

**POLICY PAPER:**

# **KEPMEN KOMINFO NO. 522: AN EMERGING THREAT TO PRESS FREEDOM AND FREEDOM OF EXPRESSION**



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AN EMERGING THREAT TO PRESS FREEDOM  
AND FREEDOM OF EXPRESSION**

**Alliance of Independent Journalists (AJI) Indonesia  
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# **Policy Paper: Kepmen Kominfo No. 522: An Emerging Threat to Press Freedom and Freedom of Expression**

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# Kepmen Kominfo No. 522: An Emerging Threat to Press Freedom and Freedom of Expression

## 1. Introduction

Freedom of the press and freedom of expression are constitutional rights guaranteed under Articles 28E and 28F of the 1945 Constitution of the Republic of Indonesia, further elaborated in Law No. 40 of 1999 on the Press. In the digital context, regulations governing electronic system operations must respect democratic principles, including the independence of journalism and the public's right to information.

In the digital era, media companies operate not only through traditional channels such as television, radio, and print, but also rely heavily on digital platforms and social media to publish and distribute journalistic content. Platforms like YouTube, Instagram, Facebook, Twitter (X), and TikTok have become essential tools for journalists and media organizations to deliver information, reach broader audiences, and engage directly with the public.

However, this development also presents new challenges, particularly regarding the regulation and moderation of digital content. **Minister of Communication and Informatics Decree No. 522 of**

**2024** introduces rules requiring **Private Scope Electronic System Operators (PSEs) for User Generated Content (UGC)** to remove or **disable access (take down)** to content deemed unlawful.

Although this regulation aims to improve content moderation governance and provide legal certainty, there are concerns that its implementation could threaten **press freedom and freedom of expression**, especially for media outlets using digital platforms to publish investigative reports and critical opinions. Without a transparent and independent mechanism, the policy risks becoming a tool for censoring information deemed misaligned with government interests.

As a democratic nation, Indonesia guarantees press freedom through **Law No. 40 of 1999 on the Press (the Press Law)**. Article 4 paragraph (1) explicitly states:

*"Freedom of the press is guaranteed as a fundamental right of every citizen."*

The Press Law also affirms that the press must not be subjected **to banning, censorship, or broadcast prohibition**. Nevertheless, in several cases, digital regulations have been used to restrict press freedom, delete journalistic content, and impede public access to information.

**This policy paper examines the impact of Minister of Communication and Informatics Decree No. 522 of 2024 on press freedom**, highlights case studies of journalistic content restrictions resulting from digital regulations in Indonesia, and provides policy recommendations to balance content moderation with the protection of human rights.

## 2. Problem Analysis

### a. Potential Violations of the 1945 Constitution

#### Article 28E paragraph (3):

*"Every person shall be entitled to freedom to associate, to assemble, and of expression."*

#### Article 28F:

*"Every person is entitled to communicate and to obtain information for the development of his/her personality and social environment..."*

#### Minister of Communication and Informatics Decree No. 522 of 2024

##### Third Dictum, Point 1:

*"A one-year pilot stage shall be implemented, applied to categories of prohibited Electronic Information and/or Electronic Documents, including pornography, gambling, terrorism, illegal financial activities (illegal investments, illegal fintech, and illegal online lending), and illegal food, drugs, and cosmetics."*

##### Fourth Dictum

The Minister instructs the Director General to:

##### Point 2:

*"...including the execution of access termination (take down) of prohibited Electronic Information and/or Electronic Documents beyond the six initial categories..."*

The Third and Fourth Dictums serve as clarifications of the Second Dictum regarding the stage of administrative sanctions imposed on Private Scope Electronic System Operators hosting User Generated Content under the Ministerial Decree, implemented

through the Content Moderation Compliance System (SAMAN)<sup>1</sup>.

This decree creates opportunities for state intervention by ordering the removal or blocking of “prohibited” content without explicit, detailed, and legally accountable parameters. This carries the risk of arbitrary restrictions on journalistic content critical of the government or other parties.

The phrase **“all categories of prohibited Electronic Information and/or Electronic Documents in accordance with statutory regulations”** is broad and lacks a clear definition of what constitutes prohibited content. This opens the door for widespread content removal, including content outside the initial six categories, based on subjective authority without independent oversight.

These provisions risk violating Articles 28E and 28F of the 1945 Constitution by restricting access to information and freedom of expression, particularly if applied to suppress criticism of the government or public institutions.

Without clear boundaries, journalistic content may be categorized as prohibited and subject to removal.

Moreover, several provisions also risk violating Article 28F of the 1945 Constitution, which guarantees the right to communicate and obtain information. These risks arise from the following regulations:

**Annex III** on the Process of Imposing Administrative Fines for Violations of Private Scope UGC Operators' Obligations to Take Down Content in the Content Moderation Compliance System (SAMAN):

*“The Minister shall order Private Scope UGC Operators to carry out access termination (take down) of prohibited Electronic Information and/or Electronic Documents through SAMAN.”*

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<sup>1</sup> SAMAN (Sistem Kepatuhan Moderasi Konten) is a content moderation compliance system developed by the Ministry of Communication and Digital Affairs of Indonesia, implemented in February 2025.

Journalistic or critical content may be mistakenly identified as prohibited content, limiting the public's freedom to access essential information.

**Annex I** on the Formula for the Imposition of Administrative Fines on Private Electronic System Operators for Non-Compliance with Obligations Related to User-Generated Content Takedown:

*"The virality index is based on the number of accesses or downloads of the content at the time the takedown request is submitted."*

Informative viral content risks incurring high administrative fines even if it does not violate any laws. Should investigative reports or news stories go viral and be deemed in violation, platforms publishing such content could face substantial fines, potentially discouraging digital media from covering sensitive or high-risk topics.

Furthermore, several provisions may also violate Article 28G paragraph (1) of the 1945 Constitution, which guarantees the right to personal protection, family security, honor, dignity, and a sense of safety.

**Annex II** on the Notification, Verification, Clarification, and Documentation Mechanism:

*"Before ordering Private Scope UGC Operators to take down content, the Minister shall conduct verification, notification, clarification, and documentation."*

This process can impose disproportionate legal responsibilities on Private Scope UGC Operators, undermining their sense of security.

**Annex III** on the Procedure for Imposing Administrative Fines on Private Electronic System Operators for Non-Compliance with Access Takedown Obligations Related to User-Generated Content under the Content Moderation Compliance System (SAMAN):

*"The process of imposing administrative fines for violations of Private Scope UGC Operators' obligations shall be carried out through SAMAN."*

An overly stringent content moderation process through SAMAN can infringe on users' privacy and their sense of security.

Finally, several provisions risk violating Article 28D paragraph (1) of the 1945 Constitution, which guarantees the right to legal certainty and equal treatment before the law.

#### **Annex I:**

*"The number of violation points is calculated using the formula:  
Total points = content index × user-generated content index  
× business scale index × warning index × compliance index ×  
virality index × maximum points."*

This complex formula for calculating administrative fines may create legal uncertainty for Private Scope UGC Operators, particularly concerning transparency and fairness.

#### **Annex III:**

*"Administrative fine sanctions are communicated through Warning Letters issued to Private Scope UGC Operators, with a maximum of three warnings given within 1 × 24 hours for non-urgent content and 1 × 4 hours for urgent content."*

The short deadlines for responding to warning letters and the potential for cumulative sanctions may unfairly limit the ability of Private Scope UGC Operators to comply with their obligations.

### **b. Potential Violations of Law No. 40 of 1999 on the Press**

#### **• Article 4 paragraph (1):**

*"Freedom of the press is guaranteed as a fundamental right of every citizen."*

- **Article 4 paragraph (3):**

*“To guarantee press freedom, the national press has the right to seek, obtain, and disseminate ideas and information.”*

- **Article 18 paragraph (1):**

*“Any person who unlawfully and intentionally takes action that obstructs or hinders the exercise of press freedom shall be subject to criminal penalties.”*

## **Minister of Communication and Informatics Decree No. 522 of 2024**

### **Annex III:**

*“The process of imposing administrative fines for non-compliance by Private Electronic System Operators with obligations related to user-generated content (UGC) is carried out through the Content Moderation Compliance System (SAMAN)”*

### **Annex II:**

*“Ministries, agencies, and/or law enforcement authorities (K/L and/or APHH) may submit requests to the Minister for access termination (take down) of prohibited Electronic Information and/or Electronic Documents in accordance with applicable regulations.”<sup>2</sup>*

*“The Minister has the authority to order Private Scope UGC Operators to execute access termination (take down) of prohibited Electronic Information and/or Electronic Documents requested by ministries/agencies and/or law enforcement authorities under their jurisdiction.”*

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2 K/L and/or APHH refers respectively to *Kementerian/Lembaga* (Ministries or Government Agencies) and *Aparat Penegak Hukum dan HAM* (Law Enforcement Apparatuses, including those responsible for legal and human rights affairs).

The absence of **specific verification procedures for journalistic content**, as well as the lack of involvement of the **Press Council or an independent ethics body**, indicates that legitimate journalistic works could be forcibly removed by digital platforms under pressure from the Ministry of Communication and Informatics. This situation risks violating the press's right to distribute information and amounts to a form of digital censorship.

If journalistic content on digital platforms is categorized as content requiring "access termination" by Private Scope UGC Operators without a clarification mechanism based on professional press standards, such actions could effectively constitute digital censorship.

Furthermore, if the SAMAN system is implemented without transparency or a fair appeals process, the regulation risks becoming an instrument of censorship against news reports or investigative journalism that do not align with government interests.

#### **c. Lack of Accountability Mechanisms and Due Process**

The SAMAN (Content Moderation Compliance System) is not explained in a transparent manner. The processes of verification and clarification remain entirely under the control of the executive branch (the Ministry of Communication and Informatics), with no independent oversight.

#### **d. Potential Violations of National and International Human Rights Regulations**

##### **Law No. 39 of 1999 on Human Rights**

- **Article 14 paragraph (1):**

*"Everyone has the right to communicate and obtain information they need to develop themselves as individuals and to develop their social environment."*

## Law No. 12 of 2005 (Ratifying the International Covenant on Civil and Political Rights - ICCPR)

- **Article 19 of the ICCPR:**

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers.*
3. *Restrictions may only be imposed if provided by law and if necessary... to respect the rights or reputations of others, or to protect national security or public order...*

## Minister of Communication and Informatics Decree No. 522 of 2024

### Second Dictum and Annexes:

*"Sanctions shall be imposed progressively through the SAMAN system... including prohibited Electronic Information and/or Electronic Documents."*

*However, the decree lacks detailed criteria and does not establish an independent public review mechanism to distinguish harmful content from legitimate expression.*

The decree also fails to **explicitly incorporate the principles of proportionality and legality** required under Article 19(3) of the ICCPR. The access termination mechanism and administrative fines could be **misused to silence legitimate expression, without ensuring fair and transparent legal processes**. This creates the potential for Indonesia to violate its **international commitments** to uphold freedom of expression.

## Examples of Press Suppression and Digital Expression Restrictions

Several incidents in Indonesia illustrate how digital regulations have been used to restrict press freedom and freedom of expression:

- **Content Takedown Warning Issued by Platform X to Perupadata and Neohistoria at the Request of Komdigi:** On June 18, 2025, the account *@neohistoria\_id* received an email from platform X (formerly Twitter), notifying that it had received a report from the Directorate General of Informatics Applications (Komdigi)<sup>3</sup> concerning content alleged to violate Indonesian laws and regulations. The reported content was an educational post about the mass rapes that occurred during the May 1998 riots, published by *@neohistoria\_id* on June 17, 2025. The tweet stated: *"Ave Neohistorian! Long before Fadli Zon, Wiranto—then Commander of the Armed Forces (ABRI), made a similar claim that the May 1998 riots never happened. [A THREAD]"*

The account *@perupadata* also received an email from platform X containing a similar complaint, based on a post published on June 15, 2025. The content in question highlighted historical facts related to the May 1998 riots and stated: *"The Minister of Culture is rewriting history while ignoring the dark chapter of mass rapes during the 1998 riots. In fact, data shows that 152 people were victims of sexual violence during the crisis, 20 of whom died."*

- **Criminalization of Journalist Diananta Putera Sumedi (2020):** Journalist Diananta was convicted under the EIT Law (publicly recognised in Indonesia under its acronym, UU ITE) after reporting on a land conflict in South Kalimantan. Despite the report being fact-based and intended to expose injustice, he was accused of spreading content related to ethnic, religious, racial, and inter-group (SARA) issues and was sentenced to prison.

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<sup>3</sup> In October 2024, the Ministry of Communication and Informatics (Kominfo) was renamed the Ministry of Communication and Digital Affairs (Komdigi). This report refers to both names interchangeably, depending on the time and context of the events described.

- **Hacking of AJI Chairman Sasmito Madrim (2022):** The Former President of the Alliance of Independent Journalists (AJI) had his WhatsApp and social media accounts hacked, followed by the dissemination of defamatory disinformation. This attack was widely viewed as an attempt to silence a press freedom advocate.
- **Blocking of Digital Platforms by Kominfo (2022):** The Ministry of Communication and Informatics blocked several platforms, including PayPal, Steam, and Yahoo, for not registering as Electronic System Operators (PSE) under Ministerial Regulation No. 5/2020. This raised concerns about threats to freedom of expression and access to information.
- **Criminalization of Journalists' Sources (2024):** PDI-P Secretary General Hasto Kristiyanto was summoned by the police on allegations of incitement and spreading false information after making statements to the media. This case reflects a growing trend of criminalizing not only journalists but also their sources.
- **SAFEnet Report on Online Expression Criminalization (2024):** According to the Q1 2024 Digital Rights Monitoring Report released by SAFEnet, there were 30 cases of criminalization of online freedom of expression in Indonesia between January and March 2024, involving a total of 52 individuals reported. These figures indicate that the use of the Electronic Information and Transactions (EIT) Law to suppress legitimate online expression remains prevalent. SAFEnet noted that these cases involved a wide range of expressions, including criticism of government policies and participation in political discussions on social media.

### 3. Conclusion

Minister of Communication and Informatics Decree No. 522 of 2024 introduces amendments to the regulations governing the imposition of administrative sanctions on Private Scope Electronic System Operators (PSE) hosting User Generated Content (UGC).

An analysis of the provisions in this decree reveals several aspects that pose potential threats to press freedom and freedom of expression, including:

#### 1. Imposition of Administrative Fines on Private Scope PSE

- This regulation places direct responsibility for content moderation on PSEs, including the obligation to execute access termination (take down) of content deemed unlawful.
- This process could lead to restrictions on journalistic content that is controversial or critical of the government, especially if its implementation lacks transparency or occurs without an independent review mechanism.

#### 2. Categories of Prohibited Electronic Information

- During the trial phase, the take down requirement applies to categories such as pornography, gambling, and terrorism. However, in full implementation, it will cover "all categories of prohibited Electronic Information and/or Electronic Documents as stipulated by laws and regulations."
- This broad formulation risks subjective interpretation of news, opinions, and investigative content, particularly in the absence of precise definitions of "prohibited content."

#### 3. Content Moderation Compliance System (SAMAN)

- The imposition of administrative sanctions and access termination is executed through SAMAN, a compliance system for digital content.

- If this mechanism lacks transparency or fails to provide a fair appeals process for affected parties, it could hinder press freedom by removing content that should be protected under the principles of freedom of expression.

#### **4. Administrative Fine Calculation Index**

- The formula for calculating administrative fines considers factors such as content virality, business scale, and PSE compliance. For PSEs hosting viral, investigative journalistic content, there is a risk of high fines if the content is deemed to violate the rules.
- This may create a chilling effect, leading PSEs to practice self-censorship by removing critical or sensitive content to avoid financial penalties.

#### **5. Objection and Correction Processes**

- Although the decree provides mechanisms for PSEs to file objections to access termination decisions, strict deadlines and resolution processes handled solely by the Ministry raise concerns about the independence of these procedures.
- Without a clear judicial mechanism to review such decisions, press independence and freedom of expression could be undermined.

Minister of Communication and Informatics Decree No. 522 of 2024 carries significant implications for press freedom and freedom of expression. Although intended to strengthen digital law enforcement, without clear limitations and explicit exemptions, this regulation could become a tool of censorship.

Furthermore, without independent oversight of its implementation, this regulation could impede public access to information.

The government must ensure that digital regulations do not violate democratic principles, including through revising this decree and

involving independent bodies in its mechanisms, to prevent it from becoming a censorship tool against journalistic work. The government must balance the need for content moderation with the democratic principles and freedom of information guaranteed by the Constitution.

## **4. Policy Recommendations**

### **1. Revise Ministerial Decree No. 522 of 2024**

Add explicit clauses exempting professional journalistic works that comply with Press Law standards. Affirm that access termination cannot be applied to journalistic content without an ethical review mechanism by the Press Council.

### **2. Involve the Press Council**

Include the Press Council in the verification and classification process for content before imposing administrative sanctions.

### **3. Ensure Transparency of the SAMAN System**

Provide public access to the algorithms, criteria, and evaluation results of the SAMAN system. Establish appeals and reporting mechanisms for media entities that believe they have been unfairly treated.

### **4. Clarify the Definition of “Prohibited Electronic Information”**

There must be clear limitations and detailed explanations to prevent misuse for targeting criticism or opinions.

### **5. Implement Legal Procedures**

Access termination must be accompanied by a court ruling, especially when involving journalistic content or public expression.

## 5. References

### Regulation

The 1945 Constitution of the Republic of Indonesia

International Covenant on Civil and Political Rights (ICCPR), Article 19

Law No. 40 of 1999 on the Press

Law No. 11 of 2008 on Electronic Information and Transactions and its amendments

Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions

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