

THE 2013 ALLIANCE OF INDEPENDENT JOURNALISTS ANNUAL REPORT

# **MEDIA ETHICS IN THE POLITICAL YEAR**

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# FOREWORD

AJI Annual Report is part of our tradition to document a number of important events in a year. Not all events worth writing. What we select are issues related to violence against journalist, compliance with professional ethics and struggle for journalist welfare through Workers' Union.

Throughout 2012, AJI documents cases based on our monitoring or interventions done by Advocacy Division, Professional Ethics Division, Workers Union Deivision as well as Broadcasting and New Media Division and Women Division.

## **State Apparatus-Dominated Violence**

Journalists suffered from a number of violence cases, from prohibition to cover journalistic events, physical assault, terror and intimidation as well as internet hacker attack. From 56 cases of violence throughout 2012, there are 17 cases of attack and assault. Intimidation and terror occur 15 times, while seizing and damaging journalist equipment takes place 9 times.

In the last five years, the number of cases of violence against journalists show a decreasing trend compared to 2008. Yet in

the next year, 2009, it increases yet again.

AJI notes that throughout 2008-2012, government apparatus as State representation is the most common perpetrator amongst all. Police, who should serve and protect the people, sits on the second rank. The fact is that the police are repeated perpetrator against journalist. The third one is military apparatus, followed up by attorneys/judges, cadres from political parties and members of the local parliament.

One significant case is from Pekanbaru, Riau, October 16, 2012. Three journalists - Rian FB Anggoro (journalist from Antara News Agency), Didik Herwanto (Riau Pos) and Fakhri Robianto (Riau TV) - become victims of assaults from Indonesian Air Force when they are covering an exploded plane in Pasir Putih area, Pandau, Pekanbaru, Riau. It is a surprise to know that the perpetrator is an Air Force officer ranked as Lieutenant Colonel. The last report regarding this officer is that later on he became an accused perpetrator in another assault case, to be soon put to trial in North Sumatera Military Court.

## **Partisan Media in the Coming of the 2014 General Election**

Since 2012, the media, especially Jakarta-based ones, focuses on its political reports. The moment starts from Jakarta Local Election (Pilkada) from July to September 2012, followed up by West Java and Central Java Local Elections, as well as East Java Local Election in mid 2013. As the political climate thickens, journalistic ethical problems are rising as well.

In Jakarta Local Election, AJI Jakarta conducts a quantitative research on the prevalence or frequency of candidates to be reported in print, television and online media, only to find

out that from the aspect of reporting balance, one-sided report dominates especially in online media. This research also identifies that some media fail to carry out confirmation (check-recheck), publish partisan news by taking one-side only and do not provide equal opportunity for other sides or perspectives.

Other ethical problems come from political involvement of the media owners. In May 2013, AJI Indonesia releases a statement on how journalism and public frequency are abused to serve for particular political interests, commenting on the recording on the issue is widely circulated through social media (You tube).

Previously, a documentary film titled 'Behind the Frequency' was released in the beginning of 2013 - exposing evidences from broadcasting copies on how two national televisions blatantly use public domain and abuse journalism to serve the interests of media owners involved in political rivalry. Televisions whose owners are affiliated with political parties bombard their audience with political ads, while allegedly not allowing the same opportunity to other parties.

This a breach of Journalistic Code of Ethics (KEJ) and Broadcasting Law no 32 of 2002 especially Article 36 (4) that highlights the importance of guaranteeing neutrality of broadcast content and the prohibition of prioritizing the interests of particular groups, including media owners.

## **Welfare as Joint Agenda**

Journalists should have decent salary and protection to be able to do their jobs. Rights for job security and safety recognize no differences between permanent employees and contract-based ones as well as contributors and correspondents.

AJI Worker Union Division affirms this by reminding on the existing discrimination or differences of treatment in press companies. While reporting the misfortune of the labour groups or workers with lower-than-minimum standard of salary, ironically, the journalists are facing the exact same problems from the companies they work for.

Discrimination in such industrial relations is apparent in three aspects - monthly salary, absence of operational support and health benefits as well as job safety, and unclear employment status. Permanent employees as well as non-permanent employees, or widely-known as correspondents and contributors, all faced these three aspects.

Regarding monthly salary, AJI pushes for all media companies to adopt basic salary standard - or to secure a particular amount of money to be paid in monthly basis. Fixed income is believed to improve work motivation, quality of work and dedication as well as to prevent journalists from taking part in any forms of ethical and/or moral breaches.

At the moment, correspondent/contributor fee ranges from five thousand to sixty thousand rupiah per news (for online media) and ten thousand to a hundred thousand for print media, fifteen thousand to seventy five thousand (for radio) and a hundred thousand to three hundred fifty thousand for television.

Yet media management often refuses to provide fixed salary because they believe that the current amount received by correspondent/contributor each month is already substantial. On the other hand, a number of media – particularly television – now exercises budget tightening by cutting the fee – due to efficiency and/or company policy.

This encapsulates the highlights of AJI Indonesia annual report as produced by 2011-2014 committee members.



I hope that the 2013 AJI Annual Report is able to provide information and facts regarding problems faced by journalists all over Indonesia. AJI Indonesia remains committed to do its best to guarantee professional and dignified press freedom as well as to fight for journalistic welfare in the country. All of these is done in order to secure Constitutional mandate - guaranteeing 'the press as the fourth estate'

Jakarta, August 2013

**Eko Maryadi**

President of The Alliance of Independent Journalists (AJI)



## CHAPTER I

# Ethical Challenge in the Political Year

SINCE the beginning of 2012, the media, especially Jakarta-based ones are honing on political issues. This starts from Jakarta local election in July 2012 that spans to its second round in September 2012. Next are West Java and Central Java local elections in the beginning of 2013. Early in 2013, political nuance dominates - especially with the coming General Election in April 2014. This leads to the emergence of problems related to journalistic ethic.

Regarding Jakarta local election, AJI Jakarta produces quantitative research to find out the prevalence and frequency of particular candidates to be reported in print, television and online media. AJI Jakarta identifies that from the aspect of balance, one-sided reports are still rampant in the media, especially in online media. Besides, this research finds out that on controversial issues, professional media conducts confirmation - yet there are also media that did not do so. AJI Jakarta finds out that in terms of one-sided reports on Jakarta local election, Joko Widodo-Basuki Tjahaja Purnama is reported by the media in higher frequency compared to Fauzi Bowo-Nachrowi Ramli.

Other problems are media ownership and political interests. In May 2013, AJI Indonesia publishes its statement regarding abuses of media and public frequency for particular political interests. This is triggered by circulated recordings in the social media (Youtube) regarding the plan to use public frequency (RCTI) for political interest (Hanura political party).

Previously, a documentary film titled 'Behind the Frequency' released in the beginning of 2013 provides evidence of recording copies - on how television news stations (MetroTV dan tvOne) blatantly abuse public domain and journalism on political rivalry of their owners. Televisions, whose owners associated to political parties, bombarded public domain with political ads while allegedly disallowing other parties the same equal opportunities.

According to KPI documentations, from October to November 2012, MNC groups whose owner - at that time - was still affiliated with Nasdem Party, broadcasted Nasdem ads up to 350 times (RCTI 127 times, MNCTV 112 times, and GlobalTV 111 times). MetroTV broadcasts Nasdem Part ads for 43 times and tvOne broadcasts Golkar Party ads for 34 times in the same period of time.

AJI identifies a number of law and ethical norms violated by a number of television/radio stations with partisan reports or programs. First, they violate Article 5 of Broadcasting Law no 32 of 2002 that states: "Broadcasting is aimed to (i) disseminate accurate, balanced and responsible information." Furthermore, this too is a violation of Article 36 (4) of Broadcasting Law no 36 (4) of 2002 that regulates reporting content to be neutral and free from promoting the interest of any particular group.

In journalistic terms, media abuse for particular political party interests is a violation of Article 1 of Journalistic Code of Ethic stating Indonesian journalists to be independent, to produce accurate and balanced news and free of any malicious

intent. This article provides guideline that independence means reporting events or facts in accordance to the consciousness, free from any form of interference, coercion or intervention from other parties including media owners.

AJI as part of the Independent Coalition for Broadcasting Democratization (Koalisi Independen untuk Demokratisasi Penyiaran or KIDP) is actively involved in the issue of public frequency abuses. AJI and KIPD endorse journalists to take part in public monitoring against journalism and frequency abuses. AJI coordinates with Indonesian Broadcasting Commission (Komisi Penyiaran Indonesia or KPI) as well as members of the Press Council in setting up hotlines - for journalists who received 'instruction' or witness practices of abuse of journalism and public frequency for certain political interests. This can take form in audio or video recording, minutes of meeting, scripts before and after editing based on briefs provided by particular parties, broadcasted and non-broadcasted rundowns, materials dropped and unpublished, and so forth.

Not long after the leak of the video, another blow comes from Indonesian Forum of Editor in Chief (Forum Pemred Indonesia) organized on June 13-14, 2013, in Nusa Dua Bali. As a journalist organization, AJI receives complaints from various parties regarding activities related to Editor in Chief Forum before the meeting in Bali takes place. A number of editors in chief who tries to maintain newsroom independence complain - on attempts to abuse this forum to serve particular political interests. This also includes fundraising - by allegedly abusing their position as editors in chief and their media to attract sponsors. This forum is attended not only by editors in chief, but also by CEOs, State officials and media owners with affiliations to political parties.

Participants of this Editors in Chief Forum receive round-

trip tickets, three-day accommodation in starred hotels and free meals. As they register in Bali Nusa Dua Convention Hall, participants receive ID cards and goody bags - of one kilogram of sugar, one bottle of common cold ointment, peanut snacks and a pack of condom. In dinner time, a number of editors in chief complain as the dinner turns into the media launching of “Voices of the Editor in Chief Forum.”

In its June 14, 2013 press release, AJI reminds that this Editor in Chief Forum has the potentials of getting professional and ethical journalism, built upon the platform of free press and democracy, to become off-track. While many journalists (including contributors and freelancers) receive below-minimum-standard salary, suffer from absence of insurance and professional protection, face threats of violence against the press, and as a result, produce low journalistic quality and ethics, AJI questions the relevance of Editors in Chief Forum and its luxurious facilities in Bali. AJI views that this forum should be seen with cautious eyes regarding the coming political agenda in 2014.

A week later, Editor in Chief of Tempo Magazine Wahyu Muryadi resigns from the forum. “I made the decision to quit from Editor in Chief forum after receiving feedbacks, inputs and critics from various parties, particularly from *Tempo* internals,” in his published statement in Tempo. Wahyu made the decision after listening to Tempo internal newsroom meeting involving journalists, editors, directors and senior editors.

Another form of ethical breach for political gains is the direct involvement of journalists in politics, not only as legislative candidates but also as organizers of the election event itself or as supporting team for particular candidates. AJI identifies a number of active journalists whose names are listed in Temporary List of Candidates for National and Local

Members of Parliaments (Daftar Calon Sementara Anggota DPR atau DPRD). AJI views that journalists who run for such candidacy potentially violate Article 1 of Journalistic Code of Ethics stating Indonesian journalist to be independent, to produce accurate and balanced news and to be free from malice.

In 2013, three AJI members voluntarily resign from AJI membership due to their political involvement. One member resigns due to one's involvement as part of the supporting team of a particular candidate in a local election. Another one resigns due to one's involvement in general election commission also in the local area. Another one does so because of one's involvement as legislative candidate for a particular party.

## **Inaccurate Reports**

Besides political cases, ethical breaches also occur in relation to moral, inaccurate reporting as well as pornography. Press Council documents more than 400 public complaints in 2012 – ranging from defamation, inaccurate reporting, pornographic reports to as derogatory news.

From 193 direct complaints received by the Press Council from January to December 2012, 86 percent or 167 complaints are evaluated to identify any journalistic code of ethic violations. Such violations are detected in unbalanced news, news published without confirmation and judgemental news. These three types of violations represent 73.05% or 122 cases of a total 167 cases of code of ethics violations handled by the Press Council. It should be noted that 167 cases are identified in 193 complaints. In other words, one filed complaint may comprise of more than one code of ethics violations.

**Table of the 2012 Press Council Evaluation**

<b>Evaluation</b>	<b>Frequency</b>	<b>%</b>
Journalistic code of ethics are breached in the report	167	86,53
Journalistic code of ethics or Press Law are not breached in the report	13	6,74
Request for Clarification	6	3,11
Not categorized as cases on journalistic ethics or Press Law	4	2,07
Others	3	1,55
Total	193	100,00

N= 193

One of the cases handled by the Press Council is a case reported by AJI Indonesia and AJI Banda Aceh on September 19, 2012. AJI reports an article published by three media in the province of Aceh – by *Pro Haba* daily, *Serambi Indonesia* online or *aceh.tribunnews.com* and *Waspada* daily from Medan. AJI reports these three media for potential breach of code of ethics in their articles, including an article published by *Pro Haba* daily in Banda Aceh titled “Two Teen Prostitutes Arrested by WH” (September 4, 2012). This article is also published in *Serambi Indonesia* online version and in Banda Aceh-based *aceh.tribunnews.com*.

Based on the complaints, the Press Council releases its Evaluation and Recommendation Statement (Pernyataan Penilaian dan Rekomendasi/PPR) on October 15, 2012, highlighting the article as unbalanced and a violation of Journalistic Code of Ethics Article 3. AJI Indonesia appreciates the gesture made by three media by issuing public apology to the victims and promising consistent improvement, leading to both parties come to an agreement that this issue is ethically resolved.

In 2012, the public is shocked by the case of child rape in East Jakarta, News reports on this case however, do not yet



comply with Press Law no 40 of 1999, Journalistic Code of Ethics, Broadcasting Law no 32 of 2002, Broadcasting Code of Conduct and Broadcasting Program Standard (P3 SPS) 2012 and Child Protection Law no 13 of 2002. AJI Indonesia finds that mass media breach the above mentioned laws by revealing the identities of sexual violence victims and their family. The regulation states that identities of victims and families should not be disclosed in any forms (such as interview, photo, residence, school, hospital) in the media. One media even interviewed the child victim of sexual crime - which is a blatant violation of code of ethics and P3 SPS.

This finding is identified in AJI Indonesia research throughout March-May 2012 covering seven newspapers and six televisions. In the period of three months, there are 442 news on children in the newspapers and 396 news on television. Meanwhile, sexual crime reports are published in 34 newspaper articles and 14 television news.

Tuesday July 11, 2013, the Press Council releases its calling regarding this sexual crime report. Press Council receives a number of complaints from the public regarding this case for violating Journalistic Code of Ethics. The Press Council considers it is important to remind media management on the code of conduct in covering sexual crimes. The Press Council asks the journalists to protect the victims of sexual crimes by concealing their identities, particularly when the victims are still minors. Caution, empathy and wisdom are highly required in publishing news on sexual crime. This should be done in order to ensure that the press contributes to the protection of the victims yet maintains its role in pushing for legal enforcement and preventing the re-occurrence of sexual crimes together with all elements of the society.

Such delicate and careful nature from the media can be done by not publishing information that may lead to the revealing of

the victims of sexual crimes. The use of initial of the victims' name should be avoided. Press Council endorses the use of "a woman", "a child" or "the victim" to indicate the "identity of the victims." Publication of pictures of victims and their families, their homes or offices, even with editing features to blur the pictures, should be avoided as they potentially reveal the victims' identity. Hence, publication of these pictures should be entirely avoided.

Another case of ethical breach is related to the abuse of journalistic profession for personal gains. This is shown by an incident where a number of journalists reporting the Initial Public Offering (IPO) of PT Krakatau Steel demand shares with discounted price. Because of this case, one Kompas journalist Reinhard Nainggolan was fired in 2013. On July 15, 2013, Jakarta Industrial Relation Court declares that Reinhard's legal suit to be completely dismissed. This re-affirms Kompas decision to fire this particular journalist due to violation of company policies and Journalistic Code of Ethics. Reinhard filed a cessation appeal to the Supreme Court.

## **Capacity Building**

In the midst of breaches of code of ethics, AJI Indonesia continues to build the capacity of its members through trainings and Journalist Competence Test. In April 2012, AJI organizes its first-ever Training for Examiners followed by Journalist Competence Test. This test (Uji Kompetensi Jurnalis/UKJ) is designed by Training and Education Bureau (Diklat) of AJI and Professional Ethic Division by referring to a guideline prepared by the Press Council. AJI's UKJ is organized after Press Council appoints AJI as Journalist Competence Examiner Agency in December 2011 in Makassar.

The first UKJ of AJI is done in April 2012 in Wisma

Hijau Cimanggis, West Java, with 29 participating journalists (young, mid-level and senior). The second UKJ in Makassar has 28 participating journalists and the third one in Semarang accommodates 31 journalists as participants. In July 2013, AJI organizes a total of 17 Journalist Competence Tests in 15 cities in Indonesia. A total of 351 AJI-member journalists now have competence certifications, with 39 examiners. There are a dozen examiners being currently prepared by AJI.

With these series of UKJ, AJI identifies a discrepancy amongst its members - regarding competence and comprehension of code of ethics. AJI decides to combine this competence test with capacity building initiative for its members. Before UKJ, AJI organizes preliminary workshops to build the capacity of its members so they would be able to refresh their capacity.

While organizing UKJ, AJI also designs School of Independent Journalism aimed at pioneering journalistic education and training for the general public and for specific purposes. This regular program targets fresh graduates from any discipline or diploma from communication/broadcasting interested in journalism. This six-month education emphasizes on journalism practices to equip its students with skills as practicing journalists.

On the other hand, this School has a more specific program, with thematic approach zooming on particular issues in details. Examples of this specific program are banking journalism, election journalism, environment journalism, investigative journalism, literacy journalism and so forth. AJI has prepared a dozen of teaching staff comprising of high calibre journalists in Indonesia.



## CHAPTER II

# Escalating Quality of Violence

VIOLENCE and threat to press freedom in Indonesia continue to increase. AJI notes that there are 56 cases of violence against journalist occur throughout 2012.

The irony is that the perpetrators are dominated by State apparatus, ranging from government officials, police and military officers. Perpetrators from the State are those who have good standings in terms of position and educational background, such as the heads of particular offices, major as well as military or police officers.

Physical assaults in Pekanbaru, Riau, October 16, 2012 are examples of this trend. Three journalists - Rian FB Anggoro (from Antara News Agency), Didik Herwanto (Riau Pos) and Fakhri Robianto (Riau TV) - became victims of physical assaults from a member of Indonesian Air Force when covering for exploded plane in Pasir Putih area of Pandau, Pekanbaru, Riau.

Perpetrator of this physical assault is Head of Press Office of Pekanbaru Airport, Lieutenant Colonel Robert Simanjuntak,

who is a high ranked officer. When this case is published, another case emerges later. One of the victims, Fakhri Robianto (Riau TV) is assaulted by an unknown subject on his way home after work.

Throughout 2012, there are 11 government officials who commit violence, with 11 cases of violence committed by police officers and 9 cases by military members.

**Table 1.1 Threat to Press Freedom in 2012 Based on Perpetrator Background**

No	Perpetrator	2012
1	Political Party Cadre and Legislative Candidate	1
2	Legislative Member	3
3	Attorney/Judge	2
4	Government Official	11
5	Unknown Subject	3
6	Military Officer	9
7	Pemuda Pancasila Mass Organization	2
8	Police	11
9	University Student	2
10	Unknown Mass	1
11	NGO activist	2
12	Cooperation Manager	1
13	Mass Organization	2
14	Community Group	2
15	Soccer Association Committee Member	1
16	Lecturer/Education Practitioner	1
17	Defendant/Accused	1
18	Labour/Worker	1
Total		56

There are various cases of violence against Indonesian journalists, ranging from prohibition to report, physical assault, terror and intimidation to hacker attack. From 56 cases recorded throughout 2012, 17 cases are physical assault in terms of attack and assault. Intimidation and terror happen 15 times and equipment seizure and damage happen for 9 times.

**Table 1.2 Threat to Press Freedom in 2012 Based on Type of Violence**

No	Kategori	2012
1	Eviction and Prohibition to Report	5
2	Censor	1
3	Physical Assault	17
4	Legal Suit	2
5	Equipment Damage and Seizure	9
6	Threat, Terror, Intimidation	15
7	Demonstration and Mass Mobilization	2
8	Attack to Newsroom	2
9	Arrest	1
10	Detainment	1
11	Hacker Attack	1
Total		56

The province of North Maluku becomes the place where violence against journalist happens most frequently. Throughout 2012, there are 7 cases in this area alone.

**Table 1.3 Threat to Press Freedom in 2011 based on Province**

No	Province	2012
1	Nagroe Aceh Darussalam	2
2	North Sumatera	6
3	West Sumatera	3
4	Riau	4
5	Riau Islands	1
6	South Sumatera	2
7	Lampung	3
8	DKI Jakarta	2
9	West Java	5
10	Central Java	5
11	East Java	6
12	East Kalimantan	1
13	West Kalimantan	1
14	West Kalimantan	1
15	Central Sulawesi	1
16	South East Sulawesi	1
17	Gorontalo	4
18	North Maluku	7
19	West Papua	1
Total		56

In the last five years, cases of violence against journalist decreases compared to 2008, yet it increases again since 2009.

In the period of 2008-2012, government officials as State apparatus is the most dominant perpetrator with the highest number of cases of violence against journalists. The second position is held by the police, who should protect and serve the people. Yet the fact shows how the police repeatedly use violence against journalists. Indonesian military sits on the third rank, followed up by attorney/judge, cadres of political parties and legislative members.

**Table 1. 4 Threat to Press Freedom 2011 and 2012 Based on Perpetrator Background**

No	Pelaku	2008	2009	2010	2011	2012	Total
1	Political Party Cadre and Legislative Candidate	20	4	2	1	1	28
2	Attorney/Judge	3	3	1	1	2	10
3	Government Official	11	7	9	7	11	45
4	Unknown Individual	1	1	7	10	3	22
5	Military Officer	8	1	2	2	9	22
6	Youth Mass Organization (Pemuda Pancasila/FBR)	-	-	1	1	2	4
7	Police	11	3	6	5	11	36
8	Hoodlum	1	2	2	1	-	6
9	Student	-	2	2	2	2	8
10	Unknown Mass	-	3	3	1	1	8
11	Business people	-	1	4	4	-	9
12	Committee of Education Foundation	-	-	-	1	-	1
13	Security	-	3	2	5	-	10
14	Kaili Youth Front	-	-	-	1	-	1
15	Individual	1	-	3	3	-	7
16	High School Student	-	-	-	2	-	2
17	FPI	-	-	1	1	-	2
18	Surabaya US Consulate General Public Relation Staff	-	-	-	1	-	1
19	Company Employee	-	2	-	-	1	3
20	Doctor	-	-	1	-	-	1
21	Teacher/Lecturer	-	-	-	-	1	1
22	Legislative Members	-	-	1	-	3	4
23	Civil Service Police Unit (Satpol PP)	-	-	1	-	-	1
24	NGO Activist	2	-	-	-	2	4
25	Cooperation Manager	-	-	-	-	1	1



No	Pelaku	2008	2009	2010	2011	2012	Total
26	Mass Organization	-	-	-	-	2	2
27	Community Organization	-	-	-	-	2	2
28	Soccer Association Committee	-	-	-	-	1	1
29	Defendant/Accused	-	-	-	-	1	1
Total		58	32	48	49	56	243

In terms of location, from 2007 to 2012, Jakarta remains the city with the highest number of cases of violence against journalists in Indonesia.

In the last six years, the scope of violence against journalists is as follow:

**Table 1.5 Threat to Press Freedom based on Distribution of Violence against Journalist per Province 2007-2012**

No	Province	2007	2008	2009	2010	2011	2012	Total
1	Nanggroe Aceh Darussalam	8	-	-	2	2	2	14
2	North Sumatera	8	-	3	4	3	6	24
3	West Sumatera	-	-	-	1	2	3	6
4	Jambi	-	-	1	1	-	-	2
5	Bengkulu	-	-	-	-	-	-	0
6	Riau	-	-	-	-	2	4	6
7	Riau Island	-	-	1	1	-	1	3
8	South Sumatera	-	-	1	2	-	2	5
9	Lampung	-	-	-	-	-	3	3
10	DKI Jakarta	17	9	6	8	7	2	49
11	Banten	-	-	1	1	2	-	4
12	West Java	10	0	1	1	4	5	21
13	Central Java	-	-	2	2	1	5	10
14	DI Yogyakarta	-	-	-	3	-	-	3
15	East Java	14	6	6	3	9	6	44
16	Bali	-	-	2	1	-	-	3
17	West Nusa Tenggara	-	-	2	1	-	-	3
18	East Nusa Tenggara	-	5	1	2	2	-	10
19	South Kalimantan	-	-	-	-	-	-	0
20	Central Kalimantan	-	-	-	-	-	-	0
21	East Kalimantan	-	-	-	1	-	1	2
22	West Kalimantan	-	-	1	3	-	1	5
23	North Kalimantan	-	-	-	-	-	-	0

No	Province	2007	2008	2009	2010	2011	2012	Total
24	West Kalimantan	-	-	1	3	-	1	5
25	South Sulawesi	-	-	5	3	3	-	11
26	West Sulawesi	-	-	-	-	-	-	0
27	Central Sulawesi	-	-	-	-	2	1	3
28	South East Sulawesi	-	-	-	2	5	1	8
29	Gorontalo	-	11	-	3	1	4	19
30	North Sulawesi	-	-	1	-	-	-	1
31	Maluku	-	-	-	3	2	-	5
32	North Maluku	-	5	1	-	-	7	13
33	Papua	-	-	2	2	2	-	6
34	West Papua	-	-	-	-	-	1	1
Total		57	36	38	53	49	56	289

Meanwhile, type of violence experienced by journalists in the last five years are as follow:

## 1.2 Tabulasi Data Ancaman Terhadap Kebebasan Pers 2011 dan 2012 Berdasarkan Jenis Kekerasan

No	Kategori	2008	2009	2010	2011	2012	Total
1	Murder	-	1	4	1	-	6
2	Eviction & Prohibition to Report	9	3	7	8	5	32
3	Censor	3	2	3	3	1	12
4	Physical Assault	21	18	16	17	17	89
5	Legal Suit	6	7	6	2	2	23
6	Equipment Seizure and Damage	-	-	2	3	9	14
7	Threat, Terror, Intimidation	18	1	6	10	15	50
8	Demonstration&Mass Mobilization	1	3	2	2	2	10
9	Newsroom Attack	-	-	4	2	2	8
10	Abduction/Detainment	-	1	2	1	2	6
11	Hacker Attack	-	-	-	-	1	1
12	Mysterious Death	-	-	1	-	-	1
Total		58	36	53	49	56	252

Physical assaults still dominates the cases of violence against journalist in Indonesia

For the last five years, there are 89 cases of physical assaults

experienced by journalists. Threats, terrors and intimidation rank in the second place with 50 cases, meanwhile eviction and prohibition of reporting sit in the third rank with 32 cases. Cases of violence against journalists remain in 2013.

## **“Unknown” Terror**

In the first semester, January to June 2013, it is noted that 26 cases of violence against journalists from all over Indonesia. Perpetrators are unknown people with concealed identities.

AJI finds that these systematic terrors involving State apparatus involving government officials such as military officers. This case is regarding the reporting of the murder of Cebongan prisoners in Military Court II-11 Yogyakarta. Terror takes form in intimidating short text messages and phone calls and summons to journalists and other court monitoring elements.

Intimidation starts from an officer in civilian suit looking for reports from Tribun daily and Kompas daily who cover the case involving members of the Special Forces. Legal aid staf of the Special Forces summons Head of Kompas Yogyakarta Representative Office, Thomas Pujo W., Kompas photographer, Ferganata Indra, and Tribun photographer Hassan Sakri, to attend “closed meeting” nearby Military Court prison cell. In this meeting, Legal Aid team from the defendants expressed their concerns regarding Kompas article dated July 5, 2013, titled “No Evidence of Assult against Ucok.”

On the same day, July 5, Tribun Jogya report, Putut Amiluhur, is called by a person named Rio who claimed to be a member of legal aid team of 12 defendants. “Rio” requests direct meeting to discuss about the tone of the article.

A couple of days later, a person claimed to be staff to 12

defendants legal aid named “Gilang” called Vice Editor in Chief of Jogja Tribun, Setya Krisna Sumargo and summons him to the head of the Legal Aid team of 12 defendants in front of Denpom Yogyakarta office.

Another intimidation is directed to host of Interactive Dialog “Nurturing National Integrity” of Pro 1 RRI Yogyakarta (91,1 FM), Lukas Ispandriarno, who is also the Dean of School of Political and Social Sciences of Unika Atma Jaya Yogyakarta. An intimidating short text message from 0818758090 is received by the operator of radio discussion program titled “The Integrity of Military Court and Thuggery Issue” stating: ... “do not put Special Forces in the corner, otherwise Lukas would be irradiated...”

Terror and act of violence from unknown individuals indicate careful preparation from the perpetrators to conceal their identities. In the first semester of 2013, there are 8 cases of violence done by unknown individuals. Besides unknown individuals, violence against journalist from January to June 2013 is dominated by mass organizations.

There are 5 cases of violence against journalists on duty committed by mass organization. These include victims of Jakarta fire incident, supporters of Gorontalo major candidate, those involved in Palopo riot, supporters of the treasurer of Manokmari District Government, and supporter of Persis Solo soccer club.

## **Dangerous regulator and policy threats**

Besides acts of violence, threat to press freedom also comes from public agencies such as National Parliament (DPR RI) and General Election Commission (KPU) that issues or regulate a number of regulations and policies detrimental to

press freedom.

On April 2, DPR RI General Assembly led by DPR Vice Head Pramono Anung agrees to enact Press Reporting Standard Operating Procedure. This is a follow up from General Assembly Decision dated February 5, 2013.

This SOP is drafted together with Household Affair Agency (Badan Urusan Rumah Tangga/BURT) with DPR Secretary General with discussions engaging Journalist Association, Press Council, KPI, PWI, SPS, PRSSNI, ATVSI, AJI, IJTI and DPR Journalist Coordinator in a number of meetings and workshop, which lead to the decision to regulate press reporting in an SOP.

The process reveals that this draft emphasizes on limiting journalist access in covering legislatives in Senayan. For example, only registered journalists are entitled to cover the legislatives in Senayan.

DPR as oversight body of all government agencies engages in a number of discussions and hearing sessions with the agencies on more technical aspects of the draft regulations that may have importance and urgency beyond regular reporting. Hence, journalists registered to cover government agencies are often invited to attend these discussions and hearing sessions. If access to non-DPR-registered journalists is prohibited, this might disadvantage public rights' to information.

The reason to restrict access only to registered journalist to eradicate bribery is irrelevant. There are professional journalists who are anti bribery who covers parliamentary issues once in a while when particular issues are discussed. The practice of bribery of parliamentary members to journalists can happen whether a journalist is registered or not. Based on these reasons, AJI Indonesia rejects any restriction to journalist according to DR Press Coverage Standar Operating Procedure.

DPR RI and Household Affair Agency DPR RI with its Press Coverage Standard Operating Procedure is not the only public agencies whose procedures are endangering press freedom. On January 10, 2013, General Election Commissions issues a regulation on General Election Campaign Guidelines for Members of National Parliaments, Local Parliaments and Local Representatives.

This regulation includes clauses enabling press ban, particularly in Article 44-46. This even allows revoking press license. Article 46 point 1 states “Sanctions mentioned in Article 45 point 2 include: a. written reprimand; b. temporary discontinuation of problematic program; c. reduction of duration and frequency of reporting, broadcasting and election campaign ads; d. fees; e. temporary discontinuation of reporting, broadcasting and election campaign ads activities for a period of time; or f. revocation of broadcasting or publication license of print media.

KPU regulation no 1 of 2013 reflects weak comprehension of public agencies regarding press freedom and press function. The public has the right to know regarding political process that is entirely financed by public budget.

This KPU regulation no 1 of 2013 triggers strong reaction from the Press Council and a number of professional organizations including AJI. The Press Council pushes KPU to revoke the regulation. KPU promises to revise it by taking out any sanctions to the press. Yet up to this moment, the regulation is not yet revised.

Besides these regulations, there is a controversy surrounding Mass Organization draft law. Since the beginning, this draft law is rejected by pro democracy groups because it contains a number of elusive articles that open doors for government abuse of power to limit the scope of work of mass organization. Moreover, this draft law adopts a very loose definition of

mass organization, placing professional organization like AJI to be categorized under the same categorization and forcing organizations to bow to regulations from the Ministry of Domestic Affairs.

Various mass organizations and pro democracy groups, including AJI, react to this piece of regulation. Since the beginning, AJI maintains its existence due to the mandate of Press Law no 44 of 1999. Any scope of work and activities carried out by journalists' professional associations are clearly regulated by the Press Law, and any other piece of law attempting to do so might hamper the works carried out by such associations.

Later on, DPR RI General Assembly Meeting enacts its draft on July 2 with revised Article 7 regarding the definition of professional associations. AJI re-affirms that professional associations like AJI do not fall under mass organization categorization stipulated in Mass Organization Law. AJI also affirms that AJI refers to the mandate of the Press Law to continue strengthening journalist profession and to guard press freedom.

## **Bad News from Constitutional Court**

In the last year, Indonesian press suffers from bad news related to Constitutional Court decision to reject any material test carried out on State Intelligence no 17 of 2011 on October 10, 2012. Supreme Court rejects the demands of AJI and pro democracy groups and individuals by stating that this law does not threat civil liberties, human rights and press freedom.

This is a major blow to press freedom and the public's right to information. Intelligence Act provides overly expansive scope of authority to public officials to claim public documents

as secret intelligence document.

The impact of this law to the press is that any monitoring, critics, corrections and feedback attempt made by the press in relation to public interest can be criminalized as attempts to leak State secret. Such arrangement opens blatant ignorance to the public's right to information.

Constitutional Court decision to reject the request for material test over Intelligence Act allows such article to be used to put journalists behind bars at any time. Its criminal sanction is substantial, 10 years behind bars and/or Rp 500 million fines. Meanwhile those who leak intelligence secret face criminal sanctions of 7 years behind bars and/or Rp 300 million fines.

Constitutional Court decision to refuse this test is issued after Constitutional Court also refused material test to Broadcasting Law no 32 of 2002. The decision to turn down request filed by a number of organizations including Alliance of Independent Journalists (AJI) and Press Legal Aid (LBH Pers) is announced by the Constitutional Court on October 3, 2012.

Such rejection expands the list of regulations potentially used to put journalists behind bars, to execute media ban, or to restrict journalists' reporting access. Other existing regulations are as follow:

- Electronic Transaction and Information no 11 of 2008. Article 27 point (3) and Article 45 point (1) state that any media that disseminates product of defamation in electronic form faces imprisonment up to six years and/or Rp 1 billion of maximum fines. Article 28 point (2) imposes criminal sanction to individuals who disseminate information that might incite racial or religious disputes or issues.



- Opennes of Public Information no 14 of 2008. This law regulates secret and public information. Yet this information consists of threat that “anyone who abuse public information will face imprisonment for a maximum of one year.” This article would hamper effective investigative journalism that uses public information in relation to bureaucratic corruption and State-owned enterprises.
- Social Conflict Intervention no 7 of 2012. Article 26, 27, and 28 of this law regulates the authority of head of district / province / country to restrict access in and out of conflict zone including to human rights defenders and journalists. This is a clear hindrance to journalists who are assigned into conflict zone. This law can also be used by security apparatus and state officials in cases of violence in conflict areas.



## CHAPTER III

# Setting Up Protection Without Discrimination

JOURNALISTS should have decent salary and protection for carrying out their duties. Rights to job safety and security apply to all, regardless of one's employment status as permanent or contract-based employees or as contributors/correspondents. Discriminating treatments are identified in the following key issues:

### Monthly Salary

Permanent or contract-based employees can rely on a certain amount of salary transferred into their saving accounts in particular date each month. Meanwhile, correspondents/contributors lacks certainty in terms of a certain amount of money to be used to pay for their monthly expenses. Many realizes that correspondents/contributors depends on the recapitulation of the total number of articles published in a month. When one is lucky and assigned in areas with high news values, one can earn much more compared to permanent or contract-based employees. Yet lack of certainty creates other

problems in terms of work quality or ethics.

AJI pushes for all media companies to provide basic salary standard or a certain amount of money paid each month. Fixed income is believed to increase work motivation, quality of work and dedication as well as to prevent journalists from moral abuse. Income calculated from the number of published reports can be considered as performance benefit, measured by tangible results. Fixed basic salary can cover at least transportation, telecommunication and capacity building for correspondents/contributors, as well as strengthening loyalty of correspondents/contributors to their media.

Management often refuses to provide basic salary because fee received by correspondents/contributors each month is deemed as substantial. The fact shows that more and more media, especially television, tighten their budget and cut fees, especially income calculated based on published reports. Fee for news report published as a whole in a news package is different compared to news report published on a glimpse or partially. This policy ignores the fact that efforts to obtain such news are the same, regardless whether it is published as a whole or as parts. At the moment, range of fee received by correspondents/contributors varies from Rp 5.000 to Rp 60.000 (online media), Rp 10.000 – Rp 100.000 (print media), Rp 15.000 – Rp 75.000 (radio media) and Rp 100.000 to Rp 350.000 (television media).

Such excuse is baseless, because correspondents/contributors do not have transportation, telecommunication or health benefits enjoyed by permanent/contract-based employees. Because their monthly income is based on the recapitulation of published report, there is a joke that correspondents/contributors earn their living not from the company but from victims of natural disasters, dead bodies or by the victim of a robbery and fire.

## **Safety Protection, Operational Support and Health Benefit**

It is important for each journalist to make sure that one can work safely. Whether in risky areas or in normal day-to-day reporting, one should have the guarantee that one is safe without having to worry about having accidents, becoming victims of conflicts or even death. This would ensure one to carry out one's professional responsibilities well and at the end produce high quality information for the public. It is also important to consider how freelance journalist/correspondent/contributor is able to envision one's golden years once one is no longer an active journalist.

Up until mid 2013, AJI continues to work on collaborative concept with PT Jamsostek to establish mutually benefiting relationship, especially to ensure protection for freelance journalists/correspondent/contributor. This concept is prepared at the moment to determine the right and responsibility of freelance journalist/correspondent/contributor to be able to work safely, based on the initial premium paid by the journalist.

As this campaign is prepared, it is hoped that management/media company to take the responsibility to pay monthly premium of their freelance journalist/correspondent/contributor, similar to those working as permanent/contract-based employees.

Formulation of reporting operational support for freelance journalist/correspondent/contributor should also be made explicit, in order to prevent discrimination with the ones working as permanent/contract-based employees. Operational support would be easily implemented if media management/company agrees on the concept of basic salary as basic monthly news reporting support.

## **Rights and Supports for Women Journalists**

In 2011-2012, AJI carries out a survey on women journalists in seven cities in Indonesia of Jakarta, Pontianak, Surabaya, Makassar, Jayapura, Yogyakarta, and Medan. This survey indicates that there is no difference of salary between women and men journalists. Yet, differences occur in terms of benefits, for example supports and facilities.

Considering that journalistic work knows no work hours and women are vulnerable to criminal acts, women journalists should be supported with additional facilities such as transportation when working in the evening. This can be done by providing safe means of transportation for example by using company vehicles or by taxi reimbursement. This is lacking in media companies. Based on survey results, 51.85 percent of the respondents state that they receive no such benefits. Only those working in Jakarta and Jayapura enjoy such facilities. This is important especially for pregnant journalists.

Other rights of women journalists are menstrual leave and lactating room. Many media companies have not clearly informed on one to two day menstrual leave each month as stipulated in Employment Law no 13 of 2003. Many women journalists do not know this. Only 35.98 percent of the respondents are aware of this right. Menstrual leave is often regarded as miniscule to media companies, regardless of most women suffer physical and psychological discomforts.

Nursing room is also related to reproductive rights of women journalists. Survey indicates that media companies do not concern with women journalists in nursing. The availability of nursing room is a mere 20 percent. In Surabaya and Pontianak, no media company provides nursing room.

## **Employee Status**

Journalists are one of the frontlined groups to push for the eradication of outsourcing in Indonesian employment system. It is ironic that journalists are in fact part of the system, even worse. Working without formal contract, based on verbal instruction, without no letter of assignment/ID card is commonly faced by freelance journalists/correspondents/contributors.

Media management/company should stop from “exploiting journalists when they need big news breaks but ignoring their employment rights in the long run. For correspondents/contributors, basic salary can be an important milestone toward such policy. Besides, the status of freelance journalists/correspondents/contributors can be classified based on their quality and productivity, so they can build their career paths just like their permanent/contract-based colleagues.

## **General Problem: Minimum Awareness on Freedom of Assembly**

As part of the efforts to push for the abovementioned issues, including improvement of welfare for permanent/contract-based employees, it is crucial to raise awareness on establishing workers’ unions in each media company. Busy work schedule, high target and tight deadline should not weaken journalists’ awareness on freedom of assembly. Yet the fact speaks otherwise. Throughout 2012, not many new workers’ union is established. In those handful few, there are Prioritas Tabloid Workers’ Union set up in May 2012 and Jurnal Nasional Workers’ Union in July 2012.

There are a number of factors resulting to slow development of workers’ union in media sector, such as: the majority of

journalists identify themselves as professional/exclusive groups who are reluctant to be categorized on the same group as labours, negative stigma of workers' union and weak support and solidarity within the union.

Threat against the establishment of Workers' Union causes Metro TV assistant producer Luviana to be in her employment status. AJI and Luviana rejects Metro TV management decision to fire Luviana because she is seen as critical to the company and plans to set up a workers' union.

How Luviana is being laid off by Metro TV has received official support from National Commission of Violence against Women and National Commission of Human Rights. In their official statements, both institutions declare that this decision is against the law and a violation of human rights.

In its letter no 2.759A/K/PMT/XI/2012 issued on November 9, 2012, National Commission on Human Rights mentions that there are indications of Metro TV committing human rights violation. National Commission of Human Rights finds violation of freedom of assembly because the decision to fire Luviana coincides with her attempt to establish Workers' Union in Metro TV. Metro TV decision would lead to Luviana's failed attempt to establish a workers' union and to fight for employee welfare. Indications of human rights violations occur especially on freedom of opinion and freedom of assembly. Both rights are guaranteed in Article 24 of Human Rights Law no 39 of 1999. As Luviana no longer receives her salary even though her legal status is still unclear sheds more light to these human rights violation indications.

Previously, National Commission of Violence against Women also issues its official statement via Letter no. 083/KNAKTP/Monitoring/Support Letter/XI/2012. National Commission of Violence against Women declares its stance: the decision to terminate Luviana's job is not proper as it



represents an attempt to silence the right of the labour for freedom of opinion to raise questions and to fight for their welfare rights. Secondly, the right of Luviana or other labours in the company to have and express their opinions should be respected and protected without any restriction, according to Article 19 of the Universal Declaration of Human Rights. AJI is concerned with this employment issue on Luviana's case.

Besides Luviana, there are other cases of journalistic industrial relationship in the last year, as follow:

## 1. Luviana Case: Questioning Metro TV's Decision

AJI and Coalition against False Reform to fight for Luviana to be re-employed by Metro TV, the company files legal suit to Jakarta Industrial Relationship Court.

## 2. Semarang Daily Case: PHI Victory

Semarang Industrial Relations Court (PHI), headed by Abdul Rauf with Yulius Eko and Daryono as member judges, instructs PT Semesta Media Pratama as Semarang Daily publisher to pay compensation fee to 12 Semarang Daily journalists terminated for efficiency reasons.

In deciding this case, the judge council considers the decision of Transmigration and Employment Office (Disnakertrans) of the city of Semarang stating journalism not as a time-based profession. Because of this decision, contractual agreement from PT Semesta to these 12 journalists is automatically considered as non-time-bound or permanent employment. Hence, when job termination occurs, the company has to provide compensation fee according to the regulation.

### 3. SCTV Case: PHI Victory

After struggling for their rights and justice for over a year, 40 workers under SCTV Workers' Union-ASPEK Indonesia gain legal victory. Jakarta Industrial Relation Court decides that outsourcing has impacted to termination of a number of workers and hence, they have to be re-employed to their previous positions and restore the rights which have been obtained .

### 4. Dini Palembang TV Case: Termination due to Hatred

Member of AJI Palembang, Novita Candra Taslian Dini from Palembang TV (PaITV), Jawa Pos Group, is fired from the company.

This reflects emotional and subjective nature of the decision due to the absence of any warning letters. The letter also does not mention any violation, due to the fact that Dini does not breach any company or editorial policies.

At the moment, Dini is aided by AJI Palembang to fight for her right to Palembang Industrial Relations Court.

Considering the above mentioned labour cases, AJI continues to endorse journalists to set up workers' union in each media companies. AJI also maintains support to Independent Media Workers Union Federation (FSPM-Independen) that turns 2 years in 2013. In other words, AJI pushes for media company management to provide their journalists – permanent/contract-based as well as correspondent/contributor – with scheme and decent amount of salary.

## CHAPTER IV

# Toward Healthy Local Content

INTERNET growth in Indonesia skyrockets with vast market segment. Indonesia's Internet Provider Association (APJII) estimates that in 2012, Indonesia has 63 million of active internet user. This represents 15% increase compared to last year. With predicted growth up to 30%, it is estimated that by the end of 2013, Indonesia's active internet users can reach to 82 million people.

Such significant growth can happen because of the vast internet network. The government recently issue additional spectrum to two big providers of Telkomsel and XL. Meanwhile Telkom also aggressively develop its cable home network.

Online business is also growing. Since 2007, online media slowly raises. First generation sites that emerge in 2000 are going down one by one in 2002. Yet online business continues to strive with various forms and characters.

Slowly but sure, the dynamics of the industry meets the changed behavior of the society to access information: from conventional media to digital media. The people depends

on new media for their interaction, including searching for information by accessing growing news portal such as Detikcom, Tempo.co, Kompas.com, Viva.co.id, Okezone.com, Merdeka.com and so forth.

High internet user growth in Indonesia opens up more promising opportunities to online media. This attracts competitors from foreign business players to Indonesia. Global players are currently active in tapping content service. Examples are Yahoo Indonesia and PlasaMSN based on the merger between Microsoft and Telkom. These two provides varied digital information based on partnership with local content providers or by producing their own content.

Besides tapping on content, global players also build their infrastructure network in Indonesia. Examples are Google, Yahoo, Facebook and Youtube that aggressively enter Indonesian market. By relying on its infrastructure strength, global players reach to Indonesian users and benefits from substantial online ads.

For global players, Indonesia is an interesting market. Besides its substantial size, market behavior is adaptable to various new innovations in the internet. This can be seen from the rank Indonesian users are on in dominating global sites. Indonesia now ranks fourth as Facebook users and ranks fifth in Twitter.

Alliance of Independent Journalists sees these phenomena as important. AJI as journalists' association is seeking for a platform for its members to maintain productivity in the midst of global players. Moreover, most of AJI members are journalists producing local content to local media companies. AJI then launches the second National Conference on New Media on July 2 2013 in Sari Pan Pacific Hotel, Jl. MH Thamrin, Jakarta.

This annual conference serves as a forum for Indonesian online business stakeholders to meet – where online media industries, ads, internet providers, academicians, users and audience as well as government meet. Resource persons offer their insightful observation in addressing the topic of the conference: “Global Content: Ethical and Economical Problems and How to Maintain Sovereignty.”

In order to ensure that local content grows in healthy business environment, online media should be creative. As internet users usually trend-followers, long-term strategies should be developed. This can be done by maintaining its original concept or commercializing its existing news website. There are two stakeholders at stake – users and advertisers. At the moment, advertisers look at traffic as well as the user.

Online media should highlight its strengths compared to other players. Added value or uniqueness would be able to attract advertisers to place ads or to become sponsors. The interest of the user should be considered by tapping on their needs. This can be addressed by focusing on content quality. By focusing on unique content, new users/readers can be tapped. Content plays key role in the competition amongst online media players.

In order to compete with global player, local online media player and advertiser should sit together to identify common issues to work on. From 10 most-visited websites by Indonesian users, Detik.com is the Indonesian online media on the list (rank 8<sup>th</sup> – Alexa.com). Only Kompas.com climbs toward the big 10 (now on the 13<sup>th</sup> rank). In the next 5 years, we may have good growing content but as a whole, we remain as users. It is because it is not about content but also about ecosystem.

To address this condition, in 2013 AJI is actively involved in developing online media ecosystem. To develop local content, AJI conducts a number of online media training in

various cities, including Semarang, Makassar, Malang, Batam and Balikpapan. Besides specific training on online media management knowledge and skills, AJI also organizes a number of seminars involving players from industry, campus and the government. Online media seminar is organized in Purwokerto, Palembang and Kediri.

In capacity building for online media players, AJI also engages with formal education sector. With Diponegoro University in Semarang, AJI designs a syllabus of Online Media. Backed with research and focus group discussion (FGD) with practitioners and lecturers of communication studies, Media Online syllabus is ready to be implemented in School of Communication Science, especially in Journalism major in various universities.

To push for positive internet governance, AJI is involved in a joint forum with the government, telecommunication industries and non government organizations in Internet Governance Forum (IGF) – Indonesia. This forum discusses internet governance in Indonesia from various aspects – from infrastructure, content and business. It is hoped that online media would be able to grow and its workers, including journalists would be more prosperous.



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