

JOINT STATEMENT

Global Coalition of NGOs: Repeal MR5 and its amendment MR10 in **Indonesia**



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Global Coalition of NGOs: Repeal MR5 and its amendment MR10

We, the undersigned, represent a global coalition of non-governmental organizations urging the Minister of Communication and Information of the Republic of Indonesia to repeal Ministerial Regulation Number 5 Year 2020 (MR5) and its amendment, Ministerial Regulation Number 10 Year 2021 (MR10). Both regulations contain content moderation provisions which are inconsistent with internationally-recognized human rights, including the freedom of expression and to hold opinions without interference online.

Meanwhile, [MR10](#) was released on May 21, 2021, to amend MR5, the amendment did not address any of the issues [previously identified](#) with the provisions thereof. Rather, MR10 only inserted article 47 on the obligation for private ESO to register within six months of “OSS RBA,” Indonesia’s Online Single Submission system, becoming operative.

[A news article](#) published Wednesday, June 22, 2022 informed of the Ministry of Communication and Information (Kominfo)’s announcement at a press conference that [the deadline for private Electronic System Operators \(ESO\) to register themselves pursuant to MR5 and MR10 is July 20, 2022](#). Kominfo claims this deadline is based on Government Regulation Number 71 Year 2019 and MR10. ESO who fail to comply risk having their services blocked in the country.

The announcement itself does not constitute sufficient notice to private ESOs. It precedes the deadline of July 20, 2022, by less than a month and does not give private ESO enough time to comply. We also note that Kominfo never provided clear information when Private ESO registration began through the designated Online Single Submission (“OSS RBA”). Consequently, many private ESO - either those registering for the first time or re-registering, as likewise required by the regulations - are likely to miss the deadline.

In response to the said announcement, we consider that:

First, mandatory registration of private ESOs under MR5 and MR10 should not be enforced as the regulations do not comply with Indonesia's constitutional nor international human rights obligations, including the International Covenant on Civil and Political Rights which is legally binding in Indonesia pursuant to Article 7 of the 1999 Human Rights Law. The regulations will exacerbate existing challenges for freedom of opinion and expression in the country and severely impede internet freedom through the imposition of excessive penalties for non-compliance as stipulated in MR5.

Second, the government has neither improved its response to a number of problems that hinder the exercise of such freedoms nor addressed the associated risk of judicial harassment faced by citizens and, in particular, human rights defenders in Indonesia for expressing themselves online.

Third, there is yet to be sufficient public participation in the development of legislation, policies, and implementing guidelines related to MR5 and MR10. Public participation is essential despite the fact that both instruments fall within the ambit of Kominfo's lawmaking authority as an executive body.

Fourth, MR5 and MR10, as well as their authoritarian enforcement against private ESO, seriously disrupt the civic space as they could erase key channels for individuals to exercise their online freedoms. Under MR5, private ESO that fail to register risk being blocked in Indonesia. To date, various major platforms have not registered or shown any intention to do so. Should their refusal to register resulting in their services being blocked, it would substantially limit the ability of Indonesians to impart and access information freely, a right protected by human rights treaties and principles to which Indonesia is bound.

Therefore, we urge the Minister of Communication and Information to immediately repeal MR5 and MR10.

Signatories:

- Access Now
- ARTICLE 19
- Asia Democracy Network (ADN)
- Cambodia Center for Human Rights
- Electronic Frontier Foundation (EFF)
- Manushya Foundation
- Open Net Korea
- Southeast Asia Freedom of Expression Network (SAFEnet)
- The William Gomes Podcast, UK
- The Kenya Human Rights Commission



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