

Restrictions on Social Media Access by the Government and the Right to Get News

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Abstract— The Government of the Republic of Indonesia, through the Ministry of Communication and Information (Kemenkominfo), restricted the public in this country from accessing social media on May 22, 2019. This policy was adopted because at that time the frequency of spreading information and false news (hoax) increased very sharply with big worrying impacts. According to the Ministry of Communication and Information, the spread of hoax increased sharply by 85% before the 2019 Presidential Election. A month before the policy was taken or during April 2019 alone 486 hoaxes were spread to the public and 209 of them were categorized as political news. The amount was very large when compared with the accumulation of hoax distribution in previous months. During August 2018 - April 2019, political news hoaxes were only 620 news stories, followed by the government category (210 hoaxes), health category (200 hoaxes), crime category (113 hoaxes), and defamation category (159 hoaxes). Increased hoax distribution ahead of the 2019 presidential election resulted in fears of losing public confidence in all the news circulated even though the news was true. This was what happened on May 21, 2019 when the General Election Commission announced the results of the elections which were held simultaneously on April 17, 2019. People who rejected the election results staged a demonstration that led to terrifying chaos. To anticipate the turmoil that might be greater in the community, the government then issued a policy restricting public access to social media limited to downloading and uploading photos and videos. Government policies of a certain size seem to violate human rights (HAM), but they actually carried out the policy by staying within the legal corridors of the Information and Electronic Transaction Law which regulates information and electronic transactions and information technology in general in Indonesia.

Keywords— *Communication Technology, Social Media, Hoax, Government Policy, and Human Rights*

I. INTRODUCTION

Communication technology that is now in the hands of the people has achieved very significant developments. People among the community can easily communicate in seconds even though they are in different locations even in very long distances. They can not only talk to one another, but can even face to face through video call facilities, teleconferences, and many other facilities on social media. The public can also communicate via short messages, both individually and in groups.

No doubt that any advances in information technology are now supported by internet networks that are easily accessible and quite adequate. Communities in various regions, for

example, are now able to enjoy internet technology easily. They come to know that the internet on one hand provides a broad forum for them to express themselves and express various aspirations, while on the other hand, it also provides new benefits from being previously used only as a tool to launch certain activities, now is developing to be tools of community group identity. It can be seen from the many social media that appear and are used by all people to interact or are only used to fulfill their entertainment needs.

The development of information and communication technology, especially social media, has an extraordinary impact in the form of rapid changes in all fields. In the development of this communication technology advances even gave birth to a new information society in which everyone can easily carry out various interactions with other humans or, in other words, each communication technology user can simultaneously become a producer or consumer of information. The main changes from the emergence of new media or communication technology were coined by McQuail, including: [1]

- Digitalization and integration of all aspects of the media;
- Increased interactive behavior and network connectivity;
- Mobility on sending and receiving;
- Adaptation to publications and audience roles;
- The appearance of "gate away" media forms;
- Fragmentation and blurring of media institutions.

The development of technology that is so significant also triggers the birth of new patterns in information behavior. Bordewijk and Van Kaam (in McQuail, 2011) divide the patterns into several sections. The first part is allocation, which is a pattern of communication with information dissemination carried out from one center to several points that are spread simultaneously. This is now what so-called "a chain message" or "broadcast". The second part is conversation, namely that it is possible for everyone to interact both through mediation and directly due to communication patterns.

While offer many positive benefits and impacts, the various conveniences and innovations offered by the development of communication technology also bring

negative impacts, both for the users themselves and for the wider scope of society. One positive impact is that the Internet and social media have proven to create social integration and cohesiveness. In addition, the rapid circulation of information makes it possible for all circles to do it, both in producing and publishing information, because the information technology that they hold continues to innovate offers a great deal of convenience. The internet basically offers freedom and information openness with which all human needs can be easily and quickly fulfilled, starting from the need to interact, the need to find information, to the need to get entertainment.

However, this communication technology is not without negative impacts. User communities, for example, are often addicted to gadgets due to being very dependent on the internet and social media. This does not include the ease with which they access pornographic sites, online prostitution businesses, or sites that contain crime information with which they learn to act criminally. Of all, and this is the focus of this paper, is the negative impact of gadgets in the form of more systematic and massive dissemination of hoax information, which consequently interferes with the psychology of people who receive such fake messages as feeling threatened, anxious, tense, etc.

What a big number hoax has been circulating in Indonesia and the impact has reached an alarming limit was seen in the 2019 political year, when two pairs of presidential candidates competed against each other for people's votes for victory. According to data compiled from the Ministry of Communication and Information and the Indonesian police, hoax increased by 85% ahead of the 2019 presidential election. Kemenkominfo noted that during April 2019 there were only 486 false news or hoax. Of that number, the political category hoax reached 209 news. As a comparison, the Ministry of Communication and Information also explained clearly on its official website that the categories of fake news content or hoax identified during August 2018 - April 2019 included a) political categories: 620 hoax, b) government categories: 210 hoax, c) health categories: 200 hoax, d) crime categories: 113 hoax, e) defamation categories: 159 hoax, and f) other issues [2].

All of these tendencies occur because social media has become one of the main channels in disseminating information/news about the hoax. DailySocial.id research noted that social media with the highest percentage of hoax were spreading Facebook (82.25%), WhatsApp (56.55%), and Instagram (29.48%) [3].

Starting from the negative impact, the results of the Hootsuite Wearesocial research released in January 2019 became very significant when the research concluded that 56% of the total 269.6 million people in Indonesia were social media users. If it was accumulated with nominal figures, that number reached 150 million people. That number was up 20% compared to the amount found by the previous survey. The same research concludes, there were 130 million people or around 48% of the total population of gadget users who were clearly recorded as social media users [4].

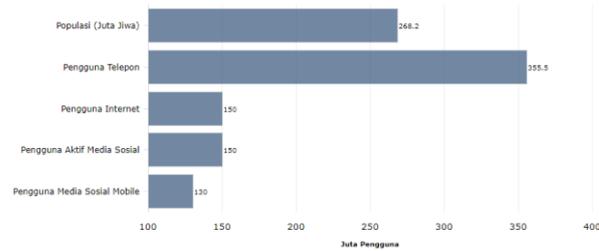


Fig. 1. Data Phone Users, Internet, Indonesian Social Media, source: Social Wear (2019)

This hoax phenomenon circulating in Indonesian society is considered to be able to cause various new problems. Hoax are considered by the Indonesian Press Council to have reached a serious ranking, even more so when hoax have a very wide range, ranging from hoax containing satire content to hoax that are published through various information platforms. Hoax were said directly by President Joko Widodo as part of the era of transparency that must be faced. All parties are urged to end the spread of false news (hoax) and slander that can divide the nation, especially information circulated through social media. [5]

In addition to the president, the Coordinating Minister for Political, Legal and Security Affairs (Menko Polhukam), Wiranto, also reminded the public that spreading false and unclear news would be detrimental to many parties, for example people were doubtful and confused with the information they received even though the information was true. It is the community confusion that what will be used by parties who are not responsible for instilling hatred so as to open up opportunities for hostility and division in the community [6].

Such a phenomenon can be seen on May 22, 2019 when the announcement of the results of the presidential election 2019/2024 held on April 17, 2019 was announced by the Election Commission. At that time, the election results announced by the KPU, that the contestation won by candidate pair number 01 Joko Widodo and Ma'ruf Amin, was not trusted by supporters of the pair Prabowo Subianto and Sandiaga Uno. They not only rejected the results of the vote, but also carried out demonstrations in several areas in Jakarta, one of which was right in front of the Election Supervisory Body (Bawaslu) building on Jalan MH Thamrin, Central Jakarta. The mass demonstration was carried out quite anarchically so that people became restless when reading or watching the news presented in the form of photographs, videos, and various statements and news that were considered provocative. From this incident, the government then restricted access to several social media platform features and messaging services to minimize the provocateurs spreading videos, memes, photos, especially the hoax circulation of demonstrations of rejection or dissatisfaction with the 2019 Presidential Election results distributed via several social media platforms such as Facebook, Instagram, and Whatsapp.

Based on the background that has been described, it is interesting to study and analyze more deeply is the government, in this case the Republic of Indonesia Ministry of Communication and Information, directly minimizing the spread of hoaks that are rife and becoming increasingly prevalent in Indonesia at that time. The government limits

access to social media platforms and messaging (chat) services such as Facebook, Instagram and Whatsapp, which are considered to be the main pathways in spreading false news that is spreading.

II. RESEARCH METHOD

This research is a meta-analysis with a qualitative descriptive approach. Meta-analysis is one type of systemic review which is a form of activity identifying, evaluating, and interpreting all topic areas or specific phenomena of interest to researchers. Meta-analysis in research is carried out with a qualitative approach. The analysis was carried out in a descriptive qualitative manner, using a method of analyzing content that was adjusted to the purpose of the study. Qualitative meta-analysis basically follows the same procedure as quantitative meta-analysis, but is more interpretative and aggregative [7].

III. RESULT AND DISCUSSION

Since September 2018, two pairs of RI presidential candidates for the 2019/2024 period campaigned to win the hearts of the Indonesian people to use their voting rights to elect the pairs of candidates. The full moment of the campaign was an opportunity for the opposing parties to attack each other, one of which was by spreading negative news about the opposing party which was spread to the public through social media networks. This was done so that the target community decided to choose a certain candidate that was different from the candidate who was attacked with negative news earlier. In fact, even long before the campaign period, the dissemination of content or information whose truth cannot be accounted for had circulated widely in the community. The ultimate goal of spreading false news was certainly to influence the target of the information given even greater and real impact was when the news hoax really influence one's behavior and psychic. In fact, this was what was really troubling the public to the annoyance of the government. Spreading false news was certainly very detrimental to certain parties, especially the object of the news. In essence, public opinion could be constructed or formed by the circulation of false news so that it could lead to public unrest and confusion which results in easily igniting people's emotions and ending in ongoing conflict.

According to Silverman (2015), false news is deliberately produced to attract the desire and cause fear of the people who are not limited to reality. Reality should be able to provide a limit of news which can or cannot be given. As already mentioned, the consequence of hoax news or false information is that one's emotions or the public are easily provoked [8].

The case that the researcher intends to exemplify is the phenomenon of a loss of public confidence in the majority of the 2019/2024 presidential election results announced by the KPU as explained earlier. At that time, the election results announced by the KPU, that the contestation won by candidate pair number 01 Joko Widodo and Ma'ruf Amin, was not trusted by supporters of the pair Prabowo Subianto and Sandiaga Uno. Demonstrations of their rejection were then spread in the form of photographs, videos, and also news that tended to be provocative. Government policies that limited access to multiple platforms of social media features and messaging services to minimize provocateurs spreading videos, memes, photos, especially the hoax circulation of

demonstrations of rejection or dissatisfaction with the 2019 Presidential Election results were of course under the legal corridor of the laws relating to Information and Electronic Transactions. Article 28 paragraph 1 of the ITE Law states that any individual who intentionally or without the right to distribute false and distorted news can be threatened with a maximum sentence of six years and a maximum fine of Rp 1 billion.

However, on the other hand, such a large community involvement in the May 22, 2019 case made the government, especially the Ministry of Communication and Information and the National Police, require extra efforts to track down and find out the mastermind behind the dissemination and provocateurs of "chain messages" circulating in the community. In that case, not a few people were involved, so the government made a decision to limit the platform of social media features and messaging services (chat) on the same day when demonstrations and riots occurred. At that time the government restricted three accesses to social media that were widely used by the community, respectively WhatsApp (WA), Instagram (IG), and Facebook (FB). According to Minister of Communication and Information Rudiantara, the limitation only applied to the distribution of photos and videos, while conversations via social media could still be done. Not only that, the limitation policy on the three social media only applied in a few regions in Indonesia, which were believed to produce and receive the most hoax news, namely big cities like Jakarta, Surabaya, Bandung, Semarang, as well as big cities outside Java island such as Makassar, Medan and Denpasar City, Bali.

The imposition of social media restrictions in this case sending images and videos via social media and instant messages was intended to restrict provocateurs from posting videos, memes and photos, especially the circulation of hoax about demonstrations of rejection or dissatisfaction with the 2019 presidential election results that are distributed through Facebook, Instagram and Whatsapp. Content that was distributed certainly contained sensitive things that created fear and concern in the community so that it took firm action from the authorities. On the other hand, the appeal also involved the public to play an active role in eradicating news cases or false information circulating, one of which was by doing what was possible by every level of society that received false information, which was to destroy and not to forward to other parties let alone neutralize negative content in the form of images, videos and photos of victims of violence in any media.

Community participation was needed in dealing with cases like this. They were encouraged to only circulate news or information that contained peace while refusing to disseminate content that can give rise to fear and anxiety to any party. The public was asked not to follow unlawful acts and to participate in socializing information that spreading false information (hoax), especially those that were provocative and terrorist so as to create unrest and fear in the community, will be subject to criminal acts in accordance with applicable law.

The government not only took actions and policies that impacted the community in several areas but also provided solutions and facilities for anyone to participate in preventing hoax. The facility was contained in an appeal released from

the official website of the Republic of Indonesia Ministry of Communication and Information in the form of complaints channel that can be accessed by the public through <http://urkankonten.id> or the public can directly report the case to the @ Twitter account Twitter if you got negative content related to riots. This of course was a manifestation of the presence of the government in facilitating and inviting the public to jointly eradicate hoax cases which gradually had a major impact on the life of the nation and state.

Referring to point 5 in the appeal of the Ministry of Communication and Information in press release No. 105/HM/KOMINFO/05/2019 on May 22, 2019, regarding the Ministry of Communication and Information which explained that they continued to track and observe sites, accounts and content using the AIS engine supported by 100 expert verifiers, plus an explanation that the government was building cooperation with the National Police to identify, observe, view, and review accounts that were considered to spread negative and provocative content, all of which were done to convince the public that the government did not take their hands off and concentrated fully on handling cases of spreading false news in the community.

Rudiantara also in that time believed that restrictions on social media access would be effective in slowing down the downloading and uploading of videos that were feared to contain sensitive content that was cause for concern, but this restriction was done for a while. He took this policy to prevent the alleged occurrence of chaos scenarios in the community, created antipathy to the legitimate government, and the intention to attack the security forces. Of course the government made it clear to the public that this action was not arbitrary but based on the Law No. 19 of 2016 concerning Electronic Information and Transactions (UU ITE), with the aim of increasing public literacy in using digital technology. The government's strict decision was in accordance with Law No. 19 of 2016 as a change to Law No. 18 of 2008 concerning ITE. Article 40 point 2a of Law No. 19 of 2016 states, "The government is obliged to prevent the dissemination and use of electronic information and or electronic documents that have prohibited contents in accordance with statutory provisions."

Article 40 point 2b of the Act also says, "In preventing, the government has the authority to terminate access and or order the electronic system operator to terminate access to electronic information and/or electronic documents that have unlawful contents."

The limitation of access to information in social media by the Indonesian government was not new. Similar actions have been carried out earlier by a number of world governments, including Saudi Arabia, Iran, Turkmenistan, Eritrea, North Korea, Myanmar, and Vietnam. All these countries have been noted to have blocked local people's access to social media there (le-vpn.com, 2018).

In Myanmar, blocking by local governments included reporting in e-mail, social media, and websites containing content that violates human rights or any information that contains content of protest or disapproval of the government. In Vietnam, the local government blocked websites criticizing the government or advocating for human rights and democracy. In China, all citizens are free to access the internet and actively use social media, but local governments block IPs, filter search engines on the Internet or even delete content

that is not in accordance with government policy. In Turkey, the role of the government in censoring the internet is so strong with the aim of limiting space and even getting rid of political opponents. The Turkish government requires internet service providers to report the activities of their provider users every two years and delete content that the government dislikes within four hours of being discovered. Another example of government decisive action can be seen in Turkmenistan which only allows one internet service provider and that is also managed by the government. It is usual that the local government blocks access to several websites and monitored e-mail traffic.

Every government of a country certainly has the authority in maintaining the sovereignty and welfare of its people. The culture and political climate of each country that is different makes one country with other countries cannot uniform the policies adopted. The policies chosen and taken are certainly carried out based on the considerations and conditions that occur in a country. However, for some sovereign countries that adopt a democratic system, where people are protected by legal umbrella to obtain freedom of opinion and receive information, the local government must make careful consideration to limit its people from accessing information and social media. Even if access restriction is done, it is certainly intended to protect human rights in the democratic country.

In a sovereign country, of course the government has made many considerations when making various decisions. As much as possible to avoid public opinion that government decisions are one-sided even though in some cases full authority is in the hands of the government on behalf of and in the interests of the people. In the case of restrictions on access to social media in Indonesia in 2019, the government believed that there were many threats and potential public disintegration that were worrying as a result of the spread of hundreds of hoax that reach the public. So that, for reasons of national security and maintaining public order, the government adopted a policy of restricting public access to social media.

Generalization in temporarily restricting access to social media by the government in 2019 also created polemic among the community itself. Those who were not directly involved and had other interests in accessing social media were also affected. However, the government had rational and logical reasons related to this. They needed a long time to identify the provocateurs or the main sources in spreading information. For this reason, the government made a firm decision that only in a number of regions and cities that had the potential and had a high flow of information in the demonstration case in front of the Bawaslu office, the objectives and targets of the policy restricting access to social media. In this case, the government also followed the law stipulated in the Law on ITE that the government is obliged to conduct socialization on the use of the internet or social media. After imposing a policy of limiting media access, on the day of the May 22, 2019, the government also issued a press release showing that the government, in this case the Ministry of Communication and Information, made an effort to socialize the use of the internet or social media to the public about how to actually use the internet and good social media and being pro-active to stem the flood of hoax that reached the public.

IV. CONCLUSION

Advances in communication technology make it easier for everyone to produce messages and consume information messages. The impact of this technological progress can be seen from two perspectives. On the one hand, as a positive effect, the public can easily use social media. But on the other hand, as a negative effect, the spread of information containing hundreds of fake content is also rife in the community and this causes anxiety and fear in their midst. Dissemination of sensitive content containing SARA, violence, defamation, and provocative messages can be easily found. This of course will have a negative impact on society and the condition will get worse if the government does not cope and provide solutions. This case has been the focus of attention of the government in making policies to prevent news or information whose truth cannot be accounted for by any party, either by the information maker or the information dealer. The policy of restricting the public from accessing social media will be seen as another form of violation of human rights by some groups, but in fact it is actually another way of providing legal protection to the public because the government's current policy is regulated in the Information and Electronic Transaction Law. All policies and countermeasures set by the government must continue to guarantee the rights of the community within the framework of protecting human rights.

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