

Indonesia: Civil Society groups say ITE Law revisions extend threats to freedom of speech

Friday 12 January 2024, by [BALOWSKI James](#), [RIDWAN Muhammad](#) (Date first published: 5 January 2024).

Jawa Pos - January 5, 2024 Muhammad Ridwan – On Tuesday January 2, President Joko “Jokowi” Widodo signed Law Number 1/2024 on the Second Amendment to Law Number 11/2008 on Information and Electronic Transactions (ITE).

However the revisions to the law are still seen as containing problems.

The Civil Society Coalition for ITE Law Advocacy (Koalisi Serius) has revealed that the revision of the ITE Law still contains problematic articles such as defamation and attacks against someone’s reputation, expressions of hatred, false information and termination of access. These problematic articles will extend the threat to the public in obtaining information and the right to freedom of expression in Indonesia.

“The ITE Law in Indonesia is one example of a trend in the world of how laws related to cyberspace crimes are misused to curb freedom of expression and freedom of the press. Since it was ratified in 2008 and the first revision in 2016, the ITE Law has criminalised human rights defenders, journalists, women who are victims of sexual violence and residents raising legitimate criticisms”, said Indonesian Legal Aid Foundation (YLBHI) Chairperson Muhammad Isnur in a statement on Friday December 5.

From the start, the Serius Coalition has highlighted the closed nature of the ITE Law revision process so that it provided little space for public involvement and supervision.

According to Isnur, this lack of transparency poses significant risks that have the potential to produce regulations that benefit the elite rather than protection of human rights. Instead of eliminating the problematic article in the law, continued Isnur, the Coalition actually found that the amendments maintain the existing problems.

The problematic articles include Article 27 paragraph (1) to (4) which are often used to criminalise citizens, Article 28 paragraph (1) and (2) which are often used to silence criticism and the criminal provisions in articles 45, 45A and 45B. Moreover the House of Representatives (DPR) and the government have also added new provisions, one of which is Article 27A on attacks against the honor or good name of a person. This provision is very flexible and has the potential to criminalise members of the public who are critical.

“The other new article is Article 27B concerning threats for defamation”, said Isnur.

Aside from this, there is also Article 28 Paragraph 3 and Article 45A paragraph (3) on false announcements or notifications that already has an equivalent provision in the new Criminal Code (KUHP).

In Isnur’s view, these articles have potential for multiple interpretation because there is no further

explanation on what is meant by false announcements or notifications.

“Article 28 Paragraph 3 reads, any person who deliberately spreads electronic information and/or electronic documents they knew to contain a false notification that caused riots in the community”, said Isnur.

Aside from the criminal articles, the second revision of the ITE Law still maintain Article 40 which gives considerable authority to the government in cut off access to information that is considered to interfere with public order or violate the law.

Therefore Isnur emphasised that they are urging the government to ensure the implementation of Law Number 1/2024 is not used to criminalise critical groups and the real victims of crimes.

“[We] urge the government and the DPR to implement meaningful public participation in all decision making”, he concluded.

[Translated by James Balowski. The original title of the article was “Koalisi Serious Sebut Revisi Kedua UU ITE Masih Pertahankan Pasal-Pasal Karet yang Berbahaya”.]

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Translated by James Balowski

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