

Freedom of the Press 2013 - Indonesia

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2013 Scores

Press Status: Partly Free

Press Freedom Score: 49

Legal Environment: 16

Political Environment: 18

Economic Environment: 15

Indonesia's media environment continues to rank among the most vibrant and open in the region. Constitutional and legal provisions allow for freedom of speech and freedom of the press. However, both the government and private actors sometimes use their power to obstruct these rights. Defamation is an offense covered by more than 40 provisions of the country's criminal code. Although the independent Indonesian Press Council, created by the 1999 Law on the Press, is supposed to adjudicate all media disputes according to a 2005 Supreme Court ruling, authorities continue to undermine the council's mandate by bringing defamation charges to the courts. However, there were fewer court cases involving media freedom in 2012 than in previous years, perhaps indicating that the police were beginning to comply with a memorandum of understanding (MoU) they had signed with the press council in February 2011. Under the MoU, the police agreed to pursue cases involving news reporting by applying the press law from the outset, and consulting with the press council when they receive a press-related complaint.

A 2011 Constitutional Court decision to uphold a law prohibiting blasphemy (Article 156a of the criminal code) continued to have negative implications for media freedom in 2012, as did the judges' apparent endorsement of the government's argument that prohibition of blasphemy is vital to protecting religious harmony. The charge carries a punishment of up to five years in prison. In January 2012, Alexander Aan, a civil servant in West Sumatra Province, was arrested and charged with blasphemy over a posting on his Facebook page declaring that "God doesn't exist," as well as other statements and images that a local council of Muslim clerics deemed insulting to Islam. Aan was also charged with "disseminating information aimed at inciting religious hatred or hostility" under the 2008 Electronic Information and Transactions Law. He was convicted in June and

sentenced to 30 months in jail and a fine of 100 million rupiah (\$10,300). Also in June, Hasan Suwandi, a guardian at a mosque in Cianjur, West Java Province, was tried for criminal defamation under Article 310 of the criminal code, which carries up to two years' imprisonment. The police brought the charges after Hasan allegedly told a local newspaper that the district police chief had given permission for an Ahmadiyya mosque to be reopened. Hasan was found guilty and sentenced to six months' probation. Ahmadiyya is a heterodox Islamic sect with approximately 400,000 Indonesian followers. In early 2011, the government of East Java had banned Ahmadis from using any form of media to spread their beliefs, and from displaying the name Ahmadiyya in public and in mosques.

The 2008 Law on Public Information Transparency provides for the right to freedom of information. It took effect in 2010, but implementation remains flawed. The State Intelligence Law (SIL), which was passed in October 2011, has been criticized as a serious threat to civil liberties and journalistic freedom. Article 32 authorizes intelligence agencies to intercept communications without prior court approval, while Article 26 prohibits individuals or legal entities from revealing or communicating state secrets, with penalties of up to 10 years in prison and fees exceeding 100 million rupiah (\$10,300). This article is open to misinterpretation and abuse by state officials, as state secrets are not clearly defined and can easily conflict with the Law on Public Information Transparency. The Alliance of Independent Journalists (AJI) joined a number of other nongovernmental organizations and individuals in filing a challenge to the SIL before the Supreme Court in January 2012. The group has raised concerns that the law could be used to rein in journalists and organizations that seek to disseminate information to the wider public, but there was no evidence of this during the year.

Print media are regulated through the press council, while broadcast media must be licensed by the Ministry of Communication and Information Technology and the Indonesian Broadcasting Commission (KPI). Both of these bodies appear to operate independently for the most part. However, under the 2002 Broadcast Act, local stations are prohibited from disseminating foreign broadcasts, and foreign ownership of broadcast media is banned. The act has drawn criticism for its limits on content and severe penalties for violations, and the government has occasionally used it to restrict broadcasting. Although there are hundreds of community radio stations in Indonesia, the World Association of Community Radio Broadcasters (AMARC) has called for legal reform and equitable distribution of frequencies to promote the growth of community radio in the country, pointing to the slow process of licensing, the lack of proper enabling legislation, and a lack of transparency and fairness in licensing decisions as the major obstacles to the sector's development.

Journalists remain subject to attacks and physical harassment from both the authorities and nonstate actors. AJI reported that violence against the press in Indonesia increased in 2012, with the total number of incidents rising to 56, from 49 in 2011. Two journalists were killed during the year. In April, Leiron Kogoya, a journalist for *Papua Pos Nabire* and the *Pasifik Pos* daily, was killed when a small passenger plane he was travelling on was shot at by an unidentified armed group as it was about to land in the eastern Papua region. Leiron was planning to cover local elections in Jayapura, according to AJI. In November, *Metro Manado* journalist Aryono Linggotu, known as Ryo, was stabbed to death in Manado, North Sulawesi Province. AJI reported that police were reluctant to investigate the possibility that the killing was related to his work; Ryo had been critical of the Manado police in the past and had covered criminal cases under the department's purview. Most murders or serious attacks against journalists are not adequately investigated or prosecuted, leading to a climate of impunity.

Journalists also face physical harassment while attempting to cover sensitive news stories. In October, six journalists were roughed up when they tried to cover the crash of a military jet in Riau Province. Military personnel assaulted and seized a video camera from a tvOne journalist as he sought to film the wreckage. A photographer for the *Riau Pos* newspaper and a reporter for the Antara News Agency were similarly targeted.

The province of West Papua continues to be an especially dangerous place for journalists, and few foreign reporters can enter without being closely monitored by authorities. In February 2012, Indonesian officials detained Czech journalist Petr Zamecnik and then deported him for reporting without official permission in the West Papuan town of Manokwari. Zamecnik had entered the country on a tourist visa and was arrested after photographing a Papuan independence rally. Coverage of the sensitive issue of Papuan separatism and the associated insurgency by both local and foreign media tends to draw special scrutiny and restrictions from the government.

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