

MAY 2019 SOCIAL MEDIA CENSORSHIP IN INDONESIA: CRITICAL ANALYSIS ON THE POLICY MAKING PROCESS

Ahmad Rozali¹, Aan Suryana², Safendri Komara Ragamustari³

^{1,2,3} School of Government and Public Policy, Indonesia

ahmad.rozali@sgpp.ac.id

Abstract

On May 2019 the Government of Indonesia imposed an internet censorship following Jakarta riot in response to general elections result. The government restricted some of the largest social media platforms which impacted almost all social media users across the country. The government believed that the policy was necessary to block the circulation of provocative contents which presumably escalate the riot. On the other hand, without valid justification, internet censorship is considered as human right violation. This paper aims to discuss the debate on whether the internet censorship policy on May 2019 was necessary and justified to impose. By employing qualitative approach through interviews with the government representatives, social media experts, and analysts, as well as utilizing resourceful data from Drone Emprit Academy (DEA), this paper presents the analysis of policy making process behind the implementation of internet censorship policy on May 2019 and brief evaluation on its effectiveness and consequences. The findings reveal that internet censorship policy on May 2019 was legally defective and improperly formulated. Even though it was effective to block the hoax circulation and prevented riot's escalation, the policy was not supposed to impose at the first place due to lack of justification to derogate the internet freedom as part of human right. In the future, more specific regulations are needed as guideline for the government not to take sporadic internet censorship.

Keywords: social media censorship, freedom of expression, policy making process

I. INTRODUCTION

From May 22nd to 25th, 2019, the government of Indonesia through the Ministry of Communication and Information (MCI) imposed the internet censorship or limitation by applying bandwidth throttling or internet slowdown on some of the most widely used social media and digital chatting platforms, such as Facebook, Twitter, Instagram, and WhatsApp, following the riot that happened on May 21, 2019 as the fake information related to national elections riot in Jakarta was spreading (Kominfo, 2019). In a press conference, the government claimed that they had blocked a total of 2,184 social media accounts and websites during the riot, 61,000 WhatsApp accounts, 848 Twitter accounts, 640 Instagram Accounts, 143 YouTube accounts, one URL (Uniform Resource Locator) website and one LinkedIn account (detik.com, 2019). It led to a high tension among people and triggered debates. While the government of Indonesia and some people agree that the internet restriction was needed to prevent the spreading of hoaxes and fake news, some others argue that it was against the freedom of expression.

The restriction of the internet access hit more than a half of Indonesian who actively utilized the internet either for business or daily life needs. According to data from the Indonesia Internet Service Provider Association (Asosiasi Penyelenggara Jasa Internet Indonesia-APJII), internet users in Indonesia in 2018 was around 171.17 million people out of 264.16 million or around 64.8 per cent from its population. The number was increasing from 2017, when internet users were 54.68 per cent or around 143.26 million out of 262 million population. The survey also found that the two main reasons for people using the internet are for chatting via chatting platforms and using social media (Indonesia Internet Service Provider Association, 2018). Another data from Hootsuite confirms that the censorship affected 150 million internet users across the country or around 56 per cent of the total of 268.2 million people (Hootsuite We Are Social, 2019).

No matter that a lot of people had suffered from the social media restriction, the government of Indonesia claimed that the censorship was legally implemented as it was based on the Law No. 16/2016 on Information and Electronic

Transactions (UU ITE), which was previously Law No.11/2008 (Kominfo, 2019), the article number 40 2a which states that “The Government is obliged to prevent the dissemination and use of Electronic Information and/or Electronic Documents that have prohibited content in accordance with statutory provisions”, and 2b “The Government has the authority to terminate access and/or instruct Electronic System Providers to terminate access to Electronic Information and/or Electronic Documents that have unlawful contents.”

On the other hand, the freedom of expression is also guaranteed under the Constitution of Indonesia that endorses freedom of expression similar to that under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which recognize the freedom to seek, receive, and pass on information. This further resonates with the so-called two dimensions of freedom of expression – individual and collective freedoms – through enabling the right holders to act individually or collectively (United Nation, 1948). It also embraces variety of modes and means of expression, either orally, in writing, in print, or by any preferred media. Thus, freedom of expression on the internet is equally protected under the Constitution through the phrase ‘any media of his choice’.

This paper aims to discuss whether the implementation of the censorship policy on May 2019 violates the freedom of expression in Indonesia by conducting in-depth interviews with key persons, such as the government representatives, social media experts, and analysts, and by using resourceful data from representative institutions. Additionally, the mechanism through which the censorship policy is implemented and the actors that were involved are identified in this paper. This is the first study attempting to map the process to implement the censorship policy in Indonesia, particularly in relation to the recent censorship case in May 2019. Considering the prolonged debate regarding the internet censorship and freedom of expression, this study suggests ways to balance out between the need for internet censorship and freedom of expression.

The rest of the paper is organised as follows. Section two discusses a brief theoretical background and methodology. Results and discussion are presented in section three before concluding to the final section.

II. LITERATURE REVIEW

Freedom of speech is recognised as an international human right by the United Nations (the UN), which ‘plays a vital role in promoting and

protecting human rights worldwide.’ (Sangsuwan, 2014). In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (the Declaration) setting out ‘fundamental human rights to be universally protected’ and aiming for ‘a common standard of achievements for all peoples and all nations.’ (United Nation, 1948).

Freedom of expression is defined as the freedom that someone possesses to speak out his or her feelings towards issues that matter to him or her. Oxford Dictionary defines freedom as the power or right to act, speak or think as one wants, while expression means the action of making known one’s thoughts or feelings (expression). Suryana (2015) expresses it as the situation “when somebody speaks out about his right to proclaim his atheism; he exercises freedom of expression in the area of religion or belief. When a journalist defends his or her newspaper being prosecuted for alleged defamation, he or she exercises freedom of expression in the area of freedom of the press”

An internet shutdown defines as intentional disruption of the internet or mobile apps to control the conversation and data transfer; it also called ‘blackouts’ or ‘kill switches. “An internet shutdown is an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information” (www.accessnow.org, 2018). Overall, there are some types of internet censorship or restriction worldwide, such as restricting connectivity, blocking social media platforms, or removing content form internet, and even more by abusing the journalists and activists who create internet content in any forms. This research focuses on social media restriction in Indonesia which disallowed people to access some features of social media during the censorship which presumably against the freedom of expression.

The government of Indonesia believes that the internet shutdown was a necessary action to restrain the escalation of riots in May 2019 in several areas in Jakarta which was presumably resulted from the circulation of hoaxes or fake news through social media and digital chatting platforms. This is not a senseless argument considering the prominent role of social media and chatting platforms in shaping public opinions these days. In fact, evidences show that behind the 2011-2012 Russian anti-government protest, the digital social media networks were at stake (Denisova, 2017), so were behind the massive demonstrations in Chile in 2011 demanding wholesale changes in education and energy policy (Valenzuela, 2013).

Nevertheless, the limitation of freedom of speech on the internet can only be done to the contents which are against the law. According to the Liberty Limiting Principles, there are four

criteria for limiting a liberty. The first is the harm principle. Individual liberty is justifiably limited to prevent harm to others. The second is the principle of legal paternalism. Individual liberty is justifiably limited to prevent harm to self. The third is the principle of legal moralism. Individual liberty is justifiably limited to prevent immoral behaviour. The last is the offence principle. Individual liberty is justifiably limited to prevent offence to others (Smith, 2008). In this context, the internet censorship in May 2019 is permitted only if it was most likely to spread harmful contents to others.

Freedom of expression or other forms of political freedom are subject to conditions and restrictions in the interest of the national security, territorial integrity, or public safety (IPU, 2016). IPU explains several conditions on which the government may take actions which are derogating its human rights obligations further. They are as follows:

- A state of emergency, which threatens the life of the nations
- The specific measures derogating from an international treaty must be officially notified to the competent international organizations and other States Parties
- Derogation is permissible only to the extent strictly required by the situation
- The derogation must be lifted as soon as the situation permits

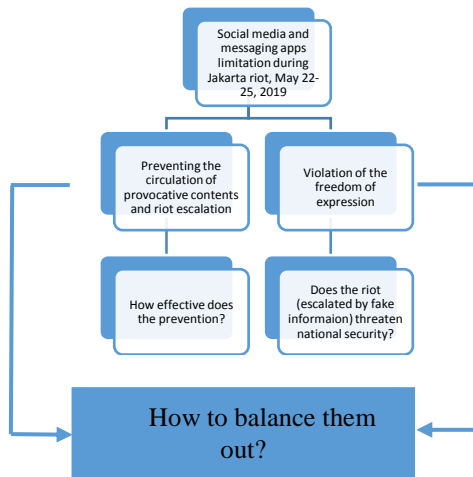


Figure 1. Analytical Framework

It suggests that the resolution on the debate between internet censorship on May 2019 and freedom of expression lies on these two questions: (1) was Jakarta riot on May 2019 sourced from provocative contents circulation and potentially escalating such that the internet censorship was the effective way to prevent it to happen? (2) Did the Jakarta riot on May 2019 threaten the national security so that the internet freedom was justified to derogate? The answers of both questions would shed a light on whether the internet censorship on

May 2019 violated the freedom of expression and whether it was necessary to do at the first place. At the end, the ways to balance them out could be drawn (Figure 1).

III. RESEARCH METHODS

This study employs qualitative approach using both primary and secondary data. The primary data is collected through in-depth interview to resourceful persons, consisting of the Government of Indonesia as well as the Non-Government Organisation (NGOs), as follows:

1. The spoke person of Ministry of Communication and Information (MCI)
2. Executive Director of Southeast Asia Freedom of Expression Network (SAFENet), Damar Juniarto.
3. *Masyarakat Anti-Fitnah Indonesia* (Mafindo), Anita Wahid.
4. Director Media Kernels Indonesia (Drone Emprit), Ismail Fahmi PhD
5. The Expert Staff to the Minister of ICT for Digital Policy and Chairman of the National Movement on Digital Literacy Siberkreasi, Deddy Permadi

The participants are selected purposively according to their expertise in the issue of internet censorship or freedom of expression. The information gathered from these participants is expected to be completed enough to figure out the policy making process of internet censorship and its effectiveness in restraining the riot escalation on May 2019. Additionally, the objective of combining information from the government and non-government is cross-checking its validation (triangulation). The interviews are conducted between June 2019 to November 2019 (mostly) in Jakarta.

On top of primary data, the secondary data is also utilized, sourced from relevant reports and news as well as data which are collected and analysed by certain institution, such as Drone Emprit or Mafindo.

IV. RESULT AND DISCUSSION

To figure out whether the implementation of internet censorship policy violate freedom of expression, we need to understand first its policy making process. The process generally consists of the sequence of problem identification, agenda setting, policy formulation, policy legitimation, policy implementation, and policy evaluation. However, in reality it is usually happened simultaneously, instead of in order (Dye, 2013).

Along with the increase number of internet users in Indonesia, the potential for misusing the electronic information or being exposed to harmful contents are increasing as well. Hence, the

government has responsibility to protect the public safety from any harms resulting from misusing the electronic information and electronic transaction as mandated by Law Number 19 of 2016 of Electronic Information and Transactions (UU ITE). During the implementation, the internet censorship involves certain mechanism and several actors.

The main actor taking responsibility to implement the internet censorship in Indonesia is the Ministry of Communication and Information (MCI). In performing the internet censorship both internet based or social media based, the government of Indonesia, under MCI, follows the censorship procedure. It consists of three general steps, which are collecting negative contents (input), processing or verification, and banning the contents (output). The censorship process is done under the Directorate General of Informatics Applications, particularly the Directorate of Informatics Application Control.

MCI gets inputs of problematic internet contents from some sources, including the government institutions such as ministries and agencies, reports from the society, and data from the AIS crawling machine. AIS is the name of a particular machine that is used for internet crawling or for collecting certain information on the internet by using certain keywords. The government bought the machine for around 200 million rupiahs and started to utilize it since December 2018.

According to the Ministerial Regulation of Communication and Information No. 19/2014, negative contents cover pornography and illegal activities. In the implementation, the coverage of negative contents is extended into radical contents, hoax, and contents about racism.

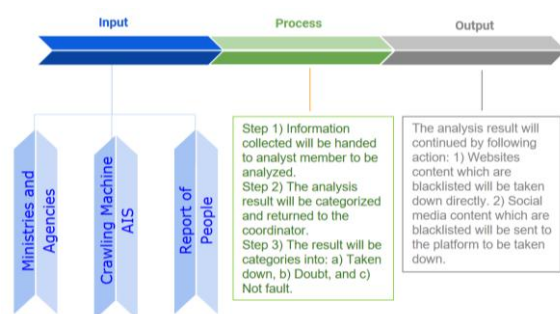


Figure 1 Censorship mechanism of internet censorship in Indonesia

Source: an in-depth interview with the spokesman of ministry of communication and information

There are some ministries involved in providing information on negative contents and requesting to censor them. They are the State Intelligent Agency (BIN), National Police of Republic Indonesia (Polri), National Agency for Combatting Terrorism (BNPT), Ministry of Health,

Coordinating Ministry for Political, Legal and Security Affairs (CMPLSA-Menkoplhukum), General Election Commission (KPU), Indonesian Armed Forces (TNI), and National Agency of Anti-Narcotics (Badan Anti-Narkotika). This action is regulated by some laws and regulations, such as the Law on Electronic Information and Transaction, Terrorism Law, Drug regulation, Law of Health.

After the government receives input, the data will be processed by the AIS team. In addition to the crawling machine, AIS has a team of analysts which consists of 100 people whose responsibility is to review the input. The AIS members are from different background of organization, expertise and skills, including from the Nahdlatul Ulama organization, to analyze the input of religious contents.

The result of the analyzing process will be handed to the team coordinator in three categories, which are: 1) fault content that need to be taken down, 2) doubt content that needs approval from the coordinator whether need to be taken down, and, 3) no fault content, which does not violate any rules and no need any further action. The team divides the output into two categories, namely the website-based content and the social media based content. The website-based content will be handled and blocked directly by the MCI, while the second category, the social media content, will be reported to each platform to be taken down.

Even though MCI has a general censorship procedure, MCI did not employ it during the mass demonstration in May 2019. The spokesman of MCI argued that it was because of several reasons. First, it was due to an extraordinary situation as the extremely increasing number of hoaxes on social media that might escalate the demonstration. Therefore, the government imposed a special action, which was to restrict the access to social media as stated in the Ministerial Circular Letter of Ministry communication and information number 106/HM/KOMINFO/05/2019. It resulted in the slowing down process on uploading and downloading pictures and videos.

Furthermore, he revealed that there were 700 URLs that provided fake information related to the demonstration on the internet during the first day of riot in May 21, 2019, while on ordinary days, the fake news is only around 200 URLs. He also mentioned five types of fake information circulating on May 22, 2019. Firstly, the election commission would announce the national election result silently. Secondly, the police officers were pretending as the army by wearing a military outfit. Thirdly, the police shot demonstrators inside a mosque in Jakarta. Fourthly, the police used a real bullet to shoot demonstrators. The fifth is that the Coordinating Ministry for Political, Legal and

Security Affairs let the police shoot demonstrators as 'hunting objects'.

The second reason for the internet restrictions during that period was because some of the most widely used social platforms did not 'obey' the Indonesian government to take "fast action" by taking down the fake content straight away. Dedy Permadi, the Expert Staff to the Minister of ICT for Digital Policy and Chairman of the National Movement on Digital Literacy (Siberkreasi), confirms this information. Yet, he argued the reason for the "slow response" of social media platforms to act on the negative contents was because there were gaps between the Indonesian regulation on the internet and social media rules that are known as Community Guidelines.

In comparison, in Australia, there is a continuous discussion between the government, under Australia Communication and Media Authority (ACMA), and social media officers to synchronize the Community Guidelines in each social media platform with the national regulation.

The argument proposed by the government to shut down the internet during the riot seems to be valid considering the fact that Indonesian people put a strong trust on news circulating on social media. Edelman Trust Barometer (2018) shows that people of Indonesia believe the information on social media as much as they believe the information on mainstream mass media platforms. On the other hand, Indonesian society has limited skills on information verification or fact-checking on the internet content (Interview with Mafindo in October 2019). Hence, a huge amount of fake news circulating on social media would easily fool the community.

Even though the government had a valid argument as background to set the internet censorship in May 2019 as its policy agenda, this action has left problems on the policy legitimation and policy formulation. The policy was implemented under a weak legal basis. At the same time, it was formulated spontaneously without any proper evidence support.

There are two laws served as the legal protection for the internet censorship policy. They are the Law number 36/1999 on Telecommunication (UU Telekomunikasi) and Law number 19/2016 on Information and Electronic Transaction, Article 40. Specifically, the Law Number 36/1999 on Telecommunication (UU Telekomunikasi), Article 7 states that the telecommunication operations need to consider protecting the interests and security of the country. Meanwhile, the Law Number 19/2016 of Information and Electronic Transaction, Article 40 2a states that "The Government is obliged to prevent the dissemination and use of Electronic Information and/or Electronic Documents that

have prohibited content in accordance with statutory provisions", and 2b "The Government has the authority to terminate access and/or instruct Electronic System Providers to terminate access to Electronic Information and/or Electronic Documents that have unlawful contents". Those regulations infer that the government is legally permitted to do the internet censorship for the sake of national interest and security. Yet, they do not tell any more detailed under what circumstances the government should impose such a policy, which is supposed to be regulated further on the derivative regulations.

Nevertheless, up to the day when the internet censorship was imposed following the Jakarta riot from May 21st to 22nd, 2019, no derivative regulations about the internet censorship were publicly known. It was only the Ministerial Circular Letter of MCI No. 106/HM/KOMINFO/05/2019 used as a legal basis for imposing the internet shutdown for three days from May 22nd to 25th, 2019, not only in Jakarta where the riot was taking place, but also all over Indonesia.

According to the Law No. 12/ 2011, Article 7, about the Formation of Legislation, The Circular Letter is not categorized as statutory regulations. In the Guideline for Official Script Service of Government Agencies of the Ministry of Administrative Reform and Bureaucracy Reform (KEMENPAN-RB) in 2012, Circular is defined as an official document that contains notifications about certain things that are considered important and urgent. Hence, it cannot serve as a basis to impose any policy.

The absence of derivative regulations for the Law No.19/2016 of Information and Electronic Transaction which are supposed to be the legal basis for MCI to impose the internet censorship from May 22nd to 25th, 2019 suggests that the enforcement of the policy was defective. It also indicates that the government does not have proper standard to implement a censorship policy. Damar Juniartono, during the interview, shared his opinion that the Article 40 of the Law No.19/2016 that is used as the legal basis for the internet censorship needs further regulations regulating about its standards because it can be easy misused for wrong intention.

The internet censorship in May 2019 was also improperly formulated. The policy formulation is the development of policy alternative for dealing with problems on the public agenda (Dye T. R., 2013). The problem identified in this context is the potential escalation of the riot in Jakarta which was sourced from the hoax circulation on social media. Accordingly, the government took the internet censorship to deal with it. The policy formulation usually occurs, among others, in government bureaucracies (Dye T. R., 2013) as what happened

in this case when the decision came following a joint meeting among MCI, the Coordinating Ministry for Political, Legal and Security Affairs (CMPLSA-Menkopolhukam), Indonesian National Armed Forces (Panglima TNI), President Staff Office (KSP), led by Wiranto (Minister of CMPLSA), at 1 pm on May 22.

Before the meeting, at 12 pm, MCI released the Circular Letter No. 105/HM/KOMINFO/05/2019. The minister appealed to the public not to share hoaxes, hate speech, or provocative contents, particularly videos and pictures related to victims of a riot violence, because it could reinforce fear among community. It implies that MCI considered neither the hoax circulation nor the riot as the problem which was too big to control by its usual censorship mechanism. Nonetheless, the final decision in the joint meeting was to impose a sporadic internet shutdown which affected internet users all over Indonesia who were unrelated to the Jakarta riot; who utilize the internet for their business transactions. The decision was then followed by the second Ministerial Circular Letter of MCI within the same day, which was the Ministerial Circular Letter of MCI No. 106/HM/KOMINFO/05/2019, at 3 pm, stating about the restriction on accessing social media features, particularly photos and videos. It is also a hint that MCI initially did not anticipate for internet shutdown.

Anita Wahid, during the interview in August 2019, said that MCI never prepared for the censorship at the first place. The censorship initiative came from Wiranto and MCI had no option but to follow the order because it was already stated publicly. This statement is also agreed by Damar Juniarto.

Given that the internet censorship policy in May 2019 was lack of legitimation and improperly formulated, it raises a question whether it was necessary and effective to implement such a policy or whether without the restriction the riot would go violent, be difficult to handle, and possibly threaten the national security.

The effectiveness of internet censorship on May 2019

Internet censorship could be an effective way to block hoax circulation, and in turn to prevent the riot escalation. Many studies suggest the prominent role of internet access, mainly through social media, is to improve the citizen political participation (Tkacheva, et al., 2013; Zuniga, Jung, & Valenzuela, 2012). In time when there is a political polarization, social media becomes a vital tool to facilitate social mobilization and transform the online movement into the offline one (Zhu, Skoric, & Shen, 2017). Hence, blocking the internet access is expected to block online

social mobilization, and eventually the offline social movement.

Social media is a vital tool for a social movement through the formation of informal networks and collective identities. It appears to have created opportunities for interpersonal engagement, interactivity, dialogues, and mobilization. The reason is because it can facilitate access to a large number of contacts, thereby enabling social movements to reach critical mass (Lovejoy & Saxton, 2012).

Social media can also promote the construction of personal and group identity—key antecedents of political behavior (Dalton, Sickle, & Weldon, 2009)— by allowing multiple channels for interpersonal feedback, peer acceptance, and reinforcement of group norms (Papacharissi, 2010). These sites can also operate as information hubs (Zuñiga, Jung, & Valenzuela, 2012). Facebook users, for instance, have a “News Feed” to monitor their personal contacts and stay updated with what is going on with those contacts. On the other hand, these services allow users to create and to join groups based on their common interests. Thus, those who join social movements and political groups online can receive information that they may not obtain elsewhere (Yamamoto, 2006). In short, social media provide users with more opportunities to engage in political activities, such as exchanging opinions with other people and joining political causes (Bennett & Segerberg, 2011), which may lead them to manifest it into offline political protests.

The channel by which social media activities foster political protest on the street can also be seen from the applied psychological perspective. Mulawarman and Nurfitri (2017) summarize the channel into three general stages. Firstly, it is the reinforcing collective belief through flooding the social media with similar contents which tend to promote negative stereotypes towards the opponent group. During high political tension, those stereotypes will easily be transformed into preconceptions which worsen the intergroup strain. It, then, turns to the second stage, i.e. *social contagion*. At this stage, the milling process is taking place so that the enthusiasm, emotion, and reciprocal stimulations are elevated. The increase in its intensity will eventually provoke a circular reaction and result in impulsive *collective actions* as the final stage. According to this perspective, the internet censorship is a mechanism to restrain the riot, as collective actions, starting from the initial stage, which is forming collective belief.

In the context of the riot in May 2019, public opinions were divided into two groups regarding to the result of general election of 2019 which put Jokowi-Ma'aruf Amin as the winner over Prabowo-Sandi. The first group supported the result, absolutely coming from Jokowi's supporters. The

second one was supporters of Prabowo who claimed the widespread fraud in April general election and demanded for justice during the riot.

The tension between both supporter groups had started since the campaign period. Indikator (2018) conducted a survey representing the Indonesian voters in December 2018, four months before the general election. Indikator found that even though Jokowi-Ma'aruf was more popular among both internet and non-internet users compared to Prabowo-Sandi, the gap between both president candidates among internet users were smaller than among non-internet users. It also indicated that the basis of Prabowo-Sandi supporters was among internet users. Indikator also revealed that about a quarter of people were exposed to the negative stereotypes attached to each candidate; for instance, Jokowi was a Christian from a communist family, and Prabowo was involved in 97/98 activists kidnapping.

The intergroup strain on social media was intensified following the announcement of real count election result by the General Election Commission (KPU) at 3 am in the morning on May 20th. There were five most used hashtags that reflected the polarization of the two political supporters on social media platforms. Supporters of Jokowi and Ma'aruf Amin campaigned their voice via hashtags #HariKemenangan (#VictoryDay), #HormatiSuaraRakyat (#RespectVoiceof-People), and #KamiBersamaKPU (#WeStandWithElection-Commission). On the other hand, the supporter of Prabowo and Sandiaga Uno expressed their political support through hashtags #RakyatTolakHasilPilpres (#PeopleRefuseElection-Result) and #SaveOurDemocracy (Wibowo, 2019).

It clearly shows that Jokowi's supporters, as the winner group, tend to support the election result and hence the Election Commission. In contrast, Prabowo's supporters, the opponent, tried to develop narration or collective mind that the election result was illegitimate. The sentiments captured from hashtag might also be reflected on the conversation mentioning "Jokowi" and "Prabowo" on social media. Hence, the rise and the down of mentions for each competing group would indicate the same sentiment dynamic on social media.

Following the Circular Letter of the Ministry of Communication and Information Number 106/HM/KOMINFO/05/2019 which resulted in slowing down on uploading and downloading pictures and videos, the traffic in almost all online media channels was declining, especially in WhatsApp Groups. During the interview, Ismail Fahmi, the Director of Media Kernels Indonesia (Drone Emprit), revealed the data extracted from social media around the period of the internet shutdown. The data were sourced from Twitter,

Facebook, Instagram, YouTube, Online media, and WhatsApp public group (WAG). The information circulation in 229 WhatsApp groups fell around 60 percent from 26,845 to 10,729 since the restriction process from May 22nd to 25th, 2019, compared to around 30 percent fall on other social media platforms.

The online conversations were grouped into the two most-frequently mentioned keywords, which were "Jokowi" and "Prabowo" which reflected how much the political conversation was going around the censorship period. It would also indicate how effective the internet censorship in calming intergroup tension in social media which was expected to halt the mill process and in turn to prevent the riot escalation.

The general pattern was that the conversations related to each group started to increase on May 20th, a day prior to the riot. The number kept going up and reached its peak in the morning on May 22nd, the second day of the riot, when it turned to be violent. It shows that the social media traffic, the digital media environment, was mirroring what was happening in the real life. The number of conversations mentioning both "Jokowi" and "Prabowo" gradually decreased in the evening of May 22nd when the censorship was imposed and then stabilized on May 25th, the end of the censorship period. However, the number of political conversations, at the end, was still higher compared to the initial number before the internet shutdown had started. At the same time, online news regarding both "Jokowi" and "Prabowo" did not show any much effect following the internet censorship. It even raised on May 24th, particularly for "Prabowo" (Figure 2).

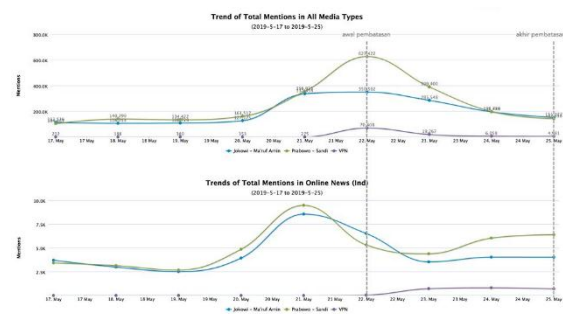


Figure 2: Total Daily Traffic Trend in All Media Types
Source: (Fahmi, Changing the Culture of Indonesia's social media, 2019)

Around the time when the riot occurred, people were used to posting and sharing fragments of photos or videos which reflected one side of a story, even the fake one. One of the most viral video fragments was the one with narration that police officers attacked mosques which was absolutely a hoax (Tribunenews, 2019). It was a typical post which was meant to cause fear about situation that people were in danger or crisis (*milling process*) just like in May 1998. The anxiety,

in turn, would trigger people to take impulsive actions, to do vandalism, or to join the riot (*collective actions*).

Data mined by Drone Emprit showed that the internet censorship forced the reduction in pictures or videos of political-based conversations, before elevating to its peak in the morning time of the May 22nd. It suggests that the censorship was able to block people to share photos or videos. However, given there was still a considerable number of photos or videos posted which were attributed to “Jokowi-Ma’ruf Amin” or “Prabowo-Sandi” during the restriction period, people must be using Virtual Private Network (VPN) to access and post those things on Instagram and YouTube. It is proven by the higher number of people searching for keyword “VPN” in google.

It implies that social media restriction was not effective to prevent people who had the intention, at the first place, to create and post negative contents, including buzzers. Nevertheless, this fact was in line with what the MCI expected, that the censorship was not meant to block the whole circulation of negative contents, but to prevent them from becoming viral.

“We know the way of spreading (information) is by posting them on social media, such as Facebook, Instagram, in the form of videos, memes, and pictures. That material will be captured and spread to be viral through the messaging application WhatsApp,” said Rudiantara (Kominfo, 2019).

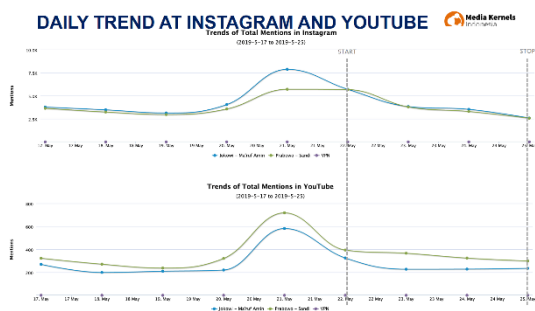


Figure 3: Daily Trend at Instagram and YouTube
Source: (Fahmi, Changing the Culture of Indonesia's social media, 2019)

It was interesting to note that there was a substantial difference in the traffic trend between “Jokowi” and “Prabowo”. In all media types, while the conversations about “Jokowi” were steady during the riot period, the conversations about “Prabowo” jumped up to about 76 percent within a day from May 21st to May 22nd. In online news channels, the number of articles mentioning “Prabowo” consistently outnumbered “Jokowi” from form May 19th to May 25th. The same thing happened on YouTube. The similar pattern was also observed on Facebook and Twitter suggesting that the conversations in those platforms were

dominating the total number of conversations in all media types.

In contrast, the rise of the conversation volume on Instagram did not show much increase as illustrated in total online media. Hence, it also experienced the flattest declining trend in the number of conversation following the censorship. Interestingly, “Jokowi-Ma’ruf Amin” got a lot more mentions, about 7,500 than those for “Prabowo-Sandi”, which were 5,500 during the peak time. Yet, their numbers converged to be around 2,500 mentions following the internet censorship which were still higher compared to the initial number.

This fact might be related to the demographic characteristics of Instagram users in Indonesia which were generally younger than other platforms, particularly Facebook users. It seemed to be in line with the majority of Jokowi supporters who were the younger voters as indicated by Prihatini (2018).

Greenhouse (2019) predicts that the older generation of Indonesian are more likely to use Facebook than other platforms. It was reflected from the data in 2016 that almost 95 percent of Indonesian aged 30 to 35 years old actively using Facebook, compared to 80 percent of whom aged 18 to 19 years old. On the other hand, Instagram users are dominated by younger people, about 73 percent of people between 16 and 25 years old and 55 percent of people aged 30 to 35 years as active users.

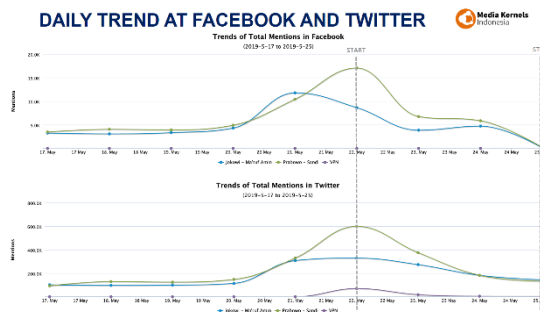


Figure 4: Daily trend at Facebook and Twitter
Source: (Fahmi, Changing the Culture of Indonesia's social media, 2019)

Nevertheless, the number of additional conversations on Instagram during the critical period did not seem significant. This was supported by the result of the survey conducted by Indikator (2018) which revealed that there were no significant differences found between Instagram users and non-users in supporting either Jokowi or Prabowo. It also concluded that people did not utilize Instagram in promoting or expressing their political preferences, as Greenhouse (2019) mentioned that up to 81 percent of Instagram users use this platform to learn more about the brands they are interested in. Meanwhile, Indikator shows that among social media users, the supporters of Prabowo-Sandi were mostly

Facebook and YouTube users. This might explain the sharp increase in conversation about Prabowo on Facebook and YouTube.

To conclude, the extreme increase in online political conversation around the May 2019 riot was stabilized following the internet censorship. It happened in all online media, particularly on Facebook and YouTube where most of Prabowo's supporters were. Given that the riot mainly sourced from Prabowo's supporters, the lower number of conversations mentioning "Prabowo" might indicate that the social mobilization was slowing down, and so was the social movement. Jakarta governor, Anis Baswedan, even had announced on May 24th that Jakarta was safe and Tanah Abang (one of the biggest markets in Jakarta) would be opened the next day (Tempo, 2019).

Considering that the censorship was effective to restrict the negative contents circulation and the riot escalation, it still leaves a question whether the internet censorship was needed at the first place. The unnecessary internet blocking would imply that the government has violated the freedom of expression of the Indonesian citizens.

Did the Internet Censorship on May 2019 Violate the Freedom of Expression?

The previous section shows how cyberspace becomes a political space where people share their political view, performing social mobilization, and manifesting it into social movement in the offline space. It concludes that the internet freedom, as part of human right, is instrumental to fostering democracy.

The report of internet freedom around the globe shows the freedom level of 65 countries which the lower the level indicates the more obstacles that internet users should tackle to access the internet. The report also categorized the internet access freedom of those countries into three categories: 'free county' for countries which has freedom of internet access, 'partly free' for countries which less restriction of internet and 'not free' for countries with very high restriction of internet access. The obstacles of internet access are related to the restrictions of the accessible contents and also violations of users' rights. The following countries are those considered as 'not free' countries. Their scores are lower than 39 out of 100. The first is China as the world's worst abuser of internet freedom for the fourth consecutive year with the score of 10 out of 100. Iran was in the second 'not free' country with the score of 15 out of 100. Internet freedom remained highly restricted in Iran during the analysis period, as authorities handed down harsh prison sentences to online journalists and other users and continued to block access to independent news sites and a number of social media and communication platforms. Syria

is considered as a 'not free' country with the score of 17 out of 100. The next is Vietnam with score 24 out of 100 due to severe restrictions on internet freedom, since its Draconian Cybersecurity Law has led to more restrictions on the internet, long criminal sentences for online expression, suspensions of online newspapers, and content removals activities. Indonesia itself scored as a 'partly free' country with the score of 51 of 100, due to, besides other reasons, the social media restriction following the national election in 2019.

With regard to the internet restriction, the power of internet in expanding citizen's political participation, at the same time, could bring the unlimited users' freedom of expression such that, without limitation, the expressions could be harmful or offended to each other, such as hate speech, hoaxes, racist contents, all of which could bring about social disharmony and conflict. Under this circumstance, the internet censorship is needed.

Freedom of expression itself is not included in the non-derogable rights like freedom to live, freedom from torture, freedom from enslavement or servitude and freedom of thought, conscience and religion (United Nations, ND). It means that the freedom of expression comes with a duty to behave responsibly and to respect other people's rights. Restrictions are permissible in two areas (IPU, 2016):

- a) Respect for the rights or reputations of others
- b) The protection of national security, public order or public health or morals

Nevertheless, there are strict tests of justification for any restriction on the right to freedom of expression, as follows:

- The restriction must be provided by law (legislation enacted by parliament, common law articulated by the courts or professional rules). The restriction must be precise and meet the criteria of legal certainty and predictability; it must be accessible to the individual concerned and its consequences for him or her must be foreseeable. Laws that are too vague or allow for excessive discretion in their application fail to protect individuals against arbitrary interference and do not constitute adequate safeguards against abuse.
- The restriction must be necessary for the legitimate purpose of:
- respecting the rights or reputations of others; or
- protecting national security, public order, public health or morals.

The latter criterion can be met only if the restriction addresses a specific, well-defined social need and is proportionated to the legitimate aim pursued, so that the harm to freedom of expression does not outweigh the benefits (IPU, 2016).

Considering the restriction rules of freedom of expression, the clarity whether the internet censorship in May 2019 violated the freedom of expression lies on the following criteria:

- a) It was legally imposed
- b) The riot in Jakarta in May 2019 was sourced from online social mobilization and had potential to escalate so that the national security was under threatened
- c) It did not outweigh the benefits

The beginning of section three of this paper presents the policy making process behind the internet censorship policy in May 2019. It indicates that the policy was not properly formulated and based on a weak legal basis. In other words, the first criterion to justify human right derogation is not satisfied.

Damar Juniarto, during the interview, also questioned the principles of transparency and accountability, besides compliance with the law, regarding the internet shutdown. The closed decision-making process, the absence of standard implementation procedures, the lack of independent evaluations conducted by parties outside the Ministry of Communication and Information, and the absence of mitigation of disruptions to public services that was stop operating, making the internet shutdown action does not seem to meet the qualifications of good governance.

Part of the second criteria has also been discussed in previous section. It demonstrates that cyberwar regarding to 2019 general election was so intense that its contribution to the Jakarta riot was too obvious to neglect. Still, it leaves a question whether the riot had potential to escalate without the censorship, and if so, whether national security was under threatened.

According to the Law No. 2/2002 about Indonesian Police in the Article 1 Verse 1, it is stated that domestic security is a condition marked by the guarantee of public security and order, upholding the law, and the implementation of protection and service to the community. In democratic countries, such as Indonesia, national security consists of state security, public security, and human security (Darmono, 2010). Security paradigm in Indonesia has changed after the fall of Suharto in 1998, which is known as the Reformasi Era. After this era, Indonesian scholars defined the new national security perspective from "military security" approaches to a broader definition, which also includes, political security, social security, and ecological security (Abbas & Ali, 2008).

Looking into the situation in Indonesia in May 2019, no indication of threats against national security was seen. The mass demonstration only happened in Jakarta at two points. Even though there was no exact number of demonstrators, the Coordinating Ministry for Political, Legal and Security Affairs (CMPLSA-Menkopolhukam) Indonesian claims that the mass was only thousands of people, and it failed to escalate to be a bigger number (Tirto, 2019). Indonesian police also had arrested 456 suspects (Tirto, 2019).

No	Aspect	May 1998	May 2019
1	Root cause	Complex	Single cause: rejecting the election result
2	Duration	Many years	Two days
	Demonstrans	Millions	Thousands
3	Location coverage	Some cities	Two locations in Jakarta
4	Socio-economic situation	Monetary crisis	Stable
5	Global situation	Asian Financial Crisis	Stable
6	Regime characteristic	Authoritarian	Democratic
7	Military loyalty	Fractured	Fully support the government

Table 1. Comparison between Jakarta Riot on May 2019 and Reformation Demonstration on May 1998.

Compared to the mass demonstration in May 1998, known as the Reformation Demonstration, the Jakarta riot was not even close. Table 1 describes the comparison in several aspects, including the root cause, duration and location coverage of demonstration, social economic situation, regime characteristic, military loyalty, and global situation.

It illustrates that the root cause of Reformasi demonstration in 1998 was more complex, and the mass was larger, since the locations were spread in many big cities compared to only several locations in Jakarta, as well as unstable economic and financial situations due to the asian financial crisis (Hill H., 2012), while the financial and economic situation in 2019 relatively stable. More importantly, there was a fraction among military personnels (bbc.com, 2018) in 1998 which did not happen in 2019. All of them, particularly the latest, indicate that the Jakarta riot in 2019 would not escalate up to the state where the national security was threatened.

"I think the government can still handle the riot by its technology. Besides, the demonstration was not systematic; it only occurred at two points in Jakarta. So, there was no urgency to censor" (Interview with Damar Juniarto in August 2019).

Regarding to the last justification of freedom of expression restriction, the cost of internet censorship in May 2019 was clearly outweigh the

benefit. The discussion on section 3.1 shows that the restriction blocked the circulation of negative contents and prevented the riot to be escalated. However, the restriction was imposed nationally without considering that the riot only took place in several points in Jakarta. Consequently, around 150 million internet users in Indonesia was affected by this policy without considering their involvement in the Jakarta riot. Including to these people were those utilizing internet for business activities.

Netblocks.org provides a loss calculator from the internet shutdown. The NetBlocks Cost of Shutdown Tool (COST) estimates the economic impact of the internet disruption, cellular data blackouts, or application restrictions using indicators from the World Bank, ITU, Eurostat, and the United States Census. The result shows that the estimated loss value of COST on the internet restriction in Indonesia during the three days on four social media platforms reached around \$243,812,833 of total cost impact or around 3,492,621,060,671 Indonesian Rupiah (netblocks.org, 2019). This huge loss was attributed to the society who used social media platforms to earn money by doing conversation for their business purposes.

By exercising general censorship, the government ignored the differences between negative and positive contents. The mechanism automatically blocked any contents, particularly pictured-based contents, which spread through social media platforms. At this point, the government did not care whether the contents supported or were against fake news (Interview with Damar Juniarto in August 2019)

Damar argued that the censorship policy has to comply with three requirements. The first is targeted objects. The censorship must target a specific group of people, with certain profiles or in particular areas. The second is specific time. It means that the government cannot implement the censorship policy without mentioning the specific time. The third is transparency. The government should open the policymaking process to the public. In fact, the censorship action in May 2019 did not comply with any of the three requirements above. The policy was implemented without transparency, and the government also did not mention a certain period of time of the censorship. Therefore, the censorship from May 22nd to 25th, 2019, was not ruled by. He added that the government also did not provide a comprehensive report on the bill. The government only mentioned some numbers such as how much fake news or the number of URLs that spread fake news.

Damar's explanation provides a final proof that the internet censorship on May 2019 was unjustified by any means. Hence, no matter its effectiveness in blocking the negative contents

circulation and preventing the riot escalation, it was not supposed to impose; in particular, considering that the decision was not coming from proper policy formulation and legitimation.

V. CONCLUSION

Even though the censorship was proven effective to block the circulation of hoaxes among society and to prevent the escalation of the riot in Jakarta, the censorship could not be justified. The policymaking process analysis shows that it was not properly formulated, and the policy legitimation was defective. Meanwhile, there was no indication that the riot in Jakarta would threaten the national security so that it was necessary to restrict the internet freedom. In addition, the cost of general internet censorship (without proper screening) was clearly outweigh the benefits of the censorship.

These findings illuminate the debate on whether the internet censorship policy following the riot in Jakarta in May 2019 should be imposed. No matter how effective the censorship to prevent the riot escalation, it was clear that in this case, the government of Indonesia failed to fulfil its obligation to protect the right of the citizens to freely express their opinions and get information, particularly from the internet.

Nevertheless, it is important to note that the internet censorship is generally important to protect the Personal Rights and to avoid potential conflicts sourcing from the internet facilities. Hence, a way to balance them out lies on the derivative regulations of the legal protection, particularly the Law Number 19/2016 of Information and Electronic Transaction, Article 40.

Derivative regulations will serve as guideline for the government, particularly MCI, to perform daily internet censorship as well as during extraordinary situations, such as riot or mass demonstration. Regarding to daily censorship, the guideline will regulate the interest group of actors who are involved, the censorship procedure, and the criteria of content necessary to block. Meanwhile, during the extraordinary situation, the regulation would guide the government under what circumstances, indicated by measurable indicators, the censorship policy needs to be imposed. These regulations would make sure the government formulate and implement an effective and legitimate policy to address crucial problems among society.

VI. ACKNOWLEDGMENT

Thank to my very supportive family; wife and son, fun friends, and very wise supervisors at SGPP.

VII. BIBLIOGRAPHY

- Abbas, A., & Ali, A. (2008). *TNI-POLRI di Masa Perubahan Politik*. Bandung: Studi Pertahanan Institut Teknologi.
- bbc.com. (2018, July 25). *Dokumen rahasia Amerika Serikat diungkap: 'Prabowo perintahkan penghilangan aktivis 1998'*. Retrieved from [bbc.com](https://www.bbc.com/indonesia/indonesia-44949790): <https://www.bbc.com/indonesia/indonesia-44949790>
- Bennett, W., & Segerberg, A. (2011). DIGITAL MEDIA AND THE PERSONALIZATION OF COLLECTIVE ACTION. *Information, Communication & Society*, 771-799.
- Dalton, R., Sickle, A. V., & Weldon, S. (2009). The Individual-Institutional Nexus of Protest Behaviour. *British Journal of Political Science*, 51-73.
- Darmono, B. (2010). Konsep dan Sistem Keamanan Nasional. *Jurnal Ketahanan Nasional: Nomor XV (1)*, 7-8 and 17-18.
- Denisova, A. (2017). Democracy, protest and public sphere in Russia after the 2011-2012 antigovernment protests: digital media at stake. *Media, culture and society*, Vol. 39 (7) p. 976-994.
- Denisova, A. (2017). Democracy, protest and public sphere in Russia after the 2011-2012 anti-government protests: digital media at stake. *Media, Culture & Society*, vol 39(7) 976-994.
- detik.com. (2019, May 27). *inet.detik.com*. Retrieved from [inet.detik.com](https://inet.detik.com/cyberlife/d-4566915/kominfo-blokir-2-ribuan-akun-medsos-isi-hoax--konten-negatif): <https://inet.detik.com/cyberlife/d-4566915/kominfo-blokir-2-ribuan-akun-medsos-isi-hoax--konten-negatif>
- Dye, T. (2013). *Understanding Public Policy 14th ed.* Pearson Education.
- Edelman Trust Barometer. (2018). *2019 Edelman Trust Barometer Global Report*. Edelman.
- Fahmi, I. (2019). Changing the Culture of Indonesia's social media. *Democratic Resilience Program*. Jakarta.
- Fahmi, I. (2019, August 6). Interview on Social Media Restriction after the Australia Award Pre-Course. (A. Rozali, Interviewer)
- Greenhouse. (2019, May 15). *Indonesia's Social Media Landscape: An Overview*. Retrieved from [Greenhouse](https://greenhouse.co/blog/indonesias-social-media-landscape-an-overview/): <https://greenhouse.co/blog/indonesias-social-media-landscape-an-overview/>
- Hill, H. (2012). *The Best of Times and the Worst of Times: Indonesia and Economic Crises*. Canberra: Arndt Corden Department of Economics Crawford School of Economics and Government ANU College of Asia and the Pacific.
- Hootsuite We Are Social. (2019). *Digital 2019*. Hootsuite We Are Social.
- IPU, I.-P. U. (2016). *Human Rights*. Office of the High Commissioner for Human Rights.
- Juniarto, D. (2019, August 6). Interview on Internet Restriction. (A. Rozali, Interviewer)
- Kominfo. (2019, may 22). *kominfo.go.id*. Retrieved from [kominfo.go.id](https://www.kominfo.go.id/content/detail/18868/siaran-pers-no-106hmkominfo052019-tentang-pembatasan-sebagian-fitur-platform-media-sosial-dan-pesan-instan/0/siaran_pers): https://www.kominfo.go.id/content/detail/18868/siaran-pers-no-106hmkominfo052019-tentang-pembatasan-sebagian-fitur-platform-media-sosial-dan-pesan-instan/0/siaran_pers
- Kominfo. (2019, May 22). *kominfo.go.id*. Retrieved from [kominfo.go.id](https://www.kominfo.go.id/content/detail/18865/kominfo-temukan-kabar-hoaks-soal-aksi-22-mei-dan-situng-kpu/0/berita_satker): https://www.kominfo.go.id/content/detail/18865/kominfo-temukan-kabar-hoaks-soal-aksi-22-mei-dan-situng-kpu/0/berita_satker
- Kominfo. (2019, May 22). *Kominfo.go.id*. Retrieved from [Kominfo.go.id](https://www.kominfo.go.id/content/detail/18868/siaran-pers-no-106hmkominfo052019-tentang-pembatasan-sebagian-fitur-platform-media-sosial-dan-pesan-instan/0/siaran_pers): https://www.kominfo.go.id/content/detail/18868/siaran-pers-no-106hmkominfo052019-tentang-pembatasan-sebagian-fitur-platform-media-sosial-dan-pesan-instan/0/siaran_pers
- Lovejoy, K., & Saxton, G. (2012). Information, Community, and Action: How Nonprofit Organizations Use Social Media. *Journal of Computer-Mediated Communication*, 337-352.
- netblocks.org. (2019, November 12). *netblocks.org*. Retrieved from [netblocks.org](https://netblocks.org/cost/): <https://netblocks.org/cost/>
- Papacharissi, Z. (2010). *A Network Self: Identity, Community, and Culture on Social Network Sites*. New York: Routledge.
- Permadi, D. (2019, August 5). Discussion forum in Jakarta. (A. Rozali, Interviewer)
- Republika. (2019, May 24). *Republika.co.id*. Retrieved from [Republika.co.id](https://republika.co.id/berita/ekonomi/korporasi/przngo370/pemblokiran-medsos-rugikan-jualbeli-online-rp-681-miliar): <https://republika.co.id/berita/ekonomi/korporasi/przngo370/pemblokiran-medsos-rugikan-jualbeli-online-rp-681-miliar>
- Sasmito, A. (2019, October 17). Hoax Map Based on Religius Sentiment. (A. Rozali, Interviewer)
- Setu, F. (2019, June 26). Interview on Internet Restriction May 22-25, 2019. (A. Rozali, Interviewer)
- Shahbaz, A., & Funk, A. (2019). *The Crisis of Social Media*. Washington: Freedom House.
- Smith, P. (2008). Liverty-Limiting Principles. *Moral and Political Philosophy*, pp 75-94.
- Tempo. (2019, May 24). *Tempo.co*. Retrieved from [Tempo.co](https://en.tempo.co/read/1208878/anies-baswedan-dont-worry-jakarta-is-safe): <https://en.tempo.co/read/1208878/anies-baswedan-dont-worry-jakarta-is-safe>
- Tirto. (2019, July 19). *Polisi: Tersangka Kerusuhan 21-22 Mei 2019 Bertambah Jadi 456 Orang*. Retrieved from Tirto: <https://tirto.id/polisi-tersangka-kerusuhan-21-22-mei-2019-bertambah-jadi-456-orang-eeCU>

- Tirto. (2019, May 28). *Wiranto Anggap Pengumpulan Massa Aksi 21-22 Mei 2019 Gagal*. Retrieved from Tirto.id: <https://tirto.id/wiranto-anggap-pengumpulan-massa-aksi-21-22-mei-2019-gagal-d8XJ>
- Tkacheva, O., Schwartz, L., Libicki, M., Taylor, J., Martini, J., & Baxter, C. (2013). The Internet and Political Process in Different Regimes. In *Internet Freedom and Political Space* (pp. 17-42). RAND Corporation.
- Tribunews. (2019, May 22). *TribunKaltim.co*. Retrieved from <https://kaltim.tribunnews.com/2019/05/22/ho-aks-polisi-dan-tni-serang-masjid-saat-amankan-aksi-22-mei-yang-viralkan-di-medsos-diburu>
- United Nation. (1948). *Universal Declaration of Human Rights*. Paris: United Nation.
- United Nations. (ND). *Human Rights: A Basic Handbook for UN Staff*. United Nations.
- Valenzuela, S. (2013). Unpacking the Use of Social Media for Protest Behaviour: The Roles of Information, Opinion Expression, and Activism. *American Behavioral Scientist*, 57(7) 920-942.
- Wibowo, W. (2019, May 21). *Pasca Pengumuman Rekapitulasi KPU*. Retrieved from Drone Emprit Pers: <https://pers.droneemprit.id/kpu-pasca-pengumuman-rekapitulasi/>
- www.accessnow.org. (2018, December 13). *www.accessnow.org*. Retrieved from [www.accessnow.org](https://www.accessnow.org/keepiton/): <https://www.accessnow.org/keepiton/>
- Zhu, Q., Skoric, M., & Shen, F. (2017). Shield Myself From Thee: Selective Avoidance on. *Political Communication*.
- Zuniga, H. G., Jung, N., & Valenzuela, S. (2012). Social Media Use for News and Individuals' Social Capital, Civic Engagement and Political Participation. *Journal of Computer-Mediated Communication*, 319-336.