

**Summary of FORUM-ASIA’s Submission to the United Nations Human Rights Committee for
Consideration of Indonesia’s Second Periodic Review**

List of Issues	Relevant Information	Recommendations
Constitutional and Legal Framework within which the Covenant is implemented	<p>The standards set under the 1945 Constitution to limit the fundamental freedoms under Article 28J(2) particularly the term of “just demands” are incompatible with the standards of necessity under the Covenant. The consideration for “religious values” is also incompatible with the Covenant.</p>	<p>Amend Article 28J(2) of the Constitution to ensure compatible standards under 19 of the Covenant are adopted.</p>
	<p>The recognition of ‘any living law’ to determine a criminal act under Article 2 of the Criminal Code (Law 1/2023) which has been interpreted to include Customary Law and Islamic Law by the State Party Report is beyond the Covenant’s standards on law-based restrictions.</p>	<p>Legal limitations for fundamental freedoms must be prescribed by law from parliamentary and judicial proceedings.</p>
Freedom of Opinion and Expression Article 19	<p>Articles 188-190 of the Criminal Code sanctions any forms of speech and expressions contrary to the State’s National Ideology (<i>Pancasila</i>). This goes against the Covenant’s protection for relevant discourses.</p>	<p>Review and repeal Articles 188-190 of the Criminal Code.</p>
	<p>Articles 218-220 and Articles 240-241 of the Criminal Code criminalises insults to the president/vice president and government officials/institutions. Based on the Covenant’s standards, these figures are legitimate subjects of criticism and opposition. Articles 433-442 criminalises general insults including defamation, slander/libel, and false accusations but prescribes more severe punishment if committed against government officials. The added imposition of penalties is not justifiable under the Covenant.</p>	<p>Review and repeal Articles 218-220, 240-241 and 433-442 of the Criminal Code.</p>
	<p>Article 280 of the Criminal Code criminalises those publishing trial processes without the court’s permission. This intervenes the right to access information held by the judiciary.</p>	<p>Review and repeal Article 280 of the Criminal Code.</p>
	<p>Article 300-305 of the Criminal Code and Presidential Decree 1/1965 criminalises acts against religion and beliefs including apostasy. The existence of these provisions to prevent and punish religious critics are incompatible with the Covenant.</p>	<p>Review and repeal Articles 300-305 of the Criminal Code and Presidential Decree 1/1965.</p>
	<p>Articles 27-28 and 45-45A of the Electronic Information and Transactions (EIT) Law criminalise expressions shared in digital spaces which allegedly violate morality, attack the reputation of others, and contain lies and incitement. These are prescribed without specific standards and have been repeatedly used for SLAPP against critics by government officials.</p>	<p>Review and repeal Articles 27-28 and 45-45A of the EIT Law.</p>
	<p>Despite the restrictive laws, hateful comments against marginalised groups are left unaddressed including those committed against the LGBTQIA+ community.</p>	<p>Cease discriminatory treatment against marginalised groups.</p>

	<p>Articles 35 and 36 of Law No/2002 on Broadcasts dictate broadcast to abide by the State ideology and broadly ban those that do not promote neutrality. Those that contain slander, incitement, lies, and/or content that assaults Indonesian human dignity or abandons religious values among others are also banned. Article 57 sanctions those violating the requirement by up to five years in prison and a fine of ten billion rupiah (USD 644,000). Article 47 requires all films and advertisements to pass the censorship process. These provisions severely restrict press freedom and provide grounds for overzealous penalization for those critical of the political landscape.</p>	<p>Review and repeal articles 35, 36, 47 and 57 of Law 32/2002.</p>
	<p>Ministerial Regulation 5/2020 on Private Electronic System Operators undermines press freedom by requiring registration of social media platforms, search engines, and media websites.</p>	<p>Review and repeal Ministerial Regulation 5/2020.</p>
	<p>At least 263 cases of violence, threats, and intimidation were documented against journalists from 2020 to 2023, with the majority left unaddressed by the authorities.</p>	<p>Conduct investigations on harassments faced by journalists.</p>
<p>Freedom of Peaceful Assembly Article 21</p>	<p>Article 256 of the Criminal Code and Articles 10,15 of Law 9/1998 on Freedom to Express Opinions in Public criminalise spontaneous assemblies and requires notification/approval for assemblies. This undercuts the notion that peaceful assembly is a basic right.</p>	<p>Repeal or amend Articles 256 of the Criminal Code and Articles 10 and 15 of Law 9/1998.</p>
	<p>The limitation on assemblies for locations designated as ‘vital national object’—under Presidential Decree 63/2004 on Security of Vital National Objects—defeats the purpose of the people’s right to protest on targets of advocacy.</p>	<p>Repeal or amend Presidential Decree 63/2004.</p>
	<p>Article 107a of Law 27/1999 on Amendments to the Criminal Code relating to Crimes Against the Security of the State and Sedition (192) and Incitement (246) articles under the Criminal Code are often used for SLAPP against peaceful protestors.</p>	<p>Review and repeal article 107a of Law 27/1999; amend Articles 192 and 246 of the Criminal Code.</p>
	<p>Article 7 of Law 9/1998 grants overly broad powers on law enforcement for securing assemblies. This has resulted in the justification of the use of excessive and discriminatory force on multiple assemblies.</p>	<p>Review and amend Article 7 of Law 9/1998 to introduce safeguard against excessive force.</p>
	<p>Internet shutdowns were deployed to curb the right to protest including during elections.</p>	<p>Cease internet shutdown tactics.</p>
<p>Freedom of Association Article 22</p>	<p>Law 17/2013 on Mass organisations as amended by Government Regulation in Lieu of Law 2/2017 and Government Regulation 63/2008 on Foundations impose broad bans on organisations deemed contrary to national values. It also imposes bureaucratic requirements for foreign civil society organisations.</p>	<p>Amend Law 17/2013, Government Regulation in Lieu of Law 2/2017 and Government Regulation 63/2008.</p>
	<p>Government Regulation in Lieu of Law 2/2017 removed judicial oversight on dissolution of organisations and introduced overzealous penalties on organisations deemed contrary to state ideology or committing religious blasphemy.</p>	