

## **The Impact of Post-Pandemic Internet Regulations on Digital Rights: A Comparative Analysis of Indonesia and Malaysia**

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### **ABSTRACT**

Implementing internet regulations during the pandemic has given rise to concerns about digital rights. Internet content governance gives rise to regulatory issues regarding equitable access to digital information and the equilibrium of conflicting rights. This paper examines the interrelations between internet regulations and digital rights in Indonesia and Malaysia to analyze the impact of government involvement on digital rights. Secondary data analysis was conducted using the V-Dem Institute and Freedom House's Freedom on the Net dataset from 2020 to 2023. The research findings indicate that the degree of government involvement in regulating internet content has an impact on the freedom of individuals to access information on the internet and to engage in criticism of policy in the context of handling the pandemic crisis in Indonesia and Malaysia. Furthermore, the paper examines the evolving nature of these regulations, forecasting potential trajectories and their implications for the future of digital rights. Through this exploration, the research contributes to a deeper understanding of the intricate interplay between governance, technology, and individual freedoms in the digital age, offering insights pertinent for policymakers, scholars, and advocates navigating the evolving landscape of internet regulations as part of internet governance.

**Keywords:** digital rights, internet regulations, post-pandemic, Indonesia, Malaysia

## INTRODUCTION

The relationship between the evolution of the internet and the actions undertaken by the state to regulate it can illustrate the dynamics of power within the context of democracy in the digital age. In Asia, the historical tension between technological development and democratic principles has resulted in a more pronounced state control over new media, including the internet. Governments in Asia have historically sought to exert control over technological innovations such as radio, television, and satellite broadcasting, and this trend has continued with the advent of the internet (Gomez, 2004).

The history of internet regulation, surveillance, and control in Asia has undergone significant developments since the early 1990s. At its inception, the advent of the internet fostered optimism for unfiltered public discourse, envisioned as a domain beyond the control of traditional mass media. Nevertheless, by the year 2000, indications of forthcoming constraints on political cyber activism emerged, becoming increasingly evident following 9/11 (Gomez, 2004). In the aftermath of the terrorist attacks of 9/11, a series of anti-terrorism laws were enacted that extended to internet regulation. While ostensibly designed to counter terrorist threats, these laws also had the effect of curbing political expression. These legislative measures frequently targeted online political content under the pretext of combating online pornography, gambling, hate speech, and spam.

The term 'internet regulations' describes the laws, rules, and guidelines established by governments or regulatory bodies to govern the use, operation, and management of the internet (Brousseau et al., 2012; Haggart et al., 2021). Such regulations may encompass many concerns, including data protection, cybersecurity, content moderation, and digital commerce. Various regulatory instruments exist that may indicate the extent to which the state exercises control over the internet as a public sphere. These instruments encompass the licensing of internet network usage, the monitoring of content, the surveillance of internet activities, and the blocking of applications or web access. These instruments collectively enable governments to exert significant control over internet content and monitor online activities, often under the pretext of national security or public order. As a result, surveillance in cyberspace has become a norm, with governments employing electronic snooping powers to monitor and control online activities. Despite initial optimism that the internet would circumvent traditional censorship, governments have successfully adapted their repressive practices to the digital age, employing new and existing legislation to control internet content and persecute cyber-dissidents.

During the ongoing pandemic, a notable shift has been towards a more state-centric approach to internet regulation. In response to the rapid dissemination of misinformation and the necessity for public health measures, governments worldwide introduced a series of internet restrictions to maintain order and protect public well-being. Despite the stated objective of these measures being to mitigate the impact of the crisis, they nevertheless had a profound impact on digital rights, particularly in terms of accessibility, content limitations, infringements of user rights, censorship, and freedom of information (Shahbaz & Funk, 2020; Stilinovic & Hutchinson, 2021).

In the global pandemic caused by the novel coronavirus (Covid-19), internet regulations have been implemented to control the dissemination of fake news. This practice is taken because the consumption of such information has the potential to impact public unrest and anxiety significantly. Consequently, legislative and administrative measures have been introduced in various jurisdictions to address this issue. Additionally, there have been calls for

enhanced cybersecurity regulation to address the vulnerabilities in the healthcare sector. Nevertheless, the potential implications of such regulations on freedom of speech have been the subject of criticism. This study examines the extent and consequences of these regulations, focusing on the main research question: how have internet regulations implemented during the epidemic affected the relationship between digital rights, and what changes might occur in these regulations in the future?

A review of pertinent academic literature reveals a growing body of research examining the nexus between digital rights and government regulations. The research conducted by (Baba et al., 2022; Brousseau et al., 2012; Leong & Lee, 2020) has emphasized the ambivalent impact of internet regulations. In attempting to counteract disinformation, these regulations frequently infringe upon freedom of speech and the availability of information. Previous studies have documented an increase in censorship and surveillance, as well as greater government involvement in online platforms during the pandemic (Daud & Ghani Azmi, 2021; SAFENet, 2020; SAFENet, 2022; Stilinovic & Hutchinson, 2021). Nevertheless, it is essential to consolidate these findings and investigate their long-term consequences for digital liberties.

The methodology employed in this study entails a comprehensive examination of the regulatory frameworks that were implemented during the pandemic in Indonesia and Malaysia. The research employs a comparative approach, analyzing policies from a range of geopolitical contexts in order to identify common trends and differences in regulatory approaches. The data was collected from official government reports, legal documents, and scholarly publications and was further enhanced by interviews with experts in digital rights and policymakers. The combination of qualitative and quantitative methodologies permits a comprehensive assessment of the immediate effects of the legislation and potential future developments. The data illustrate the complex interrelationship between censorship and freedom of expression. In some instances, regulations have been employed to restrict access to information to combat the dissemination of misinformation.

Conversely, in other cases, such measures have been enacted to promote transparency and facilitate discourse on public health matters. The study examines how these policies have transformed online communication and digital freedoms, offering a comprehensive understanding of their consequences. Furthermore, the report makes predictions regarding prospective developments in internet governance, considering technological advancements and evolving political landscapes.

In order to elaborate on the relations between Internet regulations and digital rights, this paper will begin with a review of the models of Internet governance as a conceptual framework used in the analysis. It is also necessary to gain an understanding of the characteristics of each model of Internet governance in order to differentiate it from Internet regulations. This paper will examine internet regulations as a political product, examining how governments utilize them to govern the internet. The dynamics that emerge from the implementation of internet regulations indicate how they become instruments of power, determining the condition of digital rights in a country. 'Internet governance' describes the collective rules, procedures, processes, and related programs, including agreements about standards, policies, rules, enforcement, and dispute resolution mechanisms (Brousseau et al., 2012; Haggart et al., 2021). This definition encompasses various activities and stakeholders, including those involved in technical management and policy issues. In contrast, internet regulations are defined as the rules and laws that govern behavior on the internet (Brousseau et al., 2012; Haggart et al.,

2021). Governments or regulatory bodies frequently establish these regulations, including laws on intellectual property, content regulation, and user privacy.

This research ultimately enhances our comprehension of the consequences of internet regulations imposed during the pandemic on digital rights. By clarifying the relationship between censorship and freedom of information, this study offers valuable insights for policymakers, scholars, and activists involved in the current discussion on digital governance and human rights in the digital era.

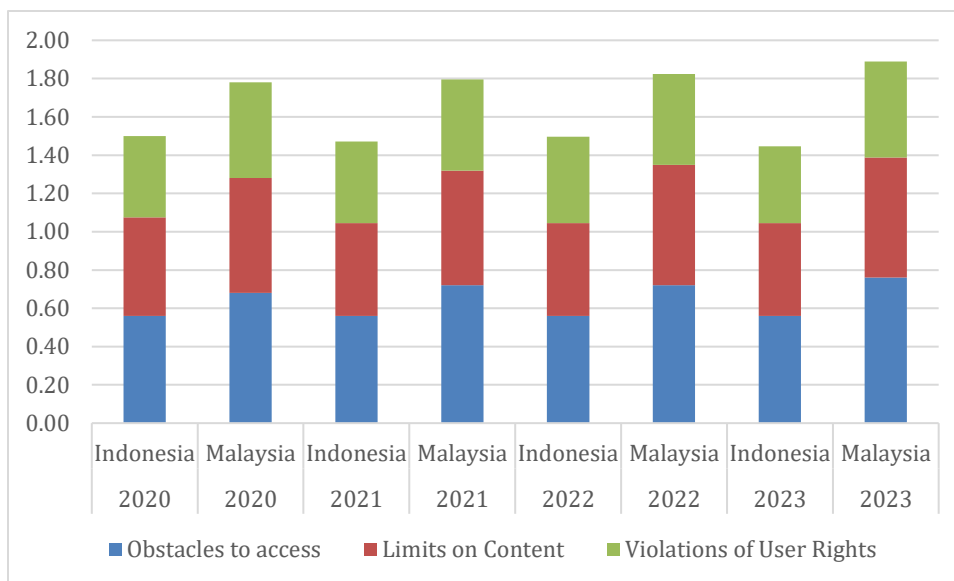
## **METHODOLOGY**

The research applies secondary data analysis, taking into account dataset from the V-Dem Institute platform (<https://v-dem.net/>), in particular from the dataset of the Digital Society Survey to analyze the implementation of internet regulations and dataset from Freedom House to measure digital rights conditions from the period of 2020 until 2023. The indicators measured for internet regulations include: (1) Government Internet filtering capacity; (2) Government Internet filtering in practice; (3) Government Internet shutdown capacity; (4) Government Internet shut down in practice; (5) Government censorship effort – Media; (6) Government social media shut down in practice; (7) Internet legal regulation content; (8) Internet censorship effort. Data was then analyzed quantitatively and interpreted using conceptual frameworks of digital governance. The indicators measured for digital rights include (1) obstacles to access, (2) limits on content, and (3) violations of user rights. Data was then analyzed quantitatively and interpreted using conceptual frameworks of digital governance.

Analysis of the political context behind the internet regulations is conducted with the NVivo tools by identifying key themes based on momentum, measures taken by the government, and the impact of the measures on freedom and civil rights. The analysis is deployed to all the freedom on the Net reports on Indonesia and Malaysia from 2021-2023.

## **FINDINGS AND DISCUSSIONS**

A comparative analysis of internet regulations in Indonesia and Malaysia from 2020 to 2023 reveals distinct patterns of government intervention in digital spaces influenced by the exigencies of the COVID-19 pandemic. In Indonesia, there has been a notable intensification in the implementation of internet filtering and social media shutdown measures, reflecting a strategic effort to control online information and suppress dissent. This trend is further evidenced by a slight increase in legal regulations, which suggests a formalization and long-term approach to digital governance. Conversely, Malaysia has demonstrated a slight decline in the practical enforcement of internet filtering and shutdowns despite maintaining a high capacity for such measures. The consistency in media censorship efforts and a minor reduction in social media regulation indicate a stable but slightly easing landscape of internet control. These findings underscore the divergent trajectories in digital governance between the two countries, shaped by their unique political and regulatory environments, as illustrated in Figure 1.



**Figure 1: Freedom on the Net Situation in Indonesia and Malaysia 2020-2023**

The right to freedom of speech is enshrined in the Constitution as a fundamental citizen right. The same can be said of the freedom of speech conveyed through various digital media. In Indonesia, the right to freedom of expression is enshrined in the 1945 Constitution and reinforced by the enactment of the Human Rights Law and several regulations ratified by the Government of Indonesia, including the International Covenant on Civil and Political Rights (ICCPR). Nevertheless, the second amendment to the 1945 Constitution, as outlined in Article 28 J, imposes certain limitations on exercising rights and freedoms, including freedom of expression. Such exercise must consider moral considerations, religious values, security, and public order. This clause subsequently permits a variety of interpretations of the considerations in question, which in several instances has resulted in a repressive approach by the government against individuals who express critical opinions of government policies. This regulatory character is evidenced by the developments that occurred during the period between 2020 and 2023.

The political context in Indonesia regarding internet regulations evinces a tendency towards an intensifying exercise of control over digital spaces, accompanied by the imposition of severe penalties and the application of broad definitions that impact digital rights. The various internet regulations currently in force in Indonesia provide the government with the legal basis for implementing a range of measures against individuals and activities on the internet. These measures include guarantees of freedom of speech and personal data protection. However, they simultaneously legitimize the government's actions to limit freedom of speech, surveil internet content, block sites and applications, and even remove content. The advent of the SARS-CoV-2 pandemic has exacerbated these trends, resulting in further measures designed to control online information dissemination.

Before the advent of the pandemic, many regulations on internet utilization and digital activities existed. These included the Electronic Information and Transaction Law, the Penal

Code Law, the Broadcasting Law, the Antipornography Law, the Post and Telecommunication Law, and the State Intelligence Law. The regulations above emphasize criminal and civil liability for online actions (Freedom House, 2020a, 2021a, 2022a, 2023a). The 2008 Information and Electronic Transactions (ITE) Law has been used increasingly to initiate legal proceedings against Indonesian citizens for their online communications. The legal consequences for criminal defamation, hate speech, and incitement to violence on the internet are more severe than the penalties prescribed by the penal code for equivalent acts that occur offline. The amendments to the ITE Law in 2016 were designed to reduce the frequency of pretrial detention in cases involving online defamation. Nevertheless, prolonged pretrial detention persists, particularly in cases involving influential complainants. In March 2020, the Ministry of Communication and Information Technology (MCIT) announced its intention to reformulate the ITE Law, which would impose penalties of 1 billion rupiahs on individuals who generate and disseminate incorrect information.

Another legislation impacting online activities is the Civil Penal Code, also known as the *Kitab Undang-undang Hukum Pidana* (KUHP). In 2019, the government initiated a revision of the Criminal Code, which gave rise to a significant public debate, particularly concerning some clauses that were perceived to impose further restrictions on freedom of expression and criticism of the government. The controversial amendments, widely condemned by civil society, the media, and ordinary users, sought to categorize diverse forms of online expression as criminal offenses and curtail the freedom of the internet press. The activities mentioned above are prohibited by law. These include insulting public officials and organizations, creating, promoting, or broadcasting information about contraceptives or abortion, disseminating or associating with communism, providing false or misleading information, and engaging in defamation. This measure aims to extend the scope of the 1965 Blasphemy Law by incorporating six comprehensive clauses pertaining to speech related to religion. Furthermore, the revision process during the early stages of the pandemic also constrained the capacity for public discourse on these changes due to the limitations on physical interaction imposed by the pandemic. Consequently, the ratification of the revised legislation is perceived as less participatory and imbued with the government's intention to criminalize groups that have been critical of the government.

In addition to the ITE Law and the KUHP, the 2011 State Intelligence Law regulates internet activities (Freedom House, 2020a). The legislation in question imposes significant penalties, including imprisonment for up to a decade and substantial fines, for the disclosure or distribution of information designated as "state secrets," the precise definition of which is not delineated. The statute was contested by civil society organizations in the Constitutional Court, but their appeal was dismissed in 2012. This legislative framework bestows upon the authorities a plethora of powers to impose penalties upon internet users, although it is not evident that all of these powers are frequently utilized.

In April 2020, the National Police released a directive to establish criteria to restrict the dissemination of internet hoaxes and the sale of fraudulent medical equipment during the global pandemic caused by the novel coronavirus SARS-CoV-2 (Freedom House, 2021a). Furthermore, the directive provides the option of pursuing criminal charges following the

relevant provisions of the criminal code. Furthermore, the directive requires law enforcement to prioritize online activities that defame the president and government authorities following the ITE Law (Reporters without Borders, 2020).

The regulatory framework governing online activities indicates a growing trend toward imposing stringent penalties for such activities, particularly in the context of defamation and the dissemination of false information. The 2008 ITE Law and its 2016 amendments have facilitated the prosecution of individuals for online content, even when such content is inadvertently shared. The broadened definition of defamation and the inclusion of private chat messages under the ITE Law demonstrate the extensive reach of internet regulations. This extensive scope can impose considerable constraints on the freedom of expression and the scope for online discourse. The advent of the SARS-CoV-2 pandemic gave rise to further measures to regulate online information, as evidenced by the MCIT's reformulation proposal and the National Police directive. These actions reflect the government's efforts to manage the dissemination of misinformation during a crisis, yet they also carry the risk of further constraining digital freedoms. Notwithstanding amendments designed to curtail the practice of pretrial detentions, the document notes that such detentions remain a common occurrence, particularly in cases involving complainants of considerable influence. This measure indicates that the legal reforms have not yet fully addressed the issues of fairness and proportionality in enforcement.

The expansion and intensification of internet regulations in Indonesia exemplify a tension between the desire for state control and the protection of individual freedoms. The extensive definitions and severe penalties indicate a legal framework that emphasizes control more than freedom of expression. Figure 2 presents a visual representation of the data on the digital rights situation in Indonesia from 2020 to 2023.

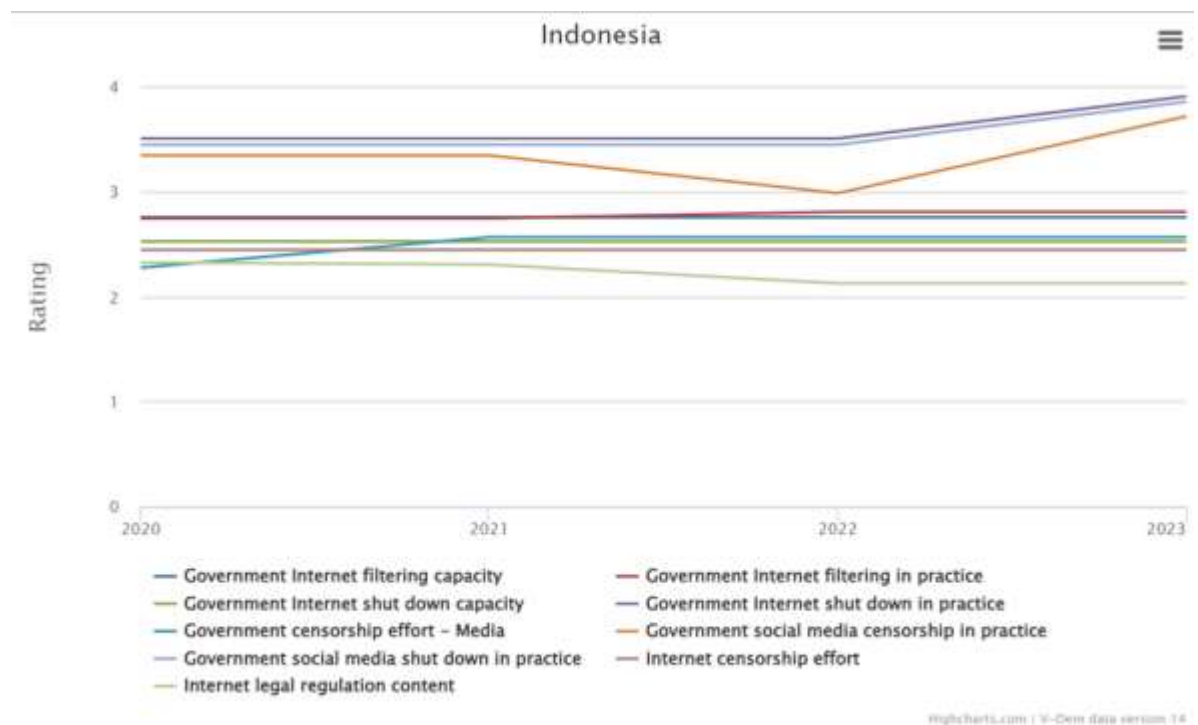


Figure 2: Digital Rights in Indonesia, 2020-2023

Figure 2 illustrates the trends in various aspects of government internet regulation in Indonesia from 2020 to 2023, based on data from V-Dem. The data indicates a tendency towards an increase in government intervention in digital spaces in Indonesia, particularly concerning filtering and the practice of social media shutdowns. While the capacity for such interventions has remained consistently high, the actual application of these measures has increased markedly in recent years. This intensification of control over online information and curtailment of dissent may indicate a broader strategy, potentially exacerbated by the challenges posed by the pandemic. The slight increase in legal regulations also indicates a formalization of these control measures, suggesting a long-term approach to digital governance.

The Indonesian government has introduced regulatory measures to govern online activities. One of the most significant regulations is the Minister of Communication and Informatics Regulation No. 5 of 2020, which establishes a content moderation regime. The regulation mandates that online platforms register with the government, remove illegal or inappropriate content, and provide the government with access to user data. Non-compliance with these regulations may result in the blocking of the platforms. This treatment was evidenced by the temporary blocking of Yahoo, Steam, and PayPal in 2022 due to their inability to meet the requisite registration deadlines (Freedom House, 2023a).

Moreover, the government has introduced measures to monitor and control social media content, particularly in the preceding elections. In January 2023, a social media monitoring task force was constituted to monitor and order the takedown of content that contains hoaxes or that



exacerbates polarisation. The task force comprises personnel from a range of government agencies and members of the national police force's cyber team.

The implications of these regulations are significant and multifaceted. Such measures present a significant threat to the fundamental rights of freedom of expression and user privacy. The government's capacity to block content and access user data has the potential to result in the censorship and surveillance of individuals and groups. Those with opposing views argue that such measures are not founded upon democratic principles and are devoid of transparency and accountability. There is a concern that these regulations may be used to target individuals who express criticism of the government, work as journalists, or engage in activism. Reports of online harassment, criminal prosecution, and violent attacks against these groups corroborate this.

Moreover, implementing these regulations contributes to Indonesia's overall decline in internet freedom, as illustrated in Figure 1. The political landscape is further complicated by the use of defamation and blasphemy laws to silence dissent, as well as the frequent disruptions to internet access, particularly in the Papua region, during sensitive political events. This finding supports the assumption that the Indonesian government's internet regulations, particularly MR 5/2020, are designed to control online content and monitor social media activities, with significant political implications. Such measures may be perceived as threatening to fundamental freedoms, including those of expression and user privacy, and may also have the potential to target dissenting voices. These measures reflect the broader challenges facing internet freedom in the country, characterized by censorship, surveillance, and periodic internet disruptions.

In Malaysia, the regulatory framework that governs internet activities is primarily shaped by a combination of legislation and the actions of government agencies. The Malaysian Communications and Multimedia Act (CMA) 1998 represents the fundamental legislation conferring considerable authority over digital content upon the Malaysian Communications and Multimedia Commission (MCMC). The legislation mentioned above encompasses comprehensive prohibitions against content that is deemed to be "indecent," "obscene," "false," "threatening," or "offensive" (Freedom House, 2020b, 2021b, 2022b, 2023b). The MCMC, operating under the guidance of the Ministry of Communications and Digital (MCD), is vested with the authority to issue directives for blocking or removing online content that contravenes these standards (Freedom House, 2020b).

One of the most significant regulatory practices is the blocking and filtering online content. The MCMC is vested with the authority to direct internet service providers (ISPs) to restrict access to websites that host illegal or harmful content (Freedom House, 2020b, 2021b, 2022b, 2023b). This regulation encompasses websites that disseminate politically sensitive material, including criticism of the government or content about the LGBT+ community. To illustrate, during the period under review, the MCMC blocked access to the official websites of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and other platforms representing the LGBT+ community. Furthermore, the MCMC has been documented as having blocked news websites and blogs that disseminate critical political commentary or investigative journalism pieces that challenge the government's narrative.

Another noteworthy regulatory measure is the establishment of the Special Task Force in December 2022 (Freedom House, 2023b). The mandate of the task force is to address the dissemination of misinformation and content deemed "sensitive or provocative" about race, religion, and royalty (referred to as the "3R issues"). The task force proactively monitors social media platforms and other online spaces, issuing directives for removing content that falls within the specified categories. The establishment of the task force indicates that the government is pursuing a coordinated strategy to regulate the discourse surrounding contentious issues, particularly those potentially inciting racial or religious tensions.

In June 2020, the government initiated legal proceedings against the well-known Malaysian news portal Malaysiakini (Freedom House, 2021b). This action was in response to five comments posted by readers on the portal alleged to have been critical of the judiciary. The comments were published in an article that addressed the reopening of Malaysia's courts following the implementation of a national lockdown due to the global pandemic caused by the SARS-CoV-2 virus. It is reported that the media outlet deleted the comments two days after being contacted by the police. In the context of the ongoing pandemic, the government has also introduced a series of smartphone applications that facilitate tracing individuals' contacts. For example, the Gerak Malaysia application monitors the user's location, whereas MyTrace utilizes Bluetooth proximity data to facilitate contact tracing (Freedom House, 2021b).

The government has implemented a series of measures to combat what it calls 'fake news.' In 2017, the Ministry of Communications and Multimedia launched ACTUALLY, a fact-checking portal that encourages social media users to verify the content of all news reports shared on popular platforms. The portal's slogan is "If in doubt, do not disseminate" (Freedom House, 2020b). Officials have stated that the portal is non-partisan and was continuously updated until July 2020. Following its electoral pledge, the PH government saw the repeal of the Anti-Fake News Act, passed by the outgoing BN coalition before the 2018 general election in December 2019. In June 2020, the PN coalition, which had assumed power in March of that year, launched a 24-hour news channel to combat the spread of fake news (Freedom House, 2021b). This prompted the Malaysian Centre for Independent Journalism to express concern that the channel might be used to disseminate state propaganda. Since the PN government assumed power in March 2020, there has been a notable increase in investigations targeting journalists and media outlets for their critical reporting.

The legal framework permits law enforcement, prosecutors, and even the Minister of Communications and Multimedia to intercept online and mobile communications (Freedom House, 2022b). While there are occasions when judicial oversight is required, courts typically approve requests for wiretap warrants in practice. The legislation is typically interpreted as requiring telecommunications service providers to assist law enforcement and intelligence agencies in surveillance activities, even without established procedures. It is important to note that a court order is not required for emergency wiretapping, which applies to cases that have implications for national security. Following the provisions set forth in the Security Offences (Special Measures) Act 2012, a police officer holding the rank of inspector or above is empowered to intercept communications without the public prosecutor's prior approval in urgent cases.

The Personal Data Protection Act of 2010, which regulates the processing of personal data in commercial transactions, came into force in 2013 (Freedom House, 2020b). The

legislation prohibits the sale of personal data or granting third-party access to such data by commercial organizations. Those who contravene this legislation may be liable to a fine or imprisonment for up to one year. It should be noted that the legislation does not apply to federal and state governments or entities that process data outside Malaysia. The legislation mandates storing information about Malaysians within the country's borders and restricts the circumstances under which such data can be transferred abroad. In August 2020, the government entered into an agreement with MyEG Services Bhd, an e-government service provider, to share data collected by employers to monitor the status of foreign workers concerning the novel coronavirus (Freedom House, 2021b).

Malaysia encountered considerable challenges during the global pandemic due to the proliferation of misinformation, which resulted in the introduction of a series of regulatory measures. In response to these challenges, the government implemented control measures to regulate movement and address the pervasive dissemination of misinformation, described as an "infodemic," rapidly proliferating on the internet. Malaysia employed a combination of self-regulatory and co-regulatory tactics. The Communications and Multimedia Act 1998 played a pivotal role, explicitly stating that the Act should not be interpreted as endorsing internet censorship. Instead, it encouraged the development of a system of self-regulation. Nevertheless, concerns were raised about the efficacy of self-regulation, leading to calls for co-regulation as a more effective means of controlling the dissemination of disinformation.

Figure 3 presents data on the various dimensions of government internet regulation in Malaysia from 2020 to 2023, employing variables from the V-Dem dataset. The data indicates that the Malaysian government has retained a robust yet somewhat declining capacity and propensity for internet filtering and shutdowns from 2020 to 2023.

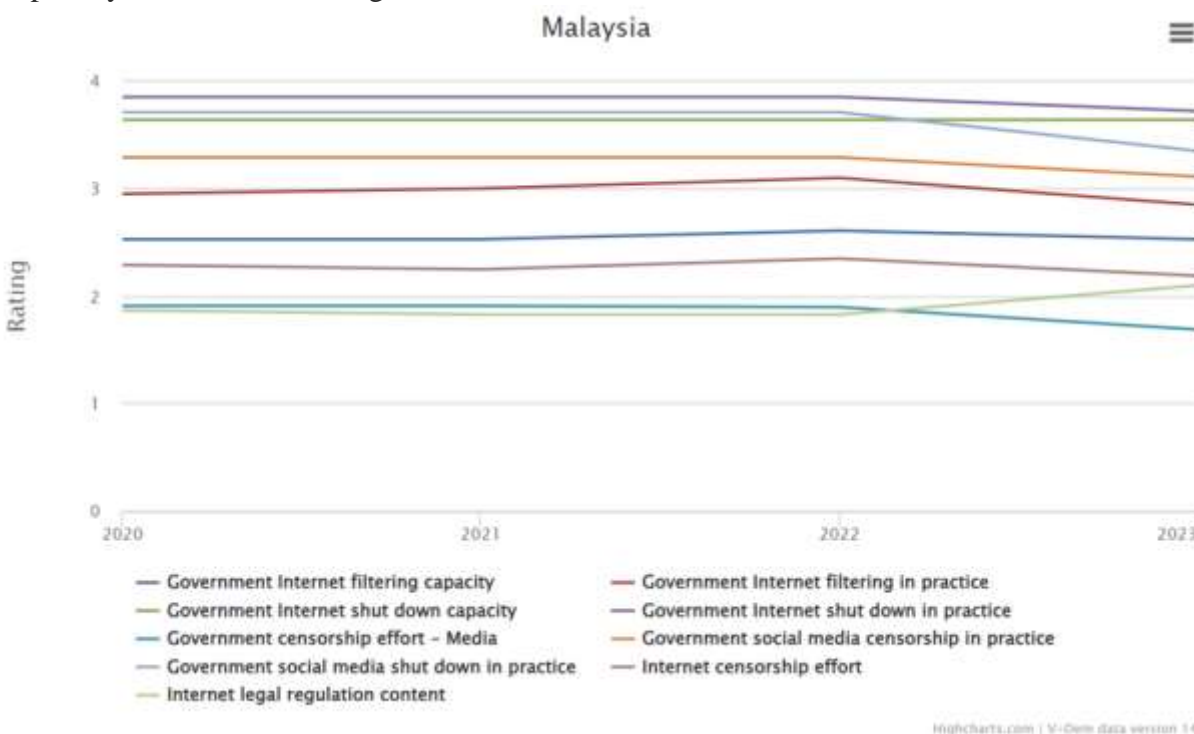


Figure 3: Digital Rights in Malaysia, 2020-2023

Figure 3 illustrates that although the potential for these interventions remains considerable, their actual application has slightly declined, particularly in recent years. The media's censorship level has remained consistent, indicating that control over information is being maintained without a notable increase in intensity. Furthermore, the regulation of social media has also undergone a minor decrease in practice. In conclusion, the evidence suggests that the Malaysian internet control landscape is characterized by stability, with a notable easing of restrictions. The consistent application of legal regulations and censorship efforts evidences this assumption.

The political implications of these regulations are considerable. Firstly, these measures create a chilling effect on free speech, whereby individuals and media outlets self-censor to avoid legal repercussions or harassment. This finding is particularly evident in the context of political commentary and reporting on matters of a sensitive nature. Those engaged in journalistic, blogging, or activist activities may be subject to criminal charges under legislation such as the CMA and the Sedition Act. Such legislation has been invoked to prosecute individuals for online statements perceived as critical of the government or the monarchy.

Moreover, the regulatory environment gives rise to an atmosphere of surveillance and control. The government's capacity to monitor and censor online content gives rise to a context in which dissenting voices are systematically silenced. Furthermore, control is exercised in the context of elections, with pro-government "cyber troopers" said to be employed to influence online discourse, while opposition figures and critics are subjected to increased scrutiny and censorship.

The regulation of online activities also has an impact on civil society, particularly on marginalized groups such as the LGBT+ community. The government's targeting and blocking of LGBT+ content not only restricts the ability of these groups to communicate and organize but also serves to legitimize broader societal discrimination against them.

As illustrated in Figure 3, Malaysia's internet regulations exemplify a comprehensive strategy by the government to control online spaces. The government employs legal frameworks such as the CMA and the actions of the MCMC to curtail freedom of expression effectively, influence political discourse, and enforce social conformity. These regulations have considerable political implications, impeding dissent, influencing public opinion, and marginalizing vulnerable communities, undermining the principles of a free and open internet.

## **CONCLUSION**

An analysis of internet regulation in Indonesia and Malaysia between 2020 and 2023 reveals a growing tendency for heightened government involvement in digital realms during and after the pandemic. Both countries demonstrate considerable capabilities for internet filtering and shutdowns and active censorship campaigns targeting media and social media platforms. There has been a discernible rise in the deployment of internet filtering and social media shutdowns in Indonesia, suggesting an intensification of control measures. Conversely, Malaysia has witnessed a slight decline in the deployment of internet shutdowns and social media censorship despite retaining the capacity to undertake such actions. While there is a general tendency towards increased government intervention, Malaysia's slight decrease in actual shutdowns and

social media filtering indicates the existence of outliers to the overall pattern of tightening control. Such discrepancies may be attributed to disparate political agendas, disparate public responses, or external pressures from the international community. A further issue is the possibility of censorship efforts being either underreported or misclassified, which can potentially affect the data's veracity. Moreover, the complexity of implementing digital regulations and the lack of transparency in governmental activities may lead to inconsistencies in the observed patterns.

The findings underscore the evolving nature of digital rights and governance, particularly in crises such as the ongoing Coronavirus (COVID-19) pandemic. The intensified intervention in Indonesia suggests a more assertive approach to managing the dissemination of information, which may have enduring implications for the freedom of expression and public discourse. In Malaysia, the slight decline in the implementation of shutdown measures may indicate a shift towards more covert or less overt control methods. This finding raises questions about the evolving nature of digital censorship and its impact on those who advocate for digital rights. These developments have significant implications for the philosophy of digital governance, underscoring the delicate balance between state authority and individual liberties and the impact of crises in accelerating regulatory changes. These findings can provide valuable insights for governments, human rights organizations, and international agencies in creating practical frameworks for protecting digital rights while addressing valid security concerns.

The pandemic has precipitated the introduction of more stringent digital regulations in Indonesia and Malaysia, with varying degrees of enforcement and practical implementation. Although both countries have demonstrated considerable capabilities in regulating the internet, their respective approaches and patterns of behaviour vary considerably, reflecting each nation's specific circumstances and policy objectives.

It is recommended that continuous surveillance and record-keeping of digital rights violations be conducted to provide transparent and precise information. It is incumbent upon policymakers to strive for a harmonious equilibrium between security measures and safeguarding digital liberties. This prerequisite necessitates guaranteeing that legislation is commensurate, transparent, and subject to supervision. It is recommended that advocacy efforts focus on enhancing public awareness of the implications of digital censorship and promoting the implementation of systems that protect the right to freedom of expression. International collaboration and exertion of influence can have a pivotal impact on the motivation of nations to comply with global benchmarks for digital rights and governance. By acknowledging and considering these specific aspects, individuals or groups with an interest or concern in digital governance can more effectively navigate the complexities of this subject in the post-pandemic era, thereby ensuring a fairer and more accessible digital environment.

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