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Freedom Of The Press - Indonesia (2011)

Status: Partly Free
Legal Environment: 18
Political Environment: 20
Economic Environment: 15
Total Score: 53

Although Indonesia's media environment continues to be one of the most vibrant and open in the region, a number of new threats to press freedom emerged in 2010. These included increased acts of violence against journalists and a series of legal rulings that could be seen as encouraging extralegal attacks on those who question cherished cultural and religious beliefs, such as Islam, nationalism, and respect for authority. Draft legislation on issues such as multimedia content, state secrets, information technology, broadcasting, and electronic transactions suggested that many legislators were not fully cognizant of the meaning of Indonesia's constitutional press freedom guarantees or the specific protections for media workers enshrined in the 1999 Press Law.

As has been the case in recent years, Indonesia's courts issued a series of rulings in the areas of press freedom and freedom of expression in 2010 that seemed to contradict one another in both direction and spirit. The Constitutional Court found a law on book banning to be unconstitutional in October, just weeks after the Supreme Court upheld an earlier decision to jail Erwin Arnada, the editor of *Playboy Indonesia*, for public indecency. The Constitutional Court's April decision to uphold a law prohibiting blasphemy (Article 156a of the criminal code) also had profound 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. Activists from a coalition of Indonesian nongovernmental organizations opposed the ruling, contending that the blasphemy law had been used largely to defend Islam and to discriminate against religious minorities and other believers outside the mainstream of the six officially recognized faiths.

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. The June 28, 2010, edition of *Tempo* magazine, which contained a cover story that provocatively addressed the issue of police corruption, led the police to threaten the magazine with defamation charges under Articles 207 and 208 of the criminal code. Although the police soon agreed to mediation of the dispute by the Press Council, two unidentified men threw firebombs at the magazine's headquarters in early July.

A series of draft laws and policies issued by the Ministry of Communication and Information Technology raised additional concerns during the year. These included a draft ministerial decree on multimedia content, which would allow internet-

service providers to filter and block pornographic content; a draft law on "telematics convergence" that would require online media outlets and other entities involving information and communication technologies to obtain licenses from the ministry; and a revision of Law No. 11/2008 on Information and Electronic Transactions (ITE) that would retain the law's potential to be used to punish citizens for the expression of opinions via electronic and social media. In addition, according to the Southeast Asian Press Alliance, a draft law on state secrets prepared by the Ministry of Defense conflicted "substantially" with Law No. 14/2008 on Public Information Transparency. Finally, a draft revision of the criminal code, slated to replace laws that in many instances date back to the colonial period, still contained clauses on defamation. Although none of these draft laws were passed in 2010, each remained a priority for the 2011 legislative session. Significantly, in each of these cases, ministry officials demonstrated little understanding of the 1999 Press Law, which guarantees the freedom to seek, receive, and impart information.

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. 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. In October 2010, the Supreme Court temporarily restored broadcasting rights to Radio Era Baru, a Chinese-language station affiliated with the Falun Gong spiritual movement that frequently reports on human rights abuses in China. The government had refused to issue a license to the station since 2007 and confiscated the station's transmitter in March 2010; a final ruling on the dispute was still pending.

Journalists remain subject to attacks and physical harassment from both the authorities and nonstate actors. The Alliance of Independent Journalists (AJI) reported that violence against the press in Indonesia increased in 2010, with 47 cases, up from 37 in 2009. These included the August murder of Sun TV journalist Ridwan Salamun, who was killed while reporting on a riot in Tual, Maluku Province. While at least two other murders of journalists were reported, they were not immediately proven to be work related. In one case, Muhammad Syaifullah, the Borneo bureau chief for *Kompas* newspaper, who had reported extensively on illegal logging and problems related to coal mining in Balikpapan, East Kalimantan, was found dead under suspicious circumstances in July. Also that month, searchers found the body of reporter Ardiansyah Matra'is, who worked for local television broadcaster Merauke TV in Papua and had been threatened by soldiers over his coverage of illegal logging. In the days leading up to local elections, other journalists in Papua reportedly received threatening mobile-telephone text messages.

In another example of the type of violence against journalists that is common in Indonesia, Ahmadi, a reporter for *Harian Aceh* newspaper, was threatened and beaten by an army officer in June, presumably over a report about illegal logging. Many instances of violence against press workers occurred in conflict zones and other dangerous areas, leading the AJI to call for additional protection from both employers and the state, as well as increased efforts to

address impunity for such crimes. In December, the Palu office of the AJI was itself attacked by the Kaili Youth Front (FPK), an ethnic youth group in Central Sulawesi, following a news report on one of their leaders. According to the AJI, there were no arrests even though the suspects were "clearly identified" as members of the FPK. Foreign journalists were generally restricted from traveling to the restive provinces of Papua and West Papua, though the government did approve some requests.

In general, the Indonesian 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 large corporations and powerful individuals to control press content, either indirectly through the threat of lawsuits or directly through ownership. Advertising remains a robust source of income for newspapers and television companies, and the shift to online news sources has been slow.

In 2010, the internet was accessed by 9.1 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 ITE Law, individuals face up to six years in prison and heavy fines for online defamation, though no cases were reported in 2010.