LAPORAN TAHUNAN 2009

PERS
DI PUSARAN KRISIS DAN ANCAMAN



ALIANSI JURNALIS INDEPENDEN



PRESS IN THE MIDST OF CRISES AND THREATS

2009 ANNUAL REPORT

15 TAHUN

Potret Republik dalam Transisi Demokrasi

ALLIANCE OF INDEPENDENT JOURNALISTS

2009 Annual Report
Press in the Midst of Crises and Threats

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Publisher: **Alliance of Independent Journalists (AJI)** Indonesia, 2009
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Introduction

Each year Alliance of Independent Journalists (Aliansi Jurnalis Independen/AJI) releases a report on the current press situation in Indonesia. This annual publication is an endeavor taken by this organization to be a witness, to take note and moreover, to take a stance on Indonesia's press freedom - a freedom gained after a very long and painful struggle.

This 2009 is special as AJI celebrates its 15th anniversary. For those who put their signatures on Sinargalih Declaration August 7 1994, it is surely beyond their imagination to watch this organization to survive and grow to reach its place today. So what can we learn from 15 years of experience?

AJI was born as a form of resistance against dictatorship and highly restricted access to information. When *Detik, Tempo* and *Editor* were banned in 1994, a number of journalists established a forum to fight for press freedom and public access to information. Soon this organization faced a massive repression from the New Order regime.

Three members of this new organization were arrested, brought to court and put in prison. New Order administration also tightened its iron fists on the media which employed AJI members. Under pressure, this organization refused to succumb. Along with other pro-democracy movement, AJI continued to produce and channel alternative information through its guerrilla publication.

Once the tyranny was ousted, years of working underground have shaped AJI's character into an organization against any unlawful attempts to curb freedom of opinion or expression. Its members are resilient, professional and strongly committed to safeguard democracy.

The last decade of its 15-year of experience might be the most important period of time to focus on. Since 1999, a radical overhaul occurred in the Indonesian press regime. Once being under tight control, the press was now provided with the liberty for self regulation. Based on Press Law no 40/1999, the Press Council was established and run fully by the press community.

New regulation in the reform era guarantees two pivotal elements: protection to journalists and freedom to whoever wishes to publish the media. Responding to this opportunity, the industry was quickly revived and the first decade of the reform era witness how the number of media skyrocketed.

In 1997, no media operated without license. There were a meager 289 publications registered. When the New Order regime was toppled the following two years, the number of publications rose to 1,687. This unfortunately was followed by cut-throat competition leading to a grave natural selection. In 2001, the Press Council noted that what remained were a mere 566. Around a thousand publications perished.

As the economy improved in 2001, the media industry started to stabilize and newcomers entered the national press playing field which was used to be dominated by big corporations. In 2008, the number of print media grew into around 1,008 publications.

Radio and television also experienced similar progressions. In 1998, there were 850 radio

stations which developed into 2,425 requests for broadcasting license in the next couple of years. Even though the number of national stations remain relatively stagnant, television industry in the local level shows a significant progress. Television becomes one of the most effective media to reach 67 per cent population of Indonesia and 118 millions of its potential viewers

A more competitive climate came to the media landscape and it was here to stay. In the midst of global financial crisis which influeced Indonesia's economy as well , the media is facing quite a challenge. On the otherhand however, a new information communication technology-based media emerges to answer the call of the era. Cellular phones morphe into portable media to access information via internet. This massive cultural transformation opens door to a new generation of media consumer.

The technology may improve and the content may vary, but ironically the walls surrounding the public space to access information continue to press in and leaving the press to suffocate. Many strated to believe that the press as irresponsible and is losing its credibility. A valid opinion, considering the erratic performance of the press however it represents an unproportional overgeneralization. Press is and will always be an important element of democracy and a means for public scrutiny.

In this last decade, we witness how the press learned its lessons – many of them were difficult ones. Meanwhile potential threats lurk to curb the press such as State Secret draft act and Electronic Transaction and Information Law. These legal instruments were sprinkled with defamation boobytraps – a danger to the press in particular and the public's right to know in general. The press is not above the law however providing harsh criminal punishments to journalistic works would create a chilling effect on freedom of expression.

It should be taken into consideration that once again, Indonesia undertakes an important political transition after its 2009 General Election. New upcoming political actors are soon to emerge on the stage but one thing is certain – a new political culture settles in. Full implementation of "good governance" is still a long way to go but Indonesia can be proud as one of the most promising in South East Asia.

To nurture its advancement to democracy, Alliance of Independent Journalists continued to walk the pathway it took 15 years ago, to strive to protect Indonesia's freedom of the press and to safeguard its growth toward high-quality journalism.

Nezar Patria

Executive Director of AJI Indonesia office

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To survive in the eye of the storm

One of the results of reform the public most benefit from is press freedom. The historical moment begins as Soeharto resigned on May 21 1998. As new press policies follow, this announcement marks the historical milestones of Indonesian press freedom.

An important press regulation in the beginning of the reform area is on press publication. On June 5 1998, Press Publication Enterprise Permit (Peraturan Menteri Penerangan tentang Ketentuan-Ketentuan Surat Izin Usaha Penerbitan Pers/SIUPP) was revoked. As a replacement, the new regulation erases the clause of press ban.

In the past, SIUPP serves as an instrument for the State to control the press. SIUPP is not simply an administration procedure for this obligation to obtain a license is tied with requirements to obey all related rules and sanctions when they are violated. This piece of paper is the heart and soul of a publication and the State through Department of Information can take it whenever it wishes.

As a result, all players on media industry are cautious if not vigilant in running their business. Obtaining SIUPP itself is no child's play. It takes a close connection with the authority and their cronies to obtain it with a reasonable price and effort.

Important regulations issued throughout BJ Habibies administration are withdrawal of privileges previously handed to a number of organizations. At that time, the Government through Department of Information used to declare Indonesian Journalists Association (Persatuan Wartawan Indonesia/PWI), Association of Indonesian Newspaper Publishers (Serikat Penerbit Suratkabar/SPS), and Indonesian Press Printing Association (Serikat Grafika Pers/SGP) as the only organizations recognized by the Government. Later on, it was clear that the privilege was granted to accommodate the interest of the State and not the members of the organizations. Singular recognition makes State control easier.

As the privilege revoked and the regulations issued, more demands for legal guarantees for press reform are voiced by many. Law no 21/1982 is seen as an inadequate instrument to protect press freedom. This transition from New Order authoritarian regime toward a democratic political system gives birth to Law no 40/1999 on the Press.

A contrast to its predecessor, it is a compact 12-articles law which cut any Government intervention in the press. Unlike other laws, it has no clause which expand its scope further to"soon-to-be formulated State regulations"

This Press Law provides ample room for the press community to be self-regulated under the Press Council. Through this independent body, the press community is responsible to regulate themselves, particularly to enforce their code of ethics. With no State intervention, the enforcement becomes a voluntary effort. The next years throughout the transition period witnesses a growing spirit of press freedom.

To grow toward the ideal actualization

a definite evidence which illustrate the before and after 1998 progress is the number of registered publications. In 1997, there were a meager 289 registered

SIUPP of 79 daily newspapers of 5 million exemplars, 88 weekly newspapers of 5 million exemplars and 114 magazines with 4.3 million exemplars – a 14, 4 million exemplars in total.

Compared to Indonesian population of approximately 206 million at that time, the number reflects a far from ideal situation. Based on UNESCO standard, a print media is ideally read by 10 people. In other words, newspaper coverage should reach at least 10 percent of its populations. In a more developed countries, newspaper reaches a number beyond the total population.

In 1999, the number of publication skyrocketed to 1,687. A 600 percent raise is unfortunately not followed by expanding reach. In 1999, the coverage of newspapers, magazines, tabloids and bulletins still circled around 15.8 exemplars, or a mere 1.4 million increase from the situation in the last two years.

Regardless of a booming growth, print media industry is infected by the virus of"high in enthusiasm, low in resources." Many is lacking in sufficient capital and managerial capabilities. As predicted, the number of media drops drastically in the next two years. In 1999, there are 1,687 publications registered in Ikatan Persuratkabaran dan Penerbit Nasional (IPPN). In the next two years, the Press Council documents only 566 publications. More than 1,000 publications are perished!

There is no known cause for this massive"natural selection." However, it proves that the mechanism of the market effectively control the life and death of media, more that New Order-styled press ban. This shrinkage that market is not a friendly force for the media run by unprofessional gung-ho people.

After 2001, the publication reaches a relatively stable growth. Less drastic fluctuation occurs between 1999 and 2001. After the 2001 major market correction, print media industries witness the emergence of new players among the domination of big corporations. In 2008, there are 1,008 print media available in the market.

Table 1. The Growth of Print Media in 2006-2009

Media	2006	2007	2008
Daily Newspaper	251	269	290
Weekly Newspaper	235	247	224
Tabloid	142	167	173
Magazine	258	297	318
Bulletin	3	3	3
Total	889	983	1008

SOURCE: SERIKAT PENERBIT SURATKABAR (SPS), 2008

The last three years shows a growth in the area of publication in terms of number at least. Daily newspapers lead in the level of quantity growth, followed by magazine. Tabloid on the other hand shows a decline in number.

The 2006 Serikat Penerbit Suratkabar (SPS) report maps Indonesian media ownership. Among 19 print media business groups, cut-throat competition is found only between the biggest two: Kompas Gramedia Group and Jawa Post News Network. Unlike television industry which welcomes more and more newcomers since the year 2000, the print media industry is still dominated by old players. The media ownership landscape shows no significant changes up until the next two years.

Coverage-wise, the increase is also unsignificant. The 2008 print media coverage is only 19,084. It means that in 9 years, the coverage of print media grows for only 4 million exemplars, or around 400 thousand exemplars per year.

Table 2. The Growth of Print Media Coverage in 2006-2008

Media	2006	2007	2008
Daily Newspaper	6.058.486	7.217.600	7.490.252
Weekly Newspaper	1.081.953	1.353.953	1.039.853
Tabloid	4.732.055	4.782.555	4.621.055
Magazine	5.525.857	5.735.857	5.925.857
Bulletin	7.809	7.809	7.809
Total	17.406.160	19.097.774	19.084.826

SOURCE: SERIKAT PENERBIT SURATKABAR (SPS), 2008

Compared to a more than 230 million population of Indonesia, this 19 million coverage is trivial, especially with its unequal distribution. According to Serikat Penerbit Suratkabar (SPS), around 71% of the total number of print media circulates in Jakarta and only 29% of them are distributed outside the capital city.

Meager print media coverage, according to Amir Effendi Siregar, reflects a lack of reading interest. This is closely related to the current portrait of Indonesia's economy. Unlike free-of-charge TV and radio, print media required a certain economic power for access. Based on the 2005-2006 Badan Pusat Statistik, the numbers of employed high school graduate professionals are merely 23 millions.

Press industry is like a dormant pool with more and more fish in it. The growth of print media requires a massive national campaign on media literacy. Without it, a newcomer – be it a daily or weekly newspaper or tabloid – is a wolf to others.

Unlike print media, radio stations continue to grow in the last 10 years. In 1998, there are only 850 radio stations. After 10 years, Department of Communication and Information documents 2,425 requests for broadcasting license (Izin Penyelenggaraan Penyiaran/IPP) – 109 requests for public broadcasting companies, 1,707 for private and 351 for community ones.

Table 3. Private, Public and Community Broadcasting

	ISR/IPP ready	Requesting for ISR/IPP	Total
Public radio	RRI: 1 national, 57 regional, 1 abroad, 1 local public	38 local public	98
Private radio	1233 Radio Station (803 FM, 430 AM)	913	2146
Community radio	4	369	373
Total	1297	1320	2617

SOURCE: A PAPER FROM S. DJUARSA SENDJAJA, MAY 4 2009

Notes:
ISR: Izin Station Radio (License for Radio Station)
IPP: Izin Penyelenggaraan Penyiaran (License for Broadcasting Service)

Television also shows a substantial growth with more and more local televisions come into play since 1998. Half of national televisions emerge before the reform and between 2000 and 2001. The number shows that 67% of the population or approximately 118 million people (about 60 to 90 percent of the population have access to television) are potential television viewers. This number is a mammoth compared to print media penetration to merely 10 percent of the population.

With vast television coverage, the issue of television ownership deserves a more serious outlook. Moreover, according to the United Nations statistics on television coverage area, in Indonesian one television station can reach its 45 television owners as its potential viewers. Such wide scope of television ownership is beyond the level of tolerance allowed in the United States.

Table 4. Private, Public and Community Television Broadcasting

	ISR/IPP ready	Requesting for ISR/IPP	Total
Public TV	1 central TVRI, 13 regional	6 local public	20
Private TV	10 national TV, 35 local TV	121 local TV	166
Subscription TV	19 TV	31 digital TV	50
Community TV	1	18 community TV	19
Total	79	176	255

SOURCE: A PAPER FROM S. DJUARSA SENDJAJA, MAY 4 2009

Substantial TV penetration raises concerns of many, especially if TV ownership is concentrated on the hands of the few. Limited availability of frequency operating in public domain requires the strict control over the use of it. The United State practices show that one can own a television with coverage no more than 35% of the population with access to television. The main concern on concentrated television ownership is a threat to diversity of content, which are also a peril to pluralism and a danger to democracy.

Actually, Broadcasting Law no 32/2003 regulates the issue of television ownership. This law stipulates limitation to concentrated ownership and control of private broadcasting company on one person or one lawful organization. Government Regulation no 50/2005 on Private Broadcasting Company clarifies that one lawful organization can own a maximum of two private television broadcasting license located in two different provinces.

The law and the real practice show a different and conflicting picture. A classic problem of law enforcement in the country again shows that often a good regulation is not enough. It drives Indonesian Press and Broadcasting Society (Masyarakat Pers dan Penyiaran Indonesia/MPPI) to report PT Media Nusantara Citra Tbk Group to Commission of the Supervision of Business Competition (Komisi Pengawas Persaingan Usaha/KPPU). MPPI views that by obtaining control over 99% of RCTI, 99% of Global TV and 75% TPI shares, PT MNC violates the law.

House of Representatives (Dewan Perwakilan Rakyat/DPR) shares similar concern over the threat of concentrated ownership. In the beginning of 2008, Commission I of the DPR on broadcasting issue plans to establish a team to look into the alleged violation in the television industry in relation to infringements of Broadcasting Law on monopoly of ownership, abuse of ownership license and blocking time potentials. The company under scrutiny is PT Media Nusantara Citra Tbk. (MNC), Trans Corporation, dan Grup Bakrie. After awhile however, no news on either results or recommendation from DPR-established team.

General election the savior

Advertisement is an integral undismissable part of the media business – just like blood which flows into the heart of the media. Even though Indonesian press was born from the spirit and struggle of revolution, business calculation plays a major part in its survival. In the ideal world, idealism and business go hand in hand. In reality, marriage between these two is difficult to envisage.

Any type of media has the same interest toward advertisement, with varying level of dependency. Print media for example, is highly dependent to advertisement because securing profit from sales is a difficult endeavor because production cost is substantially higher than its selling price.

In 2008, print media faces an even bigger stumbling block as the price of paper heavily fluctuates. M. Ridlo Eisy from SPS explains that the rise of paper price in the middle of last year serves as the toughest challenge for the newspaper. In July-September 2008, the prices of paper in the island of Java reach Rp 8,950 per kilogram. Three months before, it was Rp 7,800 per kilogram. It means within three months, the price of paper increases for more than 10 percent. Paper is a major component of newspaper production cost representing over 40 percent of it. As predicted, this put an even extra pressure to the production.

A 40-page newspapers for example needs Rp 1,987 for paper cost only. If the paper is sold to the market on the price of Rp 1,000, it means that the newspaper is already Rp. 987 short. There are other costs to be considered, ranging from printing, reporting to other expenses. In other words, it is difficult for the media industry to secure profit by relying on their selling price. Advertisement becomes an oasis in the desert.

In the normal economy and healthy market, an increase of production cost is automatically followed by an increase of price. When the purchasing power is low, it is not a wise choice. Gasoline price hike on May 27 2008 leads to 2,1% percent inflation and inflates the number of poor people from 41.7 to 4.5 millions.

Due to an increase of living cost, people reexamine their priorities including whether or not they should buy newspapers. A newspaper subscription becomes a luxury in the household of the many.

According to Nielsen Media Survey, print media readership tends to decline over the

years. Compared to last year, magazine readers are down 24 percent, tabloid is also down 12 percent as well as news papers for 4 percent. In the same period, internet users rise for 17 percent. The survey concludes that as the public become to busy to ready (72 percent), other turns to television for information (14 percent) while 11 per cent stops buying newspapers, magazines or newspapers due to the increase of price. This situation occurs in Indonesia and also all over the world.

United States also witnesses similar downward trend of print media readership. Robert Holland in his article *Who Will Read News Papers, Literacy and Interest Continue to Wane* (2004) argues that from 1990 to 2004, "the quality of readership" in America continue to decline. Distribution of daily newspapers drops 4 percent in the academic graduate circle (from 63 per cent to 59 per cent) while weekly newspapers in the same group is down 7 per cent from 76 per cent to 69 per cent.

Based on the abovementioned facts, Serikat Penerbit Suratkabar pushes for crossing out 10% Tax Rate on Luxury Goods (Pajak Pertambahan Nilai/PPn) and 1.5% Income Tax (Pajak Penghasilan/PPh) charged to paper. SPS also campaign the removal of paper tax by campaigning for "No Tax on Knowledge."

Tax cut or 0% tax on paper is not new. According to World Association of Newspaper, there are at least 8 countries charging 0% tax on paper – USA, Mexico, Brazil, Thailand, Lebanon, Finland, Ukraine and Moldova. Compared to Japan and India, Indonesian paper tax is considerably high: 10%. Japan charges 5% tax while India 4%. An even more progressive act for Indonesia to follow can be seen in France, Russia and Italy which subsidizes the print media.

Economic pressure due to gasoline price hike is worsening as Indonesia's 2008 economy is affected by global economic crisis triggered by the US financial crisis. Slow economy leads to more cuts from the advertisers.

In the end of 2008, the US financial crises not only shakes the economy of the super power country and force its Government to channel 700 trillions of fund to save the nation, but also affects international trade and stock exchanges. It is predicted that advertisement budget in 2009 would slow down. As the global economy slows down, Indonesia's economy also declines. As a result, a number of corporations might hold back their plan to place ads. There will be shrinkage in the number of advertiser.

If only Indonesia able to maintain economic stability, the growth of advertisement would show an upward trend. In 1999, Nielsen media shows that advertisement in mass media represents only Rp 4 billion. In 2008, the numbers of advertisements are 10 times more than the last 10 years. The amount of money on advertisement in 2008 rises to Rp 41 billion from Rp 35 billion in 2007. The last couple of years show that television reaps a major benefit from those advertisers, of 60 per cent average, followed by newspapers and magazine.

Table 5. Mass Media Advertising Budget 2005 - 2008

	2005	2006	2007	2008
Number of Ads	Rp 4,1 billion	Rp 30,021 billion	Rp 35,088 billion	Rp 41,7 billion
% (based on the media)	%	%	%	%
Newspaper	26 %	27 %	30 %	33 %
Magazine	5 %	4 %	4 %	4 %
TV	69 %	69 %	66 %	63 %

SOURCE: MEDIA DIRECTORY 2008, SPS AND INFO MEDIA

Indonesia is fortunate as the year 2008 witness the momentum toward general election. Even though the general election is in April 2009, all parties are warming up their political machine since the beginning of 2008. According to Nielsen Media, it plays a huge role on advertising budget of the mass media.

Just like in the 2004, general election is followed by a substantial fund channeled for advertising from political parties or the Government. In 2008, they become major advertisers. Compared to 2007, the number of political and government ads rise for 66%. As the biggest advertisers in 2008 are horoscope and party line ads, the runner-up position is held by government and political ads. In 2008, the general election saves the life of the press.

Table 6. Media Ads based on Category and Percentage, 2007-2008

Category	2007	2008	Percentage
Telco Services	2,771	4,377	58%
Government & Politics	1,327	2,208	66%
Corporate Ads & Social Services	1,315	1,666	27%
Motorcycles	1,459	1,654	13%
Hair Care	1,514	1,426	-6%
Clove Cigarettes	1,512	1,386	-8%
Party line & Horoscope	611	1,327	117%
Facial Care	1,135	1,122	-1%
Banking & Financial	1,033	1,109	7%
Media & Production House	1,011	1,068	6%
Laundry Products	886	920	4%

SOURCE: NIELSEN MEDIA, ADVERTISING SPENDING: WHO'S DOWN AND WHO'S UP IN 2008?

New media and the internet

An important development not to be overlooked is the rise of new media and the return of internet news portal. The first refers to the convergence among conventional media, the internet and cellular technology. Synergy between a number of old media and new technology accommodate the public's various need of information. As access to cellular phone widens, internet users via cellular phones grows and new market is ready to be tapped into.

A number of media is preparing for such synergy. The last couple of year witnesses how the popularity of the new media rises. As cellular phone dominates the market, online media offers news subscription ranging from text to audio and video. In the last couple of years, this type of service is not yet popular because it is still expensive. Now, the situation has changed.

In the last ten years the number of cellular phone users increase drastically. In 1996, cellular phone is only 563. In the next decade, the number multiplies 100 times. In the end of 2007, the number of cellular phone users reaches 72.7 million. It is predicted that it will continue to rise up to 100 million in 2011.

Table 7. The Development of Cellular Phone Users in Indonesia

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Subscriber (thousand)	563	916	1066	2155	3509	6394	11273	18494	30337	46910	54370
Percentage (%)	-	62,7	16,4	102,2	62,8	82,2	76,3	64,1	64	54,6	15,9

SOURCE: QUOTED FROM ASMONO WIKAN, IN MEDIA DIRECTORY 2008, SPS AND INFO MEDIA, 2008

Internet users are also showing a significantly different picture from 10 years ago. According to Association of Indonesian Internet Service Providers (Asosiasi Penyelenggara Jasa Internet Indonesia/APJII), there are 512 thousand of internet users in 1998, and 134 thousand of them access the Internet through subscription. In the next 10 year, in 2008, it is estimated that the internet user will rise up to 35 million or around 68 times more. The number of internet users which comprises more than the total print media coverage in 2008 represents a new market and a new hope for new media.

Table 8. The Development of the Number of Internet Subscribers & Users

Year	Subscriber	User
1998	134.000	512.000
1999	256.000	1.000.000
2000	400.000	1.900.000
2001	581.000	4.200.000
2002	667.002	4.500.000
2003	865.706	8.080.534
2004	1.087.428	11.226.143
2005	1.500.000	16.000.000
2006	1.700.000	20.000.000
2007	2.000.000	25.000.000

SOURCE: ASOSIASI PENYELENGGARA JASA INTERNET INDONESIA

It is important to consider that global trend also shows the same picture of advertising glancing on the internet. Compared to radio advertisements, internet ads show a more promising increase. With such stable rise, internet is considered as an alternative for media diversification. In the United States, a number of media even ends its print edition and move to online.

Table 9. Advertising Budget Based on the Media (in US$ million)

	2005	2006	2007	2008
Newspaper	118,803	123,547	124,880	128,410
Magazines	52,576	54,471	56,133	58,310
Television	151,143	161,714	169,903	182,370
Radio	34,160	35,191	36,305	37,542
Cinema	1,723	1,799	1,909	2,097
Outdoor	21,790	23,773	25,551	27,495
Internet	19,235	25,952	33,723	41,638
Total	399,431	426,447	448,403	477,863

SOURCE: GLOBAL ADVERTISING EXPENDITURE BY MEDIUM, ZENITHOPTIMEDIA

The upward trend also pushes a number of big media to improve its online version while complementing its print version with e-paper edition. Online media no longer provides text only but also info-graphic and audio video news. In other words, new media are coming to

stay. Business opportunity they represent is also very promising. In the next couple of year, it remains to be seen whether there is a pot of gold at the end or it is another internet bubble which soon bursts just like what happened in Indonesia in the beginning of 2000. ■

The Fate of press freedom in Indonesia

On February 16 2009, the body of *Radar Bali* daily journalist, Anak Agung Prabangsa, was found afloat on Bias Tugel beach, Padangbai village, Karangasem, Bali. The remain of this 45-year old man who worked for Jawa Pos corporate subsidiary was found around 09:40 local time by Perdana Nusantara Ship Captain.

In the last three years as a journalist murder case is unheard of, what happened to Anak Agung Prabangsa is a huge surprise. Prabangsa is the fifth journalist victims murdered in the line of duty in the last ten year. Previously, it was Herliyanto, a Probolinggo-based freelanced journalist for *Radar Surabaya* daily, who was found dead in the Klenang forest pathway, Tarokan village, Batuanyar, Probolinggo, East Java on May 29 2006.

Before these two, the list recorded the names of a journalist from *Bernas* Yogyakarta Fuad Muh, a senior RCTI journalist Ersa Siregar and *Berita Sore* daily journalist Elyudin Telambanua. On the last case of Elyudin, remain was not yet found.

Unlike the Philippines, Indonesia is not yet categorized as red-flag country by the international community. Since President Ferdinand Marcos administration in 2007, there were 70 Filipino journalists murdered – 33 cases in 2001 alone when Gloria Macapagal Arroyo gained the presidency of the country.[1] This statistics put the Philippines as the second most dangerous country for journalists after Iraq.

Still, no tolerance should be given to the cases of journalist murder here in Indonesia. These cases put Indonesia under scrutiny by the international community.

Fluctuating statistics of violence

Murder is categorized as one among nine forms of violence against the press according to the advocacy guidebook for freedom of the press and of expression. The other eighth comprises of imprisonment, assault, kidnapping, censorship, eviction, harassment, intimidation and legal suit.[2] Murder is on the top rank for its weightiness as this represents the gravest consequence of a journalist – losing his or her own life. No risk bears more gravity than murder.

From time to time, the number of cases of violence against journalists in Indonesia fluctuates. Upward trend was clear during the early years of the reform era as the frequency and the number of violence rose. Before reform, there were only 13 cases documented in 1996 and 43 cases in 1997. A contrasting picture is found in 1998 with 41 cases, 1999 with 74 cases, 2000 with 122 cases and 2001 with 95 cases.[3]

In 2004, the cases of violence against journalist plunged to 27 cases only. Afterward, the number starts to go up again. In 2005, there are 43 cases documented, 53 cases in 2006, 75 cases in 2007 and 59 cases in 2008. In 2008, Gorontalo becomes the city where most violence cases are found (11 cases)[4]. The most dangerous city for journalist status is shifted to Jakarta in 2007 with 17 cases.[5]

Table 9. Cases of Violence against Journalists in 2008

No	Category	Total
1	Intimidation	18
2	Eviction & Obstruction of Access	9
3	Censorship	3
4	Physical assault	21
5	Legal suit	6
6	Demonstration	1
7	Hostage	1
Total		59

Table 10. Perpetrator of Violence against Journalists in 2008

No	Perpetrator	Total
1	Candidate Supporters in local election	20
2	Unknown individual	1
3	Judge	3
4	Government personnel	11
5	Unknown individual	1
6	Military	8
7	NGO activists	2
8	Police officer	11
9	Personal	1
10	Gang member	1
Total		59

Table 11. Rank of Red-Flag Provinces in 2007-2008

	2007	2008
Rank 1	Jakarta (17 cases)	Gorontalo (11 cases)
Rank 2	East Java (14 cases)	Jakarta (9 cases)
Rank 3	West Java (10 cases)	East Java (6 cases)
Rank 4	Aceh (8 cases)	East Nusa Tenggara (5 cases)
Rank 5	North Sumatera (8 cases)	North Maluku (5 cases)

SOURCE: COMPILED FROM AJI INDONESIA ADVOCACY DIVISION

Four court charges

In 2008, there are at least six important legal suits against journalists and media corporations brought to court. First is the *Time* magazine versus Soeharto case. Second is the case of Asian Agri versus *Tempo* magazine. Third is the case of Riau Andalan Pulp and Paper against *Tempo Daily*. Fourth is Munarman against Tempo Daily. Fifth is a number of criminal charges against *Investigasi* tabloid. The last one is criminal and civil charges by Sisno Adiwinoto against journalist Upi Asmaradana.

Public and media attention toward those court cases vary. The case of US-based Time magazine is the most popular among these five, especially since it involved a powerful retired general who held control throughout the New Order era: Soeharto.

Soeharto versus Time Magazine. Soeharto filed charges against *Time* magazine for its report on May 24 1999 edition "*Suharto Inc., How Indonesia's Longtime Boss Built a Family Fortune*". This English-language magazine stated that the wealth harnessed by Soeharto and his family reach US$ 15 billions in their 564 corporations. A New Order power holder, Soeharto, brought *Time* to the court for defamation charges.

Both Central Jakarta State Court and Jakarta High Court declared that *Time* has work professionally according to journalistic code of ethics but still Soeharto legal representation

filed a cassation. In the cassation court on August 28 2007, the council of judges declared *Time* as guilty and charged it to a Rp 1 trillion fee sanction. On February 21 2008, *Time* filed a judicial review which led to its victory.

This *Time* case attracts the attention of international media and experts. Reporter Sans Frontiers (RSF) views this case in its special note in 2007 on Indonesia's press freedom and in 2008, Indonesia slides to a lower rank in the annual index issued by this organization.

Asian Agri versus Tempo Magazine. It begins with an article of an alleged tax fraud of Rp 1.3 trillion by PT Asian Agri Group of "A Tax Acrobat?" in *Tempo* magazine January 21 2007 edition with Sukanto Tanoto playing acrobat as cover illustration. Asian Agri viewed this article as defamatory and filed a suit demanding *Tempo* to be charged of Rp 500 million for material damage and Rp 5 billion for immaterial damage, and to publish public apology in 10 national media. On September 9 2008 court, the council of judges in Central Jakarta State Court declared *Tempo* as guilty and obliged it to pay Rp 50 million for compensation to PT Asian Agri Group and to publish public apology in *Kompas, Koran Tempo* and *Tempo Magazine* for three days in a row.

Riau Andalan Pulp & Paper versus Koran Tempo. Riau Andalan Pulp & Paper (RAPP) filed a legal suit against *Koran Tempo* for an article of "Minister Kaban versus Police on Heated Dispute" on July 6 2007 edition, "Police Targets Sukanto Tanoto" on July 12 2007 and "Illegal Logging in Riau, Five District Heads Involved" on July 13 2007. Its legal representatives viewed those articles as defamatory to RAPP and demanding for compensation for material and immaterial damages, public apology in a number of print media including *Koran Tempo* itself and numerous electronic media. On July 10 2008, South Jakarta State Court declared *Koran Tempo* as guilty.

Munarman versus Koran Tempo. Paramilitary Islam commander Munarman filed a civil suit of Rp 13 billion against Koran Tempo for the publication of his picture as chocking the members of National Alliance for Freedom of Religion and Belief (Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan) on June 1 2008 Monas incident. Munarman's legal representatives led by Syamsul Bahri Radjam filed the suit to South Jakarta State Court on August 13 2008 against PT Tempo Inti Media Harian, represented by Bambang Harymurti as CEO, S. Malela Mahargasari as Koran Tempo editor in chief and Wahid Institute Director Ahmad Suaidy.

Koran Tempo published a correction on June 4 2008 but still Munarman deemed it insufficient to rehabilitate his reputation. Munarman's legal representatives demanded the court to confiscate land, office building and other machineries owned by PT Tempo Inti Media Harian located in Jalan Palmerah Barat Nomor 8 and in Kebayoran Center Blok A11-A15 Jalan Kebayoran Baru, Mayestik, Jakarta.

Munarman's legal representatives also demanded the court to confiscate fixed asset and property owned by Malela and Ahmad as they see both as violating the law. They also want Koran Tempo to publish a public apology for 7 days in a row in 6 television stations of RCTI, SCTV, Indosiar, TV One, Metro TV and Trans TV and 5 national print media of Kompas, Seputar Indonesia, Suara Pembaruan, Jawa Pos, Jakarta Post, Media Indonesia, and Republika. Munarman's legal team also demanded for compensation of material damage totaling of Rp 1.239.400 for legal fees on both civil and criminal suits totaling to Rp 1.234.000, and fees to buy two exemplars of Koran Tempo June 3 2008 edition of Rp 5.400[6].

Governor Ismeth Abdullah versus Tabloid Investigasi. It starts with an article in Tabloid Investigasi on a number of corruptions and bribery allegations involving former head of Batam Free Trade Zone Ismeth Abdullah published on *Investigasi* tabloid on its 11th edition on August 11-30 2006. Viewing the article as defamatory, Ismet reported *Investigasi* editor in chief, Eddy Sumarsono, to the police and brought this case to the court. On January 17 2008

court, under the leadership of I Ketut Manika, the council of judges of South Jakarta State Court declared Sumarsono as not guilty[7].

Sisno Adiwinoto versus Upi Asmaradana. Head of Regional Police Office of West and South Sulawesi Sisno Adiwinoto reported Metro TV journalist Upi Asmaradana to the police. Upi was charged to violate article 317 part 1 and/or article 311 part 1 and/or article 160 of the Criminal Code on written defamation and/or libel. Upi was found guilty on December 12 2008.

Besides criminal charge, Sisno also sued Upi Asmaradana on civil charge[8]. In his charge, Sisno demanded Upi to compensate his material damage of Rp 25 million with Upi's house as collateral, and his immaterial damage of Rp 10 billion with Rp 100 per day as compliance fee. Sisno also demanded Upi Asmaradana to publish a public apology on a number of national and local newspapers for two consecutive days.

It starts as an anti press criminalization in Makassar August 1 2008 when, Upi as the coordinator of Coalition of Anti Press Criminalization Journalists protests a Sisno's statements in a number of informal forum viewed as detrimental to Makassar journalists because he encourages the public ill-treated by the press to opt for legal actions rather than undertaking mechanisms of Letter to the Editor and Right to Reply stipulated in Press Law. Upi along with other journalists in the Coalition protested and filed his statement to national human rights commission and national police headquarter in Jakarta.

AJI criticized Sisno's report and viewed it as unproportional. On public statement dated November 12 2008, AJI pushed Regional Police Office of West and South Sulawesi to revoke the decision to put Upi as the accused and advocate both parties to opt for dialog to settle their dispute rather than through legal procedures. AJI also pushed the Head of Indonesian Police Force Bambang Hendarso Danuri to investigate on the possibility of abuse of power by the Head Regional Police Office of West and South Sulawesi in the case of Upi. Besides advocacy and guidance, AJI also campaigns to support AJI, one of them is through demonstration in front of Police Headquarter in Jakarta on November 13 2008.

AJI also released alert to its international network such as through Southeast Asian Press Alliance (SEAPA) in Bangkok, Toronto-based International Freedom of Expression exchange (IFEX) and International Federation of Journalists (IFJ) in Brussel. Acts of solidarity for Upi also took place in Makassar and a number of regions[9].

The lurking danger of the new legislation

Similar to other countries in the world, Indonesia's constitution guarantees press freedom. The 1945 Constitution as the highest law, stipulates these guarantees on three articles.[10] A more specific guarantee on press freedom is regulated in Press Law no 40/1999.

However, Press Law does not provide detailed and sufficient regulations on legal protections available for journalists and their works. Article 8 of the Press Law only states briefly that, "In carrying out his or her journalistic works, journalist is protected by law."

Moreover, weak legal guarantees are worsen by weak law enforcement and inconsistent conducts of the legal apparatuses.

The toughest challenge in protecting freedom of the press and of expression is on defamation articles on Criminal Code. There are two journalists in prison due to these articles - Risang Bima Wijaya and Dahri Uhum Nasution[11].

Risang's case starts by articles published several times by *Radar Jogja*

daily on May 2002 on alleged sexual harassment by Sumadi Wonohito. As he viewed *Radar Jogja* to ruin his reputation, Sumadi who is the owner of local newspaper of *Kedaulatan Rakyat* reported him to the police. Judges on Sleman State Court on December 22 2004 released a verdict of nine-month imprisonment for Risang. Risang appealed but to no avail. His cassation to the Supreme Court also ended in similar fate. On December 9 2007, Risang was arrested by the police in Madura and sent to Yogyakarta to undergo his prison time for 6 months

Dahri Uhum has to face the court for his article on *Oposisi* tabloid on November 1999 on demonstration and dispute in North Sumatera Islamic University and on alleged Rp 119-million corruption by Matodang as its Rector ranging from the fee for *umroh* and housing purchase. Matodang reported him to the police and the court declared him as guilty with failed appeal and cassation to follow. On December 2004, the Supreme Court sanction him with one-year imprisonment. Three years after his article, on October 23 2007, Dahri was taken by the police to Tanjung GUsta Correctional Facility, Medan, North Sumatera.

Responding to numerous defamation charges against the media, Alliance of Independent Journalists (AJI) carried out a number of activities such as International Seminar on Defamation on "Freedom of Expression and the Media" by collaborating with Article XIX, on May 8-11 2008 in Yogyakarta attended by Members of the Parliament, advocates and freedom of expression activists. This seminar resulted in an action plan and campaign against press criminalization and defamation against press and media workers [12].

This is also followed by systematic efforts by a number of NGOs along with AJI joined by Alliance to Reform Criminal Code. After crime against the president and vice president in Article 265 and 266 revoked by Constitutional Court, there are at least nine crucial issues in the Criminal Code as follow:

1. Crime against State Security (Article 212, 213, 214, 221, 222, 229, 230 to 232.).
2. Crime against Friendly States (Article 271, 272, 273 to 274).
3. Crime against Public Order (Article 283,284,285,287,288,289, 291,292, 307, 308,342, 345 and 346).
4. Crime against Legal Procedure (Article 327 and 328).
5. Crime againt Public Authority (Article 407 and 408).
6. Crime against Decency (Article 470, 471, 472, 474, 476,483 and 484).
7. Slander (Article 531, 532, 534, 536, 537, 539, 540, 542 and 543.)
8. Crime of Publication and Printing (Article 739, 740 and 741).
9. Revoking the right to perform a profession (Article 91)

Based on the careful examination on the Criminal Code, AJI formulates a position paper as an organization which firmly states that the legacy of Indonesia's colonial past in the Code serves as obstruction to press freedom. AJI also formulates alternative Criminal Code draft to challenge the Government's draft because AJI deemed it as giving an even more restriction to freedom of expression and the press.

AJI also challenges the Government's plan to revise Press Law no 40/1999 – as it is included in the 2005-2009 National Legislation Program and still no clear progress in 2008. At the same time, an alleged draft of the Press Law is widely distributed. So far Minister of Communication and Information Mohammad Nuh denied the draft come from his office, there are strong indicators that it is. AJI carried out a legal analysis on Press Law and its

'draft'[13] for six months and it is resulted in alternative draft on the revision of the Press Law.

Besides the Criminal Code, other obstacles for press freedom are seven years of imprisonment in Copyrights Law no 12/1997 and five years of imprisonment in Broadcasting Law no 32/2002.[14]

In 2008, more obstacles are introduced through two new laws: Electronic Information and Transaction Law no 11/2008 enacted on March 25 2008 and Openness of Public Information Law no 14/2008 enacted on April 3 2008. After four months of enactment, Electronic Information and Transaction Law is used by Alvin Lie National Mandate Party against Narliswandi Piliang or Iwan Piliang on July 14 2008 because Alvin considered Iwan Piliang's writing distributed through mailing list on June 20 2008 as defamatory.[15] Iwan will not be the last victim of this law.[16] Realization on the danger of this law comes late.[17]

In regard of this matter, AJI along with other NGOs deems this law as contradictory to the spirit of democracy and files for a judicial review to the Constitutional Court. According to AJI's Executive Director Nezar Patria, the law indeed serves as a progressive measure to regulate electronic transaction and serve as legal basis for electronic trade in Indonesia, however journalists are threatened by six year of imprisonment on defamation. This is against the international trend to remove criminal sanction on defamation.[18]

Another is Openness to Public Information Law which undertook more than six years of legislation process in the House of Representatives. A long wait however ends up in a disappointment due to numerous critical notes on the law. One of them is one year of imprisonment for unlawful use of Public Information. Another is on Information Commission, categories of exempted information, official enforcement, unclear classification of State-Owned Enterprise (BUMN) as public institution and sanction for information abuse. This law bears almost no resemblance from the initial concept but freedom of expression activists has to settle with a compromised result between opposing interests between the government and the House of Representatives.[19]

AJI viewed that Law no 14/2008 is a breath of fresh air in democracy since it provides legal guarantees for the public to access public information previously classified as State secret. The weakness of Openness to Public Information Law requests public scrutiny as it presents one-year of imprisonment for accessing exempted information stipulated in Article 51 of this Law. This is inappropriate since sanction should only be directed to those who leak the information. [20]

The year 2008 also witnesses the enactment of Anti Porn law no 44/2008 – a controversial legislation highly potential to curb press freedom. Anti Porn Law poses chilling sanctions which can hamper press freedom while on the other hand offers an elusive definition on pornography.

Another regulation enacted in 2008 which poses threats to press freedom is General Election Law No 10/2008.[21] Article 99 of this Law returns the ghost of censorship body through sanctions such as temporary discontinuation on broadcasting program, cuts on duration and time allocated for news, fee, program freeze, revocation of broadcasting and printing license. According to AJI, such media control including media ban is a violation of press freedom.[22]

With all these threatening laws and cases of violence, the year of 2008 is viewed by AJI as a Vivere Pericoloso or the year of "living dangerously." In the 2008 end-of-year statement, AJI demands the government and the House of Representatives not to produce anymore laws which curb press freedom. "Press freedom is a right fully guaranteed by the 1945 Constitution, so no law shall restrict the basic right."

Press freedom index, quo vadis?

In the last 10 years, many changes are reported from Indonesia to the world. There are a number of high-quality legal decisions but some remains as a disappointment. This explains how Indonesia rises and drops in the press freedom index released by international organizations such as Reporter Sans Frontiers (RSF) and Freedom House.

In the index issued by Reporter Sans Frontiers, Indonesia once occupies quite a good position on number 57 out of 139 countries on the 2002 list. However, the following six years show a declining trend. Similar trend can be observed in US-based Freedom House which classified Indonesia as a yellow-labeled country (partly free) for three consecutive years since 2005.

Table 12. RSF rank on Press Freedom Index 2002-2005

Year	Rank	Number of Countries	Score	Range
2002	57	139	20	0,5 – 97,5
2003	110	166	34,25	0,5 – 99,5
2004	117	167	37,75	0,5 - 107
2005	102	167	26	0,5 - 109
2006	103	168	26	0,5 - 109
2007	100	169	30,5	0,75 – 114,75
2008	111	173	27	1,5 – 97

RSF views that Indonesia has press freedom but the current legal and policy development puts stains on a long-awaited freedom. Defamation cases against a number of journalists and the media, including US-based *Time* magazine charged Rp 1 trillion to Soeharto. Another case which leads to a decline in 2008 is the imprisonment of *Radar Jogja* editor in chief Risang Bima Wijaya and also former editor in chief of *Oposisi* Tabloid Dahri Uhum Nasution.

Besides defamation, RSF notes journalist murder in East Timor involving a number of Indonesian generals who led military operations in the former 27th province. *Balibo Five* case involving the murder of Australian journalists and observers in 1975 remains open. Instead, Indonesian government maintains its position by stating that the case is closed. [23]

Freedom House, with similar methodology, also gives similar assessment. Indonesia's score is 54 in both 2007 and 2008, and improves to 58 in the last two years. Still Indonesia remains as *partly free* zone and not yet rises to *free* zone. Just like RSF, Freedom House views that Indonesia's press freedom fluctuates with its internal affairs.

Table 13. Freedom House on Press Freedom in Indonesia 2005-2008[24]

Freedom Of The Press - Indonesia (2006)	Freedom Of The Press - Indonesia (2007)	Freedom Of The Press - Indonesia (2008)
Status: Partly Free Legal Environment: 21 Political Influences: 23 Economic Pressures: 14	Status: Partly Free Legal Environment: 17 Political Environment: 22 Economic Environment: 15	Status: Partly Free Legal Environment: 17 Political Environment: 22 Economic Environment: 15
Total Score: 58	Total Score: 54	Total Score: 54

In its review, Freedom House highlights cases of violence by highly influential politicians and businessmen. Just like RSF, Freedom House views legal guarantees as positive measures to protect press freedom in Indonesia. Another positive move is the revocation of Article 154 and 155 of the Criminal Code (on issues related to incitement of hatred) by the Constitutional Court on July 17 2007.[25] Such optimistic trend however is dragged down by numerous defamation cases.

While referring to *Time* magazine, Freedom House also quotes the charges against *Playboy* magazine editor in chief Erwin Arnada on decency clauses of the Criminal Code.[26] The situation is worsened with charges faced by *Koran Tempo* columnist, Bersihar Lubis.[27] Those charges are criticized as it "creates a chilling effect on democracy and human rights." [28] On February 20 2008 trial, Depok State Court sanctioned Bersihar with one month in prison.

Both RSF and Freedom House comply with clear methodology in its rankings. Freedom House classifies its assessment on three general issues - *legal environment*, *political environment* and *economic environment*.[29] With such clear parameter, the ups and downs of a certain country can be observed each year with high degree of confidence.

AJI views Indonesia's declining rank as a disappointment – especially after a decade entering the reform era. AJI requests the House of Representatives and the Government from creating new regulations to curb press freedom, encourages the public injured by the press to utilize their right to reply and to bring the cases to the Press Council. AJI endorses legal procedures as the last resort as dispute settlement mechanism.

AJI also campaigns the public not to obstruct journalists in carrying their work – particularly by using violence to hamper access to information. Violence against the press is a crime punishable by law but it is also damaging in the right of the public to access information. For AJI, [30] Indonesia's rank in press freedom index will not improve unless the number of cases decline as it degrades the quality of press freedom and democracy.

Survey: the press did maintain its credibility!

The high number of violence and legal suits against journalists, combined with low level of professionalism by the journalists and the media, create a pessimistic outlook to the future of the press. Many – such as government officials and Members of the Parliaments- view the press as irresponsible and launch a campaign to return to New Order styled regulation.

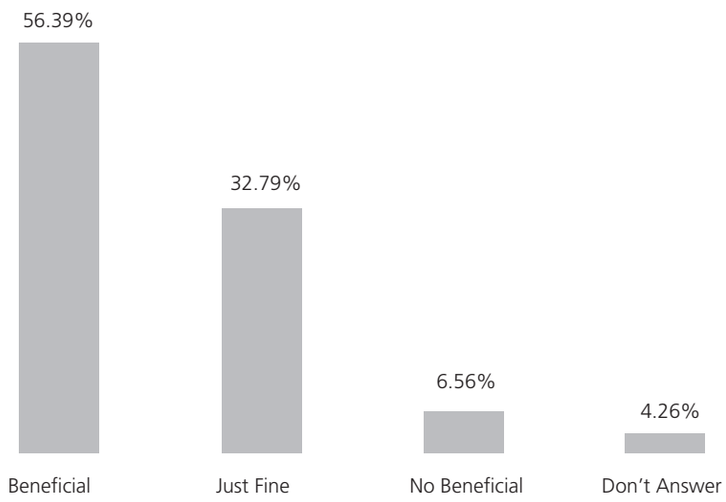
Indeed there are bogus journalists, inaccurate reports and failures to comply with the code of ethics by a number of the media, but it is not the general picture of the Indonesian press. Overgeneralization over the pessimistic parts leads to a wrong conclusion in understanding the press.

The Head of Press Council Ichlasul Amal once said that the negative facts are indeed indisputable, but using them as reasons to curb the media is non-proportional because free press also pushes for democracy in politics, the development of clean government and the acceleration of corruption

eradication. As a result, negative conducts committed by a few should be addressed by the media community as a whole as the common enemy.

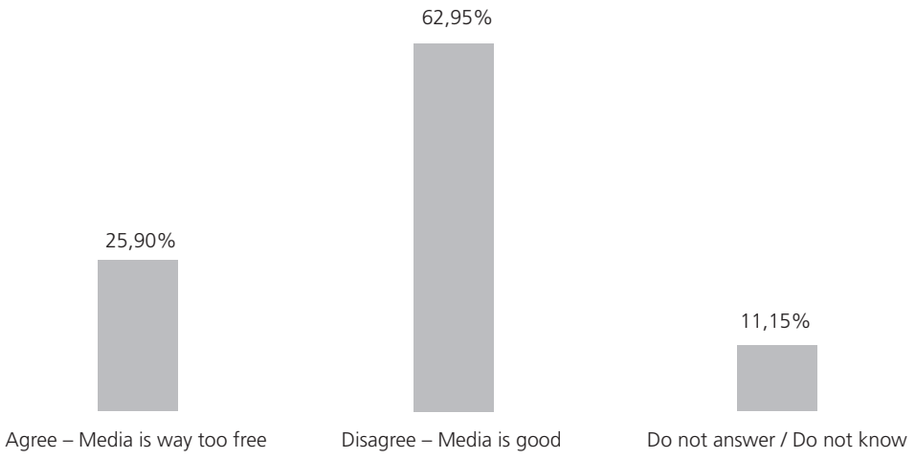
In the midst of pessimism, the public perception shows an encouraging view. Based on a result in the Press Council in 2008[31], more than 50 per cent of the respondents see Indonesian press as bringing benefits to the society and only 6 per cent say otherwise.

Table 14. Public Assessment on Media Beneit



Similar response is expressed by the public when assessing the current situation of free media. Asked whether the media is considered as "irresponsible", most of the respondents (63%) disagreed.

Table 15. Public Assessment on Press Freedom



The survey reveals a worrying high percentage of the public who are viewed that press dispute should be settled in court instead of using the mechanism stipulated in the Press Law no 40/1999. This, according to member of the

Press Council, ABG Satria Naradha[32], indicates the need for serious measures to raise awareness on dispute settlement mechanism. The Press Council, along with the media, has to work on this homework to introduce dispute settlement mechanism provided by the Press Law to the public which will not hamper liberty and democracy. ■

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1 Philippine Press Freedom Report 2007, Center for Media Freedom and Responsibility, 2007, p. 27.

2 Lukas Luwarso dan Samsuri, Pers Terhukum, SEAPA Jakarta, 2004, p. 10.

3 Lukas Luwarso, Solahuddin, Enrico Aditjondro, Tekanan terhadap Pers Indonesia 2001, SEAPA Jakarta, 2002. See Annual Report 2000-2001: Euforia, Konsentrasi Modal dan Tekanan Massa, AJI Indonesia, 2001.

4 Details on violence cases in 2008, see Annex.

5 Abdul Manan, Annual Report of AJI 2007: Dijamin, Tapi Tak Terlindungi, AJI Indonesia, 2008.

6 Koran Tempo finally won in this case as July 16 2009 court, South Jakarta State Court rejects Munawarman's legal because Koran Tempo has published a balanced report according to code of ethics and the press Law. This case starts from a picture with caption explaining that Munarman choked a member of Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan on Monas, June 1 2008. When the picture was published, Munarman challenged the caption because according to him, the man he chocked was a fellow member of his group and the reason was to stop him from performing violent acts. On June 4 2008, Koran Tempo issued a erratum. According to the judges, it clarifies the previous caption, was proportional and positioned on the same page as the disputed article. "Tempo also issues an apology even before Munarman demanded one," explained the judge. Tempo Interaktif, Koran Tempo has winning the Dispute with Munarman, July 16 2009.

7 The prosecutor filed a cassation to the Supreme Court and in the trial early this month, Supreme Court judges declared Eddy Sumarsono as guilty for a criminal act of "defamation to public authority when or because he performed his lawful duty ". See Suara Karya, MA Vonis Pemred Tabloid Investigasi 4 Bulan, February 6 2009.

8 Civil suit from Sisno Adiwinoto was filed March 23 2009 to Makassar State Court and Sisno demanded Upi to pay a compensation fee for material damage of Rp 25 million with Upi's house as collateral, and for immaterial damage for Rp 10 billion and Rp 100 compliance fee per day. Sisno demanded Upi Asmaradana to apologize for his report to the Press Council, to National Police Commission and to the House of Representatives for defamation published on Harian Kompas, Tribun Timur, Fajar dan Seputar Indonesia Sulawesi Selatan for 2 consecutive days.

9 Until the end of June, Upi was still on trial on Makassar State Court and on July 23 2009 trial, the prosecutor charged Upi with one year in prison. Sisno revoked his civil suit through his representatives from Makassar State Court on May 28 2009.

10 Article 28E (2) of the 1945 Constitution states, "Everybody is entitled for his or her freedom of belief, of expression of thoughts and stance according to his or her consciousness." Article 28E (3) states, "Everybody is entitled for freedom of association, assembly and expression of opinion." Article 28F states, "Everybody is entitled to communicate and to access information for his or her personal and social developments and to manage and disseminate it through available channels."

11 Besides these cases, there are two journalists are imprisoned. First is Rakyat Merdeka editor-in-chief Suparman. Second is Rakyat Merdeka editor-in-chief Karim Paputungan. Supratman was put to court because Rakyat Merdeka published articled deemed as defamatory to President Megawati –"Mega's Mouth Breaths Gasoline" (January 6 2003), "Bloodsucker Mega" (January 8 2003), "Mega: More Leathal than Sumanto" (January 30 2003), and "Mega – her class is of a Head of District" (February 4 2003). Karim Papulungan was punished for publishing articles on Head of the House of Representatives and Head of Golkar Party Akbar Tandjung. On January 8 2002 article, Rakyat Merdeka published an article of "Akbar is next, Golkar cries blood" along with a cartoon of Akbar Tandjung in sweat with no clothes. Karim Paputungan spent five months in prison with 10 months of parole on September 9 2003. Supratman spent six months in prison with 12 months of parole on October 27 2003.

12 Seminar results see Defamation in South East Asia, The Alliance of Independent Journalists (AJI), 2009.

13 Hukum Online, Revisi UU Pers, Hitung-Hitung Untung dan Rugi, February 19 2009.

14 In Copyright Law, anyone who unintentionally and unlawful to publish or duplicate a work or grant to do so can be put in prison. Broadcasting Law No 32/2002 stipulates that broadcasting materials which is defamatory, inaccurate and/or bogus, promoting violence, pornography, drug abuse, incitement of racial, ethnic and/or religious hatred or damaging international relationship will be punished by five year in prison and/or sanction fee maximum Rp 1 billion for radio and 10 billion for television.

15 In his email, Iwan wrote that PAN requested Rp 2 trillion to Adaro so the House of Representatives did not file its right for public query which would serve as a halt to Adaro's IPO. Alvin allegedly came to Adaro's office to meet with Teddy P Rahmat. According to his source, Alvin requested Rp 6 Trillion with Rp 1 billion for his personal gain. Persda Network, Difitnah Terima Suap Adaro Rp 1 Miliar, Alvin Lapor Polisi, July 14 2008.

16 The next victim is Prita Mulyasari against Omni International Hospital for writing an email expressing her disappointment over the hospital service, which led Prita to be jailed on May 13 2009 in Tangerang Women's Correctional Facility. On June 25 2009 trial, Tangerang State Court judges declared her as innocent.

17 Member of Press Council Bambang Harymurti said that, the Press Council was engaged in the early discussion. However, the Press Council and most of the civil society focus on electronic transaction issues and were unaware on defamation articles in it and oblivious when the articles were discussed in the House of Representatives. Defamation articles are on Article 27 and 28 which regulate the prohibition to distribute and/or transmit and/or enable access to electronic information and/or document which content is defamatory and/or degrading and to distribute information which incite individual and/or group religious, racial and ethnic hatred.

18 Elshinta Online, AJI Akan Ajukan Judicial Review Atas UU 11/2008, December 30 2008 downloaded dari http://www.elshinta.com/v2003a/readnews.htm?id=63427. Judicial review was annulled by Constitutional Court on its May 5 2009. Two parties filed judicial review against the law, Narliswandi Piliang alias Iwan Piliang and Edy Cahyono, Nenda Inasa Fadhilah, Amrie Hakim, Indonesian Legal Aid and Human Rights Association (Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia (PBHI)), The Alliance of Independent Journalists Indonesia (AJI), and Press Legal Aid (Lembaga Bantuan Hukum Pers/LBH Pers). They view Article 27 point (3) UU ITE as ambiguous and therefore create legal uncertainty. The article itself is "Anyone with or without the intention distribute and/or transmit and/or enable access to electronic information and/or document which content is defamatory and/or degrading." The judges see the article as not in conflict with democratic values, human rights and the principle of law and this law serves as affirmation to libel criminal charges in the Criminal Code.

19 Majalah Tempo, Mulus dengan Catatan, no 37/VII/07 edition April 13 2008.

20 The 2008 End of Year Statement, the Alliance of Independent Journalists (AJI), December 30 2008.

21 This article is revoked by the Constitutional Court on February 24 2009 trial after a judicial review on Legislative Election no 10/2008 particularly on monitoring and sanction to mass media on campaign ad because according to the Constitutional Court, if implemented, the article would create legal uncertainty, unfairness and contradiction to freedom of expression guaranteed by 1945 Constitution. See Republika, Sanksi Media pada UU Pileg Dibatalkan, February 24 2009.

22 Ibid.

23 Suara Karya Online, Menteri Pertahanan: TNI Tak Terlibat Kasus Balibo Five, November 17, 2007.

24 This information is downloaded from Freedom House website on http://www.freedomhouse.org/

25 The Constitution Court revoked Article 154 of the Criminal Code on incitement of hatred or defamation against the Government on its July 17 2007 trial. It also revoked Article 134, 136 bis, and 137 of the Criminal Code on defamation against the President on December 6 2006 trial.

26 Playboy editor in chief Erwin Arnada is freed. On April 5 2007, South Jakarta State Court refused the case as the prosecutor only use the Criminal Code and not Press Law no 40/1999.

27 This starts with his column on Koran Tempo, March 17 2007 "The Story of an Unintelligent Interrogator" criticizing the ban of junior high history book by the General Attorney Office. Bersihar links it with the ban of Pramoedya Ananta Toer's novels on 1981, Bumi Manusia and Anak Segala Bangsa, also by the General Attorney. The word "unintelligent" is quoted from a statement from Joesoef Isak, publisher of Pram's novels, on Indonesia's Literature Day in Paris, October 2004. When examined by the General Attorney's interrogator in 1981, Joesoef suggested an expert symposium to objectively assess the nature of Pram's work. The interrogator refused by saying that he understands more than anyone in this world that Bumi Manusia and Anak Segala Bangsa is Marxist literature.

28 AJI's statement on Bersihar Lubis trial, December 5 2007.

29 A. Legal Environment cover: basic laws contain provisions designed to protect freedom of the press and of expression; penal code, security laws, or any other laws restrict reporting, and are journalists punished under these laws; are there penalties for libeling officials or the state, and are they enforced?; Is the judiciary independent, and do courts judge cases concerning the media impartially?; Is freedom of information legislation in place, and are journalists able to make use of it?; Can individuals or business entities legally establish and operate private media outlets without undue interference?; Are media regulatory bodies, such as a broadcasting authority or national press or communications council, able to operate freely and independently?; Is there freedom to become a journalist and to practice journalism, and can professional groups freely support journalists' rights and interests?. (0–4 points)

B. Political Environment, covers: To what extent are media outlets' news and information content determined by the government or a particular partisan interest?; Is access to official or unofficial sources generally controlled?; Is there official or unofficial censorship?; Do journalists practice self-censorship?; Do people have access to media coverage that is robust and reflects a diversity of viewpoints?; Are both local and foreign journalists able to cover the news freely?; Are journalists or media outlets subject to extralegal intimidation or physical violence by state authorities or any other actor?. C. Economic Environment; To what extent are media owned or controlled by the government, and does this influence their diversity of views?; Is media ownership transparent, thus allowing consumers to judge the impartiality of the news?; Is media ownership highly concentrated, and does it influence diversity of content?; Are there restrictions on the means of journalistic production and distribution?; Are there high costs associated with the establishment and operation of media outlets?; Do the state or other actors try to control the media through allocation of advertising or subsidies?; Do journalists receive payment from private or public sources whose design is to influence their journalistic content?; Does the economic situation in a country accentuate media dependency on the state, political parties, big business, or other influential political actors for funding?

30 The 2008 End-of Year Statement of The Alliance of Independent Journalists (AJI), December 30 2008.

31 This is a survey research on 6 cities in Indonesia - Jakarta, Surabaya, Medan, Pontianak, Makassar, and Jayapura. Populations are phone owners in those cities randomly selected (systematic random sampling) from the 2007 phone directory. There are 50 respondents phone interviewed in each city totalling to 305 respondents. Sampling error is 5.7% with locus of confidence 95%. It is implied that respondents represent the voice of the middle class.

32 ABG Satria Naradha, Survei Membuktikan, Pers Tidak Kebablasan, Bulletin Etika, No. 60/April 2008, p 5.

A snapshot of Indonesian press (unprofessional?) professionalism

Professor Ichlasul Amal, Head of the Press Council in 2007-2009, is optimistic with the situation and professionalism of Indonesian press. Having led this independent body with legal mandate to protect press freedom and to monitor professionalism of journalists for two consecutive terms, Ichlasul Amal viewed the current performance of the press as just fine. "Sure, there are reports or media which violates code of ethics or are low quality – in the overall, it is still acceptable," stated Ichlasul Amal.[1]

Even though his statement deflects a more pessimistic overlook of some regarding the future of free press in Indonesia, he admits that there is an ample room for improvement for the journalists to exercise freedom of the press and to increase their level of professionalism. Reports on alleged journalists involved in misconduct and violations of code of ethics are documented. Many were upset with acts of bribery covering as media reports. Sensational infotainments infringe the right for privacy. Crime reports exploit violence. Media are making money out of pornographic materials, and so on and so forth.

Those are public complaints against the press directed to the Press Council – many express concerns over the level of professionalism and compliance to the code of ethics. Rather than denying them, the press community should take necessary measures for future improvement.

Charge trend: upward

A peek into the drawer of Complaint and Code of Ethics Enforcement Sub Division of the Press Council will bring an accurate portrait on the level of professionalism of Indonesian press. It deals with all things related to the conduct of Indonesian journalists as it represents a technical implementation of article 15 point 2 c of the Press Law which stipulates that one of the mandates of the Press Council is to enact and to monitor the implementation of Journalists Code of Ethics. Complaint handling is one of its many ways to enforce the code.

The public use this complaint mechanism once it is installed and two years after 2000, the Press Council received 427 complaints.[2] According to the statistics, there are around 200 complaints in a year. The number declines afterward: 101 cases in 2003, 153 cases in, 127 cases in 2005, and 207 cases in 2006. In the next year, the number ascends to 250 and almost doubles in 2008.[3]

Table 16. Claims to Press Council 2007-2008

Type	2007	2008
Direct complaint	42	75
Indirect complaint	208	258
Others	-	91
Total	250	424

* COMPLAINT SUB DIVISION OF THE PRESS COUNCIL

A good look would reveal unique characteristics of those who file complaints – almost half of them are State institutions from executive, legislative to judiciary totaling to 144 cases. Meanwhile the number of complaints filed by the public reaches the number of 145 cases. Other 20 are filed by journalists and mass media against State institutions from obstructing their journalistic works, ranging from legal suits and court charges. There are 7 cases of "wars" among media workers – such as complaints against Forum Magazine from its former employees in Jakarta.

In the overall, those cases develop a similar pattern: State institutions and the public complain press conducts deemed as unethical and unprofessional, and journalists complain State institution and civil society for obstructing their journalistic works.

The Press Council sees this statistics as follow. On one hand, the number of complaints directed to the Press Council represents high level of public awareness to utilize dispute settlement mechanism available in the Press Council such as right to reply and mediation. On the other hand, the number indicates lack of professionalism and misconduct of journalists and the media. Up to now, the Press Council leans toward the first conclusion.[4]

True, some such as the public or business entities bypass the Press Council and go for legal settlements to the police or the court. Although the exact number of them is unknown, in general it is estimated that the trend to sue journalists declines significantly compared to the situation in the early years of reform era.

However, it is difficult to ascertain the cause behind the decline. Is it because the public is satisfied with dispute mechanism settlements of the Press Council which preserve civil liberty and democracy? Is it because bringing the press to the court is no longer a popular option? One thing for sure, more financial resources and energy is required to endure a long legal battle compared to swift and efficient mechanism of the right to reply and mediation through the Press Council.

So far, there is no new case filed to the Press Council. Most of them are complaints against typical misconduct, criminal allegations or abuse of power of the media to exploit the victims.

Selling KPK's reputation

A letter arrives on February 8 2008 in the office of the editor in chief of *Corruption Monitoring Newspapers* (Koran Pemantau Korupsi/KPK). It was an official letter from the Head of Public Relation of the Police Headquarter Sisno Adiwinoto. In the letter, the Police turned down a

request from KPK editor of chief in a letter dated December 17 2007, to put the name of the Head of Indonesian Police Force in its editorial board.

Even though it bears the same initial, the paper has nothing to do with KPK, an anti corruption commission with reputation of good works for catching the guilty ones. KPK's superior standing attracts freeloaders attempting to profit from it. Media with KPK-like names create anxiety and discomfort to some and as response, the Head of KPK Antasari Azhar sends a letter to the Press Council on February 11 2009 confirming that KPK never (the word 'never' is type in capital letters) publish any print media bearing the name of KPK or the like. His letter also affirms that KPK never establish either institutional or personal relationship with the KPK-like media and KPK personnel never take part in neither advisory nor executive board of those media.

Records in the Press Council note that there are more than 5 media bearing the name of KPK or the like.[5] They are Corruption Eradication Newspaper (KPK/Koran Pemberantasan Korupsi), Anti-Corruption Newspaper (Koran Pemberantas Korupsi), Corruption Monitoring Newspaper (Koran Pemantau Korupsi/KPK), and New KPK. It is obvious that their motives are to capitalize on the reputation earned by KPK for profit or even power through blackmails and not to serve the public interests with high quality journalism.[6]

The Press Council invited the media to address this issue. On March 17 2008, the Press Council invited Koran Pemberantasan Korupsi (KPK). Previously on March 14 2008, the Press Council tried to call the number published on the paper to no avail. In the next three days around 09.45 AM local time the call got through. However the receiver claimed to have no knowledge whatsoever regarding any publication activity. An hour afterward, another person confirms the address as a media office but none of the editorial board is available.

A brief meeting with KPK editorial board took place on July 1 2008. In response to the reminder of the Press Council of the unethical use of the name of KPK, the board members agree to change the name of the newspaper in two weeks time. On a letter sent to the Press Council on August 21 2008, Koran Pemberantasan Korupsi editorial board claimed they have changed the name into Corruption Investigation Newspaper (Koran Investigasi Korupsi).[7]

On July 25 2008, the Press Council meets with another derivative of KPK, Koran Pemantau Korupsi who also agrees to change its name. On August 21 2008, the real KPK received a letter from Koran Pemantau Korupsi that they have brought down their office sign to comply with the Press Council. In response to the Press Council question on the long period of time it takes to change its name, they explain that they are bound by advertising contracts.

Journalists and the shredded meat seller

There is a unique case in 2008 directed to the Press Council regarding the abuse of power of the journalists against a shredded beef meat producer on Ratumas brand. Even though it is neither a new case nor a new modus operandi, a detail look on the case would reveal the typical ploy of abuse by journalists.

It starts as Waluyo starts his enterprise by buying shredded meat from Solo to be packed and sold in small packages carrying the brand name and a halal certification. One night in early 2008, Waluyo was visited by six people claiming to come from "the Headquarter." No explanation on which headquarter they are referring to, however it is obvious that they try to draw some kind of association with Police Headquarter in Trunojoyo, Jakarta.

Acting like inspectors, they requested Waluyo to show production license, *halal* certification paper and tax receipts. They did not accept explanation given by Waluyo and this resulted in a dispute which created a scene to the neighborhood. The cacophony ended as Waluyo's neighbor, a lawyer, requested them to leave. The next day they returned but this time the

local neighbors are prepared and it scared them away. Later on, it was found out that the six men were journalists from a *Profesional* (Professional) newspaper – no pun is intended here. Waluyo filed a complaint to the Press Council on May 13 2008 but because there is not yet an article published, no measure can be taken by the Press Council but still it provides advice on how to handle such journalists. In short, the Press Council encourages Waluyo to stand firm against those people.

Later on *Profesional* published articles regarding the product. On its 55 edition on May 20 2008, it printed on two news: "*Halal* Questions on Ratumas Shredded Beef Meat" and "Tax Fraud by Ratumas Shredded Beef Meat Producer." As Waluyo filed complaints on those two articles, the Press Council declares that "*Profesional* was unprofessional in writing those two articles and moreover they serve no public interests," stated Head of Press Council Ichlasul Amal in his official statement on May 28 2008.

The calling for ethics from Kebon Sirih

KPK-like media, abuse of power on shredded beef meat producer and other cases are a tip of an iceberg of a myriad of cases which put stains on the reputation of the media and free press. Many express their wishes to categorize the misconduct as a crime instead of a violation of code of ethics but it is not as simple as black and white. The public views anyone with Press ID or work for the media – be it fictional, bogus or impermanent -as journalists, unaware that any abuse of power is unacceptable as it is against the law and the code of ethics.

Such sham worsens the reputation of the free press. Another case shows that four men claiming to come from Corruption Eradication team were arrested by the police in August 2008 for suspicious conducts. It starts from a phone call by one of those four requesting facilities from Natuna District by claiming that KPK team is investigating a corruption case over there. Daeng Rusnadi as the Head of the District provided a meeting room, meals and transportation. Before meeting them, he informed the police on the arrival of these men so the police requested their IDs. The police arrested them once they said they did not bring their IDs. Later on they admit that what they mean by KPK is a Jakarta-based newspaper, *Koran Pemberantasan Korupsi*.

The exact number of cases like these remains a mystery. However, it is predicted that it is no child's play as many journalists are known to blackmail village officials, headmasters and other authority figures out of their oblivious – or out of their wrongdoings.[8]

Therefore the Press Council released a statement from its office in Kebon Sirih, Jakarta, on the issue of Unethical Journalistic Practices, as illustrated above.[9] "Press IDs or any form of membership to journalists' association or press institutions lead a number of individual to pose as "journalists" for their own gain," as stated by the Press Council, declaring the acts as abuse of power by press institutions and journalists. The Press Council views it is necessary to reaffirm ethical principles stipulated on Journalistic Code of Ethics (KEJ) enacted on March 14 2006. Such abuse of power is an infringement of the code and a contradiction to the spirit to maintain the reputation of journalists.[10]

This continues to the beginning of 2009. On March 17 2009, the Press Council issues an open letter to all local government in Indonesia to address complaints on abuse of power by journalists and to call for a fight against unethical journalistic practices to "maintain the independence of the press."

Alliance of Independent Journalists (Aliansi Jurnalis Independen/AJI) expresses their worry on such dirty practices which ruin the reputation of journalists and the media. AJI supports actions taken by the police to investigate such cases under the Criminal Code. "As

it is a crime, the use of Criminal Code is appropriate but any news-related cases should be addressed with Press Law," said Hari Tri Wasono as Advocacy Coordinator of AJI Kediri office[11].

Such abuse of power is not a journalistic work and is indeed a crime. However, because they pose as journalists, many were misled by such unethical conducts.

Understanding that this phenomenon is partly caused by low standard of living, AJI also campaigns for a remuneration improvement. In 2008, AJI launched a number of workshops to calculate journalist minimum wage in a number of big cities. In Jakarta, it is estimated that a minimum wage for a journalist in 2008 is Rp 4.1 million. AJI organized a road show to campaign for this to Indonesian Newspaper Publishers (Serikat Penerbit Suratkabar/SPS) and the Press Council on April 2 2008. SPS expresses its appreciation to the attempt and encourage a thorough examination on the implementation to match with the capacity of the media company.[12].

On Infotainment journalism

Besides abuse of power, another issue which attracts public attention is infotainment journalism. Members of the House of Representatives Happy Bone Zulkarnain[13] and Angelina Sondakh[14] see infotainment programs on television as non-educational and both are uncomfortable with their contents on gossips, divorce among celebrities and other private matters.

Not only the content but also the conduct of infotainment workers as widely documented through cameras attracts concern of many. It is no surprise that the Commission I of the House of Representations raise questions regarding infotainment to the Press Council in the beginning of 2008.

Infotainment is difficult to ignore as they are widely varied and they dominate the airwaves by occupying time slots more than news programs. In 2002, there were 24 episodes of infotainment per week, in 2003 240 episode per week, in 2005 180 per week, and between January 2007- August 2007 it reaches 210 episode per week —or 15 hours per day.[15]

Table 17. Frequency of TV Infotainment 2002-2005

No	Infotainment Program	2002	2003	2004	2005
1	Number of Episode per week	24	101	151	180
2	Number of Episode per day	3	14	22	26
3	Duration of hour per day	1,5	7	11	13

SOURCE: INDONESIA'S BROADCASTING COMMISSION, 2005

The Press Council states that[16], infotainment is a part of the media business to provide entertaining information highly popular in the public. Infotainment according to the Press Council is market oriented and directed to address the need for entertainment and it is unrelated to strategic public interest such as social and political issues.

Evaluation from the Press Council concludes that in general infotainment is a form of low quality journalism to provide easy-to-digest information to be exchanged during chitchats. Infotainment, according to the Press Council, represents a less productive use of press freedom.

Banning infotainment journalism however would create a chilling effect on press freedom and in democratic system, the people has the freedom to decide by themselves: to watch or not to watch infotainment programs. An effective rebuttal to infotainment would be a call to the general public to stop watching such program. Such stand should be taken against sensational media which exploits violence and sexuality without considering the impact on the public and making many people uncomfortable.[17] The comparison with infotainment journalism would be the level of discomfort they both create to the general public. The best measure to address such low quality of media is a campaign for media literacy – a long arduous process indeed but it preserves the integrity of democracy. ■

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1 Koran Tempo, Kebebasan Pers Dinilai Cukup Bagus, May 6 2009.

2 Leo Batubabara, Menegakkan Kemerdekaan Pers, Dewan Pers, Jakarta, p. 77.

3 Based on Complaints and Enforcement of Code of Ethics Sub Division of the Press Council up to July 15 2009, there are 254 cases. It is highly probable that this year, there would be an even more cases filed to the Press Council

4 Interview with Member of the Press Council Abdullah Alamudi, July 16 2009.

5 Interview with Member of the Press Council who heads the Division of Complain and Enforcement of Code of Ethics, Abdullah Alamudi, in the Press Council office, July 16 2009

6 Abdullah Alamudi, ibid.

7 According to Abdullah Alamudi, Press Council invited New KPK whose editorial board agreed to change its name. However up until now, New KPK still maintains its name.

8 Okezone.com, Memeras, 5 Oknum Wartawan Ditangkap Polisi, September 8 2008. Five journalists with Sinar Pagi newspaper ID cards were arrested by the police for blackmailing Secretary to the Sub District Head, Tasikmalaya, Idin S in Bawasda, Perintis Kemerdekaan, Kawalu, Tasikmalaya as in Saturday on September 6 around 18.30 local time, they came to Idin's house and threatened to publish his affair with a women unless he paid them Rp 15 millions. Idin requested more time and on September 7 they returned. Since Idin did not pay any money, they lower their demand to Rp 3 millons. Idin promised to hand the money on September 8 around his office. When Idin handed the money, they were soon caught red handed arrested by the police Idin contacted beforehand.

9 Press Council Statement No 1/P-DP/2008 on Unethical Journalistic Practice.

10 Press Council expresses similar concerns in the past as it issued a concern over journalists questioning whether PT Maspion in Surabaya obstruct journalistic works by not inviting alleged bogus journalists in its press conference. See Mengatur Kebebasan Pers, Dewan Pers and UNESCO, June 2003. Similar to it is journalists concern on a list of journalists covering an institution. p. 65.

11 Tempo Interaktif, Polisi Nganjuk Tangkap Oknum 'Wartawan' Pemeras, November 26 2008. The case of abuse in Nganjuk is done by Sudaryanto, a 38-year old man from Jombang claiming as Harian Radar News journalist who blackmailed Sutini, a 48-year old widow from Campur Village, Gondang. Sutini filed a report to the police that she was forced three times by him to pay Rp. 3 millions - otherwise her relationship with a man would be published. Sudaryanto was arrested by Gondang Police, Nganjuk District, November 26 2008.

12 Roadshow survey result AJI, see Koran Tempo, Serikat Penerbit Dukung Upah Layak Jurnalis, April 3 2008 and Hukum Online, Dewan Pers dan SPS Dukung Upah Layak Jurnalis, April 2 2008.

13 Tayangan Infotainment di TV Swasta Semakin Tak Mendidik, February 19 2008.

14 Nova Online, Angelina Sondakh Sesalkan Infotainment, December 5 2008.

15 Bimo Nugroho, Teguh Imawan dkk., Infotainment, Indonesian Broadcasting Commission, 2005, p. 7.

16 Response from the Press Council, on Etika Bulletin, Press Council, No. 59 edition, March 2008, p. 2

17 Menur Adhiyasasti and Puji Rianto, Jurnalisme Kuning di Indonesia, in Menyingkap Profesionalisme Kinerja Suratkabar di Indonesia, Dewan Pers, Pusat Kajian Media dan Budaya Populer, and Departemen Komunikasi dan Informatika, 2006, p. 127.

Violence against journalists 2008

January 2 2008, Medan, North Sumatera
Victim : Yusrizal, Sumut Pos journalist, Renaldi Seputar Indonesia journalist
Type of Violence : Physical assault
Perpetrator : 5 Bodyguards of the major of Medan

February 12 2008, Kupang, East Nusa Tenggara
Victim : Yopy Latty, Timor Ekspres journalist
Type of Violence : Physical intimidation
Perpetrator : Hady Purwoto, assistant to attorney of public interest crime of Kupang Local attorney East Nusa Tenggara

February 16 2008, Ende, East Nusa Tenggara
Victim : Hendrik R Beni, Expo NTT journalist
Type of Violence : Intimidation and provocation of physical assault due to his news coverage
Perpetrator : Ende Secretary to regional government, Iskandar M Mberu

February 17 2008, Kupang, East Nusa Tenggara
Victim : Obby Lewanmeru, Pos Kupang journalist
Type of Violence : Physical assault
Perpetrator : 4 gang members

March 6 2008, Lalangan Island (Artalyta Island), Lampung
Victim : Nurochman Arrazie, Tempo Journalist Lampung bureau
Type of Violence : Physical assault (to be stripped down and have his money confiscated)
Perpetrator : island guard (allegedly from Brigit 7 of the navy)

March 18 2008, Malang, East Java
Victim : Dian Kurniawan, Malang Pagi journalist.
Type of violence : assault
Perpetrator : activists from anti drugs movement

March 19 2008, Gorontalo
Victim : Kristofel Paino, Media Publik
Type of violence : assault and intimidation
Perpetrator : organized crowd
Motive : Wahyu's supported crowd took over local general election commission of the city of Gorontalo. Damay's crowd attempted to confiscate Kris' pocket camera which he tried to hold on to the crowd assaulted Kris.

March 24 2008, Gorontalo
Victim : Lissa Pakaya, Mimoza TV
Type of violence : intimidation
Perpetrator : Wahyu's supporters
Motive : a response to Mimoza TV news coverage

March 24 2008, Gorontalo
Victim : Debby Mano, Antara
Type of violence : intimidation
Perpetrator : Wahyu's supporters
Motive : Wahyu's supporters were looking for Lissa Pakaya/Mimoza TV. they thought Debby, who was on the job, as Lissa Pakaya then they intimidated her.

March 28 2008, Gorontalo
Victim : Gorontalo Post journalists: Mahyudin Mamonto, Ramdan Lapananda
Type of violence : eviction and obstruction
Perpetrator : Wahyu's supporters
Motive : a response to a news coverage viewed by Wahyu's supporters as biased.

March 22 2008, Pontianak, West Kalimantan
Victim : Bambang Sunarso, Suara Kalbar Post journalist
Type of violence : physical assault
Perpetrator : Alleged member of local military resort 121/ABW

March 24 2008, Kendari, South East Sulawesi
Victim : Kendari Pos daily newspaper
Type of violence : demonstration and forced entry into the news room
Perpetrator : organized crowd

March 30 2008, Gorontalo
Victim : Andre Antoni, Metro TV
Type of violence : intimidation
Perpetrator : Risman Taha, Damay's supporter
Motive : intimidation is related to Metro TV coverage viewed by Damay's supporters as biased.

April 2 2008, Jakarta
Victim : Edi Subiyakto, Raditya Adit Nugroho TV One journalists
Type of violence : physical assault
Perpetrator : alleged member of the navy

April 2 2008, Ternate, North Maluku
Victim : Syawal D, SCTV correspondent
Type of violence : intimidation
Perpetrator : supporters of Thaib Armaiyn – Abdul Ghani Kasuba
Motive : North Maluku governor election conflict

April 5 2008, Ternate, North Maluku
Victim : Syafruddin Ganda, Anteve correspondent
Type of violence : intimidation
Perpetrator : Gafur's supporters
Motive : North Maluku governor election conflict

April 7 2008, Gorontalo
Victim : Rosyid Azhar, Gorontalo Post picture editor; Erik Songkapu, RCTI contributor
Type of violence : obstruction
Perpetrator : AW Thalib-Ahmad Yani Suratinojo supporters
Motif : when Rosyid was covering the event, the supporters asked which media he came from. because the supporters disagreed with gorontalo post, Rosyid said he was not from Gorontalo Post.

April 7 2008, Gorontalo
Victim : Mimoza TV, RRI, TVRI
Type of violence : intimidation
Perpetrator : AW Thalib-Ahmad Yani Suratinojo (Wahyu) supporters
Motive : supporters came and demand Mimoza TV, TVRI and RRI Gorontalo for independent reporting.

April 8 2008, Gorontalo
Victim : Irfan Lussa, TV One contributor
Type of violence : intimidation
Perpetrator : organized crowd
Motive : Gorontalo local house of representatives office was destructed by the organized crowd Mass. Irfan who was taking pictures was intimidated and his independence was questioned.

April 8 2008, Gorontalo
Victim : Ismail Giu, Mimoza TV
Type of violence : intimidation through administrative sanction
Perpetrator : Fadel Muhammad, Gorontalo governor
Motive : he was sanctioned for reporting for two week because he questioned Fadel's whereabouts.

April 08 2008, North Maluku
Victim : Media Indonesia, SCTV, Metro TV and Maluku Utara Post correspondents
Type of violence : intimidation
Perpetrator : supporters of one of North Maluku head of district candidates

April 11 2008, Ternate, North Maluku
Victim : Burhanuddin Arsyad, Media Indonesia correspondent
Type of violence : intimidation
Perpetrator : Orator supporting Thaib Armaiyn – Abdul Ghani Kasuba
Motive : North Maluku governor election conflict

April 13 2008, Bandung
Victim : Jon Benong, TV One journalists and his colleagues
Type of violence : forced eviction when covering the local election in Sukamiskin correctional facility, Bandung, West Java
Perpetrator : Sukamiskin guard

April 26 2008, Gorontalo
Victim : Awaludin (Tribun Gorontalo) and Rendi Wardanni Fathan
Type of violence : intimidation
Perpetrator : Risman Taha
Motive : Awaludin came forward as witness of assault by Risman Taha

April 30 2008, Bojonegoro, East Java
Victim : Didik Wahyudi, Scioto (JTV), Sasmito (Metro TV) and Daniel (Bass FM)
Type of violence : assault
Perpetrator : a crowd protesting shooting by Bojonegoro forestry officers
Motive : unknown

May 3 2008, Situbondo, East Java
Victim : Kukuh Sanyoto TEMPO Situbondo correspondent
Type of violence : psychological intimidation
Perpetrator : Dwi Totok (head of educational facilities and supports of the department of education local office in Situbondo
Motive : he was forced to name the resources on national examination leaks in Situbondo 1 state junior high school

May 3 2008, Agara, NAD
Victim : Lantra, Stinger of TV One
Type of violence : prohibition of access
Perpetrator : head of operational division of Agara local police resort AKP Didik
Motive : obstructing journalists to report – a violation of press law

May 4 2008, Agara, NAD
Victim : Amirinsyah, Global Kutacane daily journalist
Type of violence : prohibition of access
Perpetrator : head of operational division of Agara local police resort AKP Didik
Motive : obstructing journalists to report – a violation of press law

May 4 2008, Medan, North Sumatera
Victim : Kaslin Naibaho, Bersama daily journalist
Type of violence : physical assault through chocking
Perpetrator : M Jasmin Lubis
Motive : Jasmin assaulted the journalist because he was unhappy with media reports on demonstrations against north Sumatera local attorney

May 7 2008, Gorontalo
Victim : Jefry Kadjuju
Type of violence : intimidation
Perpetrator : Hais Nusi (Damay supporter)
Motive : Hais intimidated journalists he viewed as biased after the local election for major of Gorontalo

May 9 2008, Jember, East Java
Victim : Kukuh Setyono, Tempo Situbondo correspondent
Type of violence : intimidation and assault
Perpetrator : staff of local office the department of Education in Situbondo
Motive : Kukuh was intimidated, forced to name his sources and brought to Jember police resort office by staff of local office the department of Education in Situbondo in relation to his news for Tempo daily, Wednesday (7/05) on national exam leaks in Situbondo 1 state junior high school in Banyuglugur.

May 19 2008, Kupang, East Nusa Tenggara
Victim : Pos Kupang journalist Benny Jahang and Timor Express journalist Robert Kadang
Type of violence : intimidation
Perpetrator : police commissionaire Alfons Loemau
Motive : regarding his report on stagnant reform in Kupang police resort office

May 23 2008, Jakarta
Victim : Ardian Setyo, Trans 7 journalist
Type of violence : assault
Perpetrator : police officers on their assault to UNAS campus

May 29 2008, Palu, Central Sulawesi
Victim : Jafar G Bua, TransTV journalist
Type of violence : assault and destruction on camera
Perpetrator : Central Sulawesi local house of representations guards
Motive : student demonstration against gasoline price hike

June 3 2008, Central Java
Victim : Radio Rasella and CMB radio stations
Type of violence : broadcasting license withdrawal
Perpetrator : department of communication and information
Motive : without any notice, both stations were forced to stop broadcasting for three months.

9 June 2008, Pekanbaru
Victim : journalists
Type of violence : prohibition to report
Perpetrator : guards
Motive : covering possible poisoning in Pekanbaru state police academy

June 13 2008, Ternate, North Maluku Utara
Victim : Asbur Abu, television station contributor
Type of violence : physical assault
Perpetrator : organized crowd
Motive : demonstration from approximately 400 supporters of Abdul Gafur – Abd Rahim Fabanyo in Ternate

June 16 2008, West Jakarta
Victim : Hilman Metro TV journalist
Type of violence : physical assault
Perpetrator : West Jakarta police resort officer AKP Saut Hutagaol
Motive : during public transportation demonstration on Daan Mogot street, AKP Saut Hutagaol prohibits journalists to cover the negotiation process

July 4 2008, South Jakarta
Victim : Tempo daily
Perpetrator : south Jakarta state court judges
Type of violence : guilty verdict on Tempo daily VS Soekanto Tanoto
Motive : this verdict declared tempo as guilty of defamation on Soekanto Tanoto and forced tempo to publish public apology for 7 electronic media and a number of print media for 7 days and charged with Rp 220 million

July 7 2008, Bandung
Victim : Agus Suci Wahyudi, Indosiar television journalist
Type of violence : assault
Perpetrator : alleged member of Cilandak marine corp. from Yon Howitzer-2, Praka Shafrudin
Motive : assaulted Agus Suci Iswahyudi occurred when he followed an Indramayu police operation in a local night club. perpetrator in civilian suit kicked his chest to avoid his camera

July 9 2008, Banyumas, east java
Victim : journalists
Type of violence : violation against press freedom
Perpetrator : head of Banyumas district, Mardjoko
Motif : access of information in the district was hampered and any news related activities should be approved first by public relation division.

July 13 2008, Jakarta
Victim : Tempo daily
Type of violence : defamation
Perpetrator : Munarman
Motive : Munawarman's picture was used as cover by Tempo daily on June 3 2008

July 17 2008, Tanjungpinang
Victim : Agus Fatur Rahman, Metro TV correspondent, and Henki, domestic helper of RCTI correspondent
Type of violence : hostage taking
Perpetrator : guards of natural gas office in Bumi Gas, Tanjungpinang, Riau Island
Motive : victims are made hostage by the guards while covering post natural gas price hike.

July 21 2008, Bekasi
Victim : RCTI journalist, Afri Sony
Type of violence : assault
Perpetrator : south Korean citizen Choi Sooyin
Motive : in covering drug raid in the city of Bekasi in Jakasampurna area in Pondok Gede

July 30 2008, Bulukumba, South Sulawesi
Victim : Muhammad Yusuf, Seputar Indonesia journalist
Type of violence : assault
Perpetrator : head of Local sub-district Andi Baso Bintang
Motive : in the distributor of poor people rice and iodinated salt in local sub-district, Ujung Bulu district

July 31 2008, Jakarta
Victim : Aditya Noviansah, Tempo daily photo journalist intern
Type of violence : censorship
Perpetrator : officer in navy office command school in Cipulir South Jakarta
Motive : when covering student brawl in front of the school, Aditya's camera was confiscated and returned after two frames were deleted.

July 31 2008, Tanjung Pinang
Victim : Sudibyo SCTV journalist
Type of violence : intimidation
Perpetrator : officer of Lingga district, Tanjungpinang, Mustar
Motive : threat by pulling his collar and yelled "so you don't want to live anymore" and by "I'll throw you to the ocean" when he wanted to interview Mustar's wife for her signature fraud in Sri Bintan Pura port, Tanjung Pinang.

August 15 2008, Jakarta
Perpetrator : constitutional court
Type of violence : Judicial Review verdict refusing plea to eradicate imprisonment sanction in Indonesian criminal code for defamation.

September 9 2008, Jakarta
Victim : Tempo magazine
Perpetrator : central Jakarta state court judges
Type of violence : guilty verdict
Motive : under the leadership of Panusuan Harapah, the judges granted part of the charges filed by PT Asian Agra et al of a total of 15 charges as part of AAG-. PT. Tempo, because according to the judges, tempo has to pay sanction of Rp 50 million, to publish public apology which editorial content is dictated by PT Asian Agri in Tempo Magazine, Tempo Daily, and Kompas Daily for three editions respectively. any failure to commit will be charged by Rp 1 million per day.

September 10 2008, Kupang
Victim : SCTV correspondents (Didimus Payong Dore), Trans TV correspondents (Eli Balo), correspondent TPI (James Ratu), TV 7 correspondents (Kristo Embu), TVOne correspondents (Fritz Ramandey), Metro TV correspondents (Eben), Timex Daily reporter (Robert), Kursor Daily reporter (Rudi Riwukaho), Fajar Bali Daily reporter (Hiro Bivelt), Tabloid Buser Timor Reporter (Robert Ola Bebe)
Type of violence : force eviction and verbal harassment
Perpetrator : CPM Rori Ahmad major (head of military police of XI/1 detachment Kupang)
Motive : in covering peaceful demonstration by the family of a murder victim of Lorenz Horo by sergeant Jemris Roro a member of military resort corp. 161 Wirasakti Kupang.

September 22 2008, Tanjung Pinang
Victim : Henki Hermawan RCTI journalist
Type of violence : group assault
Perpetrator : alleged member of navy member of AL, Lantamal IV
Motive : Henki was taking picture of a dispute between alleged member of the navy and gas station officer in KM3 because of an unfair treatment in filing his gasoline tank.

September 27 2008, Pontianak
Victim : Muhammad Bayu, ANTV journalist; Nasir from Indosiar, Deni from Global and Gugun from KCTV (Khatulistiwa Citra Televisi) West Kalimantan
Type of violence : assault and camera destruction
Perpetrator : workers of wba (Wahana Bangun Agung) wood processing company in Kuala Dua, Sungai Raya sub district, Kubu Raya district.
Motive : prohibition to cover the activity of the workers allegedly committing illegal logging

October 25 2008, Banjarmasin
Victim : Banjarmasin Post journalists, Khairil Rahim (28) and Ahmad Riduan (29).
Type of violence : assault.
Perpetrator : organized crowd
Motive : the crowd was unhappy to have journalists covering student demonstration against the head of its foundation in Gambah village.

October 16 2008, Makassar
Victim : Tawakal, photographer of local newspaper
Type of violence : prohibition of access and eviction
Perpetrator : bodyguard team of Makassar candidate major (Idris Manggabarani – Aidil Patu)
Motive : prohibition of access to report the campaign

November 6 2008, Jakarta
Victim : Hadi Suryo ramako radio announcer
Type of violence : request as witness of a defamation case
Perpetrator : director general of tax Darmin Nasution.
Motive : a tax policy expert Denny Daruri stated in his talk show on may 8 2008 that Danny runs on a Rp 10 trillion potential loss from a tax policy issued by the director general.

November 11 2008, Makasar
Victim : Upi Asmaradhana
Type of violence : defamation and libel
Perpetrator : Sisno Adiwinoto inspector general of west and south Sulawesi regional police office
Motive : Upi organized an action against press criminalization in response to Sisno's statement to criminalized journalists for dispute.

November 23 2008, Surabaya, East Java
Victim : Nico Lepold, Trans TV correspondent Surabaya bureau
Type of violence : destruction on camera
Perpetrator : alleged member of local police resort Surabaya East Java
Motive : Nico was taking pictures of an officer beating up student demonstration and the officer destroyed Nico's camera.

December 15 2008, Makassar
Victim : a number of journalists from various media.
Type of violence : prohibition of access and eviction
Perpetrator : South Sulawesi local police officers
Motive : journalists were prohibited to cover Upi Asmardhana's examination on a defamation case

December 22 2008, Padang
Victim : Budi Sunandar, Riyan Taufik, ANTV correspondent and Tomi RCTI journalist.
Type of violence : stone throwing
Perpetrator : alleged member of military weaponry C company.
Motive : prohibition of access on alleged beating of a police officer by an alleged member of the military

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Special Thanks to:

ATVSI
ASOSIASI TELEVISI SWASTA INDONESIA
(INDONESIAN TELEVISION BROADCASTING ASSOCIATION)

BNI

INDOCEMENT
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For their contribution in supporting to publish this report.