PRESS FREEDOM DETERIORATES AMID THE PANDEMIC

AJI's Report on Press Freedom in Indonesia
May 3, 2020 - May 3, 2021

THE ALLIANCE OF INDEPENDENT JOURNALISTS
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AJI’s Report on press freedom in Indonesia in 2021

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EXECUTIVE SUMMARY

The global community including Indonesia is still facing the COVID-19 pandemic and its various impacts. Since President Joko Widodo announced the first COVID-19 cases in early March 2020, the number of those infected with Covid-19 has reached more than 1.6 million people. This presents unprecedented public health challenges, including those affecting the media.

On the other hand, the public’s need for media and information during a pandemic is scaling up. Moreover, the imposition of social restriction policy in order to prevent the spread of COVID-19 has forced everyone to stay at home and work from home more. The public ultimately relies a lot on news via television, radio and especially via the internet, to understand the COVID-19 crisis, and the broader implications of the outbreak.

According to data we are social-Hootsuite, as of January 2021 the number of internet users in Indonesia will increase by 27 million people. The time used to access the internet has also increased, from 7 hours 59 minutes to 8 hours 52 minutes. However, the increasing public need for information on the internet, tainted by a tsunami of misinformation and disinformation about COVID-19. The World Health Organization (WHO) calls health hoaxes during the pandemic an infodemic, whose impact can hinder the handling of the pandemic itself.

In this situation, the presence of independent journalism is an important resource for the community to provide accurate, relevant, and science-based information. In addition to fulfilling citizens’ rights to information, independent journalism is needed to control government policies that conflict with the public interest. Independent journalism requires a guarantee of press freedom.

However, there are increasing barriers to the work of journalists as those who work at the forefront of obtaining information. Internal barriers include company policies that require journalists to cover the field and work in offices, exposing journalists to being one of the groups vulnerable to being exposed to the SARS-CoV-2 virus. AJI noted that there were 401 journalists who tested positive for COVID-19 and nine of them died from March 2020 to the third week of April 2021.

The COVID-19 pandemic has also adversely affected the welfare of journalists, as a result of the collapse of the mass media business. The results of AJI-IFJ’s research (2020) on 792 journalist respondents in various regions, showed that 83.5% of journalists were affected during the pandemic, in terms of welfare. These impacts include reduced salaries (53.9 percent), cuts in wages (24.7 percent), layoffs (5.9 percent), and furloughs (4.1 percent).

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What’s more, press freedom also faces external threats. Reporters Without Borders ranks Indonesia’s 2021 Press Freedom the 113th out of 180 countries. This position is up six places compared to that in the 2020 index. However, despite this improvement, RSF still considers Indonesia’s press freedom as poor and places within the red zone. RSF provides an indicator of the threat to press freedom because the government is taking advantage of the Covid-19 crisis to strengthen its repression towards journalists. Not only on the grounds of limiting false information related to Covid-19, but also the prohibition of publishing information that insults the president or government, even though it is not related to the pandemic.

Slightly different from RSF which raised Indonesia’s position by six points, AJI assessed that press freedom in Indonesia during 3 May 2020 - 3 May 2021 remained stagnant. This is based on the persistently high prevalence of violence against journalists, online and offline, and the inadequacy of the Electronic Information and Transaction Act (UU ITE).

Violence against journalists this year reached 90 cases, a sharp increase from 57 cases in the previous year. Violence perpetrated by police is quite dominant. However, the government seemed to ignore this, resulting in repeated violence. Most recently, a number of police officers tortured a Tempo journalist Nurhadi on March 27, 2021. Although the case entered the formal investigation phase, categorized as an offense against press, until April 30, 2021, no suspect had been named.
Digital attacks have become a new type of violence that also curbs press freedom. AJI noted that the use of digital technology to intimidate journalists was more massive in 2020, when journalists’ really relied on the internet to do their work during the pandemic. Unfortunately, their presence in the digital space was not properly protected.

The type of violence against journalists that is often overlooked is sexual violence, especially against women journalists. The survey conducted by AJI Jakarta (2020) came out quite surprising with 25 out of 34 journalist respondents claiming to have experienced sexual violence while carrying out their journalistic work. Most of these victims were female journalists. This can restrict journalists from carrying out their journalistic work and what’s worse, discourage participation of a certain gender in the world of journalism.

In terms of policy, the EIT Act places a number of obstacles to press freedom and freedom of expression. The government does not seem to be politically motivated to amend a number of problematic articles in it, including those that are often used to ensnare journalists. This can be seen from the statement of the Coordinating Minister for Political, Legal and Security Affairs (Menko Polhukam) Mahfud MD on April 29, 2021. He announced that the government would not repeal the EIT Act, even though President Jokowi had stated that he would propose to the Indonesian Parliament to revise the problematic articles in the EIT Act in mid-February.

So far, the Defamation and Hate Speech provisions in this law have been applied to prosecute journalists. Most recently, a journalist in Palopo, South Sulawesi, Muhammad Asrul was brought to court after writing three reports on allegations of corruption. The EIT Act is also a threat to citizen journalism and the student press.

In this situation report, AJI also focuses on press freedom in Papua. Apart from being prone to internet blocking like what happened in 2019, Papuan journalists are also walking in the shadow of violence. Recently, the terror experienced by Jubi General Leader, Victor Mambor, has increasingly emphasized that Papua is not yet a safe place for journalists. This is exacerbated by the remaining closed access to Papua for foreign media journalists.

With the various threats still occurring, the government, in particular President Joko Widodo in his second term of administration, must provide protection to ensure the fulfilment of press freedom. Protecting the safety of journalists and strengthening independent media must be part of the strategy to counter the effects of the pandemic. The failure to do so will lead to democratic degradation and an increasingly bigger obstacle to public information disclosure.

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Press Freedom Deteriorates Amid The Pandemic

Democracy

Freedom of The Press

Pelarangan Liputan
Kekerasan Fisik
Kriminalisasi
CHAPTER 1
The Never-Ending Violence

A. Violence and Terror

The Advocacy Division of AJI Indonesia recorded 90 cases of violence against journalists from May 2020 to May 2021. This number is the highest in the last 10 years in the same period. Intimidation (28 cases) and destruction of tools and/or results of coverage (22 cases) were the dominant violence experienced by journalists. Followed by physical violence (19 cases), threats of violence or terror (9 cases), and punishment/criminalization (6 cases).

Ironically, in terms of perpetrators, the police, which should provide protection to the public and journalists, were in the first place with 58 cases, followed by 10 unknown cases, 7 residents cases, 5 TNI cases and 4 government/executive officials cases. Meanwhile, from a regional perspective, Malang is the site of the most violence with 16 cases and Jakarta 15 cases.
Several cases that have come to AJI’s attention in the past year include the case of violence against Nurhadi, a Tempo journalist in Surabaya, the Diananta verdict, and the rampant digital attacks during the pandemic.

**Persecution of Nurhadi**

Nurhadi became a victim of persecution while reporting at the Samudra Bumimoro Building, Saturday (27/3/2021) evening. There, Nurhadi planned to ask for information regarding the alleged bribery case committed by the former Director of Investigation at the Directorate General of Taxes at the Ministry of Finance, Angin Prayitno Aji, which is being handled by the KPK. At that time, the wedding of the son of Angin Prayitno Aji and the daughter of Police Chief Commissioner, Kombes Achmad Yani, the former Chief of Planning Bureau of East Java Regional Police was taking place.

In this incident, Nurhadi was not only tortured by the perpetrators, a group of about 10 to 15 people. The perpetrator also damaged the sim card on Nurhadi’s cellphone and deleted all data and documents stored thereon.

After the incident, Nurhadi reported the case to the East Java Regional Police accompanied by the Alliance for Anti-Violence Against Journalists, which consists of Surabaya Independent Journalists Alliance (AJI), KontraS, LBH Lentera, LBH Pers, and LBH Surabaya. The case of the persecution of journalist Nurhadi in Surabaya has developed to the formal investigation stage even though the names of the suspects remained unannounced, Monday (19/4/2021). As stated in the Order to Investigate Letter Number SP.Sidik / 338 / RES / IV.1.6 / 2021 issued today (20/4/2021), the investigator applied article 18 paragraph (1) of Law No.40 of 1999 on the Press, a subsidiary of article 170 of the Criminal Code, Article 351 of the Criminal Code, and Article 335 of the Criminal Code to this case.
Journalists in Bontang took to the streets, urging the government to investigate the violence against journalist Nurhadi. Support for Nurhadi was expressed by various journalists from various regions. Photo: AJI Samarinda

B. The Digital Terror

From 2020 to the end of April 2021, the repression against journalists did not only occur offline but also on online portals. The journalists were faced with the increasingly complex challenges in times of pandemic as their safe spaces became more and more limited.

AJI’s data shows that between May 2020 and the end of April 2021 14 terror cases in the form of digital attacks occurred. This includes the terror experienced by 10 journalists and four online media sites. In terms of the type of attack, 8 cases were of doxing, four cases of hacking, and two cases were of distributed denial-of-service (DDoS) attacks.

Doxing is attached to the act of spreading personal data. This can be a photo, home address or mobile number. The term “doxing” (short for “dropping documents”) first became popular as a verb about a decade ago, referring to hackers’ actions in gathering personal and private information, including home address and national identity numbers.¹

Several cases of doxing that came to public’s attention happened to a journalist from detik.com in May 2020. It started when the journalist reported on President Joko Widodo’s plan to personally check the preparations for introduction of “the new normal” in a mall in Bekasi. After this news went viral, the journalist’s personal data was spread out by buzzers. His account for online transportation or food orders was also hacked and he suffered from fake food orders attacks. He also received death threats via Whatsapp.

¹ [https://id.safenet.or.id/2020/12/riset-peningkatan-serangan-doxing-dan-tantangan-perlindungannya-di-indonesia/](https://id.safenet.or.id/2020/12/riset-peningkatan-serangan-doxing-dan-tantangan-perlindungannya-di-indonesia/)
Most recently, a Liputan6 journalist in Southeast Sulawesi were also doxed after writing a story entitled “Seeking Justice, Hundreds of People Showing Up at Konawe Police Station Carrying Knives” on March 13, 2021. The journalist’s ID card and identity were exposed on social media, making him the target of threats of violence.

Apart from doxing, journalists were also the target of social media hacking. This was experienced by the Chairperson of AJI Lampung, Hendry Siholo in June 2020 when he provided support to Lampung State University’s Student Press who received digital terror when they planned to carry out a discussion about Papuan racism. His personal Instagram and Facebook accounts were hacked. In fact, his Instagram account could not be fully recovered.

The hack also attacked two media sites: Tempo.co and Tirto.id on August 21, 2020. Initially, the Tempo.co website displayed a white screen with the words “403 forbidden” on it, and a hymn to pay tribute to the national heroes “The Fallen Flowers” appeared for 15 minutes at the background. At 00.30 WIB, the Tempo.co website displayed the inscription, “Stop Hoaxes, Don’t LIE to the Indonesians, Return to journalistic ethics that adhere to the press council. Do not just comply to the PAYING PARTY. Deface By @xdigeeembok”.

This attack occurred after Tempo Online and Koran Tempo reported that artists and celebrities were being paid to become buzzers of the Omnibus Law Bill on Work Creation. According to the search by the Tempo journalists, Demographic Bonus Network paid these artists a range of IDR 1.5 to IDR 10 million.2

Another website that was hacked was that of the Tirto.id. Seven articles on the site were deleted and some were modified, without the knowledge of the editor. The most deleted news was about the Democrats, 2 about Corona medicine that would be developed by Unair and TNI-BIN and those related to police work, as it handled almost everything: from rice to corruption.3

Another type of attack is DDOs. DDOs are generally done by inundating targeted sites with excessive requests in order to overload the system and prevent legitimate access to those sites. On May 15, 2020, the sites Konde.co and Magdalene.co were attacked with DDOs, thereby making them inaccessible to the public. The two media have been aggressively voicing the rights of women and minority groups.

Of the 14 cases of digital attacks, three of them have been reported to the police. But until now, no suspect has been named. This shows how terror in the form of digital attacks has not been given serious attention by law enforcers. What’s worse, doxing has not been specifically governed in any Indonesian regulation.

2 https://tirto.id/kronologi-peretasan-tempoco-pembungkaman-pekerjaan-jurnalistik-fZml
The new EIT Act includes provisions regarding illegal access as well as deletion and modification of content. However, for doxing cases, the applicable regulation is Law number 24 of 2013 concerning the National Population Registry System (adminduk), provided that the personal data being illegally distributed is included in this national system.

To properly handle doxing cases, law enforcers must find an innovative and bold solution to include digital attacks as part of efforts to obstruct journalistic work, as governed in Article 18 paragraph (1) of the Press Act.

C. Sexual Violence

We live in an era when sexual violence is often neglected. Based on data from the Survey of Sexual Violence among Journalists conducted by AJI Jakarta in 2020, 25 journalists claimed they had experienced sexual violence in the past. In fact, still based on the same data, some of these respondents experienced repeated violence as this happened to them more than once. Most of these victims were female.

Most of the perpetrators were their public officials, non-public officials, and co-worker informants. In terms of co-workers, these perpetrators were mostly superiors, but some others were their peer co-workers, and fellow journalists from other media agencies.

This sexual violence clearly affects press freedom because the victims, who were mostly female were field reporters who represented the lowest segment in the newsroom, are intimidated by superior power. Violence perpetrated by the news sources often take place when journalists are covering news. As they are aware of their inferior position and their desperation to get the news, they are provided with no option but to play along to follow the sources’ wishes.

It is so unfortunate that the space in which journalists have to work has not been sufficiently conducive to support their work. Sexual violence against journalists has also been committed by senior fellow journalists in the field who have better access to news sources. This seniority-oriented culture forced young reporters to follow the wishes of the perpetrators.

Unfortunately, press companies do not equip their journalists with sound protection. Some can even be considered to have sexually exploited their reporters as they place their relatively attractive-looking female reporters in certain posts, such as the police command centers or the Parliament offices to “persuade” sources who are mostly male.

In addition, until now, no media in Indonesia has developed a procedure to deal with sexual violence complaints. The way media responded to sexual violence complaints is also not appropriate, as one respondent even said that the risk to experience sexual violence fell within the territory of being a journalist.
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CHAPTER 2
Inhibiting Regulations

AJI continues to search for and look into regulations, from the highest level of hierarchy (laws) up to the implementing/technical regulations to identify potential threat to press freedom. This included the Information and Electronic Transaction Act (ITE), the Draft Criminal Code, the Supreme Court Regulation on Trial Protocols and Security in the Court Environment, and the emergence of the Chief of Police’s Telegram on Guidelines for Coverage of Violence and / or Crime in the Journalistic Broadcast Program.

1. EIT Act

Since it was promulgated in 2008 and revised in 2016, the EIT Act is still the scourge of press freedom and freedom of expression in Indonesia. The Coalition for Serious Revision of the EIT Act - a collaboration of 24 civil society organizations including AJI, analyzes that there are 8 problematic articles that limit the space for freedom of expression. Of the eight articles, according to AJI three articles directly threaten press freedom.

The first is Article 27 paragraph 3 concerning defamation or libel. This provision was once applied to charge the Chief Editor of Metro Aceh Bahrul Walidin on 24 August 2020 and Tuah Aulia Fuadi, a journalist from Kontra.id in Batubara Regency, North Sumatra. Bahrul was reported by the President Director of PT Imza Rizky Jaya Rizayati, while Tuah Aulia was reported by Regent Batubara Zahir M. They were charged with defamation after publishing news related to the complainants. Tuah Aulia was named a suspect by the Batubara Police on Thursday, September 3, 2020.2

Second, Article 28 paragraph 2 concerning hate speech. Journalist Banjarhits.id/Kumparan in South Kalimantan, Diananta Sumedi, was sentenced to 3 months and 15 days in prison because the news he wrote entitled “Land Seized by Jhonlin, Dayak Complained to the South Kalimantan Regional Police” was considered to have caused hatred or hostility to individuals and / or certain community groups based on ethnicity, religion, race, and inter-group relations.3

1 Download the Policy Paper Notes and Civil Society Pressure on the Revision of the EIT Act at the link s.id/seriusrevisiuite
2 https://dev.advokasi.aji.or.id
Apart from Diananta, Muhammad Asrul, a journalist at berita.news in Palopo, South Sulawesi, is currently facing trial because he is charged with multiple articles in the EIT Act, namely Article 27 paragraph 3 and Article 28 paragraph 2. He was criminalized after writing three reports on the alleged corruption of the son of Palopo Mayor, Judas Amir, Farid Kasim Judas.4

The application of the two criminal provisions of the EIT Act is of course inappropriate. This is because disputes pertaining to news coverage must be resolved by a procedure governed under the Press Act, and brought to the Press Council. Moreover, in the case of Diananta and Asrul, the Press Council has issued an assessment and recommendation, that this case should have stopped at the Press Council and could not be brought to criminal proceedings.

According to the records of the Coalition for Serious Revision of the EIT Act, the problem with Article 27 paragraph (3) and Article 28 paragraph (2) is that they are too broad and they overlap with other laws. Article 27 paragraph 3 in conjunction with Article 45 paragraph 3 is a duplication of articles 310, 311, 315, 317, 318, 319 of the Criminal Code. In the Criminal Code, the term ‘insult’ is the title of a separate chapter in which the form of the action consists of six forms of criminal acts, namely defamation, defamation with letters, slander, minor insults, false complaints or slander complaints, and slanderous acts. Meanwhile, the EIT Act does not recognize any defamation offenses categorization.

The unknown categorization of defamation offenses as known in the Criminal Code removes the context of Article 27 paragraph (3). This has an impact on the very broad spectrum of actions or expressions that can be ensnared by the provisions of this article. In practice, Article 27 paragraph (3) is often refered to as the basis for filing a case. The instrument of revenge is used by groups with more power, not only against the content distributed by individuals, but also those constituting journalism products.

The provisions of Article 28 paragraph (2) of the EIT Act regarding the spread of hatred have been regulated in the Criminal Code (Article 156-Article 157) to apply for the inter-group relations and inter-religion groups, as well as the Law on the Elimination of Racial and Ethnic Discrimination (Article 4 and Article 16) to apply for inter-racial and inter-ethnicity relations. When implemented, this article is inconsistent with these laws: the International Covenant on Civil and Political Rights and the Plan of Action Rebates, because it includes elements of intent to show hatred (incitement to hatred). The element “inter-groups” is not clearly defined so that it can be interpreted subjectively. This article can be potentially misapplied by the authorities to criminalize freedom of expression, including that of the press, like what happened to Diananta and Asrul.

The third problematic article is Article 40 paragraph (2b). This article gives the government the authority to terminate access and or order the Electronic System Operator to terminate access to Electronic Information and / or Electronic Documents that have contents that violate the law.

The authority to define information that has a content that violates the law is considered too broad because it can be linked to problematic articles, especially articles that have multiple interpretations, so that there is potential for any information to be categorized as information that violates the law. In addition, the mechanism for terminating access is entirely in the hands of the Government, as there is no agency in charge of supervising this process.

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The amount of government authority, in this case Kominfo, and the absence of a supervisory mechanism from other agencies, has the potential to cause internet networks to be cut off in a province just because content on an online site is considered illegal.

As an effort to advocate for this inhibiting regulation, on October 20, 2020, AJI together with the Chief Editor of Suara Papua, Arnoldus Belau filed a lawsuit against Article 40 paragraph (2b) to the Constitutional Court. The presence of an article on the authority to cut off access is also contrary to Article 1 paragraph (3), Article 24 paragraph (1), Article 28D paragraph (1) and Article 28F of the 1945 Constitution.

The serious threat posed by EIT Act to press freedom has led AJI since 2015 to consistently ask the government and the Indonesian Parliament to revise this Law. Although the revision was carried out in 2016, the results of the revised EIT Act were even worse. The revision only reduces the criminal sanction of Article 27 paragraph 3 from the previous 6 years to 4 years.

In mid-February 2021, President Joko Widodo had asked the Indonesian Parliament to revise the EIT Act, if it did not provide a sense of justice. However, the development then became an anticlimax. The Coordinating Minister for Politics, Law and Human Rights, Mahfud MD, who was mandated to form a review team for the revision of the EIT Act, officially announced on April 29 that the government had not revoked the EIT Act. Similarly, the National Parliament, DPR-RI did not even include the revision of the EIT Act in the 2021 priority National Legislation Program (Prolegnas). Thus, the problematic provisions of the EIT Act will remain a threat to press freedom in the future.

2. The Broadcast Cluster of the Job Creation Law

The birth of the Job Creation Law or Omnibus Law on October 5, 2020, posed a serious threat to the broadcasting world. It contains a revision of the Broadcasting Law with new provisions that are inconsistent with the spirit of democratization in the broadcasting world. This Omnibus Law will allow the world of broadcasting to broadcast nationally, something that is deemed to be in violation of Law Number 32 of 2002 concerning Broadcasting. In fact, the ban on national broadcasting aims to encourage the spirit of democratization of broadcasting, namely to provide space for local culture and economy to grow.

The Omnibus Law also gives the government great authority to regulate broadcasting. This is because Article 34 which regulates the role of KPI (Indonesian National Broadcasting Commission) in the broadcasting licensing process has been omitted. The removal of this article also eliminates the provision on the validity period for broadcasting licenses, namely 10 years for television and 5 years for radio and also the prohibition on transfer of broadcasting licenses to other parties. Another important provision that has been amended by the Omnibus Law is that it grants full digital migration authority to the government. Whereas digital migration is not only about transfer of technology but also changes in broadcasting governance which should be regulated by the state at the level of laws, not in government regulations.

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As a derivative of the Job Creation Law, the government has issued Government Regulation (PP) Number 46 of 2021 concerning Post, Telecommunications and Broadcasting (Postelsiar) as a further regulation of Law number 11/2020 concerning Job creation. This PP regulates that most broadcasting powers are now in the hands of the government or the Ministry of Communication and Information. Refering to the spirit of reform, broadcasting authority should actually be with the Indonesian Broadcasting Commission (KPI). But now we see that systematically and gradually, it has been reassigned to the Government. KPI’s authority is only to supervise broadcast content.

The private TV industry, especially those that have large groups and are members of ATVSI, benefit from this PP because it provides certain privileges in digital migration. MUX organizers are only limited to Public Broadcasting Institutions (LPP) and LPS Private Broadcasting Institutions (article 178). Whereas the mastery of multiplexing technology is not only controlled by the broadcasting industry, but can also be done by the telecommunications industry.

This PP also has the potential to create a conflict of interest because this regulation regulates that the operators of mux are private TV stations and TVRI. At the same time, they compete with other TV stations that rent mux from them.

In one mux, the mux organizer is not limited to how many slots or channels can be used for their internal media group. It could be one mux, most of which slots are used for TV stations in their media group only.

This derivative regulation of the Job Creation Law also eliminates the principle of the Network Station System (SSJ) by giving TV stations the opportunity to broadcast nationally (article 72). Thus, large TV stations will dominate the TV screen because they can broadcast nationally. Unfair competition will arise, if National TV stations are to compete with local TVs.

Local content is only given a 10% portion. This is unchanged from the Broadcasting Law. As a result, with the loss of SSJ and a small portion of local content, the TV screen will lose the diversity of content and broadcast content will be dominated by information about Jakarta alone.

Changes in ownership are now sufficient to report to the Minister, not a matter of approval or not (article 73). Under the Broadcasting Law, a change in ownership can result in returning the broadcasting license to the government. Broadcasting licenses may not be traded or transferred. However, under article 73 of the PP, the broadcasting license can be transferred to the new owner.

This PP grants legitimacy to the local LPP. However, this is only true in areas where TVRI / RRI is not present. This limits competition between LPPs, because basically there can be more than one LPP in a region. There can be a competition in providing broadcast services.

The last point is related to community radio which is limited to only 2.5 km radius and a transmitting power of 46.99 dbm. This provision is the same as what was governed in the previous law. Whereas in areas especially outside Java, the radius of 2.5 km is relatively very small, as it probably only covers a village. The villages outside Java are much larger than those in Java. As a result, the 2.5 km restriction will hamper the development of community radio.
3. Supreme Court Regulation on Trial Protocols

The Supreme Court established Supreme Court Regulation Number 5 of 2020 concerning Trial Protocols and Security Guidelines in the Court Premises dated November 27, 2020. One of the provisions in this regulation specifies that photo taking, audio recording and audio visual recording are subject to the permission of the judge or the presiding judge. This provision is contained in Article 4 paragraph 6 which reads, “Taking photos, audio recordings and / or audio visual recordings shall be subject to the permission of the Judge / Presiding Judge obtained prior to the start of the trial.” Violation of Article 4 paragraph 6 qualifies as contempt to the court.

The substance of this rule is the same as the rules for taking photos, voice recordings, TV recordings which must be approved by the Head of the District Court in Circular Number 2 of 2020 concerning Rules for Attending Trials on 7 February 2020. The Supreme Court Circular expressly mentions the sanction imposable for anyone who violates the code of conduct when attending trials. This provision was later revoked by the Supreme Court after receiving protests from various circles.

AJI assesses that this Supreme Court regulation will limit journalists’ rights to seek information, which is governed and protected by a regulation superior in the hierarchy to a Supreme Court regulation, namely Law Number 40 of 1999 concerning the Press.

4. Indonesian Broadcasting Commission Circular Letter

On March 17, 2021, the Indonesian Broadcasting Commission issued Circular Letter Number 2 of 2021 which regulates broadcasting in the month of Ramadan. In the implementation provisions of point L), KPI writes that "Regarding the provisions of point b, during the month of Ramadan broadcasting institutions should not display content containing lesbian, gay, bisexual, and transgender (LGBT), hedonistic, mystical / horror / supernatural, hypnotic practices or the like, exploiting conflict and / or someone’s privacy, sex talks, and content that is contrary to the norms of decency and decency."

The Alliance of Independent Journalists (AJI) considers the clause to bear multiple interpretations and has the potential to prevent the media from reporting on the rights of LGBT minorities, indigenous peoples and other minority groups. KPI as a state institution should have a duty to ensure the public’s access to adequate and accurate information in accordance with human rights.

Apart from that, this KPI regulation contradicts the Broadcasting Code of Conduct which promotes respect for professional ethics. The rules contained in points L) and M) actually hinder journalists from carrying out their role to promote the enforcement of the rule of law, uphold human rights, and respect diversity as stipulated in Article 6 of Law Number 40 of 1999 concerning the Press. Not only that, this regulation also prevents journalists from exercising their professional ethics reflected in their being independent, producing accurate, balanced news with no indecent intentions.
5. Telegram of the Chief of Police

Issuance of the Telegram of the Chief of Police of the Republic of Indonesia Number: ST / 750 / IV / HUM.3.4.5 / 2021 concerning Guidelines for Reporting Violence and / or Crime in the Journalistic Broadcast Program on April 5, 2021 which is addressed to Heads of Regional Police, and specifically to the Head of Public Relations of such office, has the potential to limit press freedom granted under Law Number 40 of 1999 concerning the Press.

Under letter B point 1 of this Telegram, it is stated that the media are prohibited from broadcasting Police actions that display arrogance and violence, and encouraged to expose more about their good and strong performance and their humane approaches. This prohibition is contrary to paragraph (2) of Article 4 of the Press Act: “The national press is not subject to censorship, banning, or broadcasting prohibition.

Apart from that, paragraph (3) of Article 4 of the Press Act also states, “to guarantee press freedom, the national press has the right to seek, obtain and disseminate ideas and information.” Of course, in presenting news, the press also has its own policy which has been clearly specified in the Journalistic Code of Ethics and the Code of Conduct for Broadcasting and Broadcast Program Standards (P3SPS).

One day after the issuance of the Telegram Letter of the Chief of the Police of the Republic of Indonesia Number: ST / 750 / IV / HUM.3.4.5 / 2021, the National Police Chief immediately revoked such Telegram Letter by issuing the Telegram Letter Number: ST / 759 / IV / HUM.3.4.5 / 2021 dated April 6, 2021 which confirms the revocation of the Telegram Letter of the Chief of the Police of the Republic of Indonesia Number: ST / 750 / IV / HUM.3.4.5 / 2021 concerning Guidelines for Coverage of Violence and / or Crime in Journalistic Broadcasting Programs.
6. Criminal Code Bill

The government began to disseminate the Draft Criminal Code after its issuance was canceled in September 2019. In the September 2019 draft, AJI Indonesia noted that there were 10 articles that could criminalize journalists, namely:

a. Article 219 concerning insult to the president or vice president
b. Article 241 concerning insult to the government
c. Article 247 concerning incitement against the authorities
d. Article 262 concerning broadcasting fake news
e. Article 263 concerning uncertain news
f. Article 281 concerning contempt to court
g. Article 305 concerning insult to religion
h. Article 354 concerning insult to public power or state agencies
i. Article 440 regarding defamation
j. Article 444 concerning defamation of the demised

The ten articles can bring journalists to prison, if this bill manages will be passed this year. Criminal charges for insulting the president was once experienced by the Executive Editor of Merdeka Daily Newspaper, Supratman in 2003. He was sentenced to six months in prison with a probation period of 12 months in the case of defamation of President Megawati Sukarnoputri.

In a trial that took place at the South Jakarta District Court, Supratman was proven to have violated Article 137 paragraph (1) of the Criminal Code regarding the act of broadcasting, showing or posting in public, writing or painting containing insults to the President or Vice President.8

Supratman’s sentence came after the newspaper published the news titled “Mega’s Mouth Odor Smells Diesel”, “Mega is More Cruel than Sumanto”, “Mega: Land Leech” and “Mega is only as big as a Regent”.

The criminal charges of contempt to court in article 281 can also ensnare journalists and media companies who usually report on court decisions and the proceedings of the judiciary. This provision can potentially be applied by law enforcers to silence journalists who write critical stories on court decisions.

8 https://nasional.tempo.co/read/25192/re-rakyat-merdeka-divonis-enam-bulan
Indonesia’s rank of press freedom internationally, has indeed risen from position 139 in 2013 to position 119 in 2021, according to Reporters Without Borders. However, press freedom in Papua has not changed much, with relatively no progress going on whatsoever. The government closes foreign journalists’ access to Papua and those covering news on Papua are vulnerable to the threat of violence.

Recently, Jubi.co.id Chief Editor, Victor Mambor received a terror, as his Isuzu DM car which was being parked by the side of the road next to his house, was vandalized, on Wednesday, April 21, 2021. The damage was made to the windshield of the car (allegedly hit with a blunt object to crack) and the left side mirror (windshield and rear mirrors) which was allegedly beaten with a sharp object until it shattered. In addition, the left front and rear doors were scribbled with orange pilox paint.

It was strongly suspected that the terror experienced by Victor was related to the news on Jubi Tabloid which agitated certain people. This was part of a series attacks against Victor and Tabloid Jubi, including digital attacks, doxing, and the distribution of flyers on social media. The flyer content adversely cornered Tabloid Jubi and Victor Mambor, provoking negative sentiments against them, and accusing them of having conducted criminal actions.

Victor’s terror was just the tip of the iceberg. Several other journalists experienced digital terror, but their cases were not reported specifically. Earlier in 2019, the government cut off internet access in Papua and three journalists were exposed to doxing amid protests against racism against Papuan students.

Restrictions on journalistic work have been going on for a long time in Papua. Since 1969, the government has established the Clearing House which exercised strict screening to foreign journalists, filmmakers and researchers. Journalists deemed “naughty” have been denied permission to cover news in Papua. Or, even if a permission is granted, journalists will still be working under close supervision. The state intelligence agency oversees the reporting process.

The clearing house agency involves 12 ministries or state agencies, ranging from the Ministry of Foreign Affairs, the Police, the State Intelligence Agency, to the Coordinating Ministry for Political, Legal and Security Affairs.
Initially, there was hope that the situation would change when the special autonomy was rolled out. But the facts tell another story. Violence against the media and journalists working in Papua persists. This includes interview refusals, journalists’ beating and expulsion/deportation of foreign journalists from Papua.

President Jokowi promised a fresh air of press freedom when he was elected in 2015. He announced that he would open the widest possible opportunity for foreign journalists to carry out journalistic activities in Papua. However, that promise was never fulfilled until Jokowi continued to his second term. After that promise was made, journalists’ access to foreign media remained difficult, as written in the 2015 Human Rights Watch report and this remained until the expulsion of Rebecca Alice Henschke, Head of the BBC Indonesia Bureau, which covered the Extraordinary Events (KLB) of malnutrition and measles in Asmat District.2

Data collected by the Papua Subdivision of AJI Indonesia from various sources showed that the number of violence against journalists and media in Papua in the last 20 years (2000-2021) was 114 cases. This number includes violence against native Papuan journalists, non-Papuan journalists, and intimidation against media companies. Specifically in the period January-end of April 2021, the number of cases of violence was five.

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Media and journalists working in Papua also face accusations of being involved in the Papuan separatist movement. This suspicion has been mostly addressed to Jubi and Suara Papua media, including to their journalists.

Tight control of the press in Papua will in no way bring benefits to the democratic life and the welfare of the people in Papua. On the other hand, closing access to information and other forms of terror to journalists will actually exacerbate inequality and perpetuate violence in Papua. Freedom of press should be guaranteed by the government without discrimination, as mandated in the Press Act. Jokowi still has the opportunity to fulfill the promise he made six years ago.
PRESS FREEDOM DETERIORATES AMID THE PANDEMIC

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