

NEWSLETTER - JULY 2024

CIVIL SOCIETY COALITION AGAINST ELECTION DISINFORMATION

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#EDITORIAL

THE THREAT OF THE MINISTER OF COMMUNICATION AND INFORMATICS DECREE NO. 172 OF 2024 TO SOCIAL MEDIA PLATFORM FREEDOM

A New Tool for Suppressing Freedom of Expression

The Minister of Communication and Informatics (Kominfo) Decree No. 172 of 2024 has sparked concerns among social media platforms and advocates of freedom of expression. This regulation stipulates that social media platforms must take down content ordered by the government within a specified timeframe. Failure to comply with this order will result in a fine of 500 million rupiah. This threat is not only alarming from a financial standpoint but also reflects the potential for abuse of power by the government.

This regulation lacks clear standards regarding the characteristics of content that must be taken down, leaving room for subjective interpretation and potential abuse. The government can order the removal of content deemed inappropriate without measurable or transparent criteria. This grants the government significant power, with no adequate oversight mechanisms in place to protect the rights of social media platform users.

The regulation raises concerns that the government may use its power to control narratives on social media. Without clear standards, social media platforms will find

themselves in a difficult position, caught between government pressure and the need to protect their users' freedom of expression. Is this a step forward in enforcing the law in the digital world, or is it a threat to freedom of expression in Indonesia?

Potential Abuse of Power: Lack of Clear Standards

The Minister of Communication and Informatics Decree No. 172 of 2024 contains provisions that are highly vulnerable to abuse. The absence of clear standards regarding what content must be taken down creates legal uncertainty. Social media platforms lack firm guidelines on what types of content they should remove based on government orders; deciding to take down highly subjective content is potentially exploitable by those in power.

This uncertainty opens the door for the government to act arbitrarily. Content that should be protected under freedom of expression could easily be ordered to be removed under vague pretenses. This regulation could be used in politically sensitive contexts to silence criticism of the government or issues that authorities find undesirable.

Moreover, the threat of substantial fines,

amounting to 500 million rupiah, will likely drive social media platforms to opt for content removal rather than risk penalties. This will create a chilling effect on freedom of expression, ultimately leading to fear and uncertainty among social media users, hindering healthy discourse and the exchange of ideas in public spaces.

Government Control Over Social Media: A Threat to Freedom of Expression

With the implementation of Minister of Communication and Informatics Decree No. 172 of 2024, we are witnessing how the government is attempting to expand its control over social media platforms. This regulation grants the authority to order content removal and introduces significant financial threats to platforms that fail to comply with such orders. In this context, social media is no longer a free space for everyone to speak and share information but a tool the government can easily control.

The lack of transparency in the decision-making process regarding content removal exacerbates this concern. Who will determine whether a piece of content deserves to be taken down? Is there an appeal mechanism for users whose content has been removed? Without transparent and fair procedures, this regulation has the potential to be misused by those in power.

This situation raises fundamental questions about Indonesia's future of freedom of expression. Is this regulation intended to protect society from harmful content, or is it a covert attempt to control public narratives? In this digital era, freedom of expression and speech on social media are essential to democracy. Using this regulation as a

control tool seriously threatens these values.

The Chilling Effect: Blurring the Line Between Law and Fear

With its heavy fines, this regulation will push social media platforms to implement stricter policies on user content. However, the more significant issue is how this policy will affect social media users' behavior. The chilling effect is a very likely outcome, where users will feel compelled to restrain themselves from expressing their opinions out of fear that their content will be removed or, worse, that they will face legal repercussions.

This effect should not be underestimated. When people begin to fear speaking freely, public discourse will shrink. Diverse ideas and opinions, which should be part of a healthy democracy, will become increasingly difficult to hear. Ultimately, this will lead to the homogenization of opinions in the public space, where only certain viewpoints are safe to express.

Furthermore, this chilling effect will impact not only individuals but also social media platforms themselves. Platforms will be more inclined to remove content that may be controversial, even if it does not violate the law, just to avoid the risk of hefty fines. This will create an environment where social media loses its original function as a platform for freedom of expression and becomes a tool that succumbs to government pressure.

#INDEPTH

EVALUATION AND RECOMMENDATIONS FOR SIREKAP IN THE 2024 REGIONAL ELECTIONS

Technology and information have become key instruments for transparency and accountability in elections, ensuring effective and efficient election administration. However, in practice, the 2024 Election Commission's (KPU) Sistem Informasi Rekapitulasi (Sirekap) still has several notes on the recap process and transparency issues. Its existence is crucial for maintaining public transparency and building election legitimacy.

"For the past four years, we have seen that the KPU has adopted several proposals in Sirekap. However, it is still far from expectations, especially in its development and implementation," said Adhy Aman, Program Manager of International IDEA's Regional Asia Pacific, in a discussion titled "Sirekap in the 2024 Elections: Evaluation and Recommendations for the 2024 Simultaneous Regional Elections" in Menteng, Central Jakarta (July 6).

According to him, elections in Indonesia, with many voters, require optimal technological support and innovation. As the 2024 Regional Elections in November approach, he believes that the KPU needs to be transparent about the intricacies of the Sirekap system to mitigate the lack of public trust in the election process.

"There should be visible testing and system trials, not done behind closed doors," he said.

Hadar Nafis Gumay, Executive Director of the Network for Democracy and Electoral Integrity (Netgrit) and initiator of Jagasuarra 2024, said that Sirekap should minimize errors and help accelerate the recap process. However, it has caused confusion and suspicion in practice, undermining public trust in the election organizers.

"Technology should be able to speed up this process, reduce costs, and ensure transparency so that we can see all the data, including the erroneous and potentially manipulated ones," said Hadar.

He observed that using Sirekap remains slow and has not helped speed up the recap process, even being shut down before the recap process was completed. Sirekap should aid the tiered recap process to ensure the consistency of manual recaps, and the public should use it to monitor and compare tiered manual recap data with Sirekap data.

"The shutdown of this system hinders transparency and public access to election data. This is one of the factors that led to the failure of Sirekap implementation," he said.

Furthermore, Hadar noted that Sirekap should ensure that system readings go through a verification process first, so that errors can be corrected before the data is published. He also proposed a separate publication portal for media and political parties to access complete data.

Sirekap should have a clear roadmap and undergo trials long before the election so that the technology can be effectively used by the Voting Organizing Group (KPPS) officers. However, Hadar believes that network resilience and security testing of Sirekap were not conducted properly, resulting in many issues arising later.

"So, we conclude that Sirekap is not fully ready to be used in the elections," he explained.

In the 2024 Elections, civil society coalitions launched the Jaga Suara movement to ensure the purity of election results. Jaga Suara is a collaborative effort to monitor the vote-counting process in the 2024 Elections by collecting photos and data on vote tallies from each polling station (TPS) using the JagaSuara2024 app. The photos and readings were then sent to the JagaSuara2024 server to be recapped and could serve as a comparison to the official KPU results. From this monitoring, Jaga Suara found anomalies in Sirekap data that Sirekap did not accurately read.

Reza Lesmana, a technology expert from JagaSuara2024, said that the use of technology in the 2024 Elections was better than in 2019. In the 2019 Elections, the digitization mechanism was still manual, whereas the 2024 Elections already used Optical Character Recognition (OCR) technology. From the operator's side, in 2019, the main operators were the district/city KPU officers, whereas, in Sirekap, they were the KPPS officers directly.

"In Sirekap, the process of entering data at the beginning was very fast; even on the first day of vote counting, the data was already in. However, after three days, this process slowed down, and the data was no longer displayed after March 5," he explained.

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Meanwhile, Bawaslu's cyber monitoring from November 28, 2023, to February 10, 2024, found that out of 355 monitored contents, Facebook was the platform with the most suspected content violations at 33.2%, while YouTube had the fewest with two contents or 0.6%. By type, of the 355 monitored contents, hate speech was identified as the most suspected violation with 340 cases or 96%, while fake news had the fewest with five cases or 1%.

Lolly stressed that Bawaslu is committed to enhancing public education and collaboration with relevant parties to address these challenges ahead of the 2024 Elections. They are continuously developing technology-based monitoring strategies using media intelligence applications and digital content monitoring. She hopes these strategic steps will create a cleaner, fairer, and more transparent election environment.

"We must think ahead, addressing various issues without violating existing regulations. Civil society is a crucial element in this process," she concluded.

According to Reza, Sirekap's process was slow because many KPPS officers failed to upload data, requiring intervention by officers at the sub-district or district level. Additionally, the tightened data verification process also slowed down data submission. KPPS officers were not allowed to correct presidential election data, resulting in many inconsistent data being entered into the system without correction.

In the 2020 Regional Elections, data verification issues were still found, with more than 19,000 TPS showing incorrect data out of 600,000 downloaded data, such as different vote tallies or incorrect TPS. Although the number of errors was not statistically significant, it still highlights weaknesses in the system.

To prepare for the 2024 Regional Elections (Pilkada), Jaga Suara recommends several measures, such as more intensive training for KPPS (Polling Station Working Committee) and granting KPPS permission to correct data, improving technology, and strengthening the data verification process. Additionally, according to Reza, Sirekap needs to create a channel for reporting data errors to the public, instead of using social media.

"All these processes must be more transparent and presented to the public to receive feedback and build trust," he emphasized.

Jaga Suara's Recommendations for the 2024 Regional Elections:

- 1 More Intensive and Early Technical Guidance (Bimtek) for KPPS: Netgit even recommends that KPPS be granted the authority to correct Optical Character Recognition (OCR) scanning results of Form C-Hasil.

- ② **Change OCR Reading from Server to Mobile Devices:** Server-based reading places a too high burden on the server, disrupting its ability to receive data. JagaSuara2024 implemented mobile device reading mechanisms during the 2024 elections, which successfully maintained smooth server traffic.
- ③ **Strengthen Data Verification Processes:** The tiered manual vote recapitulation process should be integrated with Sirekap data so that the public can view and verify recapitulation results at each level.
- ④ **Encourage the KPU to Provide a Public Reporting Channel on the Results Publication Website:** This is to make it easier for the public to submit findings from their observations.
- ⑤ **Urge the KPU to Be More Transparent in the Sirekap Preparation Process for the 2024 Simultaneous Regional Elections:** KPU transparency will help the public better understand the Sirekap system and prevent the impact of misinformation and disinformation targeting Sirekap.
- ⑥ **Properly Prepare Sirekap Towards Election Day by Involving Civil Society and Technology Experts:** This would help refine Sirekap in anticipation of the regional elections.