

# Journalists' Professional Organizations and Human Rights Education in North Sumatra\*

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**T**HE 64<sup>TH</sup> NATIONAL PRESS DAY (*Hari Pers Nasional* or HPN) on 9 February 2010 in Palembang, South Sumatra, was significant for a couple of reasons. First, the event showed new enthusiasm and awareness on the implementation of the national press policies in strengthening the quality of journalistic work. This is seen in the signing of the *Palembang Declaration* by press companies during the 2010 HPN. The Declaration covers the following major components:

- Standard of Competency of Journalists;
- Standard of Organization of Press Companies;
- Standard of Press Profession Protection;
- Standard Code of Ethics of Journalists; and
- Standard of Journalists' Organization.

Nineteen press companies signed the *Palembang Declaration* during the 2010 HPN.

Second, the School of Journalism Indonesia (SJI) has been established and a first batch of thirty participants have been trained. A new era for the emergence of academic institutions in journalism that focus on Indonesian journalistic professionalism has started.<sup>1</sup>

Within this setting, press freedom in Indonesia reaps many expectations as well as challenges after being promoted for nearly two decades since the Reform Era. Can the national press as the “fourth estate” contribute to increased the media literacy of the Indonesian people? Moreover, how can the national press be encouraged and strengthened to genuinely play a significant role in creating a conducive environment for the respect, protection and fulfillment of human rights in Indonesia? That is the challenge and hope for the Indonesian press.

The national press stands strong and equipped in supporting the constitutional rights of expression, and of receiving and imparting information. Using a human rights-based approach to journalism, the national press has

the strategic role of raising the quality of Indonesian democracy, one which prospers its people and respects human rights.

Freedom of the press is one manifestation of people's sovereignty based on the principles of democracy, justice, and rule of law, as set out in Article 2 of Law No. 40 of 1999 on the Press (hereinafter the Press Law).<sup>3</sup> Freedom of the press requires the presence of news, both for the press and the public. This is due to the fact that access to information is key to uphold democracy and human rights values and standards.

The press in Indonesia developed in a very significant manner. According to the Press Council (*Dewan Pers*) there are four types of media: print, television, radio and cyber. As of 2014, there were 567 print media companies, 1,166 radio stations, 394 television stations, and 211 cyber media groups.<sup>3</sup>

The current statistics for print media record 312 daily newspapers, 173 weekly newspapers and 82 monthly magazines. Since 2013 the total number of print media has increased by 158 publications (with its total in 2013 being 412 publications). An increase in daily newspapers has also been evident with the total rising from 215 to 312 presently.

There has also been an increase in the number of press companies, notably in broadcast, radio, television, as well as cyber media. In 2013, based on data from the Ministry of Communications and Information, the Press Council reported that there were 991 radio stations and 340 television stations. While in 2014, the number increased to 1,166 radio stations and 394 television stations. The number of previously existing cyber media was 134 which now reached 211. It is worth noting that the data collection on cyber media has been done by the Press Council for the last two years.<sup>4</sup>

### **Journalists and Human Rights**

Along with the recent development of the profession of journalism and the attitude toward the international community, the strengthening, promotion, and protection of human rights of journalists has become an important part in the development of human rights around the world. The State and all elements of society should respect and protect the commendable work of journalists.

Indeed, the world should be proud of the Indonesian press. Since 1999 up to present, there has been a significant advancement for the press.

Reporters Without Borders stated that according to its data, no Indonesian journalists were arrested, imprisoned or killed in 2008.<sup>5</sup>

Even so, this does not imply that the journalists do not face challenges in Indonesia. The Alliance of Independent Journalists/*Aliansi Jurnalis Independen* (AJI) reported that journalists in Indonesia are facing increasing acts of violence.<sup>6</sup> Based on data from AJI, attacks against journalists have included beatings, intimidation and the destruction of journalists' equipment. Even though the 1999 Press Law stated that journalists should be protected, according to Suwarjono, AJI chairperson, the culture of impunity within the police force was the reason for the spike. The violence against journalists increased to 46 in 2015 from 40 and 39 in 2014 and 2013 respectively. AJI reported that violence against the press decreased in 2013, with the total number of incidents falling to 40, from 51 in 2012. During the celebrations of World Press Freedom Day 2015, AJI strongly stated that Indonesian Police are the real enemy for freedom of the press in Indonesia.<sup>7</sup> Beside it, some regulations threatened freedom of the press or freedom of expression.<sup>8</sup>

Historically, press freedom in Indonesia had been the exception rather than the rule according to Herlambang A. Wiratraman, head of Indonesia Human Rights Lecturers Association (SEPAHAM). The current situation of press freedom in Indonesia is therefore even more telling. But even when Indonesia's democracy seems to have become relatively stable, press freedom is constantly under threat.<sup>9</sup>

Ironically, while Indonesia has undergone nearly two decades of Reform Era, the state of press freedom in the country continues to decline according to the World Press Freedom Index. The *Reporters Sans Frontieres* (RSF) or *Reporters Without Borders*<sup>10</sup> provides information on the state of the national press freedom during the 2002-2015 period in the following table:<sup>11</sup>

## Ranking since 2002, Reporters Sans Frontieres

Year	Ranking		Year	Ranking	
2015	138 / 179	↓	2007	100 / 163	↑
2014	132 / 179	↑	2006	103 / 160	↓
2013	139 / 177	=	2005	102 / 160	↑
2012	139 / 177	↓	2004	117 / 157	↓
2010	117 / 172	↓	2003	110 / 158	↓
2009	100 / 169	↑	2002	57 / 134	=
2008	111 / 167	↓			

The Freedom House, an independent monitoring organization, committed to the expansion of freedom and democracy in the world, ranked Indonesia's press freedom as follows:<sup>12</sup>

Year	Global Ranking	Rating	Status
2002	8 (in Asia)	53/187	Partly Free (PF)
2003	24 (in Asia Pacific)	56/193	PF
2004	117	55/193	PF
2005	119	58/194	PF
2006	121	58/194	PF
2007	114	54/195	PF
2008	114	54/195	PF
2009	113	54/195	PF
2010	107	52/196	PF
2011	108	53/196	PF
2012	87	49/197	PF
2013	96	49/196	PF

2014	98	49/197	PF
2015	97	49/199	PF
2016	96	49/199	PF

Sabam Leo Batubara, Vice-Chairperson of the Press Council 2007-2010, stated, *“Jika penegak hukum masih melakukan pembiaran tindak kekerasan terhadap wartawan dan pers, dan memberi perlindungan terhadap pejabat yang diberitakan pers sebagai bermasalah, fungsi control sosial pers menjadi tidak efektif. Rakyat akan terus menjadi korban penyalahgunaan kekuasaan oleh penyelenggara negara.”*<sup>13</sup> (If the law enforcement agencies are still providing impunity for the acts of violence against journalists and the press, while protection of the state officials is being reported, the social control function of the press will become ineffective. The people will be victims from abuse of power by the state officials).

Journalists fall under the category of human rights defenders when they perform their professional tasks to the best of their ability and strive to promote and protect human rights. Human rights defenders do concrete and commendable activities. They are constantly striving to raise awareness for the promotion and protection of human rights.

## Freedom of the Press in Indonesia

Article 1 point 1 of the Press Law gives the sense of the press as:

*Lembaga sosial dan wahana komunikasi massa yang melaksanakan kegiatan jurnalistik meliputi mencari, memperoleh, memiliki, menyimpan, mengolah, dan menyampaikan informasi baik dalam bentuk tulisan, suara, gambar, suara dan gambar, serta data dan grafik maupun dalam bentuk lainnya dengan menggunakan media cetak, media elektronik, dan segala jenis saluran yang tersedia.* (A social institution and a means for mass communication which conduct journalistic activities including the seeking, obtaining, possessing, storing, processing and conveying information in the form of text, sound, images, sounds and images, data and graphs as well as in other forms using print media, electronic media, and all available channels).

Freedom of the press, although a crucial part of democratic empowerment, should be understood as a means not an end. Freedom of the press is not absolute;<sup>14</sup> it is a basic strength that the press could use to the maximum to achieve national goals. And yet that same freedom is often reduced to a dogma and justification to serve media business interests.<sup>15</sup>

In the history of Indonesia, the press had provided vital support to the movement for Indonesian independence. Indonesian freedom fighters realized the strategic role of the press in strengthening Indonesia's independence struggle. But it had likewise been used as a tool in the struggle for certain business and political interests. The episodes of Indonesian history described the ebb and flow of press freedom in Indonesia.<sup>16</sup>

### Early Era of Independence (1945)

Djamaluddin Adinegoro (1904-1967), the leader of *Pewartu Deli* in Medan in a (1932) editorial stated the following:

*Pers di waktu ini tidak banyak kemerdekaannya dan orang yang menulis pasal staatkundige vraagstukken itu adalah ibarat orang yang menyeberang sungai, melalui titian selisih papan. Ia harus sangat hati-hati sekali melangkah agar supaya ia jangan jatuh masuk sungai. (The press at this time lacks independence and any person who writes about staatkundige vraagstukken [political issues] is like a man who crosses the river through a makeshift bridge. He must be very careful in placing his steps to avoid falling into the river.)<sup>17</sup>*

The fight for independence was not limited to direct confrontation with the colonialists but also involved overt and covert struggle through the media. The national press was certainly at political odds with the Dutch as well as Japanese colonialists. During this era, historical facts demonstrate that the heroes of Indonesia utilized the press as a medium in the struggle for Indonesian independence.

### “Orde Lama” (Old Order) (1945-1966)

The government established under an independent Indonesia, and headed by Sukarno as its President (18 August 1945 -12 March 1967), began a new episode of governance in Indonesia. The revolutionary spirit of the independence movement was still very much part of the Soekarno

Administration. In the early days of independent Indonesia, however, the governance had to struggle with the turmoil and dynamics of consolidating the government.

David T. Hill described the growth of newspapers from the beginning of independent Indonesia until the 1950s like mushrooms in the rainy season. Media thrived and became an important part in channeling information on the views of political parties. When the Dutch colonial government recognized the independence of Indonesia in 1949, about 75 press publications were being published. Meanwhile, with a population of 85.5 million during Indonesia's first post-colonial elections in 1955, the number of publications increased six-fold to 457 with total circulation in eight-fold to 3,457,910.<sup>18</sup>

Freedom of the press in this era experienced significant changes since the issuance of Presidential Decree of 5 July 1959. This decree started the limitation of freedom of the press in Indonesia under the framework of quasi-democratic practices based on the Pancasila, otherwise known as the "guided democracy" of Sukarno.

Consecutive regulations were passed under the pretext of "guidance" of the press in Indonesia, namely Presidential Regulation No. 6 of 1963 on the Guidance of the Press<sup>19</sup> and Provisional People's Consultative Assembly (MPRS) Decree No. XXXII/MPRS/1966 on Pers (Press) Guidance enacted on 5 July 1966. The function of the press, which led the mass mobilization that supported the Indonesian revolution, was distorted and limited.

In December 1966, the President issued Law 11 of 1966 on Basic Provisions on the Press.<sup>20</sup> This law provided for the establishment of a Press Council that would be headed by the Minister of Information (Article 7 paragraph [1]). This law provided for the government's guide over the press.

### **"Orde Baru" (New Order) (1966-1998)**

The Sukarno administration was replaced by that established by General Soeharto through the Order of 11 March 1966 (*Surat Perintah Sebelas Maret*). As the Second President of the Republic of Indonesia, Suharto (1921-2008) was successfully elected in seven elections, and proved no better than Sukarno, particularly in creating an adverse climate for press freedom in Indonesia. The term "New Order" was a political attempt to separate the period of Suharto administration from the Sukarno administration which upheld the implementation of Pancasila Democracy.

The Ministry of Information became an important agent of the government in restricting freedom of the press. National development, unity and political stability were the main jargons that had been put forward and the press was obliged to support them. Free and "responsible" press (*pers yang bebas dan bertanggung jawab*) became an important concept in the spectrum of press freedom in the New Order Era. Such policy was obvious through the issuance of Law No. 4 of 1967 on the Amendment of Law No. 11 Year 1966 on Basic Provisions on the Press.<sup>21</sup>

Suharto's press policy is easily understood through the Guidelines of State Policy set every five years since 1973. The People's Consultative Assembly (MPR) Decree No. IV/MPR/1973 on the Guidelines of State Policy (*Garis-garis Besar Haluan Negara*) stated the following:<sup>22</sup>

*Pembinaan pers yang sehat yaitu pers yang bebas dan bertanggung jawab yang memungkinkan Pers disatu pihak memberikan penerangan kepada masyarakat seluas mungkin dan seobyektif mungkin, dilain pihak merupakan saluran pendapat Rakyat yang konstruktif.* (Fostering healthy press refers to press that is free and responsible, which on one hand enables providing information to the public as widely as possible and as objectively as possible, and on the other hand is the channel of people's constructive opinions).

The role of the press became increasingly assertive and detailed as agent of national development as outlined in the People's Consultative Assembly Decree No. IV/MPR/1987 on the Guidelines of State Policy, which reads as follows:<sup>23</sup>

*Dalam rangka meningkatkan peranan pers dalam pembangunan perlu ditingkatkan usaha pengembangan pers yang sehat, pers yang bebas dan bertanggung jawab, yaitu pers yang dapat menjalankan fungsinya sebagai penyebar informasi yang obyektif melakukan kontrol sosial yang konstruktif, menyalurkan aspirasi rakyat dan meluaskan komunikasi dan partisipasi masyarakat. Dalam hal ini maka perlu dikembangkan interaksi positif antara pers, pemerintah dan masyarakat.* (In order to increase the role of the press in development, there needs to be improved effort to develop free and responsible press, namely the press to perform its function as a disseminator of objective information that conducts constructive social control, a chan-

nel of people's aspirations and expansion of communication and community participation. It is necessary to develop a positive interaction between the press, the government and society).

An important recommendation is the policy on information and the press under letter f of the Decree which states:

*Untuk menjamin pertumbuhan pers yang sehat, pers yang bebas dan bertanggung jawab maka Undang-undang tentang Ketentuan-ketentuan Pokok Pers perlu ditinjau kembali. Sejalan dengan hal itu maka perlu dipersiapkan perangkat peraturan di bidang pers yang dapat lebih menjamin pertumbuhan pers yang sehat dalam rangka pelaksanaan Demokrasi Pancasila. (To ensure the healthy growth of free and responsible press, the Law on Basic Provisions of Press needs to be revisited. Along with it, sets of rules have to be prepared in the field of the press that can better ensure the healthy growth of the press in order to implement the Pancasila Democracy).*

Then, Law No. 21 on the Amendment of the Law No. 11 Year 1966 on Basic Provisions on the Press as Amended by Law No. 4, 1967 was enacted in 1982.<sup>24</sup> Article 13 of the amended law requires the issuance of press publishing license/*Surat Izin Usaha Penerbitan Pers* (SIUPP):

*Setiap penerbitan pers yang diselenggarakan oleh perusahaan pers memerlukan Surat Izin Usaha Penerbitan Pers selanjutnya disingkat SIUPP yang dikeluarkan oleh Pemerintah. Ketentuan-ketentuan tentang SIUPP akan diatur oleh Pemerintah setelah mendengar pertimbangan Dewan Pers. (Each press publication conducted by the press company requires a Press Publishing license, hereinafter abbreviated as SIUPP, issued by the Government. The provisions of this license shall be governed by the Government after consultation with the Press Council).*

The implementation of Law 21 created a nightmare for the Indonesian press. The Ministry of Information was authorized to revoke press license under the pretext that the press company was acting contrary to the democratic values of Pancasila. The opposition to this unilateral policy eventually "snowballed" resulting in huge protests by the journalists and the public when *Tempo*, *Detik* and *Editor* magazines were banned in June 1994. Atmakusumah Astraatmadja, the winner of the 2000 Ramon Magsaysay Award for Journalism, Literature and Creative Communication Arts, called

it “The Longest Anti-banning Demonstration in the History of the Press” (*Demonstrasi Anti-bredel Terpanjang dalam Sejarah Pers*).<sup>25</sup>

Demonstrations and extensive criticism from within and outside the country and from various circles of society became the crucial beginning of the major changes in the history of Indonesia. The members of the national press established a new press organization in 1994 called *Aliansi Jurnalis Independen* (Alliance of Independent Journalists) or AJI.<sup>26</sup> This organization was established by journalists, activists, columnists and intellectuals on 7 August 1994 in Sirnagalih, Bogor, West Java. The Sirnagalih Declaration, with 58 signatories, is a milestone and symbolizes the new era for the independence of the press in Indonesia. AJI instituted two programs, among several, one short-term regarding increasing the quality of Indonesian journalism through regular book publication, training, seminar, and independent magazine publication; and for the longer-term, the campaign for the abolition of SIUPP. From four cities in 1994 with dozens of members founding AJI, it has established chapters in 36 cities from Aceh to Papua with almost 2,000 members by 2014.<sup>27</sup> AJI has firmly and boldly voiced opposition to any policy banning the work of the press and any limitation on freedom of the press in Indonesia. As clearly stated in Article 9 of AJI Statute, AJI works for the realization of free, professional and prosperous press and upholds democratic values (*terwujudnya pers bebas, profesional, dan sejahtera, yang menjunjung tinggi nilai-nilai demokrasi*).

### “Era Reformasi” (Reform Era) (1999-present)

The Reform Era was marked by demands for fundamental change in Indonesia. With the limitation on freedom of the press by the Suharto administration, the press became an important modality for the fall of Suharto in May 1998. The “Reform” idea mandated the amendment of Indonesia’s Constitution, the respect for and protection of human rights, the resolution of human rights violations cases, combating corruption and upholding the freedom of the press.

At the start of the Reform Era, the government of President B.J. Habibie (21 May 1998-20 October 1999) laid the foundation for the new Indonesian government. The first election in the Reform Era was held on 7 June 1999. Related to freedom of the press, under the support of B.J. Habibie, the parliament passed Law No. 39 of 1999 on Human Rights<sup>28</sup> and Law No. 40 of 1999 on the Press.<sup>29</sup> Both laws marked a new phase in the press freedom in

Indonesia. A news organization that was initially under the auspices of the Indonesian Journalists Association (PWI) changed drastically with the presence of dozens of news organizations, among which the most important was AJI.

In general, the development of press freedom in the Reform Era brought great changes. The provision of Article 7 of the Press Law confirms that journalists are free to choose the organization of journalists they want to join (*wartawan bebas memilih organisasi wartawan*). On this basis, the Minister of Information, Yunus Yosfiah, revoked the Decree of the Minister of Information No. 47 of 1975 which established the PWI as the only organization for journalists in Indonesia with government recognition.

In fact, no less important was the position of the Press Council, as stated in the provisions of Article 15, which became an independent institution. Likewise with SIUPP, Information Minister Regulation No. 01/Per/Menpen/1998 repealed the Regulation of the Minister of Information No. 01/Per/Menpen/1984 on the Provisions of the Press Publishing License (SIUPP) and the Decree of the Minister of Information No. 214A/Kep/Menpen/1984 on Procedures and Requirements for Obtaining SIUPP.

Another major change was the policy of President Abdurrahman Wahid (20 October 1999-23 July 2001). Abdurrahman Wahid, known as Gus Dur (1940-2009) took office as President after the 1999 elections. President Gus Dur dissolved the Ministry of Information through Presidential Decree No. 136 of 1999 on the Status, Tasks, Functions, Organizational Structure and Work Procedure of the Department.<sup>30</sup> And, Yunus Yosfiah was the last *Menteri Penerangan* (Information Minister) who headed the *Departemen Penerangan* (Ministry of Information).

The emergence of freedom of the press since the Reform Era did not prevent problems from occurring. The most significant problems were the wide range of abuses against journalists on gathering information and covering events, reporting of news, and criminalization of media. The Chairperson of the Press Council (2003-2006 and 2006-2009), Ichlasul Amal, emphasized that freedom of the press in Indonesia was threatened by the provisions of Criminal Code (KUHP). In a democratic state, according to Ichlasul Amal, journalistic work should not be threatened by penal laws and journalists could not be imprisoned for their professional work.<sup>31</sup> The two cases involving *Rakyat Merdeka* daily tabloid and *Tempo* magazine illustrate the filing of

defamation charges against several journalists, while the media carries out its function based on the Press Law.<sup>32</sup>

Warief Djajanto Basorie, who teaches journalism at the Dr. Soetomo Press Institute (LPDS) in Jakarta, sees one troubling concern after the Indonesian media gained press freedom with the end of Soeharto's New Order in 1998. He terms it as the emergence of press freedom "stowaways." They are press outlets that use press freedom for their self-interest rather than for the public interest. Under the guise of press freedom, they extort, deceive or intimidate.<sup>33</sup>

This was perceived by the Press Council, who received complaints from the public due to unprofessional journalists and news media. The Chairperson of the Press Council, Bagir Manan, confirmed this as follows:

*Dewan Pers mengharapkan perusahaan pers yang belum memenuhi ketentuan di atas untuk segera melakukan perbaikan atau pembenahan hingga batas waktu tanggal 1 Juli 2014. Jika di kemudian hari timbul permasalahan atau pengaduan dari masyarakat terhadap perusahaan pers yang tidak memenuhi ketentuan di atas hingga batas waktu 1 Juli 2014, Dewan Pers mempertimbangkan untuk merekomendasikan penanganan-nya kepada aparat penegak hukum.*<sup>34</sup> (The Press Council expects the press company which has yet to comply with the above regulations to conduct immediate correction until the deadline on 1 July 2014. If in the future the problems arise or complaints arise from the public against the press company that does not comply with the above until the deadline on 1 July 2014, the Press Council will consider recommending the treatment of this case to law enforcement officials).

Throughout the 2000-2011 period, the Press Council received directly or indirectly as many as 3,225 complaints. In 2014, complaints in general concerned unbalanced news, defamation, inaccuracy, violence against journalists and the behavior of journalists.

Major changes supporting freedom of the press are expected to support the independence and dignity of the national press. Freedom of the press should be based on three key elements: 1) adherence to ethical norms; 2) compliance and enforcement of legal norms; and 3) increased journalistic skills. The ability to synergize the three is a "gigantic" asset for the national press to support the promotion and protection of human rights in Indonesia.

Accordingly, Article 4 of the Press Law provides that press freedom is freedom which comes with the awareness of upholding the rule of law implemented by the courts, and professional responsibility as outlined in the Journalists' Code of Ethics and in accordance with the conscience of press members. (*kemerdekaan pers adalah kemerdekaan yang disertai kesadaran akan pentingnya penegakan supremasi hukum yang dilaksanakan oleh pengadilan, dan tanggung jawab profesi yang dijabarkan dalam Kode Etik Jurnalistik serta sesuai dengan hati nurani insan pers*). Freedom of the press is not free press. An independent press is a press that is able to liberate itself from arrogance and impunity.<sup>35</sup>

With the establishment of freedom of the press, the national press, as defined by Article 6 of the Press Law, is expected to: first, meet the public's right to know; second, uphold the basic values of democracy, promote the establishment of rule of law and human rights, as well as uphold diversity; third, develop public opinion based on information that is precise, accurate and true; fourth, conduct surveillance, criticism, corrections, and suggestions on matters relating to the public interest; and fifth, fight for justice and truth.

The subordination of the national press to, and its support for, the rule of law and respect for human rights illustrates the strategic role of the press in strengthening democracy in Indonesia. This is the space which should be filled to the maximum. As stated in the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, "[w]ithout freedom of expression, and particularly freedom of the press, an informed, active and engaged citizenry is impossible." It is important that the quality of the nation's democracy is measured by the safety of its journalists. The government must guarantee the protection of journalists. If the journalists can freely and safely conduct their profession, citizens will be able to receive quality information. Surely, citizens can unequivocally participate, support and engage in Indonesian democracy including the strengthening of the Indonesian national press itself. However, some perceive the national press as committing incitement to sedition and also defamation. The view about incitement to sedition and defamation by the press is, strangely, based on the concept of the use of the force of law that is inconsistent with the spirit of empowering the national press.

## Strengthening the National Press

The national press is a press organized by the Indonesian press company.<sup>36</sup> As stated in preamble of the Press Law, the national press as:

*Wahana komunikasi massa, penyebar informasi, dan pembentuk opini harus dapat melaksanakan asas, fungsi, hak, kewajiban, dan peranannya dengan sebaik-baiknya berdasarkan kemerdekaan pers yang profesional, sehingga harus mendapat jaminan dan perlindungan hukum, serta bebas dari campur tangan dan paksaan dari manapun (a medium of mass communication, information dissemination, and as an opinion-maker, must be able to implement its principles, functions, rights, responsibilities and roles to the best of its ability based on a free press that is professional, guaranteed and protected by law, and free of any form of influence and intimidation).*

Article 3 of the Press Law states two functions of national press, namely (1) as a medium for information, education, entertainment and social control; and (2) as an economic institution (*Pers nasional mempunyai fungsi sebagai media informasi, pendidikan, hiburan, dan kontrol sosial. Disamping fungsi-fungsi tersebut ayat (1), pers nasional dapat berfungsi sebagai lembaga ekonomi*).

It is believed that the national press has a significant role order in strengthening democracy in Indonesia. With the spirit of the freedom of the press growing since Reform Era, the national press has to uphold democratic values while subscribing to professional ethics. The Press Law also emphasizes that governments must ensure freedom of the press. Hence, the national press has the right to seek, acquire and disseminate ideas and information and will not be subject to censorship, banning or broadcast bans.<sup>37</sup>

However, the application of the Criminal Code in various forms that victimizes the press is a step backwards. The media crackdown resulting from unjust application of the law is a bad precedent for the rule of law in Indonesia. This is not intended to make the members of the press enjoy special application of the law, rather, this is an effort at learning and testing the spectrum of press freedom that has been adopted in the Press Law.

On the otherhand, the penal provisions of the Press Law should facilitate the development of a fair and dignified press. In order to support the independence and freedom of dignified press, press offenses should be subject

only to the Press Law. This fundamental weakness of the Press Law must be addressed wisely by members of the press. The Press Law needs to be immediately amended. If the offenses are only based on the criminal provisions in the Press Law, this is of course, still very vague. Press criminal offenses are only listed in Chapter VIII of Article 18. Giving the right to reply (*hak jawab*)<sup>38</sup> and the complaint to press institutions does not mean eliminating the right of others to sue them legally.<sup>39</sup>

Chapter VII of the Press Law contains two penal provisions – one for everyone and another for press companies. Article 18 of the Press Law provides:

(1) Anyone who violates the law by deliberately hindering or preventing the stipulations set out in Article 4 paragraph [2] and Article 4 paragraph [3] may face imprisonment for up to 2 (two) years or a fine of up to Rp. 500,000,000 (five hundred million rupiah); (2) A press company that violates the stipulations set out in Article 5 paragraph [1] and Article 5 paragraph [2], as well as Article 13, may be fined up to Rp. 500,000,000 (five hundred million rupiah); and (3) A press company that violates the stipulations in Article 9 paragraph [2] and Article 12 may be fined up to Rp. 100,000,000 (one hundred million rupiah). ((1) *Setiap orang yang secara melawan hukum dengan sengaja melakukan tindakan yang berakibat menghambat atau menghalangi pelaksanaan ketentuan Pasal 4 ayat (2) dan ayat (3) dipidana dengan pidana penjara paling lama 2 (dua) tahun atau denda paling banyak Rp. 500.000.000,00 (Lima ratus juta rupiah); (2) Perusahaan pers yang melanggar ketentuan Pasal 5 ayat (1) dan ayat (2), serta Pasal 13 dipidana dengan pidana denda paling banyak Rp. 500.000.000,00 (Lima ratus juta rupiah); dan 3) Perusahaan pers yang melanggar ketentuan Pasal 9 ayat (2) dan Pasal 12 dipidana dengan pidana denda paling banyak Rp. 100.000.000,00 (Seratus juta rupiah).*

These penal provisions do not specify the offences by journalists. In fact, a number of journalists in Indonesia are currently being tried on criminal charges in a series of defamation cases and are threatened with imprisonment for their professional activities. Charges of Defamation (Articles 310-321 KUHP) are increasingly being threatened and in some cases filed, not only against journalists, but also against human rights defenders and environmental activists.<sup>40</sup>

Furthermore, people involved in law enforcement in Indonesia (lawyers, members of the police, attorneys and judges) do not have good conscience and understanding of the implementation of the Press Law. In order to avoid multiple interpretation and foster proper understanding of the enforcement of the law on one side, and to protect freedom of the press on the other side, the Press Council initiated a system of coordination and collaboration with Indonesian legal institutions.<sup>41</sup>

In addition, the presence and contribution of online or virtual media has significantly increased in Indonesia. But the Press Law does not regulate it comprehensively. Journalists in online media are not regarded as real journalists. Under such conditions, protecting them is problematic. In this regard, the Press Law must be amended not only to clarify the legal status of journalists and the complaint mechanism for journalistic work in the Indonesian legal order, but also to better adapt to the developments and trends of the media.

The Press Law brought great changes to the spirit of democracy in Indonesia. As a noble profession with a very commendable task, journalists need strong legal protection. With robust journalist profession supported by a strong legal umbrella, the national press would be robust in its empowered and dignified role.

A strong national press is a collective of hope and strength. In my opinion, the national press should contribute to the work on human rights education. But the dark and scary side of the national press still remains, among which is the significant problem of the protection and application of ambiguous law on the press. This portrait perfectly illustrates the gaps in the knowledge and attitude of the society and those of elite members of the press on the existence and strategic role of the national press. The national press is allegedly not able to liberate itself from acute dependence on certain vested interests due to poverty and ignorance.

### **Organization of Professional Journalists in North Sumatra**

PWT<sup>42</sup> was established in Surakarta on 9 February 1946, approximately a year after Indonesia's independence on 17 August 1945. It is the oldest press organization in Indonesia. Its establishment became the basis for holding National Press Day (*Hari Pers Nasional* or HPN) every 9 February of the year. Another media organization was established in the same year (on 8

June 1946) for newspaper publishers, the Newspaper Publishers Association (*Serikat Penerbitan Surat Kabar* or SPS). Both organizations were forums for journalists and newspaper publishers who greatly contributed to the struggle for Indonesia's independence.

The PWI Statutes (*Peraturan Dasar & Rumah Tangga PWI*) adopted in September 2013 at the XXIIIth PWI Congress in Banjarmasin, affirmed that PWI is an independent organization of Indonesian journalists and media professionals which accept members regardless of race, religion, and class as well as membership in political organization and community organization (*organisasi wartawan Indonesia independen dan profesional tanpa memandang baik suku, agama, dan golongan maupun keanggotaan organisasi politik dan organisasi kemasyarakatan*).<sup>43</sup>

The PWI principles are based on Pancasila. PWI currently has membership of over fifteen thousand journalists in Indonesia. According to the Press Council Regulation No. 1 of 2000 on Competency Standards for Journalists, PWI is the authorized institution that administers the Competency Test for Journalists (*Uji Kompetensi Wartawan* or UKW). The results of the UKW classify journalists into three levels: advanced journalists (*wartawan utama*); intermediate journalists (*wartawan madya*); and junior journalists (*wartawan muda*). It is important to note that no more than 25 percent of the members of PWI have been certified. It is crucial that the quality of Indonesian journalists is boosted through UKW and other means.

Structurally, according to Article 2 paragraph 1 of the PWI Statutes, PWI consists of the following: (1) PWI Center (*pusat*) located in the capital city of the Republic of Indonesia; (2) PWI Province (*propinsi*) located in the capital of the province; (3) PWI Regency/City (*kabupaten/kota*) located in the capital district/city; and (4) special PWI Solo in Surakarta.

In North Sumatra, out of 567 PWI members thirty are advanced journalists, ninety are intermediate journalists and one hundred twenty are junior journalists. PWI has established chapters in fifteen districts/cities.

PWI North Sumatra has engaged in human rights education activities. The Chairperson of the Honorary Board of Regional PWI North Sumatra had been working hard in building systems for communication, socialization and dissemination of professional norms of journalists to the members of the press and the communities of North Sumatra.

Although sporadic events are held to commemorate international observances of the United Nations, PWI North Sumatra in collaboration with

other institutions such as those of academics and corporations organize activities to discuss human rights and their relations to professional journalist work. PWI has also invited journalists many times to join seminars and trainings on human rights-based approach to journalism to raise their capacity both as speakers and participants.

From 2006 to 2015, War Djamil, Senior Editor of *Analisa Daily*, former Honorary Secretary of the Board of PWI North Sumatra and former Director of Training Institute of North Sumatra of PWI has been intensively striving for the professionalism of the press in North Sumatra. As the iconic figure of Indonesian journalism, he has been actively campaigning for appreciation of the importance of subscription to the Journalists' Code of Ethics (*Kode Etik Jurnalis* or KEJ) and rights-based journalism through training for journalists, seminars and public discussions. These activities have been done in Medan, the capital of North Sumatra Province, and in various areas in districts/cities of the province.<sup>44</sup>

War Djamil did these activities on his own initiative and independent of PWI. Unfortunately, North Sumatra PWI has not included these activities as part of its official program agenda. While North Sumatra PWI has recently recognized the significance of human rights education for journalists, relevant activities in this regard were still sporadic; out of fifteen PWI regencies/cities in North Sumatra, only several PWI Districts have organized training on human rights-based journalism such as PWI Labuhanbatu District, PWI Asahan and PWI Deli Serdang.

Meanwhile, AJI<sup>45</sup> was established in Megamendung, Bogor, West Java on 7 August 1994 (see Sirnagalih Declaration). Starting with a few dozen members in four cities in 1994, it gained nearly 2,000 members in 37 cities, from Papua to Aceh, by 2015.

Since its founding in 1994, AJI has committed to strive for the freedom of the press, as well as to provide quality information to the public. After regaining freedom of the press with the ending of the authoritarian regime, AJI ensures that its members understand the professional ethics of journalists. To improve the welfare of journalists, the AJI founders sought AJI membership in the International Federation of Journalists (IFJ), based in Brussels, Belgium. This was part of the organization's strategy in dealing with "pro-government" journalists that controlled the national press at the time.<sup>46</sup>

The X<sup>th</sup> AJI Congress in Bukittinggi, West Sumatra, held on 27-29 November 2014 adopted the AJI Statutes. According to the Statutes, AJI sub-

scribes to the principles of freedom, democracy, equality and diversity.<sup>47</sup> AJI is known as a journalist organization that cares and is involved actively in striving for and defending press freedom in Indonesia and in the world.

The activities of AJI throughout Indonesia are all geared toward the respect and protection of human rights and democracy; they emphasize the importance of professionalism and welfare of journalists in accordance with the vision of AJI, namely, the establishment of a free, professional, and prosperous press that upholds the values of democracy (*terwujudnya pers bebas, profesional, dan sejahtera, yang menjunjung tinggi nilai-nilai demokrasi*) provided in Article 9 of the AJI Statutes.

The AJI organizational structure is composed of AJI National (*nasional*) and AJI City (*kota*). AJI has also been authorized by the Press Council to administer UKW. But since the administration of UKW requires resources, AJI chapters with limited resources have difficulty performing this role. AJI Medan, for example, has not been able to administer UKW on its own due to limited resources. AJI Medan, established in 1999,<sup>48</sup> has eighty five members with three advanced journalists, and one intermediate journalist.

In addition to running the programs together with AJI National, AJI Medan is active, either through its own institutions or in partnership/alliance with other civil society institutions in North Sumatra, in voicing the importance of freedom of the press. Issues and discourses on human rights are intensively discussed in various forums and study sessions, though still sporadically held. AJI Medan still faces the fundamental question of organizational consolidation; but it has the strong commitment to change and strengthen the organization.

AJI Medan is run by many young journalists who are very open to working with civil society institutions. Many of the successful partnerships with civil society institutions are on campaigns for the rule of law, democracy, press freedom and human rights. In many instances, AJI Medan is actively involved in the Civil Society Alliance on Anti-Torture (SIKAP), Civil Society Alliance on Information (MASIF) and others.

In collaboration with other institutions (such as those of the academics and NGOs), AJI Medan celebrates on May 3rd every year the World Freedom of the Press. AJI Medan has strongly encouraged the local government and local police in North Sumatra to respect and uphold human rights and to protect all journalists around Indonesia. It launched and called for adequate minimum wages for media workers. It organized discussion on the

restriction of freedom of the press in Article 27 paragraph [3] Law Number 11 Year 2008 concerning Information and Electronic Transaction (IET). Every year on June 26th, AJI Medan as a member of SIKAP, commemorated International Day in Support of Victims of Torture. These activities have been done in Medan, the capital of North Sumatra Province.

AJI Medan is the only AJI chapter in the province of North Sumatra at present according to Agoez Perdana, chief of AJI Medan. The AJI Medan Board has planned to establish AJI Siantar in 2016.<sup>49</sup>

## Epilogue

Freedom of the press in Indonesia has had its ebb and flow. For a very long time, freedom of the press was limited and subordinated to political hegemony of the government, both in the Old Order and New Order. Freedom of the press in the Reform Era was strongly established. The firm legal support for human rights, from the Constitution and various national human rights instruments, provides the democratic and participatory policy space and further strengthens the freedom of the press.

However, freedom of the press is not everything. The phenomenon of “stowaways” and often referred to as “unscrupulous” journalists is a portrait of poor usage of press freedom. Freedom of the press is a means to educate the people and support the welfare of society. It requires professional and robust press members and organizations; who must comply with the professional code of ethics of journalists.

Media and human rights have a strong mutual relationship. With an increasingly strategic role of the media, professional journalist organizations contribute significantly in strengthening democratic values and human rights. Human rights education conducted by PWI and AJI in North Sumatra still tends to be sporadic, that probably has not been able to make an impact in instilling democratic values. Looking ahead, PWI and AJI in North Sumatra should synergize and reinforce a sustainable framework in implementing human rights education, so that human rights-based journalism can actually happen in Indonesia, particularly in North Sumatra.

## Endnotes

1 SJI is a program of collaboration between Indonesian Journalists Association (PWI) and Ministry of Education and Culture-Provincial Government (South Sumatera Provincial Government). For more details see Marah Sakti Siregar, et al., *Tiga Tahun Sekolah Jurnalisme Indonesia* (Jakarta: RIMBOOKS, 2013). See also [www.sji-pwi.org](http://www.sji-pwi.org).

2 The Press Law has 10 chapters and 21 articles, and enacted in Jakarta on 23 September 1999. State Gazette Year 1999 No. 166, Additional State Gazette No 3887.

3 Tim Dewan Pers, *Data Pers Nasional 2014 (National Press Data 2014)* (Jakarta: Dewan Pers, 2014). See also at [www.dewanpers.or.id](http://www.dewanpers.or.id).

4 Ibid.

5 An important case that has not been solved is the death of Yogyakarta journalist, Fuad Muhammad Syafruddin also known as Udin, on 16 August 1996. The death of *Kupang Pos* journalist, Nusa Tenggara Timur, Yacobus Lewanmeru, also known as Obby, on February 2009 also remains unresolved. On the development of the media in the New Order, see Jose Manuel Tesoro, *The Invisible Palace; the True Story of a Journalist's Murder in Java* (Jakarta: PT. Equinox Publishing (Asia) Pte. Ltd., 2004); Janet Steele, *Wars Within; the Story of Tempo, an Independent Magazine in Soeharto's Indonesia* (Jakarta: PT. Equinox Publishing (Asia) Pte. Ltd., 2005), David T. Hill, *The Press in New Order Indonesia*, and its Indonesian edition, Gita Widya Laksmi Soerjoatmodjo, *Pers di Mata Orde Baru* (Jakarta: Yayasan Obor Indonesia, 2011).

6 “[Indonesia] AJI condemns rising cases of violence against journalists.” See at [www.seapa.org/aji-indonesia-condemns-rising-cases-of-violence-against-journalists/](http://www.seapa.org/aji-indonesia-condemns-rising-cases-of-violence-against-journalists/)

7 Eko Prilliawito, “AJI: Polisi Musuh Kebebasan Pers di 2014,” <http://m.viva.co.id/ramadan2016/read/571359-aji-polisi-musuh-kebebasan-pers-di-2014>, “AJI: Polisi Musuh Kebebasan Pers,” *Tribunnews.com*, 3 May 2015. [www.tribunnews.com/nasional/2015/05/03/aji-polisi-musuh-kebebasan-pers](http://www.tribunnews.com/nasional/2015/05/03/aji-polisi-musuh-kebebasan-pers).

8 See Nani Afrida, “Violence against journalists on the rise with 46 cases in 2015,” the *Jakarta Post*, 11 February 2016, [www.thejakartapost.com/news/2016/02/11/violence-against-journalists-rise-with-46-cases-2015.html](http://www.thejakartapost.com/news/2016/02/11/violence-against-journalists-rise-with-46-cases-2015.html).

9 See and read further his dissertation *Press Freedom, Law and Politics in Indonesia: A Socio-Legal Study* (Leiden: Leiden University Press, 2014), page 1. See also Dewan Pers, *Kebebasan Pers & Ancaman Hukum* (Jakarta: Dewan Pers, 2005).

10 RSF is based in Paris and founded by four journalists in the Southern French city of Montpellier in 1985. RSF is an independent NGO with consultative status with the UN, UNESCO and the Council of Europe and the International Organizations of the Franchopone. For more information, visit [https://rsf.org/en/ranking\\_list/archive](https://rsf.org/en/ranking_list/archive).

11 Reporters Sans Frontieres (RSF), *Ranking since 2002*, <https://rsf.org/en/indonesia>.

12 See Scores and Status (1980-2016) and Detailed Data and Subscores (1980-2016), Freedom House, <https://freedomhouse.org/report-types/freedom-press>. Freedom House was established in October 1941 and was the first American organization striving on the global freedom through research and advocacy on democracy,

political independence and human rights. Indicators used are: *legal environment*, *political environment*, and *economic environment*.

13 See Leo Batubara, "Kekerasan terhadap Fungsi Pers." Posted on 23 February 2008 WIB at <http://klikpolitik.blogspot.co.id/2008/02/kekerasan-terhadap-fungsi-pers.html>. See also at [http://andreanthoni.blogspot.co.id/2008/08/kekerasan-terhadap-fungsi-pers\\_3944.html](http://andreanthoni.blogspot.co.id/2008/08/kekerasan-terhadap-fungsi-pers_3944.html). Posted on 25 August 2008.

14 "... So, according to systematic interpretation (*systematische interpretatie*), human rights are regulated in Article 28A until Article 28I Indonesian Constitution 1945 abiding by the limitation on human rights that are regulated in Article 28J Indonesian Constitution 1945," as decided by Indonesian Constitutional Court No. 2-3/PUU-V/2007 dated 30 October 2007. Even though in the context of human rights studies, the rationale of the decision of the Constitutional Court is questionable, as the limitation of human rights are not as simple as referring to Article 29 UDHR 1948 and the *Limburg Principles on the Implementation of the International Covenant on Economic Social and Cultural Rights* which must be referred to strictly, as it contains far more narrative explanations than Article 28J, Indonesian Constitution 1945.

15 Edmund Burke's reference to media as "the fourth estate" has come to be associated with the idea that the press plays a crucial role in enabling citizens to exercise control over political process. See Susan Marks and Andrew Clapham, *International Human Rights Lexicon* (New York: Oxford University Press, 2005), page 237.

16 These episodes divided into four phases of Indonesian government in order to seek the relation as well as press contribution in each phase. Adinegoro said "pers suatu negara adalah gambaran dari bangsa yang memilikinya" (the press in a state is a picture of the nation that has it"). See Soebagijo I.N., *Adinegoro; Pelopor Jurnalistik Indonesia* (Jakarta: C.V. Haji Masagung, 1987), page 44.

17 *Ibid.*, page 52.

18 See David T. Hill, *The Press in New Order Indonesia*, Indonesia edition, Gita Widya Laksmi Soerjoatmodjo, *Pers di Masa Orde Baru* (Jakarta: Obor, 2011), page 24. See David T. Hill, *Journalism and Politics in Indonesia; A Critical Biography of Mochtar Lubis (1922-2004)*, Indonesia edition, *Yayasan Pustaka Obor Indonesia* (Jakarta: Obor, 2011).

19 The Guidance has 6 chapters and 14 articles, enacted in Jakarta on 15 May 1963.

20 This law has 10 chapters and 21 articles, enacted in Jakarta on 12 December 1966.

21 This law has 2 chapters, and enacted in Jakarta on 6 May 1967.

22 Enacted in Jakarta on 22 March 1973.

23 Enacted in Jakarta on 22 March 1978.

24 Enacted in Jakarta on 20 September 1982.

25 Atmakusumah Astraatmadja, "Kata Pengantar," in David T. Hill, *The Press in New Order Indonesia*, op. cit.

26 See <http://aji.or.id/>.

27 See Aliansi Jurnalis Independen, *Semangat Sirnagalih; 20 Tahun Jurnalis Independen* (Jakarta: AJI), page 13.

28 This law was enacted in Jakarta on 23 September 1999.

29 This law was enacted in Jakarta on 23 September 1999.

30 Enacted in Jakarta on 10 November 1999.

31 Lukas Luwarso, *Kebebasan Pers & Ancaman Hukum* (Jakarta: Dewan Pers, 2005), page vii.

32 See Amnesty International, “Indonesia Press Freedom under Threat,” AI Index ASA 21/044/2003. See also the *Jakarta Post*, 3 May 2005.

33 Warief Djajanto Basorie, “How to Be A Competent Journalist,” in *The Jakarta Post*, 12 March 2010. See more at [www.thejakartapost.com/news/2010/03/12/how-be-a-competent-journalist.html#sthash.A5d7U5uo.dpuf](http://www.thejakartapost.com/news/2010/03/12/how-be-a-competent-journalist.html#sthash.A5d7U5uo.dpuf).

34 See Dewan Pers, op.cit., page XXVI.

35 The United Nations defines impunity as the “failure to bring perpetrators of human rights violations to justice.” It also sees “problem of impunity [as not being] restricted to the failure to investigate the murders of journalists and media workers... [but also to] the curtailment of their expression [that] deprives society as a whole of their journalistic contribution and results in a wider impact on press freedom where a climate of intimidation and violence leads to self-censorship” *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. For the full document see [www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official\\_documents/UN-Plan-on-Safety-Journalists\\_EN\\_UN-Logo.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official_documents/UN-Plan-on-Safety-Journalists_EN_UN-Logo.pdf).

36 Article 1 point 6 of the Press Law.

37 Article 4 paragraph [2] and [3] of the Press Law.

38 Right to Reply is defined as the right of any individual or group to respond to or deny any factual news that is unfavorable to his/her/their good reputation. (*Hak Jawab adalah seseorang atau sekelompok orang untuk memberikan tanggapan atau sanggahan terhadap pemberitaan berupa fakta yang merugikan nama baiknya*). See Article 1 point 11 of the Press Law.

39 In terms of legal accountability, journalists has Right to Refuse (*Dalam mempertanggungjawabkan pemberitaan di depan hukum, wartawan mempunyai Hak Tolak*). See Article 4 paragraph [4] of the Press Law. Right to Refuse is the journalist’s right to reject the request for disclosure of the name and/or other identities of news sources that must be secret. (*hak wartawan karena profesinya, untuk menolak mengungkapkan nama dan atau identitas lainnya dari sumber berita yang harus dirahasiakannya*). See Article 1 point 10 of the Press Law.

40 See Amnesty International, “Indonesia Press Freedom under Threat,” AI Index ASA 21/044/2003.

41 See more at [www.dewanpers.or.id/kesepahaman](http://www.dewanpers.or.id/kesepahaman).

42 See more at [www.pwi.or.id](http://www.pwi.or.id).

43 Article 1 paragraph 3, PWI Statutes (*Peraturan Dasar & Rumah Tangga PWI*).

44 See War Djamil, “Jurnalisme Berbasis HAM dalam Pemberitaan,” paper delivered at the Training Institute of PWI North Sumatera, Medan, on 21 November 2015. See also War Djamil, “Sekilas tentang Etika Pers dalam Media Massa,” paper delivered on Journalistic Training PWI Kabupaten Asahan, Kisaran, 11 November 2014. See War Djamil, “Delik Pers dan Nota Kesepahaman Dewan Pers-Polri,” paper delivered on Press Education, in collaboration with PWI North Sumatera, USU and Asian Agri, Medan, 12 December 2013.

- 45 See more at [www.aji.or.id](http://www.aji.or.id).
- 46 AJI, *Semangat Sirnagalih; 20 Tahun Aliansi Jurnalis Independen* (Jakarta, AJI, 2014), page 13.
- 47 See Article 5 of AJI Statutes.
- 48 Interview with Darma Lubis, former Chief of AJI Medan (2003-2005).
- 49 Interview with Agoez Perdana (2015-2018). For further information on AJI Medan visit <http://medan.aji.or.id>.