

FREEDOM OF THE PRESS

Indonesia

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Indonesia's media environment continues to be among the most vibrant and open in the region, and experienced some overall improvement in 2011. Constitutional and legal provisions allow for freedom of speech and freedom of the press. However, both the government and private actors sometimes use their power to obstruct these rights. Defamation is a criminal offense covered by more than 40 provisions of the country's criminal code. The independent Press Council, created by the 1999 Press Law, is supposed to adjudicate all media disputes (according to a 2005 Supreme Court ruling), but authorities continue to undermine the council's mandate by bringing defamation charges to the courts. Perhaps the most egregious example of this was a May 2011 ruling by the South Jakarta District Court awarding Tommy Suharto, the youngest son of former Indonesian president Suharto, damages worth 12.5 billion rupiah (\$1.46 million) for a magazine article that described him as a convicted murderer, in reference to his 2002 conviction for ordering the murder of a Supreme Court judge. The ruling stated that the article had "damaged the plaintiff's credibility as a local and international businessman."

As has been the case in recent years, in 2011 Indonesia's courts issued a series of rulings in the areas of press freedom and freedom of expression that seemed to contradict one another in both direction and spirit. In June, the Supreme Court overturned its earlier decision and accepted the appeal of *Playboy Indonesia* editor Erwin Arnada, who had served eight months of a two-year sentence for public indecency. He was jailed as a result of pressure from Front Pembela Islam (Front of Islamic Defenders), which had objected to the magazine's publishing of photos of a bikini-clad model. On the other hand, the Constitutional Court's April decision to uphold a law prohibiting blasphemy (Article 156a of the criminal code) had negative implications for press workers, as did the judges' apparent endorsement of the government's argument that the prohibition of blasphemy was vital to protecting religious harmony. In early 2011, the government of East Java banned the Ahmadiyya, a heterodox Islamic sect with approximately 400,000 Indonesian followers, from using any form of media to spread their beliefs, and from displaying the name Ahmadiyya in public and in mosques. The decree received the backing of the Indonesian Council of Ulema (MUI), as well as the minister of justice and human rights, who said that Ahmadiis had stirred up conflicts throughout the country.

The 2008 Law on Public Information Transparency provides for the right to freedom of information. It went into effect in April 2010, but many flaws remained in terms of implementation. The State Intelligence Bill, which was passed in October 2011, was seen as posing a serious threat to civil liberties as well as to journalistic freedom. Article 32, which authorizes intelligence organizations to intercept communications without prior court approval, raised concerns about privacy. Article 26 prohibits individuals or legal entities from revealing or communicating state secrets, with penalties of up to 10 years in prison and fees exceeding 100 million rupiah (\$11,000). This article is open to misinterpretation and abuse by state officials because state secrets are not clearly defined and can easily conflict with the 2008 Law on Public Information Transparency. The Alliance of Independent Journalists raised concerns that the

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

49

LEGAL ENVIRONMENT

16

POLITICAL ENVIRONMENT

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ECONOMIC ENVIRONMENT

15

law might be used to rein in journalists and organizations that seek to disseminate information to the wider public, but there was no evidence of this in 2011.

Print media are regulated through the Press Council, while broadcast media must be licensed, a process handled by the Ministry of Communication and Information Technology and by the Indonesian Broadcasting Commission (Komisi Penyiaran Indonesia or KPI). Both of these bodies appear to operate independently for the most part. However, under the 2002 Broadcast Act, local stations are prohibited from disseminating foreign broadcasts, and foreign ownership of broadcast media is banned. Since its creation, the law has drawn criticism for its limits on content and severe penalties for offenses, and the government has occasionally used the law to limit broadcasting. In September 2011, a court in the city of Batam sentenced Gatot Machali, the manager of Radio Era Baru, to six months in prison and forcibly shut down the station. Radio Era Baru was a Chinese-language station affiliated with the Falun Gong spiritual movement that frequently reports on human rights abuses in China. Machali was convicted of broadcasting without permission and disrupting neighboring frequencies. The government had refused to issue a license to the station since 2007, and confiscated the station's transmitter in March 2010. Reporters Without Borders has suggested that the conviction is the result of pressure from the Chinese government.

Journalists remain subject to attacks and physical harassment from both the authorities and nonstate actors. There were no murders of journalists or media workers in 2011, but the Alliance of Independent Journalists (AJI) reported that violence against the press in Indonesia increased in 2011. A bomb package delivered to Liberal Islam Network activist Ulil Abshar Abdalla in March at the office of the Utan Kayu Community, which also houses the offices of the 68H Radio News Agency and the Institute for Studies on Free Flow of Information (ISAI), underscored the danger to those who offered critical or liberal perspectives on Islam and religious diversity. Other incidents of violence included the stabbing of *vivanews.com* and *Jakarta Globe* correspondent Banjir Ambarita in Papua. Though there was no clear motive for the attack, the *Jakarta Post* quoted sources as saying that it might have been connected to a sex scandal involving several police officers in Jayapura that had been reported on by Banjir. The office of the daily newspaper the *Orbit* in Medan, North Sumatra, was attacked in May, reportedly by 18 employees of a company named by the newspaper as sponsoring gambling. Three reporters were injured. Additionally, in July, TempoTV journalist Syarifah Nur Aida was assaulted while reporting on a land conflict involving local communities in Bogor. The attackers, who were not identified, took away the reporter's camera memory card. Impunity for past attacks is common. For example, three men charged with the 2010 murder of TV journalist Ridwan Salamun were acquitted in March by the district court of Tual, in the province of Maluku. Some Indonesian media outlets practice self-censorship in fear of irking the government and other influential groups and organizations. In the province of West Papua, few foreign journalists can enter without being closely monitored by authorities.

In general, the Indonesian press system remains one of the most open and vibrant in Southeast Asia, and the public can access a variety of news sources and perspectives provided by a significant number of private print and broadcast media outlets. Television is the most popular medium, and the sector is competitive, with 10 national commercial networks in addition to the state-owned Televisi Republik Indonesia. However, there is ongoing concern about the ability of political parties, large corporations, and powerful individuals to control press content, either indirectly through the threat of lawsuits or directly through ownership. A December *Jakarta Post* story noted the "frenzy of match-making between politicians and media owners," and highlighted the questions of independence in the newsroom in this new media landscape. As Indonesians began to prepare for the 2014 presidential election, wealthy politicians bought media properties and consolidated press empires. Although many Indonesians remained hopeful that these media moguls would continue to balance one another out, there were nagging concerns about what would happen if competing political interests formed alliances and created monopolies with the potential to limit media independence in ways that had not been seen

since the Suharto years. A study conducted by the nonprofit groups Hivos Southeast Asia and the Center for Innovation, Policy and Governance from July 2011 to December 2011 found that of the 12 most prominent media companies, nearly all had ties to political parties in some respect. For instance, Visi Media Asia, which has two television stations, TV One and ANTV, is owned by Aburizal Bakrie, a powerful business magnate and chairman of the influential Golkar Party.

Advertising remains a robust source of income for newspapers and television companies, and the shift to online news sources has been slow. Working conditions for Indonesian journalists remained poor. According to AJI, media companies do not pay competitive salaries to their journalists, which can cause some journalists to support themselves by working as account executives or requesting fees from their sources.

In 2011, the internet was accessed by 18 percent of the population. There are no government restrictions on access, but the lack of high-speed infrastructure outside the major cities limits the internet's use as a news source. In addition, the internet appears to be even more vulnerable than traditional media to restrictions on content. According to the 2008 Electronic Transactions Law (ITE), individuals face up to six years in prison and heavy fines for online defamation, although no cases were reported in 2011. A series of draft laws and policies issued by the Ministry of Communication and Information Technology that had raised concerns in 2010 either faded away or lay dormant during 2011. These included a draft ministerial decree on multimedia content that would have allowed internet service providers to filter and block pornographic content, and a draft law on "telematics convergence" that would have required online media outlets to obtain licenses from the ministry. Social media sites such as YouTube, Twitter, and Facebook have become extremely prominent in Indonesia, and are generally accessed without interference. It has the fifth-highest number of Facebook users globally, and the third-highest number of Twitter accounts.

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