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Indonesia

**National campaigns of the Press Council
to boost public interest in free press
and expression**

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Jakarta, Indonesia

The Press Council (*Dewan Pers*) of Indonesia has to shoulder more tasks than most similar institutions in other countries that I know of. Article 15 of the 1999 Press Law says that “a Press Council is established in an effort to develop freedom of the press and expand the existence of national press.” It stipulates that the Council has the following functions:

- To protect freedom of the press from outside interference;
- To conduct studies to develop the existence of the press;
- To enact a journalistic code of ethics and control the compliance of the code;
- To give consideration and find solutions to complaints lodged by public towards cases concerning press reports;
- To develop communication between the press, public and government;
- To facilitate press associations (of journalists and media companies) in establishing media regulations as well as to increase the quality of journalistic professionalism;
- To gather data of media companies.

Nine members of the Press Council are selected by the Press Council Election Committee from the candidates elected by journalists and media companies associations. The nine members represent journalists, media companies and general public; each group is represented by three members. One of the three members who represent general public will be elected by his or her colleagues as their chairperson.

The Election Committee is expected to make sure that all of the selected members are supporting freedom of the press and having “a sense of objectivity and fairness.” The Press Law stipulates that the President has to endorse the nine members of the Press Council, but in the spirit of maintaining the independence of the Council the President has no power to change the members and interfere in the election.

Indonesia had introduced the first Press Council in 1968. Unlike the tradition of most press councils in democratic countries, the original Indonesian Press Council under the President Soeharto’s New Order had the function to give advices on press matters to the government, particularly the Department of Information and information ministers. The Council was then established by the Department of Information and chaired by the minister of information. But the department was later dissolved by the government soon after Abdurrahman Wahid became president in October 1999.

The creation of the new, first independent Press Council in the early years of the Reform era is based on the Law Number 40 of 1999 on the Press which was enacted by the parliament on 13 September 1999 and signed by President Bacharudin Jusuf Habibie on 23 September.

The Press Law:

- Guarantees freedom of the press;
- Eliminates licensing as means of controlling the press;
- Removes the government’s ability to ban press publications;
- Limits the power of the government to introduce subsequent regulations;
- Removes restrictions on who might practice journalism; and
- Guarantees the rights of journalists to join associations of their own choice, to seek, acquire, and disseminate ideas and information, to be free of censorship, and to refuse to divulge the names of their sources.¹

It is only now that, after the resignation of President Soeharto on 21 May 1998, Indonesia for the first time has a law that is clearly intended to protect freedom of the press. The new (1999) Press Law provides protection against harassment of press freedom, notwithstanding strong criticisms—from a number of senior journalists—of some of its articles that they considered as interfering with editorial independence and creating multi-interpretations to the disadvantage of press freedom.

For example, the Law stipulates that the press media could be fined up to Rp500 million (about US\$50,000) if they do not pay heed to the rights of reply or if their news reports “do not respect religious norms and public sense of morality and the presumption of innocence.” The stipulations are intended to protect the public from possible unfairness or negligence of and resistance from the media.

On the other hand, significantly, for the first time the 1999 Press Law provided penalties of fines or imprisonment for those who attempted to restrict

¹ Dr. Janet E. Steele, unpublished article “Habibie and the Press”.

press freedom rather than the reverse, and it allowed for self-regulation of the press through the establishment of an independent Press Council.²

It states that imprisonment up to two years or a fine of maximum of Rp500 million is awaiting for “anyone who acts against the law by deliberately taking action which could cause hindrance or obstructing the implementation of those stipulated in the paragraphs (2) and (3) of the article 4” that state:

Paragraph (2) – Towards the national press there shall be no censorship, banning or prohibition to publish or broadcast.

Paragraph (3) – To guarantee press freedom, the national press has the rights to look for, acquire and to disseminate ideas and information.

The initial draft of this bill, submitted by the Department of Information to the parliament, interpreted the word “press” only for activities of the print media. But the meaning of “press” under this law is extended to include journalistic works and activities of the electronic media, including radio and television “and all kinds of available channels.”

Therefore, the protection of press freedom in Indonesia now not only applies to print media, but also to radio and television news broadcasts. This was a breakthrough considering that press freedom was not protected in the existing Broadcast Law.

The first priority educating the public

In a country that has only recently recovered its freedom of expression, some elements of the community appear to view a free press as an influential institution, but arrogant, and thus must be subdued. These elements may not yet sense that a free press is in fact part of the “family of freedoms” they themselves belong to.

The survival of freedom of the press and expression in the future will depend on the level of understanding of the society at large and those in power toward democracy—which includes press freedom and free expression.

Since it was established in April 2000, the Press Council has found it necessary to concentrate on educating the public on what freedom of the press is all about.

In its very first statement, issued on 22 May 2000, the Press Council said that it had “noted some unhappy developments in relations between a number of press publications and several community groups that are marked by conflicts. Incidents of media office occupation as well as violence and threats against journalists reflect persistent misunderstanding among part of the public concerning press freedom.”

In the last ten years, Council members have hit the road and travelled to almost all of the 33 provincial capital cities outside Jakarta. Their mission: to propagate the meaning of free press and expression, as well as how to peacefully settle news-related conflicts between society and the press. According to the latest data of the Press Council, since its inception a decade ago until last year it has

² *Ibid.*

received—and settled—2,234 complaints from the public (both state and non-state actors) against news coverage—or about 225 in average every year.

Council members spoke to law enforcers—judges, prosecutors and police officers—as well as lawyers and military officers in seminars to discuss the appeal of the Press Council to decriminalize journalistic works. The program was supported by the then Chief Justice of the Supreme Court, Dr. Bagir Manan, who is now the third chairman of the Press Council.

The Supreme Court has continued its support to the Press Council program to protect freedom of the press. The new Chief Justice, Dr. Harifin A. Tumpa, on 30 December 2008 sent to all judges throughout the country “The Circular Letter of the Supreme Court” which contains an appeal to ask for an expert witness to the Press Council when presiding over a press case in court.

The fight for the decriminalization of the work of journalists and the expression of citizens is continued by other civil rights NGOs. Criminal defamation continues to be an impediment to free expression in Indonesia which still has laws that make it crime to defame, slander, libel and insult someone or something including private and state institutions. Journalists, critical demonstrators and speakers in conferences or letter writers appearing in newspapers and online media could face severe prison sentences and excessive fines.

The Legal Aid Institute for the Press, a working partner of the Press Council, had appealed to the Constitutional Court to abolish defamation articles from our one-century-old Criminal Code, but the Court refused thus far. They are planning to go back to the Constitutional Court in the near future.

To test free press and expression

Council members also met with national and regional government officials, intellectuals, university professors and students, political leaders and religious communities to exchange of views on the right model of the practice of free press and expression in the country without sacrificing its independence and freedom. The survival of this freedom has been put to the test in many occasions, both in peace time and during social and armed conflicts.

When Indonesia was hit by religious conflicts in some provinces in the early years of the Reform era, the Press Council supported the initiative of the Independent Journalists Alliance to conduct a conference to discuss the practice of peace journalism in reporting conflict areas. In the meeting the journalists listened to the complaints of the Governor and Chief of the Civil Emergency Authorities of Maluku, Saleh Latuconsina, about “inaccurate, imbalance and provocative press reports on religious conflict appearing in both local and national media that endanger the people of Maluku.”

(The conference, in Bogor, south of Jakarta, became a get-together between 31 Christian and Muslim journalists from the Provinces of Maluku and North Maluku who had difficulty to meet each other in their home towns since they had to live in divided areas—between “Muslim kampongs” and “Christian kampongs”.)

Religious conflict also hit North Maluku. Council members had a meeting with the Governor and Chief of the Civil Emergency Authorities of the province,

(retired) Brigadier General Abdul Muhyi Effendie, to discuss complaints against his media policy. The governor had issued a strong ruling that he would ban two Jakarta-based national television stations and three local daily newspapers from covering events in the province should they continue to print or broadcast “provocative” news reports. (His definition of “provocative” includes inaccurate and imbalance reporting.)

The governor refused to withdraw his ruling even after listening to the Council members for four hours in the meeting that ended almost midnight. But at least he promised not to push through with it, a promise he kept until his term ended one year later.

Local governments could use legal measures based on, among others, the 1953 Emergency Law. The law was put into effect in the Provinces of Maluku and North Maluku in eastern Indonesia to cope with religio-social conflicts between Muslim and Christian communities. Under the Emergency Law the government could take any emergency measures including the banning of both print and broadcast media.

Before the end of the 30-year armed conflict between the central government and the rebellious Freedom Movement of Aceh in 2005, Council members met with the then Minister of Defense and Security, Susilo Bambang Yudhoyono (now elected president), to discuss the Press Council’s recommendation for a more free media coverage in the region. The minister then invited Council members to visit the province and speak to local military and government leaders about their suggestion.

Council members called on the leadership of the nongovernmental organizations whose members or supporters had threatened journalists or held violent demonstrations at media offices to protest news reports they perceived to have defamed their leaders. During such meetings, they appealed to the NGO leaders to use the right of reply or going to court instead of resorting to violence.

One of the NGOs was the Nahdlatul Ulama, the largest Islamic organization in the country which has 40 million members. NU members and supporters were involved in at least seven incidents in five cities—in Surabaya, Cirebon, Bandung and Jakarta in Java and Pekanbaru in Sumatra—in which a media company was either subjected to a violent demonstration or put under heavy pressure to take back what it had reported. It has been nine years since the meeting with the leadership of the Nahdlatul Ulama in early 2001; there has been no more demonstration or violent act committed by its members against journalists.

Council members spoke to the leaders of the now defunct militant paramilitary troops Laskar Jihad, who then published the *Laskar Jihad* journal, about the tolerance to free expression of different opinion. And at the same time they discussed the standard of professional journalism with young editors of the radical Islamic magazine *Sabili*.

Trainings and future challenges

The Press Council supports trainings and workshops on journalism, press ethics and press law by journalists and media companies associations and those conducted by the Soetomo Press Institute, a journalism training center founded by

the (old) Press Council in 1988. The lecturers of the institute include members of the Press Council. Since its funds are limited, the Council has a cooperation with various domestic and international institutions including the Jakarta Office of UNESCO.

A request had come from the Rector of Al-Zaytun *pesantren* or *madrasah* in West Java to provide journalism training for the school teachers. The training of 160 teachers and staff members of the school was conducted by the Soetomo Press Institute. Now, journalism is part of the regular curriculum from the elementary level up to senior high school level of Al-Zaytun, a huge Islamic boarding school of now about 10,000 students.

The enthusiasm of the *madrasah* to discuss journalism and the press with young students is a reflection in society of both increasing interest in and concern over the new phenomenon of freedom in a newly established democracy in the country.

The Press Council had been alerted since its inception by critical, sometimes emotional, public reactions to the birth of a multiple number of print media from only less than 300 to more than 1,000, radio stations from only 800 to more than 3,000, and television stations from only 6 to about 100 (a press report even say that there are now more than 300 TV stations including small community TVs), and many of them are unprofessional.

To make peace with those who are very concerned with this awesome development of the media, and in its effort to encourage the media to improve their quality, the Press Council in the last few years has produced various professional guidance for the media. An increasing number of national and regional mainstream media have endorsed an agreement with the Press Council to follow the guidance:

- The (revised) code of journalistic ethics;
- The standard competence of journalists;
- The standard of protection of journalist profession;
- The guidance for the right of reply (of news subjects and news sources);
- The guidance for expert witness of the Press Council in court;
- The guidance for the distribution of print media for adults;
- The standard of press companies;
- The standard of journalists associations; and
- The standard of media companies associations.

Well, Indonesia has only had 10 years so far to learn living in a democratic atmosphere since the fall of the New Order regime that limited open and frank discussions on sensitive issues such as those related to state security, races, ethnic groups and religions. We need more time to develop open-minded society. The free press is our hope to continue the ideal of educational purposes of the media.

The deputy executive director of the Centre for Strategic and International Studies (CSIS) in Jakarta, Rizal Sukma, in his article in the *Jakarta Post* daily reminded that Indonesia is still regarded as the only free country in Southeast Asia.³

³ Rizal Sukma, "A free press is the last bastion of democracy", *The Jakarta Post*, 29 April 2008, p. 2.

He believed that “That recognition is possible only because mass media in Indonesia continues to enjoy and defend freedom of the press. Indonesia’s democracy owes a great deal to the existence of free media.... Without freedom of the press, Indonesia’s democracy would have suffered an early death.... We need to remind ourselves that free press is the last bastion of democracy.”⁴

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BIODATA

Atmakusumah Astraatmadja is a media observer and currently senior lecturer of press ethics and press law at the journalism training centers Dr. Soetomo Press Institute (LPDS) and the School for Broadcast Media, both in Jakarta.

He is a founding member of the Voice of Human Rights (VHR) News Center, the Legal Aid Institute for the Press, and the Indonesian Institute for the Independence of Judiciary.

He was formerly executive director of the LPDS, chairman of the Indonesian first independent Press Council, chairman of the Ombudsman Team of the Jakarta-based *Kompas* daily, and managing editor of the daily *Indonesia Raya*.

⁴ *Ibid.*

**Response to the statements, views and questions
of 11 delegates⁵ out of the 39 member countries
of the Intergovernmental Council of the IPDC**

Thematic debate: “Free, independent and pluralistic media: the enabling role of the State” on March 25 (afternoon) and 26 (morning), 2010

Panelists:

Lumko Mtimde, Executive Director of the Media Development and Diversity Agency (MDDA), South Africa

Gabriel Kaplun, Dean of the Communication Sciences Faculty, Universidad de la Republica, Uruguay

Atmakusumah Astraatmadja, former Chairman of the Indonesian Press Council

Opening remarks: Abdul Waheed Khan, Assistant Director General for Communication and Information, UNESCO

Moderator: The (new) Chairman of the Intergovernmental Council of the IPDC

Response of Atmakusumah Astraatmadja

I am glad that what I heard in the discussion yesterday and this morning were mostly encouraging views which support freedom of the press and expression.

My response to your questions and statements will be in a general term. I will begin with my answer to the unique question from the Uganda delegate: what will happen to the media when a new dictator appears in a country which has only recently begun to enjoy freedom of the press.

We have to train the present and future generations how to fight for and safeguard freedom of the press and expression. I myself have been involved in this fight for the last half century.

But, to my observation, it will be very difficult for a new dictator to take power after people enjoy and appreciate the benefit of this freedom. In Indonesia, anyone can now express their views and complaints; not only political and human rights activists but also laborers, industrial workers, peasants and fishermen.

⁵ Spain, India, Uganda, Benin, Senegal, Jamaica, Zambia, Colombia, Bangladesh, Bolivia and Thailand.

On the other hand, however, the media should continue to improve its quality in order to make sure that there is no reason for the government and the public to suppress freedom of the press and expression.

It is important for the law enforcers to first of all protect media institutions when they are threatened in violent demonstrations against the media instead of “surrendering” to the demonstrators.

The laws, law enforcers, politicians and government officials should decriminalize journalistic works, critical expressions in demonstrations and critical opinion expressed in conferences, seminars, workshops etc. If they violate law, they could be put on trial under the civil code, but do not use the criminal code that could end up with the imprisonment of the defendant. The fine imposed to the defendant should not be the excessive one, but the proportional fine in accordance with the ability of the defendant to pay.

There is a fear of “excessive media freedom that could undermine the stability of a country” as expressed by a delegate of the IPDC Intergovernmental Council. But I believe that the Press Council, the Broadcasting Commission and the media watch could minimize this excess. More importantly is the effort to develop media literacy in society.

In Indonesia we had a good lesson for bad media in the early years of the Reform era when half of about 1,200 print media—daily and weekly newspapers, tabloids and magazines—had to close down within only two years. The punishment from the media-literate public is very decisive against bad and dishonest media.

There are a lot of reports which now can be publicized by the media including corruption by current and former parliamentarians, governors, heads of regencies and cabinet ministers. But, to my observation, there has been no adverse impact from our free press that could undermine the stability of the country.

On the contrary, I believe, frank, comprehensive media reporting about the views and stance of the rebellious Aceh people had given a contribution to the peace accord between the central government and the Freedom Movement of Aceh that ended a 30-year armed conflict in the region of northern Sumatra in 2005. Both print and broadcast media publicized, among others, an interview with the military commander of the Freedom Movement which could never be done under President Soeharto's New Order. The open flow of information from the rebellious people must have created awareness and understanding of their aspirations among the central government's leaders.

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