Year-End Note 2021:

Violence, Criminalization & the Impact of the Job Creation Law (Still) Overshadows Indonesian Journalists

Alliance of Independent Journalists (AJI)
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Introduction

Year-End Note 2021 (Catahu) is a routine report published by the Alliance of Independent Journalists (AJI) ahead of the turn of the year. This report contains an overview of the state of press freedom, welfare, and professionalism of journalists for one year compiled by cross-sectoral AJI National Management.

This report was prepared based on primary data collected by AJI as part of monitoring and advocating for cases of violence, employment, and ethics. Specifically for monitoring cases of violence, AJI collects the data through an open channel at advokasi.aji.or.id. The database in this website channel is managed by the Advocacy Division of the National Management which involves the Advocacy Division of 40 AJI City. Before being published on the channel, every report must be factually verified by the AJI City Advocacy Division. Apart from being used for AJI's advocacy purposes, the channel can be accessed by the public, researchers, or anyone who has the same goal of realizing press freedom in Indonesia.

In addition to using primary data, AJI also processes various secondary data that collect survey results, data collection, or research results from other institutions. These data are utilized for comparison and analysis to complete the picture of press freedom, employment, and journalist professionalism in Indonesia.

We apologize if there are any shortcomings in this report due to a lack of data, references, or analysis. However, the main purpose of this report is to serve as a reference for policymakers, media companies, other journalist organizations, media watch, universities, and the public in general, to improve the quality of press freedom and the welfare of journalists in Indonesia. AJI realizes that achieving the ideal conditions is not only AJI's responsibility. Instead, it requires a joint commitment between the government, the media industry, journalists, and the public.

Happy reading.

Sasmito
Chairman of AJI Indonesia
Summary

In 2021, we are still dealing with the Covid-19 pandemic, which has had a multi-sectoral impact. The emergence of new variants has pushed Indonesia into the second wave of doubling the number of Covid-19 cases. We recall how, during the peak of the second wave, which occurred between June and August, all health facilities collapsed due to a rise in the number of patients exceeding the hospital's capacity. Patients and their families who are worried about seeking medical care, a scarcity of oxygen cylinders, and tragic stories cover practically all of Indonesia's mass media coverage.

Journalists are one of the most vulnerable groups in such an impossible circumstance. This vulnerability stems from their profession, which requires journalists to keep visiting public places to provide accurate information to the audience. During times of crisis, the need for credible information grows, as does the amount of misinformation and disinformation regarding Covid-19 on the internet. Without accurate and credible information, the public health sector will be directly threatened.

However, in the middle of this crisis, journalists still encounter multiple barriers. In Indonesia, violence and silencing regulations continue to pose a serious threat to press freedom. On the other hand, when infected with Covid-19, several Indonesian journalists did not receive proper protection from media companies. This situation has been exacerbated by the implementation of the Job Creation Act, the impact of which has been significantly detrimental to journalists working in the media industry.

In this 2021 Year-End Note, AJI highlights three main issues according to the focus of AJI's struggle so far: press freedom, journalist welfare, and professionalism. First, in terms of press freedom, AJI Indonesia documented 43 cases of violence against journalists throughout 2021. This number has decreased by half from 2020 which reached 84 cases. However, the safety of journalists is not guaranteed because just one case has resulted in the perpetrator being brought to prison. This means that the trend of impunity for perpetrators of crimes against journalists is still ongoing. Maintaining the practice of impunity means allowing the cycle of violence to continue for years to come.

Misuse of the Information and Electronic Transactions Law to criminalize journalists is still happening. The year 2021 was marked by a 3-month prison sentence handed down by the Palopo District Court Judge against Muhammad Asrul. The news journalist was charged with violating Article 27 paragraph 3 of the ITE Law.

AJI also regrets the Constitutional Court's decision, which deems Article 40 paragraph (2b) of the ITE Law, which grants the government unlimited authority to block electronic information/documents, to be a constitutional issue. Whereas, in the absence of transparent and accountable procedures, the extraordinary authority might be used to restrict access to news sites or journalistic works published in online media.

In addition, AJI noted an alarming trend in which the Indonesian National Police three times labeled credible journalistic works with a hoax stamp. This incident is not only a form of neglect
of the Press Law-mandated reporting dispute procedure but also evidence of a systematic effort to suppress information in a crisis.

Another indication for controlling information is the act of spying and stalking (surveillance) when the Indonesialeaks team investigated the coverage of the national insight test process for former KPK employees. Terror in the form of hacking was also experienced by Watchdoc Documentary's Instagram account, shortly after they released a documentary about KPK employees who were removed through TWK.

Second, the aspect of welfare. When the peak of the second wave struck in June-August 2021, AJI Indonesia noted that 40 percent of journalists who were infected with AJI did not receive support from media companies such as assistance with living expenses, assistance with Covid-19 tests, or assistance to health facilities. This condition is concerning, considering that journalists should be the responsibility of the company where they work. Moreover, journalists are at the forefront of providing information to the public.

The low awareness of media companies towards their journalists is exacerbated by the vulnerability of journalists being dismissed unilaterally with low severance pay. This is due to the implementation of the Job Creation Law, often known as the Omnibus Law, which was enacted on October 5, 2020. This rule also has implications for the low implementation of the provincial minimum wage (UMP), which will be enforced in several regions in 2022.

Third, regarding the aspect of professionalism, AJI emphasized online media coverage of the Covid-19 vaccine, gender, and the environment. In terms of the Covid-19 vaccine, journalists and media must be more critical in overseeing vaccine governance and encouraging data disclosure, such as handling Adverse Events Following Immunization (AEFI). Furthermore, vaccine-related news must avoid headlines that may enhance the fear of those receiving vaccinations.

In terms of gender, AJI criticizes media coverage that is still gender-biased and exploitative for the sake of gaining clicks. Ignoring this actually perpetuates discrimination and violence against women and gender minorities. Lastly, regarding environmental issues, the media needs to be critical in overseeing various policies that will actually exacerbate the climate crisis. Various ecological disasters that occur are an alarm that the climate crisis threatens human survival.

The relation to the decline of democracy

The note on the condition of the press above, of course, cannot be separated from the context of the declining quality of democracy in Indonesia in the last five years. This is because the guarantee of a free press is one of the elements in a democratic country. The decline in the quality of Indonesia’s democracy has been shown by several surveys, policies, and repressive measures that restrict other civil liberties.

According to Freedom House, for example, Indonesia’s index of freedom in 2013 fell from free to half free, followed by a decline in scores in at least the last three years. In 2021, Indonesia’s freedom index score is 59, down two points compared to 2020 with a score of 62. Freedom House highlights the arbitrary police arrests of 51 citizens under the pretext of fighting hoaxes in

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1 [https://freedomhouse.org/country/indonesia/freedom-world/2021](https://freedomhouse.org/country/indonesia/freedom-world/2021)
2020, massive arrests of protesters over the issuance of the Job Creation Law, and treason charges against activists and students involved in racism protests in Papua.

The signal of the decline of democracy is shown by the use of several articles in the ITE Law to silence critics. Reports compiled by the civil society coalition from 2016 to February 2020, for cases with articles 27, 28, and 29 of the ITE Law, show that the conviction rate reaches 96.8% (744 cases) with a very high imprisonment rate of 88% (676 cases).

Efforts to control the digital space are shown by the deployment of buzzers to control opinions and criticism of the government. Digital attacks such as doxing, hacking, and harassment are becoming a trend to target journalists, activists, and other critical groups. According to SAFEnet data, digital attacks during 2020 reached 147 incidents. Other signals include the systematic weakening of the Corruption Eradication Commission and the ratification of the controversial Omnibus Law or the Job Creation Law.

**Solidarity and Collaboration**

With these challenges, on the other hand, we are happy with the growing public support for the issue of press freedom and the increasing collaboration in journalism in times of crisis. This was seen when the report on Project Multatuli was labeled a hoax by the Luwu Timur Police on October 6, 2021, which then sparked considerable public solidarity. Netizen fought back by bombarding the Indonesian Police account with criticism and viral hashtags from the #PercumaLaporPolisi report series.

Public support also came in the form of donations to AJI to help journalists infected with Covid-19. Since June 2021, AJI together with networks such as Maverick and the Forum Wartawan Teknologi, have opened donations to help journalists who have been affected by Covid-19 but have not received support from media companies. AJI recorded donations of more than Rp. 300 million came from individuals, institutions, and the private sector.

This public solidarity is also quite important to raise mutual awareness of the importance of independent journalists and media that can present quality journalism. Public support will ultimately be able to restore public trust in journalists and the media itself. In the end, the public can support the sustainability of the media business in the future.

Regarding the development of collaboration to support the quality of journalism, it can be seen how several mainstream and alternative media are also busy republishing a report entitled “My Three Children were Raped, I Reported to the Police. The Police Stop the Investigation” after the Project Multatuli website was attacked by a DDoS, making it difficult for the public to access. Media solidarity through republication is a good practice that can be adopted when a similar case occurs in the future.

The collaboration on investigative coverage led by Indonesialeaks still continues in 2021, which has succeeded in publishing three reports on the irregularities of the National Insight Test (TWK). The coverage is the result of collaboration between Tempo, Suara.com, Jaring.id, Quoted from the Serious Coalition for the Revision of the ITE Law. 2021. Policy Paper: Notes and Civil Society Urges on Revision of the ITE Law. Jakarta.

Independent.id, Tirto, KBR, and The Gecko Project. When the KPK weakens, the media must be at the forefront of exposing crime scandals and corrupt practices in various sectors. This is not a simple task, but with this sort of collaboration, it could become one of the solutions to various challenges.

To ward off misinformation and disinformation that is increasingly spreading during the pandemic, the collaboration of journalist organizations, media organizations, academics, and civil society should also be appreciated. Several media actively publish fact-checking articles that help the public get facts in times of crisis. AJI is still running some training to help journalists, professors, and students improve their skills. In addition, various organizations are also increasing digital literacy training, media literacy, and information all to support the development of a credible information ecosystem in the digital space.
Part 1
Perss Freedom

In terms of press freedom, AJI analyzed the number of cases of violence that AJI collected through the AJI Advocacy website. The data collected comes from daily monitoring and has been verified by the Advocacy Division of AJI Indonesia involving 40 AJI cities, from Aceh to Papua. In addition to cases of violence, AJI also highlighted new forms such as the delegitimization of journalistic work and the laws or regulations used to limit the work of journalists or independent media.

The number of cases of journalist violence recorded from January 1 to December 25, 2021, reached 43 cases. The most common types of violence were terror and intimidation (9 cases), followed by physical violence (7 cases) and prohibition of reporting (7 cases). AJI also noted that there were still 5 cases of digital attacks, 5 cases of threats, and 4 cases of criminal and civil prosecution.

In terms of perpetrators, the police rank first with 12 cases, followed by unknown persons in 10 cases, government officials in 8 cases, residents in 4 cases, professional workers in 3 cases, corporations, TNI, prosecutors, and mass organizations each with 1 case.

Meanwhile, based on geographical distribution, most cases of violence occurred in North Sumatra Province with 5 cases, followed by DKI Jakarta (4 cases) and Lampung Province (3 cases). The rest occurred in Central Sulawesi, Southeast Sulawesi, West Sulawesi, and East Java, each with 3 cases.

One of the cases that will attract attention in 2021 is the persecution experienced by a Tempo journalist in Surabaya, Nurhadi on 27 March. Nurhadi experienced physical violence and intimidation while reporting on the alleged bribery case, which allegedly involved an official from the Directorate General of Taxes at the Ministry of Finance, Angin Prayitno AJI.

The Surabaya District Court is currently trying two active police defendants, members of the Surabaya Regional Police as the perpetrators of the persecution, namely Purwanto and Muhammad Firman Subkhi. The public prosecutor has demanded the two defendants each serve 1 year and 6 months in prison. Prosecutor Winarko in his memorandum of charge said that the two active police officers were found to have violated Article 18 paragraph (1) of Law no. 40 of 1999 concerning

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4 Data recapitulation and data updates can be accessed at: https://advocation.aji.or.id
5 The chronology of violence can be read at: https://aji.or.id/read/press-release/1181/aliansi-anti-kekerasan-terhadap-jurnalis-desak-polisi-usut-tuntas-kasus-kekerasan-terhadap-jurnalis-nurhadi.html
Types of Violence against **Journalists 2021**

The number of cases of violence against journalists recorded from January 1 to December 25 reached **43 Cases**

- **9** Terror and Intimidation
- **5** Digital Attacks
- **7** Coverage Bans
- **7** Threats
- **3** Deletion of Reports
- **1** Detention
- **7** Physical Violence
- **4** Lawsuits

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**Perpetrators of Violence against Journalists 2021**

- Police take first place **12 Cases**
- Followed by unknown people **10 Cases**
- Government Officials **8 Cases**
- Professional Worker **4 Cases**
- Inhabitant **4 Cases**
- Bureaucrat **1 Cases**
- Prosecutor **1 Cases**
- Mass organizations **1 Cases**
- Corporate **1 Cases**
- Indonesian National Armed Forces (TNI) **1 Cases**

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**Distribution of Cases of Violence against Journalists 2021**

Most cases of violence occurred in North Sumatra (5 cases)

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the Press in conjunction with Article 55 paragraph (1) of the Criminal Code. "They have been proven together to hinder the work of journalists," said Winarko when reading the memorandum of charge at the Surabaya District Court, Wednesday, December 1, 2021.

Purwanto and Firman are still being demanded to give restitution to victim Nurhadi in the amount of Rp. 13,813,000, and to key witness Muhammad Fahmi in the amount of Rp. 42,650,000. If they are unable to pay the restitution, the prosecutor demands that the two defendants replace it with imprisonment for 6 months.

The case of Nurhadi has become a concern because it is the only case of journalist violence in which the perpetrators are police officers and have been brought to justice – where dozens of other cases involving police perpetrators have never been investigated. The verdict given to the defendant will later become evidence of whether the Surabaya District Court Panel of Judges enforces the law as fairly as possible on the perpetrators of crimes against journalists or vice versa: extends the practice of impunity. AJI also continues to urge the Surabaya Police to uncover this case so that it touches intellectual actors.

The next case that is in the spotlight is the terror that befell three Papuan journalists: Victor Mambor, Lucky Ireeuw, and Maikel Djasman. Journalist and founder of Tabloid Jubi, Victor Mambor, was intimidated by vandalism. Damage occurred to the windshield and the left side of the car. Meanwhile, the front and rear doors were scribbled with orange spray paint. The vandalism occurred between 00.00 and 02.00 WIT, on Wednesday, April 21, 2021.

This intimidation was part of a series of attacks against Victor, which included digital, doxing, and distributing flyers (digital flyers) on social media which often cornered Tabloid Jubi and Victor's personal.

Not much different, the windshield of the editor-in-chief of Cenderawasih Pos, Lucky Ireeuw, was damaged by an unknown person (OTK) at Hamadi Pier, South Jayapura District, Jayapura City. This violence is expected to occur on Saturday, August 7, 2021 evening.

Third, the house of TVRI West Papua journalist Maikel Djasman was shot by an unknown person (OTK) on Saturday, October 16, 2021. Djasman's house is located in East Sorong District, Sorong City, West Papua. Djasman's family said they were traumatized by the incident and hoped that the police would soon reveal the motive and perpetrator of the shooting at his house.
The three cases have been reported to the police, but there has been no major progress from the report, instead, there are suspects who have been dragged away.

Another case found by AJI was the practice of surveillance by the police against journalists and media from the IndonesiaLeaks team. As many as 4 people claimed to be from Polda Metro Jaya and Polres Jakarta Selatan following sources and journalists from IndonesiaLeaks while at the Tempo office, Friday, May 28, 2021. Some unknown people took photos of IndonesiaLeaks journalists while conducting interviews with sources at Café Malik and Co, Sabang, Monday, May 31, 2021.

**Digital attack**

AJI Indonesia noted that there were five cases of digital violence against journalists and media that occurred in 2021. Two cases of doxing were experienced by the journalist liputan6.com in Kendari, Akbar Fua and the journalist apahabar.com in Banjarmasin, Fariz Fadhillah. Doxing is tracking and disassembling someone's identity, then spreading it on social media for negative purposes. The other two attacks were distributed denial-of-service (DDoS) attacks, such as those experienced by the Jaring.id site and Project Multatuli.

A DDoS attack occurred on the Jaring.id website, on Saturday, July 3, 2021, at around 20.08 WIB. At that time the net.id site could not be accessed and the words I'm under attack appeared. The attack took place for 5 minutes, at around 19.41-19.46 WIB, with a total of 21,059 attacks. The Jaring.id website recovered and returned to normal at around 23:53 WIB.

Another DDoS attack hit the Projectmultatuli.org website on Wednesday, October 6, 2021, at 18.00 WIB. Throughout the night, many readers complained that they could not access the news on the site. On the morning of October 7, it was discovered that there had been a DDoS attack on the website following the publication of the #PercumaLaporPolisi report series with the title “My Three Children were Rape, I Reported to the Police. The Police Stop the Investigation” which was published at 16.00 WIB.

At 16.30 WIB, the Project Multatuli social media team shared social media content on Instagram, followed by the publication of content on Twitter at 19.00 WIB. Before being uploaded to the Project Multatuli social media channel, the reportage link had been distributed through the Project Multatuli team's personal accounts on Twitter and received a huge response so that it had an impact on the difficult-to-access web.
The IndonesiaLeaks website also experienced a hacking attempt on Friday, May 28, 2021. In addition, there was an act of deleting a thread made by the social media account IndonesiaLeaks on Twitter, on Sunday, June 6, 2021. There was also an attempt to take over Tempo.co Instagram account, on Monday, June 7, 2021. Then there was a suspicious WA message from an unknown number to the coordinator of the investigative coverage team of several media, before the IndonesiaLeaks manuscript was published, at 03.44 WIB, Sunday, 6 June, using a business account.

The collaboration of some media outlets within IndonesiaLeaks at the time published investigative coverage related to the alleged long-standing leader of the Corruption Eradication Commission (KPK), resulting in the formation of a list of 75 KPK employees to be removed through the National Insight Test (TWK). According to the investigative report, the TWK was allegedly designed from the beginning to get rid of personnel who opposed the KPK leadership. This is because the process of drafting the regulations for the test is also odd, with the parameters of the method and size of TWK passing being unclear.

WatchDoc's Instagram account, in addition to the IndonesiaLeaks team, was hacked on Sunday, June 6, 2021. The hack of the Watchdoc Instagram account coincided with the release of a documentary entitled "KPK End Game". This film features information from KPK employees who have not passed the National Insight Test (TWK). After the documentary was released, WatchDoc's Instagram account changed to watchwatchwatchhehe. There are no uploads at all from that account. Whereas previously, Watchdoc was actively uploading its products and activities on the account.

The digital attacks that hit the media that raised TWK were not only obstacles to press freedom but also had to be seen more broadly as part of information control over efforts to systematically weaken the KPK. The weakening of the KPK itself has begun, at least Novel Baswedan was doused with hard water, the ratification of the revision of the KPK Law, the election of Commissioner General of Police Firli Bahuri as the Chair of the KPK, until the Constitutional Court rejected the formal review of the revision of the KPK Law.

Terror against journalists is also related to how criticism of efforts to weaken the KPK has so far resulted in oppressive acts by both the police and other unknown parties. During protests against the revision of the KPK Law and the RKUHP in 2019, for example, at least 232 people were injured. When the criticism on TWK grew in 2021, the devices of a number of former KPK employees who had been subjected to the test, as well as eight ICW activists, were hacked. Control of public opinion in the digital space over the KPK's weakening is also carried out by buzzers through the propaganda of the narrative "There is a Taliban in the KPK."

**Criminalization and blocking of content with ITE Law**

The defamation article in the ITE Law (Article 27 paragraph 3) is still being misused by law enforcement officials to criminalize journalistic work. On November 23, the panel of judges at the Palopo District Court, South Sulawesi, sentenced Berita.news journalist Muhammad Asrul to three months in prison. He was charged with violating Article 45 paragraph 1 in conjunction with Article 27 paragraph 3 of the Electronic Information and Transaction Law or the ITE Law.

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Whereas on March 4, 2020, the Press Council, in this case, has issued a Statement of Assessment and Recommendation (PPR) of the Press Council Number 187/DP-K/III/2020, which concludes that Muhammad Asrul’s work is a journalistic product. This decision ignores the Press Law as a lex specialis law to protect press freedom, which gives the Press Council a mandate to handle news disputes. The Indonesian National Police who investigated the case had also ignored the Memorandum of Understanding between the Press Council and the National Police Number 2/DP/15/II/2017 regarding Coordination in the Protection of Press Freedom.

This verdict adds to the long list of criminalization of journalists by using the ITE Law. In 2020, AJI noted that two journalists were found guilty of violating the ITE Law. First, Mohamad Sadli Saleh was sentenced to two years in prison by the panel of judges at the Pasarwajo District Court, Buton Regency, Southeast Sulawesi on Thursday (26/3/2020). The judge considered Mohammad Sadli Saleh guilty of violating Article 45 Paragraph 2 in conjunction with 28 Paragraph 2, Article 45 Paragraph 3 in conjunction with Article 27 Paragraph 3 of the ITE Law.

Second, the journalist Banjarhits.id/Kumparan.com Diananta Putra Sumedi was sentenced to 3 months and 15 days in prison by the Kotabaru District Court judges, Monday (10/8/2020). The panel of judges assessed that Diananta was found guilty of spreading information aimed at causing hatred or hostility to certain individuals and/or community groups based on ethnicity, religion, race, and inter-group following Article 28 of the Electronic Information and Transactions Law.

In addition to the verdict against journalist Asrul, AJI noted that there were three cases of reporting journalists under the ITE Law in 2021. One case occurred in Bangka Belitung after writing about a mine allegedly involving the name of Vice President Ma'ruf Amin. Another case occurred in Gorontalo, where the Head of the local Kominfo Service reported three media. Another case happened to a journalist in Medan after writing about the Cakra Fruit Education Park which was allegedly related to the wife of the Governor of North Sumatra.

In addition, the Press Council noted that there were at least 44 cases coordinated by the Indonesian Police with the Press Council regarding alleged violations of the ITE Law throughout 2021. This record shows that ambiguous articles in the ITE Law have the potential to bring journalists behind bars.

The use of Article 27 paragraph 3 (defamation) of the ITE Law in conjunction with Article 45 paragraph (3) cannot be applied to journalistic works that contain the public interest. This was also confirmed in the Joint Decree (SKB) regarding the guidelines for the implementation criteria of the ITE Law which was signed by the National Police Chief General Listyo Sigit Prabowo with the Minister of Communication and Information (Menkominfo) Johnny G Plate and Attorney General ST Burhanuddin in June 2021.

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8 The result of AJI's coordination with the Press Council, December 2021.
In the SKB Guidelines it has been stated that journalistic work is excluded from the imposition of Article 27 paragraph 3 of the ITE Law which reads: *For news on the internet carried out by the Press institution, which is journalistic work following Law 40 of 1999 concerning the Press, a mechanism is applied following the Act. The press is a lex specialis, not Article 27 paragraph (3) of the ITE Law.*

However, AJI sees the SKB as not a solution as long as the problematic articles are still in the ITE Law. Because the root of the problem lies in the ambiguous formulation contained in the two articles, coupled with poor implementation in the field. So that the use of the two articles can be used by certain parties to silence journalists.

Last September, the DPR approved four bills (RUU) to be included in the 2021 Priority National Legislation Program (Prolegnas) at a plenary session, one of which was the Bill on Information and Electronic Transactions (ITE). This will be an opportunity for the government and DPR RI to seriously revoke problematic articles according to the aspirations of the people and to protect press freedom and freedom of expression in general.

In addition to the criminalization of journalistic works, AJI is also disappointed with the decision of the Constitutional Court which rejected the application in its entirety in case number 81/PUU-XVIII/2020 on the judicial review of Article 40 paragraph 2b of the ITE Law, on the termination of access to electronic information/documents. However, two MK judges, namely Saldi Isra and Suhartoyo, expressed dissenting opinions. According to both of them, the norms of Article 40 paragraph 2b of the ITE Law do not contain any procedures that must be carried out by the government in terminating access and/or ordering the termination of access.

The review of the article to the Constitutional Court was submitted by AJI and Arnold Belau from Suarapapua.com whose website was blocked by the government in 2016. The request for a review of the norms stemmed from civil society concerns regarding the government’s authority to cut internet access without being accompanied by a clear restriction mechanism. The Appellant requested that the article be declared conditionally unconstitutional and asked the Government to be required to issue a State Administrative Decree (KTUN) in writing before exercising its authority.

The government's authority is not accompanied by clear restrictions and mechanisms, especially in the pre-severance process, making parties such as the judiciary, the public, and other relevant state institutions lose the opportunity to control the Government in exercising their authority. Without restrictions and transparent mechanisms, this authority can be misused by the government to control information by blocking news and sites such as those experienced by Suarapapua.com.

**Another threat: hoax stamp on journalistic works**

Efforts to control information during a massive pandemic were carried out by the Indonesian Police by labeling journalistic works as hoaxes or false news. This attack was experienced by three media such as projectmultatuli.org, Republica.co.id, and Kompas.id. This labeling poses a serious threat to press freedom in Indonesia since it can destroy public trust in the media.

The first case occurred in Kompas.id after publishing news entitled “Out of Oxygen, 63 Patients at RSUP DR. Sardjito Dies in a Day” on July 4, 2021. The Public Relations Division of the Police and the Bengkulu Police then stamped a hoax on the news. Even though the news was based on data submitted by the Public Relations of RSUP Dr. RS. Sardjito which was later clarified by the President Director of RSUP Dr. Sardjito. Although there is clarification, it does
not mean the news is fake. In fact, central oxygen at Dr Sardjito Hospital is really scarce and the patient is being supported with oxygen cylinders, sent from the DIY Regional Police. This critical condition has caused many Covid-19 patients to be left untreated.9

The second case happened to Projectmultatuli.org after publishing the #PercumaLaporPolisi report series with the title “My Three Children were Raped, I Reported to the Police. The Police Stop the Investigation.” After the Project Multatuli social media team shared the news on Instagram and Twitter, their report was labeled a hoax by the East Luwu Police on October 7, 2021.

While the third case experienced by Republika.co.id and Kabar6.com after publishing a report entitled "Students Protested, Tangerang Police Chief Ready to Resign" was also labeled a hoax on the Instagram account @polreskotatangerang, on Saturday, October 16, 2021. Even though the Kapolresta statement occurred when he met with students to discuss student demands for the police to fire Brigadier NP who has acted repressively.10

The Indonesian Police cannot equate journalistic work with hoaxes circulating on the internet. Hoax is false news that is not based on facts and is shared without verification or on purpose for a specific reason. Meanwhile, the news released by the four media outlets has been verified, thus it is not categorized as fake news.

Objections to media coverage have been regulated through Law No. 40 of 199 concerning the Press. Thus, the Indonesian Police may request the right of reply and the right of correction as stipulated in Article 5 of the Press Law. The police can also report to the Press Council, which has the authority to settle public complaints about press reporting cases. As law enforcement officers, the police should be able to serve as role models for the community by operating following existing laws and regulations.

Furthermore, AJI views the labeling of journalistic works as hoaxes as an attempt to delegitimize journalistic works and undermine public trust. This is part of the Indonesian Police's efforts to control information related to handling the pandemic.**

9 The case chronology can be read at: https://aji.or.id/read/press-release/1241/kepolisian-mengecap-berita-terkonfirmasi-sebagai-hoaks-adalah-perbuatan-membungkam-kebebasan-pers.html
10 Full case chronology at: https://ajijakarta.org/2021/10/19/aji-jakarta-kecam-pelabelan-hoaks-berita-oleh-polres-kota-tangerang/
Part 2
Welfare

The impact of the Covid-19 pandemic on the welfare of journalists is still ongoing in 2021. This pandemic reached the peak of the second wave when several new variants of Covid-19, including the Delta variant, attacked Indonesia in June 2021 and caused a significant spike in cases. Amid this continued threat, journalists still have to work in risky places to report on spikes in cases, health services, and the efforts of citizens to fulfill their daily needs.

From internal data collected by AJI, 110 AJI member journalists were positive for Covid-19 from the end of June to the end of August 2021. However, of this number, 47 journalists (40 percent) did not receive support from the company where they worked. This support includes life support, cost of testing (antigen/PCR), as well as assistance with access to health facilities. The average
journalist has to pay for their Covid-19 tests, at a time when free services from the government are also not available.

There are still many media companies that do not have Covid-19 Guidelines and Mitigation which regulates management when media workers are exposed to Covid-19. As a result, when journalists are exposed to Covid-19, media companies are less responsive to help find access to medical care services, oxygen needs, and medicines.

Journalists who are most vulnerable to this condition are journalists with the status of non-permanent employees, otherwise known as contributor, freelance, and stringer journalists. They are most vulnerable because they do not get a fixed monthly wage. Their welfare is uncertain, depending on the amount of news that is published in the media. Another impact, when they are infected and have to undergo self-isolation or quarantine for 10 days to 14 days, there is practically no more income into their pockets. Ironically, the media company turned a blind eye to not providing living expenses for the journalist's family.

Employment cases also occur during the pandemic. Based on data from AJI Jakarta and LBH Pers, there were at least 87 media workers who complained about employment this year. The media workers consist of journalists, editors, videographers, production assistants, copywriters, and HRD. Most of the workers complained that they had not received their salary for several months (32 people), were terminated (22 people), were laid off (21 people), paid in installments/deducted/late payments (9 people), and the issue of workers' normative rights (3 people).

The abovementioned employment cases have been exacerbated by the enactment of Law Number 11 of 2020 on Job Creation, which has severely harmed journalists and media workers. The bill, which sparked outrage from the start, was passed on October 5, 2020, despite widespread protest. The Job Creation Law went into force on November 2 after President Joko Widodo signed it. The government has created 49 implementing rules under the Job Creation Law. There are 45 government regulations and four presidential regulations in all.

Rub salt into the wound. Those are the proverbs that may represent the condition of journalists after the Job Creation Law was passed when welfare fell during the pandemic. As experienced by journalist Obet Gerimu in East Nusa Tenggara who has worked for 10 years, then was dismissed unilaterally on July 7, 2021. Not only was he laid off, but he also did not receive his rights (severance pay) as a worker even though the Manpower Service issued an appeal letter to the company. Even then, the recommendation issued by the Manpower Office is only around Rp. 10,400,000 or 5 times the wage. This amount is far compared to the provisions of severance pay and years of service in Article 156 of the Manpower Act, which ranges from 13 times the wage for workers over 8-12 years old.

The second example is experienced by KBR journalist Friska Kalia. Friska received a unilateral layoff announcement at the end of September 2021. The company where Friska works use two rules for consideration, namely Company Regulation and Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time, and Rest Time and Layoffs.

With PP 35/2021, employers can commit urgent violations regulated in work agreements or company regulations. In the case of Friska, it was due to her activities on social media which
were deemed not following the facts in the company environment. Whereas according to the provisions in Article 158 of the Manpower Law, employers can lay off workers because the workers have made serious mistakes. Among other things, fraud, theft, molesting or committing acts within the company environment which are punishable by imprisonment for more than 5 years. Even then, the grave error must be supported by evidence such as the worker being caught red-handed and other evidence in the form of an incident report with at least two witnesses.

The Job Creation Law also affects the wages of all journalists in Indonesia. The Ministry of Manpower determined that the national average minimum wage rose only 1.09 percent. The amount of the 1.09 percent wage increase is the aftermath of the new provision Number 36 of 2021 on Wages, a direct derivative of the Omnibus Law of the Job Creation Law. In the Government Regulation (PP) Wages, the minimum wage is set without involving the workers. Although there is a role for the Wage Council to provide advice, it is not sufficient to ensure the involvement of workers in determining the minimum wage. The minimum wage provisions in the PP Wages only pay attention to the variables of purchasing power parity, the level of employment, and the median wage without considering the aspects of workers' needs for a decent living.

The policy of setting the 2022 minimum wage is contrary to Article 27 paragraph (2) of the 1945 Constitution, which states that everyone has the right to work and a decent living. It is also emphasized in Article 28D paragraph (2) of the 1945 Constitution, regarding the right to work, to receive remuneration, and fair and proper treatment in an employment relationship.

The determination of the 2022 minimum wage has made the welfare of media workers even worse, after being affected by the COVID-19 pandemic. Research by AJI Indonesia with the International Federation of Journalists (IFJ) involving 700 journalists at the end of 2020, revealed that 83.5 percent of journalists were affected by the economy from the pandemic, in the form of salary cuts (53.9 percent), salary cuts (24.7 percent), Termination of Employment (5.9 percent), and being laid off (4.1 percent).

With such a real impact and a poor legislative process, the Constitutional Court's decision on the judicial review of the Job Creation Law proposed by labor organizations was disappointing. The Constitutional Court did decide that the establishment of the Job Creation Law was contrary to the 1945 Constitution and had no binding legal force. In addition, the Constitutional Court decided to suspend all strategic and broad-impact actions or policies and prohibited the issuance of new implementing regulations related to the Job Creation Law.

However, the Constitutional Court also stated that the Job Creation Law was still in effect until the revision of the Job Creation Law was made within two years of the decision being pronounced. This decision triggers different interpretations between the government or employers and workers. The government and employers believe that this law will remain in effect for the next two years, while workers are of the view that this law should be annulled because it contradicts the 1945 Constitution.
Part 3

Professionalism

In the professionalism section, AJI highlighted three issues, namely how the online media reported about the Covid-19 vaccine, gender, and the environment. These three issues surfaced during 2021 and became public attention during the Covid-19 pandemic.

The first is related to the news of the Covid-19 vaccine. Focus on this issue because countries globally including Indonesia have started vaccination as an effort to reduce the severity of Covid-19 infection. Meanwhile, infodemic related to vaccines is circulating on social media and the number is increasing after the official vaccination is carried out. The infodemic can certainly reduce public acceptance of the vaccine. Whereas the vaccination program will be successful if it reaches herd immunity or group immunity. In Indonesia, to achieve herd immunity, vaccination must cover 70 percent of the population or in the range of 181,554,465 people.

This is where the role of the media becomes important to provide education and build public trust in the Covid-19 vaccine. However, based on the results of AJI's quick scanning through the Google search engine, AJI still found several online media that submitted reports with clickbait and scary titles. For example, news entitled 2 Citizens Died After Vaccination, Health Office Conducts Investigation, This is the Result published by JPNN; or the Berita Satu report entitled Her Husband Dies After Vaccination, Wife: If I Know This, I Won't Allow; Again, Residents Died After Covid Vaccine published by Inews.id.

News headlines like this can add to the fear and distrust of citizens in the Covid-19 vaccine. In the news guide about the Covid-19 vaccine, First Draft reminded that the choice of title is very important as the first thing the audience sees or reads. Therefore, headlines should avoid using emotional, provoking, and amplifying vaccine rumors.

On the other hand, AJI understands that the availability of data related to vaccine governance, distribution, side effects, and handling of Adverse Events Following Immunization (AEFI) from the authorities is inadequate and transparent. The unavailability of transparent data causes information about the deaths of residents after receiving the Covid-19 vaccine to be confusing.

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14 [https://firstdraftnews.org/vaccineinsights](https://firstdraftnews.org/vaccineinsights)
and can be used as disinformation. This has also contributed to the hesitation of some people to receive the vaccine.

In a situation like this, the media should be more skeptical and critical of any data presented by stakeholders. The media also needs to convey the side effects of each vaccine used. According to WHO, no vaccine in history has progressed through clinical trials and pre-approval as quickly as the Covid-19 vaccine. Thus, clearly stating the possible side effects of each given vaccine will help inform the public and facilitate their acceptance as well as report side effects experienced by participants in vaccine trials.15

In addition, journalists need to avoid over-reporting that focuses on a small number of side effects because they can affect one's perception of vaccines. Instead, according to WHO, journalists need to remind the public more about the benefits of all vaccines. Doubts about vaccines can only be overcome by reporting facts and figures about the efficacy of vaccines in ending epidemics throughout history.

**Second**, news related to gender. It's still fresh in our minds, about the news entitled *Sadistic Facts, Aprilia Manganang with Mini Penis and Peeing through the Bottom* which was published by viva.co.id on March 19, 2021. Then viva changed the title of the news to *Shocking Facts of Aprilia Manganang, Unnatural Peeing*16. The news is inappropriate because it exploits the private sphere into the public sphere, demeans a person's physical disability, and discriminates against gender minority groups.

AJI had reported this news to the Press Council because it considered that there was a violation of Articles 8 and 9 of the Journalistic Code of Ethics. The news violated several articles in the Journalistic Code of Ethics (KEJ). Article 8 KEJ states that Indonesian journalists do not write or broadcast news based on prejudice or discrimination against someone based on differences in ethnicity, race, skin color, religion, gender, and language and they do not demean the weak, poor, sick, mentally disabled or physically disabled. Meanwhile, Article 9 of the KEJ specifies that Indonesian journalists respect sources' privacy rights, except where it is in the public interest.

Such gender-unfriendly news is circulating in our online media. Just consider the following titles: *Diligently Update Hot Photos, this Sexy Athlete Floods Followers*17 on the TVOne page; *Beautiful like a Model, this Tokyo Olympic Athlete has been Seduced by Cristiano Ronaldo* on Suara.com18, and *5 Sexy Female Athletes Who Become Idols of Adam, Number 1 Will Appear at the 2020 Tokyo Olympics which is published by Okezone*19. This kind of news is often exacerbated by the choice of diction such as “turned around”, “tarnished”, “given up” to report cases of sexual violence. As a result, the news eliminates the elements of sexual crimes and instead strengthens the stigma of women as sexual objects.

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16 https://www.viva.co.id/sport/gelanggang/1357225-fakta-mengejutkan-april-manganang-kencing-tak-wajar
The picture above shows that the media is experiencing a gender-friendly reporting crisis. This can weaken the struggle for gender equality in various sectors and perpetuate discrimination and a culture of violence against women and gender minorities.

**Third,** related to environmental reporting, especially the climate crisis. This focus was taken prior to the implementation of COP 26 which took place in Glasgow, UK, on 31 October-13 November 2021. Under the 2015 Paris Agreement, Indonesia has committed to reducing its Greenhouse Gas (GHG) emissions by 29 percent with its efforts and 41 percent through cooperation by 2030. Emission reduction is targeted in the forestry sector by 17 percent and the energy sector with a target of 11 percent in achieving the Nationally Determined Contribution (NDC).

AJI did a quick scan on media coverage with the keywords “Food Estate Project” and “Battery-Powered Electric Cars”. The two keywords are because they are government-launched economic initiatives, and the two projects are strongly tied to environmental concerns that might prolong Indonesia's climate crisis. AJI conducted a quick scan on Kontan.id, Bisnis.com, Liputan6.com and Tribunnews.com on 18 August-18 October 2021.

Broadly speaking, most news originates from the government and the private sector, and it is heavily reliant on press conferences and press releases. AJI considers that the involvement of NGOs, academics, local communities, including indigenous peoples is very lacking so that the environmental perspective on the two economic policies does not appear in media coverage.
In a focus group discussion session with a number of online media at the end of October 2021, the editorial representative stated that the media business in the digital era and the impact of the pandemic also influenced their reporting. The implementation of PPKM, the decline in media income, and the recommendation to work from home have made journalists rarely go into the field so they rely more on conferences or online discussions. In addition, the media also do not have enough funds to make in-depth coverage or investigations.

Considering the impact of the climate crisis that has occurred before our eyes, the media should ideally mainstream environmental issues. This needs to be done by more critically monitoring policies or projects that will actually exacerbate the climate crisis.**
Recommendation

1. President Joko Widodo and the National Police Chief to carry out reforms within the National Police. This is because, practically every year, police officers have been the dominant actor in cases of violence against journalists. These reforms are needed to make the Police more professional, not violent, and to process cases of violence against journalists who are absent from the police. Of the 43 cases of violence against journalists throughout 2021, only one case has the perpetrator tried in court.

2. Law enforcement officers need to ensure that anyone who violates the law intentionally obstructs or hinders press freedom is sentenced to a maximum imprisonment of two years or a maximum fine of Rp. 500 million rupiahs. This is as regulated in Article 18 of the Press Law and to ensure that the same incident does not happen again.

3. The government and the DPR should eliminate problematic articles that threaten press freedom in the ITE Bill which will be discussed after the DPR recess. The President's Letter (Surpres) discussing the ITE Bill and its attached manuscript was sent December 16, 2021. Several articles in this bill make the work of journalists at high risk because it looks easy to be punished. Among other things, it regulates actions such as: distributing, transmitting and making accessible information or electronic documents.

   In addition, the DPR and the government must listen to the aspirations of the community and be transparent in the discussion of the Criminal Code Bill and the ITE Bill. Public involvement is an obligation that must be carried out by the DPR and the government in every regulation-making. So far, community involvement has only been ceremonial and not given sufficient time to provide input. As a result, communication-related to the discussion of the bill becomes one-way, without any feedback from the public.

4. The Press Council needs to strengthen the Memorandum of Understanding with law enforcement agencies such as the National Police, the Attorney General's Office, and the Supreme Court. This is since AJI is still recording journalistic products that have been declared as journalistic works by the Press Council and are still being criminally processed by the authorities. In fact, several of them, including news journalist Muhammad Asrul and journalist Banjarhits.id/Kumparan.com Diananta Putra Sumedi, were found guilty by the court. These improvements can be made by revising the points of agreement in line with the expiring terms. The Memorandum of Understanding between the Press Council and the National Police Chief, for example, will expire on February 9, 2022. The Press Council must involve the public, especially the press community, to obtain input that can strengthen points of agreement with law enforcement agencies.

5. The government and the DPR cancel the Omnibus Law Law no. 11 of 2020 on Job Creation and its derivative rules. For example PP 36 of 2021 concerning Wages that do not protect the welfare of workers. In addition to the consideration that the Constitutional Court has stated that the formation of this law is contrary to the 1945 Constitution. The Law on Job Creation has also been proven to have caused a lot of harm to journalists and media workers.
As a result, journalists who have an important role in disseminating information during the pandemic are in danger of losing their jobs.

6. The Ministry of Manpower needs to increase the supervision of media companies to ensure the rights of media workers. Among other things, starting from normative rights, worker health and safety, to severance pay due to the number of layoffs during the pandemic. In addition to the ministry, the Press Council can also ensure that media companies comply with the Press Council's Regulation on Media Company Standards. Especially the articles that regulate the wages, protection, and welfare of media workers. Among other things, they are required to provide wages at least 13 times a year and layoffs following the Manpower Act.

7. Media companies must be responsible for the safety and health of media workers following the legislation. Including assisting journalists who are victims of violence. The Guidelines for Handling Cases of Violence against Journalists ratified by the Press Council state that media companies are the first parties to protect journalists and families of victims of violence, both employees and non-employees. These responsibilities include medical expenses, evacuation of victims, legal assistance in the police and judiciary.

8. Journalists and media workers need to form or join trade unions, both within companies and across companies to fight for their rights. Without a forum for unions, journalists and media workers will find it difficult to stand on a par with media financiers. As a result, all company policies will depend heavily on company management or in this case media owners. The need for the association is also urgent because legal aid institutions such as LBH Pers and YLBHI have limitations to strengthen advocacy work on labor cases.

9. Media companies, press organizations, and the Press Council provide journalistic education to improve professionalism and understanding of ethics. This effort can also be strengthened by developing reporting guidelines such as gender and child friendly which are often ignored by the media.

10. The public needs to respect journalistic work which is protected by Law Number 40 of 1999 concerning the Press. The public can exercise the right of reply, the right of correction, or report following the mechanism regulated by the Press Law in the settlement of press disputes.
Selamat Natal dan Tahun Baru 2022