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The Indonesian Update

Monthly Review on Economic, Legal, Security, Political, and Social Affairs

Main Report

The Increasing Interest in Becoming ASN amidst Bureaucratic Efficiency Crisis

Economy

- The Progress of Green Hydrogen Development in Indonesia: Good Practices, Challenges, and Policy Recommendations
- Digital Transformation in Public Services towards a Responsive and Inclusive Indonesia

Laws

- Whistleblower Protection and State Commitment to Anti-Corruption
- The Constitutional Court Decision on ITE Law and the Future of Freedom of Speech

Social

- The Fate of Indonesia's Sustainable Tourism amid the Raja Ampat Mining Controversy
- The Urgency of Integrating the Adverse Childhood Experiences (ACEs) Approach in Child Protection within Educational Settings

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CONTENTS

1 FOREWORD

2 MAIN REPORT

2 **The Increasing Interest in Becoming ASN amidst Bureaucratic Efficiency Crisis**

9 ECONOMY

9 The Progress of Green Hydrogen Development in Indonesia: Good Practices, Challenges, and Policy Recommendations

18 Digital Transformation in Public Services towards a Responsive and Inclusive Indonesia

23 LAWS

23 Whistleblower Protection and State Commitment to Anti-Corruption

28 The Constitutional Court Decision on ITE Law and the Future of Freedom of Speech

35 SOCIAL

35 The Fate of Indonesia's Sustainable Tourism amid the Raja Ampat Mining Controversy

40 Approach in Child Protection within Educational Settings

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FOREWORD

The June 2025 edition of the Indonesian Update presents a variety of critical analyses of the policy, social, and legal dynamics that influence the direction of national development.

This month's main report highlights the growing interest of the public in becoming State Civil Apparatus (ASN) amidst various bureaucratic efficiency crises. This analysis examines the disparity between high public enthusiasm and stagnant bureaucratic reform, as well as its impact on public services and governance.

In the economic field, we present two main reviews. First, the economic potential of hydrogen as an alternative energy and the direction of Indonesia's policy in developing its ecosystem. Second, the role of technology in improving public services, as well as challenges in system integration and digital literacy in various regions.

From the social field, we raise two important issues. The first article discusses the rampant cases of bullying and violence against children that have occurred in several regions, such as Makassar, Cirebon, and Indragiri Hulu, a reminder of the urgency of reforming the child protection system. The second article invites readers to reflect on the direction of national tourism development, highlighting exploitative practices that harm local communities and the environment, such as in the case of mining in Raja Ampat and land conversion in Bali.

In the legal realm, we highlight two important developments. First, the Constitutional Court's ruling on the ITE Law, which opens up new hope for freedom of speech in the digital era. Second, the urgency of real protection for whistleblowers in corruption cases, which has often been ignored despite their vital role in exposing public crimes.

Through this edition, Update Indonesia continues to strive to be a medium for reflection and enrichment of cross-sector perspectives. We invite readers to look more deeply at how policies, social practices, and legal dynamics intertwine to shape the direction of Indonesia's future.

Selamat membaca.

Main Report

The Increasing Interest in Becoming ASN amidst Bureaucratic Efficiency Crisis

–Felia Primaresti–



Sumber Foto: news.detik.com

Amid economic uncertainty and tight competition in the job market, the profession of State Civil Apparatus (ASN) is still a favorite, especially among young people. Work as an ASN includes being a civil servant, a member of the police, and a member of the Indonesian National Army (TNI). Every time recruitment is opened, millions of applicants from various educational backgrounds compete for limited seats. This phenomenon is not only about prestige or the dream of becoming a civil servant but can also be read as a reflection of a crisis of trust in other sectors that are considered to have failed to provide job security, clear career paths, and long-term welfare.

On the other hand, ASN is a profession supported by the State Budget (APBN). This means that the more ASN recruited, the greater the budget burden that will be incurred. This has created polemics, as the effectiveness of the bureaucracy is questioned with the large number of members and personnel. According to the *government effectiveness index* released by the World Bank (2023), Indonesia was ranked 58th globally with a score of 0.58 on a scale of 2.5. Meanwhile, according to the official website of the Presidential Staff Office (KSP), Indonesia was ranked 73rd out of 214 countries with a score of 66 on a scale of 100 in 2023.

This article discusses various aspects of the appeal of the ASN profession, the tensions between individual aspirations and state capacity, the challenges of bureaucratic reform, and the government's efforts to revive other job sectors outside the ASN path, especially in the private sector and the creative economy. On the one hand, the great desire of the community, especially the younger generations, to become ASN indicates a spirit of nationalism. However, this can also be read as a lack of trust in other sectors in ensuring the sustainability of life. On the other hand, this also raises a critical question: is the state able to continuously accommodate these aspirations without burdening the budget and slowing down bureaucratic reform?

The ASN Enthusiasm Phenomenon

In recent years, the number of ASN applicants, both for the positions of Civil Servant Candidate (CPNS), various ranks of the police, and those in the Indonesian National Army (TNI), has been recorded as fluctuating but has generally showed an upward trend. According to the data from the State Civil Service Agency (BKN), the number of CPNS applicants peaked in 2018 with a fantastic figure of 4.4 million people. Although this figure has decreased in the following years, the trend of interest in CPNS positions remains high, in line with public perception of the ASN profession as a stable and economically promising job according to a survey by the Ministry of Empowerment of State Apparatus and Bureaucratic Reform (Kemenpan RB, 2024) as reported by Tempo.co (6/9/2024).

Furthermore, as of December 31, 2023, the total number of ASN in Indonesia was recorded at 4.4 million people, consisting of 3.7 million (84%) Civil Servants (PNS) and 733 thousand (16%) Government Employees with Work Agreements (PPPK). This proportion shows that although the government is encouraging the PPPK scheme as a form of efficiency and flexibility, the dominance of PNS as an employee status remains strong in the Indonesian bureaucratic structure.

Meanwhile, interest in uniform institutions such as the police and the TNI is also no less high. Data from 2023 showed that the National Police recorded around 154 thousand applicants for the recruitment of Police Academy (Akpol) cadets, Bintara, and Tamtama. In almost the same year, the Indonesian Army also received around 107 thousand applicants for prospective soldiers.

The high public interest in becoming ASN, especially among young people, apparently cannot be separated from several main factors, one of which is

job stability and security. The results of a survey by the Indonesian Survey Institute (2023) showed that around 65% of respondents aged 20-25 years chose the ASN profession for this reason. This reflects how strong the image of work as a state apparatus is in the minds of the younger generation, especially in a socio-economic context full of uncertainty.

This phenomenon is also inseparable from reasons similar to the interest in becoming a civil servant in general. Head of the Army Information Service (Kadispenad) Brigadier General TNI Wahyu Yudhayana in indonesiandefense.com (4/6/2025) said that for many young people, joining the TNI or Polri was not just about work, but also about pride, identity, and contribution to the country. This is also what underlies the TNI in particular, in 2025, opening vacancies of approximately 24 thousand positions for privates.

However, enthusiasm is one thing. Another thing that needs to be a joint evaluation and reflection is how capable is our bureaucracy in managing and absorbing this great enthusiasm productively and efficiently?

In addition, the government cannot simply read the data. The high enthusiasm may indicate a strong interest in many benefits. On the other hand, this phenomenon also shows that the national employment structure is not yet healthy and inclusive. According to the data from the Central Statistics Agency (BPS) summarized by GoodStats (2024), the disparity between the number of job seekers and available job vacancies is very striking. In 2023, there were 1.8 million registered job seekers, but only around 216 thousand job vacancies were available. This means that only around 12% of job seekers could be accommodated formally. This situation improved slightly in 2024 with 909 thousand job seekers and 630 thousand vacancies, but the imbalance remained real.

These data indicate that the high interest in ASN positions is not solely due to intrinsic interest in public service but could be a rational response to the lack of decent job alternatives. ASN, Polri, and TNI appear as "safe harbors" in the midst of a job market that is not friendly to the young workforce, especially those from non-elite educational backgrounds or non-metropolitan areas. If this structural inequality is not fixed, it risks creating the illusion of social mobility through bureaucratic channels. In fact, what actually happens is stagnation due to a lack of diversification of opportunities.

Is this great enthusiasm directly proportional to the capacity and competence of applicants in responding to the increasingly complex challenges of public

service? Or is it driven by short-term economic needs alone, without full awareness of the responsibilities as state apparatus? Another equally important question: are the promised salaries and benefits truly adequate to support a dignified life; are ASN given space to develop professionally, and do they have the freedom to express themselves, including conveying criticism of public policy, without fear of being silenced by a rigid and hierarchical bureaucratic structure?

Structural and Cultural Issues

As stated in the previous paragraph, although the ASN profession continues to be the main attraction for young people amid economic uncertainty, job inequality, and minimal social security from the private sector, this condition actually contains deep irony when placed in the context of the effectiveness of the Indonesian bureaucracy. Data from the World Bank (2023) showed that the score for the effectiveness of the Indonesian government was still at 0.58 on a scale of 2.5. This reflects structural problems that have not been resolved even though the number of ASN continues to grow.

In other words, the addition of ASN does not automatically lead to an increase in the quality of public services or institutional efficiency. Something that can be seen recently is; for example, in the case of the division of ministerial nomenclature in the new Prabowo-Gibran government. As we all know, the Prabowo-Gibran government increased the number of ministries to 48 from 34 in Jokowi's last term. This change not only triggered confusion about the work structure, but it has also caused administrative problems. For example, the reassignment of ASN, clarity of main tasks and functions (tupoksi), to the use of state buildings and assets. This case highlights the fragility of our bureaucratic HR planning, which tends to be reactive and not integrated with the larger reform agenda. This is as conveyed by Achmad Hidayat, an Economist at the Veteran State Development University (UPN) Jakarta (2024) reported by Neraca (22/5/2024).

Furthermore, the polemics over the postponement of the appointment of ASN, which was previously a hot topic in early 2025, adds to the long list of uncertainties, which ironically occurred in a sector that has been portrayed as stable even though the policy was eventually improved (BBC.com/10/3/2025). This postponement not only impacts thousands of ASN candidates who have passed the selection, but it also shows the weakness of cross-institutional coordination in ensuring the sustainability of recruitment programs based on long-term planning.

In addition, this further strengthens the fundamental question of to what extent the ASN selection process is truly carried out in accordance with the principle of meritocracy, not just to meet certain formation quotas or political pressures? The merit system that should be the foundation of ASN recruitment often faces obstacles in practice , ranging from mismatches between the formations opened and the real needs of the bureaucracy, to the potential for bias in selection that is not yet fully transparent and accountable.

The mismatch phenomenon reinforces the assumption that the ASN needs planning process that is not yet fully based on concrete job analysis and workload. For example, the teacher formation that was admitted by the Minister of Primary and Secondary Education, Abdul Mu'ti, that the distribution of teachers is not evenly distributed (Kompas.com, 9/1/2025). There is a phenomenon of teacher surplus in some regions and acute shortages in other regions, which widens the gap in public services. On the other hand, the government continues to allocate a large budget for employee spending. According to the 2024 State Budget, employee spending is still one of the largest items in the national budget structure, amounting to 35.1 trillion Rupiah. In a situation where the state is encouraging fiscal efficiency and strengthening productive spending, ASN recruitment that is not based on long-term needs projections risks increasing the budget burden without any real contribution to the quality of public services.

On the other hand, the high posture of the APBN towards employee spending is not directly proportional to the level of welfare of ASN itself. Citing data from the Ministry of Home Affairs (Kemendagri), as many as 400,000 ASN and PPPK are included in the low-income category. This categorization is ASN who are married, but still earn less than 8 million. In addition, it should also be noted that ASN at the regional level; for example, receive *take-home pay* ranging from 1.6 million to 6 million rupiah according to group (CNN Indonesia, 8/30/2024). Garut Regent Rudy Gunawan, in JPNN (11/24/2023) also said that 80% of Garut ASN have debts in banks.

In the context of the Indonesian National Police, although public enthusiasm to register remains high, there is a paradox that needs to be highlighted. A survey by the Indonesian Political Indicator Survey Institute in 2020 showed that the majority of the public considered the Indonesian National Police to be increasingly repressive and tended to inhibit civil liberties. In fact, 43.6% of respondents were afraid to express their opinions because they were worried about being pressured by the authorities (CNN Indonesia, 1/11/2020). Meanwhile, in the Indonesian Army, the discourse on increasing

the number of soldiers to 24,000 by 2025 has also caused debate. According to the Head of the Indonesian Army Information Service, the main reason for this expansion is to strengthen the spirit of nationalism and devotion to the country (Indonesia Defense, 12/12/2024).

However, it should be noted that the narrative of nationalism as the main justification is not enough if it is not accompanied by an evaluation of the function, effectiveness, and direction of military reform itself. The massive addition of personnel in the midst of the unfinished military reform after the ABRI dual function, actually risks returning to old practices that are not in line with the principles of civil democracy. This also worsens the situation if the capacity building of the TNI/Polri is also rarely carried out. Arbitrary actions by the authorities still often occur. In terms of budget, citing the official website of the Ministry of Finance (2025), the Ministry of Defense and the Police have the largest budget portions; namely, 165.2 trillion and 126 trillion Rupiah. These figures are again ironic, considering that the low welfare of the TNI and Polri is also often questioned. Deputy Director of Imparsial Hussein Ahmad, as quoted in Kompas.com (6/3/2025), said that there were still many soldiers whose lives are not prosperous.

Thus, the phenomenon of high public enthusiasm to become ASN shows that the main issue that needs to be discussed is not only the quantity of ASN recruited but also the possibility of failure in building a strategic, equitable, and public service-oriented ASN management system. The mismatch between high employee spending and ASN welfare in the field indicates a structural dysfunction in budget allocation and policy design. On the one hand, the state spends tens of trillions of rupiah to finance the bureaucracy, but on the other hand, hundreds of thousands of ASN still live in vulnerable economic conditions, some even become involved in debts. This is a paradox that disrupts the legitimacy of the bureaucracy itself, because how is it possible that state apparatuses tasked with serving the public are unable to meet their basic needs?

Furthermore, these conditions also show that large fiscal allocations do not necessarily produce an effective bureaucracy, if not followed by structural reforms , both in terms of HR distribution, transparency of the payroll system, and access to career development. At this point, ASN is vulnerable to being trapped in a system that does not guarantee welfare and also does not provide space for professional development. Uneven workloads, hierarchical bureaucracy, and political pressure at the regional level often make ASN lose their motivation to be innovative and progressive. These conditions make ASN planning that is not based on data and real needs burden the

Amid the increasing enthusiasm of the younger generations for the ASN profession, an important question arises about the readiness of the state to accommodate these aspirations in a sustainable manner. This article examines various aspects of the issue, starting from the attractiveness of ASN, the challenges of bureaucratic reform, to the urgent need to build an alternative work sector that is equal and promising.

budget and also create a work environment that is counterproductive to public services themselves.

Recommendations

According to the analysis above, here are some recommendations that can be submitted:

a. The central and regional governments need to prepare ASN recruitment planning in accordance with job analysis, workload, and medium-long term needs projections. The formation system should not be based solely on graduate absorption or quotas but must consider the inequality of workforce distribution between regions and sectors.

b. Instead of continuing to increase the number of ASN, the State Civil Service Agency (BKN) and Kemenpan RB must first ensure that the existing bureaucracy functions effectively. The effectiveness index of the Indonesian government is still lagging behind neighboring countries.

c. BKN and Kemenpan RB must tighten supervision of potential fraud, nepotism practices, and competency *mismatch* . Evaluations also need to be carried out on the selection management institutions to ensure the credibility of the process, including independent audits and civil society involvement.

d. The Ministry of Manpower, the Ministry of Micro, Small, and Medium Enterprises (MSMEs), the Ministry of Investment, the Ministry of Tourism and Creative Economy, and the Ministry of Communication and Digital (Komdigi) must strengthen the ecosystem of the private sector, MSMEs, the creative economy, and digital technology to become a job sector that also promises stability and social mobility. One step is to create a strong and equal social security system . For example, an inclusive Social Security Administering Agency (BPJS) for Employment, tax incentives for companies that open new jobs, and encouraging vocational education reform to be more adaptive to the needs of today's industry.

Economy

The Progress of Green Hydrogen Development in Indonesia: Good Practices, Challenges, and Policy Recommendations

-Putu Rusta Adijaya-



Hydrogen is a form of clean energy, which is also the world's future energy source. Ren et al. (2017) explained several strengths of the hydrogen economy. The first is the abundant resource reserves. Hydrogen is an energy source and energy carrier, produced from various types of energy sources, such as coal, oil, natural gas, biomass, waste water and new renewable energy (NRE). For example, gray hydrogen is produced by burning natural gas without using Carbon Capture Storage (CCS), while blue hydrogen is produced by burning natural gas using CCS. On the other hand, green hydrogen is produced from an electrolysis process where the electricity used is sourced from renewable energy.

The second strength of hydrogen was its large development potential (Ren et al., 2017). In the "National Hydrogen and Ammonia Roadmap" (2025) by the Ministry of Energy and Mineral Resources, it is stated that green hydrogen can be used in many sectors, such as transportation, industry, electricity and city gas networks. In addition, the domestic market potential for green hydrogen or clean hydrogen could reach US$35 billion to US$70 billion in 2060, where the cost of green hydrogen production in Indonesia could fall to US$1.50 per kg in 2050 (National Hydrogen and Ammonia Roadmap, 2025).

The third strength of hydrogen in Ren et al. (2017) was a benefit for environmental protection, especially green hydrogen. Emre Gençer, principal research scientist at the MIT Energy Initiative in climate.mit.edu (27 February 2024) said that the electrolysis process for green hydrogen could produce less or equal to 1 kg of CO2 per kilogram of green hydrogen produced. These emissions depend on the renewable electricity supply chain and overall process efficiency.

The development of green hydrogen is a form of the Indonesian government's commitment to reducing greenhouse gas (GHG) emissions towards net zero emissions (NZE), as well as supporting Asta Cita point 2, namely "strengthening the country's defense and security system and encouraging national independence through self-sufficiency in food, energy, water, creative economy, green economy and blue economy". This is because Indonesia is targeting a 43.2% reduction in GHG emissions with international assistance and 31.89% with its own efforts by 2030, where the reduction in GHG emissions in the energy sector is targeted at 358 million tons of CO2-eq with its own efforts (Counter Measure 1/CM1) and 446 million tons of CO2-eq with international assistance (Counter Measure 2/ CM2) (Enhanced Nationally Determined Contribution Indonesia, 2022).

In addition, the development of green hydrogen also has the potential to accelerate Sustainable Development Goals (SDGs), such as SDG 7 (clean and affordable energy), SDG 8 (decent work and economic growth), SDG 13 (tackling climate change) where there are direct and indirect contributions that should be considered in SDG 6 (clean water and adequate sanitation), SDG 9 (industry, innovation and infrastructure), SDG 12 (consumption and responsible production), SDG 14 (ocean ecosystems), and SDG 15 (land ecosystems) (Green Hydrogen Organization, December 2023).

Therefore, this paper analyzes the progress of green hydrogen development in Indonesia, the good practices that can be implemented, the challenges of developing green hydrogen in Indonesia, as well as recommendations for the development of green hydrogen for the government.

The Economic Potential of Green Hydrogen for Indonesia and the Good Practices of Singapore

In general, the "National Hydrogen and Ammonia Roadmap" (2025) by the Ministry of Energy and Mineral Resources has at least explained the impact of developing green hydrogen in Indonesia, starting from creating new markets and economies, increasing the competitiveness of Indonesia's economy and

clean energy market in the eyes of the world, accelerating green economic growth, and achieving economic growth targets. The roadmap also explains the three phases of green hydrogen development carried out in Indonesia, namely the Initiation Phase (2025-2034), the Development and Integration Phase (2035-2044), and the Acceleration and Sustainability Phase (2045-2060).

The Initiation Phase (2025–2034) focuses on implementing pilot projects, regulations, incentive schemes, financing, and developing infrastructure and human resources. The main focus in this phase is to build a low-carbon hydrogen and ammonia ecosystem through national and international collaboration. Some of the things targeted are the development of electrolyzer capacity by 0-734 MW by 2030, biogas reform facilities, initial hydrogen infrastructure development, hydrogen blending in the gas network reaching 20%, co-firing of ammonia and hydrogen in power plants, fuel cell-based vehicles (FCEV) starting to be implemented in the public transportation and logistics truck sectors, and others.

The Development and Integration Phase (2035–2044) aims to increase the capacity of production facilities to commercial scale. In addition, hydrogen adoption will also be extended to sectors such as steel and fertilizer to support the diversification of low-carbon energy use in this phase. The final phase, the Acceleration and Sustainability Phase (2045-2060), targets achieving 100% hydrogen blending in the national gas network. Apart from that, in 2060 for the transportation sector, the use of hydrogen for FCEVs, trains and ships will also increase drastically.

The roadmap also explains the Action Plan for developing a green hydrogen ecosystem that strengthens the three main components of the supply chain, namely production, distribution and utilization. First, the production supply chain. Basically, the production component is activities that build electrolyzer capacity, implement pilot projects, and prepare supporting policies and regulations. Developing a green hydrogen ecosystem is not cheap and requires a large initial investment to build an electrolyzer.

However, the investment used to build green hydrogen supporting infrastructure will have a multiplier effect because the construction of this infrastructure requires a lot of skilled labor and advanced research. In addition, implementing the pilot project opens up opportunities for investment cooperation, as well as research and development with countries that can be said to be successful in developing a green hydrogen ecosystem, such as Singapore.

Singapore is one of the countries that have succeeded in developing an innovation and technology ecosystem, two things needed to develop a green hydrogen ecosystem, very well. According to the Global Innovation Index 2024 report (2024), an index based on innovation capacity and success, Singapore was the only ASEAN country in the top 5 countries; namely, in 4th place after Switzerland (1st), Sweden (2nd), and the United States (3rd). Singapore has excellent scores in indicators of regulatory quality, policy stability in running business, access to information, communications, and technology (ICT), logistics performance, acceptance of venture capital, venture capital investors, high-tech manufacturing, and GitHub commitment (Global Innovation Index, 2024).

What drives innovation and technology development in Singapore? According to edb.gov.sg (3 November 2023), there were several factors that drove this, such as a focus on talent development and productivity; offers a business-friendly environment, competitive government support, and a highly skilled workforce; Singapore's openness to global talent; adapting to macroeconomic trends, and making effective use of technological advances, as well as fostering collaboration between the public and private sectors.

Singapore also has The Low-Carbon Energy Research grant program, which is an initiative to support research, development and pilot projects to advance low-carbon technologies, and enable the decarbonization of the electricity and industrial sectors. One of them is the $43 million Directed Hydrogen Program (DHP) with three focus project areas: 1) hydrogen and ammonia safety standards and regulations, 2) ammonia cracking and utilization, and 3) hydrogen transportation and distribution (mti.gov.sg, 1 March 2024).

The second supply chain component is distribution, which focuses on developing logistics, such as pipes, tankers and green hydrogen storage facilities. Developing distribution supply chains not only lowers the costs of green hydrogen for industry and consumers in the long term but also achieves energy resilience and efficiency. The third supply chain component is utilization directed at the use of green hydrogen in various sectors, including fuel cell electric vehicles (FCEV).

If the development of production and distribution is well organized and developed, the aspect of utilizing green hydrogen for industry and society will become easier. Industries that use green hydrogen will also have the potential to increase because the supply of green hydrogen is already available. The use of green hydrogen in FCEVs will also create new supply

chains, such as vehicle production, hydrogen refueling stations, travel services with environmentally friendly energy vehicles, and others.

The Challenges of Green Hydrogen Development in Indonesia

Adijaya (February 2024) outlined several challenges for developing green hydrogen in Indonesia; namely, green hydrogen development technology, which is still very expensive, geographical areas in Indonesia where logistics costs for developing NRE are becoming more expensive, Indonesia's dependence on fossil energy, and regulatory challenges.

Although the government has launched the "National Hydrogen and Ammonia Roadmap", specific regulations governing the development of green hydrogen are not yet available. Moreover, regulations regarding green hydrogen investment are also not yet available and are being launched by the government. Several regulations supporting energy development in Indonesia are attached in Table 1.

Tabel 1. Beberapa Regulasi Pendukung Pengembangan Energi di Indonesia

No	*Regulations*	*Description*
1	Law 30/2007 concerning Energy	Emphasizes energy regulation, energy security, energy justice, sustainable development and environmental sustainability.
2	Law 30/2009 concerning Electricity which was updated with Law 6/2023 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation Becoming Law	Several articles in Law 30/2009 have been amended in Law 6/2023 to make it easier for business actors to obtain business permits. Emphasizes planning and governance of the national electricity sector, and also encourages the use of NRE sources.

3	Draft National Energy Policy Government Regulation (RPP KEN) version 1 July 2024 obtained from pushep.or.id	One of the main focuses in preparing the RPP KEN is ensuring harmony between the National Electricity General Plan (RUKN) and the Electricity Supply Business Plan (RUPTL) which also targets 8% economic growth. Explaining the achievements of final energy utilization for hydrogen for the period 2030-2060.
4	General National Electricity Plan (RUKN) 2025	To achieve net zero emissions by 2060, it was prepared based on the national energy policy which was approved by the House of Representatives of the Republic of Indonesia through a letter from the Deputy Chair of the House of Representatives of the Republic of Indonesia Number 3/1755/PW.01.01/02/2025 dated February 5 2025 and by taking into account the principles of efficiency, transparency and participation.
5	Electricity Supply Business Plan (RUPTL) 2025	Explains efforts to provide electricity, NRE targets, plans for developing electricity distribution systems, the use of hydrogen in electricity generation, etc.
6	Government Regulation (PP) 14/2015 concerning the National Industrial Development Master Plan 2015-2035	Encouraging the strengthening of national industry, including the fertilizer industry, which in fact uses hydrogen through technology development, use and development of NRE in the green industry.
7	Minister of Energy and Mineral Resources Regulation (Permen ESDM) 10/2025 concerning Road Map for Energy Transition in the Electricity Sector	Reducing dependence on fossil energy and achieving commitment to sustainable development targets, providing guidance in implementing the energy transition in the electricity sector that supports achieving the target of net zero greenhouse gas emissions.

8	Presidential Regulation (Perpres) 22/2017 concerning the General National Energy Plan (RUEN)	Describes the energy demand-supply until 2050, maximizing the use of renewable energy by looking at economic value, developing hydro energy which can produce green hydrogen, including developing hydrogen for transportation.
9	Presidential Decree 73/2023 concerning Procedures for Preparing National Energy General Plans and Regional Energy General Plans	Supporting the achievement of a primary energy mix in accordance with national energy policy targets and increasing the supply of new energy and renewable energy according to regional potential so that funding support from the central government and provincial regional governments is needed. According to the Minister of Energy and Mineral Resources (2 December 2024), 33 provinces in Indonesia have included the General Regional Energy Plan (RUED) in Regional Regulations (Perda).
10	PP 74/2021 concerning Amendments to Government Regulation Number 73 of 2019 concerning Taxable Goods Classified as Luxury in the Form of Motor Vehicles Subject to Sales Tax on Luxury Goods	Hydrogen is used as fuel for FCEVs. Article 36 PP 74/2021 states that a 0% PPnBM rate is given to BEVs and FCEVs.
11	New and Renewable Energy Bill	Based on the DIM of the 2022 New and Renewable Energy Bill, Article 9 was changed to "New Energy Sources consisting of nuclear and other New Energy Sources." one of which is hydrogen.

12	Presidential Decree 11/2023 concerning Additional Concurrent Government Affairs in the Energy and Mineral Resources Sector in the New Renewable Energy subsector	Explains the central government's authority which includes managing hydrogen as a new, renewable energy.
13	Law 7/2021 concerning Harmonization of Tax Regulations	There is an explanation regarding the carbon tax. However, until now, the implementation of the carbon tax has not been implemented.

Source: Adijaya, February 2024. List of regulations and descriptions processed and updated by the author.

Investment regulations for green hydrogen development, which will be carried out in the current Initiation Phase, need to be planned carefully. This is because investors have expectations, where managing expectations plays a big role in the economy (Adijaya, February 2025). Therefore, structured policy recommendations are needed to develop green hydrogen in Indonesia optimally.

Policy Recommendations

According to the explanations above, the following are policy recommendations for the government:

First, the Ministry of Industry, Ministry of Higher Education, Science and Technology, Ministry of Energy and Mineral Resources, Ministry of Finance, Ministry of State-Owned Enterprises (BUMN), and other related ministries/institutions must be able to encourage innovation and technology in Indonesia through developing a safe business environment for investors, fiscal and non-fiscal incentives, etc. The ministry must be willing to learn and adapt from other countries, such as Singapore, in developing a good economic ecosystem.

The Central Government must also immediately form special regulations for hydrogen energy, especially green hydrogen, and encourage the acceleration of the New Energy and Renewable Energy Bill because hydrogen appears in this regulation. Existing regulations must include security standards, requirements, incentive schemes and other related matters.

In developing green hydrogen in Indonesia, the government must encourage innovation and technology through developing a business environment that is willing to learn and adapt from other countries, expand reskilling and upskilling programs, encourage research and development in Indonesia, and provide grants for strategic innovation and technology projects.

Second, in developing competitive and expert human resources, the Ministry of Manpower must work together with the Ministry of Higher Education, Science and Technology, the Ministry of Industry, and related ministries/ institutions to expand youth reskilling and upskilling programs through collaboration with the private sector and related industries.

Third, in encouraging collaboration between the public sector and the private sector, the Ministry of BUMN, the Ministry of Industry, and other ministries/ institutions must encourage research and development in Indonesia, as well as provide grants for strategic innovation and technology projects to build competition between agencies in Indonesia.

Economy

Digital Transformation in Public Services towards a Responsive and Inclusive Indonesia

-Putu Rusta Adijaya-



Digital transformation is one of the important agenda items of the current government. In Appendix I of Presidential Decree Number 12/2025 concerning the National Medium Term Development Plan for 2025-2029 (Presidential Decree 12/2025), it is explained that digitalization is one of the efforts to achieve economic growth. The Presidential Decree also explains that a transparent, inclusive, efficient and responsible bureaucracy, including reducing budget leaks based on evidence and data, is encouraged through digital transformation. With digital transformation, it is hoped that government governance, human resources and public services can improve, making Indonesia a highly competitive country. The digital transformation of public services is also directed at improving the accessibility and quality of services in strategic sectors, such as education, health and business licensing, which are faster, more precise and more affordable (Presidential Decree 12/2025, 2025).

In other words, President Prabowo's government is fully aware of the application and transformation of technology in supporting public services for the community. On the official website of the Ministry of Communication and Digital (Komdigi) (13 January 2025), President Prabowo and Minister of Communication and Digital (Menkomdigi) Meutya Hafid met and discussed the strategic programs of the Ministry of Communication and Technology,

especially regarding digital transformation and the implementation of e-government in various public service sectors in order to increase transparency and efficiency of services to the public.

However, there are various challenges that still need to be overcome in digital transformation as an effort to encourage responsive and inclusive public services, such as digital infrastructure gaps between regions, social disparities, community digital capacity and literacy, and others. Therefore, this article aims to examine digital transformation in public services to achieve a responsive and inclusive Indonesia, as well as recommendations for the government.

Digital Transformation in Public Services in Indonesia

The COVID-19 pandemic in 2020 has changed the digital transformation landscape in the world. According to the Organization for Economic Co-operation and Development (OECD) in eurofound.europa.eu (2021), the COVID-19 pandemic accelerated digitalization in the public and private sectors, such as increasing broadband connectivity, implementing business models and promoting online payments, and increasing digital skills. The McKinsey Global Institute on the same site also explains that customer interactions, supply chains and internal operations have been accelerated by digitalization due to the pandemic.

Indonesia's digitalization itself also accelerated during the pandemic. Reduced face-to-face interactions and online lifestyles encourage this. Digital transformation in Indonesia during the pandemic is also more equal, according to East Ventures (23 March 2021) due to the distribution of digital infrastructure development and increased spending on information and communications technology.

After the pandemic, digital transformation is increasingly developing in line with society's demands and needs, such as the need for public services, as well as the behavior of people who are comfortable with digitalization. The Indonesian government has also made a commitment to digitizing public services. For example, through Presidential Regulation (Perpres) Number 95/2018 concerning Electronic-Based Government Systems, the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PANRB) synergized with the Ministry of Communication and Information (formerly Komdigi), in developing national public service portal applications and digital public service malls (komdigi.go.id, 8 February 2023).

According to the same site, another public service is the SmartASN application, a platform that is a digital-based collaboration platform that facilitates management and services for the State Civil Apparatus (ASN), including learning activities, performance, collaboration, as well as talent and career development (smartasn.go.id, access 18 June 2025). There are 10 modules in the SmartASN application, namely, Employees, Finance, Learning, Social Media, Groups, Talent, Performance, Vendors, Time, and Agencies, of which seven modules have been implemented in 2022.

In 2025, the government will increasingly digitalize and develop the public service ecosystem. In komdigi.go.id (16 June 2025), the government will establish a Public Service Innovation Network Hub (JIPP) in each government agency in 2025. To date, 54 JIPP Hubs have been formed, consisting of 18 from the central government and 34 from the provincial government. The 8 ministries recommended to form the JIPP Hub are 1) Ministry of Energy and Mineral Resources (ESDM); 2) Ministry of Law (Kemenhum); 3) Ministry of Human Rights (HAM); 4) Ministry of Public Works (PU); 5) Ministry of Primary and Secondary Education (Kemendikdasmen); 6) Ministry of Higher Education, Science and Technology (Kemendiktisaintek); 7) Ministry of Immigration and Corrections, and 8) Ministry of Culture. Meanwhile, the regional governments are Central Papua and Mountain Papua Provinces.

In addition, the government is also accelerating national digital transformation by targeting the operationalization of the National Data Center (PDN 1) starting June 2025 to encourage and realize a safe, efficient and transparent data-based public (komdigi.go.id, 2 May 2025). Accelerating PDN development is part of the President's eight Fast Best Results Programs and 17 national priority programs. PDN's main goal is to ensure the distribution of social assistance *(bansos)* is more transparent and accountable through reliable digital technology.

Digital transformation in public services in Indonesia has shown various significant advances. However, there are still some challenges. For example, digital infrastructure gaps between regions, social disparities, and society's digital literacy capacity. Regarding digital infrastructure gaps between regions, according to the "2024 Indonesian Internet Survey" (2025) by the Indonesian Internet Service Providers Association, the level of internet penetration or the number of people connected to the internet compared to the population, was still greater on the island of Java (83.64%) compared to other islands, namely Sumatra (77.34%), Kalimantan (77.42%), Bali-Nusa Tenggara (71.80%), Sulawesi (68.35%), and Maluku and Papua (69.91%).

The internet penetration rate in underdeveloped regions was lower, only 67.61% compared to the internet penetration rate in non-underdeveloped areas (79.96%).

If we look deeper, the penetration rate in the Papua Mountain province was only 57.30%, which was very far compared to provinces on the island of Java. This shows the disparity in internet penetration levels that still needs to be resolved between Western Indonesia (Sumatra, Java, Kalimantan) and Central and Eastern Indonesia (Bali-Nusa Tenggara, Sulawesi, Maluku and Papua).

Apart from that, social inequality can also be seen from the level of internet penetration based on income. The survey shows that the greater a person's income, the greater the level of internet penetration. For example, the penetration rate for people with incomes below IDR 1 million was only 59.43% or very far from the penetration rate for people with incomes above IDR 15 million (96.19%). This indicates that high-income people are able to own digital devices such as smartphones, and often more than one, and subscribe to data packages or broadband that accommodate their needs.

Meanwhile, people with low incomes still have to struggle to meet their daily needs. Apart from that, there are indications of a 'vicious circle' where the penetration rate for low-income groups is small because low-income groups do not have internet access, so they cannot search for information or study or seek economic opportunities. This contributes to keeping them living in poverty, unable to afford internet devices, and having low internet penetration rates.

Apart from the two previous challenges, there is also the challenge of digital literacy in society which can still be said to be quite low, where the 2024 Indonesian Digital Society Index by Komdigi was still at 43.34 even though there has been an increase from previous years. The pillar values that decreased in 2024 were the infrastructure and ecosystem pillars, as well as the empowerment pillar. The disparity between West Indonesia and East Indonesia was still visible in this index.

Thus, policy recommendations are needed to overcome the challenges of digitalization of public services in Indonesia, such as digital infrastructure gaps between regions, social gaps, capacity and digital literacy of the community, as described below.

In 2025, the government will increasingly digitalize and develop the public service ecosystem. To encourage responsive and inclusive digital transformation of public services, the government must accelerate the development of digital infrastructure, especially in 3T areas, provide digital training for regional ASN to encourage public services in the regions, and expand digital literacy programs in schools, campuses and local communities

Policy Recommendations

According to the explanations above, the following are several proposed policy recommendations. Each of these policy recommendations also encourages multi-party collaboration to encourage digital transformation in responsive and inclusive public services for Indonesia.

First, in overcoming digital infrastructure gaps between regions, the Ministry of Communication and Digital (Komdigi) is collaborating with the Ministry of Finance, the Ministry of National Development Planning/ National Development Planning Agency, and the Ministry of Home Affairs in accelerating the development of digital infrastructure, especially in 3T (underdeveloped, frontier, outermost) regions. This acceleration also requires collaboration with the Ministry of State-Owned Enterprises (BUMN) and related regional governments to analyze the challenges and needs in the 3T area.

Second, in overcoming social inequality, Komdigi in collaboration with the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PANRB), the Ministry of Social Affairs, and the Ministry of Home Affairs must be able to provide digital training for regional ASN to encourage public services in the regions, which also integrate them with needs and principles that are friendly to all groups.

Third, in addressing society's digital capacity and literacy, Komdigi, the Ministry of Primary and Secondary Education (Kemendikdasmen), and the Ministry of Higher Education, Science and Technology (Kemendiktisaintek) must work together in expanding digital literacy programs in schools, campuses and local communities.

Laws

Whistleblower Protection and State Commitment to Anti-Corruption

-Christina Clarissa Intania-



In May 2025, Indonesia was shaken by the arrest of a whistleblower in a corruption case involving the National Zakat Agency (Baznas). The whistleblower by the name of Tri Yanto, who is the former Head of Compliance and Internal Audit Unit of Baznas Jabar, was reported to the West Java Regional Police under Article 48(1) in conjunction with Article 32(1) and (2) of Law Number 11/2008 concerning Electronic Information and Transactions as amended in Law Number 19/ 2016 and Law Number 1/2024 (ITE Law) (news.detik.com, 28/5/2025).

Tri was reported because he was considered to have spread several confidential electronic documents of Baznas West Java. Tri was considered to have accessed, transferred, and disseminated a number of documents without rights (bbc.com, 30/5/2025). This accusation shows that whistleblowers have not been guaranteed security when reporting corruption crimes in their vicinity, which has a high risk.

Not only the criminalization case that befell Tri, there are still many similar cases that occur in Indonesia from time to time. Another example is Nurhayati, the Treasurer of Citemu Village, Mundu District, Cirebon Regency, West Java, who reported a case of alleged corruption of the Citemu Village Budget for the 2018-2020 fiscal year (national.kompas.com, 22/2/2022). Additional example is Stanley Ering who reported alleged

corruption at Universitas Negeri Manado in 2011 (icjr.or.id, 21/8/2017). The rise of cases of criminalization, intimidation, and other actions indicates that the security and effectiveness of the role of whistleblowers is something that needs to be considered by all levels of the society as well as the government. It is also a sign that Indonesia is not fully committed to cracking down on corruption cases.

This paper discusses legal instruments that should ensure the security and safety of whistleblowers in corruption cases in Indonesia. In addition, things that can happen if whistleblowers are not protected by law are also discussed in this paper.

Legal Instruments for Whistleblower Protection in Corruption Cases

The role of whistleblowers has been recognized and protected in Indonesian law. At the law level, several laws regulate whistleblowers, namely Law No. 31/2014 concerning Amendments to Law No. 13/2006 concerning Witness and Victim Protection (Witness and Victim Protection Law), Law No. 7/2006 concerning Ratification of the United Nations Convention Against Corruption (UNCAC Law), and Law No. 31/1999 concerning Eradication of Corruption as amended by Law No. 20/2001 and Law No. 30/2002 (Corruption Law).

According to the Witness and Victim Protection Law, it is explicitly stated in Article 10 that witnesses, victims, perpetrator witnesses, and/or whistleblowers cannot be prosecuted legally, either criminally or civilly for testimony and/or reports that they will, are, or have given, unless the testimony or report is given not in good faith. The protection given to whistleblowers is based on the conditions that the importance of the whistleblower's testimony, as well as the level of threat that endangers the whistleblower. The Anti-Corruption Law also regulates the same thing, where the identity of the reporter must be protected by not mentioning the name or identity of the other reporter.

The ratified international instrument, UNCAC, provides that states may consider enacting laws that provide protection from unwarranted treatment to persons who report offenses in good faith to the relevant law enforcement authorities. UNCAC provides that states are obliged to consider providing possible immunity from prosecution for persons who substantially cooperate in investigations. The same is also stipulated in the Anti-Corruption Law, where whistleblowers have the right to legal protection in the event that

they are requested to appear in the investigation process, investigation, and at court hearings. The Anti-Corruption Law regulates this protection in order to accommodate the participation of the community in eradicating corruption by providing a sense of security.

In its implementation, further regulations that implement the above laws are regulated in several derivative regulations. For example, Government Regulation (PP) No. 44/2008 concerning the Provision of Compensation Restitution and Assistance to Witnesses and Victims; PP No. 43/2018 concerning Procedures for Implementing Community Participation and Awarding in the Prevention and Eradication of Corruption, and Joint Regulations of the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Chief of Police of the Republic of Indonesia, the Corruption Eradication Commission of the Republic of Indonesia, and the Chairman of the Witness and Victim Protection Agency of the Republic of Indonesia Number M.HH11. HM.03..02.th.2011, Number PER045/A/JA/12/2011, Number 1/2011, Number KEPB-02/01-55/12/2011, Number 4/2011 concerning Protection for Whistleblowers, Witnesses to Whistleblowers, and Witnesses of Cooperating Actors.

In addition, other derivative regulations are: Presidential Instruction No. 7/2015 which was later replaced by Presidential Instruction No. 10/2016 on Action for the Prevention and Eradication of Corruption in 2016 and 2017, as well as Supreme Court Circular Letter (SEMA) No. 4/2011 on the Treatment of Whistleblowers and Justice Collaborators.

Thus, it can be concluded that Indonesia already has various instruments that guarantee legal protection for whistleblowers, especially for corruption cases. However, these regulations have not explicitly referred to the role of whistleblowers and still dwell more on the protection of witnesses and victims. The explicit regulation of whistleblowers is only mentioned in the SEMA (Ariyanti & Ramadhan, 2023: 593).

The Impact of Whistleblowers Who Are Not Protected by the Law

In essence, whistleblowers are the embodiment of integrity in people who dare to reveal the truth and open cases that occur in their organizations. Whistleblowers are an integral part of the anti-corruption culture that develops in the public and private sectors (Nurhidayat & Kusumasari, 2018: 141). However, whistleblowers have a dilemmatic position, especially ethically (Keenan, 1990; Lindblom, 2007; Teo & Casperz, 2011 in Nurhidayat & Kusumasari, 2018: 141).

They must face resistance or retaliation from perpetrators of corruption or other parties in the same organization (Parmerlee et al., 1982; Jos et al., 1989; Smith, 2006 in Nurhidayat & Kusumasari, 2018: 141). They are considered heroes, but traitors at the same time. Whistleblowers can be antagonized by their own colleagues because they are considered openers of institutional disgrace (Ariyanti & Ramadhan, 2023: 593).

After making a complaint, whistleblowers have the potential to receive retaliation from the company, institution, or their superiors. Whistleblowers often position themselves in opposition to superiors and institutions. Personnel who are complained about often become defensive, due to their careers are threatened because of the whistleblower's report (Smith, 2006 in Nurhidayat & Kusumasari, 2018: 146).

Things that can be experienced by whistleblowers include losing their jobs, experiencing physical and psychological violence and pressure, being transferred, salary reduction, or demotion at work (Jos, et al., 1989 in Nurhidayat & Kusumasari, 2018: 146). The strong economic and political position generally owned by the perpetrators of corruption makes the whistleblower's position even more vulnerable if he does not receive legal protection. Therefore, the quality of life of whistleblowers will decrease, especially after the criminal justice process is completed due to minimal protection and appreciation (Ariyanti & Ramadhan, 2023: 584, 594).

Looking back at the case that happened to Tri Yanto as a whistleblower in the Baznas case, Tri has been criminalized and fired on the grounds of indiscipline and institutional rationalization. Tri was fired after his efforts to warn the leadership at Baznas West Java regarding potential violations (anticorupsi.org, 28/5/2025). This shows forms of institutional retaliation as described earlier.

Therefore, it is important to protect whistleblowers to guarantee their rights from harm as someone who has merit in exposing corruption cases. The ideal anti-corruption ecosystem should be able to show favoritism to people who contribute to the fight against corruption.

Recommendations

Referring to the above discussions, the following points are suggested:

a. The House of Representatives, the Corruption Eradication Commission, the Ministry of Law, the Attorney General's Office, and the Witness and Victim Protection Agency should further elaborate

The ideal anti-corruption ecosystem should be able to show favoritism to people who contribute to the fight against corruption.

regulations related to whistleblower protection in corruption cases and strictly prohibit criminalization or other retaliatory efforts given to whistleblowers by the reported party;

b. Public and private institutions, law enforcement officials, and civil society need to collaborate in conducting education on the importance of whistleblowing and the rights that come with it, especially for internal institutions and the wider community;

c. The importance of internal whistleblowing mechanisms in each institution to ensure the effectiveness of corruption reporting management that ensures the safety of whistleblowers, and

d. The police must stop the criminalization of whistleblowers that is currently in process.

Laws

The Constitutional Court Decision on ITE Law and the Future of Freedom of Speech

-Christina Clarissa Intania-



Sumber Foto: mkri.id

Indonesia's Freedom Score according to Freedom House is currently 56 out of 100 in 2025, which was previously 57. This shows a decline in Indonesia's freedom, one aspect of which is Indonesia's political rights and civil liberties. According to the explanation, one of the reasons for the decline in Indonesia's score is because freedom of speech is still threatened by criminalization by Law Number 1/2024 concerning the Second Amendment to Law Number 11/2008 concerning Electronic Information and Transactions (ITE Law) (freedomhouse.org, 9/6/2025).

In its development, the ITE Law has been tested by the Constitutional Court (MK), which resulted in Decision Number 105/PUU-XXII/2024 (MK Decision on ITE Law). This decision is a great hope for freedom of speech because it states that defamation is only for individuals, not for institutions, corporations, institutions, professions, positions, or certain groups (mkri.id, 29/4/2025). The significance of this decision is great due to the rampant criminalization that previously used the argument of defamation for the reasons described.

This paper discusses how the Constitutional Court Decision on the ITE Law affirms the rubber articles in the ITE Law to avoid the criminalization of freedom of speech. This paper also explains the impact of the Constitutional Court Decision on the ITE Law on freedom of speech in general.

The Constitutional Court Decision on ITE Law

The Constitutional Court ruling on the ITE Law was decided on April 29, 2025. This case was filed by Daniel Frits Maurits Tangkilisan, an environmental activist who was previously criminalized for his comments regarding shrimp farms in Karimun Jawa, which made him an affected party. The object of the test is Article 27A in conjunction with Article 45(4) and Article 28(2) in conjunction with Article 45A(2) of the ITE Law because it contradicts articles in the 1945 Constitution of the Republic of Indonesia (1945 Constitution) as summarized in the following table.

Article of the ITE Law that was tested	Pasal UUD NRI Tahun 1945 yang bertentangan
Article 27A "Every person intentionally attacks the honor or good name of *another person* by alleging *a matter,* with the intention that it becomes public knowledge in the form of Electronic Information and/or Electronic Documents carried out through an Electronic System."	**Article 27 (1), Article 28D(1), Article 28E(2) and (3), Article 28G(1), Article 28I(2) and (4), and Article 28J(2)**
Article 45(4) "Every person who intentionally attacks the honor or good name of *another person* by alleging *a matter,* with the intention that it becomes public knowledge in the form of Electronic Information and/or Electronic Documents carried out through an Electronic System as referred to in Article 27A shall be punished with a maximum imprisonment of 2 (two) years and/or a maximum fine of Rp400,000,000.00 (four hundred million rupiah)."	
Article 28(2) "Every person intentionally and *without rights distributes and/or transmits Electronic Information and/or Electronic Documents that are inciting, inviting, or influencing others so as to create a sense of hatred or hostility towards certain individuals and/or community groups* based on race, nationality, ethnicity, skin color, religion, belief, gender, mental disability, or physical disability."	

Article 45A(2) "Every person who intentionally and *without right distributes and/or transmits Electronic Information and/or Electronic Documents that are inciting, inviting, or influencing others so as to create a sense of hatred or hostility towards certain individuals and/or community groups* based on race, nationality, ethnicity, color, religion, belief, gender, mental disability, or physical disability as referred to in Article 28 paragraph (2) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah)."	

Source: Constitutional Court Decision Number 105/PUU-XXII/2024, processed by the author (2025).

Referring to the articles of the ITE Law that are tested with articles in the 1945 Constitution above, several constitutional losses experienced by Daniel as the applicant, namely: *First, the* right to freedom of expression due to the use of ITE Law which often becomes a tool for criminalization of public participation and expression or Strategic Litigation Against Public Participation (SLAPP). *Second,* not being able to enjoy the right to a clean and healthy environment because the criticism raised by the previous Applicant regarding the environment was criminalized by the ITE Law.

Third, legal certainty is not obtained from the articles tested because they are multi-interpretive and are often misused to criminalize criticism, not advocacy of discriminatory hatred or even incitement to genocide and violations of international law as stipulated in Article 20(2) of the ICCPR, the Genocide Convention, and the Rome Statute (Constitutional Court Decision Number 105/PUU-XXII/2024: 10-15). In addition, the articles under review could be misused to prosecute defamation, which has a different meaning from libel (Constitutional Court Decision No. 105/PUU-XXII/2024: 56).

From the above issues, MK understands the importance of freedom of expression as part of human rights regulated in the Constitution. However, the Court also noted the importance of regulation to limit freedom of expression as long as it met the criteria of legitimate restrictions based on applicable legal principles, for example the Rabat Plan of Action (2012). The RPA explains that there are three categories of freedom of expression:

1) offensive expression that remains protected by law; 2) expression that can be limited proportionally, 3) and expression that must be prohibited because it encourages hatred and violence on the basis of certain identities (Constitutional Court Decision Number 105/PUU-XXII/2024: 441). In this Decision, the Constitutional Court agreed that the state is not only obliged to prevent the abuse of freedom of expression in the digital space, but also to ensure that the existing restrictions remain subject to the principles of legality, legitimacy of purpose, and proportionality.

Of the articles tested, the Court did not agree with all the demands. Regarding Article 27A of the ITE Law, the Court stated that it was important to confirm the constitutionality of the phrase "other person". The Constitutional Court considers that in defining "other person", it must refer to the provisions of Article 310 of the Criminal Code (KUHP) and the precedent of Constitutional Court Decision Number 78/PUU-XXI/2023, that defamation against a person or individual is aimed at an individual and with a criminal complaint by the direct victim. Therefore, the petition for Article 27A of the ITE Law is conditionally declared unconstitutional to the extent that "other person" is not interpreted "except government institutions, groups of people with specific or certain identities, institutions, corporations, professions or positions" (Constitutional Court Decision Number 105/PUU-XXII/2024: 448-450).

Then, for the phrase "a matter" in Article 27A of the ITE Law, the Constitutional Court also considered that it could have the potential for multiple interpretations. This phrase is considered to cause confusion between defamation and insulting a monastery, where this difference is irrelevant from the elements of the offense, the level of guilt, the burden of proof, and the proportion of punishment imposed. Therefore, this phrase is declared unconstitutional as long as it is not interpreted as "an act that degrades the honor or good name of a person" (Constitutional Court Decision Number 105/PUU-XXII/2024: 451).

However, for the phrase "without rights" in Article 28(2) of the ITE Law, the Court views that the regulation of "without rights" is still needed in the ITE Law and cannot be eliminated. The Court explained that this phrase should be read in the context of who has the right and who does not have the right to distribute and/or transmit electronic documents, not who commits acts of incitement to hatred. The phrase "without rights" is essentially needed to protect people who have a legal interest in distributing or transmitting

content, such as the press, researchers, and law enforcement officials in carrying out their profession (Constitutional Court Decision Number 105/PUU-XXII/2024: 453-455).

Next, in the interpretation of "electronic information and/or electronic documents" in Article 28(2) *in conjunction with* Article 45A(2) of the ITE Law, the Constitutional Court views the potential for arbitrariness in its application which creates legal uncertainty, so there needs to be strict limits. To ensure proportionality, law enforcement must be limited to electronic information that substantially contains an invitation, recommendation, or dissemination *of hatred based* on identity *(advocacy of hatred)*, which is carried out intentionally in public, and clearly leads to a form of discrimination, hostility, or violence against protected groups. The Court considered this because there are other vulnerable groups that still need to be legally protected (Constitutional Court Decision Number 105/PUU-XXII/2024: 456-457).

The Future of Freedom of Speech after the Constitutional Court Decision on ITE Law

As a result of the Constitutional Court Decision on the ITE Law as explained above, several criminalization actions can no longer be carried out. *First*, in terms of defamation, now groups of people, institutions, corporations, professions, and government agencies can no longer sue someone for defamation. For example, the case of SSS students from the Bandung Institute of Technology who shared memes of Jokowi and Prabowo can no longer be done because it aims to criticize the government.

It is the same with the case against Haris Azhar and Fatia Maulidiyanti who were prosecuted by Luhut Binsar Pandjaitan. Also, the case of prosecution carried out by Bobby Volunteers against a content creator for insulting Bobby Nasution, Kahiyang Ayu, and Jokowi cannot be done because the person who reports must be the victim himself as a complaint offense, not a group.

Secondly, what constitutes an element of insult can no longer necessarily use defamation. Thus, criticisms or insulting remarks cannot be categorized as defamation. Only acts defined as "alleging a matter" through an electronic system that attacks honor or good name can be categorized as defamation. If emotional expressions, such as rants or curses, that do not contain specific accusations, then this needs to use the legal basis of insults, not the defamation of ITE Law.

Third, for the prosecution of distribution of information without rights, the Constitutional Court has well explained that the press, researchers, and other related professions should be protected to distribute information because it is part of their work. So if the press shares information derived from the results of its journalistic investigations that can reveal something related to a particular person, or researchers share the results of their research that reveal the negative impacts of a particular person or group. This cannot be said to be distributing information without rights.

Fourth, for the prosecution of hate speech, the parameters are now clearer and the public must be more careful. What constitutes hate speech is as stipulated in Article 20(2) of the ICCPR; namely, the act/spreading of hatred against a nation, race, or religion that constitutes discriminatory incitement, as well as spreading hostility or violence. There is an active aspect to invite and impact discrimination and hostility to be categorized as hate speech. Thus, harsh expressions if not accompanied by incitement and the previously mentioned elements cannot be categorized as hate speech.

From this change, the Constitutional Court Decision on ITE Law has shed light on the issue of freedom of expression that has been hindered by ITE Law. These affirmations should have been affirmed from the beginning of the ITE Law to avoid criminalization and misuse of the law by a few people.

Recommendations

Referring to the above analysis, the following recommendations are proposed:

a. All elements of law enforcement officials ranging from the Police, Prosecutors, Legal Practitioners, to Judges need to re-understand the results and considerations of the Constitutional Court Judges in the Constitutional Court Decision on the ITE Law so that they can be applied in law enforcement practices in the field, especially for cases of defamation and hate speech;

b. The police, prosecutors, and judges need to update their standard procedures, as well as their understanding of defamation and hate speech, which has become a precedent in the Constitutional Court Decision on the ITE Law, and conduct socialization to their members;

c. Human rights perspectives must be integrated by all elements of law enforcement officials, ranging from the Police, Prosecutors, Legal Practitioners, and Judges in handling cases related to defamation and

The Constitutional Court's decision on the ITE Law has shed light on the issue of freedom of expression that has been hindered by the ITE Law. These affirmations should have been affirmed from the beginning of the ITE Law to avoid criminalization and abuse of the law by a few people.

hate speech to prevent criminalization of criticism and other legitimate expressions in a democratic country, and

d. A thorough evaluation of the ITE Law must still be carried out by everyone, including academics, civil society organizations, society in general, the government, the House of Representatives, and law enforcement officials. This is important to ensure the improvement and protection of the ecosystem of freedom of expression and democracy in Indonesia.

Social

The Fate of Indonesia's Sustainable Tourism amid the Raja Ampat Mining Controversy

-Made Natasya Restu Dewi Pratiwi-



Raja Ampat is a priority tourism destination in Indonesia, internationally recognized as part of the Coral Triangle due to its rich marine biodiversity and vibrant coral reefs (Johan and Idris, 2023). With its ecological wealth, Raja Ampat has been designated as a National Marine Conservation Area, the World Coral Reef Center, and a UNESCO Global Geopark (UGGp) Tourism Area.

Despite its conservation status, the ecological sustainability of Raja Ampat's land and waters remains under threat, primarily from extractive industries, particularly nickel mining. Recently, several nickel mining companies have been reported to operate in the region without sufficient environmental safeguards. These include PT Gag Nikel (PT GN), holding a Mining Business Permit (IUP) covering 13,136 hectares; PT Kawei Sejahtera Mining (PT KSM) with an IUP of 5,922 hectares; PT Anugerah Surya Pratama (PT ASP) with 9,365 hectares; and PT Mulia Raymond Perkasa (PT MRP) with an IUP for 2,194 hectares (CNN Indonesia, June 12, 2025).

The controversy has sparked strong criticisms from civil society, prompting the central government to respond. As of June 10, 2025, four IUPs—held by PT ASP, PT KSM, PT MRP, and PT Nurham—were revoked following the findings of environmental violations (Detik, June 10, 2025; CNN Indonesia, June 13, 2025). However, public concerns persist as mining activities

continue on Gag Island, justified by claims that operations do not violate environmental norms, are located 30–40 km from the geopark area, and are aligned with the Environmental Impact Analysis (AMDAL).

This justification warrants closer scrutiny. Mining on Gag Island contradicts Article 23(2) and Article 35(k) of Law No. 1/2014 (amending Law No. 27/2007 on the Management of Coastal Areas and Small Islands) and the Constitutional Court Decision No. 35/PUU-XXI/2023, which explicitly prohibits mining activities in coastal and small island areas.

Unpacking the Impact of Nickel Mining

Nickel mining in Raja Ampat has triggered a chain of ecological, social, and cultural disruptions, threatening the area's sustainability as both a world-class tourist destination and a conservation zone. One of the most severe environmental consequences is sedimentation caused by land clearing and the development of mining infrastructure on Kawe Island, located near Wayag Island—one of Raja Ampat's key attractions.

Sedimentation leads to water turbidity, which smothers coral reefs and disrupts marine ecosystems critical to species such as manta rays, wobbegong sharks, and hawksbill turtles, which depend on coral and mangrove habitats (CNBC Indonesia, June 13, 2025; Greenpeace Indonesia, 2025). Runoff from nickel processing exacerbates coral reef degradation, hindering regeneration and leading to coral death.

Such environmental damage is difficult to reverse, setting off an irreversible cycle of marine degradation. Additionally, mining-induced deforestation threatens terrestrial biodiversity, reduces carbon sequestration capacity, and increases the risk of erosion. Despite these risks, mining permits continue to be issued with limited transparency, in disregard of the precautionary principle, and without meaningful involvement of local communities.

The World Economic Forum (2022) has emphasized that conservation must be at the heart of sustainable tourism governance. This requires strict destination management and the empowerment of local communities as active monitors of violations related to marine and forest resource use in real time.

Tourism development must move beyond a narrow economic lens and adopt a responsibility-based approach to land-use decisions. This involves evaluating scientific, evidence-based indicators such as biodiversity loss, water quality, tourist satisfaction, and carbon footprint.

In Raja Ampat, marine conservation areas must be managed prudently to avoid triggering harmful social, economic, and environmental externalities that jeopardize tourism and the livelihoods of local communities. To safeguard environmental sustainability, mining in coastal regions, small islands, and conservation areas must be categorically prohibited, ensuring extractive industries do not profit at the expense of ecological integrity.

Nickel mining in Raja Ampat also contravenes local customary values, known as *sasi*, which prohibit the overexploitation of natural resources to ensure intergenerational sustainability. Mining that excludes indigenous participation violates their rights and endangers the cultural and spiritual identity of local communities (Larasati and Aminun, 2023). These local values are integral to Raja Ampat's tourism appeal, drawing international visitors who seek authentic cultural experiences. Without regulatory enforcement, this cultural degradation will accelerate.

From a legal standpoint, mining on small islands like Gag is constitutionally prohibited. Yet, several companies have operated without documents such as the Marine Spatial Utilization Conformity Letter (KKPRL) and Forest Area Utilization Approval (PPKH). This highlights weaknesses in Indonesia's governance and its failure to uphold ecological, social, and cultural sustainability, as mandated by Regulation No. 95/2021 of the Minister of Tourism and Creative Economy on Sustainable Tourism Destination Guidelines.

These governance lapses are already causing a domino effect on the local economy. The degradation of Raja Ampat's ecosystem threatens its appeal to tourists, potentially leading to declining visitor numbers and reduced community income. Without robust government intervention and cross-sectoral policy coordination, Raja Ampat could shift from being a sustainable tourism icon to an ecological conflict zone.

Mitigation strategies must prioritize ecotourism and sustainable tourism, both of which emphasize the preservation of the environment. The Ministry of Tourism should collaborate with local governments and civil society organizations to strengthen the capacity of local communities in managing ecotourism-based destinations. Indigenous communities must be actively involved in the governance of natural resources and tourism to ensure development aligns with local wisdom. Studies have shown that participatory tourism governance can balance environmental conservation with economic growth, yielding long-term benefits (Wei, 2020).

The negative impacts of unsustainable tourism can be monitored through destination sustainability dashboards that track ecological, environmental, and economic indicators. Bhutan provides a replicable example, where local communities collect data for the "Gross National Happiness" survey, which evaluates tourist satisfaction and community well-being (WEF, 2022).

Monitoring data should inform improvements in tourism governance, ensuring environmental protection, visitor satisfaction, community welfare, and enhanced global credibility of Indonesian destinations. Awareness campaigns can further promote sustainable travel habits, such as minimizing carbon emissions, avoiding littering, and not stepping on coral while snorkeling. Cross-sectoral efforts are essential to safeguard the quality of Indonesian tourism on both national and international fronts.

Recommendations

To realize truly sustainable tourism in Indonesia, the following recommendations are proposed:

a. **Cross-Sectoral Policy Synchronization**
   The Ministries of Environment and Forestry, Marine Affairs and Fisheries, Energy and Mineral Resources, and Tourism must align policies on biodiversity conservation, resource management, and sustainable tourism. An environmental and social impact-based monitoring system should be established to assess the development of sustainable tourism and prevent harm to local communities.

b. **Inclusive Decision-Making**
   The Ministry of Energy and Mineral Resources and the Ministry of Tourism must involve indigenous communities, civil society, and local governments as key stakeholders in reviewing mining permits on Gag Island and other constitutionally protected areas. Their input must also be considered when formulating the Raja Ampat tourism master plan.

c. **Incentives and Penalties**
   The Ministry of Tourism should establish clear mechanisms for providing incentives for sustainable tourism practices and imposing sanctions on environmentally harmful economic activities within strategic tourism areas.

The Raja Ampat mining controversy teaches us that the granting of mining permits must be data-driven and rooted in inclusive, community-based decision-making. Moving forward, Indonesia's tourism governance must be strengthened to safeguard the rights of local communities to ecological balance, social welfare, and sustainable livelihoods.

d. Mandatory Conservation Plans

Tourism operators must be required to develop conservation plans and business models that support ecological preservation, local wisdom, and community engagement. These plans should be subject to regular monitoring and evaluation involving all relevant stakeholders.

Sosial

The Urgency of Integrating the Adverse Childhood Experiences (ACEs) Approach in Child Protection within Educational Settings

-Made Natasya Restu Dewi Pratiwi-



Incidents of child abuse within educational institutions are increasingly reported across Indonesia. A tragic recent case involved the death of a student at Buluh Village Elementary School, Rampai, Seberida District, Indragiri Hulu Regency, Riau. The child was subjected to bullying and physical assault by older students due to religious differences (Setara Institute, 2025; Tirto.id, June 4, 2025).

This is merely one of many cases of violence against children. According to data from the Indonesian Education Monitoring Network (JPPI), 573 cases of child abuse occurred in schools, madrasas, and Islamic boarding schools in 2024 (Media Indonesia, December 27, 2024). Despite this increase in reported cases, the data likely underrepresents the actual prevalence due to ongoing challenges in detection, reporting, and response mechanisms.

Key barriers include weak early detection systems, the absence or non-functionality of mandated Violence Prevention and Handling Teams (TPPK), and a lack of standardized case documentation and referral protocols. As a result, many cases only come to light after causing severe harm to the child.

If such issues remain unaddressed—and if the formation of school task forces and TPPKs is treated merely as a bureaucratic formality—then Indonesia risks undermining the health and future potential of its next generation. This

situation directly contradicts *Asta Cita Indonesia's* fourth goal: strengthening human capital through improvements in education, health, and youth participation.

Although Indonesia has issued various regulations, including Minister of Education Regulation No. 46/2023 on the Prevention and Handling of Violence in Educational Settings and the Ministry of Religious Affairs Regulation No. 73/2022 on Child-Friendly Guidelines in Islamic Boarding Schools, implementation remains hampered. These obstacles range from geographic inaccessibility—especially in border areas—to staffing limitations, with some schools unable to form effective task forces due to a shortage of teachers (Hidayat, 2024). Consequently, many victims face delayed access to psychological support.

The lack of responsiveness in early detection and intervention points to a critical gap: the need to integrate trauma-informed approaches, specifically *Adverse Childhood Experiences* (ACEs), into child protection strategies.

ACEs refer to negative or traumatic experiences before the age of 18, categorized by the CDC into three main groups: violence (physical, emotional, or sexual); neglect (physical or emotional); and household dysfunction (e.g., divorce, domestic violence, discrimination, or extreme poverty) (CDC, 2019).

Violence within educational settings—whether physical, verbal, psychological, or social—falls under the ACEs framework and has long-term effects on children's emotional, cognitive, and social development (Trompeter et al., 2024). Embedding ACEs awareness into the duties of school-based TPPKs can shift the paradigm from reactive responses to proactive, prevention-focused interventions.

As schools are where children spend a significant portion of their time, they serve as critical spaces for early detection. Teachers and education personnel must be equipped to recognize behavioral and emotional indicators of trauma. The ACEs perspective emphasizes that what may appear as misbehavior or learning difficulties could be symptoms of unaddressed trauma. In this way, schools can become safe, empathetic environments that foster healing and resilience.

Incorporating the ACEs approach also encourages child protection policy to move beyond punitive responses. It acknowledges that children who experience trauma may become perpetrators of violence as a coping

mechanism or due to impaired emotional regulation (Sapourna, 2025). Thus, psychological support should be offered to both victims and perpetrators to enable full recovery and reduce recidivism.

In Indonesia, where most child abuse cases in schools are only discovered after reaching critical severity, ACEs integration is vital. A trauma-informed system strengthens the country's ability to break the cycle of violence and address complex intergenerational trauma.

Recommendations

To halt the growing trend of child violence in educational settings, the following steps are recommended:

a. **Strengthen Interministerial and Cross-Sectoral Collaboration**
   The Ministry of Education, Ministry of Religious Affairs, Ministry of Health, Ministry of Social Affairs, Ministry of Women's Empowerment and Child Protection, and Ministry of Home Affairs must collaborate with civil society, academia, and child survivors to reconstruct child protection programs with a trauma-informed, ACEs-based lens.

   Routine ACEs risk assessments should be integrated into school orientation and student health screenings by local health clinics. These efforts must be supported by ongoing capacity-building for educators, school counselors, healthcare workers, and law enforcement to detect signs of trauma and respond empathetically.

b. **Ensure Meaningful Youth Participation**
   Children and adolescents—especially those with lived experiences of violence, disabilities, or from indigenous communities—must be involved in the design of regulatory frameworks and prevention modules. Their participation in monitoring and evaluating TPPK activities can foster transparency, break hierarchical power dynamics in schools, and promote inclusive decision-making.

c. **Consolidate Violence Data and Referral Systems**
   Collaboration among the Ministry of Education, KPAI, Komnas Perempuan, civil society, and public research institutions is essential to develop a unified and accessible database of child violence cases. A centralized map of referral services for victims should also be established to enable effective legal, psychological, and social support through a one-stop model.

Without integrating a trauma-based ACEs approach into child protection regulations in educational units, Indonesia risks producing a generation with psychological wounds that fail to be detected and followed up on. This is not just a technical strategy, but a strategic investment to save generations from invisible wounds that have lifelong impacts.

d. Expand Community-Based Prevention Programs

Civil society organizations should launch creative and educational violence prevention programs in schools, tailored not only for staff but also for students. Children must be taught how to recognize violence, protect themselves, and report incidents safely. They also need access to emotional outlets—such as journaling, art therapy, or play-based healing—to help build self-confidence, regulate emotions, and develop long-term problem-solving skills.

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