Indonesia

	2015	2016
Internet Freedom Status	Partly Free	Partly Free
Obstacles to Access (0-25)	11	11
Limits on Content (0-35)	12	14
Violations of User Rights (0-40)	19	19
TOTAL* (0-100)	42	44

* 0=most free, 100=least free

Population:	257.6 million
Internet Penetration 2015 (ITU):	22 percent
Social Media/ICT Apps Blocked:	Yes
Political/Social Content Blocked:	Yes
Bloggers/ICT Users Arrested:	Yes
Press Freedom 2016 Status:	Partly Free

Key Developments: June 2015 – May 2016

- ISPs blocked websites including Vimeo, Netflix, Imgur and Reddit under authority granted to them by a 2014 regulation banning "negative" content, while the government said it would automate filtering through a national domain name system (see **Blocking and Filtering**).

- The Ministry of Communication and Information warned over the top (OTT) providers of social media, communications, and other apps to censor negative content and caused the LINE messaging service to remove emojis supporting LGBTI rights (see **Content Removal**).

- In August 2016, a North Sumatran court sentenced Dodi Sutanto to 14 months in prison for defamation, based on a news report that appeared on his Facebook wall after a friend tagged him, about a local businessman's alleged corruption (see **Prosecutions and Detentions for Online Activities**).

Introduction

Internet freedom declined in 2016, as restrictions on "negative" content affected more websites without transparency or oversight.

The internet has challenged the dominant role of traditional media, and has gradually been accepted as a reliable source of information among Indonesians. With more than 100 million internet users, Indonesia could become the fourth largest online market by 2020, according to a 2016 study by Google and Temasek.[1] The impact of social media in the presidential election won by Joko Widodo in 2014 encouraged people to use web-based platforms for crowdsourced local election monitoring and other initiatives in 2015 and 2016. Citizens have used digital tools to respond to problems ranging from natural disasters to inequality. Campaigners in Bali and Java, among others, have successfully combined online and offline mobilization, bringing longstanding advocacy efforts to a wider online audience.

However, the internet's potential to facilitate change is undermined by increasing government control over online content on grounds of national security and morality. A 2014 decree issued by the Ministry of Communication and Information (MCI) allows internet service providers (ISPs) to block "negative" content at their own discretion, resulting in highly uneven and opaque censorship practices affecting entire platforms, including Vimeo, Netflix, Imgur and Reddit. Government officials also pressured social media and communications app providers to monitor and restrict content, in one case causing LINE to remove stickers depicting LGBTI themes from its online store.

Abuse of the defamation clause in the Information and Electronic Transactions (ITE) law continues to represent a serious threat to internet freedom. Often resulting in pre-trial detention, charges facilitate retaliation for online expression, even in cases that never make it to a court.

Obstacles to Access

While smartphone use is increasing, the total internet penetration in Indonesia remained under 30 percent. This low access rate is mainly due to the geographic conditions of the country, 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, which the International Telecommunication Union (ITU) estimated at 22 percent in 2015, up from 17 percent in 2014.[2] The Indonesia Association for Internet Providers (APJII) reported 88.1 million people online, with 52 million users accessing the internet from Java, compared to about 5.9 million users from Papua and Nusa Tenggara, Papua and Maluku combined.[3] This highlights the archipelago's uneven connectivity, which is partly due to inadequate infrastructure.

Interestingly, the APJII survey recorded that women accounted for 51 percent of the total number of

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1   Keusgen, Tony, "Indonesia, SE Asia's digital powerhouse," *The Jakarta Post*, September 8, 2016, http://bit.ly/2dhbgJa
2   International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," http://bit.ly/1cblxxY.
3   APJII, Center for Communication Studies University of Indonesia (Puskakom UI), research report (Bahasa Indonesian), http://bit.ly/1oBVCbn

people with internet access. Previously, in 2014, only 45 percent of women had access, according to the National Statistics Centre (BPS).[4] The internet is most popular among users under 25.[5]

The increase in internet penetration is especially due to the rapid expansion of mobile subscriptions. As in past years, fixed-line subscriptions continued to decline during this reporting period.[6] Most users access the internet through mobile phones (95 percent), while only 13 percent rely on personal computers, according to the APJII.[7] In 2014, the number of mobile subscriptions surpassed the to-tal population, reaching 129 percent penetration.[8] That number continued to increase during 2015, reaching 132 percent.[9] It's common for users to own multiple SIM cards and devices, as many shop around for better signal quality and lower connection prices.[10]

Affordable devices are available, and phones with Android operating systems start at US$30. Prepaid internet packages for smartphones range from US$0.50 a day to $2.50 a month. In urban areas, most shops and cafes provide free Wi-Fi, as do public libraries and schools.

In July 2015, activist Djali Gafur started an online petition calling on the MCI to review its regulation on telecommunication tariffs, in particular pricing for mobile internet access in Eastern Indonesia, which costs twice as much as in Java and Sumatera. Companies have said the high price is due to the relative lack of telecommunication infrastructure. Supported by 16,000 people online, the peti-tion prompted Telkomsel to review and reduce its prices for users in Eastern Indonesia. The MCI also responded, committing to issue a ministerial regulation for allocating Universal Service Obligation Funds to subsidize internet access for users in the eastern part of the country.[11]

Although access is available, there has been little progress in improving connection speeds, which averaged 3.0 Mbps in 2015, far below some Asia Pacific countries such as Singapore, Sri Lanka, and Malaysia, and below the global average of 5.1 Mbps.[12] In December 2015, the government launched faster 4G services, which are accessible from major telecom providers, including the three larg-est, Telkomsel, Indosat, and XL-Axiata, though poor network infrastructure makes service quality unreliable.

Restrictions on Connectivity

Internet infrastructure in Indonesia is decentralized, with several connections to the international internet.[13] The first internet exchange point, the Indonesia Internet Exchange, was created by APJII

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4   For BPS statistics, see http://bit.ly/1RhfidF

5   See http://bit.ly/1QrL5Wf

6   ITU recorded slightly decrease in the number of fixed-broadband subscription from 3,251,800 in 2013 to 3,009,185 in 2014, while fixed-line telephone subscription is decrease from 30,722,651 to 26,224,974 respectively; accessible at ITU statistics, http://bit.ly/1oyspxq and http://bit.ly/1OroLdU and

7   See, APJII and Puskakom UI, 2015, "Profil Pengguna Internet Indonesia 2014," 20.

8   The number of mobile subscriptions varies according to different sources. We Are Social cited a 125 percent penetration rate http://bit.ly/1XEROBW.

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

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

11   Nadine Freischlad, "Indonesians pressure the country's largest telco to lower data cost," *Tech in Asia,* July 28, 2015, https://www.techinasia.com/indonesians-pressure-countrys-largest-telco-data-costs.

12   Akamai, "State of the Internet," Q3 2015, http://bit.ly/1oZfvZY.

13   Citizen Lab, "IGF 2013: An Overview of Indonesian Internet Infrastructure and Governance (Part 1 of 4)," October 25, 2013, https://citizenlab.org/2013/10/igf-2013-an-overview-of-indonesian-internet-infrastructure-and-governance/.

to allow member ISPs to interconnect domestically;[14] since 2011 the service has been extended to non-members.[15] Another independent internet exchange point, Open IXP, launched in 2005.[16]

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.[17] 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.[18] Since 1998, the government has issued plans for developing backbone fiber-optic infrastructure called the Palapa Ring Project, comprised of seven small rings of backbone connecting 33 provinces and 460 regencies.[19] However, as the project completely depends on private investment, it risks prioritizing connectivity based on an area's potential market value. The initiative faced difficulties due to lack of investment until 2013, but broke ground with the development of the Moluccan Ring cable system to connect Papua and other parts of Eastern Indonesia with the existing broadband network.[20] As part of the Moluccan Ring program, Telkomsel launched the Sulawesi Maluku Papua Cable System (SMPCS) in 2015, an undersea fiber-optic cable which aims to provide access to 34 million users, connecting 8 provinces and 34 regencies in the east, areas formerly served only by satellite connections with limited bandwidth.[21] Government and business interests agreed to move ahead with the Central and West Ring package in March 2016.[22]

Most base transceiver stations (BTS) which facilitate mobile 3G internet connections are built by private providers, who determine the number and location based on the market. Most BTS are owned by the biggest three telecom companies. Telkomsel reported having 103,000 BTS across the country in 2015, with plans to add 13,000 more in 2016.[23] Telkomsel was followed by XL with 52,000 BTS, and Indosat with 40,756.[24]

The MCI has prioritized the development of telecommunication infrastructure since 2010, establishing 5,956 PLIK, or subdistrict internet service providers, 709 regencies with Wi-Fi connections, and 33 184 *desa berdering* villages with internet connections.

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14   Alam, Johar, "Indonesia Internet Exchange," http://www.iix.net.id/library/Iix_history.pdf.

15   See, http://inet.detik.com/read/2011/12/15/155758/1792092/328/indonesia-internet-exchange-membuka-diri.

16   Robbie Mitchell, "IDSeries: An Open exchange: history of Indonesia's IXP, APNIC, August 26, 2015, https://blog.apnic.net/2015/08/26/an-open-exchange-history-of-indonesias-ixp/

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

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

19   Ministry of Communication and Information, http://bit.ly/2eP5765

20   Ardhi Suryadhi, "Tifatul Resmikan Pembangunan Palapa Ring Indonesia Timur," detik inet, May 28, 2013, http://bit.ly/1eiA9qE. See, Kementrian Komunikasi dan Informasi, "Palapa Ring Percepat Pembangunan KTI," May 13, 2015, http://bit.ly/1laI8Pc.

21   Lintas Teknologi Indonesia, "Jokowi Resmikan Kabel Optik Bawah Laut Sulawesi-Maluku-Papua Rp 3,6 Triliun, "http://bit.ly/1mU7eoz; "The President of the Republic of Indonesia inaugurates the Sulawesi Maluku Papua Cable System (SMPCS)," press release, *Jakarta Globe,* http://jakartaglobe.beritasatu.com/press-release/president-republic-indonesia-inaugurates-sulawesi-maluku-papua-cable-system-smpcs/.

22   The central ring developed by Len Telekomunikasi Indonesia will connect Kalimantan, Sulawesi and North Molluca via a 2700 km undersea fiber optic cable. The west package developed by Mora Telematika Indonesia will connect Riau, Riau Island and Natuna via a 2000 km undersea fiber optic cable. See, "Palapa Ring undersea cable projects to start this year," *The Jakarta Post*, March 8, 2016, http://bit.ly/1RAQvBR

23   Telkomsel, http://bit.ly/2e4efSY,

24   Achmad Rouzni Noor, Indosat Salip XL, Juaranya masih Telkomsel, Detikinet, June 17, 2015, http://bit.ly/2efxn0Y. The number of BTS has doubled in the last three years. See, "Data Statistik Direktorat Jenderal Sumber daya Pos dan Telekomunikasi," Semester I, 2013, http://bit.ly/2dm3UmB, 52-54.

ICT Market

Internet and mobile service is generally provided by large telecom companies. While there are about 340 ISPs in operation, ten major providers dominate the market, and three of them, Telkomsel, Indosat, and XL-Axiata, serve almost 85 percent of the mobile market.[25] Telkomsel and Indosat are 51 percent and 14 percent state-owned, respectively.[26] In the third quarter of 2015, Telkomsel reported gains of IDR 16.5 billion (US$ 1.2 million) in net revenue, retaining its position as the largest telecom company. It was also the first company to launch 4G-LTE services commercially.[27]

In 2014, the Internet Defender Front (FPI) and APJII filed a request for a constitutional review of the Law on Post and Telecommunication due to the high cost it prescribes for an ISP license.[28] In March 2015, the Indonesian Constitutional Court rejected the claim and upheld the existing law.[29] However, APJII continues its campaign to revise the law, including calls for parliament to review it.[30] Commission XI of the House of Representatives, which oversees finance, proposed an amendment as part of the 2015-2019 national legislative program in February 2015, before the Constitutional Court's judgement.[31] While it was listed in position 31 in terms of legislative priorities for 2016, deliberation had yet to take place by mid-year.

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.[32] Although this practice is common and in line with regulations, and the charge was opposed by both the MCI and the APJII, IM2 was accused of avoiding a private tax rate on the frequency, causing state losses of IDR 1.3 trillion (US$134 million). A court sentenced IM2's CEO Indar Atmanto to four years in prison,[33] increased to eight on appeal.[34] Judicial review had not overturned that judgement by mid-2016, and the case set a troubling precedent for others in the telecommunications industry. An APJII representative has estimated that about 200 ISPs in the country operate under the same business cooperation agreements.[35]

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.

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25   Redwing, "The Structure of Indonesia's ISP Industry," http://bit.ly/1oZpBtF; Indonesia Investments, "Telecommunications in Indonesia: Telkom, Indosat & XL Axiata," April 20, 2015, http://www.indonesia-investments.com/business/business-columns/telecommunications-in-indonesia-telkom-indosat-xl-axiata/item5480.

26   Citizen Lab, "IGF 2013: An Overview of Indonesian Internet Infrastructure and Governance (Part 1 of 4)," October 25, 2013, https://citizenlab.org/2013/10/igf-2013-an-overview-of-indonesian-internet-infrastructure-and-governance/.

27   See, http://bit.ly/1QyR7KZ

28   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.

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

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

31   "Amendment to Law No. 20," February 2, 2015, http://bit.ly/1OusEFU.

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

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

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

35   Aditya Panji, "BRTI: 'Kiamat Internet' di depan mata, Kompas tekno," http://bit.ly/29MWeb0.

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,[36] 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.[37] 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,[38] and its effectiveness remains challenged.[39]

Limits on Content

During the period covered by this report, the Ministry of Communication and Information said it was strengthening the government's powers to block "negative" content online by requiring ISPs to route traffic through a national domain name system, though sites and platforms continued to be blocked in an arbitrary and inconsistent manner by individual service providers. The ministry also urged companies providing over-the-top (OTT) services like communication apps or media streaming services to censor content, singling out LGBTI stickers offered in the LINE messenger online store, which the company withdrew at the ministry's request. Digital activists attracted attention to social and political causes, and achieved some notable successes.

Blocking and Filtering

Internet censorship has been undergoing some procedural changes in the past two years. Overbroad restrictions on pornography and other content perceived as negative have long affected legitimate websites. The government has generally signaled which sites ISPs should block by including them in a database known as Trust+ or Trust Positive. In 2014, a decree detailing the blocking process allowed under the ITE law gave ISPs leeway to assess and block sites over and above those listed by Trust Positive. Transparency and avenues for appeal were reduced as a result, and in 2015 and 2016, several information-sharing platforms were entirely blocked by one or more ISP, affecting thousands of users based on subjective perceptions that a few had infringed the law.

At the same time, in a meeting with ISPs in March 2015, the MCI announced it was developing a national domain name system (DNS) to automate the blocking process.[40] A domain name system translates a web address or URL into an IP address pointing to a server which returns the requested content. If all Indonesian ISPs route traffic through a national DNS, instead of using the standard international DNS, then control of website blocking could pass from the ISPs to the national DNS. If the national DNS blocked the existing database of sites in Trust Positive, the ISPs would automatically reflect the same censorship. In May 2015, news reports citing ministry officials said that four ISPs

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36   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.

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

38   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.

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

40   Dyta, "Kominfo Finalisasi DNS Nasional," accessible at http://bit.ly/29XjqTM and http://bit.ly/2a9BCuu.

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were piloting a national DNS, affecting 75 percent of internet traffic in Indonesia, though without providing further detail.[41] However, blocking continued to be implemented unevenly by different providers through mid-2016.

The governmnt's 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.[42] In general, blocking in Indonesia has targeted websites hosting pornographic content, gambling, and religious radicalism as part of the government's counter-terrorism policy. In 2015, the MCI reported 766,394 sites blocked, mostly due to pornographic content (753,497), gambling (1164), fraud and illegal trading (452) and content promoting radicalism. In the same year, the MCI also unblocked 248 websites.[43]

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, which can affect websites serving the LGBTI community among other categories of information.[44]

In 2014, the MCI issued a decree titled Permenkominfo 19/2014, a technical regulation for implementing the ITE law. However, instead of clarifying the scope of prohibited content, the regulation added confusion by introducing the new technical term "negative content," defined as content involving pornography and other activities considered illegal under existing laws. No further limits are placed on this broad category. The regulation also detailed procedures for the public to report negative content online or via email.

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. Operational since 2010, Trust Positive is a filtering application managed directly by the ministerial office, with a database of continuously updated websites.[45] 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. However, while all ISPs refer to Trust Positive, each can also employ different software for blocking and create independent databases. As a result, content restrictions are inconsistent, creating uncertainty for users seeking redress when content is wrongfully blocked.

The 2014 decree compounded that uncertainty by providing a legal basis for any third party to independently block websites.[46] According to Article 7 of the decree, "[members of] society can participate in providing blocking facilities" which contain "at least" sites listed in the Trust Positive database.[47] This has increased the practice of arbitrary blocking, since it does not prevent ISPs from blocking more sites without oversight.

Several information-sharing platforms were blocked by ISPs taking their own initiative during the

41   Reska, N, Nistanto, "DNS Nasional untuk Blokir Pornografi Sedang Diuji Coba," *Kompas,* http://bit.ly/1LkcDw7
42   Law No. 11/2008, Article 40.
43   See http://bit.ly/1PViOYA
44   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.
45   Trust Positif, website, http://trustpositif.kominfo.go.id/.
46   Article 7(1), "Permenkominfo 19/2014," http://bit.ly/UZlkY5.
47   Article 7(1), "Permenkominfo 19/2014," http://bit.ly/UZlkY5.

coverage period of this report. At least one service provider had blocked Reddit and Imgur in January 2016, even though neither site is in the Trust Positive database.[48] On January 26, 2016, Netflix users reported through social media that the website was inaccessible. One day later, Telkomsel officially announced it was blocking Netflix on grounds that the company had failed to comply with national legislation on multimedia content accessible to Indonesian audiences. In its press statement, Telkom said the measure would protect its users from violent and pornographic scenes prohibited by law.[49] The MCI supported Telkom's action, but for different reasons, saying that Netflix had not complied with a law requiring foreign companies operating in Indonesia to establish a local entity (see Surveillance, Privacy and Anonymity). As of mid-2016, the MCI has not yet issued a clear decision on Netflix. While it was not officially blocked, the MCI has not interfered to prevent private companies from blocking it.

Shortly after the controversial Netflix case, MCI announced that it had issued an instruction to introduce Tumblr into the Trust Positive database, on the grounds that the social networking platform was hosting pornographic content. Internet users protested the decision (see Digital Activism). Under mounting public pressure, MCI released a clarification statement (17/2), saying that the instruction had yet to be officially issued, pending consultation with Tumblr.[50] In mid-2016, the site was still accessible.

In 2014, a group of NGOs submitted a request to the Supreme Court to review the constitutionality of the ministerial regulation, but the court refused to consider it while a separate case was being decided. The NGOs characterized digital content as a nontangible object, and argued that disrupting access to it amounted to confiscation under the criminal procedural code. The article on confiscation was facing a concurrent challenge before the constitutional court.[51] While that issue was resolved in April 2015, a constitutional review of the blocking rules had yet to be undertaken in mid-2016.

Responding to public criticism regarding the lack of accountability of the blocking mechanism, the MCI established four panels representing various digital stakeholders, including NGOs and private entities.[52] The four panels cover pornography, child abuse, and internet security; terrorism and ethnic, race and religion (SARA); illegal investment, fraud, gambling and food and medicines; and intellectual property rights. The panels are ad hoc in nature, and function to provide recommendations regarding requests to block or unblock content, either from individuals or groups within society, or from government agencies.[53] Although they do not have executive power, their advice has influenced MCI decisions. For example, in January 2016, MCI blocked nine websites for promoting radicalism and religious violence based on a recommendation put forward by the panel on terrorism.[54]

The establishment of the panels got mixed reactions. Some NGOs saw them as an opportunity to

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48   In a test conducted on January 28, 2016, found Telkomsel blocked both sites; they were accessible through First Media. Both had been patchily accessible since 2014, when Vimeo was also reported blocked.

49   Law No. 33/2009, http://bit.ly/1VrnObk, requires movies screened for Indonesian audiences to pass though a censorship procedure.

50   KOMINFO, "Klarifikasi Kemkominfo mengenai Rencana Pemblokiran Situs Tumblr," February 17, 2016, http://bit.ly/1OtGwZZ

51   For the decision, see http://bit.ly/29OrPon.

52   See on the establishment of the panel http://bit.ly/1Oj1ElH; on panel decision which lead to blocking: http://bit.ly/2129igX.

53   Under Article 5 of the decree, members of society and government agencies can submit blocking requests to the MCI Directorate General.

54   Koran Tempo, "Kominfo Blokir lagi 9 Situs Radikal," ini daftarnya, January 28, 2016, http://bit.ly/1V6oQvM.

improve the process. Others, such as the ICJR, believe the existence of such panels lends legitimacy to a fundamentally unconstitutional blocking procedure.[55]

Though it makes up the smallest percentage of content affected by blocking, religious websites were the focus of public attention in 2015 and 2016. In March 2015, MCI blocked 22 websites reported to promote radicalism after a request was submitted by the National Body on Counterterrorism (BNPT).[56] The blocking prompted widespread debate; ultimately under public pressure, MCI un-blocked 12 of the listed sites.[57] Shortly after a terrorist attack in the shopping and entertainment district on Thamrin street, Jakarta, on January 14, 2016, the MCI blocked 34 more websites on the grounds that they were promoting radical content supporting the attack. Some Twitter accounts and YouTube videos sending similar messages were also reported to have been blocked.[58]

Content Removal

Administrative requests to delete or take down content were less common in the past than blocking. However, as the MCI moved to strengthen control over companies providing "over-the-top" (OTT) services, administrative requests have been used to require companies to self-censor. OTT includes social media and communication apps, as well as other providers of apps that rely on an internet connection.

In February 2016, stickers displayed in the LINE messaging service app store spurred a debate on LGBTI rights in Indonesia.[59] The stickers, elaborate emojis depicting LGBTI themes, were criticized for overtly promoting same-sex relationships in Indonesia. After public complaints, the MCI brought the case to a multistakeholder advisory panel to determine whether the stickers should be subjected to blocking and filtering.[60] Ultimately, LINE filtered the stickers at the MCI's request.[61]

Also in February, the MCI invited other OTT companies such as Facebook, Blackberry, WhatsApp, and Twitter for a consultation, calling for them to be more proactive in censoring negative content on their services.[62] Representatives of the companies agreed to do so in accordance with local laws, according to news reports.[63]

In March 2016, the MCI issued a circular letter warning OTT providers to filter content which does not comply with Indonesian laws and regulations.[64] The warning targeted providers of games, videos, music, animation, images, and other forms of content available via streaming and download, and

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55   ICJR, "Unlawful Blocking Action on LGBT website should be stopped," August 3, 2016, http://bit.ly/1OyxNwK.

56   BNPT letter no 149/K.BNPT/3/2015 requested blocking of 22 websites. See Dewi Widyaningrum, 'Kominfo blokir 22 Situs yang dianggap radikal," http://bit.ly/1KGoaKK.

57   Widiartanto, Y, 'Kominfo Kemenkominfo Buka Blokir 12 dari 19 Situs "Radikal", *Kompas*, http://bit.ly/1KGpkpy.

58   In addition, MCI claimed to have blocked 78 videos uploaded to YouTube for promoting support for ISIS since 2015, though blocking URLs is ineffective on encrypted connections using https. Officials did not clarify if the content was created or uploaded in Indonesia. See, *Majalah ICT* 41, January 2016, 20-22, http://bit.ly/21bRfF1.

59   Associated Press, "Indonesia bans gay emoji and stickers from messaging apps," *The Guardian*, http://bit.ly/240h1uO.

60   See http://bit.ly/1RPDzcQ

61   See http://bit.ly/210nqaq also http://bbc.in/1R9dJhP

62   see http://bit.ly/1oA9geG

63   "Twitter, Line, dan Blackberry siap lakukan sensor mandiri," *Tempo*, February 18, 2016, http://bit.ly/1R5cRb1.

64   MCI Circular letter no 3/2016, Point 5.5, http://bit.ly/2dhCS0x.

said providers must establish domestic business entities and allow legal interception for law enforce-ment purposes.[65] Officials said further, binding regulations would follow.[66]

Media, Diversity, and Content Manipulation

Media freedom has been improving since the beginning of the political transition in 1998, and since then, interference from state agencies has significantly declined. However, while traditional printed media is perceived to have better protection under the press law, online media face substantial chal-lenges with the enforcement of ITE Law, particularly the threat of criminal sanctions in reprisal for information posted online.

One of the most popular online media outlets in Atjeh, *Atjeh Post*, announced its voluntary closure in early 2015. Atjeh police had been investigating a defamation charge filed by the office of the Atjeh Governor against the editor, prompting speculation that the closure was related. An attempt by the Press Council to bring the case into its dispute mechanism failed, in part due to the complexity of the case, and the perception that the website was operating with a political agenda. Nevertheless, the Council denounced the use of criminal sanctions against a media outlet.[67] In August 2016, the case was settled, and charges against the editor were dropped after he issued a public apology in local media.[68]

There is no precise account of the numbers of journalists facing criminal sanctions under the ITE law, but some incidents suggest an increase in defamation charges targeting online journalists, driven by the rapidly expanding online news market. At the local level many online news outlets have become the extension of certain political parties, hampering their credibility, and increasing the possibility of retaliatory criminal charges under the ITE Law, which does not affect their print and broadcast coun-terparts. The quality of these outlets varies widely, and less than 10 percent are registered with the Press Council, which is less likely to intervene to defend them in criminal cases as a result.[69] Of the 1,586 media outlets recorded in the Press Council national media database in 2015, only 68 operated online,[70] in part because many online operations fall short of official requirements for establishing a media company, such as a legal entity like a limited liability company, a cooperative or a foundation.

Indonesia has enjoyed a thriving blogosphere since around 1999. The rapid increase of a tech-savvy urban middle class, fervent users of social media and communication apps, has fueled a diversity of applications and platforms. YouTube, Facebook, Twitter and international blog-hosting services are freely available. Local blog and website-hosting services are either free or inexpensive. Tools to circumvent censorship are subject to some blocking, though in practice some remain accessible.[71] In

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65   KK Advocates, "Guidance For Ott Service Providers In Indonesia Is Finally Issued," April 11, 2016, http://www.kk-advocates.com/site/guidance-for-ott-service-providers-in-indonesia-is-finally-issued/.

66   Anton Hermansyah, "Govt calls on foreign OTT content providers to obey law," *The Jakarta Post,* April 1, 2016, http://www.thejakartapost.com/news/2016/04/01/govt-calls-on-foreign-ott-content-providers-to-obey-law.html;

67   Interview with press council member Nezar Patria, February 26, 2016.

68   Information based on a mediation agreement on August 2, 2016. Nurlis published an apology in Atjeh media outlet Serambi Indonesia on August 3. For coverage of the apology, see *Kanalaceh*, http://bit.ly/2dd8YIF; Atjeh Jaringan National Network (AJNN), http://bit.ly/2dHC1Fe.

69   Interview with press council member Nezar Patria, February 26, 2016.

70   Dewan Pers, 2015, "Data Pers National 2015," http://bit.ly/2adDIWU.

71   Ronald J. Deibert et al., "Indonesia," in *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*, (Massachusetts Institute of Technology, 2012).

one 2013 test, they were "heavily filtered on Telkmonet's IGF network while generally available on the other two networks."[72]

For sensitive issues such as corruption, social media have proven to be an important alternative source of information. However, the rapid increase in social media use and influence in public issues has brought new challenges regarding the manipulation of content. As anonymous and pseudonymous accounts are not prohibited on microblogging platforms such as Twitter, these accounts often circulate controversial information, rumors, and even blackmail threats against prominent figures, particularly during the presidential election in 2014.

Digital Activism

With urban middle class expanding, digital activism has become a popular form of organizing support for social and political change. In 2015, the crowdsourcing initiative *kawalpilkada* helped to promote fair regional elections held nationwide on December 9, tallying votes and voter registration data in 57 regencies.[73]

Digital activism has proven to be an effective means of supporting offline mobilization. Recent examples include the #savekpk movement, which combined online and offline campaigning in defense of the Corruption Eradication Commission, known by its acronym KPK. Police had launched criminal investigations against three KPK chairmen for offences including orchestrating witness statements, apparently in reprisal for a corruption investigation that named high level officers in the National Police. An online petition called for the police chief's dismissal in July 2015;[74] in September he was transferred to lead an anti-drug agency.[75]

Conservationists increasingly take advantage of online tools. Digital activists supported a local community in central Java protesting against a PT Semen Indonesia cement plant in the groundwater basin Watuputih area, culminating in a protest by nine women who cemented their feet outside the presidential palace in Jakarta in April 2016. President Joko Widodo subsequently commissioned a study of the plant's environmental impact. Advocacy around the issue has been ongoing in various forms since 2010, but intensified in the past two years when the hashtag #savekendeng helped bring the case to national attention.[76]

The *Bali Tolak Reklamasi* or ForBALI campaign followed a similar trajectory.[77] The longstanding advocacy movement by civil society organizations in Bali has opposed a huge development project

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72   Citizen Lab, "IGF 2013: Analyzing Content Controls in Indonesia (Part 2 of 4)," October 25, 2013, https://citizenlab.org/2013/10/igf-2013-analyzing-content-controls-indonesia/.

73   Website is accessible at http://bit.ly/21lvfrl. Collaboration between Code4Nation, Turun Tangan, Perludem, and Data Science Indonesia (DSI), and Indonesia Corruption Watch (ICW). There are about 300 volunteers registered through their online registration system, and about 150 volunteers from the 'turun tangan' a crowd-source initiative sending people See http://bit.ly/1LF7z7U

74   "Indonesia's Police Overstep in Anti-KPK Campaign," *Asia Sentinel,* July 17, 2015, http://www.asiasentinel.com/politics/indonesia-police-overstep-anti-kpk-campaign/

75   "Budi Waseso Appointed as BNN Chief," *Tempo,* September 8, 2015, http://en.tempo.co/read/news/2015/09/08/055698733/Budi-Waseso-Appointed-as-BNN-Chief.

76   "Cemented female protestors continue to fight against cement plants," *The Jakarta Post*, April 14, 2016, http://bit.ly/1W4aUn7

77   Bali tolak Reklamasi, see http://bit.ly/2djnEWn

planned for land reclaimed from Benoa Bay for more than four years.[78] Online support has grown since around 2014, attracting national and international attention and empowering further community mobilization against the development, which has caused the bay's protected status as a conservation area to be revoked.[79]

Activists have also used online petitions to promote internet freedom, with several successes during the coverage period of this report. A July 2015 online petition resulted in more affordable mobile data service in Eastern Indonesia (see Availability and Ease of Access). In October, internet user Ad-lun Fikri was released from police custody after a social media campaign with the hashtag #saveadlunfiqri, and an online petition with nearly 2,000 signatures. He was arrested for sharing an online video alleging misconduct by traffic police (see Prosecutions and Detentions for Online Activity). And in February 2016, netizens mobilized to fight the MCI's decision to block Tumblr under the hashtags #BloggerMelawan, #TolakBlokirTumblr, #savetumblr, and an online petition signed by more than 13,000 people;[80] the ministry ultimately backtracked (see Blocking and Filtering).

In August 2015, hackathon@istana, which included the government and the IT industry, was organized to address pressing social issues through innovation. The initiative launched a number of software solutions and applications in the public interest, such as tools to monitor the allocation of state funds. Another hackathon@istana was organized in December, extending outreach to the Indonesian diaspora in Malaysia, Australia, Japan, and Singapore.[81]

Violations of User Rights

Prosecutions under the ITE Law, often to intimidate and to silence critics, continued with high profile cases drawing widespread public outrage. People frequently use the law for their own agenda, misguidedly mixing public and private digital space. A promised revision to the ITE Law had yet to materialize in mid-2016. Without proper training for Indonesian law enforcement and the judiciary, prosecutions are likely to continue to serve as retaliation for online speech.

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.[82] The constitution also includes the right to privacy and the right to obtain information and communicate freely.[83] These

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78   Jewel Topsfield and Amilia Rosa, "$3 billion islands project for Bali's Benoa Bay has locals up in arms," *Sydney Morning Herald,* February 29, 2016, http://www.smh.com.au/world/3-billion-islands-project-for-balis-benoa-bay-has-locals-up-in-arms-20160228-gn5m1p.html

79   Johnny Langenheim, "Battle for Bali: campaigners fight back against unchecked development," *The Guardian,* October 22, 2014, https://www.theguardian.com/environment/the-coral-triangle/2014/oct/22/battle-for-bali-campaigners-fight-back-against-unchecked-development

80   https://www.change.org/p/menkominfo-rudiantara-id-kita-tolak-pemblokiran-tumblr

81   On hackathon@istana, the history and its current development, see, Merdeka dengan Kode (MDK), accessible at http://bit.ly/1hNatLH

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

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

rights are further protected by various laws and regulations.[84] Indonesia also ratified the International Covenant on Civil and Political Rights (ICCPR) in 2005.[85]

However, the wording of the amended constitution also introduced limitations by which state can limit rights based on political, security, morality, and religious considerations.[86] This provides broad space for interpretation by policymakers.[87]

Other laws passed since then have infringed on user rights, despite legal experts' opinions that they conflict with the constitution.[88] The anti-pornography law introduced in 2008 contains a definition of pornography which can be loosely interpreted to ban art and cultural expression perceived as explicit.[89] 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.[90] Some civil society groups challenged this law in the Constitutional Court, which rejected their petition in 2012.[91] This framework provides authorities with a range of powers to penalize internet users, even though not all are regularly implemented.

Provisions of the 2008 ITE law have been used repeatedly to prosecute Indonesians for online expression. 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 of the ITE law can extend up 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.[92] 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.[93]

In 2016, an amendment to the ITE Law, supposedly to curb excessive prosecution of online speech, was under discussion in the House of Representatives. Three amendments would reduce the maxi-

84   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."

85   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.

86   Art 28 (J) of 1945 Constitution, as amended in 2000, "In exercising his/her right and freedom, every person must submit to the restrictions stipulated in laws and regulations with the sole purpose to guarantee the recognition of and the respect for other persons' rights and freedom and to fulfill fair demand in accordance with the considerations of morality, religious values, security, and public order in a democratic society" retrieved on 2,February, 2016 from http://bit.ly/2dmpFAa

87   The interpretation has initially established by the constitutional court in 2009, which generally affirmed that all set of human rights are subjected to limitation as far as the limitation is provided by the law, in in particular to prevent any form of power abuse by power holders. see http://bit.ly/2cKuKPU, However, as no limitation is set for interpreting public morals and religious values. A number of decision issued by the Court such as in the review of Law on Intelligent, see http://bit.ly/2d5vOyO and pornography law, see http://bit.ly/2cJLgVf   did not further elaborate unexhausted list and therefore left for interpretation.

88   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.

89   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.

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

91   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.

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

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

mum prison terms from six years to four years; adjust the wording of the law in line with the criminal code; and require a complaint to be filed before police can investigate violations. In its current form, the law allows police to initiate investigations independent of any report from a victim.[94] Revisions to the amendment, initially scheduled for completion in July, were ongoing in late 2016.[95]

Prosecutions and Detentions for Online Activities

Safenet, the regional freedom of expression network, recorded nine new charges under the ITE Law involving online expression in January and February 2016, and a total of 144 ongoing cases.[96] The Jakarta-based Institute for Policy Research and Advocacy (ELSAM) recorded 50 criminal cases in 2015 alone.[97] As most cases are tried at the district court level, it is believed that the numbers could be higher.

In many cases, the accusation of online defamation was followed by pre-trial detention, which can extend up to 110 days, according to the criminal procedural code,. Although this detention should only be implemented in in cases where there is strong potential for the suspect to eliminate evidence or flee the jurisdiction, many suspects accused of defamation online were detained soon after the report was lodged with police, meaning the charges functioned as a retaliatory measure, whether or not they had any merit.

One case from North Maluku province exemplified this trend. On September 26, 2015, Adlun Fikri posted a video online that he said documented misconduct by traffic police. The video was widely viewed, and on September 28, police arrested him for defamation under the ITE law.[98] Netizens supported him on social media with the hashtag #saveadlunfiqri, and an online petition with nearly 2,000 signatures.[99] He was released after six days, a result which observers said was the result of public attention paid to the case.

In one particularly troubling case from 2016, the defamation clause was extended to apply to Facebook users whose privacy settings allow content tagged by third parties under their name to appear on their timeline. In August, a court in Medan, the capital of North Sumatra province, sentenced Dodi Sutanto to 14 months in prison and fine of IDR 5 million (US$380) after a friend tagged a news report with his name, essentially disseminating it to Dodi's connections.[100] The report detailed corruption allegations against Anif Shah, a local businessman, who filed the defamation charge on grounds that people could access the report from Dodi's Facebook page. Local news reports said that other who shared or were tagged in the post were named as suspects and that their cases were ongoing. The prosecutor in Dodi's case had called for a sentence of two years in prison.[101]

As criminal charges under the ITE Law have steadily increased, the geographical spread of individuals

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94   See, Achmad Rouzni Noor, II, Pembahasan Revisi RUU ITE terus di geber, 20/4/2016, detikinet, detik.com, accessible at http://bit.ly/1U1gjtp

95   http://www.thejakartapost.com/news/2016/08/03/house-sets-different-target-for-ite-law-revision.html

96   see, Safenet, Daftar kasus Netizen Indonesia yang terjerat UU ITE, accessible at http://bit.ly/2avQWxW

97   Pusat informasi dan dokumentasi ELSAM, Data kriminalisasi UU ITE 2008 – 2016, no online version is available

98   For chronology of the case, see, Fajar Pratama, *Kronologi Drama Adlun Videokan Polantas Terima Uang Hingga Dipidana*, Detik.com, accessible at http://bit.ly/29UQtW0

99   The online petition was made by Munadi Kilkoda from Ternate, on 2 October 2015, see http://chn.ge/2a1FCvc

100   see News Desk, *Medan man gets 14 months' imprisonment for Facebook tag*, Jakarta Post, accessible at http://bit.ly/2dGQC4w

101   as contained in the court proceeding; prosecution note submitted and was delivered before the trial by the prosecutor office on 25th of July 2016, p33

exploiting the article for repercussion against other individuals is alarming. The number of cases reported corelates with the rate of internet penetration in the region—in other words, the more internet users there are, the more criminal cases filed against them.

While defamation charges have long been used by public officials to punish criticism, since 2014 more cases have involved personal defamatory statements. The case of Ervani E, a Yogyakarta housewife, attracted attention from netizens across the country in 2014; she was ultimately acquited of charges filed in response to a complaint she posted about her husband's former workplace on Facebook.[102] The scope of the defamatory statements subject to penalty expanded in 2015 so that members of any particular community or group can exploit the law to retaliate against any expression on the group's behalf. In March, Florence Sihombing was sentenced to two months in prison for offending the city of Yogyakarta.[103]

The clause is also periodically used to prosecute alleged religious defamation. In March 2015, Nando Irwansyah Ma'ali, an internet user in Bali, was reported to the police for religious defamation online by a local organization, Cakrawayu and Pusat Koordinasi Hindu Indonesia (Puskor Hindunesia).[104] The case was triggered by a Facebook status complaining about the disruption of a few services due to the observance of the Hindu day of silence, or Nyepi.[105]

In October 2015, the Indonesia's national police chief issued a circular letter warning citizens not to commit hate speech online or offline, including defamation and expressions considered to incite hatred against religion or belief.[106] In mid-2015, the national police reported monitoring and investigating 180,000 social media account holders for posting alleged hate speech.[107]

Surveillance, Privacy, and Anonymity

Anonymity and pseudonymous activity in cyberspace are not formally prohibited by law. However, they engendered huge public debate in 2015, particularly after the national police cybercrime units prosecuted some social media account holders for using pseudonyms to conduct blackmail.[108]

Mobile phone users are technically required to register their numbers with the government by text message when they buy a phone since the MCI introduced the requirement in 2005. In the past, this obligation was widely ignored, but in 2014, under the pretext of combatting criminal activity orches-

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102   Ervani, a housewive in Bantul, Yogaykarta was reported to the police for her facebook status by Emy Handayani, who accused her for public humiliation online. Ervani wrote on her disappointment of her husband, Alfa Janto 's dismissal from Jollie Jewellery, a company where Emy works as Alfa's supervisor and was belief that Evi's childish character was behind the dismissal. Because of her status Emmy was sent for months at the pre-trial detention. The detention was criticised as an exaggerated action by the police and was suspected as a fishy case.

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

104   a complaint made by one of local organisation to the police against Nando, a teenager complaining the disruption of electricity service due to Nyepi. Based on this, the Provincial Police (Polda) launched criminal investigation against him under the ITE law on the allegation of religious defamation. However, no update is available as to whether the case was finally send to the court and the person is criminally charged under the ITE Law, see http://bit.ly/29QOcyJ also http://bit.ly/29WTA0N

105   Gede Nadi Jaya, Polda Bali Usut kasus Nando hujat perayaan Nyepi di Facebook, merdeka.com, accessible at http://bit.ly/29QOcyJ also http://bit.ly/29V5hbp

106   Detail Circular letter accessible at http://bit.ly/1TmQzak

107   See, Luqman Rimadi, Kapolri: 180 Ribu Akun Medsos Terdeteksi Sebarkan Hate Speech, Liputan enam, 4/11/2015, accessible at http://bit.ly/24YFq3w

108   See, Kompas, 22/4/2015, 'Edi Administrator Akun @triomacan2000 Divonis 1,5 Tahun Penjara', accessible at http://bit.ly/20XZEGS

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trated using mobile phones, the ministry increased pressure on providers to register their custom-ers.[109] In September 2015, BRTI issued a circular letter to telecommunication providers outlining new procedures for registering pay-as-you-go as well as post-paid customers. [110]

A government regulaton on telecommunications operations issued in 2000 requires telecommunica-tions providers to retain records of customer usage for at least three months.[111] Some telecommuni-cations 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 inci-dents, and agreed to establish a local server, though in Singapore, not in Indonesia.[112] The govern-ment 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.[113] In March 2016, an MCI circular letter instructed providers of over-the-top (OTT) services to establish domestic business entities and allow legal interception for law enforcement purposes (see Content Removal).[114]

Article 40 of the Law No. 46/1999 on Post and Telecommunications prohibits the interception of information transmitted through any form of telecommunications channel. [115] Yet there are at least 10 laws, including the ITE law, and seven executive regulations, which allow certain government or law enforcement agencies to conduct surveillance, including electronically.[116] The agencies include the Indonesia Corruption Commission, the National Narcotic Board, National Intelligence Service, among 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 proce-dures be regulated by law.[117] In addition, the legal framework lacks judicial or parliamentary over-sight, and does not provide a remedy for possible abuse.

In October 2015, the University of Toronto-based Citzien Lab reported Finfisher spyware had been

109   Lihat http://www.postel.go.id/berita-penertiban-registrasi-pelanggan-26-2174 juga http://kominfo.go.id/index.php/content/detail/4014/Kominfo+Minta+Operator+Telepon+lakukan+Penertiban+Register+Pelanggan/0/berita_satker#.VVB5gKblflI

110   for the circular letter from BRTI to provider on the obligation to register pre-paid simcard users see http://bit.ly/1TJ48NJ also http://bit.ly/1TriMNk

111   http://www.iclg.co.uk/practice-areas/telecoms-media-and-internet-laws/telecoms-media-and-internet-laws-and-regulations-2016/indonesia

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

113   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.

114   http://www.kk-advocates.com/site/guidance-for-ott-service-providers-in-indonesia-is-finally-issued/.

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

116   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.

117   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.

actively used by an Indonesian intelligence agency known as the National Encryption Body at some point in 2015.[118] The body disguised its activity using a data server in Sydney, Australia.[119]

Intimidation and Violence

During the coverage period of the report, there were no reports of violence, travel restrictions, or torture as a result of online activities.

Spotlight on Marginalized Communities

Freedom on the Net 2016 asked researchers from India, Indonesia, Kenya, Kyrgyzstan, Jordan, Mexico, Nigeria, and Tunisia to examine threats marginalized groups face online in their countries. Based on their expertize, each researcher highlighted one community suffering discrimination, whether as a result of their religion, gender, sexuality, or disability, that prevents them using the internet freely.

In Indonesia, Haris Azhar examined internet freedom for religious minority communities in Indonesia.[1] The study found:

- Indonesia is home to diverse ethnic groups, religious beliefs, and languages, but government policies often contain discriminatory provisions against some ethnic and religious groups. In particular, indigenous religions lack formal recognition, and expressions of atheism are subject to criminal punishment, including online. In 2012, former civil servant Alexander Aan was sentenced to two and a half years in prison for inciting religious hatred and blasphemy after he publicly acknowledged his membership of a Facebook group for atheists.

- Online platforms allow minority groups to organize activities and document discrimination. One local leader of Jamaah Ahmadiyah, a Muslim group with beliefs that some other Muslims consider heretical, said that websites are a useful tool for tracking incidents of violence against his community. Activist Bona Sigalingging uses Facebook to agitate for Christian rights in Bogor, a town in West Java.

- Yet online harassment also disproportionately targets religious minority groups, threatening free expression. Oase, an organization of Shi'a Muslims, a minority in Indonesia, say that police have failed to respond to their complaints of continuous online harassment.

1   Haris Azhar, Research paper, November 2016, on file with Freedom House.

Technical Attacks

Politically-motivated cyberattacks against civil society groups have not been reported in Indonesia, though government and commercial sites are frequently targeted. ID SRTI (Indonesia Security Incident Response Team on Internet Infrastructure) reported 40 million incidences of cyberattacks in 2014, or approximately 100 attacks a day.[120]

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118   https://citizenlab.org/2015/10/mapping-finfishers-continuing-proliferation/
119   See, ABC 730 program, 26/1/2016, "Indonesian government 'using Sydney server for spyware program'" , transcript of the talk is accessible at http://ab.co/1Q5HeRm
120   See http://bit.ly/1XPhtrI