

Indonesian Press Law & Regulations of the Press Council



PRESS COUNCIL OF INDONESIA

Indonesian Press Law & Regulations of the Press Council



PRESS COUNCIL OF INDONESIA

2016

Contents

Preface	v
1. Act of the Republic of Indonesia Number 40 of 1999 on the Press	1
2. Journalism Code of Ethics	19
3. Complaints Filing Procedure to the Press Council	25
4. Right of Reply Guidelines	29
5. Standard for the Protection of the Profession of Journalists	33
6. Standard for Press Corporations	35
7. Standard for Journalists' Organizations	37
8. Standard for Press Corporation Organizations	39
9. Distribution Guidelines for Adult Print Media	41

Preface

The International Federation of Journalists (IFJ) has placed the Press Council as one of the best press council in the world. This judgment is an honor for us. It certainly can not be released from the Act of the Republic of Indonesia Number 40 Year 1999 on the Press is touted as one of the laws are quite good and respect for the principles of freedom of the press universally applicable. This law is one of the products after the 1998 reform law created to end the otoritarian regime for 32 years to control freedom of the press.

Currently the Indonesian press has an important role in realizing the ideals of the Indonesia nation as stated in Article 6 of the Act of the Republic of Indonesia Number 40 Year 1999 on the Press. Among others fulfill the public's right to know; uphold the basic values of democracy, promoting the establishment of the rule of law, and human rights, and respect pluralism; develop public opinion based on information that is precise, accurate and true; conducting surveillance as public watchdog, criticism, corrections, and suggestions on matters relating to government, business, the public interest. And the last is a fight for justice and truth.

Press freedom has a close relationship with the function of the press in a democratic society. The press is one of the strengths of democracy, especially the power to control and controlling the running of the government. In a democratic society, the press serve to provide information and alternative and evaluation required by society as their participation in the process of administering the state. People sovereignty could not walk or function properly if the press does not provide information and alternative solutions are needed.

This book not only covers Act of the Republic of Indonesia Number 40 Year 1999 on the Press, but also contains a code of journalistic ethics in Indonesia, a number of regulations and guidelines compiled by the press communities themselves. Act of the Republic of Indonesia Number 40 Year

1999 on the Press did give authority to the press community to organize itself facilitated by the Press Council of Indonesia.

Jakarta, August 17, 2016

Yosep Adi Prasetyo
Chairman, Press Council of Indonesia

**ACT OF THE REPUBLIC OF INDONESIA
NUMBER 40 OF 1999
ON
THE PRESS**

**WITH THE BLESSING OF GOD ALMIGHTY,
THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

- Considering:**
- a. that the freedom of the press is one of the manifestations of the people's sovereignty and constitutes an important element to promote a democratic life of the society, nation and state, thereby securing the freedom to express thoughts and opinions as meant in Article 28 of the 1945 Constitution;
 - b. that in a democratic life of the society, nation and state, the freedom to express thoughts and opinions in accordance with one's conscience and the right to get information are fundamental human rights, which are necessary to uphold justice and truth, to promote public welfare, and to advance the intellectual life of the nation;
 - c. that the national press as a vehicle of mass communication, information dissemination, and public opinion building, should be allowed to execute its principles, functions, duties, and roles as well as possible based on professional freedom of the press, thus necessitating that it be given legal guarantee and protection, and also be made free from interference and coercion from any quarters;
 - d. that the national press shall take part in promoting world order based on freedom, lasting peace, and social justice;

- e. that Act No. 11 of 1966 concerning Basic Provisions on the Press, as amended by Act No.4 of 1967 and later amended by Act No. 21 of 1982, is no longer suitable to the demand of temporal change;
- f. that based on considerations as meant by letters a, b, c, d, and e, it is deemed necessary to enact a law on the Press.

- In View of:**
- 1. Article 5 clause (1), Article 20 clause (1), Article 27, and Article 28 of the 1945 Constitution.
 - 2. Decree of the People's Consultative Assembly No. XVII/MPR/1988 on Human Rights;

With the consent
of the House of Representatives of the Republic of Indonesia

HAS RESOLVED:

To enact: ACT ON THE PRESS

CHAPTER I

GENERAL PROVISIONS

Article 1

As meant in this Act:

- 1. The Press is a social institution and a vehicle of mass communication that performs journalistic activities covering the seeking, obtaining, owning, storing, processing, and disseminating of information, either in the forms of manuscript, audio, visual, audio-visual, and data and graphs, as well as in other forms of the print media, the electronic media and any other forms of media.
- 2. A Press Corporation is an Indonesian legal entity that operates press undertakings, which cover the print media, electronic media, news agencies, and other media corporations with specialization in managing, disseminating and distributing information.

3. A News Agency is a press corporation that serves the print media, electronic media or other media, as well as the community in obtaining information.
4. A Journalist is a person doing journalistic works on a regular basis.
5. A Press Organization is an organization of journalists and that of press corporations.
6. A National Press is the press operated by an Indonesian press corporation.
7. A Foreign Press is the press operated by a foreign press corporation.
8. Censorship is the forced removing of some or all parts of information materials to be published or broadcast, or warnings or reprimands with threats from any quarter, and/or obligation to report to, and apply for permit from the authority to carry out journalistic activities.
9. Bridling or broadcasting prohibition is the terminating of publication and distribution of the printed media, or coerced and illegal broadcasting.
10. Right of Refusal is the right of a journalist, in the line of his/her profession, to refuse to disclose the name(s) or other identities of the source person(s), which the journalist must keep in secret.
11. Right of Reply is the right of a person or a group of persons to make responses and denials to publication contents that harm his/her or their good name.
12. Right of Correction is the right of everybody to correct or rectify mistaken information, either on his/herself or concerning other persons, which is published by the press.
13. Obligation of Correction is the obligation to correct or rectify false information, data, fact, opinion, or picture, which have been published by the press concerned.
14. Journalism Code of Ethics is a compilation of professional ethics for journalists.

CHAPTER II

PRINCIPLES, FUNCTIONS, RIGHTS, DUTIES, AND ROLES OF THE PRESS

Article 2

Freedom of the Press is one of the manifestations of the people's sovereignty, which is based on the principles of democracy, justice, and legal supremacy.

Article 3

- (1) The national press functions as a medium for information dissemination, education, entertainment, and social control.
- (2) In addition to the functions referred to under clause (1), the national press also functions as an economic institution.

Article 4

- (1) The freedom of the press is guaranteed as the basic right of the citizens.
- (2) Towards the national press, there shall be no censorship, banning or broadcasting prohibition.
- (3) By the freedom of the press, the national press has every right to seek, get, and disseminate ideas and information.
- (4) In bearing legal responsibility for a publication, a journalist has the Right of Refusal.

Article 5

- (1) In reporting events and opinions, the press is obliged to pay respect to the religious norms, social morality and the principle of presumption of innocence.
- (2) The press is obliged to honor the Right of Reply.
- (3) The press has an obligation to abide by the Right of Correction.

Article 6

The national press holds the roles to:

- a. fulfill the public's right to know;
- b. uphold the basic values of democracy, encourage the observance of legal supremacy and human rights, and pay respect to diversity.
- c. develop public opinion based on correct, accurate and true information.
- d. launch supervision, criticism, and correction, and offer suggested solutions to matters pertaining to public interests.
- e. fight for justice and truth.

CHAPTER III JOURNALISTS

Article 7

- (1) A journalist is free to join any journalist organization of his or her choice.
- (2) Journalists should sanction a Journalism Code of Ethics and abide by it.

Article 8

In executing his/her duties, a journalist is provided with the necessary legal protection.

CHAPTER IV PRESS CORPORATIONS

Article 9

- (1) Every Indonesian citizen has the right to establish a Press Corporation.
- (2) Every press corporation must be in the form of an Indonesian legal entity.

Article 10

A Press Corporation should always step up the welfare of its journalists and other press workers by offering shares in the ownership of the venture and/or net profit sharing and other forms of incentives.

Article 11

Infusion of foreign capital to a press corporation should be made through the stock exchange.

Article 12

A press corporation is obliged to openly announce its name, address and administrator-in-charge through said media; specific to press publication, name and address of the printer corporation should also be included.

Article 13

A press corporation is prohibited from carrying advertisements that:

- a. dishonor the dignity of a religion and/or disturb the harmonious life among religious followers, and contradict public morality;
- b. feature liquor, narcotics, psychotropic, and other addictive substances in line with provisions of operative statutory regulations.
- c. show the form of cigarette and/or cigarette usage.

Article 14

To disseminate news at home and to abroad, every Indonesian citizen and the state are allowed to establish a news agency.

CHAPTER V

PRESS COUNCIL

Article 15

- (1) Within the frame of helping uphold the freedom of the press and improving the national press life, an independent Press Council shall be founded.
- (2) The Press Council shall execute its functions as follows:
 - a. to protect the freedom of the press from interferences by other parties;
 - b. to carry out studies to enhance the development of the press life;
 - c. to sanction a Journalism Code of Ethics and to supervise its implementation;
 - d. to give considerations and to help settle public complaints over press publication-related cases;
 - e. to facilitate communications among the press, the people, and the government;
 - f. to help press organizations in formulating regulations in the field of the press and to improve the quality of journalistic profession;
 - g. to set up a data bank on press corporations.
- (3) The Press Council membership shall consist of:
 - a. journalists chosen by journalist organizations;
 - b. executives of press corporations chosen by press corporation organizations;
 - c. public figures, experts in the field of the press and or communications and other fields, chosen by journalist organizations and press corporation organizations.
- (4) The chairperson and vice chairperson of the Press Council are elected from among and by the members of the Council.
- (5) The membership of the Press Council as meant by clause (3) of this Article shall be determined by a Presidential Decree.

- (6) The membership of the Press Council shall be effective for a period of 3 (three) years and afterward is eligible for reelection for one more term only.
- (7) Financial sources of the Press Council shall derive from:
 - a. press organizations;
 - b. press corporations;
 - c. unconditional contributions from the state and other donors.

CHAPTER VI FOREIGN PRESS

Article 16

Foreign press circulation and the establishment of foreign press representative offices in Indonesia shall be done according to the provisions of the operative statutory regulations.

CHAPTER VII PUBLIC PARTICIPATION

Article 17

- (1) The public may hold activities to facilitate the exercise of the freedom of the press and guarantee the right to obtain required information.
- (2) The activities as meant in clause (1) can be in the forms of:
 - a. monitoring and writing analyses on legal violations, ethics and on technical errors of the presentation of new reports committed by the press;
 - b. conveying suggestions and recommendations to the Press Council with a view to maintaining and improving the quality of the national press.

CHAPTER VIII

PENAL PROVISIONS

Article 18

- (1) Whosoever illegally and deliberately takes actions that result in the impediment and obstruction to the implementation of the provisions of Article 4 clause (2) and clause (3) of this law shall be liable to a maximum prison sentence of 2 (two) years or a maximum fine amounting to Rp500,000,000.00 (five hundred million rupiahs).
- (2) Any press corporation that violates the provisions of Article 5 clause (1) and clause (2) and Article 13 of this law shall be liable to a maximum fine of Rp500,000.000.00 (five hundred million rupiahs).
- (3) Any press corporation that violates the provisions of Article 9 clause (2) and Article 12 of this law shall be liable to a maximum fine of Rp100,000.000.00 (one hundred million rupiahs).

CHAPTER IX

TRANSITIONAL PROVISIONS

Article 19

- (1) After the sanctioning of this law, all operative regulations in the field of the press as well as all existing agencies and institutions remain effective and continue to function so long as they are not in contradiction to or not yet replaced by new ones based on this law.
- (2) Press corporations already in existence before this Law comes into force, shall adjust themselves with the provisions of this Law within 1 (one) year after this Law is promulgated.

CHAPTER X

CLOSING PROVISIONS

Article 20

At the time this Law comes into force:

- (1) Act No. 11/1966 concerning Basic Provisions on the Press (State Gazette of the Republic of Indonesia of 1966 No. 40, Supplementary State Gazette No.2815) that was amended the last by Act No.21 of 1982 on Amendments to Act No. 11 of 1966 on Basic Provisions on the Press as it was amended by Act No.4 of 1967 (State Gazette of the Republic of Indonesia of 1982 No. 52, Supplementary State Gazette No.3235);
- (2) Act No. 4 PNPS of 1963 on Control of Printed Matters, the Content of which may Disturb Public Order (State Gazette of the Republic of Indonesia of 1963 No. 23, Supplementary State Gazette of the Republic of Indonesia No.2533), Article 2 clause (3) as applied to provisions on bulletins, daily newspapers, and periodical publications;

are hereby declared invalid.

Article 21

This law shall come into force at the date of its sanctioning. In order that everyone may take cognizance of it, it is hereby ordered to place this Law in the State Gazette of the Republic of Indonesia.

Sanctioned in: Jakarta On: 23rd September 1999

Promulgated in Jakarta
On 23rd September 1999

PRESIDENT
OF THE REPUBLIC OF INDONESIA

MINISTER/STATE SECRETARY
OF THE REPUBLIC OF INDONESIA

sgd
BACHARUDDIN JUSUF HABIBIE

sgd

MULADI

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 1999 NUMBER 166

**ELUCIDATION
ON
ACT OF THE REPUBLIC OF INDONESIA NUMBER 40 OF 1999
ON
THE PRESS**

I. GENERAL

Article 28 of the 1945 Constitution guarantees the freedom to associate and assemble, to express thoughts in writing and orally. The press, which includes the printed media, electronic media and other media, constitutes a means to express the thoughts in writing and orally. In order that the press may function maximally as mandated in Article 28 of the 1945 Constitution, it is deemed necessary to produce a Law concerning the Press. The maximum function of the Press will be needed because the freedom of the press is a materialization of the people's sovereignty and constitutes an important element in a democratic life of the society, nation, and state.

In the democratic life, the accountability to the people is secured, the transparency of the state administration functions, and justice and truth is established.

The press, which enjoys the freedom to seek and impart information, will also be indispensable in observing Human Rights that is guaranteed by Decree No. XVII/MPR/1988 of the People's Consultative Assembly of the Republic of Indonesia on Human Rights. The decree among other things states that everyone has the right to communicate and to get information, in conformity with the United Nations Universal Declaration of Human Rights, Article 19, which reads: *"Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*

The press, which also conducts social control, is very important to prevent power abuse, be it in the form of corruption, collusion, nepotism, or other deviation and misconduct.

In implementing its functions, rights, duties, responsibilities and roles, the press shall pay respect to everybody's basic rights, thus raising the expectation of the Press to be professional and to be open to control by the public.

Control by the public shall include the observance of the Right of Reply and the Right of Correction by everybody, by social institutions such as Media Watch, and by the Press Council in various forms and means.

To prevent overlapping arrangements, this Law does not stipulate provisions that have been regulated by other statutory regulations.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Sufficiently clear

Article 3

Clause (1)

Sufficiently clear

Clause (2)

Press corporations shall be managed on the basis of economic principles in order that the quality of the press and the welfare of journalists and other press workers may continuously be improved, without neglecting its social responsibility.

Article 4

Clause (1)

What is meant by “the freedom of the press is guaranteed as the basic right of citizens” is that the press is free from any kind of actions of restraint, prohibition, and or coercion, thus securing the people’s right to get information.

Freedom of the press is the freedom imbued with awareness on the need to uphold legal supremacy that is enforced by the court, and professional accountability as elaborated by the Journalistic Code of Ethics and in line with the conscience of the journalists.

Clause (2)

No censorship, bridling, or broadcasting prohibition shall be applied to the printed and electronic media. Transmission of information which makes no part of the implementation of the journalistic activities shall be regulated in the provisions of other operative regulations.

Clause (3)

Sufficiently clear

Clause (4)

The main aim of the Right of Refusal is to enable a journalist to protect the source of information, by refusing to mention the identity of the source of information concerned.

Said right is applicable in case of the journalist is asked to give information by investigative officers or to be a witness before the court. The Right of Refusal can be revoked for the sake of the state interests and security or public order, as ruled by the court.

Article 5

Clause (1)

The national press, in disseminating information, shall not pass judgment or make a conclusion on someone being guilty or otherwise, particularly, moreover on cases being processed in the court of justice. And the

national press should also accommodate the interests of all parties' related with the report.

Clause (2)

Sufficiently clear

Clause (3)

Sufficiently clear

Article 6

The national press has an important role in fulfilling the public's right to know and to develop public opinion, by conveying correct, accurate, and true information. This will encourage the upholding of justice and truth, and the realization of legal supremacy towards the creation of an orderly society.

Article 7

Clause (1)

Sufficiently clear

Clause (2)

What is meant by "The Journalism Code of Ethics" is a code of ethics which is agreed upon by journalists' organizations and is stipulated by the Press Council.

Article 8

What is meant by "legal protection" is protection by the government and or society to journalists in carrying out their functions, rights, duties, and roles in conformity with the provisions of operative statutory regulations.

Article 9

Clause (1)

All Indonesian citizens are given an equal right or opportunity to work in conformity with Human Rights, including to establish a press corporation in accordance with the operative statutory regulations.

The national press has important and strategic functions and roles in the life of the society, nation, and state. As such, the state is entitled to establish a press corporation by founding an institution or a corporation to operate a press undertaking.

Clause (2)

Sufficiently clear.

Article 10

What is meant by “other forms of incentives” is a raise in salary, bonus, insurance policy, and so forth.

The provision of welfare shall be implemented on the basis of an agreement between the corporation management and the press workers.

Article 11

Infusion of foreign capital to a press corporation shall be limited to below the majority stake and shall be carried out in conformity with the operative statutory regulations.

Article 12

Open announcement of the name, address and administrators-in-charge shall be done through:

- a. for the printed media, the column of the name, address, and administrators of the publication concerned and the name and address of the printing company;
- b. for the electronic media, the name, address and administrators of the corporation, the introduction or conclusion of every journalistic broadcasting works;
- c. for other media, means adjusted to the form, nature, and characteristic of the media concerned.

This announcement is meant as manifestation of accountability on those journalistic works which have been published or broadcast.

What is meant by “administrators” are persons in charge of the press corporation, covering the business and editorial departments.

Matters regarding penal accountability shall abide by the provisions of the operative statutory regulations.

Article 13

Sufficiently clear

Article 14

Sufficiently clear

Article 15

Clause (1)

The aim of forming the Press Council is to promote freedom of the press and to step up the quality and quantity of the national press.

Clause (2)

Considerations to the public complaints as meant in clause (2) letter d are in relation with the Right of Reply, Right of Correction, and assumption of violations to the Journalism Code of Ethics.

Clause (3)

Sufficiently clear

Clause (4)

Sufficiently clear

Clause (5)

Sufficiently clear

Clause (6)

Sufficiently clear

Clause (7)

Sufficiently clear

Article 16

Sufficiently clear

Article 17

Clause (1)

Sufficiently clear

Clause (2)

To materialize public participation as meant in this clause, it is allowable to set up a media watch institution or organization.

Article 18

Clause (1)

Sufficiently clear

Clause (2)

In a case of criminal violation done by a press corporation, the administrator shall act on behalf of said corporation, as meant by Article 12.

Clause (3)

Sufficiently clear

Article 19

Sufficiently clear

Article 20

Sufficiently clear

Article 21

Sufficiently clear

SUPPLEMENTARY STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 3887.

Note: Original document published by the National Information Agency (Lembaga Informasi Nasional) Republic of Indonesia, 2003. Several amendments have been made.

Journalism Code of Ethics

Freedom of opinion, expression, and the press are human rights protected under the Pancasila, the 1945 Constitution, and the United Nations Universal Declaration of Human Rights. Freedom of the press is a public means to obtain information and to communicate for the purpose to meet a basic need and enhance the quality of human life. In instituting press freedom, the Indonesian journalist is also mindful of the nation's interest, his/her social responsibility, society's diversity, and religious norms.

In executing its functions, rights, obligations and role, the press respects the basic rights of every person, and as such the press is called upon to be professional and open to public scrutiny.

To ensure press freedom and to meet the public right to obtain correct information, the Indonesian journalist requires a moral foundation and professional ethics as guidance for securing the public trust and upholding integrity and professionalism. On this basis the journalists of Indonesia establish and adhere to the Journalism Code of Ethics.

Article 1

The Indonesian journalist is independent and produces news stories that are accurate, balanced and without malice.

Interpretation

- a. Independent means reporting events or facts in line with one's conscience without interference, coercion and intervention from other parties including the owners of the press corporation.
- b. Accurate means it is believed to be true consistent with the event that occurred.
- c. Balanced means all parties get equal treatment.
- d. Without malice means without intentionally and solely to abuse others.

Article 2

The Indonesian journalist adheres to professional methods in the execution of a journalistic assignment.

Interpretation

Professional methods are:

- a. identifying oneself to the news source;
- b. respect a person's right to privacy;
- c. no bribing;
- d. producing a factual news story with clear news sources;
- e. the taking and mounting of or the broadcasting of pictures, photos, and sound is furnished with information about the source and presented in a balanced way;
- f. respect the traumatic experience of a news source in presenting pictures, photos, sound;
- g. refrain from plagiarism, including the stating of another journalist's work as his/her own;
- h. the use of certain methods can be contemplated in investigative reporting for the public interest.

Article 3

The Indonesian journalist always verifies information, conducts balanced reporting, does not mix facts with biased opinion, and upholds the presumption of innocence principle.

Interpretation

- a. Verifying information means conducting a check and recheck on the truth of the information concerned.
- b. Balanced means providing proportional news space and time for every individual party.

- c. Biased opinion is a journalist's personal opinion. This is distinct from interpretive opinion, which is the journalist's interpretation of the facts.
- d. Presumption of innocence is the principle of refraining from passing judgment on someone.

Article 4

The Indonesian journalist refrains from producing false, slanderous, sadistic and obscene news stories.

Interpretation

- a. False means something that the journalist has previously known as not in line with the facts at hand.
- b. Slanderous means a baseless accusation made on purpose with malicious intent.
- c. Sadistic means cruel and without compassion.
- d. Obscene means a description of erotic behavior with photos, pictures, sound, graphics or writing solely to titillate.
- e. In broadcasting archival pictures and sound, the journalist indicates the time the pictures and sound were recorded.

Article 5

The Indonesian journalist does not disclose and broadcast the identity of victims of a sexually-exploitative crime and refrains from identifying a minor who committed a criminal act.

Interpretation

- a. Identity is all data and information concerning a person that would make it easy for others to trace.
- b. A minor is a person under 16 years of age and is not yet married.

Article 6

The Indonesian journalist does not misuse his/her profession and accepts no bribe.

Interpretation

- a. Misusing his/her profession means all acts for personal gain using information obtained on assignment prior to such information becoming public knowledge.
- b. Bribes are all gratuities in the form of money, articles or facilities from others that affect the journalist's independence.

Article 7

The Indonesian journalist has the right of refusal to protect the identity of a news source who does not wish his/her identity and whereabouts known, and abides by the conditions for an embargo, background information and off the record as mutually agreed.

Interpretation

- a. The right of refusal is the right not to disclose the identity and the whereabouts of a news source for the sake of the security of the news source and his/her family.
- b. Embargo is delay in publishing or broadcasting the news as requested by the news source.
- c. Background information is all information or data from a news source that is published or broadcast without identifying the news source.
- d. Off the record is all information or data from a news source that may not be published or broadcast.

Article 8

The Indonesian journalist does not write or report news based on prejudice or discrimination against anyone on the basis of differences in ethnicity, race, color, religion, gender, and language and does not degrade the dignity of the weak, the poor, the sick, the mentally or physically handicapped.

Interpretation

- a. Prejudice is negative presumption of something prior to clearly knowing about it.
- b. Discrimination is differentiation in treatment.

Article 9

The Indonesian journalist respects the right of the news source's private life except in the public interest.

Interpretation

- a. Respecting the right of the news source constitutes an attitude of tolerance and caution.
- b. Private life pertains to all matters of life of an individual and his or her family other than what is linked with the public interest.

Article 10

The Indonesian journalist immediately retracts, rectifies, and corrects errors and inaccuracies in a news story accompanied with an apology to readers, listeners or viewers.

Interpretation

- a. Immediately means as soon as possible, with or without a reprimand from an outside party.
- b. An apology is extended if the mistake relates to a story's substance.

Article 11

The Indonesian journalist accedes to the right of reply and the right of correction in a proportional manner.

Interpretation

- a. The right of reply pertains to the right of an individual or group to respond or to rebut a news story concerning facts that is injurious to the complainant's reputation.
- b. The right of correction concerns the right of anyone to rectify errors in information reported by the press, either relating to the individual concerned or anyone else.
- c. Proportional means on par with the section of the news that requires correction.

Final judgment for any breach of the journalism code of ethics rests with the Press Council. Sanctions for any breach of the journalism code of ethics rest with the journalists' organization and or the press corporation concerned.

Jakarta, Tuesday, March 14 2006

Note: The Journalism Code of Ethics was drafted by 29 Indonesian journalists' organizations and press corporation organizations. The Press Council validated it in a letter of decision March 24 2006.

Complaints Filing Procedure to the Press Council

Preface

Press freedom is one form of the people's sovereignty that is founded on the principles of democracy, justice and supremacy of the law. To advance press freedom and to enhance the national press, an independent Press Council was established. Other than to protect press freedom, the Press Council also functions to oversee implementation of the Journalism Code of Ethics and issues judgment and seeks resolution to public complaints on news-related cases. For this purpose the Press Council has drafted a complaints filing procedure as follows:

Article 1

- (1) The Press Council accepts public complaints on implementation of the Journalism Code of Ethics or news -related cases.
- (2) The Press Council does not review complaints already filed to the police or to a court.
- (3) Complaints can be made in writing or filed in person to the Press Council.
- (4) The complainant must register by providing a complete name and address (phone number, facsimile, and email if available).
- (5) The complaint should be addressed to the Press Council, Press Council Building, seventh floor, Jalan Kebon Sirih 32-34, Jakarta 10110. Phone: 021-3521488, fax: 021-3452030, Email: dewanpers@cbn.net.id.

Article 2

- (1) The party to whom a complaint is addressed is the responsible executive of the media concerned.
- (2) The complainant submits the objection to a news story deemed as having injured the complainant, the institute of the complainant or the public.

- (3) The complaint against the print media, broadcasting institute, and internet media states the name of the media, the date of publication of the edition concerned and title of the article/broadcasted program, description of the photograph and illustration in question with an attachment of documents or supporting data.

Article 3

A complaint can be submitted for journalistic material published or broadcasted for up to the past two months, except for special cases concerning the public interest.

Article 4

The complainant should where possible contact directly with the Press Council. The presence of a representative for the complainant is acceptable provided a valid power of attorney is furnished.

Article 5

- (1) The complaint becomes void if the complainant fails to comply with two summonses of the Press Council. The complaint can not be resubmitted.
- (2) If the party against whom the complaint is addressed does not appear after two summonses, the Press Council will still process its review.

Article 6

- (1) After receiving a complaint, the Press Council holds a meeting to discuss the complaint.
- (2) In handling the complaint, the Press Council can summon and question the complainant and the party against whom the complaint is addressed.
- (3) The Press Council can resolve certain complaints by written communication.
- (4) In handling a complaint, the Press Council can seek expert opinion.

Article 7

- (1) The Press Council strives to reach resolution through consultation and consensus that is duly recorded in a settlements statement.
- (2) If the consultations do not reach a consensus, the Press Council would still continue its review process to arrive at a decision.

Article 8

- (1) The decision of the Press Council in the form of a Statement of Appraisal and Recommendations (*Pernyataan Penilaian dan Rekomendasi*, PPR) is made through a Plenary Meeting.
- (2) Notification of the Decision on the Statement of Appraisal and Recommendations from the Press Council is delivered to the conflicting parties and done openly.

Article 9

- (1) The press corporation against whom the complaint is made has the obligation to execute and print or broadcast the Statement of Appraisal and Recommendations of the Press Council in the media concerned.
- (2) If the press corporation does not comply with the Statement of Appraisal and Recommendations, the Press Council will issue an open statement with special attention to the matter.

**Approved at a Plenary Meeting of Members of the Press Council in Bogor,
Sunday, the 25th of November in the year 2007.**

Right of Reply Guidelines

Press freedom is one form of the sovereignty of the people founded on the principles of democracy, justice, supremacy of the law, and human rights. Press freedom should be utilized as much as possible for the public interest, the nation, and state.

Implementation of press freedom can be realized by a free and professional press that adheres to its tenets, functions, rights, obligations and role in line with Act Number 40 Year 1999 on the Press, and the Journalism Code of Ethics.

In implementing its role and function, the press has the obligation to provide proportional access to the public to participate in maintaining press freedom and respect the Right of Reply of the public. In view of this, Right of Reply Guidelines are established as follows:

1. The Right of Reply is the right of a person, a group of people, an organization or a legal entity to respond to and rebut a news story or a journalistic work that breaches the Journalism Code of Ethics, particularly concerning errors and inaccurate facts that injure their reputation and demand the press outlet concerned to publish the rebuttal.
2. The Right of Reply is founded on justice, the public interest, proportionality, and professionalism.
3. The press has the obligation to facilitate every Right of Reply.
4. The functions of the Right of Reply are:
 - a. Meet the right of the public to obtain accurate information;
 - b. Respect the dignity and honor of people who feel have been harmed by a news story;
 - c. Prevent or decrease the appearance of greater losses for the public and the press;
 - d. Establish a public oversight on the press.

5. The objectives of the Right of Reply are to:
 - a. Ensure news reporting or a journalistic work that is just and balanced;
 - b. Execute responsibility of the press to the public;
 - c. Settle conflict in news reporting;
 - d. Conceive the right-minded intentions of the press.
6. A Right of Reply contains a rebuttal and response from the injured party.
7. The Right of Reply is addressed directly to the press outlet concerned with a carbon copy sent to the Press Council.
8. On the matter of a group of people, organization or a legal entity, the Right of Reply is forwarded by the authorized party and or in line with the statutes of the organization or the legal entity concerned.
9. The forwarding of the Right of Reply is done in writing (digital form accepted) indicating the forwarder's identity and addressed to the responsible executive of the press outlet concerned or addressed directly to the editor.
10. The party that forwards the Right of Reply has the obligation to convey the information assumed to have injured the party concerned either section by section or in its entirety with supporting data.
11. Facilitating a Right of Reply is cost free.
12. The press outlet can reject the content of a Right of Reply if:
 - a. The length/duration/number of characters of the Right of Reply material exceeds the news report or journalistic work in question;
 - b. Contains facts not linked to the news report or journalistic work in question;
 - c. Its printing can result in a violation of the law;
 - d. Is in conflict with the interest of a third party that must come under the protection of the law.

13. The Right of Reply is conducted in a proportional way:
 - a. The Right of Reply to a news report or a journalistic work containing errors and inaccuracies is conducted section by section or in the entirety of the information in question;
 - b. The Right of Reply is facilitated in the same space or program as the news report or journalistic work, except in the case of an agreement reached differently by the parties concerned;
 - c. The Right of Reply by agreement of the parties concerned can be facilitated in the format of a rectification, an interview, a profile, a feature, a coverage, a talk show, a running message, a cyber media comment, or another format but not in the format of an advertisement;
 - d. Implementation of a Right of Reply must be conducted as early as possible or at the first opportunity in line with the nature of the press outlet concerned;
 - 1) For the printed media it has the obligation to print the Right of Reply in the following edition or at the latest two editions after the Right of Reply in question has been received by the editor.
 - 2) For television and radio, they have the obligation to air the Right of Reply in the following program.
 - e. The printing or airing of the Right of Reply is done for one time for each news report;
 - f. In matters where an error or factual inaccuracy is tantamount to a biased opinion, slander and or a falsehood, the press outlet has the obligation to apologize.
14. The press has the right to edit a Right of Reply in line with the principles of news reporting or producing a journalistic work, but it may not alter the substance or the meaning of the Right of Reply submitted.
15. Responsibility to the content of the Right of Reply rests with the responsible executive of the press outlet that publishes it.

16. The Right of Reply becomes invalid if after two months from the time a news story or journalistic work has been published the injured party does not forward a Right of Reply, except in the case of an accord by the parties concerned.
17. Conflict concerning the implementation of a Right of Reply is to be settled by the Press Council.

In line with Act Number 40 Year 1999 on the Press, the press outlet that does not facilitate a Right of Reply is in breach of the Journalism Code of Ethics and is subject to punishment for a criminal offence and liable to a maximum fine of Rp 500,000,000 (five hundred million rupiah).

Jakarta, October 29 2008

Note: Sanctioned in Press Council Regulation Number 9/Regulation-DP/X/2008 on the Right of Reply Guidelines, Jakarta, October 29 2008.

Standard for the Protection of the Profession of Journalists

The freedom to express thought and opinion is a human right that can not be abrogated and must be respected. The Indonesian people have chosen and have resolutely affirmed to protect the freedom to express thought and opinion as enshrined in the 1945 Constitution. Press freedom is one form of the sovereignty of the people and an important part of the freedom to express thought and opinion.

Journalists are the primary pillar of press freedom. In view of this in conducting the tasks of their profession, journalists must acquire legal protection unconditionally from the state, society and the press corporation. It is for this purpose that this Standard for the Protection of the Profession of Journalists is established:

1. Protection as defined in this standard is legal protection for journalists who adhere to the Journalism Code of Ethics in performing their journalistic duties to meet the public right to obtain information.
2. In performing his or her journalistic duties, the journalist acquires legal protection from the state, society and the press corporation. Journalistic duties cover seeking, obtaining, owning, storing, processing, and disseminating information through the mass media.
3. In performing his or her journalistic duties, the journalist is protected from violence, arrest, impounding and or seizure of work tools, and may not be restricted or intimidated by any party;
4. The journalistic work of a journalist is protected from all forms of censorship;
5. A journalist who is on special assignment in an area of danger or conflict must be equipped with a letter of assignment, a standard survival kit, insurance, knowledge and skills from the press corporation with an interest in the assignment;

6. In performing a journalistic duty in an area of armed conflict, journalists who have identified themselves as journalists and have not used an identity of the parties in conflict, must be treated as a neutral party and be provided with legal protection against intimidation, captivity, mistreatment, torture, not to speak of murder.
7. In cases that involve a journalistic work, the press corporation is represented by its responsible executive.
8. In testimony in a case concerning a journalistic work, the responsible executive can only be questioned concerning the news story published. The journalist may use the right of refusal to protect the news source.
9. The owner or the management of the press enterprise is prohibited to coerce journalists to report news that breach the Journalism Code of Ethics and or the law in effect.

Jakarta, April 25 2008

Note: Sanctioned in Press Council Regulation Number 05/Regulation-DP/IV/2008 on the Standard for the Protection of the Profession of Journalists, Jakarta, April 28 2008.

Standard for Press Corporations

As a vehicle for mass communication, executor of journalistic activities, information distributor and opinion maker, the press must execute its tenets, functions, obligations and role for the realization of professional press freedom founded on the principles of democracy, justice, and supremacy of the law.

To realize professional press freedom, a standard as a guideline for press enterprises is established to ensure the press is capable to execute its functions as a media for information, education, entertainment, and social control, as well as an economic institution.

1. What is meant as a press corporation is an Indonesian legal entity that exercises a press business covering the print media, electronic media, and news agencies, as well as other media corporations with specialization in managing, disseminating and distributing information.
2. Press corporations are a legal entity in the form of a private limited company and legal entities established under legal provisions.
3. A press corporation must obtain validation from the Ministry of Legal Affairs and Human Rights or other body of authority.
4. A press corporation has the commitment to enlighten the life of the nation.
5. A press corporation has a starting capital of at least Rp 50,000,000 (fifty million rupiah) or as determined by a Press Council Regulation.
6. A press corporation has sufficient financial capacity to operate its business activities in an orderly manner for at least 6 (six) months.
7. Foreign capital injections in a print media corporation are raised through the capital market and may not reach a majority share, for broadcast media the share may not exceed 20% of the total capital.
8. A press corporation has the obligation to pay salaries to its journalists and employees at least at the minimum pay rate of the province concerned at least 13 times a year.

9. A press corporation provides other welfare benefits for its journalists and employees like pay raises, bonuses, insurance, share owning schemes, and or sharing in net profits as stipulated in a Collective Labor Agreement.
10. The press corporation has the obligation to provide legal protection for its journalists and employees who are on assignment of the corporation.
11. The press corporation is managed in line with economic principles to ensure that the quality of the press and welfare of the journalists and employees are enhanced without abandoning its social obligations.
12. The press corporation provides education and or training for its journalists and employees to advance their professionalism.
13. The termination of the work contract of a journalist or an employee of the corporation may not be in conflict with the principles of press freedom and must comply with the Employment Act.
14. The press corporation has the obligation to openly declare the name, address and the responsible executive of the media concerned; particularly for the print media the name and address of the printing house must be added. The declaration is meant as a form of accountability on the journalistic works that are published or broadcasted.
15. A press corporation that for 6 (six) consecutive months has not engaged in regular press business activity is no longer deemed as a press corporation and the press cards it has issued are no longer valid.
16. The pornographic industry that uses a mass media format and means solely for titillation is not a press corporation.
17. Print media corporations are verified by their press corporation organization and broadcast media corporations are verified by the Indonesian Broadcasting Commission.

Jakarta, December 6 2007

Note: Sanctioned in Press Council Regulation Number 04/Regulation-DP/III/2008 on Standard for Press Corporations, Jakarta, March 3 2008.

Standard for Journalists' Organizations

Journalists' organizations hold the mandate to support, maintain and safeguard press freedom as enjoined by Act Number 40 Year 1999 on the Press.

Press freedom is one form of the sovereignty of the people and becomes an important element to establish the life of a society, a nation, and state that is democratic so that the freedom to express thought and opinion as enshrined in Article 28 (f) of the 1945 Constitution must be affirmed.

To implement the above mandate, journalists' organizations must be developed to ensure integrity, credibility and professional members. Implementation of this mandate is aimed to develop press freedom that is professional, independent, and responsible to the public.

With this in view, Indonesian journalists establish this standard for journalists' organizations as follows:

1. A journalists' organization is a legal entity.
2. A journalists' organization has articles of association and housekeeping rules as an organization of a profession.
3. Journalists' organizations are located in the territory of the Republic of Indonesia with a central office located in the nation's capital or in a provincial capital and have clear and verifiable addresses for its central and chapter offices.
4. A journalists' organization has a central executive board consisting of at least a chairperson, secretary, treasurer and three other office bearers who may not hold other positions concurrently.
5. A journalists' organization, other than a central executive board, also has chapter level boards in at least ten provinces in Indonesia.
6. A journalists' organization has a mechanism for the transfer of its executive board through a congress or national consultation or a *muktamar* type conclave for each predetermined term of office.
7. A journalists' organization has a membership of at least 500 journalists from all chapters authenticated by:
 - a. Valid Press Cards or ID Membership Cards from the organization concerned.

- b. A Press Card or Written Statement of Identity issued by the press enterprise where he/she is employed full time or where he/she is assigned as correspondent.
 - c. Journalistic works that are regularly printed or broadcasted in the media where he/she is employed full time or at the location where he/she is correspondent.
 - d. Being fully employed or is a correspondent in the press enterprise that owns a media that still is in print or conducts broadcasts regularly.
 - e. These proofs (points a to d) are verified by the Press Council.
- 8. A journalists' organization has a work program in enhancing press professionalism.
 - 9. A journalists' organization has a journalism code of ethics that in principle is not in conflict with the Journalism Code of Ethics established by the Press Council.
 - 10. A journalists' organization has an honors council or a code of ethics panel with the tasks to:
 - a. oversee implementation of the code of ethics by its members;
 - b. determine whether or not a member has been in breach of the code of ethics; and
 - c. decide on the sanctions on any breach of the code of ethics by members.
 - 11. A journalists' organization is registered at the Press Council and is prepared for verification by the Press Council.
 - 12. A journalists' organization registers at the Press Council every transfer of the executive board that takes place.
 - 13. Establishment of this standard for journalists' organizations and oversight of its implementation rest with the Press Council.

Jakarta, Tuesday, March 14 2006

Note: Sanctioned in Press Council Regulation Number 07/Regulation-DP/V/2008 on the validation of Press Council Letter of Decision Number 04/SK-DP/III/2006 on Standard for Journalists' Organizations as a Press Council Regulation, Jakarta, May 12 2008.

Standard for Press Corporation Organizations

Press corporation organizations acquire the mandate to support, maintain, and safeguard professional press freedom in line with the 1945 Constitution, Article 28 C and F, and Act Number 40 Year 1999 on the Press. To implement this mandate, press corporation organizations must be enhanced to have integrity, credibility and professional members.

In view of this and mindful that press freedom is one form of the people's sovereignty, a standard for press corporation organizations is hereby established.

1. The press corporation organization takes the form of an Indonesian Legal Entity of Association that has received validation from the Ministry of Legal Affairs and Human Rights.
2. The press corporation organization can be established at the national and provincial level.
3. The main office of the press corporation organization is located in the national capital or the provincial capital and has clear main office and branch addresses that the Press Council must be able to verify.
4. The press corporation organization has a central executive board comprising in the minimum a chairperson, a secretary, a treasurer, and two other office bearers. The position of chairperson, secretary and treasurer may not be held concurrently with another position.
5. The press corporation organization has a mechanism for the transfer of executive office bearers applying a democratic system (a congress, conference, and a national consultations forum, to name several) within one period with a 5 (five) year maximum. The outcome of the transfer of office bearers is reported to the Press Council within 60 days at the latest.
6. Members of a press corporation organization consist of:
 - a. For a print media corporation organization, its members are print media corporations.

- b. For a radio corporation organization, its members are radio broadcasting corporations.
 - c. For a television corporation organization, its members are television broadcasting corporations.
 - d. For press corporation organizations not in categories a, b, and c, the matter will be established by a Press Council Decision/Regulation.
7. The number of members in a press corporation organization is determined as follows:
- a. For the print media a minimum of 100 (one hundred) print media corporations in Indonesia and domiciled in a minimum 15 (fifteen) provinces.
 - b. For radio a minimum 200 (two hundred) radio broadcasting corporations in Indonesia and domiciled in a minimum 15 (fifteen) provinces.
 - c. For television a minimum 8 (eight) television broadcasting corporations.
8. Press corporation organizations are verified and registered at the Press Council.
9. This standard for press corporation organizations is established under a Press Council Regulation.

Jakarta, December 6 2007

Note: Sanctioned in Press Council Regulation Number 03/Regulation-DP/III/2008 on the Standard for Press Corporation Organizations, Jakarta, March, 3 2008.

Distribution Guidelines for Adult Print Media

The proliferation of adult print media today has engendered a negative perception in sections of the public on press freedom. One cause is that such media reaches those who are not their target group, namely children. To uphold public morals and to protect children, to generate responsibility of the managers, agents and vendors of adult media, the Press Council formulates the following guidelines:

1. Adult print media are publications that print written and illustrated material with content on sex, violence and mysticism that should be the consumption only for adults aged 21 years and above.
2. The distribution of adult media should not be done in locations that are reachable to children, in the vicinity of schools and places of worship.
3. The managers of adult media have the obligation to partially cover the front and back covers of their publication so that only the name, the edition number of the media, and a special 21+ label is visible.
4. The placement of advertisements in adult media can refer to point 3.
5. The Press Council identifies and appraises adult media that must adhere to these guidelines.
6. The public may file complaints to the Press Council on adult media managers who violate these guidelines.
7. Managers, agents and vendors of adult media who do not adhere to these guidelines are subject to sanctions in line with the Press Act or other laws.

Jakarta, October 28 2008

Note: Sanctioned in Press Council Regulation Number 08/Regulation-DP/X/2008 on Distribution Guidelines for Adult Print Media, Jakarta, October 29 2008.

Indonesian Press Law & Regulations of the Press Council



PRESS COUNCIL OF INDONESIA

Press Council Building 7th Floor
Jl. Kebon Sirih No. 32-34 Central Jakarta - Indonesia
Phone: (62) 021 3521488, 3504874, 75, 77 / Fax: (62) 021 3452030
E-mail: dewanpers@cbn.net.id / dewanpers@dewanpers.org
Website: www.dewanpers.org