In 2022 the Government of Indonesia (GoI) blocked[[1]](#footnote-1) access to major websites, including PayPal, Yahoo, Epic Games, Steam, Dota, Counter Strike, Xandr.com, and EA Origin, for failing to comply with the registration requirements set under Ministerial Regulation 5/2020 (“MR5”).[[2]](#footnote-2)

MR5 states that: “Every Private Sector ESO is required to apply for registration.”[[3]](#footnote-3) and that “Electronic Systems Operators that own an online portal, site, or application via internet for the following purposes:”[[4]](#footnote-4) including “to provide, manage, and/or operate communications services including but not limited to short messages, voice call, video call, electronic mail, and conversation in network in the form of digital platform, network services and social media;”[[5]](#footnote-5) must register for Private Sector ESO “before the Electronic Systems started to be used by the Electronic Systems User.”[[6]](#footnote-6)

MR5 also states that: “The Minister shall impose administrative sanction on Private Sector ESOs that: a. does not apply for the registration,”[[7]](#footnote-7) and “In the event that a Private Sector ESO does not apply for registration as referred to in paragraph (1) letter a; the Minister shall impose administrative sanction in form of Termination of Access to the Electronic Systems (access blocking).”[[8]](#footnote-8)

We believe that Article 6(2) of MR5, the provision which authorizes the blocking of the whole website as a penalty for failure to register not only infringes upon Indonesian citizen’s use of these websites but also infringes on some of their fundamental rights, including freedom of expression and economic and cultural rights under international human rights law but also under Indonesia’s own constitution.

1. International Human Rights Law on Freedom of Expression as Applied to Website Blocking

1.1 Legal Standard

Under Article 19 of the Universal Declaration of Human Rights everyone has the right to freedom of opinion and expression and the right to hold, receive, and impart these opinions and expressions without interference through any media source.[[9]](#footnote-9) Under the ICCPR, some limited restrictions on expression are permissible. “According to the three-part test, interferences with freedom of expression are legitimate only if they (a) are prescribed by law; (b) pursue a legitimate aim; and (c) are “necessary in a democratic society”.”.[[10]](#footnote-10)

The Siracusa Principles, which provide a framework for balancing national security and human rights to make sure that human rights principles are protected during conflict and issues of national security, and General Comment 34 provide authoritative guidelines for interpreting these restrictions.[[11]](#footnote-11) Thus, blocking measures must comply with the three-part test under the ICCPR Article 19(3) that lays down minimum criteria that must be met for website blocking and filtering to be justified: “(1) Blocking/filtering provisions should be clearly established by law; (2) any determination on what content should be blocked must be undertaken by a competent judicial authority or body which is independent of any political, commercial, or other unwarranted influences; [and] (3) blocking orders must be strictly limited in scope in line with the requirements of necessity and proportionality under Article 19(3); (4) lists of blocked websites together with full details regarding the necessity and justification for blocking each individual website should be published; (5) An explanation as to why a page has been blocked should also be provided on a page that is substituted in for the affected websites.”[[12]](#footnote-12)

Regarding freedom of expression and opinion on the internet, General Comment No. 34 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the GoI, holds that “any restriction on the operation of websites…such as internet services or search engines,”[[13]](#footnote-13) are inconsistent with the right to freedom of expression unless restrictions are content-specific, and that generic bans are unacceptable.[[14]](#footnote-14)

This same issue was discussed in the 2011 Joint Declaration of Expression on the Internet by the UN Human Rights Committee.[[15]](#footnote-15) In this declaration, the UN Special Rapporteur recognized that website blocking could be justified in limited circumstances to protect against (1) child sex abuse images, (2) incitement to commit genocide, (3) advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, and (4) hostility or violence, and incitement to terrorism.[[16]](#footnote-16) These interests were further strengthened by the 2014 Joint Declaration, which claimed that “States should actively promote universal access to the Internet regardless of political, social, economic or cultural differences, including by respecting the principles of net neutrality and of the centrality of human rights to the development of the Internet.”[[17]](#footnote-17) And, the 2019 Joint Declaration held that freedom of expression requires a free and accessible internet.[[18]](#footnote-18) These principles are reflected in *SERAP v. Federal Republic of Nigeria,* in which the Community Courts of West African States held that the Nigerian government violated the petitioner’s rights to freedom of expression and access to information through the government’s suspension of Twitter in 2021. “The Court found that access to Twitter is a “derivative right” that is “complementary to the enjoyment of the right to freedom of expression.” [[19]](#footnote-19) Because the Nigerian government was unable to show any legal basis for the suspension of Twitter, the block, in the Court’s opinion, was in clear contravention of Article 9 of the African Charter on Human and Peoples’ Rights and Article 19 of the International Covenant on Civil and Political Rights.”[[20]](#footnote-20)

These same principles have been affirmed in case law across the world. For example, in *Anuradha Bhasin v. Union of India[[21]](#footnote-21)* and *Ghulam Nabi Azad v. Union of India[[22]](#footnote-22),* the Indian Supreme Court held that “the right to freedom of speech and expression…and the right to carry on any trade or business under 19(1)(g), using the medium of the internet is constitutionally protected.”[[23]](#footnote-23)

In *Yıldırım v. Turkey,* the European Court of Human Rights held that blocking Internet access, in this case, the Turkish court blocking access to all Google sites after one Google site violated a law,[[24]](#footnote-24)failed to consider the “significant collateral effect” of rendering large quantities of information inaccessible to all Internet users.”[[25]](#footnote-25) Further, the Court stated that “in matters affecting fundamental rights, it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for a legal discretion granted to the executive to be expressed in terms of an unfettered power.”[[26]](#footnote-26) Further, in *Cengiz and Others v. Turkey[[27]](#footnote-27)*, another European Court of Human Rights case, which concerned the wholesale blocking of access to YouTube, the applicants, who were active users of the website, complained of an infringement of their right to freedom to receive and impart information and ideas. The court held that this violated the freedom of expression and that “applicants, all academics in different universities, had been prevented from accessing YouTube for a lengthy period of time and that, as active users, having regard to the circumstances of the case, they could legitimately claim that the blocking order in question had affected their right to receive and impart information and ideas.” The Court also believed that as a single platform, YouTube, enabled information on political and social matters to be broadcast and citizen journalism to emerge.

A lower Brazilian court blocked WhatsApp after the company refused to hand over information requested in a drug trafficking investigation.[[28]](#footnote-28) The Brazilian Supreme Court then held that the block on WhatsApp was illegal, “considering the constitutional principles, it does not look reasonable that millions of users be affected as a result of the company’s inertia to provide information.”[[29]](#footnote-29) Further, Supreme Court president Ricardo Lewandowski held that such a ban was neither reasonable nor proportional and that this was a violation of the fundamental freedom of expression.[[30]](#footnote-30)

Further, the European Court of Human Rights delivered four judgments against Russia (*OOO Flavus and Others v. Russia, Bulgakov v. Russia, Engels v. Russia, Vladimir Kharitonov v. Russia[[31]](#footnote-31)*), all of which concern blocking access to websites. The Court held that Russian authorities had violated the right to freedom of expression on the internet, as well as their right to an effective remedy in all four cases.[[32]](#footnote-32) In *OOO Flavus and Others* the Russian government blocked access to opposition online media outlets, including registered news and opinion websites, independent bloggers, and an online daily newspaper critical of the government, under the amended Russian Information Act which allowed the Prosecutor General the ability to submit blocking requests for websites containing calls for mass disorder and extremism without a court order.[[33]](#footnote-33) In *Bulgakov v. Russia* a website was blocked because it allowed access to a prohibited ebook categorized as an extremist publication.[[34]](#footnote-34) In *Engels v. Russia* a website which catered to news and information on freedom of expression and contained a web page which provided tools to bypass restrictions on private communications and content filters was blocked for providing information that enabled users to bypass filters and access extremist materials.[[35]](#footnote-35) And, in *Vladimir Kharitonov v. Russia* the Russian government blocked a website because another website on the same IP address had been blacklisted under a Federal Drug Control Service decision.[[36]](#footnote-36) In *OOO Flavus and Others*, the Court held that the relevant domestic law must require public authorities to balance all interests at stake.[[37]](#footnote-37) In this respect, public authorities must be legally obliged to assess whether the desired result can be achieved through less intrusive measures than blocking access to the entire website. And, the court asserted that blocking access to entire websites is an extreme measure that is comparable to banning a newspaper or TV station.[[38]](#footnote-38) In all of these cases, the blocking of websites and sections of the internet in which people express their opinions is contrary to the ICCPR and customary international law regarding the freedom of expression.[[39]](#footnote-39)

In establishing customary international law regarding protection against website blocking regarding the freedom of expression and opinion, Article 23 of the ASEAN Human Rights Declaration, to which Indonesia is a member, held that “every person has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or through any other medium of that person’s choice.”[[40]](#footnote-40)

1.2 Application

1.2.1 Legality

Under the three part test, it is not clear whether MR5 is “law” in the phrase “prescribed by law”. The reason for the legality requirement is that speech restrictions must have democratic legitimacy and only the “law”, meaning legislation passed by representatives who are presumably elected by the people, can possibly interfere with freedom of expression rights. MR5 was created by the Ministry of Communication and Information Technology and was issued “without adequate public consultation,”[[41]](#footnote-41) not by representatives elected by the people.

Furthermore, the decision to penalize unregistered websites lies within the discretion of the Ministry of Communication and Information Technology. The ECtHR in *Yildirim* held that in a democratic society the matters affecting fundamental rights should not be left to the “discretion” of the executive. Even if website blocking is authorized by law, if actual implementation is up to the discretion of a ministry with “unfettered power”[[42]](#footnote-42), it is difficult to justify that as “prescribed law”.[[43]](#footnote-43) Thus, MR5 should not be justified as having been prescribed by law.

1.2.2 Necessity and Proportionality

Even if the restriction of these websites was prescribed by law, it seems hard to argue that restricting entire websites, platforms, and search engines to comply with an already restrictive law is necessary or proportional. The purpose of MR5 is stated as “to meet the need for regulation in electronic systems operation for private scope.”[[44]](#footnote-44) The purpose of mandating registration of websites is presumably to ensure that these websites do not facilitate or contain content viewed by the GoI as prohibited or “negative content.”[[45]](#footnote-45) Although such purposes are a legitimate aim, it is not clear whether the mere fact of un-registration makes those websites suddenly the target of that legitimate aim. Registered or unregistered, the contents remain the same. The Ministry of Communication and Information Technology while blocking these websites did not block many websites such as Google, Facebook, and YouTube which registered under MR5 and yet include much “prohibited” or “negative content”. If it is harmful contents that MR5 meant to abate, website blocking does not achieve the objective.

Also, as stated above, General Comment 34 clearly prohibits “a generic ban” and MR5’s website blocking provision obviously is a generic website ban, which violates General Comment 34. One may argue that General Comment 34 is focused on content moderation and meant to warn against a restriction that is over-inclusive, and that MR5’s website ban is proper because all the contents on unregistered websites are by definition harmful and therefore banning the entire website is not over-inclusive. However, as stated above, the contents are not affected by the failure to register, and mere failure to register cannot justify such drastic disparate treatment. The Brazilian court case is on point. There, a lower court blocked an entire website for not cooperating with a drug investigation. In the court’s mind, the goal was to force turning over of the private data and only the overall blockade would have sufficient shocking effect to produce the desired result. However, the Supreme Court found it not proportional given the amount of content blocked. The Indonesian government, regardless how important it is to get the websites registered, should not use the blocking as a threat to force the website operators into registering. Similar to the Russian cases, the blocking of websites and sections of the internet in which people express their opinions through the MR5 is contrary to the ICCPR and customary international law regarding the freedom of expression.[[46]](#footnote-46) And, there were certainly less intrusive means, such as fining the websites in noncompliance, that would have been less intrusive on the citizenries' right to freedom of expression.

The 2011 Joint Declaration of special mandates for free expression lists the exceptional situations such as child pornography where over-inclusive website blocking may be justified by but the MR5 blocking provision is not sufficiently circumscribed and does not fall under any of the protected categories stated in the Joint Declaration.

Further, the GoI’s blocking was not limited in scope, and the necessity of shutting down websites is far outweighed by the necessities of free expression, the ability to receive payment, and other important interests, thus MR5s website blockings would not comply with the 2011, 2014, or 2019 Joint Declarations as well as cases such as *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*. Here, the shutdown of websites such as Yahoo, which is a major search platform, is infringing on Indonesians' abilities to express themselves, and as will be emphasized further, the shutdown of PayPal infringed upon the right to carry on any trade or business because many Indonesians receive payment for legitimate business and trade purposes on PayPal and were without access to wages and salaries while PayPal was shut down by the GoI.

Like in *Yıldırım v. Turkey*, the GoI shut down major search and payment platforms, such as Yahoo and PayPal, failing to consider the major collateral effects that shutting down these websites caused. And, the GoI shut down websites which were necessary to fulfill fundamental rights and thus would be contrary to the holding of *Yıldırım*, which held that legal discretion should not be granted to the government in issues affecting fundamental rights.[[47]](#footnote-47) Further, similar to *Cengiz and Others v. Turkey*, the blocking of large platforms like Yahoo, which enables information sharing and discussions on political and social matters, violates the freedom of expression. Also, by blocking important search engines such as Yahoo and other mediums of expression, the GoI violates the ASEAN Human Rights Declaration by limiting freedom of opinion and expression.

 1.2.3 Interest At Stake

In measuring the proportionality of the MR5 blocking provision, it is important to appreciate the interests at stake when websites are blocked. The importance of access to the internet and websites has been confirmed time and again by the courts around the world. The UN Human Rights Council has resolved repeatedly that “what is protected offline should be protected online”, warning against the government actions that manipulate and control online speech . . . and the Joint Declarations of 2014 and 2019 reconfirm the importance of the internet . . . the Indian Supreme Court and the ECOWAS court also emphasize the centrality of the internet or website access in people’s lives. The ASEAN Human Rights Declaration and the ECtHR in *Cengiz* and *Yildirim* also reconfirm the importance of the internet or website access to people’s fundamental rights. And, the Brazilian Supreme Court emphasized that shutting down websites for political goals is not reasonable nor proportional when it violates people's freedom of expression rights.

1.3 Sub-conclusion

Thus, under international human rights law, the GoI violated the freedom of expression rights of Indonesian citizens through its website blocking decisions.

2 International Human Rights Law on Economic Social Cultural rights and Indonesian Constitution as Applied to Website Blocking

2.1 Legal Standard

Article 27(2) of Indonesia’s Constitution, states that “every citizen shall have the right to work and to a living, befitting for human beings.”[[48]](#footnote-48) This has further been affirmed in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the right to work and “the opportunity to gain his living by work,”[[49]](#footnote-49) as well as the right to “fair wages.”[[50]](#footnote-50) Further, Article 27(1) of the ASEAN Human Rights Declaration, which Indonesia has affirmed, states that “every person has the right to work, to the free choice of employment, to enjoy just, decent and favorable conditions of work.”[[51]](#footnote-51) Further, the blocking of revenue sources breaches obligations under the ICESCR and ICCPR that mandate that “all peoples may, for their own ends, freely dispose of their natural wealth and resources… [i]n no case may a people be deprived of its own means of subsistence.”[[52]](#footnote-52) These principles were affirmed in the Indian Supreme Court cases of *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*, in which people’s access to payment through the National Rural Employment Guarantee Act was hindered due to Internet shutdowns.[[53]](#footnote-53) The Indian Supreme Court, in these cases, claimed that the suspension of such services should only be made after assessing the “existence of an alternate less intrusive remedy.”[[54]](#footnote-54) Further, the UN has described the right to work as “fundamental to the enjoyment of certain subsistence and livelihood rights such as food, clothing, housing, etc.”[[55]](#footnote-55) and as including the “right not to be deprived of work unfairly.”[[56]](#footnote-56)

Website blocking also affects cultural rights. Article 28C(1) of the Indonesian Constitution provides that “[e]very person shall have the right to develop him/herself through the fulfillment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture.”[[57]](#footnote-57) In a report by the United Nations in 2022, the Special Rapporteur on the Right to Education found that internet shutdowns and likely also website blocking “often have a severe impact on the right to education, impeding learners in accessing online education, taking online exams or applying online for scholarships.”[[58]](#footnote-58) The report further holds that “the right to education must include digital agency as a goal, understood as the ability to control and adapt to a digital world with digital competence, digital confidence, and digital accountability.”[[59]](#footnote-59) In a prior Indonesian court case, *Alliance of Independent Journalists v. Minister of Communication[[60]](#footnote-60),* the court held that the right to access the internet was a means of freedom of expression and that, as held in the 1945 Indonesian Constitution, national laws and international treaties, namely the International Covenant on Civil and Political Rights and the United Nations Human Rights Committee General Comment No. 34, this included access to education.[[61]](#footnote-61)

2.2 Application to the MR5 provision

Here, the GoI’s blocking of websites through MR5 violates international and domestic law through its infringements and violations of the economic, social, and cultural rights of the Indonesian people. Regarding the violation of economic rights guaranteed in the Indonesian Constitution and international law, Article 7(2) of MR5 enables Kominfo to block ESOs that do not register.[[62]](#footnote-62) When the Ministry of Communications and Informatics (Kominfo) blocked access to sites like Counter Strike, Dota, and Paypal, it prevented individuals who rely on those sites from receiving payment for their work/labor or accessing payment already made for their work.[[63]](#footnote-63) This termination and blocking of access is an unlawful restriction on the Indonesian people’s rights to work. Because MR5 blocked websites that provide payment services, Indonesians were prevented from obtaining their wages and normal sources of income gained through legitimate work, and these citizens were deprived of access to work as well as any due process or appeals on the blocking of these channels violating domestic and international law.[[64]](#footnote-64) Further, through the blocking of Paypal, many Indonesian independent contractors were prevented, including Indonesians who work with entities abroad, from being able to access and dispose of their financial resources. Similar to *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*, in which people’s access to payment through the National Rural Employment Guarantee Act was hindered due to Internet shutdowns, Indonesian's access to payment was hindered by the blocking of PayPal.[[65]](#footnote-65)

 The GoI also hindered Indonesian citizens' access to education by blocking search engines such as Yahoo as discussed in the 2022 report by the Special Rapporteur on the Right to Education. Also, regarding the GoI’s hindrance of cultural rights, websites like Yahoo allow individuals to share, exchange, as well as access opinions and information about art and culture, while Paypal allows people to sell and purchase art, cultural artifacts, tickets to theater, music, concerts, and museums, and a myriad of other cultural and artistic experiences. Video games also are a part of cultural and artistic expression, both in terms of their content and through allowing developers artistic and cultural expression through the games they develop. Here, Kominfo blocked access to significant mediums of cultural exchange, which violated the Indonesian Constitution and international law.

2.3 Sub-conclusion

 Thus, under both Indonesian and international human rights law, the GoI violated the economic, social and cultural rights of Indonesian citizens through its website blocking decisions.

3. Conclusion

 In conclusion, the MR5 provision which authorizes the Government of Indonesia (GoI) to blocking access to all websites for failing to comply with the registration requirements[[66]](#footnote-66) is in violation of Indonesian and international law. MR5 itself not only violates Indonesian citizens freedom of expression rights, but also violates their economic, social and cultural rights. Courts and international bodies across the world have found such regulation to be a violation of people's human rights, and Indonesia should do the same.

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2. “Govt blocks Yahoo, Steam, PayPal for failing to comply with licensing policy”, The Jakarta Post, https://www.thejakartapost.com/indonesia/2022/07/30/govt-blocks-yahoo-steam-paypal-for-failing-to-comply-with-licensing-policy.html. [↑](#footnote-ref-2)
3. Ministerial Regulation 5/2020, Article 2(1). [↑](#footnote-ref-3)
4. Ministerial Regulation 5/2020, Article 2(2)(b). [↑](#footnote-ref-4)
5. Ministerial Regulation 5/2020, Article 2(2)(b)(4). [↑](#footnote-ref-5)
6. Ministerial Regulation 5/2020, Article 2(3). [↑](#footnote-ref-6)
7. Ministerial Regulation 5/2020, Article 6(1). [↑](#footnote-ref-7)
8. Ministerial Regulation 5/2020, Article 6(2). [↑](#footnote-ref-8)
9. UDHR, Art. 19. [↑](#footnote-ref-9)
10. ARTICLE 19 Submission to ICJ Panel of Eminent Jurists on Terrorism, Counter-Terrorism and Human Rights – ARTICLE 19, London, 2006. [↑](#footnote-ref-10)
11. CCPR/C/GC/34; United Nations, Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, U.N. Doc. E/CN.4/1985/4, Annex (1985). [↑](#footnote-ref-11)
12. Article 19, Freedom of Expression Unfiltered: How blocking and filtering affect free speech (2016), in reference to the Special Rapporteur on Freedom of Expressions 2011 Report to the General Assembly. [↑](#footnote-ref-12)
13. CCPR/C/GC/34. [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. “Freedom of Expression Unfiltered: How Blocking and Filtering Affect Free Speech.” ARTICLE 19, November 7, 2017.; Park, Kyung Sin. “Lessons from Internet Shutdowns Jurisprudence for Data Localization.” In *Data Sovereignty: From the Digital Silk Road to the Return of the State*, 332–70. Oxford University Press, n.d. [↑](#footnote-ref-15)
16. U.N. Special Rapporteur on Freedom of Opinion and Expression et al., *Joint Declaration on Freedom of Expression and the Internet*, ¶ 3a, ORG. FOR SEC. & CO-OPERATION IN EUR. (June 1, 2011), <https://www.osce.org/fom/78309?download=true>. [↑](#footnote-ref-16)
17. U.N. Special Rapporteur on Freedom of Opinion and Expression et al., *Joint Declaration on Universality and the Right to Freedom of Expression*, ORG. FOR SEC. & CO-OPERATION IN EUR. (May 6, 2014), <https://www.osce.org/files/f/documents/f/e/118298.pdf>. [↑](#footnote-ref-17)
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19. ECW/CCJ/JUD/40/22. [↑](#footnote-ref-19)
20. *Serap v. Federal Republic of Nigeria*, Global Freedom of Expression, February 2, 2024. https://globalfreedomofexpression.columbia.edu/cases/serap-v-federal-republic-of-nigeria/. <https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2023/06/GFoE_Content-Moderation.pdf>; Barata, Joan, and Andrei Richter. “Internet Shutdowns in International Law.” Global Freedom of Expression. https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2023/06/Internet-shutdowns-in-international-law-1.pdf. [↑](#footnote-ref-20)
21. *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637. [↑](#footnote-ref-21)
22. *Ghulam Nabi Azad v. Union of India*, (2020) 12 SCC 152. [↑](#footnote-ref-22)
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24. *Ahmet Yildirim v. Turkey*, App. No. 3111/10, ¶ 67 (Dec. 18, 2012), <http://hudoc.echr.coe.int/eng?i=001-115705>. [↑](#footnote-ref-24)
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31. *Vladimir Kharitonov v. Russia* (application no. 10795/14), *OOO Flavus and Others v. Russia* (application nos 12468/15, 23489/15, and 19074/16), *Bulgakov v. Russia* (no. 20159/15), and *Engels v. Russia* (no. 61919/16). [↑](#footnote-ref-31)
32. Güngördü, Atakan. “The Strasbourg Court Establishes Standards on Blocking Access to Websites.” Strasbourg Observers, August 26, 2020. https://strasbourgobservers.com/2020/08/26/the-strasbourg-court-establishes-standards-on-blocking-access-to-websites/. [↑](#footnote-ref-32)
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34. *Bulgakov v. Russia* (no. 20159/15). [↑](#footnote-ref-34)
35. *Engels v. Russia* (no. 61919/16). [↑](#footnote-ref-35)
36. *Vladimir Kharitonov v. Russia* (application no. 10795/14). [↑](#footnote-ref-36)
37. *OOO Flavus and Others v. Russia* (application nos 12468/15, 23489/15, and 19074/16), par. 37. [↑](#footnote-ref-37)
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42. *Ahmet Yildirim v. Turkey*, App. No. 3111/10, ¶ 67 (Dec. 18, 2012), <http://hudoc.echr.coe.int/eng?i=001-115705>. [↑](#footnote-ref-42)
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44. Ministerial Regulation 5/2020. [↑](#footnote-ref-44)
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