

## **Political Communication in Indonesia**

An Analysis of the Freedom of the Press in the Transition Process

after the Downfall of the Soeharto-Regime (1998-2004)

A Dissertation

Presented to the Institute of Media and Communication Science, Faculty of Mathematics  
and Natural Science, Technical University of Ilmenau, in Partial Fulfillment of the  
Requirement for the Degree of Doctor of Philosophy

By

Lukas S Ispandiarno

December 2008



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**DECLARATION**

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been attached for the award of any other degree or diploma of the university or other institute of higher learning, except where due acknowledgment has been made in the text.

Ilmenau, December, 2008

Lukas S Ispandiarno

## **APPROVAL**

This dissertation had been approved by the advisors and presented before the Promotion Commission, Institute of Media and Communication Science, Faculty of Mathematics and Natural Science, Technical University of Ilmenau, on 10 December 2008 in Room 2325 Ernst-Abbe-Zentrum.

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Lukas S.Ispandiarno

Ilmenau

December 2008

## Political Communication in Indonesia

### An Analysis of the Freedom of the Press in the Transitional Process after the Downfall of the Soeharto-Regime (1998-2004)

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## Chapter 1

### Introduction and Research Design

#### **1.1 Background and Objectives**

The fall of Soeharto from his throne as the president the Republic of Indonesia for more than 30 years has brought about the inspiration to make a study on political communication. What is going to find out here is the relationship between the political transition and freedom of the press. The reason behind is that in other countries, such a change in the media system has also influenced the transition. A free media system will be much better in overthrowing an authoritarian regime in East Europe than if such a system was previously defended (O’Neil, 1998). In Taiwan, the media plays an important role in the political transition (Randall, 1998). The global process has further transformed such a political communication through the liberalization, deregulation, and distribution of new media technology (Axford and Huggins, 2001).

It is quite rare to find a review on political communication in Indonesia, particularly the published one. After the fall of Soeharto in May 1998, however, there have been many books which discuss how media has played an important role in the new political system, which was called a democratic system. The television media which had been following the “free and responsible press” system without any capability to criticize Soeharto and his cronies suddenly reported the reality of protests against Soeharto. Moreover, a former minister in Soeharto’s cabinet in a television interview said the best thing for Soeharto was to resign. Just like a person suffering from a toothache, he had to pull the troubled tooth out (Hidayat et al., 2000). It was impossible to express such a statement openly in media when the old political system existed.

The question is whether such a political change is the result of changes in freedom of the press. The next question is how the structures of the new political system influenced freedom of the press. For example, how press freedom in Indonesia has dramatically changed after the fall of Soeharto. Referring to Gabriel Almond’s view that political communication is a function in a political system (1960), how did legislators set up new rules on freedom of the press?

The fact shows that after Soeharto, mass media was more or even so free to play its role as a channel for political communication. However, another fact was that such

freedom could not be easily understood by the government and the society. Besides, the media itself was not ready to work professionally. As a consequence, a large number of tensions between the government and media came to surface; there were a number of anarchic actions by community groups which felt to have been harmed by media reports.

But the interesting fact which has been the focus of this study is how the structures in such immature democratic political system played their role in the process of political communication by releasing the new press law, which adopted the principles of liberal press freedom. So, the objective of this book is to explore political communication in the transitional period in Indonesia, to see the attitudes and efforts of political structures which gave birth to the legal arrangements for the press.

## **1.2 Methodology, Research Design and Methods**

As a research to understand certain social situations such as the events, roles, groups or interactions (Creswell, 1994), this research is more an interpretative, constructive, and theoretical proposition (paradigm) in nature. It is a coherent method of communication study. In German intellectual tradition, interpretism is included in the hermeneutic or *Verstehen* tradition of sociology; a phenomenon from Alfred Schultz and criticism over scientism and positivism in social sciences which were influenced by empirical logic. In the eye of Schwandt (in Denzin and Lincoln, 1994), interpretism discusses the uniqueness of human curiosity. It creates some objections against naturalistic interpretation in social sciences. It proposes that a mental science or *Geisteswissenschaften* or a cultural science or *Kulturwissenschaften* is different from a natural science or *Naturwissenschaften*. The objective of a natural science is a scientific explanation (*Erklären*), whereas the objective of a social science is to achieve or understand (*Verstehen*) "the meaning" of a social phenomenon (Denzin and Lincoln, 1994: 119).

From an anthropological philosophy perspective, it is a study based on the division to describe and explain human beings and human behaviors. Interpretism states that a human behavior is purposive in nature. An interpretist leaves a mechanistical explanation, while a neo-behaviorist, an associationist leaves the explanation of human behavior. Social agents are considered as being autonomous, intentional, active, goal directed; they estimate, construct, interpret their own and their agents' behaviors (Denzin

and Lincoln, 1994: 120). The primary focus of an interpretist is to understand (Verstehen); that is why he / she considers a social reality condition in a quite different way from those who advocate the social science frameworks of an empiricist. In this paradigm, an actor's point of view is used to understand what happens. Understanding is also its major topic and methodological source (Lindlof, 1995). Next, Lindlof says, ontological realities are understood in multiple forms, for instance, a mental construction which cannot be expressed clearly (intangibly), social and experimental base, local and special condition. Their shapes and contents are dependent on the individual person or group holding the construction. From an epistemological point of view, the research and its research object are assumed to be interactively related so that "the results" are literally created when investigation is still going on. From a methodological point of view, the variables and personal conditions of a social construction requires that an individual construction be elicited and filtered through the interactions between and within the research and respondents. These construction variations are interpreted with conventional hermeneutical techniques and are compared and contrasted through dialectical exchanges. The final objective is to filter a construction which is more informed and more sophisticated than the previous one (Lindlof, 1995:109).

An important question in applying an interpretive paradigm is related to the method. Madison explains that a scientific method is characterized as an abstract one which means that it method is based on the elimination of personal and subjective judgments; while the criteria of the implementation is the correctness or in other words, the implementation which is directed by the method itself. Then, an interpretation or decision which was made by someone cannot be considered verifiable or testable without applying the norms or criteria which are appropriate to the respective condition to interpret it. The criteria include thoroughness, coherence, comprehensiveness and so on, and also a question whether the interpretation is useful, valuable, etc., or not (Denzin and Lincoln, 1994: 122).

This research will study how the discussion upon the draft of the 1999 Press Law in Indonesia was in fact a social situation reflecting the dynamics of political communication, and which described the relationship among the government, media, and society. It will also study how the discussion in the legislative body (House of Representatives) reflects the debates or competitions among political interests involving

the government, House of Representatives, and other components namely media and the society. This research will cover informants who were involved in the discussion to prepare the laws, especially some legislators from political parties, and some people from the media and civil society. In order to reveal and to give a meaning to the social situation, two approaches are employed. First is to interview, and the second is to collect data or information from texts. Interview is the most common and the most powerful method used to understand human beings (Denzin and Lincoln, 1994). In a qualitative research, an interview has some objectives, for example to learn about things which cannot be directly observed with other methods or to understand a social actor perspective (Lindlof, 1995:166). In this research, the interview approach is applied to a number of informants (*informant interviews*) having a close relationship with the three former presidents in the transitional period of Indonesia, namely Dewi Fortuna Anwar as “the spokesperson” of President BJ Habibie, Cornelis Lay as a political advisor to President Megawati Soekarnoputri, Adhi M.Massardi, speaker to Presiden Abdurrahman Wahid. Their opinions can be considered as ‘representing’ those of the three former presidents. Meanwhile, two persons would represent the media, namely the Vice Editor-in-Chief of *Kompas* daily St.Sularso and senior journalist Trias Kuncahyono; the Head of Research and Development Division of Surya Citra Televisi (SCTV) Iskandar Siahaan and a news producer Erdy Taufik. The society would be represented by four activists of the Press and Broadcasting Society, like Leo Batubara, Zainal Suryokusumo, also Chair of Press Council Atmakusumah Astraatmadja, a member of the Council, Amir Effendi Siregar, and RH Siregar of Indonesian Jurnalist Union (Persatuan Wartawan Indonesia-PWI). Another person from a political party we can interview comes from Indonesian Democratic Party (Partai Demokrasi Indonesia-PDI), YB Wijanjono and Paulus Widiyanto. Interviews with informants are made with those who are of greater mobility in an organization than the rest, and those who have more experiences in certain matters. They are well respected by their organization, superiors, and or subordinates. An informant will typically be interviewed several times to get any special information, usually with well prepared questions in the best suitable time and place for the interview (Lindlof, 1995:170-171). A guide for the interview will organize the topics covered in this research. Topics of questions are derived from theories applied in this research particularly those on democracy, press freedom, and relationship between the government

and media.

Other information which is expected to reveal the meaning in such a social situation when the Press Regulation was discussed comes from the official texts published by the Center for Documentation Service and the Secretariat General of the House of Representatives. Two bundles of the texts, Book 2A, 2B and 2C, could be obtained. Book 2A contains a Work Treatise coming from the discussion on August 26, 27, 30, and September 9, 1999. Book 2B is about the meetings on August 31 August, and September 1, 2, and 3, 1999, while Book 2C lists the issues in the Press Law draft. A set of complete tapes of the discussions on the drafting of the Press Law, including the opinions suggested by the Government (Information Minister), chiefs and members of legislative (House of Representatives) from political parties, mass media and civil society representatives especially Indonesian Society on Press and Broadcasting (Masyarakat Pers dan Penyiaran Indonesia-MPPI) which currently served as an advisor to the government could be made available. Other materials could be made available from mass media reports especially from *Kompas* daily which had provided a good and smooth online system for easy access. The reports from *Kompas* on the discussions would also be complementary to the interviews and information from the Indonesian House of Representative. A content analysis on *Kompas* texts was made by applying the effectiveness dimension of the informants and multi-access dimension as stated by Shoemaker and Reese (1996). Through an effectiveness dimension, it can be seen how informants get the fundamental effects on the content of *Kompas* while through a multi-access dimension, it can be seen how the news objectivity level was fulfilled. An informant may not only an individual but can also be an organization, which in this case such an informant can also be called an actor (Dijk, 1988).

Huberman and Miles define a data analysis from three sub processes, namely data reduction, data display and conclusion (Denzin and Lincoln, 1994: 428-429). This process runs before the collection of data, during the preparation of plan and design, during the collection of data, and after the data are collected. In the sub process of data reduction, all data potentials are reduced in a research anticipative method by choosing the relevant concept frameworks, research questions, cases, and instruments. These include all actual field notes, records, and other available data, data compilations, coding, finding, clustering, and writings. The sub process of data display is how to organize the

information and to summarize the results in a conclusion as a part of the analysis. The process of data reduction is the basis to think about the meaning. A conclusion inference and verification involve the researcher in the process of interpretation: to draw the meaning of a data presentation. The strategy includes, among others, to compare / contrast, to write down the patterns and themes, to group and to use metaphors, for instance by applying a triangulation, to draw negative cases, to follow a surprise, and to check the results with the respondents.

**Table 1.1: Research Method**

| Units of analysis                                                                                       | Locus of data                                                                                 | Analysis Method            |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------|
| <b>1. Political Communication</b>                                                                       |                                                                                               |                            |
| 1.1.How was the media tendency in reporting the process to draw the Press Law?                          | 1.1.1. Media texts                                                                            | 1.1.1. Content analysis    |
| 1.2.Who were the actors or communicators present in the reports?                                        | 1.1.2. Media texts                                                                            | 1.1.2. Content analysis    |
| <b>2. Press Freedom</b>                                                                                 |                                                                                               |                            |
| 2.1.What were the important issues appearing in the discussion to draw the Press Law in the Parliament? | 2.1.1. Meeting Treatise of Special Committee of the House of Representative on Press Law 1999 | 2.1.1. Text analysis       |
| 2.2.How was the relationship between the media and politics in transitional period?                     | 2.1.2. Interview transcripts                                                                  | 2.1.2. Transcript analysis |

In the research, the data will be read literally, interpretively or reflectively (Mason, 2002). In a literal reading, the researcher is interested in the forms such as: the contents, structures, styles and layouts. In reading the interview transcript, the things worth noting are the words and language in use, also the sequence of interactions, the forms and structures of the dialogues and literal contents. In reading the document, what to search for is "what is there" (Mason, 2002: 149). An interpretative and reflective reading is to read the parts of interview transcripts which tell about the implicit norms or rules existing in the interviews. It can be a matter of discourse where they were involved,

or how the discourse was done, or how it indicates a kind of mechanism in social behavior. The researcher is in particular aware about what is considered an interpretation in understanding the interviewees, or in how an emphasis is more on the side of the researcher's interpretation. A reflective reading puts the research as a part of the data in his disposal and it will find out the roles and perspectives of the researcher in the process of collecting and interpreting the data.

### **1.3 Organization of the Book**

The introduction is followed by Chapter 2 which contains the theoretical frameworks.

A number of key theories include the theories of unconsolidated democracy, relationships between democracy and press freedom and media, and relationships between the government and media. Also included here is the theory of political communication which is completed with the first parts of political communication development and a variety of its dimensions.

Chapter 3 is a comparison analysis of political communication in a number of countries, particularly certain industrialized and transitional countries. To represent the group of developed ones, some countries have been taken including Germany, England and the United States; while the countries in transition chosen here include the Philippines, Russia, and Hungary. The substance of this comparison was then made the theoretical base to view the political communication in Indonesia, including how press freedom has become an important factor in the government.

Chapter 4 discusses the politics and media in Indonesia before the fall of Soeharto. Started with the discussion on Indonesia and the Independence, it then discusses the political culture, political structure, and it is ended with the discussion on the media system in former era. If it is in a weak position, it is difficult for the media to play its role as a channel of information, moreover as the fourth pillar of the governance.

The discussion on political communication in the transitional era of Indonesia is the main part of Chapter 5. It is started with a political communication analysis, and then it is followed with an explanation on Indonesia as a transitional society where it includes, among others, the causes of such a transition, the roles of press, and the transitional situation condition in Indonesia from 1998 to 2004. Another important part in this

chapter is the discussion on press freedom.

Chapter 6 studies the research findings on press freedom in the era of President BJ Habibie. It is started with the discussion on the relationship between media and the government in this era, and then on the factors which surrounded Habibie and which affected his governance. Though in fact, this era has opened the door for the birth of the Press Law, but certain pressures on the media could still be found. A case study on the birth of the Press Law is also presented here. Some important findings include, for example, how *Kompas* framed the reports on this process, how politicians and activists viewed this draft, and also the crucial issues emerging in the discussion of this draft.

In Chapter 7, press freedom still plays the key topic of discussion. The traits of both presidents, Abdurrahman Wahid and Megawati Soekarnoputri, have influenced the dynamics of their governance, for example how the relationship between the government and media was. Although Wahid was well known for his democratic personality his governance, he also applied some pressures to the media. Meanwhile, in the administration of Soekarnoputri, the tension between the government and media could be bridged by the performance of the Press Council.

Chapter 8 contains the conclusions and it summarizes all previous chapters (2-7). This chapter is concluded with the reflection on press freedom in transitional period of Indonesia.

## Chapter 2

### Theoretical Framework

Communication is the basis for all social and political activities (Fagen, 1966). Through communication media, a government can convey its messages to the public, political parties to disseminate its programs, and the people can give responses to the messages they receive. A change in the government in the form of a political transition also changes the politics. In an authoritarian political system, a media cannot play its major role to channel information freely due to censorship applied by the government. Media even serves as an instrument for the authority to defend itself and to control the people. When an authoritarian government is down replaced by the new, democratic one, the media gets a greater opportunity. In an unstable democracy, as it was the case in post 1998 Indonesia, there were conflicts of interest among the government, media, and the community to grip the dominance over the press like the one before the birth of the press freedom. The lesson from Taiwan shows that an efficient, independent, and diverse media system is vital to the success of democracy consolidation and to prevent the system from decomposing (Randal, 1998: 119).

This research will take the view from macro and micro perspectives. In a micro-perspective approach, the question is how and with what a media would change or strengthen a political attitude; while a macro approach would focus on the media system which influences the politics, for example by testing a government regulation pattern, media ownership, program content, public and viewership structures (Gunther and Mughan, 2000).

#### **2.1 Unstable Democracy**

In a classical tradition, democracy is a form of government (Sartori, 1962; Pennock, 1979), and it is the best government (Diamond, 2003). This refers to the traits of a liberal democracy for instance in the control over the state, decree, and allocation of resources which in fact or in a theoretical point of view are mandated to the appointed public officials. In a transitional society, the democracy has not been in a stable nature that a consolidation is deemed necessary. In the process of consolidating the democracy, there exists a strong social and political consensus. There is a certain level of government

decentralization; there exists a government which complies with the media law, there exists a group of private media, and there also exist the citizens with the access to various information sources including the printed to the electronic media, in addition to the existence of journalist associations (Price et al., 2002:60). Dunkwart Rustow also views democracy from a transitional point of view with a focus on the political processes and the behavior of the leaders and elites (Mas'oed, 1994). This focus implies the encouragement of political processes which allow interested leaders to initiate the transformation and establishment of policy choices which promote democracy.

Referring to Larry Diamond, a consolidation of democracy is about how to keep a democracy consistent so that it will really meet the requirements (Dwipayana et al., 2003). Diamond describes some approaches for the consolidation of democracy. In the first place, it includes the elite (actor) approach, where a mutual commitment among the elite circles through a constitutional mechanism of coordination among the related political institutions and through the an agreement to maintain the limits of state authority regardless of which party is ruling the state at a certain time. In the second place, it includes the institutional approach which is the importance of political institutionalization in a consolidation process. A consolidation of democracy has to respond the strengthening challenges of three political institution types: (a) the state administrative officials (bureaucracy), (b) the representative bodies and democratic executors (political parties, the parliament, and the general election system); and (c) the structures which ensure the horizontal accountability and the governance which is based on laws, for instance the justice systems and controlling institutions. A parliament has to have the capacity to formulate a constitution, to aggregate public preferences, to allocate resources, and to weigh the petitions and aspirations of the society independently. By deepening and strengthening this method of democracy practice, a political institutionalization also heightens the normative commitment in a democratic system (Dwipayana et al., 2003: xxx).

An institutional approach also highlights the performance of a regime. According to Diamond, a democratic regime must result in a quite positive policy to establish a political legitimacy or at least to avoid a crystallization of resistance against the legitimacy. If a democratic legitimacy and procedural commitment should become the principal foundation of the regime, the regime performance will be the crucial variable

which influences the development and internalization of conviction between the legitimacy and performance. There is a reciprocal relationship between a legitimacy and performance. The more successful is a regime in providing what people want the bigger and deeper of the tendency in its legitimacy is.

The third one is a political cultural approach. A political culture is related to the perceptions, attitudes, supports, actions and trusts in the democratic legitimacy. Aristotle considered a political cultural theory as focusing on the importance of moderation and tolerance and the dangers of political extremism and uncontrolled populism. The development of a pattern and finally a culture, moderation, accommodation, cooperation, and bargaining among political elites seem to be the theme of theories which are oriented to the process of transition and the consolidation of democracy. According to Diamond, an empirical democracy needs a conviction in the democratic legitimacy. The development of this conviction and behavioral commitment is the definition of consolidation process.

Next, one of the factors which seem to increase a democratic legitimacy among the community is a personal experience with it. That is why, in addition to its quality and orientation, participation is another central element of an ideal – typical democratic. This implies that a mass participation as a political life norm and a tendency to actual participation in politics is based on the informed interest in public affairs. This refers to the “culture of political participation” which involves the role of individuals as ‘activists’ in the policy (nation society)”. This is not only manifested through giving votes but also through political interests, information, knowledge, opinion formation, and organizational membership. What underlie a participant’s orientation are the political efficacy, self confidence and sense of competence of the citizens that their political actions may result in policy changes or indemnification/restoration in facing the complaints.

The fourth one is a society-oriented approach. Diamond constructs the preliminary argument that the society is a widespread concept, and which is easily used or misused. Without any organization, structure, and principle, the public may be meaningless for democracy. A democracy also requires an organized public for democracy. This can be made through dissemination of norms and values, and commitments not only on thousands of its narrow interests but also on the goals of the society in general. This kind of public is made possible only with vigorous civil society.

According to Diamond, a civil society is a scope of social life which is organized in an openly and voluntarily manner, which is self-generated in nature, and –at least partially—self financed. It is autonomous from the state, and it is bound by legal arrangements on a set of communal values. It is different from the society in general in the sense that it involves the community which acts collectively in a public scope to express their interests, desires, preferences, and ideas, to exchange information in order to reach collective goals, to deliver their requests to the state, to improve the structure and function of the state, and to urge the state officials to act accountably. (Dwipayana et al., 2003: xxxi-xxxiii)

Diamond's explanation has some consequences which can serve as a reference to see the political transition in Indonesia. In an elite approach, the president (executive) and representatives of political parties in the parliament (legislative), both have an important role to play in making policies through the constitution. Besides, through an institutional approach, the performance of principal institutions like the president, parliament, and political parties must be strengthened. A parliament must have the capacity to formulate a constitution and to think about the demands and aspirations of the people independently. In a political culture arras, how the people understand a democratic legitimacy is shown by a conviction that democracy is the best form of governance; and participation is a way to changes. And finally at a civil society level, it is deemed necessary an open, voluntary, and self-generated organization to express the interests, passions, and ideas to reach the collective objectives, to improve the structures and the functioning of the state. Thus, a consolidation time is a momentum for various elements in both parties, the government and society, to formulate various legal stipulations, including press laws which give a room for democratic practices.

In the context of democratic consolidation in post-May-1998 Indonesia, the practice was as the followings:

**Table 2.1: The Practice of Democratic Consolidation in Indonesia  
In the administrations of Presidents BJ Habibie, Abdurrahman Wahid,  
and Megawati Soekarnoputri**

| <b>Approach</b>   | <b>Consequences</b>                                                                                                                                                                                                                                                                                                                                                                       | <b>Practice</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Elite             | <ol style="list-style-type: none"> <li>1. A mutual commitment through the mechanism of coordination of the constitution</li> <li>2. To develop an agreement among the elite to uphold the authority limits of the state</li> </ol>                                                                                                                                                        | <ol style="list-style-type: none"> <li>1. The commitment of BJ Habibie's Administration to set new a Press Law; the commitment of Wahid to remove the Ministry of Information, and the commitment of Soekarnoputri to set a new Broadcasting Law</li> <li>2. The agreement to limit the authority of the state through policies and the two laws.</li> </ol>                                                                                                                              |
| Institution       | <ol style="list-style-type: none"> <li>1. An institutional approach, to strengthen and empower the parliament to have capacities to set laws</li> <li>2. To bring about policies to build the political legitimacy.</li> <li>3. To independently take the petitions and aspiration of the society into consideration.</li> </ol>                                                          | <ol style="list-style-type: none"> <li>1-3. The Parliament ratifies the Press Law which includes:           <ol style="list-style-type: none"> <li>1. Free-of-censorship media</li> <li>2. An Independent Press Council</li> </ol> </li> <li>1-3. The Parliament ratifies the Broadcasting Law which includes:           <ol style="list-style-type: none"> <li>1. Free-of-censorship Broadcasting Institutions</li> <li>2. An Independent Broadcasting Commission</li> </ol> </li> </ol> |
| Political Culture | <ol style="list-style-type: none"> <li>1. The perceptions, attitudes, supports, actions and conviction on a democratic legitimacy.</li> <li>2. The culture, moderation, accommodation, cooperation, and bargaining among the political elites</li> <li>3. A participative political culture "involving" the 'activist' role of individuals in the policies (a civic society)",</li> </ol> | <ol style="list-style-type: none"> <li>1-3. The ideas and involvement of various Non Government Organizations in the discussion of Press Law draft.</li> <li>2. The accommodation of ideas in the discussion of Press Law draft in the parliament.</li> </ol>                                                                                                                                                                                                                             |
| Civil society     | <ol style="list-style-type: none"> <li>1. The scope of social life is organized in an openly, voluntarily, self-generating manner, which is at least partially</li> </ol>                                                                                                                                                                                                                 | <ol style="list-style-type: none"> <li>1. The establishment of the MPPI (Masyarakat Pers dan Penyiaran Indonesia-Indonesian Press and Broadcasting Society)</li> </ol>                                                                                                                                                                                                                                                                                                                    |

|  |                                                                                                                                                                                                                  |                                                                                                         |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  | <p>self-financed, autonomous from the state and is bound to legal arrangement and a set of common values.</p> <p>2. To deliver requests to the state, to improve the structure and functioning of the state.</p> | <p>2. The MPPI proposes the draft of Press Law to the President through the Minister of Information</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|

### 2.1.1 Democracy and Press Freedom

A democracy will only really work if two key elements are present, namely option and information (Alger, 1996:9). First, alternative options must be available for the public. The key idea is that a democracy which is operational in nature is an alternative option for public agreements; and in principle, it is in the form of alternative candidates in a general election. This can also be applied in the adoption of policies to deal with the problems faced by the society. An alternative competition and the effort to present an alternative in comparison to the others are just parts of a vital concept in democracy namely, “the marketplace of ideas”. This will assist citizens to be aware of their choices. The existence of options is the core of democracy and when such a thing does not exist, the democracy degrades. The second basis for an essential democracy is that the public has ”in its hands” the information which is taken to make meaningful decisions – namely, to make choices, which are related to their own values, convictions, and awareness, in accordance with their mental capabilities and imaginations. If the public is meant to be the basis of a democratic process and thus indicates the basic objectives for the government through the choices in a general election and other political participations, the people need the information in order to be able to make decision properly and to act accordingly. In principle, an appropriate general education and perception on freedom to make choices are the most affective rights (Alger, 1996:9), and both are influenced by media and its freedom.

Carl J.Friedrich says:”Freedom of the press is considered a cornerstone of constitutional democracy”. He also concludes,”the emergence of constitutional government and in particular the crystallization of the system of popular representation as we know them are inextricably interwoven with the growth of the modern press. Without

a constitution, a government is unimaginable" (Alger, 1996: 10). Meanwhile, to Robert Dahl's opinion:"But at a minimum...democratic theory is concerned with processes by which ordinary citizen exert a relatively high degree of control over leader" (Alger, 1996: 10-11). The question is, how the citizens can implement the 'high degree of control' effectively. According to Alger, the answer lies in the information the public must have and this is supported by Catlin's opinion that:"Freedom of the press...is a civil liberty under law, logically justified for the specific purposes of...the development of an objectively informed or intellectually vigorous democracy" (Alger, 1996: 11). The role of mass media in providing appropriate information for the people which allows the process of democracy to work is a very important thing in the world today.

The freedom of the press is the focus of relationship between media and the government because it is a freedom from any pressure and intervention by the government (Asante, 1997). Referring to John C.Merril's opinion, a press freedom means an autonomous press – namely, a freedom from external controls, a"maximum journalistic autonomy is the imperative of journalism". In line with Everette E.Dennis, Merril then defines a press freedom as "the right to communicate ideas, opinions, and information through printed words without a government restraint" (Asante, 1997: 11). Another writer, for example David H.Weaver, formulates a press freedom in three different things:

- (1) As the relative absence of government restraints on the media; (2) as the relative absence of government and other restraints on the media; and (3) as not only the absence of restraints on the media, but also the presence of those conditions necessary for the dissemination of a diversity of ideas and opinions to a relatively large audience such as enforced right of access to newspapers and radio stations (Asante, 1997: 11)

Here, Weaver gives a detailed formula on freedom of the press, which is not only the absence of government restraints or other parties on media, but also the presence of those conditions which are necessary for the dissemination of a diversity of ideas and opinions to a relatively large audience including the rights to access newspapers and radio stations. In fact, the creation of such a condition is not only the work of the government but also other parties, including the society and the press itself. However, the government is the key element in creating such a condition. Paul A.V.Anrah confirms:

Freedom of the press is generally taken to mean the "freedom to disseminate information and ideas through the mass media without government restriction." A free press system is expected to provide a factual account of what is happening in the society and to present, analyze and clarify the goals and values of the society. It should also provide a forum for an exchange of comments on and criticism of the nation's affairs and thus serve as a watchdog of the people's rights (Asante, 1997: 12).

The statement on freedom of the press should be included in any constitution, but it should also be admitted that the freedom level is different from a country to another country. However, almost any media system is a target of control which has to be made through various legal stipulations.

In fact, it is quite clear that there is a positive relationship between media and the practice of democracy as cited by Milton. He says that a free press will advance a democracy by playing the function as a watch-dog for the government, and thus to prevent the government from excessively abusing the citizens and the political processes (Tettey, 2001: 7-8). Quoting Meiklejohn, democracy should be based on an understanding on the supremacy of the people; and this requires that citizens be sufficiently informed if they should participate in political processes and should effectively play their roles as the key decision makers. In his article on media and democracy in Africa, Tettey writes that a free and distinct press allows people to receive different views about rumors based on the understanding that they can make an informed political decision. The relationship between media and democracy is also stated in the opportunities that a free press works for the people to influence the political process. A democratic media would enable political leaders to be aware about the atmosphere among the people so that they can respond appropriately. (Tettey, 2001: 8).

Francis P.Kasoma (1995), who also writes about media in Africa, says that in modern governance, it is absolutely impossible to develop a democratic government without the support of a free and independent media. Referring to the opinion of Ansah, it is said that in a democratic society, the actions of a government which come from collective desires and powers of the people are expected to be regulated by the power of public opinions; and the press serves as the most adequate media for the general opinion estimation and reflection. If there is no regular evaluation and control mechanism over

the government performance, there is a great possibility that the government will fall into the attitudes of self-satisfaction, irresponsiveness, and irresponsibility (Kasoma, 1995: 540).

### **2.1.2 Democracy and the Media**

O’Neil (1998) uses the term of a ”new democracy” when discussing some cases in European and North American countries. According to O’Neil, the opportunities for an unregulated media and a political communication in a new democratic context are possibly more disruptive than productive in establishing a stable pattern and institution from any society participation (O’Neil, 1998: 196). In observing various cases in some European and North American countries, there area some propositions: first, the use of a mediated political communication is far from being effective in precipitating a change in the regime than in establishing a stable institution. Second, the good capacities of the former countries and authoritarian media organizations to quickly embrace the format of European and North American political programs can surpass the capacities of the public to process and to effectively use the newly received information. Third, the variable which is often avoided in paralleling a media and democracy is the condition of a civil society. The absence of social experiences related to new vocabularies in democracy would underline the public capacity to move the content into a political identification and a stable conviction. Thus, the role of a media in establishing democracy cannot be separated from the understanding of the social context where the communication is received (O’Neil, 1998: 198).

More specifically, the discussion on the correlation between democracy, press freedom and media is presented in the following sub chapter on press systems.

## **2.2 Relationship between the Government and Media**

So far, the discussion on press systems has never missed the work of Siebert et al. which was published in 1956. The concept or model which Siebert develops can indeed describe how the different relationships between the government and media are in line with the political systems and ideology of the country. The recent criticism, however, says the work of Siebert et al., *Four Press Theories*, is like Zombie, a horror film, which controls over the studies on media for decades, so that the time has come to burry it and

to develop a new model based on a comparative analysis (Hallin and Mancini, 2004). This research gives the emphasis to using the model of Picard as a criticism or an improvement to Siebert's work but with a simplification and it does not list all models. The argument is that the political development after May 1998 has omitted, at least temporarily, the authoritarian model and the communist model as suggested by Siebert while other models, namely the Developmental, Social Responsibility and Libertarian models, are presented here to consider their applicability in Indonesia.

**Table 2.2: A Part of Picard's Theory on the Press**

|                                       | <b>Developmental</b>                                                                         | <b>Social Responsibility</b>                                                                   | <b>Libertarian</b>                                                                        |
|---------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Developed</b>                      | In the 20 <sup>th</sup> Century non-industrialized; non-communist nations of the Third World | In the United States in the 20 <sup>th</sup> Century                                           | Adopted in England after 1688 and in U.S. : influential in Western and pro-Western states |
| <b>Out of</b>                         | Marxist thought combine with communication-for-development views of Schramm, Lerner and Pye  | Writing of W.E. Hocking, Commission on Freedom of the Press and practitioners, and media codes | Writing of Milton, Locke, Mill and philosophy of rationalism and natural rights           |
| <b>Chief purpose</b>                  | To promote national integration and social and economic development                          | To inform, entertain, sell- but chiefly to raise conflict to plane of discussion               | To inform, entertain, sell –but mostly to help discover truth and check government        |
| <b>Who has the right to use media</b> | Government has right to use for programs for the public goods                                | Everyone who has something to say                                                              | Anyone with economic means to do so                                                       |
| <b>How are Media controlled</b>       | Government and/or party control, and legal constraints                                       | Community opinion, consumers action, professional ethics                                       | By “self-righting process of truth” in free market place of ideas” and by courts          |
| <b>What is forbidden</b>              | Challenge to authority: information that would damage efforts for “progress”                 | Serious invasion of recognize private rights and vital social interests                        | Defamation, obscenity, indecency, wartime sedition                                        |
| <b>Ownership</b>                      | Private or state: most often state                                                           | Private unless government has to take over to ensure public service                            | Chiefly private                                                                           |

|                            |                                                                                                                          |                                                                                                      |                                                                       |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Essential different</b> | Information is a national resource to be used for development; societal concerns more important than individual concerns | Media must assume obligation of social responsibility: if they do not, someone must see that they do | Instrument for checking government and meeting other needs of society |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|

Adopted from Picard, 1985: 69

In practice, the relationship between the government and the press in post-May 1998 Indonesia tends to follow the third (libertarian) model. Before and after the new Press Law was enacted in September 1999, the media had been freed from any censorship handcuff and various limitations applied by the government in propagating information to the audience. The key objective of the media has been to convey critical information to improve the performance of governmental institutions, such as the president, the legislative bodies, legal institutions and other governmental institutions. In this period, the media used its freedom to control the government by reporting various bad behaviors of state officials and by propagating political news to the public. The media were not owned nor controlled by the government but by private or personal institutions even though some electronic media, namely television and radio, were still under control of Soeharto's family. After the Information Minister removed any stipulation including the removal of the obligation to get a publication permit, there grew fast new printed and electronic mass media. But some media news also turned on some conflicts and anger from various elites and society groups who felt being offended or being harmed by the information. This happened because the press freedom was not used on professionalism, accuracy, check and recheck basis, and it fell into euphoria. As a consequence, the control which had been relieved by the government was now taken over by certain groups in the society by occupying some editor's offices which was followed with a number of violence and anarchy. Meanwhile, some political elites, especially those who had previously enjoyed the control on the media for such a long period during the New Order era now started to be uneasy and they urged the importance of controlling press. Then the social and responsibility models were seen to be more appropriate to change the political systems and cultures. During the administration of Soeharto, the term "Free but Responsible Press" was so popular too, but in a very negative connotation. The reason is that because the press was not free at all and it was subordinated to the

government. This model was in fact ideal in nature, but some parts of the government were still fond of applying a control over the media by referring to the Developmental Model.

In doing the research on the Indonesian press, Hanazaki (1998) uses the hypothesis of Godwin Chu on the correlations between the media, government and society. First, a control serves as a spur to enhance the reform in which the press should be controlled not to let it be used by the opposition which may retard the reform. Second, an economy development would drive the need of the society for mass media. The third hypothesis is the ideological transformation, where the development of media can stimulate the growth of information, including new ideas from overseas countries. In this stage, a traditional society begins to undergo substantial changes on its ideological values. The middle class begins to emerge and demand a political participation. Fourth, the mass media begins to play a new role as a forum to express political demands. Communication plays the key role to voice individual interests to become collective political demands. There occur big changes where political institutions, authority elites surrender to the pressure of changes; and the government gradually hands over the authority control (Hanazaki, 1998: 193).

The study of Hallin and Mancini (2004: 21) suggests four dimensions to compare West European and North American media. The first dimension is the market development of media with a strong emphasis on whether the press circulation is strong or weak. The second dimension is about a political parallelism, namely the level and intensity of the relationship between a media and political parties or whether it reflects a political division in the community. The third dimension is about the development of journalistic professionalism; and the fourth dimension is the level and intensity of state intervention upon media systems. A state intervention may include, among others: libel, defamation, privacy, and right-of-reply laws; hate speech laws; professional secrecy laws for journalists (protecting the confidentiality or sources) and "conscience laws" (protecting journalists when the political line of their paper changes); laws regulating access to government information; laws regulating media concentration, ownership, and competition; laws regulating political communication, particularly during election campaigns; and broadcast licensing laws and laws regulating broadcasting content, including those dealing with political pluralism, language, and domestic

content (2004: 43-44).

In the context of Indonesian political transition, the fourth dimension in such forms have been existing for long period in various legal stipulations especially through the Criminal Law including the revised draft which is being prepared by the government. In this research, the fourth dimension serves as a reference to look upon the formulae in preparing the Press Law.

### **2.2.1 Power of the Media**

In a democratic political system, freedom of the press is a must if the media is to play the controlling function and to play the role of disseminating information to the public. On the other hand, a media has a power of its own. A media can determine the fate of politicians and political causes; a media can influence the government and the voters (Street, 2001). As Paolo Mancini and David Swanson suggest: "a mass media is not merely an instrument for other subsystems such as political parties which can convey their own messages; a media exists in the modern politics as an autonomous power in the center of competition with other power centers. In a dictatorship government, the power is on the hands of the untouchable elite who use the power to exploit the weak. In a democratic government, the power is considered as being "legitimate" because the executive is there to represent and to report to the people. In a dictatorship, there is a monopoly of control over the media, in which it is used to disseminate propaganda; while in a democracy, there is a distribution of control (Street, 2001: 231-2).

Street suggests that there are three kinds of powers: discursive, access, and resources powers. First, a discursive power is related to the claim that "knowledge is power" so that a control is applied upon the dissemination of information about what the authority is doing. The control is also applied to make people unaware about anything, which opens the door to prevent political protests. A discursive power is applied upon the assumption that what a person does is conditioned by what he thinks about, and what he thinks about is the result of what a mass media brings about. This power is not directly translated to certain behaviors. However, so far a mass media is responsible for the distribution of ideas, certain imaging; and so far a media can shape the thoughts and actions. A mass media is considered to have the discursive or ideological power. Another assumption is that a mass media operates on behalf of or is shaped by the interests which

take the benefits from the disseminated ideology. It implies that we need to analyze the details and contents of a media text to open the specific part of the world which has been poured into it (Street, 2001: 234).

The second one is access power. The idea that a media has a discursive role implies the acknowledgement of the process of discourse production. So far, when a media provides valuable sources for those who want to promote or to manage their interests, there is an opportunity that the power will work according to the decision on who access the sources. The power to access refers to the method how a mass media controls the voices or the interests. This can be done in various formats, both as a spectator, reader, and contributor. It can be in the format of a conglomerate which controls over various sources to the access. On the other hand, it can be a step of interest or identity to get an expression in the media option.

The next one is the power of resources. This is the third form of media power. If a discursive power refers to a method where it is shaped, and an access power refers to the method where certain interests or certain identities are acknowledged or excluded, a resource power refers to the method where a media conglomerate can influence the actions of the government and state. This form of power identifies the bargaining between a media conglomerate and the national government or its agencies. The government needs a media owned by the conglomerate to deliver infrastructural services (provision and dissemination of information) and to share the revenues and employments it can create. But this makes the government in a vulnerable position and this also limits the government's capacity to regulate the media actor. If the government would apply constraints upon the media actor through a cross ownership system or through certain regulations, it would be very costly for the government itself, because this will create an antipathy of the media conglomerate against the government (as expressed through the media), or the media conglomerate may choose to move to somewhere else to a more 'liberal' regime. This power is about the relationship between a media industry and the government (Street, 2001: 236).

### **2.2.2 Government Regulations**

The power of media may influence the society in general; and in a modern context a media should also be viewed as a global-commercial market. When other

markets play the domination risks of a player on the other one, the media market seems to be more monopolistic or oligopolistic in nature as described by Bagdikian, Herman, and McChesney (Feintuck, 1999). Because of its power and its centralized influence on democracy, a media requires a set of regulations to make sure that it will act according to the principles of democracy, in which a media supports the citizenship and a public space than to decide upon it (Feintuck, 1999: 16).

In the United States and Europe, 1960s is the era of television as a political communication media. In Indonesia it is in 1990s. In a democratic country, the government respects and guarantees the freedom of the press, and prevents any constraint for political information which is acknowledged as an integral part of the government's responsibility (Gunther and Mughan, 2000: 9). The government will as least as possible intervene the free flow of information through the print media. That is why there are two kinds of printed media. First, in some European countries, it is marked by the high level of partisan press which chooses to respect its own political party. Particularly in the United States, a newspaper would clearly choose to cover partisan coverage in the politics as shown in the 'national news'. For the broadcasting media (radio and television), a democratic government has no choice but to take a deeper intervention, because a government is obliged to search for solutions to cope with the wavelength scarcity by giving a license based on the criteria formulated by the government itself. So, there are two models: the public service and the commercial service. The first model is characterized by the emphasis on news and public matters, features, documentaries, arts, music, and plays; and the second one is characterized by the emphasis on entertainment (Gunther and Mughan, 2000: 10).

In the New Order era of Indonesia, there was almost no difference in the treatment upon the printed and the broadcasting media. Both were tightly controlled by the government. The tight control upon a printed media made through the Press Law and the control over the broadcasting media (particularly the television) was made through the monopoly on the media as the only television media owned by the government. By the fall of Soeharto, some television companies owned by the family of Soeharto started to air which were also under the control of the government.

The deregulation on the broadcasting media was made in two formats. First, it was through a liberalization of political control, and second it was through the opening of

wavelength for private sectors and commercial broadcasting companies with less or no public obligation (Gunther and Mughan, 2000: 13). Liberalization is in fact a form of deregulation in an authoritarian political system. In a different political system, the objective of liberalization is basically the same, that is for the sake of free market economic interests and for the interests of the political ruler, for instance to gain the supports of the people (see, Table 2.3).

**Table 2.3: Different objectives of deregulation based on the political system**

| Political System<br>(name of country)      | Liberalization Objective                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authoritarian (Chile)                      | <ol style="list-style-type: none"> <li>1. Free market economies and commercial pressure to provide the more open and entertainment-oriented content valued by consumers in an essentially demand-based economy</li> <li>2. A part of an intentional strategy for the achievement of other, more highly valued political objectives</li> </ol> |
| Openness or <i>glasnost</i> (Soviet Union) | To mobilize public support for his assault on the bureaucratic ossification and entrenched self-interest that were stultifying society and crippling the economy                                                                                                                                                                              |
| Established democracies (EU)               | Opening up the established and licensed television sector to competition from private cable and satellite broadcaster that are unabashedly commercial in character and not subject to the same “inform and educate” strictures as their longer-established counterparts                                                                       |
| Established democracy (USA)                | To increased competition for audience ratings and advertisement revenue by downplaying their serious news programming                                                                                                                                                                                                                         |

Gunther and Mughan, 2000: 13-14

## 2.3 Political Communication

### 2.3.1 Early Developments

A political communication research in a transitional community is an effort to enrich the researches in political communication which have still been very rare in comparison to other communication fields. The study on political communication is the one which

comes from two disciplines, namely the field of communication and the field of politics. And it has become a cross-disciplinary study (Nimmo and Sanders, 1981; Burgoon, 1982; Nimmo, 1989). The relationships between the press, politics, media, and government have been a curiosity for scholars for a long time even since the end of the eighteenth century (Nimmo and Sanders, 1981: 22).

Mansfield and Weaver (in Burgoon, 1982: 605-620) also mention about some topics like political communicators, political messages, the media of political communication, and methods in the study of political communication. There are at least four methods in this analysis including the content analysis method, survey method, experimental method, and qualitative method.

Historically, in early modern Europe, the invention of printed media and the distribution of stores selling printed matters all over Europe in the late fifteenth and sixteenth centuries are just technical opportunities to enlarge the political communication not just as the communication in the elite circles. But printed news and political opinions were still in fact the communication among the elite up to mid 1700s. The Church and countries watched over printed publication and tried to prevent the development of this new technology. In the nineteenth century, there were two big developments in the political communication in Europe and North America. First, political parties emerged as central institutions of opinion formation and articulation. Second, newspapers substantially emerged as central institutions of opinion formation and articulation. In the twentieth century, mass-based parties and newspapers became new inventions for political communication which was then followed by the power of electronic media in the same area (Barnouw, eds., 1989: 304-311).

The next development in political communication saw a new impact of new media which contributed the development and stability in the political process and institutions. Some historians relate the birth of printed media to such a development as an expansion of monarchies. It was also considered to prevent the development of electronic media in the big changes of political campaigns. Since 1970s, some scholars have been involved in the implications of new media as seen in the development of computer and telecommunication technologies, such as the fast growth of microelectronics, micro radio waves, satellites, and fiber optics. The question is about who is now controlling the media. (Barnouw, eds., 1989:313).

To take the control is a central issue, since telecommunication technologies still serve the interests of those who control them. It is the key in a media system since it is connected to the financial, programming, audience, mechanisms, and feedback issues. Allan Wells ascribes these factors as other essential elements in differentiating a system from another. He mentions a Namurois classification, a typology which has five dimensions in a media system. The options for a control may include the state-operated, public corporation, partnership, private enterprise (with varying degrees of government regulations), or institutionally sponsored ones. The alternatives available for the financial control starts from a license fee, general taxation, advertising and taxation combined, advertising, or private subsidy. The purpose of a programming control can be directed to the commercial, education, cultural, or political purposes (Razak, 1985: 5).

Barnouw mentions about four control perspectives. The first one is from a democratic marketplace point of view. This view sees a technology as being absolutely controlled by public needs and choices. It operates through a normal market process in a democratic institutional context. This is an optimistic perspective on the impact of a new media. The second one is the technocratic view as marked with a criticism to the media. A media can only be controlled by military and industrial application rather than by public needs for communication. These public choices are controlled through marketing techniques, and a new media would enhance the possibility that it will be controlled by the technological elite, namely those experts who are responsive and accountable to the economic elite and the society. The third one is the pluralistic perspective which argues that a technology is sharpened by the catchment and hauling of the competing elite groups. A new media can only be controlled through a pluralistic process of conflicts and cooperation among various actors in different sources of the political process. The fourth one is the political enhancement which sees a communication technology as a malleable source which can be controlled by the dominant coalition of interests in the organizations or society (Barnouw, eds., 1989: 313).

Blumler and Kavanagh (1999) divide the political communication system into three periods. The first one is after the Second World War which is called the ‘golden age of parties’, where the political system was called the key source of initiatives and debates for the social reform. The party system was articulated to grip the divisions of social structures, and many voters related themselves to the politics in a less strong and less

durable manner than a party identification. In the era of this ‘high modernism’, the ‘consensus was accompanied by a high level of confidence in political institutions’; and many political communications were subordinated to the stable and strong political institutions and trusts. The new era started to fade out in the second period in 1960s when the limited television channels became the dominant media for political communications; and the grip of loyalty to parties on the voters started to get loosened. This resulted in four transformations. The first one is the reduction of frequencies from the selective exposure patterns to the propaganda of parties, since a media of news, discussions, and empty spaces for parties consistently resulted in a limited scope for the audience. The selection was also marked with the decreasing number of newspapers, clubs, and other organizations which were attached to parties particularly in the European continent. The second one is that a media gives a mandate to non-partisan norms such as fairness, impartiality, and neutrality. These choices became the main platform for a political communication. The third one is that the television expanded the audience for a political communication by penetrating the electorate sectors which had been previously hard to do. The fourth on is that this important channel is television. Its value and format which can reach a large audience resulted in the scheduling of political events, political languages, and personalization of its presentation.

The third period is the phase which was marked with the distribution of key features of communication, media abundance, ubiquity, reach, and celerity. In particular for television, once a communication outlet is concentrated only to some channels for politicians, it became or would become an elaborate journalistic media which became a host of news, inserts, bulletins, large format public matters, and 24 news services. A new pattern and adaptation can be available for all who are involved in the process of political communication. This will change how people think about politics (Blumler and Kavanagh, 1999: 209-213).

### **2.3.2 Relevance of Political Communication**

A political communication study in a transitional society is very relevant in the sense that first, it is used to see how a media plays its role in different political systems. Jean K Chalaby, for instance, conducted a study on political communication in the presidential regimes of unconsolidated democracies and found some typologies to

contribute to the development of communication and journalism (Chalaby, 1998: 432). The first typology is about the political communication in an authoritarian regime which is characterized by cynicism, violence, and Machiavellianism of totalitarian elites. There are three components of elite Machiavellianism, namely a pessimistic vision on human condition, emphasis on actions; experimental and rational methods applied to the politics which urge the elite to use immoral, aggressive, and exclusive power. The third one is how the elite use or maintain the power. This analysis will contribute to the conditions and roles of mass media in a totalitarian regime where in such a political system and in such three factors mentioned above would destroy the press freedom. In a totalitarian regime, journalists and media organizations are the servants of a power which conquers the whole state and civil society institutions. They lost their autonomy and became a tool of mass indoctrination.

The second thing is the media in an authoritarian regime. Such a regime doesn't necessarily need to be as repressive as the one in a totalitarian regime. The ruler of such a regime needs the media to publish their ideologies and to stop the rest. Though the press freedom is still prevented and some pressures are still applied on journalists and intellectuals, an authoritarian regime is less oppressive because its political leadership doesn't need any propaganda. The regime doesn't need a level of control to indoctrinate a new ideology like propagating a radical doctrine.

The third one is about the political communication in a presidential regime like the one in unconsolidated democracies. This system refers to the countries which adopt a presidential constitution during a transitional period from a totalitarian or authoritarian regime to a more democratic one. The examples include Lebanon and Croatia: the two countries which adopt a presidential constitution after the civil wars, just like Franc in late 1950s, and in the years after the colonial war in South Asia and Algiers. The communication pattern of such a presidential country has some elements to create an ideal political communication system which is characterized with:

1. The state still plays the key role in media and keeps using a strong control on public communication. In the field of broadcasting, there is a monopoly of the state or at least there is a state-owned broadcasting organization. To respect the press, some members of the government, usually a strong president or ministers can control one or more newspapers.

2. The television in such a country is still unconsolidated and becomes a tool of national sovereignty. Television is a national institution, just like a national ballet company, so that the channels of national television are given certain privileges. They are given national identities, not only in political but also in cultural ones. Television becomes a national symbol, just like other national institutions which represent the countries overseas. One of its duties is to present a positive image of the nation to all over the country and all over the world. For a newly independent country, a national television is also a symbol of sovereignty just like a national anthem or a seat in the United Nations. A national television is also used to strengthen the national unity and to promote the national language.
3. A presidential regime in an unconsolidated democracy also takes the way to open or to use violence upon their journalists while keep tolerating the opposing newspapers.
4. Some presidential regimes in unconsolidated democracies also support and provide the opportunities for the presidents and their cronies to apply personal controls over the television. First it is made through the power and status of being a good boy for the national broadcasting. Second, a president often tries to build a personal relationship to his/her constituents, based on the charisma and based on the relationship with the people through emotions and feelings. Third, the control over television is vital for a president because such a personal power is more difficult to gain legitimacy than a collegial power. In short, the president needs the television to run its power over the state, the charisma of his/ her political leadership, and legitimacy as the leader of the state (Chalaby, 1998: 437 – 438).

The main points of Chalaby include that a totalitarian regime applies a stronger repression over the media and journalists than the authoritarian one. On the other hand, in a presidential regime, the media, particularly television, becomes a tool of power for the presidential government, and hence the television is utilized to build the legitimacy and charisma. Television is used to strengthen the national unity just like in the early regime of Soeharto in Indonesia.

The studies of Nossek and Rinnawi on censorship and press freedom under the changing political regimes in Palestine also strengthen the relevance of political communication studies, particularly as comparison to this study. In 1993, Oslo Accords

brought about a new system and relationships between the ruling government, the Palestinian civil society, and media. In a simple agreement between Israel and the Palestinian Liberation Organization, the power was shifted to the Palestinian Authority which adopted new laws, rules, and regulations for the media which operated in its jurisdictions (Nossek and Rinnawi, 2003: 184).

The studies of Nossek and Rinnawi give the picture of two principle axioms in the relationships between a political regime and mass communication. Though the political regime which rules Palestine has completely moved from a military ruling by Israel to a legitimacy which is completely supported by local people and international communities, but the media doesn't change. The two rulers, Israel and Palestine, have found the ways to control the media in their respective areas, including through a set of regulations. So, while PA has no explicit censorship law and enjoys a relatively progressive press law, the relationship between the government and media gives a lot of censorship practices (Nossek and Rinnawi, 2003:198). The findings of Nossek and Rinnawi show that in principle a regime may change to another one, but the control over the media is still the same, both with or without a press law or media regulations.

The second relevance is that a political communication research in the transitional period will see how a regime reacts to the freedom of the press. The study of Ellis will also support this second relevance when the political transition in the USSR also gave birth to some Federal states which tried to adopt various universal stipulations in their Press Laws. The book of Ellis, 'From Glastnost to the Internet' (1999), describes the media legislations in Russian Federation. This country applies a new press law with some inspirations like the one in Article 19 and about six articles of the Nations Declaration of Human Rights (UNDHR) which are relevant to Russian mass media. The preparation of the Russian 1990 Press Law was started with a disobedience movement or a 'cultural opposition' to fill a lot of gaps left by Soviet mass media officers. The members acknowledged some aspects of basic freedom which were protected and applied by the law, as the best guarantee for human rights and civil rights. The idea to prepare a new Press Law was among the editorial chief of the main Soviet publishing organization of the Ideological Commission and Central Committee of CPSU, and which was approved by the Politbureau (Ellis, 1999: 68).

On the other hand, in the transitional process of Nigeria, the press enjoyed

its freedom as related to the environment and development of a democratic country. A free, active, and responsible mass media is the main vehicle to disseminate values which enliven the political awareness of the people and which guide to the development of a healthy nation (Oyovbaire and Olagunju, 1996: 26).

The study of Rawnsley and Rawnsley (Randal, 1998) on the transition of regime and media in Taiwan concludes that there is a strong correlation between the promotion of freedom and diversity of media and the level of political changes. The government of Taiwan agreed that a diverse and free media was the essential component of the democratic changes. The former director general of Government Information Office (GIO), Jason C. Hu describes that the ‘unfettered flow of information’ is a ‘prerequisite for democratic development’ (Randal, 1998: 106-107).

The democratization process in South Korea since mid 1987 and the experiences of democratic practices were accompanied by the increasing level of liberalization in media activities. The country saw an increasing number of newspapers to almost three fourth from 30 to 100 in 1987 – 1993. Five commercial television stations were licensed to operate regionally. Cable news services were started in 1995 with 24 channels and 50 regional operators. Two communication satellites were launched in 1995 to open the satellite era. This is the golden era of Korean press. But on the other hand, the control of media mechanism and news production has only little shifted. For instance, Media Today, a weekly magazine published by the Korean Federation of Press Union (KPFU) reported that the old control mechanism is still applied even in the era which was called as a democratic government. Security agents of the government individually supervise various newspapers and television stations to monitor the activities of journalists (Jay-kyoung Lee, 1997: 135-136).

The above researches depict how a transitional situation in a country is always related to the relationships between the state, government, media, and civil society. In the cases of Palestine and Russia, a political change may lead to the preparation of a legal regulation on the press and to provide the freedom. On the other hand, in the transitional process of Nigeria, the press enjoys the freedom in relation to the environment or development of a democratic country. In Asia, particularly in Taiwan and Korea, a transitional period is always related to the changes in media.

A political communication research in the transitional period of Indonesia,

and in particular in the effort to see the relationships between the government and media, is also closely related and thus has a strong relevance. From an academic point of view, this research will see how the relational process between the government and media has a strong dynamics in line with the unstable transitional situation. Is in such an unstable situation the relationship among the parties also unstable or stable in nature? The researches on this matter (see Chapter IV) in general state that there is an adversarial rather than mutually symbiotic relationship. This research will also contribute to the political communication pattern in a transitional community in Indonesia or Asia. Then, a changing relationship between the government and media as manifested in the ratification of a liberal Press law will not automatically build a liberal press.

### **2.3.3 Dimensions of Political Communication**

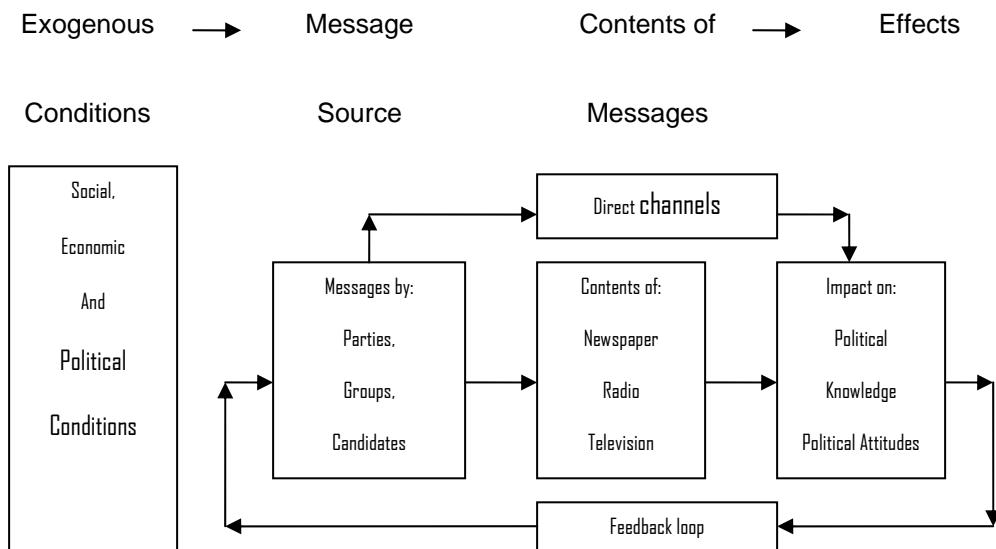
Various formulations on political communication by some experts imply the existence of some dimensions. Smith views it in the dimension of process in which the social, economic, and political situations become the background of messages delivered by political parties, interest groups, and candidates (Denton and Woodward, 1998). While McNair sees it as a relationship of various elements (Brian McNair, 1999).

#### **2.3.3.1 Process of Negotiation**

Craig Allen Smith defines political communication as ‘the process of negotiating a community orientation through the interpretation and characterization of interest, of power relationships, and of the community’s role in the world’ (Denton and Woodward, 1998:10). This definition explains how a negotiation process of a community on an interest in the power relationship is happening. In this process, there is a process of pulling and drawing on the orientation through a process of interest interpretation. This negotiation process can happen very fast but can it can also happen very slowly depending on the roles played by the actors in the community in addition to their capabilities to translate the interests in their power relationship. In addition to a process of negotiation, political communication is also defined as an interaction process of migrating information among the politicians, news media, and the public (Smelser and Baltes, 2000).

According to Smelser and Baltes, the process system model of political communication can be described as the following:

**Figure 2.1: Process of Political Communication**



Smelser and Baltes, 2001.

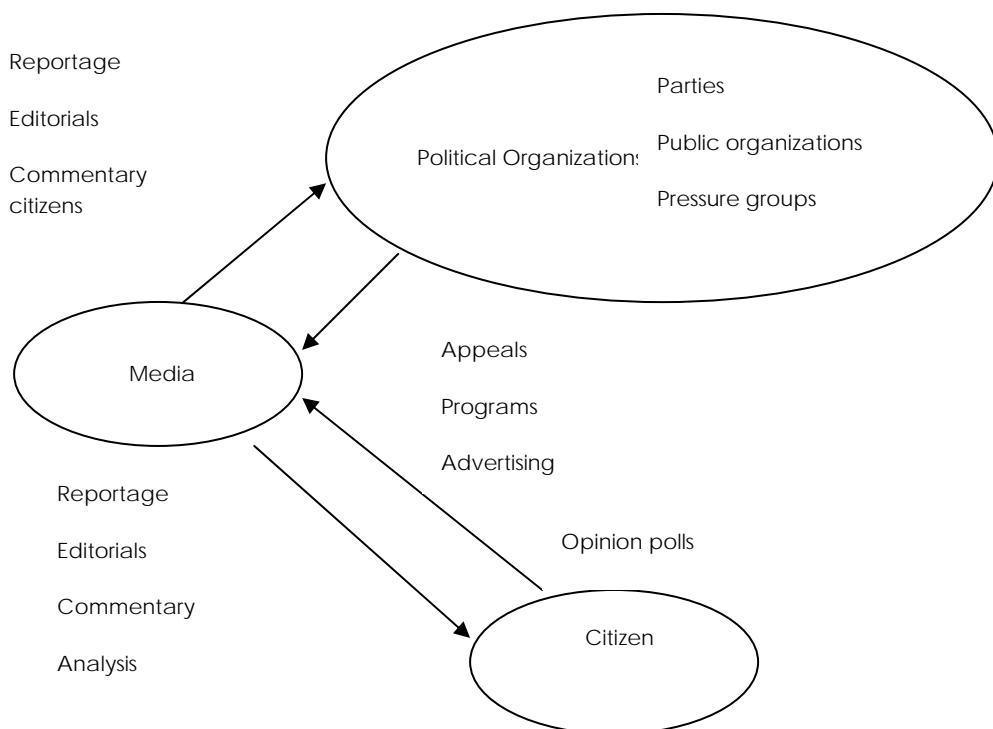
Social, economic, and political conditions can be the background of the emergence of messages conveyed by political parties, groups, or candidates. Through the direct channels, the messages of newspaper, radio, television, and internet are transmitted to individuals as well as the public that will be influential to their political knowledge, political attitude, and political behavior.

### 2.3.3.2 Relationship of Various Elements

Brian McNair (1999: 4) defines political communication as a relationship between various elements, namely political organizations, media, and the citizens. Political communication is a purposeful communication about politics that consists of: (1) all

forms of communication undertaken by politicians and other political actors for the purpose of achieving specific objectives; (2) communication addressed to these actors by non-politicians such as voters and newspaper columnist, and (3) communication about these actors and their activities, as contained in news reports, editorials, and other forms of media discussion of politics. McNair also includes political discourses, so that political communication is not only a verbal or written statement but also visual ways to signify other things such as uniform, make-up, hairstyle, and logos, all of which are communication elements that can be used to shape an ‘image’ or a political identity. But he does not include interpersonal political communication. He gives the emphasis on the political discussion among the people in a public bar or a public dinner, in negotiations by the government behind closed doors, and in information gathered by journalists from a face-to-face communication with high profile sources, as the things that are very significant for the political process. The three political communication elements can be depicted as the following:

**Figure 2.2: Relation of Three Elements (McNair, 1999: 5)**



From the first element, namely political organization, he calls political actors as the important ones. They are people with strong ambitions, through organizational and institutional ways, who try to influence the process of decision making. They do this by getting institutionalized political powers, in the government or in the groups of constituents, through which the selected policies can be implemented. The second element is the organization of a media which in a political system functions as the transmitter of political communication coming from outside the media organization itself and also as a transmitter of political messages constructed by journalists. The role of the media is not less important and it is clearly used by political actors to communicate their messages to the intended audience. Political programs, political statements, political invitations, campaign by pressure groups, terrorist's actions, all of which may have political existence and all has the potential for the effectiveness of communication only if they are covered and received as messages by the media. As a consequence, all political communicators have to have an access to the media through various ways, whether through the legislative body, or by appreciating the works of the media so that the message can be distributed. The third element is the people or the citizens. For political communication, in its widest meaning it can be an institution with a purpose to persuade all voters in a country. But it can also be meant in a narrow sense as when an influential newspaper editor asks a political party to change the leader. The audience can be widely meant or narrowly meant as in the case of a supermarket bombing (McNair, 1999: 12).

### **2.3.3.3 Cultural Dimension**

There are a number of researches showing how cultural factors influence the political communication as stated by Heisy (in Gonzalez and Tanno, 1997), including, first, the book edited by Gundykunst and Kim, 'Methods for Intercultural Communication Research' where Strarosta describes the usage of Burke's symbolic analysis technique in some selected UN speeches to unveil the motifs ('factors') of a communicator. It is said that 'the tenets of a given culture could be disclosed through an analysis of cultural materials. One subjective culture should permeate one's pronouncements' (Gonzalez and Tanno, eds., 1997: 9).

The conclusion of Starosta on a public speech which opens the teachings of a culture is anticipated by Olivier in ‘Communication and Culture in Ancient India and China’. Olivier says that the premise of his study is ‘rhetoric is culturally based’ and that ‘rhetoric inheres in the philosophy and way of life of its practitioners’, including personal and public speeches.

Second, in ‘New Directions in Political Communications: A Resource Book’, Swanson and Nimmo have a more advanced understanding on how a culture affects and expresses itself in the political communication in two ways. First, it identifies the second area of political communication research such as ‘neo-Marxist cultural studies’ which is beyond ‘the voters’ persuasion paradigm’, and this incites questions on the mainstream of this research. The editors claim that there is an increasing divergence in this study and that ‘rhetorical critics and theorists who represent the oldest tradition in the main research give more attention to the understanding of a political dimension rather than popular cultures’.

Also in this book, Johnston reviews the ‘political rhetoric’ research in 1980s, outlines some analytical categories such as the themes and messages of a speaker or a certain group, a special type of an event in which the response is given, and how a special historical metaphor is applied to create a vision for the public. Johnston concludes that by identifying one of the main tendencies as ‘an attempt to understand how through single speeches, multifold media messages, and whole campaigns, political realities are constructed, negotiated, and renegotiated by and for their participants, politicians, media professionals, and the public’. This tendency is included in an interest to test the power that the cultural components are playing in the construction and negotiation of these political realities (Gonzales and Tanno, eds., 1997:10).

Referring to the book, New Direction, Aaron Wildavsky argues that a cultural theory means that a culture plays the role as a ‘social filter’, and it enables ‘people to construct a political preference’. This perspective is very important understanding how a cultural factor affects the political communication in and in between the different systems. In Europe, the political communication has been analyzed for its cultural values. Heisy in the research on the Prime Minister, Olaf Palme of Sweden says that an examination on a political rhetoric shows two characters of Swedish traditional cultural values: namely to campaign for the cause of justice and to work for peace. Palme has

been recorded in Sweden and other places in the world where he brought the causes as the causes for his country, and this is clear in the interest he gives for the development of conscience in the world. He was against the colonial position and he supported the movement of national liberation in many countries in the world (Gonzales and Tanno, eds., 1997: 11).

Palme has become very famous for his assistance on social equality, peaceful conflict resolutions, disarmament, and non-aligned politics in the world. These all are the positions of Sweden, which are based on their own history and on their international behavior. His expressed opposition against the involvement of the United States in South East Asia is one of his personal labels. From this position, Palme wants to show that ‘for the world audience, there was an alternative to the direction the superpowers were taking’. That is why, in the funeral for Palme in 1986, his successor called him as the ‘champion of justice and peace’ and Heisy called him as a ‘conscience to the world’ (Gonzales and Tanno, eds., 1997:11).

Third, the study of McPhail believes that racism in the United States has to be rejected as a cultural phenomenon in any of its forms and manifestations. He sees that the opinion of Cornel West and Patricia Williams as a hope for the ‘perspective that challenge essential notions of race, gender, and language’, including a ‘dialog as a viable strategy for human symbolic actions and interaction’. He wants to move from ‘the rhetoric of racism’ and ‘complicity’ to a ‘dialog discourse of coherence’ which replaces the expository and argumentative discourse with ‘the unities of coherent dialog’. Such an advanced movement in the United States will be marginalized, whether it is about ethnic groups or female groups. Racism is not a ‘white problem, nor a black problem, but a moral problem which covers the political discourse in the United States’ (Gonzales and Tanno, eds., 1997: 13).

Apart from racism, the analysis on the Gulf War is also another example on how scholars view how a culture plays its role in the construction of political communication. Hallin and Gitlin examine the media coverage and political reports on the Gulf War and they found that the war was seen as a ‘high drama’, ‘a personalized contest between Saddam Hussein and George Bush’, and also as a’ ritual of a civil religion’ which identifies the ‘community’. It is a ‘story above all of American prowess: a story of the firmness of American leaders, the potency of American technology, and the bravery,

determination, and skills of American soldiers'. This dramatic story helps to shift the political focus 'from debate to a consensus' and from 'protests to demonstrations behind the troops' (Gonzales and Tanno, eds., 1997: 13).

So, it is deemed necessary to know the third tradition in political communication, namely the perspective of cultural influences.

#### **2.3.3.4 Ethical Dimension**

Political communication is about a constitutional authority, public morality, and politics (Denton, 2000: 241). It is also said that the meaning of an authority is that it is a central concept in the political and social thoughts. There are many kinds of authorities: bureaucratic, technical, and professional ones. But all those kinds of authorities are based on the structure of social relationships between an individual and the state. Such a relation can start from a coercion based on oppression, obedience which is not based on reflection but on habits, based on the purpose to enlighten the differences of the meanings. The roles of an authority in a governance is to respect not only morals, ethics, and intellectual standards but also to guarantee the social and political freedom which function as the limits for centralization and despotic power. We use an authority to protect our rights, to run a government and security, to manage a conflict, and to distribute profits and liabilities to the people.

The authority of a government: structures, rules, and laws – come from the constitution. The moral authority of a government comes from the collective trust, attitudes, and values of the citizens. A moral authority can probably be defined as perceived obligations, duties, values, or ideas which are derived from the community. From a democratic point of view, a conditional authority is defined as the capability to enliven voluntariness.

From the four dimensions, the second dimension which considers political communication as a relation among various elements particularly political organizations, media, and the citizens becomes the cornerstone of this research. This important element in this section is about how political communication becomes a political process of policy making which involves various elements such as the government, parliament, community, and media.

## 2.4 Conclusions

The political transition happened from an authoritarian to a democratic one through an unstable democratic process. The transitional approach is focused on the political process and behaviors of the elite which boost the leaders to transform and to take policies which are consistent to democracy, for instance by approving a media law (Price et al. 2002). Democracy itself requires that there should be alternatives for the public and there should be information to make the choice. In this case, a free media can provide information for citizens so that they can make the alternatives. But it is still required a civil society which has the knowledge of democracy; and a democratic system, it is still unstable in nature, needs the freedom of the press. The question is what kind of press freedom it should be.

For a transitional society, the combination of social obligation, libertarian, and development models can be the foundation of the press freedom. The purpose is to promote the national unity, economic, and social aspects but also to provide information which empowers the society and which enables the society to take the use of the information to apply a control over the government. A press freedom with a control function over the government can play its role, not just for to voice the interests of the ruler like the one in an authoritarian system. A strong media, and in particular if the media falls into a commercial market, will tend to focus on an ownership dominance. On the other hand, a media should always support the citizenship and the availability of public spaces. So, this is the essence of political communication, namely the availability of a relationship among the three elements: political organizations, media, and the citizens (McNair, 1999).

At first, political communication is elitist in nature, where a political organization (political party) is the central institution for opinion creation through newspapers, and then through electronic media, particularly through television. Technological developments then finally open the door for citizens to access information as well as to pass it through openly. A study in political communication of transitional society has two kinds of relevance. First, it is to see how a media plays its role in different political systems; for instance the study of Jean K. Chalaby in unconsolidated democratic

countries. Chalaby finds three typologies which are meant to contribute for the development of communication and journalism. The first typology is about political communication in a totalitarian regime which is characterized with cynicism, violence, and Machiavellianism of totalitarian elites. Second, it is about the media in an authoritarian regime. The leader of such a regime still needs the media which can help to publish its ideologies and stops the other ones. The third one is about political communication in a presidential regime. This system refers to the countries which adopt a presidential constitution in their transition periods from a totalitarian or authoritarian to a more democratic one (Chalaby, 1998: 432). The second relevance is to see how a new regime behaves to freedom of the press. The study of Ellis sees how the political transition in the Soviet Union has given birth to a Federal country and tried to adopt various universal stipulations in their Press Law. Ellis (1999) describes how this country tried to apply a new press law with some inspirations from Article 19 and about six other articles of the United Nations Declaration of Human Rights (UNDHR) which were relevant to Russian mass media.

A political communication has some dimensions, namely the dimensions of process, relations, culture, and ethics. In the process dimension, the social, economic, and political situations become the background of messages delivered by political parties, interest groups, and candidates (Denton and Woodward, 1998). A process of negotiation can move fast or slowly, depending on the roles played by the actors in the community or depending on their capabilities to translate the interests in the power relations (Smelser and Baltes, 2000). On the other hand, McNair sees it as a relationship of various elements, namely the political organizations, media, and citizens. Referring to Swanson and Nimmo, a culture may also influence and express itself in the political communication. While Aaron Wildavsky considers that an action culture as a ‘social filter’ enables ‘people to construct a political preference’. This perspective is also important in understanding how a cultural factor affects the political communication in and among the different systems. In an ethical dimension, a political communication is a constitutional authority and a public and political morality (Denton, 2000: 241). An authority plays its role in the governance to respect morals, ethics, and intellectual standards, but also to ensure the social and political freedom and it plays as the limits for a centralization and despotism. An authority is used to protect the rights of the citizens, to

run an order and security, to manage a conflict, and to distribute the profit and liabilities among people. The authority of a government which includes the structure, rules, and laws which come from a constitution cannot be used arbitrarily because it comes from a collective trust, attitude, and values of the citizens. A moral authority is a perceived obligation and duty which is derived from community values such as ideas and ideals of the society. It is used to raise the voluntariness. So, the establishment of a legal law for the media by the government which is entering a democratic system is to protect the rights of the citizens, to enforce the authority which defends the public morality.

To mention some, first, in a book edited by Gundykunst and Kim, *Methods for Intercultural Communication Research*, Starosta explained the use of “Burke’s symbolic analysis technique” to selected speakers of the UNO to disclose the motivations (‘factors’) of the communicator”. It was said, ”that the tenets of a given culture could be disclosed through the analysis of cultural materials. One subjective culture should permeate one’s pronouncements” (Gonzalez and Tanno, eds.1997:9). Starosta’ conclusion about public speech opening the culture learning was anticipated by Oliver in *Communication and Culture in Ancient India and China*. Oliver said that the premise of his study was “rhetoric is culturally based” and that “rhetoric inheres in the philosophy and way of life of its practitioners,” including personal and public speech.

Second, in *New Directions in Political Communication: A Resource Book*, Swanson and Nimmo had more advanced understanding how culture influenced and expressed itself in political communication in two ways. The first method, in identifying the second area of political communication research such as “neo-Marxist cultural studies, ” beyond ”the voter’s persuasion paradigm,” invited a question about the mainstream of this research. Its editors claimed the existence of the increasing divergence in this review and that “rhetorical critics and theorist, who represented the oldest tradition of the main research, gave greater attention to wider understanding of political dimension than popular cultural forms”.

It was in this book as well that Johnston reviewed the research of “political rhetoric” in 1980s, making outline of some analysis categories like the themes and messages from the readers or special group, special type of an event where response was given, and how special historical metaphor was used to create a vision for public. Johnston concluded in his review by identifying a big tendency as “an attempt to

understand how, through single speeches, multifold media messages, and whole campaigns, political realities are constructed, negotiated, and renegotiated by and for their participants-politicians, media professionals, and the public". This tendency is included in the interest in testing the strength that cultural component plays in the construction and negotiation of these political realities. (Gonzales and Tanno, 1997:10).

Still referring to *New Direction* book, Aaron Wildavsky suggested that a cultural theory means that culture, acting as a "social filter", enabled "people to construct political preference". This perspective is important in understanding how cultural factor influenced political communication in and between different systems. In European regions, political communication had been analyzed for cultural values. In a research on Prime Minister Olof Palme of Sweden, Heisy said that an examination of political rhetoric showed two characters of Sweden traditional culture: campaigning the cause of fairness and worked for peace. Palme was noted in Swede and other places in the world where he brought the causes as the cause of his country was clear in the interest he gave to the development of conscience in the world. He opposed to colonial attitude and supported national liberation movement in many places in the world (Gonzales and Tanno, 1997: 11).

Palme became famous due to his contribution to social equality, peaceful conflict resolution, disarmament, and nonalignment politics in the world – all are Sweden positions, based on their own history and international behavior. His open opposition to the involvement of the United States of America in South East Asia was of his personal stamps. From this position, Palme wanted "to show the world audience that there was an alternative to the direction the superpowers were taking". That was the reason that in Palme burial in 1986, his successor called him as "champion of justice and peace" and Heisy called "as a conscience to the world" (Gonzales and Tanno, 1997: 11).

Third, McPhail study believed that racism in America must be rejected as a cultural phenomenon in all of its forms and manifestations. He saw the ideas of Cornel West and Patricia Williams as a sign of an expectation for an offer of "perspective that challenge essential notions of race, gender and language", including "dialogue as a viable strategy for human symbolic action and interaction". He wanted to switch from "the rhetoric of racism" and "complicity" to "a dialogue discourse of coherence" that replaced expository and argumentative realm with "the unities of coherent dialogue". Such a

forward movement in America would be put aside, either ethnical group or female group. Racism is not "a white problem, nor a black problem, but a moral problem covering political discourse in America (Gonzales and Tanno, 1997: 13).

In addition to racism problem, analysis on Gulf War is an example of how scholars see culture plays its part in the construction of political communication. Hallin and Gitlin examined media coverage and political reports of the Gulf War and found out that war was seen as a "high drama", "a personalized contest between Saddam Hussein" and George Bush, as well as "ritual" of "civil religion" confirming the "community". It was "a story above all of American prowess: a story of the firmness of American leaders, the potency of American technology, and the bravery, determination, and skill of American soldiers." This dramatic story helped shift political focus "from debate to consensus" and from protest to demonstration behind the troop. (Gonzales and Tanno, 1997: 13).

Thus, the third tradition in political communication has to be understood, namely the perspective of cultural influence.

## Chapter 3

### **Comparative Analysis of Political Communication in other Countries**

Started with a short description on the situation of media in respective countries, this chapter will describe the dynamics of political communication in some industrialized countries as well as developing countries or transitional countries. The United States, UK, and Germany are three representatives of industrialized countries with important media developing that may affect other countries. Russia, Hungary, and the Philippines are three representatives of transitional countries in Europe and Asia. The important lessons to take from the six countries are focused on the relationship between the government and the media as depicted through legal regulations, principles of press freedom and in some recent cases. In the relationship, formal obstacles can be seen in the laws and regulations made by the state, and the informal ones can be found in other mechanism such as ethical, social, economic, and cultural matters where the two institutions are forming the media content (Grossberg et al., 2006).

#### **3.1 Political Communication in Industrialized Countries**

##### **3.1.1 United States of America**

Similarities between Indonesia and the United States can be found among others in the number of their populations. Both are included in the five largest populations in the world as compared to other countries. The dissimilarities can be found among others in the fact that from the total 278,058,881 American people, 97% are literate in addition to having a high income per capita. The two factors make American people capable to access all kinds of media in their various forms such as newspapers, magazines, radio, television, documentary movies, and internet, while Indonesians are just entering the era of television after newspapers and radio.

### 3.1.1.1 Media System

The general tendency of US press in the 20<sup>th</sup> century includes consolidation, corporation or chain ownership, and monopoly in many towns and cities (Quick, 2003). For instance, in 2001, good newspapers could only be found in 49 cities of which 16 of them were owned by a single owner. Though the levels of population, prosperity, and literacy have been tremendously increasing, but the number of papers has been continuously decreasing. In the last 30 years, the number of papers has decreased from 1,748 to 1,480. The largest papers in America include *The Wall Street Journal* with 1,763,000 in print, *USA Today* (1,693,000), *New York Times* (1,097,000), *Los Angeles Time* (1,033,000), *The Washington Post* (762,000) (Quick, 2003). Papers were on their peak in the US between 1890 and 1920 where the population was tripled between 1850 and 1900 to reach almost 76 million. On the other hand, the circulation of papers increased twenty times to reach 15.1 million in 1900 (McKearns in Straubhaar and La Rose, 2004: 100).

The most important issue in US press is the quality of journalism. The unique aspect of a newspaper is its attachment to news particularly political news. But when the number and the level of competition among papers started to decrease, they also started to decrease their support to a particular political party or ideology. Journalists are trained to grab the objectiveness in their coverage and they are warned to keep a distance with an issue, sources, and events covered. However, there are also criticisms that most American papers are basically biased in their coverage, like supporting capitalism, free market, and based on the two-party system. Corporate consolidation in 2002 made journalists concerned about the opportunities to give an influence as the result of a centralized ownership in a very lithe number of people (Quick, 2003: 1022-1023).

The golden age of radio was much brighter after the bombing of Pearl Harbor by the Japanese in 1941 and the US was forced to join the Second World War. Radio was used to sell war ties and most of its content was intended to strengthen the morale of the nation. When the war ended and radio license was provided, the number of radio stations jumped to 2,000. Annual advertising revenue reached \$454 million in 1950. With the advent of television, the number of affiliated networks dropped from 97% in 1945 to reach 50% in mid 1950s. Radio stations became more localized in the face of national

television domination and the advertising revenue for radio dropped to reach \$35 million in 1960, while 90% of American households owned a television set (Baran, 2004: 205). In early 1980, a boom of financial speculation showed up in radio stations because their values were considered sharply increasing. A few years of revenue made the speculator out. Changes in ownership as dictated by the telecommunication law of 1996 permitted the groups of radio stations to get more additional stations just to speed up the number. The largest groups of owners started to join the Clear Channel Communication with more than 1200 stations. But in 1996 to 1997, more than 4400 stations changed hands. The largest format of stations in the US included country, classic, and new to reach 2,218 programs, followed by news / talks/ sports (1,838), religious / gospel/ Christian (1,803), standard adult (1,290), oldies, 70s – 80s, rhythmic oldies (1,006), rock, classic rock, AOR (812), Spanish (all including news talk) ( 600), contemporary hit (CHR), rhythmic (551), alternative, adult alternative (429), urban, urban oldies, urban AC (321), classical, fine arts (276), new adult contemporary, smooth jazz (148) (Straubhaar and LaRose, 2004:134-135).

Radio industry became the model for television industry in the US. Local television served their communities but they were also affiliated to their networks. In 1950s there were four TV networks, namely *CBS*, *NBC*, *ABC*, and *DuMont*, and in 1980s and 1990s the competition among television industries got more severe (Dominick, 2007). In 2005, *CBS* and *ABS* started to decline to make more people change to cable TV news. Cable TV has formed the new modern television and 69.4% of home televisions (73.2 million households) are wired (Baran, 2004: 251). Pre-cable television audience had only fewer choices, namely three commercial networks, public television, and an independent television station, but they have more than 100 channels to choose. The new outlet provides a channel for innovative series, like the launching of the first series like *Oz* of the *HBO* and Soul Food of Showtime. Through the expansion of optical fiber cables using signals channeled through light beam on fiber glass, 500 cable systems can be technologically made.

The US enjoyed internet booming between 1998 and mid 2000 and started to declined in 2001. In this year it was predicted that the internet service providers lost more than \$1.7 billion (Dominick, 2007: 272). There are 6,000 internet service providers (ISP) in the US including the famous ones like America Online, Prodigy, and the wireless

Ricochet. In 1996, 63% internet users were males, in 2000 female users became the largest users for the first time. But the profile of internet users in the US in 2002 was like the followings: 90% in the 5 -17 years of age brackets, followed by college students 81%, married couples with income more than \$75,000 (79%), females (54%), married couples, (50.5%), males and female single parents (46% respectively), and married couples with income less than \$15,000 (Baran, 2004: 310).

### **3.1.1.2 Government-Media-Relations**

The first amendment of the US constitution is one of the political system elements. It also provides enough freedom for media to determine how media are going to cover and report news. But at the same time, the first amendment also protects paid political speeches, controversial issues, as long as the actions by political committees paying the candidate campaign are made independently (Perloff, 1998: 11).

According to Croteau and Hoynes, it is not enough just to refer on the first amendment. Indeed, in the first amendment, the state guarantees freedom of the press. The complete statement is: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” We don’t have to look deeper to find other dimensions of the relationship between the government and media except for the US constitution (Croteau and Hoynes, 1997:67). Article 8 of section I says: “Power of Congress,” is among others a power “to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.” Croteau and Hoynes say that the constitution explicitly gives the Congress the right to intervene communication market to protect the interest of creator through copy rights (1997: 67). Through this case it wants to be shown that the government does make interventions and these are important for the functioning of media industry. Without copy right enforcement by the government, the profit of media industry would not last. And in the end, the discussion wants to mention that the relationship between the government and media is more complicated than the slogan of ‘freedom of the press’. Other important issues are about communication systems which are related to regulations dictated by the

government. In the context of the first amendment, this refers to the media of the age, namely print media, while in Europe the government limited the right to print through various ways such as printing taxes and aggressively punished defamations (Eisenstein in Croteau and Hoynes, 1997: 68).

Press freedom in a liberal democratic system has its own reality, not only for print media but also for television. Press freedom is defined as a medium in which a diversity of ideas and opinions is allowable, not as a single opinion agent of state propaganda (Street, 2001: 253). The media is ‘free’ in the sense that it is not subject to a centralized control. Any control on its content is a violation of the freedom. The meaning of press freedom is attached to the free market. This puts media at the basis of a free market in the sense that there is an opportunity to assure the media independence from the government.

In broadcasting there is a different regulation by establishing the Federal Communication Commission (FCC) in 1934. Now the responsibility of FCC includes the regulation of communication among states and US international Communication through radio, television, cables, satellites, and wired transmission. FCC is also responsible to issue the license, charges, and enforcement of communication laws.

The relationship between media and politicians in US government is a mixture of conflicts, cooperation, support, and denial (Silverblatt, 1995: 229). There are two differences to discuss the subject: first, media coverage on politics and media usage by politicians. The competing functions are depicting the aspects of political communication.

According to Silverblatt, there are some reasons why media covers politics including (1) media informs the public on political life of the state by educating the public on issues related to politics, for instance when American media strengthens the political agenda for the whole nation, (2) media provides public exposure for politicians. In American context, politicians are very much dependent on media when media coverage lends its legitimacy to politician’s aspirations, (3) media influences public attitudes on politics and other issues which is the result of media influence and that is why politicians are trying to show their good will to media, and (4) media works as the enemy for the government. In this case, media plays the role as a watchdog for the government; even media makes the government more accountable in the eyes of the

people. For instance, investigative reports on Vietnam wars, Watergate, and Iran-gate have contributed to the assignments of officials to improve policies, and to reform the governance (Silverblatt, 1995: 230).

On the other hand, politicians can monitor messages delivered to the public to media, for instance through political advertisements. Politicians can manipulate media coverage by holding press conference, speeches, meetings that will be covered by media. According to Silverblatt (1995: 231-2), media usage by politicians can be categorized into: (1) media sees politicians as important sources of news and fortunes; (2) politicians use media to monitor; (3) to manage information flow; (4) to limit the access for reporters; (5) to speak in unison; (6) to facilitate media in providing various sources; (7) to exploit media, and (8) to bind media anytime it is required. On the other side, media also supports the agenda of the government by expanding the destination edge of the coverage by collaborating with the government. The two sides of the roles meet together to make public confused because of the fact that the difference between a news item and a political advertisement is very vague, for instance election news item as an advertisement.

In 1970, the most important cases included the Pentagon Papers and Watergate scandal. Pentagon Papers proved the illegal US bombing in the neutral Cambodia in the Vietnam wars and it placed the media in a conflicting situation with the government. In the case of Watergate, two Washington Post journalists revealed the Watergate scandal to make the president Richard Nixon resign (Braestrup in Straubhaar and La Rose, 2004). The era also asserted that the US press was no more a watch dog but an attack dog based on the practice of investigative journalism.

The most recent case in relation to press freedom is about the case of a basketball player Kobe Bryant in 2004. The court reporter mistakenly delivered secret report to some media. After realizing the mistake, the judge ordered that all copies be destroyed and warned anybody holding the copy as a contempt of the court. The judge said that the policy to hold the report was for the sake of national interest. But what the judge did then was eventually stopped when the judge revealed the information in the copy and in 2005 the court said that a judge could not be prevented of publicizing the name of juries identified in the open session of the court (Dominick, 2007: 347).

### **3.1.2 Germany**

The history of Germany is very interesting to be made a comparison in looking at the dynamics of its political communication. As an industrialized country, the public access to media is very much different from those in transitional or developing countries. The unification of Germany in 1989-1990 was a different nuance as compared to France, UK, or Sweden because Germany today is in the process of integrating 16 million new citizens into its economy, social and political situations (Hancock, et al., 2000). In 1989, the Federal Republic of Germany included 248,621 square kilometers with 62.7 million of people including those most densely populated areas (ca 250 people per square kilometer) in the world (Ostergaard, 1997). It can be said that in fact Germany has not been long in a ‘transitional’ situation.

#### **3.1.2.1 Media System**

As compared to other European countries, Germany is considered as one of the most densely populated countries with 82,160,000 people. Just like in the US, the development of media in the country drops. In 1997 there were 403 newspapers and only 381 in 2001 (WAN, 2002). According to the association, the growth level of national newspapers dropped from less than 7 in 1997 to 10 in 2001. But the number of papers at regional level and local level dropped from 396 in 1997 to 371 in 2001. The total circulation also dropped from 25,260,000 in 1997 to only 23,838,000 in 2001. The big five of newspapers in Germany included *Bild* with 4,396,000 in circulation followed by *Zeitungsguppe WAZ* (1,090,000), *Zeitungsguppe Thuringen* (458,000), *Suddeutsche Zeitung* (436,000) and *Rheinische Post* (418,000). The general profile of German press, according to Kelly, Mazzoleni, and McQuail (2004) included (1) there are a lot of titles, (2) strong local papers, and sometimes monopoly, (3) only small number of national papers, and (4) many magazines.

Following Ostergaard, as compared to other industrialized countries in Western Europe, German press dated back to the seventeenth century and closely related to the emergence of a capitalist state and its industrial economy. Up to the dawn of the

twentieth century, in the era of the Weimar Republic, the press grow with a commercial character and concentrated in the hands of some publishers like Rudolf Mosse, Leopold Ullstein, and August Scherl. There also grew some party presses like those published by the Social Democratic Party. In the mean time, in the World War I, Alfred Hugenberg, an ultra conservative industrialist, started to establish his ‘media empire’ to support the rightist political extreme and to help Hitler to reach the throne of power (Ostergaard, 1997: 76).

Television transmission was started in 1954 through TV channels. This was the cooperation among all Lander organizations to establish the *Arbeitgemeinschaft der Rundfunkanstalten Deutschlands* (ARD), a federal effort to introduce the second channel which was cancelled by the federal constitutional court in 1961. All national broadcasting activities were taken at the Lander level than the federal one. The ARD then opened the third channel (ARD-3). The first two channels offered public programs, the third channel started to air regional and cultural programs. The public service broadcasting is a strong factor to support regional identity (Kelly, Mazzoleni, and McQuail, 2004: 82).

In 1970, the public monopoly started to be broken by the introduction of commercial broadcasting. The main actor was paper industries, namely the successful ones in 1984 / 1985 when the dual system was established. After a few years of inactivity, public broadcasting started to react against the challenge and started to offer entertainment while developing some special channels in cooperation with Austria and Switzerland in German language, a German channel (ARTE), a documentary channel (*Phoenix*), and a channel for kids (*Kika*). The ARD-3 program was then channeled through the satellites to make *N-24* viewed at homes. This made most German citizens have more than ten or more public service channels. The main competitor for public broadcasting was *RTL*, which was originally aired from Luxembourg as *RTL-plus* to cross the borders. Then it was introduced *Pro-7*, followed by *Vox*, *RTL-2*, *Kabel 1*, and special channels like *Viva 1 + 2*, *DSF* for sport, *ntv* and *N-24* for news (Kelly, Mazzoleni, and McQuail, 2004: 82-83).

Almost all radios in Germany are regional or local in nature. In addition to the two programs distributed nationally (Deutschland Radio) as the remains of the unification process, all other programs are limited for local and regional distances. The monopoly on

radio public service remained up to 1985 when the first commercial radio station was licensed. Since the license issuance was handled by the broadcasting authority in Lander, the situation changed, and a different policy was made.

Based on a study by *ARD*-online in 2001, the number of German citizens using Internet was 38.8 percent, including 48.3 percent of all males and 30.1 percent of all females. The main provider was T-online, a sister company of Deutsch Telekom and *AOL*-online. The majority of broadcasting media used the online service and the most successful one included *rtl.de* (1.48 hits in February 2002), *sat1.de* (800,000), *sport1.de* (510,000), and *wdr.de* (500,000). *WDR* is a public service of North Rhine Westphalia. A public broadcasting services often invests its capital in online service and almost all of them build portals centered in news (*tageschau.de*), regional matters, and materials to support their programs. In the mean time, their business competitors give the emphasis on entertainment, games, and interactive chatting. Most papers are also active in online service, among others include *FAZ* (*faz.de*) which starts to collect money for larger usage.

### **3.1.2.2 Government-Media-Relations**

The end of a propaganda media system by the Nazi dictatorship started the new license structure for papers and magazines, where broadcasting stations were under the control of the allies, and only some of them which were placed under German authority. This is the end of the old regime until the establishment of the Federal Republic based on the new basic law as its constitution (Kelly, Mazzoleni, and McQuail, 2004). In section 5 article 1 it can be seen:

Everybody has the right to free expression and publication of his opinion in word, writing and picture and the right to obtain information without hindrance from sources generally accessible. The freedom of the press and of reporting by broadcasting and film is guaranteed. There must be no censorship.

While in the Federal Constitutional Court it is stated: “a free press, independent of the State and not subject to censorship, is one of the fundamental elements of the democratic state; in particular, a free, regular political press is indispensable for modern democracy. In a representative democracy, the press is both a constant link and a instrument of

supervision between the people and is elected representatives in parliament and government" (Bergmann, 2000: 3).

But in addition to the general guidelines as the part of human rights in the constitution, there are not many references of media which can be found. Section 70 states that a law making for the press is in the hand of the Lander, but the federal government can specify a general framework of rules which it never does. All Lander make their own press laws consisting of similar regulations on publisher's information, the rights of journalists, and other materials. This emphasizes the fact that a newspaper business is treated in the same way anywhere. In addition to this law, the self-regulation system is also applied. A press council (*Deutscher Presserat*), which includes the representatives of publishers and journalists, handles all complaints and issues open warning. An advertisement council does the same thing.

A special regulation for the press was included in the federal cartel law in 1976. The most important definition of a free market was more specifically defined for the press in comparison to other institutions. But the implementation of this regulation was not so strict and the publishers tried to revoke this regulation (Kelly, Mazzoleni, and McQuail, 2004: 85). Klaus Bergmann, a media law expert says that the media law in Germany can be assumed as a rule in a soccer match. There are certain rules to follow by all players, and the rules are needed just to make the game not ended in a chaos and boring for the viewers. But on the other hand, the game will also be boring and meaningless if there are too many rules where the referee always interferes and stops the game (Bergmann, 2000: 2).

The basic law says that the sole responsibility in broadcasting is on the hands of the Federal Republic of Germany (FRG) as a part of its cultural sovereignty. But there is also an exception for radio and television companies of which main function is to provide information for foreign countries based on the federal legislation, namely for *Deutsche Welle* (DW). Just like the one mentioned previously, another actor in broadcasting policy is the Federal Constitutional Court which said its opinions in some important decisions in 1961, 1971, 1981, 1986, and 1992. The court maintained the public service system decided in 1961 when it banned commercial television companies, and in 1986 it said that a commercial broadcasting was protected by the constitution, some basic principles

were protected for instance for financial security, and that a public service was allowed to take basic programs (Ostergaard, 1997: 84).

The first decision on broadcasting in 1961 for instance said that the court supported and institutionalized the opinion of the Allies on democratic pluralism and its implications on public opinions as imbedded in the basic law of the Federal Republic of Germany in section 5 on the guarantee of freedom of opinion. And the court recorded that in section 5 of the basic law it was dictated the position that organized broadcasting providers to give effective participation of all relevant powers in their organs, to give them an opportunity to air their opinions in all scheduled programs. The position contained the guidelines of mandatory contents which guaranteed the minimum balance, objectivity, and the principles of mutual respect (Dahlgreen and Sparks, 1997: 98). In its verdict in 1981, the court agreed the principles of commercial private broadcasting which became the foundation of conservative Lander to start introducing the legislation on private broadcasting in 1984. The decision in 1986 basically was to restructure German broadcasting to a dual system which combined the structure of public service and the public service itself.

The public service system has three structural layers which consist of a supervising body or broadcasting council, an administrative body, and a director general or Intendant. The third structure, Intendant, is mainly responsible for the structure and content of programs and for budget preparation. The broadcasting council represents the ‘general public interests’ (Dahlgreen and Sparks, 1997: 102).

With the dawn of new electronic technologies, namely cable and satellite technologies, a new legislation is deemed necessary. All states prepared a media law in 1980s particularly to control electronic media outside conventional public companies by distributing commercial radio and television licenses and to determine what program should be included in the cable system. For this matter, a new supervising body was established namely the *Landesmedienanstalten* (Ostergaard, 1997: 85).

German media industry also follows the policy of horizontal and vertical centralization. A television broadcasting organization can control any number of television channels up to combined maximum of 30 percent of public shares. The owner of a print media in a German state has a dominant position in the market but it cannot

apply its dominant power on a broadcasting program in the same area (McQuail and Siune, 2001: 193 – 194).

After the unification and political liberalization, the control of German Democratic Republic (GDR) on the press was paralyzed and the journalists reached their highest freedom (Ostergaard, 1997: 84). Following Ostergaard, soon after the fall of the Berlin wall, Western publication flooded East Germany and competed with old publications. Western magazines and tabloids got their huge fortune and a publisher like *BILD* started to publish its regional edition for East Germany, while a lot of old publishers came to an end. On the days of ‘non-violence revolution’, some new publishers came with an ‘alternative’ concept but not many could survive. But some communist publishers at district levels survived and proved to be stable even after the unification. They were taken over by Treuhand, the commissioner for East German companies for West German publishers sometimes to reach 100% of shares. In other cases, joint ownerships were established, for instance Springer which acquired a prominent publication of Leipzig (50%) and Rostock (75%), Bertelsmann acquired a Berlin publication in addition to Dresden (60%).

But in the matter of policies for press and broadcasting, the main actor is the political parties, in particular the two largest parties, namely CDU (Christian Democratic Party) and SPD (Social Democratic Party) at the Lander level. In 1980 they issued a new regulation for the commercial sector by giving themselves a central position in the newly established supervising institution. The federal government was not much exercising its power, for instance on *Deutsche Telekom*. But in the peak months of unification, the situation was so unclear to determine the integration of broadcasting (Ostergaard, 1997: 91). The most influential business actor is the giant media companies such as Bertelsmann and Springer which dominated the publication for a long period with a success and they started to demand new licenses for commercial broadcasting. They were now in the main position in radio, television, and print media industries which created new problems of the concentrated media. Most of them (Springer, Bauer, Burda) are inclined to CDU and they find the party as a ready fleet to be more commercial. Bertelsmann behaves more independently and sometimes it is inclined to SPD. Foreign actors also come in such as *RTL* and Berlusconi, but their influence is limited.

### 3.1.3 Great Britain

As compared to the United States and Germany, Britain is a much smaller country in terms of its area and population. Out of 59,647,790 British citizens the literacy level reaches 99.0%. They live in 24 million households. Around 90% of the population lives in urban areas particularly in London and Manchester. At least 95% of the population speaks English as the first language. Other people speak Urdu and Welsh. England with its centralized governance changed its direction in 1997, followed by Scotland and Wales and Northern Ireland to lead a federal tendency (Kelly, Mazzoleni, and McQuail, 2004: 262). However, the international community never moves its eyes on political affairs in UK including the relationship between the government and media. Though well known as a very liberal country, the British government also limits the freedom of the press.

#### 3.1.3.1 Media System

There are three influential papers in the country namely *The Times* with 711,628 in circulation, followed by *The Daily Telegraph* with 1,006,561 in circulation, and *The Guardian* with 403,009 in circulation (Quick, 2003). From the circulation's point of view, it is only *The Daily Telegraph* is included in the big five. The largest circulations include *The Sun* (3,388,703), *The Daily Mail* (2,429,906), *The Daily Mirror* (2,116,710), and *The Daily Express* (927,785).

Very contrast to US papers, in fact there are many national papers in UK which openly and emphatically are partisan papers (Alger, 1996: 408). According to Alger, as the result of the ownership and editorial orientation to Conservative party and ideology, and tendency to ownership concentration for two decades, the press has intensively tended to the Conservative party. In fact, Labor party and the new alliance party, Social Democratic – Liberal party, have been are not favored by the press. Out of eleven dailies in 1992, seven favored the Conservative party; even some of them were so empathic by showing the position in their head line news coverage. There were only two papers with orientation to Labor party and the other two were independent in nature (Alger, 1996: 408). The problem of British press includes commercialization, effect of advertisement, tendency to sensationalism, ownership centralization, and less political coverage (Negrine, 1994: 39).

The contrast between the British and American media system can be seen in broadcasting. The *British Broadcasting Corporation (BBC)* is really a legend in broadcasting world. Britain took a different path in the development and control upon broadcasting. The position of the company (*BBC*) is independent in its day-to-day business, and the primary control comes from the government. In terms of the demarcation between the government and *BBC* it was said: "Where the interest of the State appear to be at all closely involved, it is open to the Corporation to consult a Minister or Department informally and of its own accord. This method leaves decision and discretion in the hands of the Corporation and is consistent with the independent status which was formulated" (Alger, 1996: 409).

In UK there are four dominant groups in commercial radio namely *Capital*, *GWR*, *EMAP*, and *Scottish Radio*. Along with six other groups, these radios are owned by the British commercial radio. BBC takes 53% share and commercial radio takes 45% (Kelly, Mazzoleni, and McQuail, 2004: 265).

All groups of major papers and television stations, in particular the BBC, actively compete in internet business. The proportion of household users to the Internet sharply increased from 29 percent by the end of 2000 to around 45 percent by the end of 2001. *The BBC* site, [www.bbc.co.uk](http://www.bbc.co.uk), was claimed as the Europe's leading content site which was combined by the BBC World Service with its 614 page tracks in March 2002 (Kelly, Mazzoleni, and McQuail, 2004: 266).

### **3.1.3.2. Government-Media-Relations**

Tracing its history, Britain in the 17<sup>th</sup> century applied a tight control on the press. The control on regulation and censorship was made on the basis that press freedom was considered a threat for the national security and stability (Negrine, 1994: 20-21). Britain was a unique country because its long tradition of press freedom did not oblige it to have a written law even in its constitution. However, this situation is also a weakness because there is no basic written protection for press freedom. In daily reality, British press is one of the freest one in the world except in emergency situation like in the First and Second World Wars. The unavailability of written law gives a chance for the government to threaten any media which is considered as not being in the same opinion with the

government. A criticism on a calumny, sexual abuse, and law violation shows that there is an option on possible censorship (Quick, 2003: 1008).

The advent of the National Secrecy and Calumny Laws are just barriers in the democratic system of Britain (Alger, 1996). The National Secrecy Laws bans the broadcasting of publication on any information in which the government has considered it as a secret. This is quite similar to the law in the US, but this regulation is officially intended to protect national security and defense, particularly in covering a subject of ‘draconian width’ with the ‘application of military secrecy even to the most innocuous civil information’. This law is really limiting and it is applied by the government by an imprisonment for the failure to communicate the information. The regulation gives the rights to the police to search an editorial office and to take away any letter or anything which is considered a proof of rule violation, if there is a reasonable reason for the implementation of both violations (Alger, 1996: 414).

Officially, British press is free from the government. Censorship is seldom implemented and there is a limited regulation on the press. The relationship between the state and the press is symbiotically as well as hostile in nature. Based on investigative reports, British media practice a watch dog journalism which is long so that it can protect the public from corruption and power abuse by government officials (Quick, 2003: 1008). In 1991, there was established the Press Complaints Commission (PCC), an independent regulation agency as a mechanism to reestablish the press council which was developed in 1947 by the Royal Commission on the press. PCC was a reaction against the belief that press standards have been eroded and that there is a monopoly tendency in the press. In late 1980s, it was believed that the press council was no longer effective when its members were involved in various cases which were not professionally related to the press and to financial sources which were not independent in nature. In addition, in fact the editors did not consider it as a serious one (Quick, 2003: 1009). In many cases, British media is quite different from its counterparts in the US where national papers are open and emphatically partisan. The ownership and editorial orientation is to the Conservative party and also to an ideology.

National papers dominate British media policy. And the power of national papers on media policy has been increasing for two reasons. First, media communication and media have been more important since the end of broadcasting and communication

monopoly. Second, papers have been changing since the last decades to be different, more aggressive, and active in searching for political and commercial agenda. British politicians are scared of the press for some reasons; when the national press starts smelling the blood of politics, the press will give no mercy. All politicians see how other politicians' career was torn apart by papers. British prime minister is so sensitive to the potential dislike of the press. Tony Blair in 1997 and on has permitted anti European papers to veto British membership in Euro finance (Kelly, Mazzoleni, McQuail, 2004: 266).

Out of eight newspaper owners, Murdoch is the most important one. He has a long career in seducing politicians. He owns *The Times*, *Sunday Times*, and two tabloids, *Sun*, and *News of the World*. The other three are perhaps more potential politically than Murdoch, including *The Daily Mail*, *The Daily Telegraph*, and *The Daily Mirror*. The prime minister often intervenes media policy, and many of these interventions take the form of face-to-face meeting between the prime minister and newspaper owners (Kelly, Mazzoleni, and McQuail, 2004: 267).

The relationship between the press and the government significantly changed in the period of 1980-2000. In addition to the level of partisanship than US papers, British papers in the 20<sup>th</sup> century were more independent from political parties, so that a paper that was perhaps so friendly in the eyes of a politician could sophistically 'manage' news. Barnet and Gaber, as quoted by Quick, depicted how a political leader tried to control media coverage by the so-called 'spin-doctor' (Quick, 2003: 1008).

British press industry also underwent structural changes. Before 1850, the market system functioned to promote social access to the public domain where cheap papers could be started and still got profit even without an advertisement. But in the second half of the 19<sup>th</sup> century, the dependence on advertisement increased and brought to the ad-hunger of radical papers, while the increasing publishing costs brought a strong change in control power of popular press to capitalist businesspersons. Then it was followed by a consolidation of newspaper chain in the 20<sup>th</sup> century which was most controlled by the right wing. The death of labor press, a bureaucratic voice through which labor interests were channeled was represented in 1920s (Dahlgreen and Sparks, 1997: 39-40). This change strengthens the press flow to the right. In 1987, the Conservative papers owned 72% of national circulation though in fact the Conservative party only won 43% of votes

in the election. Even non Conservative party press was closed for political centers and joined the stigma of dissidents, leftist union, radical council, militant students, and gay proponents (Dahlgreen and Sparks, 1997: 40).

In Britain, TV and radio help democratizing the relationship between the government and the governed. A TV studio weakened the parliament as a national debate forum, with a consequence of politics becoming a public activity rather than a closed business among professional politicians followed by elite politicization in general election. The emergence of broadcasting just like the press proves itself as an emancipative power to empower the people (Dahlgreen and Sparks, 1997: 44).

An emergency situation happened when the Independent Television Commission (ITC) was always chaired by a scholar or a business person not a person from the media. Sir John Biggam, the person named to chair the ITC in 1996, said to the journalist of Broadcast that his television was prevented for news and the documentary program: ‘After that I fall asleep’. That is also the case when a politician doesn’t have knowledge about the media or previous experience before handling the policy on national media (Kelly, Mazzoleni, and McQuail, 2004: 266). In 2002, there was designed a Communication Bill which planned the complex structure of Office of Communication (OFCOM) as a ‘softer’ regulating body. Most of its contents were focused on the issues of telecommunication regulation.

### **3.1.4 Conclusion**

Political communication in such industrial countries as the United States of America, Germany and England is influenced by social-political and technological development as well as its media system. The relationship between the government and media is based on the supporting law.

In USA, consolidation, corporation and ownership become the tendency of press development in the twentieth century. Radio industry becomes the model for the development of television industry, and Internet increased in the year 1998 to 2000, then decreased in the year 2001. The number of newspapers tended to decrease, but the most important issue was about journalism quality. Criticism said, American newspapers were basically bias in its reports that supported capitalism, free market and are bases on bi-party system. The relationship between the government and media was based on

democratic political system that was manifested in the Constitution, the First Amendment. It was confirmed there that media had freedom and the state guaranteed not to establish laws prohibiting the freedom of religion, the freedom to express opinions, the freedom to gather peacefully and the right to submit petitions to the government. The relationship between the government and media is combination of conflict, cooperation, support and refusal (Silverblatt, 1995: 229).

Germany was actually experiencing transition time after the unification in 1989. Just like in the United States of America, there was decrease of the number of newspapers in this country, especially since the year 1997 to the year 2001. Germany media industry develops following horizontal and vertical centralization pattern. A television broadcasting organization may control any combined number of television channels up to 30 percent of the public share. Media development seemed to return to the seventeen century and was closed to the existence of capitalism country and its industry economy. Commercial broadcasting started to cut public broadcasting monopoly even though there were more than ten public television channels. Its first competitor was RTL that actually broadcasted from Luxembourg as RTL-plus crossing country border. As the result of the unification process, all radio programs were limited for local and regional distance. The result of the research in 2001 showed 38.8 percent Internet users where the principal T-online, a sister company of the Deutsch Telekom and AOL-online. The new Basic Law as a constitution gives guarantee for the press to express and publicize opinions in oral, written and pictorial forms, and the right to get information without obstacles from the available sources. Press freedom was guaranteed. However, the main actors in the policies for press and broadcasting were political parties, especially two big parties, namely Christian Democratic Union (CDU) and Social Democratic Party (SPD).

Almost all of British citizens totaling more than 59 millions are literate and the country is famous for following liberal press freedom. As a result of ownership tendency and the editorial orientation that gave sympathy to Conservative party, it had been two decades that British press also tended to Conservative parties. Labor party and the alliance of Liberal and Social Democratic parties did not interest press. If in Germany, public media monopoly was cut by the presence of commercial broadcasting industry, the position of British Broadcasting Company (BBC) in England as an independent

institution did not seem to be shaken with shares ownership of 53% by BBC and 45% by commercial radios (Kelly, Mazzoleni, and McQuail, 2004: 265). All were competing in Internet business with the increase of users by 29 percent in the year 2000 and 45 percent by the end of 2001.

British media served its function as a watchdog and protected the public from corruption and misuse of rights by government officials. Complaint against press was handled by a kind of Press Council that was called Press Complaint Commission (PCC), an independent regulation institution that was established since the year 1947. However, in the end of the year 1980s this institution was not effective anymore because some of its members were involved in a number of cases that professionally were unrelated to press. Political leaders tried to control media reports by using 'spin-doctor' model. However, television and radio in England helped democratize the relationship between the government and the citizens.

### **3.2 Political Communication in Transitional Countries**

There are around one hundred countries which can be considered as being in a transitional situation and they are spread around Europe, Latin America, Africa, Middle East, and Asia (Carothers, 2002). In Asia, there are such countries like the Philippines, Thailand, South Korea, Taiwan, and Indonesia. This section will briefly discuss media and politics in transitional countries particularly in three countries namely the Philippines, Russia, and Hungary. They are chosen for their similarities. The Philippines has a lot of similarities to Indonesia in some aspects. First, from a political point of view, the Philippines were once under dictatorial governance for more than two decades under Marcos' regime while Indonesia was once under the authoritarian regime of Soeharto for more than three decades. The similarities of the two Asian nations also include their cultural heritage. The dissimilarities of the two include the facts that Catholicism is very dominant in the Philippines while Islam is dominant in Indonesia.

The similarities between Indonesia and Russia and Hungary include the facts that the three of them are struggling to get rid of an old political system which was authoritarian or totalitarian in nature. In a totalitarian or authoritarian political system, the three countries placed media as a horn of power and easily put a control on it. The control

on media was widely distributed through an ‘unlimited and easily distributed’ effort in the media system (Gunther and Mughan, 2000:4). The Philippines, Russia, and Hungary are the countries in a transitional process where the relationship between the government and media is a factor which needs a close attention.

### **3.2.1 Philippines**

The Philippines is a neighboring country to Indonesia with various similarities including in their cultures and archipelagic territories. The country is considered among the first to start the transitional era from an authoritarian political system to a democratic political system as compared to other Asian countries. Spanish and American colonization has left the legacy a cultural tradition and political system which are influential on the development and democratic values. What Corazon Aquino achieved after beating Ferdinand Marcos was a moderate way rather than what was suggested in the ‘transition from authoritarianism to democracy’ (Kerkvliet and Mojares, 1991).

#### **3.2.1.1 Media System**

Newspapers were first published in the voyage of American ships when entering the bay of Manila in 1898. The *Bounding Billow* was published from the Dewey, an American fleet including the *American Soldier*, *Freedom*, and the *American* (Quick, 2003: 733). Just like the Indonesian press system which is very much affected by the colonizer, the Dutch, the Filipino press system is modeled after the American and it was even made a campaign tool for the colonization. *The Manila Times* was the first English newspaper launched in October 1898. Other papers which were full of a colonization smell included *La Democracia* and *Consolidacion Nacional*. While *El Renacimiento*, *Muling Pagsilang*, *El Debate*, *La Opinion*, and *Los Obreros* were papers supporting freedom. In 1917, Manuel Quezon bought the *Manila Times* and owned it for four years. The ownership changed few times until the Times was acquired by Alejandro Roses Sr. who also owned other papers such as *Taliba*, *the Tribune*, and *La Vanguardia*. Though they were published under the principles of press freedom, Filipino papers were the target of censorship by the American military authority and then by the American civilian administrator.

After the independence, Filipino papers started to write again on the corrupt high level and the motif was genuine, but they tended to apply one source coverage or unsubstantiated coverage system. In the course of time, the political elite started to own newspapers (Quick, 2003: 734). There were around one dozen of papers with a circulation between 100,000 and 300,000, and around a dozen of circulation between 50,000 and 100,000; between 25,000 and 50,000; one paper with a circulation between 10,000 and 25,000, and two with a circulation below 10,000. In the Philippines, the publication is in English, Filipino, Taglish (Tagalog and English), and Chinese languages. Three popular English papers include the *Manila Bulletin* with a circulation of 320,000, the *Philippine Star* (229,900), and the *Philippines Inquirer* (148,800). In Filipino languages there are the *People's Tonight* (320,900), *Pilipino Ngayon* (272,000), and *Taliba* (226,800). In the mixed English and Tagalog (Filipino) or Taglish there are the big three including the *People's Journal* (372,500), *Headline Manila* (105,100), and *News Today* (75,000). The Chinese papers include the *World News* (36,000), *United Daily News* (32,000), and *China Times* (30,000) (Quick, 2003: 734 -735).

In the transitional era, media played an important role in boosting people's elements to control abuses by the government. The role of Radio Veritas which was always on air on February 22 – 25, 1986 when the mob was concentrated which was well known as the people's power is just one example. At the time, Veritas was airing the speech of Cardinal Sin suggesting the people to demand the military back to the barracks. On the other hand, General Ramos and Enrile used the radio not only for publication purposes and to strengthen their own positions but also to separate them from Marcos by stating that Marcos was cheating the general election and that was why Marcos had to resign (Casper, 1995: 124). According to the Worldwide Press Review (Quick, 2003: 737), radio was a more popular media because of its coverage and because of the wide spread of poverty. There were around 600 radio stations where 273 of which used the AM wave.

Television cut the popularity of papers particularly in urban areas. Most television stations included *ABS-CBN* Broadcasting Corporation, *GMA* Network Inc., Radio Philippine Network, Allied Broadcasting Corp, Interisland Broadcasting Corp, and the *People's Television* Network Inc.

Internet started to show its role in Filipino journalism when a lot of print publications offered their online versions including *the Philippine Journalism Review* (<http://www.cmfr.com.ph/pjr>) published by the Center for Media Freedom and Responsibility. Some lists of online publications include *Balita News* (<http://www.balita.org>); *Bankaw News* (<http://www.geoocities.com/bankaw>); *Business World* (<http://www.bworld.com.ph/current/today.html>); *Chinese Online Newspaper* (<http://www.singpo.com>), the Philippine's first Chinese online newspaper, *Diaryo Pilipino* (<http://www.diaryopilipinon.com>); *Malaya* (<http://www.malaya.com.ph>); *Philippines Today* (<http://www.philippinestoday.net>) (Quick, 2003: 738).

### **3.2.1.2 Government-Media-Relations**

The Filipino media system is considered as being liberal in nature. The Filipino Constitution of 1935 clearly stated in its section IV article 9: ‘no law shall be passed abridging the freedom of speech and of the press’. Some amendments in 1973, 1976, 1981, and early 1984 never changed the section. Press freedom is defined as a right to express and distribute information and opinions in writings (Pineda-Ofreno, 1986). The press plays an important role in controlling the government through its criticism and coverage. However, since the political elite is dominated by landlords both in the parliament and the executive bodies, the role of the press and civil society sometimes are not capable to touch the power. Democracy in the Philippines is often called an elitist democracy. Eric Gutierrez for instance wrote the ‘Rich Dominate the House’ telling the domination of landlords, real estate, logging, construction, transportation, financial, and capital tycoons in the parliament (Coronel, 2000: 107 – 9).

After the fall of Marcos through the people’s power, the Philippines was consecutively led by President Corazon Aquino (1986-1992), Fidel Ramos (1992-1998), Joseph Estrada (1998-2001), and Gloria Macapagal Arroyo (2001-2006). Arroyo initially just continued the presidency of Estrada who was impeached for a corruption scandal, but then she won the presidential election though there was a criticism on cheating.

As a matter of fact, in the period of 1920s – 1930s, the Filipino press was called as having a ‘high degree of professionalism’ as quoted in *the Philippine Journalism Review* (Quick, 2003: 735). Journalists analyzed public issues and supported open debates. But the free press of the Philippines was also marked with the publication of

porn tabloids exposing naked female bodies. There were a lot of debates on free press and free economy which could live side by side with the economic growth. In the recent years, business owners blamed the press freedom and democratic growth as the reason of slow economic growth. A famous businessperson said that the press had to be controlled ‘for the sake of the economy’ but this opinion was challenged by president Arroyo by saying that ‘the cure might be worse than the sickness’ (Quick, 2003: 736).

President Marcos applied intimidation on media. The official censorship ended under the martial law, but in his palace, Marcos and his cronies took over almost all publications. Those that were not under direct control were forced to apply self-censorship if they wanted to have their licenses extended. And after the revocation of the martial law in 1981, Marcos started to shut down critical media such as *We Forum*, *Malaya*, and *the Philippines Times* and arrested the publishers and their staff by the end of 1982 (Timberman, 1991: 100).

Though the democratic system has been back to base the Filipino media life, but some presidents still cannot hide their uneasiness on the press. President Estrada, for instance, once asked his lawyers to sue the Daily Inquirer for publishing the interview with a soldier who related him with Senator Panfilo Lacson, a national police leader, on the scandal of money laundering (Quick, 2003: 736). President Arroyo once banned a media to publish the violent conflict between the military and Abu Sayyaf revolts in southern Philippines. She dropped a trooper in secrecy and asked to keep the policy secret. Arroyo even accused journalist who interviewed the rebels as an ‘anti-patriotic’ action though there was no ban to enter the area (Quick, 2003: 756).

Some people say that Filipino media is perhaps the freest one in Asia but it has abused its freedom. Critics say that Filipino media is ‘noisy but vulnerable, powerful but irresponsible’ just like other Filipino institutions. Media is also weak and prevented by the same systemic and contextual problems which threaten the democracy today (Gloria, 2000: 192).

Filipino media is also owned by tycoons. The businesspersons acquired newspapers even if they see it as an unprofitable business. The explanation is quite simple, namely they buy a paper because the purpose is not profit but influence and power (Gloria, 2000: 194). Some owners even have used their papers to attack their enemies even just to seek for political legitimacy by making the authority happy. The

situation of media ownership in the last two decades has influenced the profit of large businesses. The two largest Filipino papers such as (1) *the Philippine Daily Inquirer* is owned by the Prieto / Rufino families who are also tycoons in food, real estate, paper mill, and other businesses, and (2) *the Manila Bulletin* is owned by Emilio Yap who is also the owner of Bataan Shipyard and Engineering Corp, Manila Prince Hotel, US Automotive Corp. In., and Manila International Post Terminal; (3) *the Philippine Star* is owned by Feliciano Belmonte Jr, a member of the Parliament and the leader of Lakas-NUCD party, (4) the top radio *DZRH* is owned by Elizalde, (5) the TV station *ABS – CBN* was handed over to the previous owner Lopez who also has businesses in telecommunication, power, water, and infrastructures, and he also owns *DZMM* the second largest radio station in the country.

Following Gloria (2000: 195), the government also started the business in media in three television stations, *RPN – 9*, *IBC-13*, and *PTV-4*, but *RPN-9* and *IBC-13* were privatized because of their great loss in the last decade. The government still owns a group of journal publications. Now it publishes two tabloids, one in English and the other in Filipino. The pressure by the government seems very obvious by the murder of 33 journalists since 1983. The Philippines has been inaugurated by the Committee to Protect Journalist (CPJ) as the most dangerous country for journalists. Out of 44 murders on journalists since 1984, almost half of them were in Mindanao to indicate how dangerous the situation is of being a journalist in the press community. Cawicaan and Marcale, in ‘Culture of Impunity in the Philippines: Silencing Journalist’ (*Journalism Asia*, May 3, 2004) said that the attacks and murders on journalists were the result of weak law enforcement and because of the fact that the government didn’t protect its citizens. On the other hand, the law on calumny in the Philippines was a copy of the one in the US and it is not as limiting as the ones in other places. In the Philippines, a calumny is considered a civil and criminal attack. Officers or other citizens who feel being attacked by a criticism have suggested law suits against journalists. Fortunately, the Filipino court tended to manage it for the sake of freedom for the journalists to write and comment.

### 3.2.2 Russia

Under the USSR, Russia was known by the international community for its political rivalry against the United States. In the pattern of its political communication, the two countries were uneasy one another where the Russians were stunned by the sensationalism and commercialism of Western press. On the other hand, Americans were scared by the massive efforts to convince the citizens to see the world as the power who also wanted them too. Americans confront the citizens with a free choice among a lot of facts and interpretations which are often contradictory in nature, while the Soviet system bombarded them with deceiving messages to re-form them and just to strengthen the truth according to the version of the authority (Almond and Powell, 1988).

After the fall of the USSR, there were 145 million people in Russia and the Great Russia was 82% of the total population. As a country with a literacy tradition, Russia always enjoys literature, while modern press and journalism was only left behind. Russia celebrated her 300<sup>th</sup> anniversary of newspaper publication in 2003. The press life was not as smooth as it is imagined, though there is a freedom. When the Commonwealth of Independent Countries was established, all legal regulations were deemed to be invalid including the provision on the press (d'Haenens and Saeys, 1998: 307).

#### 3.2.2.1. Media System

Russia is interesting to learn and in particularly to be compared to Indonesia because both countries are in a transitional situation. As the result of the post-Soviet transformation, the papers lost their central position in the media system, but still play an important role in the regional and local markets (Kelly, Mazzoleni, and McQuail, 2004: 192). Around 80% of Russians read at least one paper per day. The total number of titles sharply increased from 4,863 in 1991 to 5,758 in 2000. However, the total circulation of papers sharply dropped from 160.2 million in 1990 to 108.8 in 2000 or a drop of 32%. The daily, *Moskovsky Komsomolets* has a circulation of 1,400,000, *Komsomolskaya Pravda* (756,000), *Izvestiya* (234,500). *Argumenty i Fakty* (3,000,000), *Komsomolskaya pravda* (2,800,000), *Trud* (1,580,000), *Itogi* (85,000), *Expert* (75,000), and *Kommersant Vlast'* (73,000).

In recent years, Russian television started to take the central position in the media system. As the most powerful media, 94% of Russians watched the TV everyday. The average time to watch television is almost three and a half hours per day. Almost 99% of Russian households have at least one television set and a half of households have two or more TV sets; 45% still have black and white TV sets. According to the data of the Ministry of Press and Broadcasting, the total number of broadcasting licenses issued in 2002 was 1,276 for television and 1,002 for radio. But the number does not indicate the number of stations in operation. There are 9 national television stations, namely three national federal stations with different ownership such as *Obshestvennoye Rossiskoye Televidenie (ORT)*, *Rossiiskoye Televidenie (RTR)*, and a private television *NTV*. Four others are regional stations with national coverage namely Culture owned by the state, and Moscow municipal TVC (TV Centre) (Kelly, Mazzoleni, and McQuail, 2004: 194).

In 1999, 83% of Russians listened to the radio because in their opinion, the radio was suitable for the public demand better than television. Around 76.9% of Russians were satisfied by radio programs while 65% had the same opinion on television (Kelly, Mazzoleni, and McQuail, 2004: 197). Meanwhile, Runet, a Russian language sector of the Internet, becomes the indicator of latest media changes. The level of internet usage sharply increased between 1993 and 1997, when the number of internet users doubled in every year. Now the maximum number of users reached 12.8 million (8.8%). Most users are the educated people, urban males with good income, including government officials, politicians, businesspersons, journalists, college and school students (Kelly, Mazzoleni, and McQuail, 2004: 198).

Internet has become the ideal communication medium in Russia because of the difficulties in her communication tradition, long distances which are spread in eleven time differences, and scarcity of written sources (Quick, 2003: 788). The three main functions of internet in Russia include, first to give access to world information sources, some of them from national and local sources which may be tightly controlled; second, to be a marketplace for local production and open services for national and international markets; and third to serve as a source of information for overseas Russians, Jews, Armenians, Georgians, Chachens, and many others, to know about what happens in their land of birth when most local and Russian sources keep silent about them. For the moment, Ru-net seems to guarantee the freedom of speech and distribution of ideas. In

the beginning and mid 1990s, the number of Russian internet users doubled every two year period. But in 2001, the total number of internet users was less than 10 million (Quick, 2003: 789).

### **3.2.2.2 Government-Media-Relations**

Russian independence cannot be separated from the new period of Soviet Union in 1985 when Gorbachev, the youngest Secretary General since Stalin launched *perestroika* (restructuring) and *glasnost* (openness to information) which had been previously started from above then continued from the bottom (Haenens and Saeys, 1998). Since then, the Soviet Union changed to join the freedom in media. After the liquidation on December 25, 1991, the communist dictatorship for 74 years was ended and Boris Yeltsin became the president of the new Russian Federation. Various changes happened in Russia such as in her economic, social, political, spiritual, and international relationship sectors. The result of those changes made the old social structure in a critical condition (Williams, et al. 1996). Changes in political communication also contributed to the democratization process where since December 12, 1993, a new Russian constitution was agreed including freedom of the press and ban for censorship (Quick, 2003: 791). Russia was called a partial democratic country (Robinson, 2003). The reason is that the country has failed to reach a fully democratic consolidation in the last decade. One of the reasons is that the capacity of the state to handle public interests in which the presidential system was a potential failure for democracy because of anti-consensual system, political changes to a zero - sum game, and patronage politics. Russia is an example of a semi-presidential system or a ‘president-parliamentary’ political system since the existence of a president in 1991.

In the era of Soviet Union, the media system was well known because it was one of the four categories introduced by Siebert et al., namely the communist system. The theoretical perspective of the media was also differentiated from the liberal perspective, in which in the communist system, the media was subordinated to the revolutionary purposes (Wheeler, 1997: 2). Press and media were under the control of the Communist Party. Censorship was a long and violent history in Russia, at least since the 19<sup>th</sup> century and the fall of czar. The Czarist Law applied censorship, which was forced in 1917, to put a series of bans on what would be published, and gave a discretionary power, in an

emergency period, to prevent all newspapers (Herbert, 2001: 182). The first Soviet leader, Lenin, placed the press as the main tool in organizing and ruling the mass. The growth of communist mass media ideology which spreads to all Soviet blocs in Europe came from Lenin's belief that the press had to play the role as a propagandist, agitator, and collective organizer (Aumente, 1999: 50). Then in the period of Khruschev in 1950s and early 1960s, it was accompanied by a live example of plain speaking media on the failures of the system. The growing press freedom by the end of Soviet's period depicted the invaluable transformation with newspapers and magazines, including the legalized samizdat publication, which grew very fast.

The period between 1988 and 1992 was seen as a breakthrough period for Russian press. Various scandals were exposed and dictatorship was unveiled. The rebel in August 1991 was badly designed and sadly ended. The press freedom and military apathy played an important role in preventing the revolution. In the same time, the television aired Boris Yeltsin standing on a tank suggesting that Russian people launch a coup, which threw the Soviet Union and made Yeltsin an icon. Two years later, the press and other media in Russia saw themselves as the savior of the country and the determining instrument of democracy (Quick, 2003: 784).

The support of media in 1996 election made Yeltsin as the winner and it was partly because of financial interests of some tycoons and media bosses and political parties which was afraid that the Communist would come back to censor and collect retribution. Media, in particular television, played an important role in the re-election of Yeltsin against the old cracks and economic problems. But after Yeltsin's victory, there was a much bitter fracture between the state and the press and electronic media. Some of them were a clear result of disappointment which were not well managed and disputes on share in the electronic media failure (Quick, 2003: 784).

The relationship between the government and media was very conspicuous during the presidential election. On February 15, 1996, or two months after the parliamentary election and only a few hours after Yeltsin announced his candidacy for the second term, he dismissed the director of RTR, Oleg Poptsov. He accused that RTR was lying by focusing in the violence in Chechnya and exaggerating the economic problems. This situation shows government intervention even the president himself on the media owned by the government and put it under the hands of the ruler (McCormack, 1999: 208).

In 1992, the total circulation of newspapers was trembling and all customer systems found difficulties as the result of inflation (Murray, 1994: 54). The government then offered a loan to some newspapers through a regulation. Pravda, an anti government newspaper, for instance, was offered 21 million rubbles to get out of its death. Officially the application of a subsidy tax system did not give any difference between the media owned by the government and the private sectors (McCormack, 1999). To get a loan, a newspaper had to be included in the ownership of a selected institution at the local level, editor, or other judicial agency. If a newspaper is not managed by a selected local institution, it had to have a recommendation from a public association at the district level. The government loan was seen as an effort to include political influence to the press so that the minister of information, Mikhail Poltoranin, said to a Tuld journalist that there is ‘no kind of pressure on the publication or any infringement of their freedom and independence’ (Murray, 1994: 55).

The government issued the rule no. 511 / 1998 on changes in media electronic activities, and rule no. 844/ 1998 on the establishment of a complex media technology and production unit. According to this rule, the company would consist of 83 regional radio and broadcasting centers, 16 radio centers as the branches of all government television and broadcasting stations (VGTRK) and 92 regional government television stations subsidized radio companies (RSTVRC) (McCormack, 1999: 210).

### **3.2.3 Hungary**

Hungary is one of the transitional countries. The country has been successful in developing democracy and it enjoys a positive democratization like Poland, Czech Republic, and Slovenia (Carothers, 2002: 9). Hungary is not so populated with only 10 million people and a literacy level of 99.0%. Around 1.8 million people live in the capital, Budapest. Other big cities include Debrecen (204,000), Miskole (172,000), Szeged (158,000), Pecs (157,000), and Gyor (124,000). The transitional process is still on the way, and this also applies to the relationship between the government and media. Media played a more important role in the transitional period, since the new democratic political power and journalists knew better western ideas and democratic institutions (Kelly, Mazzoleni, and McQuail, 2004: 103).

### 3.2.3.1 Media System

There are 40 newspapers with a total circulation of 1,625,000 copies; 35 television stations, 77 radio stations, and 1,480,000 internet users. The most famous paper in Hungary up to 2000 was *Nepzabadsag* with a daily circulation of 210,000 copies. The tabloid *Metro* had a higher level of circulation, 235,000 copies, in 2002. Newspapers are always in a struggle position between the drop of readership in the midst of publication excess and increase in yellow journalism which tries to get a better share (Quick, 2003: 429). Newspapers in Hungary are in general biased to the left as an accusation if they are not in line with the ruling political party. But this accusation seems to be real in Budapest when the people and political interests are deeply involved in Hungarian political seasons. In some papers there can be found anti-Semitism sentiments, but the government quickly represses the rightist extremists.

For a geographical reason, there are four terrestrial television frequencies. One of it is only owned by the military, and the remaining three can be distributed among the broadcasting owners. One is used by the first channel of public television (m1), the two others by the market leader *TV-2*, which its majority shares are owned by Scandinavian Broadcasting and the third is owned by *RTL Klub*, a Hungarian affiliate of the German group *RTL*. The remaining two are owned by commercial companies and the third channel is for public interests (Kelly, Mazzoleni, and McQuail, 2004: 105).

In the meantime, out of five national radio broadcasting channels, three of them are owned by a public radio (Magyar Radio); the remaining two are privately owned by Danubius and Slager. Two other companies, *Juventus* and *Radio 1*, reach a half of Hungarian territory through a radio station network with a consequence that they are in a fierce competition with their forerunners, which makes them in a lot of troubles to get an advertisement.

The level of internet development and related media is relatively low. According to the data by the end of 2001, there were only 17% of the people with an age more than 14 years to have an internet access and 66% of them used this media more than five hours per month. The intensive usage of this media is from home. Internet shops were very popular. In Budapest, one can find fifty internet shops with a reasonable price (Kelly, Mazzoleni, and McQuail, 2004: 107).

### 3.2.3.2 Government-Media-Relations

When the country was still in the hands of the Soviet Union since 1945, Hungary only had little tradition of media freedom. Every step of press freedom history before the Second World War disappeared under the communist government for 45 years (Quick, 2003: 429). The 1949 Hungarian constitution was amended in 1989 when the country got her independence to guarantee press freedom under the clause XX of Chapter 61 which says that in Hungary everyone has the right for freely expressing his opinion and has the access to distribute data to the public (section one). The republic of Hungary acknowledges and protects freedom of the press (section two). An amendment on the clause on public data publication and press freedom requires a two third majority of the parliament (section three) (Quick, 2003: 432).

In 1994, there was introduced the right of citizens and journalists to criticize public officials. This rule got a lot of internal and external protests from media observers. In 1996, the law on media related to commercial broadcasting media was agreed by 89% of parliamentary majority. This is the most problematic provision in Hungary. For instance, Hungary is the only associate country of the European Union that has not closed negotiations with the European Union on the so-called 'audiovisual chapter'. The result is that Hungarian film industry lost the access to most European Union financial aids. The opposition group (the former government) said that the current government was consistently banning legal changes on media law and did not prove a space for negotiation (Quick, 2003: 433).

In general, censorship is a difficult issue. For instance, there is no official censorship in the country but independent observers clearly recorded how the government had influenced the media since the independence in 1998. The clearest example was the general election in Hungary in May 2002. When the media played a major role in making the political transitional relatively simple, to convince politicians, particularly the newcomers, the media should not be let alone, but it should be under a control (Kelly, Mazzoleni, and McQuail, 2004: 103). In 1998 and 1999, media reported an embarrassing story about the Hungarian government so that the editors of a weekly magazine and a TV program were sued as unveiling state secrecy. Some of the publicly financed media staff of *MTV-1* were dismissed after airing the program which involved 10 members of the ruling party in a corruption scandal (Herbert, 2001: 187).

One of the most questionable regulations is the so-called Principle of Objective Responsibility (Kelly, Mazzoleni, and McQuail, 2004: 108). According to the principle, as applied by the court, a journalist has a total responsibility on the value of truth of his report even if he only presents an opinion of another person. If someone else tells a lie or something that is proven to be untrue and a journalist puts it in his paper or in an electronic media program, the journalist will be blamed by the court, even if it is because of a strong belief. Another questionable case is in the relationship between state secrecy and personal life. There are some legal cases in which journalists were punished because they published documents containing state secrets. In other cases, media was accused of violating privacy and dignity of certain people most of them were politicians or other public figures.

There is a problem of a subtle problem in the freedom of speech and it seems to be unsolvable by any legislation, namely the so-called 'hate speech'. The issue is about a protection on publication and communication which attacks the dignity of a social group. This is the case of right extreme books which show their doubt on the Holocaust and distribute the anti-Semitic propaganda. So far the legislation has proved that there is no reconciliation between freedom of speech and freedom of the press and protection on human dignity. Though regulation and censorship are not solely the problems of the press but the media in general, most cases which could be rejected in the court were related to the press, particularly in book publication, because there are two special institutions related with the regulation on electronic media (Kelly, Mazzoleni, and McQuail, 2004: 109).

### **3.2.4 Conclusions**

Three transitional countries, the Philippines, Russia and Hungary had similar characters with Indonesia as a transitional country. In different periods, the three countries experienced political system from authoritarian or totalitarian to democratic. The political system change influenced political communication where each country established new press law that was more appropriate with democracy character.

The Philippines experienced earlier change of political system compared to other two countries in Europe. Through people power revolution in February 1986, President Ferdinand Marcos who had been in power for 21 years was thrown. In that crisis time,

media played its role as the opposition of Marcos' dictatorship. Veritas radio broadcasted the speech of Cardinal Sin that required the people to ask the army to return to the barrack. General Ramos and Enrile also made use of the radio to support people's revolution by stating that Marcos had commit a fraud in the general election and requiring him to withdraw. The elected president, Corazon Aquino, returned democracy through the new Constitution that guaranteed political rights and democratic government atmosphere. Mass media functioned again as the controller of the authority as it was guaranteed by Constitution. In the Philippines, radio is a popular communication channel for the people, while television had cut the popularity of newspapers in rural areas. Then, printed media started online version as it was done by the Philippine Journalism Review, Balita News, and also Malaya newspaper.

The Philippines Constitution actually guarantees the freedom to speak and press freedom. Press freedom was interpreted as the right to express and share written information and opinions. Except in Marcos time, press played important role in controlling the government through its criticisms and reports. However, as it happens in industrial countries, Philippines media were also owned by conglomerates. They bought newspaper industry not to get economical profits but more to get influence and authority (Gloria, 2000: 194). The government was even involved in media business at leath through three television stations namely RPN-9, IBC-13, and PTV-4.

Russia was a transitional country in Europe that was interesting to review, especially after it became independent as an ex-Soviet colony country. Newspapers lost its central role in media system although it still played an important role in regional and local markets. Around 80 % of the people read one newspaper each day and the number of newspapers even increased since the year 2000. However, total circulation dropped from 160.2 millions in the year 1990 to 108.8 millions in 2000. In the last years, television started to take over important role in media system, where almost 94% of the people watched television every day. However, in 1999 around 83% of the people listened to the radio because it was considered more appropriate than television. The development of communication technology also spread to Russia with the presence of Internet. It served as an ideal communication instrument due to difficulties in communication, distant coverage, and rareness of written sources (Quick, 2003: 788). Internet contributed to present global information, as marketing place for local products

and open service for national and international markets, in addition to serving as source of information for Russian people abroad.

In 1993 a new Russian Constitution including press freedom and censorship prohibition was agreed. Russia was often called as a partly democratic country because it failed to achieve full democratic consolidation. This was due to the failure of the country capacity to guarantee public interests in presidential system because of anti-consensus system, political shift to zero-sum game, and patronage politics. However, press and other media in Russia had been the savior of the country and served as the instrument for democracy (Quick, 2003: 784). During the president election, the government accused media to lie and exaggerate economy problems and violence. President Yeltsin made an intervention to the media.

Hungary was called a country that was successful in showing democracy compared to Poland, Czech Republic, and Slovenia (Carothers, 2002:9), different from Russia or Indonesia. During transition period, media played an important role since the new democracy system where journalists understood western ideas, including the idea on democracy. In media system, newspapers kept on struggling not to lack of readers amidst the presence of yellow journalism. Newspapers in Hungary tended to deviate leftward as an accusation that they were not in line with the regulating party. One television station was owned by the army and the other threes were shared among such owners as TV-2, most of which shares were owned by Scandinavian Broadcasting, one station was owned by RTL Club, a Hungarian affiliation from Germany RTL group and the rests were owned by commercial enterprises. Out of five radio channels, some were owned by public radio (Magyar Radio), the rests were owned by Danubius and Slager. Internet growth was categorized as slow; by the end of 2001 there were only 17% of the citizen by the age of over 14 years could accessed it and 66% of them used it for more than 5 hours per month. After the independence from Russia, Hungarian Constitution was amended in 1989, containing, among others, guarantee of press freedom. Everyone had free rights to express ideas and to have access to disseminate information to public. It was introduced in 1994 the rights of civilians and journalists to criticize public officials.

## Chapter 4

### **Politics and Media in Indonesia before the Downfall of the Soeharto-Regime**

This chapter outlines the political dynamics and the media in Indonesia in the two periods of administrations, namely Soekarno (1945 -1966) and Soeharto (1966 – 1998). The description is started with the short history of Indonesia then followed by the two main sections of this chapter, namely Political Development and Media. The topic of the political development section refers more heavily on the political culture and political structure, as the main ingredients of politics. The political culture helps tracing the route differences in the political development because it seriously treats nuances in the behavioral pattern which seems very unimportant but in fact it is very important in differentiating success from failure (Pye, 1985). On the other hand, the development of media refers more heavily on the media system which is more colored by legal regulations coming from the government affecting the degree of press freedom.

#### **4.1 Indonesia and Independence**

‘Kemerdekaan’ or ‘Independence’ is a magic word for a colonized nation like Indonesia. Indonesian historians depict the development of Indonesia starting from the kingdom of Sriwijaya in 7<sup>th</sup> to 13<sup>th</sup> centuries, the kingdom of Majapahit in 13<sup>th</sup> to 15<sup>th</sup> centuries, and the period between 1500 and 1900 in which there flourished various Indonesian kingdoms both in Java and outside Java, but which one by one was gone to the hands of the Netherlands – Indian government (Moedjanto, 1988: 15 – 16). Then there was created the unification of Indonesia under the Dutch colonization known as Pax Neerlandica or Unification and Pacification; and so it becomes true the statement that the independence of Indonesian came into a real dream after 350 years of colonization by the Dutch.<sup>1</sup> From an economic point of view, quoting Wallerstein, Indonesia is a marginal

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<sup>1</sup> The youth of 1990s who had been raised in a dramatic, post – colonial, post revolution period of history became very touched. Indonesia had been independent but always felt without power because they did have any contribution in her making (Aswab Mahasin in Syamsuddin Harris, ‘Demokrasi di Indonesia Gagasan dan Pengalaman, LP3ES, Jakarta, 1995. p. xi).

country of which natural resources should be tapped to make the nuclear countries alive. The people of Indonesia have to be workers in plantations with suffering living conditions just to make the life of the colonizing country possible. As such, with the existing capabilities available, Indonesian leaders such as Soekarno, Hatta, and Syahrir urged the people to launch diplomatic and military efforts against the colonizers. Prior to 1900, the reactions and the efforts of Indonesian people were local, negative, irrational, and without any follow up in nature, but after 1900, the nature of the efforts turned to be national, positive, organized, and with future follow-ups such as governmental, economic, and educational structures (Moedjanto, 1988: 25). When Indonesia was colonized by the Japanese for around three and a half years since March 9, 1942, Indonesia eventually was successful to proclaim her independence.

With the independence, the social and economic conditions of Indonesia started to change and the nation is governed by her own people, namely President Soekarno (1945 – 1966) and Soeharto (1966 – 1998). In the administration of Soekarno, the spirit of anti colonialism was reflected through diplomacy and international relations. The nationalism of Soekarno was so strong to impress some Asian and African countries to name him to lead the Asian African Conference. At the domestic level, the nationalism was shown through the development of political parties such as Indonesian National Party (Partai Nasional Indonesia-PNI). But in the administration of Soekarno, the economic and education developments were not good enough. Through a silent coup, Soehartogunan Lima Tahun came to power and he launched the five-year-national-development plans (Rencana Pembangunan Lima Tahun-Repelita) to adopt the theory of WW Rostow. In the administration of Soeharto, Indonesians enjoyed economic, social, and political developments.<sup>2</sup> In 1976, there were around 54.2 million people (40.1 per cent) in the status of poverty, but in 1993 the number dropped to 25.9 million people (13.7 per cent) of the total population of 189.2 million people (Sairin, 2002: 8). Soeharto practiced the development model that tended to be repressive in nature just to create the people's

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<sup>2</sup> Daniel Lev called the year of 1965 as the irreversible turning point of the momentum of structural changes in economic, social, and political fields by the emergence of the middle class. They grew up quickly in the economic climate of the New Order which was in favor for them but they only enjoyed little political power (Richard Tanter and Kenneth Young, *The Politics of Middle Class Indonesia*, Monash University, Clayton, Victoria, 1990, p. 45)

dream of the meaning of independence. The dream came true after 30 years of Soeharto's administration and Indonesia was back into a political transition, but this time from the authoritarian to the democratic governance.

In 2000 the population grew to 205.8 million people and in 2004 it was 217 million people. In the 2000 census there were a lot of constraints particularly as the result of riots and amok in some parts of Nanggroe Aceh Darussalam, Central Celebes, Moluccan islands, North Moluccan islands, and Papua (Central Bureau of Statistics, 2005: 49). The riots in some other places such as Papua were related to the idea of independence that kept growing up.

#### **4.2 Political Culture in Indonesia**

Following Wiseman, a political system involves a political structure, political roles showed by actors or agents, interaction patterns among actors, both individually and collectively, and a political process. So, a political system is a kind of interactions among roles and role structures understood as interaction patterns. But Wiseman also warns that a political system works in one (or more) political culture (Wiseman, 1967: 101).

Indonesia is a multi – ethnicity, multi – religion country, with a population around 220 million people living in thousands of islands. Javanese is the biggest ethnicity (around 50.5%) and the most influential one in all living facets such as in politics, economy, culture, and government. The first two presidents, Soekarno and Soeharto, were Javanese. The island of Java is the most densely populated one, inhabited by more than 65% of the population, and it is the center of government.

After the resignation of Soeharto in May 1998, Indonesia entered a 'democratic' governance system to make politicians call Indonesia the largest Moslem country following democracy. Indeed, Islam is the largest religion in Indonesia with almost 90% of the population in addition to other faiths and beliefs. But inside Islam itself there are various groups which Geertz differentiated the syncretic group ('abangan') and the puritan group (santri). The two groups in Islam are Nahdlatul Ulama and Muhammadiyah.

Dwight Y. King, who studied authoritarianism in Asia, depicted Indonesia as a country practicing an 'authoritarian bureaucratic' model (Bakti et al., 2001: 35) as the

opposite of democracy. This is a system practiced by a regime in which the power and the political processes are centered in one person or in one group, including the military. In this model, there is no chance for the people to take control on the power because the chance has been structurally used to discipline the political order.

Starting from the above description, the discussion in this chapter will focus on the Indonesian political culture and political structure which certainly observe the political roles played by actors or agents, including the president, political parties, and interaction patterns among them.

#### **4.2.1 Political Culture**

It is Gabriel Almond who has the idea of a political culture that is linked to the political system. According to Almond, a political system is linked to the interaction pattern based on the political action, namely in the political culture (Wiseman, 1967: 24). Almond and Powell then differentiate the political cultures into: parochial political culture, ordinary people political culture, participant's political culture, and civic political culture. The parochial political culture can be found in a parochial community, which is limited in a certain area or a small scope, and in which there is no specific and independent political roles because of its limited differentiation. In such a culture, the community tends not to pay attention to the political objects in the wide sense except for the areas where it is closely related. The more conspicuous is the awareness of the community on the center of political power (Kantaprawira, 1988 and Wiseman, 1967: 34).

In the political culture of the ordinary people, the community shows the attention, interest, and possibly awareness on the system as a whole, particularly on the output. The attention on the input and the role as a political actor are still at the zero level. Their real orientation on the real political object can be seen from their statement of pride, their attitude to support or to deny a system particularly the output. The position as ordinary people is a passive position, considering themselves as powerless in influencing or changing the system, and as such they surrender to all policies and decisions made by the authority holder in the community. Moreover, all decisions (output) are something that cannot be changed, corrected or denied, just to make them take anything, faithful,

obedient, and follow any instruction and suggestion of their political leaders. According to this political culture, the community has a vertical (hierarchical) structure in which individuals or groups have been destined to take anything as it is and to be satisfied with its ‘nature’. Their obedience level in such a political culture is very intense where the members only play the role as the ‘ordinary one’. The attitude of silence when they do not like the system or outputs is only deeply stored because there is in fact no vehicle or capacity available to change or to deny it. It is very much colored with the influence of an ex -colony, and the characteristics of dictatorship and authoritarianism in such a political culture (Kantaprawira, 1988: 34).

In the participative political culture, one considers himself or other people as being active in the political life. He is aware on every right and responsibility and he can realize and use his rights and responsibilities. It is expected that one should not blindly accept his situations, with a dead discipline, being obedient to the situation because of his active role in the political process. In such a culture, one is with full of awareness can judge the political system as a totality, input and output, and his own position. It means that he is actively involved the system. On the other hand, the civic political culture is a mixture of characteristics of the three political types above.

Palmer says that the civic culture represents the pattern how we share the public space, the public resources, and the public opportunities and how we manage our interdependence in a ‘company of strangers’ (Boulding, 1988: xvii). This is related to the interaction which creates the understanding on the general public interests. Though most of us will keep being strangers one another in our lifetime when we share the civic culture, but we also have the common interests in managing a public frame work where we can live as individuals or families.

An Indonesian scholar, Afan Gaffar, understands a political culture as the individual attitude towards the political systems and its components, and also the individual attitude on the roles played in a political system. He is the psychological orientation on the social object, namely the political system which then undergoes an internalization process into the orientation of form which is cognitive, affective, and evaluative in nature (Gaffar, 2002). According to Gaffar, the cognitive orientation is related to the individual understanding and belief about the political system and its

attributes such as the capital of the country, the symbol of the country, the leaders, and so on. The affective orientation is related to the emotional links of the individuals to the political system. This includes the feeling about the political system. The evaluative orientation is related to the capacity of the individuals to judge the political system in place and how to take a role in it.

In a community of which attitudes and political orientation are dominated by cognitive characteristics there will be created a parochial political culture. In a community of which attitudes and political orientation are dominated by affective characteristics there will be created a subjective political culture. And in a community of which attitudes and political orientation are dominated by a high political competence where its members are capable to evaluate the political process in place, there will be created a participative political culture (Gaffar, 2002: 100).

#### **4.2.2 Major Dimensions**

The political culture of Indonesia is very much influenced by some variables (Kantaprawira, 1988: 37). First, the subculture configuration is dominated by a vulnerable diversity of languages, religions, classes, castes. Second, Indonesia is basically included in an ordinary people – parochial political culture in one side and a participative political culture on the other side. Third, the primordial ties are still very strongly rooted in the indicators of ‘regional, tribal, and religious sentiments, difference in religious approach: Puritanism and non – Puritanism. The other indicators include the strong regionalism such as the vertical structure of the community in which the efforts of the elite to exploit and to touch the social substructure for raising support. Fourth, the tendency of political culture is still to follow the paternalistic attitude and patrimonial nature through the strong indicator of ‘bapak-ism’ ('father-ism'), just to make the leader happy. In one hand, the community is still left behind in applying the rights and in taking the political responsibility, as the result of isolation from outer cultures, influence of colonization, feudalism, ‘bapak-ism’, and primordial ties. On the other hand, the elite actively participate because of their modern (Western) education that is often secular in nature in its relative meaning makes them capable to differentiate disintegrating factors such as religions, tribalism, and so on. Based on these reasons, Kantaprawira argues that

the political culture of Indonesia is a mixed culture influenced by the magnitude of parochial – ordinary people political culture (Kantaprawira, 1988: 37).

Gaffar argues that it is quite difficult to identify the Indonesian political culture because its attributes are not quite clear. As a starting point, there is a dominant political cultural pattern coming from the dominant ethnicity, namely Javanese (Gaffar, 2002: 106). Javanese community, like most other Indonesian communities, is hierarchical in nature. Social stratification is not based on the social – materialistic attributes but more on the access to power. There is a distinct difference between those who are in power, the ‘priyayi’ (noblemen), and the ordinary people. This is expressed through the language. The stratification in Javanese, such as delicate, medium delicate, and harsh, shows the differentiation between the authority and the people.

The implication of such a differentiation among the bureaucrats often shows itself through a benevolent self image such as by the statement that the authority protects the people and plays the role as the teachers for the people. The authority should show themselves as the benevolent people, the good guys, patron of the whole people. On the other hand, the power circles have the perception to humiliate the ordinary one. Since the authority people have been good, generous, and being the patrons, the ordinary people should be obedient, observant, and faithful to the authority people. The negative implication in the public policy is that a public policy is in the domain or competence of a small elite group in Jakarta or in the provincial capital. The agenda and formulation of a public policy belongs to the government then it will be adjusted and ratified by the House of Representatives, while the common people are alienated or even marginalized from the political processes. So there is no public discussion on why such a policy is taken but the common people have to be involved in the implementation.

Following James Scott, one of the most conspicuous political cultures in Indonesia according to Gaffar is the tendency to the establishment of a patronage relationship among the authority as well as the community. The patronage tendency can be widely found among the bureaucracy and the community. The president can be the patron for some ministers. The minister functions him as the broker or middleman for other ministers and it is the ministers who become the real clients. A minister can be a middleman or broker and to create his own clientele with the director generals, the

secretary general, inspector general, and so on up to the lowest bureaucratic levels or echelons.

The political culture of Indonesia can also be represented by Golongan Karya (Golkar). As the largest political power in the New Order era, even it became the state party, Golkar was not only an election machine, Golkar was the manifestation of Indonesian dominant political culture (Suryadinata, 1999: 141). Golkar is the manifestation of Pancasila culture, namely a culture that was meant to be developed by Soeharto's administration through Golkar.

An Indonesian scholar, Ignas Kleden, argues that the term of political culture sometimes creates a cynicism, because a political culture is considered not more than an argument or a scientific reasoning to justify the existing political practice (Kleden, 2001). The cynicism is the result of some reasons behind and one of which is that the political culture is not more than a set of values and habits developed among the political elite, and it becomes a subculture in the circles. Because those values and habits are followed by a group of people who are relatively in power and who are politically influential, the values, views, habits, and behaviors of the social group can easily be spread out, followed, and accepted by the wider community. A political culture becomes a kind of 'life style' in the political life and it is so contiguous to common citizens who are not a part of the political elite, though such a behavior is not fully being realized.

Kleden sees the problem when a common person tries to imitate a political attitude by relying on the eyes than the ears. What is seen by eyes is much more believable and easily to imitate than what is heard through teachings and official training. The problem for the authority people is the belief that the common people can be assured by noble words and sayings, while in fact what is heard will always be tested by the eyes of the common people. If it is proven to be true that the difference between what is heard and what is seen, then the common people will imitate what is seen and will forget what is heard (Kleden, 2001: 30).

The other difficulty is that a political culture is face to face with the common dilemma in a culture. There is a belief, and partly supported by social theories, that a political culture is a set of values, norms, and habits that become the basis of behavior of the elite. Then, it is assumed that such a political culture is based on the existing

dominant political culture. That is why there develops an assumption that the political behavior of Indonesia should be based on the Indonesian cultural values such as manners, willingness to apply means that is not hurtful to other feelings in delivering a different opinion, a willingness to sacrifice for the sake of wider interest, and a respect to the power and to those who are in power.

The forgetfulness to talk about a political culture, according to Kleden, is that a culture is not only about values and norms, but it also provides an equal possibility that such values and norms are abused for certain economic and power interests where the abuse can be easily made under the name of the same cultural values. So, from a theoretical point of view, a political culture is not only a foundation for the political behavior but is also created and manifested by the real political behavior. The relationship between a political culture and the political behavior is not that the first affects the second but that the political behavior affects the manifestation and the nature of the political culture. That is why a clean political behavior will result in a political culture that respects honesty, while a corrupt political behavior will end in a forgetful political culture that will eventually justify any abuse (Kleden, 2001: 31).

Just like Gaffar, Kantaprawira, and Pye, Kleden also argues that a political culture is an important matter in a community which is very paternalistic in nature like most Indonesian communities which is based on the patron – client relationship. In such a pattern, the behavior of a commoner will follow what is shown by those who are considered as the models without arguing whether what is shown by the models is wrong or right. But can such a political behavior be made a model?

There are two possibilities. First, the political behavior is based on what is called a political propriety. Second, the political behavior is based on a political correctness. The first consideration is more esthetical in nature and what is given an emphasis there is the propriety, beauty, and appropriateness of a behavior. The second consideration is more ethical in nature where the emphasis is on the political behavior that can be justified or declined based on the norms in prevailing legal and political sensibilities. But such an esthetical consideration is subjective in nature, like one's taste in listening to music or to watching a picture. On the other hand, the ethical consideration can be made through a

discourse to find out what criteria can be commonly used on the basis of the reasons being discussed.

So, according to Kleden, if a political culture is meant as giving an emphasis on the political esthetics, it is quite difficult to review the habits and tendencies in a political behavior, because in a political culture, a behavior is accepted because it has been accepted. On the other hand, if the political morality is given the emphasis, there is a possibility to find out weaknesses in a political culture based on the agreed criteria. Here, a political behavior is not automatically accepted because it has been accepted in a group of community but it is accepted because of the justifying reasons. A political reform in Indonesian is only possible if there is a real shift based on the political culture than on the consideration based on a political morality. So, a set of values is not accepted because it is considered as having values but it is accepted because there are reasons and discourses to justify the acceptance. If this is not made, then it is not impossible that the whole political thought will be taken to an odd logic that a political value is considered good just because it is considered as an Indonesian culture, and the other set of values is considered bad because it is not an Indonesian culture (Kleden, 2001: 35).

#### **4.2.3 The ‘Bapak-ism’ of Soekarno and Soeharto**

Gaffar also mentions about the neo-patrimonialistic political culture as the one mentioned by Harold Crouch (1979). It is called neo-patrimonialistic because the state has the modern and rationalistic attributes such as bureaucracy, but it also shows patrimonialistic attributes. The concept developed by Max Weber is very relevant to the administration of New Order where the governance and the military power were under the direct control of the leader of the state, who perceived everything as being personalized (Gaffar, 2002: 115). The political tendency is still in favor for paternalism and patrimonialism with the indicators of ‘father-ism’ and ‘just to make the father happy’ (Kantaprawira, 1988: 37). Pye argues, “The *bapak* (father) has to assume extensive responsibilities for his anak buah (followers), and they turn owe him the incalculable debt of *hutang budi*, a form of indebtedness which they can strive ceaselessly to repay but which continues to endure, sometimes even into the next generation” (Pye, 1985: 117). It

was also argued that Soeharto is clearly a master of the patron-client game, has frequently violated this rule and banished from his inner court anak buahs who grown too powerful by becoming major bapaks in their own right.

According to Pye, there are differences and similarities between the two figures: Certain key distinctions (as well as similarities) between Sukarno's and Suharto's ruling style can be understood only in the context of the subtle dynamics of these Indonesia forms of patron-client relationship. Indonesians, nurtured in the tradition of Javanese etiquette, are not so taken in by the abjectly servile posturing of subordinates as to believe that masters can be carefree and have no restraints. (Pye, 1985:117)

Next, Sukarno's method in handling patron-client power was to act as the bold "father" of the whole country who was fearlessly confronting the "outside" dangerous world. He sought to give psychic rewards to all of his "children." They could feel that they could "stand tall," that they were bigger and stronger than before, while it was he who had assumed the risk. But in the end he was the loser, for the world saw him as buffoon, a conceited dictator, while his own people with smiles remembered him as something of a show-off, having forgotten the brief emotional charge he had given them. Soeharto's conduct has been equally tied to the patron-client ideal, but he has adhered more closely to the Javanese ethos that values modesty and reticence. Rather than dealing at a symbolic level, Soeharto has specific clients, and rather than pretending that as master he can do anything and everything, he has acknowledged than in most practical matters it is the servants who should be burdened with decisions. Thus, in contrast to Sukarno with his flamboyant all-knowing manner, Soeharto has exploited the traditional patron-client model to legitimize divisions of authority based on technical specialization. Thus in a strange way Soeharto, who is more traditionalist than Sukarno was, has been more successful in bringing to Indonesian public life the seemingly modern notion that the top political authority should not intervene in technical matters that call for special knowledge and skills. Thus Soeharto has given scope to Western-trained technocrats who, as his clients, carefully treat him as their deserving patron. (Pye, 1985: 118-119).

As patrons, Soekarno and Soeharto have shown their important roles in manifesting themselves as the power holders who can make their own history. Any of

them in their own period agreed their views on how far a change could be made since it is the duty of a client to maintain the continuity. It is more important that the two leaders have shown of being generous with the existing resources for the country. In his daily life, Soekarno plays the various but also profligate roles, a kind of Javanese ruler who easily spends the wealth of the country for symbolic monuments.

Again Pye argues, all key elements in politics can find the expectations distributed in the period of austerity when the inflation was under control. The belief of Indonesians that any well off thing is ready to distribute the fortune has made him difficult to draw a clear line between socialistic redistribution and corruption. This spirit of sharing has made easy for Indonesians to arrange their key patron in the first hierarchy because it creates a relatively stable bureaucracy.

The existence of a stable national power structure does not necessarily mean that policies are well and efficiently implemented. On the contrary, the main essence of power concept in Indonesia is too noble to be mixed with purposeful activities. Power is something to have not to use. Power is a status; this is about above anybody else and being treated differently. This is not a utilitarian means. One wants power just to have it, just to enjoy it. On the other hand, in Western practice, the search for the power is made by following the ethics which limits the power of those with worthy purpose and so makes the power holder responsible for the causes they support. The Indonesian way is to find out the bad effect of the power and to develop the idea that power should not be totally applied. One should be satisfied to accept psychic differences they have, and they should have, both materially, and they should show their unlimited generosity to their clients.

According to Pye, such a practice has taken Indonesia to a stable power structure with little capacity for coherent and integrated national policies except for some flaws in the bureaucracy. Pertamina (The National Oil Company), for instance, is a small state in the state which brings prosperity by controlling the oil, inordinately using the share of this business to expand its own activities, and creating jealousy on other people because they agree the legitimacy of the domains (Pye, 1985: 120).

### **4.3 Political Structure and Institution**

A structure is the institutionalization of the organizational relationships among the components that create the building. In politics, a structure is always related to the allocation of authoritative values and is affected by power distribution and utilization. As such, this is related to capacity, capability, and competence to influence, to assure, to control, and to direct other people. This is certainly related to the authority, right, and the physical force or naked power (Kantaprawira, 1988: 41).

A political structure is also related to informal factors which in practice also influence the way of the apparatus and the community to express, channel, convert demands and supports on public interests. But this is also related to the formal or official political institutions which legally identify all problems, determine, and implement all decisions which bind all of the community to reach the public interests.

#### **4.3.1 Informal Political Institutions**

Political institution affects the way the apparatus do. Included here are those institutions such as political parties, interest groups, pressure groups, political figures or opinion leaders, mass communication means which is called the conveyor belt (Suwandi in Kantaprawira, 1988: 42). Then, in the structure there can be found some functions such as interest articulation and interest aggregation. There are also interactions among the political culture and political structure.

Kantaprawira applies some approaches in viewing the unofficial reality in Indonesia including first, the community groupings based on social and economic similarities to study the real community power as forces of revolution (1988: 45). Farmers, workers, middle class, and intellectuals are included in these groupings. Farmers are those who earn their living from cultivating the soil in a wide sense. Farmers apply traditional ways of cultivating the land which have been passed from generation to generation. They are included in the 87% of ‘silent majority’ who most dwell in villages. The rest are the ‘vocal majority’ who most dwell in urban areas. Workers are the group of the community who earn their living from contributing their labor service in the production process. Most of them live in industrial cities and they enjoy various facilities provided in cities such as electricity, transportation means, and entertainment. The middle

class is the group of community who earn the living from doing things outside land cultivation and labor service directly. They include doctors, lawyers, civil servants, and business persons. The middle class tends to be a small elite noble group (petit bourgeoisie). The intelligentsia includes those who have extra capabilities in knowledge as compared to the ordinary people, having ideas, idealisms, and concept about how a community should be created. They enjoy formal and informal education, and they are challenged to apply their knowledge. They consist not more than 5%.

Second, the community grouping is based on the difference of the methods and grouping based on the awareness on the same type of purpose. They are categorized as the political association group. Third, the grouping is based on the political factual life. Included here are political parties and interest groups, pressure groups, political figures, and mass media (Kantaprawira, 1988: 50 – 51).

#### **4.3.2 Political Parties and “Golongan Karya”**

In the period of Soekarno, political parties flourished along with the growing spirit to counter the colonizers. The political parties were established by religious and ethnical groups and intellectuals. In 1955 general election, there were more than 30 political parties but there were only four to reach the most votes. They included the National Indonesian Party (PNI) with 22.3%, Masyumi (20.9%), Nahdlatul Ulama (NU) (18.4%), and the Indonesian Communist Party (Partai Komunis Indonesia-PKI) (16.4%). The influential intellectual party included the Socialist Indonesian Party (Partai Sosialis Indonesia-PSI) with only 2%.

In the era of Soeharto there were only three political parties namely the Unity Development Party (Partai Persatuan Pembangunan-PPP,), Golongan Karya, and the Indonesian Democratic Party (Partai Demokrasi Indonesia-PDI). PPP was the fusion of Islamic parties and PDI was the fusion of nationalist and Christian parties. From the dozens of parties in the era of Soekarno and three in the era of Soeharto, it is only Golongan Karya that survives up to the era of Susilo Bambang Yudhoyono.

The functional groups as the embryo of Golkar have been in existence long before since the colonial era. Since the kingdoms of Nusantara, there have been members of seven different functional groups participating in the governance system as the advisors

for the kings (Boileau, 1983: 23). In the Dutch colonial parliament, there were the representatives of functional groups, named *Volksraad*, established in 1918. The same thing can be found in the *Chuo-Sangi-In*, an institution established in the Japanese colonial era in the Second World War. The Central Indonesian National Committee (Komite Nasional Indonesia Pusat-KNIP) or parliament, in 1945 – 1949, there were also such representatives (Boileau, 1983: 25).

According to Boileau, President Soekarno was known to support the interest groups in the People's Consultative Assembly (Majelis Permusyawartan Rakyat-MPR) since his travel around the world in 1956 particularly to socialist countries to see the interest groups in playing their roles in the political system. The years of 1957 – 1964 was the first period of Golkar's life as the political embryo of which process was started when there was a pragmatic coalition between Soekarno and the military (Fatah in Stanley, 1999). Soekarno was disappointed by the experiment of parliamentary democracy which placed the president in the symbolic – ceremonial role, and the Army was also disappointed because it was placed as the 'fire fighter' by the civil government. Golkar was the tool to develop the political basis for military empowerment vis-à-vis other political powers, particularly the communist. For the military, Golkar was not a political party but it was just a working group to respond the reactions of political parties which in the past were seen as the sources of political chaos and state economic bankruptcy (Suryadinata, 1992: 8).

In the era of Soeharto, Golongan Karya got much greater position and it became the only political party<sup>3</sup> in power for the period of more than 30 years. Two other parties, the Unity Development Party (PPP) and the Indonesian Democratic Party (PDI) in practice did not have any significant power. The organizational structure of Golkar was closely superimposed with the cabinet structure of Soeharto and all of its power. Golkar penetrated all official community living facets. One of the key position of Golkar as the ruling party was to take the position of the Minister of Information to make it capable to

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<sup>3</sup> The characteristics of Golkar as a political party included its activeness and effectiveness in the fight for political position. This is in line with the definition of a political party as suggested by Plano, namely a group with the agreed ideology to organize itself to win the general election, to run the governance, to determine public policies, and to win political positions (Boileau, *Golkar, Functional Group Politics in Indonesia*, Jakarta, CSIS, 1983, p. 111).

control the communication and mass media in Indonesia in the period of the New Order (1966 – 1998). Through various regulations, the Minister of Information was capable to control the only journalistic organization, namely the Indonesian Journalist Association (Persatuan Wartawan Indonesia-PWI) and that was the way taken by the government to ‘Golkar-ize’ the PWI (Simanjuntak, 1998: 10).

#### **4.3.3 Government as a Formal Political Institution**

Based on the 1945 Constitution, the governance system of the Republic of Indonesia includes: (1) the state is based on the law, not on power, (2) the governance is based on the constitutional system not absolutism, (3) the supreme state power is on the hand of the People’s Consultative Assembly (MPR), (4) the president is the supreme executive power under the MPR in running the governance with its power and responsibility, (5) the president reports to the House of Representatives, in which the president has to get the approval of the House to issue a law and to determine the state budget, (6) the state power is not limitless (Salam, 2002: 130 – 131).

Following Montesquieu, the government is the state institution known as “*Trias Politica*” in which there are the legislative power (law maker), the executive power (law execution), and the judicative power (law implementation overseer). The purpose of the concept is to divide the power to avoid absoluteness of power but in its development it has become the distribution of power. The three powers or institutions are to make official, binding, and legitimate decisions. The government political structure also includes the governance system namely the type of relationship and functional relationship among the state institutions which are usually determined by the constitution.

In the classification there are two governance systems namely the parliamentary executive or the cabinet government system and the presidential system (non-parliamentary executive or fixed executive, presidential system, or chief executive system). The 1945 Indonesian constitution dictates the combined governance system. In the beginning of Indonesian government (August 18 – November 14, 1945), Indonesia applied the presidential system based on the article IV of the transitional clause which is often called the absolutely centralized government (Sanusi and Kantaprawira, 1988: 142). Through the government announcement on November 14, 1945, there was established the

parliamentary cabinet and since then presidential system moved to the parliamentary system. Since the system was not known in the 1945 Constitution, this change was considered unconstitutional or against the 1945 Constitution (Kantaprawira, 1988: 144). In this system, the House has the power to make the president accountable for the administration. The government can also be impeached by the House (Thoha, 2003). The Republic of Indonesia was once under the united system through the United Indonesian Republic (Republik Indonesia Serikat-RIS) through the RIS constitution (December 27, 1949 – August 17, 1950) and the application of the parliamentary system. On December 17, 1950, the RI applied the parliamentary governance system with some gradual differences namely (1) no duplication in offices between being the member of the House and the minister of the cabinet (2) an active member of the armed forces had to be inactive if the person accepted the membership of the House, and (3) the prerogative right of the president as the state leader to dismiss the House with a condition of an election for the House in 30 days.

In short, Indonesia has undergone three periods of governance systems namely (1) the parliamentary and presidential governance system (1945 – 1950) (2) the liberal parliamentary cabinet system (1950 – 1959), the led-democratic presidential cabinet system (1959 – 1966), and (4) the new order cabinet governance system (1966 – 1999) (Thoha, 2003: xiv).

#### **4.3.3.1 Executive Institution: President and Ministers**

The executive power is dictated in the 1945 Constitution in Chapter II articles 4 – 15. The government of Indonesia consists of the central government apparatus, the local government apparatus, and the state businesses. The central government apparatus consists of the presidency and the cabinet including the departments. The presidency along with the main apparatus includes the president as the head of the state who is also the executive head, the vice president, the state / non –departmental ministers, the general attorney, the secretary of the state, national councils, and non – departmental institution (Salam, 2002: 138).

In the presidential cabinet system, the accountability on governmental policies is on the hand of the president. In addition, the president also plays as the prime minister and the ministers do not directly report to the House but to the president. The positions of the ministers are just the assistants to the president and the president is responsible of establishing the departments to apply the executive power. The main duty of the department is to determine the government policy based on the general policies made by the president and the prevailing laws and regulations (Salam, 2002: 146).

The ministry of information is an important formal political institution in the Indonesian political system particularly in the administration of Soeharto. In the administration of Soekarno, the ministry of information had the State Film Company (Perusahaan Film Negara), the Radio of the Republic of Indonesia (RRI), and the Television of the Republic of Indonesia (Televisi Republik Indonesia-TVRI). The ministry also held the Information Academi (Akademi Penerangan-AP) and the National News Office (Lembaga Kantor Berita Nasional-LKBN) Antara as the educational means in information matters (Hardjowiromo, 1984). In the administration of Soeharto, the ministry of information was once led by army generals such as Ali Murtopo and R. Hartono but then it was led by a former journalist, Harmoko. In the era of Harmoko, the ministry of information was successful in applying the new order development politics through the concept of development press.

#### **4.3.3.2 Legislative Institution: House of Representatives**

According to article 5 sub-article (1), articles 20 and 21 of the 1945 constitution, the president and the House are the institutions which have the power in legislative matters by passing the laws. In addition, the decision of the MPR no III/MPR/1978 dictates the working relationship between the House and the president in article 8. The second sub-article says that the president along with the House passes the laws including the budget law. The fifth sub-article says that the president does not report to the House, and article 6 says that the president cannot dismiss the House (Boboy, 1994).

#### **4.3.3.3. Judicial Institution: Supreme Court and Constitutional Court**

Following the 3<sup>rd</sup> Amendment of the 1945 Constitution on 2001, the Indonesian judicial system comprises several types of courts under the oversight of the Supreme Court (Mahkamah Agung-MA). However, Indonesian courts do not apply the principle of precedent .The Supreme Court does not have the power to review the constitutionality of laws passed by the national assembly. This function is taken by the Constitutional Court (Mahkamah Konstitusi-MK). The Constitutional Court also takes original jurisdiction in deciding disputes, for example about the results of a general election and about the action of dismissing the President from office.

#### **4.4 Media System in the “Law and Power”-Eras**

Entering the 1990s, the view that the press was the fourth estate of the state life with an equal position was considered a myth (Siregar, 1997). Not even the fourth estate, the other three pillars, namely the judicative, legislative, and executive powers were not in an equal position. This view is in line with the opinion of McQuail in describing the relationship between the media and the state and the people. One of the relationship models is the control of the state versus the independence where there is a tendency of external authority to limit or to control the media (McQuail, 1991: 25). The practice of limitation and controlling the media by state power has been in existence since the Soekarno era and the Soeharto era.

An opinion says that the press system of a developing country is in general following or continuing its former colonial system with some appropriate adjustments (Saefuddin, 2004). Some of the characteristics of the press system in a developing country include: (1) the press system tends to follow the former ex- colonizer, (2) the press in a developing country has still been in its transition form up to now, it is still looking for a suitable form or to find its own identity, just to make it less stable; (3) the press in a developing country is demanded to be an ‘agent of social change’ in which the press along with the government has the responsibility on the success of development, (4) in general, press freedom is acknowledged in its existence but in practice there are a lot of limitations, and in general it follows the system of a social responsibility, (5) the matters of inequality in information, monopoly, and excessive centralization of resources

and communication channels just create the domination of the state over the developing country, (6) the system and the relationship pattern between the press and the government has the tendency of combination between the existing systems (libertarian, authoritarian, and social responsibility) (Rahmadi, 1990).

The broadcasting system of Indonesia is related with national interest (Wahid in Swastoyo, 1997). If you broadcasts something that is considered by the government as being against the national interest then you will have to automatically limit yourself because the national interest is very strong here. Moreover, public broadcasting is controlled by a self -censorship, the government, or the fear of license revocation. In addition to political issues, or other sensitive issues such as ethnicity, religious, and cultural issues are also jus examples of how media is controlled by the authority.[Center of Statistical Data in 1995 recorded that there were 43.2% of the total 45,653,084 households in Indonesia owned a television set, or equal to 19,709,480 units. It means that one television set was for five family members or there were 98,547,400 viewers (Panjaitan and Tabing, 2000: 15)].

#### **4.4.1 Media System in the Era of Soekarno:Free Press, Caged Press**

The media system in the era of Soekarno was closely related to the media systems developed by the Dutch and the Japanese (Surjomihardjo, 1980). The Dutch government was in favor for Dutch audience, but the government did not govern through a representative body like in the Netherlands. The Dutch colony officials controlled the Netherlands Indies in an authoritarian manner by maintaining the caste system as the characteristics of a colonized community. A mass media that might open the possibility to voice a public opinion on the government policy would not be let published until the first experiment with an official mass media in the administration of the governor general van Imhoff who published the Bataaviasche Novelles in 1744 (Surjomihardjo, 1980).

In a treatise on the Indonesian press in 1909, EFE Douwes Dekker, the editor of the Bataviassche Nieuwsblad considered that the position of the press in Malay language was more important than the Dutch press (Surjomihardjo, 1980: 65). In the Dutch colonial era, the first regulation on press was passed in 1856 in the Reglement op de Drukwerken in Nederlandsch Indie which was more preventive and it was improved in

1906 to adjust to the demand of the situation, among others by the democratic pressures. The regulation was more a repressive supervision in nature (Surjomihardjo, 1980: 145).

In the Japanese colonial era, the authority of Java – Madura controlled the publication and communication means through the law no. 16. Some articles of it were about the implementation of a publication license system and preventive censorship. Article 1 says that all kinds of printed material have to have a publication license. Article 2 says that all publishers that were previously against the Japanese should continue their business (Surjomihardjo, 1980: 148).

In the era of Indonesian republic, the government has changed its policy on press because there were some changes in the governance system. Article 28 of the 1945 Constitution implicitly mentions about press freedom: ‘the freedom of assembly, expressing opinions orally or in written matters as dictated by the law’. Referring to Hardjowirogo (1984: 34), when the 1945 constitution was still in the making, there was no general statement on human rights by the UN and it was only issued on December 10, 1948. In the constitution of RIS in 1951, press freedom was explicitly stated in article 19: ‘everybody reserves the right of having and expressing opinions’. According to Hardjowirogo, this text is quite similar to the text of article 19 of the UN general statement. Article 19 of the RIS constitution was made the legal basis for press freedom in the period between 1951 and 1959 (Hardjowirogo, 1984: 35).

*Persbreidel Ordonantie* of 1931, a legacy of the Dutch colonial was only changed when the independent government entered 1954, particularly on August 2. The act no. 23 of the year 1954 says that the revocation of the ordonantie was made on the reason that the ordonantie was against article 19 jo. 33 of the RIS constitution saying: ‘everybody reserves the right of having and expressing opinions’ (Surjomihardjo, 1980: 150).

Hanazaki calls the press situation of the period of 1945–1957 as the partisan press and the following period (1957–1965) as the guided press or *pers terpimpin* (Hanazaki, 1998: 6). He says that after the independence, Indonesian press was caught in euphoria of freedom which was affected by tight competition among political parties. The press was also caught in the situation and it just became a means of political propaganda. There were three newspapers namely the republican press, the press financed by the Dutch, and the press financed by the Chinese and all of them were involved in the propaganda

(Hanazaki, 1998: 12). Some newspapers owned by Indonesians included Berita Indonesia, which had an anti – Japanese spirit, with a list of 5,000 subscribers. There were also Merdeka daily established by BM Diah and Soeara Merdeka daily in Bandung, Soeara Asia which was then changed to Soeara Rakjat in Surabaya. In Jakarta there was Ra'jat and English daily, Independent.

To counter the attack of republican papers, the Dutch published some papers in Indonesian language, including Fadjar in Jakarta, Soeloeh Rakjat in Semarang, Pelita Rakjat in Surabaya, Padjajaran and Persatoean in Bandung (Hanazaki, 1998: 12 – 13). The Chinese people also came back to newspaper business through Sumatera Bin Po, New China Times, Democratic Daily News in Medan, and Sin Po and Keng Po in Jakarta, and Sin Min in Surabaya. According to Tribuana Said, the Chinese papers tended to be in favor for the Dutch (Hanazaki, 1998: 13).

According to the World Communication record published by the UNESCO in 1951, in December 1948 there were 124 papers in Indonesia with a total of 405,000 in print, but in April 1959 there were only 81 papers with a total of 283,000 in print as the result of the Dutch aggression (Hanazaki, 1998: 13). Along the period, Indonesian press was strengthening the spirit of nationality, sharpening the techniques of polemic, and starting to show the increasing partisan spirit.

Indonesian press enjoyed the liberal era and found its tremendous growth in the number of impressions. In 1950 there were 67 Indonesian dailies with a total of 338,300 in print, and in 1957 there were 96 dailies with a total of 888,950 in print. Getting close to the first election in 1955, in Jakarta only there were 27 papers with a total of 320,000 in print. The four largest papers were Harian Rakyat (owned by the Indonesian communist party) with a total of 55,000 in print, Pedoman owned by the Indonesian socialist party (48,000), Suluh Indonesia owned by the Indonesian nationalist party (40,000), and Abadi owned by Masyumi (34,000) (Said quoted in Hanazaki, 1998: 13). Other papers which affiliated to political parties included Merdeka (PNI), Duta Masyarakat (Nahdlatul Ulama), and Sin Po (PKI).

According to Herbert Feith, the partisan position of the press was accelerated by the discrimination made by any ruling party its own paper by providing credit for press financing and administration, while opposition papers were often bridled (Hanazaki,

1998: 14). More than thirty political parties were involved in the election campaign and they used the press support. In the era of constitutional democracy, the press was not striving for unity but instead trying to fight one another just to make chaos and unrest among the people.

One of the most influential papers was Indonesia Raya established by Mochtar Lubis. The paper investigated the corruption made by the authority. Indonesia Raya also criticized the existence of a mutual security act with the United States in 1951 – 1952. In the history of Indonesian press, Indonesia Raya was in a unique position because it lived in two different periods for around ten years (Haryanto, 2006: 49). The press situation of the constitutional democratic era according to an official of the Ministry of Information was considered as disturbing the national unity but in the eyes of a western observer, E Schumacher, it was considered as the real ‘freedom of speech’ and ‘unattainable even by western countries’ (Oey in Hanazaki, 1998: 15).

The government issued some regulations which were considered as pressing the journalists, for instance the one issued by the Army chief as the military ruler dated September 14, 1965. Article 1 of the regulation banned the printing, publication, and distribution of writings, pictures, clichés, or paintings which contained any protest, suspicion, or insult to the president or vice president, an institution or general assembly, or ‘a civil servant who was doing his legal duty’ (Surjomihardjo, 1980: 151).

This ban also applied to various writings which were considered as ‘containing a statement of hatred or insult on any group of people’. This also applied to the ban on ‘writings which contained news or information that might create chaos among the people’.

According to the Indonesian association of journalists (PWI), the regulation signed by the army chief, Maj. Gen. AH Nasution, was quite similar to the Haatzaai Artikelen. After stating the state of war on March 14, 1957, the ban on the press was much bitterer. The regulations of Peperti no. 10/ 1960 and Penpres no. 6 / 1963 were the main pillars of government policy on press after 1959 until the issuance of Act no. 11 / 1966 on the principles of press. Article 6 of Penpres 6 / 1963 mentioned the need for a publication license for a daily or magazine. A printer violating the regulation can be sentenced for one year or a maximum damage of fifty thousand rupiahs (article 10), and

the printing equipment can be confiscated or destroyed (article 12). Then the control on the press was transferred to the Minister of Information assisted by the chief of the armed forces, the chiefs of the army, navy, air force, and police who had the position equal to a minister (Surjomihardjo, 1980: 156). The controlling duty of the minister of information included: (a) to control the functioning of the press in the guided democracy; (b) to play the role as connector between the revolution leader and press organizations in press matters in the led democracy; and (c) to listen to the voices of the general public or suggestions from press representatives in the context of general policy on the press from the revolution leader. Article 4 says that in implementing the duties, the minister of information reports to the president as the general leader of revolution (Surjomihardjo, 1980: 156). The issue of SIT is then regulated in the decision of the minister of information no. 03/ Per/ Menpen/ 1969, dated May 27, 1969. One of the regulation says that the SIT should be accompanied by a ‘statement that the press publication should prioritize the ideal traits by describing the mission in the service for the nation and the country’ (Surjomihardjo, 1980: 157).

Prior to the general principles of the press no. 11 of the year 1966 dated December 12, the administration of Soekarno issued the printing license (Surat Izin Cetak-SIC) through the special executive command of the local security and order recovery (Laksus Kopkamtibda). Through the SIC, the military reserved the full right to summon journalists who were considered as making mistakes or considered as questionable. This regulation also dictates the obligation to include the printing license number for every press publication, just like the publication license (Surjomihardjo, 1980: 157). As such, the media system in the administration of Soekarno is very much dependent on the regulations for the press, and most of them really jailed the press freedom.

What about the radio? The radio of the Republic of Indonesia (RRI) was aired for the first time on September 19, 1945, a month after the independence. Its embryo can be found when Indonesia was still under the Dutch colonization by the establishment of the Nederlands Indische Radio Omroep (NIROM), Bataviaasche Radio Vereniging (BRV), Solosche Radio Vereniging (SRV) in Solo, and Siaran Radio Indonesia (SRI) (Hardjowirogo, 1984: 28). In the Japanese colonization era, there was established the

propaganda force (*Sendenbu*) and censorship office (*Hodohan*) with the duty to censor any kind of publication and broadcasting. After the independence on August 17, 1945, from the Japanese there was inherited the Hosokyoku, or the radio agency which was then transformed to be the radio of the Republic of Indonesia on September 19, 1945 (Hardjowiogo, 1984: 31). Radio played a great role in transmitting information concerning the power, conflicts, and integration of Indonesia. For instance, the coup-d'etat and counter coup' in 1965, the public buildings seized by the communist forces under Colonel Untung included the RRI station in Jln. Merdeka, Jakarta. Through the RRI, Col. Untung announced the coup plan of the 'General's Council'. This was also the practice of Let. Col. Soeharto after attacking the movement (Masduki, 2003: 13).

But in the situation of struggle which overwhelmed the people after the independence, the press and particularly the radio as a government institution was considered as the extended hand of the government. This is also included in the Act no. 11 of the year 1966 in article 1 (1) saying that 'the press is a community institution as a revolution tool' and in article 2 (1) saying that 'the national press is a revolution tool' (Hardjowiogo, 1984: 33).

In the administration of Soekarno, print media got its freedom when the government applied the liberal political system and the press took a greater role as a propaganda tool for political parties. When the political system was changed to the repressive one such as in the guided democracy or *demokrasi terpimpin* system, the press was once again cuffed with a lot of limiting regulations. Radio had been more functioning as a tool for the government since the early beginning.

#### **4.4.2 Media System in the Era of Soeharto**

If it is compared to the era of Soekarno, the administration of Soeharto was so much powerful to place the media in a position almost powerless. It was only in certain years that the mass media got the space to play its function to channel information more freely. But almost all of the time in his era, the media was always in his hands. Though not politically capable, the role of the media in the era of Soeharto grew as an industry. Nearing to his fall, alternative media, particularly the Internet, provided a space for a

transition process. In addition to regulations, the political structure and culture was also the determining tool for the media system in the era of Soeharto.

#### **4.4.2.1 Key Principles of the Press**

For the administration of Soeharto, the law no. 11 / 1966 on the key principles of the press was the really effective weapon to circumcise the press freedom. In the administration of Soekarno, the press system was influenced by the ever changing governance system such as the parliamentary system, the system following the RIS constitution, and the guided democracy system. Included in it was the rule issued to regulate the press following the September 30, 1965 movement.

It can be said that the press system in the era of Soeharto inherited the press control by the state implemented in the era of Soekarno. The considerations of the act of press key principles at the point (c) clearly stated ‘in accordance with the principles of Pancasila democracy, the control over the press is in the hands of the government along with the press representatives’.

In addition to the act of 1966, the administration of Soeharto also applied the act no. 4 of the year 1967 and the law no. 21 of the year 1982. In addition, some other regulations to control the press were also issued by the press council, namely the decision of the press council no. 79 / XIV/ 1974 on the guidelines of controlling the press ideals. It was stated that the guidelines was binding for the press in implementing the duties and it was also binding to the government in controlling the press (Gandhi, 1985). The guidelines stated that ‘the freedom of the people to express their opinions or thoughts through oral and written materials is regulated by an act’ such as article 28 of the 1945 constitution and the decision of the MPR no IV/ 1973 on the basic guidelines of the state and the act no. 11 of the year 1966 on the key principles of the press. But there were lot of difficulties to translate the meaning of ‘freedom’ in daily journalistic practice; that is way it was suggested to submit a review on the essence of the ‘responsible press freedom’ (Gandhi, 1985: 147).

The philosophy of press freedom according to Pancasila is not free from the obligation of press mass media as a civil institution to support the national consensus in their writings. In applying the function, the press has to highly respect the prevailing

values in the community. It means that the press has to support the national development as the one outlined in the guidelines of the state as the national consensus. ‘In line with our national consensus, the existence of such freedom brings about the responsibility to apply the freedom in a balanced harmonious way to apply the function for the sake of progress and development of the community’ (Gandhi, 1985: 150).

The relationship between the press and the government is intertwined in a form that is inspired by the spirit of partnership in realizing the just and prosperous community based on Pancasila. In the era of development, political, economic, and social stability is the prerequisite for the successful development efforts. The press should be inspired to help the government in applying the power of the government to support the dynamic stability, without minimizing its rights to provide healthy and constructive criticism in an atmosphere of responsible – free press (Gandhi, 1985: 155).

Such a controlled relationship is based on some regulations to limit the media. Some of them was the decision of the minister of information no 24/Kep/ Menpen/1978 on the support of the PWI and Serikat Pekerja Suratkabar (Labor Press Union) as the only organizations for Indonesian journalists and publishing companies. The control in the hands of the organizations was also controlled by the government through the decision of the minister of information no 184/Kep/Menpen/1978 on the support that the press graphic society (Serikat Pers dan Grafika-SPG) as the only organization for Indonesian press printing companies. The most severe control could be found in the decision of the minister of information no 01/Per/Menpen/1984 on the regulations of press business license (Surat Izin Usaha Penerbitan Pers-SIUPP) and in the decision of the minister of information no 214 A/Kep/ Menpen/1984 on the procedure and conditions to get a press business license. Both decisions were directly to circumcise the press freedom as dictated in 1945 constitution and other legal regulations. This all was the practice of the state in controlling the press in various forms. Some other examples show the pattern of relationship between the state and the press particularly with the association of interest such as Indonesian association of journalist. There were cases, for instance when the chief editor of Monitor magazines confiscated, the PWI even dismissed its member in dishonor without providing the right to answer and without waiting for the legal process. When the magazines Tempo, Editor, and Detik were bridled by the authority, the PWI

even issued the statement that it was ‘quite understandable’ to the decision. When some journalists agreed in a Sirnagalih declaration to be against the bridle and the abuse by the government over the press, the PWI instructed the chief editors of the dailies and magazines to fire their journalists who signed the declaration (Surbakti in Akhmad, 1977).

Why the PWI should be tightly controlled by the government? In the policy of the New Order which emphasized the political stability and economic growth, any public organization with a high score which was popular to make it capable to influence millions of people in various cities with certain issues to question the credibility of the authority, it will certainly be the target of control by the authority (Akhmad, 1997: 48). In addition to PWI, the state was also represented by the technical control institution, namely the ministry of information and the political control directorate (Social and Political Directorate and the Indonesian Armed Forces) which directly controlled the press. Some modes of control included direct summoning the chief editors for a consultation, to give a pressure over the telephone, and to give oral and written warning. The intensity of control by the state was strengthening the mechanism of self –censorship by the media (Akhmad, 1997: 49). Hidayat called it a preventive and corrective control, control on individuals, control on the text, control on the sources, and control on the access (Hidayat et al., 2000: 6). Since 1974 up to 1994, some print media were banned by the government of Soeharto including Harian Nusantara, Harian Kami, The Jakarta Times, Abadi, Indonesia Raya, Pedoman, Suluh Berita Surabaya, and some weeklies and magazines such as Pemuda and Mahasiswa Indonesia (1974), Sinar Harapan daily (1986), Monitor magazine(1990), Tempo, Editor, and Detik magazines (1994) (Wahyuni, 1995: 67).

#### **4.4.2.2 Regulations for Broadcasting**

In the beginning of Soeharto’s administration, television media was relatively new but it had shown a strong coverage. That is because of its capability that the state wanted to make use the existence of television broadcasting industry (Wahyuni, 2000 : 2). Different from the control on print media which had been using the legal means, television media was more controlled by using ministerial policies that were more versatile in nature. This was closely related to the power character of the new order which

used patrimonial political structure and culture to control any kind of policy. In her research on television and state intervention, Wahyuni mentioned one framework analysis named patrimonial cluster (Wahyuni, 2000: 22). This is a pyramid marked with a relationship between groups with different status, between a dependent client and a patron as the source of influence. This model was marked by a political condition which does not recognize a conflict in its policy but instead a competition among the clients to get the closest position to the patron. The closest elite to the king is the best one, but the outer mass will always be pressed. According to Wahyuni, those who have the television industry are those who are close to the president such as the children, nephews, and surrounding cronies. Moreover, the state television, TVRI (Televisi Republik Indonesia) was positioned as the patron while the private television was only a client.

On October 20, 1987, TVRI assigned Rajawali Citra Televisi (RCTI) as the financier for the first commercial television service in Indonesia aired through decoder up to 1989. Then on January 17, 1990, TVRI signed an agreement with Surya Citra Televisi (SCTV) to run a limited television service in Surabaya. The policy was not in accordance with the decision of the minister of information no 190 A of 1987 saying that a commercial television should only be in Jakarta, but then the ministry of information revised the policy through the decision no 111 of 1990.

Then followed the license for television was issued to five private television companies in Jakarta in Soeharto's era through the decision of the minister of information no 04/A/Kep/Menpen / 1993 which also showed the high degree of centralization (Wahyuni, 2000: 82). While in fact, the decision of the minister of information no 84 of 1992 said that there was only one commercial television in Jakarta. Again, on January 18, 1993, the policy of the minister of information provided different basis for the commercial television structure. The decision no 04A/Kep/Menpen/1993 dictated two categories: first, a private television company SPTS located in Jakarta was allowed to air national broadcasting with only one broadcast; second, a SPTS located in a province or a level I area was allowed to air local broadcasting. There were only allowed not more than five SPTSSs in Jakarta (Wahyuni, 2000: 83).

The policy of the new order particularly the ministry of information was always changing or inconsistent. This shows the strong intervention of power but it was only

oriented to businesspersons with close ties to Soeharto such as his family, relatives, and cronies. The electronic media system in the era of Soeharto was finally substantiated through the broadcasting act no. 24 of 1997. Previously, the television business was only controlled through the decision of the minister of information no. 190A/1987 which opened the opportunity for private companies to provide ‘limited broadcasting of TVRI’ and then through the decision of the minister of information no 111/1990 on deregulation of television in Indonesia to make it possible for 3 broadcasting groups, namely the TVRI owned by the government, the education television or TPI (Televisi Pendidikan Indonesia) and public television to exist. TVRI was clearly owned by the government, the TPI was owned by the daughter of Soeharto and the other television company was owned by the son, close relatives, and cronies of Soeharto.

The deregulation of private television through the SK Menpen no 111/Kep/Menpen /1990 did not allow private television to air their own news. In fact, they aired news programs or just ‘information’ (Soemandoyo, 1999: 40). In such a situation, news program of private television proved to grow tremendously. The role of television media as an information channel was started through the presence of ‘Sepatu Jakarta’ aired by RCTI though it was only information like criminal news in Jakarta. This program then was changed to ‘Sepatu Indonesia’ with information coming from all over Indonesia concerning various issues in politics, economy, and socio-culture. This program was then followed by SCTV through ‘Liputan 6 SCTV’ which was initially aired weekly but then daily. Then followed the news programs at TPI, AN-Teve, Indosiar, and even breaking news (Soemandoyo, 1999: 41-42). The angle was quite different from the TVRI because TVRI was more about the social reality of bureaucratic behavior and development while those private companies aired social realities with social, economic, and political dimensions (Soemandoyo, 1999: 43).

If the TVRI was more the propaganda tool for the government, private television did the almost the same function but they also functioned as industrial businesses. But the western oriented television programs of private television companies resulted in their less contribution to the distribution of local culture (Soemandoyo, 1999: 20). According to Soemandoyo’s research, two programs which were considered as local were ‘sinetron’ (electronic cinema), quiz and talk shows. Referring to the broadcasting act of 1997, the

number of local programs agreed was 70% and the rest came from outside. Prior to the crises in 1997, television stations were difficult to find a portion of local programs as the one dictated by the law because the price was too high. For instance, in September 1998, Indosiar used 10 broadcasting hours from its total 11.5 hours for local programs. If an overseas program was only around \$ 4,000 per hour or with a rate of Rp. 10,000 per dollar, the total was only Rp. 40 – 60 millions, while a local program cost Rp. 70 – 90 millions before the crises and after the crises it rose to Rp. 120 – 140 millions per hour. In addition to ‘sinetron’ television then chose news program as its main alternative because of its cheap operational cost (Soemandoyo, 1992: 21).

#### **4.4.2.3 Broadcasting Law**

The policy of the Broadcasting Law no. 24 of 1997 opens the freedom for radio because it allows radio to make and to air its own news such as dictated in article 40 of the act. However, article 35 still obliged a private broadcasting company to relay aired by the government broadcasting stations through a centralized broadcasting. The broadcasting law no 24 of 1997 was in fact expected to release the freedom of electronic media but in practice the control by the authority was still implemented. Long before, chapter II article 2 of the government regulation no. 50 of 1970 on non governmental radio broadcasting says in its explanation: ‘a radio broadcasting has the social function as an education, information, and entertainment tool, and so to support the success of government programs, and it can be privately provided but it is not allowed to be used for purposes other than the policy of the government as a political tool, to undermine and to attack Pancasila and 1945 constitution’. In article 7 of the decision of the minister of information no 39/Kep/Menpen/1971, it was obliged that a radio broadcasting to relay the news program and other government programs aired by the *RRI*, and a radio broadcasting was not allowed to relay overseas programs. This regulation was supported by article 7 of the decision of the minister of information no 24/Kep/Menpen/1978 and SK Menpen no 226/Kep/Menpen/ 1984 (Mirza, 2000; AJI, 1999).

For more than 32 years, the new order regime only allowed two models of radio, namely government radio and commercial radio (Masduki, 2003). According to Masduki, both were allowed to air programs but not for democratization purpose, just only for

social mobilization. The RRI was designed as a media of doctrinal mobilization to preserve political power, while a commercial radio did the practice of mobilization to preserve and to develop the capital assets which were dominated by certain authority groups particularly those who were close to the palace. In this era, the government took the politics of mono – loyalty by only acknowledging one single broadcasting organization, Persatuan Radio Siaran Swasta Nasional Indonesia (PRSSNI).

Masduki also says that the history of radio in Indonesia is full of anomalies. In its industrial growth, radio is left behind print media. RRI, as the organic media is not autonomous and the commercial radio keeps being in the model of a ‘family business’ The ban for commercial radios to air factual information in 1994 proved the anomaly. The huge influence of RRI on information made radio de-politicized and not more than just an entertainment media (Masduki, 2003: 17). The function of radio was not more than psychological in nature, not the social – political one. On the other hand, the regulation of Soeharto’s administration also made radio broadcasting marginalized from its social function as a ‘mass media’ (Masduki, 2003: 17).

The intervention of political interest of the new order, namely Soeharto and his cronies on radio for the period of 1966 – 1998 was made through the control of human resources and tight news programs. According to Masduki, there were three key pillars of intervention. First, the behavior of Cendana family and their cronies were very aggressive in radio ownership as compared to other media businesspersons. For instance, Siti Hardiyanti Rukmana or Tutut (Soeharto’s daughter) who owned PT Radio Citra Dharma Bali Setya (CDBS) in cooperation with Radio Trijaya owned by Bambang Trihatmodjo bought a radio station in Denpasar, Bali. This process opened the way for Tutut to lead the largest radio organization (PRSSNI). At the time Tutut was also a chairperson of Golkar. Second, the control on PRSSNI (which was declared by the minister of information, Harmoko, as the only radio organization acknowledged by the government) as a control on the organizational and financial aspects of radio. Third, there was a monopoly on information through the RRI because non-RRI radios were obliged go relay 140 minutes per day of news program (Masduki, 2003: 18 – 19).

In the period of 1974 to 1998, the intervention of the state on private radio was made through three ways. First, the ownership of radios was dominated by the Cendana

family, second it was through mono-loyalty to PRSSNI, and third it was through a monopoly on news programs and relay obligation to RRI. Such a pressure just made ‘unsympathetic or pro status quo’ broadcasting programs (Masduki, 2003: 19).

#### **4.3.2.4 The Internet and the Fall of Soeharto**

In a situation where it was always pressed, the mass media then finally went through alternative ways to move underground by delivering information to the public. Particularly after the bridle over three magazines, Tempo, Editor, and Detik in 1994, there was a revival of fight against the authority among the press community. The spirit found its appropriate way when the communication technology gave birth to the Internet. Through emails which were distributed from overseas or inside Indonesia, various information on the corruptness in the administration of Soeharto were the menu for the middle class in Indonesia.

Data showed the growth of internet users in Indonesia and Asia since July 1997 to June 1999. According to AC Nielsen, in the period of July 1997 to June 1998, in Jakarta and 10 other cities there were only 1% of users, but one year later it was 3%. As a comparison, in the same period in Manila, the Philippines, there were 2% which grew to 8% (Winters in Hidayat et al., 2000: 263). But the important fact related to the media system of Soeharto’s era was the coming of the website ‘Apakabar’ in Indonesian language and English pioneered by John A. MacDougall. Other pioneers included Indo-News created in August 1994 which distributed 50 – 120 news postings and comments on Indonesia per day. This news service can only be found at [www.indo-news.com](http://www.indo-news.com) where all postings are available and can be searched for. There are also interactive segments in it so subscribers can send their comments and show up in the site and to discuss with other subscribers.

Winters illustrated the political contribution of the Internet and global information flow to Indonesia through the case of detik.com in Indonesian language and Joyo news service in English. Joyo news service was created in summer of 1996 by ‘someone who has been for 30 years related to Indonesia’. After Joyo was created, there showed up various networks of people from inside and outside Indonesia who wanted to make the

new order fall, and information was one of the most important means for the purpose (Winters in Hidayat et al., 2000: 270). A source at Joyo said:

Joyo news service seemed to be the main source of news for activists in Indonesia to know various events in the country and how the reaction of various parties in Indonesia was. Students once ‘ruled’ the DPR / MPR building and the walls of the building were attached with Joyo articles which were always updated. In Bandung, Surabaya, and Jakarta, news articles from Joyo were duplicated and distributed. Some people were even caught in buses or bus stops when they distributed the articles (Winters in Hidayat et al., 2000: 271 – 2).

In addition to the information distributed through the internet as facilitated by Joyo news service, in fact there was also Kabar dari Pijar (KdP) which was initially an underground print media from the center for information and network of reformation action (PIJAR) with its activist Tri Agus Susanto Siswowihardjo. After the bridel on the three magazines Tempo, Editor, and Detik, which were considered as the benchmark of criticism against the government, the bulletin of PIJAR which had previously issued monthly it was now published daily. According to Stewart, Smith, and Denton, Kabar dari Pijar for the print edition and the internet edition showed up as a political pamphlet with a confronting rhetorical strategy and its main purpose was to make the power or social order less legitimate than social movements (Hidayat et al., 2000: 293).

The new order regime was successful in controlling the media, both print media and electronic media through some regulations, but it was not surprised by the advent of internet. In addition, it was proved that the strength of Soeharto’s power was getting weaker because of various pressures from inside and outside the country.

From the discussion here, it can be concluded that the political development in the eras of Soekarno and Soeharto show the strong position of the government before the people. The political culture of the authority was to use the paternalistic culture of a feudalistic community by placing the authority at the patron position. As such, the common people would follow any policy taken by the author. The government controlled mass media, both in Soekarno’s and Soeharto’s eras through some regulations, laws on press, and other rules or decisions of the minister of information. In the era of Soeharto, the overlapping of power or the president, the minister of information and Golongan Karya gave heavier pressure on press freedom.

#### **4.5 Conclusions**

As a big kingdom in Asia around the 7<sup>th</sup> to 13<sup>th</sup> centuries even until the 15<sup>th</sup> century with its Sriwijaya and Majapahit, Indonesia finally fell into the hand of Netherlands colonialist for 350 years. Under the Netherlands colonialism, the Indonesia Unification was known as Pax Neerlandica or Unification and Pacification. With only strength as it was, Indonesian leaders such as Soekarno, Hatta, and Syahrir invited the people to fight both diplomatically and military to get the independence. When Indonesia was under the Japanese colonialist for three and a half years since March 1942, Indonesia succeeded in declaring its independence. The Indonesian political system was influenced by its political culture. Each political system was attached in the interaction pattern against political action, namely in the political culture (Wiseman, 1967:24). The Indonesian political culture, borrowing Gabriel Almond's term, falls into parochial political culture. The culture that exists in a parochial society, limited to small territory or coverage, and due to differentiation limitedness there was no special and independent political role. Four variables influence Indonesian political culture, namely subculture configuration, political culture, primordial bind rooting in sentiments of locality, race, religion, different approach against certain puritan and non-puritan religion, and political culture tendency that still follows paternalism attitude and patrimonial character with the indicator of bossism, as long the boss is happy (Kantaprawira, 1988:37). This last tendency can be seen in, for example, the characters of two Indonesian presidents namely Soekarno and Soeharto in controlling the government based on patron-client model (Pye, 1985).

The Indonesian political system consists of a structure in the form of organization relationship institutionalization in which there is authoritative value allocation, influenced by distribution of power utilization. Political structure also relates to informal factors but it influences the way the society officials to express, channel, converse claim and support related to public interest. Besides, the system also relates to formal political institution that legally identifies problems, decides and executes decisions binding all members of the society to achieve public interest. In the general election in 1955 during Soekarno era, the Indonesian National Party of PNI got 22.3% votes, Masyumi (20.9%), Nahdlatul Ulama or NU (18.4%), and Indonesian Communist Party or PKI (16.4%). In Soeharto era, there were only three political parties namely The United Development Party (PPP),

The Functional Group (Golkar), and Indonesian Democratic Party (PDI). Golkar that never wanted to be called a party always won the general election due to support from bureaucracy and military. Those three political structures serve the main foundation of Soeharto government for more than thirty years. Based on the Constitution of 1945, the government system of the Republic of Indonesia is a country based on law, the highest power in on the hand of the People's Consultative Assembly (MPR); president is the executor of the government, under the MPR; president is responsible to the House of Representatives (Dewan Pwerwakilan Rakyat-DPR), and he has to get approval from the DPR to establish Constitution and to determine the state income and expenditure budget (Salam, 2002: 130-131).

In such culture and structure, the media system in Indonesia was in a weak position. The system of Indonesian media did not give room for media and its journalists to execute their basic function, moreover as the fourth pillar to control the government.

## **Chapter 5**

### **Political Communication in Indonesia in the Era of Transition**

As Chapter 2 to 4 did, this chapter still discusses a number of theories and political communication development. As the continuation of the discussion on Politics and Media in Indonesia before transition, chapter 5 briefly accounts for political communication in the transition period. The development of political communication study during the transition period is discussed here, followed by explanation on the transition causes in Indonesia. The last part discusses the press freedom.

#### **5.1 The Analysis of Political Communication**

Political communication study in Indonesia had just started to be since political change in 1998 followed by the general election in 1999 and 2004 started with Press in "May Revolution" the Fall of a Hegemony (2000), a book of a number of cycles both academics or media practitioners, published by Gramedia, Jakarta. Then, there existed various researches taking the transition period momentum as it was also done by a foreign researcher Angela Romano (2003) and a book was published, namely "Politics and the Press in Indonesia Understanding an evolving political culture". In the same year, there existed also "The Media in A Society in Transition A Case Study of Indonesia", a thesis for Master of Arts title at The Fletcher School, Tufts University, written by Pit Chen Low. In Indonesia, in addition to the book "May Revolution" that seemed to be inspired by February Revolution in February in the Philippines or known as people power in 1986, there were several studies, for example the Master thesis in Politics Program of Gadjah Mada University entitled "State, Press and Interaction Political Transition between the State and the Press in Political transition period in Indonesia years 1998-1999" written by Wisnu Martha Adiputra, and Pawito's dissertation in 2002 entitled "Mass Media and Democracy: a study of the roles of the mass media in the Indonesian transition period 1997-1999" from School of Design, Communication and Information Technology The University of Newcastle, Australia. However, the research for thesis and dissertation written by Indonesian people both

abroad and domestic were generally not published, except the thesis by Hermin Indah Wahyuni at Gajah Mada University entitled “Television and State Intervention in Political Context of Television Broadcast Industry Public Policy”, published by Media Pressindo Yogyakarta, in 2000, and the thesis by Hasrullah at the University of Indonesia entitled “Megawati in Press Capture”, published by LKiS Yogyakarta in 2001.

In addition to the studies done by academists, there were studies done by practitioners, for example journalists and media analysts. In 2001 there were at least two books published, one entitled ”Media Politics and Discourse Analysis” by Agus Sudibyo, a media analyst in Jakarta, published by LKiS Yogyakarta, in 2001. Second, the book ”The Confused Press, a Study of East Timor Referendum” written by a number of press practitioners and academists namely Hotman M.Siahaan, Tjahjo Purnomo W, Teguh Imawan, and M.Jacky (LPPS, ISAI, USAID-Jakarta, 2001). Another book entitled ”Media and General Election of 2004” by Lukas Luwarso, Samsuri and Tri Agus S.Siswowiharjo was published as well (SEAPA-Jakarta, 2004).

Previously, there was hardly research on political communication. This gives a description that political communication study in Indonesia was experiencing growth and got the attention at the same time with political changes. This condition shows how academician were also influenced much by some political pressures done during the authoritarian government of Soeharto so that they did not have space to express their intellectuality before the public even though campus has been a world that is autonomous from politics.

One of the interesting findings from Luwarso and his friends' study on Media and General Election of 2004 was the use of service advertisement featuring Susilo Bambang Yudhoyono (SBY) as the Coordinator Minister of Politics and Security in the cabinet of President Megawati Soekarnoputri that was broadcasted in eight television stations. This advertisement was considered a hidden campaign to increase SBY popularity so that various polling always placed him in the first rank of the president candidates. The increase of SBY popularity ”Made Megawati Center Nervous”; that was a title of a report in Rakyat Merdeka newspaper. The study also stated that the General Election of 2004 was not field of competition program and a political policy but it was like a contest of candidates as “celebrities” (Luwarso, 2004: 14).

Suwardi's study looked at the difference of the language use of the New Order press and the press in transition period. One of the conclusions, language euphemism has destroyed the function of political communication function and its credibility (Hidayat et al., 2000). In the New Order government, the language had been "the representative" of the Functional Group or Golkar authority. Although it did not relate itself to dominant culture of Soeharto regime with his Javanese culture introducing and maintaining euphemism practice, however, being part of the cabinet member, people's representative in the People's Representative Council, member of political parties, member of regional government, and other parties including media that do not come from this culture, finally it "let itself" to dissolve in the practice of euphemism. Nonetheless, as language is also product of a period, it is also seen as a paradigm. It is not human being that use the language but the language does use human beings; it covers and decides human beings. There had been continuous interplay between structure and individual (agent), where at the beginning there might be certain structure or culture introducing euphemism tendency, but in the long run there was a kind of accumulation where individuals supported and diffused in such a practice (Hidayat et al., 2000: 330).

Indonesian press uses euphemism such as the addresses of "crab press", "press of a blind person with his stick", "Pancasila Press", "Independent and Responsible Press". If the first address described the press as wild yet it had to run quickly to its hiding place when they were bluffed, the other three press described groping movement and if it stumbled on something then it would know that there were obstacles (Suwardi in Hidayat et al., 2000: 331). The press credibility fell down with the birth of informal press or alternative press, underground press in transition era. Informal press was able to explain the so called "between the lines" in a bare sentence, without euphemism, which was just "between the lies".

The loose of formal press happened due to lack of integrity, impartiality, editorial independent and editorial courage. Compared to critical and direct language in the internet and campus leaflet or other activist network, the formal press turned to be people who were shy, frightened, pro authority, or occupied by the existing regime. However, there was extraordinary weird change in the formal mass media several days after the riot on 14 May 1998 until the fall of Soeharto on 21 May 1998, namely the change of

orientation to support people movement and students and several media did not seem to show editor authority that by that time was so frightened of the New Order and concerned a lot with euphemism. The practice of euphemism depends a lot on interaction of the language use resulted from individual and structural perceptions at various levels, either in political party level, People's Representative Assembly, regional government, press organization, experts, to the level of political system and formal language system (Hidayat et al., 2000: 336).

In Manzella view (2000), during the crisis years 1997-1998, Indonesian journalists created intensive pressure against the government, of which value system and its belief vis-a-vis with press role in the society was strange with much understanding from the reporters. Logically, it was followed by the weak government and the increasing press freedom. However, after Soeharto, the press still had to be satisfied with a complex political system including, among others, differences of faction and economy social interests. Moreover, the growth of news media in Indonesia was challenged by disorganization level of news space and inexperience of many journalists. Nonetheless, tentative independent press era had come to Jakarta ( Manzella, 2000:324).

From these researches, I see that political communication in Indonesia centered on the state, government and media, both printed and electronic.

## **5.2 Indonesia as a Transitional Society**

The beginning of transition period was the period where the society got more rights to communicate than the previous period. This was resulted from the changing political atmosphere after the fall of Soeharto in May 1998. The communication right as part of human rights was then stipulated in the Decree of People's Consultative Assembly Number XVII/MPR/1998 regulating firmly that everyone had the right to communicate and to get information to improve personality and his social environment. Everyone had the right to find, get, keep, process and disseminate the information by means of any available channels. This stipulation was then strengthened with Regulations Number 39 year 1999 on Human Rights and finally was made chapter 28F of UUD 1945 that was amended in the year 2000. All of these stipulations were used as the basis for considerations in Press Law no. 40 year 1999.

During the period of President Habibie governance of the Habibie's 'Reformation Era', bureaucracy only interpreted legislation in a liberal style, and this interpretation could easily be tightened in an important change in the future (Romano, 2003: 49). In this atmosphere, politicians, bureaucrats, journalists and industry representatives, activists and non-government organizations joined in some coalition each of them wrote and presented six different suggestions to legislation that would strengthen journalists' autonomy. To Romano's opinion, the debate in parliament and society concerning this Press Regulations reflected the remaining strength of the New Order culture and the intensity of the organization of the institutions that expected to cement a legislative shell that would be the basis for more liberal press culture (Romano, 2003: 50). The supporters of status quo in the Army and other political parties argued that in the Army and other political institutions argued that the replacement of the old restriction to the press would cause the civil society to oppose and even led to national destruction. Finally, the Minister of Information, Yunus Yosfiah, agreed the reform of media regulations by using the same perception supported by UNDP, World Bank and IMF, for example press independence was the estate of democracy, which could help eliminate collusion, corruption and nepotism (Kolusi, Korupsi dan Nepotisme-KKN), promoting a responsible government and decreasing social conflict and the chaos that were often resulted from rumors (Romano, 2003: 50).

### **5.2.1 Transitional Society**

The study on transition society was increasingly renewed since the publication of Samuel Huntington's book (1991) "The Third Wave Democratization in the Late Twentieth Century". In his study he noted that in the year 1922 there were 29 democratic countries and 35 non-democratic countries out of 64 countries, while in the year 1990 there were 59 democratic countries compared to 71 non democratic countries out of 130 countries (Huntington, 1991: 26). The interesting thing, in the years 1942, 1962, and 1973 the percentage increase of the number of democratic countries was not as much as that in the years 1922 and 1990. Carothers (2002) also held a study on transition society and he found that around 100 countries throughout the world such as Latin America, Southern Europe, formerly Soviet Union colonized countries, Sub-Saharan Africa, Asia

and Middle East experience the transition. Indonesia together with Nigeria, Croatia, and Serbia fell into a transition country even though its course was still unclear (Carothers, 2002).

Price et al. (2002) presented a number of political dimensions of democratic transition, as follows:

**Table 5.1: Political dimension of democratic transition**

| Pre-transition                                           | Mature transition                                                                          |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Executive appointed                                      | Executive elected and has effective power to rule                                          |
| Legislature appointed                                    | Legislature elected and has effective power to rule                                        |
| No judiciary or judiciary politically controlled         | Full judicial autonomy controlled                                                          |
| Bureaucratic points allocated by Association             | Bureaucratic points allocated by merit                                                     |
| No changeover of power between Government and opposition | Changeover of power between government and opposition                                      |
| Restrictions placed on travel                            | No restriction placed on travel                                                            |
| No freedom of expression                                 | Freedom of expression                                                                      |
| Certain ethnic groups banned from participation          | All ethnic groups legally and politically effectively granted full political participation |
| Military domination over state                           | Complete civilian control over military                                                    |

|                                                                   |                                                              |
|-------------------------------------------------------------------|--------------------------------------------------------------|
| Constant threat to citizen of state violence                      | No threat to citizen of state violence                       |
| Right to assembly prohibited                                      | Right to assembly legally and effectively granted            |
| No election take place                                            | Election take place regularly                                |
| No former democratic experience                                   | Minimum of 10 years of democratic rule                       |
| Rule by decree                                                    | Rule of law                                                  |
| State control over information                                    | No state control over information                            |
| Class of ruling elite                                             | Change of ruling elite classes                               |
| No party competition (anti-regime<br>Parties banned)              | No limits placed on party competition<br>(no parties banned) |
| No civilian liberties                                             | Full civilian liberties                                      |
| Political participation organized<br>by state                     | High levels of spontaneous political<br>participation        |
| <u>No freedom of religious expression</u><br>Price et al, 2002: 4 | <u>Freedom of religious expression</u>                       |

Those three authors divided transition countries into three stages: pre-transition stage, for example China and Uzbekistan that experienced different types of regime. China was said to be the main example of a “totalitarian” regime while Uzbekistan was categorized as post-totalitarian. The second stage is primary transition, like Indonesia, which was said to experience the transition from “sultanistic” regime. It included Bosnia-Herzegovina undergoing “transformation under the supervision of an international authority”, and Jordan representing former “authoritarian” regime. The next step is secondary state such as Ukraine, an example of a country that was also under a “post-totalitarian” regime like Uganda, which made political transition from an “authoritarian” regime. And the countries categorized as late or mature transition was Poland that went through a “mature post-totalitarian” system, also Uruguay that existed from an “authoritarian” system and then India representing the original “post-colonial” transition (Price et al., 2002: 3-5).

### **5.2.2 Causes of Transition**

Giuseppe Di Palma (Sahdan, 2004) revealed 3 main factors causing transition movement to democracy that occurred in South Europe, Asia, Latin America and Africa: First, economic prosperity and equality; second, a modern and diversified social structure in nondependent middle classes occupying center stage; third, a national culture that, by tolerating diversity and preferring accommodation, is already implicitly democratic. Di Palma’s argument was not far from Huntington’s idea in “The Third Wave, Democratization in the Late Twentieth Century”. First, the regime lost its legitimacy starting from the image of the regime in the eyes of the society. The fall was influenced by the level of society sensitiveness toward various values entering into state atmosphere such as global communication, industrialization, modernization, and democratization. Second, it was triggered by very bad global economy crisis starting from the oil price shock, the influence of global economy growth. Third, the policy change among Catholic Church officials in Vatican influencing the other church officials in other countries. Fourth, diplomatic action of the USA promoting democratization and human rights that was able to awaken the leaders of non-democratic countries. Fifth, the effect of economy growth of some non-democratic countries so that it increased society participation in the

development, including extension of middle class, bourgeois class, and extension of autonomous institutions opposing the government. Sixth, the fall of authoritarian regime resulted from decrease of legitimacy basis, global communication, military fall, economy crisis, declining oil price, the fall of Marxism-Leninism ideology, cross supporting and opposing coalition in an authoritarian regime, extension of political participation. Seventh, the huge demonstration (Sahdan, 2004: 41-44).

### **5.2.3 The Role of the Press**

Indonesian press had played its role in facilitating the transition time to democracy, contributing to the resign of Soeharto from the authority (Pit Chen Low, 2003: 25). His role was disseminating information and giving his voice for the people, helping distribute pro-democracy movement in the end of Soeharto regime. During the hot days in May 1998, private televisions and newspapers opposed to the order from the owners and the government that tried to control information through media censorship in the form of pooling, and covered the riot and student demonstration causing the fall of Soeharto and the birth of independence press (Pit Chen Low, 2003: 26). However, during the general election of the year 1999, media had biased the report where all television stations, especially TVRI that cut an interview when the interviewee was critical to Golkar. Meanwhile, Merdeka and Rakyat Merdeka magazine that had relations with Megawati's father openly supported Megawati.

During the government of Abdurrahman Wahid since September 1999, media stated closed war against Wahid until his fall in August 2001. However, Wahid enjoyed the honey moon with media until the early of 2000, until the establishment of hard relations with them (Pit Chen Low, 2003: 29). Negative portrait of the media about Wahid contributed to significant decrease of society's trust to the government in solving economy and political crisis of the state. A senior journalist told that press was the responsible part that brought Wahid stepped down in 2001. All media industries explicitly opposed Wahid, and this can be seen from their agenda between the years 1999-2001. Weekly magazines investigated and revealed many scandals, corruption case, and political intrigue, such as Baligate touching President Habibie and Bologgate with regards to Wahid. While Panji magazine hold personal attack to Wahid, it accused

him of committing an adultery, while Kompas revealed the Buleleng scandal sponsored by the Baywatch and was impeached in August 2001.

#### **5.2.4 Transition in Indonesia from 1998 until 2004**

An expert on Indonesia, Anders Uhlin (1997) said that transitional stage is the phase when social, economy, and political structures change in spite of some obstructions to improve democracy expectations (Uhlin, 1997: 155). The most fundamental change is the class structure as the product of relatively quick but unbalanced development during the New Order government. The middle class and worker class increase, while at the same time the working class and some parts of progressive middle class had some interests in democratization such as the ability to catch up in favor of democracy. This social class, even though is weaker than its counterpart in other countries, has grown and there was no indication that their interests in democracy will decrease in the future. Nonetheless, Uhlin's study was not supported by the fact in Indonesian transitional stage after May 1998 where middle class and worker class had not been able to run faster and more appropriate democratization process. Their efforts were beaten by powerful elites in three branches of authority, legislative and executive as well as judicative.

The transition path in Indonesia did not go through military coup or fight for authority but through shift of power from Soeharto (President) to Habibie (Vice President) because of huge demonstration to get Soeharto down. The handover did not think thoroughly the next and possible implications. The opponents of Soeharto expected the authority handover was not given to Habibie as Soeharto's golden son but to form a coalition government of various existing components. However, Soeharto's keenness had changed everything and Habibie appeared as the channel inheriting some agenda of Soeharto (Sahdan, 2004: 93)

Following Sahdan, transition in Indonesia did not go through transformation because Soeharto as the controller of the authority did not sponsor the change of the regime or had the initiative to end the regime and changed into a democratic system. The transition also did not last in the form of transplacement where democratization was the product of compromise and collective agreement among Soeharto opponents and his proponents because of several reasons. First, Soeharto's proponents were not able to

establish the characteristic of political system that they construct for the future. Second, Soeharto and his proponents was not able to run political dialectics with his opponents. Third, Soeharto's proponents believed that they were able to overthrow Soeharto in a relatively short time. Fourth, it was hardly possible to hold a negotiation between the opponents and proponents of Soeharto. Fifth, the only component uniting them was agreeing the agreement of change as a common product of the students, non government organization (NGO), academists, social organizations, but it did not happen in Indonesia either.

The proper transition type for Indonesia was replacement with the characteristics: first, Soeharto's opponent group was in a strong position and was able to organize itself freely; second, dominant element in Soeharto government was conservative group that did not expect changes; third, democratization was created through alliance between the opponents so that Soeharto got weaker and automatically fell down (was overthrown); fourth the group of Soeharto's proponents did not take over the authority, because the initiative of authority handover appeared Soeharto's own mind to keep political stability and mass anarchy; fifth, the existence of conflict in Habibie's government especially how to institutionalize transition into democracy, leaving the golden time with Soeharto and eradicating all of Soeharto's inheritances. The three phases to go through were first, the existence of struggle to overthrow Soeharto, second, the fall of Soeharto, third, the struggle after the fall of Soeharto. Replacement occurred because Soeharto was not able to overcome economy crisis, to recover legitimacy and to lessen the huge wave of democratization of his opponents (Sahdan, 2004: 94-95).

Next, after Soeharto stepped down from presidency throne and handed the authority to his assistant, BJ Habibie, the euphoria was everywhere, especially in the society and student activists. However, the transition path to democracy was unclear at all with a number of reasons. First, the authority system that had been established for years had been the new culture in a society that was difficult to be destroyed. Second, the fall of Soeharto was not accompanied by total destruction of its supporting machines, for example the coercive apparatus (the army) did not fall, just like bureaucracy and Golkar starting to make a consolidation. Third, the leaders at Soeharto's opponents did not unite and did not have reform agenda focus. Fourth, democratization was not Soeharto's expectation because he did not withdraw all of his interests. Fifth, Habibie who replaced

Soeharto did not have complete expectation to run liberalization or democratization. Sixth, legislative body as the inheritance of Soeharto did not agree to end the New Order regime but even tried to remain above it. Seventh, political reform was not in a national referendum so that it gave birth to various conflicts between the reform proponents and conservative groups that were pro status quo. Eighth, political parties were not organized to run liberalization but was patterned for their own interest. (Sahdan, 2004:96-97)

The existence of Habibie's authority getting government constitutional right after "Soeharto was permanently obstructed" brought Indonesia to the next phase namely preliminary political liberalization. It was the phase confirming the end of the pre-transition, but transition did not start yet. This phase was marked by redefinition of people's political rights, the occurrence of ungovernability or disorder of the government, instability, and uncertainty. It was in this phase that freedom euphoria and political participation explosion happened, at it happened during Habibie government.(Fatah, 2000: 431). It was the phase"of the beginning of transition from authoritarianism to unclear direction" as it was stated by Guillermo O'Donnell and Philippe Schmitter (1993: 21 ).

Liberalization phase can be said the "corridor" from authoritarian regime to transition phase. The end of this corridor was general election and the establishment of new regime through more democratic regime and had better legitimacy compared to the old regime, such as the carrying out of general election in June 1999 in Indonesia that was far more democratic than the elections in Soeharto period. Also, the election of the new government under the leadership of Abdurrahman Wahid and Megawati Soekarnoputri as the president and vice president.

However, the reform had not finished. The reform that fundamentally was rearrangement of political, economical, social and cultural systems to a new community that was more open, prosperous, fair and democratic, had just started. The period between February 1998 to October 1999 was a reform process in the form of demolition of the past. This period had to be continued with the reconstruction of the demolished hardware such as human beings, institution, rules, mechanism or software such as way of viewing, paradigm, behavior pattern, character, culture in order to implement the

democratization. Thus, the new transition had started especially with the implementation of the hardware in the hope that it would be in line with the need of democratic system that it was expected to be completed in the years 1999 to 2004. (Fatah, 2000: 434-435).

### **5.3 Press Freedom in Transition Periods**

Some opinions say that press freedom in Indonesia experiences significant changes after President Soeharto stepped down in May 1998. Freedom House, for example, reported that in 1998 the government annulled press prohibition, followed with the growth of new and old publications reporting the first democratic general election since 45 years ago ([www.freedomhouse.org](http://www.freedomhouse.org)). What phenomenal was the ratification of the new Press Regulations by the government and the People's Representative Assembly after a marathon discussion from August-September 1999 (see Chapter VI). These stipulations were ratified on 23 September 1999 in the State Paper of the Republic of Indonesia Year 1999 Number 166 and Additional State Paper of the Republic of Indonesia number 3887. Some reasons function as considerations the birth of Press Regulations 1999. First, the press is one of the instruments to express ideas and opinions. Second, the press is important to improve public prosperity. Third, the press must be "free from" and "free to" implement its journalistic activities. Fourth, the press functions to keep world peace. Fifth, the old press regulations are not appropriate anymore. Sixth, press was born as constitution mandate (Panjaitan and Siregar, 2004:2-3). In other words, referring to the interviews with some informants of this research, there was expectation from press cycles not to experience the trauma of state repression anymore, and it was followed with the initiative to pass the draft of Press Law that tended to be liberal through civil society group and debate in parliament. The law were made as a kind of "revenge" in the sense that anything made by the New Order government had to be reversed and eliminated.<sup>4</sup>

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<sup>4</sup> RH Siregar, former staff of the Indonesian Journalist Association (PWI), the member of Press Council Technical Commission composing Press Regulations Year 1982, the director of *Sinar Harapan* daily, the member of Press Council 2000-2003 in an interview on 8 December 2005.

Compared to the Press Law year 1982 as the revision of Press Law year 1967 and 1966, the new Press Law support press independence as it can be seen in the following table.

**Table 5.2: Comparison of Press Law no. 21 year 1982 to Press Law no. 40 year 1999**

| Subject               | Press Law no. 21 year 1982                                                                                                                                                                                                                                                                                                                                                    | Press Law no. 40 year 1999                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Base of Consideration | 1. Implement the Decree of MPR No IV/MPR/1978 on The Guidelines of State Direction in Information and Press sectors                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>1. Press freedom is one form of people sovereignty</li> <li>2. Freedom to express ideas and opinions in accordance with conscience and the right to get information are human rights</li> <li>3. Professional Press, getting legal protection, free of intervention and pressures from anywhere</li> </ul>                                                                         |
| General Rule          | <p>Chapter I Article I</p> <ul style="list-style-type: none"> <li>1. The press is a society institution, a national means of struggle (article 1)</li> <li>2. Press enterprise are daily newspaper, temporary publication, news station, bulletin, and so on (article 2)</li> <li>3. Journalist is a worker who does his journalistic work continually (article 4)</li> </ul> | <p>Chapter I Article I</p> <ul style="list-style-type: none"> <li>1. The press is a social institution and a means for mass communication</li> <li>2. Press enterprise is a legal body in Indonesia that operates press business including printed media company, electronic media, and news station, and other media companies</li> <li>3. Journalist is someone who continually does journalistic activities</li> </ul> |

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Basis, Function, Right, Obligation and Role of the Press</p> | <p>Chapter II Article 2</p> <ol style="list-style-type: none"> <li>1. National Press is a national means of struggling and an active, dynamic, creative, educative, informative mass media, and it has social function to support and fertilize critical way of thinking and progressive construction including all realization of life and living of Indonesian society</li> <li>2. National Press has the tasks and obligations to:           <ol style="list-style-type: none"> <li>a. Preserve and socialize Pancasila as accommodated in the opening of UUD 1945 with Guidelines of Understanding and Implementing Pancasila</li> <li>b. Struggle for the implementation of the mandate of the people's suffer based on Pancasila Democracy</li> <li>c. struggle for truth and fairness based of responsible press independence</li> </ol> </li> <li>3. To improve the role in development, press functioned as an objective information disseminator disseminating people's aspiration, extending communication and community participation and to implement constructive social control. Here, positive interaction between the government, he press, and society must be developed.</li> </ol> | <p>Chapter II Article 2, 3, 4, 5, 6</p> <ol style="list-style-type: none"> <li>1. Press independence is the form of people sovereignty based of principles of democracy, fairness, and law supremacy</li> <li>2. National Press has its functions as media of information, education, entertainment, and social control</li> <li>3. National Press functions as economy institution</li> </ol> |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>4. The press has the rights to control, criticize and correct constructively</p> <p>5. No censor and bridle to National Press</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>4. Press freedom is guaranteed as the rights of the citizens</p> <p>5. National press is not censored, bridled or prohibited to broadcast</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Press Council | <p>Chapter III Article 6</p> <p>1. Established to accompany the government in guiding the growth and development of national press</p> <p>2. The members consist of representatives of press organization, government representatives and society representatives. In this matter, they are experts in press and experts in this field</p> <p>3. The position, task, function, and rights, number and the order of membership, requirements for membership, and appointment of Press Council will be regulated by government regulations</p> <p>4. The appointment of experts in press and experts of other fields is done by the government after hearing the press organizations</p> | <p>Chapter V Article 15</p> <p>1. Established in the effort of developing press independence and improving national press life</p> <p>3. The members consist of:</p> <ul style="list-style-type: none"> <li>a. Journalists selected by journalist association</li> <li>b. Director of press enterprise selected by press enterprise organizations</li> <li>c. Leader of the society, experts in press and or communication and other fields selected by journalist organizations and press enterprise organization</li> </ul> <p>4. Operating the following functions:</p> <ul style="list-style-type: none"> <li>a. Protecting press independence from intervention of other parties</li> <li>b. Testing to develop press life</li> <li>c. Deciding and controlling the operation of Journalistic Ethics Code</li> <li>d. Giving considerations and trying to finish complaints of</li> </ul> |

|                  |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                         |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | <p>5. Other stipulations about Press Council not regulated in government stipulations as stated in article 6 point (3) this Regulations is determined by the government after hearing consideration of the Press Council</p> <p>6. Chairperson of the Press Council is the Minister of Information; Director of Press Council is selected from and by the members of Press Council</p> | <p>the society over cases related to press reports</p> <p>e. Developing communication between press, society and the government</p> <p>f. Facilitating press organizations in composing the rules in press and improve the quality of journalism profession</p> <p>g. Registering press enterprises</p> |
| Press Enterprise | <p>Chapter V</p> <p>1. The entire press enterprise capital must be national capital, while the founders and staff must all be Indonesians</p> <p>2. Press enterprises are obligated to become members of press enterprise organization</p> <p>3. Any press publication needs the Permit for Press Publication Enterprise (SIUPP) issued by the government</p>                          | <p>Chapter IV Article 9</p> <p>1. Any Indonesian citizen has the right to establish press enterprise</p> <p>2. Any press enterprises must be in the form of Indonesian legal enterprise</p> <p>Article 11<br/>The addition of foreign capital to press enterprise must be done through stock market</p> |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                 |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Journalist          | <p>Chapter VI Article 16</p> <ol style="list-style-type: none"> <li>1. The requirements to become a journalist:           <ol style="list-style-type: none"> <li>a. Indonesian citizenship</li> <li>b. Fully understand the position, function and obligation of the press as stated in Article 2 and Article 3 of this Regulations</li> <li>c. Having Pancasila spirit and never betray the National Struggle</li> <li>d. Having skills, experiences, education, high moral and responsibility</li> </ol> </li> <li>2. Further stipulations for a journalist are determined by the Government after hearing considerations for Press Council</li> </ol> | <p>Chapter III Article 7</p> <ol style="list-style-type: none"> <li>1. Journalists are free to choose organization</li> <li>2. Having and submitting to Journalistic Ethics Code</li> <li>3. Getting legal protection in operating its profession</li> </ol>                    |
| Society Involvement | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Chapter VII Article 17</p> <p>The society can do activities to develop press independence and to guarantee the right to get information needed through control and report of violation of law, ethics and technical mistakes of reports and suggestions to Press Council</p> |
| Penal Stipulations  | <p>Chapter VIII</p> <ol style="list-style-type: none"> <li>1. Using press publication for personal or group advantages, and resulted in deviation or obstruction to tasks, functions, rights and obligations of press is punished with imprisonment for at most 4 (four) years of fine as</li> </ol>                                                                                                                                                                                                                                                                                                                                                     | <p>Chapter VIII</p> <ol style="list-style-type: none"> <li>1. Obscuring or preventing the operation of press independence is imprisoned at the longest 2 (two) years or at most IDR500,000,000.00 (fifty million Rupiah)</li> </ol>                                             |

|                        |                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | <p>much as IDR 40,000,000,000.00 (fourty millions Rupiah)</p> <p>2. Operating press publication without SIUPP is imprisoned at most 3 (three) years or fine as much as 10,000,000,000.00 (ten millions Rupiah)</p> | <p>2. Press enterprises violating Article 5 point (1) and point (2), and article 13 is punished with imprisonment fine as much as IDR500,000,000.00 (fifty millions Rupiah)</p> <p>3. Press enterprise trespassing the stipulations of Article 9 point (2) and article 12 is punished with fine imprisonment at most IDR100,000,000.00 (one hundred millions)</p> |
| Journalist Ethics Code | <p>No mention in this Law but there is Journalistic Ethics Code of Indonesian Journalists Association (PWI) accommodated in Government Stipulations No 1 year 1984 on Press Council</p>                            | <p>An enclosure.</p> <p>Indonesian Journalists determined Indonesian Journalist Ethics Code year 2004 and was enclosed in this Law</p>                                                                                                                                                                                                                            |

### 5.3.1 Political Changes

Political considerations seemed to serve as background of the composing of Press Law 1999. The difference began to appear from the Basic Consideration where Press Law 1999 included three points of universal ideas compared to the Press Law 1982. In addition to interpreting press independence as one of forms of people's sovereignty, two other considerations were the freedom to express ideas and opinions in accordance with the conscience and the right to get information and human rights, for example, were not alluded in the previous Regulations at all, even in many other legal stipulations. In fact, this was strongly influenced by political situation around the construction of this Regulations namely political reform in the form of increasing demands from various components of the society to the government. Demand for press independence also appeared from various groups in civil society, including the Indonesian Press and

Broadcast Community (Masyarakat Pers dan Penyiaran Indonesia-MPPI), which later designed a draft of Press Law.<sup>5</sup>

The appearance of professional press ideas, legal protection for journalists, and the press that is free from intervention and pressures was detailed and firm formulation to improve press quality. This implied changes occurring in the institution constructing the Regulations namely the Government and the People's Representative Assembly. However, all of these were not original initiative of the two institutions but those adopted or appreciated pressures or inputs from the civil society. The expectation to be free from intervention and pressures from any parties implied traumatic condition in press cycles pushed in the draft of the Regulations. This consideration also implied inputs of liberal press, an independent press.

In the Press Law year 1982 and the previous ones, the word press independence did not even appear at the early part such as in the Basic Considerations or General Stipulations. This term was only written in Article 2 and 5 of Chapter II: Functions, Obligations and Rights of the Press. There is no other mention of press independence but in the stipulations. Meanwhile, in the new Press Regulations, the words press independence (*kemerdekaan pers*) replacing press freedom (*kebebasan pers*) started to appear in the Basic Considerations, then in Article 2 and 4 of Chapter II, in Article 15 point (1) of Chapter V and in Article 12 point (1). However, the number of the words press independence in these new Regulations does not guarantee the real implementation of press independence. Experience showed that good words such as "Press serves as means of revolution, social control instrument, education tool, means of channeling and constructing public opinion and mass motivator" written in the Considerations of Press Law year 1966 had very far meaning in its practice. In daily practice, the press was just an instrument or channel of the authority to convey messages or its propaganda while the voice of the people were neglected or stifled. The inclusion of the words "the press as a means of revolution" was reconfirmed in the General Stipulations, "the press is society institution as a National Struggle instrument". In fact, these heroic terms reflected the

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<sup>5</sup> Atmakusumah, the Chairperson of Press Council of periods 2000-2003 told the involvement of some figures like Riza Primadi (SCTV) who experienced pressures from the government due to the reports about the interview with Abdullah Syafie, the leader of Independent Aceh Movement (GAM), in struggling press freedom through these Law. (Interview on 29 October 2004).

struggle condition before the independence, but it also reflected state domination in the words “national struggle”.

Another change was the use of simple formulae but which reflect clear meaning. Media function, for example, was formulated as “media of information, education, entertainment, and social control” (Chapter II Article 2). In addition to referring to theories on media functions as cited by some experts like McQuail, this formulation is also easy to understand. Compare it with the formulation of Press Law year 1982, which, among others, written as ”preserving and socializing Pancasila as accommodated in the Opening of 1945 Constitution with Guidelines for Understanding and Implementing Pancasila”.

As Robert Dahl suggested, press independence is a process where the people are able to control the leader through information that the public have and independence as guaranteed by law.

### **5.3.2 Concept of Press Freedom**

The old Press Law formulated the concept of press freedom in Chapter II articles 3 and 4 in two formulae. First, press independence in line with the rights of the citizens had to be guaranteed. Second, this press independence was based on national responsibility and the implementation of Articles 2 and 3 of these Regulations. This first formulation seemed to be the same with universal meaning of press freedom because it was stated as part of the rights of the citizens guaranteed by the government. In its practice, however, the meaning and government assurance of such press independence were absurd. Article 2, which was the basis for the implementation of press freedom, read ”National Press is a means of revolution and is an active, dynamic, creative, informative mass media and it had societal functions as motivator and fertilizer of critical and progressive way of thinking including all forms of the life and living of Indonesian society”. Such a formula was very long, multi interpreted, and difficult to grasp its main meaning. This formula resembles a political rhetoric where many compound sentences were entered to give descriptions that looked big, great, heroic. In practice, this formulation about national press means domination of government or state authority (means of revolution) rather than media dynamics, press dynamics, society creativity, or

education function for public. During the course of Soeharto government, press was an instrument for the authority and became part of an authority. The press was really the subordinate of the government.

Such formulae were opposed with the experiences of the press enterprise managers and the society. A number of press bridling along the New Order period showed that defending, maintaining, supporting and implementing Pancasila were limits for informing news to public (see Chapter 2). It was the consequence of the formulation of press independence that was done and influenced by perception about authority, democracy genre, share of authority and system check and balance, and the role of media in such a s system (Oetama in Parera and Utomo, 1989: 54). Even though it was based on Pancasila Democracy, the meaning of democracy here is different from liberal democracy. The word "democracy" was just a label or naming, like Guided Democracy in Soekarno era. The democracy was the one decided or directed by the state authority, the head of the government, namely President. Consequently, universal criteria that should have been present in a democracy, such as checks and balances through independence of political institutions like Legislative, Judicative and Executive did not work or were invalid. Just like Pancasila Democracy that in the perception of the authority at that time was democracy based on discussion to achieve an agreement as it is accommodated in the fifth principle. In practice, the discussion between the authority or government with the people had never been done and achieved because the former dominated.

Seen from press responsibility point of view, in both Soekarno period (Old Order) and Soharto (New Order), the press emphasized more on responsibility than independence (Muis in Sularto, 2001:148).<sup>6</sup> In other understanding, media policy by the government was above media regulations so that the format of press responsibility was political responsibility, not legal responsibility. The implementation of press

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<sup>6</sup> "The main problem of Regulations No 40 on Press was that we asked too much obligations so that these Regulations released all of the rights. Although this was not wrong, there had to be orderliness and arrangement while in transitional democracy it was difficult to do everything. The Government and the People's Representative Council said not to have to be responsible" (Astrid S Susanto in Lukas Luwarso, *Media: Pilar IV Demokrasi*, Worskhop SEAPE-Dewan Pers-FES, Jakarta 10 Oktober 2002, p.27)

responsibility was not before the judge but before the officers of Information Department and or before the officers of Department of Defense.

The question, does the formulation of press independence in Press Law year 1999 experience the same fate with the formulation in the previous Press Regulations? Is it true that press independence is one form of people's sovereignty based on principles of democracy, justice and law supremacy? Is it true that press freedom is guaranteed as citizens' rights; no censorship, bridle or broadcast prohibition to national press? And, is it true that the rights for press to find, get and disseminate information is guaranteed? (Article 4 Chapter II of Press Law year 1999).

At least, there were three different stipulations in the Press Law 1999 as the capital of press independence. First, is the stipulations about the freedom of journalists to organize (Chapter III Article 7). It was stated in the stipulations that journalists were free to choose organization, obtain and submit to Journalistic Ethics Code and to get legal protection while doing their profession. Second, it was about Press Council (Chapter V Article 15). In terms of membership, according to these Regulations, the Press Council was not influenced and determined by the government since there was no government elements in it. The existing elements were journalists, company directors, community leaders and experts in the press or communication. Besides, determination of the functions was intended more to protect and or develop independence and press life. For example, deciding and supervising the implementation of Journalistic Ethics Code, giving considerations and trying to overcome claims of the society for the cases related with press reports. Third, the inclusion of the role of society (Chapter VII Article 17) where the society is able to execute the activity of press independence and guarantee to get information. The role was done through control and report of the analysis of the violations of law, ethics and technical errors of the reports done by press. Besides, the society can also express suggestions and ideas to Press Council in order to participate in keeping and improving press quality.

An activist of MPPI, the composer of the draft of Press Law year 1999, Leo Batubara<sup>7</sup> suggested the concept of press independence consisted of several things. First, constitution prohibits the making of rules and regulations limiting press independence.

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<sup>7</sup> Interview on 11 February 2005.

Second, press operation: a. free from government intervention, no operating rules from the government, b. public and the press control the government, not the other way around, c. free from permit, censorship, bridle, d. based on self regulation, for example ethics code. Third, the state embraces press discrimination legal politics; it does not criminalize the press. Almost all of the concepts of press independence that Batubara meant are accommodated in Press Law no. 40 year 1999 except the first. But the question still raises, how is the practice of these formulations?

## Chapter 6

### The Press Freedom in the Period of BJ Habibie (1998-1999)

This chapter explains the results of the main research on the press freedom during the era of President BJ Habibie in the years 1998-1999. Although it was only 16 months he held the power, President BJ Habibie made a number of important decisions in political communication namely eliminating the requirement for media permit and processing new, liberal Press Law. For the reason, the process of this Press Law establishment was a case study that described political communication in the transition period, conflict of interest between pro-status-quo elements and those elements supporting the alteration. It was also explained in this finding how *Kompas* daily newspaper reported the establishment process of the draft of this Law and how *Kompas* also functioned as the channel for the activists to push the ratification of the new Press Law. The research also found a number of important issues of debate in the discussion in the House of Representatives. Those important issues were the principle themes as the characteristic of the press freedom.

#### **6.1 General Analysis**

During the period of BJ Habibie, the press freedom changed drastically just before the establishment of the Press Law, when the government annulled the SIUPP stipulations through the Regulations of the Minister of Information no. 01 Year 1998.<sup>8</sup> According to Article 23 of these Regulations, the authority of the Minister of Information was limited to imposing administrative sanction, namely giving written warning, freezing SIUPP for a certain period and settlement through the court (Simaremare in Sularto, 2001: 97). Next, the elimination of SIUPP annulment sanction put national press to the path of free and liberated press and changed the style, method, and pattern of collecting,

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<sup>8</sup> In fact, during the Habibie presidency, there was an issuance of Constitutional Regulations No.2 year 1998 on freedom to express ideas in public both in written or through mass media. This constitutional regulation was issued suddenly and it functioned similarly to censor or shackle of mass media freedom. In his article in *Kompas*, A. Muis suggested that DPR rejected this regulations because it was not in line with the reform demands (Mokh.Syaiful Bahkri, *Titian Jalan Demokrasi Peranan Kebebasan Pers untuk Budaya Komunikasi Politik*, Jakarta, The Kompas, 2000, p.101-105)

processing and presenting news. Press publication started to present news containing pro and contra, criticism, facts revealing the behaviors of the authority holders that were not in line with democracy, deviations and actions contrary to the law done by government officers, unfairness in many sectors, denial and repression against the rights of the society. The news were presented in the spirit of openness and changes that were oriented in the efforts of creating democratic political and social life and acceleration of the recovery of national economy that was in a crisis (Simaremare in Sularto, 2001: 98).

The consequence of this Minister of Information policy was the abundance of new press publications and new radio and television broadcasts. Various sources stated different numbers but in the period of 30 years there were around 260 printed media (Luwarsso in Sularto, 2001: 125) and after the issuance of the letter of the Minister of Information there were additional 1,398 new SIUPPs from September 1999 (Batubara in Sularto, 2001: 52). This growth was followed by the foundation of about 25 media watch organizations and some of them published their media regularly such as Sendi magazine and Media Watch bulletin of *Lembaga Konsumen Media* (LKM) in Surabaya, *Kipas* magazine in Medan, *ELSIM* magazine in Makasar. In Jakarta, the following magazines and bulletins were published: *Pantau* magazine, *Independen Watch* magazine, bulletins of Media Watch and Consultative Aid Institution for Press Coverage Victim, Media Watch and Consumer Center magazine from Habibie Center (Atmakusumah in Sularto, 2001: 116-117). Besides, journalist organizations also grew to tens in 1999 but those who took part in signing the Journalistic Ethics Code were only 26 organizations (Luwarsso, 2006: 262).

Bridling to printed media also happened in such local areas as South East Sulawesi, namely *Kendari Ekspres* daily published on 23 April 1999; in Aceh, after 1998, there appeared *Atjeh Ekspres*, *Tabloida Azasi*, *Aceh Kronika* tabloid and *Kontras* tabloid; in Palu there was *Banggai Pos* in Luwuk city since 20 May 1999; in Manado *Telegraf* tabloid was published since 22 June 1999; in Palembang there appeared the *Sriwijaya Pos* since 1998 then this newspaper published *Demo Plus* and *Nira Pos* tabloid since 19 March 1999; in Yogyakarta there were 10 new publications, all of which were not lasting long (Haryanto in Suprapto et al, 2001).

Radio stations also grew fast in provinces like Aceh, North Sumatra, Riau, South Sumatra, Lampung, Central Java, East Java, West Nusa Tenggara, West Kalimantan, and Maluku (Haryanto in Suprapto et al., 2001: 23-24).

Cyber world was started by the end of Soeharto governance, but online media related to printed media industry was pioneered by *Republika* and *Kompas*, while special online media was started by the presence of *Tempo Interaktif* and *Detik.com* (Suprapto et al., 2001:20).

The above data implied the space of freedom being interpreted as an opportunity to express various messages that by far was not channeled through many and varied channels. The best opportunity for media by that time was in searching, processing and disseminating information around the general election in June 1999. By that time, the new Press Regulations had not been finished to be discussed, but the freedom of mass media had been probated to cover the general election in multi party system after the New Order.<sup>9</sup> Multi party system certainly opened an opportunity for conflict both vertically and horizontally. Moreover, the press world map had changed with varied orientations namely the press functioned as an organ or channel for the parties of certain political power (Hasibuan, 1999: 4).

The essential thing was that the information could be collected, processed and disseminated freely by free channels without or with control of the government. The press had the autonomy to decide which news or information to collect, and then to be disseminated to public. In addition, the information from the media was a power to control the leaders.

### **6.1.1 Government-Media-Relations**

In the political euphoria as well as the press freedom euphoria, how was the relation between the government and the media? Dewi Fortuna Anwar, spokesperson of President BJ Habibie said that the government had opened the press freedom as a strong

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<sup>9</sup> Along the years 1998-1999, 140 parties appeared after the ratification of the new Regulations of the General Election; 48 parties were decided to be qualified for the general election. For the reason, the year 1998 was said to be the year of political parties resurrection marked with the foundation of many political parties with different ideological orientations (Valina S.Subekti in *Bersikap Independen: Pedoman Meliput Pemilu di Masa Demokrasi Transisi*, Jakarta, AJI, 1999, p.159).

preliminary control to the government so that the government had to self control. She saw clear sidedness of the press. It can be said that the press was independent in terms of no control from the government but the press was not free from primordial and sectored interests. She said further:

"Thus, we know that *Kompas*, for example, would always talk this way and whatever the president did, the good things, but because it (*Kompas*) did not favor Habibie, then it would report anything like half-empty glass, never from the half-full glass point of view and it always stepped on the government to raise other figure; *Kompas* was pro Megawati, wasn't it? Other newspapers were the same. Meanwhile, *Republika* was the newspaper of Habibie. So, when it had to criticize him, it failed to do that because it had to show its sidedness" (Interview, 30 August 2005)

Dewi, as Habibie usually called Dewi Fortuna Anwar, saw pluses and minuses of it and in a pluralistic, independent society, it is difficult to avoid that even though the newspapers were free but they were not free from economy interest, not free from political interest, not free from cultural, social interest of the readers, especially from the capital owners of each of them. He also questioned, what the press was free from, because even in the global scale, the person who decides the editorial is the owner of the capital; the economy and ideology interests of the owner are very decisive, too. He also said:

"But, I think, it's better in that way rather than the state that decides what is worth reporting and what is not. If there is sufficient freedom and space to compete, the society will be more critical". (Interview, 30 August 2005).

When BJ Habibie was in a position of the Vice President by the end of Soeharto time, Dewi Fortuna Anwar was the assistant to the Vice President in the Globalization issues. She occupied the position until Habibie was appointed to replace President Soeharto on 21 May 1998. Dewi had established close relationship with mass media both domestic and foreign ones far before that time, for example in her capacity as a researcher in LIPI (Lembaga Ilmu Pengetahuan Indonesia-Indonesian Science Institution). She actually did the task as a "spokesperson" of Habibie due to many

requests from journalists in order for her to open access to the President, so that they could interview President BJ Habibie. Due to the pressure, she had an initiative to write to BJ Habibie when Akbar Tanjung was the State Secretary. She wrote:

"I told Pak Habibie, it was important for the government (president) to explain various things related to public interests, directly to the people, and also to international world so that they understood the steps that the President was going to take" (Interview, 30 August 2005)

Via his spokesperson, the relationship between President Habibie and media could be intermediated so that he could convey his policies directly to the society.

### **6.1.2 BJ Habibie's Openness**

With her experiences to interact with journalists, Dewi looked at the great importance of the new president (BJ Habibie) to make a relation with domestic and international society through media. Dewi's initiative implied many problems to be explained to the public after Soeharto stepped down.<sup>10</sup> Her position as the "spokesperson" did not mean to replace the task of the press bureau of the court because for scheduling interview with President BJ Habibie, for example, she involved the bureau. The schedule and time to make an interview with the president was usually asked to Habibie's adjutant.

Many people knew that actually Habibie was an open figure, for example when he was the Minister of Research and Technology. Thanks to his appearance in various occasions to be broadcasted by television media; the society, also young people, were impressed by him, especially when he talked about technology, particularly about air craft. However, Dewi acknowledged that when Habibie occupied the Vice President position, he could not present his real character because he honored Soeharto's message. She said:

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<sup>10</sup> In Soeharto time, the one who usually represented or functioned as a kind of "spokesperson" was the State Secretary or Minister of Information. There were two phenomenal names namely Moerdiono (Minister of State Secretary) and Harmoko (Minister of Information). However, Soeharto often "made use" of an official who just met him to convey his ideas concerning a matter he just talked to the official. Press conference or media interview with the official who just left the court functioned as a medium of conveying president's messages to the public.

”..We know that when Habibie was the Minister of Research and Technology, he was quite open to journalists but when was in the position as a vice president he was strongly influenced by how Soeharto managed that. Pak Harto was not fond of making direct contact with journalists because they like to twist ... and during the New Order, there was an image that the court was terrifying, quietly closed for journalists and when Pak Harto talked directly to public, he did it through Klompencapir (Group of listeners, readers, and spectators”<sup>11</sup> (Interview, 30 August 2005)

Once, Dewi was in a debate with Habibie, that during Soeharto time, everyone who went to the president finally became the spokesperson, and they interpreted by themselves what they had just talked with the president without being able to be verified. Then, there was misunderstanding in addition to radical exchanges in matters pertaining to the government. She continued:

”In leadership style of democracy era, you are your own best spokesman, no other spokesman is better than the president himself. Finally, I succeeded in confirming him so that the matter was scheduled. And he was pleased to give hours of interview” (Interview on 30 August 2005)

Dewi Fortuna Anwar suggested that in addition to open characteristic that BJ Habibie had, he also realized the philosophy of transitional government namely from authoritarian to democracy. President Habibie fully realized the importance of the freedom of speech, the freedom of information, as the main estates of a democratic nation. So, when Yunus Yosfiah, the Minister of Information in Habibie era gave the freedom to the press, it was the policy of the president; it was cabinet’s policy. Hence, there was an effort to catch the fact of being left behind in the press freedom. President did direct communication with media, and made the best efforts to transform the relationship between the government and the society.

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<sup>11</sup> Abbreviation for Group of Listeners and Spectators namely groups of village people who were under consultation of the Minister of Information, Harmoko. Every time he made a visit to a village or inaugurated a project, there was always someone representing the group to express ideas, usually praises, or gratitude for president’s donation.

### 6.1.3 BJ Habibie's Political Burden

The open character of BJ Habibie's was an important capital in his leadership as a temporary (transitional) president replacing Soeharto. His educational background in Germany placed him as a scientist, although he was a bureaucrat during Soeharto government for years. Dewi told that it was Habibie's openness that in addition to understanding the importance of the freedom of the press, the freedom of information, which encouraged him to give the press freedom by establishing the Press Law through Yunus Yosfiah. However, the openness to give free space for the press to express the voice of the society and to place the press in a parallel position and was not under the armpits of the authority, was not without obstacles. His close relationship with Soeharto for years also placed him in the eyes of the people as "a student" of the New Order, including his role as one of Golkar leaders. Habibie could not hide his expectation to replace Soeharto in the next period through direct presidential general election. The expectation was not fully supported by Golkar. Golkar even took the intermediary path proposed by the center axis led by Amien Rais to propose Abdurrahman Wahid as the candidate of the president after his report of accountability was rejected by the People's Consultancy Assembly.

BJ Habibie who was the leader of Golkar, who at the same time was the chairman of Indonesian Moslem Scientists Association (Ikatan Cendekiawan Muslim Indonesia-ICMI), bore heavy political burden. With his spirit of openness to give the option for East Timor "province" that finally caused East Timor to be "separated" from Indonesia, this political burden placed him on unpopular position.<sup>12</sup> Habibie was not free from the culture of KKN (collusion, corruption, and nepotism) because he protected close figures such as the Attorney General Andi Ghalib who was involved in a corruption case. This case made the relationship between the president and media disturbed. Dewi Fortuna Anwar said:

<sup>12</sup> The case of East Timor was just one of three issues ridiculed by the members of the People's Consultancy Assembly when he presented his Accountability Report. The policy of giving an autonomy option or referendum to join Indonesia or to separate (which finally was son by the option to separate from Indonesia) was given because since it was confirmed as the legal part of Indonesia, the international world (United Nations Organization) never acknowledged the existence of East Timor while much sacrifices, souls and materials to create peace and develop this territory. The Timorese people themselves did not give positive response (Hermawan, A et al, *Akrobat Politik Investigasi Jurnalistik Membongkar Skenario dan Intrik Politik*, Bandung, Rosdakarya, 2000, p.143)

”The case of tapping conversation between Habibie and Andi Ghalib was one of the issues he considered media reports unfair. Such cases sometimes became media scandal. I do not recall the others but there were similar scandals that trespassed against privacy”.<sup>13</sup> (Interview on 30 August 2005).

Other than with printed media, Dewi said, President Habibie did not have problems with media television, for example with SCTV. To his opinion, SCTV was popular, and different from printed media, TV could not make up reports based on presentation, based on quotation so that people must take responsibility. In printed media, there can be opinions from unreliable sources, or from unclear sources. Reports on TV might contain preference, sidedness, toward the news to be broadcasted, but whatever the news they broadcast, they certainly happen. Take examples of the news based on the interview, based of recorded events, the interview with president, the interview with important figures. The freedom of television to make an opinion is rather difficult, because in any case they must be based on facts. Meanwhile, newspaper may make analyses, personal responsibilities, and the titles that are different from the contents or accusation without mentioning the sources. There are not such things in television broadcast, except outside Indonesia, for example CNN. The news happened in Indonesia was broadcasted repeatedly although the events had been over. The broadcasted news about Indonesia had always been riots. Was that deliberateness or did they have no other pictures? The same thing occurred when we see FOX News, every time the discussion was about terrorists the picture was always people praying in a mosque. Do they correlate one to each other?

Dewi looked the relation between Habibie government and media was relatively good although media was very critical to Habibie government.<sup>14</sup> On the other hand,

<sup>13</sup> Telephone tapping of Habibie-Andi Ghalib was written by *Panji Masyarakat* magazine and was then written by other media. When a number of parties accused the report as ”trial by the press”, a communication expert from Hasanudin University, A.Muis, said that *Panji Masyarakat* did not violate journalistic ethics and they had done investigative reporting appropriately. What *Panji Masyarakat* did could be categorized as investigative reporting to a case with prominence magnitude or extraordinary event involving figures who are always subjects of reports (Mohk.Syaiful Bahkri, *Titian Jalan Demokrasi Peranan Kebebasan Pers untuk Budaya Komunikasi Politik*, Jakarta, The Kompas, 2000, p.xxxiv)

<sup>14</sup> The English-language newspaper *The Jakarta Post* was once stumbled by ”gravel” when on 22 May 1997 reported the fall of CN-235 military aircraft made in PT IPTN where BJ Habibie took very important role, and for the report *The Jakarta Post* had to apologize in addition to writing the objection of PT IPTN.

media highly honored government openness. In his time, the Minister of Information, Mohammad Yunus Yosfiah was a popular figure in mass media cycles.

President BJ Habibie's political burden proved clearer when the factions rejected his accountability in the People's Consultative Assembly. Upon entering the assembly hall, the participants shouted him. After the question and answer session had been over, the factions recorded 355 participants rejected and 322 accepted his report of accountability, even though one united faction gave positive appreciation by stating his success in rolling democratization, openness and press freedom for 16 months. At the end of his speech, Habibie in his low voice and solemnly asked for personal apology (Hermawan et al., 2000: 155).

This explanation confirms that even though BJ Habibie was an open person but the difficult political situation compelled him to bear very heavy burden so that it resulted in bad image before the members of the People's Consultancy Assembly as the highest institution in a representative system.

#### **6.1.4 Pressure against Media**

During the era of President BJ Habibie, it did not mean that pressures against media were absent. From 24 July 1998 to 18 October 1999, it was recorded that some printed media and televisions both national and local ones experienced a number of pressures in various forms, for example against Antara news station, Republika, *Kompas*, *Jawa Pos*, *Media Indonesia*, *Suara Timor Timur*, *Bandung Pos* newspapers, *Forum*, *Tempo*, and *Jakarta-Jakarta* magazines and SCTV, TVRI, Indosiar, and ANTV televisions (Nurudin, 2003: 93-94). With such pressures, Nurudin concluded 4 matters. First, there were neglect of press tolerance limit, minim censorship, and the development of trial by the press. Second, even though SIUPP was eliminated, there were still psychological pressures from officials, ex officials, and entrepreneurs. Third, there was no realization of law enactment through the court. Fourth, hostility between the government and press existed (Nurudin, 2003: 95-96). It meant that pressures on media

However, the attorney of IPTN required another rights to response and asked for dissemination of apology through an advertisement in both domestic and foreign media, in addition to compensation. The format and content of the advertisement was even determined by IPTN. (Mokh.Syaiful Bahkri, 2000. ibid. p. 84)

did not entirely come from the government so that it disturbed the relation between media and the government and the implementation of press freedom. Pressures against media could also be caused by some other factors such as unprofessional media so that the news they report go beyond ethics that should have been highly honored and that emerged the outrage of the reader or groups of readers. Further consequence is violence to media by intimidating, threatening, hitting and other acts of violence to submission of indictment. A hit at SCTV journalist, Iwan Taruna, in the office of the Attorney General, intimidation to the News Director of SCTV Riza Primadi concerning the report in "Liputan 6" program on Semanggi tragedy to the kick of a Golkar guard to ANTV journalist were some examples presented by Nurudin. Protest in the form of violence done to media reflects misunderstanding of the tasks of media or shocks against the styles of reports that are direct, bare, critical, but sometimes are without ethics as well.

In general, the indictment were done by public figure like Amien Rais (politician), Agus Gurlaya, the brother of the Minister of Economy and Industry Coordinator, Syarwan Hamid (military official), Tommy Mandala Putra the youngest son of Soeharto, Try Sutrisno (former Vice President) (Nurudin, 2003: 95), Governor, Head of Intelligent Bureau, ex ministers (see table 6.1).

**Table 6.1: Relations of the Government – Media in Several Legal Cases**

| Government Period                                         | Litigant                                                                                                                                         | The Accused Media                                                                                                                                    | Accusation                                     | Settlement Method                                                                         |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>BJ Habibie</b><br>(21 May 1998-<br>20 October<br>1999) | 1. Governor of South Sulawesi<br><br>2. ZA Maulani, Head of National Intelligent Bureau<br><br>3. General Try Sutrisno and Genderal Edi Sudrajat | 1. <i>D&amp;R Magazine</i> (6 June 1999)<br><br>2. <i>Sriwijawa Post</i> Newspaper (25 August 1999)<br><br>3. <i>Warta Republik</i> (25 August 1999) | 1. Slander<br><br>2. Slander<br><br>3. Slander | 1. Unclear<br><br>2. KUHP- Probationary Punishment<br><br>3.KUHP- Probationary Punishment |

|  |                 |                                               |            |            |
|--|-----------------|-----------------------------------------------|------------|------------|
|  | 4. AA. Baramuli | 4. <i>Info Bisnis</i><br>(66/Year<br>IV/1999) | 4. Slander | 4. Unclear |
|--|-----------------|-----------------------------------------------|------------|------------|

Source: Luwarso, 2002; Manan et al., 2005

In a short presidency time, more or less 16 months, the governance of President BJ Habibie was driven among others by the Minister of Information, Mohammad Yunus Yosfiah, who placed an important foundation for press freedom. However, as Weaver suggested, pressures on media, as it was done by the officials of ex officials during the government of Habibie threat the press independence.

## 6.2 Case Study:The Drafting of the Press Law

### 6.2.1 How *Kompas* Coverage on the Draft of Press Law

The *Kompas* daily is selected because of its reputation for its seriousness to develop itself as a professional medium. This is characterized, among others, by its ability to maintain its existence since 1960s with the highest number of copies that printed media in Indonesia ever have, namely above 500,000 copies. In its course, *Kompas* was once bridled by the authority of the New Order in January 1978 with seven other newspapers (Surjomihardjo, 2002: 203)<sup>15</sup>. *Kompas* is also serious in recruiting its journalists with strict requirements and one-year training and apprenticeship system for the candidates before obtaining the status of a permanent journalist. In managerial level, this newspaper is one of the three printed media in Indonesia having an ombudsman team that "independently" controls its performance, especially in terms of the objectivity of its news contents. In a recent research, *Kompas* is said to have very good performance with regards to evaluative dimension of its news (Rahayu, 2006:90-91). This medium pays attention to good use of the Indonesian language amidst the bad language use of tens or hundreds of other printed media. Another proof of *Kompas* professionalism is the use of *on line* technology and good files arrangement. Readers can easily access *Kompas* news through *Kompas search engine* or Google. By entering the words "Draft of Press

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<sup>15</sup> *Kompas* experienced declination from the highest number of copies of 177,000 in 1974 before the "January 15th Tragedy" to 169,000 in May of the same year. The number increased again when the situation was back to normal and press functioned more or less as usual (Surjomihardjo, *Beberapa Segi Perkembangan Sejarah Pers di Indonesia*, Jakarta, Kompas, 2002, p.203).

Regulations”, 320 files are found and are narrowed down by the year 1999. Hence, as many as 47 articles composing of news, opinions and features from 12 January 1999 to 11 October 1999 are obtained. After thorough examination, we find 14 hard news, one opinion, and 2 features containing or discussing the draft of Press Regulations as meant by this research. The analysis units are types of news, informants and message contents (look at table 6.2-6.8).

This research reveals that *Kompas* exposes governmental informants (executives) namely the Minister of Information and parliamentary (legislatives) informants including the Fraction members representing Political Parties: Functional Groups, United Development Party, and the Indonesian Army. Other informants include the people of civil society, media, and intellectual spheres. There are no informants from legal (judicative) environment.

**Table 6.2: The Opinions of Political Actors (Government)**

| <b>Informant</b>                                            | <b>Message Content</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Type of News</b>                                                                                                   |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Government</b>                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                       |
| <b>The Minister of Information - Mohammad Yunus Yosfiah</b> | <ol style="list-style-type: none"> <li>1. The press freedom is the prerequisite for the creation of the good quality democracy. In a government with no press freedom, its democratic life is vague. When all parties require democracy to run well, give the press freedom to this country.</li> <br/> <li>2. The government gives the press freedom for both domestic and foreign press to get the deepest information, especially during the coming campaign of 1999 General Election. The freedom, however, is still limited, namely in accordance with the prevailing Regulations or rules.</li> <br/> <li>3. The government through the Minister of Information, Muhammad Yunus Yosfiah, presents the draft of the Press</li> </ol> | News: <i>Kompas</i> , 29 April 1999<br><br>News: <i>Kompas</i> , 1 May 1999<br><br>News: <i>Kompas</i> , 29 July 1999 |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
|  | <p>Regulations in the final Assembly meeting led by the vice chairman of the House of Representative - Hari Sabarno. The current Press Regulations state that the entire capital of a press company must be national capital. This stipulation prevents foreign capital to enter press publication enterprises in Indonesia. For the reason, the draft of this new Press Regulations opens the opportunity for foreign capital to enter in national press companies. To promote press freedom, there is a mention of the draft of Press Regulations that press publication does not necessarily require SIUPP published by the government. This draft of the regulations only requires the head of press companies to register the press publication they publish to Information Department.</p> <p>4. To my opinion, everybody agrees that the press freedom is preserved not for government interest but for the justice for community. Thus, I compare this press freedom to the rights of justice. For the reason, I agree to the proposal submitted by the United Development Party. Via Usamah Hisyam the party suggested that chapter 3 article 2 (c) the draft of Press Regulations stating (2) to protect and ensure the press freedom, the national press has the following rights: (c) not to be bridled by the government, not to be altered. Proposal of article 2 (c) being offered to become free of publishing bridle by the government via court.</p> | News: <i>Kompas</i> , 28 August 1999 |
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**Table 6.3: The Opinions of Political Actors (Head of Parliament)**

| Institution                                                          | Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Source                             |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Head of Parliament</b>                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |
| The chairman of the House of Representative - Hari Sabarno           | The Draft of the Regulations proposed by the member of the House of Representative will be discussed by fractions. If the fractions accept it, the draft of Press Regulations composed by proposing team will be improved and proposed as Draft of Regulations initiated by the House of Representative. The draft of the Constitutions will be presented in the final Assembly meeting attended by the government representatives. It is scheduled that fractions' response to the proposal of the draft will be presented on the coming 12 July. | News: <i>Kompas</i> , 1999         |
| Vice Chairman of Commission I of House of Representative - Aminullah | The House will discuss the draft of the Regulations that comes first. From the beginning, the House will only discuss the draft of Press Regulations as proposed by the members. It is allowed for the government to propose three drafts of the Regulations, but the House has decided to discuss the draft of Press Regulations only, which we should be grateful for this.                                                                                                                                                                      | News: <i>Kompas</i> , 17 July 1999 |

**Table 6.4: The Opinions of Political Actors (Political Party)**

| Institution                                  | Opinion                                                                                                                                                                                                                                                                                                                                                                                                                      | Source                            |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Political Party in Parliament</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                   |
| Golkar-Bambang Sadono                        | <p>The current press freedom is just vague. Freedom that can be eliminated at anytime, since there is no legal foundation securing it. The prevailing press law is still the old Regulations, which in reality had limited the press itself.</p> <p>This draft of Press Law is a small point of the House's effort in responding the reform spirit, in spite its position amidst criticism wave with very high dynamics.</p> | News: <i>Kompas</i> , 2 July 1999 |
| United Development Party (FPP)-Usamah Hisyam | <p>Muhamad Yunus as the Minister of Information may tell that the press freedom will continue. However, as long as Press Main Regulations is not annulled, there is no guarantee of the continuation of the press freedom since the new government will be able to apply the Regulations again. What is needed now is a Regulation that guarantees the press freedom.</p>                                                    | News: <i>Kompas</i> , 5 July 1999 |

**Table 6.5: The Opinions of Political Actors (Mass Media)**

| Institution                                            | Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Source                                  |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Mass Media</b>                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |
| Kompas-Jakob Oetama                                    | <p>The House of Representative should have finished the draft of Press Regulations agreed by the government and the society at the latest before the election. "The House of Representative has the opportunity to make historical benchmark. This is a challenge to be responded immediately since it will become historical. The result is the press freedom. At this moment, Indonesia is going through an important moment, namely the enactment of law, democracy, press openness and social justice. This momentum will keep on developing so that it must be directed and colored through mass media.</p>        | News: <i>Kompas</i> , 25 March 1999     |
| ANteve-Azkarmin Zaini                                  | <p>The coverage of the Vision of the draft of Press Regulations is broadened, not only printed media, but press in a broader sense, namely printed press and broadcasting press. It must be not difficult to run it, since the draft of Press Regulations proposed by 22 members of the House of Representative on the past 16 April has appropriately contained such an aspiration. Thus, at least some parts of broadcasting media functions, namely information function, which is inseparable from the basis press freedom, can be secured by having legal basis so that it does not step on the vague freedom.</p> | Opinion: <i>Kompas</i> , 14 August 1999 |
| The Association of Newspaper Publication -Leo Batubara | <p>For 54 years, the Indonesian press has actually been confined, since for the same period, Indonesia does not have Regulations protecting the press freedom. When the draft of Press Regulations is under struggle, the government suddenly issues the draft of nation safety Regulations in which the stipulation to eliminate press freedom is</p>                                                                                                                                                                                                                                                                  | News: <i>Kompas</i> , 25 August 1999    |

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|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | contained. The press confinement by such draft of Regulations will clearly enable the Indonesian Army and Police to do anything freely since there is no control from press. Thus, it can be predicted that violation to Human Rights will get worse. |  |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

**Table 6.6: Opinions of Political Actors (Civil Society)**

| Institution                                                    | Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Source                                 |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Civil Society</b>                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                        |
| Indonesian Broadcasting and Press Community -Leo Batubara      | <p>1. In the reform era, it is time to think together about the improvement of the press freedom. So many past authorities committed violation due to weak press control. It is time for the House of Representative to take initiative to make democratic Regulations of the press and broadcasting, in accordance with the press freedom principles. These two Regulations are so important because without the press freedom, an ideal democratic country will not come true.</p> | News: <i>Kompas</i> , 27 February 1999 |
| Dr Soetomo Press Institution (LPDS)-Atmakusumah                | <p>2. There is no time left to cancel the acceptance of the Press (and broadcasting) Regulations. There won't be other opportunities but now.</p>                                                                                                                                                                                                                                                                                                                                    | News: <i>Kompas</i> , 22 March 1999    |
| Information Flow Study Institute (ISAI) - Ulil Abshar Abdalla: | <p>3. The press sphere must be alert of the existence of the Press Regulations and the articles of KUHP (Indonesian Penal Code) confining the current press freedom that the society is enjoying. "We, journalists and press important people, must put our best efforts to produce new, democratic Press Regulations and the Indonesian Penal Code (KUHP)</p>                                                                                                                       | News: <i>Kompas</i> , 24 May 1999      |

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|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
|  | <p>that protect the interests of the community and journalists and give total press freedom without limits and confinement anymore”</p> <p>4. The situation of the current press freedom is like looting the land embezzled by the authority. The press freedom, however, is still vague, and will possibly disappear again. A certificate ensuring that the existing freedom will not be taken anymore is required. Namely, by constituting the draft of the Press Regulations that has been proposed to the government.</p> | <p>News: <i>Kompas</i>, 25 March 1999</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|

**Table 6.7: Opinions of Political Actors (Campus Intellectuals)**

| Campus Intellectuals                                                                                                                                          | Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Source                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| A.Muis, Professor at Communication and Law Departments of Hasanuddin University and Professor at Communication and Law Departments of University of Indonesia | <p>1. Press Regulations must be regulative, not attributive or repressive. In accordance with the changing time namely the free press era, the Press Regulations and the Broadcasting Regulations must reflect the synchronization at least in five needs or requirements. First, the requirement for information freedom; second, the legal assurance requirement; third, the communication (telecommunication) technology advancement requirement; fourth, the nature requirement; fifth, the requirement for the state rights or the authority. Mass media freedom must be regulated by the state (with Criminal and Civil Legal Regulations) in order not to damage the freedom and the rights of the</p> | <p>Opinion: <i>Kompas</i>, 9 February 1999</p> |

|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Lecturer of Social and Political Sciences at Airlangga University - Hotman Siahaan</p> | <p>other parties.</p> <p>2. To my opinion, the change of Mass Media/Press must be in one package with the Criminal Legal Regulations. I have suggested that the press sees the Minister of Justice to discuss this concept. Because, in its task, the journalist and press industries are still facing the Regulations with the censor character. The change of Press Regulations must give the effects on the draft of the Legal Regulations. Now, the press gets widespread support from the society. Nonetheless, the legal instrument is absolute. Therefore, we urge the House of Representative to ratify this draft of Press Regulations before the General Election. Because, we cannot be too optimistic with the current press freedom.</p> <p>3. Concerning with the Press Freedom Regulations, I personally do not consider it important, since there have been Regulations instruments such as the Penal Code (KUHP) and Journalistic Ethics Code. Attention must be given to the fact that in the draft of the new Penal Code Regulations, the offenses obstructing the press freedom such as offenses of the hate dissemination are still put in effect. This fills us with the apprehension.</p> <p>4. Although the draft of the Press Law has been submitted to the House of Representative, the press freedom is not yet secured since there is another Regulation threatening the press freedom.</p> | <p>Feature: <i>Kompas</i>, 21 March 1999 (To Know Further Prof Dr Haji Andi Abdul Muis SH)</p> <p>Feature: <i>Kompas</i>, 27 May 1999 (The Voice of the Experts)</p> <p>Feature: <i>Kompas</i>, 1999 (There is another Regulation threatening the Press Freedom)</p> |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |                                                                                                                                                                                                                  |                                                                                                   |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|  | The foreign capital and the press without Publication Permit (SIUPP) will encourage the freedom, but the freedom that is out of moral and ethics frames will become a boomerang for the growth of the democracy. | Feature: <i>Kompas</i> , 31 July 1999 (There is another Regulation threatening the Press Freedom) |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|

From the finding, we infer that the actors are those from the parliament, the government, the press, the community institution and campus intellectuals. They are the Minister of Information - Yunus Yosfiah – who is quoted in four news, the member of the House of Representative - Bambang Sadono – of Golkar, Aminullah and Hari Sabarno (The Chairmen of the House), and Usamah Hisyam (PPP) each is quoted in one news, Jakob Oetama and Azkarmin Zaini from the press each is quoted in one news, A Muis (Hasanuddin University - Makassar) whose opinions are quoted in three report features in *Kompas* and who writes one opinion, Hotman Siahaan (Airlangga University - Surabaya) whose opinion is quoted in one feature, Leo Batubara of civil society (MPPI) whose opinions are quoted two times representing MPPI and one time representing SPS, Atmakusumah (LPDS), Ulil Absar Abdala ISAI each is quoted one time in the news. Most of the opinions are reported in the hard news, some in feature and one in opinion. Their opinions can be categorized into: 1. supporting, 2. urging the ratification of the new Press Regulations.

**Table 6.8: The Content of the Informant's Message  
(Supporting, and/or Urging Immediate Ratification)**

| Supporting                                                                               | Urging Immediate Ratification | Argumentation                                              |
|------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------|
| Government: the Minister of Information (Muhammad Yunus Yosfiah)                         |                               | To protect the press freedom as the democracy prerequisite |
| Political Party in the Parliament: Golkar Fraction (Bambang Sadono, Razian Agus Toniman) |                               | To response the spirit reform                              |

|                                                                                                  |                                                                               |                                                                                                            |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| United Development Party-FPP (Usamah Hisyam)                                                     |                                                                               | To ensure the press freedom                                                                                |
| The chairman of the House of Representative -Hari Sabarno                                        |                                                                               | Draft of the Regulations will be presented in the House final meeting                                      |
| Vice Chairman of Commission I of the House of Representative – Aminullah                         |                                                                               | The House decides to discuss the draft of the Press Regulations only.                                      |
|                                                                                                  | <i>Kompas</i> daily: the Head of <i>Kompas</i> Daily Newspaper (Jakob Oetama) | To give direction and democratic colors through mass media.                                                |
| Chief Editor of ANteve (H Azkarmin Zaini)                                                        |                                                                               | To extend the coverage of the press definition by including the broadcasting press                         |
|                                                                                                  | A professor at Hasanuddin University-Makasar                                  | The press freedom has not been secured since there is still another threatening Regulation.                |
| Lecturer at the Faculty of Social and Political Sciences in Airlangga University -Hotman Siahaan |                                                                               | The freedom that is out of moral and ethics frames will become a boomerang for the growth of the democracy |
|                                                                                                  | MPPI Civil Society (Leo Batubara)                                             | For the sake of the press freedom and democracy                                                            |
|                                                                                                  | LPDS (Atmakusumah)                                                            | To protect the interests of the community and journalists and to give total                                |

|  |                          |                                                                            |
|--|--------------------------|----------------------------------------------------------------------------|
|  |                          | press freedom without limitation and cuffs anymore”                        |
|  | ISAI (Ulil Absar Abdala) | Guarantee the press freedom in order not to be taken away by the authority |

*Kompas* daily uses the hard news to inform the public how the presence of this draft of Press Regulations gets responses from various parties. Reviewing their message contents, we find out that there is no informant who explicitly expresses opposition to the presence of this draft. A rather different opinion comes from a professor of the press law, A.Muis, who relates Press Regulations to Press Freedom Regulations. This is another Regulations draft that covers the Press Freedom in broader sense. He says: "With regards to Press Freedom Regulations, I personally do not consider it important, since there have been Regulatory instruments such as Penal Code (KUHP) and Journalistic Ethics Code (KEJ). Attention must be given to the fact that in the draft of the new Penal Code Regulations, the offenses obstructing the press freedom such as offenses of the hate dissemination are still put in effect. This fills us with apprehension." (Feature: Report of "Voice of the Experts", *Kompas*, 27 May 1999). This means that he has an opinion that the Press Freedom Regulation is not required because there have been other rules namely the Penal Code and Journalistic Ethics Code. In the Penal Code there is mention of some chapters on the Press (freedom) arrangement. This is also true in Journalistic Ethics Code. For example, it is the stipulation of how to get news and to disseminate news through media. On the other hand, he also concerns about the draft of Penal Code Regulations, namely an effort to revise the Penal Code that turns to contain the chapters that even cause difficulties or emasculate the freedom of journalists, or threaten them to be sent to jail because of journalistic errors. It is this concern that bears the suggestion of regulative Press Regulations: "Press Laws must be regulative, not attributive or repressive. In accordance with the time change namely free press era, Press Regulations (and Broadcasting Regulations) must reflect the synchronization at least in five needs or

requirements: first, requirement of information freedom; second, legal assurance requirement; third, requirement for communication (telecommunication) technology

advancement; fourth, nature requirement; fifth, state rights or authority requirement. (Opinion: *Kompas*, 9 February 1999). Moreover, he also suggests that: "The change of Press Regulations must give effect on the draft of Legal Regulations. The press gets wide support from the society. However, legal instrument is absolute. Thus, we urge the People's Representative Council to ratify this draft of Press Regulations before the General Election. We cannot be too optimistic with the current press freedom. (Feature: *Kompas*, 21 March 1999, "To Know Further Prof Dr Haji Andi Abdul Muis SH").

Out of some actors, only few of them who declare explicitly the urge to ratify the draft immediately, one of them is Jakob Oetama, the chief of *Kompas*." He suggests that the People's Representative Assembly finish the draft of Press Regulations as had been approved by the government and press community, before the General Election (July 1999) at the latest: "The House of Representative has the opportunity to make historical benchmark. This challenge needs quick response since it will become a history. The result is the press freedom". (*Kompas*, 25 March 1999). As a media person, this urge is so natural since mass media such as *Kompas* had repeatedly experienced the cruelty of the New Order hampering press freedom so much. *Kompas* experienced the sharpness of the authority censorship with their powerful authority so that it was prohibited several times to publish. The example is the prohibition to publish in the year 1986, when it covers Daud Jusuf's analysis of Indonesian economy condition.

The figures from the civil society who urge the ratification of the draft of the new Press Regulations to replace the old Press Regulations that cuffs the press freedom other than Jakob Oetama are Leo Batubara (MPPI activist), Atmakusumah (LPDS) and Ulil Abshar Abdalla from ISAI, while from the University is Andi Muis, a professor at Hasanuddin University. Leo Batubara is actually someone from the press as well. Once, he was the manager of *Suara Karya* newspaper owned by Golkar and a member of the Press Workers Association (SPS). Batubara was once a staff in the State Intelligence Bureau in Soeharto era. Thus, he actually has "close" relationship with Soeharto regime. In Soeharto era, SPS was the only publication organization that could give recommendation in the process of the publication permit (SIUPP) based on Chapter 2

article (1 letter k) of the Decree of the Minister of Information of the Republic of Indonesia no 214A year 1984. (Simorangkir, 1986: 137). At that time, SPS was also an

organ supporting the policy toward the press made by Soeharto and was done by the Minister of Information, Indonesian Journalist Organization (PWI), Press Council, military officials. *Suara Karya* Daily Newspaper owned by Golkar clearly becomes the channel of the voices of the ruling government party by that time. However, the reform era seems to encourage Batubara to become the initiator of the press reform, together with some activists in MPPI, proposing the draft of the Press Regulations that is agreed by the House of Representative as the governmental proposal. *Kompas* daily often places Leo Batubara as an informant with some different positions. Most often, he is written as an MPPI activist, but sometimes he is said to be a press prominent figure.

Meanwhile, Abdalla is a young man born in Pati, Central Java, an alumnus of Mathali'ul Falah Islamic Boarding School, Kajen, Margoyoso, Pati. He went to Islamic and Arabic Science Institution (LIPIA) and Drijarkara School of Philosophy Science in Jakarta. He was an activist of student movement who actively wrote in mass media (Utami et al., 1994: 68). After joining with ISAI of which office is located on Utan Kayu No 68H, Ulil Absar Abdala actively voices the idea of "Liberal Islam" and founds an organization called Liberal Islam Network or Jaringan Islam Liberal (JIL).

### *Kompas* Reports Positively

This finding concludes that *Kompas* reports the issue of the draft of the Press Laws positively. It means that *Kompas* quotes some informants who have positive views or who support the new Press Regulations endorsing the press freedom. Out of ten informants, all support the new Press Regulations. The figures from the government both in the executive (the Minister of Information) and the legislative (the representatives of political parties in the People's Representative Council, including the Army 'party') stated their agreement to this Regulation with almost the same argument namely the press freedom. Different emphasis was voiced by non-government figures from media, civil society activists and university lecturers. They did not only support but they urged that this Regulation should be ratified immediately. What was interesting was the publication of the chief of this newspaper, Jakob Oetama. The fact can be translated as a momentum

for *Kompas* to urge the change of the press freedom in Indonesia. Being a big press institution (media company), *Kompas* has certain restlessness considering the huge asset it has but it was not in a secure position if its publication was closed down. On one hand, *Kompas* professionalism that is realized in the independence of its news contents is a must, but on the other hand, this endangers its survival. For the reason, *Kompas* is famous for practicing its “crab journalism”, a metaphor for the press institution having critical and sharp power like crab’s bites but then quickly withdraws backwards when facing obstructions from the government in the forms of suggestion, telephone calls or warnings. Another strategy applied by *Kompas* is self-censor by using polite words, neatly wrapped, or euphemism. *Kompas* journalism style is a colloquial style of Javanese people that is not straight to the point. The real objective is to criticize but it is preceded with praises.

The pressure by the civil society can be interpreted as a momentum of change after three decades of being in a weak position. Those three institutions: MPPI, LPDS, and ISAI are non-government institutions running in press, journalism and information. MPPI is a new institution existing from the concern of unhealthy atmosphere for the press (and broadcasting) in Indonesia. Its activists are people with long experience in press world like Atmakusumah, the former chief editor of *Indonesia Raya*, and Leo Batubara, the former chief editor of *Suara Karya* and the member of Newspaper Publication Organization (SPS). ISAI is a new institution that also exists from the concern about the information obstruction that should have been channeled to the society through media. One of the proponents of this institution is Gunawan Muhammad, the chief of Tempo magazine who also has a pile of bad experiences with the New Order. Together with *Editor* and *Detik* magazines, the magazine that is famous for being critical and that writes based on investigative method was bridled by Soeharto because it reported the sinking of an ex-East Germany ship that was bought by the Indonesian government. This bridle in 1994 even triggers solidarity among media workers to consistently oppose Soeharto regime<sup>16</sup>.

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<sup>16</sup> They, a group of young journalists, were so concerned even were so offended to hear the bridle that they created solidarity, committed to express their stance and to formulate a “movement” when one of their most fundamental possession namely writing “freely and responsibly” was taken out arbitrarily (Utami et al, *Bredel* 1994, Aliansi Jurnalis Independen, Jakarta, 1994, page.i).

*Kompas* certainly was not without reason to choose those from the civil society as the informants because *Kompas* had the same concern, had the same “fate”. Nonetheless,

the intern people of *Kompas* could not express more openly like them so that it was the opportunity to establish the solidarity by appreciating the opinions from the press activists to urge the ratification of the new Press Laws.

It can be said that *Kompas* informants are people who are competent with the press Regulations, namely those who will and are composing the Regulations, the government (the executive) and the parliament (the legislative). In accordance with the stipulations of the 1945 Regulations, they bear the responsibility to construct and compose the Regulations. The same thing is true with the informants from the civil society as figures or characters with high concern about the press development especially the press freedom in Indonesia. They, including Jakob Oetama, also have long experience as press workers. The entrance of ISAI represented by Ulil Absar Abdala marks *Kompas* commitment to give the space to young people, the activists of university student movements, and the pro-democracy activists.

### **6.2.2 How Politicians view the Drafting of the Press Law**

It has been stated in Chapter I that political communicators play the primary social role, especially in the public opinion process (Nimmo, 1989). They are politicians, professional communicators, and part-time professionals or activists. Those who are included in the politician category are executive officers such as president and ministers, the legislative and judicative titles such as members of the parliament or the People's Representative Council and the other governmental position holders. To Nimmo's opinion, this position has two principal objectives. First, "to influence the gift allocation and second, to change the existing social structure or to prevent changes". In its first authority, politicians communicate as the representatives of a group or subscribers. In this position they propose and or protect the objectives of political interests so that these political communicators represent the interests of the groups. Thus, communicators are the leaders due to the position on which they seat in the social structure, in its internal as human beings, personality, famous figures, are symbolical leaders (Nimmo, 1989:50).

The politicians that *Kompas* uses as its informants represent two governmental groups namely the executive (the Minister of Information as the President Representation), and the legislatives namely the figures from political parties sitting in Parliament. They are Mohammad Yunus Yosfiah (the Minister of Information), Bambang Sadono (Golkar), Usamah Hisyam (United Development Party), Hari Sabarno and Aminullah (the Chairman of the Indonesian House of Representative).

#### Mohammad Yunus Yosfiah (the Minister of Information)

The appointment of Mohammad Yunus Yosfiah as the Minister of Information by President BJ Habibie means two things. First, this is just the normality. It means that Yosfiah just like BJ Habibie was a person in an elite group in the Soeharto regime government. In some periods, Habibie occupies the position of cabinet minister in addition to some other strategic titles, including the chairman of Golkar Party. Yosfiah is a Lieutenant General of the Indonesian Army, born in Rappang, South Sulawesi, 7 August 1944, with some important positions both in military and political structures. In military structure, once he occupied a position of infantry battalion commander in East Timor, leading the troop to Balibo, East Timor and it was that time that he was accused of killing 5 foreign journalists, known as "Balibo five". They are Malcom Shackleton (27) and the cameraman Brian Peters (29), both are English citizens working for Australian Channel Nine. The other three victims are Greg Shackleton (27), Tony Stewart (21) an English citizen, and a cameraman from New Zealand, Gary Cunningham (27) both working for Australia Channel Seven.<sup>17</sup> Yosfiah was in various military positions, for example Commander of Group 2 RPKAD (Army Special Troop Regiment) from 1966 to 1970s, joined the training in Forth Leavenworth and got his Colonel rank and was on duty in Makassar in 1979. He had also been on duty in Dili, as the Commander of Military Resort Command (KOREM) 164/Dili. His "political" career becomes clearer when he sits on the position as the Head of Army Social and Political Affairs in 1997 before his retirement and finally was appointed by BJ Habibie to become the Minister of Information.

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<sup>17</sup> Yosfiah was also accused of killing Nicolao Lobato, a Timorese woman in 1978.

Even though he did not occupy governmental position anymore and had been active in a political party namely United Development Party, Yosfiah was still hunted by the international party, including the news that give difficulty to him. The husband of Antonia Ricardo of East Timor origin with Portuguese blood is often called "ghost" human war criminal that deserves sent to international court (*Gatra*, 23 February 2001). The tragedy on 16 October 1975 in Balibo urged Glebe Coroners court, Sydney, Australia to issue a command letter to arrest him. Nonetheless, he denied all of the accusation toward him and explained his plea before the general assembly with Commission I of the House of Representative and Alwi Shihab as the Foreign Minister.

In fact, in the politics of Soeharto era in Indonesia it was difficult to differentiate the military role from the political role since the two were parallel due to the so called double function of the Indonesian Army. In the New Order politics, military is the main supporter of the government so that task of the military institution was not only in the defense but also in the politics. Many military officers occupy political positions such as in the legislative institution or in the parliament, in the executives such as the Minister, the Governor, or the Regent. Military also occupies in the governmental party namely the Functional Party or Golongan Karya. Such a political culture was still made of use by BJ Habibie so that he appointed Yunus Yosfiah as the Minister of Information. Before that time, in Soeharto era, there were some Ministers from military sphere namely General Ali Murtopo and General R.Hartono.

Thus, both Habibie and Yosfiah acquired experiences during the New Order government so that they have the same understanding or "knowledge". This similarity is an important capital to cooperate for the executive officers especially between the President and the Ministers as his assistants.

The second prediction is that this appointment is a strategy for the New Order "people" to show the public that the political culture of the New Order has changed. They are not followers of closed, narrow, authoritative paradigm but an open, wide and democratic one with some policies categorized as being "brave". Habibie, for example, released the political captives; he even proposed a referendum to decide the fate of East Timor. Meanwhile, Yosfiah immediately annulled the regulations of the Minister of Information by the end of November 1998, which previously required press institution to have Publication Permit (SIUPP).

However, it is clear that these political actors represent the government and Golkar at the same time.<sup>18</sup> By agreeing the Press Regulations that is freer than the previous Regulations, it will be shown to the public that Golkar or the New Order has changed.

#### Bambang Sadono (Golkar)

Before occupying the position in the House of Representative in Jakarta, Sadono was a journalist of *Suara Merdeka*, Semarang (Central Java). In the New Order political system, all journalists were obligated to become the members of Indonesian Journalist Association (PWI), while all institutions made by the government (cooptation) were compelled to become parts of Golongan Karya (Golkar). After moving to Jakarta, Sadono was not a journalist of *Suara Merdeka* anymore but he joined the *Suara Karya* daily and occupied the position as a Senior Editor. Even though both of the newspaper use the name "suara", they are in the different management. *Suara Merdeka* is a local newspaper in Central Java owned by Budi Santoso; *Suara Karya* is owned by Golkar. The latter is intentionally published to become the party channel.<sup>19</sup>

If during the era of President Soekarno the press tended to become political channel, in Soeharto era there was also an effort to that tendency, for example the United Development Party once published Pelita. In its course, however, Pelita newspaper did not last long. Military group also has newspapers that had existed for quite long namely *Angkatan Bersenjata* and *Berita Yudha* that were published since 1965 (Surjomihardjo, 2002: 218). Entering the transition time, where the life of media was getting freer, the media published by groups, parties, or religions were facing challenges and opportunities to exist.

<sup>18</sup> Transition time, especially preliminary time, there was internal friction and conflict in Golkar. When BJ HJ Habibie nominated himself for the second time for the next presidency, a statement of an objection came from Golkar itself.

<sup>19</sup> *Suara Karya* was published on 11 March 1971, founded by a group of Golkar cadres with the impulse to make a public daily newspaper with the mission of making the development a success. The mission of *Suara Karya* was to make this newspaper a reading for the decision makers in governmental sphere and professionals, managers of Government Owned Companies, local authorities, community leaders and middle up community (<http://www.suarakarya-online.com/aboutus.html>)

Back to Bambang Sadono, as the representation of *Suara Karya* and Golkar, his side with the new Press Regulations can be interpreted as an effort to build a new image as an old politician who was pro changes, pro democracy.

### Usamah Hisyam (FPP)

In The *Kompas* coverage about the draft of the Press Regulations, the name of Usamah Hisyam was an informant from the United Development Party in the House of Representative. We know that at that time there were only three political parties in the House of Representative namely the United Development Party (PPP), Indonesian Democratic Party (PDI), and Golongan Karya. However, there was an additional party namely the representatives from the Indonesian Army (ABRI). From the minute of the discussion of the draft, it is known that Hisyam is an actively talking person with advanced ideas. He seems to support the liberal press freedom. He said that the Minister of Information, Muhamad Yunus, might tell that the press freedom would continue, but as long as the principal Press Regulations was not annulled, there was no guarantee of the continuation of such press freedom, what was needed by then was the Regulations that guarantee the press freedom (*Kompas*, 5 July 1999).

In the context of the New Order politics, the political parties other than Golkar were just ornaments. Their role was quite far from being maximum if not just as complements. Those who succeeded in getting their position in the People's Representative Council were people who went through selection or screening by the authority. One of the selection methods most often talked about was "litsus" (*penelitian khusus*) or special investigation done by the authority namely the military. The candidates had to answer a set of questions to find out their loyalty to UUD 1945 and Pancasila. Another method was through elucidation of P4 (Pedoman Penghayatan dan Pengamalan Pancasila-The Guidelines of Understanding and Implementing the Pancasila) as a course to "deepen" or agreeing the Pancasila as the only best ideology.

Hence, it becomes interesting to look thoroughly at the different opinions of the United Development Party members in the House of Representative, including that of Usamah Hisyam. Is there a political strategy to create an image of the change or was there a process of change among politicians in this transition era? In addition to being the

member of PPP, Hisyam was a Secretary General of Parmusi (Indonesian Moslems Brotherhood) that will be made a political party (*Kompas*, 2 December 2005). By the time of the replacement of PPP chairman, Parmusi supported Bahtiar Chamsah to replace Hamzah Haz who at the same time was a Vice President (*Kompas*, 12 May 2003). However, when he failed in PPP, Hisyam joined the Democratic Party, begun with writing the biography of Susilo Bambang Yudhoyono (*Kompas*, 22 May 2004).

#### Hari Sabarno and Aminullah (The Chair of the Parliament-Army Faction)

Hari Sabarno and Aminullah come from the Army Fraction. Since the New Order government, the military involvement in the political life was inspired by the spirit of “double function”. This doctrine of political and social role of the Indonesian Army seemed to be an integral part of the negative effect of democratization. One of them is the obligation of the Indonesian Army to sit in the chairs of the House of Representative and the Local House of Representative without going through general election with the argument of giving them an opportunity to influence the state policy planning in the People’s Advisory Assembly (Sugeng, 2001:36).

In the context of discussing the draft of the Press Law, *Kompas* quotes their opinions containing the process of proposing this draft of Regulations. Hari Sabarno, for instance, said that the Draft of the Law would be presented in the final meeting (*Kompas*, 2 July 1999) while Aminullah explained that the House had decided to discuss the Draft of the Press Law although there was another Draft of Law proposed to the People’s Representative Council (*Kompas*, 17 July 1999). The statement indirectly showed that they supported the existence of the draft of the Press Law.

#### The Change of the Politician Attitude

The attitude of the three politicians, Mohamad Yunus Yosfiah (the Minister of Information), Hari Sabarno and Aminullah (the Chairmen of the House of Representative), Bambang Sadono (Golkar), and Usamah Hisyam (PPP) to the draft of the Press Law is so interesting to learn. We see that they wanted to show up their existence as politicians, who were pro-changes, especially the change of the Press Law. It is worth noting that in 1980s, when the government decided to change the principal

Press Law by constructing the draft of the SIUPP Regulations there was a debate between the fractions in the House, namely between PDI fraction, Karya Pembangunan (FKP or Golkar) fraction and Persatuan Pembangunan (FPP) fraction. At that time, FKP suggested that such a permit was an obligatory that the press had to have. Thus, the press management could not be run carelessly and there had to be the law regulating it because the life of the press in Indonesia was not the free press without limits, but the freedom accompanied by functional responsibility. On the other hand, FPP was said to be able to understand the existence of SIUPP even though they still required the press no to be entitled to proposing such a permit (Nurudin, 2003: 24-25). This also applies to the support from Golkar in the New Order government with all of its political policies, including the repressive policies to certain mass media that was certainly different from the attitude taken in the time of the existence of this new draft of the Press Law.<sup>20</sup> Meanwhile, military was a loyal supporter of Golkar and Soeharto government. The question was, why and for what did they change? Did they really change? Looking back to the early situation of that political transition, the most urgent political requirement was developing figure or image that they had changed and supported political reform. For the reason, the statement, attitude and policy to be taken, as best as it could, had to take side with the reform. For the government, especially BJ Habibie, the image of the change is important to be understood by the public because people know very well his closeness with President Soeharto, even he was the right hand of Soeharto. Besides, in July 1999 there would be a general election to choose definitive president and this is an opportunity for Habibie to nominate himself. Thus, again, the image of a leader as pro democracy was badly needed.<sup>21</sup>

<sup>20</sup> Since the time before the independence until President Soekarno's government, there had been some political parties that existed and voiced various political or group interests but in Soeharto era, especially since 1973 there was fusion of all political parties so that there were only United Development Party, Functional Party and Indonesian Democratic Party. The winning of Golkar in the general election of the year 1977 means the end of all other parties since Golkar could take any decisions without having to consider the voices of other political parties (*LP3ES, Analysis on Political Strength in Indonesia*, Jakarta, 1991, pages 214-215).

<sup>21</sup> RH Siregar, one of MPPI members, a press worker who had been involving himself in the Indonesian Journalist Organization (PWI) stated in the interview with the researcher that the attitude of the government shown by Yosfiah as the Minister of Information was the delegation from BJ Habibie. The target was the presidential election in July 1999 where Habibie nominated himself.

Referring to the Nimmo theory, the intention of the politicians in communication was to change or to prevent the change of the existing social structure. In this research, we find out that politicians were involved in changing the social structure by placing the press as an independent institution and that was free from the control of the government authority. In the context of the Indonesian politics, this is a big change because it has been more than three decades that the Indonesian press structure is under the government structure that is stated by various law stipulation, rules and Regulations that cuff it. Further discussion on this issue will be done at the final section of this research when we talk about the Press Freedom.

Still in the context of the Nimmo political leadership, the second category was ideologists. Those who took the role as ideologists did not concentrate their attention to urge the requirements they represented. They focused more on the wider policy determination, put efforts of reform, and even supported the revolutionary change. Ideologists communicate to divert the objective not to represent a certain group (Nimmo, 1989:33). Based on the finding in this research, and especially referring to the informants selected by *Kompas* daily in discussing the draft of the Press Regulations, no one of them is called an ideologist. Politicians from the government both in the executive and in the parliament, tend to protect and fight for the temporary need namely to change their image as politicians who are pro-changes.

This phenomenon actually confirms political reality in Indonesia where by far there is few figures with a vision as an ideologist rather than a practitioner. In the history of the political development in Indonesia, it was during the colonization and the early time of the independence that some ideologists like Soekarno, Tan Malaka, and Syahrir existed. They developed certain ideology, especially nationalism.

### **6.2.3 How Political Activists view the Drafting of the Press Law**

After discussing politicians as the communicators, now we will discuss the research finding in the form of the informants of The *Kompas* daily who are categorized as activists. They, still referring to Nimmo, are communicators as well as political leaders. Different from the politicians, these activists can be categorized into two, first is the spokesperson, and second is the opinion leader (Nimmo, 1989: 38-39). Spokesperson

is someone without governmental position, thus he is not a professional in the communication either so that he is called a political activist and semi professional in the political communication. He speaks for the interest of the organization, representing the members and does the bargaining. To Nimmo's opinion, a spokesperson is similar to a journalist who reports the government decision and policy to the members of the organization. In describing the second communicator namely the opinion leader, Nimmo calls it someone from whom the direction and the information are collected who appears in two fields namely to influence other people's decision, and to convey information from media news to the public community (1989: 40). In this research, the opinion leader category is not found.

According to the result of this research, the informants other than politicians are "representatives" or "spokespersons" of each organization. They are Leo Batubara (MPPI and SPS), Atmakusumah (LPDS), Ulil Abshar Abdala (ISAI), Jakob Oetama (*Kompas*), Azkarmin Zaini (AN-teve) and Andi Muis (a lecturer in Hasanuddin University). Some of them like Batubara and Abdala had been discussed in the previous section, thus in this section we will discuss more about Atmakusumah, Azkarmin Zaini, Jakob Oetama, Andi Muis, Hotman Siahaan.

### Atmakusumah (LPDS)

When he was the news informant for *Kompas* with regards to the draft of Press Regulations in May 1999, Atmakusumah Astraatmadja was the Executive Director of Doctor Sutomo Press Institution or Lembaga Pers Dokter Sutomo (LPDS). This is an educative institution in Jakarta focusing on the training of journalist candidates. The chairman of LPDS is Jakob Oetama. In his speech in the handover of the Executive Director from Atmakusumah to Tribuana Said in Jakarta in August 2002, Jacob said that the replacement of the director executive was a reform step in order to develop LPDS further. He emphasized the importance of the cooperation and the commitment to develop this institution ahead and the unification of the vision by thinking critically about the development of the surrounding environment (*Kompas*, 22 August 2002). Meanwhile, Atmakusumah said that the development of the journalistic training in such a

transition era was a challenge. The extraordinary press freedom and the big numbers of mass media were advantages as well as challenges for LPDS.<sup>22</sup>

In fact, Atmokusumah's involvement in journalistic has been so long namely since the year 1958 when he and some journalists worked in the Indonesia Raya daily and in the *Minggu Indonesia Raya* daily newspaper (Surjomihardjo, 2002: 251). *Indonesia Raya* was a newspaper published by indigenous people during the colonization, and it became one of the media that dared to report critical opinions to the government. Both in Soekarno and Soeharto era, *Indonesia Raya* was the victim of the authority cruelty by being bridled. The chief of *Indonesia Raya*, Mochtar Lubis, showed his independence by refusing to sign the 19 chapters of "loyalty document" obligated by the government. Through the Indonesian Press Institution (IPI), Lubis wrote to the International Press Institute while blaming his friend, Rosihan Anwar, who was submitted to the government control (Smith, 1986:7). Just like Lubis, Atmokusumah who then replaced him, also had the independent principle in managing the *Indonesia Raya*. This newspaper tried hard to defend its freedom with sharp, critical, and open style in facing the New Order regime, but finally it had to end after being bridled in 1970s (Haryanto, 2006: viii)<sup>23</sup>.

Together with other press activists like Leo Batubara, RH Siregar, Ridlo Eisy, Alamudin, Atmokusumah then joined the MPPI (Indonesian Press and Broadcasting Community) preparing this draft of the Press Regulations. In addition to becoming the chairman of LPDS, after the ratification of this Press Regulations, Atmokusumah became the first Press Council chairman after the New Order. LPDS is an independent institution with the task of developing the press freedom in Indonesia of which performance is far different from the appearance, the role, and the character of the Press Council in Soeharto time. The ideas of Atmokusumah clearly support the liberal press freedom and thus it is not without reason if *Kompas* takes him as an informant in this matter of the draft of the Press Regulations.

<sup>22</sup> Once LPDS was in cooperation with George Washington University by inviting Dr.Janet Steele to teach in LPDS. On 20 October 2005, Dr Janet discussed the style of literature journalism in a discussion entitled Literature Journalism in The Wars Within in the University of Indonesia (*Kompas*, 7 October 2005).

<sup>23</sup> The reasons for bridling the *Indonesia Raya* can be read in the Decree of the Minister of Information No.20/SK/Dirjen-PG/K/1974 stating that the *Indonesia Raya* had contained articles that weaken national life aspects, damage community trust to National Leadership, echo sensitiveness without solution, create an opportunity to lead the situation to rebellion (Haryanto, *Indonesia Raya Dibredel!*, Yogyakarta, LKiS, 2006, pp.314-315)

### Leo Sabam Batubara (SPS-MPPI)

Almost along the political transition time especially at the early of 1999 to 2005 and after, the name Leo Batubara seemed to become the main informant for *Kompas* in the discussion about the press and especially the press freedom. During Soeharto government, existed the name of Cosmas Batubara, he was the former university students activist in 1966 and then threw himself into Golongan Karya and finally occupied a position in the cabinet as the Minister of People's Housing. Cosmas then also became one of the advisors of the *Suara Karya* daily newspaper. Cosmas is the elder brother of Leo Batubara. The existence of Sabam Leo Batubara (his complete name) seemed to fill the vacancy of the name Cosmas Batubara that did not occupy the important position in the government anymore.

In addition to sitting in the chief editors of newspapers owned by Golkar, *Suara Karya*, Leo was also active in the Newspaper Publication Organization (SPS) as the Secretary General that in the New Order which was known as the part of some press institutions under the control of the government through the Minister of Information. But, after Soeharto stepped down, he was actively initiating the new Press Regulations in addition to the Broadcasting Regulations through the Indonesian Press and Broadcasting Community or MPPI. In some discussions and also articles in mass media, he often takes an example of the use of an independent regulatory body that has the authority to regulate media. "In the authoritarian countries like North Korea, Myanmar, and Cuba, the regulating body is the government. In the democratic countries like South Korea, South Africa, and USA, the body regulating the broadcasting is an independent regulatory body" (*Kompas*, 12 November 2002). For the reason, in the draft of the Press Regulations, the MPPI group was also very eager to suggest that the Press Council take its role as an independent institution.

### Ulil Abshar Abdala (ISAI)

The figure of Ulil is actually more attached to the Liberal Moslem Network (JIL) that was established in Jakarta in 1990s rather than to ISAI. JIL is a movement motored by young Moslems of Nahdlatul Ulama (NU) who have different opinions from some NU

leaders who tightly hold qaul (statement) of the previous religious leaders as it is written in their yellow book. In each discussion of religious affairs held by NU, the statement becomes the main reference to get the solution for community problems (*Kompas*, 2001). Ulil, for example, concerned the existence of religious polarization; for instance, the existence of fatwa that prohibits a woman to become a president. Such a fatwa even serves as social disintegrative factor (*Kompas*, 7 June 2004). ISAI in which Ulil was an active member is an institution that pays attention to the smoothness of information current in the society by, for example, publishing the books that used to be prohibited to be published by the government such as those written by Pramoedya Ananta Toer, establishing a radio station (Radio 68H), and establishing a media controlling institution (*Kompas*, 6 January 2000). When the Tempo magazine was sued by Tommy Winata because of an article about Tanah Abang trading center, and finally the State Court of East Jakarta legalized the seizure the house the senior editor of Tempo Magazine, Goenawan Mohammad, ISAI joined some other groups including MPPI in a demonstration opposing the press criminalization (*Kompas*, 1 October 2003).

#### Jakob Oetama (*Kompas*)

He is identical to *Kompas* whereas he is “only” one of *Kompas* founders. Frans Seda, another founder, says that, in fact, the idea of the foundation cited by General Yani in order for the Catholic people to counter the Indonesian Communist Party was not followed up until they met Jakob Oetama and Auwyong, two professionals in the mass media (Iswara, 2001). Then, a foundation under the name of Bentara Rakyat was established with its newspaper that would be named the same to counter the communist *Harian Rakyat* newspaper. Being members of the foundation, Jakob Oetama and Auwyong Peng Koen got full professional autonomy as the editors of the newspaper (Iswara, 2001: 182).

In 1987, the Research, Education and Information, Economy and Social Institution (LP3ES) published compilation of Jakob Oetama’s articles entitled the Indonesian Press Perspective. In this book, there were 6 articles about the press as a social institution, 5 articles about the press and social change, and 8 articles about the development journalism. As for the press as a social institution, Jakob Oetama said that

the press as an institution is always in inter relation with the main streams and the main structures of its community, and even though the press has an active role, it cannot become a single power, it always plays the role when it is with other institution, and it is influenced by the main stream and the structure of the community (Parera and Utomo, 1987: 9). Here, we can see that he expressed his idea carefully, indirectly and it is such an opinion that “saves” *Kompas* from the government pressure when repressive political system was still powerful.

With Jakob Oetama’s style of leadership, *Kompas* daily grows fast in The Kompas Gramedia Group (Kelompok Kompas Gramedia-KKG) with some publication and non-publication enterprises. Based on the Annual Report of 2000-2001 ”Euphoria, Capital Concentration and Mass Pressure” published by the Independent Journalist Alliance, KKG has 57 publications, far below Jawa Pos with 107 publications (Suprapto et al., 2001: enclosure).

Being a public figure and especially in the press, Jakob has various predicates, such as Senior Journalist, Press Figure, *Kompas* Founder, President Director of KKG. Due to his being senior in the press, he is close to many other press figures such as Atmokusumah, the former chairman of the Press Council and the former Director of LPDS. Jakob Oetama is the Chairman of LPDS Foundation (*Kompas*, 22 August 2002). With regards to the draft of the Press Regulations, Jakob Oetama insisted the ratification of the Press Regulations before the general election. The Vice Chairman of *Kompas* Editor, St.Sularto, one of his close persons in an interview with the researcher said that the time of President BJ Habibie was the transition time, which was still unstable (24 August 2005). Sularto said further:

”I especially see in the era after Soeharto, the press freedom appeared in the Habibie’s time. There was a new Press Regulation; we did not have to submit the publication (SIUPP) or to get the SIUPP; we only have to inform that we will publish this. That was the beginning, and then there was no obligation anymore to inform. In terms of the freedom, out of the three presidents, it was during Gus Dur (Abdurrahman Wahid) era that I saw the most freedom. We could criticize whatever. During the Habibie presidency, in terms of the religion (one of the religions) was actually rather strict. Even though it was not stated explicitly, we had to be careful writing this issue” (Interview on 24 August 2005).

Thus, the period of the construction and discussion of the draft of Press Regulations was an important moment for *Kompas* to insist the ratification of the Regulations.

#### Azkarmin Zaini (AN-teve/IJTI)

He is the Chief Editor of ANteve, a private television financed by Bakrie Group, owned by Aburizal Bakrie. Before joining ANteve, Zaini was a journalist of *Kompas* owned by Jacob Oetama. In addition to being the chief editor, Zaini is the honor member of the Television Journalist Association (IJTI), an association of television journalists existing in the reform time. On 6 August 1999, together with other journalist associations, IJTI signed the Indonesian Journalist Ethics Code (Kode Etik Wartawan Indonesia-KEWI) as a common ethics code owned by the journalists in Indonesia. Previously, only PWI has the ethics code because PWI was the only journalist association that was permitted to exist in Indonesia during the Soeharto government. After the existence of AJI in 1994, AJI also had its own ethics code.

Zaini turned to join MPPI and took part in citing changes in media life in Indonesia through the construction of the drafts of the Press Regulations and Broadcasting Regulations. In terms of the Opinion column in *Kompas* daily newspaper (14 August 1999), Zaini proposed the extension of the meaning of the press in the draft of Press Regulations by including broadcasting press. The Discussion Body of the People's Representative Council had "inherited" the Draft of Broadcasting Regulations to the House of Representative resulted from the general election in 1999 because their working period was about to end. Zaini considered this decision a hard blow for the organizers of the broadcasting media and a struggle for the democracy enactment. The consequence of the draft of the Broadcasting Regulations not being discussed was that the broadcasting media (television and radio) still had to make their fate dependent on the Regulations Number 24 Year 1997 on the Broadcasting that was criticized as the authoritarian Regulations because of placing the government as a very powerful regulator. These Regulations is also contrary to the rights over information freedom contained in Chapter VI of the People's Advisory Assembly No XVII year 1998. Zaini said that by including the broadcasting press in the Press Regulations, the People's Representative Council had

“expiated the sins” since it was them that gave birth to Regulations Number 24 Year 1997 on the Broadcasting (*Kompas*, 14 August 1999).

Andi Muis (Hasanudin University-Makassar)

The name of Andi Muis, Andi Abdul Muis Andi Makksau in complete, is more popular as a lecturer in Hasanudin University (Unhas) in Makassar rather than a lecturer in the University of Indonesia. Nonetheless, his latter position places him as an expert or informant for communication study and especially about the press in Indonesia. In addition to teaching in Unhas, A Muis, his name when writing a column, is also a lecturer of communication and law at the University of Indonesia. Before Soeharto stepped down, Muis was a *Kompas* columnist in the press and media subjects. Muis was born in Kalukuang Island, a small island in Makasar Traits. His father was a Bone nobleman and his mother Puang Niali was also of a noble family in Maros Regency (Bahkri, 2000: 251). In 2000 The *Kompas* published articles in a book entitled "The Path of Democracy, Press Freedom Role for Political Communication Culture". It can be said that Muis is a communication expert of Unhas that *Kompas* daily uses him as his informant.<sup>24</sup>

One of Muis' articles in the book is entitled "Understanding Globalization Demand in Press" that was published in *Kompas* on 28 June 1991. There, he suggests that the information globalization (mass media) cannot be separated from the economy globalization. The worry for the report "liberalization" in the Third World will create a strong reaction. In Indonesia, the SIUPP institution will be considered to have increasing vital function to prevent or "tame" the globalization stream. "Didn't the Minister of Information, Harmoko, say that if SIUPP is eliminated there will be the press freedom anarchy because SIUPP even protects the responsible press freedom" (Bahkri, 2000: 4). He suggests compromise between the change of value of proximity and actuality news on one hand and non-judicative method of limiting reports freedom on the other hand.

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<sup>24</sup> Muis is a Bachelor of Law from Hasanudin University, the former chapter of the University of Indonesia in Makasar and who wrote a thesis on journalism/publicity. In 1972 he prepared a dissertation in communication subject but there was no S2 and S3 programs in Indonesia so that he learned non-formally by making use of the writer membership in AMIC (Asian Mass Communication Research and Information Center) in Singapura. Finally, he was promoted in Unhas with the promoters of Dr M.Alwi Dahlan and Dr Phil Astrid Sunarjo and Prof Hamijoyo (Bahkri, 2002: 252-253).

Otherwise, there will be more press publications “escape” to less healthy entertainment (features), because it is the only way of ensuring reports safety from SIUPP annulment.

Hotman Siahaan (Airlangga University-Surabaya)

Being a lecturer in the Department of Social and Politics Science and then occupies the Dean position, Siahaan is popular with Non-Government Organizations (LSM) especially with regards to social issues in Surabaya (*Kompas*, 8 June 2001). In fact, he is one of the lecturers in Airlangga University (Unair) who is active outside the campus. He is also a member of the Social Change Study Institution (LSPS) while other lecturer like Prof Ramlan Surbakti is the Chairman of General Election Commission (KPU), and Dr Daniel Sparinga is also active in several Non-Government Organizations.

Although his activities do not relate much to the press, his popularity as an active lecturer in the society in Surabaya encouraged *Kompas* to take him as one of its informants in the discussion of the draft of the Press Law. He highlights more on the correlation between the foreign capital and the press. He suggests that the foreign capital and the press without SIUPP will, of course, encourage freedom, but the freedom that is out of moral and ethics frames will even become a boomerang for the growth of the democracy (*Kompas*, 31 July 1999). Here, he reminds that the press freedom that will be ratified in the Press Regulations must be accompanied by professionalism of the journalists. Without the presence of the requirement the growth of the democracy will even be hampered.

Together with some popular names in the universities in Indonesia, Hotman M Siahaan was said to be part of Megawati Soekarnoputri as a President. "I remain a spectator who will be free and fair in observing and analyzing. Besides, being a civil servant who wants to remain a civil servant, I am not allowed to take part in the team of a president candidate" (*Kompas*, 10 June 2004).

#### **6.2.4 How *Kompas* Channels the Pressure of the Press Activists**

In Nimmo's opinion, an activist is a communicator as well as a political leader but he is not a politician. Thus, the activists being The *Kompas* informants are not politicians. Atmakusumah, Leo Batubara, Azkarmin Zaini, Andi Muis, Ulil Absar Abadala and Jakob Oetama are spokespersons for the interests of each organization,

namely LPDS, MPPI, ANteve and IJTI, Unhas, ISAI, and *Kompas*. When reporting the draft of the Press Law by placing those five figures as informants, *Kompas* helps them disseminate their opinion about the draft of the Press Regulations. As we can see from this table, most of them voice louder than the politicians do; they do not merely support the draft of the Press Law that support the press freedom but they insist the ratification of it.

Referring to their experiences and activities, however, we see the similarity. First, most activists have experiences in the press especially in the New Order era. Atmakusumah, and Jakob Oetama are journalists who have been active since the Old Order. Azkarmin Zaini and Leo Batubara are senior journalists in the New Order in this transition era and Andi Muis is a lecturer of communication in Hasanudin University. Only Ulil Absar Abdala and Hotman Siahaan do not have past experiences in the press. But Abdalla currently works in an institution having the commitment on the dissemination of the course of information (ISAI) and the press freedom and he is an activist of the student movement and the Liberal Islam movement. Hotman Siahaan is a lecturer in Unair who is active in NGO. Thus, Abdala and Hotman are placed by The *Kompas* as representatives from the campus and they are young people who are pro to democracy.

What is not less interesting is that one of the politicians, Bambang Sadono from Golkar, turns to have a background as a journalist, both in the *Suara Merdeka* and in the *Suara Karya*. Thus, out of 14 informants of The *Kompas* in the report of this draft of the Press Regulations, most of them are press figures. It can be concluded that *Kompas* daily newspaper gives space to the press figures to voice their concern about the importance of the new Press Laws that gives assurance for the press freedom. Their voices function as insistence to the government (the executive and the legislative) in the hope that by having such the freedom, the media have more or less the same position with the government and they are not subordinates of the government anymore. This situation is badly needed for the life of democracy in Indonesia.

#### **6.2.5 Major Issues in the Discussion of the Draft of the Press Law**

In this section, there will be an explanation of the next research finding, namely the main issues debated in the discussion of the draft of the Press Regulations Year 1999

in the parliament. The main debated issues were the ones that also appear in some parts of the old Press Regulations Chapters namely the Regulations No. 11 Year 1966 concerning the Principal Press Stipulations that later were renewed in the years 1967 and 1982. In the discussion of this draft of the Press Regulations year 1999, there were some issues strongly debated among the participants of the meeting, namely the government (the executive) representatives, the party or the group representatives in the legislative, and the media representatives. It was found in this research that those issues were closely related to the big concept of democracy and press freedom, starting from the use of the term “*kemerdekaan pers*” or the “press independence” to the debate of the ”trial by the press”.

#### **6.2.6 The Birth of the Draft of the Press Law Year 1999**

Before occupying the Presidency to replace Soeharto, BJ.Habibie was a Vice President. As it was explained in the previous chapters, Habibie is a very close to, and often called as the ”right hand” of Soeharto. During the presidential time of Soeharto especially beginning from the period of the Development Cabinet III (March 1978-March 1983) Habibie had occupied an important position as the Minister of Research and Technology until the period of the Development Cabinet VI (March 1993-March 1998). For the reason, his appointment as the President disappoints some people, especially those expecting the end of the New Order era. Meanwhile, BJ Habibie tried his best to be welcomed by the people by making some ”big” decisions to show that he really did political reform, and was not pro-New Order. An example of the important political policy is releasing the political prisoners.<sup>25</sup> In addition to the presidential institution occupied by BJ Habibie, another political institution that wants to appear to be reformist is the House of Representative period 1997-2001. The interface of the ”reformist” spirit of those two institutions bears the new Draft of the Press Law with totally different characteristic from the old Press Law made by Soeharto regime.

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<sup>25</sup> David Bourchier from School of Asian Studies University of Western Australia, says that Habibie takes many parts in the previous government, but he can hold out and lead a reform time marvelously, which is almost like Gorbachev style (Chris Manning and Peter Van Diermen, *Indonesia Di Tengah Transisi Aspek-Sosial Reformasi dan Krisis*, Yogyakarta, LKiS, 2000, p.17)

However, the initiative to bear a new Press Regulations that is far different from various legal stipulations regulating press life in Indonesia was not born by BJ Habibie. This idea, as Leo Batubara suggests, appears from some volunteers of the society who call themselves the Indonesian Press and Broadcasting Community (MPPI) in the meeting in Pacet-Cianjur, 20-23 October 1998 (*Kompas*, 19 September 2006). The meeting did not only give birth to the draft of the Press Regulations but also the draft of the MPR Decree on the Information Freedom that later was accommodated in the MPR Decree No XVI/1998 on Human Rights. This formula then becomes the amended Chapter 28F of UUD 1945.

On 1 March 1999, as many as 22 members of the Comission I of the People's Representative Council lead by Bambang Sadono (Development Functional Faction) proposed the Draft of the Press Regulations made by MPPI to become the Draft of the Press Regulations. The proposal was then discussed in the Plenary Session in the People's Representative Council on 12 July 1999. Suddenly, President BJ Habibie sent the draft of the Government Press Regulations on 7 July 1999 to the People's Representative Council. This draft from the government was scheduled to become the main subject while the Draft of the Press Law of MPPI version would become the comparison (Batubara, *Kompas* 19 September 2006). This draft was discussed in marathon from 25 August to 13 September 1999. Four factions in the Commission I of the People's Representative Council with the government that was represented by the Information Department finally agreed it to become the Regulations and the government made it into effect on 23 September 1999. Batubara, one of MPPI activists said, two important persons in the Information Department who contributed to the smoothness of the discussion of this Draft of Regulations were Mohammad Yunus Yosfiah (the Minister of Information) and IGK Manila (the Secretary General to the Information Department). Both were retired armed service officers. Yunus Yosfiah was previously Lieutenant General who once was on duty as the Commander of Special Troop (Kopassus) in East Timor (Timor Leste). In addition to being a brave commander, Yosfiah also got international attention with regards to the case of the killing of five Western journalists in Balibo. The appointment of Yosfiah as the Minister of Information disappoints some parties, especially those expecting the openness (O'Rourke, 2002).

In the discussion, there were three persons from MPPI who were asked to become the government expert staff, namely Atmakusumah, Azkarmin Zaini, and Leo Batubara. Several names called as "reformist stars" of the Comission I of the People's Representative Council were Bambang Sadono (FKP), Soenarto (FABRI), YB Wiyanjono (FPDI), Amir L.Sirait (FKP), Sofyan Lubis (FKP), Ansel Da Lopez (FKP), Bachtiar Ali (FKP) and Usamah Hisyam (FPP) (*Kompas*, 19 September 2006).

### 6.2.7 Crucial Issues

The debate on crucial issues in the Draft of Press Regulations occurred in the third level discussion, on 27 and 30 August 1999 in the Workshop Meeting of the Special Committee and the Minister of Information of the Republic of Indonesia. The chairman of the meeting was Aisyiah Amini from the United Development Party (PPP). In short, the debate was recorded in table 5.8 below. This record originates from the Minute of the Workshop Meeting of the Special Committee on the Draft of Press Law and the Government Meeting on 26 and 27 September 1999.

**Table 6.9: The Issues of the Debate among the Executive, the Legislative and**

#### **Media People**

| <b>Topic</b>                         | <b>The Executive (the Minister of Information)</b>                                                                                                                                                                                                                                                             | <b>The Legislative (Members of the Parliament)</b>                                                                                                                                                                                                                                                               | <b>Media (Editors or Journalists)</b> |
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| <b>The term "Press Independence"</b> | "For the government, those two terms have the same meaning. We see that the nuance of the views of FPP, FKP and FPDI are similar, only one is longer, more detailed; as it was mentioned previously that the press independence is a very important element to create democratic life of the community, nation | <p>1. The Development Functional Faction-FKP (Bambang Sadono): In terms of the terminology, the law embraced in UUD 1945 is independence, Chapter 28. The Press legal theories as suggested by Prof Umar Senoadji always quote the terms independent press and press independence.</p> <p>2. FKP (Amir Liven</p> |                                       |

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|  | <p>and country. In the government formulation, it was only mentioned as an important element in democracy life. We assume the <i>democratic life</i> (italic print from the researcher) covers all the aforementioned things" (Minute of the first Workshop Meeting, 26 August 1999: 23).</p> | <p>Sirait): To my opinion, there must be something to be corrected. We look at the existing theory, look at the Constitution, and compare it with countries that are advanced in legal affairs. We should not think too much about similarity, we see the idea of this nation ahead, the national target on this nation. What we emphasize here is independence.</p> <ol style="list-style-type: none"> <li>3. The Army Faction-FABRI (Isnawan): the press freedom is not an absolute matter.</li> <li>4. The Indonesian Democratic Party Faction-FPDI (YB Wiyanjono): We do not refuse this term. In fact, we prefer to use freedom because behind the screen of the freedom there must be responsibility, right, obligation.</li> <li>5. The Unity Development Party Faction-FPP (Usamah Hisyam): Independence is more substantial because being independent is the right of everyone, every nation.</li> </ol> |  |
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| <b>Trial by the Press</b> | <p>The Minister of Information (Moh Yunus Yosfiah): If we are only under the protection of the journalistic ethics code, it does not have the legal implication, no legal sanctions. Of course, there is the penal code (KUHP) but it is too colonial. Here, chapter 4 relates to chapter 14. According to the penal code, however, the legal threat is imprisonment. We have coordinated with the Department of Justice. We agree to impose journalists with fine, not imprisonment that we consider too punishing.</p> | <p>1. The Army Faction (Nyoman Tamu Aryasa): We propose chapter 4 to become "The press publication is obligated to make public of the fair, right and accurate court process and it does not judge the accused or the suspected".</p> <p>2. F-PP (Usamah Hisyam): We propose some fundamental changes, thus the entire of chapter 1 is omitted and replaced so that it reads: "The press publication is obligated to a. Report an event and or and idea accurately, b. honor highly profession ethics code ratified by the Press Council, c. Honor the religious norms and the sense of morality that the society embraces, d. Fulfill the rights to answer and the rights to make corrections in accordance with the requirement of the readers with regards to the report of the news that is untrue, slanderous, and or provocative"</p> <p>3. F-KP (Bambang Sadono): We propose</p> |  |
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|  |  | <p>to eliminate chapter 4 with the consideration of the substance that can be returned to the ethics code or other regulations. However, if other factions agree to reformulate, FKP prefers the formula proposed by FPP.</p> <p>4. F-PP (Usamah Hisyam): FPP considers the process of <i>trial by the press</i> has been included in the journalistic ethics code so that FPP eliminates the issue in order for the inconsistency not to occur.</p> <p>5. F-ABRI (I Nyoman Tamu Aryasa): Since there is no ethics code and the council is not involved in the discussion of the ethics code, isn't it possible just to add "does not judge the suspected or the accused".</p> <p>6. F-KP (Bambang Sadono): One of the targets of the Regulation is the law supremacy. It means that we try to place the legal stipulations on its portion and this Regulation will submit to all of the stipulations. Meanwhile, with</p> |  |
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|  |  | <p>regards to concern that trial by the press is not present in the ethics code, we would like to inform that it is present. The journalist ethics code has accommodated the issue for long time.</p> <p>7. Chairperson of the Meeting (Aisyah Amini-FPP): That's not the essence. What was discussed was the ethics code composed by the Press Council; it was not there. That's the problem. We have to understand the <i>trial by the press</i> that is different from the <i>contempt of court</i>. The <i>contempt of court</i> is the attitude of underestimating the court while the <i>trial by the press</i> is any citizen of this country who is judged by the press, not by the court, while we have to prevent this.</p> <p>8. F-PP (Usamah Hisyam):.. In terms of the “<i>trial by the press</i>” where someone feels to be judged while he feels that the report is not true, there is a legal process to take, for example taking the case to the police. The simple example is the case of the “<i>trial by the press</i>” to the</p> |  |
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|  |  | <p>Attorney General Andi Ghalib. This can be true that there is the <i>trial by the press</i> because the media quoted the official informant in a press conference. If Andi Ghalib feels to be judged by the press, he could take perfect steps by bringing the case to the police.</p> <p>9. F-ABRI (Isnawan): Now, we are talking about trial by the press, the judgment by the press. If we want to talk in details, we have to have the same perception about the meaning of judging. We call someone a thief; we are judging. Thus, when it is required that a report must be accurate, it must be accurate. Accurate means showing facts. The interest of the Army is the addition of clear statement no to do trial by the press.</p> <p>10. F-ABRI (Isnawan): We still add this issue of judging or trial by the press.</p> <p>11. F-PP (KH.Amin Bunyamin): We do not include trial by the press in this chapter. We agree</p> |  |
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|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>with FKP.</p> <p>12.F-PP (Usamah Hisyam): We consider this (the <i>trial by the press</i>) not important because it relates person per person, that is also the interest of the society</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                              |
| <b>The Press Publication Registration</b> | <p>The Minister of Information (Moh Yunus Yosfiah): The government is supposed to be consistent that the registration is needed for various purposes. It is rather weird, for example, if the press is under consultation of the information department but it gets information from other sources. They have to find it in the Information Department... The objective of the press enterprise registration is to register the materials for information that are prepared well and become the official source of information.</p> | <p>1. F-KP (Bambang Sadono): Just like the early position of F-KP, we do not agree to the registration of the press institution to the Department of Information.</p> <p>2. F-ABRI (Int Aryasa): We are badly needed and we agree to propose the government that any enterprise that is going to publish the press enterprise must report it to the Department of Information.</p> <p>3. F-PP (Usamah Hisyam): We might be able to understand what FKP expresses to eliminate this press publication registration. One of the reasons might be the traumatic attitude. However, if we look at the past chapters that give assurance on the press independence, there do not seem to be an opportunity for</p> | <p>1. The chairman of PWI (RH.Siregar): If the foreign press must register to the Department of Information, it becomes an international principle problem. Thus, reporting is enough.</p> <p>2. <i>Antara</i> news agency (Parni Hadi): As far as I experience abroad (Germany), there is no Department of Information,</p> |

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|                        |                                                                                                                                                                                                                                                                                                                                                                                                           | <p>the government to issue the regulations. The Minister of Information model 01 year 1984 had colonized this nation. Thus, I agree to this formulation.</p> <p>4. F-KP (Bambang Sadono): To our opinion, if we have to register, why do we have to do it to the Department of Information? We can also put this data collection to the Press Council, for example.</p>                                                                                                           | <p>but I have to report to the immigration to get my stay permit.</p> |
| <b>Foreign Capital</b> | <p>1. The Minister of Information (M.Yunus): In line with the old Regulations and if I am not mistaken, it is still valid, there is foreign capital entering press enterprise. As a consequence of the globalization, however, and being a member WTO, I consider this policy must be adapted. We approach the Department of Foreign Capital Investment to accommodate this issue in establishing the</p> | <p>1. F-ABRI (I Nyoman Aryasa): With the globalization, the opportunity of foreign capital to enter cannot be prevented. We propose maximum foreign capital as much as 49%.</p> <p>2. F-PP (KH Amin Bunyamin): The current problem is unstable national politics. Is it already the time for foreign capital to enter the press enterprise? Will this fund be free from value? For example, Russia that is communist and the role of press in forming opinions was so strong.</p> |                                                                       |

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|                                         | <p>future Regulations.</p> <p>2. Officer of Trade and Industry Department (no name): This issue is in the process of the discussion.</p> <p>3. The Minister of Information (M.Yunus Yosfiah): We have an interest to make media industry grow well in Indonesia. We propose that foreign capital to come in, except that we remain closed, but we return it to the members of the Council.</p> | <p>3. F-KP (Bambang Sadono): FKP would like to hand this to the dynamics of the existing regulations, so that it is not stipulated in this Press Regulations but it is arranged in terms of capital market.</p>                                                                                                                                                                       |                                                                               |
| <b>Legal Protection for Journalists</b> |                                                                                                                                                                                                                                                                                                                                                                                                | <p>1. F-ABRI (Aryasa): We propose this article (DIM no 23/32?), "any action obstructing the implementation of the press functions as suggested in article (1) and article (2) are prohibited" is eliminated. Even when we only talk about the function, I suppose no prohibition is allowed.</p> <p>2. F-ABRI (Fisnawan): The Army Faction expects this to be deleted because the</p> | Antara news agency (Parni Hadi): I agree with the protection for journalists. |

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|                                    |                                                                                                                                                                         | <p>words of any of this action are really the words that cannot predict whatever behind the words of “each action”. We fear that finally this press independence seems to be something absolute, which no one can control.</p> <p>3. F-KP (Bambang Sadono): We agree that this article (3) to be deleted with the reason that without being controlled, what have been agreed in the Regulations must be done.</p> <p>4. F-PP (Usamah Hisyam): Journalists must be protected. All functions of the press must be guaranteed.</p> <p>5. F-KP: Special chapter is needed to protect journalists.</p> <p>6. F-ABRI (Aryasa): Protecting any actions is too abstract.</p> |  |
| <b>The Publication Prohibition</b> | The Minister of Information (Mohammad Yunus Yosfiah): I suppose everyone agrees that by far the government is considered to be too powerful so that it eliminates human | <p>1. F-PP (Usamah Hisyam): In addition to being imposed to printing prohibition by the government, the court is not allowed to kill or close the press publication. Thus, any mistake of a report will be imposed on the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |

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|  | <p>rights. So, we'd better discuss about judgment further later.</p> | <p>penal sanction to the persons in charge.</p> <p>2. The chairperson of the meeting (Aisyah Amini -FPP):<br/>The logic is that the court cannot directly judge if there is no action. How will the court prohibit if there is no action to take?</p> <p>3. F-KP (Bambang Sadono):<br/>We suggest that press should not be censored or bridled by anyone, except that the law allows it to be implemented, because we are submitted to the law supremacy. We look at the prevailing legal stipulation, the court.</p> <p>4. F-KP (Sofyan Lubis):<br/>Isn't that possible if the publication prohibition does not come from the government only. We can still question if it is from the court, when it comes from the law, we have to be submitted to it.</p> <p>5. F-PP (Usamah Hisyam): We propose to add to the sentence "cannot be prohibited by the government" with the words "and the court". In addition to not being able to be</p> |  |
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|  |  | <p>prohibited by the government, even the court is not allowed to kill or close the press publication. Thus, any mistake of the report is only imposed to penal sanction to the persons in charge.</p> <p>6. F-PP (Usamah Hisyam): Responding your question, madam, in a state situation of emergency, even the court has no rights to halt the press publication with the addition of the words "and the court".</p> <p>7. F-ABRI (Isnawan): It is interesting, but we suppose that the court will prohibit the publication with a legal process. I have a description as an example. In a civil case, there happens to be a case of two similar trademarks brought to the court and it was decided one to win the case. The consequence is that the company with the resembling trademark must be banned to publish. Is this prohibited to publish? Thus, we consider this formulation sufficient, "not prohibited to be published by the government", while the process in the court</p> |  |
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|  |  | <p>is another thing.</p> <p>8. The chairperson of the meeting (Aisyah Amini-FPP): Thus, our Regulation is not for the press only but for many other regulations. The court is, of course, the foremost front for the society to get justice. The example is two press publications; under two names, both go to the court. The court will decide which one to be authorized to publish. The court for sure will take either one to be published, to be authorized, or the other to be prohibited. Thus, legal process must be followed. In principle, there is no censor and no bridling. Is it acceptable? The Working Committee will discuss it later.</p> <p>9. F-PP (Usamah Hisyam): To omit the word “court” we need a debate. In order to guarantee the press independence, we have to prevent the society from demanding the closure of the press publication.</p> <p>10. F-PP (Usamah Hisyam): An</p> |  |
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|                                      |                                                                                                                                                                                                                                                                                                                                                                                                  | <p>illustration, The Kompas daily reports the issues hurting the Moslems and there was mass demonstration to ask the court to bridle <i>Kompas</i>. Will the court do this? This happened to the <i>Monitor</i> magazine. If there are such pressures, is bridling allowed? The court legal process will decide to give sanction to the chief editor but it does not stop the press enterprise.</p>  |  |
| <b>The Independent Press Council</b> | <p>1. The Minister of Information (M.Yunus Yosfiah): If the number of the management used to be 25 persons including those from the government, now I suppose it is less (15). The Press Council also receives the fund from the Government like Komnasham (human rights national commission). Let's implement this Press Council independently to our colleagues.</p> <p>2. The Minister of</p> | <p>1. F-ABRI (Int Aryasa): We do not mind about the number, but we recommend the presence of the representatives from the Government and from the society.</p> <p>2. F-ABRI (Int.Aryasa): I still recommend representatives from the government, even only one. Then, I recommend the elimination of fund from the government, because with the fund, the independence of the Press Council will</p> |  |

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|  | <p>Information (M.Yunus Yosfiah): By far, there is fund for the Press Council from the Government; when there is no more fund, where does this fund come from?</p> | <p>disappear.</p> <p>3. F-KP (Bahtiar Ali): We want to return to the meaning of the Press Council universally. The Press Council is an organization established and founded by the society. Thus, no government elements should be included.</p> <p>4. F-KP (Bambang Sadono): We agreed that we have one principle that we want to return things related to the press community to the press community itself. Thus, we have to be consequent to be self-financed. If the procedure is to get the fund, it must be from the APBN (national budget).</p> <p>5. F-PP (Usamah Hisyam): As for the number of the Press Council, we agree it at least 15. In terms of the fund, we have to consider what the government considers. We do not expect that this Regulation is ratified but there is no fund.</p> |  |
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From marathon meetings held by the House of Representative on 26, 27, 30, 31 August and 1, 2, and 3 September 1999, there are at least 7 issues getting much portion of the discussion or debate, namely: 1. Press independence, 2. Trial by the press, 3. Press publication registration, 4. Foreign Capital, 5. Journalist legal protection, 6. Publication prohibition and 7. Independent Press Council. In the next section, there will be a discussion about the meaning and the context of the debate of the issues. Resources are taken from the Minute of the Workshop Meeting of The People's Representative Council with the Government, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> meetings.

#### **6.2.7.1 Press Freedom**

The words or term used in this draft are new words or term namely the press freedom. By far, the term that is used in the press law of the previous years and in various Indonesian literatures as well as in public discussion is press independence.<sup>26</sup> Usamah Hisyam of the Development Functional Faction (FPP) suggests the importance of developing new paradigm in national press life namely professional press freedom and leaving the old paradigm of responsible press independence.<sup>27</sup> Using the language that Indonesian politics elites use, this vice chairman of FPP argues: "in order to create the democratic life of a society, nation and country" as a universal principle. In Indonesian context, its philosophy is the freedom to express ideas and opinions as it is accommodated in 1945 Constitution (Minute of the First Workshop Meeting, 26 August 1999: 20-21). The context of freedom, as FPP suggests, is free from slavery and colonization, and is not dependent on others. Freedom is more substantial, because freedom is the rights of everyone and all nations. Although in 1945 Constitution there is confirmation of the presence of freedom to express ideas and opinions, in the course of the life of the nation especially during the New Order, there was even colonization over

<sup>26</sup> In Chapter I of General Stipulation of Regulations No.11 Year 1966 on Press Main Stipulations, there is no mention of terms or definitions about this issue, for example in the General Stipulations. There was only terms of press freedom as it is written in Chapter II on Function, Obligation and Rights of Press in Chapter 2 article (2 c): National Press is obligated "to struggle for truth and justice based on press freedom". The term "press freedom" then existed in Article 5 of this Chapter (look at Law no. 11 year 1966).

<sup>27</sup> In fact, the term "responsible press freedom" became specter for Indonesian press circles in Soeharto era, since the essence of this issue was the absence of freedom. Interview with some informants who took part in the discussion of this Draft of Regulations, for example RH.Siregar, reveals the traumatic situation of the composers so that some terms or stipulations had to be omitted or added.

the life of the national press. The choice of the word freedom has fundamental meaning. The change of the word independence becomes quite important and principal as not merely change the word independence to freedom.

Bambang Sadono (Development Functional Faction-FKP) or Golkar faction takes juridical and theoretical reason based on legal terminology embraced in 1945 Constitution namely freedom, which is contained in chapter 28. Theoretically, referring to the idea of Seno Aji, the term is press freedom. "When we use this term, it has theoretical nuance and dimension, a strong juridical dimension" (Minute of the First Workshop Meeting, 26 August 1999: 22).

The Indonesian Democratic Party has its own idea. YB Wijanjono, the only representative of the party says that press freedom is the realization of people sovereignty and it constitutes a very important element in the life of the Indonesian democracy. "In the context of independence, is it a release from a colonization, shackles after being independent? FPDI considers the word freedom is more appropriate (Minute of the First Workshop Meeting, 26 August 1999: 21). However, after the explanation from Usamah Hisyam (FPP) and Bambang Sadono (FKP), FPDI agrees to the use of this new terminology with three considerations namely philosophical, sociological and juridical. The source of philosophical arguments is people's sovereignty, sociological arguments in the form of shackles in the past so that it needs to be freed, juridical arguments refer to 1945 Constitution (Minute of the First Workshop Meeting, 26 August 1999: 22).

The government represented by the Minister, Yunus Yosfiah, did not object to the change of the term independence to freedom. He said:

"For the government, the two terms have the same meaning. We see the opinions of FPP, FKP and FPDI actually have the same nuance, only some are longer and detailed, as it was stated that the press freedom is a very important element to create democratic life of society, nation and country. In the government formulation, it is said to be a very important element in democracy life. We suppose democracy life to have included all the things" (Minute of the First Workshop Meeting, 26 August 1999: 23).

From a number of the opinions, especially the ones of political parties, there seems to be a kind of trauma of the past term namely freedom of the press that is far from

its real meaning. This can be represented by the opinion of YB Wiyanjono (FPDI) that acknowledges the presence of “shackle in the past” and Usamah Hisyam with the term “colonization over national press”. Other arguments seem to be true, supporting, court rhetorical like juridical reason based on the term used in UUD 1945 or the term used by the experts, namely press freedom.

**Table 6.10: Dynamics of the Discussion of the Draft of Press Law  
The Term ”Press Independence”**

| Institution                                           | Speaker                | Reason for Supporting or Rejecting                                              |
|-------------------------------------------------------|------------------------|---------------------------------------------------------------------------------|
| Government: The Minister of Information               | Mohammad Yunus Yosfiah | Supporting: The Press independence for democracy life                           |
| The House: The Development Functional Faction         | Bambang Sadono         | Supporting: The Independence as accommodated in Chapter 28 of 1945 Constitution |
| The House: The Faction of Indonesian Democratic Party | YB Wiyanjono           | Supporting: Unlike shackle in the past                                          |
| The House: The United Development Faction             | Usamah Hisyam          | Supporting: Unlike the past colonization of the national press                  |

The discussion reveals that the essence of the word independence is also alluded, namely ”democracy”, ”the release from colonization and shackle since the independence, ”to create the life of the society, the nation and the country”. On one hand, the synonym of this term reflects the rhetorical nuance occurring in the discussion session, but on the other hand, it also reflects the traumatic condition of the use of the term responsible press freedom in the past so that the term is suggested to be renewed. All parties, the government and factions agreed the use of the term press independence (table 6.10).

### 6.2.7.2 Legal Protection for Journalists

The topic of the legal protection did not appear in the discussion of the Press Law no.11 year 1966. In terms of the stipulations about Journalists, for example, it was only mentioned of the requirements to become a journalist. In the discussion this time, a number of debates occurred when the Chairman of the Meeting, Aisyah Amini, asked

the Faction of the Army about the form of problems identification no 23 that reads: "any actions resulting in obstruction or hampers the work of press function as it is meant in article (1) and article (2) is prohibited". Aryasa suggests that these articles to be deleted. The reason is that what is discussed in the "function" so that "prohibition" is not needed. His colleague of the same faction, F.Isnawan added, what behind the words "any actions" are unpredictable. He worries that finally the press freedom seems to be something absolute, which no one is unable to manage it (The Minute of the First Workshop, the Second Meeting, 27 August 1999: 26).

Bambang Sadono (FKP) that seemed to be in the opposition with the Army Faction declares his agreement with the reason that even without being regulated, what is agreed in the Regulations had to be done. Besides, the management of this third point is difficult to formulate (Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 26). Nonetheless, Usamah Hisyam from FPP did not agree. He said:

"FPP does not see that simple that the function is difficult. Starting from this chapter, FPP even sees the protection toward the implementation of the task and the function of journalists, as the press community expects by far, namely the protection for journalists" (The Minute of the First Workshop Meeting, the Second Meeting , 27 August 1999: 26)

"In fact, such words (any actions) are so sensitive. For example, if someone is asked to talk about violations or the violations that his relative is doing, whereas he has the rights not to testify. If he keeps silent, he can be punished with this chapter. In other words, this phrase (any actions) is expected to be independent but it even harms the rights of other people.

I would like to explain the case of Udin, which is so different. Here, to my opinion, Udin succeeded in getting the information he was searching and succeeded in revealing in media. The fact that finally there was someone who did not like him and at last killed him is another thing, which is a penal action. That the case is not or not yet uncovered, that is not an action impeding or obstructing the implementation of the press function anymore. The function of the press had worked (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 28-29)

The aforementioned Isnawan's opinion is military or army characteristic opinion that sees the death of a journalist as "another case" or merely as "penal action".<sup>28</sup> For the reason, the inclusion of a chapter about the journalist protection implies reaction of various violations of human rights, including the violence to journalists in both the New Order time and reform time. In the New Order era, violence or violations against Human Rights done to journalists did not appear to the surface due to the closed political system and it automatically closed the press freedom to report various legal violations by the authorities. Violent cases before and at the early of reform time such as violence to the supporters of Indonesian Democratic Party of Megawati, violence to university students in May 1998, also violence and rapes to Chinese ethnic in the turmoil in May in Jakarta and Solo, entailed the continuous pressures to the government.<sup>29</sup> In specific, let us see the violence to a journalist in Yogyakarta in the middle of August 1996, when Soeharto was still very powerful. Entering the reform time, this case is not resolved and many parties suspect that the murderer belongs to the authority circles.

Such an opinion shows that military is still strongly attached to the old paradigm namely the repressive attitudes towards the society, media and journalists. This happens because during the New Order era, Soeharto regime supported by the military used to repress through two ways, physical violence and hegemony violence. The first model was used to get society obedience, through kidnapping, torturing, capturing arbitrarily without legal process, and forms of elimination of people who dare to reveal critically various violent army actions. The second model was used for intellectuals who were not "loyal" or were opposed to the regime (Bhakti et al., 2001: 27).

In this discussion, the government represented by experts sees it as technical problem of positioning the chapter; the representative of FKP looked at the sophistication of the formulation, and most of the factions supported the inclusion of the protection for journalists. (Table 6.11).

<sup>28</sup> It happened that Sri Roso Sudarmo as the Regent of Bantul was a military. By the time of the election of the Regent and the General Election in 1999 he did many activities showing his sympathy to Golkar. This proved the fact that military is the main supporter of Golkar (Subadhi dan Margantoro, *Udin Upaya Menegakkan Kebenaran*, Yogyakarta, Muria Baru, 1998, p. 84)

<sup>29</sup> The study on political violence and violent politics by the government in the New Order era was hardly done by Indonesian political observers due to, among other things, "politics and violence" issue in the form of the strength of Soeharto regime repression (Bhakti, et al. *Militer dan Politik Kekerasan Orde Baru. Soeharto di Belakang Peristiwa 27 Juli?*, Jakarta, LIPI and Kronik Indonesia Baru, 2001, p.27)

**Table 6.11: The Dynamics of the Discussion of the Draft of the Press Regulations  
The Issue of "The Protection for Journalists"**

| Institution                                                      | Speaker                                                                         | The Reasons for Supporting or Rejecting                                                                                                                     |
|------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Government: The Minister of Information                          | Mohammad Yunus Yosfiah asked for the opinion of an expert, namely Prof Budiatna | Supporting: the issue of the protection can be positioned in other chapter                                                                                  |
| The House : Army Faction                                         | Isnawan                                                                         | Rejecting: worries that the press freedom as if constitutes an absolute thing                                                                               |
| The House: The Development Functional Faction (FKP)              | Bambang Sadono                                                                  | Rejecting: the formulation is difficult                                                                                                                     |
| The House: The Faction of The Indonesian Democratic Party (FPDI) | YB Wiyanjono                                                                    | Supporting: needs guarantee so that it is free from the intervention or oppression of any parties                                                           |
| The House: The United Development Faction (FPP)                  | Usamah Hisyam                                                                   | Supporting: by far, many journalists find it difficult to implement such a function since it faces obstacles and obstructions, for example the case of Udin |
| Antara News Agency                                               | Parni Hadi                                                                      | Supporting: in principle, it is a protection                                                                                                                |

#### 6.2.7.3 The Prohibition to Publish

The Indonesian vocabulary makes it popular with the term “*pembreidelan*” or bridling. A book written by Edward C.Smith (1986) entitled “*Pembreidelan Pers Di*

*Indonesia*" as a translation work from a book entitled "A History of the newspaper suppression in Indonesia, 1949-1965" tells much about this issue.<sup>30</sup> Bridling is one of the actions and accusations toward the press in the form of seizure, economy sanction, imprisonment, permit sanction, various nationalization, paper sanction, expulsion, printing confiscation, interrogation/warning, travel ban, sue, delay of court session, and control of war leader (Smith, 1986:208). Based on a study done by Smith, there were 561 anti-press actions for the period of 14 years from 1952 to 1965 (Smith, 1986:241).

In the discussion of this draft, the concern whether it is allowable or not and whether it is important or not related to prohibiting the publication by the court became a subject of the debate. The Minister of Information, Mohammad Yunus, representing the government said:

"Here, the role of the government will be shown. This is not tolerable because I thought that we agree to consider the government to be too powerful so that it can eliminate human rights. Besides, I do not see the existence of such a prohibition. It is the person in charge who should bear the responsibility" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 38).

Yosfiah's statement actually responded to the idea existing previously, coming from Usamah Hisyam (FPP), Isnawan (FABRI), Bambang Sadono (FKP), and Aisyah Amini as the Chairman of the Meeting. The trigger of the debate was the words "the prohibition of publication by the court". Hisyam said that imprisonment to a press company is imposed to the chief editor as the person in charge or to the Manager of the company as the person in charge of the enterprise only. Thus, it is not imposed to the enterprise. Even the court, as Hisyam suggests, is not authorized to halt or close the press publication, as any penal sanction resulted from the false report is imposed to the person in charge only (Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 35). But Aisyah Amini said the logic is that the court cannot directly judge if there is no action, so that it asks the audience for opinions. Isnawan (Army Faction) replies:

"To suppose the court will ban the publication because of a legal process, for example in a civil case where there is a problem of two

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<sup>30</sup> Smith mentioned some regulations made by the Dutch as "darkness creators" namely Press Regulations (*Drukpersreglement*) year 1856, Press Regulations year 1906, Pres Bridle Ordinance (*Persbreidel Ordonnantie*) and Pres Bridle Regulations year 1938 (Edward C. Smith, *Pembreidelan Pers Di Indonesia*, Jakarta, PT Temprint, Second Printing, 1986, p. 2)

similar brands, then they go to the court. The court will surely decide one of them to be the winner and the owner of the other brand is prohibited to publish. Is it prohibited? To my opinion, the term “not prohibited by the government to publish” is enough; the court process is another case (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 37).

Bambang Sadono succinctly says:

”FKP suggests that the press should not be imposed a censorship or bridle, by any parties, except the law allows to make it happens and we submit to the law supremacy” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 37).

Usamah Hisyam understands that it is impossible for the court to make a decision if there is no prosecute. However, he suggests that in the future there must be an assurance of the press independence. These requirements from the society to the court even seem to expect the closure of the press publication. This must be prevented from occurring (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 37). But Aryasa (The Army Faction) still makes a problem out of it. To his opinion, if there is no court institution, what other institution will there be? The law supremacy pours in the court institution. The fact that there is court mafia, unfair court, that is another case; the court institution must be honored (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 39).

Unwillingness of the government to attach the publication prohibition by the court is also supported by the factions. Usamah Hisyam (FPP) argues, in addition to the absence of the publication prohibition by the government, the court is even not allowed to halt or close press publication. Thus, penal sanction is only imposed to the person in charge. Then, he describes:

”There is an illustration, *Kompas* daily reports issues irritating Moslems and there was big demonstration demanding the court to bridle *The Kompas*. Will the court do this? This happened to *Monitor* magazine. So, when there is such a pressure, is it permitted to bridle a publication due to this pressure? Legal process in the court may make a decision and give sanction to the chief editor or the Company Manager but it cannot kill the press publication” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 40).

We can see here the strength of the opinion of Usamah Hisyam, a politician from FPP. As it has been discussed in the previous Chapter (Chapter V) the searcher looks at this attitude as part of a strategy to develop positive image to the public. In fact, FPP and all politicians actually do not have the real power to counter attack all political repression done by Soeharto regime. Moreover, with the political stability concept, the government takes various efforts including the preparation of the general election in 1971, the serious management of the military, the alertness for two parties with the Marhaenism ideology basis (Indonesian National Party) that is considered the heir of Soekarno and for Islamic political parties that the government always suspects (Bhakti et al., 2001: 29).<sup>31</sup> However, looking at the strong commitment to establish the free press, including the protection for journalists, Hisyam's opinions can be interpreted as a release from the shackle under the political pressure of Soeharto regime. The discussion of the draft of the Press Regulations is a canal to channel critical political opinions and to support the efforts of the political reform in Indonesia. Hisyam's opinions, for example, are different from those of Aisyah Amini's who also comes from the United Development Party (PPP). Why did Amini still defend closeness of a political system by limiting or shackling the press?

**Table 6.12: Dynamics of the Discussion of the Draft of the Press Regulations  
The Issue of the "Publication Prohibition"**

| Institution                                   | Speaker                | The Reason for Supporting or Rejecting                                     |
|-----------------------------------------------|------------------------|----------------------------------------------------------------------------|
| Government: The Minister of Information       | Mohammad Yunus Yosfiah | Rejecting: eliminating human rights.                                       |
| The House: The Development Functional Faction | Bambang Sadono         | Rejecting: The press is not imposed to censorship or bridle by any parties |
| The House: The Army Faction                   | Isnawan                | Supporting: The publication prohibition by the court                       |
| The House: The United Development Faction     | Usamah Hisyam          | Rejecting: to ensure the press independence.                               |

<sup>31</sup> The regime then combined political parties by force in 1973 from nine parties (except Golkar) into two parties only: The United Development Party for Islam-base parties and Indonesian Democratic Party for nationalism and Christian-base parties (Bhakti et al., *Militer dan Politik Kekerasan Orde Baru. Soeharto di Belakang Peristiwa 27 Juli?*, Jakarta, 2001, p.29)

Out of four persons who give the opinions, only the Army Faction agreed to the article on the publication prohibition; the rests rejected with some arguments (see table 5.11).

#### **6.2.7.4 The Trial by the Press**

The term the “trial by the press” often appeared in the era of Soeharto. It was released concerning press reports that were considered to “harm” certain parties and especially the government, Soeharto’s family, military and Golkar. In the discussion of the draft of the Press Regulations, this term still existed and its existence implied some old characteristic of the New Order namely narrow dealings with mass media functions. The debate on this issue occurred between representatives of the Army Faction and the United Development Party and other factions and the government.

Nyoman Tamu Aryasa (F-ABRI) agreed to limit the opportunity for the “trial by the press” by proposing amendment of Chapter 4 that reads: ”The press publication is obligated to report the court process fairly and accurately without judging the accused or the suspected (the trial by the press)” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 56). On the other hand, Usamah Hisyam (FPP) suggested very different idea namely replacing the entire material of article 1 with the sentence: ”The Press publication is obligated to: point a. ”report an event and or opinion accurately”, point b. “highly honor the profession ethics code applied by the Press Council”. Thus, after the changes, it reads: ”The Press Publication is obligated to: a. ”report an event and or opinion accurately”, b. “highly honor the profession ethics code stipulated by Press Council”, c. “respect the religious norms and sense of morality embraced by the society”, d. ”fulfill the rights to answer and their rights to make corrections in accordance with the requirements from the readers with regards to the reports of the news that is not true, slanderous, or provocative” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 56).

FKP represented by Bambang Sadono suggested that Chapter 4 to be eliminated with the consideration that its substance can be returned to ethics code or other

regulations. If other factions agreed to the reformulation, FKP tended to the formulation by FPP (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 57). Based on these views from FPP and FKP, the Army Faction asked for permission to the Chairman of the Meeting and said:

"We do not see here the existence of the issue of *does not judge*, whereas the substance is not judging the accused or the suspected. This must be enclosed". This view was confirmed by Aisyah Amini, the Chairman of the Meeting: "the Army Faction sees that the substance of article 1 in Chapter namely the "trial by the press" is not present" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 58).

Responding to this question, Usamah Hisyam answered:

"The process of the *trial by the press* has been included in the journalistic ethics code. For the reason, FPP eliminates the issue because if it is accommodated, there will be inconsistency in our legal order in facing a report" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 58).

Again, the Chairman of the Meeting invited opinions from the Army Faction by saying:

"The ethics code is not present; can we delay something that is not present? Will it be present whereas we are making the regulations and the society certainly need this so that the society will not feel to be judged by the press? Please, the Army Faction. (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 58)

It was clear how the Chairman of the Meeting, Aisyah Amini who also came from FPP provoked the Army Faction and it was clear that Amini supported the clauses impeding the "trial by the press" or in other words: limiting the press.

Bambang Sadono (FKP) reconfirmed his support to Usamah Hisyam's suggestion by holding the ideas of making this Regulation, namely the law supremacy, by placing legal stipulations on its portion. With regards to the ethics code that was said not to be present, Bambang Sadono who was also the Secretary General of the Indonesian Journalist Association (PWI) said that the journalist ethics code had been present for long (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 58-59). Nonetheless, Amini replied that it was the Ethics Code made by the Press Council

that was not present. In fact, it was not there. She also said that there was difference between the "trial by the press" and the "contempt of court". The trial by the press is someone, any citizens of this country who is tried by the press, while contempt of court is underestimating the court. For the reason, when she gave time to the government to respond, Mohamad Yunus Yosfiah responded:

"It must be confirmed that the journalistic ethics code does not have the legal implication. Thus, if we take shelter under the ethics code, there is not legal sanction since the journalistic ethics code is an intern matter of the press community. Meanwhile, what we are talking about here is related to the interest of the society. If it was said that when it has been regulated in the penal code (KUHP) then it is regulated here, that is true and what prevails is the one here. Why is it regulated here, we have coordinated with the Justice Department to pose some penal threats. The reason is that the penal threats in KUHP tends to be colonial... it's too punitive to send journalists to prison" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 61-62).

The Minister of Information then confirmed the replacement of imprisonment with fine. Thus, since the ethics code does not have the legal implication, if journalists accuse someone arbitrarily, the society becomes the victim, the other people suffer, or his good reputation is humiliated, the journalists will be fined. Responding to the explanation by the government, the United Development Faction motored by Usamah Hisyam said:

"To our opinion, it is the rights of any member of the society to sue any reports considered to have done the judging process, for example bringing the case to the police and the police prosecutes and so on. The simplest and actual example is the process of the trial by the press toward the Attorney General Andi Mohamad Ghalib. It is not true that there is the trial by the press here because the mass media publication quoted the legal informant in a press conference, saying that the Attorney General Andi Ghalib had committed bribery. It is not judging when the press quotes the source of the news. If the Attorney General feels to be judged by the press, he may report to the police. Thus, law functions well here. FPP considers trial by the press is prevented in the profession ethics code even though it only has the moral implication, not punishment. Thus, it depends on the moral responsibility of each publication to honor journalistic ethics that later will be determined by

the Press Council" (The Minute of the First Meeting, the Second Meeting, 27 August 1999: 63-64).

For the firm attitude of FPP, the Development Functional Faction (FKP) that was represented by Ariyanti Bambang S gave its support. On the other hand, the Army Faction still questioned press tendency to implement trial by the press. F. Isnawan finally suggested:

"When we talk about the trial by the press, we should have the same perception first about, for example, "has judged". When someone says "like a coolie", that is just "like", thus it does not judge yet. When he says "coolie", he has judged. Thus, the essence lies on the skill of writing. So, reports must be accurate, very accurate. Accurate means showing facts. I will not write, for example: "Wow, he commits corruptions because of bribery", instead I will say "I saw A give some money to B, whereas B is investigating the case of A". This is accurate. Thus, for the sake of the Army, it is suggested to add clearly to Chapter 4 the words "does not do the trial by the press" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 65).

The debate did not finish yet. Aisyah Amini as the Chairman of the Meeting even asked for permission to use her rights to express her opinion:

"To my opinion, the protection for the society is needed ... in any case, someone may not be judged by the press. The authorized institution for judging is the court. That is what we mean by legal implication. Thus, the institution having the rights to decide a corruptor as a thief or bastard, or whatever, is the court, not the press. That is meant by judging. The press should not judge the member of the society of being suspected or accused. Judge him in the sense of law, this is what this chapter needs" (The Minute of the First Meeting, the Second Meeting, 27 August 1999: 66).

The Minister of Information, Mohamad Yunus Yosfiah, again explained that KUHP especially chapter 130 (310?)<sup>32</sup> is the legal stipulation regulating the press “treatment” namely ”Whoever intentionally attacks the honor or good name of a person, accusing of something” will be punished, varying from 9 months, to 1 year 4 months. However, the Minister realized that this stipulation is colonial that tends to treat journalists as punishment so that he suggested that this Regulations should later be special (*lex specialis*) and omits the general (*lex generalis*). Chapter 14 of this Regulation does not impose imprisonment but fine. This considers the Press Principal Regulations that once we had also treat journalists as punishment. For example, Chapter 19 says ”Whoever intentionally and against the law uses the press publication for personal or group interests and results in violation or obstruction for the task” will be imprisoned for at most 4 years or fined at most IDR 40 millions. Thus, it is expected that in this Regulations there is no punishment or imprisonment but fine (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 68). However, I Nyoman Tamu Aryasa and Isnawan (the Army Faction) remained in their belief that the opportunity for trial by the press had not disappeared and said:

”.. Thus, when everyone is free to slander someone, journalists would only ... hey, you cannot (do that) ..... No way! Here the warnings function to prevent someone from harming anyone else. Thus, he (the journalist) implements his rights but he trespasses others’ rights. Thus, we apply the legal implication here” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 69).

Isnawan added:

”.. We need to confirm here what we mean by judging someone is uttering words, giving analysis, giving consideration and finally a decision stating that someone is guilty...” (The Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 69-70).

From this discussion, we see a very clear difference between the opinion from the Army Faction that sometimes is supported by the Chairman of the Meeting, and the

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<sup>32</sup> Law experts in Indonesia and a number of activists in the law call this chapter the “rubber chapter” because it can be imposed to any cases and especially to anyone. In Soeharto era, this chapter was also one of the mainstays of the authority to round up those considered to oppose, namely politicians, activists, including university students.

United Development Faction (FPP) supported by Development Functional Faction (FKP) and the Minister of Information as the representative from the Government (the executive). The Army Faction requires a chapter that strongly prevents journalists from judging by their articles, and when it happens, the journalist must be punished, while the FPP and the FKP propose such limitation is done by the Ethics Code. The Government, after consulting the Justice Department proposes that journalists who do wrong in their articles not to be imprisoned but to be fined. Look at table 5.12.

**Table 6.13: The Dynamics of the Discussion of the Draft of the Press Law  
The Issue of the "Trial by the Press"**

| Institution                                           | Speaker                | The Reason for Supporting or Rejecting                                                                         |
|-------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------|
| Government: The Minister of Information               | Mohammad Yunus Yosfiah | Rejecting: when the press is judging, the imposed punishment is fine not imprisonment                          |
| The House: The Development Functional Faction (FKP)   | Bambang Sadono         | Rejecting: prevented through the Journalistic Ethics Code                                                      |
| The House: The Chairman of the Meeting                | Aisyah Amini           | Supporting: only the court is authorized to judge, not the press                                               |
| The House: The Army Faction (FABRI)                   |                        | Supporting: the phrase "not commit the trial by the press" must be stated and the trespassers must be punished |
| The House: The United Development Party Faction (FPP) | Usamah Hisyam          | Rejecting: the limitation is done through the Ethics Code                                                      |

The term or to be exact the accusation of the "trial by the press" has become a kind of instrument for the authority regime to press the media. In Soekarno time, the *Indonesia Raya* newspaper became a "good customer" of the court. Kustiniyati Mochtar was tried in the court in October 1957 because of her correspondence article in the South Sumatra concerning the suspect of the manipulation by the Resident of Palembang. The article on 21 February 1956 in the *Indonesia Raya* newspaper was considered humiliating the name of an officer. Even though the attorney prosecuted three months imprisonment with one year of probation time, the judge released him from the trial (*onstlag van rechtsvervolging*).<sup>33</sup> During the New Order time, the term the "trial by the press" was an integral part of the government strategy to stifle the press. This term was often stated by government officers both civil and military so that there was no opposition at all. The case of Andi Ghalib is the example of the habit of accusing the press to implement the trial by the press existing in the era of President Habibie.<sup>34</sup>

#### **6.2.7.5 The Press Publication Registration**

Referring to the Law no. 11 year 1966 on the Press Principal Stipulations, the press publication registration is known as SIUPP or the Permit for Press Publication Enterprise. This stipulation requires that all Press Enterprises in Indonesia have the permit certificate issued by the Minister of Information. In fact, this is a new article of the Regulations no 11 year 1966. Ironically, this addition was agreed by the Press Council in the Join Assembly of the General Commission and the Specific Commission in a meeting in Surakarta on 11-13 June 1981 (Tidar, 1986: 227). In practice, the process of this SIUPP issuance served as field of business for the Minister of Information because the owners of the media were obligated to share some of their capital; they had to pay. The Minister of Information at that period, Harmoko, as the Chairman of National Basket Association would hold an event and allowed The Kompas to add extra pages,

<sup>33</sup> See Atmakusumah, *Mochtar Lubis Wartawan Jihad*, Jakarta, Penerbit Kompas, 1992, pp.69-70.

<sup>34</sup> After ratification of this Press Regulations, a number of government officers felt to be harmed by media reports used their rights to report the media to Press Council as it was done by the State Minister for Government Owned Enterprises - Laksamana Sukardi (*Tempo Interaktif*, 7 October 2004).

including additional advertisement, although there was regulation of limiting the pages. Half of the extra income was taken by Harmoko.<sup>35</sup>

In the discussion in the parliament, this issue became a debate between the representatives of political parties (the factions) and the government. Mohammad Yunus Yosfiah (The Minister of Information) said the government was consistent that the registration was needed for various reasons. It was rather weird that the press that was counseled by the Information Department had to get (the information) from other sources, while the other people seek it to the Department of Information. He understood that this would become an obstacle for the existence of the press publication in the future. However, he guaranteed that 15 days at the latest the permit would be issued. Another reason was the existence of the Regulations No 3 Year 1982 on the Enterprise Register Obligation and the Regulations No 1 Year 1995 on the Limited Company. Even though this Regulation was for legal enterprise, not press publication, the objective of the registration was the presence of the records as source of information (the Minute of the First Workshop Meeting, the Second Meeting, 27 August 1999: 85-86).

The opinion of the Government was in agreement with the idea of the Army Faction represented by Int. Aryasa, who stated his agreement to the government proposal that any enterprise publishing press should register to the Department of Information. Meanwhile, the FKP (Bambang Sadono) supported the opinion of the FPP by questioning, why the registration had to be made to the Information Department, instead of the Press Council. Usamah Hisyam understood the opinion of the FKP that the press publication registration to the government as regulated by Minister Rule No 01/1984 had created traumatic attitude.

The policy of the press publication registration of the year 1984 refers to the Minister of Information Regulations No 03/PER/MENPEN/1969 on the Institution of the Publication Permit in Transition Time for the General Press Publication by the authority of the New Order, which had been used as the means of censoring concerning the requirements it accommodates. This Minister of Information Regulations year 1984 require, for example, in Chapter 5 article (1) the SIUPP is given to a healthy and responsible press enterprise/publication fulfilling the stipulations as stated in this Chapter

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<sup>35</sup> Interview with St Sularto, Vice General Manager of *The Kompas*, 24 August 2005.

and Chapter III to Chapter VIII in this Regulations completed with other requirements determined by the Minister of Information. Besides, in Chapter VII about the Sanction it is stated (Chapter 32) that anyone running the press publication without the SIUPP will be imposed on the sanctions as meant in Chapter 19 article (2) of the Law no. 11 Year 1966 on the Press Principal Stipulations as it is changed with the Regulations No 4 Year 1967 and the Law no. 21 Year 1982. Besides, it is also stated (Chapter 33), the SIUPP that has been given to a press enterprise/publication can be annulled by the Minister of Information after hearing the Press Council, if it trespasses against a number of rules. One of them is (chapter 33 article h): According to the judgment of the Press Council as meant in Chapter 9 of these Rules, the related press enterprise/publication and the press publication in its publication implementation does not reflect healthy press life, independent and responsible press (Simorangkir, 1986: 133).

Besides, in Chapter I on the Procedures and Requirements for Proposing SIUPP it is also written (article 1 k and l): Recommendation from the Newspaper Publication Association (SPS), Branch and Central, concerning the press enterprise/publication for General Manager and Company Director of the press publication; Recommendation from the Indonesian Journalist Association (PWI), Branch and Central, concerning journalism for Chief Editor of the press publication (Simorangkir, 1986: 137).

Usamah Hisyam proposed if this term of registration became allergic, another term with the same nuance could be searched. However, FKP still questioned the reason for the registration. Bambang Sadono proposed another alternative by openly declaring the persons in charge in press. Nonetheless, the Army Faction still required the existence of registration for press enterprise. FPP did not object to this clause.

**Table 6.14: Dynamics of the Discussion of the Draft of the Press Law  
The Issue of the "Registration of the Press Publication"**

| Institution                             | Speaker                | The Reason for Supporting or Rejecting                      |
|-----------------------------------------|------------------------|-------------------------------------------------------------|
| Government: The Minister of Information | Mohammad Yunus Yosfiah | Supporting: the registration is needed for various purposes |
|                                         |                        |                                                             |

|                                                                             |                |                                                                                                                                      |
|-----------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------|
| The House :<br>The Development<br>Functional Faction                        | Bambang Sadono | Rejecting: no registration is<br>needed; if any, however,<br>should be to the Press<br>Council, not to the<br>Information Department |
| The House: The Army<br>Faction                                              | Aryasa         | Supporting: the registration<br>is needed                                                                                            |
| The House: The United<br>Development Faction                                | Usamah Hisyam  | Supporting: the registration<br>to the Press Council is<br>needed                                                                    |
| The Journalist<br>Organization: The<br>Indonesian Journalist<br>Association | RH.Siregar     | Rejecting: the foreign press<br>needs to report only                                                                                 |
| Antara News Agency                                                          | Parni Hadi     | Rejecting: the foreign press<br>needs to report to the<br>immigration only                                                           |

Even though the Government (The Minister of Information) explained that this registration is meant for preventing the copy right violation from occurring over the existing publication, in addition to proposing another term namely “report”, FKP remains objected the registration to the Department of Information and proposed the registration to the Press Council (table 5.13).

When discussion was continued to the First Workshop Meeting, the Third Meeting, opinions were collected from the present representatives, especially concerning registration for the foreign press. They were RH Siregar, Chairman of PWI, and Parni Hadi of the Antara News Station. Siregar said, if the foreign press had to register to the Department of Information, it became an international principle, thus it was sufficient to register only. Based on his experience in Germany, Parni Hadi told that foreign press

needed to report to the immigration only (The Minute of the First Workshop Meeting, the Third Meeting, 30 August 1999: 42)

The discussion of this issue was a little bit different compared to the discussion of the other issues, because the majority of the speakers, both the government and the factions, principally agreed the registration, or another term for the report.

#### **6.2.7.6 The Foreign Capital**

Two old press legal stipulations regulating the foreign capital clearly state the prohibition of such a matter. The Press Law no. 11 Year 1966 states in Chapter V Article 13 point (2) that the Press Enterprise Capital must entirely be national capital, while the founders and board of the management must all be Indonesians (Simorangkir, 1986:39). Meanwhile, in the Law no. 21 Year 1982 in Chapter V on Press Enterprise, Chapter 12, point (2) there is no change or exactly the same. In Simorangkir's note on the press enterprise, it was mentioned that the obligation to have national capital had to be absolutely preserved, in order to prevent unexpected possibilities through the capital / through the national press. The founders of the press enterprise had to be of Indonesian citizenship. The past experience of the involvement of foreign parties should not happen anymore. The board of the management of a press enterprise had to be Indonesian people. The press enterprises were not allowed to accept services/aids/donation from foreign parties, except with the consent of the Government after hearing the Press Council (Simorangkir, 1986: 203).

In the discussion of this draft of the Law, the involvement of foreign capital became an important issue. The debate started when discussing the issues of the "press enterprise" and the "news station", which Usamah Hisyam warned not to be monopolized by certain group of enterprises. Hisyam said that the group of press enterprises had grown to 20 and was under one enterprise group, and if the collective bodies also founded the news station, there would be information monopoly even monopoly in the press itself (The Minute of the First Workshop Meeting, the Second Meeting, 27 August1999: 97). FPP did not expect the foreign capital in a national press enterprise with the reason that this press Regulations had provide freedom to the Foreign Press to be distributed in Indonesia, even through distant printing system. With the foreign capital, the capital owners had the opportunity to influence the government even the portion was small, for

example 25% or 49% but it was still worried that it had implications to the issues related to the moral of the nation, which is more important than demands of globalization. In addition to involving information issue, the rejection was also based on the fact that Indonesia is a developing country, which had not been able to position in parallel with developed countries (The Minute of the First Workshop Meeting, the Second Meeting, 27 August1999: 101).

Government through the Minister of Information asked for opinions of two communication experts namely Atmokusumah and Budiatna. Atmokusumah expressed his astonishment why we had to worry (be afraid of) the foreign capital. He explained, no countries even with 100% involvement of foreign capital would dominate the media. Some countries he mentioned were Thailand and India. *Bangkok Post* accepted the capital from England but it could not control media; it even inspired the spirit of domestic capital and domestic journalists by publishing its rival namely *The Nation*. The foreign capital entering India never gave birth to Indian media dominating (the mass media). The fear of the foreign capital was unreasonable because everyday the foreign culture enters Indonesia through translated articles. It never happens in the history that Indonesia never gets foreign culture from Middle East, Europe, Japan, and China. That is something rational about the foreign capital, so what things we are afraid of about the foreign capital. The rise and fall of mass media in a country are determined by the readers. If the readers or listeners do not like the foreign culture, they will reject and the media will go bankrupt. The foreign capital might introduce better management and other things, give better attention to the employees, so that the welfare of the employees will be better because the foreign capital tries to make profits (The Minute of the First Workshop Meeting, the Second Meeting, 27 August1999: 102). In a shorter way, Budiatna added:

"Principally, I do not object to the foreign capital, because we are in a market. Thus, the local publication must be appropriate with the needs of local readers. A conglomerate from Germany, Bartlesmann, for example, has the famous magazine *Time* with its headquarter in New York; it is managed by Americans but the capital is from Germany. The principle of the entrepreneurs is gaining big profits, thus it does not influence the contents" (The Minute of the First Workshop Meeting, the Second Meeting, 27 August1999: 103).

In addition to the two inputs, the government also expressed its agreement to the entering of foreign capital with the reason that Indonesia had entered WTO (world trade

organization), for example the control of banking up to 100%.<sup>36</sup> The fear of the entering of the foreign culture can be prevented with legal warnings. Yunus Yosfiah even said that in relatively short a time the press quality would be very different. However, since there is Regulations on the Foreign Capital stating that mass media is one of the enterprises closed for foreign capital, there will be proposal of the arrangement, for example the maximum of foreign capital is 25%.

Bambang Sadono (FKP) expressed no problem but the formulation did not have to be present in these Regulations but it had to refer to the present regulations or the future regulations. Meanwhile, FPP still rejected the entering of foreign capital in Indonesian press enterprises in accordance with the instruction of the Leader of the Faction of United Development Party (PPP) (The Minute of the First Workshop Meeting, the Second Meeting, 27 August1999: 105-106). In the discussion in the First Workshop Meeting, the Third Meeting on 30 August 1999, the topic of foreign capital still existed. KH. Amin Bunyamin who was also from the FPP suggested that actually the FPP did not object to the investment of the foreign capital itself, but due to unstable national political situation and strong influence of the press in forming the opinion, the FPP considers this issue very sensitive. Meanwhile, the Army Faction agreed to the foreign capital but the maximum value was 49% (The Minute of the First Workshop Meeting, the Third Meeting, 27 August1999: 5-6). Finally, the Minister of Information reconfirmed that the government had the interest that media industry could develop well. This is the consequence of globalization and the joining of Indonesia into WTO. This condition is not in line with the prohibition of the entering of the foreign capital (The Minute of the First Workshop Meeting, the Third Meeting, 27 August 1999: 8).

**Table 6.15: Dynamics of the Discussion of the Draft of the Press Law  
The Issue of the "Foreign Capital"**

| Institution | Speaker | The Reason for Supporting or Rejecting |
|-------------|---------|----------------------------------------|
|-------------|---------|----------------------------------------|

<sup>36</sup> Indonesia ratified WTO through Regulations No 7 year 1994 then implemented the agenda of trade and economy liberalization in such a way that it got appraisal as one of the most advanced developing countries in opening its market. However, Indonesia has a number of weaknesses such as the absence of comprehensive, national policy and coordination. And after economy crisis in 1997, the debt of Indonesia increased to US\$ 137.6 billion in 2001 or higher than its Gross Domestic Product (Walsh and Wibowo, *Masih Adakah Alternatif Di Ujung Krisis*, Jakarta, INFID, 2003, pp.308-312)

|                                               |                          |                                                                                                         |
|-----------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------|
| Government: The Minister of Information       | Mohammad Yunus Yosfiah   | Supporting: the consequence of globalization and the membership in WTO and to improve the press quality |
| Government: the Invited Media Experts         | Atmakusumah dan Budiatna | Supporting: foreign capital does not dominate media                                                     |
| The House: the Development Functional Faction | Bambang Sadono           | Supporting: no problem                                                                                  |
| The House: the Army Faction                   | Aryasa                   | Supporting: maximum value 49%                                                                           |
| The House: the United Development Faction     | Usamah Hisyam            | Rejecting: because of cultural threat and Party instruction                                             |

What interesting from the discussion was that media experts gave their opinion that we should not have worried about the foreign capital since it would not monopolize mass media. The fear of the foreign culture was not reasonable since everyday the culture enters Indonesia through translated foreign articles. Out of four factions in parliament, only the FPP still expressed its rejection. (table 6.15). The opinion of the experts seemed to smoothen the way to the government “commitment” to agree the entering of the foreign capital into the press industry in Indonesia with the reason to improve its quality.

#### 6.2.7.7 An Independent Press Council

By the middle of 1990s, when President Soeharto was eagerly implementing the political openness that was inspired by glasnost and perestroika models from Russia, he suddenly made a surprise by agreeing the closing of three magazines namely *Tempo*, *Editor* and *Detik*. It was not surprising anymore if the Indonesian Journalist Association

(PWI) even agreed to the bridle. Those three magazines were considered “guilty” of reporting the sinking of ex East Germany ship bought by Indonesian government. This report finally revealed the disorder of the Minister of Research and Technology, BJ Habibie, who took care of the purchase of the ship and it involved President Soeharto who agreed the purchase.<sup>37</sup> In this situation, the Press Council or the Newspaper Publication Association should have appeared to protect but what appeared was protest from 370 journalists on 5 July 1994.

One of the materials in the draft of the Press Law, the Press Council institution was a hot topic to discuss. The first discussion involved the number of persons, while the second discussion was concerning with its independence. The chairman of the meeting, Aisyah Amini, started this discussion by referring to the list of the problem inventory 70 about the Press Council consisting of 15 persons including the Chairman and the Vice Chairman. The number consists of 5 journalists selected by the journalist organization, 5 persons from the owners or the press company managers selected by the press enterprise organization, and 5 experts in the press and other fields selected by the journalist organization and the press enterprise organization (The Minute of the First Workshop Meeting, the Third Meeting, 30 August1999: 29). The Army Faction that was given the first opportunity to talk directly proposed the addition of the representatives from the Government and the representatives from the society without minding the number, while the FKP agreed to the elements existing in the Press Council but rejected the arrangement of the number in this chapter. The United Development Faction even asked the number was determined, either 15 or 25 (The Minute of the First Workshop Meeting, the Third Meeting, 30 August 1999: 29). The Minister of Information, M.Yunus Yosfiah, said:

”If the number was 25 including those from the government, I suppose that it less now, namely 15. The Press Council also received fund from the government such as Komnasham (The National Committee for Human Rights). Let’s implement this seriously in order for this Press

<sup>37</sup> What was strange and ridiculous was that no one of the letters annulling the SIUPP (bridling) to the three magazines stated that the reason for the closure was the article about the sinking of the ex East Germany ship. The letters issued by the Minister of Information on 21 June 1994 stated that the reasons for the closure of those three magazine were administrative ones. *Tempo* magazine was said to have been warned to keep political stability but several articles in *Tempo* were considered not to reflect independent and responsible press life anymore. *Detik* tabloid had deviated from its original mission of being informative, detective, criminal to general and political mission, while *Editor* magazine was accused of handing over ownership (see Utami et al, *Bredel 1994*. Jakarta, Aliansi Jurnalis Independen, pp.98-119).

Council to be fully independent" (The Minute of the First Workshop Meeting, the Third Meeting, 30 August 1999: 29-30).

This government explanation directly brought the discussion of this draft of Regulations to talk about the Press Council independence. The Army Faction (Int. Aryasa) in his response still suggested the presence of the Government representative even only one person.<sup>38</sup> It was also suggested to eliminate the fund from the government, because with the fund, there would not be Press Council independence because the government could even control the Press Council. Meanwhile, the FKP (Bambang Sadono) explained why the number should not be stated in this chapter with the reason for the continuation of this Regulation, including the changes in the society, in the long term. To his opinion, the number could limit the dynamics in the society, but it was related to the fund, then it was suggested that there was no fund from the government. If fund were needed, it was taken from the Budget of the National Income and Expenditure (APBN). The other member of the FKP, Bahtiar Ali, even highlighted the number issue, which he considered not sufficient with only 15 persons. Besides, he suggested that the discussion was returned to the Press Council in the sense of universal namely the press council, an organization established and founded by the press society so that there was no representative from the government. Next, it was said:

"This is actually what we want to correct for the world (the information) that we actually have the understanding of the press council as the Press Honored Council of PWI (whereas) the press council is interpreted universally as self-arranging press organization. Thus, our arrangement is correct, no need to enter government elements. We need to hear (the government elements), we invite them as informants" (The Minute of the First Workshop Meeting, the Third Meeting, 30 August 1999: 30-31).

The Minister of Information immediately responded by telling how the press figures as part of the pillars enacting the democracy should be able to democratize. The fact that the number of the press representatives in the Press Council was considered insufficient, the Minister of Information did not see this as a problem and the number

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<sup>38</sup> In Article 6 and 7, Chapter III of Press Regulations No 11 Year 1966 on Press Council it was clearly stated that representativeness of Press Council was dominated by the government. Chapter 7 article (3), for example, says: "Further stipulations concerning the tasks of Press Council, its working procedures, the method of replacing vacancies in Press Council and so on are determined by the government and Press Council.

could be added but with financial risk. The government had the right to express its opinions concerning the financing because by far the Press Council received the fund from the Government. He even feared if the Press Council when later the Press Council did not get fund from the government, where they would get the fund from. As for the independence, the Minister of Information again gave an example of Komnasham (National Commission on Human Rights) that also received the fund from the government but its credibility was creditable. Finally, Yunus Yosfiah asked the FKP for clarification, where the fund would be sourced if not from the government (Minute of the First Workshop Meeting, the Third Meeting, 30 August1999: 31-32).

In his clarification, Bambang Sadono said that if the big number of the members of the Press Council were burdensome for the government, then the Press Council had to be consequent to finance itself like other press organizations. In order to get the fund, the fund was not from the government but it was via the Budget of the National Income and Expenditure (APBN). However, this opinion from the FKP had not halted debate about Press Council. Usamah Hisyam suggested that the FPP could not agree to this issue and proposed the words “at least” the Press Council consisted of 15 persons. As for the fund and the independence, the FPP intended to serve as intermediary by saying that even though the fund originated from the APBN, it would not be able to be given directly to the Press Council but it had to go through the Department of Information. For the reason, it was also suggested that in the discussion of the draft of the Press Regulations the Press Council was determined but the fund was not existent so that it would create a new problem. This problem of fund would be better discussed with the journalist organizations of which number reached 26. The FPP supported the opinion of Bahtiar Ali (FKP) to pay attention to the independence of the Press Council (The Minute of the First Workshop Meeting, the Third Meeting, 30 August1999: 33-44). From this discussion, however, we can see that the Army Faction was the only faction that wanted two representatives from the Government in the Press Council (look at table 6.16).

**Table 6.16: Dynamics of the Discussion of the Draft of the Press Law  
The Issue of the ” Independence Press Council ”**

| Institution | Speaker | The Reason for |
|-------------|---------|----------------|
|-------------|---------|----------------|

|                                               |                              | <b>Supporting or Rejecting</b>                                                                        |
|-----------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------|
| Government: The Minister of Information       | Mohammad Yunus Yosfiah       | Supporting: the fund from the government and remains independent like Komnasham                       |
| Government: the Invited Media Experts         | Budiatna                     | Supporting: no government elements                                                                    |
| The House: The Development Functional Faction | Bambang Sadono; Bachtiar Ali | Supporting: self financed or from the APBN; No representatives from the government                    |
| The House: The Army Faction                   | Aryasa                       | Rejecting: the presence of government representatives and the absence of the fund from the government |
| The United Development Faction                | Usamah Hisyam                | Supporting: the fund is needed but it must be independent                                             |

#### **6.2.7.8 From the Press Freedom to the Press Council**

It was discussed above the debate or discussion of important issues in the Workshop Meeting of the People's Representative Council concerning the Draft of the Press Law. Out of a number of issues that had been discussed, this research found seven issues obtaining quite big numbers of discussion namely about the Press Independence, Publication Registration, Publication Prohibition, Trial by the Press, Protection for Journalists, Foreign Capital, and Press Council. The attention given by the meeting participants seemed to be influenced by political context of that time, namely various political changes, media independence, and the efforts of politicians to appear as pro-reform figures. The discussion of the issues, we can also see the existence of a number of

actors representing the political parties and the factions in the People's Representative Council. From the United Development Faction, Usamah Hisyam talked the most often and comprehended the topic of the discussion. From the Army Faction, Int Aryasa, the figure from the FKP who appeared the most was Bambang Sadono. The Faction of the Indonesian Democratic Party only appeared in early periods due to limitedness of the members so that YB Wiyanjono had to be present in other meetings in the People's Representative Council. The Government was always represented by Yunus Yosfiah as the Minister of Information but sometimes he asked for opinions from Atmakusumah and Budiatna as the experts. Aisyah Amini from the United Development Faction also often appeared using her rights to talk even though she was the chairperson of the meeting. The media people who were present and expressed their opinions were Parni Hadi (The *Antara* news agency) and RH Siregar (The PWI).

**Table 6.17: The Attitude Tendency of Political Actors from the Government, DPR, and Media in the Discussion of the Draft of the Press Law**

| Issue                             | Government | F-ABRI     | F-PDI      | F-KP       | F-PP       | Media     |
|-----------------------------------|------------|------------|------------|------------|------------|-----------|
| The term "Press Independence"     | Supporting | Supporting | Supporting | Supporting | Supporting | -         |
| The Publication Prohibition       | Rejecting  | Supporting | Rejecting  | Rejecting  | Rejecting  | -         |
| The Press Enterprise Registration | Supporting | Supporting | -          | Rejecting  | Supporting | Rejecting |
| The Protection for Journalists    | Supporting | Rejecting  | -          | Supporting | Rejecting  | Rejecting |
| The Trial by the Press            | Rejecting  | Supporting | -          | Rejecting  | Rejecting  | -         |
| The Foreign Capital               | Supporting | Supporting | -          | Supporting | Rejecting  | -         |
| The Independent Press Council     | Supporting | Rejecting  | -          | Supporting | Supporting | -         |

Summary of the dynamics of the discussion of the draft of the Press Law can be described in table 6.17. We can see from the table that the Army Faction more often

objected to various important issues in the Press Law than other parties, including the government, FKP, FPP, FPDI and media. This tendency can be interpreted as the rejection of the Army Faction to the reform in press. The agreement on the clause of the publication prohibition, the objection to the legal protection for journalists, the enclosure of the prohibition to make a judgment (the trial by the press), or the involvement of the government elements in the Press Council, strengthens this conclusion.

What interesting is that this attitude of the Army Faction sometimes got support or was in line with the chairperson of the meeting, Aisyah Amini. Meanwhile, the government support to various issues around the press freedom was strengthened by the opinion or advice from media experts like Atmakusumah and Budiatna.

## Chapter 7

### The Press Freedom in the “Gus Dur” and “Mega” Periods

In this chapter, the results of the field research and the literature describing the press freedom in two presidential periods, Abdurrahman Wahid or "Gus Dur" and Megawati Soekarnoputri or "Mega" is reported. It is started with the contemporary democracy development in Indonesia, and then followed by the condition of the press freedom in those two government periods. The relationship between media and the government was the theme that was always introduced as part of the political communication. In this section, how each government had certain characteristics marking the practice of its press freedom is explained.

#### 7.1 The General Development: The Approaches to the Contemporary Indonesian Democracy

Since the independence from the Japanese colony in August 1945, Indonesia had implemented the democratic government twice. First, in the period of President Soekarno government, namely when the parliamentary democracy system was implemented (1950-1959) and second, the use of the current democracy government system (1998-2004). The main characteristic in the second system was the presence of more than two parties (the multi party system) followed by the second main competitive, fair and open characteristic of general elections. In 1950, the 1950 the temporary Constitution was put in effect where the parliamentary democracy system was determined; the government answers for the People's Consultative Assembly. Consequently, the multi party system was embraced and it gave freedom for the society to establish political parties in accordance with their aspiration (Thoha, 2003:136). However, the parliamentary democracy system of the period of 1950-1959 was

considered to fail due to the occurrence of political instability in the form of government shift several times so that it had to be returned to the stable system namely the directed democracy system.

Actually, after Soeharto stepped down in May 1998 Indonesia also experienced the shift of government several times. The first government was led by BJ Habibie; it lasted for 16 months (21 May 1998-20 October 1999). The second government was led by President Abdurrahman Wahid and it ran for 21 months (20 October 1999-23 July 2001), and the third government was led by President Megawati Soekarnoputri, which lasted for 27 months (23 July 2001-20 October 2004). Nonetheless, there was difference between the liberal parliamentary government system and the democracy system of 1998-2004. In the latter system, which still lasted until the year 2007, the bench mark of the democracy system still lasted, namely the free, fair, competitive general election in 1999 during the governance of BJ Habibie and consecutively in 2004 during the Megawati Soekarnoputri government. This period was the transition period namely the shift period from the authoritarian to the democratic system even though the democracy was not established, stable nor consolidated. There were still some unfulfilled requirements for a country to be said to have the established or advanced democracy system since there was no strong political consensus. The relative level of the government decentralization, the government agreeing to the law for media, the private media, the citizens with the access to various source of information on different media, and the journalist association were needed (Price et al., 2002: 60). Some other requirements were needed in the three approaches as Larry Diamond suggested (see Chapter 2).

In the first approach, the actor and the elite approach and the mutual commitment were needed through the coordination mechanism of the constitution, political institutions and the elite agreement to enact the state authority limits. The second approach, the strengthening of such political institutions as the administrative officials (the bureaucracy), the parliament, the general election system, and the court system that could accommodate the community aspiration independently. The third approach, the politics culture, namely the perception, the attitude, the action and the trust about democracy legitimacy. The culture of cooperation, the accommodation, the bargaining among the elites and the society politics participation are also required. Fourth, an approach directed to the society, which was enabled by the revived civil society (Dwipayana et al.,

2003: xxx). All of these were present almost along the transition period but they were limited superficially.

The condition that Price expected was relatively fulfilled since the liquidation of the old stipulations on the press censorship by the BJ Habibie government was strengthened by the birth of the liberal Press Regulations, which prohibited any pressures, obstacles, censor to the press, the formation of the independent journalist association, and the independent press council. In the period of the President Megawati Soekarnoputri government, the Broadcast Regulations of 2002 was ratified to replace the undemocratic Broadcast Regulations year 1997. The new Regulations stipulated the network television system (Article 31), meaning that there was no national television model anymore; it also determined an independent Indonesian Broadcast Commission (Article 7, 8, 9) as a regulatory body. However, the important article was even rejected by the private television industry so that the struggle to enact it was still going. The problem in question was how strong the government and the civil society faced the capital investors. The fact told, after the ratification of this Broadcast Regulations (also before), the Indonesian television industry was occupied by the investors who did not submit to the new stipulations so that the television programs was still dominated by the entertainments that were not of good quality, unhealthy and not educative. Besides, the growing infotainment journalism in the private televisions contained a number of mistakes. Gossips become news; they search for mistakes. They are forcing and dramatizing. There is uncleanness of the media use that uncovered the privacy, threatened and blurred the profession (Iswandi Syahputra, 2006: 169-193). In the current media industry, the public interest has small opportunity to be raised and defined by media. The issues of prosperity of the labors, farmers, homeless people will have the “news value” only if they start doing demonstration, doing chaotic demonstration, disturbing the comfort of the middle class as the main customers of the media industry (Hidayat in Gazali, 2002: 14-15). A number of threats related to the information freedom had also been present in some Constitution Plans. For example, the draft of the Penal Code (KUHP), the draft of the Intelligent Law, the draft of the State Secrets Law and the draft of the Freedom to Access Public Information that had not been agreed.

Embracing the first approach, the government coordination through the constitution was done by amending the 1945 Constitution that had been in sacredness for 54 years. In the amendment in the year 1999, for example, the Article 7 says, "The President and the Vice President hold the offices for five years and they can be reappointed for the same position only for once more office period". This change was meant to prevent the appearance of such a president as Soeharto who held the position for more than five periods consecutively because the Constitution at that time did not state the words "only for one period of office".

In the Article 22 about the House of People's Representative there was an addendum that appeared in Article 22B stating, "The members of the House can be dismissed from their office." This change was intended not to let the members of the House to do wrongs and violations without being able to be replaced or dismissed. The change in the year 2000 added the Chapter on Human Rights (Chapter XA), for example in article 28A stating that "Everyone has the right to live and to defend his life and living" while Chapter 28B article (2) "Everyone has the rights of his life, the rights to grow and develop and the rights for protection from violence and discrimination". These chapters give a number of basic rights to citizens that were not given during the previous government; even it was never explained in a number of constitutions. The poor assurance of human rights in the constitution was worsened by various human rights violations during the authoritarian New Order government. Then, such human rights violations began to decrease in line with political changes in the new, democratic government.

Still based on the second change in the year 2000, there was phenomenal Chapter 28F stating that "Everyone has the rights to communicate and to get information to develop personality in his social environment and the rights to find, get, own, keep, process and convey information by using any existing channels"<sup>39</sup>. Not to mention the determination of the Constitution no. 26 year 2000 on Human Rights, especially the articles 69 and 70 and then the limitations in the Human Rights Court Regulations articles

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<sup>39</sup> Leo Sabam Batubara suggested that the idea of the communication and information freedom was given by the Indonesian Broadcast and Press Community (MPPI) after various findings since its foundation under the name of Indonesian Press Society (MPI) on 14 October 1998 (Interview, 11 February 2005).

8 and 9.<sup>40</sup> However, some big cases were not settled until the end of the President Megawati Soekarnoputri period office. Take examples of the various Human Rights violations in Aceh during the Soeharto era, the violations in East Timor, the riot on 27 July 1996, the shooting of the students in May 1998, the killing of Human Rights activists in Papua, the assassination of Munir, and a number of the society culture, economy and social negligence in the transition era.

The second approach looked at the parliament strengthening, the court system, the general election, and the bureaucracy officials. Although it was still attached to the practice of money politics, the parliament members were voted by a democratic system from the candidates provided by tens of political party. During the transition time, the parliament seemed to be more vicious than the executive was. They dared to criticize the government. The weakness was that the political party as the basis of the parliament did not discuss the program to solve poverty and unemployment except in the campaign time (Mudayat, in Mandatory, Edition 1/Year I/2004: 69-99). Whereas, the parliament as the product of the general election of 1999 and 2004 are always from such big political parties as Golkar, PDIP (Partai Demokrasi Indonesia Perjuangan-The Struggle of Indonesian Democratic Party), PPP (Partai Persatuan Pembangunan-United Development Party), then PAN (Partai Amanat Nasional-National Mandate Party), PKB (Partai Kebangkitan Bangsa-Nation Awakening Party), and the Democrat Party. The people of those parties enjoyed the position in the parliament. Another weakness, the political parties were not the cadre parties and what they did was not clear because they were not based on the party political functions such as the political education and the political

<sup>40</sup> For example, in Chapter 69 article (1) of Human Rights Regulations "everyone is obliged to honour the rights of others, moral, ethics, and the rules of the society, nation and country, article (2) "Human rights of someone entail fundamental obligation and responsibility to honour others' rights reciprocally and it is the government's responsibility to honour, protect, enact, and develop it. Also, in General Explanation paragraph 7 of Human Rights Judgement Regulations:" Regulations on Human Rights Judgement are expected to be able to protect human rights, both individually and socially, and it becomes the basis for the enactment, legal assurance, fairness, and secure feeling for individuals and the society of serious violations against human rights"

socialization. If they did the political recruitment, what they recruited were the former officials, the former military high rank officials, the people who were supposed to have fund to finance the parties or were expected to collect the fund for the survival of the parties. Meanwhile, the young people who actually were potential, creative and critical were not touched at all because they did not have the capital. In fact, there appeared new generation of intellectuals and activists who developed the alternative critical thinking and who actively struggle to encourage the renewal of Indonesia, but the idea and the action of the thinking only worked in society domain and did not enter the domain of the leaders, politicians or authorities. The group of authorities only run the government bureaucratically with the orientation of searching, competing, and defending authority (Eko in Mandatory Edition 1 Year I/2004: 31-67)

What pridful was the performance of the general election in 1999 and 2004. The process and the performance ran smoothly, orderly, fairly and competitively including the election at the local level (the election of local leaders). The event of the election did not result in vertical or horizontal conflicts such as riots or turmoil. It means that the political awareness of the citizens to acknowledge differences and superiorities of other people started to grow. This was the treasure of democratic values to be fostered, developed and maintained for the continuation in the future.

High number of legal issues in Indonesia focused more on the problems at the central government level whereas the political structure at the local level was worse. The first solution was straightening up the officials, and out of those three importing elements from the legal side, namely structure, substance and legal culture, it was the third of them that had to be straightened up (Arinanto in Stanley, 2000: 93-94). Until entering the period of the President Susilo Bambang Yudhoyono (SBY) government, a number of legal cases involving the former New Order military officials including Soeharto remained unsettled. The solution to take was judging those doing wrongs fairly in an independent and autonomous court, and the groups being harmed were compensated and their rights were restored. Thus, there were two advantages; first it became the precedent encouraging the law enforcement and the political regularity because politics would get the clue that any violations by anybody could not be exempted from the law and the court. Second, it was shown to the public the appreciation of the government to the rights

of the society that by far were respected through words and promises only (Kleden, 2001: 138).

The condition of the bureaucracy was one of the big problems in the transition period in Indonesia. The noblemen mentality, the mentality to be served not to serve, the unprofessionalism, and the corrupt mentality were still conspicuous. For example, although it had been done for years, the performance of the civil servants recruitment test had always been unfair with the questions of the test being known by some participants. The same thing happened in the performance of the school test; the revelation of the answer to the test in advance was reported each year. Unprofessional actions of the government officials were also seen when there were disasters like tsunami, earthquake, flood, landslide, and forest fire. No significant treatment progress was seen, and the donation was even embezzled. In the National Education Department, the disorders still occurred and resulted in the collusion, corruption, nepotism (KKN). The National Education Department was not just the place where “the robbers” gathered because in addition to leak of fund there was affluence of fund as well. The bureaucracy complexity in this department actually reflected the bureaucracy in all lines of the Indonesian government, where many rules were intentionally made in favor of the interest of the ruling parties (Long Passage-Annual Final Report Kompas 2001, 2002: 153-154).

The third approach focused on the political culture. From those three political culture types as explained by Almond and Verba (see Chapter III), the participant political culture started to grow when there was brevity to criticize in all levels of the society. Especially the ideas channeled through mass media, in addition to a number of the protest actions by the society in the street. In the village level, the society also expressed openly any disappointment, the feeling of being pressured, discriminative and unfairly experiences. Still prominent, the paternalistic culture began to be criticized. In the cities, the urban poor groups often voiced their concerns over the incapability and the unfairness of the government and the business sector. They expected the enactment of fairness by the political leaders. Various political behaviors of attitudes of the elites such as competing for the power or committing a corruption were not in line with the political propriety and the political correctness. For the reason, the political system renewal was able to be done only if there was a real shift of the political aesthetics to the political

ethics, which was supported by the real shift from the thinking based on the political culture to the consideration based on the political morality. Thus, a set of values was accepted not only being considered as the common values but was accepted as the shared values due to the reasons or the realms that could get the acceptance right (Kleden, 2001: 34)

In the fourth approach, there could be seen how the legal renewal through the constitution amendment renewal and some other constitutions leading to the responsive legal type was a strong capital to strengthen the civil society. The responsive legal type had the commitment to the “consumers-perspective law” that: gave attention to human targets, touched total human needs (physical, psychological and ownership), fulfilled the demands of the society at large, and responded to the individual cases (Fadjar, 2003: 19). Next, in the responsive legal type with the consumer perspective, the function of the law as the social engineering instrument had to be followed by its function as the human and social empowering instrument, so that the human and the social independence could be realized. In this perspective, the alternative search was an essential way out of the social problems by familiarizing dialogue, negotiation, discussion and compromise (consensus). Human beings and the society had to be encouraged to be self-help.

Nonetheless, the development of the civil society in Indonesia after Soeharto was still far from the expectation. A number of the social actions driven by the Non-Government Organizations did not have good coordination with other Non-Government Organizations so that they did not serve as the strong power like those in the Philippines. The NGOs in Indonesia were criticized as the actors and the organizations that were often involved in international issues such as weak accountability, shallow democracy, and unstable legitimacy (Suharko, in Mandatory Edition 1/Year I/2004: 171-187). Moreover, the government elites often disturbed, for example by provoking the female political activeness, denying their ability to give political consideration and even attacking such organizations as the Indonesian Women Coalition (Koalisi Perempuan Indonesia-KPI). The establishment of KPI was strongly controlled by the government especially by the Women Affairs Ministry, since it was suspected to be related with the communism (Manning and Diermen, 2000: 320).

The Indonesian contemporary democracy showed the absence of stability, or settled ness, firmness. During the Soeharto government era, Pancasila was paralleled with

the word Democracy so that as if the Indonesian political system was Pancasila Democracy. Now in the transition time, the liberal democracy principle seemed like to be embraced but there was no clear understanding and moreover its practice was found. The current Indonesian Democracy was a fake democracy namely the democracy that merely worked procedurally but that did not touch the essentials covering changes of the value and the behavior in various elements of the society and the government. Some important government officials did not show professional performance to run the government by this time.

## **7.2 Press Freedom in the Period of President Abdurrahman Wahid**

**(20 October 1999-23 July 2001)**

Before being proposed by the center axis as a candidate of a president in the People's Consultative Assembly after the general election in 1999, Abdurrahman Wahid (Gus Dur) was known as a democratic figure, in addition to a Moslem leader from Nahdlatul Ulama (NU). His name raised during the crisis period 1982-1984 by intermediating conflict between a number of factions in NU before finally was elected as the General Leader of Tanfidziyah and finally reelected in 1989. His relationship with cycles outside NU, such as followers of faith, Christians, Chinese and foreigners, was the asset for NU but at the same time it was felt as threat for the values he was struggling for (Bruinessen, 1994: 185). When President Soeharto government was still very powerful, he and his friends part of whom were non-Moslem founded Democracy Forum (Fordem) that was considered an alternative of the foundation of Indonesian Moslem Scientists Association (ICMI) sponsored by Soeharto and was led by BJ Habibie.<sup>41</sup> For the reason, the election Gus Dur gave expectations for future democracy in Indonesia.

Not long after his inauguration as the fourth President of the Republic of Indonesia after Soekarno, Soeharto, and Habibie, Abdurrahman Wahid immediately made a surprise by liquidating the Department of Information. It was a Department in the New Order taking big role in filtering various information and disseminate it top-down to the society (see Chapter III). This policy by Gus Dur smoothed the path for press

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<sup>41</sup> To a certain extent, ICMI played its role in the process of bureaucracy Islamisation and a number of "pro-Islam" government actions and on the other side it represented people organizing by the state (Martin van Bruinessen, *NU Tradisi Relasi-relasi Kuasa Pencarian Wacana Baru*, Yogyakarta, LKiS, 1999, p.259)

independence pioneered by BJ Habibie with the confirmation of Regulations No. 40 year 1999 on Press in September 1999. By Presidential Decree no.153/1999 Gus Dur established National Information and Communication Office (Badan Informasi dan Komunikasi Nasional-BIKN) with a number of functions, namely: establishment of policies in the field of national information and communication services in accordance with general policy determined by the president; information and communication services for the society; confirmation for government and civil institutions in the sector of national information and communication services; coordination of activities in National Information and Communication Office cycles; management of sources for fruitful and valuable operation of the National Information and Communication Office. BIKN was a non-department institution that was directly under and was responsible to the president who coordinated with the Coordinator State Minister of Politics and Security Sector (Nurudin, 2003: 98).

Looking at the tasks to be done by the BIKN, it was clear that President Wahid really wanted to minimize or even eliminate the entire authority of the Information Department as the practice of the New Order. In the past, the Information Department through the Minister of Information and all of its subordinates such as the Directorate General of Press Publication and Graphics (PPG), could directly annulled the SIUPP or just warned the press that they are considered violating the criteria of the government because their reports were categorized as containing sensitive things related to the tribe, the religion, the race or group (Suku, Agama, Ras dan Antar golongan-SARA) or “disturbing” the national stability. In the Press Law no. 11 year 1966, the Law no.4 year 1967, and the Press Law no.21 year 1982 there were always mentioned that the government was the Minister of Information, but the most lethal regulations for the press independence was the Regulations of the Indonesian Information Minister no.01/Per/Menpen/1984 on the Press Publication Enterprise Permit Letter (SIUPP) and the Decree of the Indonesian Minister of Information No. 214A/Kep/Menpen/1984 on the Procedures and Requirements to get the SIUPP (Simorangkir, 1986). When all estates controlling the instruments are not present, the pressure against media does not turn to end. In the time of the Wahid government, the pressure against media still occurred either done by himself or by his proponents who felt to be harmed by the media reports.

In other perspective, the practice of the press freedom cannot be isolated. President Wahid suggested that the press must have the values for the society. Adhi M.Massardi, one of his spokespersons told:

”The press freedom is present when the press has the values for the society. The press as the fourth estate will not be valuable if the other three estates: legislative, executive, judicative, are not present. Thus, the press cannot be isolated. For example, in the example of the corruption in the General Election Commission (Komisi Pemilihan Umum-KPU), the press had been shouting for these three years but there was no result because the other estates did not move. It also applied in the case of the Akbar Tanjung corruption, the press also shouted but when the judicial institution kept silent; it did not put any effect. There was misunderstanding that the press as the fourth estate may work without the other three estates. As long as the society does not treat the existing media information, it did not give effects to the press.”(Interview, 3 August 2005)

During the governance of President Wahid, the cabinet often changed the personnel, while the legislative institution was much in the conflict with it. This people's representative even stepped him down later.

### **7.2.1 The Government-Media-Relations**

Although Gus Dur cleared the path for the press independence by liquidating the Department of Information, he was a man of controversy, and fanaticism of the NU mass support caused the disharmonious relationship between the Gus Dur government and the media and they tended to be in hostile. In an interview, Adhi M. Massardi as one of President Abdurrahman Wahid's spokespersons said:

”In the Gus Dur period, the press was not in favor of him but Gus Dur remained a president. Thus, Gus Dur became a president not because the press but the political system. The proof was that after falling down Gus Dur was still honored, unlike the others, Soeharto for example. I remember Jose Rizal's writing, 'the task of the press is to lift the sufferer to the altar of the monastery and to wait if people care for the poor'” (Interview, 3 August 2005).

To the attitude of the press, Massardi said, President Wahid told not to care about it. He continued:

"The Press reported slantly about Gus Dur, but he said, do not care about it, because the press cares only those who are educated, middle class, and rational. Prove that what the press writes is wrong. Unfortunately, we had no time to prove it, but the lower class was not influenced by the press because they did not believe what the press wrote, for example about the agriculture products. The proof was that the harvest was good, the agriculture products were also good" (Interview, 3 August 2005)

In the Gus Dur era, especially by the time of his Accountability Report as the President in the People's Consultancy Assembly in July 2001, the difference of point of view and the conflict between the President and the media was sharpening. At that time, media was in the political fever, meaning that media gave the big portion to the political news, including various talk shows in the television. In the talk show, the informants often expressed strong opinions that resulted in the conflict in the society. The war of statements between the party leaders in DPR/MPR (People's Consultative Assembly) and President Wahid was also reported by media.

### **7.2.2 The pressure against Media**

Realizing the condition, President Wahid had warned the press on 27 January 2001, commenting the unqualified press performance. Some of the press were said to emphasize the sensation rather than the facts, the objectivity and the accuracy of reports and then he suggested that press cool the mind, rather than fire the public emotion (*Kompas*, 13 March 2001). April 2001, Gus Dur summoned the Director of TVRI Chairul Zen and asked him to immediately censor the programs that he said to be overacting, full of blasphemy and opposed to the presidential institution (Sudibyo in Zaka, 2002:259). Moreover, President Wahid also cast an idea to form a Media Controlling Team led by Luhut Pangaribuan and Harun Al Rasyid that resulted in the objection from various parties, including Atmakusumah, the Chairperson of the Press Council 2000-2003. Atmakusumah commented that the establishment of the team would threaten the press independence since the team was meant as an institution that would determine the

standards of reporting and to prepare the legal prosecution to the mass media that are considered to harm the government (Sudibyo in Zaka, 2002: 260). On the other hand, Gus Dur held an informal meeting on 30 June 2001 in Utan Kayu, the complex of arts and journalism. This meeting was attended by a number of important media figures such as Jakob Oetama (*Kompas*), Bambang Harymurti (*Tempo*), Bondan Winarno (*Suara Pembaruan*), Don Bosco Salamun (SCTV), A.Muis (Hasanudin University), Dhimam Abror (*Jawa Pos*), Sasongko Tedjo (*Suara Merdeka*), Moh Sobary (*Antara*), Reva Deddy (Anteve), Susanto Pudjomartono (*The Jakarta Post*), Uni Z.Lubis (*Panji*), Andy F.Noya (Metro TV), Widi Yarmanto (*Gatra*), Yuzirwan Uyun (TVRI). That off-the-record meeting tossed cast, among others, criticism about twisting and the character assassination that Gus Dur often cited (*Pantau*, Agustus 2001: 9).

According to the record of the Independent Journalists Alliance (AJI), in the period from 3 May 2000 to 3 May 2001, there were 99 cases of disturbances to the journalists and its media. Out of 99 cases, 41 cases were the pressures done by the government officials in various media in Indonesia. The most government officials were the policemen, then the court officials, the army, the presidential secretariat, the parliament members, Faisal Tanjung (Army General), the officers of the attorney offices (Solahudin et al., 2001:35-73). Several examples were, first, the State Secretary blocked the access of information from the source of the news namely the ministers. Responding to the issue, the journalists who usually covered in Bina Graha as the presidential office boycotted the news coverage in the State Court on 17 May 2000. Second, the officer of the Police Head Quarter, Saleh Saaf, planned to investigate the editors of the *Gatra* magazine after this magazine wrote the suspected scandal of Gus Dur and Aryanti. Saaf said that the *Gatra* article was categorized as violating against the law and the moral ethics that tendentiously attacked the president in person. Third, a number of journalists with official ID card were not allowed to cover the informal meeting between President Wahid and delegations of Inter Parliamentary Union (IPU) in the building of the People's Representative Council. The president security force (Pasukan pengaman presiden-Paspampres) explained that journalists allowed to cover the event were those with the ID card with the signature from DPR (the House) press report section, Iskandar Basri. Fourth, photographer of *Media Indonesia*, Sayuti, was hit on the stomach by Faisal Tanjung, a military general. Tanjung was going to be investigated by the Connectivity

Team against the violence case of 27 July 1996 and Sayuti was going to take his picture when the general just arrived.

Some parts of this case showed incomprehensiveness of the government officers about the tasks of journalists completed with the arrogant attitude and the prestige of power. In fact, this was a serious threat for the press independence.

### **7.2.3 The Professional and Unprofessional Media**

In the eyes of the media, Gus Dur was categorized as having no sense of crisis, playing the law, authoritarian and inconsistent (Sudibyo in Zaka, 2002:229-238). The media itself did not sufficiently fulfill the journalistic standard basis while reporting about Gus Dur, for example the *Pos Kota* used 4 contra Gus Dur news sources and 1 pro Gus Dur source of information. The *Rakyat Merdeka* presented 2 pro informants and 12 anti Gus Dur informants, the Media Indonesia took 7 contra sources and only 1 pro Gus Dur source, while *Kompas* only presented the perspective balance by giving the relatively balanced space between the pro and the contra Gus Dur sources of information (Sudibyo in Zaka, 2002: 252-255).

In spite of the unprofessional media, there were still media that seriously placed themselves as the controllers of the government authority, which wrote sharply. *Kompas* actually had changed the methods of writing its editorial from the two models that were often used namely the Middle Path Model (Model Jalan Tengah-MJT), the Heaven Wind Model (Model Angin Surga-MAS), then started to use the Watch Dog Model (Model Anjing Penjaga-MAP) (Mallarangeng in Sularto, 2001: 67). This last model was used in the editorial entitled "Nekat Dibalas Nekat, Hasilnya Tentu Saja Semakin Tidak Karuan / Thoughtless Action contra Thoughtless Actions Result in Chaos" written in *Kompas* of 9 June 2001. Mallarangeng told that this editorial did not discuss an official personally, but his behavior in the public space. The readers would understand easily that for *Kompas*, Gus Dur's attitude was "not wise", "arbitrarily", "aimless" and endangered the democracy system. With such an editorial, tens thousand of the *Kompas* editorial readers would enjoy the presentation of the sharp opinion and stimulated them to think and formulate their own opinion with regards to the attitude of a figure occupying the highest executive authority in Indonesia (Sularto, 2002: 72). Actually, here lies the potential of the media democracy especially in creating the public space as described by Habermas

namely an arena where the entire members of the society could interact, exchange ideas and debate about public issues, without worrying the intervention of the economy or politics authority (Sudibyo in Zaka, 2002: 242). The concept of the public space required the same treatment in reporting the public issues without looking at who was talking or who was in the report.

As Muis expressed, there were two things in the political communication of the Wahid government. The first was the communication authority variable and the second was the paternalistic variable. The communication authority that the president and some of the MPR/DPR members had gave birth to the statement reciprocal political communication. The tendency of the politics elites in this communication resulted in bad results in lower cycles namely the provoking lower cycles to give the strong feedback to the parties considered as the political opponents of their leaders. Meanwhile, the paternalistic variables made use of the hypodermic needle model with the objective that the public opinion would change fast in accordance with the expectation of the political elites. As a consequence, the grass root, the mass, became wild due to the provocation of the statement from the upper level (*Kompas*, 13 March 2001).

#### **7.2.4 A Controversial Figure**

In fact, Gus Dur was an idol figure for the democracy activators in both the religious community and the activists of the Non-Government Organization (LSM). However, the controversial character attached to Gus Dur personality finally exploded uncontrollably when he seated in the presidency. Even though he had liquidated the Department of Information so that the control of the state to media and information was hardly present, Gus Dur's attitude toward the press and his controversial statements, including his accusation to the press to have twisted the fact, were getting worrisome. Some examples of Gus Dur controversies were his labeling of "kids" to the members of the People's Representative Council, the annulment proposal of the MPR Decree number XXV/1966 relating to the prohibition to disseminate Marxism-Leninism-Communism, the cessation of several ministers, namely Hamzah Has, Jusuf Kalla, Laksamana Sukardi and Suroyo Bimantoro. The cessation of the Head of the Indonesian Police, General Police Suroyo Bimantoro triggered the acceleration of an Extraordinary Meeting of the People Consultancy Assembly and the Army/Police Faction with 38 chairs in the MPR

made a surprise by stating that the plenary meeting on 23 July 2001 was an Extraordinary Meeting of the MPR (Zada, 2002:213).

On the other hand, apart from the Gus Dur personality, the media performance contributed to making the worse relation between the President Wahid government and the media. An example was the *Gebyar BCA* program in Indosiar television station on 23 October 1999 that presented Bagito as a comedian group. In order to make the audience in the studio and the spectators laugh, Bagito expressed the physical deficiency of Gus Dur.<sup>42</sup> It was not laughter they obtained but the outrage of the mass of Nahdlatul Ulama (NU), and they requested Bagito and Indosiar to apologize. Although the humorist Gus Dur exerted his popular statement "Gitu aja kok repot" ("why bothers?") in responding Bagito's humor, the NU mass occupied Indosiar and considered Bagito's humor as humiliating their leader (Nurudin, 2003: 103).

Another factor making the relationship between the government of President Abdurrahman Wahid and the media was the behavior of his followers that often did anarchic actions by occupying the media offices considered to have "humiliated" Gus Dur. An example, in addition to the case of Indosiar, was the raid of the activists of Surabaya Ansor Youth Movement to the *Jawa Pos* office on 15 April 1999 due to their being irritated by an article entitled "Gus Dur was seized by PBNU – Considered to be of two minds, Not Allowed to Talk about PKB". Then, the occupation of the *Jawa Pos* office on 6 April 2000 as a protest against an article entitled "PKB was Restless, PBNU Made a Clarification Team". This article wrote the name of Hasyim Muzadi, the NU leader as one of the KKN doers. The article that quoted the *Tempo* edition of 1-7 May 2000 as the source of the news mistyped the name; it should have been Hasyim Wahid not Hasyim Muzadi.<sup>43</sup> And the occupation of the *Jawa Pos* office by the Multi Purpose Force (Bantuan Serba Guna-Banser) on 18 January 2001 (Solahudin et al., 2001: 8-11).

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<sup>42</sup> Gus Dur had lost his sight for long so that he had to get remedy abroad. The disturbance did not improve so practically it made him "blind" so that someone had to hold his hand while walking. Consequently, he could not do several presidential activities like reading the speech.

<sup>43</sup> Atmakusumah suggested that the mistake originated from *Tempo* namely mistype or often called slip of the fingers. "I believe this is not misinformation. It is rare that Indonesian media make misinformation. If any, it is done by inexperienced media, newly published or adventure tabloid" (Stanley, ed., *Indonesia di Tengah Transisi*, Jakarta, Propatria, 2000, p.141)

Being unprofessional was one of the obstacles in the press independence as it was stated by Hallin and Mancini, but the attack en masse of a media office might be a specific phenomenon in the transition time in Indonesia.

By far, we can draw temporary conclusion that the press independence had been ratified with the Pres Law year 1999 and the liquidation of the Information Department gave more assurance to the media to report the news sharply, to criticize the government. The conflict between the government and the media was not merely resulted from the reporting method of the media, but also from the attitudes of the officials and the former officials, the society behavior, in addition to the attitude and the character of the president in leading the state management.

### **7.3 The Press Freedom in the Time of President Megawati Soekarnoputri (23 July 2001-20 October 2004)**

In terms of the political policy, the difference between President BJ Habibie, Wahid and Megawati was that the latest even revitalized an institution with a nuance of the Department of Information, namely the Ministry of Communication and Information (Komunikasi dan Informasi-Kominfo). Actually, this marked the settlement of the New Order elements that remains living in the bureaucracy of the government departments. The bureaucracy of the Department of Information, which was changed into Kominfo, was still occupied by some figures that had the idea to control the press independence, for example by proposing the revision of the Press Law 1999. The difference between the first two and the third was that this third did not like to talk directly to the media. If BJ Habibie could be hours joking with the media, Gus Dur could express various spoken statements. Megawati was economical in words and tended to keep silent. Moreover, if President BJ Habibie had Dewi Fortuna Anwar, President Wahid had several spokespersons including Adhi M.Massardi. President Soekarnoputri did not have anyone to function as a spokesperson although there are several political advisors such as Cornelis Lay.

In such a condition, it was difficult to predict Megawati's attitude toward media and the press independence. According to the chief editor of Media Indonesia newspaper Saur Hutabarat, Gus Dur had been familiar with criticizing the culture while Soekarnoputri was not accustomed to criticism. Thus, when we are going to criticize her,

we had to do it in a different way, not directly frontal as before (Wardhana in Zada, 2002: 277).

President Megawati Soekarnoputri turned not to take criticism easily, although protests aimed at her had different character because of some demonstrations with the action of stepping on the face of the poster of Megawati (President) and Hamzah Haz (Vice President). The protest done by the Civil Youth Movement on 24 June 2002 was responded by summon of them by the police (*Sinar Harapan*, 2 July 2002). Meanwhile, the violence toward the journalists was getting more and more during the governance of Soekarnoputri. The Anti Violence Coalition against Journalist recorded that from 3 May 2001 to 3 May 2002 there were 118 cases hurting the press independence with 58 cases of physical violence (*Sinar Harapan*, 5 July 2002). The coalition visiting the Commission of Human Rights protested the violence done by the police and questioned the public right to know and guarantee the press independence as the rights of the citizens.

Once the president cited a comment resulting in many responses, for example she stated that the government was like “a litter bin” (*Sinar Harapan*, 14 February 2002). When media confirmed the statement, she stated that the press was “slipped”. The State Secretary who was also the Secretary to the Cabinet, Bambang Kesowo, said:

“I read the news of the press, everything was really twisted. I did not say “to twist”, but everyone had been “twisted”. The context of the current government heirs the problems of the past, it’s like a litter bin” (*Sinar Harapan*, 14 February 2002)

On the anniversary of the Press in the year 2002, President in her speech said that the Indonesian press could only criticize but it did not give solutions. This statement was considered untrue by the journalist cycles such as the Independent Journalists Association (AJI) and the Indonesian Television Journalists Association when they saw the Commission I of the People’s Representative Council on 21 March 2002 (*Sinar Harapan*, 22 March 2002).

”AJI looks at the statement as showing the incomprehensiveness of President Megawati about the functions of the press. The substantial function of the press is a watchdog. Its task is controlling the

environment and barking if there are things going wrong. This metaphor needs to be understood well, that press has clear vision, hearing, and instinct of dangerous things in the environment. In fact, the press should not give solutions.” (*Sinar Harapan*, 22 March 2002)

Other journalist organization, the Indonesian Journalist Association (PWI), considered the statement of the President as an advice. The PWI assessed, the press freedom and the independence, if it is counted with numbers, only fifty percents had been achieved, some information accesses are still blocked. The PWI pushed the Commission I of the DPR together with the government to finish the Regulations on the Freedom to Get the Information and the Broadcast Regulations. (*Sinar Harapan*, 22 March 2002).

During the period of President Soekarnoputri, one of the important tests for the press independence was at the time of constructing the new Broadcast Regulations to replace the Broadcasting Law year 1997. In this process, the conflict of interest was not merely between the politicians and the government, the civil society and the media like in the period of the construction of the Press Law 1999, but it was colored more by the competition for influence between the capital owners behind the television stations and the politicians and the civil society and the government.

There were two principal objections of the television media cycles represented by the Indonesian Private Televisions Association (Asosiasi Televisi Swasta Indonesia-ATVSI) to the new Broadcasting Law: First, the obligation of the national private television to cooperate with the local, private television because it was considered burdensome after billions of investment to establish the transmissions in the local areas. Second, they oppose to the authority of the KPI (Komisi Penyiaran Indonesia-Indonesian Broadcasting Commsission) that was too powerful, including in annulling the broadcast permit and composing the code of conduct (Sudibyo, 2004: 75). Their objection was shown by demonstrating against the ratification of the Draft of the Broadcasting Law, on 25 and 28 November 2002. A number of private television stations like TPI, ANteve, RCTI presented TV-Poll entitled "Private Radio and TV was in the Mourning". Metro TV, Indosiar and other TVs also reported the demonstration periodically at 10.00a.m. – 11.00 a.m. The campaign of objecting the Broadcast Regulations was done by television practitioners by using each television station to mobilize the artists, politicians,

academicians, and the public who all opposed to it. There were hardly informants supporting or at least being neutral to the new Broadcasting Law (Sudibyo, 2004: 76).

The event, Agus Sudibyo told, resulted two important notes. First, the dominant perspective of the independent press still considered the government the first “enemy” of the media. The question was whether the media was also critical against the capital owners who could take part in the political games that the media was highlighting. Second, the public group that does not have the high social political status and the capacity to construct the public opinion would not get the access to the media. Media tended to report political issues, which was hot, controversial, full of sensation and did not give sufficient space for populace issues such as poverty, unemployment, health, and bad influence of the advertisement (Sudibyo, 2004: 77-78).

In the period of the Megawati Soekarnoputri governance, the practice and the competition of the press freedom concept still happened between the government, the civil society and the capital owner of the media industry.

### **7.3.1 The Government-Media-Relations**

Similar to the periods of Habibie and Gus Dur, the relationship between the government and the media tended to be contrary one to each other. The government represented by the President and her staff and the political party cycles in the parliament, the media was represented by the printed press and the television press. However, in this period the role of the Press Council was taking part in mediating the conflict between the government and various parties that felt to be harmed by the media reports. Various complaints and protests to the performance of the media could be settled through the meeting of those two parties with the Press Council as the mediator.

### **7.3.2 The Roles of the Press Council and the Ombudsman**

The Press Council Institution stipulated in Chapter V Article 15 of the Press Regulations year 1999 started to work since its formation in the year 2000, handling reports cases that were not objective, unfair, containing prejudice, or inaccurate and according to the record there were 150 complaints in the process (*Kompas*, 10 February 2003). The first Press Council of period 2000-2003 was led by Atmokusumah Astraatmadja, a figure who had been very experienced in the press in both the Soekarno

and Soeharto era. Since April 2000 to January 2004 the Press Council had settled 449 complaining letters in accordance with the functions it had to do. This showed a number of phenomena. First, the Press Council served as a reliable place for those who felt to be harmed by media. Second, the increase of the community awareness to use the constructive methods to settle the problems with media. Third, the high number of unprofessional media. These phenomena also described how the Press Law had began to be known and understood by some people, even though it was still far from the expected number. For the reason, the Press Council also made this socialization to a number of cities, especially to see the strategic groups such as the officials of the police, the education, the government, and the media.

The Press Council could also facilitated directly and indirectly by letter, the considerations and the efforts to settle the complaints from the society with regards to cases related to the press reports concerning with the Rights to answer, to correct and suspects of the violation against the ethics code. Most letters (233 copies) contained complaints to the press media in order to write/broadcast the right to answer/clarify/comment/object/protest to inaccurate, incomplete, and unbalanced or bias reports (Panjaitan and Siregar, 2004:59). At least, there were 4 letters asking for the settlement of the problem among the press media. See table 7.1.

**Table 7.1: The Reports and Claims to the Press Council 2000-2004**

| No | Types of Claim                                                                                                     | Quantity |
|----|--------------------------------------------------------------------------------------------------------------------|----------|
| 1. | The requirement to the press media to publicize responses to inaccurate, incomplete, unbalanced, and bias reports. | 233      |
| 2. | The requirement for the legal protection for the journalists                                                       | 79       |
| 3. | The requirement for the Press Council to provide the expert witness or the mediator in the case of reports         | 38       |

|    |                                                                                     |    |
|----|-------------------------------------------------------------------------------------|----|
| 4. | The sue to the media                                                                | 28 |
| 5. | The Accusation of the press ethics violation                                        | 23 |
| 6. | The Accusation against the press media considered to be pornographic or provocative | 18 |
| 7. | The reports on the journalist summon by the Police                                  | 17 |
| 8. | The reports of the misuse of the press profession                                   | 9  |
| 9. | The requirement to settle the problems inter the media                              | 4  |

Source: Panjaitan and Siregar, 2004:59

From this table we can see that the high number of demand to report the comments or other forms of protests, objection, clarification showed the violation done by the media people against Chapter 6 on the Press Role especially point c that reads "developing the public opinion based on the appropriate, accurate and correct information". The inaccuracy, bias, incompleteness, unbalanced are the important elements influencing the media performance. Whereas, the accuracy, completeness, neutrality are parts of the objectivity (McQuail, 1992: 205). The accuracy, for example, determines the reputation and the credibility of the news media in the eyes of the public, and if the media reports are considered inaccurate, people will not trust the media anymore (McQuail, 1999: 207).

According to Press Council record, the demand of legal protection for the journalists showed the accusation or the pressure in any forms including the violence to the journalists done by state officials or the society. This record confirmed the persistence of the use of the violent ways to deal with the mistakes or dissatisfaction toward the press that also happened during the periods of the BJ Habibie and the Abdurrahman Wahid governments. If the media showed its unprofessional inaccuracy,

then any pressures outside the media also showed the bad understanding and the immaturity of the society or the officials. Both were threats for the press independence.

Some of the cases had been settled by the Press Council in its capacity as a mediator between the litigant and the media. In a number of cases, the role of ombudsman of the related media was so important that the settlement was easier and faster. One of the reports of the Press Council was the role of the ombudsman in the *Jawa Pos*, the *Rakyat Merdeka*, the *Kompas* dailies and the ombudsman of the *Cenderawasih Post* (Papua), the *Kaltim Post* (East Kalimantan), the *Pontianak Post* (West Kalimantan), the *Fajar Group* (South Sulawesi), the *Gorontalo Post* (Gorontalo) (Panjaitan and Siregar, 2004: 65). It was interesting that some of the media reported by the society were the English media published abroad namely the Newsweek, the Reuters news office, the Time Magazine, and the Washington Post newspaper and a domestic newspaper, namely The Jakarta Post. The Jakarta Post daily also made inaccurate report in the edition of 13 November 2003 where it wrote about someone close to the Indonesian Democratic Party (PDIP) who injected fresh money to the *Republika* national newspaper with the title "PDIP-connected Family Acquires Media". In the edition 24 November 2003, the following day, The Jakarta Post did the obligation to make a correction as stipulated by Chapter 5 article (3) of Press Regulations on the same page with the special box entitled "Report Unsubstantiated: Editor" (Panjaitan and Siregar, 2004: 125-126).

The sensational case of the Lieutenant General Djaja Suparman reported by a number of the Indonesian mass media related to the Bali blast was the report in the *Jawa Pos* of edition 28 October 2002 entitled "Two Generals Were Suspected Going to Bali before the Blast, Back the Following Day". The *Jawa Post* ombudsman team finally sent a letter to General Djaja Suparman and it was stated in the letter that the Ombudsman Team had received a letter from the Chief Editor of the *Jawa Pos* concerning the Statement of the Assessment and the Recommendation of the Press Council. The Press Council recommendation was based on the indictment of Lieutenant General Djaja Suparman dated 28 April 2003 to The *Jakarta Post*, the *Jawa Pos*, the *Radar Bali*, the *Sumatera Ekpress*, the *Pelita* and the *Rakyat Merdeka*. In addition to offering the rights to answer, the Team also invited Suparman to the Ombudsman office of the *Jawa Pos*

Group to hear directly Suparman's rights to answer as recommended by the Press Council (Panjaitan and Siregar, 2004: 85).

This settlement might be the first time to occur in the press history in Indonesia. It was also the first time of the problem settlement process between the media and someone being mediated by the independent Press Council that executed its task professionally. The case of Djaja Suparman became a valuable experience for the press independence in Indonesia after having the Press Law no. 40 year 1999 that determines the independent Press Council and encouraged the formation of the Ombudsman in each media.<sup>44</sup> This practice of the press independence also decreased the tension that tended to occur between the government and the media.

### **7.3.3 The Closemouthed Mega**

As it was mentioned before, one of the characters of President Megawati Soekarnoputri that differentiated her from the other two presidents after Soeharto was her closemouthed attitude, including her reluctance to talk to the press. Some people proposed her to have a spokesperson as proposed by Ade Armando, the Chairperson of the Media Watch of The Habibie Center and Rizal Mallarangeng, the political researcher in the Center for Strategic and International Studies (CSIS) who also often wrote speeches for President Soekarnoputri (*Sinar Harapan*, 11 February 2002). The spokesperson would officially inform the things related to the government policies.

His political advisor, Cornelis Lay, in an interview with the researcher told:

"I think Mega was traumatic with Gus Dur's spokesperson. That's it. So, when Mega knew the presence of spokespersons, the closest references were people who worked on behalf of Gus Dur. And Mega was startled. What a difference between what they conveyed and what was formulated. Thus, she did not want it to happen; so institutionally she made use of the Minister of Communication. Only that when this Minister did not want to take it because he also had his own agenda, it was given to Bambang Kesowo (The Minister of the State Secretary).

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<sup>44</sup> Upon the assignment by the leader of the *Kompas*, Jakob Oetama, the formation of ombudsman team of the *Kompas* was pioneered by St. Sularto in September 1999 by doing literature study and finding information in the embassy of Sweden, the first country developing ombudsman team. This institution is not primarily meant to develop self-censorship but also self regulatory with the final objective to develop free, independent press that hold press ethics (St.Sularto, *Humanisme dan Kebebasan Pers*, Jakarta, Kompas, 2001, pp.76-77).

However, Bambang Kesowo also had a serious communication problem so that the problem continued". (Interview 20 August 2005)

Nonetheless, Megawati still did not want to have a spokesperson, even she still rejected when Cornelis Lay asked if she would clarify to the media such problem as the Oil price increase. Cornelis Lay whose nick name was Coni told:

"She said, 'No. Soon, people will know...' So, Mega's way of thinking was too simple. The good thing will automatically be known by people and she will remain good. She never imagined that the good thing if it was not communicated, wrapped in the right communication would become bad in the eyes of the public. Why bothered? I did have good intention, didn't I?' she said. That's the problem, I spoke to myself.." (Interview, 20 August 2005)

Compared to the two previous governments, the Soekarnoputri government bore more problems. This seemed to be caused more of long period in leading the government than BJ Habibie (16 months) and Gus Dur (21 months). She actually "only" continued the Wahid's government that was interrupted on the one third of the way. And we tracked the process of Megawati Soekarnoputri to occupy the chair of the Vice Presidency in the Gus Dur period and then replaced Gus Dur's position as the president; there appeared a gratitude politics nuance among the politicians in Senayan. As a leader of the winning party in the general election of 1999 Soekarnoputri (automatically) became the president. However, the game of the center axis driven by Amien Rais even supported Abdurrahman Wahid even though finally with the support of the other factions in the Extraordinary Meeting of the People's Consultancy Assembly, they get him down. To "console" the Soekarnoputri's disappointment and especially her proponents who did violent actions when Soekarnoputri was not elected a president, finally she was given the opportunity ( Hermawan et al., 2000:269-336).

During the Soekarnoputri government, the relationship between the politics and the media, as Coni suggested, was no understanding of one to each other. He said:

"From Habibie, Gus Dur to Mega, the press relatively got the comparable freedom and practically was maximum. We can see that from the absence of the intention to limit, for example. From those high

levels of freedom, what unique about the relationship with the politics, with the political actors, with the country, with the political infrastructure such as the parties and the figures of the political doers at high levels seemed to experience, I thought, the high tension and there was tendency to increase. To my opinion, the experience with Mega, both of them (the press and the politics) did not understand one to each other. For example, Mega always imagined that it was the social responsibility of the press, to say, when she was a president to do something. It was the responsibility of the press to educate the society, and so on. The press, however, looked it as the responsibility of the government to assure them (the press). In fact, there was difference in the relationship patterns but such relation pattern difference did not cause the increase or the decrease the independence level of each media. It was so distinct at that period". (Interview, 20 August 2005).

The closemouthed character of the president to mass media contributed to the tension of the relation. Cornelis Lay also told that Mega often complaint of the press that she felt constructing the negative image of her, hiding the positive things she had, then she expressed her complaint in a number of meetings. For example, the president complaint of the press that was too sided.<sup>45</sup> As for the issue, the president did not expect to be defended but she expected that the information was conveyed completely. Coni continued:

"On the other hand, mass media also complaint of Mega who was mouth closed, was stingy to share information, who did not want to communicate and so on. I think both of them had the truth value, and the bridges to establish it had been constructed, even many. I started with the media, making forum with them. Starting to meet a limited number of figures. The forum was relatively permanent and every time

<sup>45</sup> When President's criticism was advocated by press people, Sinansari Ecip, one lecturers of Communication Study of Hasanudin University, Makassar wrote in order for press cycles to be fair to acknowledge. In fact, some of the press were not good yet, reports are unbalanced, ethics code that should have given moral sanctions did not give any effect. Even the Code Ethics of Indonesian Journalists (KEWI) was signed by 25 journalist organizations on 6 August 1999 and was decided by Press Council as common agreement and was strengthened by Chapter Article (2) the implementation of Press Regulations were remained questioned, like a paper tiger (*Kompas*, 8 February 2003).

she was leaving somewhere, going abroad for example, those key media figures were always there. The figures like Karni Ilyas, August Parengkuhan, Tommy (Suryopratomo)- *Kompas*, TPI Director, then from Metro, thus all the key media figures even local media such as *Pikiran Rakyat* were coming.”

Coni explained that those meetings did not solve the tension of the relation and they complaint one to each other. The reason was that those who were most involved and acted arbitrarily were the lower layers. Thus, it appeared an opinion at that time, ”if she wants to be with the media, she must be with the lower levels, not with the boss”.

From the media, Coni found out that there were many persons who tried to construct a bridge to overcome the tension, for example with Uni Lubis (she was with TV7 at that time). On the other hand, Mega always considered the media unfair to her in their reports. On the other side, the media felt that their work was never made easy by the government by providing sufficient facilities to get the information, for example. There were permanent relationship patterns so that during the transition time there was reciprocal suspicion but both parties had the very high autonomy and independence.

Just like the previous period, during the period of President Soekarnoputri government, there were pressures against a number of media (table 6.4), but some of them were reported the Press Council because they reported inaccurately about the Bali Blast.

**Table 7.2: The Relations of the Government – the Media in Several Legal Cases**

| The Period of Government                                         | The Litigant                                         | The Accused Media                                                                                                                                                                                          | The Utilized Law                | The Settlement Method              |
|------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------|
| <b>Megawati Soekarnoputri</b><br>(23 July 2001- 20 October 2004) | 1. Leutenant General Djaja Suparman<br><br>2. M.Said | 1. The <i>Jawa Pos</i> , <i>Rakyat Merdeka</i> , <i>Pelita</i> , <i>Radar Bali</i> , <i>The Jakarta Pos</i> , <i>Pikiran Rakyat</i> , <i>Sumatera Ekspres</i> newspapers(10/02)<br><br>2. The <i>Tempo</i> | 1. Slander<br><br>2. Blasphemy, | The Press Council<br><br>The Court |

|    |                                                          |                                                                                                             |                                  |                   |
|----|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------|
|    | Budairy, Staf Khusus Wakil Presiden Hamzah Has (18/3/03) | Newspaper                                                                                                   | slander, character assassination |                   |
| 3. | Akbar Tanjung, Golkar Leader                             | 3. The <i>Rakyat Merdeka</i> daily                                                                          | 3. Slander                       | The Court         |
| 4. | Minister of Domestic Affairs(26/9/03)                    | 4. SCTV                                                                                                     | 4. Slander                       | The Court         |
| 5. | Megawati Soekarnoputri, President of Indonesia           | 5. The <i>Rakyat Merdeka</i> daily (6 and 8/1/02 and 4/2/02)                                                | 5. Humiliation to the President  | The Press Council |
| 6. | Tommy Winata, Boss of a Company                          | 6. The <i>Tempo</i> Magazine (9 March 2003)                                                                 | 6. Slander                       |                   |
| 7. | Laksamana Sukardi, the Minister of BUMN                  | 7. The <i>Trust</i> magazine, <i>Nusa</i> , <i>Rakyat Merdeka</i> , <i>Indo Pos</i> newspapers (24-28/9/04) | 7. Slander                       |                   |

Source: Luwarso, 2002; Manan et al., 2005

### 7.3.4 The Capital Investors in the Broadcasting Law 2002

During the period of Megawati Soekarnoputri presidency, the practice of the press independence and the relations pattern between the government and the media could also be seen in the discussion of the Broadcasting Law 2002 replacing the Broadcast Law year 1997.<sup>46</sup> In that Regulations there were some crucial chapters but from its map there were

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<sup>46</sup> The old Broadcasting Law no 24 year 1997 was the first Broadcasting Law owned by the government. Discussion of this Broadcast Regulations 1997 was very tough, since it involved political interest namely President Soeharto's interest to be reelected as a president in the year 1997. He asked the existence of Broadcast Regulations because there used to be only five private televisions. For the reason, this Regulation is said to emphasize Soeharto's interest, so new TV stations were permitted to operate (Interview with

three parties: first the industry, second the government, and third the civil society. Bimo Nugroho Sekundatmo, one of the members of Indonesian Broadcasting Commission established by Broadcasting Law no. 32 year 2002 said:

"Each of the three parties has different concepts and they were not matched. The industry is different from the government; the government is different from the civil society; the civil society is different from the industry. Then, the civil society enters its ideas through the People's Representative Council so that the draft of this Regulation becomes the initiative draft of the People's Representative Council. So, the model is the same with the construction process of the Press Law and it went through hard fight so that it took 4 days from the draft in 1999 until 2002" (Interview, 30 August 2005).

Nonetheless, Sekundatmo said, there were many points entered from the civil society, took more side to the civil society, for example there was regulation from the representative of the society. There was also Community Broadcasting Institution, the local broadcast was strengthened, but there were also pending chapters due to the inputs from the government such as the Common Stipulation with the Government. In these Law, the industry interests were neglected so that they proposed the judicial review.

Different from the process of the construction of the Press Law 1999, in the construction of this Broadcasting Law 2002 the group of the capital investors in the television industry tried hard to make their interests not being harmed. Paulus Widiyanto said that the Broadcasting Law 2002 tried to rearrange the Broadcasting System in Indonesia. Thus, in the Broadcasting Law of 2002 there was not national television; the only national television was TVRI. The existing 10 television stations could not broadcast nationally; they had to be network televisions. The system was adopted with the understanding that in the United States of America, the network television is used because there are only 64 networks, the newest is the Fox; all of them are in the capital city although they are dispersed. In Japan, the networks are divided into provinces. What is appropriate for Indonesia is the network television due to the specialty of Indonesia as an islands country with three different time divisions. The other reason is uneven people

density. The target of the television broadcast is people gathered in a place, thus this rearrangement refers to the existing conditions in Indonesia.

This decision, however, was rejected by the capital owners of the private televisions. Through their workers, they protested via the “National TV Mourning Day”. Both during the discussion and after the ratification of this Broadcast Regulations, there were a number of problems, especially for the capital owners of the national private television. Some topics of the debate were, among others, the establishment of the Indonesian Broadcast Commission (KPI). Paulus Widiyanto told that KPI’s reference was the FCC (Federal Communciation Commission), an independent institution working as a regulator. Another reason was to fill the absence of the Department of Information that had been liquidated by President Wahid. Just like the Press Council, the Broadcast Commission had also be filled by society representatives as a reflection of people’s sovereignty. It was said further:

“This is a long struggle, can such institutions like Broadcast Comission, General Election Comision be accepted by the government in our society system or not?

When I was in a discussion with Americans, I told that our struggle was giving birth to such commissions, but the bureaucracy always opposed to it.. Bureaucratic cylces felt to be competed with the presence of the new institutions and they were  
not ready”. (Interview 6 December 2005).

Widiyanto suggested that many parties played in the Broadcasting Law and they had much interest. First, the government interest. There was the central government and the local government with the spirit of the Local Autonomy Law. If in the local autonomy there was a conflict of interests between the central and the local, it also happened in these Broadcasting Law. Meanwhile, the interest of the central government was also different; there were interests of the Transportation and Telecommunication Department, the interest of the Communication and Information Ministry, the interest of the Domestic Affairs Department. For example, in terms of permits, where did they have to be processed or submitted? Is it to the Transportation Department or where? The Government interests were actually a matter of authority, position and finally it was a matter of money.

Widiyanto who was also a member of the Indonesian Democratic Party in Struggle (PDIP) led by Megawati Soekarnoputri, told that this Broadcast Regulations also became the interests of the party and the capital owner.<sup>47</sup> When this Broadcast Regulations were discussed in the party, there was complaint and sharp conflict occurred, but he held his principle, although the PDIP Faction decided differently, he would oppose. Then he said:

"The capital intervened the factions. The civil society interests also intervened the factions. The government also intervened. The departments did, too. Thus, the factions are the first fronts into which various interests entered. I was strong enough to be filled with various interests. One day, I felt myself because the interventions were extraordinary. If, for example, the capital group approached Tengku Umar (President Megawati's house) because it did not get in Ibu (the address for Megawati), then through Taufik Kemas-TK (Megawati's husband), if it fails, then to TK's subordinates, and so on. The focus was that they asked for the national permit. They also objected to the network. They asked for the representatives in the KPI, each with three persons. Then the validity of the permit. They asked for 70 years. They used the logic of the right to use the building". (Interview, 6 December 2005).

Next, Widiyanto said that the TV permit was only for 10 years and 5 years, because 70 years was very long, until the grand child. As for the advertisement, the percentage of the quantity in the television program was also determined. When 20 percent was given, the capital investors asked for more. It also applied in the relay; they requested many things. The capital investors influenced the members of the People's

<sup>47</sup> In the years 2000-2001 in Indonesia existed and operated 5 national private TV stations: Metro TV, TV7, Trans TV, Lativi, and Global TV each of which competed with the existing stations that had been there before, namely RCTI, Indosiar, SCTV, TPI and ANTV. Metro TV was established by Media Indonesia Group, TV7 by Kompas Group, Jawa Pos founded some local TVs such as those in Batam and Riau. Until July 2003 *RCTI* was still held by Bimantara Citra and Rajawali Corporation that formerly was owned by Bambang Trihatmaja, the son of Soeharto. Metro TV since June 2003 was owned by Surya Paloh (75%), PT Centralindo Pancasaki Cellular (25%). Paloh was a figure of Golkar Party. *ANTV* formerly was owned by Bakrie Investama (60%) and PT Capital Manager Asia (CMA) Indonesia (40%), and by the early of 2002 became Bakrie Investindo (12%), PT CMA (5,33%), and ex creditor (77,6%). Aburizal Bakrie is the owner of Bakrie Group; he was also an important person in Golkar in Soeharto era. The capital of *Lativi* was still occupied by A Latif Corporation owned by Abdul Latif, formerly the minister of workforce in Soeharto era. Trans TV is possessed by Chairul Tanjung, the boss of Bank Mega (see Sudibyo, *Ekonomi Politik Media Penyiaran*, Yogyakarta, LKiS, 2004, p.33-38)

Representative Council, including called him. Even, the Secretary General of the PDIP summoned him because the capital investors had gathered in a place provided by TV7 (Agust Parengkuan). But he asked that the Local Television cycles, for example from Surabaya, was invited. He was asked to listen to the aspirations of the television owners. Although he listened but he did not feel to agree to their suggestions. He said:

"One day the owners of the national TVs went to Bali. They called me, but many of my colleagues were there and they called me telling that they were with the boss (TK) doing this and this ... They thought if it were said by TK or Mr Sucipto (the PDIP leader), I would directly agree. Please accept their ideas .... Ok, ok, I said but just ok and ok .... Until finally I was not welcomed (that was their term) and would be replaced. That was the beginnings of my position as the Chairperson of the Special Committee. But I was successful. Even when I was going to be removed from the membership of the Special Committee, my colleagues said, 'if they replace you, we all retire from the Special Committee' because they did not know about broadcasting. The essence was that the power of the capital was so strong; they wanted to penetrate ... and until now". (Interview, 6 December 2005).

In another interview, Widiyanto explained that the new Broadcasting Law wanted to position the Indonesian broadcast system on a more democratic platform. This means, people have the higher authority than the capital owners do so that more people are needed to own the television or the radio media. One of the methods is by giving an opportunity to the local areas to build the television or the media broadcast. However, during the construction of this Broadcast Regulations 2002, the People's Representative Council opened more opportunity to the presence of the broadcast institutions that were not present and were not accommodated in the Press Regulations year 1997 namely the presence of the community broadcast institution. Thus, in the new Broadcast Regulations there was not only Private Broadcast Institution as the continuation of the Broadcasting Law year 1997; there was also Community Broadcast Institution (Interview, 24 May 2006).

From what Widiyanto said, it can be understood that the construction of the new Broadcast Regulations was a fight between the capital owners, the government, the parliament, and the civil society. The capital owners were the persons behind the

television stations opposing to the policy of the network television and the Indonesian Broadcast Commission (KPI) while such factions in the parliament as the PDIP faction driven by Widiyanto served as the door for various interests, including his own party interest. The protest done by the capital owners with the "National TV Mourning Day" and various maneuvers done to Widiyanto were the efforts to object to the state intervention through the Regulations to be replaced by the market regulation. What happened in Indonesia during the governance of President Megawati Soekarnoputri, even before and after, was not different from the objective of Chile-model liberalization (see Chapter I) especially the television program orientation focusing on the entertainment business. Following the model of a country with the established democracy like the United States of America, the broadcast industry liberalization was meant to increase the rate and to neglect the entertainment of a good quality (Gunther and Mughan, 2000: 13-14).

The significant difference between the printed media and the broadcast media is the use of the public space. If the printed media distributed the messages through various limited channels with the printed medium, the broadcast media used the electromagnetic wave owned by the public (the public goods). The public goods had to be oriented to the public interest and the involved public regulation. Even though the regulation function was done by the state but it was in the context of the public interest to the extent that the state regulation emphasizes and protects the interests of the public and it involves the public elements (Hidayat in Gazali, 2002: 10-11). The rejection of the capital owners to the implementation of the network television and the Indonesian Broadcast Commission remained occurring during the presidency time of Megawati Soekarnoputri. The objection, for example, was stated by Iskandar Siahaan, the Head of Research and Development Department of *SCTV* told to the researcher:

"The KPI was not acknowledged by the Indonesian Television Association (ATVSI), thus their criticism to the television station was always denied. According to the Press Regulations, the KPI has not have that role, even though the KPI issues the Broadcast Attitude Guidelines, but the ATVSI considers all KPI criticisms should not be heard." (Interview, 31 January 2005).

Siahaan also said that even though KPI criticism should not be heard, they still heard the criticism from the society, for example those sent by email. To his opinion, in the future the KPI would give more pressures to the television station due to the government support. By that time the government had not given its support because it still supported the capital owners. Another thing causing the KPI to be rejected was:

"By far their way of working is not fair. For example, they released criticism without sending the criticism to the television station first because we have the right to answer. Thus, they are one sided. The KPI feels like god, findings are directly sent to the press while their findings are often inaccurate so that their pride decreased. During the campaign, for example, they said the TPI to have violated the campaign rules because they broadcasted certain programs, but after being checked they did not broadcast the program. It turned that the KPI did not have the record" (Interview, 31 January 2005).

From the above explanation, it can be concluded that the press independence during transition period of the two presidents was colored with the hostile pattern between the government and the media. Although each president did not do direct repression through legal stipulations, although there was an effort to go that way, but pressures to the media done by the government always happened. In addition to being caused by the euphoria of the media freedom, that relation pattern was also influenced by the characters of each president.

## **Chapter 8**

### **Summary, Conclusions and Outlook**

This is the last chapter, containing summaries, conclusions and expectations. It is started with summary and conclusion of chapter 2 to 6, and then it was completed with summary, conclusion and expectation in chapter 7.

#### **8.1 Theories of Democracy, Press Freedom and Political Communication**

##### **Summary**

Conceptors like Sartori (1962) and Pennock (1979) defined democracy as one form of government, even Diamond (Dwipayana et al., 2003) called it the best government. Meanwhile, liberal democracy refers to control to the state, decisions and sources allocation by elected public officials. However, in the community that was entering the transition process and leaving the authoritarian system that shackled them, the democracy was not yet stable so that it needed consolidation. Following Larry Diamond's idea, democracy consolidation had a number of approaches namely actor (elite) approach, institutional approach, political culture approach and civil society oriented approach (2003). In an actor approach, mutual commitment among the elites is required through coordination mechanism of an institution, related political institutions, and also elite agreement development to enforce state authority limits. In an institutional approach, democracy consolidation must response the challenge of strengthening three types of political institutions: state administrative officials (bureaucracy), representation institution and democratic executives (political party, parliament, and general election

system); and the structures supporting horizontal accountability, constitutionalism, and government based on constitution. Specifically, parliament must have the capacity to formulate constitution, to aggregate public preference, to allocate resources, and to consider petitions and aspiration of the society independently.

Political culture is related to perception, attitude, support, action and beliefs in democracy legitimacy. It is realized in the mass participation as the norm of political life and the tendency to participate in political affairs, based on informative interest in public affairs.

In a community-oriented approach, the government needs such a public that is organized, socialized in norms and values and committed to civil society. This is a social life environment that is organized openly, willingly, self generating, self-financed, autonomous from the state, and bound to common values to express their interests, desires, preferences and ideas. The community requires the state to improve the structure and function of the state, and to encourage the officials to act accountably.

Press freedom serves as the stepping stone for democracy, said Carl J.Friedrich (Alger, 1996:10). This conforms to Robert Dahl's view that at least democracy theory has concern about the process in which citizens use their control over their leaders. Such control is realized in the press freedom namely civil freedom under the law, legalized for special purposes, developed from objective informative democracy. Press independence is the freedom of government interference; press freedom is the right to communicate ideas, opinions and information through written words without any obstacles from the government. And, according to Weaver, three different things in press freedom are: the absence of government control over media, the absence of government control and other controls over media, and in addition to the absence of control over media was also the presence of the situation that is required for insemination of idea and opinion variation for the public such as in accessing newspapers and radio.

Borrowing Milton's idea, there is positive correlation between media freedom and democracy practice. Free press advances democracy by showing the function as a watchdog that monitor the government, preventing the government from over-use of authority and misuse of citizens and political process.

As a communication with political objectives (McNair, 1999), political communication has three forms. First, all forms of communication done by politicians

and other political actors with the objective of achieving certain targets. Second, communication addressed to the actors by non politicians such as constituents and newspaper columnists, and third, communication on these actors and their activities, as reported in news report, editorial, other forms of media discussion on politics. Thus, political communication here means political activities, namely dissemination of messages containing political load by political actors to other parties.

Political communicators play primary social role, especially in public opinion process (Nimmo, 1989). There are three categories of political communicators, namely politicians, professional communicators, and part time professionals or activists. Politicians aim at “influencing reward allocation and changing the existing social structure or preventing changes.” They communicate as representatives of a group, propose and or protect the objective of political interests. Politicians acting as ideologists are more absorbed in determining wider policy objectives, struggling for reform, and even supporting revolutionary changes. They communicate to divert to a direction not to represent a group (Nimmo, 1989:33).

Two other political communicators are professionals and activists. The first communicator exist in the new situation namely the existence of mass media crossing the boundaries of race, ethnics, territory and class to develop national identity awareness and the development of the media. They are editorial writers, columnists, commentators or called as journalists and the other are promoters. These second communicators are people who are paid to promote the interests of certain group, such as publicity agent of important figures, public relations personnel of private organization and the government, government public information official, presidential press secretary, advertising personnel, campaign manager and publicity director of political candidate and other types of symbolic broker (Nimmo, 1989: 37).

## **8.2. Political Communication in Transitional and Industrial Countries**

### **Summary**

There is certain tendency in political communication in industrial and transitional countries. In the United States of America, the First Amendment of its Constitution is an important element in the political system. This amendment gives freedom to media to decide how they will make reports and report a number of news. Press freedom serves as

the primary esteem for media in this country. At the same time, however, the First Amendment also protects paid political speech, controversial issues, as long as the issuing committee spending much money for the campaign of the candidate is executed independently (Perloff, 1998: 11). Another tendency is seen in the monopoly of media ownership. The twentieth century is the era of consolidation, chain corporation or ownership, and media monopoly in many regencies and cities (Quick, 2003). Meanwhile, communication technology advance is shown with Internet booking between 1998 until middle of 2000 and started to decline in 2001.(Dominick, 2007: 272). Relationship between professional communicators and politicians is blend of conflict, cooperation, support and refusal.

In Germany, social political change in the form of Germany unification in 1989-1990 had different atmosphere compared to France, England, or Sweden, because Germany is now in the process of integrating 16 million new citizens into economy, social, and politics (Hancock, et al., 2000). The old regime had over with the establishment of Federal Republic based on the new Basic Law as its constitution. In the new political system, the rights of expression and publication freedom both orally and in written are given without any obstacles, meanwhile press freedom, electronic media reports and films are also guaranteed and there was no censorship. This guarantee is confirmed in the Federal Constitutional Court stating that press freedom and the absence of censorship from the country serves as basic foundation of a democratic country. In a representative democracy, press has the function as permanent mediator and an instrument to monitor the community, those who are elected in parliament, and the government.

The unification encouraged publications in West Germany to move to East Germany and to compete with the old publications. West magazine and tabloid enjoyed big profits and big publications such as BILD started to publish regional edition for East Germany, while many old publications died. In such a condition, a number of new publications sometimes fail to survive with the ‘alternative’ concept. Nevertheless, publication of communist party in the district still survived and proved to be stable. Such big political parties as CDU (Christian Democratic Party) and SPD (Social Democratic Party) in the state (Lander) were the main actors in determining policy for press and broadcasting.

Compared to the United States and Germany, England is a smaller country both in terms of the width of the land and its population. Far different from the condition of news paper media in the United States of America, many national newspapers in England openly and emphatically declared as partisan newspapers (Alger, 1996: 408). Editorial ownership and orientation leads to conservative party and ideology, and there is similar tendency with the United States of America namely towards ownership concentration.

At the beginning of the history, England imposed tight control to the press. It was done with the argument that press freedom was threat for the state safety and stability (Negrine, 1994:20-21). In the course of time, the long tradition of England with its press freedom did not obligate this country to have written regulation even in its constitution. This situation was also weakness because there was no written basic protection for press freedom. Although English press is one of the most independent but the unavailability of written regulation opens the opportunity for government to threat media that is not in the same opinion with it and opens the possibility of censorship.

Philippines, Russia and Hungary as it is Indonesia are transitional countries. In political communication, they have certain tendency. The Philippines had entered political transition first after people power revolution in 1986. At that time media played important role in supporting various society groups to make corrections over various violations done by President Ferdinand Marcos government. One of the prominent media was Veritas radio, which broadcasted during critical period in February 1986. Catholic leader, Cardinal Sin, General Ramos and General Enrile made use of Veritas to express their support to the people. After the authoritarian regime collapsed, the liberal press freedom enjoyed the atmosphere even though the country leaders also tried to make some maneuver to disturb its independence. The constitution of the Philippines expressed firmly that there was no censor for freedom of talking and press independence.

Another interesting tendency in the relationship between the government and media was the involvement of the Philippines government in media, namely in three television stations: RPN-9, IBC-13 and PTV-4. Due to big loss along the last decade, privatization policy was given to RPN-9 and IBC-13.

Russia is called a partial democratic country (Robinson, 2003), because it failed to achieve full democracy consolidation during the last decade. The capacity of the country to address public interests in presidential system was said to be potential damage for

democracy because, among others, it was anti-consensual; political change toward the realm of zero-sum game, and patronage political practice.

Before becoming a Commonwealth country, the Russia united nation embraced totalitarian political system. With such a system, media merely served as the hearing trumpet of the government. In other words, there was no press freedom, no freedom to get public information, no freedom to talk. When the country was independent, Commonwealth was founded; all legal regulations were declared invalid, including provision on press (d'Haenens and Saeys, 1998: 307). Changes in political communication also contributed to democratization process where since 12 December 1993 the new Russian Constitution was agreed including in it press freedom and censorship prohibition (Quick, 2003: 791).

The relationship between the government and media seemed to be prominent by the presidential election on 15 February 1996, just after Yeltsin declared his candidacy for the second time. He laid off RTR director, Oleg Poptsov and accused RTR of "telling a lie", by focusing himself on violence in Chechnya and exaggerated economy difficulty. This is the intervention of the government, even the president himself, to media that is owned by the government (McCormack, 1999: 208).

Hungary was once part of Uni Soviet since 1945. Under the political system of Uni Soviet, Hungary only had a little tradition of media independence. For 45 years, communist government had eliminated anything related to its press freedom (Quick, 2003: 429). The 1949 Constitution of Hungary was amended in 1989 when this country got its independence to guarantee press freedom according to the Clausal XX of Article 61 that, among others, stated "in the Republic of Hungary everybody has the right to express his opinion freely and to have an access to disseminate data to the public (part one). The Republic of Hungary acknowledged and protected press independence (part two)". (Quick, 2003: 432).

## Conclusion

Developed industrial countries such as England, Germany, United States of America embrace democratic politics system with the provision of assurance of freedom expression and press freedom either it is contained in the constitution or not. This system influences the practice of political communication that gives the opportunity for

media to control the government. Nevertheless, the tendency of media ownership concentration may be threatening.

Meanwhile, transitional countries like the Philippines, Russia and Hungary still require consolidation to achieve stable democracy. They amend the constitutions that they consider do not support democracy, including the adoption of the stipulations giving assurance of press freedom. They are also threatened by ownership concentration; or media control by the government. The adaptation process of the new values supporting democracy and freedom to talk and press freedom also influence the execution of press freedom including the relationship between the government and media.

### **8.3. Politics and Media before the Transition of Indonesia**

#### **Summary**

After 350 years of colonization by the Dutch colonialist, the Indonesian independence in the year 1945 started to change social, economy, and political condition. The first president of Indonesia, Soekarno, succeeded in citing nationalism spirit even to international level with the execution of Asia Africa Conference in 1955 in Indonesia. However, economy and education development has not run well before the second president, Soeharto, who in several period applied WW Rostow development policy model. With tight political policy, Soeharto defended his power for more than three decades since 1967 up to 1998. The structure and political role of government actors was so dominant that it colored the culture of society politics. Referring to the categorization of Almond and Powel, Indonesian politic culture falls into parochial politics culture, limited to small area or coverage, and due to differentiation limitedness there was no special or independent political role. In this culture the society tends to be interested in political objects in general, except in a place where they are bound narrowly. What prominent was the awareness of the society members on the existence of political power center (Kantaprawira, 1988 and Wiseman, 1967: 34). This is political culture emphasizing political aesthetics so that it is so difficult to review habits and tendencies prevailing in political attitude (Kleden, 2001). Borrowing the terms of Harold Crouch (1979), it is a tendency of neopatrimonialistic political culture where the country has modern and rationalistic attributes like bureaucracy, but it also shows patrimonialistic attribute. Another tendency in Indonesian political culture is political culture that still

holds paternalism behavior and patrimonial character with the following indicators: bossy or as long as the boss is happy (Kantaprawira, 1988:37).

During Soekarno period (1945-1966) political party grew fast in line with the development of the spirit to fight the colonialists. The General Election of 1955 recorded more than 30 parties and only four gained quite good votes, namely Partai Nasional Indonesia or PNI with 22.3% votes, Masyumi (20.9%), Nahdlatul Ulama or NU (18.4%), and Partai Komunis Indonesia or PKI (16.4%). Indonesian Socialist Party or PSI that brought the flag of intellectual group only gained 2% votes. However, during Soeharto government (1967-1998), only three political parties were allowed, namely Partai Persatuan Pembangunan (PPP), Golongan Karya, and Partai Demokrasi Indonesia (PDI), and Golongan Karya was the ruling party that always won the general election until the collapse of this regime. The government (executives), House of Representatives (legislatives), court (judicative) and all of its officials were also dominated by Golongan Karya, in both central and regional levels.

In addition to government institutions and other components in the society, the authority also imposed limitation to media, for example through Persbreidel Ordonnantie 1931 made by the Dutch colonial. During the governance of Japanese army, the Java-Madura authorities regulated means of publication and communication by Regulation No 16. Some of the articles regulated the validation of publication permit system and preventive censorship. The concept of press as the fourth pillar and the concept of press freedom had different meaning from the original one. External authority tendency to limit or regulate media as stated by McQuail (1991) had lasted since Soekarno era and Soeharto era. This confirms the tendencies of press system in developing countries where the press system tends to follow the press system of the former colony; press in developing countries is in transitional form, still finding the right form or looking for identity so that it is not stable yet; it is required to become "agent of social change" that bears responsibility with the government for the success of the development; even though press freedom is acknowledged but there are limitation in its realization; it is present in the dominance of developed countries and the relationship pattern between press and government tends to blend of libertarian, authoritarian systems and social responsibility (Rahmadi, 1990).

Soeharto government used the renewed Regulation No 4 year 1967 and Regulation No 21 year 1982 to control press. Stipulations of Press Council No 79/XIV/1974 on Press Ideal Counseling Guideline binding the press in executing its duties and the government in its policies to counsel press (Gandhi, 1985). Those all are “realization” of the principle of society freedom to express ideas and opinion both oral and written as stated in Article 28 of Constitution 1945 and Stipulation of People’s Consultative Assembly No IV/1973 on State Directive Guidelines and Regulation No 11 year 1966 on Press Principle Rules. (Gandhi, 1985: 147). Control of television media was also done by the authority through some minister decrees that were more flexible compared to the constitution. This proved the authoritative character of the government that used patrimonial political culture and structure; it was shown, for example, through the Decree of the Minister of Information No 190A year 1987 stating that commercial television was only in Jakarta area but was then revised by the Decree No 111 year 1990. The other control for electronic media especially radio was the obligation to relay news report from the Radio of the Republic of Indonesia (RRI) and at the same time it confirmed that commercial private radios were not allowed to produce their own news.

However, eventually various pressures to media, including the closing down of three magazines, namely Tempo, Editor and Detik in 1994 even made media circle more “united” to oppose and it was realized in the form of, among others, various media and internet reports around May 1998 with regards to so many bad things about Soeharto government.

## Conclusion

Patrimonial political culture and structure became the foundation of the authoritarian political system in both Soekarno and Soeharto government. Even though Soekarno once applied “liberal democracy” system but finally he executed the “guided democracy” that shackled various aspects of society life. Both of them, Soekarno and especially Soeharto also emasculated press freedom through various regulations and minister decrees. Practically, after the independence in 1945, political institutions and media were under the authority control.

### **8.4. Political Communication in the Transition of Indonesia**

The study of politics communication in Indonesia started to proliferate only since political change in 1998 followed by general election of 1999 and 2004 that was initiated by the publication of Press book in "May Revolution", the Collapse of Hegemony by Hidayat et al (2000). This study discussed political, economy macro context, the process of media production and consumption and media content by the end of the New Order. It was discussed, for example, how two television stations, SCTV (Surya Citra Televisi) and Indosiar were reporting bravely the fact of student demonstration compared to TVRI (Television of the Republic of Indonesia) and TPI (Indonesian Education Television) that were considered the most hesitant (Hidayat et al., 2000: 193). One of the theses taken in the discussion was the idea of Golding and Murdock stating that the power of the state and capital owners cannot always use media as their instrument. However, press freedom in the context of press industry was not automatically press freedom that was functional for democratization process. Press industry had been free from authority regime but it was getting impossible to free itself from the hold of the invisible hand of market mechanism (Hidayat et al., 2000: 455).

Another review highlighted media effect in the general election of 2004, both printed and electronic media such as newspapers and television, and also internet, short message service (SMS), polling, and advertisement. From the observation of young media practitioners, it was found that mass media had become one of the authorities having the capability to influence, condition, even orientate perception and public opinion (Luwarso et al., 2004: ix).

Media, culture and politics were investigated by Krishna Sen and David T.Hill (2001). This investigation was done by Sen and Hill and was published in 2000 by Oxford University Press, entitled *Media, Culture and Politics in Indonesia*. Actually, this was the result of research during the period of 1995-1996 when Soeharto government was still powerful. Those two researchers said that, unlike in the West where high culture is over politics and pop culture is below, the government of Indonesia placed media as the vehicle of "national culture". It means that the government applied authoritarian power through media (Sen and Hill, 2001: 13).

Angela Romano (2003) who wrote the book of "Politics and the Press in Indonesia, Understanding an Evolving Political Culture" discussing how the elimination of the state control over the press and other social, political institutions influenced the

work culture and media organization. The only journalist organization in Soeharto era namely Indonesian Journalists Association (PWI) in their meeting in Semarang in 1998 declared their vow to care for any form of new paradigm from reform press model namely commitment to independence, idealism, press freedom and professionalism standard, and to promote non-aggressive ways for the community to solve complaints to press (Romano, 2003: 100).

Such studies give a description that the study of politics communication in Indonesia gets good attention from academicians and media practitioners. This seems to be an indicator that wider open spaces provided by the political system also opens an opportunity for the creation of more participative political culture where the civil society also contributes to the process of democracy.

Indonesia entered the transition time when the right to communicate started to be enjoyed by the society after Soeharto stepped down in May 1998. The shift of the regime resulted in some changes in leadership structure and political policies, including the policy for media. As the part of human rights, the right to communicate is stipulated in the People's Consultative Assembly (MPR) Number XVII/MPR/1998 regulating that everyone has the right to communicate and to get information to develop his personality and social environment. Everyone has the right to find, get, own, keep, process, and deliver information using any kinds of available channels. Regulation Number 39 year 1999 on Human Rights and article 28F of Constitution 1945 amended in 2000 confirmed it and even was used as the base of consideration in Regulation No 40 year 1999 on Press.

Some people define the so called transitional society, for example Samuel Huntington, Carothers, Price and colleagues. Huntington and Carothers saw that transition from non-democratic to democratic country is called transition. Indonesia together with Nigeria, Croatia, and Serbia fall into transitional countries even though their journey direction is not clear yet (Carothers, 2002).

Price, Rozumilowicz, Verhulst (2002) presented a number of political dimensions from democratic transition, for example that mature transition is characterized by the authority to govern effectively by the elected executive officials, and also effective authority of the elected legislative officials, judicial autonomy, expression freedom, the right to associate and to meet; no government control over information, and democratic

government for at least 10 years (Price, Rozumilowicz, Verhulst, 2002: 4). Indonesia is categorized into primary transition country from sultanate regime.

Referring to the opinion of Giuseppe Di Palma (Sahdan, 2004) there are three factors causing the transition to democracy as that happened in South Europe, Asia, Latin America and Africa namely economy welfare and equality, modern social structure and diversification of the ruling middle class, and national culture that accommodates differences, which implied democracy. As Huntington also stated, the reason was because the regime lost legitimacy due to the increase of community sensitivity, the effect of global economy crisis, the increase of people participation, political participation requirement and big demonstration.

Indonesia press played a big role in facilitating the transition to democracy, in bringing Soeharto into his collapse from power (Pit Chen Low, 2003: 25) by disseminating information and giving the votes to people, helping channel pro-democracy movements at the last days of Soeharto regime. For a couple of days in May 1998, private television and newspaper challenged openly the owners and the government that tried to control information through media censorship in the form of pooling, and covered the riots and student demonstration leading to the fall of Soeharto and the birth of free press (Pit Chen Low, 2003: 26). In the new government media kept on executing critical function against the government in the era of Habibie, Abdurrahman Wahid, and Megawati Soekarnoputri.

According to Sahdan (2004), replacement is the right transition type for Indonesia because Soeharto was not able to overcome economy crisis, to recover legitimacy and to minimize the big democratization wave of the oppositions (Sahdan, 2004: 94-95). Some of the characteristics are, among others, the opposing groups against Soeharto were in a very strong position and were able to organize themselves freely; dominant element in Soeharto government was conservative group that refused changes; the opposing groups against Soeharto did not take over the power, because the initiative of handing over the authority came from Soeharto himself in order to keep political stability and mass anarchy.

The existence of Habibie authority brought Indonesia to preliminary politics liberalization phase determining the end of pre-transition. This phase was remarked with redefinition of people's political rights, the occurrence of ungovernability or government

disorganization, instability, and uncertainty. This phase is often called freedom euphoria and politics participation explosion at it happened during Habibie government (Fatah, 2000: 431). Referring to Guillermo O'Donnell and Philippe Schmitter (1993), this is the phase of "the start of transition from authoritarianism to somewhere we do not know". This is the "corridor" of authoritarian regime to transition phase. The end of this passage is general election in 1999 and 2004 and the birth of new regime through more democratic procedure and that has better legitimacy compared to the previous regime, including the elected new government under the leadership of Abdurrahman Wahid and Megawati Soekarnoputri.

Press freedom in Indonesia experienced very important change after Soeharto withdrew in May 1998. Freedom House said that in 1998 the government annulled the ban for press, followed by the growth of new and old publications that covered the first democratic general election since 45 years ([www.freedomhouse.org](http://www.freedomhouse.org)). More importantly was the approval of new Press Regulation by the government and the House of Representatives after marathon discussions in August-September 1999. This new stipulation was legalized on 23 September 1999 in the official Gazette of the Republic of Indonesia Year 1999 Number 166 and Appendix of the Gazette of the Republic Indonesia number 3887. Some considerations accompanied the birth of 1999 Press Regulation , for example: press is one of the instruments to express ideas and opinions; press is important to develop public welfare; press must be "free from" and "free for" executing its journalistic activities; press serves as keeping world peace; the old regulations of the press has not been appropriate and press is born as the mandate of constitution (Panjaitan and Siregar, 2004:2-3).

Some political considerations underlying the establishment of Press Regulation appeared in some stipulations. First, in considerers section, which included universal idea about press freedom. First, press freedom as the realization of people sovereignty second the freedom to express ideas and opinions according to the conscience, and third the right to get information and human rights. Second, the inclusion of the right to get information that had never existed in any legal stipulations in Indonesia. It also includes professional press, legal protection for journalists and press that is free from interference and pressures. These all are consequences of political changes toward democracy that leaves the tendency of being closed and repressive as the characteristic of the previous

politics system. With pressures from civil society motored by Indonesian Press and Broadcasting Society (MPPI), this Press Regulation was finally delivered.

The concept of press freedom in the Press Law consists of two main issues. First, constitution prohibits the establishment of regulation and constitution limiting press freedom. First, press execution should be: a. free from government interference, no regulating execution from the government, b. public and press control the government, not the other way around, c. free from permits, censorship, bridle, d. based on self regulation, for example ethics codes. Second, the state follows press decriminalization legal politics, not criminalizing press. The third issue that is often mandated in various constitutions is the prohibition to establish regulation or constitution limiting press freedom is not present in this Press Law.

### Conclusion

Political communication in transition time was remarked by the presence of political changes especially by the openness for media to influence and direct public perception freely. There was also work culture changes of the journalists, which used to be the instruments of the authority; then they had awareness on the new paradigm that was committed to independence, idealism, press freedom and the expectation to improve professionalism. This phenomenon followed the idea of such experts as Price, Rozulmilowicz and Verhults (2000) that democracy transition requires press freedom, the rights to organize and to meet, and no control over information. Press Regulation that was established during the transition of Indonesia confirms two main issues. First, press execution is free from government interference where public and press should even control the government, no permits is applicable, no censorship and to be based more on self regulation, for example in Ethics Codes. Second, pres criminalization law is not applicable in democratic society.

### **8.5 Press Freedom, Media and the Press Law in the Period of BJ Habibie Summary**

The government of President BJ Habibie was the first transitional government after the fall of Soeharto in May 1998. During his presidency, Habibie wanted to show himself as a reformist president, executing political reform. With political burden as a

person close to Soeharto, BJ Habibie tried to perform as an open and educated figure, by eliminating legal stipulations hampering press freedom in Soeharto era and ratifying new Press Law.

In his government, the relations between the government and media ran more healthily because the elimination of press license resulted in the existence of the new radio and television stations and printed media. Even though the Press Law had not been ratified, mass media had been able to express people's voice, demand for political change and criticism to Habibie government. Such press freedom euphoria could not be understood well by a number of government officials, society and media circle. Several officials who felt to be harmed by press reports submitted claims to the court, using the Criminal Code (KUHP). On one hand, this phenomenon showed that part of the government officials both civil and military still felt uncomfortable with media criticisms. On the other hand, media circle could not show them as professional workers, obeying media ethics, did not make judgment through media.

Research using content analysis found out how Kompas as one of the most influencing newspapers reported on the draft of the new Press Law. Kompas presented more live reports rather than features. This could be understood because live reports fulfilled the rules of news values such as the significance of public interest, presenting prominent informants like the ministers and the members of House of Representatives, and the issues were in line with the political current of that time namely the draft of Press Law. Kompas also presented a number of certain informants that Dan Nimmo called them communicators and activists, namely politicians and activists of Non Government Organization. It meant that Kompas placed itself as the channel for activists who pushed the ratification of this Press Law. The reason was that this Law would give guarantee for press freedom and gave room for democratization.

However, through the analysis on the minute or the results of the meeting of the Special Committee of the House of Representatives discussing this draft, it was found the conflict of interests between a number of elements, such as military, political parties and media circle. They could be said to represent the groups of pro status quo and pro change. Military tended to object to the new idea that gave freedom to media; on the contrary, political parties and media agreed to the new stipulations supporting press freedom. Through analysis of the text of the meeting minute, it was found some

important issues being the characters of press freedom in this Law, for example the issue of press freedom as the main issue, followed by legal protection for journalists, the prohibition to publish, trial by the press, foreign capital, and independent Press Council.

## Conclusion

It can be concluded that during the era of President BJ Habibie government, the government opened the room for press freedom as the path for democratization. Although bearing political burden adhering to Soeharto, President BJ Habibie wanted to appear as an open and pro-change figure. Through the Minister of Information namely Muhammad Yunus Yosfiah who was a military general, this first transitional government introduced healthier political communication, opened rooms to channel information and various opinions. The government tried to execute structure change and participative political culture in line with democracy.

However, the change of political culture cannot automatically be done, for example the culture of being open to criticism. The presence of legal claims to media by civil and military officials showed that criticizing had not been agreeable culture. This also described that media had not had professional working culture based on media ethics, did not make judgment, reported objectively, let loose freedom.

Meanwhile, the Kompas daily taken as the representative of printed media that reported the discussion of draft of this Law tended to give positive support to the new Press Law. Kompas also reported the opinions of politicians in the House of Representatives and in the government who expected the immediate completion of this Law. Kompas even served as a kind of channel for the activists to push the ratification of this Law. The argument was the same, with the new Press Law then press freedom would be respected, and be executed. The involvement of Jakob Oetama, the president of Kompas, in pushing such demand could be said to represent the expectation of Kompas to be out of various oppressions during Soeharto era.

From the discussion process of the draft of Press Law in the House of Representatives it could be concluded that this new stipulations for press served as an effort to take revenge on the trauma of press oppression during Soeharto government. For political parties, supporting press freedom could not be avoided in such a situation

full of pressures against pro status quo groups. For media, and those joining MPPI, press freedom was something real.

In political transition period in Indonesia especially in Habibie era, the relationship between politics, society and media was seen in the discussion process of the draft of Press Law. The beginning of transition time could produce legal stipulations for media that took side for information openness and press freedom.

## **8.6. Press Freedom under Abdurrahman Wahid and Megawati Soekarnoputri**

### Summary

After being free from colonialism, Indonesia practiced democratic government system in a relatively short period namely liberal parliamentary government system (1950-1959) in Soekarno era and democratic government system after Soeharto (1998-now). Multi party system and relatively fair and competitive general election were primarily characteristics of those two democratic systems.

After the Soeharto government, political transition to democratic system was done by four governments under President BJ Habibie (21 May 1998 - 20 October 1999), President Abdurrahman Wahid (20 October 1999 - 23 July 2001), President Megawati Soekarnoputri (23 July 2001 - 20 October 2004) and President Susilo Bambang Yudhoyono (2004 – now). As it was under the government of BJ Habibie, two previous governments were also in unstable democratic system and no strong political, social consensus was present. However, some conditions as meant by Price et al (2002: 60) had been realized, including the press freedom. After the annulment of press censorship law by the government of BJ Habibie, it was followed by the birth of the liberal Press Law, which prohibited various pressures, obstacles, censorship to press, the formation of independent journalist association, and independent press council.

President Abdurrahman Wahid dismissed Department of Information that had become the censorship institution during the New Order period so that press enjoyed the freedom to execute its duties, especially in criticizing the government policy. In the time of President Megawati Soekarnoputri, the 2002 Broadcasting Regulation was legalized to replace the undemocratic Broadcasting Regulation of the year 1997. After the legalization of this Broadcasting Regulation, however, Indonesian television industry was

increasingly controlled by the capital owners who were not willing to obey new stipulations. Moreover, television programs were dominated by unqualified, unhealthy, non-educative entertainments. Gossips were made reports, looking for mistakes, doing pressures, dramatization, opinion, unclear media use, opening privacy and blurring profession (Syahputra, 2006: 169-193).

### Press Freedom in the Era of President Abdurrahman Wahid

The election of Abdurrahman Wahid who is well known as Gus Dur as a president shocked various parties since he did not come from the winning party of the general election in 1999. His presence created a number of hopes for the democratization process because he was already popular as a pro-democracy figure in Soeharto time. Short after his official legitimacy, he dismissed the Department of Information, a government institution that controlled media much. This policy by Gus Dur smoothed the path for press pioneered by BJ Habibie with the approval of Regulation No. 40 year 1999 on Press in September 1999. As the “replacement” for Department of Information, Gus Dur established National Information and Communication Agent (BIKN) with some functions such as determining the policy in national information and communication services; information and communication services to the society; and the function of activities coordination. President Gus Dur seemed to reduce and even to eliminate the entire rights of the Department of Information as it was practiced in the New Order. However, press freedom was only one of the pillars for democracy. Without the performance of other political parties, such as legislative and judicative, democratic government would not run well.

Press freedom in Gus Dur era was colored by personal character of the president that was full of controversy and his close relationship with his proponents. This resulted in the relationship between Gus Dur government and media not as harmonious as when he was a public figure, and it even tended to be in a hostile. Adhi M. Massardi, one of the spokespersons of President Abdurrahman Wahid said that in Gus Dur era press did not side with him but Gus Dur defended himself as the president. Although press reported negatively about Gus Dur, he did not care about it. Anarchic action done by his proponents by occupying media office that was considered to have “humiliated” or “insulted” Gus Dur also made relational tension with media.

Just before the Accountability Report as a President in the parliament in July 2001 disharmony between the President and media worsened. This situation was resulted not only from the stubborn and controversial character of Gus Dur, but also that media itself was joyful by giving big portion to political news, including various talkshow in televisions. Media often broadcasted informants with strong voices so that it created conflicts in the society. Wars of statements between party figures in parliament and President Wahid were often reported by media.

In such freedom atmosphere President Wahid often became the object of media criticism so that once he warned the press, for example on 27 January 2001, he said that the press performance was not of good quality. Press was said to prioritize sensation than facts, reports objectivity and accuracy, and he asked media to cool mind, not to fire people's emotions (*Kompas*, 13 March 2001). Once, Gus Dur also intervened TVRI by calling the Chief Director, Chairul Zen, and asked him to execute censorship against broadcasts that were out of control, full of blasphemy and attacks against presidential institution (Sudibyo in Zaka, 2002:259). President Wahid also had the initiative to make Media Controlling Team led by Luhut Pangaribuan and Harun Al Rasyid so that it caused concerns from various parties, including Atmakusumah, the Chairman of Press Council 2001-2003.

Independent Journalist Alliance (AJI) noted, during the period of 3 May 2000 to 3 May 2001, there were 99 disturbance cases to the journalists and their media. Out of the 99 cases, 41 cases were pressures done by government officials to various media in Indonesia. Most of the government officials were policemen, court officials, army, presidential secretariats, parliament members, army generals, and the officers of the attorney office (Solahudin et al., 2001:35-73).

The issue of media professionalism became an important factor in the press freedom in the era of President Wahid. On one hand, media considered Gus Dur not to have the sense of crisis, playful with laws and was not consistent (Sudibyo in Zaka, 2002:229-238). On the other hand, media itself did not fulfill basic rules of journalism while reporting Gus Dur (Sudibyo in Zaka, 2002: 252-255). Nonetheless, media seriously placed itself as the controller of government power, writing sharply. For example, with the editorial of Watchdog Model, *Kompas* wrote intelligently to motivate the readers to think and formulate their opinions about the actions of the figure as the

holder of the highest executive power in Indonesia (Sularto, 2002: 72). There was the democratic potential of media to create public space as described by Habermas as an arena where all members of the society were interacting, sharing ideas and debating on public affairs, without fearing the intervention of the economy or political authorities (Sudibyo in Zaka, 2002: 242).

As a President, Gus Dur's past habit to express controversial comments was still done. On one side, he cleared the path for press freedom by dismissing Department of Information, but he also often accused the press of twisting. The proposal to annul the Decree of People's Consultative Assembly number XXV/1966 related to the prohibition of the dissemination of marxism-communism-leninism, the dismissal of Hamzah Has, Jusuf Kalla, and Laksamana Sukardi from the ministry positions and Suroyo Bimantoro (Head of the Indonesian Police) resulted in commotion in media and the society. The dismissal of General Police Suroyo Bimantoro triggered the acceleration of Special Session of the People's Consultative Assembly and the Army/Police fraction with 38 chairs in the People's Consultative Assembly (Zada, K.ed, 2002:213).

On the other hand, however, in addition to Gus Dur character, media performance contributed to the worsening relations between President Wahid's government and media. Some examples were *Gebyar BCA* program in *Indosiar* television on 23 October 1999 presenting the Bagito comedians. In order to make the audience in the studio and at home laughed, Bagito expressed Gus Dur's physical disability. Instead of burst of laugh they received but the anger of Nahdlatul Ulama (NU) mass, and the requirement to both Bagito and *Indosiar* to apologize. Although the humorist Gus Dur expressed his famous statement: "Why should bother?" in responding to Bagito humor, NU mass occupied *Indosiar* and considered Bagito humor as humiliation against their leader (Nurudin, 2003: 103).

#### Press Freedom in the Period of President Megawati Soekarnoputri

Megawati Soekarnoputri, the first daughter of Soekarno, finally was chosen to replace Abdurrahman Wahid as the president after he was dismissed on the way. Among the two presidents after Soeharto namely BJ Habibie and Wahid, Megawati Soekarnoputri had distinct difference, especially from the view point of her willingness to talk to media. If BJ Habibie could spend hours to have a chat with media, Gus Dur could

express various unwritten statements, Megawati was even economical in words and tended to keep silent. If President BJ Habibie had Dewi Fortuna Anwar as her spokesperson, President Wahid had several spokespersons including Adhi M.Massardi, President Soekarnoputri did not appoint anyone as her spokespersons. If BJ Habibie and Gus Dur were familiar with criticisms, Mega was not. The chief editor of *Media Indonesia*, Saur Hutabarat, said that Soekarnoputri was not familiar with criticism. So, criticism to Megawati must be expressed in different way, not direct frontal as before (Wardhana in Zada, 2002: 277).

Responding to protests from the society, Soekarnoputri government called the police department (*Sinar Harapan*, 2 July 2002). In Soekarnoputri era, violence against journalists occurred often. According to the record of the Coalition of Anti Violence against Journalists from the period of 3 May 2001 until 3 May 2002, there were 118 violence cases took place that injured press freedom in the form of 58 physical violence cases (*Sinar Harapan*, 5 July 2002). The President, who was represented by the State Secretary, accused the press of being “slipped” when their controversial comments were confirmed by media (*Sinar Harapan*, 14 February 2002). However, Soekarnoputri dared to criticize the press that was only able to give criticisms but did not give solutions.

One of the most important tests for the press freedom in Soekarnoputri era was the establishment process of the new Broadcasting Regulation to replace the Broadcasting Regulation of the year 1997. There was conflict of interest between the government, civil society and capital owners. The television media circle that was represented by the Indonesian Private Television Association concerned with the obligation to build transmissions in the regions. Besides, they refused the authority of the Indonesian Broadcasting Commission that was too big, including the authority to annul broadcasting permit and to establish code of conduct (Sudibyo, 2004: 75).

During Megawati Soekarnoputri government, the practice and struggle for press freedom concept especially for television media still took place between the government, civil society and capital owners of media industry.

As it was in the periods of the previous two presidents, the relations between the government and media in Soekarnoputri period also tended to be in a hostile. What made it different was the role of the Press Council. In this period, the independent Press Council served as the mediator between the government and various parties that felt to be

harmed by media reports. A number of complaints and protests against media performance could be overcome through the meeting of the two parties and the Press Council.

The Press Council Institution that was legalized by the Press Law in 1999 started to function since the year 2000, handling the reports that were not objective, bias, unfair, containing prejudice, or inaccurate (*Kompas*, 10 February 2003). The first Press Council (2000-2003) was led by Atmakusumah Astraatmadja, which from April 2000 to January 2004 had solved 449 of denunciation letters. This indicated that Press Council could serve as the most reliable institution for those who were harmed by the media. Besides, there was awareness increase of the government and the society to use constructive ways to solve problems with media. This condition also showed that Press Law started to be known and understood by some parts of the circles. The Press Council took various actions such as socialization of this Press Law to the cities, especially to meet strategic groups such as court, police department, education, government, and media circle itself. On the other hand, the requirement of legal protection for journalists showed the persistence of the pressures over the press done by the state officials and the society.

The tense relation between the president and media was proposed to be bridged by the presence of president spokesperson. However, it was refused by Soekarnoputri. One of her politics advisor, Cornelis Lay, said the President was traumatic with the model of Gus Dur's spokesperson. It was said that Soekarnoputri was dumb founded to find the spokesperson of Gus Dur who stated something that was too far different from what was meant by Gus Dur. Cornelis Lay evaluated that the relation between Soekarnoputri government and media was a relationship where there was no understanding one to each other. Even, when there was an effort to meet the media leaders, understanding often took place.

The practices of press freedom and relation pattern between the government and media can be learned in the discussion of the Broadcasting Regulation 2002. There were a number of interested parties, namely industry, government and civil society. Bimo Nugroho Sekundatmo, one of the members of Indonesian Broadcasting Commission (Head Office) said that each party had different concepts that did not meet one to each other. (Interview 30 August 2005).

A number of points from the civil society tended more to the civil society, for example the regulation of the society representatives was entered in this Regulation. That included the presence of Community Broadcasting Institution and local broadcasting strengthening. The Article that was beneficial for the government was, for example the article on Common Stipulation with the Government. The group of capital owners in television industry tried hard not to harm their interest. One of the arrangers of this Regulation, Paulus Widiyanto, said that the Broadcasting Regulation 2002 tried to rearrange the Broadcasting System in Indonesia. Thus, in the Broadcasting Regulation No 32 year 2002 there was no national television anymore, the only national television was TVRI. Meanwhile, the existing 10 TV stations could be broadcast nationally; they had to be in a network. This decision, however, was refused by capital owners in private televisions. As what Sekundatmo did, Widiyanto also read that the establishment of this Broadcasting Regulation was a competition of capital owners, government, parliament, and civil society. Capital owners were those behind the television stations that refused the policy of network television and the Indonesian Broadcasting Commission (KPI) while the fraction in the parliament such as PDIP fraction motored by Widiyanto served as the door for various interests, including the interest of his own party.

### Conclusion

In the government periods of President Abdurrahman Wahid and Megawati Soekarnoputri, the condition of press freedom was colored by tension atmosphere between the government and media. One of the causes of such tension was personal character of each president in responding various media reports and the professionalism of the media itself. President Wahid who had cleared the path for press freedom dismissed the Department of Information turned to be fond of expressing controversial comments and statements. Consequently, he often became the target of media; even finally he felt to be abandoned by media that he had “helped”. The style of Gus Dur leadership that did not care much about political bureaucracy finally caused him to be sent down by his political opponents in parliament.

Meanwhile, the closed style of President Soekarnoputri to media also made her relationship tended to be distant and in a hostile. Just like the tendency of the previous president, Soekarnoputri also criticized the press that was only able to criticize without

giving solutions. The tension between media and the government, however, could be bridged by the Press Council that ran its function quite well. In her era, press freedom was also colored by conflict of interest between the government, capital owners and civil society circle.

### **8.7. The Indonesian Press System: A Reflection and Outlook**

With as long as 7 years of experience of transition period, has the proper press system for Indonesia been found? Did Press Law no. 40 year 1999 and Broadcasting Law no. 32 year 2002 give the direction for the formation of new Indonesian press? This is not an easy question to answer. First it was due to that 7 years of experience was not sufficient to result in a “press system”. The second reason was that for more than half a century in the life of Indonesian press, the embraced model was the limiting one, repressive style. The third reason, the culture of Indonesian politics was not clear as well. Thus, what happened during these 7 years was just an experiment of press system or an experiment of press independence.

The initiators of Press Law and those who gave the idea of “communication and information independence” as it was accommodated in Chapter 28F of Amended UUD 1945 such as Leo Sabam Batubara and the other members of MPPI seemed to be eager to pass the liberal model in the system of Indonesian media. However, some of the requirements were not fulfilled. For example, the prohibition to make stipulations and regulations that limited press independence to be stated in Indonesian Constitution like the First Amendment of the United States of America. The problem was that entering the clause of the prohibition, changing of amending the Constitution was not an easy political problem compared to the early time of the transition in 1999-2000. At that time, political euphoria of the elites was still so high that those who wanted to be said as reformists, pro-democracy, and the like “easily” agreed to new ideas. Various political changes after the period seemed to experience stagnation. This was due to more discussion, debate, or even quarrel among the elites rather than doing real things, for example how to exterminate corruption. In addition to debate and discussion, a number of stipulations had been produced to overcome or to prevent corruption, but corruption

was becoming even worse, and was even done by government officials and other politicians. Press independence also experiences stagnance because it did not result in changes. The Indonesia media remain constrained by growing legal restrictions, as well as by continuing threats and violence directed at journalists (Karlekar, 2003: 92). What was written by media, for example about corruption, Human Rights violation, bad behavior of legal officer, poverty, poor education management, did not bring effects in the form of investigation and serious improvement by authorized parties. It meant that the fourth estate that also underlined liberal model only stayed on concept. Press or media did not function entirely as the fourth pillar estate of democracy because it did not bring any changes. On the political estates such as executive, legislative, and judicial had not trusted press so that most of press findings were not considered. The government or state did not move.

The situation was made worse by strong influence of the capital in mass media industry. Various efforts to manage television industry experienced quite serious oppositions. Television programs such as electronic cinema or known as *sinetron* being favored show, infotainment of celebrity gossips, criminal reports, dominated television stations in Indonesia. Almost all of 11 television stations broadcasted such programs everyday. Essentially, such programs were so far from communication ethics or mass media ethics. There was almost no benefits that the public obtained from watching *sinetron* and criminal reports that were full of mental and physical violence in addition to wasting time unproductively. What benefits we should benefit from the gossip of the celebrities who were married and then got divorced? The advertisements broadcasted by media also had inseminated consumptive attitude of the society in either the higher level, lower level, both old or especially the young generation. Ironically, the Indonesian Broadcast Commission Institution (central) or KPI in Jakarta and similar institution in the local areas did not play maximum role either. First, it was due to rejection by media industry to their inputs, warnings and criticism. Second, social support at it was mandated by Press Law to control media was so little. The end of this problem was the attitude and behavior of the citizens that did not base on democratic values. That democratic attitude and culture was not easily obtained from schools. The democratic attitude, values, and ideas might be taught in education institutions but they were not found in daily life practices. Norms of honesty, appreciation to human beings, appreciation to differences

of religion, ethnics, ideology, independence and responsibility, were not taught in televisions. On the other hand, most of media and press cycles did not have professional attitude and traditions such as attaching to ethics, keeping neutrality, being discipline to accuracy, averting sensation. Sometimes, a number of parties related the low professionalism of media to their low prosperity. This is similar to Lipset's theory of democracy, that democracy had to be based on economy. In Indonesian metaphor, democracy does not work if the stomach is hungry. Is it true?

If it still based on liberal concept that was going to implemented in current Indonesian press system, the problems did not come from Constitution only, but also from the operations of the stipulations in Press Law and Broadcasting Law. In certain step, the implementation of certain stipulations in Press Regulations was relatively more real dan rational than the stipulations in Broadcast Regulations. For example, how broadcasting could develop awareness of legal obedience and national discipline in Chapter 4 article (2e) if examples for this were difficult to obtain from government cycles. How could broadcasting prevent monopoly of ownership and support health competition in broadcast sector if economy consideration and entertainment business were more dominant than social and educational considerations for the society as it was stated in Chapter 4 article (2g)? How dis broadcasting encourage the improvement of society economy sufficiency, realize even distribution, and strengthen nation competition power in globalization era (Chapter 4 article (2h)) if the government could not do that? Other problems actually came from media cycle itself namely how serious they built a professional media industry that was based on universal communication ethics? How human resource was recruited, trained, and its quality was improve? In social or public level the problem was very basic that was related to government task namely how to improve their education level so that they became rational audience?

The way out that might be able to be offered was starting from limited group, people and institution who had commitment on democratic values. Initiative was not only from civil society and media, but it had to be supported by the government and business sector. Building democratic press sytem was started from institutions or media industry who agreed to media ethics, appreciation to human beings, dissemination of enlightening information. Even though according to Press Council the number of

professional press was only around 30 percent but from there the building of liberal press could be started and its capability was improved.

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## Appendices

1. Interview with Adhie M. Massardi, a spokesman of President Abdurrahman Wahid, Jakarta, August 3, 2005

**Question (Q):** Was the formulation of Freedom of the Press during the era of Gus Dur changed?

**Answer (A):** Nothing was changed in the formulation of Freedom of the Press. What really changed was the atmosphere, where the institutions that had formerly retained the freedom of the press were pulled out. Everything was not clear so that the freedom of the press could not be blocked anymore. But the danger was that the public themselves that have been threatening the freedom of the press, not only in the beginning of the reform era (1998) but up to now (August, 2005).

In the case of Ahmadiyah (that was attacked by the group that considered Ahmadiyah as an Islamic heresy), all kinds of media were in favor for it. The press itself is dancing freely on the stage. There is no dancer, there is no musician.

The freedom of the press exists or is meaningful when it has some meaning for the public. The press as the fourth estate will loose its meaning when the three other estates, namely the legislative, executive, and judicial bodies, do not exist. So the press cannot stand alone.

The example is the issue of corruption at the General Election Committee (KPU, Komisi Pemilihan Umum). For these last two years, has been yelling loudly but there has been no result (because the three other estates did not make any movement). Another example is the corruption case of Akbar Tanjung. The press was also yelling loudly when the judicial body did not pay any attention, so there was no result at all. There was a general misunderstanding that the press as the fourth estate can stand alone without the three other estates. While in fact, as long as the public do not pay attention to the information from the media, then there will be no influence for the press.

**Q:** What was the position of the press during the era of Gus Dur?

**A:** During the era of Gus Dur, the press was not in favor for him, but Gus Dur was still the President. So, Gus Dur assumed the presidency not because of the system but because of the political system. The evidence is that after Gus Dur was out of his office, he has still been well respected, not like other former presidents, for example Suharto. I remember a writing by Jose Rizal, ‘The duty of the press is to lift up the oppressed to the altar of the temple and to wait to find out whether there is anybody who will pay an attention to the person or not.’

**Q:** What was the position of Gus Dur to the press?

**A:** The press always said the bad things about him but he said, ‘Don’t think too much about it, because the press only pays its attention to the educated, the middle class, and the rational ones. The way is just prove that what the press writes is wrong’. Unfortunately we did not have the chance to prove it. But the lower class was not influenced, because they did not believe what the press said. The evidence is that at the time the harvest was good, and agricultural produce was good.

**Q:** Was it true that Gus Dur was down because of the press?

**A:** Absolutely not. Gus Dur was not down because of the press. It was because of the General Assembly (MPR, Majelis Permusyawaratan Rakyat). Not because of Aryati (a woman), not because of Bulog (financial abuse), but because of the Kapolri. Up to now, no one has questioned about Bulog or Aryati.

**Q:** Why did Gus Dur leave the press free?

**A:** To let the press to stand in favor of him, to disclose the problems of the nation, to let the President take an action. To act on behalf of the people, not to deny his political commitment. For example, when Gus Dur sacked Wiranto. So the press had to disclose the problems of the nation then Gus Dur would take the necessary actions. But the press did not understand what Gus Dur wanted. Another example. The decision of the MPR on the teaching of Marxism and Leninism was proposed to be revoked by Gus Dur. At the

time the press did not back him. The press was only following the current political flow. The press was busy enjoying its freedom to criticize the authority.

**Q:** Why did the press treat him like that?

**A:** Because Gus Dur was the president that should be criticized when in during the era of Suharto the press had not been possible to do it. While during the era of Gus Dur, the political power of Suharto was still in Senayan (the House of Representatives). ‘We are just enjoying the freedom of the press and the press is still learning, so it is quite acceptable if there are mistakes. But there will be no result if this (bad) press is restrained. This is a learning process’, said Gus Dur.

**Q:** Was there any problem between Gus Dur and the press (media) in his era?

**A:** Gus Dur was mad at Kompas and CSIS (the Center for Strategic and International Studies) because he (Gus Dur) had to back them but the two institutions in fact also hit him like other media.

**Q:** What was the situation after the existence of the Press Act?

**A:** There has been no progress or benefit other than that with the Press Act it is very easy to make a press publication because there is no more licensing and this makes the press industry grow. In fact, the press was really good when there was the SIUPP (the press business license). The Watergate Scandal in the United States, for instance, was good not because it made the President Nixon down, but because of its investigation findings. The current freedom of the press is somewhat better because there are some functioning legal instruments. An example of the failure of the press is in the case of Akbar Tanjung’s corruption. Every press institution was undressing him but when in fact the law left him free, then there was no result from the press.

2. Amir Effendi Siregar, a member of the Press Council term of 2001-2003, Jakarta, January 31, 2005

**Question (Q):** What was the changing process of the relationship between the media and politics by May 1998?

**Answer (A):** From a political point of view, the pressure against Soeharto was too hard. The political pressure, then the economic pressure, all flowed into the media. Political dissatisfaction, economic dissatisfaction, both could not be prevented any more. The political pressure was so strong, and the trigger was the economic pressure. Push till drop, then Soeharto fell down. It was in 1998. Here the role of the media was incredible. Even the media of Soeharto himself. Anybody's media. Print media, anything, all was pushing him (Soeharto) down in 1998. So, in fact the media at the time was very much free, because of the two pressures (against Soeharto). What is interesting here is the period of 1998 onward. Our colleagues who were concerned about this moment as the opportunity for a change then formed what was called the Indonesian Press Community (MPI, Masyarakat Pers Indonesia). This was to take the momentum of change particularly in the media. From a structural point of view, this aspect was changing, also the political aspect, the economic aspect, and any aspect. And in the process, the first draft was the press act. And this happened right after May 1998. Immediately. Here we joined together, all of us. I was there too. The figures of the MPI, if you want to name, included Leo (Batubara), Ridlo Eisyi, Mr. Suryana (passed away), and the Association of Press Publishers (SPS, Serikat Penerbit Pers) as its center. Everything was conducted at the SPS. The Ministry of Information (Deppen) was still there, and the role of Mr. Yunus Yosfiah was great. He invited press figures, and also many kinds of figures, every organization was involved. But in my opinion, it was only the MPI whose democratization concept was clear.

Why did they want to directly prepare the draft of the Press Act? It was to make the democratization process guaranteed by the law. While the process itself had in fact been running. At the time, in the draft of the Act, to save the electronic media, in the section about press, it was said that the 'press' as a journalistic work did not only include the

print media but also the electronic media. This was deliberately included to guarantee the democratization process among journalists of the electronic media. This was deliberately included to provide a legal guarantee for the democratization process (Then he read the section 1 of the Press Act).

Then in 1999, there was enacted the Press Act, though there had been a Mass Media Act that would cover everything, but the one passed was the Press Act. Because we talked about the Press Act, the Mass Media Act, the Broadcasting Act, our friends at the MPI changed the name to be the Indonesian Press and Broadcasting Community (MPPI, Masyarakat Pers dan Penyiaran Indonesia). Then came up the names such as Zainal Suryokusumo, Kukuh Sanyoto, Bahrul Alam. These people worked on the process of the Broadcasting Act that was passed in 2002 / 2003, though in fact it had long been discussed back to 1999. This is the transitional process. This is the outline of the story. This Press Act covers any journalistic activity, not only in the print media but also in the electronic media. While, the Broadcasting Act covers everything. It covers the whole context. For instance, electronic cinema (cinetron), film, airing time. But to help our colleagues in the electronic media to have the freedom in presenting journalistic news, the reference should also come from here (the Press Act).

**Q:** There were discussions / arguments in the process of preparing the draft of the Press Act. Would you please tell me what do you mean with the freedom of the press?

**A:** For us, the concept about it is clear. To be a democratic nation, it is a must that there has to be a freedom of the press. There can never be a democracy without freedom of the press. In an academic language, freedom of the press is one of human rights. In practice, freedom of the press does not only belong to the press people but also to the general public. There the concept is being sharpened and clarified.

**Q:** Had the concept been clear right from the start or through a process?

**A:** For this group (MPI), the concept had been clear right from the start. We have to use this momentum to arrive at democracy. If this is not well maintained then it will be like the pendulum of a clock. It can swing to the left and to the right like what happened in 1966 that looked as if it was democratic but after the consolidation of political power

then it swung back to the authoritarian. This is what has to be well maintained with full awareness.

**Q:** What is the reference of freedom of the press?

**A:** It is clear that our initial reference was liberal. It was an antithesis to the repressive press system. We had to go to the liberal one, though in the process of preparation there was a pull and push. Some people were not yet ready to be democratic. Our society was not ready for democracy. That was the case. On a philosophical level, if you want to be democratic then you have to trust the people. It is a fixed price. If you do not trust the people, never ever hope to build democracy.)

**Q:** What was the position of the government at the time?

**A:** In the beginning, everyone wanted to be a reformist. We could easily lobby the House of Representatives (DPR), because the DPR also wanted to be reformist to go to democracy. The more severe problem was even after the election. The easiest DPR to negotiate was the DPR of the 1998 era, because the DPR wanted to change its image instantly to be democratic. Everyone follows the wind. But then what we found was the new elected members of the DPR (from the 1999 general election) who thought that they had more legitimacy. Here came up argument that the people were not ready for democracy.

**Q:** Can you tell me the members of the DPR who followed the wind of reformation?

**A:** Everybody ... even Harmoko (former Minister of Information during Soeharto periods). So the Press Act was not so difficult to negotiate at the time (1998–1999).

**Q:** Who were included in the Special Committee (Pansus) for the Press Bill of the DPR?

**A:** Here we can see the role of Mr. Yunus Yosfiah who accelerated the process. He was the one who received the draft. When UNESCO people came, he welcomed. We also got in. Even the MPPI was also a part of his team. It was really incredible. Because of the political psychology that everything could go on easily. Well it is interesting to analyze ... the political psychology. The members of the Special Committee included Bambang Sadono, Effendi Choirie (also a member of the Broadcasting Bill), and Joko Susilo who

was also a member of the Broadcasting Bill). In the context of the Press Bill, we talked with the whole fractions of the DPR. That is why the process was so fast. But for this context, you should interview Mr. Leo Batubara. His role was so vital in the Press Bill. Also Mr. Ridlo.

**Q:** Back to the discussion about the Press Act, how this Act can answer the opinion that our press has crossed the line?

**A:** (He was reading the Press Act). Here it is written. A journalist is free to join any journalist organization. Journalists have and obey a journalistic code of ethics. This is the thing that controls everything that may cross the line. So, this Act should be read in one single package with the code of ethics. Even here the press reserves the answering right; the press reserves the correction right. The argument was about whether such an ethic could be included in the Act or not. When there was an item raised, there was an answering right. The correction right should be an ethic. It should also be included in the Act. Second, one has to obey a code of ethics. This is very much close with professionalism to make journalists in control. But the question is who made the code of ethics. The journalists themselves, not the Law / the DPR. After being made by the journalists and being endorsed by the Press Council, then the code of ethics becomes one with the Act. And this is binding in nature. So if you read this Act, you will find that this Act is very great. It is a breakthrough. You cannot read the Press Act in separation from the Code of Ethics of Indonesian Journalists (KEWI, Kode Etik Wartawan Indonesia), because the KEWI is a part of the Act. What is interesting here is that the KEWI did not come from the DPR but from the journalists themselves.

**Q:** Well that is the great spirit in preparing the Press Act. In the course of time during the transition period, how have the freedom of the press and the Press Act been going?

**A:** That is why some people say that the press has crossed the line or has been wrong. We are not ready for democracy. It is in the course of time, and some people want to revise it. Even they want to change much in the revision. While in fact this is a blessing in disguise. Why? Because this can control those unprofessional things, by referring that the journalists have to comply with the code of ethics. The difference is that in other democratic nations, there are some of those nations that do not have a press act. But their

legal system has guaranteed the democracy and the freedom of the press, including in the United States in its First Amendment. Here, there are a lot of acts that have not come from a democratic philosophy. That is why for the case of Indonesia, a Press Act is needed to guarantee the freedom of the press. If there is no such an act, we are in trouble. All of those acts, the criminal laws, all are still used by the authority. That is why we have to continue fighting. This is not over yet.

Back to the liberal concept. It follows that every root of democracy comes to the liberal. This is always being improved and everything will be seen in the Broadcasting Act. Then there will be a public domain where the liberal is in the orthodox notion. That is why we learn from Europe with everything in it. Democracy started from liberalism but it is continuously being dug. The extreme side from the liberal is the authoritarian. Our broadcasting Act is the result of our thinking process to find a democracy with justice.

**Q:** How was the position of the government during the transition period, including Gus Dur (Aburrahman Wahid) and Megawati who was tough enough to the media? Did it prove that they had not understood the Press Act or was it because of the character of power?

**A:** We have to put the transition period this way. We have to classify the period into the era of Gus Dur, the era of Mega, the era of SBY, or we can start from the era of Habibie. Every period has its own distinct character. In the era of Habibie, as I told you, almost everyone wanted to have an instant democracy, starting from the executive to the legislative. When Gus Dur was in power, he liquidated the Ministry of Information (Deppen). He still followed the stream. The era of Mega, it started being controlled. There were debates about the Press Act, and the revision came out in the era of Mega. The Broadcasting Act is in fact different from the Press Act because there is a public domain there, so a control is needed no to create unnecessary problems. And the era of Susilo Bambang Yudhoyono (SBY) is also very much different. Without the media, SBY would be in trouble. So the character is very much different. SBY and Jusuf Kalla (JK) - vice president- were elected by the popular vote not by political parties. That is why they had to be assisted by the media. That is why the character is very much different. SBY

does not have a strong political base. Only JK now has Golkar. Just imagine when there is no Golkar.

**Q:** Does the Press Council see any big issues in the transition period where the relationship between the media and the government was in trouble?

**A:** What we see now, our latest phenomenon is that a lot of people use the criminal law (KUHP). If the question is addressed to the Press Council, the Press Council is still committed to use the Press Act to solve any problem to let the democratic process go on. In the last months, the Press Council has solved a lot of cases. There are the cases of Laksamana Sukardi, PT Toba Pulp Lestari, and Jamsostek. All has been solved by using the Press Act.

**Q:** So, there are some elements of the authority that use the Press Act to solve cases, but here we find the cases of Tommy Winata (TW) and *Radar Jogja* versus *Kedaulatan Rakyat* (KR) where the criminal law is used. What do you say about that?

**A:** For the case of TW, it is a learning process. He did not trust the Press Council. The Press Council would be in the favor of the press. Because he did not have a trust to the Press Council, then he used the criminal law because the target was to hit the press, in particular Tempo. If he had known that the Press Council could be objective, he would probably not use the criminal law (KUHP). For the case of KR versus *Radar Jogja*, KR has long had a heart feeling.

The problem is in the dissemination of the Press Act and its notions. A lot of people have not understood. Not only the government officials, even the press themselves have only given little for their answering right. That is not right either. But now, for the case of Sofyan Djajil (the Minister of Information of SBY), he was very glad that he could use the answering right in *Kompas*. He said that this was very effective. This was a masterpiece for the case of *Kompas* and *Rakyat Merdeka*. They were aware that this (the Press Act) can be used. It is effective and efficient. You can later ask to the Press Council about the example of cases that has been solved. So those cases can be mediated and solved by the Press Council. In addition to solving cases, the Press Council also conducts a dissemination program and some researches. The Press Council has been conducting a

research on 28 media in Java to determine which one is professional which one is not. We have to be completely open, to provide materials for the media to improve their professionalism.

**Q:** Then?

**A:** The interest of the public should be maintained. Do not let any anarchism and chaos for the sake of the uncontrolled interest of the media. So when there is a case of defamation, it should be solved, and we have proved it. This can be solved to maintain the democracy and the freedom of the press. What people have often misinterpreted is the concept of defamation that is considered parallel with the freedom of the press. This is wrong. There should be a principle of freedom of the press. And the solution on the dispute should be based on a legal framework of the freedom of the press. What has often been wrongly misinterpreted is when people say that in the name of the solution of defamation dispute the freedom of the press has to be silenced. Or the other way around, for the sake of the freedom of the press then defamation is OK. That is wrong too. There should be established a system, a democratic legal framework to solve the case of defamation. And I do believe that the Press Act can do that. But some people do not believe it.

**Q:** What about the special thing of the Press Act (*lex specialis*) that has still been treated not in unison by the people?

**A:** There are still discussions about it, special or not special. I do believe that this one (this Act) is special in nature. It is called special because it can solve its own problems. It has its own mechanism. When there is a problem it can solve it. And it can be proved. Say for instance the case of defamation. Can it be solved by the Press Act? Yes it can. While some other people may say that it cannot. This discussion is still going on, but the ultimate question is which law is the most appropriate one to be used in a democratic system to solve the problems? Of course this (act) one. Now if I ask you, can the criminal law solve the problem? Can it guarantee the democracy? The answer must be no. If it is so, then do not use the Press Act. It is that simple, isn't? Without debating whether this is special or not, the right choice is this if one wants to choose the democratic option.

**Q:** What about the opinion saying that this act contains some weaknesses and even it cannot guarantee the freedom of the press?

**A:** Some legal experts say that this act is a special one as long as its ruling is special in nature, implicitly, and it is already sufficient to prove that it is special in nature because it only rules in the domain of journalism. Journalism is not regulated in the criminal law. A legal expert should be smart, creative, and progressive in translating this. And the rest I would call them orthodox. The ultimate question is that, if you agree with democracy, which one would be the best to be used? Isn't that?

**Q:** If there are ideas about revision, to where should it go?

**A:** If you want to seek for things, for instance the case of defamation, you have found the proof. It works. Very clear.

3. Atmakusumah Astraatmadja, Chairman of the Press Council term of 2001-2003,  
Yogyakarta, October 29 and 31; Jakarta, November 1, 2004

**Question (Q):** Since when do we have the freedom of the press?

**Answer (A):** If we look at our press history, at least I can say that in fact Indonesia has never had a freedom of the press for a long period of time. So, in fact we have never had a real freedom of the press that is constitutionally guaranteed, at least like in the United States that is at least is guaranteed particularly by the First Amendment of the Constitution. We have never had such a legal assurance, moreover a constitutional assurance, until the reformation era with the coming of the sections 28e and f of the Second Amendment of the 1945 Constitution though in fact the constitutional assurance of the section 28 is not as strong as and not clear as the First Amendment of the US Constitution. The First Amendment of the US Constitution is very clear. Though we are not so sure that it can give an assurance for the freedom of the press to express and to have an opinion, but the coming of the sections 28e and f can be interpreted as a constitutional assurance for the freedom of the press in addition to the freedom to have an opinion and to express and the freedom of accessing as much as information as possible. In the Dutch colonial era, the first newspaper in Batavia was Batavia nouvelle. It is very clear that during the colonial era there was never any freedom of the press because there were always regulations to prevent the freedom of the press. There was the article *Persbreidel Ordonantie*, there were a lot of censorship pressures, so in fact there was never any real freedom of the press. In the Japanese colonial era, everything was much worse, because there were military assistants who were assigned in the offices of mass media and in fact they functioned as the censor officers. In the Japanese colonial era, there was introduced a license system, a kind of publishing license. Things were much worse for our press during the Japanese military occupation in the Second World War. After that, everything was abolished. No more censorship after the independence of Indonesia. But in reality we have seen a lot of bridles against the press. Even very close to the proclamation of the independence, such a bridle also happened. It happened everywhere, even in Yogyakarta that was the capital of the country at the time. In Jakarta, the

situation was of course very limited because of the power of the Dutch military. Where the Dutch military was in power since the beginning of the independence, there was always a limitation to the freedom of the press. Even in the areas of the Republic of Indonesia, there were also bridles by our emergency government in Yogya. Then in the areas occupied by the communist, there were takeovers on the media that might be non communist in nature. So there has never been any real freedom of the press at all. Officially there has never been any freedom of the press. On October 1, 1958, for the first time there was issued a licensing system just like the licensing system in the Japanese colonial era, the SIT (Surat Ijin Terbit-press permit), by the military, first to the Jakarta area. So the press of the print media had to beg a publishing license to the military. If I am not mistaken the name was Peperda Djaja (the War Commandant of the Jakarta Area). Then in 1960, such a system was enacted to all areas in Indonesia by the Supreme Commandant, Soekarno. The system was officially in place until it was replaced by the License for Press Publishing Company (SIUPP, Surat Ijin Usaha Penerbitan Pers), by the amendment of the Press Act. The licensing system was only stopped since the replacement of the old Press Act with the new one in 1999. Wow.. If anybody would say that there was a freedom of the pres in the era between the independence and 1958 that is not true, though there was no official rule to limit the freedom of the press but in practice you can see a lot of bridles based on various laws, whether they were the Emergency State Act, this Act, that Act, and so on. Perhaps we can only say that it seems we are going to have a freedom of the press since the enactment of the Press Act no. 40 of the year 1999, if it can be put into practice. Up to now, it has only been five years from the year of 1999, and it is still a very short time to say that we do have a freedom of the press. A five year period is still too short. There should be dozens of years or even hundreds of years. The United States has been established for 250 years and they need those 250 years. So I can say that we have never had any tradition of the freedom of the press until the reformation era. That is why I can absolutely understand that it is really very difficult now to enforce the freedom of the press. My most apparent concern was probably the one that was published by the Jakarta Post yesterday (October 28, 2004). It was a clear contradiction with my hopes since 5 years ago. I was really very upset with the disturbances in the last 1 – 2 years to the freedom of the press by the 5 and 6 month punishment to the editors of *Rakyat Merdeka*, though it might be only a probation

punishment, where one of them was punished 5 months of imprisonment and 10 months of probation and the other was punished with 6 months of imprisonment and 12 months of probation. Then Mr. Bambang Harymurti was punished with 1 year of imprisonment though he is still seeking an appeal, and two other cases have been given a verdict by the lower court and it has been changed by the higher court. In the two cases, Mr. Bambang Harymurti or Tempo was initially beaten by Mr. Tommy Winata, but the higher court has changed it to be in favor of *Tempo*. But there is still a criminal case about the verdict of the lower court of Central Jakarta to imprison Mr. Harymurti for one year. An imprisonment on journalists and imprisonment on demonstrator for their opinions and expressions, or imprisonment for speakers for their opinions, all should never be let exist in a democratic country. In my opinion, a journalistic work, an expression of demonstrators, an opinion of a faculty member – perhaps like you, an opinion of someone giving a speech, if it is considered as crossing the line of law should be in maximum be charged with civil law and the sanction should only be a fine, and it should never be a large fine. There should never be a fine that is so huge to make a press company bankrupt. If the fine is so huge, then a demonstrator or a speaker could be in financial or economic troubles, and it would be a pressure to raise a fear for these people, and we will loose a lot of freedom. A lot more people would be afraid to express their aspirations, also to convey information and to express their opinions. In my opinion it is the same with the absence of freedom.

**Q:** Do you know about the Yogyakarta case, between Radar Jogja and KR where there is a petition for one year of imprisonment for the journalist of Radar Jogja?

**A:** Yes, I do. I follow the case. In my opinion, the sanction for journalistic work should only be limited to a fine. I agree with the current opinions, that imprisonment should not make the press or speakers change their opinions. Imprisonment for such an activity will not be more effective than a fine. Because a fine, though small it may be, but it will usually be very effective. It is enough to make them think to first make them introspect and when they feel guilty they will change their attitude. But if they don't feel anything wrong, they will do the similar things in their journalistic works or in their expression rights or in their way of expressing opinions. But it should be maintained that people should always be encouraged to express their aspirations in all times. That is what will

make us progress as human beings. I can say that to some extent we can have this freedom of the press because in the last few years, people have been brave enough to give a pressure, for instance through the mass pressure. There are still pressures on the freedom of the press from political powers, social organizations, or from individuals who have certain powers. I can also see that demonstrations with violence have been decreasing than in the first years of reformation. I think the massive pressures at the beginning of the reformation era were not only directed to the press but also to the police. There was a governor's office that was burnt by the mob, an office of the Local House of Representatives (DPRD) that was damaged, and there were police stations that were damaged and burnt, and also there were some mass media offices that were 'invaded' (between quotation marks). I think all of them just euphoria, because we have been too long without freedom, and when there is an opportunity to express our freedom, there are some people who have not mastered how to express themselves in an appropriate way and this has led to such a violence. For instance the office of the paper Waspada in Medan was a little damaged. The office of the paper Radar Cirebon also suffered a little damage. The offices of Pikiran Rakyat in Bandung and Rakyat Merdeka in Jakarta were also invaded by demonstrators and were given a pressure because the people did not agree with the caricatures published in the papers.

Brother Lukas, I think we have to fight changing the toughest law to amend, particularly the Criminal Law (Kitab Undang-undang Hukum Pidana). According to a faculty member of UNPAD (University of Padjajaran, Bandung), led by Mrs. Qomariah (if you are interested you can contact Dr. Qomariah E. Saparjaya, she still teaches at UNPAD, and she was a member of the Commission on Law and Act of the Press Act), she studied the prevailing Criminal Law along with her colleagues. And they found there were at least 35 sections that could be used against journalists for their journalistic work, also to be used against demonstrators, or against anybody expressing his / her opinion with a punishment up to 7 years of imprisonment (there were some with a maximum of 6 years of imprisonment, but also some with a maximum of 7 years of imprisonment). After that they also studied the revised draft of the Criminal Law made by the regime of Soeharto and the latest one the revised version by the ministry of Yusril Ihza Mahendra, the

Ministry of Law and Human Rights. And they found that the 35 sections have even increased. The revision during the era of Soeharto was for around 45 sections, but the revision of Yusril is for 48 sections, some people calculated 49 sections, but I think they are 48 sections. Why there is a difference? In one section, it is ruled that a civil servant or a public official or whatever is not allowed to leak the secret of the state. It is section number 49. I don't count it in the relationship with the press because it is in the relationship between civil servants and the institution. But for the press, if the press also distributes the secret, there is a section for that. That is why I only calculate 48. So, it is very clear that our political leaders, our legislators, and the members of the House of Representatives (DPR), they have not already had a sense of belonging to the freedom of the press, the freedom to express, and the freedom to utter opinions. I can say it is a kind of sense of belonging. So they seem to be unaware about it. If they are aware, how can they do like that. The number of sections did not decrease but on the contrary it has increased. So we have become more and more old fashioned, more conservative, though all or some parts of the sections – I don't know, because I am not a legal expert -- have been changed from a formal charge to be a material charge. Indeed there are some changes there. Formerly it solely depended on the interpretation of the judge whether writing could be considered as raising unrest or a chaos or not. If it could then you might be punished with imprisonment. But now there should be evidence, a material charge. OK, so it becomes more difficult for a judge to punish it has been changed to be a material charge. But in fact, the number of sections has been increased. I cannot understand. That is why I am still very pessimistic. That is why I was very upset when I was asked by the Jakarta Post about that. And last time, at the beginning of the reformation, I thought our law enforcers, our politicians, would not use the law though the sections were there. But after seeing people punished with imprisonment, moreover for Rakyat Merdeka, with 5 months of imprisonment and 10 months of probation because they were sued by Mr. Akbar Tanjung of making just ordinary caricatures, showing Mr. Tanjung without a shirt, where the head was the head of Mr. Tanjung and the body was taken from the internet .. The second case when an imprisonment for 6 months just because of sensational headlines about Megawati saying that Megawati was only of a Bupati level, that Megawati was more severe than Sumanto, that her mouth smelt like diesel fuel .. OK, from a social ethical point of view perhaps the language was not yet in

the time to be used in Indonesia, but it was in the domain of ethics. I cannot understand why in the domain of law a news item about Megawati or a caricature about Akbar Tanjung could make a journalist go to jail. And also about Mr. Bambang Harymurti. Why just because of publishing a denial by the governor that Tommy Winata did not buy a piece of land for a gambling center in Sulawesi a person like Bambang Harymurti, and Koran Tempo, can be punished with a fine as much as one million dollar. Though the punishment has been changed by the higher court to be in favor of Bambang, but in the last news Bambang was still punished with one year of imprisonment. Though my heart may say that there is still a chance that the higher court would change this.

OK. From those experiences, it seem that the law enforcer have not forgotten the colonial articles that have been more 100 hundred years old. That is why I was so mad with the last 1 – 2 year situation. I thought at the beginning of the reformation era that we were much closer to the real freedom of the press that might last forever but in fact it has been much farther away, except that we have at least been successful in changing / revising a tiny bit of the Criminal Law (KUHP) not to be like that. I was told by some colleagues that it was very difficult to do that. It all has come from the mindset of our political leaders, our legislators, and from their own awareness.

Let me go back to Akbar Tanjung, just for the sake of an illustration. When Akbar Tanjung sued Rakyat Merdeka to the Police, the Police had just studied the case and then they sent a letter to the Press Council asking of an expert witness. At the time I was the chairman of the Press Council and we decided that I, as the chairman, would not be an expert witness, because we in the Press Council were often placed in a dilemmatic position. Sometimes we were asked to be an expert witness by the party who filed the suit or by the party who was filed the suit. In this case, we were asked by the Police to send an expert witness while Mr. R.H. Siregar, the vice chairman of the Press Council had stated his agreement to be an expert witness for the behalf of Rakyat Merdeka. But I also studied that in other countries normally members of the Press Council would not agree to be involved in a legal process, because according to the consideration of the Press Council in making the decision about the violation of a journalistic work we had to use the Journalistic Code of Ethics. When we received the letter from the Police, we wrote a letter that we could not meet the request, without saying the reason behind. But we also

said that later we would change the policy, and we were glad to hold a dialog. In our opinion, we cannot solve such a problem as a black and white case. This needs a process of education so we would let the Police know about our opinion. But it seemed that the Police were not interested, so the case was taken over to the Higher Attorney. And the Higher Attorney saw that the case was not complete because the Press Council would not send any person. Eventually the Higher Attorney invited us to hold a dialog because they had probably read our letter. Then we discussed for some hours. We explained that at a glance this caricature looked like a photograph, but it could not be easily caught as a caricature, and it was placed in the midst of the news item in the front page. It was a minor violation in the sense that a media was not allowed to put an engineered photograph. At a glace a reader would think that it was a news photograph. But in fact it was an engineered one, and the purpose was just to make it a caricature. But to humiliate? We said that there was not element of humiliation from any journalistic ethic, so we did not agree that such a case was taken into court. After that was a long period without any process by the Attorney or perhaps the case was in the queue in the court and then it was processed by the court. When we saw that the case had been long let unprocessed we thought that the Higher Attorney or the law enforcers understood that such a case was not eligible to be processed in court. But in fact the case was eventually processed. That is our disagreement with the legal process on such cases. It is not quite appropriate to process such a case through the court. It would be much better if Akbar Tanjung sent a harsh protest demanding Rakyat Merdeka to publish it. Let the readers know which one was right and which one was wrong, or let them be more rational in their consideration on whether it was only a caricature or not and compared with the argumentation of Akbar Tanjung. Also when the Press Council (at the time the new chairman of the Press Council was Mr. Ichlasul Amal) met with Megawati, he reminded her no to file a suit against Rakyat Merdeka. In my term as the chairman of the Press Council, I also told Megawati because she expressed her objection on the publication of the Indonesian press on the conflicts in Aceh. Normally I am not willing to tell this to the public; I will tell you why. She said that our press was not patriotic, not nationalistic. You know the meaning that was why our press also published the statement of the rebels. Then I told her that the press often also published the news that she might not like it but it was not a matter of like and dislike on the material of the news, but it was their duty to publish that. No

matter whether they liked or not, because this information was also important for the readers, for the listeners, for the viewers, but it might also be important for the government officials, including the president herself. It was important for the government, in order that the government could get enough information and could make a more appropriate policy based on the more complete information. I told that not long after she had been formally established in office, when we introduced ourselves. The decision for us (the Press Council) had been signed by Gus Dur (Aburrahman Wahid), but even before we had the opportunity to meet him, he had been replaced from the presidency. For these experiences, some time ago Prof. Ichlasul Amal (the chairman of the Press Council, replacing Mr. Atmakusumah) and his colleagues from the Press Council reminded Mrs. Megawati about her case with Rakyat Merdeka. It was very obvious that it was a kind of education about the freedom of expression and freedom of opinion for the public, but it looked that it was still far away. Moreover, if you look at what happened on the sides of the Higher Attorney, the Police, the judges, the President, and the members of the Parliament. At the beginning of the reformation era I told you two stories. First, at least the fraction of the Armed Forces / Police (TNI / Polri) of the House of Representatives said that there had been a trial by the press against Soeharto because there had been a lot of negative news items about Soeharto. Well, well, of course I did not agree with that. The point is not about positive or negative. Whenever there is a news material that is good to be informed to the public, then inform it to the public. While in fact there was a lot negative news items about Soeharto it was merely because of the transitional political atmosphere that might not be in favor of Soeharto. Well, initially the article about trial by the press would be included in the Press Act (of the year 1999), but we were against that; all of us including myself, Leo Batubara, and some colleagues who were involved in the preparation of the Press Act in the Commission I of the House of Representatives. We were successful. Some articles that we were against of could be abandoned (not to be included in the Press Act). But you can imagine how some members of the House of Representatives, at least from the fraction of the Armed Forces / Police, perhaps also from other fractions, still considered it as a trial by the press, because the news was negative about Soeharto. Second, the subject why we extended our notions about the press. As a matter of fact, the Press Act is only about the print media. But when it was being prepared in the Ministry of Information (Deppen), and when it was

being discussed in the Commission I of the House of Representatives, there were a lot of pressures by law enforcers against our colleagues in the TV. If I am not mistaken, the people who were given the pressure were those from the ANTV, it was very clear, and another one was Riza Primadi (SCTV). Riza Primadi and Azkarmin Zaini were called by the Police along with their cameramen because the two television stations had aired an interview with Abdullah Syafei. While in fact you can also see that in some papers such an interview could also be found. As far as I can remember, you can find it in Republika. I think it was an interview by a group of journalists. But the fact was that the law enforcers were not accustomed yet with seeing the head of the rebels (GAM, Free Aceh Movement) in person, moreover in TV with pictures. Wow that would be much more obvious. These colleagues from the TV expressed their complaint to us who were fighting for the freedom of the press in the House of Representatives. They were also actively involved; Azkarmin Zaini and Riza Primadi were also actively involved in the activities to fight for the freedom of the press. Then we demanded, since it was still being prepared in the Ministry of Information and the Commission I of the House of Representatives, that the notion and the meaning of the press should be extended not only to include the print media but also to include broadcasting media, both radio and television and any other things that were still related with journalistic work. I would admit that this is a bit unique, and I said that in the United States the notion of the press had been extended since 47 years ago. I read about it once, but I don't remember it where did I read it, but I do remember that it was 47 years ago. That is what I said to the House of Representatives. It is okay to extend the meaning of the press to include broadcasting.

**Q:** This is very important Sir, moreover when we talk later about the Press Act ...

**A:** That is right. And in fact that (broadcasting media, radio, television; all was included in the press) was also being discussed. What was the journalistic work of television and radio? We have to admit there are some articles in the Press Act that are not finished yet and they are left unfinished. I will tell you later about them. The unfinished ones are for instance when Wimar Witoelar was on TV in a talk show. Is it a journalistic work or not? We have to check about it first. When he is talking about current issues that were still hot in the headlines, then it can be called a journalistic work. But when he suddenly moves and talks about how to take a good health care, about something that is not related with

news at all, that it is not a journalistic work. What about a film? What about a film review on TV? According the Act on film censorship, or whatever it is, a film should be censored. But since this one is a part of a review, then it can be considered as a journalistic work. Do these clips have to be censored or not? Just things like that. Just leave them. Whether they are journalistic work on TV, radio, and in practice, or not, just let them unfinished. The point is that we are the proponents of the freedom of the press and we demand that there should be an Act that guarantees the freedom of the press. Just leave it if there will be some difficulties in interpreting it, we don't have the time for that. Another thing about the answering right. I absolutely don't agree if the answering right is included in the Act because such a right is the prerogative right of the editors to publish it or not. But by including the answering right into the Act, if the editor does not serve the answering right the editor can be fined as much as 500 million rupiahs and it will not be a prerogative right of the editor anymore. It has been an obligation, because if you don't published it you will be fined as much as 500 million rupiahs. Well there were finally some changes in the wording but I am not sure whether the law enforcers or the judges would later interpret like what was being talked in the discussion (about the Act). Let put this way. Formerly, the sentence was 'the press is obliged to publish' the answering right. I said no, because in the code of ethics, this is included in the prerogative rights of the editor to publish it or not. We cannot press the editor to publish it or not because there would not be a distracting answering right with a bad language that may be accusing other people to make the press later be sued by other persons. Then the editor should reserve the right to publish it or not or to improve or to give it back. Then it was later changed, you can read, that the press was obliged to serve the answering right. Said a member of the House of Representatives, to serve was in the meaning that if someone came to deliver an answering right, then serve it ... whether the editor would publish it or not, it should follow the common practice in the press. Then I accepted it. I am not a legal expert. But since the day up to now, I am not so sure that people would interpret that way. I can be a witness, because I was there, and it could also be found in the minutes of the meeting. Thank God for that.

**Q:** Can we go on, Sir?

**A:** Yes we can. We still have 20 minutes ... ha, ha, ha

**Q:** So, what is the true essence of the freedom of the press?

**A:** In understanding what is called news the formulation may not be only one. It can be a long story. Even there is a notion that news is formulated by someone who has been very much upset as information that is according to the editor considered good to be published. Ha, ha, ha. But the fact is often like that. But we can also add that it should be an experienced editor. An inexperienced editor would be wrong. In my experiences, it is not the scientific or the theoretical definition in academic circles that I do not know. The freedom of the press is the freedom for the press to convey any information, to exchange any opinion, as large as possible as only limited by the code of ethics, by the social ethics, and by the law. For the social ethics, in my opinion, what I mean with the journalistic code of ethics, the social ethics, and the law are all the liberal ones. I am not happy if what are meant by the social ethics and laws are the old conservative ones, are those that are not rational, are those that are based on a narrow way of thinking. For the journalistic code of ethics, I see that I am happy enough. And I am not going to give any more requirements except for the conservative interpretation because they are not in use anymore; and in most parts of the world now the practice is the same. I never see any code of journalistic ethics that could be considered conservative or old. Everything is now the same. And I can now simplify by saying that a writing that deserves a publication should first be factual and accurate, but not necessary be meant with an absolute truth. Factual means like what the journalist sees or hears. Whether it contains an absolute truth or not is not the point, because what is seen and what is heard by a journalist can also be wrong. Witnesses from different people can also be different. They are my requirements. They should be factual and accurate. What is seen or heard by a journalist should be presented as accurately as possible. Whether it is true or not is another thing. That is what I usually tell the court. Then the second one, the writing / news should be objective. It should be in balance, it should involve give a chance for all parties included in the news, the accused one and the accuser, to speak. And it should not be biased. If it is positive then let it be positive, and if it is negative then let it negative. Then it should not be discriminative in nature, it should be prejudiced, it should not treat the sources on the basis of different religions, races, genders, or languages. I think it is all about that. But, it should be presented by fulfilling these requirements. Of course, it

should be fair, not discriminative, not with prejudice, not biased, factual, and accurate. If the press meets these requirements, then the freedom of the press is already met. I don't have any definition about the application of the freedom of the press and also the freedom of expressions and the freedom of opinions. The requirements are still the same. That is all the code of journalistic ethics that I have learned anywhere. All is very alike. Then about the social ethics. It should be the one that is not conservative in nature; that is liberal; that is not irrational; that is not narrow minded; and that is egalitarian in nature. That is all. If the law is already just in nature, the social ethics is already good enough. If, for instance, the press does something wrong according the law, it should be processed by the law. But I don't agree if the press is processed by using the Criminal Law that is so anachronistic in nature and that is already very obsolete. I did say that the press should be responsible to the law but I had already changed my mind when I was asked by a teacher when I studied in Britain about what if the law had been made by Hitler. Recently, there are many people who demand that the press should be responsible to the law. What if the law was made by Soeharto? Or by Hitler? That is not the law we want to have, we want the just one.

**Q:** The development of the press should be viewed from the development of the society. Some people say that we are not ready yet with the freedom of the press. What do you think about that?

**A:** No way. I cannot agree with such an opinion. No. The press should be the same with the political leader. It should walk through along its natural development. Perhaps they should walk in front of the society. It cannot be accepted that the press should walk behind the society. If the press is not yet so much sophisticated as what is reflected in our press ... well, it is another story. I have just replied an email from an UNISBA (Bandung Islamic University) student who said that he was doubt that our society had been ready for the freedom of the press. Then I told him again my explanation before the Commission I of the House of Representatives long before our Parliament talked about the Press Act. So it must be right in the beginning of the reformation era. I was representing the Press Institute of Dr. Soetomo, where I was the executive director. I was there along with other NGOs such as ISAI (Institute for Information Flow Studies) and others. I don't remember whether we were invited or we wanted to meet the leader of the

Commission I of the House of Representatives. In fact we had a meeting. -- Ah, you have an email address. Yes I know, we have often sent emails one another. I will forward you the mail I sent to the UNISBA student to give you a more structured explanation. -- The point is like this. Mrs. Aisyiah Amini, who was always in conflict with me when we met, also when we talked about the Press Bill, considered me as being too liberal but I also considered her as being too conservative. So in the meeting she said that we were on the right time yet to provide the freedom we wanted because the education level of our society was still very low. Wow, Mr. Lukas, it was hard to answer such an obsolete opinion. And at the time I forgot about the First Amendment of the United States Constitution. Then I said to Mrs. Amini that 250 years ago the United States had already been successful in formulating an Amendment that the Congress was not allowed to pass an Act that limited the freedom of worship, the freedom of conducting ritual activities, the freedom of assembly and the freedom to submit a petition to the government, then also the freedom to express opinions, and the freedom of the press. That was 250 years ago and at the time the level of civilization in the United States had been much lower than Indonesia now. The evidence is that at the time the people of the United States still treated Negro people as slaves, that they still killed Indians, and that their education level was very much lower than Indonesia now. I read -- but I don't remember where it is -- that some members of the Congress were illiterate. Some of them were blacksmiths repairing horseshoes like in the cowboy movies. Some of them were cattle breeders, and some were farmers. That is why I can say that the civilization of Indonesian people now is much higher than the civilization of United States people 250 years ago. The only difference of the Americans is only the courage! The question (of Mrs. Aisyiah Amini) could not be answered. But I was not so stupid. I don't know how to answer such a question. But who has the statistics of the intelligence of Indonesian people? My belief that makes me believe is not about whether the education level is high or low. I don't believe that a person that is not schooled is not smart. I am a son of a service servant. When I was a child (since I was in the first grade of the elementary school), I was often taken by my father to go around the villages in the early years of our independence. We had to go on foot for around 11 km to reach a *kecamatan* (district), where I saw the election of a *lurah* (leader of a village). Such a democratic election for a *lurah* could be held. I never saw any violence in a *lurah* election. At the time my father was a *Wedana*

(formerly a Camat), did not interfere at all in this election. When we were on the way home, my father complained that the elected *lurah* was not the one he preferred. My father preferred an older *lurah*, with longer experience, with higher education level. But it was OK, that was what the people wanted. It was in the 40s – 50s. So I don't believe that the people in villages are not smart. They had their own choice. Even the choice was not in line with the preference of my father who was a civil servant officer with a higher education than their education. Such an experience makes me believe that the press should not follow but should be in front of the society, because even when the press is in front of the society, the society itself is not always left behind. Who knows that the society has been much more in front of us, if I recall my own experience ... That is what I said in front of the Commission I of the Parliament, because I didn't see any other answer. Up to now I still have the same belief. This freedom must not be blocked. Give as much as freedom as possible. That is what I see about the importance of the freedom of the press. About the freedom of expression and the freedom of opinions. I am also upset when there are demonstrators who scratch the photographs of Megawati and Hamzah Haz, who step on their photos and then they are imprisoned because they have been considered as humiliating them. In my opinion it is not a humiliation. It is an expression. In my opinion, they don't want to humiliate but they want to express their anger. Another opinion is about some Aceh female activists who campaign the referendum. They were now imprisoned. I think it is quite inappropriate. Let them express their opinions. It would be much better than if later they express through violence. Let them talk. If they cross the lines, then they can be sanctioned but not with imprisonment. A sanction with a fine would be OK. But even the fine should be educating in nature, not the repressive one to make the people dare not to speak up anymore. So is the press. I have been for months taking notes which countries have replaced the criminal articles with the civil articles for the freedom of expression and freedom of the press. Some other groups of countries have reduced the amount of the fines, including some African countries. Even some countries, not many perhaps only one or two, have completely abolished the articles for humiliation, defamation, rumors, and calumnies. They have completely abolished them in the criminal law and the civil law. In relation with the press, with journalism, this is the correct attitude. Because the case of defamation, calumny, humiliation and so on can be corrected. Just say, for example, that

today we have been sent a false news item. But for the press it is usually not a false news item but an inaccurate news item. If someone deliberately publishes a false news item then in my opinion he / she is not a journalist, not also the press media who does this. Inaccurate means that it is not on purpose. If it is on purpose, then it is for a political purpose or a certain purpose outside the press media. It is OK if there is an inaccurate news item. If today there is a negative news item, tomorrow it can be corrected. Case closed. Not just that. After giving a correction we can give a better sympathy from the public. Just let us take a look back. Syahril Sabirin was once reported negatively when he was investigated because he was considered as being involved in something. I don't know, perhaps about the BNI case. And finally he was released by the Supreme Court. That what I remember most clearly is about Prabowo. He was once accused by Habibie, also by Abdurrahman Wahid, that he was involved in a coup. When such an accusation was launched, Prabowo was not in Jakarta, so the report seemed very imbalanced. But when he showed up in Jakarta and he held a press conference telling his own version, the sympathy of the public went to him. He could tell that the rumor was not correct. Perhaps he has not only been rehabilitated but he has become a hero. That is the process. That is why when I was in the Press Council and when we conducted a series of road show or discussions, the most frequently asked questions addressed to us were about that it was not fair if the press only provide the right to answer only in the column of letters from the readers or in much smaller amount than the original one. Even some people say that it is no use to clarify or to give an answering right because our names have already been defamed when we were reported negatively. My first answer is that I do agree if the readers only read the early news where your name may have been defamed, without reading your answering right or your clarification. I do agree that such a possibility may happen. But there is also another possibility that a reader only reads your answering right or your clarification without reading the initial news. And there are also readers who read both. There are readers who don't read both. So it is a matter of feeling for every person who was reported negatively as if he / she was treated unfairly. The person doesn't think in a wider perspective, in a more comprehensive way. I don't know whether you agree or not with me but that is what I have been telling people for years in discussions, seminars, and workshops. When I was with the Press Council, I was involved in 57 discussions,

workshops, seminars, from Medan to Ambon. Over and over I always told the same thing. It never ended. That is all.

4. Bimo Nugroho Sekundatmo, Board of Indonesia Broadcasting Commission (Central), Jakarta, August 30, 2005

**Question (Q):** What are differences between the old Broadcasting Regulation (1997) and the new Broadcasting Regulation (2002)?

**Answer (A):** First, on the part of who controlled. For the past regulation, it was Department of Information of which regulator is called KPI. However, the authority of KPI is not absolute either because there are (things) decided together with the government. Second, its broadcasting system. The broadcasting system of the first (the old one) was from Jakarta covering the entire Indonesia. In this Broadcasting Regulation year 2002, the system is Network Local Broadcasting System.

**Q:** Wasn't 1997 Broadcasting Regulation once prevailed?

**A:** Not yet. Even with the current regulation, broadcasting institutions have not executed what are stated in the 2002 Broadcasting Regulation. There is no implementation of it because the year 1997 was just the birth of the Regulation, then there was turmoil in kan 1998, it was not finished yet, then when Gus Dur took the lead in 1999 the Department of Information as the implementor was dismissed.

**Q:** How was the process of the birt of this 2002 Regulation and what kind of debate occurred and between which political powers? Which articles were crucial?

**A:** Almost all articles were curcial but we look at the map, there were three parties, first was industry, second the government and third civil society. Each of them had different concepts and they were not matched. Industry was different from the government, the government was different from civil society, civil society was different from industry. Then, civil society entered their ideas through the House of Representatives so that the draft of this Regulation became the initiative draft of the House of Representatives. Thus, the model was the same with the prosess of setting Press Regulation and experienced so tough fight that it took 4 years from the draft in 1999 until 2002. Months of November-December 2002. In fact, finally there were many points coming from the

civil society, tended more to the civil society; there was regulation from the representing society, then Community Broadcasting Institution existed, and Local Broadcasting was more strengthened. However, there were suspended articles due to inputs from the government, for example Common Stipulations with the Government. In the meantime, industry interests were neglected. For the reason, they proposed judicial review of this Regulation. When this Regulation was legalized in 2002, judicial review was proposed.

**Q:** Among the civil society, which one was it? In composing the draft of Press Regulation, there was Indonesian Broadcasting and Press Society (MPPI-Ind) that was strong, wasn't it?

**A:** That's right. The most powerful was still MPPI. MPPI supported IMLTC where there were Hinca Panjaitan, SET Foundation owned by Garin Nugroho, Medan, Semarang, Surabaya, Makasar, each with its media watch.

**Q:** Who was from government element?

**A:** Kominfo (Communication and Information). The ministry of communication and information, but there was another side that Directorate General of Post and Telecommunication did give have any ide at all. It was part of the government as well, wasn't it? Actually, there were two governments by that time, namely Kominfo group and the group of Directorate General of Post and Telecommunication that relatively was not involved much. Meanwhile, almost all associations of the industry opposed.

**Q:** Why was the industry group left behind and then they proposed judicial review?

**A:** The judicial review had been decided by Constitution Court though. What had not been decided was the judicial review by KPI to this government stipulation, on public.

**Q:** Thus, before the 2002 Broadcasting Regulation was legalized, was the regulation implemented the 1997 Broadcasting Regulation?

**A:** The old Regulation. Although its implementation did not work, several broadcasting permits had been issued, for example Lativi, TransTV; they existed in 1998-1999, didn't they? With those permits, they prepared themselves an in 2000s they began broadcasting.

**Q:** So, how was press freedom actually before the birth of 2002 Broadcasting Regulation?

**A:** Relatively limited because that time was lawless and what prevailed was Press Regulation that relatively was liberal as well. They used Press Regulation, what differentiated printed media and electronic media was that this electronic media used limited frequency zone. Therefore, they could not operate freely; they had to have frequency allocation.

**Q:** It seemed that broadcasting institutions remained concerned with the birt of this 2002 Broadcasting Regulation. It is known from the discussion, directly or indirectly that they still concerned with KPI and one of their statements, wheter it is true or not, was that sometimes KPI judgement was released without discussion with them. They told so.

**A:** It's no problem... Idea difference is common, isn't it? But, we will just start from the prevailing law. To my opinion, it's just simple. In fact, it was KPI duty to give notes, warnings, etc. The cases that KPI settled such as Lativi case, SCTV case, Direct Vision relatively went well. This means, we cannot see it isolately, to be generalized, no ... there were layers of problems in it that could be settled on by one.

**Q:** Then, who settled the cases, if any, before the existence of 2002 Broadcasting Regulation?

**A:** No one, lawless.

**Q:** Did KPI record that the issues that the society at that time (before the existence of KPI)questioned recurred ?

**A:** Actually, the big case was that these frequencies were controlled by the cronies. Television and radio. Now, there are inert frequencies, some are leased, some are sold; that still becomes a problem.

**Q:** Was relationship between the government and politics at that time uncertain as well or how was it?

**A:** Uncertain in the sense that the owners of the current media were relatively stronger than the government, it is different from the past. In the past, the government controlled

the owners of the capital in broadcasting. Now, it's not. In the past, civil society did not have representatives to have at least a little stronger voice; it was nothing. Now, KPI is present and civil society enters, their people are there. That's the change of the competition taking place.

5. Cornelis Lay, Advisor to the President Megawati Soekarnoputri, Yogyakarta, August 20, 2005

**Question (Q):** What was the relationship between politics and the media in the era of Megawati?

**Answer (A):** Starting from the era of Gus Dur to the era of Mega, even I think starting from the era of Habibie, the press has gained its freedom, relatively maximum. And it can be seen from the fact that there has been no intent to restrain. But the unique thing is the high level of freedom was closely related with the politics. While on the other hand, the tension between political actors, the state, political infrastructures such as political parties, and high level political figures tended to be very high and to be increasing. In my opinion, from my experience with Mega, both parties (the press and politics) did not understand one another. For instance, when she was the president, Mega always thought that it was the responsibility of the press to educate the people, and so on. But our press colleagues always thought that it was the duty of the government to convince them. In fact there were some differences in the relationship patterns, but these did not result in the increasing or decreasing level of freedom of the media. It was clearly felt like that.

What I did feel was that some owners of the media, not the media itself, who voluntarily wanted to surrender to the authorities, perhaps because of the high level of freedom. So, this is my experience. Just disguise the names. There was a campaign interview (presidential election of the year 2004) by some television stations. They tried very hard to interview the president. We could finally make it. What surprised me most was that after the interview, the media owners came to me and offered me to edit the tapes, to drop those things that had to be dropped, to let me see the tapes first before they were finally aired. I was really surprised by him. I had been tens of years trying hard to get the freedom for you, media people, but suddenly you offer me the authority to apply censorship. So, my point is that it looked that the media were very scared or something like that, but from a psychological point of view, the situation was like that.

So, while there was a tense relationship and intent to surrender on one hand, but on the other hand there was a tendency to complain one another. Mega often complained

about the press. Mega thought that the press had always been building a negative image about her by concealing her positive images, and she uttered this in some events. For instance, she complained that the media were very imbalanced. She did not ask to be defended but she asked that the information should be delivered completely. On the other hand, the media also complained about her for her silence, her reluctance to release information, and for her incommunicativeness, and so on. In my opinion, both had their points. I tried to bridge the gaps between the two parties. I started from the media, from a forum with them. First with only limited figures. The forum was relatively permanent. Anytime the president would go to a place, for instance to go overseas, the key media persons would be there. The people like Karni Ilyas, August Parengkuhan, Mr. Tomy (Suryopratomo – Kompas), the director of TPI, the people from Metro, almost all key media. Even some local media like Pikiran Rakyat (West Java) also joined the group once. They were all to build communication. We dined together, of course as persons. But such a thing could soothe the tension of relationship and the atmosphere of complaints among them. They were the most involved people. There were also other layers. So there was an opinion, if you would deal with the media, please not only with the bosses but also with the lower layers. Not only with the Editors' Club. There were also some efforts from the media to build the bridges. For instance, Miss Uni (Uni Lubis – TV7) tried hard to facilitate such communication. But there was always dissatisfaction. On one side, Mega always thought that the media were never fair to her in the reporting. On the other side, the media always thought that their jobs were never made easier with a provision of sufficient information, and so on. So, I think that was the permanent relationship pattern. During the transition phase, there was always a mutual suspicion, but each of them had its own autonomy and high level of freedom. So, if I have to say something, there was a maximum degree of freedom achievement in such a very tense relationship pattern, and it was almost marked with incomprehension of each other's functions and with a low level of toleration between the two sides. That is the first point.

But the one's perception, like the perception of Mega, is not determined by the person him/herself, but by the next layer persons around her. For instance, I see it in the people of PDIP. It is very rare that the people would see the press as their friends. The people like Roy (BB Janis) always treat the media in a hostile mode, and then they

facilitate the atmosphere of continuous mutual suspicion. At the state level, the people like Bambang Kesowo (the Minister of the State) could be a certain factor to make hostile the media. But for instance, we can make another arrangement. I changed the arrangement. And this made a lot of people angry. At the time, the media would follow Mega to go overseas. When Mega stepped down, other people also stepped down, and then followed the media to stop down; the media people were in the last cars. They tried hard to catch her. When they tried to take her interviewed, they were blocked. But I changed the formation of the groups, starting from the presidents, the security people, the medical people, and then followed directly by the media. Then other people. So the protocol system itself did not put the media as an important aspect. And this had been a standard, since long-long time ago. It was hard to change. It took a lot of time, and it needed to argue with people. There were not any facilities for them either. There was no press conference. Then I asked that there should be a press conference. While at a certain extent, there was also a respect to the press from the Mega's side. She would not be interviewed in the plane. It was not human at all, because the plane was often trembling. There were also such dimensions.

But it was also weird with Mega. She had personal relationship with media people, most of them reporters. Some of them had a really good relationship with her. They hugged one another, they talked in the room. For instance a reporter of the Jakarta post, a print media. But this person seemed to be ethical too, not to abuse the opportunity to interview her, or to steal information for the media, when they just wanted to chat. I think this is more about a personal relationship. In general, they had had a long historical relationship since when she was still in an unfavorable situation. What I want to say is this. The gap between Mega and the media was the result of the exaggerating autonomy of both parties; but at the same time it was also facilitated by the protocol system and the psychology of Mega herself. That is why she could not be so open. It was not possible for her to be open for everything, with everyone, and she did not feel the need to tell everything. There should be a public officer to tell.

*Q:* What about her interview with SCTV?

A: We urged her to talk with television stations, also with Metro TV. But this is a special case. I think the president of the United States would not like that either. The interview was suddenly stopped (without prior notice) for a commercial break. This is for the first time I saw an interview with the president was stopped by a commercial break. What kind of ethics was that? I was somewhat surprised with this fact when I talked with them (television stations). Then there are others, like RCTI. There were also people who were close to us, like Derek Maningka. Karni was also close to us. There were also media people she liked most, the professional media people. She was very happy to be interviewed by Peter Gontha. Well it was very rare. She was also very happy when she was interviewed by Jayasuprana. I don't know why. Perhaps they did not judge her. Perhaps because of their age. What is clear is that those people did not attack her during the interview. They did not act smart; they respected her, and so on. Though in fact the questions were very sharp. Well, one of the worst interviews was with Bayu from SCTV. Well, Bayu should not ask the questions that way. Or perhaps Bayu was also a bit nervous, or stressed, or else. I don't know. It was quite different from the usual Bayu we knew. But there were also reporters who would not interview here. And Mega would not be interviewed either. For instance Rosiana Silalahi. In fact Rosiana was a good person. And she would certainly be able to interview Mega. But when I asked Rosie to do so, Mega denied, and she respected her, because they were good friends. So there was a mixture of a lot of factors. So I can see that personality is the key for any relationship. In my opinion, perhaps a bit different from Soeharto or other leaders, those very personal relationships never led Mega to conclude and to use her power to minimize or to repress the freedom enjoyed by the press. She was mature in that... So when there was an urge to revise the Press Act, she did not respond at all. She was personally disappointed of being treated unfairly, but she never mentioned. And in fact she knew that was the price to pay and she did not have the moral and political rights to repress. You can check our media colleagues during the campaign. There were people who take actions on behalf of Mega, for instance by calling newspapers to cancel some certain news, and so on. She did not take any action to whatever the television or the press said. And it was really her policy to the media. Let them mature themselves. That is quite unique. Try check later what is going on with the interview with SBY. I met Mr. Edy Prasetyo from CSIS. He once interviewed him, special for the case of July 27<sup>th</sup>. He had been heavily reminded not to

ask this not to ask that. Then suddenly he refused to do so. We had to take a trick. There was nothing in the answers. This is related with SBY. When this came up, a signal was given, and he had to stop for a commercial break. So there was a scrutiny against the media. No such a thing during the era of Mega. She did not have anybody with a duty to scrutinize the media. There was no special team. But she was also upset with the media. While SBY has a special team to handle the media, because that is his way to respond. That is why many people say that Mega did not have a media strategy, or a communication strategy. But in my opinion that was not the case. She did have. But she was urged by the reluctance to scrutinize the media. Well, sometimes it was very funny. After SCTV talked bad about her, then came Karni (Ilyas) to chat friendly. I was very confused.

The only thing we used was only in the context to raise issues, to compile issues, but not to see the politics of the media. Though in fact some of the issues were raised in a sharp manner, for instance by Metro and Media Indonesia. Only when she was too much cornered, then she uttered her complaints.

**Q:** Were you ever unhappy with Kompas, or SCTV?

**A:** Almost never. Once she was unhappy, but never with Kompas. Even the negative news about her was a proof that she would not control the media. August Parengkuan (TV7) was informally in charge of controlling the media during the presidential election. But then some negative news about Mega came from TV7, and she was also confused about the fact. But this was only to show that there was no policy or political control on information. As long as about the political process, Mega valued Kompas as the most because of its incredible neutrality.

**Q:** Any special relationship with media people, in Kompas for instance?

**A:** She chatted and complained about the media to Jakob (Jakob Utama, Kompas). She complained. They met several times, just had a chat.

**Q:** What about the professionalism of the media at the time?

**A:** That was exactly the question of Mega at the time. Was it the meaning of freedom of the press when there was no responsibility at all? Was there anything what the media had

been fighting for anymore? According to Mega after having a chat with Jakob, people like Jakob were also unhappy with the same thing. I did not know whether it was right or wrong, but it was something like that.

So I don't see any effort for improvement from her side. At least she started a tradition of press conference when she was going overseas about where we were going to, about what we should do, and so on; while in fact she had not had the tradition of making a press statement. Sometimes she only responded to one or two things about the interior, period. So, she started to be a source of information.

The third one in the next development that in my opinion is very fundamental is the introduction of the thing called the embedded media. Wherever she went, the media were there too. It was a bit disappointing that the media were taken anywhere to the regions but there was no report about it. Then I reviewed it, and it was the fault of Mega's team that followed her visits to the regions. Because, anywhere I talked with the media about the problem why there was no report, and they said that wherever we went the substance was still the same. So Mega herself was not aware that she took people with a duty to deliver what she wanted to say but in fact she always talked the same things. She imagined of being in front of different audiences and the same theme would not be irritating. Well, the failure was in the people around Mega. But this reflected the awareness that she had a problem in political communication and she tried to manage through several chains. But there were other things that were more personal that never happened but that was agreed. OK. Let's now have breakfast / lunch with media people to enhance or to increase the frequency of meetings designed by big media editors, and we can do it with the next layers. We started with the closest friends. When all of this design was complete then the presidential term was over.

Among the media, she was also respected as a person who never tried to limit the media but the media also complained that Mega often was very fond of complaining.

So that was the relationship. Some sort like that. A relationship that was not fully in tune and sometimes was marked with suspicion and misunderstanding, but it never ended with sacrificing the freedom of the press.

**Q:** Was there any spokesperson?

**A:** That was the thing she would not. Mega was a bit traumatic with the spokespersons of Gus Dur. So when Mega found that there were spokespersons that referred to the people who acted on behalf of Gus Dur, she was quite shocked. There was a very great discrepancy between what had been formulated and what was delivered. She did not want that such a thing happened again. That is why, she institutionally functioned the Ministry of Information. When the Minister did not function either, because he had his own agenda, then the duty was given to Bambang Kesowo (the Minister of the State). But because of the fact that Bambang Kesowo had a serious communication problem, then the problems were like in a series of chains.

**Q:** Were there people like Pramono Anung (the Vice Secretary General of PDIP) who could be called the spokespersons?

**A:** Not at all. He only delivered the result of PDIP meeting. But for the state, no one could be called the spokesperson of Mega. No use for that. I said to her to make clarification about some problems such as the fuel price hike to the media... but she said: No. Soon people would know. So the way of her thinking was too simple. Anything good would soon be known by the people and would still be good. She could never imagine that a good thing if it was not communicated in a good package could also be bad in the eyes of the public. She said that why we bothered if we had a good intention. In my heart I said that it was exactly the problem.

6. Dewi Fortuna Anwar, former spokesperson of the President B.J.Habibie, Jakarta,  
Augustus 30, 2005

**Question (Q):** What were your duties as the spokesperson of the president?

**Answer (A):** A spokesperson is like Andi Malarangeng. In fact, structurally I was assigned as Assistant to the Vice President for Globalization affairs when Habibie was the Vice President. That's echelon one office. Only for a short time Habibie took hold of vice presidency when Mr. Harto stepped down and Mr. Habibie became a president. I was still in the vice president office for the Globalization affairs. Before entering the vice president office I had had good relationship with many domestic and foreign mass media people, because in my capacity as a researcher they often asked for my opinion; I got acquainted with both domestic and foreign journalists. So, when Mr. Habibie was assigned a president, I got so many telephone calls, requests from journalists, that knew me personally, whether it was possible for me to open an access to the president, so that president would be willing to be interviewed, etc. Hence, I took an initiative to write a letter to Mr. Habibie; the State Secretary was Mr. Akbar Tanjung. I wrote to Mr. Habibie the importance for the government (president) to explain to the public various things related to public interests, directly to the public, and also to international world so that they understand the measurements that the president was going to take.

With that letter, Mr. Habibie then ordered Mr. Akbar Tanjung to ask me to arrange his relations with mass media. So, this had nothing to do with my job because there had been mass media department, the press bureau, in the president's residence. It had been there since Mr. Harto era. So, it was personal initiative. Then, Mr. Habibie invited me, accompanied by Mr. Akbar Tanjung, although I knew Mr. Habibie very well and was quite close to him, but structurally I was Mr. Akbar Tanjung's subordinate. He told me, "Dewi, you arrange"... Then, I was asked to arrange the relations with media that intended to hold direct interview with Mr. Habibie (not media in general), so the requests from media to interview Mr. Habibie got to my desk. Therefore, I arranged his schedule, such an interface between the president office and journalists who intended to interview directly. The protocols of when to interview, etc., of course involved the press

bureau of the president office; they arranged the protocols, but usually I would ask the president adjutant of the president's available time for interviews, etc. so that Mr. Habibie started to open for direct interviews with journalists. At the beginning, it was hard to convince Mr. Habibie about this matter. We know that Mr. Habibie was so open to journalists when he was the Minister of Research and Technology and he was open as well when he was the vice president but he initially was influenced by Mr. Harto managed such an issue. Mr. Harto was not fond of making direct contact with journalists and even he told to be carefull to talk to journalists because they like twisting. During the new order, president palace had such eerie image, didn't it? It was not open at all to journalists and Mr. Harto would talk directly to the public through the so called *Klompencapir* groups namely the groups of listeners, readers and viewers. Thus, his way of communicating was one way. It was the Minister of Information or the State Secretary who talked to public. Journalists could not approach the president. Once I was involved in a debate with Mr. Habibie; he said the Mr. Harto told to be careful talking to journalists... it's better not to talk directly to them. I told him... "Mr, Habibie, during Mr. Harto time, everyone visiting the palace became president's spokesperson. They interpreted by themselves what they talked to the president. Thus, a leader of a mass organization who just saw Mr. Harto got out and gave press conference, saying that Mr. Harto said so and so, whether it was true or not... we just couldn't verify. Now, that there are much misunderstanding and quite radical exchanges in our state matters, the leadership style in this democratic era... you are your own best spokesman... no ther spokesman better than the president himself." So, finally I succeeded in convincing him and such an arrangement was made. He was pleased with that and even made long hours of interviews. It was one.

However, there was then another more fundamental policy that we know it was more appropriate with the philosophy of transitional government itself namely the transition from authoritarianism to democracy. President Habibie realized the importance of freedom of speech, the freedom of information, as the main pillar of a democratic nation. Since the beginning, as we know, the government embraced such a polich as giving freedom to press: no more telephoning culture, no more SIUPP, the Department of Information did not do such activities that did not give information but instead controlled

information. When Mr. Yunus Yosfiah (the Minister of Information in Habibie era) gave the press freedom, it was the policy of the president, the policy of the cabinet. Thus, since that time, we saw the efforts to catch up our falling behind in the field of press freedom. In fact, it was done quite systematically through Department of Information that finally released the control over the culture that emasculated press freedom and second, the president held direct communications with media. In fact, there was an effort to do such transformation in the relations between the government and the society.

**Q:** At that time (Habibie era) I saw it distinctively when Mr. Habibie talked to international press in English; something that was never done for tens of years. That looked like Mr. Habibie character but were there any other factors influencing such a thing, in addition to the initiative of Mrs. Dewi to be his own spokesman?

**A:** It was his character. Mr. Habibie is a kind of person who likes talking, isn't he? Even we found it difficult to limit his time when he was talking. We convinced him that whether he talked directly or indirectly the information would flow out. When there was no information, media would even create or search for the information informally, and it might not be verified. Thus, when we convinced him that direct communication was valuable for the interest of his governance, and it was his obligation to tell public about his policies, the right of the society and international world to know what happens in Indonesia in order not to inflict misunderstanding, he was even very enthusiastic. Initially, it was my initiative but then Mr. Akbar Tanjung who in the old system (Soeharto) functioned as a spokesman, was elected as Golkar leader, he became so busy because the State Secretary had to manage Golkar at the same time, Mr. Akbar Tanjung issued his State Secretarial decree promoting me a spokesperson not to replace Mr. Akbar but to help him. And finally I was given an authority to talk in the name of the government. Initially, from March to July 1998 I was the assistant to the vice president for globalization affairs. From July 1998 to November 1999 I was the assistant to the State Secretary for foreign affairs. I did many things related to the relations between Indonesia and the world outside through media. I also coordinated with Department of Foreign Affairs, etc. So, actually I did not have much time to become the spokesperson of the president but we knew it as well that requests for interviews were bountiful. Not many people are willing to fulfill the requests for direct interviews in English from media

in Indonesia because it is not easy to hold such an interview in CNN, BBC, ABC, moreover when it is done live... Many parties who have particular authority and capacity can answer such questions about what was happening. I often had to sit for a debate with panelists, instead of the Minister of Foreign affairs who was more official doing it.

*Q:* One of the greatest works of Mr. Habibie was Press Regulation. How did the Regulation exit? Did Mr. Habibie have special team or committee, something like that?

*A:* He did. Under Mr. Habibie there were many councils, politcs and safety council, economy council, and there were many teams that he formed in an adhoc way. There was even one team of civil society that always gave inputs. We knew it that Mr. Habibie is a type of hyperactive person and he was open to any parties. In fact, the time was so limited that it was rather forced to make many regulations. It was just like to chase after payment. Fortunately, Mr. Muladi was there as a Minister of Justice as the right hand of the president to process legislations. He was certainly played the most important role in addition to the State Secretary. He was lucky enough to have people who had good capacities and were dedicated and understood the condition at that time that we were in transition time and the time was so short to prepare different regulations, to prepare transition, leading to a stable political system. In terms of quality, there were so many regulations that need criticizing. In fact, there were weaknesses but the spirit at that time was laying the foundation for a democratic country, which protects human rights, so the spirit was there. And there was fear that if it was completed in such a short time, if there was new government, for example, and it turned to have quite strong political legitimacy, and quite strong authority, and did not turn out to be reformative, our fear was that we would step back. So, this was a kind of window of opportunity that actually was narrow, reformative aspirations that was buried for 30 years, would be finished in relatively short time. There was fear of the new president or the House of Representatives with complex reform commitment so that it would be difficult for them to make decisions so that they found it problematic to pass one regulation only, for example. There was fear the reform would step back or be stagnant. These difficult regulations were released immediately with so much imperfectness. Repairing is easier than making the one ones. The fear was logical because since 1999 until today there are only few regulations passed.

**Q:** How was the role of Mr. Yunus Yosfiah?

**A:** Mr. Yunus Yosfiah was so reformative although he was a soldier. He said it that although he was the minister of information, he would change fundamental paradigm of the government that used to be centralistic to become decentralistic, from an authoritarian government to a democratic one; from a government that considered the people had the obligation and the government had the rights, from the ever-right country to a pluralistic one. Even we would like to develop a stronger community, but not a weaker country. Centers of policy making must be distributed. This reform spirit was present and this was that people sometimes were not sure, did not believe, that the old people, the old stock, would be able to do it. So, there were cynicism and other things. That's no problem because the history will see who are serious and who are not. Why did the same person who did not take any actions in the authoritarian system suddenly was willing to (change)? Didn't he just intend to keep the power? If he only intended to keep Mr. Habibie's government or Mr. Habibie himself, he did not have to hold this total reform. He could do it through Golkar, through army, through the prevailing regulations and it was enough to stifle those turmoils but he did not do it. He opened the press freedom and with the freedom he was striken by very free press everyday, but it did not matter for Mr. Habibie because he acknowledged it as his product. He considered the freedom his own child so that it was legal to criticize him.

**Q:** Was was the practice of press freedom after the regulation was released?

**A:** On one hand, we saw that it had to be like that, on the other hand, we were sad and felt disappointed that our friends in NGO or mass media did not want or were not capable of judging not just the skin. Thus, they kept looking Mr. Habibie and his government as the extension of the new order. They did not see the efforts as genuine efforts, which really would do reform. They just saw this as cosmetic changes, as merely a tactic to maintain power. Whereas, if when think it logically, opening press (freedom) was the beginning of tight control of the government so that the government had to be self conscious. We also felt sorry that press took its clear sidedness. We can say the press enjoyed freedom in that there was no control from the government but the press was not free from primordial interest, sectoral interests. Thus, we knew it that Kompas, for example, would

always report it this way and whatever good things the president did would be reported as something like the half-empty glass, instead of half-full glass because and would step on the government to raise other figures because it did not like Habibie. Kompas was pro Megawati, you know it. So were other newspapers. Meanwhile, Republika, for example, was Mr. Habibie's newspaper. Therefore, the things that actually we had to criticize were not criticized because they felt to have to show sidedness. There were plus and minus aspects and it was possibly difficult to avoid in a pluralistic, independent society and even though the newspapers were said to be free, they were not free from economic interest, not free from political interest, not free from social cultural interests of the readers, especially capital owners of each one. In this case, therefore, we questioned: what was the press free from, because we also know it that in global scale the ones determining the editorials were the owners of the capital, economy interest, ideology of the owners determines so much. To my opinion, that was better than the government determined what deserved reported and what did not. If there were freedom and sufficient space for a competition, the society would be more critical. And if the society could read the same information but interpret it differently, their critical power would be higher. Which are acceptable and which are not. I knew it well that Mr. Habibie was not disturbed with the reports in mass media, more of which were not amiable with him.

**Q:** Did it show professionalism (level) of the media at that time?

**A:** To my opinion, there were two problems. First, being released from 30 years under control, there had to be euphoria and there was an expectation of not just free coverage but many of them wanted to make newspapers, tabloid, etc. while we know that tight control to media results in limited availability of professional journalists. There was no opportunity to become professional journalists in Indonesia; they had to get it abroad. Those, who were in Indonesia, had to do tight self censorship. Thus, when the freedom existed, they suddenly felt free. The limits between what was reasonable what was not, therefore, sometimes was missing, take an example about covering both sides, check and recheck, trying to present as complete information as possible and not only basing on opinions, or reporting something unverified; that was not so good at that time because professionalism was not there yet. By that time, government always controlled. Second, when the number of the existing media was suddenly abundant, while the Human

Resource was limited, we saw so many amateur journalists, even the adventurers were involved in media either as owners or employees in media so that the quality of the media itself was not spread evenly; some were good as they were old players but some were so bad. The third, quite high partisanship; the involvement of these parties either as capital owners or journalists had their own sidedness to certain figures. It was even incomplete. Political orientation in a newspaper, for example, could be different between the editor's and the journalists' so that there was a competition in it. It was not surprising, therefore, when we read certain news of which title was terrifying that seemed to blasphemy but actually the content was not. It was possible that the journalists just wanted to report the news as it was but the editor who had different angle chose something (the title) different, whether it was pro or anti. We often saw, for example, that most part of the analysis was rightist while the editor was leftist.... or vice versa, and it showed an ideology fight in the media itself or at least conflict of interest.

**Q:** Was there any certain issue considered unfair in mass media reports?

**A:** Yes, there was. For example, the case of tapping the conversation between Mr. Habibie and Mr. Andi Ghalib... Such a case sometimes became media scandal. I do not recall the others but there were such scandals where the privacy limits were contravened.

**Q:** What about electronic media, such as SCTV?

**A:** I don't think so. SCTV was enjoying its popularity. Different from printed media, television cannot create news because it bases on broadcast, based on quotations so that someone had to be responsible for what he broadcasted. In printed media, there can be opinions from sources that can be trusted... We do not know clearly who the sources are. Of course, there are preferences, sidedness to the broadcasted news on television, but whatever the news they broadcast must be real, either based on interview, based on events they record, interview with the president, or interviews with famous figures. Thus, the freedom of the television to create just opinions is somewhat difficult because it had to be based on facts. Meanwhile, in newspapers there are many analyses and also titles made by the persons; it is personal responsibility. We often find contents that are different from the title, don't we? Or people who mad accusations but did not tell the sources. We don't find too many such a things on television although there are

preferences, for example, but not in Indonesia. Take an example CNN. CNN is fond of (Gulf) war the most. So, the news on the conflict was reported repeatedly with the same pictures although the news has been out of date. The news about Indonesia, for example; any news about Indonesia was accompanied with the pictures of the riots while the news was not about the riots. It created opinions, didn't it? Was it done on purpose or because they didn't have other pictures? Or if you watch Fox News; when they talked about terrorists, they always broadcasted people who were praying in the mosque. Then, what was the relationship between terrorists and the people who were praying. Besides, that created an opinion that those people praying in the mosque were terrorists. Thus, tv media play its role to create an image, but reports do not. I saw it that SCTV was quite skillful to cover strategic and brave events; they got their place to compete RCTI with its *Liputan 6*. Anyway, I do not recall the problems with SCTV.

**Q:** So, was the relationship between the government (Mr. Habibie) and media relatively good?

**A:** Yes, it was relatively good. Eventhough they were so critical to Mr. Habibie's government, they appriciated government openness. And you saw it that Mr. Yunus Yosfiah became a very popular figure with mass media.

7. Erdy Taufik, a News Producer of SCTV, Jakarta, December 21, 2004

**Question (Q):** How long have you been with *SCTV*?

**Answer (A):** I joined with *SCTV* in October, 1994. After exactly for four years, I resigned on November 1, 1997, then I joined again in February 2004. So I have been for six years not with *SCTV*. At first I was a reporter (weekly) for the program *Wakil Kita* (Our Representatives), then my last position was as a producer. When I joined the TV again in 2004, I became a producer again.

**Q:** Did you spot any changes in the atmosphere between 1994 and 2004? What had been changing in *SCTV*?

**A:** For sure the people had. Particularly for the period of 1994 – 1997, based on certain considerations, everyone had to be very cautious. In 1998, there was a courage to try a change but had to keep in the framework not cross the line to touch the Cendana (Soeharto) family. This was directly dictated by the head of the editorial board based on an instruction given by the owner who was also a member of the Cendana family. The plant should not eat the fence. Isn't that so? But what was interesting, was that we were challenged to be creative. It is just like an art that if you want to say something you cannot utter it to the point; you should take the long route and let the people (viewers) interpret it. But now if you want to talk about Miss Tutut (Siti Hardiyanti Rukmana, the eldest daughter of Soeharto) who was involved in the sales of Scorpion tanks, you can directly mention the name. If you spot the Armed Forces are involved, you can just mention it. No problem. But we had to seek for an advice to the chief editor. There was a censorship that was common at the time.

**Q:** While in fact the Cendana family still holds some ownership, doesn't it?

**A:** Well, it is now hard to say. To say no, there are still games played, but not on the person's name (a member of the Cendana family). But everyone knows that the person comes from the Cendana family. There was Sudwikatmono, now there is Henry Pribadi, a businessman linked to the same circle.

**Q:** Well, is there exactly any difference in the freedom of the press for the present time and the past?

**A:** Now doubt about it. Very much different. To tell you the truth, if I have to self – introspect, the freedom is now too much that there is no more control. This is what I want to say, this is what I feel. The people feel too elevated to raise a case / an issue that they do not conduct any more check and balance. They directly write down everything, without any prior confirmation, without any checking whether it is true or not. When one gets some information from a source, then without the need for checking to other sources, the person just writes it down. While in fact the responsibility of a journalist is huge. Anything that is already presented / aired will be very difficult to make a correction. My own experience and also my friends' shows that there has been no problem in anything we have aired for these 8 – 10 months since February 2004.

**Q:** So it means that there has been some control from the inside though there is no....?

**A:** I don't see any control from the authority. The most only comes from the owner, but it is not also very severe. Just for instance, yesterday one of the commissioners joined the launching of a book about the Armed Forces (TNI) and he requested that it be aired. I think if it is considered as crossing the line, it can still be acceptable. The person was happened to be there, and he just asked to be shot with the camera and aired in the TV ... We did not mention his name. He just asked to be included in the news because he was invited to join the launching of the book by the Army School of Command (SESKOAD).

**Q:** Does the person have any relationship with the owners / the military?

**A:** He is just an ordinary person, but perhaps he is close with the owners. In the past, when the military was in a very great power, one would feel very proud if his / her event was joined by a general and he / she was there. I think there must be some bias. I don't know the deeper relationship that may exist, but a businessperson may think that it is much safer if he / she is close with a soldier of the general ranks. If anything happens, one would feel much safer, because no one would dare to annoy him / her. Such notion may never vanish. In the past, one was very proud when there was a photograph of a soldier, though only a corporal, but the person was still proud about it. But he / she could

still be robbed, couldn't he? It is something that is very personal in nature. I don't know how deep the relationship is. But I see it can be found everywhere. You can also find such a thing in the station. If one just seeks for praise, it is OK. The problem is when there is an instruction not to air this. Well, it is a real problem.

**Q:** So, is self – censorship still there or not?

**A:** I would see it this way. I happen to be a producer. I have to see the news written down by a reporter until it is worked on by the editor. A producer is responsible for the broadcasting. When there is something I consider not so convincing, I would check the matter first to the editor. For instance the case of Bank Global. The issue is perhaps very racial in nature (Chinese ethnicity). If we mention the ethnicity, we can be accused of being influencing something. I have to check it first to the editor whether this is true or not, who the source is, whether it came from the Bank of Indonesia or some source else. It would be really dangerous if we are not accurate. This is not because of self – censorship. But perhaps, for some colleagues the reason behind is self – censorship, because they are the products of the New Order. They became journalists when the New Order was still in power, and they have been accustomed with such a system. And it does influence. But it will be too bad if you are too cautious or if such a self – censorship is too much. I have a friend, named Totok Suryanto. He was with a newspaper named *Surabaya Post*; then he moved to the paper *Sinar* that was closed with the Indonesian Armed Forces (ABRI, Angkatan Bersenjata Republik Indonesia, now TNI, Tentara Nasional Indonesia). At the time, a journalist who was often assigned to work in the headquarters of the Armed Forces would feel that he / she was the great one, because he / she could see everything. Now, after the era of the New Order, he is takes a too much self – censorship, perhaps much more than the Armed Forces themselves. So the person was shaped and trapped in such a system. Another example is the case of Scorpion tanks. We don't want to take a biased position what it was made an issue in the Dot.Com and Tempo. At the time we held a discussion in the editorial meeting. We saw that they did not haphazardly write down that way. Then suddenly we seemed to be in their favor. In my opinion, we have to check the matter first. We should not judge first whether this is right or wrong. So we have to check it, because the source is perhaps some certain figure. Such an attitude would be much better then if we immediately say 'you have to be careful

...’ You can find such an attitude, that is why I say that we have to have a certain position ... because we have been accustomed with what happened in the past system.

**Q:** Well, what do you mean with freedom of the press then?

**A:** In my opinion, perhaps also because of my experience with NGOs, if I see a fact, then what I do is how to make the fact known by the public. But I am also responsible whether it is a real fact or not. A fact according to my own version. If I present a fact, then what I mean with the freedom of the press is the freedom for me to get information then I study the information and if feel some doubt in it I would check the matter first. Then what I mean with the freedom of the press is whether this fact is true or not. That is what I will write down, that is what I will present to the audience. So, if I say that Tutut is involved in the case of Scorpion tanks, I cannot say take it for granted, though in fact there can be some bias when what I quote is not right. So, in simple, it means how I can write it down and make it as accurate as possible. There should be nobody that is sacrificed and there should be the one who is responsible for it. In my opinion, that is the most appropriate attitude. So, people would not think that I have to write like this or like that haphazardly without any consideration about the possibility of anybody who would be in an unfavorable position because of it, while the fact is not really like that and that I never pay any attention to it. The consideration is not self – censorship but what will happen then when it is found that she (Tutut) is not involved in the case while in fact we have broadcasted that way.

If I routinely follow the atmosphere after the New Order, I can say that in the past there was something like ‘not to be aired’ or ‘not to be broadcasted’, and then now everything is possible. Then we have to find the meaning of the freedom. Does it only mean that we can say that Mr. or Mrs. A is a corruptor but we cannot point out in what case the corruption is? Now we can see a lot in the media that say that Mr. or Mrs. A is a corruptor but the media cannot say in what case the corruption is. I don’t see that what have been happening in the station (SCTV), but what I can see here is that a news item is discussed first in an editorial meeting to see how far this item can be made a news item, then we have to process it to make it just a news item according to someone but it can be considered a good one after checking whether the fact is really accurate or not. But in fact

the information can be anything in the field. But when that piece of information comes to the office (SCTV) and it is discussed in an editorial meeting, it is often that ... So if we turn back to the case of the involvement of Mrs. Tutut in the Scorpion tank case, someone has to check about it first to find out who is really involved. If someone from the Armed Forces is involved then we have to check it first to the Armed Forces. If there is no such a fact then we can say, 'put it off for a while', because it is about the reputation of somebody. We need an explanation from the authorized person whatever the person would say; we have to really cover both sides. We cannot just accept something as a fact.

**Q:** So, do you mean that in this organization there are efforts at any level of the media workers to be professional?

**A:** The chief editor in an editorial meeting often takes such an attitude. So one should not just accept some piece of news and just protect somebody. If you raise an issue, are you completely sure that the person in the issue does the thing? If you are not so sure, then check about it first until you are sure. If you yourself are not sure then how can the public be sure about it? This not a debate, but the discussion often goes that way. And the guidelines are like that. Never ever write down anything if you are not yet sure about it  
...

**Q:** Is there any a kind of code of ethics?

**A:** Please check to Mr. Iskandar (the Research and Development Department of SCTV). We have an ISO, I don't remember from what year it is, but I have never seen it, because perhaps I am often assigned a job at night, but I am sure that Mr. Iskandar has the stuff. There are some rules applied here at SCTV. But too bad the I have never had; I think there should be some guideline book; well... something like the blueprint of Liputan 6. Perhaps most of my job is at night, and I never ask about it then I don't have it.

**Q:** If it is, then it should be given. If is not, then how to take a control, say about that one has to cover both sides. Is it left to the persons themselves?

**A:** It depends on the attitude of the person who is involved in the journalistic world. If I can see, whether you are aware or not, there must be some norms, some morality, a kind of integrity in the profession. Though I may in fact never have it, but such a thing has

become a standard for a journalist, a true professional journalist. When there is something unfair, unjust, we don't want to force to sell something, to present it to the audience.

**Q:** In the recruitment interview, are there any standard questions about what should be met by a journalist?

**A:** When I joined for the first time in 1994, there was not, but when I joined again, I didn't know because I knew the interviewer. Mr. Iskandar (the Research and Development Department) also knew me. Mr. Don Bosco Salamun also knew me. The new person was on Mr. Karni Ilyas ... But let me put it this way, at least I learn from the media that can be considered good in how a news item can be considered as fulfilling journalistic requirements. But this is an interesting question, whether or not there is a media organization that applies such a standard or all standards.

**Q:** The question is how to build such professionalism. Are there guidelines, even are there the vision and mission?

**A:** Well that what happened when I re –joined in 2004. I learned a lot more about what school is followed. If I observe during the meetings, when news budgeting is being discussed, then there are often arguments about cases that require a high level of accuracy. That way we go through the process.

**Q:** Is there anyone with a dominant role such a meeting?

**A:** I think it is quite normal if there is someone who is more dominant than the rest because the person is considered as the one who knows better and there is no argument to say that it is wrong. Except when there is some controversial news, then it is debatable, I can have my own opinion, and I can express what I think. So a news item is not always like what the owner wants, or the boss wants. It is already our joint responsibility, that is why we discuss it in the meeting.

**Q:** I think it is quite normal if there is someone who is more dominant than the rest because the person is considered as the one who knows better and there is no argument to say that it is wrong. Except when there is some controversial news, then it is debatable, I can have my own opinion, and I can express what I think. So a news item is not always

like what the owner wants, or the boss wants. It is already our joint responsibility, that is why we discuss it in the meeting.

**A:** Yes, because then the news item is no more a personal responsibility.

**Q:** Can you tell me the atmosphere of such a meeting? What about the process?

**A:** We start with a list of some news items; say we talk about the evening news. The evening news item number one is this, number two is that, and so on. Then it is questioned what kind of content is there. Then the editor whose his / her persons were sent to the field will speak up. If I have an opinion, then I can also speak up that this should be changed like this or that because I read in dot.com or in other sources not like that. There must be something that is not solid yet. For instance, the case of Bank Global gets a rating as A minus. The question is there must be something wrong about our bank rating system. A bank that has come into bankruptcy and has been shut down in its operation can still get an A minus rating. When we want to raise this issue, are we going to present the news item like this? Of course we have to make it clear whether there is any information from the Bank of Indonesia or not. If there is, then why such a bank can still get an A minus rating? Then I say, it would be better if there is an official statement from the Bank of Indonesia or the Bapepam (the stock market supervising body), because they are the authority to provide information to the rating institution. Then if the rating institution gives an explanation why Bank Global still gets an A minus, this is already an interesting news item.

**Q:** Are there any problems concerning accuracy, imbalance?

**A:** To tell you the truth, I have to admit that in the case of Buyat (an environment pollution case that is suspected to be conducted by a big American company, PT Newmont), the issue was getting down in the midst of other issues, such as there was suddenly a demonstration against the fuel price increase, about the congress of NU, about the congress of Golkar, about the arrest of Sujono Timan, and so on. This is a business that is related with the coverage of other stations. In fact the Buyat case is decreasing in its rating. Then a case that should be solved is often put aside. Somehow or other, we have to also see what our competitors are doing, what issues are they raising, and what

issues get the good rating. We cannot only just show our empathy to Buyat people who are suffering from the waste materials. Moreover when the information does not come from the main source, for instance when the Police headquarter explains about its investigation on the board of directors of PT Newmont. If there is no issue about Bank Global, perhaps we can raise again the case of Buyat, because the case of Bank Global is the one that is being on the main stage. That is the way things are going. Another problem is for example the inaccuracy of names. Though in fact this case is very technical but this is not less important. For instance, the title of the source. There can happen that we mention a Brigadier General while in fact a Lieutenant General. Other inaccuracies about names can also happen, and such a thing should in fact need not to happen. This can be the mistake of the reporter. So, when there is a news item from the person, we always ask to be rechecked again. We have to be very careful in editing news; we have to avoid making mistakes.

**Q:** Back to the past, was there any close relationship with the government or even the other way around?

**A:** In the past, we seemed to just accept anything. There was an attitude to be risk aversion. In the past, if you made mistakes then you were dead. So when there was something dangerous threatening us, moreover the threat of loosing our jobs, then we had to play safe. Because, we all knew to where everything was going. Everything was going to Cendana. Whether it was about agriculture, mining, or even about education. Then eventually we had to take the attitude to just let it go. The most we could reach was if there were some colleagues who took a critical attitude, then we only wrote down the peripheral things, for instance about the system of education, about mandatory schooling, etc; without mentioning something that was wrong. For instance, about the mandatory schooling, we wrote that there were people who found difficulties to get enrolled in elementary schools. That is the most we can do. Just let other people take their own interpretation. So we gave more emphasis on the interpretation not the real fact that we raised up.

**Q:** Was there any unfriendly relationship with the government?

**A:** Well, we had to have a good relationship with the government.

**Q:** So it is quite different from now, isn't it?

**A:** For instance, the case about Sarwono Kusumaatmadja in 1998. That was our trick to get through, just to make us not afraid with everything. It was only people like Sarwono who were still willing to talk. At the time it was even the owner who was in fact making us afraid. And at the time the owner was so powerful. There was a discussion before the program was being aired. The owner would never think about Liputan 6 in comparison with his huge business. At the time the owner was really powerful. So, if Liputan 6 should be drowned, just let it. The pressure was so heavy because there were other businesses, because there were those people (Mr. Sudwikatmono, Peter F. Gontha, Henry Pribadi, and other guys). They had a really strong pressure to Liputan 6. They did not want to take a risk to jeopardize their businesses, just only because of Liputan 6.

**Q:** But no more problems recently ... for instance with the military?

**A:** No, even with the military, even for the fatal issue. As far as I can remember, nothing. I don't know if the problem only reach the editor in chief or the vice editor in chief. But so far there has been none in the editorial meetings, even the mistakes or the things that the military don't like. That's why we often accommodate them. For example when they have a parade, then we air the news item, but even so only from the interesting visual perspective. Well, this is the character of television, its visual. A military parade is interesting for most people though from the news perspective it is not. The most is just like that and please broadcast it. That is more or less like the launching of the book. Not something very special, it is only just because a commissioner of the company was there. Well, it is something like seeking a face. Then we say: why we don't want to give just one minute for a 30 minute program? We have to tolerate something, don't we? But there is no more restriction about the things that should not be aired.

**Q:** So the government has not been taking any measure, both in the eras of Gus Dur (Aburrahman Wahid) and Megawati, including the interview with Megawati where she looked very emotional?

**A:** There has been nothing happening, even when we aired about the business of Gus Dur, about the business of the son in law of Megawati. The interesting one about the

interview was the protest from the viewers: Why did you ask such a question that a president got mad? There have often been things like that. There was also an experience of Rossi (Rosiana Silalahi) who made Gus Dur a close friend by addressing, 'Hi Gus, how are you doing?' We were protested by a viewer. While according to my context, a presenter / an anchor can make a source more familiar. Because, from a theoretical point of view, if we can be close with the source, then we can dig all of the information. But after that a lot of protests ... why did you make a Gus Dur a friend for a person like you? Such a thing often happens. Also when a Rossi was bombarding Amien Rais with questions that made him in a bad position, there were people who got mad. Such a thing may have never happened before. But the respected institution of MPR (the General Assembly where Amien Rais was the chairman) did not show any objection about it.

**Q:** Are there still any invitation from the government, from the military headquarter, that often used to summon the chief editors?

**A:** I don't know. If there is, the most is that a reporter who will come. Then the reporter would report to the editorial meeting, but there is no restriction from the military.

**Q:** What about the cases of Aceh (special treatment for journalists reporting Aceh that is in a military / civilian emergency status)?

**A:** I read about it, but I have not met with the person (Dhandy Laksono). I read that Liputan 6 was considered wrong and the person was sacrificed. What I heard is that Dhandy interviewed a figure of GAM (Aceh Liberation Movement) and the military was upset. They felt embarrassed by SCTV, why the station could meet a figure of GAM, while in fact the military could not. That is what I heard. The military was upset, that is true. But I don't know whether the reporter has been 'worked on' by the Local Military Command (Pangdam) or not. But as far as I know, there has been no problem so far. For instance when we aired about the military soldiers shot by the GAM. Also about the quarrel between the Special Police Task Force (Brimob) with the military. There was no problem when we aired about it. Back to the case of Dhandy, it seemed that the military felt embarrassed and then Dhandy was sacrificed.

**Q:** Do you have any experience with the KPI?

**A:** Well, this is my personal opinion. The concern is that KPI would replace the existence of Deppen (the former Ministry of Information). I hope that the KPI is like the Press Council, not to judge but to help, to open itself, because the KPI consists of independent people who are not involved in the stations as commissioners. I think if the KPI is like the Press Council, it will be good. It should first take a control first whether what is aired has an impact or not. It would be much better than if it suddenly says that this program is not good without any prior discussion. For instance for the news about murder. The KPI said that the visual was showing blood everywhere. For us, when we air a news item on murder but without a dead body, then there is no murder. For instance, when the news item is about a murder, but the visual is just showing people gathering. Well, it would be wrong from an audiovisual point of view. When we are talking about a murder, then there should be a dead body. But we have to improve the way we present the dead body, not that we must not present the visual of a dead body. As long as we can make a trick with mosaic, for instance, we can still present the visual. But the infotainment programs that have no relationship at all with Liputan 6, just show gossips.

**Q:** To conclude this conversation, in your opinion what kind of press system that would be appropriate for the present time while in fact we also have the former one? Which one would be the most appropriate?

**A:** Appropriate in this way. Let the press go but there should be a KPI. Let us air a news item that meets the journalistic standards but never let any body to say 'stop' because we are wrong. Because, no one is perfect. If there is some carelessness, we cannot just stop it. Because when we recruit someone to be a reporter, we cannot know whether the person has a conscience or not, whether the person is a terrorist or not. We cannot guess. So, it would be better if the KPI discuss first with the chief editor. It is much easier for KPI to talk with the chief editor. It is the job of a chief editor, more to the outside than to the inside. There they can discuss about what is said by the KPI that though the programs of SCTV are vulgar though in fact the programs won the awards of Panasonic. Well, that will be much better, because we given the room to talk; because there can be arguments. Then there can be some measures saying the minimum when showing blood everywhere is not ethical. This can be better accepted then if the KPI tried to replace the position of Deppen. Because, one becomes a reporter not because of that the person could not get a

job in other places. There are also some people who only work for some years then they resign because they cannot follow the way of the job.

*Q:* So what is the system of the press now?

*A:* Well, perhaps it is because of the influence of my background, that I dare to say that the system of the press is starting to give room for the public. A press with concern. When there are news items about protest against the fuel price increase, about the cheap labor wage, about a garbage dumping site that is not welcomed by the nearby people, I think now it can raise the issue, that perhaps in the past was not that easy now. There is a meaning of concern and it depends on the press itself whether it just wants to sell visuals or there is another vision to give room for those people who have been deprived from their own rights whom we are now helping by channeling their protest. There are Buyat people who have been cornered and who utter their problems and now we raise the issue without too much concern about what the Minister is going to say that if we condemn the Newmont people then this will bother the investment. I think there is now some room, there is no more feeling that if do like that an investor would take back their interest. No more thought like that. I am happy with the press system. Never let happen anything that makes the public space narrower. We have a live broadcasting of the Golkar congress, but we also have a live broadcasting of the quarrels of Gus Dur. Any level of the society has the same portion, and it deserves being published to the public.

8. Iskandar Siahaan, a Journalist and Head of the Research and Development Department of SCTV, Jakarta, January 31, 2005

**Q:** Is there any research in this department (R & D) on the profile or polling to show the position of SCTV in the eyes of the public? In other words, how to detect the opinions of the people?

**A:** In fact we subscribe weekly data on the audience from AC Nielsen. Every Wednesday he sends us the data on the number of audience for every program and it reflects the rating of each program per week. Such an example like this (showing the data from AC Nielsen) is available every Wednesday. This is the rating, and this is the share that shows the number of audience. One point means that the rating is around 330,000. While the share is taken from the real number of audience at the spot. For example, at 9:13 – 9:45 on Monday, the real audience of *Derap Hukum* on the particular day was 12.3% of the real number of people who were watching the television. While the rating comes from the projected population of TV owners who do not in fact watch the TV. For example, say the total population is 220 million people and there are 100 million TV viewers, but that's not the real number of people who turn on the TV; while share comes from the real TV viewers. The number of real TV viewers changes every week in line with their tastes and in line with the current issues. For example if you read the newspapers today or yesterday, or if you watch the TV today (the news on Aceh), the number of audience shows an increase just like when the Iraqi war broke. This is to find out the perception of the people on us / SCTV. The perception is in the sense that whether they watch us or not. In addition, we regularly conduct a survey in the cities used by AC Nielsen as the rating city samples. The survey is much deeper on their watching habits, their expectations, their tastes, and so on. Such a survey was conducted in 2001 or 2002, I don't remember exactly.

**Q:** What kind of result did you get?

**A:** (Showing the survey by AC Nielsen), we place an order to them but what we want to see depends on our request. For instance, whether the people like the Dialog program during the daily news or not. Which presenter do they like best? Which segments do they

like most? Then it shows that sport news is much preferred, and criminal news shows this result. That's the way to find out their tastes.

**Q:** In general, what do you find out? Which one is at the first rank?

**A:** In 2001, we (SCTV) were number one for news. This can also be compared with the Panasonic Awards. Though in fact, it was a combination between the active audience sending their choices and the surveys by certain institutions. For three consecutive years, i.e. in 2004, 2003, and 2002, Liputan 6 has been in the first rank. They were in cooperation with the Tabloid Citra. You can see their methodology.

**Q:** That's for news, isn't it? What issues are there? For instance political issues?

**A:** The image on us has been more to a political TV station. The political content of news is much higher than the economic ones. So, in the eyes of the audience, when they want to see political news, they turn to SCTV. So we have been more inclined to that side. This has been the case since the start of Liputan 6 up to now; and we do not dare to change from political to economic news, or to give a larger portion to international news. So when there are important political issues, for example replacement of a minister, replacement of the president, certain political policies, and so on, people tend to prefer SCTV.

**Q:** Are there any particular segments in political issues, the government for instance?

**A:** We do not cut it into segments but we distribute. For instance, the total program is 30 minutes, and it means there are 4 segments / durations. The political issues may exist in segments one, two, three, and four. So in average there are six minutes per segment. The first six minutes may all be filled with political issues, but it may also be filled with economic news when it is considered important, for instance the issue on fuel price increase. But political issues are the more dominant ones. And those political issues can be anything. It can be about politics in the Parliament, the government, NGO, political parties, and so on. Then in segment two, it is possible to find such an issue again. But when there is no important political news in segment two, we can also fill the segment with only one political news item, and the rest is divided into economic, international, and other issues. There is no strict formula.

**Q:** In the book, ‘Revolusi Mei’, it was shown how SCTV at the time was the only media institution that was bold to put forward the ideas that perhaps had never been put to the surface such as the increase of fuel price. So how did such a political character come into existence? Was it based on the vision or mission, for instance?

**A:** Based on experience, I have been with SCTV right from the start, the daily news – even there was only weekly news, prior to the daily news -- has come into existence not by design, but more as the result of the development in the society. Early in 96, we were still searching from scratch. In the beginning, the character or the identity was not yet reflected. So the May Event (98) up to now (99 and so on) has been asserting that we have to give a priority to political issues, more dominantly than other issues. So it is not quite appropriate if it is connected to vision and mission. The vision and mission of the corporate is general in nature, for instance to be the number one TV station, the vision to educate the people which is then translated to the news division as to be the number one in news. So how do you call it? By accident or what? It has been the struggle of the people inside. You may call it by process.

**Q:** Then has it been captured and maintained as a kind of identity to be kept?

**A:** Yes, but it has not become a written precept, but it has been in the mind of the media practitioners here, both the reporters and the people at all levels when they are discussing the preferred topics in the editorial meeting. The discussion on political issues is more dominant than other issues, such as cultural issues, economic issues, and so on. It is a kind of culture, perhaps, or a kind corporate culture in news.

**Q:** But it has never been written, specialized, and specified?

**A:** No. Now it even becomes very strange if one puts an economic news item at the first headline. No. It would be uncommon. The first one must be political news. It has been the character. It has not been written down but it has become the way of thinking and doing of the people at SCTV. It can be seen from the editorial meeting.

**Q:** What about at the corporate level?

**A:** There has been no comment about it. For them as long as we are still the number one, whatever we choose they will agree, because they seem to be apolitical in nature. I don't know why. There was no intervention by the owner, even before May 98, to direct or to ask to take news as the priority. Perhaps they do not know that it can be made the bargaining power. There has been not much discussion on that matter among the owners.

**Q:** Then who directs (the option to political news)?

**A:** Like what I said, it is has been by process. In fact there have been some changes in the editorial board. Since we were established there have been three chief editors. The first one was Sumita Tobing who also wrote the book '*Revolusi Mei*'. Then followed Jeffry Naldi. And now it is Karni Ilyas. The one who has been directing may not be the editor in chief, because it is the medium level and the producers and the editorial board who direct.

**Q:** At the medium level, which one is more dominant?

**A:** It has always been changing over time. I would suggest that you join an editorial meeting to see the real situation, because everyone is dominant. So no one can say that I am the one who gives the color. The producers have also been changing over time, don't they? At a time one is the producer for a daily program then he / she moves to a special program. Then moves again. So the producers can not be considered as the dominant ones, because they also keep changing.

**Q:** But it should still be elaborated whether there are other variables that have made SCTV have a political character in the midst of other issues such as economic issues, entertainment, and so on.

**A:** But it is very clear that the momentum of May 98 has a significant influence on the next following steps. We are the one who took the momentum, so I would call it very weird if want to change the character and to put aside political issues. So the atmosphere has been like that. But to tell you the truth, before May 98 we were still searching from scratch. Because we did take the momentum and we have been thinking to be the number one in news, then people would tend to think that way.

**Q:** Back to professionalism, would it be a kind standard to measure and to find out the performance of the people in SCTV? What are they? What values should be owned and followed by the people here?

**A:** In fact there are two questions. There are technical standards to be followed. For instance, for a program to be aired at 10 P.M, the program should have been completed some hours earlier. For instance at what time it should have come into the editing room. Then the other question is about the standard values. Since this is about news, then facts should be made sacred. Honesty must not distort the obtained facts. There should be a balance and neutrality. This has been available in the code of ethical conduct but it is partially regulated in the standards. How to treat a source of news can be read in the code of ethical conduct. But as I said, we cannot do precisely by the book but because it has become a part of us, only then we write it down. We do not have to refer to it, but if often that the procedures themselves have been incorporated to us. We honestly need an ISO for the purpose of the company to sell its stocks to foreign investors. Such a standard is a kind of corporate label, an international standard. So here in my name card you can find the label. Then the parties who want to buy the products of SCTV have already known that the products of SCTV, particularly news products, all have been made following the standards. With such a standard we do not need to worry about the deviation of the quality. Even when people change, but the quality is still the same because it has been done following a certain procedure or standard.

**Q:** Well, that's the detailed part. What about a general code of ethical and to whom it is educated?

**A:** Normally when someone joins the company, he / she is trained for three weeks here. This is training about code of journalistic ethical conduct. That is what we educate here. I happen to be one of the trainers. Then when the person is already at work, we educate the ISO. Later, if there is any problem we can discuss. For instance, why is the news we see not well balanced? How come such news is released? For instance, when the visual is exaggerating. Why do we still air the visual of rotten dead bodies in Aceh on the fourth or fifth day as if we do not have a sense of humanity, without considering the effect to the families of the victims? For one or two days, the viewers may still be able to tolerate...

but for the next days, for what purpose do we still air such a picture? Do we want to exploit those dead bodies just like dead fishes in the river? So, this is still in process, but in principle, the code ethic is about how we respect the humanity of human beings. Do not treat human bodies like animals. A cow or lamb that is stripped into pieces and hanged in the market is OK, but we should treat differently to human beings, though if seen just as a corpse they are all alike but how important it is to respect the humanity side. Just another example, the news about housewives whose houses are bulldozed in Jakarta. Then comes up in the news an impression that we are with those weak people but at the same time we justify the bulldozing by thinking in the sense that they in fact live on an illegal piece of land. That is the problem we have to discuss. The reporters may think that those people are legally wrong, but are not they just the victims of urban development that is never in their favor? Why do they live on the illegal land? If the fact is like that, how do we present the report? There should be found another perspective not to treat them as outlaws. Some of them are just the victims of public policies taken by the government. And we are now planning to write down such a thing in what we call it a Code of Conduct. We are still in the process of doing it and we have not completed it yet. This CC will later be more detailed than the Code of Ethics. This is the Code of Ethics (attached). We find here the Code of Ethics from the Association of Indonesian Private Television Stations (ATVSI, Asosiasi Televisi Swasta Indonesia). Here is the Code of Ethics of Indonesian Journalist. This is the code ethics issued by the television company for all programs while that is for news program. This is given to those who have been recruited here.

**Q:** Have you ever got a complaint from the audience?

**A:** Yes, we have. A lot in fact. We provide an email address for the audience, and there are a lot of complaints from the audience saying that we have not been in balance for political news, for instance when we are too tended to a certain candidate. Also about criminal news that may incite the impression that we (*SCTV*) tend to corner the suspect and do not trust the police that much. We should be in balance, we should cover both sides. Well, a lot, aren't they?

**Q:** Also from the Indonesian Commission on Broadcasting (KPI, Komisi Penyiaran Indonesia)?

**A:** From KPI only some criticism on entertainment programs, but not news. They trust news more because news programs are worked on by those people with a code of ethics. They only question about the programs that are much related with ghosts, superstition, and some violence, but such a criticism is directed to all TV stations. So it gives an impression that it is only about entertainment not news program that they are questioning and such a criticism is directly pointed to the producer of the programs. The second point is that the KPI has not yet been acknowledged by the Association (ATVSI); that is why their criticism has always been put aside. According to the law, the KPI has not yet the authority to do that. The KPI has also issued a Guideline of Conduct that has been effective since last month, but the Association (ATVSI) still considers that any criticism from the KPI does not deserve an attention. It is themselves (the TV itself) that should be paid an attention. But any input from the public through email is always discussed in the editorial meeting. I don't know in other stations. But I think in the next periods to come, this KPI will be much more pushy because of the support by the government. Now the government has not yet given the support. The government looks to be on the investors' side. The way of doing things by KPI has not been fair so far. For instance, they release criticisms but without first send the criticisms to the television stations and only after the television stations give their answering right that they release the criticisms. So, KPI has been only one sided. The KPI thinks that it has become a god. Anything they find is directly released to the press while in fact they are often inaccurate about things. That is why they are losing their authoritativeness. The KPI does not work professionally. Just for instance during the campaign, they said that the Televisi Pendidikan Indonesia (TPI) had violated the campaign rule because the station had aired a certain program ... but it was found that after a check to the TPI, in fact the TPI had never aired the program. It seems that the KPI does not have any record. That is why the KPI starts doing weird things. That is why the television stations do not respect the KPI. So there is no enough support for them. The guidelines they issued are in fact good enough, very detailed for television stations, but just right from the start the television stations have not been positive to it and the KPI does not look like to build a communication. Most of them are

activists, campus people, more or less like those in the early reformation age when Soeharto was dropped down. They consider themselves as road activists and they do not want to sit to talk. Then up to now the communication is still blocked. They are still in the euphoria, while the power of capital is much stronger than the power of the state. When an investor or a capital owner talks, the state can be influenced. So it is much better for them to lobby to the House of Representatives to bribe the authorities, to bribe the government. For the government, this KPI is only a money consuming organization. The KPI should be first low profiled, should build a communication first, should talk together about things ... and should never accuse the televisions in the first place. Formulate together. Do not think that they are the only right one. Who knows that the television stations can donate some funds for the operations of the KPI. If they do not have any record, what can they see? Who knows that they would call the television stations to borrow a record.

*Q:* Do we really need an institution to monitor the television?

*A:* Yes we do. Such an institution is very important, because we ourselves may be caught in the influence of a routine. If there is no input from outside that can tell us whether what we have done is right or wrong, it can be a problem. We often do not think about it. While in fact they may be just little things but they can also little by little jeopardize the development of thoughts among the public. Such a thing is very important for us, but it should be communicated not like the police do. They think that the television people do not have values to follow. Such an impression we get about them (the KPI), who think that they are the only right ones, while on the other hand we know how they do.

*Q:* Perhaps they have not established their credibility?

*A:* I can admit the credibility of the people. But what about the credibility of the institution? They have good education. But too bad, the way they do is very bad, perhaps because there is no facility for them. And such a gargantuan work cannot be treated just as a side job in addition to their campus works. With a decent salary they can work full time there with good monitoring facilities and supporting staff. Only then they can be good, can be authoritative in talking like the Television Commissions in France, Canada, or England. They are even authorized to repeal the license for stations.

9. Leo Sabam Batubara, an activist of Indonesian Broadcasting and Press Society, secretary of Press Worker Association, member of Press Council term 2001-2003, Jakarta, February 11, 2005

**Q:** What was your involvement in the preparation process of the draft of Press Act no. 40 of the year 1999?

**A:** To tell you the truth, I am now writing a 300 page book. It is almost finished. One of the chapters has it title ‘Fighting for the Freedom of the Press’. It is between pages 4 and 17 (attachment of this interview). You can find the detailed answer, but more or less is like the following. Some months after Soeharto was forced to step down and replaced by Habibie, we gathered at the Hotel Media Sheraton on October 14 – 15 on the initiative of the Association of Press Publishers (SPS) where I (I was the secretary general of the Trade Union of the Association of Press Publishers) and the late Suryana held a National Expert Discussion. The theme of the discussion was the Vision and Mission of Indonesian Press, where the keynote speakers included Mr. Jakob Oetama, Mr. Fikri Jufri, Mr. Satrio Arismunandar, Mr. Parni hadi, Mr. Ridho Eisyi, and me, Leo Batubara, as the moderator. The topic was about the Discussion on the Press Act and the Broadcasting Act and other Acts on Press, with Prof. A. Muis, Mr. R. H. Siregar, Prof. Loebby Loqman, Mr. Hinca Panjaitan, Mr. Didin S. Maulani as the main speakers and Mr. Amir Effendi Siregar as the moderator.

The formulating committee consisted of Mr. Tribuana Said, Mr. Atmakusumah, Mr. Bambang Sadono, Mr. Didin S. Maolani, Mr. Dedy Djamaruddin Maluk, Dr. E. Komariah, Mr. Suryana, Mr. Hinca Panjaitan, and Mr. Ridlo. So, I was involved because I was a member of the SPS, and at the time the SPS was reformist, because previously the only trade union of the press had been the SPS. The Indonesian Association of Journalists (PWI, the only Indonesian Journalist Organization at the time) was too much co-opted. They would agree with anything the government said. For instance, they supported the bridle on Tempo. We were not like that. We did regret about the bridle and we demanded the revival of Tempo. So, when Habibie rose to presidency, and when we launched this movement, a lot of people welcomed it. The Chairman of the SPS at the time was Brig

Gen Suryawijaya, now he has passed away, then came in his successor, Marshall Handjojo, also a progressive person just like us, but at the time he was sick, so I became the motor of the activities. And we asked for the support from Mr. Surya Paloh and Mr. Jakob Oetama. That was my involvement. I organized the movement with the help of our colleagues from the SPS like Mr. Suryana, the Executive Director and Mr. Ridlo Eisy. Then on October 14, there was born the Indonesian Press Community (MPI) with the goal to have a Constitutional law that protects the freedom of the press. (On December 15 – 16, 1998, the MPI was changed to be MPPI – the Indonesian Press and Broadcasting Community, with a strong will not to let the Indonesian Press be restrained again). A month later, in November 1998, there would be a special assembly of the MPR, then 12 activists of the MPPI held a meeting at the villa of Kompas, Pacet, Cianjur. There they prepared the bill of freedom of information that would be taken into the General Assembly of the MPR. We also prepared the bill of the Press Act to be submitted to the House of the Representatives. We also prepared another bill to accommodate the demand that there should never be any law that restricted the freedom of the press. Then the bill of Freedom of Information was only accepted after it was included in the decision of the MPR no. XVII. There we contributed some ideas on the freedom of communication and information which was included in the article 28 f. The article came from the MPPI. It was then the starting point for the Press Act. Then on December 15 – 16, 1998, at Hotel Santika, we met again. There were hundreds of experts who attended the talk on (the topic) ‘Building an Information Society of Indonesia in the lights of a Global Vision and a Review on the Bill of Broadcasting’. There was agreed that the MPI was changed to be MPPI. It happened that my involvement was because the SPS felt the vocation to reform. Moreover, the SPS was relatively more progressive than the PWI (Indonesian Journalist Association). And I happened to be the Secretary General of the SPS. That was my involvement. The press community knew exactly the reason why the PWI was broken. There were 60 – 70 journalist associations, but there was nobody who wanted to establish a press association. And up to now there has been only one SPS. In the past, the decision of the Minister of Information said that there was only one SPS, and now there is only one SPS. The SPS has still been in a good performance.

**Q:** What do you really mean with the freedom of the press?

A: By chance, the Minister of Communication and Information, Syamsul Maarif, was established in to office by the end of July, 2001. And afterwards he spoke before the House of Representatives saying that there were 5 diseases of the press, namely pornography, journalists without newspapers (WTS, wartawan tanpa suratkabar), and so on, and so on. Then he said that we had to revise the Press Act. We declined that idea. But in fact he always wanted to revise in order to accommodate the control from the government. The reason was that the Press Council was not able to control pornography in the press that had crossed the line. Then he asked for a help from three universities, namely the University of Surabaya, the University of Lambung Mangkurat, and the University of Indonesia. Then the University of Indonesia prepared a study with the title 'Study on the Implementation of the Press Act no. 40 of the year 1999 for the Development of the Press of Indonesia' that was conducted by the Institute of Legal and Technological Studies of the Faculty of Law, the University of Indonesia, in cooperation with the Communication and Information Media Capacity Improvement Project of the Ministry of Communication and Information for the fiscal year of 2004. Then we invited them to expose it at a hotel. I was one of the speakers. I said that I was really sad that most of university people, whether they came from the law, communication, and political studies, almost ninety percent of them did not know about the meaning of the freedom of the press. I was really very sad. One some of them who did. Sometimes we were against Mr. Abdul Muis. If he saw me, he would not dare to speak about the freedom of the press. That is why sometimes he says, 'Leo is my teacher'; while in fact he is our teacher. We just often find difficulties in accepting his black teachings. In my reply, that was written in my understanding about the freedom of the press. This is the concept of the freedom of the press in democratic countries. First, the constitution should forbid any law and regulation that limits the freedom of the press. This is not forbidden in Indonesia. Second, the running of the press should be: a) free from any interference by the government and there should be no application regulation by the government; b) it is the public and the press that should control the government not the contrary, because the government is chosen by the public to manage the money. That is why the government should be controlled by the public, and not the public controlled by the government. c) It should be free from any license, censorship, and bridle. d) It should be based on a self regulation, namely the right to manage it by and for its own people. For instance, the

code of ethics should be prepared by the association of the journalists itself. After they code ethics is prepared then the Press Council can use it as a reference to enforce its application. Third, the state should follow a legal politics that decriminalizes the press. There are a lot of laws that criminalize the press here. A journalistic work can be considered as a crime when: a) for the case of criminal defamation when the journalistic work is (1) not used for the interest of the public but to, for instance, blackmail people. So if a news item is used to blackmail someone that the act can be punished with imprisonment. But if a news item is to control the gambling banks or to control Mega for instance when Mega was said as only of the same level with a bupati, then such a news item does not need any prison punishment. (2) If the news item is the result of a fabrication where the sources, the confirmation / checks and rechecks have all been engineered. Some months ago the New York Times and the magazine Stern from Germany reported that such a crime could be punished with imprisonment. (3) If the news item is motivated by an intense malice. A journalist who declines to reveal the sources of information, while in fact the court has ruled that the sources should be revealed for the sake of the state, could be punished with imprisonment. A professional journalist may sometimes prefer to be jailed than revealing the source. For instance, Mr. HB Jassin, the editor who was responsible for the magazine Horison that published an articled entitled ‘Langit Makin Mendung’ (The Sky Is More Cloudy) written by Panji Kusmin that was considered as a humiliation to Islam. Then Mr. Jassin was forced to reveal his source, but he declined, and he was put into jail. The reason is once we reveal the source, then no one is willing to be our source. b) For the case of civil defamation: the solution of the case of defamation as the result of a publication of a journalistic work should only be charged with a fine that is not too much to create bankruptcy. A journalistic work should not be criminalized. Fourth, because (1) the constitution has already protected the freedom of the press with such a formulation and because (2) the state follows a legal politics that does not criminalize the press based on a self regulation (code of ethics, standard of wages, and son on), then the running of the press does not need any Press Act. Fifth, some countries do have an independent Press Council. The Press Council has the duty to listen the complaints from any party; the Press Council should issue a statement of its judgment and a recommendation concerning the not binding sanction that is obediently followed by the professional press. If this press

violates the code of ethics, then it should ask for an apology and should serve a two page answering right. That is the recommendation of the Press Council, but it is the media itself that has the right force the decision of the Press Council. If the media declines, that is okay, but in the developed countries almost all comply with the decision of the Press Council. The reason is not about the worry of being jailed, but because of that is the essence of professionalism, just like if someone wants to play professional football. If someone is given a red card, he would just get out the football field. No need to beat anymore. So, that is the concept of freedom of the press that I follow. That is all. When we launched our road show program in 18 cities, including Yogya, the event was also attended by the police and the attorneys. They said that they had their own culture. I said, 'Gentlemen, there is no our own culture. Because if there is our own culture, then the president should be the king because according to the culture there is no election. But we have elected the president. That is a western culture. Well, that is not a western culture either. It follows Roman and Greek cultures. According to our culture, we are not allowed to criticize our parents and our superiors. But what do we have to pay? We may loose the country. Then this is the universal culture, democracy, the people's power. Please read the book written by Dr. Ong Hok Ham. He says that our exchange of power is full of blood, from the father to the mother, from the father to the kids, from the kids to the kids. That is our culture. Is that what we want?

The same also applies to the running of broadcasting in a democratic country. First it should be free from any interference by the government. An independent regulatory body should be a legal authority by the parliament to play the legislative, executive, and judicial functions in broadcasting regulation. Such an independent regulatory body will function as the policy maker, regulator, supervisor, and controller of broadcasting activities. This body has the authority to a) issue, extend, or stop the licenses; b) annul the license of broadcasting after it is ruled by the court. Second, it should be free from censorship, except for self censorship. When the MPPI prepared the draft of the Broadcasting Bill, the content was like this. But then the House Representatives decided the different things, because the Minister of Communication and Information said that broadcasting should obey the government. Then Indonesian Broadcasting Commission along with the government ... But on the way, the government prepared the RPP, the

draft of the government's regulation. Then they filed a suit to the Constitutional Court. But the Constitutional Court ruled that the KPI was not allowed to join, that it was only for the government. When I met Jimly (the chairman of the Constitutional Court), we shook hands. 'Hi Leo, it has been long that we do not meet', said Jimly. 'Yes Sir', I replied, 'I want to see you Sir, there are a lot of violations on your side'. He was still very authoritarian in nature. That is my understanding about the freedom of the press. So, there is no my particularity. There is no Asian democracy. There are no Asian values. There are no Indonesian values. But there are fact and truth values. Then I stressed that our Constitution did not protect the freedom of the press.

**Q:** Well, but is it the same concept like in the Press Act no. 40 of the year 1999?

**A:** Yes it is. That is what we have been fighting for. Because the Act no. 40 of the year 1999 is a subsystem of the constitution, this act will be the basis of the national communication and information system that should be democratic in nature. Not like in the past where in the article 28 of the 1945 Constitution was said that there was a freedom of assembly and freedom of expression, but the Press Act said that the press company business license (SIUPP) could be revoked. When Surya Paloh and Gunawan Mohamad filed a suit to the Supreme Court, the State Administration Court (PTUN) of the first degree revoked the decision of the Minister of information on the cancellation of the license. The license (SIUPP) is not allowed to be revoked. The State Administration Court also forbade that. But then the Supreme Court ruled that based on the regulation of the Minister of Information no. 21 of the year 1984 of the article 33h the license could be revoked. What a great story! The lower court referred to the Constitution, but the higher court referred to the regulation issued by the Minister of Information. That is what we regret that we do not have the culture of compliance with the constitution. You do anything at your will ... Then in the law it is written .... Anybody who applies any censorship, bridle, or ban on broadcasting (section 2 article 2) and anybody who prevents the press to search, to find, and to distribute ideas and information (section 4 article 3) can be charged with a maximum 2 years of imprisonment or a fine not more than Rp. 500 million (section 18 article 1). In this law, it is deliberately written that the press is not to be imprisoned. The one who can be imprisoned is the one who prevents the freedom of the press. So this is the concept of the freedom of the press that we have been fighting

for. Then, a free press would respect human rights, and information is in the public domain. In this way we agree with Gus Dur. That is why there is no need for a ministry of information. You can see that in this law it has been designed that there is no need for a ministry of information, and Mohamad Yunus Yosfiah agreed with it. We, three of us namely Mr. Atmakusumah, Mr. Azkarmin Zaini the chief editor of ANTV, and I myself, were authorized by Mr. Mohamad Yunus Yosfiah, the current Minister of Information. This law has a public character, and the press should control the government. This arrangement is based on self-regulatory, standards of profession for the media, and there is no regulation and control from the government, and there is no need for a ministry of information. And there is no SIUPP (license), and it means that there is no need for registration to the government. Now the government of SBY wants to revise the Press Act so that there will be a mandatory registration. If this revision is accepted, then someday the registration can be cancelled. If Tempo is considered as against the national interest, perhaps it will not be registered anymore, and that means that the media will no longer exist. In this matter we are different from the PWI (Indonesian Journalist Association) that still agrees with the proposal for revision of the law as long as it is only about the registration. But in fact the registration is just the next step to dangers. So, if the question is what concept of freedom of the press as it is meant in the law, then that is the answer. So the Press Act no. 40 of the year 1999 is the medium target, because our goal is that there should be no Press Act anymore, because the Constitution should have accommodated that any regulation and law that prevents the freedom of the press should be banned and because our legal politics should not put journalists in prison anymore. In the developed countries, no Press Act is necessary. That is our ultimate goal. If the goal is reached, then there is no Press Act is necessary. But our Constitution is still like a gay, and our legal politics still likes putting journalists in prison, then we need such an act now. That is the real spirit of this act as a lex specialis. We need this to maintain the freedom of the press because our Constitution and our legal politics have not provided a protection for the press. So if the Constitution is amended with a new formulation saying that any law and regulation that is against the freedom of the press should be banned, then there is no need for a Press Act anymore. This also applies to the legal politics, because our legal politics still criminalizes the press. In the Criminal Law there are 37

articles and in the Criminal Bill there will be 49 articles, and in the new Broadcasting Act there are 9 articles that can put a journalist in prison.

**Q:** How was the debate on the concept of the freedom of the press in the MPI / MPPI and in the meetings with the House of Representatives?

**A:** When the Press Act was only a discourse, the current Minister of Information, Mohamad Yunus Yosfiah, in the first week of March, 1999, held a dialog with the Commission I of the House of Representatives. Almost all of them rejected the design of the freedom of the press that had been prepared by the Ministry of Information. If there was no need for a license, then there was no need for the Ministry of Information. At the time there was a Tempo journalist, and he wrote it down in an article of its March 11 – 17, 1999 edition saying ‘A general of war proved to defend the freedom of the press. While civilians in the parliament proved to attack the freedom. The General, Muhamad Yunus Yosfiah, the current Minister of Information, quoted Thomas Jefferson saying, that he would prefer a press without a government than a government without a press. After being drowned for more than 40 years, now the Minister Yunus Yosfiah would bring back the ideal of the 1945 constitution that is full of the idealism about the freedom of the press, while on the other hand the members of the House of Representatives are still in the spirit of ‘Harmokoisme’ and they only want to make a law that is against the freedom or they still think like Lenin that the freedom of the press is a setback.’ A former member of the House of Representatives from the FKP faction, Dr. Bachtiar Ali (now the ambassador to Egypt) then told that the breakthrough by the Minister of Information, Yunus Yosfiah, was successful in injecting a spirit to most of the members of the Commission I of the House of Representatives. In the talk in the House of Representatives, from August 26 – September 13, 1999, where we, three of us, were mandated by the Minister of Information to attend, they showed that they did not want to look less reformist than the Minister of Information Muhamad Yunus Yosfiah. Then there was born the Press Act no. 40 of the year 1999 that was enacted on September 23, 1999, the first law that has ever liberated the press. This was the first clash of opinions. Formerly, almost all wanted to reject the law, but after it had been written in Tempo saying that they were only the followers of Lenin, then eventually everything went smoothly.

But now the House of Representatives has returned to the spirit of ‘Harmokoisme’. Why? Because it is the press that has revealed that the top corruption has been in the House of Representatives itself. So the motif is to revenge. So the first debate was between the Minister of Information with the Commission I. And the second debate with the Armed Forces (TNI / Polri). In the draft of the Press Act (according to the version of the MPI) it was written that in conducting the duty and task, a journalist is entitled for a protection from the state to make it free from any prevention, disturbance, and threat. But this draft was rejected by the fraction of the Armed Forces (now TNI / Polri), while the representatives of the government (three of us), Drs. H. Usamah Hisyam from the United Development Fraction (FPP), YB Wijanjono SH from the FPDI, were in favor of this additional article. The draft of the MPPI was proposed by the Development Work Fraction (Karya Pembangunan). The fraction of the Armed Forces considered that there was no need for such an article. We thought that journalists should be treated like the Red Cross. If a journalist goes into a conflict area, the person should not be beaten or be thrown out, like in Aceh. The person should be welcomed. The consideration on the importance of this article is based on the international convention of Geneva saying that in a war situation, a journalist has to be protected by the conflicting parties. This article provides that the conflicting parties should treat a journalist doing his / her journalistic job in a conflict equals to the personnel of the Red Cross. The fraction of the Armed Forces assertively rejected the article and its representatives, Aryasa and F. Ismawan, said that even without the additional article, the Armed Forces would protect the safety of journalists. In responding the conflict following the Referendum of East Timor, for instance, the Armed Forces provided some Hercules aircrafts and evacuated some journalists not to be trapped in possible violence in the area. But I said, for the press the protection from the state only existed if the press was free to cover the East Timor and if the press is protected from the Armed Forces and possible threats by rioters. The act of the Armed Forces to evacuate the journalists from East Timor was in fact (1) a annihilation of the access of the press to cover the conflicts, and (2) an effort to prevent the press to know which party had violated human rights by (3) annihilating the public’s right to know. But the fraction of the Armed Forces insisted to reject the concept of the state protection. Then the compromised formulation to be included in the section 8 of the Press Act is as the following, ‘in conducting his / her profession, a journalist is protected

by the law'. Third, the Development Work Fraction (Karya Pembangunan) through the Problem Identification List no. 68 suggested that the formulation of the journalistic professional standards to be ruled in the Act as the duty of the Press Council. (Even now the PWI still wants to revise the Press Act to include this professional standard, while in fact it is very dangerous). The opinion of the Minister of Information, Mohamad Yunus Yosfiah was in line with the opinion of the experts of MPPI, that if the suggestion of the FKP was accepted, then there would be opened a room for the state or the government to interfere the qualification of journalists. According to the Minister of Information, the standard of profession is in the realm of authority of the respective press media. This explanation was soon supported by Dr. Bachtiar Ali from the FKP then all fractions agreed with this proposal, and the chairman of the Special Committee of this Bill, Mrs. Aisyah Amini, without delay knocked the hammer signaling that the article was taken out from the draft.

Fourth, the MPPI against the PPG (Association of Press and Graphical Companies). These staff of the Ministry of Information, around ten people, including Mr. Sembiring, Mr. Saifuddin, some directors, and some expert staff, they kept their mouth shut. But in fact they struggled very hard, through their whispers to the fractions of the Armed Forces (FABRI), the FPP and FKP, to pass the mandatory registration if the license would be revoked. Since early the beginning the Press Bill prepared by the Ministry of Information had not included any article about licenses (SIUPP) for a press publishing company, but required a mandatory registration to the Ministry, and a violation to this regulation was charged with possible punishment not less than Rp. 10 million and not more than Rp. 100 million. In the debate between the FKP and the representatives of the MPPI whose presence was based on the mandate of the Government as experts, the MPPI assertively rejected the requirement. The consideration was if the House of Representatives still provided a legal authority to the Ministry of Information to require a mandatory registration for a press publishing company, then requirement would be the control tool for the Government to intervene the press. During the first three days of the working meeting between the Special Committee of the Press Bill, the Minister of Information, Mohamad Yunus Yosfiah, as the representative of the government, was actively involved in the debates. What is interesting here is that he put forward the public interest and he

did not think that he should win the articles exactly like the Press Bill prepared by the Ministry of Information that was the main subject of the debates. His position was that any idea, from wherever it was, would be supported as long as it was in line with the principles of democracy, supremacy of the law, justice, and freedom of the press. The drafters of the Press Bill according to the Ministry of Information with its spokespersons, Ir. B. Sembiring, and Drs. HA Saefuddin (now the head of the National Information Institute) still vocally defended the concept of mandatory registration. While it was going on, the fractions of FABRI, FPP, and FPDI change their mind. They did not support the position of Ir. B. Sembiring anymore. In this argumentation the Secretary General of the Ministry of Information, IGK Manila, who represented the Minister of Information in these discussions on the Working Committee level, did not show his preference, and the team was torn apart. Ir. B. Sembiring, Drs. HA Saefuddin and other members of the team of the Ministry of Information still consistently defend their position concerning the mandatory registration, while the experts of the Ministry of Information, Mr. Atmakusumah Astraatmadja, Mr. SL Batubara, and Mr. Azkarmin Zaini, the three of them were activists of the MPPI, held the position that the government should never be given any tool again to control the press. IGK Manila who perfectly functioned as the eyes, the ears, and the mouth of the Minister of Information in the talk about the Press Bill, followed the position of the Minister of Information, and he stood up to facilitate an agreement. Bambang Sadono, Dr. Bachtiar Ali, Sofjan Lubis, and Amir Sirait from the FKP said that the concept of a mandatory registration was no longer in line with the concept of the freedom of the press. Their authority to collect the data on press publishing companies could be delegated to the Press Council. But drafters of the Press Bill from the Ministry of Information still held their position. Then eventually there was a deadlock that was reported by IGK Manila to the Minister of Information, Mohamad Yunus Yosfiah. After days of debates, finally IGK Manila on behalf of the Minister of Information said the final position of the Government that the Government could accept the annihilation of the mandatory registration. This is a history many people don't know. Up to now the PWI still agrees to revise the Press Act to include this article. And the current Minister of Communication and Information is heading for the goal (to revise the Press Act).

Fifth, the MPPI against Aisyah Amini and FABRI on the article about trial by the press. They insisted to include this. We insisted to reject it. Because the Minister of Information also rejects the trial by the press, then finally Aisyah Amini, she was also a member of the National Commission on Human Rights, she took the statement letter from the National Commission on Human Rights written by Marzuki Darusman and the Secretary General Clementino saying that they agreed that trial by the press should be included in the Press Act. But one of her people, Mr. Usamah Hisyam, the spokesman of PPP, met me and showed the letter to me and asked me, 'How can we fight against this?' Moreover, it was reported that Marzuki Darusman found a incorrectness and he revoked the letter. But the letter was only signed by Marzuki. Though Aisyah Amini protested the revised letter of the National Commission on Human Rights, but then the article was changed to be 'to respect the principle of innocence before being declared guilty by the court.

*Q:* So the government still strongly insisted to include the article, didn't it?

*A:* Yes, particularly Aisyah Amini. The Minister of Information did not agree if the article on trial by the press was included in the law. Other fractions kept their mouth shut, but finally they agreed to reject this article. The reason was there had been an article in Tempo saying that they were the followers of Lenin, they wanted to prove that they were not the followers of Lenin. Well, they could easily change their minds. So, when there was an obstacle in the meeting, I said that in this room there were still some followers of Lenin ... Now all of the members of the House of Representatives are Lenin followers and now they don't care about it. The influence of the Minister of Information was still very strong because the mentality of the members of the House of Representatives was still to obey what the Minister said. Whatever the Minister said, they would agree. Moreover the Minister was a general of war. Because he did not know the details, then he asked Atmakusumah to speak up.

Then the sixth, the fraction of the Armed Forces (FABRI) against the MPPI. The FABRI insisted that a news item should be balanced and accurate, and if was not then it violated the law. This was also one of the hottest debates in the talk about the Press Bill, especially when on Wednesday, September 8, 1999, there was a meeting to scan every

article to prevent any mistyping. When we arrived at section 5 article 1 where it was written, ‘The National Press is obliged to report events and opinions accurately and in a balanced manner and to respect the norms of religions and the decent norms of the society and the principle of innocence before being declared guilty by the court.’ I saw that Aisyah Amini was absent from the meeting. Then I requested a permission to comment on this article to the Secretary General of the Ministry of Information, IGK Manila. He said, ‘Just stop it, because we may have to start from the scratch again’. Then IGK Manila asked a permission to the Chairman of the meeting, Sutanto, and he was permitted. I said, ‘Dear Rear Marshall Aryasa and Brig. Gen. Isnawan. We want to beg the conscience of the FABRI to drop the words ‘accurate’ and ‘potential punishment’. The consideration is, as what we already mentioned before, that the Press Act protects the press in order to make it possible for the press to conduct the social control on any violation and misconduct. During the New Order era, there were a lot of collusion, corruption, and nepotism (KKN) practices. The press will conduct an investigative reporting to fight against the KKN practices. Without any deliberate purpose, the press can be not so accurate in its reporting. If the Press Act forces the press to be always accurate and if it is wrong then the punishment would be a fine as much as Rp. 500 million, then the Press Act will not support the effort of the press to bring to a clean governance.’ Then Sofjan Lubis spoke up, ‘We have to support the suggestion of Leo Batubara to revoke the words ‘accurate and balance’ from this article. According to the code of journalist ethics, a journalist is already obliged to comply with this principle. But if the law forces it with a potential punishment for the violator, it is no longer an ethic anymore.’ Then everybody was shocked. The chairman of the meeting, Sutanto, asked the representatives of the government and the four fractions to hold a meeting at the leader level. And exactly at 13:30, IGK Manila came into the meeting room and he met me and said that the suggestion of mine and of Sofjan Lubis was accepted.

10. Leo Sabam Batubara (Continued)

**Question (Q):** Is it true that the government supports the concept proposed by the MPI and why is it so?

**Answer (A):** It is already clear. It is the minister who supported the idea. He was our Thomas Jefferson .. But let's start with Sembiring and Saifuddin (former staff members of the Ministry of Information). As a matter of fact, they did not support.

**Q:** Who are the people of the government who support the Press Act?

**A:** The minister, Mohamad Yunus, is our Thomas Jefferson. Well, that's great. You must see him. Some months ago, the third of May was the Freedom of the Press Day of the world. The UNESCO and the Press Council held a celebration commemorating the World Press Day. He made a speech. I was in the floor. The minister directly went home ... or perhaps he was still there .. I say. I was very proud that day to meet Mr. Mohamad Yunus, because he was our Thomas Jefferson, ha, ha, ha. Because he was the Secretary General of the PPP so he was everyday in Jakarta from Monday to Friday. So the minister of information, Mr. Mohamad Yunus was our Thomas Jefferson. And Maj. Gen. IGK Manila was the Secretary General of the Ministry of Information, and he was the ear and the mouth of the Minister. He made things easier. Whatever I said to him would certainly be forwarded to the minister, just like what it was. While in fact, if he added or reduced something from it, then it would be a great trouble for us. The registration case, for instance. If he stopped the progress of it, if he did not pass it to the minister, or if he lied to the minister that the registration should be maintained then it would be maintained (in the Press Act). Mr. Sembiring and Saifuddin still wanted that the Press Act accommodated the maintenance of control of the Ministry of Information through mandatory registration. And it was because of the mandatory registration that the Ministry of Information still existed. Isn't that so? There are still other positions of the Ministry of Information. There are still 6 – 7 – 8 directors at the LIN (National Information Agency). They were the ones who influenced Mr. Syamsul Muarif to behave like what he did.

**Q:** What are the positions of Mr. Syamsul Muarif?

**A:** Wow, he is much more dangerous than Mr. Harmoko. I read his writings. What are the dangers of Mr. Syamsul Muarif? Mr. Harmoko did repress the freedom of the press based on the instruction from Mr. Soeharto. He was a good fellow. But for Mr. Syamsul Muarif, the repression of the press was his ideology. Please read the Bill of Broadcasting. I have written more than 13 times about broadcasting. I can have them photocopied for you anytime. You can see in Kompas, about the press. It was his ideology to repress the press. He was one of the chairmen of Golkar. For me, he was much more dangerous than Harmoko. Then, a former staff of the Ministry of Information still tried hard to propose the revision of the Press act to accomodate the control of the government. And it was the thinktank of Syamsul Muarif and it is the thinktank of Mr. Sofyan Jalil (Kominfo).

**Q:** So, the position of Mr. Sofyan Jalil is quite the same with that of Mr. Syamsul Muarif?

**A:** No difference at all. Listen to this. Mr. Harmoko did repress the press because of the instruction from Mr. Soeharto. But the ideology of Mr. Syamsul Muarif was to steer ... to control. Moreover he was so much religious. He was a cadre of HMI (Islamic Student Association), a graduate of IAIN (State Islamic Institute) where they saw pornography as the responsibility of the press. That was why pornography could only be tamed through control. Isn't that so? While in my opinion, I have said that ... excuse me, my throat has been sore because of it ... pornography falls into two territories. There is sex industry in one hand, and there is press industry on the other hand. So the porn tabloids could not be included in the press because they fall into the sex industry category. But if in Kompas, Republika, Jawa Pos, etc., there are columns about women or sex that cross the line, they can be reported to the Press Council because they are press products that fall into porn materials. While the tabloids are only about sex, about hiring women with a sum of money ... all about sex. That is why the function of the press should be informing, entertaining, and educating; and the press should respect privacy. But there is no educating function in the tabloids. Then there are two requirements. First, there should be a publisher. Well, perhaps they don't have the publisher. It is one of the requirements of the Press Act. Second, there should be the educating function of the content, and it should respect privacy. If not, they are not press products. But they don't want to do it. That's the misled freedom of the press. Too much freedom, says he.

**Q:** Was Mr. Syamsul Muarif close to the people like FPI (Islamic Guardian Front, that is very fond of conducting violence in the name of religion)?

**A:** Exactly. They think that they are the holiest people in front of pornography. I have known him for some years. When he was the minister of information, in the first week of his ministry, the KADIN (Indonesian Chamber of Commerce) invited him. I was invited too. Then I made a speech. I did hope that Mr. Syamsul Muarif become the second Mohamad Yunus not the second Harmoko. On the way, in the seminar, it was proved that Mr. Syamsul Muarif had become the second Harmoko. I said so. Then when there was a seminar, he made a speech. I was there too. He said, that Leo once had said that he was the second Harmoko. He said that he was not the second Harmoko nor the second Mohamad Yunus, but he was Syamsul Muarif. Mr. Sofyan Jalil was a doctor in economics, he was like a tabula rasa, like a piece of white paper. It depended on who would paint it. Because the thinktank was full of those people (Sembiring, Saifuddin, and so on), then he started to change. What happened then? Did you read the latest publication of the SPS? This was distributed during the press anniversary in Pekanbaru (February, 2005). It was read a title ‘Who did poison the mind of Sofyan Jalil?’ In his speech, because it was Friday (February 4, 2005), he spoke here when the Press Council gave the awards to some media: the most professional one, the professional one, and so on. He also made a speech. He said that he was so happy with the Press Act. He said, yesterday Mr. President had been undermined in his reputation because of Rakyat Merdeka and Kompas and that he was asked to provide an answering right. That should be so. He said that he agreed if the Press Act fell into the category of lex specialis. Then on Friday and Saturday, the Tempo magazine came to him for the next Monday issue. The magazine asked him about the truth that the minister said that the Press Act fell into the category of lex specialis. He said, ‘Yes, but only after being revised’. Ha, ha, ha. Then came the SPS magazine, ‘Who did poison the mind of Mr. Sofyan Jalil?’ The people who poisoned him were .. perhaps the FPI or something else..

11. Paulus Widjianto, former Chairman of Special Committee on the Draft of Broadcasting Law year 2002 of Indonesian House of Representative from Indonesian Democratic Party-Struggle, Jakarta, December 6, 2005

**(Question):** What were the processes involved in setting Broadcasting Law?

**(Answer):** Actually, there were three Regulations. First, it was Press Regulation, second Telecommunication Regulation, and third Broadcasting Regulation. These three Regulations were proposed to the House of Representatives to replace the old Regulation considered not to be appropriate for democratization and information processes. Those three were submitted to the House of Representatives of 1997-1999 period. General election in 1997 produced 1997 House of Representatives. Then, the president stepped down and was replaced by the vice president for two years period. The first to replace was Press Regulation, with Press Regulation No 40/1999. Telecommunication Regulation, formerly, was Regulation No 36/1999. Broadcasting Regulation was not discussed because everything was completed in September 1999. Even those two Regulation (telecommunication and press) were worked on for 2 weeks at the longest. Thus, the production of Regulation was unusual but the quality still imposed problems.

The old Broadcasting Regulation was no. 24 year 1997; there was no Broadcasting Regulation before. The discussion of the Regulation was so complicated because it was related to politics. Such political interest was of presidential interest to reelect Mr. Harto for the president of the year 1997. He asked for the existence of Broadcasting Regulation since previously there were only five private televisions. The Regulation was considered to benefit Mr. Harto / president, therefore new stations were permitted to exist. First was RCTI, then SCTV, followed by TPI, Indosiar and ANTV. RCTI was a subscriber (pay TV using decoder), RCTI comprised of RCTI Jakarta and RCTI Bandung. SCTV were in Surabaya and Denpasar. It means that they were local TVs. When RCTI was owned by the family of Mr. Harto (Indra Rukmana) then SCTV was owned by Mr. Sudwikadmono. The permit was in Surabaya because it was designed as a local TV. TPI was owned by Tutut and in order to be different, she was in Jakarta, she rode on TVRI vans. In the past, TVRI broadcasted at night, so TPI broadcasted at

daytime. Thus, TPI made use of TVRI's daytime. She used state facilities for her (Tutut) interest. As for Indosiar, the permit was in Semarang, owned by the family of Liem Soie Liong. When TPI became a national television, an Education TV, RCTI and SCTV were furious, how could TPI become national, while we could not. It showed a kind of area division, SCTV in Surabaya and Denpasar, Indosiar in Semarang, RCTI in Jakarta and Bandung. Hence, ANTV planned to be born in Lampung and Pelembang. Initially, tv was design locally, however since TPI made use of state facilities namely those of TVRI's nationally, it caused jealousy. There was also an obligation for private televisions to give 20 percent of commercial revenue to TVRI, since TVRI was not allowed to broadcast commercials. They asked national TV and the others to be in Jakarta. The objective was related to political interest, namely to pronounce Mr. Harto the winner for the presidency. Therefore, around March, those private televisions, including the learning ANTV, became national televisions. Our colleagues commented that they were permitted to operate even with bamboo antenna ...due to unpreparedness of any infrastructures. Because of such political interest, national televisions were born in 1997. Actually, there was no national television at that time. The Regulation had been submitted to Mr. Harto but was returned to the House of Representatives. Tutut intervened that there had to be national televisions. Otherwise, TPI that had TVRI would become local again. That's what I mean by the political interest.

It was stated in the Regulation the permit to operate new television stations, thus 5 new televisions existed based on this Regulation. Actually, there were 17 on the list. Metro was actually on 17 (or 12) rank. Number 10 was Jawa Pos TV. Due to political interests, however, Metro TV won the place. Because we did not pay to the Minister of Information, then Metro, which was not legal, was selected since Surya Paloh was close to Yoseano Barak, whose sister – Yosiani Barak – is Surya Paloh' wife. He is such a hoodlum. Using any efforts, he finally got the opportunity and Jawa Pos TV loose. Actually the permit was temporary because it was almost the last minute of Mr. Yunus (Yosfiah). Thus, it was around September-October when they were not ministers anymore, the permit was issued. Hence, the permit was actually invalid, because constructing Broadcasting Regulation had to conform to Regulation No 36 on Telecommunication and Broadcasting Regulation No 24 year 1997. One was frequency

permit and the other was broadcasting permit. In order to get this broadcasting permit, trial test had to be undergone for a couple of years. In fact, the permit was not complete by that time. Our colleagues always asked about the permit and they could not clarify. When they could not give clarification, they said ... where do we have to go because the Department of Information had dismissed. Vacuum. This Regulation was existing but it was not practicable because it was mentioned that ... was the Department of Information. This was the map of the problem at that time, how political interventions gave birth to this Broadcasting Regulation. Therefore, the anatomy was that this TV7 was actually Mr. Sukoyo and then he sold 80 percent of the shares. Then, step by step, the capital was inflated, Mr. Sukoyo failed to make payment, became zero point something. MetroTV was Surya Paloh, then they broadcasted without complete permit. That's what I said Regulation No 24 year 1997 was barren since there was no Minister of Information... and what present was the Minister of Transportation and Telecommunication, even the Directorate was then put here (Department of Transportation and Telecommunication) to have legal foundation. It was the Broadcasting Regulation when we tried to improve it. In 1997, this Regulation was proposed to be amended. But the government, House of Representatives and People's Assembly Council stopped in September-October (1998) and this Regulation remained. I took it; we processed the draft to become Regulation No 32 year 2002.

**Q:** Is this Regulation not democratic?

**A:** No. It was not democratic because there were many chapters stipulating about... only two broadcasting institutions were admitted. Governmental and private institutions. Hence, this Regulation only adopted two kinds of broadcasting institutions. But this Regulation stipulated public, private, community and pay broadcasting institutions. Its being not democratic because it did not give opportunity to other institutions. Whereas, the needs of the community would not be covered by those two institutions only. What important was that the government had broadcasting institution whereas the permit was given by the government, to itself. This Regulation also obligated all to relay to governmental broadcasting. Then this Regulation did not allow news broadcast. Thus, all the programs were entertainment, no news. RRI and TVRI became the center of the relay from private broadcasting institutions, all became the nozzle of the government. It

was called relay obligation. So, this governmental broadcasting institution was a working unit (Regulation was named so).

**Q:** So, was it true that the Regulation had never got a chance to be implemented?

**A:** This Regulation only served as the legal base for the birth of the new five televisions. Although, in fact it was defective.

**Q:** Thus, the permit was given by the Minister of Information whose office is over.

**A:** The permit tender was closed. Basically, it was limited radio frequency and wave. So, it had to be stipulated by Telecommunication Regulation, its spectrum was divided into how much it was for broadcasting and how much was for telephone. Being limited, actually there was a map. There was frequency map in Indonesia referring to ITO. Thus, the frequency was divided into cities with predetermined maximum. But the system was still analog, while the current system is digital. Map was then made, most of them were in the capital city, 14 frequencies, actually there were only 12.

Because there had been five, plus five, there were ten, one TVRI (11), but there were local and national TVRI, so they made 12. So, with this Regulation, there was no possibility for local TV because the frequencies were all used. Thus, the (new) Regulation tried to rearrange the Broadcasting System in Indonesia that was not national. So, in the Regulation No 32 year 2002 there was no National TV anymore. The only national was TVRI. Those ten televisions could not be national anymore. But network TV. Thus, rearranging the Indonesian broadcasting issue by making the Indonesian broadcasting system Network System. Hence, we adopted the system because we have an understanding that network TV was in America only, because the networks were only 64... The latest was FOX, all of them are in the city capital but are scattered. In Japan, it is divided into prefectures, the system is network. Then we adopted, and the proper broadcasting system was network. The television station that is proper with network tv was TVRI. The characteristic of Indonesia is a country of islands and we have three time parts. The third, is uneven distribution of population. The targetsof TV are people, gathering in a certain place, and this is not good. So, this rearrangement refers to the prevailing condition in Indonesia.

Our colleagues in National TV protested this Broadcasting Regulation, because the omission of one word “national” that cut them off. Then they made “National TV Mourning Day” protest. Their reason was related to business. The Broadcasting Regulation had been available but the Government Stipulation was contrary to the Regulation. The new Government Stipulation even legalized the current condition. The term limited ment 40 percent only. In America, it was only 30 percent then it was raised to 40 percent. We, 90 percent (in Government Stipulation) meant the same with returning to the old Regulation. Basically, the opposition was just due to business.

**Q:** What were the interests of the state with the new Government Stipulation (2005)?

**A:** It was on permit. There were 7 crucial points in the Broadcasting Regulation. Network system, KPI (Indonesian Broadcasting Commission), permit...etc. With regards to KPI, it still becomes a problem until today because this Regulation created a new institution called KPI. Since we learnt from those countries having democratic broadcasting institution, we had to have an independent institution. KPI was an independent institution that we designed as a regulator. There were many references; there was FCC, and others. The government did not agree. We proposed KPI because it had strong justification. Because, during Gus Dur era, there was no Department of Information, no Minister of Communication and Information; what present was National Information Institution. Thus, we needed KPI. However, the government still had Department of Transportation and Telecommunication of which base was Telecommunication Regulation. The Government said that it was not the right time for KPI to exist. Telecommunication Regulation, the permit was from the government, but the struggle of our colleagues to enter reform and democratization elements into this Regulation was unsuccessful. But they succeeded in infiltrate an idea, the name was Independent Regulation Office Body, not included in the body but in the explanation. This Body was similar to a regulator for telecommunication, but because of lack of time for a discussion, it was only infiltrated in the explanation. Some time, BRTI (Independent Telecommunication Regulation Body) would be born. When Broadcasting Regulation was born, and KPI had been proposed, the government hurriedly made BRTI. The chairman, however, was the government itself. Thus, in this Telecommunication Regulation there had been seed of reform, in the explanation. (Press Regulation, on the

other hand, gave birth to Press Council...). However, this was not strong. So, in the Broadcasting Regulation there was KPI. It was the Councils or Commission that the society had to fill as the reflection of people's sovereignty.

Democratization process occurred when public opinion was given to independent institution, not government. This was in accordance with the birth of KPU (General Election Commission), namely a state institution, but it could be called governmental institution because the term was LPND (Non-Department Governmental Institution). Nevertheless, it was not that (LPND) but independent institution. The process, however, was still like that because civil society was not strong. Why, first, because we found it difficult as well to get human resource... KPI, for instance, was used to be considered as NGO representative. Why? Because our government was a new government that was not prepared with concept. But bureaucracy had the concept, namely, whatever benefited their position. Who was government and who was bureaucracy? Government may change at anytime but bureaucracy is permanent. And these all were designers from bureaucracy. For example KPU, but the bureaucracy was just the same, they were the corruptors. It was such a long struggle, whether such institutions would be acceptable by the government in our state system or not. When I was in a discussion with American people, I said that our struggle was to give birth to commissions, but it was always opposed by bureaucracy. Because they felt to be competed by new institutions and they could not stand that.

In fact, there were much interests involved. So much interests. One, for example, government interest; there were central government and local government. The spirit was Local Autonomy Regulation. Sometimes, there was conflict of interest between the central government and the local government. When we discussed this Broadcasting Regulation, there was conflict of interest as well. In central government itself, however, there was much interests as well. The interests of the Department of Information and the interest of the Transportation and Telecommunication (Kominfo) and Department of Domestic Affairs. For instance, if it was the permit interest from the government, where the emphasis was, to Transportation or where? The spirit of Broadcasting Regulation was there was only "one permit". Since in the Telecommunication Regulation, there had been government authority, for example to give frequency permit for TV Jogja that was

36 UHF. The current Kominfo should not issue broadcasting permit. The permit was just one, not two. Because only one permit is required for one office. In order for them not to quarrel, KPI was formed. With regards to Local Autonomy Regulation when there was frequency (arrangement) in (local) cities, for example in Surabaya, the frequency was owned by local Surabaya. Then, the interests were authority, power, position, and eventually was money. When this Regulation was born, the institutions under Department of Telecommunication in those areas got confussed.

There was also interests and conflict in Parties (PDIP). When it was discussed, there was complaint and it was critical. And I held the principle, even when the fraction decided A, I opposed to it. Why? Because the above interests had infiltrated the individuals. Since I had sufficient arsenal, when Mr. Dimyati Hartono resigned as the member of the House of Representatives and the Chairman of Special Committee was vacant, I was assigned the PDIP Fraction the Chairman of the Special Committee (showing the assignment letter as the Chairman of Special Committee from PDIP Fraction). However, I had been a member of Special Committee since 11 March (year..).

The capital intervened fractions. Even civil society also intervened fractions. The government also intervened. Department did the same thing.

Thus, fraction was the front liner to be infiltrated different interests. I was strong (person) not to be infiltrated by various interests. At a certain time, I felt lonely because of extraordinary interventions. For instance, the capital group approached Tengku Umar (the house of President Megawati), and because they failed to infiltrated Megawati, they went to Taufik Kiemas, and failed with TK then to his subordinates, and so on. The focus was that they asked for national permit. They also concerned with network. They asked for representations in KPI, each three persons. Then validity of the permit. They asked for 70 years. They used argument/logic of the right of building use... Then we allowed TV only 10 years and 5 years. If 70 years, it means until long generations...

Then commercials how much percent. We gave 20 percent only; they asked for more. Then relay, basically, it was so complicated. So, they influenced the members of House of Representatives, including called me by phone. Even at an occasion the Party Secretary General asked me to come, because capitalists had gathered. And the venue

was provided by TV7 (Agust Parengkuhan). Okey, but I asked the representatives from Locals were invited as well, I came. And from Surabaya came.. I was asked to listen to the aspiration from those TVs, basically it was that. I listened but I did not feel to agree... Some time national TV went to Bali. They called me, but it turned that my supporters were many and they called me, too. Brother, they were with the boss doing this and that ... They thought that when it was said by TK or Mr. Sucipto (PDIP leader), I immediately agreed.... Please accept their ideas... yes yes yes I told so. But just yes yes yes.... Until finally, they term it, I was not welcomed, and was going to be replaced. It was the beginning of my being Chairman of the Special Committee. But I was successful. Even I was going to be replaced/removed from being the member of the Special Committee. But my colleagues said if I was replaced, they all resigned from Special Committee. Because they did not comprehend, did not know about this. Thus, the capital power powerfully wanted to enter... and until today.

**Q:** Was there any of their requirements that “succeeded” to be accepted?

**A:** As a matter of fact... Oh yes, about the commercial, it was cigarette commercial. Originally it would be total ban but finally it was not total ban. So, the matter of commercial was crucial. I was different from Commission V with regards to Trading. I was different from Rini Suwandi (Minister of Trading). It was in Malang (?). Rini Suwandi asked for guarantee that cigarette commercials were permitted, because it related to national cigarette industry. Contribution from the tax was so high. I was also contacted by the Minister of Manpower, Yacob Nuwawea, how is the cigarette commercials, they could go on strike... Due to finance interest, the tax was on Commission V, Manpower Commission and Health Commission. Thus, the commissions also brought the interest of their partners. I was in Surabaya to hold dialogues in Unair, then Sampurna... believe it or not I was picked up by helicopter, from Unair I was brought to Sampurna office and landed on the helipad on the roof, I was flied by the pilot to a location ... just to talk to Rini Suwandi. So much interests. The businesses were intersectors. Health Department, Industry, Finance, Manpower, Domestic Affairs Department, Law, Transportation. Complicated. Thus, it can be said there was political interest behind economy interest (money), thus intertwined. That excluded the international. Then I tried to listen to them. Okey, you have your own

interests, let's see what our common interest. Then I said, I was in Semarang, I wanted to see it from the Five Junctions. If it was only crossroad there would be crash accident, then I would turn around. Therefore, no one of you (businessmen) would loose. Thus, it would take long to process this Regulation. (I was also the Chairman of Special Committee of the Regulation of the Freedom to Get Information). It was prolonged. Finally completed on 28 November. Then valid on 28 December.

The Head of the State, President did not sign the Regulation. The reasons varied. When this Regulation was finished, they (capital owners) still intervened, too. However, in accordance with the Constitution, in three months time, this Regulation was still valid. So, there were several unsigned Regulations, including the Regulation on the Formation of Riau Province.

On 28 November I was in Jogja. I was on air at RRI. Then went to Bali. December 31 was TK's birthday, he held an event in Bali.

**Q:** Can we say that President objected to this Broadcasting Regulation?

**A:** Madam said go ahead! And the Minister of Communication and Information gave his speech at the closing of the assembly and ratification by the Government. The government responded it well. However, as the head of the state, Madam did not sign. That is, the intervention came to the presupposition that without signature, it would be valid. That was capital intervention, to the extent to change KPI. In short, the process of this Broadcasting Regulation formation was extraordinary, and I was supposed to know. Therefore, my colleagues from local tv appreciated me and they appointed me their "senior member".

**Q:** How was the implementation of this Regulation?

**A:** This Regulation was not convenient for television business benefit in the past. Because they tried to abort this Regulation. However, they made a two sided approach, on one side they refuse, and their refusal was directed to juridical review, then they tried to influence their friends as the members of the House of Representatives to encourage a revision, on the other side also tried to get into the Regulation by trying to enter KPI institution as an institution that would control the broadcasting world and enter their

people so that they would make beneficial decisions. From the beginning, however, they preferred the permit was on the government. Because from the beginning the permit was from the Department of Information. Thus, they were comfortable to return there. There was even a teasing allusion, it would be one envelope only to go to the government, but it took nine envelopes to go to KPI. So, they did not want to change; they refuse reform or rearrangement. And for the reason, they tried to enter their people to KPI. They even intended to help KPI financing. Because the government tried to stunt the role of KPI; it was done by the formation of KPI secretariate of which level was lowered. There was requirement, if it was a state institution, the secretariate of these areas had to be echelon one or echelon two. When KPI was assigned by Department of Communication and Information to follow up the formation of KPI, then the concepts proposed by the government, Minister of Communication and Information, to the State Minister of State Appratus Control, the formation of echelonization at KPI secretariate general was also lowered, only echelon two. Second was on budget politics. The budget was given little by little. They only rented a building in Trunojoyo (Kebayoran), and actually it was not .... even the first meeting was at the house of KPI members. Thus, institutionally they were underestimated. The budget had to be proposed to Kominfo, even when I asked KPI budget and was approved 10 billion, which was cleas in National Expenditure and Revenue Budget, it was given 5 billion only. Thus, budget politics depended so much on the government that notabene was.... In fact, the comments to KPI were not welcome. Its existence was really not expected by bureaucracy. Next, when they had to follow up with the formation of Government Regulation. It was a conflict interest between the government. Sentences that stated, in ... was determined by KP and the Government. In the past, it was only KPI. The phrase “and the Government” followed... Why? Because, did the decisions of the independent commissions or state instititon have legal power or not? It was the problem. The discussion on that was so. The decisions of KPPU often or almost all lose in the court. Therefore, due to such fear we thought twice. When we are on the discussion to set this Regulation, there was legal hierarchy. First was the Constitution, second the Regulation, third the Government Stipulation, then Local Regulation, etc., etc. Where were decisions of the institutions located? The sophistication laid here. Did KPI have legal power or not? Then, compromised way out was sought. All containing KPI sentences were grouped into one chapter. Then, some

Government Stipulations were born, including the new Government Stipulation signed by President SBY by the end of 2005. It was this tough Government Stipulation No 50 that was protested. This Government Stipulation was not in line with the spirit of Broadcasting Regulation. The spirit varied. There was local autonomy, monopolist, diversity, rearrangement, limited area, and limited broadcast. These private institutions tried hard to remove them all. Network matter, for example. It was wrong. The network system concept was unproperly implemented, formulated, because (the Regulation regulated network system and local system) the system was network, meaning that you had to build network stations in local areas, but they did not agree; they only agreed to relay. Thus, there was no local content that could enter there. This really returned to the old Broadcasting Regulation. I want to say that the government did not comprehend the spirit of this Broadcasting Regulation. That was the time, if I may compare, when Bob Hassan was a minister, or before that, when he was still a businessman (not yet a minister), then when the Minister of Forest made Government Regulation, it was Bob Hasan who implemented. And this (Broadcasting Government Regulation) compared to it. Another example, with regards to network station matter, not all were centered in Jakarta; that could be centered in Medan, Surabaya, Bali, Makasar, anywhere. Please anyone who was willing to build network TV. TV that got the permit as a network had to build local station TVs in different areas. The comparison of the old Broadcasting Regulation in West, Central and East part of Indonesian Areas was available. So, when they made a relay, one in Jakarta, two in Central, and one in the East. That was the concept in the past. For instance TV7; it was present in Jakarta, in Bandung, and in Jogja, in Surabaya, and there was one in UjungPandang, Irian one. This was meant to cover all areas. But with this Regulation, it was not so because it was seen by all provinces. "Private broadcasting institution may hold broadcasting through network station system with limited area coverage"; this sentence is correct (as it is written in Broadcasting Regulation 2002), but when once "It was controlled as followed...":... everything was wrong. "Network station base is a private institution located in the capital of the province". It was greedy. It was unacceptable. Our spirit was not there. It means that as a concept, network tv has been faulty." The members of network station are private tv located in the capital of province, governor and or city." "For common broadcast program, the network station can be broadcasted through relay stations to all

areas in one province.” “Specifically for Capital Special Territory and Yogyakarta Special Territory, building relay station was not allowed”. Thus, if there was a tv in Jogja, relay from Bantul could not be done, in Wonosari it could not be made, because they were still in the same province. Because it did not see topography. “The area coverage of a network system is limited to at most 75% of the total province in Indonesia”. Imagine. The most liberal country is 35% (America). To get to 45% is a hard struggle. This (75%) is just the same as accommodating the existing station. Those big TVs had occupied any places. The value of 75% out of the number of the provinces in Indonesia was the existing ones. Papua, for example, it is not a problem either to have it or not. If there was no one in East South-East Nusa it was no problem. Due to percentage. In the past, the spirit was divided into West, Central and East Indonesia due to time difference. Such a spirit did not exist here (the new Government Stipulation). Number F. “Exception to the stipulation meant in letter E enables the coverage of broadcast area to become at most 9% out of the number of provinces in Indonesia. Only for network station system that had been operating a number of its relay stations so that it covered 5% of the total number of provinces in Indonesia. What does it mean? The 75% could become 90%. This is called minus “national”. Whose interest is it? The minister was Agum Gumelar (transportation and telecommunication), now Agum Gumelar is the commissioner president of the owners of the shares of RCTI, Global TV, and TPI. Thus, the person who used to give frequency permit, now he is gratituded a Commissioner President of the television conglomerates. The Commissioner of SCTV is Lieutenant General Suyono (former Chief of Army General Staff). The current TPI Director is Mayjen Suwisma. The tv capitalists kept their capital, their business by placing such persons. And people who set this, bureaucratic people who were Agum’s subordinates, just wrote. This returned to the old Broadcasting Regulation, which stated national. This Government Stipulation was called minus national. How to operate this Broadcasting Regulation of which spirit was different. For the reason, our colleagues made judicial review anew, to cut these all.

With regards to other stipulations (in Government Stipulation). This was ridiculous again. Chapter 71 verse 2. Private broadcasting institutions that already had radio station permit from Directorate General Post and Telecommunication and or

national broadcast permit for television from Department of Information before the issuance of this Government Stipulation, its presence was acknowledged. Written report on its existence was submitted to the Minister to adapt its permit to become permit of running broadcasting in accordance with the new Regulation. So, you had got national permit and it was still valid. This was meant by returning to Department of Information. The House of Representatives refused this Government Stipulation and it was delayed for 2 months. At least, there were some colleagues in the House of Representatives who still concerned about this matter but many of them did not understand.

By whom was its implementation? It was going to be implemented but it was contrary to Broadcasting Regulation. Thus, it was not multi interpretation, I interpreted in singularly. I am not a member of the House of Representative but I still give ideas to my colleagues. But they never involve me in a discussion. Our colleagues in KPI got disappointed. How was KPID if the permit came from the central. What about people who planned to build a radio in Nabire, in Natuna. This became centralistic again. Whereas, we were going to decentralize, to empower locals, locals had to be given local wisdom, nothing... Then, which one was going to be implemented when it had been contrary to the Broadcast Regulation?

**Q:** How do you see the implementation of Broadcasting Regulation since 2002 until todate?

**A:** I said earlier it was double. What was advantageous for them (media industry) was followed, what was disadvantageous he tried to interpret. Find breakthroughs, legal possibilities. For example handover, it was clear impossible but now it has been handed over. Our past spirit was that the tv could not broadcast anymore, the frequency was returned to the government. Now, it is not. Return the frequency first, later the KPI (government representatives) will take control. Lativi ruined, now it is broadcasting aimlessly. It had been targeted.

**Q:** How was their performance related to press freedom?

**A:** Press freedom is different from enterprise freedom, press businesss. The last press freedom became the cover of business interest. So, people held demonstration in the

name of press freedom but it served as the cover of media business. I say, this Regulation enabled the growth of broadcasting institutions in various places, either private broadcasting institution, community, or others. It means the society gets closer or is on proximity foundation. There is tv jogja... (close to Jogja society), etc. People from South Sumatera had to pay 100 million Rupiah to be able to take part in Siapa Berani competition to buy the airplane tickets to broadcast in Jakarta. If there were local TV as the affiliation of Siapa Berani, it means local money economy... Thus, if private tv could exist there, that prevents concentration of money. Bu next was they gave opportunity with freedom, for people to appear on television. So, there are more local programs and news in 100 tv, not just 10 tv. There are produced 100 broadcast hours on the same day at the same time all over Indonesia. It means there are 100 people who can appear or 100 times 10 people appear and give opinions. That means distribution, spread of media freedom. Decentralization opens tv or radio to open all of this. This is an extension of press freedom in local areas. Giving opportunities, not an opinion monopoly, but multi opinion, diversity of opinion. This is the freedom that we developed using Broadcasting Regulation, more people were involved, more people would appear, even more production houses. There are talents that could appear. But with national system, local areas were considered viewers. In the past, it was only tower that broadcasted. Making new station needs 100 billions but making tower is only 1 billion. So, they see people as rating, consumers. Jogja people are just consumers. So the implementation of this Broadcasting Regulation should be like that. Actually, there are so much opinions, but the main points are as I stated.

*Q:* But there was Broadcasting Guideline from KPI, how was that?

*A:* Society awareness had to be improved through literacy (media awareness). Namely by opening the complaints. It is better that your broadcast is admonished by KPI rather than being closed by FPI. But they preferred to be admonished by FPI rather than KPI. It means KPI tried to educate society to be more civilized in stating something but using such a power (FPI) became uncivilized. KPI defended your interest (television enterprise) as well. Not just society interest but it defended broadcasting institution interest when you are facing society that is going to do anarchistic actions. I, for example, met Mr. Nurhadi, major general the former Head of Army Information Center, now the report

director of Indosiar, they were terrored by such organizations. Why didn't you tell KPI, I asked. He overcame it with this (money). Finished. Give them some hundreds millions, cancelled (the protest). It means that broadcasting institutions used the old fashion of solving such a problem. It was not institutionalized. There was channel, canal. They remained to take a short cut ended with money. Such character existed. The owners of these are by chance Chinese. Soeharto family had reduced but Chinese remained. SCTV Chinese. Hari Tanu Chinese. Furthermore, most of them are Christian and Catholic. When I met the bishop I said, the bible is the same, I have bible, but when we fight it was not faith (religion?) that unites us. I am egalitarian, but their chapter is maximum profit. How to influence me with such approaches. TV7 Agus Parengkuan met, Catholic. Handoko (Indosiar) Catholic. They treated the bishops going to Rome. The religion broadcast is Indosiar. SCTV Christian, Fofo Suryaatmadja (an Australian). Yes Antv is Ical or Agung. That's it. Why one faith .... How is it?... I have ownership anatomy, but it changes, doesn't it? That's the innards. So, to see whose interests... oh my! TV7 are friends. Indosiar are friends. SCTV, RCTI are friends. Lativi was with Chris Kelana (Catholic). So, the issue was that private television was controlled by Christian Catholic. Frankly speaking, with regards to this Broadcasting Regulation I, energy, time, tears... but not bleeding.

**Q:** Do you see any changes of private tv (for example SCTV) after the existence of Broadcasting Regulation?

**A:** No measurement. SCTV is not independent. It tends to SBY. From the past. Some people say TV7 is pro PDIP. Is that right? Therefore when we set the criteria of the candidates of KPI members there were requirements such as non-participant, no relationship with capital owners, for that reasons I have mentioned. If only KPI consisted of three elements, government, industry, and society. Who are the government elements? Who are called the government? To my opinion, the government is the president and ministers. Bureaucracy is not government. Government is changeable but bureaucracy is not. I do not agree to that and I do not adopt America. US, the members of FCC are five. There are two political parties. Republic and Democrate. When Republic Party wins, the leader of FCC must be from the same party with the president, that's the stipulation. The composition is three parties win, two parties lose. I refuse the concept for KPI. I am

independent. Free from government interest, from from political party interest, free from industry interest. How can you make KPI, KPI was made by the House of Representatives not to become politic. That is politic interest as well. The people of the United States embassy told so. Debate in my room was with Americans.

12. Paulus Widjianto, Jakarta, May 24, 2006 (Continued)

**Q:** What shifts happened in media politic economy during and post Soeharto?

**A:** TVRI was not permitted to broadcast commercials, only private tv were allowed. At that time because tvri is national, it was worried (with commercials) it would cause consumptive culture, since Ali Murtopo there had been signal of the existence of private tv. The signal was then responded by the entrepreneurs at that time, would build tv, pay tv. The entrepreneurs at that time were those close to power, at least the cronies of Soeharto, his children. It means that private tv was new and was related to telecommunication, usually those who had been in telecommunication field who were interested, including Bambang Trihatmojo, then his son in law, Indra Rukmana, some other persons like Peter Gontha, all of them made RCTI. It started in 1990s.

That means that the private tv was intended to accommodate commercials that had existed in TVRI. Then, it was decided that TVRI should not broadcast commercials but the revenue would be taken/shared from privates with proportion as stated in the agreement. Fearing of consumerism, it was decided that TVRI did not broadcast commercials and it was transferred to private television (RCTI). Those people involved in such a world were those close to power (Soeharto). At that time, RCTI was still pay-tv, so that people who subscribed to the decoder were those who were able to watch television. Thus, it was limited to those having decoder. From marketing point of view, however, it was not interesting because it should have been open sky; anyone was capable because it was beyond terrestrial. The subscription tv was then replaced with common tv.

In Surabaya, there also existed SCTV, owned by Surabaya people but there were still Soeharto's people in it, such as Suwikadmono who cooperated with local entrepreneurs, among others was the governor of East Java, Mohamad Nur. Most of the people in it originated from Surabaya, one of them was the director, Agus Mulyanto, from Petra University (?). So, the technical people were from Surabaya.

Thus, those TVs actually were born as local tv. SCTV in Surabaya, but then there was SCTV in Denpasar. RCTI in Jakarta and RCTI in Bandung. After the partnership

between TVRI-private televisions bore good fruits, Cendana family had an idea to use TVRE as an “education television” because the broadcasting hours of TVRI were from evening until night time. Then, it was formulated a concept that television was an educational television for Tutut to serve as an education instrument. And because it was an education television considered to be meaningful, which we could make of use of it as if we attended lectures, we could do this and that, Professor Wijoyo gave studium generale, as a father of economics. Then, the image was that it was a real education television. What “tricky” was that TPI utilized state instrument, state infrastructure namely TVRI, because TVRI was not on air from morning to evening, for the interests of TPI as a private television. But she said, the content was her (TPI) but the infrastructure was of the state. And actually there were commercials. Most of the directors were Arabians, Fahmi Alatas if I am not mistaken, and some other directors such as Ahmad Bahasoan (marketing director), my friend in LP3ES. So, TPI was not run using business laws but power laws. For instance, the commercials were obtained from threatening instead of playing in the market, and many commercials/companies went to TPI because its network was national, while TVRI was not permitted to broadcast commercials. I knew many cases. The money from sponsors of an event went to individual directors instead of the company. Then the directors of TPI established a new company (Company Limited) and served as an agent for commercials placement in TPI. It was a business method using power, wasn’t it? This resulted in many commercials for TPI, and causes jealousy of other private televisions. Consequently, we (other private televisions) required to be national. TPI was born in the third order on 23 January 1993 at the same birthday of Tutut, and it was written on the inscription that was signed by President Soeharto, his father. Then, it was urged that private televisions became national televisions, while the private televisions were born as local televisions. Historically, they were even pay-tv, subscription, limited. This is the history of our national television.

From capital ownership point of view it was, of course, the entrepreneurs there, but from its birth point of view as broadcasting institution in communication terminology, it was born from local television with limited area coverage.

The fourth private television, Indosiar, is owned by a company with the front name Indo and it must be Liem Swie Liang (Indocement, indomobil, indofood), so

Indosiar is in cooperation with Hongkong. They made use of such business situation. Since it belongs to Indo group, its group like BCA supports it. As a broadcasting institution, its function is just accommodating money from the right pouch coming into the left pouch. There are 50 companies in this group, then they put commercials there, got into the pouch there, and so on. It was just shift of spread sheet. Therefore, Indosiar persisted, more as a business instrument.

The fifth TV, ANTV. Its birth, by design was in Lampung, Andalas, by Aburizal Bakri in cooperation with Hasmuna group, owned by some friends who I know personally, owned by Agung Laksono. Since it was born in 1990s and Mr. Harto still wanted to be the president, the birth of ANTV was forced to approach and to be directed from political interest of president election in March 1993. My friends who started it told that even bamboo towers would do. To fulfill the target of national coverage. In their first broadcast in the People's Assembly Council, they were still awkward while shooting, etc. That's the way political interests used communication channels and all of those by design were controlled by those who benefited. Based on the experience, therefore, such power considered that broadcasting media television served the most powerful instrument to reach deeper public and to create opinions and to get supports, and they had unlimited fund.

Those five early private televisions were so close to power environment. They were born based on Minister Decree instead of constitution; 1997 Broadcasting Regulation was not available yet. Broadcasting business had run, broadcasting technology had run, public interest had been created, legality was not present. Such legality was then made by adapting the pre-existed one. Thus, law legality was just an instrument. In the past, broadcasting institutions were only two, governmental and private broadcasting institutions (LPP, LPS, compare Broadcasting Regulation year 1997). There used to be an obligation to relay, too. However, when those private televisions were not in Jakarta, they said: how can we survive? We have to be in national. Because the requirement was national, all were drawn to Jakarta and it became very centralistic and the local TVs became national TVs centering in Jakarta, so that they were easily controlled by the central power.

This was the preliminary map of authorities' political interest on broadcasting institution for economy, politic, and social interests and it was not easy for people to get into the world. RCTI was owned by his son, SCTV his brother, TPI for her daughter, Indosiar for his close friend in Semarang, Antv for his friend in Golkar. So, when Broadcasting Regulation was delivered the problem occurred because actually the request for national TV was refused. The Regulation was not signed by the president and was returned to the House of Representatives, because Tutut did not like the Regulation, because she asked for national. And only entered the word "national". Hence, the Broadcasting Regulation year 1997 was still controlled by Cendana interests, because of their interest to get national television network. Thus, Indonesia was just seen from Jakarta.

There was Government Stipulation in the Regulation; there was possibility of the birth of new TVs. And there was an order for that. Five new TVs, number six TransTV, number seven TV7, number eight Global, number nine Metro. There was ranking based on new "registrants", and the number was many, had to be tested, whether they fulfilled the requirements, etc. In that ranking, actually MetroTV did not get the permit, number ten was actually JTV (Jawa Pos TV). Metro was number 12 or 13. Dahlan Iskan told me: Metro played this (money), and Surya Paloh was close to Cendana, married to the elder or younger sister of Yosiano Barak, he is the business friend of Bambang Tri. Dahlan told that Metro did not fulfill the requirements but it played bla bla, might be with Barak/Bambang. There were interesting words, "getting permits is like getting hot plates". Hot plates for frying fish or so. Dahlan refused, then Metro got it and he got number so and so. Actually, there was Muhammadiyah TV, I don't recall the rank. There were 17-18 ranking.

Trans TV, Chairul Tanjung, TV 7 owned by Mr. Sukoyo, an airforce colonel. Then, because he did not have much capital, he sold it to Kompas Group, and was capital injected by Kompas (80%), the rest was his (20%). In the long run, he could not pay and now his share is so small.

Lativi, Abdul Latif. He took Cris Kelana from RCTI. He was one of the pioneers in RCTI but then moved to Lativi.

That's the description. Permits were given to them having relationship with the cronies. And it occurred during the cabinet under Mr. Yunus Yosfiah, 1999.

The new Broadcasting Regulation was going to place our broadcasting system on more democratic platform. It means that people or society had higher power than capital, so there had to be more people having such television or radio media. An example is giving the opportunity to the local areas to establish that television or broadcasting media. However, the House of Representatives at that time was going to set the Draft of the Regulation more open to the existence of broadcasting institutions that were not present in the past but now are present, namely the existence of community broadcasting institutions, which were not accommodated in the past Broadcasting Regulation. Thus, in the new Regulation, there was not just Private Broadcasting Institution as the follow up of the Broadcasting Regulation no. 27 year 1997, but in that Broadcasting Regulation 32 we give the life right for Community Broadcasting Institution.

So, the pattern was withdrawn because in the past Suharto was the new order leader and his children were entrepreneurs while his cronies were also there, when their ownership collapsed and was sold, it was sold to other young entrepreneurs, Chinese, who were still new. Being new, they could find new patrons. Those new patrons were still on authority. When Habibie became the president to replace Suharto, tv ownership was on Habibie circle. Yunus Yosfiah is a person from South Sulawesi... then the permit for Global TV got to Habibie's crony since GlobalTV permit was a religion tv. It was given to an ICMI person named Nasir Tamara, a journalist. In it, there was Jimmly Ashidiqie. PT Iftiqar, its office was in BPPT, commissioner Nasir Tamara. It was Duta Visual Wisata, IDVNTV, then became TV7 (number order seven), Mr. Sukoyo. Previously, Indosiar was Handoko, Swastomo Supartin is my friend. Mr. Nurhadi had not joined yet. Mediatv, Metro, Surya Paloh. Pasar Raya Media Karya is Lativi. There were Abdul Latif and Chris Kelana. The shift of ownership must be related to Broadcasting Regulation because permit cannot be handed over. This falls into this handover category... Previously, 20 percent of Metrotv shares were owned by Haritanoe, through Indovision if I am not mistaken. Then Haritaone was able to be expelled, the 20 percent were taken by Surya Paloh, amounted to 100 percent.

Back to the new patrons, the owners of media companies would still seek safety to the new patrons of which people may change but the pattern will be the same (authority). This is still observable until now, old owners, the persons who gave the lisence in the new order, still bear children and grandchildren until today, everlasting. Surya Paloh is still vice chairman of Golkar senior members. The TVs owners still has relationship with party politics.

**Q:** What about other cases, other than GlobalTV?

**A:** It's different now. Three old powers: RCTI, SCTV and Indosiar, compete tightly and the fight tends to devour each other because.... and sometimes the fight is brutal, for example, two parties cooperate to beat the other one. By way of, for example, because each event is done outdoors, they usually use large places for certain shows and will cut/omit/cancel the possibilities of other TVs to enter into those stages. Take an example that a hotel would be used for a certain tv program and as much as IDR100 million has been paid, but because the paymet has not been completed, other TV comes and says, I will pay IDR 200 million so that the TV can be beaten. Such a method is used today in their competition. Finally, those at bottom level cannot compete and will lose and the losers will possibly be absorbed by big TVs, it's possible. This will converge to a new immature Indonesian point. Thus, the kings of tv/media, and these will be very dangerous, because all of them have converged. Those who have tv have telecommunication, have production house, all in one, no diversity. The ideal of Broadcasting Regulation is giving the message of diversity of ownership and diversity of content. With such centralization, it would prevent such diversity, it becomes uniform. And this is distinctive. And we will become part of content homogeneity of the world tv. The world TV is one.

It has been part of global marketing, global broadcasting industry, because Broadcasting Regulation prohibits this much percent of foreign content and it was protested by international community as I experienced. It means that we/House of Representatives prevents the tv content from being such international extension. Thus, the danger is there, if the ownership is only on some persons, and some of the Indonesian people

become part of that global broadcasting system, finally the ideal of content and ownership diversity is never reached.

**Q:** What about Murdock's joining Anteve?

**A:** Because they get the permit (foreign ownership) 20 percent (in Broadcasting Regulation). We expect that the ownership was through capital market. Mechanism with capital market. Please play stocks. Only SCTV and Indosiar that have been go public out of 11 stations. Only those two can be bought. Unfortunately, SCTV that used to be owned by some people, owned by Henry Pribadi, the pioneer, was bought by new persons namely Fofo and Edi Suryaatmadja. They are new players from Australia. They have their capital from their business in Australia, now they occupy majority of the shares. Henry Pribadi's shares were sold as much as IDR 549 billion.

Lativi is going to be sold as well. The purchaser will be a big TV again. TPI has been taken over by Haritanoe, so he has RCTI, Global and TPI. TV7 will be sold, too. Lativi is targeted by SCTV. Thus, they will be centered to ....

What interesting is that, in the past, there was tendency that the pioneers begin with printed media, radio, then television. Now, it is television, radio, then printen media. Haritanoe, for example, began with telecommunication... This is what we discussed toughtly in the Broadcasting Regulation namely cross ownership. This became a problem because we considered it important to prevent monopoly. And Todung Mulya Lubis unceasingly opposed to it. The first sentence in the Draft of the Regulation was, "cross ownership is prohibited." We discussed it, then "cross ownership is limited"... then "cross ownership is regulated". That is how we prevented cross ownership. The legal sentences we composed related closely to such interests. And the opposition was so strong. What is meant by cross ownership. It became a problem. Per definition, its application, they are three: radio, television, printed. What is meant by cross ownership is like that. It has not entered into telecommunication yet. This is present in the Government Stipulation. It becomes sophisticated. Frankly, they are not the measures.

...Legitimizing the existing. Thus, the debate was on how we treat the existing. Restructure, I told so. But they disagreed. No way, they said. If I wanted it to be

rearranged, those big TVs pressed us through the minister. They asked the existing to be preserved. Then existed compromise chapters that were visible in the last chapters.

With this Government Stipulation, the existing was approved to be everlasting. So, how many frequency channels do RCTI, Global, TPI, for example, occupy? Please count! Those all belong to Haritanoe. Not to mention radio, and the printed media such as Genie, Sindo, and its telecommunication infrastructure. He already has Indovision.

The other is like SCTV whose new owners are Fofo and Mr. Sudwikadmono. He also targeted Lativi. Another is newslink, where every handphone owner would get newlink information. News sms, for example. Thus, news enter the handphone through telecommunication network. Convergence will occur, between telecommunication infrastructure and the content. It should not be monopolized. This means that those who already have infrastructure will keep on winning. Network has been monopolized.

Aburizal Bakri has had telecommunication network. In addition, he gets into internet and others. And those are owned by several people only. This is our fear because whoever holds them will hold authority.

**Q:** Why was TV7 sold (merger), was it not saleable?

**A:** No. The name TV7 was not selling at that time. If they wanted, TV Kompas would be selling. Anyway, the news in TV7 must be present in Kompas, on page so and so... So, what is the difference of reading newspaper and watching television (TV7). Then, newspaper sells TV's leaflet. Whereas, that's not the point. Sindo newspaper, for example, that is just the leaflet of the television. In terms of ethics, it is not allowed since it falls into cross ownership. Because the reader, listener, and spectators are directed to one point. No diversity. One person can work for three stations (media). For example, I write news on beard fire in Merapi, that will be reported in newspapers tomorrow, including radio and television. The cost is relatively small, much profit. That's what I call the information as recycle. And it becomes instant. Not deep. The news is, therefore, not interesting anymore.

So, there is the shift, but the explanation of its theoretical frame, to find new patrons or to continue the past patronage, with its descendants. And that will happen

later in the general election. It will be visible there. Imagine if I have tv and I nominate myself candidate of president. How is that arrangement for me as the candidate of a president? Okey, everyone has the same right but what about impartiality, giving the same opportunity, will not be achieved. The proof was when ISAI did a research, Metro TV is Surya Paloh, ANTV is Aburizal Bakri.

**Q:** Dedy N Hidayat said, the news tends to be commodity only?

**A:** Yes, I agree to it. Thus, the commodity is not in order for the society to know, but the society is stuff to eat for its needs. It is forced. And that is what I repeatedly say, whoever holds television media (electronic), he controls someone's time ownership. Thus, my time is owned by other people, not by me. For example, I am forced to watch television, thus my time is controlled by it. If people say time is money then it takes my money... And television changes someone's behavior, not as productive person but consumptive. Since the time is allocated to enjoy, not to produce, and it decreases national productivity.

**Q:** Do electronic cinemas (sinetron) fall into commodity?

**A:** Yes, broadcasting regulation prohibits the birth of production houses, both at national level and local level. With the presence of local tv, local production houses were expected to be productive. It related to the content or the commodity, imaging or trend setting took place. Trend setting took place, tv formed new trend. Look at that story, A's love to B became C. But tomorrow, it would be made complicated to make people got absorbed and controlled someone's time. The story was characterization of 15 or 20 characters. The same person played different characters. And we watch characters. And it was only recycled. Whatever the face is, either religion or others. When there was love, flatteredness, then they were criticized, shifted to mysticism, criticized again then moved to religious, divine. They were just rotated. And those production houses; they have special writers. If they were ordered to write divine stories, they can do it. Entertainment is commodity. But depthness, life endurance is not important.

Then comedy show, and everyone follows. Another trend setter. Look at Warkop films that were broadcasted several times; it's just time consuming. It's so cheap because its humorous film. TV commercials interrupt. So, what benefits does society get?

The capital owners have controlled the time of Indonesian people. And time is money. And it is calculated as rating. And becomes consumptive (not productive) and inefficient. Electronic media control has occupied realm, way of talking, way of behaving, and of the utmost important is that it occupied our time.

It's about film. Since television becomes a theater in our room, the movie theaters outside die. What I mean is the movie theaters in villages in the outskirts; it already replaces the role because it used to utilize the time to see movies outside, it is not done anymore, it is replaced with watching films at home. Cheap. Whereas in fact the presence of the movie theaters the owners will get income. Creation of employment takes place. And there are peanut sellers outside. Not, it does not happen; all die. In my hometown, the movie theater functions as swallow nest. Movie theaters in big cities, however, 21 (Sudwikadmono) is international. It belongs to Cendana family, doesn't it? Thus, all the small theaters die. In the past, we requested that tv was not allowed to broadcast this and that film... there was the rule. Film regulation has not been improved. National films die as well. Local movie theaters are absorbed, because tv is just like a trawl. This is a culture industry: televisi, radio, film. But what about the other art performance? Teater is dead. Dance? All die. Wheas these are all part of the culture. Ngesti Pandowo, Barata Traditional Human Puppet Show at Senin, all die. So, the old traditional arts disappear, vanished. Luckily, there is still *campur sari*... That's the death of some elements of culture industry.

13. RH Siregar, member of Board of Advisory of Indonesian Journalists Union (PWI),  
Solo, December 8, 2005

**Question (Q):** What was your role in the establishment of the Press Regulation no 40/1999?

**Answer (A):** In the process of the Press Regulation establishment that was discussed through the Draft of the Regulation, actually I had been involved quite long in the frame of completing the prevailing Press Regulation UU No 21/1982 where there was introduced an institution called the Press Publication Enterprise Permit (SIUPP). With regards to this SIUPP, there had been protest from press community to annul it because it was contrary to the press regulation as the source of the stipulations of Minister of Information regulating the SIUPP. Why was it contradictive? It is mentioned in Article 4 of Regulation No 11 year 1966 on the Press Basic Stipulations that “censorship is not applicable to national press”. If we look at the substance of the Information Minister Regulation, known as Government Stipulation No 1 Year 1984 on SIUPP, there ia one article there giving possibility for the government to “close” press enterprise that is suspected or judged to be contrary or is not in line with Pancasila Press. This had been our problem since the year 1982. I was from Indonesian Journalists Association (PWI); I was also the member of Technical Commission of Local Press at that time. It was the commission that reviewed the efforts of completing Regulation No 21/1982. Particulary the efforts to eliminate SIUPP that was not in accordance with its main Regulation (Article 4 Regulation No 11/1966). At that period (since 1982) I was also involved in the the formulation of the Stipulation of Information Minister No 1/1984 and in the discussion of the Draft of Information Minister Regulation, we had warned no further spelling out of the stipulation on SIUPP should be applicable. At that time the government said that it was the Regulation that made possible. Since in Regulation No 21/1982 on SIUPP it was confirmed “will be arranged further by the Minister of Information...” This was the legal basis of the Minister of Information to issue the Stipulation of the Minister of Information No 1/1984. I said, even if there would be SIUPP, it should have been mandated entirely to the Minister of Information, but it would

be regulated further by the Government Stipulation in order to make inter-department dialoge/communication happen. However, since it was the regulation of the Minister of Information, thus the Minister of Information did not have to hold inter department discussion with regards to the execution of the stipulation of Regulation No 21/1982. That was the problem. I was one of the persons who asked for delay of the discussion but due to political situation of that time the Stipulation of the Minister of Information No 1/1984 was issued. Then, closing down of some newspapers took place, including the newspaper that I was involved, which was the first victim of the Minister Stipulation, in October 1986, the SIUPP of Sinar Harapan was annulled. Afterwards, we continually reviewed to complet the regulation and tried to eliminate such SIUPP. Departement of Information together with Press Council held series of meetings, discussions, etc., trying to make Press Regulation not to be colored by the stipulations of this SIUP. I was one of the persons in the team, with Prof Dr Muis from Makasar, to be asked to discuss it but the concept that we had agreed, when it was submitted to the House of Representatives in 1999, was different from what we had discussed, so if we looked at the spiritual atmosphere in the discussion of the Draft of Press Regulation that it becomes Regulation now, was spiritual atmosphere of transition time from authoritarian government to democratic government. Even, to my opinion, there was a kind of opinion and even some kind of “revenge” in that everything made by the New Order had to be turned upside down, to be eliminated, etc.

If we examined the formula of this Press Regulation No 40, for example, “no permit”, then “no requirements to recommend a chief editor or to recommend requirements for press enterprises to have capital” ect., were not present anymore.

Whereas our thinking concept, for example article 2, which now becomes the article stating “press freedom is one forms of people sovereignty.” Our original concept from MPPI and PWI, at that time, the article 2 said “press freedom is source of people sovereignty”. We did not agree either that normative stipulations were entered into positive law stipulations. Why? Because if normative stipulations were entered into positive law stipulations, the moral (normative) sanctions became positive law and the sanctions were legal sanctions. And, according to Press Regulation, the sanctions were penal sanctions, even if fine, not physical punishment. That was the consequence of

raising normative stipulations to positive law. Actually we didn't agree with that. It was first. Second, anything related to journalistic technical characteristic should not be arranged in Regulation. Take an example that journalists should broadcast ideas and opinions accurately, correctly and precisely. Did such things need Regulation? The same thing was applicable to the conformity with journalistic ethics codes. It is mentioned in Article 2 point 2 of the Regulation that journalists have and conform to journalistic ethics codes. The word 'conformity' had violated press independence because the ethics codes were made by journalists who then committed to execute them. Actually, the conformity to the ethics codes depends on journalists' conscience, but the ethics codes were made by journalists, but the Regulation said "to conform" that means anybody can say the journalist of "bla bla bla" had violated the ethics codes. Whereas, the one determined and decided violation against the law was the related profession organization. Those two things should have been separated (not in the Regulation). It was normative stipulation, positive law stipulation. This caused conflict of one to each other.

That was our efforts in the discussion process of the Draft of Regulation in the House of Representatives, and the other problems was whether the Press Council that was formed at that time would be financed by National Income and Expenditure Budget (APBN) or not. Some people said that it was financed by APBN some people from press said "no" because of the fear that press would be controlled by bureaucracy. I was one of those suggesting that Press Council was financed by APBN. Those who thought that if Press Council was financed it would be controlled can be seen from other example that the House of Representatives was financed through Cabinet Secretary/State Secretary. Even National Human Rights Commission was only based on Presidential Decree but they were independent, weren't they? I said that APBN was the money of the state, not the government. Whereas, some part of the government came from the state. For the reason, if that was the money of the state, then the people could (get), enjoy or use the money, couldn't they? Thus, the Press Council that was formed by the state as an institution through the Regulation could be financed by the APBN. I did not see any problem with the independence issue. Because it was the money of the people, not the government. In terms of being controlled, what about National Human Rights

Commission, also the House of Representatives, they were just independent. They still executed control function. That was our debate. Eventually, this is what happens, we, the Press Council, are so limited in our activities due to lack of fund. Thus, if it was mentioned there was fund from the state it was what we struggled for. In order that the fund from the state was elaborated or in other words there was some budget allocated by the state to finance the activities of Press Council. Since 2000 up to 2005 the fund from the state for the Press Council was eventually elaborated; I was one of those who struggled for it, so that in last June there had been Minister Decree to position the Press Council Secretariate as the officials of Communication and Information in order to help Press Council to do its activities. Thus, it served as a supporting facility. Now, we get a kind of budget and we use it to execute the programs.

**Q:** What institutions that didn't agree to the Draft of the Regulation?

**A:** In general, press community did not agree some articles of the Draft of the Regulation at that time, for example with regards to "trial by the press". We gave strong oppositional reaction because the issue should not be stipulated in the Regulation. In the concept of the Draft of the Regulation, the proposal about this issue existed, especially the House of Representatives, Mrs. Aisyah Amini in particular, suggested that media did not create such reports that seemed to judge the person who is undergoing legal process. All press communities protested that the issue was entered into the Regulation, including the technical issues, but eventually it was entered as we can see in the current Regulation.

**Q:** What was the opinion of the Army fraction?

**A:** The Army fraction also wanted that the "trial by the press" was entered, so that there was a kind of control to press freedom that had been opened widely; no more permit, no more profession recommendation, etc. Because the openness had to be balanced in order that there was no uncontrolled execution of press freedom; there had to be such warnings that enabled the execution of the press independence responsibly.

**Q:** In general, was the draft arrangement done smoothly?

**A:** As I told you before, it was a transitional time, shifting period from an authoritarian government to a democratic government. There was something like a "revenge", a kind

of “hate” to the rules made by the New Order through Press Regulation or the SIUPP stipulations had to be turned upside down, to be eliminated; there was some hate that resulted in a kind of euphoria. This was that smoothed the formulation of the stipulations of Press Regulation. It was first. Second, to my opinion and based on my observation at that time, this Press Regulation was actually one of the efforts of President Habibie government to prepare General Meeting of People’s Advisory Assembly that would ask him for his accountability, before the general election of 1999, in order to be reelected. In other words, the arrangement of Press Regulation carried political interest, because the House of Representatives resulted from the 1999 General Election expected to be said reformists, whereas they were people resulted from General Election in the New Order. It was because reform had been done at that time, they were afraid of being accused as non-reformists. Thus, there was some euphoria so that the discussion of the Draft of the Regulation ran smoothly. Furthermore, Mohamad Yunus as the Minister of Information was so reformative; press did not need any permits, etc. There was a comment from (our) press at that time, what would happen if there was media that was not led by someone without press background? That would be natural selection. Ok, but before the natural selection took place, the society had been fed up with misleading, fooling, reports due to unprofessionalism. We could do nothing because it was natural selection. When media went bankrupt, how were the employees? It was our debate with Moh Yunus/Menpen.

**Q:** Why did Mr. Yunus do that?

**A:** You know, he carried a political message from President Habibie. The Draft of the Regulation was actually discussed for only 21 working days, before the Special Assembly. Thus, it was legalized on 23 September 1999 whereas it was proposed to the House of Representative only in August. That was the spiritual atmosphere at that time so that when we wanted to implement the Press Regulation, we face some obstacles. Press Council, for example, was not law enforcer, according to this Regulation, whereas the society/public required Press Council to do more. It needs strengthening but it was impossible. According to this Regulation, Press Council was only mediator and facilitator and thus it had moral force only because it was not the past Press Council that had the power to make regulations binding other people. Then, some principles in the

Press Regulation could not be enforced, for example there were five roles (Article 6) of national press, namely fulfilling the rights of the society to know, doing social control, struggling for justice and truth, disseminating news... When there were violations against them, who (would take action)? It was mentioned there that, for example, journalists were under law protection (article 8) while they were doing their profession. What happened when there were people preventing the journalists from getting law protection that was guaranteed by the Regulation? No body solved such a problem, brought into legal action, etc. In the case of foreign capital investment, for example, it was said to have to be through capital market. Who made an observation that the addition of the foreign capital did not dominate the entire capital as it was written in the Regulation but there was no mention in the explanation, in order that the foreign capital did not dominate related press enterprise? Who? Press Council? It's impossible. If Press Council was a self regulatory body, it should have been able to address the issue.

*Q:* So, how was actually the concept of press freedom in the Regulation?

*A:* It was so idealistic, but it was difficult for us to implement it... Such examples, for example, got legal protection; press freedom was guaranteed as the right of citizens. In a concrete realization, when there was an obstacle, who solve the problem? One more thing, the main function of Press Council was protecting press freedom from interference of other parties. It was multi interpretation. Then how did Press Council try to protect it? What authority did it have? Who were the "other parties"? Were the owners of press enterprises considered as other parties? Was press, too? What happened when it was the capital owners that interfered? How was it if press enterprise also sold pornography? Might this be the only Regulation with no executing rules? Why was there nothing? We were traumatic of the past. Because the existing Press Regulation did not give the possibility for muzzling and censorship but in the execution Regulation (Stipulations of the Minister of Information) 1984, muzzling turned out to be possible even though the terms was not "muzzling" but SIUPP "annulment"; basically it was the same as closing down. Press community called this situation "blank check" (Stipulation of the Minister of Information 1984). Then, if it was written "further stipulation will be arranged ..." that was the blank check. The Regulation had prohibited but through the execution

stipulation it was possible to break through the stipulation of the main Regulation. This caused this Regulation not to have its execution stipulations.

**Q:** How was the conflict?

**A:** It was not only during the discussion of the Draft of Regulation that euphoria took place, but it also existed in the society after getting free from press restraint and shackling in the past. Thus, basically everyone supported; we were aware only when we were going to execute this and there were some obstacles. We acknowledged the existence of some kind of euphoria.

**Q:** We get into the implementation of this Regulation. After it was legalized, how did you see press professionalism, its performance, etc.?

**A:** Put it this way, when the corridor of press freedom was opened widely in the middle of 1998 by BJ Habibie's government, press community and the society were nervous. Since suddenly it was opened widely, press was also somewhat nervous in living the sudden freedom, compared to 32 years under shackle. So was the society. They were nervous to see the development of the press that was so free, vulgar, making such bombastic titles that made them puzzled of where those all were going? The consequence was that they judged everything themselves. For the reason, related to press freedom that had been guaranteed entirely by Press Regulation, also by Amendment of 1945, article 28f, this press freedom had to have been executed responsibly. There was also rather inappropriate understanding of this "accountability" issue. In the past, accountable press was considered as being responsible to the government, which was wrong. It had to be accountable to the people as the sovereignty holder. Thus, in a series of the discussion of this Draft of Regulation I said that press freedom originated from the people because the people as the holder of the sovereignty have some public rights. One of them is the right to get required information and knowledge. In order to achieve this, independent press is needed. Without independent press, the public rights cannot be executed. For the reason, press must be responsible to the people as the holder of the sovereignty, not to the government. Thus, although Constitution and Press (Regulation) had guarantee press independence but press was not absolutely free; there were warnings and limits.

**Q:** So, the concept was like “social responsibility”, wasn’t it?

**A:** Yes. Hence, the present press independence must be executed professionally and responsibly. However, we see the lack of the responsibility. There is also an image, which the community also complains, saying that press independence only searches for its rights, neglecting its obligations. Whereas, actually the function of press in the Press Regulation was entertainment, information and social control, in addition to educational principle. This educational principle was lack of attention; priority was given to social control, information and entertainment principles so that infotainment grew as it does now. It even enters privacy now. This is the consequence of euphoria. Thus, if we talk about current press independence, it must be executed civilly, professionally. Otherwise, our press independence will lead to anarchy.

**Q:** So, how do you see media development during the period of 1999 to 2004? Was the problem on journalist professionalism or capital owners?

**A:** That’s what we see now. Press practitioners and journalists are not fanatic in executing the journalistic ethics codes. We have to acknowledge it. If we compare to press figures in the past, they were so fanatic to their ethics codes. If there was protest against the reports they made, they were so shocked. But now, protests and arguments do not give any effects. Fanaticism to the execution of the ethics codes is less visible. That’s first. Second, actually, press enterprise has developed into capitalized industry, especially television media that needs huge capital. So, we see in the development of this press, compared to the past, that the capital investors are not merely those with press background, but entrepreneurs, businessmen, who see profit opportunities in press industry. What happened was increasing conflict of interests, between ideal press interest and press business interest. In fact, this press business interest was prioritized and ideal press interest was somewhat neglected. That was what actually happened. For the reason, we expected that even if the capital owners are with business background, they could make press ideal interest and press business interest balanced. How to make this harmonious is another art. It is impossible now to prioritize ideal press only as it was in the years 40s, independence war time or the years 50s. Without healthy press business, good press ideal interest will not be able to be done. This is our concern, how to make

both balanced so that the independence of the editor and journalists will not be neglected for the sake of the interests of capital owners who expect return from the capital they have invested in current press industry.

*Q:* What factors caused less fanaticism of journalists for ethics codes?

*A:* Listen. There is an illustration; in 1989 we were on a discussion in Jakarta to complete journalistic Ethics Codes when someone said that ethics codes were not important. The reason was that ethics codes limit the movement space of journalists. Why? Because ethics codes tell that this one is not allowed, that one is prohibited, this cannot be done, and that is actually the essence of ethics codes. It was accused as well that those ethics codes were produced by the old people who should have withdrawn themselves but they did not want to; thus, these journalistic ethics codes were made in order to make them still existed on the stage. Frankly speaking, there was an impact after that, because at that time press was shackled and this opinion considered it proper. Press was cooptated, wasn't it? PWI, for example, had become the propaganda of the government, so when there was such an idea, people showed empathy. Thus, it gave impact, primarily among young generation.

When Habibie government executed regulation in 1998 and opened the corridor of press freedom widely, it seemed to legitimate the idea that had been developed 10 years before. If there was an opinion that ethics codes were not important, plus such nervousness, what happened was like what we are facing today. The reason is that in the past, violation against ethics codes could be reasonable foundation to close down, to annull SIUPP. Now, there is no sanction for that. Moreover, there are tens of profession organization members. If someone is a member of PWI he will be suspended from PWI membership.

*Q:* Was there educational factor?

*A:* ... Ideally, those who become journalists should have communication other related study background, but now in reality new journalists recruitment might come from exact sciences, from ITB and others. Thus, such factor (education) was not, but the

environment made them in such a way that fanaticism of executing the ethics codes decreased.

**Q:** What about journalism (training) educational background, not merely formal education?

**A:** That is our foundation, the Press Council, to improve education and trainings of journalists in the future. By far, we cannot do it due to short of fund. In the budget of the year 2006 most share of the fund would be allocated for education and training all over Indonesia because there had been an allocated fund for Press Council. Such education and training was intended primarily for journalists falling into unhealthy category. SPS indicated that only 30 percent fell into health category, the mainstream, the rest of 70 percent was not healthy yet. We prioritized this big number to get education and training so that they would feel proud of their profession so that fanaticism to execute ethics codes and law norm could develop more. This was one of therapies that we think was able to penetrate community's question that press at present time practices "prevocation journalism", "anarchic journalism" and so on.

**Q:** After the existence of this Press Regulation, how did the government respond to it?

**A:** Actually, the problem laid on the press itself that was less fanatic for executing its ethics norms, and was also less respective to law norms. They were filled with euphoria atmosphere so that there were such press media reports considered to be harmful, defiled good name, which was called character assassination. For example, due to unbalanced reports, sided news, unclear news source, the analysis was only based on incredible sources, etc. The result press performance as it is now. The news was too vulgar, bombastic. In the early of the year 2003-2004, for example, such titles as "Mega's Mouth Smells Diesel Fuel", "Mega is More Ferocious than Sumanto" did not exist. The society was taken aback as well. There was an impression that such practices of the press encouraged both executives and legislatives to arrange such regulations in order to prevent such a thing from occurring. Actuall it returned to the press itself. Hence, we expressed in the House of Representatives when there was such an opition (making regulation) in 2004, where legislatives and executives agreed to complete Press Regulation, but there was no guarantee that the existing freedom would be defended. We

fear that it would even be decreased. Thus, we expressed that unprofessional press practice to become the foundation, encouraging the executives and legislatives to make new regulation so that it decreased press independence that we have now. That is the real description, thus it returned also to the press itself. Thus, we expected that press freedom was executed more professionally, more civilly with the expectation of no opportunity for the government and legislative to make new regulation that would decrease or limit and functioned in such a way that there are limits as there were in the past.

**Q:** Are there still any pressures to revise?

**A:** Based on my personal review for 6 years, the implementation is so difficult. The formula is ideal, but it cannot be put in practice. As I told you: who were the law enforcers of the Press Regulation? Press Council was not. We just prevented the government from interfering. Did we let it do it? From the beginning, I was one of those requiring the revision of this Press Regulation. It had been 26 years ago that I asked this Press Regulation to be of lex specialist character. Now, it cannot be categorized as lex specialist since it has not fulfilled the requirements. There are three requirements. First, the law principle must be the same, the same penal law regime, or the same civil law regime, or the same state administration law regime. For example lex specialists of Anti Terrorism Regulation, Anti Corruption Regulation, they are lex specialists from Penal Law Book (KUHP) because Penal Law Book regulates terrorism, and regulates corruption. Thus, civil law regime cannot dictate penal law regime. The regime of this Press Regulation law regime is mixed. It is neither penal nor civil. There are civil and penal... there is state administration.... Thus, they cannot be lex specialized. From that point, they do not fulfill the requirements. Second, an act is regulated by two different regulations. For example humiliation is regulated in article 310 penal law book; is there any humiliation offence in Press Regulation? Nothing. Thus, they can be paralleled. If they want to be lex specialists, Press Regulation must also regulate "humiliation". When there is claim to the police, we will ask the police not to use the article 310 of KUHP, for example. Just use Press Regulation. The attorney office also still uses KUHP since it is positive law. Third, the legal threat of lex specialist is heavier than lex generalis. It also became a controversy, whether it will happen to lex specialist. If it is physical punishment there, what kind of punishment here, for example. Thus, we call it not lex

specialist yet. In 1979 I was a team member of academic manuscript of Press Regulation completion in 1966. Thus, in 1979 Prof Seno Adji formed the team to complete it. I expected that the Press Regulation would be lex specialist. I was somewhat different from Leo; he was not of law discipline. If Press Regulation is still needed, to become lex specialist, let's arrange it. We entered Press offenses existing in the KUHP but we modified them. If previously it was penal, we changed it into civil, if it is possible. We just arrange it. Also, when it was physical punishment, here the punishment was fine. Penal punishment was also applied but in the form of fine. That's to mention some. But our colleague did not understand it. That's what we meant that Press Regulation became lex specialist. But we cannot make it lex specialist since it has not fulfilled the requirements. Thus, the current Press Regulation must be revised if we want it lex specialist. This depends on the press community (if they agree the revision without reducing press independence principle might be able to be done). We have to struggle for it. We should not refuse. On hand, we want to refuse revision but we want lex specialist. I am afraid there is interest of the capital owners. Since with the current Regulation, they are so free. They can monopolize. It also existed in the discussion last night because certain groups control everywhere. And free. No permits are needed. No recommendation from anywhere.

14. St. Sularto, Vice Chief Editor of Kompas, Jakarta, August 24, 2005

**Question (Q):** Are there any differences in the relationships between the government and the media in each of the administrations? How was the freedom of the press at the time?

**Answer (A):** I would talk primarily about the era after Soeharto, because the freedom of the press was only started in the Habibie's administration. Only in his administration that there was the new Press Act. We were not required to get a SIUPP (press business license) anymore. We were just asked to tell that we wanted to publish. That was the beginning. Later, there was no requirement at all to tell that we wanted to publish. In my opinion, the greatest freedom of the press was in the era of Gus Dur. We were able to criticize anything. In the era of Habibie, it was a bit strict for religious matters. Though in fact there was no written rule about it, but we had to be very cautious if we wanted to write about this matter. During the era of Gus Dur and Mega, we could freely write anything. And in the era of Gus Dur, we were shocked that Kong Hu Cu was made a religion, wasn't it? We could criticize anything and there was no worry that we would be bridled or be warned about. But in this era (Susilo Bambang Yudhoyono – SBY), this president is in fact very sensitive. We are in fact very cautious though it is still much better than the era before Habibie. In the pre- Habibie era, there was a requirement for a general leadership for a newspaper. If someone was to be named as the editor in chief, he / she should be approved by the Minister of Information. Now there is no such a requirement.

**Q:** Was it true that some shares had to be given freely?

**A:** No. For a new media, that could be true. It belonged to Harmoko. You had to give him some part of the shares. Even there were ridiculous things. Harmoko was the chairman of the National Basketball Association. When there was a basketball championship, Kompas was allowed to add some more pages for commercial ads. At the time there was a rule about the maximum pages for a newspaper. We were allowed to have more pages for commercial ads. But a half of the revenue was taken by Harmoko. Then when Mrs. Tien Soeharto died, all newspapers, including Kompas, were allowed to display condolences. Most of them were one full page ads. A lot of money. But the money had to be given to a foundation made by Mr. Moerdiono (the current Minister of the State) and Mr. Moersid.

Well it is only about the game. Now about the feeling. We feel that the freedom of the press is great enough, just free enough from fear to be bridled, fear from warning, by the state. In the midst of this reform era, one tends to be anarchistic in nature. And such a worry doesn't come up. In the past, the paper was bridled and case was closed. But now it is not the state that is going to bridle the papers but those unsatisfied institutions, for example the militant groups. It obliges us to be very cautious, and our self – censorship should always be in place. Just for a real case, if want to write about the FPI (Islamic Guardian Front), we should hesitate or should be not so courageous. For instance, recently Gus Dur alerted a warning (about the attack to the campus of Akhmadiyah). We wrote the warning, but we dared not to write about the attack. These are our tricks to play in such a difficult situation. So the constraints are still there. Even they are more physically evident. For instance about the Akhmadiyah case. We dare not to get into the issue, because there is an attitude that 'this is only the business between Islam and Islam. Mind your own business!' We, Kompas, have been labeled as a Christian newspaper. There is a freedom, but how we can make use of our freedom to write in complete form, without any pressure, is still far away. We do have the 'freedom from ...' but not the 'freedom for ...'

**Q:** In the initial era (Habibie), it looked that the House of Representatives was too much eager to pass the new Press Act. Were there any special events, or special issues, that showed that the freedom of the press was only in the beginning?

**A:** I don't quite remember. I just remember after the SIUPP requirement was revoked. There was a booming press publication. That was one impact of a freedom era. In the era of Soeharto it was quite difficult to get a SIUPP. I could only see the boom. But I don't remember anything else.

**Q:** The freedom was so great during the era of Gus Dur, wasn't it?

**A:** Particularly for the ideology. The era of Habibie was still a transition, between yes and no. When Gus Dur assumed the presidency, we were free. Then Mega. In fact, during the era of Mega we were still free. We could freely criticize the government. Now, in the era of SBY, there are restraints. First from the government, and second from the militant groups. The militant groups have even been growing after the reform era. At times they

are more solid, and at other times not. With new uniform, for instance the PKS (the Prosperity and Justice Party).

**Q:** Do you see any elasticity of the relationship between the media and each of the administrations?

**A:** Yes. And the media also played with that (the elastic strategy). So did the government.

**Q:** Was it only in certain issues, such as religious issues, or in other issues such as in economic issues?

**A:** In the era of Harmoko (former minister of information), the two issues played were the economic and political issues. Other issues, for instance, cultural issues, were not the main case. The political issues were about conflicts: conflict between the poor and the rich, conflict about SARA (ethnicity, race, religious, groups), the dual function of the Armed Forces (ABRI), and about national leadership. But these last three issues were all political in nature. And sometimes also about economic issues. In the past, even if the media knew about the plan to increase the fuel price, but they were not allowed to tell the public... If you did it, then you were dead! Also about the monetary plan of the government. For instance, during the era of Soeharto, Sinar Harapan was bridled because it published the opinion of Daud Yusuf. It was the right of the government to launch an embargo. But now there is no such an embargo. You can even write the 'off the record' issues. No problem about it. So the main concerns were about economic and political issues. For cultural issues, no problem.

**Q:** So there was a shift between issues, wasn't it? In the past political issues could not be published, now they are relatively easy to publish.

**A:** Relatively publishable. It was not imaginable for us to publish news like the current Aceh issues. It was quite unimaginable to publish issues about the Polri (the state police) with 15 personal bank accounts of policemen. Though up to now such an issue is still very much questionable (about the resume of the Polri issues), but at least we can still publish the news that there is a problem. Also about the court. Though there is still no clear resume about the issues, at least we can raise an alert. Also about the warning from Mr. Jusuf Kalla (the vice president) to the press to stop criticizing the government about

the resume for the Aceh problems ... but no media stops it. The government is not going to bridle, but is there any guarantee that government (that is very sensitive) will not bridle? That is the game. The government is elastic, so we are. No media pays an attention to the warning by the government ... still writes the issues.

**Q:** Is there any more problem in the front line in the administrations of Habibie, Gus Dur, and Mega? The reporters?

**A:** No. The maximum was only about violence case. But there was no restrain that such a thing could not be published.

**Q:** What about the case between Kompas and Sinivasan?

**A:** The case is about the company of Sinivasan that was in an unfavorable financial situation where it had to pay its debts. Then Sinivasan tried to find ways to get rid of the obligation to pay or to make the debts eased. Then they tried to find a scapegoat (according to their version): Kompas and Tempo. But the legal reason he used was obsolete. And we have the evidence that our publication was not based on our investigation but from the statement of Didik (an economic observer), a statement in the cabinet meeting. So we were in good position, then they stepped back. So if later our publication will be taken into the court, we will invite the source. We were ready to go to the court, but they declined. Case closed, we didn't pay anything.

**Q:** Does it mean that there were other cases other from the political and economic issues?

**A:** Yes, there are. In the past, every business person was backed by the government. When the government is no longer on their side, they have to struggle for their own. Then when they are in struggle, they try to find a scapegoat. For the Tempo case. Tempo was not in good position because it did not have a source. The failure of Tommy Winata was because he sent people to beat the Tempo reporters. That's all. But from a journalistic point of view, Tempo was wrong because it did not make a confirmation with Tommy.

In the past, a business person was scared by the media. Perhaps because the media could be bribed, or if a business person was to go to the court, the court would certainly be in favor for the media.

**Q:** What about the pressures by the groups coming to Kompas with their protesters? During the administration of whom?

**A:** It depends. For the East Timor case, it was during the administration of Soeharto. Then during the era of Gus Dur, there were Islamic groups. There was also a group of Gus Dur that took the wrong address. They wanted to protest to Bobo (a kid magazine) for its illustration, but they protested Kompas. But they were still the same groups. Just say them the groups of gangsters, or religious groups (Islam). The group of Habib Rizieq, for instance, or the group that wanted to get something (money) with this case.

Another example. For instance, a Kompas journalist writes about the people in Batam who reside an illegal piece of land. Then come some people to the regional office of Kompas in Batam. Other medias may also have such an experience. But those groups of people also consider the size of the media. If the media is small, what is it for to protest? This also happens here in Jakarta. When there is a case with Warta Kota or Persda (non – Jakarta press publication, owned by Kompas), then the target would be Kompas itself. Just like the Monitor magazine case. The wrong one was Monitor, but Kompas was hit. And the motif is more economic in nature: gangsters looking for money. Because, after we explain them, then everything is clear. You give them a drink, you give them transportation, ask them to go home, they will do it. While in the room, they were very mad. What kind of protest is that? It is a part of an era where a protest is financed. Now the same still applies. The protest in 1970s was not like that.

**Q:** Does Kompas also change in such a situation? In the repressive era, you need a kind of professionalism. Can the professionalism be more empowered? Be more utilized? How?

**A:** Yes. Professionalism and idealism. With the motto of Kompas, ‘Amanat Penderitaan Rakyat’ (Voice of the People’s Suffering), we can make it real. We are very open to write anything. It is only about the way to write. In the past, not even about the way to write, with such a material we could be bridled. That is the first. The second one, a media in such a repressive era is just like riding a bubble. Rosihan Anwar mocked it as ‘crab journalism’. When you hit, you get back. But now you get back not so far. Much easier now. Very much different. And the burden like in the era of Orba (New Order) does not

exist anymore. We are not scared to be bridled now. Concern yes, but fear no. The problem is only about to ‘cover both sides’. In the past we had to do it with the government, and now we have to cover all sides. If not, they can protest. We need confirmation not only to one party but to various parties. We still need toleration. Only the fear of losing our jobs is not as big as in the past. In the past, there was always a fear that we could be easily jobless. Now such a feeling does not exist anymore.

**Q:** Do you teach special strategies to your journalists internally to keep this professionalism?

**A:** Yes. It is about the training and introduction when someone is recruited. When someone joins us, we train him / her for one year. Half a year in the class, and half a year in the field. Just because we have urgent needs to fulfill especially in Central Java and East Java, perhaps soon Bandung, it may not be six months but only three months. In the training period, we introduce the values of Kompas, namely the philosophy of Kompas. We also plant the values of idealism where a journalist should be independent, critical, does not easily get satisfied, be more accurate, and so on. All of these at the initial step. Then on the way, if there is a journalist who violates the values, we give him / her warning. Warning from the unit leader, then from the higher position, and in the last six months there has been an Honorary Council which reviews cases related to the job, and a suspicion of violation related to the job. For instance, a journalist writes some news by mentioning a source, while in fact no source has ever been interviewed. This is a big case. It is the business of the Honorary Council. A warning will be issued. A warning from the Human Resources Department, not only from the Editor. If the person gets three warnings, then he / she has to step out. There are a lot of cases like that.

**Q:** Is there any special arrangement where a press company has to have a kind of ISO?

**A:** Yes. We have a General Rules for the company that applies for all employees, including journalists. For instance, you cannot take a bribe.

**Q:** Anything specific for a journalist?

**A:** Unfortunately not yet. But we can refer to the General Rules. For instance, the previous case where a journalist writes an interview while in fact there is no interview at

all. It will certainly go to the Code of Journalistic Conduct, though it can be very simple, but it is more complete and it can be our reference. For instance, if a journalist writes some news without any confirmation, you can refer to the Code of Ethics. We can apply it. Nothing is written about it, but there are some rules about employees, namely the General Rules of the Company.

**Q:** Do you see any increase or decrease in the number of colleagues who have been given the warning?

**A:** Yes. But not so many than the previous years. In the era of Habibie, there were one or two people, but later the number went up. This year (2005), there have been four people. Previously, two people. No one in the more previous year. For instance, they use some other people's materials. The term is cloning. Another instance, you didn't come to a place but you said that you were there. This is a serious violation. Especially such a violation. But no violation about bribery in Kompas.

**Q:** What are the reasons behind?

**A:** The reason is that they do not work thoroughly. In the past, you had to look for materials as many as possible. We were fortunate to have enough ample space to write. Now with shorter pages (after the changes starting from July 28, 2005), it is much easier to be minimalist. Then because it is minimalist, then you just assume that there is an interview. That is a real minimalism. Also about the mentality. Now people will not work thoroughly. Moreover, now the spirit of minimalism is very sexy. Then the impact is like that, you count everything. The second one, now there are a lot of information source. You do not need to come to the place; you just need to read the breaking news in the Internet. It seems that you were there, while in fact you were never there. We were protested because the source knew that the Kompas journalist was not there. We only knew after being protested. The source protested because of Kompas. Perhaps the source would not give a damn with other papers. The name of Kompas is indeed a burden as well as an advantage. The advantage is that we are trusted as a barometer. The disadvantage is that our small mistakes, even more our bigger mistakes, are all recorded. For instance, you wrongly quote something, for instance a foreign word, a Javanese

word. It is very embarrassing. Is there no Javanese in Kompas? Then also about English, and sometimes you show off with Latin.

**Q:** Now about the higher level, the Honorary Council. Is it internal or external in nature?

**A:** It is internal, and its duty is to provide suggestion for this ‘ombudsman’ (we also have our own internal ombudsman). This ombudsman has a more binding recommendation and evaluation to us, the management. The Honorary Council reviews the things related to our works, not about the bribery it does not influence the works.

**Q:** How do you see the value of this ombudsman?

**A:** Very great. It was established in 2000, then two years later there was an evaluation, a detailed calculation, about the percentage that it was utilized and about the follow ups of its inputs. Their comments were about the evaluation of the whole performance of Kompas. In addition to criticizing they also provide recommendations including proposals. More than 80% of the proposed evaluation and recommendation have been applied by the management. The management is the Editor, the management is the business. Then we decided to continue the existence of the ombudsman. For instance, there was an issue about an investment ad where you could get some amount of money. Well it was a lie. We published the ads several times, but the ombudsman warned us. Then we don’t want to accept such an ad anymore. The ombudsman also proposed something to be taken care (to be covered, investigated, reported, and so on). At first, our colleagues did not understand about it. Then an editor answered that we had reported it, but we would write it again because it was high again now. Such a thing happens because there are economists in the ombudsman. Now the person is Faisal Basri, in the past was Sahrial Jalil. We would write it, but it was already leaked. Also about ‘graduate’ ads. When Kompas published it, the ombudsman alerted. And we do not publish such an ad anymore. Also when there is an ad, then suddenly someone protests why such an ad is published. We answer that we have been bound by a contract, and we have to wait until the contract is expired and we will not publish such an ad anymore. Then there was an ad from a health clinic offering aphrodisiacs. We had not published such an ad for a long time, but when it came up, it was seriously debated in the ombudsman. We decided not to publish such an ad anymore, but then there was an ad ‘Tarzan von Klinik’, then there was

a strong protest why such an ad could be published. Then the advertising department answered that they published because there had been a research, not only because that it was hot. OK. Things like that. But we make use their inputs. The ombudsman has a meeting every month. Then we, the unit leaders (editorial, business, research and development, TI, human resources), we discuss the inputs on Tuesdays. But for Wednesdays, if it is related with the editors, then there will be an editorial meeting like that has just happened at 14:00 (Wednesday).

**Q:** About violation to professionalism, what is the proportion between the economic and political matters? What do they find most?

**A:** Accuracy, not only words but accuracy of data, accuracy of issues. They are really a very great team. The chairman is Mr. Ashadi Siregar, previously was Mr. Atmakusumah, a person from the newspaper Indonesia Raya. The vice chairman has been Abdul Hakim Garuda Nusantara since the beginning up to now. In the economic department there were Sahrial Jalil, Yuska Ismail, and Sofyan Djalil. Sofyan Djalil is an economist and he does not know much about the press. When he was in the position of an expert staff, he was inactive. But he knew about the media here (the ombudsman of Kompas). Sofyan Djalil was replaced by Faisal Basri. For the media department, there is Luwi Iswara, a former Kompas journalist and he is a trainer at the training department, and he studies a lot about the media. He just published a book named 'The Basics of Journalism' (2005). It is a very good book. And now we have a woman there, Lies Markus. In the past we didn't have one. Then there is Masdar Mas'udi. Why him? Because at the time Islam was at the hard line, and we wanted do be appropriate about Islam. After everything has been much clearer, then we didn't need him anymore. We have become more professional.

**Q:** So, its influence is very great, isn't it? Please tell me about before and after you have the ombudsman.

**A:** Well, perhaps it is great enough. There are a lot of direct inputs from outsiders. There was none in the past. These people are hired to provide us with inputs. We pay them.

**Q:** How many media companies in Indonesia which have such an ombudsman?

**A:** An ombudsman like in Kompas is only here. In the past there was a similar ombudsman, owned by Suara Indonesia, East Java. But this team only dealt with letters from the readers. So they treat the letters from the readers as inputs from outsiders. In Kompas, that is not the way to do. The letters are just a part of the inputs. So, in principle we seek for a way to be more professional as a part of the development of a civil society. That is the grand talk, but in short is how we can be more marketable. So the order is like this: first professionalism, then trust, then the development of a civil society. In Indonesia there is only one with an ombudsman that is Kompas.

**Q:** Did you have any reference when you established the ombudsman?

**A:** Sweden. Once I wrote about it in Masyarakat Warga ... but I forgot about it. Our reference paper is Asahi Shimbun. Ombudsman means representative. It started in Sweden, a country with a relatively quick establishment of the civil society. You can find an ombudsman for this, an ombudsman for that ... The form of an ombudsman for the media is relatively like that. I met the Ambassador of Sweden, then I borrowed him the book... then I wrote in a book ... The Swedish model is about how the public can have an access to criticize the media. It is about how the general public can control the media, so that the media can be a part of the civil society. Who controls the media in Sweden? That can't be the government. It is the civil society that bridles, warns the government to provide freedom to the media, and controls the media. There an ombudsman is a representative of the public to control the media. In Indonesia it is different. It is the media (Kompas) that invites the ombudsman to 'control' the media. Once I depicted in a film that the public was going to run a class action to the court to give an influence. The public provided inputs to the media. Things like that. In my opinion, the ombudsman of Kompas is independent in nature, and we make use their inputs. I'm sure that they will be very disappointed if their inputs are not made use. They usually ask about their previous inputs.

**Q:** Well, that's the controlling role of the ombudsman. What about the role of the owner?

**A:** The owner is Mr. Jacob. Mr. Jacob also controls, but he is also involved, he provides inputs and assignments. Perhaps not a direct assignment, but we can understand it. For instance, if he said that we should have a picture about India, China, and so on. So there

is always a day to day control from the owner. What Mr. Jacob likes is to directly phone the respective party. For instance, to the chief editor, to my place here. My department is about TI, management, human resources, and research and development; then often everything goes to me. But for coverage that is closely related to me, like education, religious, relationship with Islam, then he would directly go to me. He would complain to me. For political and economic issues, he would directly go to chief editor or to the desk head.

So he gives color to almost everything; also for news coverage. Sometimes he asks, for instance about Akhmadiyah, to the chief editor for Islam (Suryopratomo), and he gets the information that it is only about Islam and Islam. And he understands that matter, and he wants a coverage about a tabligh akbar (great congregational meeting). We are very sensitive. The question is, can we have an opinion? The general public wants us to give our opinion, and this is also recorded by the ombudsman team. Mr. Jacob, as the general leader, thinks that we have to give our opinion, a kind of guidance to the readers. For such a thing, I myself have to write it. He will not complain to the chief editor. For instance, what about this? Please later try to raise this issue! Ok, I will forward this to the chief editor (Suryopratomo). But when I also follow the ongoing process in the field, like visiting the birthday party of Gus Dur, and I meet with people. Such a thing is closely related to coverage. Such a thing can often be used to get a confirmation. He is a thinker; he always challenges. So when he has not had the confirmation, he would continue thinking. If the country is in such a situation, he cannot sleep. What the media can do; what Kompas can do? He is always thinking. For us, perhaps we would just say, OK, just leave it. But he cannot behave like that. He cannot sleep. Well it is true. He often drops here, just like if he wants to go a meeting, to throw out his complaints. What does it mean? It means that he is fully involved. Because this is his world. And this owner always says that he is a journalist, not a businessman. His soul is a journalist.

**Q:** What is the book of Mr. Jacob that represents Kompas most?

**A:** Only ‘Pers Indonesia’. What else? Collection of Editorials (Kumpulan Tajuk), Humanism? Now what he is going to develop is reflected in the latest article of the Special Edition (August 16, 2005). Mr. Jacob wrote one full page, ‘Tiga Panggung’

(Three Stages). The first stage is the political one, the second stage ... I forget about it ... the third one is the economy for democratization. Let us give the chance for the economy to be involved there. And he always refers to the book, 'Culture Matters'. These things have not been written in those books. This is his thinking paradigm; his main ideas that had come up one year before he earned the doctorate degree at UGM, in April 2003. Now it is still going on. For instance about the oration of Mr. Sarbini. This is quite appropriate that capitalism is not only about economics but about the inside spirit ... that comes from 'Culture Matters'. That is what he thinks about the media today. How the media can play a role in the economic stage, in the business group, to join the development of the benefits of the general public. What was written by the media in 1970s has already gone. This is the new one. Please refer to his speech at the lecture of Koentjaraningrat, published in Kompas, when he gave his presentation in Bali, during the world publishers' meeting in 2004, and also here in August 2005. They are the pillars of his ideas about the media.

Unfortunately, there are not many media thinkers. They only think about the business side. How can the media develop the society? Well, it is required that the media should be strong first. Perhaps the others have not been strong yet. For instance, Jawa Pos. In fact it can do it, because it is already strong. They can perhaps think like this. Surya Paloh is strong, but he gives more emphasis to practical benefits; he uses the media for his political interest. As a matter of fact, the person like Leo (Batubara) is good, but he is unfortunately in charge of a media (a company). Perhaps Atmakusumah. Perhaps Tribuana Said. No more.

15. YB. Wiyanjono, former member of the Indonesian Democratic Party Fraction of the House of Representatives, member of Special Committee of the Draft of the Press Law year 1999, Yogyakarta, July 30 and August 10, 2005

**(Q):** What is exactly the meaning of freedom of the press?

**(A) :** Freedom of the press is the manifestation of human rights to express thoughts, opinions, and truth on one hand and to access information on the other hand, for the sake of human life development. Freedom of the press is the basic requirement of a democratic life as the manifestation of people's sovereignty. But, freedom of the press is also a freedom that is guaranteed and protected by the state to seek for, to collect, to prepare, and to distribute news, opinions, announcements, and thoughts through the press to anybody who is willing to get it.

**Q:** Was this formulation different from the one of the Soeharto's era?

**A:** The formulation in the new Bill of the Press Act is short, straight forward, and general in nature. While the formulation of the one in the era of Soeharto was very much detailed in the duties and obligations (section 2, article 2 of the Press Act no. 21 of the year 1982). For instance, in the article on the role of the press, there was a clause about the need for a positive interaction between the government, the press, and the public (section 2, article 3, of the Press Act no. 21 of the year 1982) that was then meant to be the accountability of freedom of the press (section 5, article 2). That is also the case for the functions of control, criticism, and correction that were limited up to the constructive ones in nature as common during the era of Soeharto; and this was only seen from the government's point of view. As such, the press was very much in control because if the press dared to deviate from the rules as dictated by the government, then the press faced the risk of having its SIUPP (press business license) revoked. That's why, the formulation of freedom of the press as mentioned in section 4 that was said as "no sanction and bridle would be applied to the press"; and also in section 5, article 1, 'freedom of the press is in line with human rights of the citizens and is fully guaranteed' was only an inconsistent lip service.

**Q:** Why was there such a difference in those formulations?

**A:** Changes were needed to provide a clear and proper legal basis for freedom of the press. There were some supporting factors, namely a) the fall of Soeharto's administration, b) consciousness and strong will from various parties to rearrange a democratic life as soon as possible, c) the press had been long in such a repression. The fraction of PDI agreed with the Bill of the Press act proposed by the government to be discussed and perfected to be the Press Act because it was basically already in line with the ideal hopes of freedom of the press. In the House of Representatives there were three versions of the Bill, namely the version proposed by the government (the minister of information), the version proposed by the House, and the version proposed by the MPI (the broadcasting community of Indonesia). Bambang Sadono from the Golkar fraction formed an 'initiative proposal' though its mechanism was the old one. Then the government proposal was taken as the material of discussion and the other two versions were made supporting materials.

**Q:** What formulations were specifically proposed by the FPDI?

**A:** Some concerns of the FPDI were: the annulment of mandatory registration for press publishers (Bill of the Act, section 6, article 2) and about the news office (section 7, article 2); freedom for the journalists to join their own professional organizations of choice; the provision of legal immunity (protection) for journalists in conducting their journalistic profession; strengthening the existence of the Press Council by minimizing the interference of the executive in it; annulment / minimization of implementation regulations that were subject to the Rules of the Government and the Decisions of the Ministers.

16. Trias Kuncahyono, Executive Chief Editor of Kompas, Yogyakarta, September 3, 2005

**Question (Q):** What is the practice of freedom of the press in these different administrations?

**Answer (A):** In every administration there is a distinct practice of freedom of the press. In the era of the New Order, it could not be said that the press is the fourth pillar of democracy because the role of the government was too strong; it could even make the press undeveloped. There was no confirmation about what was said by the government or government officials. For instance, if it was said that the supply of rice was enough or the harvest was good, there was no confirmation at all and nobody went to the field. One just needed to believe what the Minister of Information or the Minister of Agriculture said. Anything was just taken as it was because in one hand it was impossible to have a recheck in the field or to make some news that was different from what was meant by the government. According to the theory of journalism, the emphasis of some news was not on ‘why’ but on ‘who’: the person said this; the person said that, and so on. It was more about the statement of someone (‘who’). It happened during the period.

There was a term called ‘the Free and Responsible Indonesian Press’. The question is about how free it was and about to whom the responsibility was. As a matter of fact, the press should be responsible to the reading community. The control of the government was as strong as manifested, among others, through the ‘phone culture’. Even for the highly valued news, it still didn’t work. Just the simplest instance, a military aircraft fell down. Such a thing was not allowed to be reported while in fact the people knew that a military aircraft had fallen down. Such a thing could be a news report, because the fact was manipulated. A photograph about an aircraft lying down on a rice field (where it had fallen down) was depicted with a caption telling that the aircraft had to make an emergency landing.

The political situation of the time was not conducive for papers to grow so that the subsequent impact was the underdeveloped reading culture. At the time, the freedom of opinions and freedom of expression were very poor. The existence of the only one

journalist organization (PWI) was also a control of the government. It was ruled that everyone who wanted to assume a structural position in a newspaper, for instance the executive chief editor and the chief editor, was obliged to be a member of the PWI. No PWI membership, no license to assume a structural position in a newspaper. That was the situation. So if there was a newspaper that was not in line with the government, it would be bridled, would be taken an action, or would be given a phone call. This is a story about paper bridling in 1978. When Kompas was bridle for tow weeks (the Malari upheaval), Kompas could be published again with this condition, that condition, and so on. Kompas was not allowed to touch the family of the president. This also applied to other papers. That's why the papers could not develop. If you trace, this also applied up to the ownership of local papers.

The situation changed when people said the reform era came. When the New Order regime fell down, there came a lot of media, just like mushrooms in the wet season with various visions and missions; and also tabloids. It showed that there was freedom, but only in the number of papers, but not in the substance. In the past, for instance, people were proud if they could secretly read and own a copy of magazine Detik. When everything was already open, then nothing was special anymore with Detik. When Habibie opened the door of freedom of information, then everything was out of control. Then I saw that a media was not purely for the sake of information but for a solid business interest as seen that everything could then be made. There could be a media without a strong foundation of vision and mission, and the primary drive was only business interest. But it was then conducted by neglecting professionalism. While in fact there should be vision in the first place, then professionalism, and then could only follow the business interest. There came various medias without sufficient ethical foothold. They grew because the number of journalists who lacked of appropriate ethics. We just saw the infotainment side. But from the development point of view, the press could get better access for information. There was freedom for information and freedom for distribution. It would be ridiculous if there was freedom for distribution without freedom for access.

In the era of Gus Dur, the situation was much more open. It was really developing. We saw so many organizations, and also organizations of journalists. They were so many so that it was not important anymore. Concerning the position of the

government to the press, there was no problem in the era of Habibie, nor was in the era of Gus Dur.

**Q:** Were there certain issues in the respective administrations?

**A:** In the era Gus Dur, it tended to be no problem. He was so open. I said that there had been a control by the government. But after the reform era, the control was on the hands of the readers. There was a phone culture and also there was this or that restraint, but now there was nothing to control from the readers. When someone was not happy with a certain news report, the simplest way was for the person to call or to send a letter. The person could also send summation or even provoke the mass. That is the real change, so that accuracy becomes very important. It was an important one, a kind of mandatory rule, an iron rule nobody could violate. But now it is because of the huge responsibility to the readers.

In the era of Megawati, she also gave freedom and she did not get mad easily for criticism. Now the president is very sensitive to criticisms. But the openness is still there. The development of the press in Indonesia has been very fast as compared with, for instance, Iraq. In the era of Saddam Hussein, the control by the government was so strong. Even it was only Babel owned by a son of Saddam that could be the only source of information of the government. A dictatorial regime is really like that. When he fell down, then suddenly a lot of media came up. There came a lot of print media. There should be regulations in such a situation. When the media played around and someone got mad, then a regulation was made. Pretty much the same. When the political situation is free, one enjoys freedom. One uses it too much. That often happens. This also happens here, where the press crosses the line. Just because we enjoy freedom then we often forget the rules of the game, the ethics in media and so on. For instance, Rakyat Merdeka. People say what kind of journalism is that. Headline journalism, for instance 'The Mouth of Mega Smells Diesel Oil'. From an ethical point of view, it is not ethical at all. But that what happened. And people bought the paper. Sometimes they bought the paper because they thought that it was representing in their mind at the time. I dare not to say but other people do. That is what I say as crossing the line.

**Q:** In the era of Habibie there was an issue about Andi Ghalib and Kompas wrote about it. Was there any objection from the government?

**A:** I am sorry, I don't remember about it. In Kompas, the rule is clear, so we are too cautious about things. If we don't really know about something, why do we have to play with it? We can reach these 40 years of age because we have clear rules of the game. We are not allowed to hurt somebody's feeling, we are not allowed to embarrass people, we are not allowed to corner people, and so on. The rules are clear about those things. So we can have a strong foundation. What has happened since the past up to now is that there are a lot of issues that are not taken care by the media and they have just gone away. For instance about corruption. Usually it takes only the first 2 weeks for a busy tumultuous noise then it is gone. Why? Because there are so many issues and the media can also be influenced. This is very clear around the election. It was fully used. Now it is already clear that the media is going to be used again. There are certain medias that deliberately approach the government. Now there is a trend like that to approach the government, even for the next election in 2009. If you pay an attention, then it will be very clear. For instance when we read about the economic crisis yesterday. You will see how papers, also Kompas, said that 'the government was not decisive', 'it was only about discourse', and so on. While 'Seputar Indonesia' told the contrary, 'this is because the decisiveness of Yudhoyono'. What is happening here? But because we know that 'Seputar Indonesia' is going to be used for the 2009 election, there is a mixed business and political interest there.

**Q:** Is there any difference in journalistic professionalism between before and after the New Order? Where do you find difficulties in applying professionalism?

**A:** As a matter of fact, the regulations were so tight in the New Order era. So we had to be very professional and we had to avoid the obstacles. Could we be called very professional? No failed harvest, no famine. But could we check what it was in the field? And could we say that the reality was like this? We could not do that. If we could, what did we have in mind? There was no critical inquiry, while on the other hand it was an indispensable condition for journalism. From that point of view, being professional as a journalist was not as much as we should. We had to take anything said by the

government. That's why the news was only about 'who leads'. The president, Soeharto, said this ... The minister, Harmoko, said that... Now things have changed and the trend is to the questions of why and how, and this fact requires a high degree of professionalism. No one will accept anything you say without any confirmation. We cannot do it without check and recheck. If something is just quoted like it is, for instance if we just write down as it is reported to the police, it can be wrong. The police often write incorrectly and inaccurately. That is why the requirement for professionalism is very high in order to give something really balanced and really factual. We are confident to write about famine in Flores because there is famine in the field. This is really a very professional work. Because of the openness, then the requirement for professionalism is very high. If you don't apply very high professionalism then the readers will say that this paper has to be put aside because nobody likes if the paper just writes down anything people say. There are changes in the way to write news, namely not only on the basis of what is said by people. Tomorrow morning you can already have the facts. As I mentioned before, it should be started from a vision, then professionalism, and only then you can sell it.

**Q:** Is there any effort in Kompas to make the professionalism higher?

**A:** Definitely yes. It is started from the education. Since early the beginning of being a journalist, it has been given an emphasis that education is a requirement of the era. The way to do things has also to be changed. We can no longer only accept opinions from one side. At least there should be two people. Or for instance, if we receive a statement that furniture producers are in trouble because of insufficient raw materials or because of the very unfavorable exchange rate of rupiah, then I have to ask my journalist about who said so. My journalist says that it is the chairman of the association. Well, then I say to him / her to go the field to see how the producers are. Or perhaps about the issue of famine. The best example is probably the case of educational subsidy that should have been given some months ago. The government says that the subsidy has been given. Is that correct? Check to the field to find out whether it has already given or not. The fact is that it has not been given. We have to highlight this because it is based on hard facts in the field.

**Q:** Any special requirement in Kompas?

**A:** Yes, it is accuracy. If there is information that someone has conducted corruption. Is this correct or not? Only from that we can build credibility. If we can say, the only thing we have is credibility. If people trust our paper, it will also be good for business. This is what I mentioned before. First there should be a vision, then follows professionalism. And professionalism will give birth to credibility. And with credibility, our business will be good. If the four of them are not met, for instance if there is a vision it is not professionally applied, then there will be no credibility. If you are not credible, no one will trust you, and no one will buy. So, accuracy has become so important today. Even people now will question small things like mistyping. Another example, if you write in English, if it looks right but in fact it does not, then you have to look up in the dictionary.

**Q:** The three administrations: Habibie, Gus Dur, and Mega, they said that they were always criticized and attacked by the media, was it because of the era or ...?

**A:** Perhaps the situation is like this. We are critical to things. The media says that it is critical to things but the government says that it is attacked. In my opinion, they are just not ready for that. We have seen for decades that nobody has been fond of being criticized. So, being criticized is in fact being given an input; and it should be accepted. But we know that our level of willingness to be given some inputs is very low so that, for instance, Mega says that the media is very unbalanced. In fact Mega put herself as the most powerful person and as the untouchable one. But it is already the requirement of the era. I would see that the government is not ready for things like thing (being criticized). The government is not ready to admit their incapability. If you criticize the government, it is translated as you condemn it. In fact criticism means to develop. But they can say that they are attacked. But I say, or Kompas says, that we don't hit haphazardly. For instance today (September 3, 2005), Mr. Yudhoyono has been mad with Kompas. What does it mean? See the focus today, 'The Indecision of the Government ...' Everybody knows that the government is very indecisive, but when this fact is made an editorial, then it becomes a big problem. So, in my opinion, the government is not yet mature in democracy. The readiness for criticism and for being warned is not yet mature.

**Q:** Each of the three administrations has its own way in dealing with criticism, doesn't it?

A: For Soeharto's administration, it is already clear. Habibie is a western – educated person. The press was let free even uncontrolled. So the press touched his close friends, he was a bit shocked and he tried to find ways to push the media. Gus Dur is a democrat person and you can dialog with him. He took easy criticism. Perhaps because Mega is a woman, she was relatively easy to deal with the press, much better than now. She was a president who did not get easily mad with criticism and did not take revenge against criticism. If in a speech she said that the press was unbalanced, that is the most she did. That is quite different with today (SBY). Gus Dur is a democrat man, and he tends to be an easy going person. And he did realize the importance of the press for democracy and maturity of the nation. I am fully convinced that according to Gus Dur, the maturity of a nation lies in the openness of the press. So in fact the direction has been quite good. The door was opened by Habibie then perfected by Gus Dur, so that later the press could be step by step the fourth pillar of democracy. But it will only happen if every media keeps its vision. But most of them tend to the business side only. A new newspaper, for instance 'Sepatu Indonesia', is very much business oriented. Another example, 'Media Indonesia' is not clear in its direction. First it supported SBY then it is against him. Or 'Jawa Pos' in local areas is not professional at all because it sells one full page for Rp. 400 million rupiahs every month. The content is just like in the past. It is very much like a stage or a microphone for whoever buys the page. It has lost its critical capability. The function of the media is weak. I say that it is not professional anymore. People will go to a more critical paper. Starting from the reform, the intention has been to place the press as the fourth pillar; not to be disturbed by business or political interests of certain people and also the interests of the owners themselves. Being the fourth pillar means being a real watch dog. But I am still questioning about it.

17. Zainal Suryokusomo, a member of Indonesian Broadcasting and Press Society (MPPI), Yogyakarta, September 28, 2006

**Question (Q) :** How is growth of broadcasting world after Soeharto?

**Answer (A) :** The broadcasting growth after Soeharto: to my opinion, there are no significant changes. I might be wrong. What interesting is that the televisions owned by Soeharto children also broadcasted the fall of Soeharto: RCTI, SCTV, TPI. It was because of the urge from their journalists, I think. But, significantly, are there any changes? To my opinion, there are not. No changes. Finally, after falling, Soeharto handed over the authority to Habibie, finally broadcasting business ran as usual, not far different from the past. That's the point. Of course, there was something quite valuable that was media had the freedom to express and the opportunity was that big. Jokingly, we, in MPPI, when foreign friends asked to what extent our freedom was, told that the freedom in Indonesia was bigger than that in your country. It means that there were public sectors that turned out to be not protected by broadcasting media, especially in the sector of protection for children. To my opinion, those all return to the freedom, whether it is really in the name of expression freedom. Some people said it was not the expression freedom as the base of the movement but it was the broadcasting media was the god of rating especially commercial broadcasting media. However, the truth was that no other things changed but the freedom.

**Q:** There was a new Regulation, wasn't it? Regulation year 1997 that once prevailed. What was the function? Was it because made in Soeharto period?

**A:** Broadcasting Regulation No 24 year 1997 never prevailed effectively. I don't know why. I thought it was due to pressure from certain group of civil society but on the other hand, if we are frank, Habibie governance seemed to freeze Regulation No 24 year 1997. They did it because the government was approaching general election. Everything was based on such considerations. The validation of Regulation no 32 year 2002 was interesting because it was so phenomenal. The growth of commercial media became so extraordinary. It was not just boozing of quantity increase but the grouping got tighter.

"The phenomena of broadcasting media was Oligopolistic phenomena, got tighter. "We, in MPPI, always said that the number of stations would increase but the number of owners did not necessarily increase. Because what happened was the grouping. I heard that the permit (national) of all television stations had just been released, while for radio stations, there were still problems. In radio there were also ownership changes. I don't know whether it is shift of shares ownership. Although Kompas Gramedia Group (KKG) is majority in TV7, is it followed by the change of the 49 in TransTV. The information said that all of the eleven televisions had got the permit (new, extension), based on 2002 Broadcasting Regulation. In terms of radio in Jakarta, there were 39 out of 48 got problems. In West Java there were some with such problems as ownership. Thus, the first problem was related to the third last problem, more tendency of media control by commercial media. Domination of government media was more distinctive. Please imagine. I forget the chapters. One of the chapters: it can make network but when making a network in a certain area where a booster station had been there, the booster station was permitted to operate. The question was why should there be a network in that place. Furthermore, there were other articles. For radio, the allowed national content was 60%, meaning that local could be 40%. For television, the permitted national content was 90%. It became so absurd. Meanwhile, in Government Stipulation no 51, which regulated community media, the content was decreased. Not just the broadcasting power that was decreased but also the area coverage. Thus, actually with two Government Stipulations, it was contrary to the Constitution, article 28 F. In the 2002 Broadcasting Regulation, around article 31, what were allowed for national content were just public broadcasting institutions, television and radio. The other, the privates had to be local and were allowed to make network. Unfortunately, when making network was allowed, in the Government Stipulation it was loosened. Indonesia became a very weird country. When such capitalist countries as the United States of America limited broadcasting (national television) tightly, Indonesia did not do it. On the other side, there was frequency robbery by national television that actually was intended for local interests. SCTV, for example, took around 50 and it was only SCTV. All televisions must take (other frequencies), because there are only 5 or 7 at most that can be national. Consequently, there must be boosting in locals, repeaters. Whose frequencies are those? Locals' frequencies. Please check in KPID DIY. If I am not mistaken, there are only two

frequencies available for local need. They were used by “national” televisions and it was confirmed by the government.

**Q:** Does it prove strong influence of capital owners?

**A:** I suspect it does. Due to strong industry lobby, their position is strong. It does not happen in television only, but also in radio. The quantity of such network ownership can be ”unlimited”, although in one article it is mentioned, when we talk about radio, in the 20<sup>th</sup> or 30<sup>th</sup> affiliation or network. It only had 5%. However, if the 5% is distributed throughout Indonesia, just imagine. As I mentioned before, the tendency is getting more visible. One day, the number of stations would increase (radio and tv) but the number of owners would decrease. This is a universal phenomenon.

**Q:** If television tended to be to 3 groups, what about its relation to Broadcasting Regulation?

**A:** As I told you, tendency of broadcasting media is oligopolistic, like such grouping. The constitution created through Government Stipulation must have foundation: content diversity and ownership diversity. So, if a certain group occupies a certain area, it will be impeded by constitution so that it does not occupy too much to give opportunity to others to enter as well. Ownership diversity must also be protected because it will influence the content diversity. It happened with ownership of parts of TV7 shares by TransTV, now the ramadhan programs are the same. Whereas, TV7 should have its own characters to keep the diversity. Again, the Government Stipulation as the legal foundation did not protect ownership and content diversity principle. On the other hand, media conglomeration took place. And when we talk about cross ownership, Jawa Pos now also enters Sumatera. It seems that they use Jawa Pos (Radar) model, not in the center but in local areas. But it gnaws national market, doesn’t it? BaliTV seems to do the same, the proof is that part of JogjaTV is also owned by them. There is such a tendency. It also happen in radio. There was also such grouping with those radios that once were developed. That’s the danger with the cross ownership. Kompas group has printed media, radio media, and television. Later that we talk about market control. There is no rule for that, in United States there is. Except in that Antimonopoli regulation. It should have been regulated in the Government Stipulation but as a matter of fact it is not. We

already have Regulation for Children Protection, in the program the P3SPS must refer to Regulation of Children Protection.

**Q:** Does that situation show close coalition between entrepreneurs and authority?

**A:** I think so. If you learn Government Stipulation no 50, you will see such a suspicion. This really gives opportunity of control by commercial media. Although in open discussion, the government always denies that.

**Q:** After the Government Stipulation prevailed, was there any effect on broadcasting institution and practice the Government Stipulation or to Broadcasting Regulation?

**A:** Finally in status quo position because there were two judicial reviews: one by KPI and the other by civil society. In the case of permit, however, the government kept on working. The government was more powerful than KPI because KPI was weak and was legible to be required for its accountability. Again, there would be consequence if the Government Stipulation prevailed: there wouldn't be many changes in Indonesian broadcasting world. I wan to say that if there are violations the government will close its eyes "like this"; it sees (violations) but doing nothing. It will persist that way. It will be waste of time talking about democratization through broadcasting media. It's so far away. Unless the civil society give massive pressure.

**Q:** The status quo showed the conflict interests between the government and CS tended to be to the government?

**A:** Actually, without the big demonstration the government (executives) would not be overthrown. However, there is another government that is never overthrown although it has been overthrown (executive), who is that: bureaucracy. Thus the problem is in bureaucracy. For example Department of Communication and Information, its bureaucrats are in the old eyeglasses. It is not just in the Department of Communication and Information but in similar departments. Wasn't it interesting when Megawati as the president said: "I can tweak minister's ears but not bureaucrats". I agree and executives can do nothing to improve. When does Minister of State Apparatus Disciplinary exist? That ministry had existed since Soeharto but it's never settled. Now the term in use is State Apparatus Empowerment. That contributed to law enforcement weakening.

Because they also became... permit is saleable, isn't it? And that takes place in all sectors.

**Q:** Which department was influencing most?

**A:** This became unclear, because with the existence of Government Stipulation, the permit was issued by the government. Moreover if it loses, KPI was just supernumerary in broadcasting issue in Indonesia. The problem was that the permit had to be reported to the minister, even though the legalization was through Department of Justice but the process still had to be through the minister. Back to it, who was below it? Again: bureaucracy. Then, what about the fate of the permit. It was on sale. I am not sure there would be any changes with the implementation of Broadcasting Regulation. In conclusion, government interest was just sales or money than politics, for example (2009 General Election). It seems there is relationship with political powers that will compete in the general election. Although some colleagues in commission I in legislative join in a group defending KPI. Will they just be as they were or defend their interest. What can be relied is actually CS but its movements become ineffective because the problems get complicated when we talk about coordination. We don't have to talk about democratization, for instance about media consumer interest. It is so neglected because the tendency anywhere is that universally electronic media are carriers, supporters and developers of pop culture. When we talk about it, the people of Jogja who were suffering from the earthquake talk about local wisdom. That's nonsense! With the current broadcasting system, I am doubtful of talking about future social life. Demoralization will take place, undefendable, although NU had released the rules. There must be massive movement. The problem is how such movement must be developed. Not necessarily big, but when NU released the rule to prohibit watching electronic cinema (sinetron), it must be responded immediately. Make an approach to other civil society, the voice of Catholic, protestant clergy, and the others must be urged to go to the direction.

**Q:** In an infotainment journalistic discussion, such an idea was present.

**A:** KPI was invited many times but it always refused. Moreover, now, the one in Jakarta, all the eight nominate themselves.

**Q:** From ownership point of view, is there any similarity in television industry?

**A:** You know, the people in MNC, RCTI Group, Global, TPI, it's Haritanoe. It also entered to newspaper (Sindo) and magazine (Genie). It planned to enter to 100 radio stations in Indonesia. And it sounds so. Retjo Buntung in Jogja, started from radio now to televisi. Luckily, it did it first, later it would not get. I think there is similarity. This might be influenced by the character of money that cannot stop.

**Q:** Was still there anything free or unoccupied?

**A:** Indosiar was still free. Republika Group was in cooperation with Tommy Winata for Jakarta TV. It also had entered to radio. Thus, it started from newspaper, to radio and then tv. That's the tendency. Lativi was not or not yet. Neraca was dying as well but it was continued by Zulharmans' son. Latief once supplied fund, but he is a merchant, isn't he? Unfortunately, the television media fell to a merchant's hands. Murdock did not start as a merchant or information merchant if we categorize him as a merchant, but the background was an information person. Haritanoe is a money merchant. Latief is a retailer. TV7 still, JTV, BaliTV started from information. Indosiar is a money conglomerate.

**Q:** How was the role of legislative?

**A:** They complained, related to government persistence to legalize the Government Stipulations. Because they did not have such authorities as veto and embargo, they would act in budgetting. Let's see whether they will do the threat. I am not sure.

**Q:** So, the map did not move significantly?

**A:** No. From the fall of Soeharto, it didn't. The change was: from Regulation No 24 year 1997 of which characteristic was very authoritarian to Regulation No 32 year 2002 that was more democratic but it was cut again when entering to Government Stipulations. History recurred.

**Q:** What about stepping back to Soekarno time?

**A:** At that time, as soon as we were independent, what existed was not public broadcasting but Office Radio (RRI), owned by department of information. Monopolistic. TVRI was more ridiculous because it was only entered lately, it was a Foundation. Through government stipulation or president decree or it is enough with Minister Decree to enter TVRI as part of Directorate of Information Department. I lasted for long, even until Soeharto time, it was still under Department of Information. In fact, it was Soeharto who opened Indonesia to broadcasting autonomy. Initially, radio and television were owned by the government then during Soeharto time the dual broadcasting time prevailed. When there is government, there is private institution. But, the privates of Soeharto time were subordinates of the government. May be, that was the biggest change, if I may call it. It means that broadcasting harvested freedom and freedom became extraordinary while broadcasting needed control, and this was almost uncontrolled. Then, is it an improvement? I would say: no.

**Q:** So, what are positive sides of freedom?

**A:** The society becomes more open, braver, that's all. But on the other side, there are destroyed values that have to be developed. About local wisdom, for example, don't talk about that. When electronic media prioritizes pop culture. The freedom, however, leads the society to courage and that is positive. The current government is relatively careful.

**Q:** Is it possible that judicial review becomes form of conflict of interests?

**A:** For sure, the executives will win, but we have voices. So, I suggest that we make the "white book" to clarify the consequences if the Government Stipulations are executed.