concerns about content manipulation. Analysts say anonymous or pseudonymous Twitter accounts circulating politically motivated rumours and attacks on politicians may be part of sponsored campaigns to influence online discourse, or even blackmail well-known figures seeking to protect their reputations.[67] Social media pages have also been used by religious extremists.[68]

## Digital Activism

The internet has also strengthened grassroots mobilization. The Indonesia Breastfeeding Mothers Association (@aimi_asi) has embraced social media, circulating *kultwit*, or short Twitter lectures, on breastfeeding for new mothers and other reproductive health issues to reach women across the country. In more urban settings, community movements have used social media to maintain the spirit of volunteerism. The @idberkebun network, which promotes urban farming and conservation, has spread to 30 cities and 8 universities in four years,[69] using digital forums to provide free classes and organize community farming on abandoned land. Similarly, the @akademiberbagi network facilitates learning and sharing between people and experts on different topics.[70]

During the election year, digital activism was focused more on political campaigning from many sides and parties. Two were particularly notable. One used the hashtag #ShameOnYouSBY, initials which refer to former President Susilo Bambang Yudhoyono, when his Democratic Party withdrew support for direct elections for regional heads, a move which critics said undermined the democratic process that Indonesian has enjoyed so far.[71] The second campaign was the ongoing #SaveKPK

65    BlackBerry was formerly known as Research in Motion. Femi Adi, "RIM Says Committed To Indonesia, Will Block Porn on BlackBerrys," Bloomberg, January 17, 2011,   http://bloom.bg/1VELMia;  Ardhi Suryadhi, "Sensor di Blackberry terus diawasi" [Censorship on Blackberry Continuously Observed], Detik Inet, January 21, 2011, http://bit.ly/1VELRlJ.

66    Interviews with Abdul Manan, senior journalist from *Tempo* newspaper, and Nezar Patria, managing editor of *Viva News*, 2013. There is no official data for threats against journalists, but cases of retaliation for news coverage are common. See, "Kantor Redaksi Diserbu Massa," *Berita Metro*, June 28, 2013, http://bit.ly/1j7SvVi.

67    "The anonymous denizens of the Indonesian 'twitterverse,'" *The Jakarta Post,* May 7, 2013, http://bit.ly/1Lk2ZHJ.

68    Niniek Karmini, "AP Exclusive: Facebook Broke Indonesia Terror Case," The Associated Press, June 21, 2013, http://bit.ly/1OXVYTO.

69    See, Indonesia Berkebun, "About," http://indonesiaberkebun.org/about/.

70    See, "Akademi Berbagi (Akber) dan Semangat Kaum Muda untuk Perubahan," *Kompasiana*, September 1, 2012, http://bit.ly/1VDBNyS; Akademi Berbag, website, http://akademiberbagi.org.

71    "#ShameOnYouSBY gives Yudhoyono worldwide spotlight" *The Jakarta Post*, September 26, 2014, http://bit.ly/1owtWxT.

and #AkuKPK movement in support of Indonesia's Corruption Eradication Committee, known by its abbreviation KPK. The committee came under political attack after successfully documenting politicians and judges caught receiving bribes, but the public display of support prevented it from being disbanded.[72]

# Violations of User Rights

*The number of people prosecuted under the ITE Law has increased, often to intimidate and to silence critics. People frequently use the law for their own agenda, misguidedly mixing public and private digital space. Hope lies with the new ICT minister's promise to revise the ITE Law by the end of 2015. However, without proper training offered to Indonesian law enforcement and judiciary, more erroneous prosecutions are likely to occur.*

## Legal Environment

Freedom of expression was initially protected through the stipulation of the Law on Human Rights, shortly after the 1998 reformation, which was strengthened through the second amendment of the constitution in 2000. The third amendment guarantees freedom of opinion.[73] The constitution also includes the right to privacy and the right to obtain information and communicate freely.[74] These rights are further protected by various laws and regulations.[75] Indonesia also ratified the International Covenant on Civil and Political Rights (ICCPR) in 2005.[76]

Other laws passed since then have infringed on user rights, despite legal experts' opinions that they conflict with the constitution.[77] The antipornography law introduced in 2008 contains a definition of pornography which can be loosely interpreted to ban art and cultural expression perceived as explicit.[78] A 2011 State Intelligence Law introduced penalties of up to ten years' imprisonment and fines of over US$10,000 for revealing or disseminating "state secrets," a term which is vaguely defined in the legislation.[79] This framework provides authorities with a range of powers to penalize internet users, even though not all are regularly implemented. Some civil society groups challenged this law in the Constitutional Court, which rejected their petition in 2012.[80]

Provisions of the 2008 ITE Law have been used repeatedly to prosecute Indonesians for online ex-

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72    Jeffrey Young, "Indonesia's Anti-corruption Commission Draws Fire," Voice of America, April 6, 2015, http://www.voanews.com/content/indonesia-anti-corruption-commission-draws-fire/2708609.html.

73    Constitution of 1945, Article 28E(3).

74    Constitution of 1945, Articles 28F and 28G(1).

75    Among others, "Law No. 39 of 1999 on Human Rights," "Law No. 14 of 2008 on Freedom of Information," and "Law No. 40 of 1999 on the Press."

76    The ICCPR was ratified through Law No. 12/2005.  However, to date the government has yet to review and reform laws to comply with the covenant's human rights standards.

77    Wahyudi Djafar et al., "*Elsam, Asesmen Terhadap Kebijakan Hak Asasi Manusia dalam Produk Legislasi dan Pelaksanaan Fungsi Pengawasan DPR RI*" [Assessment of the Human Rights Policy in Legislation and the Implementation of Parliament Monitoring], Institute for Policy Research and Advocacy, 2008.

78    An art installation in Yogyakarta was shut down for allegedly pornographic content. See, "Dianggap porno, patung akar setengah manusia dibongkar," February 10, 2014, http://bit.ly/1JSuzei; and, "Indonesian Parliament passes controversial intelligence bill," *EngageMedia*, October 25, 2011, http://bit.ly/1VEN6Bt.

79    "Indonesian Parliament Passes Controversial Intelligence Bill," *Engage Media*, October 25, 2011, http://www.engagemedia.org/Members/emnews/news/indoneisan-parliament-passes-controversial-intelligence-bill.

80    The decision is available at, Nomor 7/PUU-X/2012, Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa Mahkamah Konstitusi Republik Indonesia, http://bit.ly/1L6iB2t.

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pression. The law's penalties for criminal defamation, hate speech, and inciting violence online are harsh compared to those established by the penal code for similar offline offenses. Sentences allowed under Article 45 can extend to six years in prison; the maximum under the penal code is four years, and then only in specific circumstances—most sentences are less than a year and a half.[81] Financial penalties show an even more surprising discrepancy. While the ITE law allows for fines of up to IDR one billion (US$80,000), the equivalent amounts in the penal code have apparently not been adjusted for inflation. Article 310, for example, allows for paltry fines of IDR 4,500 (US$0.37) for both written and spoken libel.[82]

The MCI promised to revise the ITE Law by the end of 2015. However, the focus of this revision would reportedly be a single article on online defamation, reducing the maximum prison sentence from six to four years in prison. This would move the offense from the category of serious crime to regular crime, but would not decriminalize the offense or check the abuse of the law to suppress free speech.[83]

## Prosecutions and Detentions for Online Activities

By March 2015, the number of individuals sued under the ITE Law since 2008 had increased to 85.[84] At the end of 2014, that figure was 74, with 92 percent of cases filed for online defamation, 5 percent for blasphemy, and 1 percent for online threats. The number of prosecutions under the ITE Law almost doubled in 2014, with a total of 41 cases, up from 21 in 2013.[85] Recognizing the problematic elements of the law and the number of misguided charges filed, the new administration promised to revise the law by the end of 2015.[86]

Problematic sentences were also passed during the coverage period:

- In February 2014, Fadli Rahim, a government official in Gowa, South Sulawesi Province, was sentenced to eight months in prison for defaming Gowa's Regent, Ichsan Yasin Limpo, on LINE Messenger.[87]

- In March 2015, Florence Sihombing, a student in Yogyakarta, was sentenced to two months in prison for defaming the city of Yogyakarta in an August 2014 post on the social network Path. Observers took a screenshot of the message, which subsequently went viral, calling the city "stupid, poor and uncivilized."[88]

- In March 2015, Agus Slemet and Udin, NGO activists in Tegal, Central Java Province, were

81    Human Rights Watch, *Turning Critics Into Criminals,* May 4, 2010, http://www.hrw.org/node/90020/section/6.

82    "*Kitab Undang-Undang Hukum Pidana*" [Criminal Law], available at *Universitas Sam Ratulangi*, http://bit.ly/1KZOGuY.

83    Kementarian Komunikasi Dan Informatika, "Menkominfo Pastikan Revisi UU ITE Hanya Satu Pasal," August 5, 2015, http://bit.ly/1MecVaX.

84    "Protecting Freedom of Expression and Digital Rights: The Case Study of Indonesia," *Safe Net Voice,* March 30, 2015, http://safenetvoice.org/2015/03/protecting-freedom-of-expression-digital-rights-the-case-study-of-indonesia/.

85    Damar Juniarto, "Potret Kasus UU iTE 2008-2014," November 26, 2014, http://bit.ly/1RtKpCf.

86    "Revisi UTU ITE Dijanjikan Kelar pada 2015," *Kompas*, February 3, 2015, http://bit.ly/1PioH55.

87    Fadli Rahim, " VIDEO: Divonis 8 Bulan, Pengritik Bupati Gowa Menangis Dipelukan Ibunya," *Tribun Timur*, February 18, 2015, http://bit.ly/1VEO7th.

88    Terakhir Kali, "Menghina Melalui Media Sosial, Mahasiswi UGM Divonis 2 Bulan Penjara," *Voice of America*, March 31, 2015, http://bit.ly/1jNWyqp.

sentenced to five months in prison after posting a modified photo of Tegal Mayor Siti Mashita on Facebook.[89]

- In March 2015, Wisny Yetty, a housewife in Bandung, West Java, was sentenced to five months in prison for an allegedly "immoral" private message sent to a Facebook contact accusing her ex-husband of domestic violence. The message was reported by the ex-husband, who accessed her account without permission.[90]

In January 2015, Ervani Handayani, a housewife in Yogyakarta, was acquitted of defamation charges filed in response to her posting a complaint about her husband's supervisor on Facebook.[91]

## Surveillance, Privacy, and Anonymity

Mobile phone users are technically required to register their numbers with the government by text message when they buy a phone, though this obligation has been widely ignored in practice. Some telecommunications companies are known to have complied with law enforcement agencies' requests for data. In 2011, amid concerns that Blackberry's encrypted communication network would hinder antiterrorism and anticorruption efforts, the company reportedly cooperated with the authorities in isolated incidents, and agreed to establish a local server, though in Singapore, not in Indonesia.[92] The government introduced a regulation in 2012 requiring electronic system providers offering "public services" to build local data centers, and a draft regulation in 2014 laid out technical requirements for any entity offering "information technology-based services" to comply, but the definition of those entities, and the timing of the draft's passage and implementation, remain unclear.[93]

Under Article 40 of the Law No. 46/1999 on Post and Telecommunications, everyone is prohibited from intercepting information transmitted through any form of telecommunications channel.[94] Yet there are 10 laws, including the ITE law, and 7 executive regulations which allow certain government or law enforcement agencies to conduct surveillance, including electronic surveillance over citizens.[95] The agencies include the Indonesia Corruption Commission, the National Narcotic Board, National Intelligence Service, and others. However, the laws do not clearly explain the scope of interception, despite the fact that the Constitutional Court issued a decision in 2010 requiring that detailed interception procedures be regulated by law.[96] In addition, the legal framework lacks judicial or parliamentary oversight, and does not provide a remedy for possible abuse.

89    Laporan Johari, "Kesandung UU ITE, 2 Aktivis Divonis 5 Bulan Penjara," *Pantura News,* April 30, 2015, http://bit.ly/1RtKFBc.

90    "Dihukum 5 Bulan, Pelaku Curhat di Facebook Menangis," *Tempo,* March 31, 2015, http://bit.ly/1OlKBF9.

91    Enricko Lukman, "Ervani Handayani dinyatakan bebas dari jeratan UU ITE!" *Tech In Asia*, January 5, 2015, http://bit.ly/1ZbVFbu.

92    Arientha Primanita and Faisal Maliki Baskoro, "Pressure on BlackBerry Maker to Build Servers in Indonesia," *Jakarta Globe*, December 14, 2011, http://bit.ly/1Lk7iCY.

93    Linklaters, "Indonesia," http://bit.ly/1Meng2a; Regulation of the Government of the Republic of Indonesia, Number 82 of 2012 Concerning Electronic System and Transaction Operation, http://bit.ly/1L6lK2m;  "Indonesia May Force Web Giants to Build Local Data Centers," *Asia Sentinel*, January 17, 2014, http://bit.ly/1j3E0g0; Vanesha Manuturi and BAsten Gokkon, "Web Giants to Build Data Centers in Indonesia?" *Jakarta Globe*,  January 15, 2014, http://bit.ly/1VDExMJ; Anupam Chander and Uyên P. Lê, "Data Nationalism," *Emory Law Journal* 64, no. 3 (2015): 677-739, http://bit.ly/1jd7CgT.

94    See, Andylala Waluyo, "Pemerintah Selidiki Telkomsel dan Indosat Terkait Isu Penyadapan," *Voice of America*, February 19, 2014, http://bit.ly/1laudZg.

95    For a full list of the laws, see Supriyadi, W, "Komentar Atas Pengaturan Penyadapan Dalam Rancangan," KUHAP, ICJR, policy paper, April 2013, http://bit.ly/1fdXN7W.

96    An excerpt of the decision is available in English at, "Excerpt From Decision of the Constitutional Court of the Republic of Indonesia," 2010, http://bit.ly/1hqGcCf; For the full decision (in Bahasa Indonesia), see, Nomor 5/PUU-VIII/2010, http://bit.ly/1VDFggJ.

## Indonesia

In March 2015, reports based on information leaked by former U.S. National Security Agency (NSA) contractor Edward Snowden accused New Zealand of spying on digital communications in countries in the Pacific since 2009, including Indonesia going back to 2009.[97] Many political figures and Indonesian officials asked for an official explanation from the New Zealand government.[98] Separately, the same document alleged that SIM cards manufactured by the company Gemalto and used by telecommunication providers XL, Hutchinson 3, Telkomsel and Indosat were subject to surveillance by the NSA and the British intelligence agency GCHQ (Government Communication Headquarters). An official investigation found no supporting evidence of this claim.[99]

## Intimidation and Violence

There have been no reports of extralegal attacks, intimidation, or torture of bloggers or other internet users. In the past, police—and sometimes Islamic fundamentalist groups—have conducted unannounced searches of cybercafes that are perceived to be promoting immoral conduct;[100] no incidents were documented during the coverage period.

## Technical Attacks

Politically-motivated cyberattacks against civil society groups have not been reported in Indonesia. A cyberattack allegedly initiated by Philippine hackers defaced several Indonesian websites in April 2015 as a protest against the planned execution of a Philippine national convicted of drug trafficking. She was ultimately granted a reprieve.[101]

The Minister of Defence reported recruiting experts and purchasing digital defensive tools to protect Indonesia from cyberattacks in May 2015.[102]

97    Reuters, "Snowden Documents: New Zealand Spying On Pacific Neighbors And Indonesia," April 5, 2015, http://huff.to/1Nn2Nyc.

98    Mohammad Saifulloh, "Dubes Selandia aru Harus Jelaskan Skandal Penyadapan," *Okezone*, March 7, 2015, http://bit.ly/1RtLNow.

99    Yoga Hastyadi Widiartanto, " Kemenkominfo Ungkap Hasil Investigasi Penyadapan "SIM Card"," *Kompas*, March 17, 2015, http://bit.ly/1Megm1j.

100    "Shariah Police Arrest Five in Banda Aceh Punk Raid," *Jakarta Globe,* September 5, 2012*,* http://bit.ly/1LkaQVP; "Police Bust High School Students for Cutting Class in Favor of Facebook," *Jakarta Globe,* March 3, 2010, http://bit.ly/1Q7Crhf.

101    Aries Joseph Hegina, "Hackers deface Indonesian websites in support of Mary Jane Veloso," *Inquirer*, April 29, 2015, http://bit.ly/1bCPjx3.

102    "Pemerintah Siapkan Teknologi Canngih Hadapi Serangan Hacker," *Serambi Indonesia*, May 26, 2015, http://bit.ly/1OlggoG.