

World Press Freedom Day 2010

Freedom of Information: The Right to Know – Transparency, Accountability and the Fight against Corruption: Freedom of Information Laws and Beyond

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Media in Indonesia:

No single day without news on corruption

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I am glad that Indonesia is not listed among the twelve countries in the 2010 Impunity Index released by the Committee to Protect Journalists in New York last month. These are the countries where journalists are regularly killed and governments fail to investigate the crimes and seek out perpetrators.²

There have been only about half dozen of journalists being killed during peace time in Indonesia in the last one and half decades. Some media observers are even in doubt whether there were all professional journalists and whether they were all killed in relation to journalistic works.

Still, the non-governmental organizations—including the Press Council, the Legal Aid Institute for the Press, the Indonesian Journalists Association, and the Alliance of Independent Journalists—have tirelessly demanded law enforcers to uncover the killing of the journalists in order to end the impunity of the perpetrators of the crimes.

Most of the news reports of the murdered journalists were related to corruption of local government officials and illegal logging. Most of the killings ironically occurred during the Reform era—which supports free press and expression—after the fall of the New Order government under President Soeharto in May 1998.

Only one of the six journalists whose perpetrators of the murder were tried in court and convicted. Following are the six journalists who were killed between 1996 and 2010:

¹ Media observer, columnist, lecturer in journalism and press ethics, former chairman of the independent Indonesian Press Council.

² *IFEX Communiqué*, 21 April 2010, “CPJ releases its 2010 impunity index: Iraq and Somalia are at the top of the list.” The 12 countries: Iraq, Somalia, Philippines, Sri Lanka, Colombia, Afghanistan, Nepal, Russia, Mexico, Pakistan, Bangladesh and India.

- **1996: Fuad Muhammad Syafruddin (Udin)**, reporter of the daily *Bernas* (*Berita Nasional, National News*), a mainstream newspaper in Yogyakarta, Java. Killed in Bantul, a regency of Yogyakarta.
- **2005: Elyuddin Telaumbanua**, correspondent on the Island of Nias, west of Sumatra, of the daily *Berita Sore* (*Evening News*) publishing in Medan, North Sumatra. Missing in Nias since 29 August 2005.
- **2006: Herliyanto**, stringer in Probolinggo, East Java, of the daily *Delta Pos*, publishing in Sidoarjo, also in East Java. Killed in Probolinggo on 29 April 2006.
- **2009: AA Gde Bagus Narendra Prabangsa**, reporter of the daily *Radar Bali* in Denpasar. Killed in Denpasar, Bali, on 16 February 2009. The perpetrators of the murder were convicted in 2010, a few weeks ago. The initiator of the killing is a close relative of a local government official.
- **2010: Marlon Mra Mra**, cameraman of the television station Mandiri Papua TV in Jayapura, Papua. He was killed on board of a ship traveling from Manokwari to Jayapura, both cities in Papua, on 11 February 2010. The murder may not be related to his works as journalist, according to media reports.
- **2010: a journalist in South Kalimantan**. The murder may not be related to his journalistic reports on illegal logging and mining, according to ongoing verbal information.

Public and judicial harassments

News-related conflicts between the public and the press during the Reform era in Indonesia have been dominated by public and judicial harassments. They include destruction of property and closing down of the media by non-state actors and law suits by both state and non-state actors.

Since 1999, when a new press law removed the restrictions that hobbled the media under the long rule of President Soeharto, the Indonesian media has been free to investigate and publish about any subject it sees fit. Newspapers, radio and television stations have proliferated ever since, and content has become more lively and more pointed in the atmosphere of free market communication.

Nevertheless, though the Indonesian media is now unfettered, it is also unprotected.

It seems that lifting restrictions on the Indonesian media—by introducing the more protective Press Law a decade ago—has not solved all the problems. There are enemies out there: people who are targets of investigative journalism, offended government officials and businessmen and disappointed social and political leaders. In Europe, Japan, Australia, or the United States of America these disgruntled groups must mount their own counter-publicity efforts, but in Indonesia they sue for defamation, seek penalties under the criminal code and the civil code, or take direct action.

While the Press Law is liberal, both the one-century old Criminal Code and the only two-year old Information and Electronic Transaction Law criminalize expression and opinion. And a new draft Criminal Code even contains many more restrictive and repressive articles.

The newly produced Freedom of Public Information Law enacted last week, two years after the parliament passed it, will motivate transparency in government

operation that could increase corruption detection. But the law could also criminalize journalistic works or anyone. An article of the law stipulates that institutions or persons using information in “an unlawful manner” would face one year in prison and or a maximum fine of Rp5 million (approximately US\$500).

The following are some examples of law suits against journalistic works, opinion and expression:

- In Denpasar, Bali, in June 2005, a law student was sentenced to six months in prison by the Denpasar District Court for “insulting” President Susilo Bambang Yudhoyono by burning his picture at a demonstration protesting the government’s plan to raise fuel prices.
- In Jakarta in May 2005, a student demonstrator was sentenced to six months in prison by the South Jakarta District Court for shouting that the president is a “dog” and a “pig.”
- Students and other youth protesters were sentenced by various district courts to between five months and three years in 2005 and 2003 for “slandering” the president.
- An Acehnese woman political activist, Cut Nurasyikin, was sentenced in 2003 to eleven years in prison for “treason” for, among other things, taking part in a campaign for a referendum in Aceh. (It was happening before the central government settled the 30-year armed conflict with the rebellious Freedom Movement of Aceh).
- An Indonesian journalist (Ardimas Sasdi of *The Jakarta Post*) listed, in May 2005, about 30 libel prosecutions and civil actions against the media over the past five years, some of which involved whopping claims for damages. Those convicted and sentenced to imprisonment in district courts for libel include two journalists from *Koridor*, a weekly newspaper in Lampung, southern Sumatra, the editor-in-chief of *Tempo* weekly newsmagazine in Jakarta and two executive editors of *Rakyat Merdeka* [*Free People*], a Jakarta-based daily.
- Last year, an e-mail writer from Tangerang, west of Jakarta, and a writer of “letter to the editor” of Jakarta newspapers (printed in the dailies of *Kompas*, *Warta Kota* [*City News*] and *Suara Pembaruan* [*Voice of Reform*]) were sued in court for expressing complaints about, respectively, bad service of a hospital and unclear business transaction.

Direct action

Some journalists fear that the threat of direct action by the public is even worse than the harassment of prosecutions.

Some people are of the view that that action is a more effective response to the press than using the universally accepted right of reply. They seem to prefer using pressures and physical forces instead of intellectual arguments in solving their “conflicts” with the media.

- Rusdi Amral, bureau chief for the national daily *Kompas* in Makassar, South Sulawesi, faced six truckloads of protesters in 1999 who demanded that their movement for an independent Sulawesi be covered prominently in that

newspaper. (The protestors were supporters of the then-President Habibie, who had just lost his bid for reelection).

“What has become a worry for us is the threat from the people,” Amral was quoted as saying. “Each time demonstrators approached his office, the police did not intervene. He and his staff had to face their critics alone,” wrote Jose Manual Tesoro, *Asiaweek* journalist based in Jakarta, in a website article (“Indonesia learning the ropes of press freedom”).

- In one incident in Solo, Central Java, the mob demanded one private radio station, Rasitania FM, to go off the air for one week. The station complied.
- In another happening, in Jakarta, they demanded and got cash compensation from the daily *Harian Terbit (Rising Daily)*.
- In another incident, in Padang, West Sumatra, demonstrators damaged the office and destroyed equipment of a weekly news media, *Bijak (Wise)*.
- In June 2005 the management of the largest newspaper in Central Sulawesi, *Radar Sulteng (Radar of Southeast Sulawesi)*, bowed to pressure following protests over an opinion article and did not publish the daily for three days. The article, entitled “Islam, a failed religion,” was deemed as “insulting to Islam” by the police after an investigation.
- In March 2008 the employees of the Sanitation Office of Jayapura, the provincial capital city of Papua, dumped five trucks of thrashes in front of the office of the *Papua Pos* daily as a protest to the publication of an interview with the chairman of the local parliament who criticized the works of this office.³ The mayor of Jayapura later ordered the Sanitation Office to take back the smelly rubbish, but denied that he had asked for apology from the newspaper.⁴

High rating for news coverage on corruption

Notwithstanding the judicial harassments and public threats that the press in Indonesia has to handle in maintaining its freedom and independence to gather and publicize information and critical views, all mainstream media—print, broadcast and online—have to cover and report corruption and its perpetrators every day.

News coverage on corruption receives high rating from media audience, according to Agus Sudiby, a member of the Press Council.⁵

Practically no single day without news about cases of corruption in both national and regional media in the last few years. Let’s take, for example, the press reports appearing in a one week list of daily newspaper editions between the 19th and the 25th of April 2010:

- April 19, Monday: “Eradicate court mafia” – one-page campaign advertisement from a law firm in Cikarang, east of Jakarta, calling to end the activities of “legal case brokers” in Indonesian courts throughout the country.
- April 20, Tuesday: “The Supreme Court orders the chief of the Lower Court in Tangerang, west of Jakarta, to temporarily cancel his function as a judge

³ ROW, ‘Dinas PU Buang Sampah di Kantor “Papua Pos”’ *Kompas*, 9 March 2008, p. 3; ROW, ‘Wali Kota Jayapura Bantah Minta Maaf kepada “Papua Pos”’, *Kompas*, 12 March 2008, p. 24.

⁴ *Ibid.*

⁵ Telephone conversation with the author of this paper on April 26, 2010.

following his decision to free an alleged corrupt tax official. The judge admitted that he had received Rp50 million (approximately US\$5,000) from the defendant.”

- April 21, Wednesday: “The Commission of Corruption Eradication to investigate the involvement of the North Sumatra governor in budget corruption in his former post as the chief of Langkat Regency in the province a few years back.”
- April 22, Thursday: “Eight provinces are the most corrupt in the country; seven governors and former governors were involved in corruption. The Attorney General’s Office investigates a state prosecutor’s palace (luxurious house) in Medan, the provincial capital city of North Sumatra; the prosecutor is demoted from his post in the State Prosecutor’s Office of Central Java Province after being found guilty of not conducting a proper examination of a corruption case.”
- April 23, Friday: “Environmental activists appealed to the President to be more repressive in the eradication of forest mafia by revoking the license of companies that have damaged environment and abused human rights. The Supreme Court makes the punishment heavier for a former governor of South Sumatra who was involved in corruption of a forest project converting forestry land into harbor.”
- April 24, Saturday: “The Corruption Court sentenced a former health minister to two years and three months in prison for graft involving Health Ministry procurement projects from 2003 to 2004.”
- April 25, Sunday: “The state-sanctioned Task Force of the Anti-Mafia of Legal Case Brokers is studying a letter of order to suspend the investigation of 14 cases involving forestry crimes in Riau Province. The suspicious suspension of the investigation by 12 government officials was reported to the Task Force by local NGOs in the province.”

The media certainly have no power to pass judgment to a case of corruption. However, its news reports and editorials could become a strong impetus to the eradication of corruption by law enforcers.

The observation of Agus Sudibyo from the Press Council, that media audience has given a high rating to press reports on corruption, is an indication of an increased appreciation of the public to the sharing of information and views by the press.

It is believed that civil society and the media are crucial to creating and maintaining an atmosphere in public life that discourages fraud and corruption. Indeed, they are arguably the two most important factors in eliminating systemic corruption in public institutions.⁶

I hope that in the not-too-far future the persevering press could pull down Indonesia from the notorious place as one of the most corrupt countries in the world.

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⁶ PREM, September 1997, “Helping Countries Combat Corruption: The Role of the World Bank”, in Rick Stapenhurst, “The Media’s Role in Curbing Corruption”, World Bank Institute, 2000.