



JURNALS DEWAN PERS

EDITION 12 • SEPTEMBER 2016

Welcome Jakarta World Forum for Media Development 2016



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DEWANPERS



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A democratic country is one where its government encourages citizen participation in governance as well as guarantees the provision of basic human rights within communities and country. One of the basic human rights to be fulfilled is the freedom to express opinions, both verbally and non-verbally.

The function of the press, besides to fulfill the right to information, is also as a vehicle for citizens to convey their thoughts and opinions, and has an important role in democratic countries. A free and responsible press holds an important role in democratic societies and is an integral part of democratic countries and governments.

Article 2 Paragraph 40 of Press Laws states that the press has the duty to realize the power of the people based on the principles of democracy, justice and supremacy of law. The root of democracy is giving an opportunity for the voice and aspirations of the public to influence a decision. A democracy also requires citizens' participation that arises from the political awareness to involve them in the system. Ideally the public have a right to participate in determining the direction of policies of a country.

The press is the fourth pillar of democracy after the legislature, the executive, and the judiciary. The press works to control the three other pillars and forms the base of their performance through check and balance. In order to carry out its role, the freedom of the press is essential to give the public fair and balanced information. Besides that, to uphold the fourth pillar of democracy, the

press also has to be free from capitalism and politics. The press cannot simply support the interests of shareholders and political powers without considering the greater good for the general public.

The democratic process of a country does not only rest on the parliament, but also on the availability of the press as a vehicle of communication between the government and the people, as well as among the people. Communication requires the assurance of freedom to access information.

The theory of press freedom comprises of two values. First is structural (i.e. freedom from), where the freedom of the press is understood as an a condition that is accepted by the media as a result of certain structures. A country is declared free when there is no censorship, where journalists are free from oppression, can remain independent from economic pressures including ownerships, there is no law to oppose press freedom, and they are free from social and political pressure. The second value is performance (i.e. freedom to), where freedom of the press is also measured by how the press utilizes that freedom. That includes whether media coverage are honest and fair, present truths, defend public interests, and so forth.

The Indonesian press holds an important role in realizing the country's ambitions as noted in Article 6 Paragraph 40 of 1999's Press Law. Besides fulfilling the people's right to knowledge; upholding basic values of democracy, pushing for law supremacy, and human rights, as well as respecting diversity, developing public opinion based on accurate and true information;

conducting observation, critiques, correction and advice towards issues related to governance, business, and public importance. And also to fight for fairness and justice.

The freedom of the press is closely tied to the function of the press within a democratic society. The press is one of the strengths of a democracy especially to control and monitor governmental activities. In a democratic society, the press works to provide information and alternatives as well as evaluations necessary for the public in its participatory role in running a country. Public sovereignty will not work well if the press does not provide information and alternatives to problem solving.

However, the press may not use its freedom indiscriminately. By the end of it, freedom is never absolute as it is constrained by every individual's rights and freedom. The press may not carelessly report certain information, as they also have to respect individual rights.

There are three responsibilities to note: holding the truth in high regards, respecting individual privacy, and realizing the responsibility that any and all stories hold. 1999's Press Laws states five responsibilities of the press. They are as follows, the press holds an important role to the public as a source of information, the press have to report incidences and opinions while respecting religious and public norms, the press have to respect the presumption of innocence, the press is forbidden to allow advertising that undermines a religion and/or cause tension

between religious peoples, and the press is forbidden from allowing advertisement of alcohol, narcotics, psychotropic, and other addictive substances.

The 12th Press Council journal this time has articles from several figures with a track record in the world of law and press, with Bagir Manan, Artidjo Alkostar, Atmakusumah, and Agus Sudibyo among others. Some of the topics tackled include the goal of press freedom, upholding press ethics as part of public interest, the rights to information and data-driven journalism, information access, and gender-sensitive coverage.

The writings are hope to enrich the ongoing conversation and readers' knowledge towards values, philosophy and the development of current journalism.

Enjoy reading.

Yosep Adi Prasetyo
Head of the Press Council

MOMENTUM!

Global Forum for Media Development (GFMD), an international forum comprising of 100 countries and has worked with 350 global organizations, has set the venue for the 4th conference in Jakarta on 20-22 September 2016, with the event titled “Jakarta World Forum for Media Development 2016”.

GFMD is made of not only professional journalists, media companies and media development organizations, but also citizen journalists, who are a network of investigative reporters, and even civil organizations supporting freedom of the media and freedom of expression, have decided that Jakarta is an ideal location to discuss new trends in media development.

Jakarta, besides being a symbol of success for democratic transition, is also dynamic with multi-ethnic and multi-religion residents, and is also the capital city of one of the biggest democracies in the world. One of the indicators is the changes in social media technology that has been utilized to push for public participation in politics.

What does it mean for Indonesia to host the “Jakarta World Forum for Media Development 2016” which will be attended by 400 participants from 70 countries? Indonesia will be the hotspot for ideas to provide solution in the face of future media development challenges.

Jakarta will be a platform to share experiences and applications of technology, being an opportunity for both Indonesia to learn from other countries’ experiences, or alternately other countries learning

from Indonesia. Besides that, the Jakarta World Forum for Media Development will also connect all stakeholders to optimize business and partnership opportunities. Debates, discussions and sharing experiences can serve as a sounding board to solve various relevant media issues: challenges posed by digital technology, freedom of the press, developing ongoing news coverage, access to information, the protection of journalists, including gender sensitivity issues, upholding journalistic ethics, and the media's role in countering radical groups.

Can this momentum be the moment where the international press community acknowledges Indonesia? With its various achievements in the field of press, Indonesia deserves to host a gathering of media personalities. Yes, this is the momentum for Indonesia!

Momentum for the Indonesian Press

From my point of view, up until today there have been two crucial momentums for the Indonesian press. First, the Reformation Momentum, where the basis of freedom of the press was established during the Reformation Era of 1998, after the fall of the authoritarian regime of Suharto following 32 years of rule. The transition from the authoritarian New Order to the democratic Reformation Order was marked by the Law no.40 of 1999, relating to lawful protection and freedom of the press, free from coercion and interference from any party.

To fulfill the restoration of democratic rights and basic human rights relating to the Press Independence, the rules outlawed any kind of obstacles to press freedom, like abolishing the business permit system which in turn removed the “power” to revoke said licenses. The laws also forbid any kind of bans, publication of selected content of news or broadcast, publishing or broadcasting suspensions.

To ensure the freedom of the press, the national press has the right to seek out, obtain and broadcast ideas and information. In its development, since the 1998 Reformation, the Indonesian press has taken leaps and jumps, with various incidences and scandals involving high-ranking public officials brought to surface for the purpose of public information. That includes reports and updates of court processes, often broadcast live. However, the Indonesian press still faces a number of challenges in utilizing the freedom they have obtained, namely challenges in upholding the principles of journalistic ethics. A number of media outlets are “drunk” in euphoria of freedom of the press that they go too far by breaking the ethical codes of journalism and the Pedoman Perilaku Penyiaran dan Standar Program Siaran (P3SPS – Broadcasting Code of Conduct and Broadcast Programs).

Second is the Momentum of Proof, as an inward-looking mechanism, the process of judging whether the Indonesian Press has played its role according to article 6 of the Law no.40 of 1999:

1. In fulfilling the public's right to information

2. Upholding basic values of democracy, the realization of law supremacy and basic human rights, and respecting pluralism
3. Developing honest, fair and accurate public opinion
4. Supervision, critiques, corrections and advice for issues relating to public interest
5. Defending justice and truth

The national press also has the responsibility of reporting incidents and opinions while respecting religious and social norms, and assuming the presumption of innocence (Article 5 Law No.40 of 1999).

How do you prove that the Indonesian Press has carried out the mandate as noted by Law No.40 of 1999 to the extent that it is recognized externally? The Press Council as an independent institution formed by the Law No.40 of 1999, carried out a study in 2016 to measure the Index of Press Freedom in 24 provinces in Indonesia. The study measured the freedom of the press indicator utilizing elements such as right to information, as well as right to obtain, process, and broadcast information. The right to information is an element of basic human rights that has to be respected, protected and fulfilled by the nation as a duty barrier to implementing human rights. The indicators developed by the Press Council clearly differs and serves as contrasts to the Freedom of Press Index model compiled by three institutions that measured freedom of the press including studying the conditions in Indonesia.

1. Reporters Sans Frontiers in 2016 placed Indonesia 130 out of 180 countries. The position is an upgrade from 2015, where Indonesia was in the 138th spot. Indonesia places higher than Malaysia in 146 and the Philippines in 138. The indicators evaluated were pluralism, press independence, media environment and self-censorship, legislative framework, transparency, and the quality of the infrastructure that supports the production of news and information. However, unfortunately a lot of weight was placed in troubles faced by the press in Papua and West Papua, ignoring the press activities in other Indonesian regions. They reported disappointment at President Joko Widodo who allowed for a lack of information in West Papua as well as instances of discrimination towards foreign press who was denied visa for coverage in West Papua, which made them prone to capture.
2. Freedom House placed Indonesia in the 82nd position of 133 in 2016 in the lower-middle category for social progress, using three indicators: a. basic human needs (nutrition, sanitation, housing, security), b. basic needs for welfare (access to knowledge, information and communication, health, environmental quality), c. opportunity (personal freedom of choice, access to higher

education, tolerance, personal rights).

3. Committee to Protect Journalists (CPJ) in Juni 2016 compiled data of journalists killed since 1992 and found 1195 deaths. In 2015 and 2016, there were no instances of murdered journalists, but CPJ condemned the Indonesian government for denying a media visa for a French journalist covering stories in Papua. Meanwhile the independent press in other regions in Indonesia was not given consideration. The institution noted that the law enforcement for the death of journalist Fuad Muhammad Syafruddin, or better known as Udin, is left unfinished until today, with impunity for the perpetrator.

In any case, the freedom of the press index generated and used by various foreign institutions places Indonesia relatively in a not very favourable position, however the press in Indonesia is proven to be able to enjoy and apply the freedom obtained since the 1998 Reformation with a huge leap compared to the New Order era.

One of the acknowledgements given by the international press community is by entrusting Indonesia as host for the Jakarta World Forum for Media Development on 20-22 September 2016.

In addition to that, Indonesia will also host the World Press Freedom Day 2017.

With that, hopefully the momentum of proof for the Indonesian press can be maintained.

Ratna Komala
Editor-in-Chief
Press Council Journal

INDEPENDENCE OF THE PRESS! WHY AND WHAT FOR?

Bagir Manan

Although I do not have the knowledge and practical experience in the world of press, during the last six years of me being in the press community, I was “forced” to make several notes on the field.

One of the points often made and repeated in discussions, both among the press and outside of it, is of “independence of the press”.

One of the points that was made is the connection between freedom of press (in Indonesia) to the Reformation Era in 1998. The press was one of the first who enjoyed the reform. With all of its shortcomings, it can also be said: “the press was on the frontline of discovering their natural role of free press and until today continues to receive the highest amount of trust from the public” compared to other public institutions like political parties and the House of Representatives.

The reform was a way for the press to find and reclaim the honour of freedom. Without discrediting their endeavours, the political and statehood atmosphere also changed to become a source and catalyst to once again find press freedom. I always use the term “regain, reclaim, or recovery of freedom of press”. Since our independence until before Indonesia was declared to be in a state of war (*staat van orlog en beleg* atau SOB), the Indonesian press thoroughly enjoyed the freedom or independence of press. After SOB begun, then only restrictions began and increased during the Old Order and New Order. The restrictions on freedom of press was not only in policy

(*beleid*) but also stated in the legislation.

Demands for the restoration of democratic rights resulted in 1999's law on Press Freedom. The law eliminates various shackles on freedom of the press, such as eliminating the SIUP business license system so there was no more "power" to revoke the SIUP. This law also prohibits all forms muzzling, prohibition to publish certain content, a ban on "schorsing" publishing. This act was followed by the Law on Freedom of Information which guarantees and protects the right of everyone and the press acquiring, guaranteeing and broadcasting information.

As an "award", it should be noted that it was the "historical" birth of a new Press Law that guarantees and protects freedom of the press.

Aside from the press itself (*supra*), it should be remembered the role General Information Minister Yunus Yosfiah who not only receive pressure, but actively encouraged the restoration of independence of the press. It is rather phenomenological when associated with his background as a military professional (Kopassus soldier) who are usually more familiar with discipline, restrictions on protests, let alone criticism, but only after undergoing a certain procedure. That's the truth; it can come from all corners of the wind. But history will not that the soldiers were the ones who laid the foundations of a noble humanity.

The legal circle will always remember General Napoleon Bonaparte as Emperor of France (after the French Revolution)

who drove the codification and unification of law (civil code, code de commerce, and de penal code) which was then followed worldwide, including in Indonesia. Napoleon Bonaparte was also remembered as a pioneer of the judicial system administration (administrative tribunaux) handled by the *Conceil d'Etat* (DPA).

The French administrative judicial system is still applied today and followed by many countries such as Germany and Indonesia. Apart from political motives (codification to restrict the freedom of judges, judicial administration to avoid judicial cases being prosecuted by the public administration), the presence of the codification system and administration of justice is a legal discovery which is maintained until today.

General George Washington will always be remembered for obedience to the principles of the constitution and state structure. George Washington refused to be nominated and elected as the President for the third term, because "the form of the republic" - among other things - shows the principles of limitation of power and presidential term limits (in contrast to a kingdom). When supervising the forces lined up ready to go to the Normandy warzone, General Eisenhower as commander-in-chief asked a soldier: "Are you afraid?" The soldier replied "yes. General Eisenhower said: "I am afraid too." Such solidarity is hard to forget.

By the time World War II ended (Japan surrendered), there was a kind of pressure on General MacArthur to prosecute the

Emperor of Japan. McArthur rejected the idea because it “would deeply hurt the feelings of the Japanese people”. McArthur instead pushed for the drafting of the Japanese democratic constitution is the basis of a democratic and modern Japan today. Although the influence of McArthur is quite significant in the preparation of the new Japanese constitution, they do not follow the system of the US government; instead they are modeled after the British Parliamentary format. Besides the fact that system was in place before the World War II, it also contained the wisdom to maintain the imperial system and as a tribute to the Emperor of Japan as Head of State.

The late General Jusuf as Commander, during inspections often asked the soldiers: “Are you married?” The soldier who was not yet married received another question: “Has part of your salary been sent to your mother?” He was not just a commander but instead a father to the soldiers. He has various exemplary qualities, aspirational in realizing the responsibility in realizing “*nobles oblige*”.

Man often utilizes its own weaknesses such as the desire to be honored in excess, including the press while navigating its freedom.

There are at least two weaknesses of the press who enjoy independence of the press.

First; employing a whiny tone. Today, it is easy for journalist or the press to use the phrase “threat of press freedom”, simply because they’re unable to obtain information or feel deterred “doing their job as a journalist”. When

visiting different regions, journalists often complain saying there is a threat of press freedom. I sometimes jokingly reply: “If you’re coward (including unable to obtain information) don’t be a journalist”.

Second; the element of abusing press freedom. Once, a journalist was about to enter a gate somewhere to cover an event. The officials prevented him from entering the ground. They argued. The reported rebuked saying “you have a degree/are an official, but your brains are at your knees”. The journalist was beaten by officials. Elsewhere a journalist entered an ongoing court session. He was stopped by an officer. The reported flare up and hit the officer. As a result, the reporter was swarmed upon and his camera was broken. There was also a journalist who “forced” entry to a certain “military area” and stopped, but he still forced through. A confrontation occurred and the journalist was beaten up. Why do journalists become angry or violent? Because they feel, in the name of freedom of press, journalists should not be hindered in any form.

There are also other types of press freedom. On the grounds of possession of certain information, a reporter asked for some sort of “good will”, otherwise, the information will be disclosed or reported. For the sake of “good relations and mutual understanding”, the party will provide a so-called “partnership fund” for the journalist. If one day when he is “in need”, the reporter will be looking for a variety of problems in the institution.

As Chairman of the Press Council, I

received “info” (hopefully not true). A journalist pretending to look for information on the basis of journalism. His request was rejected. The journalist “reported” to the local Information Commission who immediately contacted the concerned agencies and said, the refusal to provide information is contrary to the disclosure of information that is protected by law and it is a violation of the law. My informant says there is some kind of “partnership” between the journalist and the Information Commission. Again, hopefully the info was “exaggerated”, or even a fragment of his imagination.

However, other than abusing or at least “excessively using” freedom of the press, the use of such press freedom is precisely causing the fear against journalists or the press. Fostering a sense of fear, is the beginning of a tyranny (tyranny of the press).

Perspective of press independence

The independence of the press can be observed from various perspectives: “democratic perspective, human rights perspective, and the public/social institution perspective”

First; press in a democratic perspective.

Prior to noting the relationship between the press and democracy, first given - in brief and simple- the record of democracy itself. Until now, there hasn’t been found an agreed understanding of democracy. McIver (*The web of government*) writes: “*Democracy is a form of government that is never completely achieved*. Although democracy is mainly seen as a political

institution, it cannot be separated from the concepts or other political theories, such as nationalism, liberalism, Marxism (socialism, communism) and other ideologies or political concepts. Democracy cannot be separated from governance of cultural, economic, and social in general. Democracy is also constantly evolving in accordance with the development of political, economic, and social and cultural changes. Because it is multifaceted and growing. McIver In another book (*The Modern State*) says: “*democracy without end*”.

Once a popular phrase that was first uttered Abraham Lincoln: “Government of the people, by the people, for the people”. In reality, it is found that the government that calls itself a democracy (proletarian democracy, people’s democracy, guided democracy), does not reflect a government of, by, and for the people. Even if there is so-called “people’s participation”, it is nothing more than popular mobilization for the benefit of the ruler or leader. The presence of supportive democratic institutions, such as the Constitution, elections, political parties, press that is published regularly, in fact does not reflect the democratic government. Even when “Polis” in ancient Greece (Athens) was regarded as a form of direct democracy, in reality not everyone participated in deliberation of running the government. Direct democracy at that time was run by “citizens”. Women, those who were classified as aliens and slaves, were not considered citizens, and so did not participate in governance. It is not

an exaggeration that the so-called direct democracy is simply an oligarchy by the elite. As Rousseau said and was restarted by Laski, in fact governments are continually used by a small group of community members:

“The modern State, for practical purposes, consists of relatively small numbers of persons who issues and execute orders which effect a larger number” (Harold J. Laski, *A Grammar of Politics*)

The situation described above is also applicable in the most democratic country. In a discourse that is often played, the implementation of state or government in the “elite”. Government by elites is not necessarily a bad or defective democracy. It depends on the role of other democratic institutions such as political parties, civil society, the intelligentsia, the press and others. *The press plays a very large role in ensuring and the actualization of democracy. In addition to running the control functions, the role of the press in a democracy are as communicators of the people (public) against state officials. This role is increasingly important in a democracy not only in reality only run by a small group of people but increasingly elitist democracy.* Lowell’s statement of political parties should also involve the press “as the broker of ideas”. In various discussions, I often borrow a phrase saying that the press can act as: “the free market of ideas”.

Second; freedom of the press in a human rights perspective.

Similar to democracy, the concept and

“**Freedom of the press is a form of individual and political rights, such as the right to issue thoughts, opinions, the right to freedom of communication, the right to obtain information**”

practice of human rights is also growing. Originally, the concept of human rights was emphasized in the guarantee and protection of individual rights (Magna Carta, English Bill of Rights, 1688, the Declaration of Independence, USA 1776). Still concerned with individual rights, human rights was then attributed to the political rights as affirmed in the Universal Declaration of Human Rights, the United Nations in 1948 and the European Convention of Individual and Political Rights, 1950. Progress continued to social and economic right). The right to welfare and social justice is a human right. In the third phase was developed the community rights.

Freedom of the press is a form of individual and political rights, such as the right to issue thoughts, opinions, the right to freedom of communication, the right to obtain information. In the development as a “political institution (*the fourth estate*)”, freedom of the press is tied to rights of participation, control rights, and the right to criticism.

Third; freedom of the press in a perspective of the press as a social institution or public institution.

We were never taught the phrase “free

market of ideas” (supra). In this paper “*ideas*” are not restricted to the notion of “concept” or “theory”, but also including ideas or practical suggestions to express or resolve the problem. The press is an important social institution, if not the most important, as a *forum for the free market of ideas*. Through the press, there will be an exchange of thoughts, either for individual or collective interests. For the exchange of ideas to be free, viable and effective, the press and the public need to be independent or have freedom.

Independence will only exist when there is freedom (*liberté*), equality (*égalité*), and a sense of belonging (*fraternité*). One of the important aspects of freedom, equality, and a sense of belonging is to accommodate diversity. Free market of ideas is the freedom to exchange content and guarantee diversity. Similarly, a democracy that guarantees “*the right to dissent*”. There is no democracy without diversity. Every method to uniform (in the realm of philosophy, ideology, and action), is incompatible with democracy.

What is independence of press for?

In the rubric no. 2 (supra): “the perspective of press freedom”, is only for the purpose that it is not necessarily true or successful - describing the significance of press freedom for the press itself (internal meaning).

Above it has been noted about “whiny press” even abusing freedom for the press enjoying the freedom of the press. Comments or discussion about the threat of press freedom, our press freedom index is under Vietnam, Cambodia, Malaysia,

Singapore. All of that is more oriented to the internal perspective of freedom of the press (inward).

On the other hand what is intensively talked about is the press as a social / public institution and the press as the fourth branch of power (the fourth estate, the fourth power). It is none other than the role of the press to the outside (outward).

The question is: “As a social institution, what role the press does the press have for the public? When the press place themselves as the fourth estate, which means the press acts as state and political institution, what state and political role does the press play?”

As a social institution, the press is not just a means of public communication but they also have the duty both in the sense of “social responsibility” or “social accountability”. Similarly, the press as a political institution (*the fourth estate*), is not merely a means of political communication. It is also no less important for them to become the *avant garde* of political ideals.

Despite the fact that it is still developing, democracy is given social and economic significance, but they will still move from democracy as a concept and political means.

It must be realized, as expressed by the experts, democracy as a political institution conceptually consists of the following elements: “democratic institution, democratic mechanism, and democratic value.

It has as been about six months or so since the issue of cabinet reshuffle. Even the president himself has repeatedly given strong indication of the reshuffle or overhaul.

In addition to causing an assortment of speculation, hundreds of whispered gossip, it was not infrequently or broadcast that a cabinet reshuffle is the “prerogative right of the President”. A.V Dicey (*An Introduction To The Study Of The Constitution*) wrote: “*The prerogative ... nothing else than the residue of descretionary or arbitrary authority ... legally left in the hand of the Crown*”. Prerogative is having the power in one hand. In the chat around us, prerogative lies in the power of one hand, and that is of the President. We - especially the press - should be careful of power on one hand as it may slip on the abuse of power that is immune to control.

The elections, the election of the President (direct or by a representative body) is a democratic institution. However, the presence of institutions and practices are not necessarily a sign of the presence of democracy if not executed according to the mechanisms and values of democracy.

The same goes for political parties. As democratic institutions, political parties should be managed and run according to democratic procedures and values, and aims to run and maintain democracy. Can they still be called a democratic institution, when a political parties only aim for pursuit of power, becoming a tool of the elite even individuals, must always be controlled and executed on the basis of the breed.

Democratic value include such things as political ethics, diversity tangible recognition of freedom of speech, the right to be different (different opinions, different beliefs, different origins, etc.). Different

rights would survive only if there is a magical fairy for living in harmony, mutual understanding, and tolerance. Democracy without democratic value will become a pseudo-democracy or even merely a sham.

The presence of institutions and mechanisms of democracy as described above, which is not accompanied by democratic values (and objectives of democracy), does not support a healthy state, but instead becomes a burden and makes the country as a means of mere power.

Conclusion

Freedom of the press should not be allowed at all to be part of such an order. Freedom of the press should be used to achieve the purpose of the state and as a forum to find the efforts to defend the interests and justice to the people.



Chairman of Supreme Court
(2001-2008)

Chairman of Indonesian Press Council
(2010-2016)

PRESS FREEDOM AS A MANIFESTATION OF HUMAN RIGHTS

Artidjo Alkostar

In democratic nations, freedom of the press is a perquisite to citizen sovereignty, because the presence of press inherently is a representation of the existence and social role of citizens.

A democratic nation would lose its democracy without the independence of its press. *A country cannot be a democracy if there is no freedom of speech and association and no rule of law.* However the freedom of the press is not a static entity; it is dynamic in nature as its role is always linear to the challenges faced by communities and its socio-political landscape.

Imperialist history shows that a threat to the freedom of the press is a power that is too strong preying on rights and shutting down the role of press. Especially in countries where *Crime by the Government* has historically occurred like in Hitler's Nazi era, Fascist Italy, Fascist Japan, Melosevic's Communism, Augusto Pinochet, Soeharto, Marcos, Reza Fahlevi, besides committing political corruption, also violated human rights.

Violations of human rights and the Human Rights Court in accordance with Law No. 26 in 2000 and others like it have happened in Indonesia. The typology of human rights violations are indicated by policies of power and its extended impact. The government or the authority of political power is essentially a necessary evil in the state of life, and as a logical corollary, the government or the authority of political powers must be observed, controlled (by the civil society, namely the mass media, NGOs, universities, community

organizations), regulated and limited by the rule of law. Power that is too weak, will allow oligarchs interference on press freedom.

Freedom of the press in Indonesia must be of substantive freedom, namely a freedom whose execution is implemented in the reality of people's lives without the meaningful constraint. Positive freedom is the freedom that is characterized by freedom to achieve an appropriate nature of existence, among others, to uphold the basic values of democracy, promote the establishment of the rule of law and human rights (vide, Article 6 of Law No. 40 of 1999).

Negative freedom

Negative freedom means the freedom from all sorts of pressures and threats from outside the press. For example, pressure through phone calls, reprimands or such and being bound by restraining rules.

This freedom is attached to the ethical value of fairness, because societies that contain the press and state cannot play its institutional roles without the presence of freedom. Due to that, in its history the freedom of press has always been fought for (*freedom is not given, it is won by struggle*) because the dynamics of life always present enemies to that freedom, both implicitly and explicitly in various forms and figures.

The challenges to the freedom of press in the era of the Old Order, New Order and the Reformation have all been different. History shows that the struggle to establish

the freedom of press is an ongoing struggle that has never reached its finish line.

In his book *Six Great Ideas*, Mortimer J. Adler says that there are six great ideas in society life – they are truth, goodness, beauty, liberty, equality, and justice. Those values are mentioned as ideal aspirations to strive for in order to achieve a good life.

The role of the press in community and state development includes several values that are attached to the entire existence of the press, especially truth, freedom, and justice that are normatively mentioned clearly in the Press Laws no. 40 of 1991.

The freedom of press is attached to the human right of independence as guaranteed by the General Declaration of Human Rights from the United Nations, from 194, UN Conventions, Statutes, and so on.

The US Constitution Amendment 1 of 1931 mentions Freedom of the Press. The statement was related to the *Near v Minnesota 283 US, 697, 51 S.Ct. 625* case. Even back in 1927 the Freedom of Speech statement in the First Amendment of the US Constitution was in relation to *Fiske v*

“

The challenges to the freedom of press in the era of the Old Order, New Order and the Reformation have all been different. History shows that the struggle to establish the freedom of press is an ongoing struggle that has never reached its finish line.

”

Kansas, 274 U.S. 380, 47 S.Ct. 655; *Gitlow v New York*, 268 US, 652, 45 S.Ct. 625 (1925) (*dictum only*); *Gilbert v Minnesota*, 254 U.S. 325, 41 S.Ct. 125 (1920) (*dictum only*).

In the second amendement to the Indonesian Constitution of 1943, article 28E mentions the protection of expression, as follows:

1. Every person is free to embrace and practice religion, choose schooling and education, choose jobs, choose citizenships, choose his domicile and/or leave it, and has the right to return.
2. Every person has the freedom to belief, to express and state, according to his conscience.
3. Every person has the freedom to assemble, gather, voice their opinions.

Constitutional guarantees which provide the basis for the existence and development of freedom of the press that are in the realm of the cosmos must become the axis value for the existence and legitimacy of the legal instruments that are in the logos domain. Further juridical consequences, the rule of law in the realm teknologos must not conflict with the provisions in force in the realm of the cosmos and logos.

In the ontological and axiological perspective, the sequence of governance norms is a prerequisite upholding rule of law against freedom of the press. Legal instruments, in truth can not be separated from the spiritual structure of community

“

The need for information is a basic spiritual requirement of every human Indonesian citizen and social communities of all the Indonesian people. A free press is a provider of healthy information required in civic life and the nation

”

supporters. In a democratic country like Indonesia, the laws must have a populist spirit and have the soul of justice, so that the manufacturing process demands transparency and public participation.

Article 28F of the Second Amendment of the 1945 Constitution guarantees that every person has the right to communicate and obtain information to develop their personal and social environments, and the right to seek, obtain, possess, store, process and convey information by using all available channels. This is the basis of constitutional guarantees for press freedom in carrying out their rights and obligations.

The need for information is a basic spiritual requirement of every human Indonesian citizen and social communities of all the Indonesian people. A free press is a provider of healthy information required in civic life and the nation. The social relevance of a free press should be a reference in the law enforcement process. Information from the free press will become essential for the health of the social spirit of statehood.

With the available channels, the members of the press seek, obtain and impart information to the public, so that the press plays an important role in meeting the needs of the information required by the community of nations. In conjunction, the social role of the press is very important in a democracy and the traffic of information, it is required to guarantee the rule of law so that the quality of information remains accurate and become a determinant in the implementation of social control over state power.

As Martin Molf said, a fundamental requirement for the protection of property rights is the impartial rule of law.

Nobel laureate Amartya Sen said legal and judicial reform is important not only for the development of the law, but also for development in other fields, such as economics, politics, and so on, and these in turn are also the parts that make up the overall development. Judicial independence is the most important way to protect citizens from the predatory activities of the government.

Freedom of the individual and citizens requires legal protection by the state in order to keep it away from predatory parties. To keep freedom and anarchy from getting intertwined, it is necessary that the rule of law that is authorized to issue parameters and assess the legality of the action.

The authority of the role of the press

As social institutions, the community of media personnel are required to maintain and care for the authority

of the role of the press, in order to remain always attached to social recognition. In addition to remain sensitive to any form of efforts aimed at weakening the role of the press.

Journalists have the ethical obligation not to disclose or publish the sources of confidential news. In the absence of confidential news sources, a lot of important events that have news value will never get published. Just as the “Whistle Blower” (people who have inside information of malpractice in government agencies or state officials or large companies) who told reporters in secret and the provision of the information would not have happened without the promise of confidentiality.

Many journalists believe the moral and ethical responsibility in this sphere should be very adhered to, adopting the believe to choose prison time rather than break a promise of confidentiality agreements. The refusal to disclose the identity of news sources qualifies as Civil Contempt. It also correlates with the social position of journalists who have special privileges.

The journalist’s privilege appeared since the beginning of the 20th century. Even the state of Maryland, USA in 1896 adopted a “Shield Law” that works to protect reporters in conjunction with their resources. In 1980 the “Shield Law” was implemented in 25 states of the USA.

Guaranteed legal protection, as well as freedom from interference and coercion of the independence of the press is a juridical consequence of the moral postulate underlying the enactment of

Law No. 40 from year 1999. The moral postulate and then became the cornerstone of the construction of hypothetical clauses contained in Law No. 40 of 1999. The legal ideology of Law No. 40 year 1999 is that true independence is fundamental to the life needs of individuals and social communities in a democracy.

Press communities also have self-regulations that serve as an internal control, in order to perform tasks of their profession, the press have a code of conduct as outlined in the Code of Indonesian Journalists (Kode Etik Wartawan Indonesia - KEWI). With the Press Law and KEWI, members of the press should have the freedom in carrying out the role of journalism and should be protected by law, as long there is no violation of the rules that apply to him.

In relation to internal controls for the media, Joseph R. Dominick (2002) stated:

Some informal control over media content and practices comes from within. Although the amount of internal media criticism has grown in the past few years, it is still small when compared with the amount of investigative reporting and critical analyses that newspapers, magazines, television, and radio conduct about other facets of society. Many newspapers and magazines have media critics and media reporters. The amount of meaningful critical writing done by these journalists, however, is highly variable. Some of the more well-known critics in the print media include Ken Auletta of *The New Yorker*, Mark Jurkowitz of the *Boston Globe*, and Howard Kurtz of the *Washington Post*.

Several journalism reviews regularly criticize media performance. The *Columbia Journalism Review* is the best known, but its circulation is only about 35,000. Others that are important include *Brill's Content*, the *American Journalism Review*, and the *Media Studies Journal*. The Internet has opened up a new channel for media self criticism. The Media Channel (www.mediachannel.org), for example, contains news, analysis of issues, and criticism about media across the globe. It even has a section called the "Whistleblower" where media professionals can single out companies with sub standard performances. Journalist Jim Romenesko maintains a similar site at www.poynter.org. The impact of these and similar sites is yet to be determined.

The position of the press becomes stronger role in the life of the state because the press is a social institution and its existence is a manifestation of the sovereignty of the people in a democracy. The noble task and altruistic nature of the press lies in the devotion and the struggle for the common good. Article 6C of Law No. 40 year 1999 mentions: developing public opinion, so it is not the personal opinion of a journalist.

Moreover, the press also carry noble values that are truth and justice, human rights, democracy and the rule of law. The value of the struggle also lies in the implementation of the supervisory role, criticism, corrections, and suggestions on matters relating to the public interest.

In conjunction with libel or defamation, Don R. Pember (1997) elaborates that:

Parts of the law of libel do not concern

those who work in mass communications. For example, elements of libel deal with allegations contained in private communications, a letter from one person to another, a job recommendation from a former employer to a prospective employer. The material in this chapter focuses on public communications-material that is published or broadcast via the mass media, using that term in its broadest sense to include advertising, company magazines, trade association newsletters, press releases, and so on. Similarly, because newspapers, broadcasting stations, magazines, and the like tend to focus on material considered to be of public concern, courts often treat them differently from nonmedia defendants. Unless otherwise stated, it can be presumed the discussion in this text focuses on the rights and responsibilities of media defendants.

Social recognition for journalists correlates with the extent to which he can carry out his role to the fullest and maintain the equilibrium (social aesthetic value) between the rights and obligations, keeping them balanced. To that end, the Press Law should provide sufficient space for the PUBLIC who feel disadvantaged in the PRESS coverage.

Civil lawsuits against members of the press, print media, or press company actually can not be justified if the claimant has not first gone through the mechanism of denial right of reply and correction that has legally become a liability to the press (Article 5, paragraph 2, 3, Act 40 year

1999). Similarly KEWI (7) mentions that Indonesian Journalists are to immediately retract and rectify errors in reporting and to serve the right of reply. Moreover, the suit is not via a subpoena in advance as the case proceedings in civil cases. Subpoena is a reflection of the parties acting in good faith.

Expert witness testimony in cases involving the press has juridical relevance in accordance with the Supreme Court Circular (SEMA) Number. 13 Year 2008 regarding Request Description of Expert Witness, which states: In connection with many cases that have been submitted to the Court relating to press offenses, in order to obtain an objective picture of the provisions relating to the law of the press, the judge may ask for information of an expert in the field of press.

Therefore, in the treatment or examination of those cases linked to press offenses Assembly should first hear the expert witness testimony of the Press Council, because they are more aware of the ins and outs of the press in theory and practice.

If the argument of the lawsuit of plaintiff is the tort Article 1365 of the Civil Code with the argument that the press committed insult as defined in Article 310 of the Criminal Code, there will be an irrelevant conclusion (*ignoratio ilenchi*), because the press can not be deemed to have committed an unlawful act on the proposition that it has ordered defamation without a decision from a criminal court with a permanent legal force.

Determining whether or not defamation

has occurred as per Article 310 of the Penal Code is the domain of criminal law which must be processed through the criminal justice system. The criminal justice process through the procedure of inquiry, investigation, prosecution and trial. Article 310 paragraph (3) of the Criminal Code states that there is no slander or libel in question, if the deed is done FOR THE PUBLIC INTEREST or if they were forced to defend themselves.

Thus, the press can not be subject to Article 310 of the Criminal Code if they expressed the general opinion (based on information that is precise, accurate and true) and things are delivered (supervision, criticism, corrections and suggestions) in the public interest. This juridical constellation indicates that the application of Article 310 of the Criminal Code should consider the juridical relevance of Article 6 of Law No. 40 from year 1999.

For the press or members of the press who have been carrying out journalistic duties in a professional manner, the law enforcement must apply the protective function of law in accordance with Article 310 paragraph (3) of the Criminal Code on the basis for the professional press and the public opinion expressed in the public interest.

In cassation case No. 490K/Pid/2008 on behalf of the defendant Afdal Azmi Jambak of the newspaper *Transparan* Palembang, who was convicted of defamation against an official in the court of first instance and then the defendant was sentenced on the basis of violating article 310 of the Criminal Code,

but the Supreme Court found him free of charge (*Vrijspraak*) as the defendant was conducting journalistic duties where he has met the standards of professionalism and in accordance with the Code of Indonesian Journalists (KEWI). The Supreme Court assessed that the news Afdal Azmi Jambak made in the newspaper *Transparan* is not qualified as defamation. Immaterial damages in press cases demanded clear parameters, as it would be the death of common sense if the imposition of damages is not based on clear size.

Things that still need attention:

i. Press Law No. 40 of 1999 which comprises of 21 chapters and is made in the political climate of transition between the authoritarian New Order era to the era of democratic reform.

ii. Press Law No. 40 of 1999, is not based on the Constitution of 1945 that is followed by amendments, the First Amendment, the Second Amendment, Third Amendment, and Fourth Amendment.

iii. Press Law No. 40 of 1999 should strengthen the constitutional basis to Article 28A up to 28J of the Constitution of 1945 which guarantees the protection of human rights, due to the presence of the Press as a prerequisite fulfillment of freedom to express thoughts and opinions in accordance with conscience and the right to information, is a human right which is very essential.

iv. Press Law No. 40 of 1999 is not adjusted to the other laws that guarantee human rights among others, Act No. 39

from year 1999.

v. Press Law No. 40 of 1999 has not adopted international conventions that have become customary international laws or ratified or adopted by a national law, such as the ICCPR (International Covenant on Civil and Political Rights), which has been ratified as No. 12 in 2005. In this Covenant article 19 expressly states: 1) Everyone has the right to hold opinions without interference. 2) Everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print in the form of art, or through any other means of his own choice.

vi. The construction of hypothetical clauses in the Press Law are required to reflect the democratic spirit and the protection of the law (Article 8 of Law No. 40 of 1999) should be a consequence of the implementation of a function of duty in the public interest.

vii. As part of their professions, journalists are required to meet the demands of the competence of knowledge, skill and integrity

viii. Press Laws should provide the foundation that determines court for violations of the code of ethics of journalism.

Conclusion

As a manifestation of human rights, the freedom of the press has to be respected by all parties and protected by the state. As a confidant of news sources, reporters have

the right to decline being called witness for issues that are related to their journalistic work.



Supreme Court Judge

PRESS ETHICS CORRECTION FOR THE INTERESTS OF THE PUBLIC

*All rights and duties of
the press comes from the
people's right to obtain
information.*

Atmakusumah

In journalism, sometimes altruistic duties are involved to serve the interests of the public. Pressure towards the public interest is clearly reflected in the “Declaration of Rights and Obligations of Journalists”, or also known as “Munich Charter”. The charter is agreed in Munich by press organizations from countries from around the world on November 24-25, 1971.

In the “Munich Charter” it emphasized: **“The right for information and freedom of speech is a fundamental human right. All rights and duties of journalists come from the public’s right to obtain information on events and opinions. A journalist’s responsibility is far more important than other duties, like duties from their supervisor and government authorities.**

“The mission for information needs a clear line for limitation by the journalist towards themselves. But journalists can only respect the responsibilities when performing duties independently and with dignity in their professionalism.

“The public interest,” with that, is the goal for the press in performing the freedom of the press. Because of that, the press is not justified in acting freely, both on the field and in delivering the news.

Because of that, a journalist code of ethic, which is the moral guidance and work guidelines for the press media to work based on high principles and ideals is needed.

Press Ethics Correction in Indonesia

In my observation, in the current Reformation era the Indonesian press have put efforts to follow the press ethics established by the Press Council.

On the opposite, the obstacles to fully execute the journalistic code of ethics is faced by many local press, as a result of social pressure from the public that is not yet used to the freedom of the press, freedom of speech, and freedom of expression. Part of the Indonesian people is not yet ready with a shift of perspective, especially if it conflicts with their belief. A leader of a social council can demand the press to not continue with a report that they don't agree with. A social organization can perform a demonstration to the press media office to object to a critical side in a published story.

Other pressures faced by the press media in the regional areas can come from the regional government to stop a commercial assistance, if the published report interferes with the interest of the local political government. In a number of regional areas, the provincial and regional government indirectly provides subsidy in the form of advertorials and commercials, or subscription for newspaper to hundreds of exemplars per edition.

With this, independency of the press in the country haven't been fully executed - especially for local news media in regional areas. An independent stance - or taking a neutral stance in reporting or siding with truth and justice - is an important principle in the code of ethics for journalism.

With having an independent stance to side with the public's interest as much as possible, the news media is hoped to not just become a tool for politics, economy etc. In other words, the news media is hoped to not side with one party in delivering the news.

Two examples of the following is a journalistic work that violated the journalist code of ethics, as it doesn't contain comprehensive information so that the news content becomes bias.

First report: Reported in May 2015 that an "armed group" took two Indonesian National Armed Forces soldiers hostage in Enarotali, Paniai District, Papua Province. The information is obtained by Military Area Commando Kodam XVII Cenderawasih Major General TNI Fransen Siahaan. Reports say, the event started when the two TNI soldiers - that were not armed - along with a civilian went shopping using a speed boat. The three were taken hostage, but the civilian was then released.

According to Major General Siahaan, the information about the civilian release, were obtained from the victim's family via phone from the "armed group" that performed the hostage. The regional Koramil Commander telephoned the "armed group" to ask about the two TNI soldiers still kept hostage. But the answer he obtained in the telephone conversation is: "the two TNI soldiers are already 'cooked'." In the report, Mayor General Siahaan's comment was added: "The answer of the armed group is as if they don't have faith."

The information in the report isn't all accurate. Following information says that

the two TNI soldiers and civilians were taken hostage by two young fellows and extorted residents cruising the river. Sources from OPM (Free Papua Movement) says that the TNI soldiers successfully escaped via foot and arrived safely at their home base.

But, the journalist making the report didn't try to verify with other sources to complete the information. What's odd, is that the source comes from a government official. Papuan political activists see the report as clumsy, and also calls it "racist and lowers the dignity of Papuans."

Second report: A report in April 2015 - about the capture of five political activists by the Jayapura Police after a meeting with the Indonesia's Defense Minister Ryamizard Ryacudu in Jakarta. I only saw it in a column in an English-language newspaper in Jakarta. Police authorities are accusing them of performing attack against the government, although it is not specifically explained in the news report.

From a Papua analyst, I obtained information that the five activists are discussing about the eastern part of Indonesia with the Indonesian Defense Minister. Their flight to Jakarta is said to be funded by the Defense Ministry.

The report didn't continue, if really the five political prisoners are released from police custody and is a prisoner of the city. There is no further report, if they are in the custody of the city or having been fully released. Imagine, if this happened in Kalimantan, Sulawesi, or even Java - the news will be everywhere in the media. Protests will even happen everywhere.

From my observation, our press media coverage - even mainstream media - shows few critical information from the Papua Province, and West Papua Province. It's as if Papua is not important and not even part of Indonesia. Papua is actually one of the largest and probably richest island in our country.

I worry, that the situation may cause the situation on the island to be paid less attention by our leaders. Our people also have little important information from Papua, especially in politics and security.

Our press media organizers explain, that covering an area as wide as Papua with the mountainous region, is very expensive. The freedom to explore information there is also hampered by the strict regional government control and security officials towards press coverage. This is experienced by both the domestic and international press media. The result, is weak news coverage that is not objective, that violates the journalism code of ethics because of the unbalanced and biased information.

Thus, only little of the mainstream press in Jakarta have correspondents as full-time staff in Papua, that gets a full-time salary and social security. Many of the press media in Jakarta, including the mainstream press, only takes on "contracted" correspondents that gets a payment from the published news work. If their report doesn't get published or aired, there is no fee compensation for the film and transportation. Thus "contracted" journalists must also take on other jobs - including non-journalism work- to make ends meet.

Brisbane Declaration for Social Media

Even though there are still shortcomings for the professional journalism standard in our press media and resulting in violations of journalism code of ethics, there are rarely cases of serious violations.

This happens, for example, to a press media group that publishes their interview with the wife of Dr. Azahari bin Husin, a terrorist specializing in bombs, that blew himself up when cornered by authorities in Batu, Malang, in November 2005. The Malaysian terrorist is responsible for two bombings in Bali in 2002 that killed 202 people, and the attack to the Australian Embassy in Jakarta.

Azahari's wife - reported to have throat cancer - lives in Kuala Lumpur. The interview that is said to be done via telephone, according to a journalist, is not true. The moral sanction for the serious code of ethics violation, when the journalist published information that they knew from the beginning was false - must be relieved of their journalism profession forever without a pardon.

“**Social media content is not always controlled by the administrator, so that it is worried to violate ethics, including journalistic code of ethics if the content is in the category of news**”

There are still three serious violations towards the code of ethics with the same moral sanction, of which I feel applies universally. If a journalist takes in bribes so that their news report is beneficial of the bribe-giver, performing plagiarism by copying journalism work of others and claiming it for themselves, and revealing the identity of a confidential source that should be protected that results in the person and their family's lives to be threatened.

What's worried by mass communication media analysts is the ethics violation that happens in social media. Social media content is not always controlled by the administrator, so that it is worried to violate ethics, including journalistic code of ethics if the content is in the category of news.

The serious situation debated as of late in social media is the unrest in Tanjungbalai city in North Sumatera, at the end of July 2016, when the mob burned a number of Buddhist place of worship, like temples. It is reported that a woman from the city, suggested mosque workers of the mosque near her residence to lower the volume for the call to prayer. The mob movement started when the mosque worker refused the suggestion, and was followed by provocative comments in social media.

I highly support UNESCO, which in 2010 announced the Brisbane Declaration in Queensland, Australia, when commemorating the World Press Freedom Day in May 3rd. The United Nations Educational, Scientific and Cultural Organization in the declaration is suggesting their member countries around the world

for **schools** to have a class on “improving media awareness and awareness on the right to obtain information.” For the same goal, UNESCO also suggests for the topic to be given in the **higher education** and programs to **train civil servants that are important as sources.**

Information is delivered through the mass media - including bulletin and leaflets that is published by the public relations department for government institutions and commercial companies - as well as the print news media, radio and TV, and online media or cyber media.

The Brisbane Declaration is saying that the flow of information, journalism, and independent media is important. The declaration reminds of the important of the public’s trust in **journalism** and **independent media**, which is “journalism that is transparent, credible, relevant, and can be accounted for.”

The journalism code of ethics for the mass media communication that is not the press media - like social media and public relations controlled media by companies of government bodies - does not have to fully abide by the code of ethics for journalism. But, it’s very beneficial to understand the journalism code of ethics that applies for the press, that largely applies for the media PR and social media.

The goal of the Brisbane Declaration is to, at least, so residents that have been educated on mass communications by knowing the journalism code of ethics to ready limitations in communication. With this, it is hoped that the violation against

mass communication ethics will be reduced.

It is advised that the Brisbane Declaration to be campaigned in this country by UNESCO in Jakarta and by the Ministry of Education and Culture in schools and with other ministries.



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RIGHTS TO INFORMATION, PRESS FREEDOM AND DATA JOURNALISM

Winarto

World Press Freedom Day (WPFD) on the 3rd of May 2016 raised the issue of freedom of information as a fundamental freedom. Freedom of information refers to the freedom to access public information, owned by public bodies and state administrators. Freedom of information is a fundamental freedom and rights of citizens.

In relation to the freedom of press, the freedom of information means the freedom for journalists/press agencies to obtain information and spread it to the public without censorship from the state. Freedom of information requires the government and state agencies to be open about the public information that it has.

Journalists/press agencies often face pressures in the form of intimidation, violence, and even murder when conducting their duty in finding information to reveal facts of truth to the public. UNESCO (United Nations Educational, Scientific and Cultural Organization) recorded that in the last 10 years, 825 journalists around the world were killed when doing their duty.

In the WPFD 2016 commemoration event in Helsinki, Finland, the Director General of UNESCO Irina Bokova urged governments around the world to open access to public information to respect the rights of its citizens. Irina said that fulfilling the rights of citizens by allowing access to information, will improve the workrate of its state apparatus. She explained, "This is important, because it can become the foundation for inclusive and sustainable development."

According to UNESCO the biggest challenge in opening access to information is government secrecy that transgresses. Governments have the right to reserve confidential information according to the purpose of the legitimate process, as written in international human rights law. However, information from administrative and executive authorities that, for example, relates to law and public spending, should be accessible to everyone. On top of allowing the public to keep track of government agencies, freedom of information also opens up potential for the public to take responsibility.

Legal Protection for Freedom of Information and Freedom of Press

Since the formation of the first laws on freedom of information in 1766 in the region that is now Sweden and Finland, more than 90 countries have formed and ratified similar laws. However, up till now enforcement still remains an issue.

Indonesia is one of the countries that have laws on freedom of information and press freedom. Laws on press were made in 1999, one year after the collapse of the authoritarian New Order government. It can be said that the number 40/1999 law on press was one of the steps towards reformation. The initiators of the law realized that the press is one of the pillars of democracy and that press freedom is a necessity for the growth of democracy.

During the consideration of laws on press it was mentioned a) that press freedom is a

form of public sovereignty and an important element in creating a communal and democratic society, so that independence can create thoughts and opinions that the article 28 of the 1945 constitution is meant to guarantee; b) that life in a democratic society and nation, asserts that a citizen's rights to their own thoughts and opinions and rights to obtain information is an essential human rights, that is needed to uphold justice and truth, further promote general welfare and improve livelihoods.

Furthermore article 4 affirms 1) press freedom is guaranteed as a citizen's human rights; 2) national press is not censored, banned or prohibited from broadcasting; 3) to guarantee press freedom, national press agencies have the right find, obtain and spread ideas and information.

Constitutional law no. 40/1999 is solid enough to protect the journalistic activities of looking for and spreading information. However, rights to obtain information is actually the right of every citizen, and not just the exclusive rights of journalists. In truth journalists work on behalf of the public. In realizing this, democracy activists pushed for the formation of laws regarding freedom of information. 9 years after laws on press were ratified, the constitutional law no. 14/2008 on the disclosure of public information (UU KIP) were formed. The KIP laws completed and strengthened the principles of freedom of information that were stated in the constitutional laws on press.

On top of stating that rights to information is a human rights, the KIP laws

also mandated state administrators and both central and regional public bodies, to open the information they had to public access.

During its formation the KIP laws mentioned how “rights to obtain information is a human rights and openness to public information is an important characteristic of a democratic nation that upholds its people’s sovereignty to realize good governance.” It also stated how “openness to public information is a means to optimize the public’s monitoring of the state’s management, public bodies and everything that impacts the public’s interest.”

Based on those considerations the provisions of this law mandated public bodies to open access of information to the public. These laws made it possible for the public to get involved in efforts to control the management of the government, to monitor the workrate of public bodies, to help create a clean and corrupt-free government.

However, the question is how far have these two laws been implemented and understood.

Freedom of Press: Still Under Threat

1 5 years after the fall of the New Order, it can be said that political conditions and the state of the press in Indonesia is relatively good. The atmosphere of freedom can be felt in politics and the general public. In a number of periods, elections to choose members of the parliament has successfully been done democratically.

Presidential elections and regional heads elections, have also been done peacefully. The General Elections Committee (KPU)

along with the Elections Watchdog (Bawaslu) and the Honorary Council of Elections Organizers (DKPP) have so far shown independence and competence in holding fair, honest and democratic elections.

An atmosphere of freedom can also be felt in the press in general. As previously mentioned, constitutions and laws guaranteed the freedom of press. The state no longer have control over the press. Press institutions are no longer required to have Press Publishing Business Licenses (SIUPP) from the government. Under the New Order regime, the SIUPP was used as a tool to control the press. The government could ban press institutions by revoking their SIUPP. The no. 40/1999 law now firmly states that the government can no longer censor or ban the press.

However, in truth the freedom of press that is guaranteed by the constitution and laws has not been fully executed. Violence and threats made against press agencies and journalists still occur. The Independent Alliance of Journalists (AJI) records that every year more than 30 cases of violence against journalists occur in regions across Indonesia.

In 2015 there were 44 cases of violence against journalists, which was an increase from 2014 when there were 40 cases. AJI also recorded that since 1996 there have been 12 murder cases of journalists. The latest case occurred in 2010 when Adriansyah Matra’is, a local TV journalist in Merauke, Papua, was found dead on 29th of July in 2010 and Alfred Mirulewan,

a tabloid journalist from Pelangi, who was found dead on 18th of December 2010. From these 12 cases, 8 were not handled completely and the murderer was not put to justice.

Weak law enforcement is one of the factors on why violence against journalists still occur. The Indonesian government is still neglectful over this and thus the state's commitment to support press freedom and to protect its journalists is still worth questioning.

Although state control over the press has decreased significantly since the New Order, recently some groups have formed who threaten journalists and media institutions. The government have so far failed to take action against these groups, which leads these incidents to repeat.

Freedom of press in Indonesia has also been threatened by the formation of certain laws that potentially limit the freedom of opinion. These include constitutional laws on information and electronic transaction, intelligence, and bills on state secrecy. As a result of these threats the international community have rated that Indonesia does not fully practice press freedom.

In 2016 Indonesia ranked 130th out of 180 countries in the World Press Freedom Index, which was released by Reporters Sans Frontiers (Reporters Without Borders) from France. Meanwhile, US ranking agency Freedom House placed Indonesia in the category of countries with partly free press freedom and ranked it 96th out of 199 countries. This position is far below Indonesia's neighboring countries

Phillipines which was ranked 86th and Timor Leste which was ranked 68th.

Freedom of Information: Testing Commitment

The no. 14/2008 law on Public Information Openness (UU KIP) is now 8 years old. However, the commitment of government agencies to uphold it is still being tested. The implementation of these laws still faces numerous issues. A number of these issues revolve around the level of understanding of public bodies regarding the clauses in the KIP laws.

A study done by the Institute for Criminal Justice Reform (ICJR), Open Data Forum Indonesia and Tifa Association (2015), stated that there are public bodies that have published internal regulations that differ from clauses in the KIP laws, that for example concerns information that are exempt from being announced to the public. Meanwhile the study found that other government agencies had unclear mechanisms in determining the exclusion of public information.

The study found that the Ministry of Agrarian and Governance and the National Land Agency (BPN) implemented the KIP laws well. Whether it's regulations regarding public information service or information that is compulsory to be given periodically, most of which has been announced to the public through their website. However, most of the public information provided by the BPN is in hardcopy form and not digital. Meanwhile, the KIP LAW mandates that

public information is announced in a way that easy for the public to access.

Other issues concern the quality or value of information submitted by public bodies and state administrators. The co-ordinator of the investigation division of the ICW (Indonesian Corruption Watch) Febri Hendri stated that the implementation of the KIP LAW is still not effective as most state agencies and the government have not fully opened information that is in the category of open to public. In a number of public information disputes, the decision of the Central Information Commission was actually not enforced by state public bodies. Febri said, "They still did not give public information to those who requested it and there were no firm sanctions against those public bodies."

Febri made an example of the dispute between the ICW and the National Police Headquarters regarding the suspicious bank account of high-ranking police officers. The Central Information Commission decided that information on the bank accounts requested by the ICW was public information. However, the National Police Headquarters did not comply to this decision and did not hand over the information requested by the ICW.

The most recent case of information dispute was between the Institute for Criminal Justice Reform (ICJR) and the State Secretariat Ministry. On September 1st 2015 the ICJR requested information regarding the President's decision to refuse clemency made by death-row convicts. The ICJR's request for information was related

to the planned executions of these death-row convicts.

ICJR then handed a lawsuit against the Central Information Commission. Court trials for the information dispute began in February 2016 and in May 2016 the Central Information Commission complied to the lawsuit. In the decision the Central Information Commission stated that the President's decision over the refusal of clemency for death-row convicts is open to the public. The decision also foiled the State Secretariat PPID's decision that considered the Presidential document regarding clemency refusal an exempt piece of information. However, the State Secretariat did not comply to the Central Information Commission's decision. The information was not released and the executions still took place.

Difficulty in accessing public information is also often experienced by journalists. KIP law is actually useful for conducting journalistic work, as it makes it easier for journalists to access information that the public needs to know. KIP law mandates government institutions and public bodies to provide information proactively. However, in practice not all information unit services and public bodies abide to this regulation. Information needed by the public is often not provided, so that journalists must propose requests to obtain that information. These requests are often not fulfilled.

However, besides the cases that hamper the implementation of KIP laws, a number of government agencies have shown a

high commitment to opening up public information to create transparency and government accountability. Every year the Central Informations Commissions give an award to government agencies and public bodies who apply the public information openness principles. They are group in different categories, which are ministerial agencies, provincial governments, state agencies and non-structural agencies.

President Joko Widodo's administration continue to push government agencies and public bodies to carry out the electronic government system (E-government) to create transparency and accountability. The president affirmed that the public wants a government that's transparent, open, interactive and is quick to respond to the public's complaints. "Especially in implementing E-government starting from E-budgeting, E-procurement, E-audit, E-catalog until cashflow management system," President Widodo said.

Data Journalism: A Necessity

When government's reinforce their commitment to institutionalize openness of public information, when freedom of information is further understood and implemented in every field, an important question for journalism is how far have media institutions and journalists been able to make use of the data-information that can support journalistic work. How far can journalists understand, analyze, and verify the data-information and present it well to the public. This is not easy. Finding information is one thing,

“ President Joko Widodo's administration continue to push government agencies and public bodies to carry out the electronic government system (E-government) to create transparency and accountability. ”

but processing and presenting it is another. Journalists are required to master these two skills.

Advances in information technology and the internet offers both ease and great challenges for journalism. Especially with the relative ease of obtaining information in large quantities. Outside of official data that is uploaded by government agencies, public bodies and non-government organizations, journalists can access information from sources like *wikileaks*, whistle blowers, eye witnesses and victims.

Processing raw data from numerous sources and presenting it as a journalistic work demands a skill of its own. When a military plane crashes, journalists must not only present the facts on the field: where it happened, how it happened, how many victims there were, what type of plane was it. Behind that incident lies information that could be related and can uncover facts of what really happened. The information about the profile of the plane that fell: how old it was, the specifications, who made it, when it was bought, how was the process of the plane's purchase, how was the maintenance. Also there is possibly data on the profile of the pilot and its crew,

the history of their career, their health and their habits. On top of that, there could also be prior intelligence data on threats of terrorism. Data on weather conditions and geographical conditions of the incident's locations could also be related. Thus there is a challenge in how to process the data so that it can create a story that is logical, interesting and important, which can enlighten the reader/audience.

The internet era is a data journalism era. Journalism that can present information that is complete, whole, with a logical explanation that is based on verified data. Data can sharpen a story's angle, build depth, and also provide more perspective.

For journalists, as stated by Mirko Lorenz from *Deutshce Welle*, data is an opportunity. The freedom of information does not mean much without the ability to process and present information as a story.



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PUBLIC INFORMATION ACCESS AND MEDIA'S ROLE IN DEMOCRATIZATION

Gati Gayatri

Foreword

Access to public information or a citizen's access to information held by public bodies is highly needed in democratization. Rights to access public information, also known as the rights to know, enables the public to know information held by public bodies. That information also encompasses specific areas, such as information regarding the environment, human rights, rights to participate in politics and rights to fight corruption.

The free flow of information and ideas can guarantee continuity if public bodies not only use the information they have for their own interests but also to serve the public's interests. If kept as a secret, much of the information held by public bodies can threaten the right to freedom of expression that is guaranteed by international law and national constitutions.

In this context the media's role in democratization is considered important and positive, especially for citizen's of democratic transition nations. The abilities the media possess can influence a change in society's attitude and behavior in the process of democratization. The media's ability in difusing and helping political socialization can create change in society and head towards a healthier political system.

This paper attempts to observe access to public information and the media's role in democratization in Indonesia at this current time. The main question attempted to be answered in this review is: How the role

of Public Bodies, society, and media can currently help access to public information and democratization in Indonesia? Objective facts used to describe the role of institutions was chosen by referring to one of the normative-critical theory about the role of media in democratization, which is deemed suitable with the current situation and condition of media in Indonesia. Results of the review is hoped to give an overview of the issues that hamper the access to public information and role of media communities in the process of democratization, so as to find alternative solutions, whether it is for practical or academic importance.

Access to Public Information and its Regulations

The free flow of information and ideas has an important role in democratic life. On top of playing an important role in democratic life, the free flow of information and ideas also plays a big role in respecting human rights. The absence of the right to freedom of expression and the absence of respect to rights to look for, receive and use information and ideas, can prevent the use of the rights to choose, keep human rights violations a secret, and make the opening of corruption cases difficult to do and leads to an inefficient government.

In the past number of decades access to information held by public bodies is still relatively low. At a global level, according to a survey done by UNESCO in 1962, more than 70% of the world's population lack access to information. This is despite the fact that the meaning of access to

information that is held by public bodies, which is also known as the *right to know*, was first introduced in Sweden over 200 years ago. However, that right only received great attention around the world around 20 years ago.

This can be seen from the statement of international bodies, including a number of important United Nations (UN) figures and regional organizations of human rights defenders, that showed there is guarantee towards those rights in numerous new constitutions that were adopted in various countries, especially countries that are in the process of democratic transition. According to the observations of David Banisar, the adoption of these laws can be influenced by a number of factors, including international pressure that promotes access to information, modernisation and the development of information communities as a part of constitutional rights, and the high amount of corruption cases and scandals due to a lack in transparency (Banisar, 2004). Currently international laws on rights to know has been recognized as part of human rights that must be respected and many countries already have special laws to regulate rights to know or rights to freedom of information.

The recognition of rights to freedom of information as a part of human rights has been mentioned in numerous official documents of regional and global organizations, either in the form of treaties or regional conventions. According to the records of David Banisar, international sources that have become the reference

for freedom of information in many countries include: (1) *United Nations Convention Against Corruption* (2005); (2) *United Nations Human Rights* (1984, 1966), particularly what's widely known as ARTICLE 19 *Universal Declaration of Human Rights*, which states how: "Every person has the right to freedom of opinion and expression; that right encompasses the freedom to uphold opinion without intervention and to look for, receive and present information and ideas through any form of media without obstacle"; (3) *Rio Declaration/UNECE Convention on Access to Environmental Information* (1992); (4) *Treaties Council of Europe*, which is supported by 46 countries, that recommends access to information (1979); (5) Obligations that are agreed by member countries of the *European Union* (EU) to adopt laws on freedom of information (1990); (6) *African Union Convention on Preventing and Combating Corruption* (2003); (7) *Southern African Development Community (SADC) Protocol Against Corruption* (2001); (8) Resolutions made by *Organization of American States* which asks member countries to adopt laws on freedom of information (2003, 2004); (9) *Chapultepec Declaration*, which recognizes the importance of freedom of expression in democracies and free societies (1994); (10) *Arab Charter on Human Rights* (2004); (11) *Commonwealth Resolution* which pushes its members (53 countries) to widen its citizens access to information (1980); (12) Regulation models regarding the freedom of information, protection of

information, state secrets and access to information regarding the environment that was developed by *Commonwealth of Independent States*, and (13) the initiative '*Action Plan for Asia Pacific*' that was adopted by the *Asian Development Bank* (ADB) and *Organization for Economic Cooperation and Development* (OECD) (Banisar, 2006).

The regulation of laws regarding the freedom of information in many countries generally follow a few principles. According to Toby Mendel's study results in 14 countries, which include Azerbaijan, Bulgaria, India, Jamaica, Japan, Kyrgystan, Mexico, Peru, South Africa, Sweden, Thailand, Uganda, United Kingdom and United States, *best practice* principles in the regulation regimes are: (1) Legislations for the freedom of information must be guided by principles of *maximum disclosure*; (2) Public bodies have the obligation to to publish important information; (3) Public bodies must be active in the *promotion of open government*; (4) Exceptions must be clear and restricted so that its dangers do not to be tested first if access to it is opened with *limited scope of exceptions*; (5) Requesting information must be processed quickly and fairly and the opportunity to observe independents for the rejection of access must be prepared (*processes to facilitate access*); (6) The request of information of Individuals is not allowed to be complicated through setting high costs (*costs*); (7) The meeting of public bodies must be opened to public (*open meetings*); (8) Regulations that are not consistent with the principles

of maximum openness must be changed or erased (*disclosure takes precedence*); and individuals who expose information unethical or incorrect information, what's known as *whistleblowers*, must be protected (*protection for whistle blowers*) (Toby Mendel, 2008).

Currently in Indonesia the right to know or rights to freedom of information is a part of human rights, and that right in a juridical sense is protected by the Constitutional Law 1945 First Amendment, particularly in Article 20, Article 21, Article 28F, and Article 28J. Furthermore, the regulation of rights to know or rights to obtain information that is owned by public bodies is covered in the **Constitutional Law no. 14 2008 regarding Disclosure of Public Information (KIP)**, which was promulgated on 30th of April 2008 and enacted 2 years after, on the 30th of April 2010.

By having these constitutiona, Indonesia has been ranked 76th in the world, for its regulation of rights to information in the system of laws that guarantee a citizen's rights to access information that is owned by public bodies. Currently there are 95 countries that have similar laws to the laws on Openness of Public Information in Indonesia, that have the same purpose of making information available, regardless of them being labeled under various names such as rights to information, access to information or freedom of information.

In Asia, out of 49 countries, 15 countries currently have laws on disclosure of information, and particularly two countries in South-east Asia have them which are

Thailand and Indonesia. However, it is important to note that whether or not there laws to regulate, the disclosure of information is currently a global phenomenon. Facts show that even though there are many countries that don't have laws on disclosure of information, the public or society have the opportunity to access information regarding the process of governance easily, quickly and cheaply.

On top of protecting human rights to information, the enactment of these laws is also driven by the needs of the public, nation and country in the upholding of *good governance* which requires accountability, transparency and public participation in every process of public policy. These laws force every public body to provide information services to the the public in order to educate the public. These laws also requires every public body, not just executive, legislative and judiciary agencies, but also other bodies whose main tasks and functions are related with the management of the country or using funds from the State Budget (APBN) and/ or State Regional Budgets (APBD), public or foreign donations.

Role of Public Bodies, Society and Informations Commision

In Indonesia, one of the agencies that is hoped to play a role in the providing of access to public information; fully guarantee a citizen's rights to infromation are Public Bodies, whether they are government or non-government agencies, state or public agencies. As defined in the

Article 1 paragraph 3 of the 2008 number 14 laws regarding disclosure of information (KIP), what's meant by Public Bodies are executive, legislative and judiciary agencies or other bodies whose functions and duties are related to the management of the country, who are partly or fully funded by the State Budget (APBN) and/or Regional State Budgets (APBD), or non-government organizations who are partly or fully funded by the State Budget or Regional State Budget, public and/or foreign donations.

Important factors in fulfilling rights to know are one of the capabilities of Public Bodies in performing their obligational duties according to law regulations. This includes their obligation to provide, give and/or publish Public information that is under its authority (Article 7 paragraph 1), and provide Public information that is accurate, correct and not misleading (Article 7 paragraph 2). On top of that, public bodies are also obligated to provide and announce Public information periodically (Article 9), announce Public information automatically (Article 10), and provide Public information at any time (Article 11). To realize quick, accurate and simple services, every Public Body is given the authority to appoint Information and Documentation Officers (PPID) and create and develop system of providing information services quickly, easily and fairly according to the standard technical guidelines of Public information services which is applicable nationally (Article 13 paragraph 1).

Despite this, up till now the ability

of public bodies in fulfilling the right to know has not been optimal. Facts show that the appointment of Information and Documentation Officers in Public Bodies (PPID) is still facing problems. Based on disclosure of information records, the issues in the forming of PPID are: (1) Lack of commitment and awareness of Public Body leaders on the basic rights of the public for the access of public information; (2) Limited human resources and budget of Public Bodies and (3) Lack of awareness and ability of the public as a user and requester of information, hence Public Bodies are not driven to improve and manage the system of information services that it has (LAKIP KIP, 2015).

Facts also point that up until now a number of public bodies, whether they're government or non-government, that have shown awareness, desire and ability to form PPID's are still limited, and haven't reached half of the total. Not just non-government Public Bodies, government Public Bodies that have the support of budget funding which have formed PPID's since the enactment of those laws have not reached 50%.

Facts also show that the growth of public bodies that have formed PPID's is until now still not optimal. In government public bodies, 5 years after the enactment of laws, from the total of 694 agencies only 341 (49.14%) have formed PPID's.

Generally until now many government public bodies still are not fit to implement laws on rights to information. As shown in a research on 3 government public bodies

(Kristian Erdianto, Dyah Aryani & Michael Karanicolas, 2012), those government public bodies do not have the full capacity to implement the number 14 2008 laws on Disclosure of Public Information. A number of policies on information services are still in the form of drafts, and information publications that are on websites are still not variative nor interactive, and still contains information that still cannot be accessed by the public. To reach the wider public, information publications that is released by those public bodies not only use the *website* medium, but also take advantage of national mass media, whether it's print, radio, TV and online media, through *ad placement* or by holding press conferences, seminars, *editors meeting* and/or *press briefing* and also by using media publications such as posters and leaflets.

On the other hand, the public's awareness in using their rights to public information is currently also not high. Data from the Commission of Central Information (2015) showed that in 2010, the number of new requests to access public information was only 76, rising to 419 in 2011, dropping to 323 in 2012, and again rising to 377 in 2013. In 2014 the number of public information requests for dispute settlements experienced a drastic increase when compared to the previous years, reaching a total of 1,345 requests, which is the highest number in the last 5 years. Despite this, according to KIP records, from that number only 145 were submitted by different applicants, while the remaining 1,209 were requests made by the same applicant or individual, a citizen by

the name of Muhammad Hidayat S., and the same community group applicants which are Mata Ummat, Mata Umat Association, Mata Umat Movement, Sahabat Muslim, Sahabat Muslim Indonesia, and Sahabat Muslim movement. In 2015 that number decreased drastically to 71 (LAKIP KIP, 2015).

Besides the role of public bodies and the public, the implementation and enforcement of those laws also depends on the role of the Information Commision (KI). This is an independent agency that serves to enforce those laws and its regulations implementing, setting standard technical guidelines for Public information services, and resolve Public Information Disputes through Mediation and/or non-litigation adjudication (Article 23). The Informations Commision consists of the Central Information Commision (KIP), Provincial Information Commision, and if needed, the City/Regency Information Commision (Article 24 Paragraph 1).

However, as a state agency that serves to help the public in resolving public information disputes, up until now, the KIP's ability to do so has not been sufficient. This can be seen from the number of resolved public information disputes that is still relatively low, compared to the number of requests, whether it's new requests or requests that were made a number of years ago.

Media's Role

Democratization is a process that is complex, long-term, dynamic, as well as open-and-shut in nature which shows the progress of politics that is based on rules, and makes possible consensus and participation (Whitehead, 2002). The theory of democratization is very much linked to theory of modernization in its early development, which shows the theoretical link between a country's level of development with its level of democracy (Lipset, 1959; Lerner, 1958). The relationship between modernization and democratization is considered to be mediated by the emergence of emancipatory conviction, and this is where mass media is believed to have potential to influence the actors of democratization, not like the process of democratization in the past, the current flow of global democracy occurs in an environment that is filled with media (Votmer & Rowsley, 2009). This role includes a role in the changes of agencies and change in attitude and behavior of society in democratization.

In a condition where freedom of the flow of information and ideas, healthy constructive criticism and control towards the government is hoped to exist, and the media will be able to function as a *watchdog* and as an *early warning system* towards any aberrations. On the other hand, conditions where information and ideas can't flow freely, then a government system can develop to an authoritative bureaucratic system. In such a system communications and information institutions will generally be tightly controlled by those in power

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Independent media has an important role in promoting good governance and reduce corruption, improve economic stability and efficiency, and create social changes and a positive environment. Media also contributes in providing information to the public to ensure that play a role in making public decisions and debates that will affect their lives”

to help assert authority. Those in power will monitor and control the media and centres of information distribution, censor, monopolize positions so as to conduct centralization and dominate interpretation or monosemy to uphold hegemony and break down resistance. That is why media, as a technical *platform* and form of social order that can help communication, has an important role in democratization, particularly to ensure that information and ideas can flow freely. Modern day media also includes the internet, which gives individuals and social organizations the chance to communicate with unlimited reach.

Independent media has an important role in promoting good governance and reduce corruption, improve economic stability and efficiency, and create social changes and a positive environment. Media also contributes in providing information to the public to ensure that play a role in making public decisions and debates that will affect their lives. On top of that, as summarised in the MDIF (2016) review results, media also

plays an important role in monitoring the development of democracy which enables its citizens to control the government and elect accountable officials – who look towards creating policies and implementations of service.

Especially in achieving the *post-2015 Sustainable Development Goals*, the contribution of media that is free, pluralistic, and independent is much hoped for. The first element, which is media ‘freedom’, is where the media prioritizes the public’s safety and agencies to speak freely in formulating public policies. The second element, ‘pluralistic’ media, is deemed as important in development and democracy and the relationship between each other, point at a media environment that is variative in its form, ownership and role; especially for sectors of public, private and community media and all its main functions. Meanwhile, the third element, which is media ‘independence’, points towards self-regulation whereby media professionals with self-awareness and are voluntarily responsible to uphold ethics that is concerned with public interests (IPDC-UNESCO, 2015).

Media Freedom

In Indonesia, freedom to express opinion whether it’s oral or in writing, which is fundamentally expressed in Article 28 of the 1945 constitution that has become the base of press freedom without limitation, are generally limited by Civil and Criminal laws, and particularly by laws on Press and on Broadcasting. According to criminal

law expert Prof. Dr. Loebby Loeqman, SH, MH (1999), the public have the right to obtain information, as it is the rights of a citizen. Meanwhile, mass media has the obligation to provide information. This is the main basis of freedom of press. Cases of loss caused by press coverage, lawsuits that disadvantage the press are regulated in Civil laws. In the press offense cases, to ask for responsibility of the offense committed by the press is regulated in Criminal laws. The parties who will take responsibility for a press offense and civil responsibilities are regulated in 1999 no. 40 laws on Press, and 2002 no. 32 laws on Broadcasting.

On the other hand, in the eyes of general media practitioners, direct access of journalists to information and government officials is something very important. Lack of access, delay to access, and even the closing of access to information due to the actions of government public relations, communications officials or information service officials is deemed to hamper a journalist’s ability to perform their duty: to deliver information to the public accurately, balanced and ethical. Not only in Indonesia, but in the past few years journalists in various countries have seen an increase in efforts to close and reduce access to information from government officials and information services officials. This includes the efforts of agencies who force journalists to contact public information officials first, before speaking to other officials who often like to keep quiet on important issues and continue to keep quiet after being contacted by information service officials.

One of the sources of data and information that shows situations and conditions in press freedom in countries where the *World Press Freedom Index*, which has been released by *Reporters Without Borders* since 2002. This index paints a general picture on the situation of media freedom based on evaluation results towards elements of pluralism and media independence, the quality of the structure of laws and safety of journalists in every country. The index measures and shows the ranking of 180 countries of the level of freedom of its journalists. The index is also equipped with a global indicator calculator and regional indicator that evaluates the workrate of a country as a whole (whether at a global level or in every region) in relation to media freedom. The global indicator is an average value of regional indicator, which is each obtained from the average score of all countries in a region, is given weighting according to its population number data which originates from the World Bank. The data is gathered from the response of experts towards questions in a questionnaire. The criteria used in the questionnaire include media pluralism, media independence, media environment and self-censorship, legal framework, transparency and the quality of infrastructure that supports the production of news and information. Analysis regarding violence against journalists is done quantitatively and qualitatively during a period of evaluation. The map to press

freedom is presented in five categories, which are labelled with its each color, good (white), pretty good (yellow), problematic (yellow), bad (red) and very bad (black).

According to the agency measurement, the ranking of press freedom in Indonesia is relatively still low compared to other countries. At a global level, out of 180 countries that were evaluated, every year Indonesia sits in ranking number 130 or lower. At the ASEAN level, in the past four years Indonesia's position in press freedom ranking is always below Brunei and Cambodia.

Media Pluralism

In sustainable development, society is hoped to play the role of an agent of self-change: to act individually or in groups, to use their own ideas or two access ideas, practice and know how to look for ways to fulfill the potential that they have (Pano, 2007). In this context, plural and independent media plays a role in delivering information that is needed by society to play a role in debating and making decisions that affect their lives.

A media environment that is plural, open and free with a variety of opinions and ideas is an important aspect in a democratic society. As a result, media pluralism is important to note in the policy and laws to reduce media concentration, whether it's horizontal (*one link of production value chain*), vertical (*two or more links of media value chain*) or diagonal (example: *cross-media ownership*).

For broadcast media, other than the

Public Broadcasting Agency (LPP) RRI and TVRI, the media's support towards democratization through the providing and increasing public information access is also hoped to be provided by private broadcasting agencies (LPS) and community broadcasting agencies (LPK). Despite currently RRI owning around 90 broadcasting stations (Renstra RRI, 2015-2019), and TVRI owning 28 broadcasting stations (Renstra TVRI, 2015-2019), according to the study results of Agus Sudibyo (2004), LPP is still unable to compete against LPS in gaining the market of radio listeners and TV audiences in Indonesia. Thus it will be difficult for LPP to play its important role in democratization in Indonesia.

Facts show that since the start of the 1998 Reformation the media industry in Indonesia experienced quick development. The industry that began to grow since the 1980's is currently developing in such a way; conglomeration and creating oligopoly, whereby the centre of ownership is only for a number of companies, which of course threatens media diversification which is very important in democracy. According to a study by Yanuar Nugroho and his colleagues (2012, pg. 4 and 40) there are 12 media company groups that control nearly every media channel, including broadcast media, print and online. Those media company groups are MNC, Jawa Pos, Kompas-Gramedia, Mahaka Media, Elang Mahkota Teknologi, Media Group, Visi Media Asia, CT Corp. MRA Media, Femina, Tempo Inti Media and Berita Satu

Media Holdings.

Conglomeration of media has occurred since 1985, when many entrepreneurs that previously owned businesses outside of the media industry turned their attention to this business. Currently those entrepreneurs, on top of running their previous businesses they also run media businesses. For example, MNC Group, on top of owning 3 *free-to-air* TV channels they also own 20 local TV networks, 22 radio networks under their subsidiaries, which is the biggest newspaper company *Kompas*, currently has 10 TV networks, 12 radio broadcasts under its subsidiary company Radio Sonora, 88 print media companies, and 2 online media companies. Sindo Radio. The owner of the company group, Hary Tanoesoedibyo, in 2000 took over ownership of PT. Bimantara Citra Tbk., and because of his success of dominating the business of broadcast media and telecommunications, he was dubbed the "King of Multimedia". Other media companies, Jawa Pos Group, on top of owning 20 local TV network they also control 171 print media companies, which are included in Radar Group. No smaller than the aforementioned groups, is the Kompas-Gramedia Group, which started from The Visi Media Asia company group owns 2 large terrestrial TV broadcasting companies, which are ANTV and TV One, and online media *vivanews.com*. In 2011, Globe Media Group which is owned by John Riady, the son of James T. Riady, CEO of Lippo Group, acquired online media *beritasatu.com* and the name of the group was changed to Berita Satu Media

Holdings. On top of the online news portal, the company group also owned numerous print media, which are The Jakarta Globe, Globe Asia, The Peak, Investor Daily, Kemang Buzz, Campus Asia, The Straits Times, Investor, Suara Pembaruan, and the TV station.

Media Independence

Media independence is one of the preconditions so that media can play an important role in democratization. Media that is free from influence or government intervention and companies that avoid itself from information bias tendencies and coverage. Currently the UN have also identified the important role of independent media in developing good governance – something that is increasingly desired by citizens around the world. Society wants their voice to be heard and they want institutions to behave transparently, responsive, have ability and be accountable.

However, currently media independence in Indonesia is experiencing a worrying drop. If in the Old Order and New Order influence and intervention came from the government, now the company's owners or its investors have more influence on media. The owner of media and politicians who turn into investors or investors that become politicians are those who currently control the media. An Indonesian communications expert, Prof. Dr. M. Alwi Dahlan (2009), believes that the fourth pillar of democracy after legislative, executive and judiciary agencies, which is the press or media, tend

to be dominated by business owners or press entrepreneurs. In its development the fourth pillar no longer represents the press community who are influential and have an objective voice for the benefit of society but is gradually being acquired by publishing companies, press entrepreneurs, capitalists or investors who come from industries outside of the press, politicians who see the press as a tool to look for advantage or to support their political domination (Berita PWI, 1 July 2009). The same opinion was expressed by the Chairman of the Board of the Press, Bagir Manan (2016), who said that press independence is one of the pillars of democracy that has become the hope of society to uncover truth is currently under the threat of the economic interests of media owners, and the interests of media owners outside of the noble values of the journalism profession continue to dredge press independence.

Facts show that capital owners who invest in the media industry actually continue to have interests in obtaining political power. For example, the owner of Viva Group (including TV One, ANTV and Vivanews.com) Aburizal Bakrie then became affiliated with politics, and finally became the Chairman of the Golkar Party. Similarly the owner of Media Group, Surya Paloh, eventually became the founder and Chairman of the National Democratic Party (NasDem).

The entry of capital owners and investors in the media industry and politics has had a negative impact on media in playing its role in democracy in Indonesia.

This could be seen during the run up to the 2014 Presidential Elections, which showed that there was an alignment in reporting of the presidential candidates by the media that was owned by capital owners and have affiliated with have become the Chairman of certain political parties. As a result, the public did not receive complete nor objective information regarding the candidates and the alignment of media reporting under certain conditions caused the freezing of opinion, attitude and actions which tended to support the candidates who got more media attention. The negative effects of media ownership and the involvement of media ownership in politics can also be found in other cases.

Role of Community Media

In situations and conditions of *mainstream* media coopted the interests of the capital owners and/or certain political interest, the access of citizens towards information held by Public Bodies through media was surely hampered. The lack of access to public information and the large influence of capital owner and/or political interests in media created political hegemony which threatened the process of democratization and prevented citizens to participate. Situations and conditions such as this necessitates the role of community media as an alternative channel for public communication.

To preserve the free flow of information and ideas that is needed in democratization, another effort that is usually done by transitional democracy countries is to

develop its community media. As explained in the critical-theoretical-normative concept or *democratic participant theory* (McQuail, 1987), bad media practices such as hegemony need to be put aside so that media can be more democratic and easier to access by the public or more participative in nature. Media is not allowed to monopolize (public/private), press centralization and have the *top-down* approach. The press needs to be pluralistic, decentralized, *bottom-up* or horizontal and needs to have equality. Media needs to develop participation communication and full circular communication.

The theory of *democratic participant* explains how to uphold and enliven local culture there needs to be efforts to promote rights to information (global and local), rights for expression (and receive feedback), rights to use new technology (*means of communication*), freedom to access local data, freedom to be involved in social actions in community level is the role of media. Media (*mainstream*) is deemed to play a role in creating culture that is uniform, monopolized, and commercial; on the contrary local media that is not institutionalized plays a role in providing information that is relevant with small groups of residents. So that community media plays an important role in this, the government needs to provide funding, give training and needed help if the public face financing and technical problems.

In reality in Indonesia currently community media, which has become an alternative for the public to access

information and express ideas continue to experience growth and development. Community print media has rapidly grown in number, especially in city areas. According media company Infoasaid, in 2012 around 600 community radio stations, that are limited in broadcasting reach in a 2.5 km radius with sole FM transmitter, and around 30 community TV stations, that have limited broadcasting reach as community radio stations (Infoasaid, 2012).

Despite this, the government's efforts to empower community media to play a bigger role in the process of democratization seems to currently be very limited. For example, from the Ministry of Communications and Information fund support so that community media can play an important role in democratization is still relatively small, and the number isn't always provided every year. This also applies to training programs that is given by the government that hasn't been able to reach all community media and the competency needs.

Results

This paper has provided a description on how the roles of public bodies, the public and media have in helping the access of public information and democratization in Indonesia currently. The important points that can be summarised are as follows:

Firstly, the role of public bodies, public and mainstream media in increasing access to public information is still not optimal; even though access to public information since the 2008 no. 14 laws regarding

Openness of Public Information in the juridical sense has begun to be guaranteed, and opportunities to access information from public bodies has been opened wide with the forming of public bodies that provide and give information services and the forming of PPID, the public's awareness to use their rights to know is still not high, which has been made evident by the small number of requesters of information to public bodies.

Secondly, community media which has become an alternative channel of information and ideas and the exchange of citizens with democratic institutions has until now, not been optimal. On top of the limited number and reach, the limited role of community media in democratization has been, amongst other factors, caused by the lack of government funding in elevating the capacity of such media.



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WHEN HOPE LIES IN THE HAND OF JOURNALISTS

Syafril Nasution

To create this writing, I had to think hard, on where I should start and what themes that needed to be delivered.

It is true that I am not a journalist who does not easily write or create journalistic work. However, as someone who works in MNC Group, the largest media company in Indonesia and even South-East Asia, I completely understand how a journalist works and what journalistic duties are.

Just imagine it, in our company there are around 1,500 journalists from various media platforms, such as TV, newspaper, radio and online media. On top of consisting of various platforms, they are also spread in various regions in Indonesia. Currently media that is under MNC Group has been integrated according to demands of technology or what's known as convergence. Even though the *output* of journalistic products is the same, I understand that we always demand MNC Group's journalistic works to be of high quality and have a positive effect on the public.

We know that there are two main important roles in media, which is to provide information and education to provide better living amongst society. In understanding a journalist's work, I often visited numerous countries, not forgetting to take note on the role of media in those countries.

In USA, for example, various *multiplatform* media evolved rapidly. However, it is often that the media plays an important role in influencing the policies taken by the US government. Currently, aside from *mainstream* media, social media is also a phenomenon on its own and has

the same place in influencing government policies.

In regards to the relationship between the press and the US government, I have read an interesting article by Adriana Sembiring, from VOA Indonesia. The article observed the current state of the press in the USA. The relationship of White House journalists and the Obama administration, is associated to the freedom of press in the US. In general, the US press has an uncomfortable relationship with the White House. Many journalists feel that Obama is too afraid to talk to the press. White House journalists also often feel that White House staff seldom make statements. Obama is also thought to benefit because much of his staff are too afraid to talk to journalists, and some journalists fear that access or opportunities to talk with the President will be difficult if they do not keep a good relationship with the White House.

In her writing, Adriana presented data that daily Washington Post was previously given the chance to have an *on-the-record* interview with the President almost 4 years ago, as was the same for the daily Wall Street Journal. Meanwhile, the New York Times had the chance to interview Obama in the fall of 2010. According to Nexis data, the daily Boston Globe and the Los Angeles Times was never given the chance to directly interview Obama.

The inconsistent relationship between journalists and the White House became a topic on its own and led to the fall in the US' press freedom ranking. The Columbia Journalism Review stated that the

relationship between the press and the US President is currently different than it was half a century ago. Certainly this can also occur in other advanced and developing countries.

Finland's Press

The situation was different in one European country that I observed. From a number of literatures that I read, press in Finland rarely has a problem with the government. The country ranked number one in the press freedom index is known for upholding freedom of press. In Europe, Finland is an advanced country that has a press system that is satisfying for journalists and the public.

According to the *World Press Freedom Index* 2014, Finland is the first country to have both press freedom and easiest internet access ranked first. In Finland every citizen is free to have opinions and free to own an internet blog.

History states that in general the press system in Finland developed following the change in times with the publishing of its first newspaper in 1771 up until the development of digital technology era which covers print and electronic media. Ever since it became a republic in 17 July 1919, the development of the press in Finland continued to improve. The alignment of the country to reflect and the freedom of its citizens was realized in numerous laws. The delivery of opinion and expression was also supported by the media's awareness of its control in various aspects. Integrity and competence is a key part of journalists in

Finland.

In general the mass media in Finland adopts liberal democracy as does the country itself. For Finland, who only joined the European Union in January 1995, freedom of press or “*freedom of speech*”, is guaranteed by the Finnish Press Law 1984 as the process of finding news is done with independent values. With the guarantee of these laws there have nearly been no acts of violence against journalists. The high press freedom ranking is also a revelation for the Finnish public, on top of a low criminality rate, public welfare is also high.

Indonesian Press in the future

The two aforementioned examples was given in the hopes of providing an example of how press in Indonesia should be like in the future. Although I can't teach my fellow journalists, but surely I have big hopes for press in Indonesia to have a positive impact on the life of its citizens.

Press in Indonesia has a very important role. As the fourth pillar of democracy, the press must hold the balance of information and work according to facts and have positive implications to the public. However, I understand that the press in Indonesia also faces an extraordinary challenge. As press freedom was obtained since the fall of the New Order, the press must show its positive role.

History notes that since the fall of the New Order regime, the Indonesian press is actually in an era of freedom. Two press eras that I observed have become the

division between press in Indonesia. The first era occurred before 1998, whereby that era was known as the era of pressure from the government and hegemony politics. The following era is after 1998, is known as the era of freedom with hegemonous economics and politics. The formation of the no. 40/1999 press laws became the turning point when press freedom began *de jure*.

Commitment from the government was also supported by the dissolution of the Department of Information by President Abdulrahman Wahid in 1999 which marked the beginnings of press freedom. Questions and challenges then surfaced, what role should the press have? How can we make press freedom be accountable to the public. The fast development of technology can change the pattern of press behavior in Indonesia.

In the New Order era we did not have much choice in accessing media, but now the public has plenty of choice. The development of technology has changed the pattern of public consumption of media. In the reformation era the Indonesian public only knew of journalistic works from the newspaper, and now in the post-reformation era much has changed. Digital media, electronic, online and even social media has become a dominant factor in changing the public's consumption patterns towards media.

In one decade, the public has become a society that has virtual access to anywhere at anytime. Quoting an editor of *Wired*, Chris Anderson, of how the mass media

culture in the 20th century is an anomaly for new and dominant media, which at that time was TV and radio. Currently with the internet it has become more possible for consumers to be more interested in news, information and such.

Changing media consumption patterns can also cause changing production patterns. Currently the media is very *familiar* with the word convergence. I understand convergence as the answer to changing consumption patterns in the face of changing media. Media convergence can be understood as the joining of mass communications formats such as print, radio, television and *online* media.

Media convergence can also unify *computing, communication and content*. MNC Group, one of the biggest media in Indonesia has also conducted convergent patterns. We have 4 *free to air* TV stations (RCTI, MNCTV, Global TV, INEWS TV), Sindo Newspaper, Radio SindoTrijaya, Okezone.com, Sindonews.com and Sindo *Weekly* (weekly magazine). The era of convergence has pushed *multiplatform* media in MNC Group, to conduct synergy in *gathering and content* production.

Before we discuss in detail about the current challenges of Indonesian press, we will take a look at the phenomenal development of social media. In short, social media in Indonesia plays an important role. As it is important, we can't ignore that public figures, companies and other important figures take advantage of social media to build a positive image. Frenetic legislative elections, 2014 presidential

elections and also other regional elections took advantage of social media on top of *mainstream* media.

The importance of social media can be seen from the fact of *user* that are currently active as users. Data from the Ministry of Communications and Informations shows that there are 63 million internet users in Indonesia, 95% of which are accessing social media. The Directorate General of Information and Public Communication (IKP) released data how social media sites most accessed are *facebook* and *twitter*. Indonesia is ranked 4th in the largest *facebook* users after USA, Brazil and India.

So what about the current position of *mainstream* media or journalists? In my opinion, looking at the long history of Indonesian press we need not worry. The Indonesian press is able to face fast developing change, with of course a few notes. The development of technology and media industry needs journalists with competence, a grasp of technology and understanding of regulations and ethics. The competence of a journalist is a dominant factor for the press industry so that journalistic works that can benefit the public can be produced. Only journalists competent in their fields have the ability to answer to current challenges. Another factor is the grasp of technology. The digital era forces a journalist to have a good grasp on technology. The ability of a journalist is not only measured by how good they can write, but also their ability to use *gadgets*, how fast they can use communications devices,

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Another issue is the issue of the press with itself. Many journalists now have the difficulty in developing themselves, adding competence or letting themselves go from interests that are not pro public

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the understanding of sending visuals and others.

No less important than aforementioned factors is the understanding of ethics and regulation. The Indonesian press have journalistic code of ethics as guide for working. The main point is that the Indonesian press must be independent and be able to produce news that is accurate, balanced, responsible and have no malintentions.

The Indonesian press also needs to focus on professionalism in working. On top of code of ethics, the Indonesian press also needs to understand the no. 40/1999 press laws and no. 32/2002 broadcasting laws. For broadcasting journalists, there exists the Broadcasting Program Code of Conduct and Standards (P3SPS), which is a regulating instrument of the Broadcasting Commission of Indonesia (KPI).

The aforementioned points of ethics and regulations can surely accommodate all the positive aspects of a journalist's work. That guide should surely tie a journalist to produce works that can benefit many people. On top of understanding those factors, in my analysis, the Indonesian press also have a number of issues. The first issue

is the development of the press industry that needs the Indonesian press to be more competitive.

This demand often becomes a boomerang and can even ignore substance and verifications that are no longer needed. In my opinion, this is wrong, that the main point of journalistic work is what is written in the Journalistic Code of Ethics, and can create works that are accurate, balanced and responsible. What's more important is that these works must have a good impact to the wider public.

Another issue is the issue of the press with itself. Many journalists now have the difficulty in developing themselves, adding competence or letting themselves go from interests that are not pro public.

In reflecting the condition of the press in Indonesia, I believe that the Jakarta World Forum for Media Development, which will be held on the 20-22 September 2016 is important for the development of press in Indonesia.

The importance and freedom of press can no longer be ignored, on top of it being a mandate of the law, the principle of press freedom is a precondition of progress in a country where the democratic process is nurtured.

I fully understand that media that is free, professional and pluralistic is essential in the era of free press. Even more so that the building of media is an integrated part of the international strategic development, both in social and economic development.

Ultimately Indonesian press needs to be filled with people that have expertise and responsibility. (sn/art)



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REPRESENTATION OF CULTURE AND THE CREATIVE INDUSTRY IN THE INDONESIAN TELEVISION BROADCAST SYSTEM

Agus Sudibyo

Foreword

The point of departure of discussion about broadcasting is a matter of public sphere. The practice of broadcasting uses the spectrum of electromagnetic waves (frequency) which is public property. Broadcasting activities are also a vehicle for the community to channel the freedom of opinion, cultural expression and to perform social communication. Therefore, government intervention is limited to the realm of broadcasting and elements of society are given a greater role for the set.

Besides interpreted politically, public sovereignty on broadcasting sphere is also interpreted socially, i.e. sovereignty over the creation of public space media that conforms to the interests, the interests and lives of many people. Here, the content of broadcast media in general must depict interests, interests and values of people who become viewers. If it is facing a very pluralistic society, then so are the characteristics and content of broadcast media. Various forms of symbolic violence is happening on the screen during this time: the imposition of taste and value of urban communities to rural communities, forcing the tastes and interests of Jakartan society to those outside Jakarta, coercion of Javenese tastes and interests to those outside Java, should be minimized. Makassar people can watch Ketoprak Humor, as can the Ambonese a wayang puppet show, but not by symbolic imposition by making it as the only content to view without providing enough alternative. The content and quality

of the broadcast should reflect the diversity and pluralism of Indonesian society. This is where the public is substantially fortune on broadcasting try interpreted in the flesh of the Broadcasting Law No. 32/2002.

In the same context, community broadcasters and public broadcasters instituted in the Broadcasting Law No. 32/2002. Both broadcasters is very important because of the limitations of commercial broadcasters in meeting the needs of community-based and public for Indonesian nation so plural in culture, ethnicity, economic status and social class. In Indonesia, from Sabang to Merauke, many blank-spot areas in the sense of spacial or political economy require the presence of community broadcasting or public broadcasting as a medium of communication and information between citizens.

In this context also it can be said that another important achievement in the Broadcasting Law 32/2002 is the legal framework for creating a diversity of ownership and content: *diversity of ownership and diversity of content*. If you want to realize the democratization of broadcasting sphere, inevitably those two words are the key. *Broadcasting Law No. 32/2002 limits the concentration of media ownership, cross-ownership limit, restricts national broadcast and obliges national television media to broadcast their networks.*

Why are concentration of ownership and cross-ownership restricted? Because of the monopoly ownership of ownership

feared creating information monopoly and the monopoly of political and economic legitimacy. Monopoly ownership is also not conducive to the principles of fair competition, which needs to be realized that the broadcasting sphere can really bring the diversity of information, interpretation and viewpoint.

Broadcasting Law 32/2002 on the other side also accommodates the principle of economic decentralization in the field of media. The Broadcasting Act seeks to change the national broadcasting system, as it lasted this long, into a system of local broadcasting and networking. An important breakthrough and forward although the way then face many obstacles. These changes could foster a new spirit and optimism about the development of local radio and television, following the positive impacts on the economic development area.

During this time, regions are only seen as markets, only taken into account within the framework of the rating. The national television broadcast using the frequency spectrum, the public wealth dimensional geographical locality and demographic. However, the economic surplus in the business of broadcasting media only enjoyed the business capital. And as said above, symptoms appear in the form of symbolic violence hegemonic imposition of tastes, needs and standards of value of “Jakarta / Java / Urban” to a nation that is so plural and multicultural. With the decentralization of the broadcasting industry, principally broadcasting industry should not only see the area as a market.

The area should be developed as centers of new broadcasting industry, and those areas need to be given the opportunity to develop the potential of broadcasting in the region.

Representation of Culture in Broadcast and Press Laws

With a background as above, this paper wants to answer the question, to what extent are cultures represented in the broadcasting system in Indonesia today? The representation will first be seen from the accommodation in articles of the existing law, then the level seen on television broadcasting practice so far. Do television broadcasts in Indonesia contribute to the effort to preserve and develop cultures in Indonesia?

In terms of the regulations that apply to the medium of television, we use two laws as a starting point, the Broadcasting Law No. 32 of 2002 and Law No. 40 of 1999. Press Law applies to all types of media (print, radio and television) as far as the media partially or fully performs the functions of the press, which are finding, processing and dissemination of information relating to the public interest.

Law No. 32 of 2002 on Broadcasting, Article 3 mandates that *“Broadcasting organized with the aim to strengthen national integration, terbinanya character and national identity of faith and piety, educating the nation, promote the general welfare, in order to build a self-reliant community, democratic, just and prosperous, and fostering Indonesian broadcasting*

industry.” Furthermore, Article 4, Paragraph (1) states that *“Broadcasting as the activities of mass communication has a function as a medium of information, education, healthy entertainment, control, and social cohesiveness.”*

Whereas Article 4 Paragraph (2) of the Broadcasting Act states that in carrying out the functions referred to in paragraph (1), broadcasting also has the **function of economics and culture**. In more detail, Article 5 states mentioned national broadcasting directed to:

- a. Upholding the implementation of Pancasila and the Constitution of the Republic of Indonesia Year 1945;
- b. Maintaining and improving morality and religious values and national identity;
- c. Improving the quality of human resources;
- d. Maintain and strengthen the unity and cohesion of the nation;
- e. Raising awareness of the rule of law and national discipline;
- f. Channelling public opinion and encouraging people’s active participation in national and regional development, and preserving the environment;
- g. Prevent monopoly ownership and support fair competition in broadcasting;
- h. Encouraging increased capability of the people’s economy, realize equity, and strengthen the nation’s competitiveness in the era of globalization;

- i. Providing the correct information, balanced, and responsible;
- j. Promote national culture

Up to this point, it was clear that the Broadcasting Law No. 32 of 2002 already embodies provisions requiring television and radio broadcasting to develop and promote a culture or national culture. The question then is the extent to which restrictions or scope of culture and national culture here? Not quite clear. The Broadcasting Law provides regulation of the broadcast media's role related to the culture or cultures, but did not explain the scope of the definitive about the culture and the culture.

The Indonesian Broadcasting Commission Regulation No. 02/P/KPI/03/2012 on Broadcasting Program Standards as a translation of the Broadcasting Act is also not impose limits and scope of cultural or national culture. Chapter XXIV Article 67 of the regulation states: *"The local program is broadcast program with local content that includes broadcast journalism, factual programs, and program broadcast non-factual in order to develop the potential of the local area, as well as worked on and produced by the resources and broadcasting area locals."* This chapter uses the term "local programs", "local content" and "local potential" which may be used to identify the scope of the culture or cultures. Chapter XXV Article 68 of the same regulations states "Local broadcast programs shall be produced and aired with a duration of at

least 10% (ten percent) on television and at least 60% (sixty percent) for the radio throughout the broadcast time networked per day."

Up here it can be concluded that the regulation of broadcasting has explicitly regulate the broadcast media's role in developing and promoting a culture or national culture, but negligent in giving the scope and limits of the culture or national culture. In the "*weighing*" of the Broadcasting Law, only explained *"that broadcasters are media of mass communication have an important role in social, cultural, political, and economic, have the freedom and responsibility in carrying out its function as a medium of information, education, entertainment , as well as the social cohesion and control."* We also did not find an explanation about the meaning of culture or cultures in the general provisions of the Broadcasting Act.

The next issue is the matter of sanctions. What are the sanctions if the provisions governing the representation of culture or cultural practice in broadcasting over the break? There is no. Both chapters contain provisions on administrative sanctions (article 55) as well as criminal sanctions (Articles 57, 58) in the Broadcasting Act, no provision of sanctions for article 3, 4, 5 of this law cited above.

On the other hand, the Press Law No. 40 of 1999 does not explicitly regulate the substance of the culture or cultures, but implicitly asserted norms that describe the scope of the culture or cultures. In weighing the Press Law, stated *"that in the life of*

society, nation, and state that is democratic, freedom to express thoughts and opinions in accordance with conscience and the right to information, is a human right that is very essential, necessary for justice and truth, promote the general welfare, and intellectual life of the nation”.

Article 3 of the Press Law states, *“The national press has a function as a medium of information, education, entertainment, and social control.”* While Article 5 states, *“The national press is obliged to provide accounts and opinions with respect religious norms and a sense of public decency and the principle of presumption of innocence.”* Article 6 of Press Law further confirms that the national press carry out the role (b) *enforce these values basic values of democracy, promote the establishment of the rule of law, and human rights, as well as saluting diversity.* While Article 13 of the Press Law states, *“Advertising companies shall not contain advertising (a) which results in degrading a religion and or disrupt harmony among religious believers, and contrary to the sense of public decency”.*

Education, entertainment, religious norms, a sense of public decency, respect for diversity, basic values of democracy, human rights. This is the cultural dimensions or cultural settings found in the Press Law. In other words, the notion of culture or culture is not just limited to the traditional art or local customs. Press Law does not explicitly mention the term culture or cultures, but is sufficiently kompeherensif includes dimensions of culture and that culture in

the setting of norms to be followed by the press as an institution or individual. But as the problem of the Broadcasting Law, the Press Law does not stipulate sanctions for violations of the articles cited above.

More than Just Traditional Art and Costumes

Clarification of the scope and terms of culture or culture is very important here. First because of the Broadcasting Act does not give a clear definition of it, while inside there are many chapters are on setting it. Second, the practice of broadcasting as shown by private television stations nationwide showed a tendency of reduction of culture or culture as a mere question of art and customs. Whether by displaying wayang puppet show, ketoprak, campur sari, melayu music television stations can already be deemed to have raised the local culture? Whether using traditional fashion at a specific event, a television station has been empowering the local culture?

Understanding the cultures are certainly much broader than just the art or traditional dress. Understanding the standard of culture refers to a broad scope: “a way of life that developed and shared by a group of people and passed down from generation to generation.” Culture is made up of many elements of the complex, including the system of religion and politics, customs, language, tools , clothing, buildings, and works of art. Culture is defined as things that are concerned with the development of reason and way of life that is always

changing and evolving over time.

Koentjoroningrat defines culture as a whole system of ideas, actions and man's work in the context of social life that is owned or absorbed by humans through the learning process. In this sense, almost all human action is a cultural product because few human actions in the context of a society that does not need to be familiarized with the learning process.

On the other hand, according to Ki Hajar Dewantara culture is a human construct as a result of human struggle facing two strong influence, namely the nature and age. Culture is a marker of the triumph of the human race to overcome the obstacles and hardships in life and livelihoods in order to reach salvation and happiness.

The scope of these kinds of culture is not provided in the Broadcasting Act. Just assumed the perpetrators and broadcasting professionals understand the scope of this. In fact, in the daily practice of national broadcast media, in the context of this paper media local and national television, there was a reduction of culture to a mere art or local customs. Then the broadcast media may already think has helped empower culture when it has been showing programs partly or wholly through traditional wayang puppet show, ketoprak, dangdut, ludruk and so on. Media exposure of culture kemudian approximately only occurred in the scope of the traditional arts.

The Commodification of Information and Entertainment

Problems that comes next in the context of how the media treats television culture or cultural representation more shows the dynamics of the media which has become an instrument of industrialization of information and entertainment. Television media viewpoint of culture - a more or less been reduced to a mere art and traditional dress at the top - not entirely viewpoint empowerment or development, but primarily the viewpoint commodification of information and entertainment. What and how cultural events must be produced and televised, it is determined based on the correlation with the consideration of advertiser demand and tastes of audiences. Its parameters are *rating* and *share of the audience*, as well as the types of events to another.

Then there are three tendencies here. *First*, art and local traditions are not shown completely and the major, but is shown as a part of a whole show (show) that should entertain and attract the attention of viewers. Art and local traditions only a part and not the totality. The totality in question is a show that should be attractive, excited and follow the market tastes, trends programmatic television or the majority of television viewers. As a part, cultural representations must adjust or merged in the totality of it. For example, let us remember the appearance sinden, puppeteer, puppet or Javanese or Sundanese traditional clothing in the show "Opera van Java" at the television station *Trans7*. The elements of tradition in this event obviously is a part or the instrument that is attached within

a whole program of comedy in which the purpose and main objective is not to empower or to preserve the local culture, but to present a television program that had a high-rating or share. Once the rating and share is deemed untenable, then the program was terminated.

The same thing happens in a live wayang shadow puppet show on television. Why wayang kulit shows are no longer on our televisions? Because in terms of share and unfavorable rating. TVRI broadcast several times a shadow puppet. But not entirely, from night to morning as usual leather puppet show, because they have to adjust the duration and TVRI broadcast schedule.

Second, in some cases, a thin difference between developing and confusing the local culture. Broadcast media helped diminish the gravity of *Wayang Kulit* performances due to commercial reasons that called for the insertion of Goyang Dangdut, campur sari or buffoonery. *Ketoprak* as traditional art should be interspersed with jokes that are often vulgar and outside the context of traditional stories. Without adequate explanation, might be the younger generation of television viewers also understand prototype based on appearance Parto the puppeteer in "Opera van Java".

In the program "Wayang Golek" on *Net TV*, the puppet show performances must also adjust to the reduced duration of technical broadcast television. Puppet show performances must also follow a commercial break. How are ethics and aesthetics of a puppet show in such circumstances is this? In dangdut show program on various

television stations, we are also increasingly difficult to find features and characteristics of "Irama Melayu" is said to be the origin of dangdut music in Indonesia. Do we feel the traces of "Irama Melayu" in rocking remixes that are filling up our televisions lately?

Third, because the rating and share consideration as well, in general only art-traditional Javanese or Sundanese who "appear" on our television screens. Only the wayang kulit or wayang orang, wayang golek or Ketoprak that occasionally appear on our television screens? Though each of the provinces and islands in the country has its own culture and arts. Where is the local art and culture in our national television?

At this level, we can identify trends symbolic violence in the form of entertainment and the arts uniformity requirement of a nation that is culturally very diverse. Dimension of social integration based on cultural keragaman clearly underestimated when Batak people are forced to watch *Ketoprak*, Bugis people should watch *Wayang Golek*, Acehnese must be watching a Javanese or Sundanese cultural background and so on. Why art Bugis, Batak, Bali, Papua, Dayak not much exposed on national television? More or less because the business is considered less sellable. Because the majority of commercial private television audience categories identified in the Java-Sunda ethnic or urban communities.

In general, the commodification principle facilitates a reduction broadcasting space diversity of interests and needs of the

community, in the form of homogenizing the contents and packaging of television broadcasts. In a broader context, if we look more closely, whose name is the hallmark or specialization, hard to find in the Indonesian television. All television pretend to be a “supermarket” that sells all the products of popular culture that looks uniform in terms of packaging, quality, actors, producers and others. In the end there was no television is really special news programs or programs for example. Without many realizing it, show soap opera, comedy, talk shows, variety shows on all television stations, the essence and packaging “similar but not the same”. Almost no private television does not serve an infotainment program with a format more or less similar. The success “Akademi Fantasy” followed by “Indonesian Idol”, “KDI”, “Dacil” and so on. Success “Jejak Petualang” a crowd followed a similar impression on other television stations. Program name may be different, showtimes may not be the same, but the format, characterization and setting the real story is similar to one another.

Competition among television stations not only not encourage fighting climate of creativity, but also raises mimesis phenomenon: sudden passion that encourage media managers rushed to cover the event or producing programs for other media consider it important. Bandwagon phenomenon that can be to the point of forming beliefs as if when more and more media are talking about something, collectively increasingly believed that it matters, behavior and therefore must be

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In general, the commodification principle facilitates a reduction broadcasting space diversity of interests and needs of the community, in the form of homogenizing the contents and packaging of television broadcasts

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produced by recruiting more time, facilities and personnel. Media mutual curiosity among themselves, and let themselves get carried away the desire to provide more information superhighway.

At this point, we also face the minimalism trend of public broadcasting space. When the practice of media is driven by various psychological strategies popular masses, the public broadcasting space loaded with things that are surface, shallow, less relevancy to the public. Conversation and narration in a television screen continues to struggle with problems or the logic of the story-and it is also common sense. Televisions are also trapped in the discourse, the formulation of recommendations and conclusions that surface and less answer the question. It also appears the tendency banalisasi: increasingly not terbendungnya expansion trifling, insignificant, non-essential for public civility in the broadcasting room. Gossip, rumors, speculative information, sophist dominate the broadcast media space and slowly displacing the things that are essential for character development community and public education. Ikutannya impact, is the collapse of the boundaries

between public space (public sphere) with a private room (private sphere). Everything that was previously considered confidential (secret) and private (private domain) breached and subversed. By contrast, private things present almost indefinitely in the public media, as well as the privacy of celebrities expressed so much in the infotainment television programs.

Cultural Programs in Regional Television

After seeing how the national private television stations provide a place for local culture, let us move on to the next private television station area. How local cultural representation in the display area of private television stations? To answer this question, the author refers to research carried Culture Research Center, Research and Development of the Ministry of Education and Culture in 2014. The study is entitled “The Role of Local Mass Media in Cultural Resilience Local Communities: The Role of Local Television is the province of Bali, Central Java and Riau islands”. This research was conducted in May-June 2014, taking place in Denpasar, Semarang and Batam, in which the author was involved as a discussant of the research proposal and research results.

Research can be treated as an initial mapping of the extent of private TV area provide a portion for events that try to raise the culture of the area. Although not deep and not done with media content analysis, this study adequately describe the diversity of representation of local culture in the

public space broadcasting area. Here is presented a description of the research.

Bali TV

Bali TV was established in 2002 and is managed by PT Bali Ranaadh Television and included in the Bali Post Media Group (KMB). Bali TV broadcasts is promoting art, culture, religion, and other aspects of Balinese life. Featuring custom-Balinese culture seems intended as a comparative advantage Bali TV compared to the national private television stations whose broadcasts can be enjoyed by the people of Bali. Events Bali TV program that lifts aspects of Balinese culture, among others: “Seputar Bali”, “Ghita Shanti”, “Harmoni Bali”, “Tembang Bali” and “Boga Dewata”. Bali TV with some print media in the group KMB also never use jargon “Ajeg Bali” in the display or publication. “Ajeg Bali” is intended as an incentive to strengthen the movement, strengthen and fortify the culture of Balinese Hinduism based on the threat of outside influences brought by immigrants. “Ajeg Bali” can be seen as a success of the Bali TV to build a jargon culture that attracted the attention and sympathy of the people of Bali to the movement to keep the tradition and local culture of Bali and can be known by the people of Bali, as well as to the existence of Bali TV and Bali Post as local media.

According to the study, one of the Bali TV contribution to the resilience of Balinese culture is the continuous delivery of the pesantian tradition (singing traditional

hymns). Pesantian initially only appeared in Hindu religious ceremonies, and is only done by the parents. After the Bali TV programs are broadcast regularly pesantian, today more and more young people in Bali who dared pesantian activities at religious ceremonies. While it can not be concluded that this is entirely thanks to the development of Bali TV broadcast.

Dewata TV

Dewata TV started on November 24, 2007, with full broadcast starting January 1, 2008. However, since 2010, Dewata TV in cooperation with the Kompas TV. As a consequence, the number of hours broadcast 22 hours a day, the composition of local content Bali left only 4-5 hours. The rest, 17-18 airtime a day filled “national content” that is supplied from Reuters TV in Jakarta. The initial purpose of the Dewata TV, as Bali TV, is the local culture of Bali. The event program Dewata TV lift Balinese culture or use it as the background is very diverse: “Color Bar” (songs from the island), “Dharma Upadesa”, “Lintas Dewata Pagi”, “DMV Hits”, “I Love Bali”, “Gending Rare”, “Mesatua”, “Aneka Klip Bali”, “Puspa Dewata”, “Pelangi Dewata”, “Tembang Guntang”, “Lintas Dewata Sore”, “Bali Seremonia”, “Pentas Dewata” (Traditional Drama), “Dimensi”, “Sinema Dewata” and “Pentas Wayang” (Wayang Ceng Blonk). Among the programs of the event, which is quite prominent and received appreciation from the people of Bali are: “Dharma Upadesa”, “Pelangi Dewata”, “Traditional Drama”,

“Wayang Ceng Blonk” and “Mesatua”. To attract audiences, including obtaining criticism and appreciation from the public, Dewata TV utilizing facebook and twitter.

Entry of the Dewata TV obtained from advertising, program co-operation with the government and the cooperation of the private sector. Based on the percentage, 70% of income comes from the Dewata TV “cooperation” and 30% comes from advertising. Working together with the government occurred when the Gods TV was reporting on the activities of Local Governments. Programs of government activity was reported in the “Special Coverage” or “Bali Ceremony”. Ethical-journalism, such practice is actually quite risky in violation of the principle of fire-wall. That the news affairs should be separated from the business of advertising or sponsorship. That advertisers and sponsors should not get service of positive news on the activities and their performance. That the press should keep a critical and inquisitive attitude towards anyone, including to those who advertise in the media.

Funding obtained from the private sector, for example cooperation with Bentara Budaya Bali which is under the management of PT Gramedia. Bentara Budaya Bali often implement arts performances. For example performances of Balinese gamelan collaboration between Bali and American artists, art performances from outside the province of Bali, staging in the context of 70 years of Balinese dance maestro, or an exhibition of paintings or other artwork. Dewata TV is also working

with provincial governments / districts / towns on the island of Bali in the activities of the Bali Arts Festival (PKB), which has become an annual event in Bali, both for reporting and display of local arts.

Cakra Semarang TV

Cakra Semarang TV is currently under the management of PT. Horizon Television Mataram Indonesia that is a member of the Bali Post Media Group (KMB). Cakra Semarang TV network with a number of local television as TV Bali, Surabaya TV, Jogja TV, Aceh TV, and TV Sriwijaya Palembang. Background TV Semarang establishment Chakra is the desire to serve the local culture in a television broadcast that can be enjoyed by people of Central Java. Central Java community is expected to have an alternative television shows whose content closer to their daily lives. The slogan that carried Cakra Semarang TV is "Keeping Tradition and Identity". With this slogan Cakra Semarang TV comes with the mission of strengthening the culture as a common identity to reinforce the spirit of nationalism.

Broadly speaking, Cakra Semarang TV program is divided into two, namely information / news and entertainment. Program information / news include: "Morning News", "Spot News" and "Evening News". There was also a "Semarang Warti" (local information), "Pawartos Jawi Tengah" (information across town in Central Java province), "Bincang

Terkini" (national information) and "Lintas Mancanegara" (international information). In addition to news programs, Cakra Semarang also produce the TV program information with the format feature, namely "Ngonthel", "Wisata Jalan Kuliner", and "Dolanan Nyambi Sinau".

There was also entertainment programs dominated by music shows like, "Nying Nyong Yukk", "Pasar Krempyeng", "Nyidam Sari", "Evergreen", "Gending Jawa", "Wedangan/ Nostalgia Fans Club", "Goyang Senggol" and "Macapat". Meanwhile the non-musical entertainment shows were performing arts, soaps, movies, or reality shows: "Langen Budaya", "Obama Plus" (Obrolan Malam Pria Dewasa), "Mahabharata", and "Misteri".

Cakra Semarang TV is currently network with other television stations. If relying on impressions produced, Cakra Semarang TV not able to meet their broadcasting hours in a day. Cakra Semarang TV network with Bali TV and the members of the KMB group. By doing so, Cakra Semarang TV is expected to present information / news or culture of other regions or national in scope.

Borobudur TV

Borobudur TV was established in 2003 as an independent television station. However, due to financial difficulties on the way Borobudur TV cooperate with Reuters TV. As a consequence, the composition of the local content is only 2-3 hours and the rest is "national content" supplied by Kompas

TV. Borobudur TV was initially oriented towards local content. Once affiliated with Reuters TV, the local content that survived are "Kuthane Dhewe", "Jendela Jateng", "Embun Pagi", "Jadul", "I Love Semarang", "Musafir", "Wagu", "Uenak Tenan" dan "Ada Kuasa Dalam Pujian". Most of these local display program using the Java language. To embrace people who are interested in art and culture, Borobudur TV established cooperation with the Arts Council of Semarang to promote cultural activities.

Batam TV

Batam TV is managed PT Batam Multimedia Televisi and is under the media group Batam Post. Batam TV comes with a vision to make Batam as the economic hub of Riau Islands Province and also support the Government's vision of Batam will make Batam as the World Bandar Madani. Batam TV also wants to be the bearer and custodian of the values and unite the Malay ethnic Batam Island into a single unit as residents of the metropolis within the framework of NKRI. Batam TV broadcasting for 17 hours a day, from 07.00 - 24.00. The composition of Batam broadcast TV programs include: News and Public Information (60%), Entertainment and Culture (20%), the Interactive Dialogue (10%). Some programs broadcast news and general information Batam TV, among others: "Detak Kepri" (the news three times a day), "Info Malam", "Sweeping" (coverage of weekly crime) and "Dialog Khusus" (dialogue on political, economic, social and

culture). Interactive dialogue Batam TV programs covering various aspects: health, education, women, religious dialogue and others.

Semenanjung TV

Different from other local television stations networks, Semenanjung TV is an independent television station did not take shelter under a group of media companies. It is on its way impact on the duration of the broadcast. Semenanjung TV broadcasting only seven hours on Monday through Saturday, and nine hours on Sunday. On Monday through Saturday, the television station is broadcasting at 14:00 to 21:00, while on Sundays on 08:00 to 17:00.

The programs of Semenanjung TV are: "Tempo TV", "Sekilas Kabar", "RT/ RW", "Lurah ke Lurah", "Kepri Traveling", "Roda Niaga", "Ragam Malam" and more. The entertainment and culture programs of *Semenanjung TV* include: "Kuliner", "Kepri Travelling", "Woman Magazine" and "Historia". The educational programs of Semenanjung TV include "English Study" and "Mandarin Study". Meanwhile the interactive dialogue program of Semenanjung TV is called "Hallo STV".

Problems of Quality and Reach

As is apparent from the exposure to the above results, it appears that the local private television stations is more adequate in giving space for demonstration and appreciation for aspects of the culture and local cultures. The cultural

program at a local private television does not just lift the traditional arts, but also other aspects that relate directly to the customs, traditions and values inherent in the life of local communities. In other words, the representation of culture in local private television more varied and rich than on national television. This is understandable because in media theory, the more limited range of media, the more locally oriented it should be. The more local the nature of the media, then the media was required to move closer to the lives of the audience.

Nonetheless, local private television has several limitations. As illustrated by the above results, limited funds and human resources to encourage local television to join *degan* national television network. Whether it is a cooperation program and the acquisition of ownership in part or entirely. The problem is, when it has joined forces with national television networks, a proposition for local content reduced. Referring to the case of Dewata TV, having "collaborated" with national television airtime for local programs, that left them with just 4-5 hours of local content to total broadcast from 22 hours a day. The rest, 17-18 hours a day through earmarked for "national content" supplied mains television in Jakarta.

The next problem is the quality of the program. From the technical side of television production, quality programs of local television shows in general is still far less than the national private television. There is a wide gap in terms of picture quality, sound, packaging and other events.

Differences in capital resources and human resources no matter how critical. The next problem is the local private television broadcast range that is generally still limited. As a result, there are often national television broadcasts more accessible to the public in the province compared to the private local television broadcasts that are in the province.

The combination of limitations in the quality and range of the broadcast program and then make public preference to local private television also limited. In their homeland, a local private television losing competition with national television in getting the attention of viewers and advertisers, with the exception of local private television fairly well established as JTV in Surabaya and Bali TV in Denpasar. Two television stations are an exception. They were quite successful can be an alternative spectacle that attracted attention of local audiences and later attracted the attention of local and national advertisers.

Television and the Creative Industry

Indonesian commercial television industry provides a significant opportunity for the development of creative industries. Growth in the number of hours broadcast television stations and broadcast production requirements spawned enormous. This fact opens opportunities for his creative industries in some sense. First, the opportunity for the emergence of cultural or artistic representation of local Indonesian as a matter of impressions or television broadcast production is large

enough. Taking into account the fact that the majority of the audience terrestrial television is the lower middle class, the opportunity to raise cultural or traditional art is quite large because of the proximity of the lower middle class of the representation of cultural or traditional arts. How to raise the representation of cultural or traditional arts on the television screen? Obviously this requires cold hands and creative abilities of the professional television and art workers. Second, the private television industry each year is always in need of professionals who have specific expertise: cameraman, photographer, scripwriter, artistic director, assistant editor, lighting stylist, makeup, designer. The demand for labor is so great that often occurs among television stations going on the practice of “hijacking”. As far as the professionals that can be classed as a creative force, it can be said that in terms of employment, or in terms of creating a link and match between education and the world of work, the television broadcast industry has contributed in stimulating creative industries.

Third, the television broadcasting industry has also spawned industries “bandwagon” which is closely related to the creative industries. The amount of television airtime per average television station can not be met by any television station. Then open up the television station to receive broadcast products supplied by external parties. Grow Production House (PH), both of which periodic large, medium and small scale. Because of the need to fill their own time slot, the television industry to open up

to the initiative and creative ideas about the type of program, program content and packaging event. Initiatives that could arise from the PH or from individuals. For news program, for example, many television stations provide opportunities for citizen journalism: a video about unique events, interesting, important or horrendous recorded by freelance journalists or ordinary people who escaped the attention of major media reporters. Stand up comedy event provides an opportunity for young people who have not been known but has the creative ability in the field of comedy to surface public space television. When it has come into contact with the television station, an opportunity for them to submit ideas or proposals to produce a particular event.

But there is one condition for realizing “link and match” between the television industry and the creative industry! That the integration of the creative industries in the television industry must eventually return to market considerations. Creativity in the television production process does not stand alone, but must compromise with consideration of the rating, the share of audience and then the acquisition of advertising. A television program must not only be good in aesthetic or artistic, but also had to entertain and sell. This is the “iron law” in the production of television broadcasting, which is true even for the production of religious events though. The problem is, how to compromise between idealism and pragmatism industrial aesthetic and the extent of the compromise

to do? This struggle is still going on in the world of Indonesian television today. The television industry provides a tremendous opportunity for the development of creative industries, but also propose requirements that must be met by the creative power that moves the creative industries.

Conclusion

Based on the review above, we can conclude several things about cultural representation in the public sphere television Indonesia so far. First, the Broadcasting Law and the Press Law as the two main regulations in the field of press and broadcasting in Indonesia, has actually contains provisions that regulate the media's role in empowering culture and culture. However, the policy was still at the level of normative, less operational and not concretely tie the practice of media broadcasting in Indonesia. The rules are not equipped with a scope and clear limits on the culture or the culture as intended. The rules are also less effective in actual use because it is not accompanied by the provision of sanctions for violations of these rules.

Secondly, with the background of the absence of clear boundaries, the national private television media in practice tends to reduce cultural or arts and culture as a regional fashion. In fact, understanding culture is clearly more comprehensive understanding of it.

Third, the national private television media to produce a themed event or set of traditional art is not solely based on

the motives empowering, but also, and perhaps primarily, based on the motives of commodification of information and entertainment. Factually seen that art or traditional culture is not a key element in the process of television production, but rather an instrument attached to a totality whose orientation is a television production and share of audience ratings.

Fourth, because the rating and share consideration as well, in general only art-traditional Javanese or Sundanese who "appear" on our television screens. Only the shadow puppet or puppet, puppet show or Ketoprak who occasionally appeared on our television screens? Though each of the provinces and islands in the country has its own culture and arts. Where is the local art and culture in our national television? At this level, we can identify trends symbolic violence in the form of entertainment and the arts uniformity requirement of a nation that is culturally very diverse. Dimension of social integration based on cultural keragaman clearly underestimated when Batak people are forced to watch Ketoprak, Bugis people should watch Wayang Golek, Acehese must be watching a Javanese or Sundanese cultural background and so on. Why is the art of Bugis, Batak, Bali, Papua, Dayak not much exposed on national television? More or less because the business is considered less sell. Because the majority of commercial private television audience categories identified in the Java-Sunda ethnic or urban communities.

Fifth, local private television media has provided adequate portion for local

cultural content. Featuring local culture in a broad sense, not just the traditional arts, is the comparative advantage of private television media locally. But the problem, the television industry is a capital intensive industry. With limited capital had experienced, local private television station on the way many choose to be realistic, to join in the network to specific national private television stations. It is a strategy for survival for many local private television station. It could be a co-operation program, profit-sharing advertising revenue, even the acquisition of ownership, in part or in whole. When the latter is the case, then there needs to be a compromise between local content and national content. The fact is, local content is often marginalized in this situation. On the other hand, local private television stations, with limited capital and human resources, is also plagued by quality problems and the range of the broadcast program. Problem which makes them generally difficult to compete with national private television in getting people's attention and interest of advertisers.

Sixth, the commercial television industry in Indonesia provides a tremendous opportunity for the development of creative industries. Growth in the number of television stations and hours of broadcasting the chances for the products as well as audio-visual creative involvement creative personnel. But the involvement of the creative industries in the television industry should be compromised by considerations market. The television industry is a capital intensive industry. Then

all forms of broadcast, without exception religious broadcasts, for example, should be based on consideration of the rating, the share of audience and then the acquisition of advertising. The television industry provides a tremendous opportunity for the development of creative industries, but also propose requirements that must be met by those who move the creative industries.



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GENDER SENSITIVITY IN MEDIA COVERAGE

Sunarto

Foreword

Quantitatively, since 1971 Indonesian population for females was more in numbers compared to the male population. In recent years, there has been a balance in the two (Sunarto, 2013). The question is, what kind of empirical facts is reflected in the practice of national mass media industry?

Looking at the content of media, a number of study shows that the male character is still dominant in the world (Guntarto, 2000; Abar. 1998; Sunindyo, 1998; Arifin, 2008). A study by Johnson (1993), Sanders (1993), Zoonen (1994), Siregar and colleagues (1999), Soemandoyo (1999), SUryandaru (2002), Chambers, Steiner and Fleming (2004), and Sunarto, Santoso and Dwiningtyas (2009) also shows a dominant male position over females in mass media. A research in the organizational structure for the media industry in the country further strengthens the male's dominant position.

That kind of condition is not in line with the ideal position and ideal gender relationship that we want as reflected in the existing constitutional law: UUD 1945 amendment, UU No. 7 year 1984 on Female Convention, UU No. 12 year 2006 on citizenship, UU No. 3 year 1999 on general election, UU No. 13 year 2003 on employment, and UU No. 40 year 1999 on the press.

Are current media reports still confirming the portrayal of male dominance? To find out, research is done with the goal to describe the portrayal of females as a minority group in local and national media through headline reports in the first page.

Gender structuration theory (Golding and Murdock, 1991; Giddens, 1986, 1986; Wolffensperger, 1991; Sunarto, 2009) in the critical paradigm (Guba and Lincoln, 1994; 2000; 2005) is used as research guidance.

Gender structuration is production and reproduction of gender relation through the use of rules and resources that have a male and female actor for interaction. The media as a social practice is a medium for interaction between males and females in optimizing rules and resources. In reality, the interaction process is asymmetrical since the resources ownership (authoritative and allocative) are in the hands of the male. Further implication makes the process of the reality of mass media symbolization (knowledge and norm) to bow down to the interests of males.

Based on the mentioned assumption, the local and national print mass media (newspaper) in the headlines portray females as a minority group in a stereotypical format and discrimination. Dominant gender ideology is considered to be behind these types of portrayals. These kinds of portrayals implication causes the non-existence of females in social discourse, thus resulting in females as the set aside social group.

The understanding of minority group can be seen from two perspectives: political and sociological. Politically, the minority group is referring to the individual power, and not the quantitative power, facing prejudice and discrimination that is a formal and informal obstacle for the individual to participate in political life. In the United

State for example, females, gays, lesbians, muslims, African-Americans, and Latinos are minority groups (Kaid and Hotlz-Bacha, 2008).

Sociologically, the minority group is if the group is not benefitted as a result of discrimination by other groups. Discrimination occurs when the rights and opportunities are opened for one group and not opened for other groups. For example, a landlord would deny leasing their residence for Indian ethnicities. Aside from that, minority groups have a group solidarity, a "sense of belonging." Experiences become a subject for prejudice and discrimination, that strengthens feelings of mutual interests and loyalty. Minority group members tend to see themselves as those left out from the majority group. The minority group is usually alienated physically or socially from a larger community, concentrated in one region in a country or state. There are very few marriages between majority and minority groups. Those in the minority group can actively push endogamy (marrying only within local community or tribe) to stay the difference in the two cultures. Many minorities both ethnically and physically are different from the majority of the community where they reside. In South Africa, for instance, a smaller group of Caucasians dominates the population of Africans (Giddens, 1992).

The minority is a group of people that is sharing different physical and cultural characteristics, and is a subject of prejudice and discrimination (Thio, 1989: 240). Characteristics of the minority: (1) having

racial or ethnic qualities that is popularly seen different from the dominant ones; (2) experienced prejudice and discrimination from the dominant group; (3) membership is almost always ascribed in oneself because of being born into the group, not achieved on their own; (4) having strong solidarity among themselves for reasons of generations after generations experiencing prejudice and discrimination; (5) performing marriages among themselves. This is done not because of preference and choice, but because of rejection from the dominant group.

Research Methods

The related data with 120 headlines in the first page of a national newspaper (Daily *Kompas* published in Jakarta) and a local newspaper (Daily *Suara Merdeka* published in Semarang) year 2008-2012 is collected and analyzed by using framing analysis of model Gamson and Modigliani (Sobur, 2001). Data selection in each media as much as 60 headlines are done using systematic random sampling.

Data analysis process is done through media packaging to discover the core frame. The process of discovering the core frame is through an array of analysis of condensing symbols into the framing devices and reasoning devices.

Framing analysis is done through metaphor analysis, examples, phrases, description, and visual images. Analysis for reasoning is done through the root analysis that is related to the causal analysis, which is done with doing issue justification by

connecting an object considered to be the reason for other events, and the analysis for the appeal to principle related with thought, principle, and moral claim as argumentation for the news (proverbs, folklores, myth, doctrine, teaching, etc)

Research Result

Research result shows, local media (*Suara Merdeka*) and national media (*Kompas*) are framing the females as a minority group through female sources discrimination in elimination and limitation. The existence of eliminations is more dominant compared to the limitations.

The eliminations occur in an elimination of female sources as a news subject. In *Suara Merdeka*, elimination occurs in law(17 headlines) and politics(15 headlines). In the daily *Kompas*, there are more eliminations done in the politics(17 headlines) and economy(8 headlines).

Limitations occur in the form of limiting symbolic female sources as a news subject or just using females as a news object. In the daily *Suara Merdeka*, limitations occur in law(25 headlines) and politics(22 headlines). In the daily *Kompas*, limitations occur in female sources are in politics and economy(each 6 headlines).

The article is trying to discuss the core issue related to the media's role as a public sphere, that should give equal chances to females to display themselves equally with males, and not to portray them as a minority group in the existing social discourse. It goes on to talk about how the media should be sensitive towards the interest of females.

Discussion

Public Sphere that Mutes Females

The elimination frame towards females in mass media have become a public sphere that lost it's main essence as an arena for the gathering of varied opinions. Only the dominant gender that appears in the media discourse. Why so?

The term of public sphere is raised by Jurgen Habermas, a critical second generation figure for Frankfurt School. What's meant by the public sphere is a domain in our social life in the public opinion that can be shaped by the involved citizen without having fear of being pressured or forced because of expressing and publishing their views (Habermas, 1993; 1997; McKee, 2005).

The public sphere is a metaphor used to portray the virtual space, where people can interact with one another. In that kind of space, discussions, suggestions, and thoughts can meet in an effort to reach an agreement regarding the public interest. The public sphere is where information, suggestions, and discussion can take place in society to form a public opinion.

The development of the public sphere doesn't steer far from the Western society before the 17th century, that is managed by the feudal system where monarchy is the dominant political system that manages the society's life, based on hierarchy, tradition, and authority. Society modernization in the 17th century society marked with dominant

rationality, have birthed enlightenment. An era situation then pushed the industry revolution and a democratic society. The democratic political system is marked with equality, justice, freedom, security and comfort for members of society in performing their lives. In the 18th century, the public sphere appeared as a vital part of the modern projects that has a large commitment to equality in the enlightenment era through public debate forums seen in clubs, cafes, journals, and newspaper (McKee, 2005).

The ideal function of media as the public sphere, can't be separated from the political role as a meeting point for interests of social groups and individuals that influence one another in the form of shaping public opinion for mutual interests. Individual rights to express personal views obtained a place in mass media. The issue, as mentioned by Thompson, the public sphere explained by Habermas doesn't steer far from bias: male, educated, and upper-class. The bias situation reflects the practice in media when facing with their commercial interest.

The economic interest of media with the political interests often doesn't head to the ideal destination. Media acts as a meeting point for a variety of interests from different social groups to discuss the public interest often doesn't hit the main point, because the economic interest of the media is more dominant. As an industrial institution, media companies are demanded to be able to survive and grow economically by profitting financially. To

achieve the economic profit, the media often ignores the ideal political interest by bowing to stakeholders and social groups. Unfortunately, media stakeholders are dominated by men. Thus media as a global public sphere cannot develop their idealism in serving interests of both gender equally. Media, whether intentionally or not, have spread prejudice and discriminated one of the genders. The appearance of the definition of females as a minority group ends in this kind of condition.

Further implications from the condition, has made the female's voice to disappear in the social discourse. A situation described by Edwin Ardener and Cheris Kramarae is a muting effort in the language of females (Spender, 1985; West and Turner, 2007).

Females as a muted group by the dominant male group is because females cannot be involved in the formulation process and meaning validation, so they can't express themselves in their own language. Language as part of important media communication serves the creator's purpose and individuals in the social group of the creator much better compared to individuals or other social groups. This is caused by the language by clearly describing all individual and public experience of the creator compared to other individual's experience that didn't create the said language. Other individual experience is less articulated in the language. The result from the individual and public expression can't be articulated well through the dominant language, as individuals and groups that are not the dominant language

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Females as a muted group by the dominant male group is because females cannot be involved in the formulation process and meaning validation, so they can't express themselves in their own language

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creators sometimes create other languages to express their experience.

Because politics dominance, the male's perception system is more dominant compared to the female's. As a result, females but adapt with the male's perception system to participate in society. The reason, is that the male's perception is different from the female's system, as both are in different worlds and perform different activities as a result of of the division of labor.

In the masculine perception, the female perception is muted. The muting process happens through ridicule, rituals, control and harrasment (West and Turner, 2007). The ridicule happens by males stating that the female's conversation has no substance. Females like to gossip, talk without end, and doesn't have a sense of humor. Males underestimate whatever is of attention to females.

The muting through rituals happen in the form of social ritual in society that has an implication of lowering the level of females. For example, the ritual of breaking the egg in marriage in the Javanese tradition. The muting through control happens in the form of the male taking charge of many

decisions, female figures not written in history books, media controlled by men, women only having a bit of coverage in the media, men enjoying interrupting face-to-face communication, etc. Sexual harassment towards women happen in many places (workplace, campus, on the road etc). When sexual harassment is made a problem, women are considered hysterical, too sensitive and are troublemakers.

Referring to Kramarae, the muting towards women in the media happens through mechanism control with discrimination by elimination and limitation. There's also stereotyping in the form of victimization. This is relevant with the research results as showed in 2009 in *Daily Suara Merdeka*.

In the 2nd September edition of the daily local news shows a story titled "Minister of Finance Ready to be Audited" with 8 sources, one of which are a female, Finance Minister Sri Mulyani Indrawati. From 30 paragraphs, only 7 come from the Finance Minister directly and indirectly. Other paragraphs come from 7 male sources. Victimization happens when the male sources stated a problem for the Bank Century *bail out* that lies in the government and Bank Indonesia. The Department of Finance lead by Sri Mulyani is the target.

Meanwhile, in the daily *Kompas* in 2009, there are much more discriminating framing in the form of elimination. The frame only shows male sources in the news. Female sources are non-existent in the news. The discrimination frame in the form of limitation is with the limitation of

female sources in the news. In this edition there are only 2 stories that shows female sources, which is the February 3rd edition and September 2nd. In the February edition, in the news titled "Catastrophies Will Still Happen" is seen in 25 paragraphs, 2 paragraphs of which are quoting an indirect statement of two female government officials. In the news there are 7 sources. Other paragraphs quote statements from this male source. In September edition, in the story "Don't Help Naughty Banks" has 3 sources. One of whom is female. From the existing 25 paragraphs, 5 paragraphs quote female sources directly and indirectly. 7 paragraphs quote male sources directly and indirectly.

Media Gender Sensitivity

Discrimination and stereotyping seen in the research result shows that there is not yet gender awareness in existing mass media reports. How can media characteristics have this gender awareness? Aristiarini (1998) discussed gender sensitivity for journalism a few years ago. The conclusion from gender sensitive journalism Aristiarini is that this kind of journalism needs comprehensive understanding in the individual cognitive level and collectives concerning gender awareness. Awareness at this cognitive level can push collective gender awareness in the organizational level covering the practice of organizational structure, recruitment, promotion, mutation, and placement, as well as job delegation. Organizational awareness will affect the daily technical operational for journalists when they performing professional practice has a

master over journalistic technicality that is gender aware regarding the social facts, writing angles, writing technique and reporting technique.

According to Subono, there is a significant difference between Objective Journalism (JO) and Gender Aware Journalism (JSG) (Sarwono, 2013:46-47). JO sees the facts as real and managed by laws or certain laws that are universal. JSG sees the facts as a result of gender inequality and injustice involving the dominating economic strength, political and social culture in society.

JO sees news as a reflection of the existing social reality, thus news must reflect the reality. JSG sees news as a reflection of the dominant strength's interest that have created inequality and injustice.

Regarding the media's position, JO sees the media as a means where all members of society can communicate and discuss freely, neutrally, and as equals. The media displays all conversations and events in society as it is. Meanwhile JSG sees the media as a means of release and and empowerment for marginal groups (especially women) to fight for equality and gender justice.

Regarding the journalist's position, JO sees the value or ideology of a journalist being "outside" of the coverage process or news reporting. Journalists have a role as a non partisan reporter from groups in society. Meanwhile JSG sees the value or ideology of journalists as not separated from the coverage process or news reporting. Journalists have a role as an activist or a partisan from marginal groups (especially

women) in society.

JO sees professional journalism as a benefit where the report destination and writing is aimed to explained what is there. Journalist act as a team to uncover the truth. JSG sees professional journalism as a control where the purpose of coverage and report is to side and to utilize marginal groups(especially women). Journalists act as a worker that has a different position in society.

Coverage/report results in the perspective of JO sees two sides of the report or two sides that are objective and neutral (gender equal) with using formal language and not multi-understanding. Coverage report ar emore explanations, predictions and control. JSG sees coverage results as a reflection of journalist ideology that is gender aware that tends to be subjective as implication from the struggle for freedom of marginal groups by using gender-sensitive language(language to side with the women's interests). Coverage results are critical, transformative, emancipative, and empowering.

Women in Media Industry

Gender ignorance happens caused by the media industry still dominated by the dominant male groups in society (male, caucasian). As shown by Gomery and Compaine (2000: 523), the media industry should open access to all groups in society. Not just to white-skinned males that sits as executives and managers, but the positions also to be given to women

and non-white ethnicities.

Reality shows, that the male dominance quantitatively still happens in Indonesia's media industry. Nugroho research shows, Putri and Laksmi (2012) regarding the commercial media industry landscape, that the ownership of nasional media (TV, radio, newspaper, magazine, tabloid, online) is controlled just by 13 media companies with the dominant ownership by men (12). The Sunarto study (2014; 2016) shows that local media that is dominant in Java, the head executives (General Manager, Editor-in-Chief) are men. The same thing happens in the newsroom, as male dominance is apparent. If we agree with Gomery, it seems that placing more females in the top media management is a must if one wants to have a good gender awareness. Why so?

According to Steiner (2009:120), referring to the feminist theory, the way of thinking and understanding is affected by social identity. Individual experience in the world is very much affected by their gender identity. This is because, every identity has a different social experience and social history. Men and women have different social experience at the workplace as they have different values and priorities.

As showed by Steiner, female journalists have values, priorities, and unique importance that will affect they way to write, do research, choosing sources, and to frame the report. In this analysis, the media report shows that female journalists are more varied in choose female sources and ethnic background.

In the language of Van Zoonen (1994;

Chambers, Steiner, and Fleming, 2004: 104), it is emphasized that female journalists with a "female point of view" tend to explore the background and context more. Female journalists tend to press on the experience process itself than the end result, and has a tendency to quote from female sources. Female journalists are challenging male journalists that use objectivity as a shield against sensitivity and sympathy needed in journalism.

Informal survey results by International Women's Media Foundation (IWMF) shows, the majority of female journalists points firmly that news will be different, if there are more female journalists in power positions in media companies. The approach towards international news will also be different compared to male journalists in choosing topics and story angle of the topic (Chambers, Steiner, and Fleming, 2004: 105).

Chambers and friends refers to the Linda Christmas research, shows that female journalists consistently doing personalization or humanization reports so readers can identify and relate with the news. That means, female journalists tend to place the reader's needs above the decision-maker's needs. Female journalists tend to orientate on people, not issues, as well as the context, not social vacuum. Consequences from events are also paid attention by female journalists.

**The World and Media is (still) the
Domain of Men**

Giddens proposed a dual structure concept: the structure is *medium* and *out put*. The structure as a medium, in the form of rules, norms, and resources that stay with the social actor. Structure as *out put* is a social system. In the gender structuration, where internal structure in the actor is engendered, but the structure outside of the actor is still gender bias, will the condition still side with the interest of women?

Research shows, even though in an official guidance has been emphasized of the use of gender perspective in the news shown in Daily National newspaper (Kompas, 2008; 168-175), in the reality it's still met by discrimination practice towards female sources as seen in the research. In the perspective of female media executives in strategic positions and editorial executive positions, the situation is hampered by structural-bureaucratic obstacles in choosing official female sources from government bodies. Female sources does not want to give statements if it is not allowed by their supervisors (usually men). This is admitted by media executives as an obstacle for the media to have more female sources from government bodies.

Suryandaru research results and colleagues agree with the discovery. According to Suryandaru (2002:118), a majority of mass media executives have trust and gender value that is bias gender. This is created because of the internal media environment and becoming the agent from the player that is gender bias. In this media

executive, there is still discrimination and male dominance towards females, as well as patriarchal values in their mindsets. Implications not only happens at the workplace, but also at home.

Sarwono research results also support that. According to Sarwono (2013:271), in the environment issue, there are more male sources used in the media as the media are male sites. In a number of examples, the dominant male in the mass media industry is not something new. Quantitatively, the Indonesia's mass media industry is dominated by male professionals. It is dominated by obvious male patriarchal values, and the obvious dominance of shareholders in the media industry as well. In that situation, the journalist awareness of the inferior females haven't become a joint awareness among media professionals. Male and female journalists that are gender concious are very few in the mass media industry in Indonesia. Whether they know it or not, in many editorial policies, importance on capitalism and patriarchalism is very obvious.

Conclusion

From the above can be emphasized, that the national and local media content still places women a minority group by discriminating or stereotyping, this doesn't steer far from the internal structure of the social actor (journalist and source) in the form of rules, norms, resources, and external structure (media system and social system) that have not yet be genderized optimally.

The existence of gender awareness in the social actor doesn't mean much, as the external condition outside of the actor doesn't support the awareness, and vice versa. Even though there is law on gender awareness - for example the constitutional law UU No. 40 year 1999 on the Press and the Decision Letter of the Press Council No. 03/SK-DP/III/2006 on Indonesia's Journalist Ethics Code - if in reality the majority of journalists does not have gender awareness, then symbolic discrimination and stereotyping through media content will still be often seen. Verse 6 of UU No 40/1999 says that "National press performs their role to straighten foundational democratic values, and human rights, as well as respecting diversity." In verse 8 of the Press Council Decision Later No. 03/SK-DP/III/2006 says, "Indonesian journalists does not write or broadcast news content based on prejudice or discrimination against someone on the basis of difference of ethnicity, race, color of skin, religion, gender, or language, and not degrading the weak, impoverished, sick, mentally ill, or physically disabled."

Efforts to handle symbolic violence (Bourdieu, 2010; Kraus, 1993) as such can be done if the actor and the social system has an awareness and strong will to emphasize that the gender awareness must exist in all parties involved in the media content production process and to execute in daily life. That means, in the terms of Giddens, we need to genderize dual structures. We are urged to create media policies that are gender aware and to place more female

journalists in strategic managerial editorial positions so that the media content will display optimal gender sensitivity. Without that, through media we will used to and conditioned to receive discriminative and stereotypical treatment towards women in every day life.



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RESILIENCE OF JOURNALISTS

ARTINI

The journalistic profession is full of risk. Thousands have been attacked globally. Many have also lost their lives. However, many have also held on steadfast choosing to remain in their jobs as journalists. Surely the resilience and professional behavior of a journalist are respectable qualities that they need to protect. Essentially, a journalist's loyalty is towards the public. ("Stanley", 2016).

American journalist Paul Johnson identifies the seven sins of journalists as information distortion, dramatizing false facts, sex exploitation, invasion of privacy, misuse of power, poisoning young minds, and character assassination. However, Indonesia has several "professional sins" of journalists.

Receiving money, being in cahoots with sources, plagiarism, employing rumor as a valid source, false news sources, withholding important facts of a story, bickering press, are only some of many of those professional sins. Yosep Adi Prasetyo, known as Stanley, the current Head of the Press Council (2016-2019) has detailed notes on those professional sins, which he's poured out in the book *Pers di Terik Matahari* (Press Under the Shining Sun, 2016). Plagiarism is one of the most rampant activities, often done by a group of journalists, by photocopying each other's work. It is essentially a serious crime and a

disgrace in the journalistic field.

The 186-page book beckons readers, especially young journalists born in the 90s, to learn about the community and press life under the martial law period in Aceh, and also dives in to the details of the situation and condition of the press during the 32 years of the New Order era, as well as the conflicting issues between media owners and their journalists resulting in the low quality of media products.

The chapter *Ambalat dan Jurnalisme Perang, Belajar dari Sakitnya Pak Harto, Etika dan Sikap Menulis*, among the 38 chapters in the book, shows that the entirety of any coverage, including conflict, is not only a collection of facts, but also a background of basic knowledge needed by readers especially young journalists, like the importance of why and how in obtaining information by credible sources.

The book is unique in the sense that it conveys more than the author's notes as an ombudsman for the Acehkita magazine in that period, but is also rich in his experiences and observations as a journalist, including case studies of American journalists and basic knowledge of journalism like ethics in photojournalism and writing attitudes. This is where the journalist's book excels and can even be categorized as a take on modern history. It is presented in a journalistic style with journalism theories. Through the book, young writers as well as potential writers can feel the ups and downs of conflict reporting, or the disappointment a journalist feels scoring an exclusive but having to stash it in a locked drawer or only

to have it heavily edited by his boss, or even a dumbing-down of conflict reporting by writing it feature style, instead of straight news.

In the long history of the Indonesian press, there are a lot of jargons that accurately portray the condition and situation of journalists and the media, for example *adu jangkrik* journalis, Pancasila press, patriotic press, peace press, free and responsible press, war journalism, emphatic press, advocacy press, development press, and alcohol journalism. There is a story of idealistic journalists behind each jargon, or even darker stories with deeper meaning.

From a number of stories in the book, the author seems to emphasize on issues relating to sources (3 writings, page 5-13), rumors (3 writings, page 31-41), and photojournalism ethics (3 writings, page 83-91). Sources are an important topic, as the public trusts that journalists have done their jobs well and have tested the credibility of the sources they are protecting. These values are still respected until today, even amidst various scandals involving fictitious sources created out of thin air by journalists. Journalists often quote anonymous sources, or mention that they have a trustworthy source within an organization. However, those can be false sources.

Interviews and hunting down vital information are important parts of journalistic work to reveal various negative practices and power-hungriness. However unfortunately, many journalists like to employ talking news, so they do not contribute in helping the nation convict

wrongdoers, rights abusers, and various other perpetrators. The fondness for talking news has led to an easy way to create news by asking for responses following a story. There is also the practice of scheming between officials and journalists in order to blow up a story.

What about the culture of bribing, known as *budaya amlop*. The phenomenon is highlighted in the book as well. The envelope is literally stuffed with a certain amount of cash labeled as transportation cost or appreciation fee, monthly routine cash, or filled with trip vouchers, concert tickets, holiday bonuses, and so on.

The culture is found almost uniformly among journalists, from reporters up to media owners, including leading news outlets in Jakarta. Media leaders do not even make an effort to hide receiving flight tickets, free hotel stays, dinner invitations, golf invitations, unlimited credit card use, or escort services (page 28). Whatever the form or activity, *amlop* refers to bribes given to journalists.

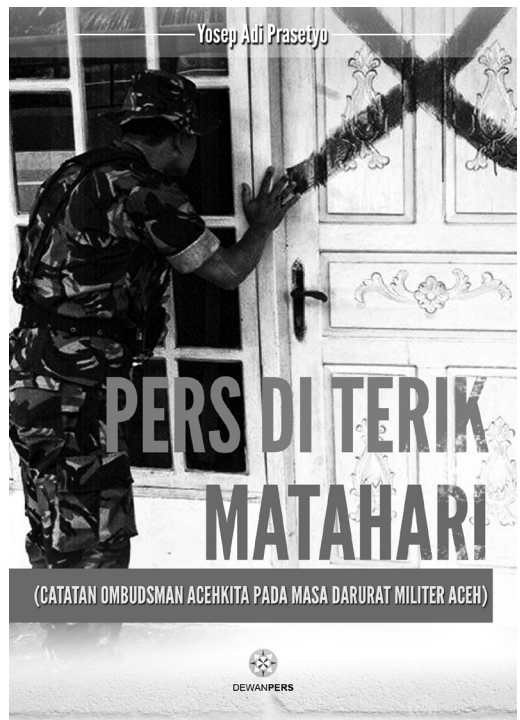
That results in a weaker ability to uncover facts, especially facts hidden by an influential group of people who have the power to manipulate facts (page 39).

This book also provides practical knowledge for those interested in entering the field. For example, the six necessary ideas journalists need to respect: journalists have to realize they are working for the public interest. Besides that, journalists always have to strive for balance, only report facts, prioritize the truth, never play

dirty, and have a game plan.

In relation to Aceh in the future, Acehkita journalists have tried to fulfill the journalistic values of objectivity, fairness, balanced, accuracy, and thoroughness. The question now is what about media coverage post-Helsinki. "I am proud, that the fire to keep fighting has never faded among journalists and even former Acehkita journalists who have now spread out to work for other outlets," writes Stanley. Acehkita and its components are still tough journalists playing their roles.

There are six functions of the media that include monitoring, which has to be carried out by Aceh journalists in overseeing the Helsinki commitment and UU no.11 of 2006 regarding the Aceh government. The situation in Aceh in the future is full of uncertainty, and journalists have the vital task of participating in the formation of Aceh as a peaceful region, sorely missed by Aceh residents after years of living under martial law.



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Press Council of Indonesia was established based on The Act No. 40 year 1999 on press, in order to develop freedom of the press and improve the national press. The function of the independent Press Council are (1) to protect of the freedom of the press from any interferences (2) to conduct studies on press to improve the quality of national press (3) to enact a code of ethics and control compliance to the Code (4) To give consideration and find solutions to complaints lodged by public towards cases concerning press reports (5) To develop communication between press, public and government (6) To help journalists and media owners in establishing media regulations and to increase journalistic professionalism (7) To gather data of media companies.

**“To develop freedom of the press and
Improve the National Press.”**



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