



FACT-FINDING MISSION: ASSESSING FUNDAMENTAL FREEDOMS ONLINE DURING THE 2024 GENERAL ELECTIONS IN INDONESIA

27-30 May 2023 | Jakarta, Indonesia

 **ASEAN PARLIAMENTARIANS
FOR HUMAN RIGHTS**





APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on the most important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.

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ABOUT THE REPORT

In May 2023, APHR as one of the implementing partners of the Internet Freedom Initiative (IFI) led by Article-19, undertook a **fact-finding mission** to Indonesia to assess threats to **fundamental freedoms online** in the country in the upcoming 2024 general elections. In particular, it assessed Indonesia's policy framework and how they are used in cyber-surveillance and online censorship ultimately restricting fundamental freedoms and undermining electoral integrity.

Leading to the 2024 elections, it is important for Indonesia to ensure healthy and vibrant democratic spaces offline and online. This report presents the Mission's key findings and it highlights key recommendation for parliamentarians, civil society, social media companies, and other stakeholders in order to be able to advocate for a cyber-safe general election and in the long-term be able to fully protect fundamental freedoms in online spaces in Indonesia,

Three parliamentarians from Southeast Asia formed the Mission's delegation and visited Jakarta for three days to meet with government officials, parliamentarians, civil society organizations, journalists, academes, and election experts. The delegates of the mission were Hon. Yuneswaran Ramaraj, Malaysia Member of Parliament; Hon. Sarah Jane Elago, the Philippines Former Member of Parliament; and Hon. Elvina Sousa, Timor-Leste Former Member of Parliament.

APHR would like to extend its special gratitude to its members who formed the mission delegation for their time and expertise to support the goals of this undertaking. Our special thanks also to all the stakeholders including civil society representatives, members of the press, members of the Indonesian parliament, and representatives of key government institutions for taking their time to meet with the delegation to share about their work and insights on the subject matter.



Preparations for the upcoming 2024 Indonesian general election. © EPA/ADI WEDA

INTRODUCTION

Indonesia will hold its next general election in February 2024.¹ After twenty five years since Reformasi, the country is unfortunately witnessing a

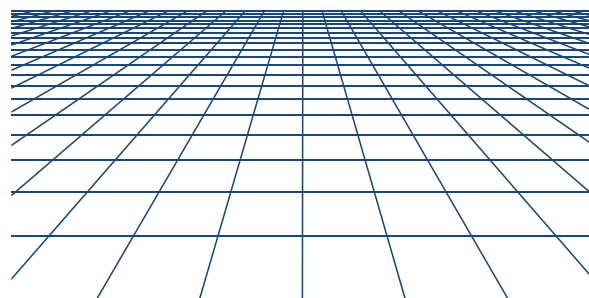


democratic setback with the rise of digital authoritarianism² with attacks on freedom of expression Online reaching new heights.³ While 2024 may not be its first internet-heavy election,⁴ there is a growing concern that the upcoming polls will be less free, recalling its experience in 2019⁵ and the continuing decline of its digital freedom.⁶

Indonesian digital space has been regarded as ‘Partly Free’,⁷ largely due to the country’s face of internet governance, the Law No. 11/2008 on Information and Electronic Transaction (ITE Law).⁸ For more than a decade,⁹ the ITE Law has been used to criminalize legitimate voices through ambiguous and vague definitions of ‘defamation’, ‘hate speech’, and ‘negative’ or ‘prohibited content’.¹⁰

The Law was revised in 2016 to deepen the government’s authority to restrict internet access over broad discretion.¹¹

In the previous elections, records show that digital space is far from being a safe place for political discourse; from surveillance, politically-motivated legal cases, to network disruptions.¹² Currently, the government has the power and authority to conduct surveillance and censors information Online. This can unfortunately be used to undermine democratic elections and fundamental freedoms in Indonesia.

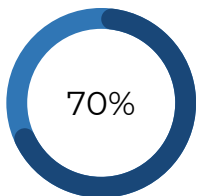


INTRODUCTION

Gearing up to 2019, a government-run 'war room' composed of 70 engineers was formed in 2018 to monitor social media platforms in real time, and threatened to charge those found violating ITE Law.¹³

Today, the task has mainly been transferred to the Virtual Police unit,¹⁴ established during the COVID-19 pandemic mainly to monitor and protect the government from floods of critics over its weak pandemic handling,¹⁵ civil society reports revealed.¹⁶

70% of the ITE Law cases reported in 2019, including defamation, and spreading of hoaxes, were **reported by public officials against individuals.**¹⁷ The Indonesian government also has a history of restricting connectivity amid a political turmoil.



**ITE
LAW**

In May 2019, Internet Service Providers (ISPs) were ordered to limit access to social media and communication platforms, including Facebook, Instagram, Twitter, and WhatsApp, ostensibly to prevent the spread of disinformation during post-election violence.¹⁸

The same occurred in West Papua¹⁹ for longer periods of time in August and September following protests against discrimination and for self-determination and independence.²⁰

In addition, the implementing rules and regulations by the Executive gives the government more control over online spaces. The Ministry of Communication and Information (Kementrian Komunikasi dan Informasi, Kominfo) passed the Ministry of Communication, Information, and Technology Regulation No. 5/2020 (Kominfo Regulation No. 5/2020)²¹ that requires all Electronic Service Providers to register their businesses with the Ministry's Online Single Submission-Risk Based Approach licensing system.²²

Registered platforms now must take down content that can "incite unrest" or "disturb public order" within 24 hours after receiving the ministry's instruction.²³ The regulation gave Tech Giants,²⁴ including Meta, Google, Twitter, and others, no choice but to accede to avoid blocking and further incentives them to self-censor content to meet their duties during periods of heightened political debate.

On top of these is the new pressing concern surrounding the protection of voters' data. Throughout 2022, there were at least **40 incidents of data leaks affecting 60 government institutions.**²⁵ One of which involved about 105 million Indonesians' personal data from the Political Party Information System (SIPOL) according to the Badan Siber dan Sandi Negara (National Cyber and Crypto Agency, BSSN).²⁶

We have a reason to believe that this trend may worsen the pre-existing polarization given how data analytics have been used globally²⁷ to influence voters through tailored political campaigns and messages.²⁸

Considering the above phenomena, threats to elections in the digital age are complex, multi-faceted, and implicates a wide range of digital rights; from access to information, freedom of expression, to data privacy. Indonesia's past and current practices are not sufficient to ensure a safe digital space that upholds electoral integrity. It needs more than just its surveillance and restricted methods to manage vortex of information. On the other hand, it is imperative to push Big Tech to be transparent about its business practices which profited from divisiveness and hate.²⁹

It is important for Indonesia to ensure that the policy framework and their implementation protects fundamental freedoms and promotes healthy discourse and democratic activities online in the upcoming election period.



Internet Freedom during the 2019 Presidential Election



Joko Widodo and Prabowo Subianto in 2019 General Elections. ©B AGUS INDAHONO

The 2019 Presidential Election³⁰ provided lessons for civil society and government institutions to protect internet freedom during the election.³¹ The elections³² featured two main candidates, Joko Widodo and Prabowo Subianto, which polarized Indonesian voters.³³ The social media landscape was inundated with fake news and disinformation.

Supporters of the two candidates often used derogatory terms to label each other. The divisive atmosphere was detrimental to the principles of free and fair elections and emphasized the importance of learning from the past to prevent a recurrence of such situations.

KEY FINDINGS AND OBSERVATIONS



1

Restrictive and vague laws undermine democracy and fundamental freedoms



2

Censorship, surveillance and violations to data privacy lead to **digital repression**



3

Imperative to implement stronger **data privacy mechanisms**



4

Increase in **digital attacks, misinformation, disinformation, and hate speech**



5

Media control and the need to provide space for **“Free Press”**

1

Restrictive and Vague Laws Undermine Democracy and Fundamental Freedoms

A number of legal instruments in Indonesia remain restrictive, and enforcing them undermines people’s exercise of fundamental freedoms online. There has also been an observed increase in judicial harassment cases targeting government critics and activists using such laws. One of the major findings of the Mission is how the ITE Law as expressed by civil society representatives and the press, is being used to restrict online activism and limit freedom of expression on the internet.

The ITE Law has become the poster legislation in suppressing fundamental freedoms online. It has come under scrutiny for potential human rights implications, particularly regarding freedom of expression through its broad and vague provisions that can be interpreted in ways that limit freedom of expression, particularly online.

First enacted to govern the digital economy, including protection of digital finance, the ITE Law has evolved to address issues beyond its original intent. Indonesia's Komisi Nasional Hak Asasi Manusia, (Komnas HAM) or its National Human Rights Institution reported a total of 108 complaints related to the use ITE Law have been filed before them from 2016-2021.³⁴

In the past, President Joko Widodo himself has even recognized that the use of the ITE Law can result in unjust convictions, issuing unconditional amnesties³⁵ for two ITE Law convicts during his time in office.³⁶



Haris Azhar and Fatia Maulidiyanti at Greater Jakarta Metropolitan Regional Police, March 2023. © ANTARA/HALFIDZ MUBARAK

However, ITE Law continues to be used to curtail free speech, notably demonstrated in the case against Human Rights Defenders (HRDs), Haris Azhar and Fatia Maulidiyanti currently on trial allegedly defaming the Coordinating Minister of Investment and Maritime.³⁷ The two HRDs discussed a report from a civil society organization showing links of Pandjaitan to a Papuan mining operation and the rising militarization in the region.

In February 2021, in response to mounting criticism of the law, President Jokowi stated that he would ask the House of Representatives to revise the ITE Law if it “cannot provide a sense of justice”. The government submitted a draft revision of the law to the Dewan Perwakilan Rakyat (House of Representatives, DPR) at the end of 2021.

The Commission 1 of the DPR, which oversees defense, foreign affairs, and communication and information, has been deliberating on the draft revisions since then. While Commission 1 explained that the objective of the revision is to harmonize and synchronize the law with other existing laws, particularly the new Criminal Code, Komnas HAM expressed that the proposed amendments still contain provisions that may infringe on Indonesians’ freedom of expression.³⁸

Civil society has called on authorities to suspend the implementation of the ITE law pending the ongoing amendments. Civil society has also decried the limited public participation and consultation in the ITE Law revision process, however, Commission 1 expressed that the public and victims of ITE Law are welcome to participate in the discussions.

In addition, recent revisions to Indonesia’s Penal Code add concerns that they can be used to suppress online activism and limit freedom of expression on the Internet. This increasing trend contributes to a climate of fear and self-censorship among activists and ordinary citizens alike, who are wary of facing legal repercussions for their online expression.

The introduction of a cyber policing unit created a sense of fear among citizens resulting in self-censorship. This is compounded by instances where the virtual police have stigmatized media outlets by accusing them of spreading hoaxes.

THE INDONESIAN VIRTUAL POLICE



In March 2021, during the height of COVID-19 pandemic, the Indonesian National Police Chief, General Listyo Sigit Prabowo, announced the launch of cyber policing unit in an official Circular (Surat Edaran, SE) on the ethical awareness to realize a clean, healthy, and productive digital space in Indonesia.

The circular claims that the so-called '**virtual police**' is mainly focused on prevention that puts forth monitoring, educating, warning, and preventing people from committing potential cyber crime.³⁹

Article 40 of Law No. 46 of 1999 on Telecommunication prohibits the interception of information transmitted through any form of telecommunications.⁴⁰ But other existing laws including the ITE Law and other government executive regulations, allow certain government or law enforcement agencies to conduct electronic surveillance.

The Indonesian National Police, through the Virtual Police, and Kominfo closely monitor and regulate online content. The Kominfo, one of the main implementing agencies⁴¹ of the ITE Law alongside the Indonesia National Police and the Attorney General's Office, has the authority to block or remove content deemed 'prohibited'. When making such assessments, Kominfo collaborates with the relevant government agencies, such as the National Counterterrorism Agency for terrorism-related content.



For election-related matters, the Kominfo coordinates with **Komisi Pemilihan Umum** (General Election Body, KPU) and Badan Pengawas Pemilihan Umum (General Election Supervisory Body, Bawaslu) when it comes to enforcing election-related laws on digital platforms. If there are complaints from the public, Kominfo refers them back to KPU or Bawaslu.

During the election period, the Kominfo and KPU, will conduct joint cyber operations to monitor content that may violate campaign regulations issued by KPU , such as campaign content that promotes hate and racial discrimination.⁴²

For APHR, it is important that the process in deliberating whether a content should be taken down must be transparent. Komnas HAM expressed that they have not been consulted with regard to the determination of illegal content. This consultation process is important as any form of content censorship may infringe on the right to freely express and any form of regulation should be in line with international human rights laws and standards.



It is important that the process in deliberating whether a content should be taken down must be transparent.

Meanwhile, one of the digital repression and censorship issues in Indonesia raised by various digital rights defenders was the internet shut down in the province of Papua in 2019.⁴³ This was widely criticized globally and in 2020, the Jakarta State Administrative Court ruled that the throttling and shut down of internet access in Papua and West Papua during heightened security tensions were unlawful.⁴⁴ Following this, the Ministry is currently making efforts to revamp the procedures, put checks and balances in place, and create accountability mechanisms in implementing internet restriction measures.

3 Imperative to Implement Stronger Data Privacy Mechanisms

There has been an expressed need for Indonesia to enforce stronger data privacy protection mechanisms. Indonesia's lack of a unified framework for legal surveillance and data protection virtually renders citizens' data susceptible to violation.

Digital attacks have also been experienced by stakeholders compromising their data privacy. One common form of attacks against activists, journalists, and even public personalities is 'doxxing', such as the case related to the protests that took place on the Omnibus Law on Job Creation in 2020 where students' ID, National Identity Card numbers, addresses, and photos of student leaders and labor activists were leaked to social media.⁴⁵

This type of incident compromises data privacy of individuals and puts them at risk. In 2022, the government passed the Law No. 27/2022 on Personal Data Protection as one of the steps to address the issue.⁴⁶

While being hailed as an important progress, the impact of this law remains to be assessed, particularly with the lack of the implementing laws and policies under key institutions such as Kominfo. KPU is currently taking steps to protect voters' data by concealing national identity numbers (Kartu Tanda Penduduk Elektronik or Electronic National Identity Card, E-KTP) and ensuring data integrity.

As the KPU has ramped up its efforts in digitizing elections, KPU collaborates with various government agencies such as the Kominfo, BSSN, as well as technology providers to mitigate cyber threats during elections. These collaborations focus on identifying potential security threats, monitoring content for political guideline violations, and ensuring electoral integrity.



In response to the newly enacted Personal Data Protection Law, the Kominfo is currently drafting government regulations to support the implementation of the Law. The implementing regulation is important to be passed prior to the election to ensure that the PDP Law protects voters' data and addresses any grievances.

4

Increase in Digital Attacks, Misinformation, Disinformation, and Hate Speech

Indonesia has a total of 212.9 million internet users or 77% rate of internet adoption making it one of the largest in the world.⁴⁷ However the increase in use means users are subjected to digital attacks as well. These attacks against users, especially against government critics, activists, and journalists have become a significant threat to freedom of expression and democratic discourse in Indonesia, particularly during the election period.

Online violence in the form of harassment, doxxing, and cyberbullying have become prevalent.⁴⁸ The presence of "virtual police" using social media to intimidate individuals adds to the climate of fear and self-censorship, restricting open expression and constructive political discussions on digital platforms.

With the rise of internet and social media use, there has also been a shift in trends when it comes to electoral campaigns. Candidates now heavily invest to have more presence in social media platforms. This changes the democratic landscape, not only in Indonesia, but in other parts of the world. This phenomenon has become more critical during elections as certain candidates try to manipulate voting behavior.

This is worrying as KPU projected⁴⁹ that young voters would amount to more than 60% of total voters in the upcoming general election, and young voters are found to be disconnected from the values of the reformation era, and therefore more susceptible to disinformation. Social media has become a powerful tool to reach and influence voters. Indonesia's neighbor in the region, the Philippines, experienced how years of disinformation campaigns influenced election results.

Additionally, hate speech has unfortunately been prevalent in Indonesia, with certain religious, ethnic, or individuals becoming targets. In 2017, Indonesia saw a systematic hate speech targeting Basuki 'Ahok' Tjahaja Purnama,⁵⁰ Jakarta's inaugural ethnic Chinese and Christian Governor, during his re-election bid.

This campaign escalated to waves of demonstrations fueled by religious and ethnic tensions,⁵¹ and Ahok's subsequent prosecution on charges against blasphemy.⁵² Ahok's case has highlighted how hate speech, when exploited for political purposes, can have severe consequences for individuals and the broader society.⁵³

Commission 1 members expressed that the ITE Law revision is also aimed to combat hate speech but noting that its implementation may be tricky due to the legal process and timelines. However, they are of the view there is a need to boost awareness of the public to combat disinformation and hate speech to help tackle the issue effectively and keep citizens safe online.



Jakarta's governor Basuki Tjahaja Purnama popularly known as 'Ahok', looks on during his trial at the North Jakarta District Court in Jakarta, Indonesia, 11 April 2017.. ©EPA/BEAWIHARTA

5 Media Control and the Need to Provide Space for a “Free Press”

The Indonesian media landscape is described as a ‘multi-oligarchic or competitive oligarchic system’ characterized by a high concentration of media ownership by politicians and business tycoons.⁵⁴

Only a handful of media conglomerates control the majority of the political and economic discourse in the country.⁵⁵ This media ownership has assisted certain individuals to grow politically more powerful.⁵⁶ The trends have concerning consequences for freedom of the press and independent journalism in Indonesia.

Due to this phenomenon, alternative media outlets have emerged, seeking to provide a platform for voices and perspectives that are not represented in mainstream media. These outlets, however, face their own set of challenges. As they are not considered “press” under the Indonesian Press Law, they are not provided with legal protections afforded to traditional media outlets.

This leaves them vulnerable to legal threats, including those arising from the controversial ITE Law. The law, which was intended to regulate electronic transactions and information, has been criticized for its vague wording and has been used to criminalize online speech.

Attacks against free press leads to self-censorship among journalists as they fear facing reprisals for critical reporting. Unfortunately, this potentially limits the dissemination of truthful information.

Cyber troops,⁵⁷ or known as ‘Buzzers’ in Indonesia, is a network of actors working for specific campaigns employed by political and economic elites with the purpose of swaying public opinion in their favor could also potentially manipulate narratives and target individuals expressing their opinions online. In other cases, volunteers of election candidates flooded social media to promote their candidates.⁵⁸

The role of social media and big tech companies in shaping the digital landscape during elections was also an important finding of the Fact-Finding Mission. While these platforms have the potential to facilitate democratic discourse, current practices continue to allow false information to thrive. This is particularly concerning in the context of elections, where misinformation and disinformation can have significant impacts on the democratic process.

There is evidently the need for greater transparency and accountability from these companies, particularly in how they moderate content and respond to reports of harmful content.

Noting the significant role of social media, the KPU explained that they hold regular meetings with tech companies, particularly Facebook, to train their officers and political parties regarding online campaigning. KPU is also involved in creating guidelines for political parties and training them to use social media responsibly, although there are no specific guidelines solely for social media use.

EFFORTS TO PROMOTE FUNDAMENTAL FREEDOMS ONLINE DURING THE UPCOMING 2024 ELECTIONS

While a number of challenges are found in Indonesia's internet freedom landscape, efforts have been put in place by key government institutions, civil society, and independent journalists.

◆ From the Government

At Indonesia's DPR, Commission 1 members are in the process of finding solutions and developing policies to make online spaces safe for citizens, specifically to combat disinformation and hate speech. Most institutions have agreed on the need to improve public awareness campaigns.

Representatives of Kominfo also emphasized the Ministry's role is to disseminate positive content and educate the public through digital literacy programs. Kominfo's digital literacy program aims to promote responsible internet use during elections, aimed at the public, educational, and government sectors.

Ongoing collaboration among KPU and Bawaslu are also in place for voter education and empowerment. KPU also supports voter education through collaborations with civil society organizations and ensures that the programs include all demographic groups, including vulnerable groups such as persons with disabilities and indigenous people.

In line with their mandate to protect fundamental freedoms offline and online, the Komnas HAM engages in public awareness campaigns and provides guidelines to election participants on respecting diversity, particularly crucial during campaigns. The guidelines include the Norms and Regulatory Standards (Standar Norma dan Prosedur, SNP) No. 5 on Freedom of Expression and Opinion.⁵⁹



Komnas HAM and stakeholders of general election sign the declaration on making the 2024 Elections human rights-friendly at the commission's office, Central Jakarta, June 11, 2023 © KOMNAS HAM

EFFORTS TO PROMOTE FUNDAMENTAL FREEDOMS ONLINE DURING THE UPCOMING 2024 ELECTIONS

The SNP is a guiding document for all stakeholders, especially the government, parliament, and law enforcers, aimed to provide guidelines on how human rights standards should be translated and included in laws and policies.⁶⁰

They have also established an election task force, or the Monitoring Team on Fulfillment of Citizens' Constitutional Rights which comprises officers and staff from various divisions of the Komnas Ham.⁶¹ They concentrate on four key areas:

- Ensuring freedom of expression during elections.
- Safeguarding voting rights of marginalized communities.
- Preventing abuse of authority by election candidates.
- Advancing human rights in the electoral process.

4 KEY AREAS

A specific campaign focusing on human rights and elections, including freedom of expression was scheduled to be launched by Komnas HAM in June 2023. In addition, Komnas HAM is formulating the SNP on human rights friendly elections through public consultation and collaboration with election organizers. This guiding document will emphasize the importance of respecting differences during the electoral process, especially in campaigns.

◆ Civil Society Efforts

Indonesia's civil society has always been vibrant. As such, many CSOs have actively engaged in various efforts to address critical challenges and promote democratic values in the lead-up to the 2024 elections. The Civil Society Coalition against Election Disinformation was formed to tackle election disinformation.⁶²

The coalition collaborates with KPU and Bawaslu in their efforts to fight election disinformation, which includes knowledge and information sharing, databasing disinformation trends and tactics, and empowering voters to combat disinformation through digital literacy programs.

They are working to strengthen the digital democracy ecosystem by increasing the capacity of civil society, and KPU and Bawaslu officers in creating a healthy election information ecosystem, particularly at the regional level (or non-urban setting). Active engagement by the Civil Society Forum on Open Government Partnership with the Open Government Indonesia under the Ministry of National Development Planning are also carried out to advocate for open data policies for election agencies.⁶³

CONCLUSION

Indonesia has made significant democratic progress since 1998 or the post-Suharto era, however, persisting challenges restrict the full enjoyment of fundamental freedoms of its citizens, offline and online. While the Internet provides broader avenues for expression, existing laws in Indonesia have been used time and again to curtail freedom of expression.

Emerging problems brought about by the digital age, such as the rise of disinformation, also undermine the quality of democratic discourse, especially during electoral campaigns, in online spaces. The key findings in this report, if not urgently addressed, may impact the overall freeness of the electoral process.

It is therefore imperative for the government and election management bodies to review policies found to have provisions that restrict fundamental freedoms and develop protection mechanisms to allow for these freedoms to thrive online, providing the space for balanced, informative, and constructive discussions about the electoral process



APHR Fact-Finding Mission to Indonesia, meeting with CSOs in Jakarta, 2023 © APHR

RECOMMENDATIONS

TO THE HOUSE OF REPRESENTATIVES OF INDONESIA

- Ensure that the new revision of ITE Law **will not be used to restrict freedom of expression online**;
- Undertake an **inclusive, transparent, and meaningful consultation** with CSOs, academe, media representatives, Komnas HAM, and other stakeholders on the new revision of ITE Law;
- **Avoid vague and punitive legislations** to regulated online platforms; Review and update the Law No.40/1999 on Press to include the protection of alternative, non-traditional media outlets;
- **Implement oversight mandate to review the role of the virtual police** and advance for accountability mechanisms to prevent any form of abuses;
- **Conduct an independent investigation to digital attacks** on civil society organizations and media to hold perpetrators accountable;
- **Take proactive steps to combat misinformation and disinformation** leading up to the elections, including working with social media platforms to moderate harmful content and promote accurate information;
- **Introduce policies** to defend human rights defenders, activists, from persecution and prosecution guarantee their rights to freedom of expression without fear of reprisal; and
- **Enact stronger policies against online violence**, particularly towards women and vulnerable adhering to international human rights standards.



APHR delegations meeting with Indonesian Parliamentarians during Fact-Finding Mission to Indonesia, May 2023 © APHR

RECOMMENDATIONS

TO THE MINISTRY OF COMMUNICATION AND INFORMATION

- **Undertake a comprehensive review of their policies related to online platforms** such as the Regulation of the Minister of Communication and Informatics Number 5 of 2020 on Private Electronic System Operators taking into account recommendations from the civil society;
- In collaboration with other government agencies, **to spearhead efforts to enhance digital literacy** among the public to foster responsible internet use and to ensure a safe online environment for all where informed and healthy online discourse can freely take place;
- To ensure that all policies aimed at tackling disinformation and hate speech **comply with international human rights law and standards**, any form of content moderation should be conducted with transparency and accountability mechanisms in place;
- **Bolster protection mechanisms** to protect voters' personal data and conduct inclusive process in the drafting of the regulation to implement the Personal Data Protection Act; and
- **Closely work with civil society and relevant stakeholders** to promote freedom of expression and enable content creation ecosystems.



RECOMMENDATIONS

TO THE GENERAL ELECTION COMMISSION AND BAWASLU

- **Increase transparency in all stages of the electoral process** starting with the review of the General Election Commission Regulation No. 10/2023;
- **Actively address issues related to Online Disinformation** by working with social media platforms, civil society organizations, fact-checking groups, and other stakeholders to ensure dissemination of truthful information;
- **Intensify cooperation** with other government agencies, cybersecurity experts, and technology providers to mitigate potential cyber threats during the elections;
- **Establish clear guidelines for political parties and candidates** for campaign over social media use to prevent abuse and spread of disinformation and hate speech;
- **Enhance voter education campaigns online**, noting the large number of first-time voters in the upcoming elections and support civil society organizations' efforts in the area;
- **Monitor and publicly disclose campaign finances** to enhance transparency and accountability;
- **Establish open communication channels** or avenues for the general public to submit concerns or grievances;
- **Enhance monitoring candidates and political parties' campaigns** online and offline, and address any violations in an transparent and accountable manner; and
- **Hold candidates and political parties accountable** and encourage them to adhere to the campaign guidelines.



RECOMMENDATIONS

TO THE INDONESIA NATIONAL HUMAN RIGHTS INSTITUTION

- **Closely work with election management bodies**, in particular with KPU and Bawaslu, and political parties, candidates, and election watchdogs to protect and promote digital rights of all voters during elections;
- **Advocate for an independent media** in Indonesia being one of the core pillars of democracy;
- To proactively take steps to **guarantee Komnas HAM's involvement** in the executive's online illegal content determination and blocking;
- **Bolster human rights capacity building** for government stakeholders, including policy makers and enforcement agencies;
- **Work in partnership with the Witness and Victim Protection Agency** to offer comprehensive assistance to victims of digital rights violations, including legal support and protection mechanisms for those facing threats;
- **Enhance engagement with marginalized or vulnerable communities** to promote safeguard their electoral rights.



APHR Fact-Finding Mission to Indonesia, meeting with National Human Rights Institution, May 2023. © APHR

RECOMMENDATIONS

TO THE CIVIL SOCIETY AND MEDIA ORGANIZATIONS

- **Enhance digital rights awareness campaigns** among citizens and government officials, including freedom of expression, privacy, and access to information to understand the implications of digital laws on their rights;
- **Engage with election management bodies**, particularly those in rural or non-urban setting areas, to increase their capacity in detecting, handling, and addressing threats to digital rights during elections;
- **Encourage international human rights organizations** to increase their monitoring to the situation in Indonesia to urge the government to uphold digital rights and ensure a fair electoral process;
- **Engage with social media and big tech companies** to advocate for greater transparency in content moderation practices, advocating for clear policies on handling harmful content and addressing reports of misinformation;
- **Jointly conduct campaigns** to shed light on cyber troops and its impact to help the public discern truthful and false information;
- **Increase support and collaboration with alternative media outlets** such as partnerships, joint initiatives, and platforms to resource sharing to strengthen independent media sector;
- **Empower journalists**, particularly those working for alternative media outlets, such as through digital security and legal rights training; and
- **Collectively advocate for legal reforms** that promote pluralism and diversity in media ownership.

MEMBERS

OF THE MISSION



Hon. Yuneswaran Ramaraj

Former Member of Parliament of Malaysia
Member of APhR

Hon. R. Yuneswaran serves as a Member of Parliament for the Segamat constituency since November 2022 after winning Malaysia's 15th General Election. He is also a member of the ASEAN Inter-Parliamentary Assembly, representing Malaysia. His political journey began over a decade ago with Parti Keadilan Rakyat, PKR (People's Justice Party), when he was 24 years old. He started as an ordinary member and rose in rank to a Central Leadership Council (Ahli Majlis Pimpinan Pusat) to date. His voice is always loud and powerful for people's rights, especially for the public's freedom of speech. Even though he was the victim of an unconstitutional law in 2013, it never stopped him from his passion for improving the standards of living of the unfortunate and for equality among Malaysians.



Hon. Sarah Elago

Former Member of the Philippines House of Representatives
Member of APhR

Sarah Elago is an advocate for education reforms and fundamental freedoms. She is a former member of the House of Representatives in the Philippines, serving for two terms representing the youth partylist from 2016 to 2022. Since 2017, she has been a member of APhR. At present, she is a community worker and a policy consultant for a women's party on young women's concerns and the convening of an independent network of parliamentarians and advocates calling for the ratification of the ILO Convention No. 190 addressing violence and harassment in the world of work, both online and offline.



Hon. Elvina Sousa Carvalho

Member of Parliament of Timor-Leste
Member of APhR

Elvina Sousa Carvalho was elected as a member of the National Parliament in 2017 and became the 3rd Secretary of the National Parliament. She was reelected as a member of the Parliament from the Democratic Party in the May 2018 election. She was elected as the II Vice Secretary General for the Women's Wing of the Democratic Party in 2011 during the National Congress of the Women's Wing of the Party and in 2017 she was elected as the President of the

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END NOTES

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