

Indonesia: Amnesty finds criminalisation using ITE Law, treason articles widespread in 2021

Thursday 16 December 2021, by [PRAMUDITA Yosea Arga](#), [SANTOSO Bangun](#) (Date first published: 13 December 2021).

Amnesty International Indonesia recorded cases of the criminalisation and repression of civil society using the Information and Electronic Transaction Law (ITE Law) throughout 2021. Between January and November this year, there were 84 cases of violation of freedom of express with a total of 98 victims.

“Amnesty International Indonesia recorded 84 cases of violation of freedom of expression using the ITE Law with 98 people falling victim,” said Amnesty International Executive Director Usman Hamid during a virtual discussion on Monday December 13.

According to Humid, efforts to silence people using the ITE Law have occurred frequently and target those who criticise more powerful parties. The latest examples are the indictments using the ITE Law of Stella Monica and M. Asrul.

Monica faces a one year prison sentence after being charged under Article 27 Paragraph 3 of the ITE Law for posting complaints on social media about skin irritation she suffered after receiving treatment at a beauty clinic in the East Java provincial capital of Surabaya. Monica is due to be sentenced on December 14.

Asrul meanwhile is a journalists in Palopo, South Sulawesi, who was charged with violating Article 27 Paragraph 3 of the ITE Law on defamation after writing a news report about alleged corruption involving large projects in Palopo in May 2019. On November 23 Asrul was found guilty and sentenced to three years in prison by a panel of judges at the Palopo District Court.

“Both of these cases again show the urgency of revising the ITE Law with a perspective of protecting social rights, not just focusing on public order,” said Hamid.

Makar articles

Hamid said that efforts to curb freedom of expression also often use the makar (treason, subversion, rebellion) articles. According to Amnesty’s records, indictments using the makar articles are often — and repeatedly — used in Maluku and Papua.

As of December this year, said Hamid, Amnesty noted that there are still 26 detainees in Maluku and Papua who are being held on charges of makar simply for the peaceful expression of their views.

In the most recent case on December 2, eight students in Jayapura were declared suspects on charges of makar for flying the banned Morning Star independence flag.

Hamid added that state officials also often react excessively against peaceful expression by civil

society. On August 13 for example, officials in the Batuceper sub-district of Tangerang city, Banten province, removed a street mural depicting the face of President Joko “Jokowi” Widodo with the writing “404 not found.”

On September 13 meanwhile, at least seven March 11 University (UNS) students in Solo, Central Java, were arrested and taken to the Solo municipal police headquarters after they displayed several critical posters in front of the UNS campus as Widodo was passing by the university.

“Although the people involved in this incident were not charged, ‘securing’ people just for peacefully expressing their views has the potential to create a chilling effect which makes people reluctant to express critical views,” asserted Hamid.

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Translated by James Balowski.

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