

Year-End Note

Journalist Safety Committee



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Threats of Digital Violence against the Press

I. Digital attacks are increasing massively

Threats and repressive practices in the digital sphere are increasingly being felt targeting journalists and the media throughout 2022. This demonstrates how digital attacks are employed as a popular and effective method of disrupting journalistic duties and injuring press freedom.


One of the most massive digital attack cases was experienced by the NarasiTV crew. Since 24 September 2022, 37 editorial staff and former editors of Narasi have experienced hacking and Distributed Denial of Service (DDoS) attacks on the Narasi media portal. The attack by flooding the internet network traffic on this server, system, or network makes the Narasi site inaccessible, preventing the team from uploading content and the public from obtaining information on it.

The Narasi DDoS case was officially reported to the authorities on 30 September 2022 under the case number STTL/365/IX/2022/BARESKRIM. The DDoS attack violated Articles 30 and 32 of Law No. 19 of 2016 concerning the Internet and Electronic Transactions (ITE), as it disrupted the journalistic activities of the Narasi editorial team; and Article 18 paragraph (1) of Law No. 40 of 1999 concerning the Press, as it constituted an act of obstructing journalistic activities.

Narasi was not the only media targeted by DDoS attacks in 2022. A month after the Narasi attack, Konde.co also experienced an attack on its servers after publishing an article headlined *Sexual Violence of Ministry Employee: Victim Raped and Forced to Marry Perpetrator*. The article reported on the rape case of a contract employee of the Ministry of Cooperatives and Small and Medium Enterprises (Kemenkop UKM).

On October 24, 2022, Konde.co wrote a report about a case of sexual violence within the ministry, the news then spread on social media. In the afternoon at 15.31 WIB, the Konde.co website could no longer be accessed. Konde.co editor in chief, Luviana, stated that in this case, request packets reached 1 million per second with IP addresses from various countries like India and the United States.

This is the company's second DDoS attack. Previously, they were subjected to similar attacks after publishing news about sexual violence in May 2020.




In addition, Batamnews.co.id also experienced a DDoS attack from 17 October to 21 October 2022. According to the IT team at Batamnews.co.id's analysis, there were around 7 billion requests to access the news portal, causing the server capacity to be full and the website to be difficult to access. The attack is believed by the Batamnews editorial staff to be inseparable from sensitive reporting issues against an institution published by the media.

In addition to media websites, digital attacks also target journalists, as experienced by the Chairman of AJI Indonesia. Sasmito Madrim's social media and WhatsApp number were hacked on Wednesday, 23 February 2022. The breach in Sasmito's digital security system occurred around 18.15 WIB. At that time, he received a WhatsApp notification that his number had been registered on another device. The number can no longer receive phone calls or SMS after that.

Hacking attempts then targeted Sasmito's Instagram, Facebook, and Twitter accounts. All Instagram posts were removed, private numbers were made public, and Facebook profile photos were changed to porn pictures.


AJI Indonesia monitored the spread of hoax information using Sasmito's name and photo on social media with various narratives, including Sasmito supporting the government's decision to dissolve the FPI, Sasmito supporting the government's decision to build the Bener Purworejo Dam, and Sasmito requesting that the National Police arrest Haris Azhar and Fatia.



Another case was experienced by a Tempo journalist, Raymundus Rikang, who had his WhatsApp account disrupted by chat bombing on Tuesday, 5 July 2022. That Tuesday, around 19.28 WIB, he received a WhatsApp message from an unknown number +62-813-6313-5211. The unknown number sent dozens of messages with links and various contents written in foreign fonts. At that time, the victim decided not to open or click on those strange messages.

Messages continued to come through his WhatsApp account a few minutes later. There are various messages containing 'virus' text, links, and files of unknown type. The victim had observed that within 8 minutes, the incoming messages reached more than 400 messages, all of which came from the same unknown number. Because of this attack, the WhatsApp application on his cellphone became very slow.

The Journalist Safety Committee (KKJ) considers the hacking of journalists and the media to threaten press freedom. KKJ considers such an attack and the failure of law enforcement to find the perpetrators as a form of silencing. In fact, freedom of opinion and conveying information has been guaranteed by various legal instruments.



Internationally, the right to freedom of opinion and convey information is guaranteed in article 19 of the International Covenant on Civil and Political Rights (ICCPR) and General Comment No. 34 to Article 19 of the ICCPR. This right is guaranteed in the Indonesian Constitution, namely Articles 28E and 28F of the Constitution, as well as in Article 14 of Law No. 39 of 1999 concerning Human Rights.

As we can see, the majority of digital attacks occur after the media or journalists publish news that garners public attention and disturbs the interests of a particular institution or organization. This is in line with the Southeast Asia Freedom of Expression Network (SAFEnet) report which states that an increase in digital attacks usually coincides with heated controversial issues or political momentum.

During the second three months of 2022, SAFEnet recorded at least 60 digital security incidents, namely 30 incidents in April 2022, 15 incidents in May, and 5 incidents in June 2022. The number of occurrences reached 48 in the previous three months, implying that the number of digital security incidents increased by 25% in the second three months of the year.

The peak of attacks in April 2022 shows that political motives for digital attacks are still high. In that month, the national political situation tended to heat up with the discourse of extending President Joko Widodo's term of office to three terms. This discourse was met with rejection, particularly among Indonesian students and democracy activists.

Furthermore, the nature of digital attacks makes it difficult to identify who is behind the incident due to asymmetrical technical capabilities between perpetrators and victims. Experienced perpetrators also typically employ a number of deception methods, making it difficult to track and detect traces.

For this reason, it is critical that government and the authorities commit to carrying out the investigation of these attacks, which we know has sufficient resources and capabilities.

Even so, we need to admit that the media and journalists are oftentimes unprepared and under-capable of preventing or avoiding digital attacks, which are becoming more widespread and diverse.



STOP KEKERASAN

II. Advocacy case records

Throughout 2022, the Journalist Safety Committee has participated in advocating cases of violence experienced by the media and journalists. These cases include digital attacks, lawsuits, intimidation of journalists and sources, as well as other cases that have not developed in recent years.

a. Lawsuit Case of 6 Media in Makassar

As many as six media outlets in Makassar, South Sulawesi, namely Antara News, Terkini News, Celebes News, Makassar Today, Kabar Makassar, and RRI - were sued civilly by M. Akbar Amir, a person who claims to be a descendant of King Tallo. The plaintiff demands compensation of IDR 100 trillion and the termination of journalistic activities for these media.

This lawsuit stems from a press conference held on 18 March 2016 by the Defenders of the Unitary Indonesian Homeland Unit (PEKAT) which presented two descendants of Raja Tallo, Hatta Hasa Karaeng Gajang and Andi Rauf Maro Daeng Marewa as resource persons. In the press conference, the two sources denied the statement that M. Akbar Amir was a descendant of King Tallo. This press conference was covered and reported by the six media.

At that time, the six media outlets had made confirmation attempts to M. Akbar Amir but received no response. However, without using the right of reply, right of correction, or subpoena, five years later, on 31 December 2021 to be precise, M. Akbar Amir filed a civil lawsuit against the six media outlets. He claimed that as a result of the news, he lost a number of investments and estimated a loss of IDR 100 trillion. The plaintiff also claimed that the defendant committed an unlawful act and defamed his reputation.

In September 2022, the Makassar District Court (PN) Panel of Judges decided to reject the lawsuit because they considered that the plaintiff's lawsuit was considered premature and therefore unacceptable. In addition, there was no evidence of letters from the plaintiff regarding the mechanism regulated in Law 40 of 1999 concerning the Press and other legal remedies, such as subpoenas and mediation.

b. Attack on the Chairman of AJI Indonesia

On 24 February 2022, Sasmito, Chairman of AJI Indonesia experienced cyberattacks starting from WhatsApp, Instagram, Facebook, and Twitter accounts. All those accounts were taken over and inaccessible. All Instagram posts were removed, private numbers were made public, and Facebook profile photos were changed to porn pictures.

In addition, there was a disinformation attack that included the name and photo of AJI Chairman Sasmito on social media with the narrative:

- 1. Sasmito supported the government's decision to dissolve FPI.**
- 2. Sasmito supported the government's decision to build the Bener Purworejo Dam**
- 3. Sasmito asked the authorities to arrest Haris Azhar and Fatia.**

This hack was allegedly related to AJI's critical attitude towards a number of government policies, one of which was the Bener Reservoir development policy which could threaten Wadas village's environmental sustainability.

c. Criminalization under the ITE Law

The criminalization of journalists using catchall articles in the ITE Law still occurs. On May 9, 2022, Muhammad Irvan S, Sultraraya.com and Timurterkini.com journalist, was named a suspect by the Southeast Sulawesi Regional Police for allegedly violating Article 14 paragraphs (1) and (2) regarding broadcasting false news or information in Law No.1 /1946 concerning Criminal Law Regulations and Article 45 paragraph (3) Jo. Article 27 paragraph (3) related to insulting and/or defamation of the ITE Law.

Irvan was reported because of his report with the title *Suspected of Carrying Out Illegal Shipments, AT Reportedly Being Examined at the Southeast Sulawesi High Prosecutor's Office and AT Reportedly Being Examined at the Southeast Sulawesi High Prosecutor's Office regarding Tax Allegations* on 2 November 2021. The following day, due to receiving input from AT's attorney, the Timur Terkini editorial team recently submitted an apology and change the news narrative as well as the headline.

Furthermore, on 30 November 2021, the Press Council has written to Sultraraya and Timurterkini media due to a report from AT's attorney. The Press Council provides recommendations for the editorial team to request the right of reply or the right of correction from the reporter (AT). After attempting to confirm with the reporting parties but receiving no answer, Timur Terkini's editorial staff attempted to carry out the Press Council's recommendations by releasing clarifying news. The news contains a chronology of the events, Press Council recommendations, apologies, and the editorial team's efforts to obtain information from the reporter.

Apart from that, another case of criminalization using the ITE Law that is still pending until the end of 2022 is the case experienced by Metro Aceh journalist, Bahrul Walidin. Bahrul was reported to Ditreskrimsus Polda Aceh on 24 August 2020 for alleged defamation of Rizayanti, the head of PT Imza Rizky Jaya Group, and the chairman of the Indonesia Terang Party. He reportedly used the ITE Law, Article 27 paragraph 3 in conjunction with Article 45 paragraph 3.

This report occurred after he wrote a news article entitled Rizayati Accused of Being a Great Fraud Woman which was published on the metroaceh.com website on 20 August 2020, the news revealed allegations that Rizayati had committed money fraud against hundreds of people.

The Press Council has handled the reporting dispute on this case by issuing an assessment and recommendation statement (PPR) number 41/PPR-DP/X 2020. Bahrul and his media have also implemented the Press Council's recommendations.

However, on Tuesday 28 September 2021, Bahrul actually received a summons for an examination via WhatsApp from Aceh Regional Police's Ditreskrimsus investigators. According to the summons, it is known that the Bahrul Walidin case was elevated from preliminary investigation to investigation on 26 August 2021, where he will be examined as a witness on 30 September 2021.

The use of Article 27 paragraph 3 (defamation) of the ITE Law Jo Article 45 paragraph (3) cannot be imposed on journalistic works containing the public interest. In addition, the investigation into the two cases above also violated the contents of the Joint Decree (SKB) regarding guidelines for ITE Law implementation criteria which was signed by the National Police Chief General Listyo Sigit Prabowo with the Minister of Communication and Information (Menkominfo) Johnny G Plate and Attorney General ST Burhanuddin.

According to the SKB Guidelines, journalistic works are exempt from the imposition of Article 27 paragraph 3 of the ITE Law, which states: For news coverage on the internet carried out by the Press institution, which is journalistic work under Law 40 of 1999 concerning the Press, a mechanism under the Press Law as a *lex specialis*, not Article 27 paragraph (3) of the ITE Law, is applied.

d. Cases of violence that are still hanging

The list of cases of violence against journalists that are still pending (undue delay) has not changed since the record period ended in 2022. Cases of violence advocated by LBH Pers together with AJI Indonesia which have been reported to the authorities since 2019 have not made any significant progress.

There were at least 3 journalists who were intimidated and persecuted while covering demonstrations, 2 reports of media hacking, and 1 case of disclosure of personal data and alteration of journalistic photos was recorded as an undue delay case.

List of undue delay cases

No	Victim	Year	Incident	Status
1	Muh Darwin Fatir	September 2019	Persecution during demonstration coverage	Full investigation
2	Tri Kurnia	October 2019	Persecution during demonstration coverage	Preliminary investigation
3	Nibras Nada Nailufar	October 2019	Intimidation and obstruction of demonstration coverage	Preliminary investigation
4	Tempo.co	August 2020	Website hacking	Full investigation
5	Tirto.id	August 2020	Website hacking	Full investigation
6	Cakrayudi Nuralam	September 2020	Doxing or alteration of journalism photo	Preliminary investigation

The KKJ still suspects that the authorities intentionally keep quiet about cases that were reported at the preliminary investigation or investigation stage without any certainty of time. In fact, referring to the decision of the Surakarta District Court, number 04/Pid.Pra./2011/PN.Ska, it is stated that the protracted investigation process, without any clarification from the investigators, can be considered as an act of stopping the investigation materially.

In the decision on the application made by the Indonesian Anti-Corruption Society (MAKI), the judge stated "*considering that a material termination of the investigation has occurred if the investigation has been going on for a long time without it being clear when the case will be transferred to the Public Prosecutor, and regarding this, there is no definite measure, but must be assessed on a case-by-case basis; which assessment is the authority of the Pretrial Judge.*"

III. Potential threats in the future

A. Aceh Broadcasting Qanun Draft

The Aceh Broadcasting Qanun Draft is designated as a Priority Legislative Program for 2023. This derivative regulation from Law No.11/2006 concerning the Governance of Aceh is considered to have the potential to weaken Aceh's press function.

According to Article 153 of the Aceh Government Law, the Aceh Government has the authority to stipulate regulations in the field of press and broadcasting based on Islamic values, by ensuring that the content or circulation of press and broadcasting products does not violate Islamic values.

B. Criminal Code

The Criminal Code which was approved by the DPR-RI on 6 December 2022 contains the potential to silence and suppress the freedom of the press. Prior to the ratification of the RKUHP, KKKJ had carried out an analysis process and conducted public dialogue to raise problematic articles that could silence press freedom.

The following articles of the Criminal Code Law have the potential to criminalize journalists and threaten freedom of the press, opinion, and expression:

1. Article 188 which regulates the criminal act of spreading or developing the teachings of Communism/Marxism-Leninism.
2. Article 218, Article 219, and Article 220 which regulate the criminal act of attacking the honor or dignity of the President and Vice President.
3. Articles 240 and 241 which regulate criminal act of insulting the government.
4. Article 263 which regulates the criminal act of broadcasting or disseminating false news or information.
5. Article 264 which regulates criminal act against anyone who broadcasts news that is uncertain, exaggerated, or incomplete.
6. Article 280 which regulates interference and misdirection of the judicial process.
7. Article 300, Article 301 and Article 302 which contain criminal act against religion and beliefs.
8. Article 436 which regulates the criminal act of light insult.
9. Article 433 which regulates criminal acts of pollution.
10. Article 439 which regulates the criminal act of defiling the dead.
11. Articles 594 and 595 which regulate criminal acts of publishing and printing.

Not long since the Criminal Code was passed, it has been used to intimidate journalists in West Nusa Tenggara (NTB). NTBSatu.com journalist Mugni Agni was intimidated by police from the West Nusa Tenggara Regional Police because of a report he had written, on Wednesday, 7 December 2022.

Previously, on Saturday, 3 December 2022, Mugni wrote a report entitled "*Indications of Fees Flowing to Investigators from the NTB Regional Police Regarding Illegal Cosmetic Cases?*". The report has attached confirmation from several related parties.

When questioned, the victim overheard Dikrimsus instructing to issue the first warning letter (SP1) to him. If there are other reports that are more critical about it, there will be more serious threats. Mugni was then threatened with criminal prosecution using the newly passed Criminal Code.

It is not impossible that there will be more cases like this in the future, especially after the Criminal Code takes effect in 2025. For this reason, the KKKJ continues to push for the Criminal Code to be tested and annul articles that have the potential to disrupt journalistic work and threaten press freedom in Indonesia.

IV. Conclusion and recommendations

Based on the phenomenon of violence against media and journalists so far this year which has been dominated by digital attacks, as well as various other forms of violence and potential threats to press freedom in the future, the Journalist Safety Committee recommends:

- a. President Joko Widodo to immediately issue an order regarding the revocation of problematic articles in the Criminal Code.
- b. Urge the National Police Chief to ensure that the legal process against the authorities who are the perpetrators of violence against journalists is carried out according to the provisions without intervention. So that there is no longer any impunity against police officers, for the sake of upholding justice.
- c. Demand law enforcement officials to be committed to handling reports of digital attacks to the media and journalists to the end.
- d. There is an increase in awareness about the condition of digital security for all relevant stakeholders, including media companies, journalists, and the government, so that all types of digital attacks that have the potential to undermine press freedom are not denied.
- e. Incorporate digital security knowledge for journalists and other editorial staff into the mandatory training curriculum provided by media companies.
- f. Encouraging media companies to invest in strengthening the digital security base so that it is not susceptible to attacks.

Jakarta, 15 December 2022

Journalist Safety Committee

The Journalist Safety Committee (KKJ) was declared in Jakarta, on 5 April 2019. This committee aims to advocate for cases of violence against journalists and the media, as well as fight for press freedom.

This institution has ten members, including press organizations, press associations, and civil society organizations, namely the Press Legal Aid Institute (LBH), the Indonesian Legal Aid Foundation (YLBHI), Amnesty International Indonesia, the Alliance of Independent Journalists (AJI), Indonesian Television Journalists Association (IJTI), Indonesian Cyber Media Association (AMSI), Southeast Asia Freedom of Expression Network (SAFE-net), Media Workers Union and Creative Industries for Democracy (SINDIKASI), Indonesian Journalists Association (PWI), and the Federation of Indonesian Media Workers Union (FSPMI).

