

REPORT - Ella Wylynko

## **Democracy in evolution; how technology is challenging democracy and how Indonesia might respond.**

In an increasingly digital and technological age, how are laws going to keep up in order to preserve and increase democracy within Indonesia? Which laws will need to be reformed, deliberated on, reconsidered and implemented? Law should not just be running to keep up with this exponential digital development. They should be at the forefront of ethical and moral decisions in order to protect citizens and uphold democracy.

This report is taking a speculative approach, predicting how technology and the digital age will affect democracy in Indonesia.

The foundational aspects of democracy are; human rights, citizen participation, rule of law, transparency in government decision making, strong opposition parties, a strong court system, non-corrupt law enforcement bodies, and elections.

How might technology increase or decrease these factors? My focus will be on emerging Artificial Intelligence technology. The report outlines the current and potential situation and then offers solutions in the last paragraph.

Artificial intelligence (AI) has been cited as the next step in evolution and the beginning of hyper intelligence by James Lovelock. This report is discussing what laws and constitutional reform should be made, in Indonesia, in order to be at the forefront of this evolution and not reactionary.

Indonesia is an interesting case study. A country that has one of the fastest growing economies, is the fourth largest democracy, has the biggest muslim population, has conflicting institutional and cultural laws and norms, is becoming increasingly authoritarian, and is having an exponential incline in technological development.

Pail Nemitz proposes, 'The answer is that we need a new culture of technology and business development for the age of AI which we call 'rule of law, democracy and human rights by design'.' But how?

## **HUMAN RIGHTS**

## **FREEDOM OF MEDIA**

The internet has allowed AI to be used in a way that violates human rights; specifically freedom of press. Indonesia is starting to see human rights being affected by AI, as it has across other countries such as China and the United States.

AI has led to the Indonesian government tightening regulations on freedom of speech and media as a way to combat fake news ('hoaxes'). The General Election Commission of Indonesia (KPU) mentioned hoaxes occurring during the 2019 elections such as, a candidate being considered tied to a chinese tyrant due to his last name. But the biggest impact of AI in terms of fake news is a mixture of targeted advertisements and bots. Cambridge analytica (CA) and facebook have become one of the most famous examples of this. A study by Lowy Institute has shown that over 1 million people in Indonesia were, to some extent, influenced by CA. Indonesia's Ministry of Communications and Information Technology investigated further and facebook admitted to 1,096,666 user profiles being affected. However, according to a representative from the NGO Lembaga Studi dan Advokasi Masyarakat (ELSAM), the government only asked facebook for clarification.

After the 2019 elections, the government tried to block other social media platforms to prevent protest news spreading. As Indonesian Communications Minister Rudiantara believes, "there is a limit to democracy when people use social media and text messaging to try and entice others to riot against law enforcement." However, these blockages represent a sinister approach the current Indonesian government is having to censorship. To combat extremist groups and cyberattacks the government is strengthening its regulations around users use of online platforms but not the AI companies.

A widely held opinion, expressed by Kendra Paramita, is that "The digital world has its own two blades. On one side you can spread your news instantly and rapidly, but on the other side there is a lot of hoax and fake news. It's a big problem but we gather with the other media (companies) to fight it."

Digital law must thus be revisited giving legal rights and restrictions on citizens by the government. A commissioner at ELSAM told me, "The government does not currently have any regulations surrounding digital law or cybersecurity, only soft law that benefits them (and companies) and does not protect citizens." .

## **FREEDOM OF SELF**

The US uses AI in many ways, but some states are actively attempting to take control of negative AI abilities. For example, in San Francisco they banned city agencies from using facial-recognition software as the software is often inaccurate and biased.

By contrast, China uses mass surveillance. ELSAM is worried Jakarta will become similar as both countries use Smartcity systems. Also in Jakarta CCTV cameras are owned 80% by private companies. Meidy Fitranto, CEO and co-founder of Nodeflux says that, “Facial recognition helps with security, and also with tracking crowd estimation and behavior.” But who is it really smart for?

The consent of the people is the most important part of data privacy and this is not being addressed.

An example in Indonesia that ELSAM pointed out is with financial apps. The government allows companies to access the photos and contacts of the users and then when consumers fail to pay the loan the company will download the photos to harass the users, shaming them.

But, AI can be used to combat fake news by filtering through all the online content at a much faster pace than humans. It can provide citizens with the policies that are relevant to the issues they care about. It is also being used by the United Nations Development Program to monitor disaster zones via collection of individuals data.

## **CITIZEN PARTICIPATION (NOT ELECTIONS)**

Through AI policy debates and online discussions could be facilitated. Citizens could debate anonymously, as self-censorship occurs a lot (according to Elsam). “Many times I have self-censored, because we don’t want to get into trouble both legally and culturally” Kendra claims. It can provide the tools to engage with politicians.

## **RULE OF LAW**

As President Widodo Jokowi saw citizens protest his Presidency, he attempted to pass legislation that would enable criminalisation of citizens, under 'defamation'. This undermines democracy as places him above the law.

## **LAW ENFORCEMENT BODIES**

Law enforcement bodies play an important role in upholding legislation. Companies, if having any regulations to follow, can easily sidestep these bodies, says ELSAM. "There must first be a regulatory body made up of experts. Then the police and the courts need to comply and uphold them."

How might AI be used in enforcement? In the US there is a system called Compass that assists judges, however it has found to be bias towards certain races. A company called Clearvision AI can now assist police in criminal findings. What will Indonesia implement?

## **TRANSPARENCY OF GOVERNMENT**

A lack of transparency in government not only results in less trust by citizens and corruption, but also means that the lobbying and tax evasion, along with the government's response to technology companies and lack of data and cybersecurity laws, goes unnoticed by citizens. Legislation that doesn't favour companies occurs very slowly, if at all.

As ELSAM described "there is a lack of transparency, accountability and fairness by the government and large companies."

They further go on to talk about how the problematic mentality of the government is that it has a 'wait and see' approach to technology. It doesn't learn from other countries' technology or law. The government has no real data privacy laws or cybersecurity laws that align with international standards and they dismiss any cases brought forward to the constitutional court about international regulations.

They let companies get away with almost anything such as owning the public transport tracking apps, financial fraud apps and companies such as Gojek and Tokopedia who are digital-minded (not citizen safety) are invested in internationally without regulations.

On the other hand, AI could help increase transparency as it could detect fake news from the government and call out companies by filtering through tax fraud. This may be hard to implement as no company in Indonesia would want to implement this therefore NGO's must be at the forefront developing technology to end corruption and aid democracy.

## **STRONG OPPOSITION**

The opposition parties leader was appointed by the President to be the Minister for Defence. A large amount of the ministers and parliamentarians surrounding the President are from the police or defence force, resulting in a government that potentially cares more about 'defence' and 'security' then democracy, especially online as seen through internet shutdowns.

## **ELECTIONS**

Free and fair elections is the goal of democracy.

Many corrupt countries have encountered this problem as they attempt to increase their democracy ranking. Many have adopted; electronic voting systems, facial recognition scanning for faster lines in polling stations, Optical Mark Recognition (OMR), Optical scan voting systems Direct Recording Electronic (DRE), Internet Voting Systems (IVS), and systems that facilitate voting from anywhere, to overcome this.

Indonesia has put forward proposals to have electronic voting however the KPU and Perludem have argued against these proposals, citing Australia and other developed democracies as working without electronic voting systems. Electronic elections does not only mean electronic voting however, as mentioned above.

'Reluctance to invest in election technology often comes from unfounded misgivings about the reliability, accuracy and security of voting equipment, and sometimes from concerns about surmised high costs,' says Richard Soudriette, founding president of the International Foundation for Electoral Systems.

Technology is impacting every other area of our lives, why isn't AI being used in elections? Positive outcomes are seen in Estonia, Philippines, Brazil, South Africa and India (The International elections advisory council).

Recently Horizon State, an Australian start-up, developed a secure voting system with blockchain. They hope to bring this system to Indonesia.

## **CAMPAIGNS**

In terms of the election campaigns, AI has also been seen to play a role in other countries' elections. For example, in Russia a candidate was an AI system called Alice. The spreading of fake news and CA's influence in America. These campaign schemes can have as much of an impact, if not more, on elections and the outcome. There are apps like iSidewith in Britain which makes election decisions for you based on AI. However, they are a lot harder to manage and monitor without infringing on the rights of citizens. But they must be seen as a contributing factor towards elections outcomes.

"Now big data can be used to maximise the effectiveness of a campaign. The next level will be using artificial intelligence in election campaigns and political life," states Vyacheslav Polonski a researcher from Oxford University.

This is already happening.

Perludem attended a focus group discussion with Facebook to talk about how the 2020 elections with other NGO's and media company representatives. The discussion focused on transparency of campaigning, regulations around political ads, official registration for candidates and other concepts taken from other countries in order to better police election campaigns.

The AI internet plays a role by spreading news and misinformation but Kendra, a political artist from Indonesia, believes print media and art still play a role, "during the 2019 campaign, a lot of artists made art to support candidates. It was received very well by society. So art can make a great impact on citizen participation."

## **GOVERNMENT'S ROLE**

So why aren't regulations being passed? Some believe the government is being lobbied by AI companies and therefore does not react to the implications of the technology. Data collected by AI companies is being given to east ventures and other investment

companies that are owned by foreign countries such as China and Singapore. Due to lack of security laws they are able to access this data.

Other considerations are; a lack of knowledge about innovation and its impacts, and instead a focus on infrastructure and palm oil, along with the copious amount of regulations to review within a year, mean that passing of regulations is extremely slow.

The government must become more transparent about elections, ministers agendas, their true motives, stop lobbying and tax evasion by AI companies, and implement a regulatory body for technology, in order for democracy to be upheld. A representative from Facebook mentioned that there are so many NGO's and bodies with overlapping and contradictory regulations that it can be hard to fulfil all requirements, therefore one body would be more efficient.

Currently ELSAM and other NGO's related to the specific field, are constructing acts to be put forward and hopefully implemented. These laws will assist in regulating companies, protecting privacy and citizen consent, election privacy, prevent disinformation and other undisclosed measures. Regulations around companies rather than just citizens. Accusing the perpetrator not the victim.

Proposals for constitutional change could include; digital education, net neutrality, a right to know what information there is about you and mandatory internet access. Also the concept of a 'right to explanation' of algorithmic decisions given to the accused.

Indonesia must also take note from other countries as illustrated above. Policy considerations by Israel in terms of education, trademarks, privacy and legal liability. United Arab Emirates establishing a Ministry for Artificial Intelligence and Council of Artificial intelligence which will oversee the integration of AI. The representative from facebook talked about the next transition facebook is taking is towards VR and the implementation of that within every facet of society such as medically and education wise. It could also be used for education around democracy, a way to campaign and citizen participation. Since America is already implementing this, there is time for Indonesia to begin discussions about regulations. However, he spoke about how countries cannot just copy other countries' policies, such as Indonesia copying Singapore as the cultures and contexts are very different.

CEO of Nodeflux believes "The government, the private sector, academia, and communities – to speed up and enhance the process of innovation of the tech

development, we have to work together.” However we must be cautious as to not let technology outrun citizens and the law.

There is hope. With AI comes responsibility and accountability that must be regulated. But if done so in the right way it could be used as a force for good (such as the UNDP) rather than a form of social control, sold to citizens as convenience.

## **BIBLIOGRAPHY**

Anon (2019) *AI, IoT and big data to drive data center growth in Indonesia*. Available from: <https://search.proquest.com/docview/2183364391>. [3 February 2020].

Anon (2018) *Indonesia leads Asia Pacific in AI implementation*. [online]. Available from: <https://search.proquest.com/docview/2100042242>. [5 February 2020].

Anon, 'Regulations of artificial intelligence: middle east and north africa', *The Law Library of Congress*. Available from: <https://www.loc.gov/law/help/artificial-intelligence/middleeast-northafrica.php> [9 February 2020].

Cat, h C 2018, Governing artificial intelligence: ethical, legal and technical opportunities and challenges. *Philosophical transactions. Series A, Mathematical, physical, and engineering sciences*, 376(2133), 20180080. doi:10.1098/rsta.2018.0080

Cook, E 2018, 'Beyond Scandal: Facebook and Indonesian politics', *The Interpreter*. Available from: <https://www.lowyinstitute.org/the-interpreter/beyond-scandal-facebook-and-Indonesian-politics> [22 January 2020].

DW in conversation with Minister for Communications Minister Rudiantara, 2019, 'Indonesia blocking social media to 'maintain democracy'', *DW*. Available from: <https://www.dw.com/en/indonesia-blocking-social-media-to-maintain-democracy/a-48858283> [23 January 2020].

Gilman, RH Souris, E 2019, 'How technology is changing the way we perceive democracy', *Pacific Standard*. Available from: <https://psmag.com/social-justice/how-technology-is-changing-the-way-we-perceive-democracy> [30 January 2020].

Kusumasari, B. 2018, "HUMANIZING OR DIVIDING? THE CHALLENGE OF DIGITAL DEMOCRACY IMPLEMENTATION IN INDONESIA", *Management Research and Practice*, vol. 10, no. 4, pp. 5-20.

McCormack, CB 2016, 'Democracy rebooted; the future of technology in elections', *The Atlantic*. Available from: <https://publications.atlanticcouncil.org/election-tech/assets/report.pdf> [29 January 2020].

Miles, S 2015, 'Does the law need to develop faster to keep up with changes in technology', *Ashfords*. Available from: <https://www.ashfords.co.uk/news-and-media/general/does-the-law-need-to-develop-faster-to-keep-up-with-changes-in-technology> [3 February 2020].

Nemitz, P 2018, 'Constitutional democracy and technology in the age of artificial intelligence,' *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*. Available from: <https://royalsocietypublishing.org/doi/10.1098/rsta.2018.0089#d3e434> [11 February 2020].

Polonski, V 2017, 'How artificial intelligence conquered democracy', *The Conversation*. Available from: <https://theconversation.com/how-artificial-intelligence-conquered-democracy-77675> [22 January 2020].

Polonski, V 2017, 'How artificial intelligence silently took over democracy', *World Economic Forum*. Available from: <https://www.weforum.org/agenda/2017/08/artificial-intelligence-can-save-democracy-unless-it-destroys-it-first/> [4 February 2020].

Selmi, S 2019, 'Can artificial intelligence change the future of politics', *TRTworld*. Available from: <https://www.trtworld.com/opinion/can-artificial-intelligence-change-the-future-of-politics-28156> [22 January 2020].

Shuriye, A Ajala, M 2014, 'Islam and the Cyber World', *Journal of Educational and Social Research*. 10.5901/jesr.2014.v4n6p513. [2 February 2020].

Tapsell, R 2018, 'Disinformation and democracy in indonesia', *New Mandala*. Available from: <https://www.newmandala.org/disinformation-democracy-indonesia/> [29 January 2020].

Various authors, 2000, 'The future of elections', *The international elections advisory council*. Available from: <https://www.thefutureofelections.com/download/the-future-of-elections-report.pdf> [32 January 2020].

Zhang, W 2019, 'What's next for the AI ecosystem in Indonesia', *TechinAsia*. Available from: <https://www.techinasia.com/whats-ai-ecosystem-indonesia> [8 February 2020].

## Interviews

Analyst ICW, 30th January 2020 at 2pm, ICW office.

Commissioner, 5th February 2020 at 5pm, ELSAM.

Commissioner KPU, 22nd January 2020 at 1pm, KPU provinsi office in North Jakarta.

Facebook representative, 12th February 2020 at 2pm, Facebook office.

Kendra Paramita, Illustrator for Tempo, 27th January 2020 12pm.