



FES Indonesia: Report on Media Situation in Indonesia 2010¹

1. Current Trends

Despite of a big press freedom that Indonesia has after the political reform in 1998, media in Indonesia is still facing some challenges in its development. Particularly, media is facing the contradiction of being free and responsible. Media always claims that it only uses the freedom that it receives, but in fact there are more and more critical comments on media works from the society as well as from media experts.

The increased critics to media can be seen from the raising amount of complaints that were received by the press council. There were 319 complaints in 2007 and 424 in 2008. And in 2009 the Press Council received 442 complaints². This development can be interpreted into two meanings. On one side, the society knows better about the function of press council to mediate any problems occur by the media reports, particularly from print media. This is a positive development because the society does not first go to the police to criminalize the journalists, as happened very often previously. But on the other side, this also reflects the amount of violations to the code of ethics, which can also be regarded as the “inappropriate” and “unconstructive” side of press freedom³. In conclusion, there is still lack of professionalism in journalistic works in Indonesia.

Furthermore, there is a trend which media companies are owned by certain people from certain corporate groups and in some cases also linked to official leaders from national political parties. Media then has to follow the policy that concentrates supporting the success of those groups. In addition, another tendency also media serves

¹ Prepared by Veve Hitipeuw for Friedrich Ebert Stiftung

² Dewan Pers, *Laporan Dewan Pers : Komisi Pengaduan Masyarakat dan Penegakan Etika Pers Tahun 2007-2010*, page 1, retrieved from http://www.dewanpers.org/upload/peng/a60e36154d9a4931b07d2fe812ef3aca/attach/laporan_komisi_pengaduan_2007-2010_laporan_akhir_ok.pdf

³ Abdul Manan. *The Threat is from Inside*, (Jakarta: AJI Indonesia, 2010), page 14

the market that prefers to be entertained from what they read, listen and watch. Many media companies are now competing to each other producing sensational news in order to get more advertisement profit. We cannot deny that advertisement has always been the big part of income for all print as well as electronic media companies. However, in producing news, media companies have to take the market pressure into account. Therefore, considering the above mentioned tendencies, the cases of owners' as well as marketing's intervention in the newsroom take place often in many media companies.

2. Legal Framework

During 2010 there have been some developments in the legal framework for media and freedom of expression in Indonesia. For instance, in February 2010, the Communications and Information Technology Ministry deliberated a controversial ministerial regulation to help reduce Internet-related crimes. The regulation is titled the Communication and Information Ministerial Regulation on Multimedia Content, the draft calls for the establishment of an ombudsman body to receive reports from the public on websites publishing banned material such as pornography and articles defaming religions or races. This draft got a lot of protests. Many fear that this will only allow the government to reduce the freedom of speech for citizens in virtual world. The Press Council as well as media experts criticized that this drafted regulation violates the Indonesian Press Law. Furthermore, the President warned Tifatul Sembiring, the Minister of Communication and Information, not to draft any regulations without his permission, particularly for such a sensitive topic. Until now, there has been no concrete conclusion of this drafted ministerial regulation.

Another development in media related regulation was the material test by Constitutional Court towards The information & electronic transaction law (UU ITE/ UU No. 11/2008) took place on February, 9th 2010⁴. A group of activists criticized that the wiretapping by law enforcement or official state institutions continues to be controversial because it is a practice of invasion to the privacy rights of the citizens which includes the privacy of personal life, family, and correspondence. However, until this report was being written, there is no result yet from the Constitutional Court.

⁴“UU ITE Diujimaterikan di MK“, Antara News, Tuesday, 9 February 2010, retrieved from <http://www.antaraneews.com/berita/1265687690/uu-ite-diujiaterikan-di-mk>

Still in the legal framework for media in Indonesia, the 2008 Freedom of Information Law started to take effect Friday, 30th of April, 2010. It requires all state institutions, political parties, NGOs and mass organizations to provide all information under their authority to the public. The law guarantees all citizens access to information from public institutions to create good governance and to improve public participation in policy making. Ensuring that all other information outside the classified list reaches the public is the job of the required information commissions. At the national level, a seven-member Central Information Commission (KIP) is tasked with regulating the information acquiring mechanism and mediating disputes between public agencies and information seekers. At the provincial level, however, only Central and East Java have formed such bodies, which must have five members representing the government and the public. The establishment of such bodies at the regency and municipal level is not mandatory⁵.

In addition, there is a positive development of freedom of expression in Indonesia as well as freedom to access information: The Constitutional Court on Wednesday, 13 October 2010, ruled to expunge a 1963 law on book banning. The ruling stripped the government of its authority to ban books deemed controversial, but judges said books could still be banned. They said the decision to remove books from circulation should rest with the courts⁶.

Concerning the legal framework for broadcasting in Indonesia, 8 years after the Indonesian Broadcasting Law (UU No 32/2002) was issued; there has been no serious implementation of it. The law is a milestone in the democratization of broadcasting Indonesia. The law was the first to set the principles of diversity of content and diversity of ownership. The law also recognizes the legality of community broadcasters. This law also eliminates the state's role as regulator in the field of broadcasting; the role was replaced by an independent agency called the Commission on Broadcasting. One of the other democratic principles of this legislation is the re-establishment of public

⁵ “Public information to flow freely from Friday”, Ridwan Max Sijabat, The Jakarta Post, Thursday, 29 April 2010, retrieved from <http://www.thejakartapost.com/news/2010/04/29/public-information-flow-freely-friday.html>

⁶ “Govt resorts to last-gasp measures to censor books”, Argha Desafti Hapsari, The Jakarta Post, Saturday, 16 October 2010, retrieved from <http://www.thejakartapost.com/news/2010/10/16/govt-resorts-lastgasp-measures-censor-books.html>

broadcasting, RRI and TVRI, as a substitute for government broadcasters. According to the concept, the public broadcaster is independent from the government, which serves to provide public services.

However, the Private TV Stations Association (ATVSI) did not want to abide by the 2002 Law on Broadcasting, which pushed for the opening of TV networks in all provinces. All 10 commercial TV stations are based in Jakarta, where airing schedules are decided. This will not allow the promotion of diversity of content, because other citizens outside Jakarta become only mute audience, who has to accept everything that is reported from Jakarta. It also means that there is no diversity of ownership, since the private local TV stations cannot compete with the national TV stations. Furthermore, RRI and TVRI also do not receive enough attention and support to play their role as public broadcasters.

In 2010 the government and the House of Representatives would revise the law. Revision of the Broadcasting Act has been designated as the National Legislation Program Priorities 2010. Communities do not know the direction of the revision of the law, because the government has not published the following changes to the draft academic paper. Many of media practitioners in Indonesia urged the government rather to first fully implement the law than to revise it.

The last note for the legal framework of media in Indonesia is the State Secrecy Bill. After the hot debate in 2009, at the end this bill is still being discussed in the Parliament House. Until now, there is no further update on the drafting of this bill.

3. Challenges for Journalists

Talking about media development in Indonesia cannot be separated from seeing the condition of journalists in Indonesia. As also happen often in other (developing) countries, it is still common in Indonesia, that politician or businessmen successfully bribe journalists for favorable reporting. Fortunately, there are already many journalists who really respect their profession and refuse the “brown envelope” which is given, but a large group still considers this practice “normal” and likes to receive it. It is not easy for both the Journalists Associations and the journalists themselves to eliminate the culture of “receiving money”, since the working condition of journalists are still deplorable and

have not improved during the year. Therefore, journalists association like AJI (The Alliance of Independent Journalists) has been fighting years for decent wage for journalists. It is believed that a better working condition would reduce the practice of “brown envelope”.

After years fighting for a descent wage for journalists, AJI has to face another challenge, which is union busting particularly within national media companies in Indonesia. Two big cases arose this year were the mass termination of employment of journalists in Indosiar (a national private television) and Suara Pembaruan (a national print media). Both cases indicated that the companies fired those who are the board members and active members of the unions. In the case of Sekar Indosiar (name of union in Indosiar), unilateral management action forced Sekar Indosiar to seek legal action with a civil claim against Indosiar’s management to the West Jakarta District Court. It was decided that the West Jakarta District Court is authorized to adjudicate this case. This is a history because this is the first time for union busting case in the public court⁷. Usually, the public court judges rejected and stated the same claim as this should be the operational territory of the industrial relations tribunal. Until this report was being made, there is no further development of this case yet. However, before the unions could fight for the welfare of their members, they already got threats.

Furthermore, another challenge for working condition of the journalists is also the security problem for journalists who work in sensitive area or for sensitive issues. One year after the murder of Anak Agung Prabangsa (journalist of local daily newspaper in the Bali province), in the court on February 15, 2010, the judge sentenced Nyoman Susrama (one of the suspect) with life imprisonment. It was confirmed that Prabangsa was killed because of his articles about the projects of the Bangli Education Department, especially the international kindergarten and elementary school projects. Susrama was a chairman of the project’s Development Committee. He took offense at Prabangsa’s articles and killed him. The other case happened was terror received by some journalists in Papua while they were reporting about local election in August 2010. Still in August 2010, Ridwan Salamun, a cameraman working for SUN TV, was hacked to death in Tual, in the eastern province of Maluku, on 21 August by a group of villagers who did not

⁷ Op.cit, Abdul Manan, page 11

welcome his attempt to cover a clash with residents of a neighbor village. Some other intimidation and or violence against journalists also happened in other areas in Indonesia as informed by AJI. All this shows that violence against journalist still take place in Indonesia.

The above mentioned information here might not cover all of the real challenges faced by Indonesia journalists nowadays. The work for journalists in Indonesia becomes tougher than before.