

Indonesia's Press Freedom And Law at Twenty-Five: Achievements, Legal Changes And Continuing Challenges

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Abstract

Political transition in Indonesia after Soeharto's regime has been deeply influenced by a decentralised model of governance, which affected to more serious attacks to the journalism. Despite the 1999 Press Law prohibits censorship, banning, and licence, including the dissolving of Department of Information, press freedom has been always disturbed. The extra-judicial killing, physical violence, criminalising against journalism, and other attacks through formal judicial process or other forms, included impunity system, have shown uneasy situation for journalist at field or members of the press to perform journalistic works. The political-economy contestation at the local level plays more important role, rather than the influence of situation and policies at national level. The challenge is the law enforcement to protect journalist at works has been easily deniable and disregarded due to the law system itself that does not give significance effect. The court has been used to collapse media, silencing opposition, retaliating, and terrorising journalism. While the current politics, digital technology shapes press freedom into new challenges, which are more complicated situation due to massive deception and its cyber troops. Hence, this article overviews how press freedom situation and its laws have been shaped at twenty-five years, and what would be possible situation in recent Prabowo's militarized governance in journalism. By using contextual analysis and historical approach, this article argues on how press freedom in Indonesia has been guaranteed by the law at last twenty-five years, and how Prabowo's militarized governance shapes press freedom.

Keywords: *free press, professional journalism, ULAP, impunity, avoiding the judiciary.*

1. INTRODUCTION

Press freedom has been seen as fundamental agenda for change in the early years after the demise of Soeharto's authoritarian regime. Press freedom is an important pillar to build democratization in the country. Therefore, the effort to guarantee press freedom during political transition post Soeharto has been struggled by many human rights and freedom supporters. Media reform is aimed for, first, removal of a single professional organisation for journalists and publishers; second, permit providers that contravene the press freedom principles and rights of the people should be dissolved, and the SIUPP (licence to publish and print) and broadcasting license should be abolished¹

¹ Media reform is aimed for, first, removal of a single professional organisation for journalists and publishers; second, permit providers that contravene the press freedom principles and rights of the people should be dissolved, and the SIUPP (licence to publish and print) and broadcasting license should be abolished. Vide: AJI press release about media reform, 23 May 1998.

However, political aspiration to guarantee press freedom in the constitution had failed.² Press freedom has actually never been guaranteed clearly in the Indonesian Constitution.³ Many legal scholars who argued the constitutionality of press freedom is laid down at Article 28 actually, which actually had never referred to its historical context of its making, as well as, the contradictory implementation of such article since 1945. Even, the idea of constitutionalising of press freedom was rejected during constitutional amendment. Given such fact, then the only strong protection of press freedom is based on the 1999 Press Freedom Law (Law Number 40 of 1999). This law was actually enacted at the same wave with Human Rights Law (Law Number 39 of 1999), which it also can be applicable to protect journalists or press workers.⁴

Hence, there are three fundamental protections for press freedom under the law. First, censorship was abolished; Second, press banning was no longer allowed; and the third, the press permit (SIUPP) could no longer be revoked. Any violation of these provisions, including by officials, are considered a crime, and punishable by up to two years of imprisonment or a fine of up to Rp. 500,000,000 (US\$ 30,000). Positive development was also strengthened by the annulment of Ministerial Decree 1 of 1984 on the SIUPP⁵ and 47/Kep/Menpen/1975 and 184/1978, both about the regulation of journalists.⁶ Press freedom steadily became more respected in the early years of *reformasi* (reform of post Soeharto era), especially during the Abdurrahman Wahid ('Gus Dur') administration. A major step he took was to abolish the cornerstone of New Order press repression, the Department of Information.⁷ However, in the period leading up to Abdurrahman Wahid's resignation, he criticized the media for being so biased in reporting politics, and more reflective of the interests of the media owners and weakening his position in building democracy.⁸

Despite the Press Council's roles are limited, but this became more important since the Supreme Court enacted Circular Letter 13/2008, which puts courts under the obligation to invite a Press Council member or appointed person as an expert witness in press legal cases.^{9,10} Hence, we may conclude that in the early post-Soeharto years several important legislative and policy steps were taken to support freedom of expression and press freedom.

In the early years of *reformasi*, it seemed like there were fundamental thoughts and policies for the protection of press freedom. These changes were followed by a number of government political commitments in accommodating and recognizing the human rights legal system whose international law has been ratified. However, it is necessary

2 Sofie Shinta Syarief. The Declining Freedoms of Speech and Press in Indonesia: New President, Same Problem? Fulcrum, 23 Oct 2024, <https://fulcrum.sg/the-declining-freedoms-of-speech-and-press-in-indonesia-new-president-same-problem/>

3 Adriaan Bedner. Administrative Courts in Indonesia: A Social Legal Study. The Hague: Kluwer Law International, 2001.

4 Herlambang P. Wiratraman. Press Freedom, Law and Politics: A Socio Legal Study. PhD Thesis. Leiden Law School. 2014.

5 By Minister of Information Regulation 01/PER/MENPEN/1998 on SIUPP.

6 Minister of Information Regulation 02/PER/MENPEN/1998 on Journalists, 5 June 1998. Yunus Yosfiah, was the new minister of information.

7 Minister of Information Regulation 02/PER/MENPEN/1998 on Journalists, 5 June 1998. Yunus Yosfiah, was the new minister of information.

8 McCoy Mary. *Scandal and Democracy: Media Politics in Indonesia*. 1st ed. Ithaca, NY: Cornell University Press, 2019.

9 Angela Romano, Stanley Adi Prasetyo, Susanne Fengler, Matthias Karmasin, and Tobias Eberwein. "Indonesia: A Press Council with Exceptional Powers." In *The Global Handbook of Media Accountability*, 1st ed., 449–58. Routledge, 2022. doi:10.4324/9780429326943-51.

10 Suriyanto, Suriyanto. "The Function of the Press Council in Supporting Legal Protection for Journalists to Actualise the Press Freedom." *Journal of Politics and Law* (Toronto) 13, no. 1 (2020): 104-. doi:10.5539/jpl.v13n1p104.

to reflect on the basis of cases, how press freedom obtains or achieves its freedom and whether that freedom goes hand in hand with the strengthening of the rule of law and democracy in Indonesia. This article examines press freedom from the perspective law in its social-political context, especially looking at from regime to regime after the demise of Soeharto in the last twenty-years administration. This article will contribute to understanding a quarter of a century of press freedom and how the laws that were created and implemented contributed to supporting its democracy. At the end, this article argues that Indonesia's press freedom is not unique in the case of Indonesia, but also common in the neighbouring countries context especially in relation to the significant role and relations between state, market, politics and society¹¹

In general, this article uses a social theory of law, as part of realistic socio-legal theory as coined by Tamanaha.¹² Having this theory, law is not just as a set of abstract rules, but as a social phenomenon deeply intertwined with social structures, practices, and beliefs. This is also needed to understand deeply from historical point of view, how the press freedom has been shaped by regime and its social-political context. Therefore, undeniable this article uses contextual analysis for any legal or judicial issues appeared.

2. ANALYSIS AND DISCUSSION

2.1. Freer Situation, Less Protection: 1999-2014

Ahmadi, an Aceh journalist from the *Harian Aceh* (Aceh Daily) who covered the Simeulue Regency was beaten and threatened by an officer from the TNI Kodim 0115 Simeulue. He stated, "Journalists in Indonesia like living in an inhuman jungle!" The statement accurately reflects the situation of a decade of reform. Better press law in 1999 is not followed by the practice of legal protection. Violence, intimidation, and harsh treatment of journalists are still very easy to find in daily journalistic work. In general context, impunity is also a rooted problem in Aceh, which affects to society at large.¹³¹⁴¹⁵

Indeed, after the abolition of the licence as a requirement for establishing media, the number of newspapers and magazines increased exponentially. Political situation has changed democracy and its press freedom situation.¹⁶ Within a few months after Soeharto stepped down, 1,200 new dailies, magazines, or tabloids were started. However, Atmakusumah during his chairmanship of the Press Council in 2000-2003, remarked, about half or 600 of the 1,200 printed media were quickly closed down during one and half years only. He argued that citizens are already critical and smart in choosing media,

11 Tina Burrett and Jeffrey Kingston. *Press Freedom in Contemporary Asia*. 1st edition. United Kingdom: Routledge, 2019. doi:10.4324/9780429505690.

12 Tamanaha, Brian Z. *Realistic Socio-Legal Theory: Pragmatism and a Social Theory of Law*. Oxford: Oxford University Press, 1999. <https://doi.org/10.1093/acprof:oso/9780198298250.001.0001>.

13 Jess Melvin, Annie Pohlman, and Sri Lestari Wahyuningroem. *Resisting Indonesia's Culture of Impunity: Aceh's Truth and Reconciliation Commission*. 1st ed. Canberra: ANU Press, 2023.

14 Elizabeth F. Drexler. *Infrastructures of Impunity: New Order Violence in Indonesia*. Ithaca [New York: Southeast Asia Program Publications, an imprint of Cornell University Press, 2024.

15 Sana Jaffrey. "Mechanics of Impunity: Vigilantism and State-Building in Indonesia." *Comparative Politics* 55, no. 2 (2023): 287-311. doi:10.5129/001041523X16645492774955.

16 Adam Tyson and Nawawi. "Dictators Never Die: Political Transition, Dynastic Regime Recovery and the 2021 Suharto Commemoration in Indonesia." *Contemporary Southeast Asia* 44, no. 3 (2022): 421-52. doi:10.1355/cs44-3i.

they can differentiate between media which are more or less informative and educative.¹⁷ This forms a public punishment for untrue and unprofessional media.¹⁸

While media become freer situation, it did not mean automatically that press has been properly protected.¹⁹ During Megawati's administration, she approached the media led to increasing tension. She tended to perceive the media as a 'problem' for her leadership, instead of developing a policy to deal with them. In legal case against *Rakyat Merdeka* editor Supratman was sentenced by the South Jakarta District Court to six months imprisonment and a 12-month suspension because of insulting Megawati.²⁰ This daily reacted to Megawati's policies of raising the fuel price with headlines such as "Mega's mouth smells of gasoline",²¹ "Mega is more cruel than Sumanto",²² "Mega is a Usurer"²³ and "Mega is of the same standard as a District Mayor".²⁴ Unsurprisingly, Megawati was upset and criticised the press for being "*tidak seimbang*" (unbalanced), "*ruwet*" (complicated), "*tidak adil*" (unfair) and "*tidak patriotis*" (unpatriotic) (PWI 2003; Ali 2003).

Other serious threat to press freedom came from altogether seven civil and criminal lawsuits against *Tempo*, initiated by business tycoon Tommy Winata after *Tempo* had published an article questioning his involvement in a market fire in the Jakarta district of Tanah Abang. The Central Jakarta District Court ordered *Tempo* to pay Rp. 500 million in damages to Tommy for 'material losses' and 'forfeiture of future profit.'²⁵ In the criminal case public prosecutor Bastian Hutabarat used article XIV(2) of Law 1 of 1946 *juncto* Article 55 (1)-1e of the Penal Code to indict chief editor Bambang Harymurti to nine years imprisonment. *Tempo* was accused of 'libel' and of intentionally creating 'a chaotic situation in society.' On 16 September 2004 the Central Jakarta District Court sentenced Bambang to one year imprisonment, a verdict confirmed by the Jakarta High Court on 14 April 2005. However, the Supreme Court overturned the latter decision on 9 February 2006 on the basis of the precedence the Press Law takes over the Penal Code. The court added that since press freedom is a *conditio sine qua non* in a democratic state based on the rule of law, cases against it should be treated with utmost circumspection.

The number of violent attacks by thugs had increased even more quickly than those by state security officials, though the former were sometimes organised by state officials. For instance, the attack by Tommy Winata's thugs on the *Tempo* office on 17 May 2004 presents a clear example.²⁶ The *Palopo Pos* office was brutally attacked and destroyed by thugs sent by the district head of Palopo (South Sulawesi) on 19 January 2005. Similar cases happened in Medan, where a TV journalist was beaten, on 16 April 2005, and in Bogor, where *Radar Bogor* journalist Ahmad Junaedi was tortured by unknown persons in July 2005.

Press freedom came further under threat after the killing of Herlyanto, a journalist of *Delta Pos*, a daily in Probolinggo (East Java). On 29 April 2006 Herlyanto was found

17 Juliet Pietsch and Marshall Clark. "Critical Citizens: Attitudes towards Democracy in Indonesia and Malaysia." *Japanese Journal of Political Science* 16, no. 2 (2015): 195–209. doi:10.1017/S1468109915000031.

18 Atmakusumah, personal communication, 30 March 2010, Leiden.

19 Suyanto. "Indonesian Media Politics, on Reform Era from 1998 to 2010." *International Journal of Law and Management* 60, no. 6 (2018): 1485–97. doi:10.1108/IJLMA-10-2017-0256.

20 "Redaktur Eksekutif Rakyat Merdeka Divonis Enam Bulan" [Executive Editor of Rakyat Merdeka Sentenced to Six Months], *Tempo Interaktif*, Senin, 27 October 2003. This case will be further elaborated in the next chapter.

21 "Mulut Mega Bau Solar," *Rakyat Merdeka*, 6 January 2003.

22 "Mega Lebih Kejam dari Sumanto," *Rakyat Merdeka*, 8 January 2003. Sumanto is supposedly a cannibal.

23 "Mega Lintah Darat," *Rakyat Merdeka*, 30 January 2003.

24 "Mega Sekelas Bupati," *Rakyat Merdeka*, 4 February 2003.

25 "Court Orders Tempo to Pay Rp. 500 million to Tommy Winata," *LKBN Antara*, 18 March 2004.

26 "Penyerangan Kantor MBM Tempo" [Attack on MBM Tempo Office], *Tempo Interaktif*, 17 May 2004.

dead, his body covered with wounds. The motive behind this killing related to his report on the corruption of local officials.²⁷ The second killing was *Radar Bali*'s journalist Anak Agung Narendra Gede Prabangsa, who was found dead on 16 February 2009. He was killed in relation to his reporting on a corruption case in Bangli's education district office. Nonetheless, during 2009-2010 assaults on and killing of journalists continued. Cases that drew much attention were the torture of *Harian Aceh*'s journalist Ahmadi on Simeulue Island, Aceh (18 May 2010),²⁸ and Ardiansyah Matrais in Merauke, Papua (30 July 2010),²⁹ and the killing of Ridwan Salamun in Tual, Maluku (21 August 2010).³⁰ From these attacks, we could learn that corruption and natural resource exploitation at the local level are the most dangerous topics for critical reporting. According to the Alliance of Independent Journalist database, there have been 277 physical assaults against the press from 2008 to 2013. Beside such attacks, criminal prosecution and lawsuits have been increasing in number.

To give an example, editors of *Rakyat Merdeka Online* and *Playboy Magazine* were indicted for their news report. Chief Editor of *Rakyat Merdeka Online*, Teguh Santosa was indicted for violating Article 156a of the Penal Code, on defamation against religion, after publishing the story of the cartoons considered as humiliating Islam's Prophet Muhammad published in the *Jylland-Posten* in Denmark. *Playboy Magazine*'s Chief Editor Erwin Arnada was also prosecuted under Article 282(3) of the Penal Code, on crimes against decency, with *Playboy Magazine* being considered as pornography. The Supreme Court sentenced Erwin to two years imprisonment (Decision 972K/Pid/2008), but eventually the Supreme Court reviewed its own decision.³¹

Using legal suits against press freedom in Indonesia started to become a trend. The most notorious judgment against the press was the Supreme Court's 3215K/Pdt/2001, adjudicated on 28 August 2007 in the case of *Soeharto v Time*. Judges German Hoediarto, H. Muhammad Taufiq, and Bahauddin Qaudry overturned the judgments by the first instance and the appellate court and awarded damages to the plaintiff for defamation to the fantastic amount of one quintillion rupiah, on the basis of tort, without any comprehensible legal reasoning. The case drew international attention and further harmed the already tainted image of the Indonesian judiciary. The judgment totally disregarded the Press Law, which Article 18 stipulates a maximum fine of Rp. 500 million.³²

27 The AJI investigation concluded that the killing was related to news involving numerous village authorities ("AJI Malang Yakini Herlyanto Tewas Akibat Pemberitaan" [AJI Malang Is Certain That Herlyanto Was Killed as a Consequence of Reporting], *Gatra*, 8 October 2006).

28 Former military intelligence officer Faizal Amin was convicted of grievous assault against Ahmadi. The Iskandar Muda Military Court in Banda Aceh sentenced him to ten months in jail.

29 Matrais, a reporter for the local broadcaster *Merauke TV*, had been covering plans for a large agribusiness development in Merauke. In the week before his death, he had received threatening text messages similar to those sent to at least three other local journalists. "To cowardly journalists, never play with fire if you don't want to be burned. If you still want to make a living on this land, don't do weird things. We have data on all of you and be prepared for death" ("Ardiansyah Matra'is, Merauke TV," *CPJ*, 2010, <http://www.cpj.org/killed/2010/ardiansyah-matrais.php>, accessed on 21 March 2021).

30 Ridwan Salamun, 28, a correspondent for *Sun TV*, was filming violent clashes between local villagers in the southeastern Tual area of the Maluku Islands when he was stabbed repeatedly.

31 Erwin Arnada, through his lawyer, Todung Mulya Lubis, requested a review (*peninjauan kembali*) of this Supreme Court decision ("*Pimred Playboy Ajukan PK Dan Penangguhan Eksekusi*" [The Chief Editor of Playboy Requests Review and Suspension of his Sentence], *Primair Online*, 6 September 2010). Then, the Supreme Court's review ended up in favour of Erwin's position, and he was released on 24 June 2011 ("Mantan Pemimpin Redaksi Playboy Dibebaskan," *Tempo.co.id*, 24 June 2011). The cases are further discussed in Chapter 5.

32 Olivia Rondonuwu. Indonesia court says Time magazine wins Suharto case, *Reuters*, April 16, 2009. <https://www.reuters.com/article/industry-us-indonesia-suharto-time/indonesia-court-says-time-magazine-wins-suharto-case-idUSTRE53F34G20090416/>

However, 2007 also saw an important milestone in favour of press freedom. First, the Constitutional Court decided that *haatzaai artikelen* 154 and 155 of the Penal Code were contradictory to the constitution and were hence no longer legally binding (Number 6/PUU-V/2007, 17 July 2007). More than 90 years since the enactment of the *Wetboek van Strafrecht voor Nederlandsch-Indië* in 1914, this Constitutional Court decision did away with an important symbolic marker of suppression against freedom of expression and press freedom in Indonesia.

Freedom of expression and press freedom have been challenged by the enactment of Law 11 of 2008 on Electronic Information and Transactions (EIT).³³ This law was controversial since allowing criminal suits against journalists for defamation under articles 27 and 28.³⁴ Cyber defamation could be sentenced to imprisonment not exceeding 6 (six) years and/or a fine not exceeding Rp. 1.000.000.000 (one billion rupiah) (Art. 45). The fact, as showed by Safenet (2015), from 2008 to 2014, there have been at least 74 people sued under the ITE Law, 92 % of them sued for online defamation under Article 27 point 3, 5 % for blasphemy, 1 % for making online threats. 36 % of the cases were because they criticized the government (e.g., mayor, regent, and institution) or reported possible corruption, while the other 40 % cases were because they used the internet/social media to express their dissatisfaction over services provided.

Hence, during Megawati and two terms of SBY's presidency, the law enforcement to protect journalists at work has been easily deniable and disregarded due to the law system itself that does not give significance. The court has been used to collapsing media, silencing opposition, retaliating, and terrorising journalism.³⁵ While the most targeted media for ULAP (unjustifiable lawsuits against press) or criminalisation have been connected to its reliability, professional journalism or high quality of news.³⁶

Most cases involving violence against journalists or editors fail to bring justice, either because there is no prosecution at all or because of an inappropriate punishment. Many violence cases remain unclear and so far, no judicial prosecution has followed. However, impunity is not merely caused by factors external to the press. It seems that sometimes media owners or even journalist associations suggest to the police and the public prosecutor to drop a case in order not to damage relations.

2.2. Jokowi and Falsehoods in the Age of Deception: 2014-2024

In the 2014 presidential election, all media channels played very important roles, although the new digital media platform has effectively more shaped public opinion. However, the majority of Indonesian media is deeply biased and is influencing voters rather than informing them, including public response to such political bias.³⁷ It has

33 This law was approved by the House of Representatives on 21 April 2008.

34 Article 27(3) determines that, "Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents of insult and/or defamation."

35 'AJI: Kekerasan Masih Menjadi Ancaman Bagi Jurnalis', *Suarasurabaya.net*, 24 December 2013.

36 Herlambang P. Wiratraman. *Press Freedom, Law and Politics in Indonesia: A Socio Legal Study*. Zutphen: E.M. Meijers Institute-Universiteit Leiden/Wohrmann, 2014.

37 Nyarwi Ahmad. "The Four Faces of Authoritarian Populism and Their Consequences on Journalistic Freedom: A Lesson Learned from Indonesia's 2019 Presidential Election." *Trans-Regional and -National Studies of Southeast Asia* 10, no. 2 (2022): 189–201. doi:10.1017/trn.2021.16.

been often found that fallacies or fake news were reproduced to drive public attention.³⁸ However, the law is actually left behind this reality.

The first criticism of Jokowi has been made by the Association of Indonesian Television Journalists (IJTI), after President Joko Widodo's statement in front of the People Representative Assembly (MPR) session, in August 2015. His statement was too discredited to the media. President Jokowi criticized the mass media due to his observation that there is a strong tendency of everyone to feel excessively free in voicing their own interests.³⁹

After 2014, criminal prosecution and numerous violence against the press at ground still take place. For instance, many news sources are prosecuted by applying criminal law. Learning from the past, including in Indonesia's post Soeharto, several laws have been used to 'discipline' media, including legislation on hate speech, opprobrium or insult, spreading false news and violating public decency. Even not merely the use of Penal Code, but also other laws which contain criminal sanction.⁴⁰ This special law can be referred from the Indonesian General Society Movement (GMBI) who filed a report against Tempo magazine over an article on suspiciously large bank accounts of the Comr. Gen. Budi Gunawan in the Jan. 19-25 edition, 2015. In this case, GMBI used the 1998 Banking Law and the 2010 Money Laundering Law as a legal basis to sue the media company. Interestingly, after the Police consulting to the Press Council about this case, and the case was explained in the context of investigative journalism, the case was discontinued.

During opening speech for World Forum of Press Freedom, 3th May 2017, Jokowi has stated clearly, "... welcome to Indonesia, home of the freest and most of high energy journalism in the world!" Of course, this statement has been refuted as written above in the facts of the legal cases and the analysis of this article. Indeed, during Jokowi's presidency, the number of lawsuits and criminal prosecution have been declining. However, there has been no significant change in looking at the increasing number of violent attacks against journalists and media offices, usually by privately hired thugs and societal groups. In the past, violence and even murder against journalists was caused by the stigma of communism which had long-lasting consequences in the collective memory of citizens.⁴¹ Those committing such acts usually remain unresolved, no perpetrators have been brought to justice.

Why lawsuit and/or criminal prosecution have been significantly declining during Jokowi's administration. The reasons are, first, special mechanism through 1999 Press Law and its press mechanism are more concerned by public, including public officials. Precisely after Harymurti's case in 2015, it is been very rare to bring prosecution to the criminal court system. Secondly, the Press Council's initiative in making Memorandum of Understanding (MoU) with National Police has been quite effective in preventing criminal prosecution for those who challenge press news. Third, there have been judicial reform which led to reduce judicial corruption, while the Supreme Court itself

38 Nurul Hasfi, Vandana Pednekar-Magal, Luz Rimban, Sunarto Sunarto, and Amida Yusriana. "Digital Dissent: How Indonesian and Filipino Journalists Converge with Virtual Communities to Face State Repression." *Global Media and Communication* 20, no. 3 (2024): 329–56. doi:10.1177/17427665241288949

39 'Komitmen Kebebasan Pers Jokowi Diragukan', *Koran Sindo*, 17 August 2015, <https://nasional.sindonews.com/read/1033821/149/komitmen-kebebasan-pers-jokowi-diragukan-1439780062> (accessed 10 August 2021)

40 Wiratraman, 'Press Freedom, Law and Politics in Indonesia'

41 Grace Leksana, and Arif Subekti. "Remembering through Fragmented Narratives: Third Generations and the Intergenerational Memory of the 1965 Anti-Leftist Violence in Indonesia." *Memory Studies* 16, no. 2 (2023): 465–80. doi:10.1177/17506980221122175.

built system to handle press legal cases, especially by imposing the lower courts to invite special expert witness from the Press Council. One should admit some positive developments: the Supreme Court has mostly upheld the primacy of the press law and clearly stated that cases concerning the press should refer to this statute.

The growing attention to end criminal prosecution against the press. It is not the right mechanism to solve legal cases involving the press. Journalistic work is not worth criminalizing, as it neither improves the protection of press freedom nor does it create a culture of transparency.⁴² For instance, the case of Tempo which was reported to the Police due to their report on Tomy Winata's business. Not only criminal law, even the Central Jakarta District Court today ordered Tempo magazine to publicly apologize and to pay a fine of 500 million rupiah (US\$59,000), or a criminal defamation.⁴³ From legal perspective, criminal provisions for press legal cases always have a negative impact on press freedom, for five reasons.

First, neither authoritarian nor post-authoritarian regimes have used criminal provisions with due regard for press freedom. Second, jurisprudence has clearly been insufficient to prevent criminal law prosecutions being regarded as unlawful, as the Supreme Court has had to repeatedly argue that press cases should be resolved with the Press Law, instead of the Criminal Code. Third, press freedom needs a liberal environment but it also needs protection individuals at the same time. It should be free to publish in the news or mass media whatever they like without interference from the government, other persons or groups. The application of criminal law is often aimed at attacking journalists or the press, which affects not only press freedom, but also fails to reflect the rule of law, democratization and the protection of human rights. Fourth, at least 50 countries have diverted the issue of malicious wording, insults and defamation, from criminal law to private law. Several countries have even repealed the rules of defamation and insult because these were deemed insufficiently objective and therefore difficult to prove. Fifth, international bodies, such as the UN Human Rights Committee and the Organization for Security and Cooperation in Europe (OSCE), have also recognized the threat to press freedom posed by criminal defamation laws, and have recommended that they be abolished.

Even if the outcome is not a conviction, most journalist said that a criminal trial in itself is already detrimental for freer journalism.⁴⁴ Interestingly, while in judicial system has been steadily rejecting criminal prosecution against the press, but legal education at majority Indonesia's law schools still adopts as a compulsory course, namely Press Offence, or Press Crimes. Only few of law schools have changed to Law and Press Freedom, or Press Law.

The situation of press freedom in Jokowi's administration that has not changed much due to four issues: violence against journalist or press workers; impunity; seems no further development during Jokowi's presidency is about media freedom in Papua; and lastly, self-censorship and the media ownership's control to editorial decisions. AJI reported that there were 78 incidents in 2016 of violent attacks on journalists, including by security forces, compared with 42 in 2015, and 40 in 2014. AJI found that the attackers have been brought to justice in only a very few of those 78 incidents.

⁴² Herlambang P. Wiratraman. Why Criminalization of Press Should End? (*The Jakarta Post*, 6 March 2015).

⁴³ Committee to Protect Journalists. Magazine found guilty of libel, March 18, 2004. <https://cpj.org/2004/03/magazine-found-guilty-of-libel/>

⁴⁴ Zuhdiar Laeis. Dewan Pers tegaskan jangan ada lagi pemidanaan jurnalis. *Antara*, 24 December 2020, <https://sultra.antarane.ws.com/berita/366944/dewan-pers-tegaskan-jangan-ada-lagi-pemidanaan-jurnalis>

Indonesia's 1999 Press Law provides explicit protection for journalists, including up to two years in prison and fines of 500 million rupiah (AUD\$ 48,000) for anyone who physically attacks a journalist.⁴⁵ The most dominant attack has been carried out by vigilantes, which the state's protection through the police found absence and failed in preventing their actions.

On the other side, impunity has prevailed and become a dominant situation that is not merely caused by 'external media', but also showed an 'internal media' factors. Avoiding the judiciary becomes phenomena that does not always relate to distrust over the judicial system, but more on a 'forced situation' at ground.

Impunity is still problem in Jokowi's presidency. Two instances could be referred. First, Airforce military assault to 5 journalists in Sari Rejo, Medan (15 August 2016); and Second, government officials assault to Ghinan Salman in Bangkalan (20 September 2016). The court had failed to bring justice, when the judges released perpetrators. Numerous journalists, Andri Syafrin Purba of *MNC TV*, Array Agus from *Tribun Medan*, Teddy Akbari from *Sumut Pos*, Fajar Siddik from *medanbagus.com*, Prayugo Utomo from *menaranews* were identified as being attacked as they covered the clash in Sari Rejo when they were reporting land dispute. One women journalist, AD from *matatelinga.com*, was harassed sexually. Although the violence was caught by CCTV and clear to make evidence, but the military court prosecute the Airforce in a very slow process. Even, the judicial system has no seriously brought justice due to only prosecute one personnel, while it happened systematically and carried out by many personnels.

Police also took action very slow and weak process to push the responsibility of tenths government officials who assaulted Ghinan Salman (24), journalist *Radar Madura*. Even, only one of nineteen official who has been accused by the Police. Till this case is written at this paper, the court has not been started yet to prosecute violent actors. Since there is no serious commitment to end chain of impunity system in the country, perhaps, reflecting general situation of human rights in the country.

The third issue is related to media ownership which affects to journalists and audiences. Mainstream media companies in Indonesia have showed the levels of concentration which have clearly increased, by expanding platforms, audience and readerships. Tapsell called this as 'digital conglomerates'.⁴⁶ As a result, Indonesia's media has become increasingly Jakarta centric, involving a highly centralised model of news production.^{47,48,49,50} From the law perspective, the conglomeration means few legal issues, first, exploiting journalists. Many journalists work at underpaid situation, no insurance, no strong relationships with the media corporation directly, such as the position of contributor or even 'stringer' (those who assist contributor or sub-contract working). Second, this means also no legal protection given to journalist. Third, editorial board would easily disregard their works if this would affect to the media owner. Fourth, ironically, if there are legal cases involving journalists, often found either media owner

45 'Journalist is under assault', Human Rights Watch, 25 April 2017, <https://www.hrw.org/news/2017/04/25/indonesia-journalists-under-assault> (accessed 12 August 2017)

46 Ross Tapsell. 'The Political Economy of Digital Media'. in E. Jurriens and R Tapsell, *Digital Indonesia: Cnnnectivity and Divergence*. Singapore: ISEAS. 2017.

47 Merlyna Lim. *The League of Thirteen: Media Concentration in Indonesia: Research Report*. Ford Foundation and Media Participation. Arizona State University, 2012.

48 Yanuar Nugroho, Putri DA, and S. Laksmi. *Mapping the Landscape of Media Industry in Contemporary Indonesia: Research Report*. Jakarta: Center for Innovation Policy and Governance and HIVOS Regional Office of Southeast Asia. 2012.

49 Nicole Andres. Media-elite interactions in post-authoritarian Indonesia. *PhD Thesis*, Murdoch University School of Arts. 2016.

50 Tapsell, 'The Political Economy of Digital Media'

or editorial board asked journalist to drop the case in order to avoid complexity of legal process and degrading news reputation.⁵¹

The last pressured situation is about the limited freedom for the press in Papua. Attack on Papuan people, including journalists, is not uncommon, even constantly happened for many years.⁵² The killing of Ardiyansah Matrais of *Merauke TV* in Merauke (30 July 2010)⁵³ and Leiron Kogoya of *Papua Pos Nabire* and *Pasifik Pos Daily* (8 April 2012)⁵⁴, and these cases remain unclear and so far, no judicial prosecution has followed. Violence against journalists combined with weak law enforcement has thus become a major terror for the press. The case of *Jakarta Globe* journalist Banjir Ambarita, who was stabbed in the chest and stomach by two assailants on a motorbike on 3 March 2011, was also not followed by clear judicial prosecution. The attack was related to his report linking police to a prisoner sex abuse scandal.⁵⁵

Jokowi had made statement in May 2015, to allow foreign journalist enter West Papua for doing journalism.⁵⁶ However, till May 2017, the authority allowed only 15 international journalists, while the previous month, authority blacklisted 3 journalists trying to get in to West Papua. There are currently numerous websites being also shut down for speaking out about West Papua, and citizen journalists are repeatedly intimidated, arrested and tortured for reporting on the regime.⁵⁷ Hence, journalism in Papua/West Papua would be very risky area for journalist to make report.⁵⁸ Again, this not new and uncommon, has been no much changing situation till end of Jokowi's administration.⁵⁹ Unfortunately, when Jokowi was being asked about Papua's press freedom during World Forum of Press Freedom 2017, he avoided to answer and left journalist.⁶⁰

During Jokowi's administration, journalism has been easily attacked not only by buzzers or influencers, but also by deploying cyber-troops who clearly cause damage to democracy. What is a true fact can be quickly changed to be false. And, vice versa. Critical news report can be targeted for terror or intimidation. Such terror addresses journalists or editors, and attack by killing the messenger. These attacks are in many forms, include doxing, online persecution, surveillance, and so then 'account owners' have to close their account in order to save them or their families. During Jokowi's administration, according to Indonesian Corruption Watch's records, the activities of

51 Wiratraman, 'Press Freedom, Law and Politics in Indonesia'.

52 Herlambang P. Wiratraman. 'Rule of Law dan Kebebasan Pers di Papua', in Ardianto (ed) Oase Gagasan untuk Papua Damai. Jakarta: Imparsial/Forum Akademisi untuk Papua Damai. 2012.

53 Matrais, a reporter for the local broadcaster Merauke TV, had been covering plans for a large agribusiness development in Merauke. In the week before his death, he had received threatening text messages similar to those sent to at least three other local journalists. "To cowardly journalists, never play with fire if you don't want to be burned. If you still want to make a living on this land, don't do weird things. We have data on all of you and be prepared for death" ("Ardiansyah Matra'is, Merauke TV," CPJ, 2010, <http://www.cpj.org/killed/2010/ardiansyah-matrais.php>, accessed on 21 March 2011).

54 Kogoya was killed when unknown gunmen fired on a small passenger plane landing at Mulia Airport, Papua. Kogoya had travelled to Mulia to report on elections in Jayapura, Papua's capital, for the Papua Pos Nabire and the Pasifik Pos Daily ("Hunt Begins for Gunmen Who Machine-Gunned Plane in Papua," *Jakarta Globe*, 9 April 2012).

55 Umi Kalsum, Beno Junianto. Dewan Pers Investigasi Penusukan Bram Kamis, 3 March 2011. https://www.viva.co.id/berita/nasional/207561-dewan-pers-investigasi-penusukan-bram#goog_rewarded

56 'Wartawan Asing Boleh Masuk Papua', *Antara*, 10 May 2015, <http://www.antaraneews.com/berita/495360/wartawan-asing-boleh-masuk-papua> (accessed 10 August 2022).

57 'Ironi WFPD 2017: Standar Ganda Kebebasan Pers di Indonesia', *Tabloid Jubi*, 30 April 2017,

<http://tabloidjubi.com/artikel-5881-ironi-wpfd-2017--standar-ganda-kebebasan-pers-di-indonesia.html>

58 Da Costa Sarmento, Pelagio, and Victor Mambor. "8. West Papuan Control: How Red Tape, Disinformation and Bogus Online Media Disrupts Legitimate News Sources." *Pacific Journalism Review* : PJR 26, no. 1 (2020): 105-119. doi:10.24135/pjr.v26i1.1085.

59 Marcus Mietzner. "Jokowi's Challenge: The Structural Problems of Governance in Democratic Indonesia." *Governance (Oxford)* 28, no. 1 (2015): 1-3. doi:10.1111/gove.12131.

60 'Reaksi Jokowi Saat Ditanya soal Kebebasan Pers di Papua', *Kompas*, 3 May 2017.

influencers and buzzers who led public opinion in six years (2014-2020) were facilitated by IDR 90.4 billion. This budget is considered part of the total government budget of IDR. 1.29 trillion.⁶¹

2.3. Press Freedom in Militarised Governance

The political transition from Joko Widodo to Prabowo Subianto after presidential election, does not reflect any change in maintaining power relations towards the press. Unsurprisingly since election has displayed full of conflicts of interest, nepotism, and lots of manipulation.⁶² Even, there has been a trend regionally on ‘militarized style’ governance in Southeast Asia, including Indonesia.^{63,64}

Independent journalist association or AJI Indonesia recorded 73 cases of violence against journalists and the media from January 1 to December 31, 2024.⁶⁵ This violence has an impact on the shrinking of civil liberties, including press freedom. Albeit the press law guarantees freedom, but the reality has showed different situation. Many criminalisations against journalists, by applying of cyber defamation articles in the Electronic Information and Transaction Law (ITE Law). From Safenet, there have been recorded 128 legal cases of the ITE Law until October 2024, including several cases accusing journalists. It is not urpising, since Indonesia’s adoption of the ITE Law reveals a continuous attack to free expression.⁶⁶ Therefore, it is not surprising that many things are being pushed for to change the law so that it does not target civilians and things that are protected by law.⁶⁷ Power, indeed, always play important role in shaping media and its media’s politics.⁶⁸

It seems the year of 2024 is a gloomy year for the world of the press. The 2024 Press Freedom Index (IKP) released by the Press Council shows a decline in the condition of press freedom. In 2024, the IKP was at 69.36, while in the previous year the index was 71.57 (2023).⁶⁹ The decline in the IKP strengthens several prominent cases that occurred during the era of President Joko Widodo.

First, the murder of journalist Rico Sempurna and his family in Karo Regency, North Sumatra. Sempurna and his family died because their house was burned down by a number of people. Such attack might be connected to Sempurna’s investigative journalism on gambling mafia, involving military officer. A number of perpetrators have been detained and are being proceed in trial. However, the mastermind behind this such attack has not been arrested yet.

61 Tempo, Anggaran Jumbo buat Bayar Influencer dan Buzzer, 21 Agustus 2020, <https://www.tempo.co/politik/anggaran-jumbo-buat-bayar-influencer-dan-buzzer-860362>

62 Aniello Iannone. “Democracy Crisis in South-East Asia: Media Control, Censorship, and Disinformation during the 2019 Presidential and General Elections in Indonesia, Thailand and 2019 Local Election in the Philippines.” *JSP: Jurnal Ilmu Sosial & Ilmu Politik* 26, no. 1 (2022): 81–97. doi:10.22146/jsp.71417.

63 Marcus Teo. “Constitutional Civil–Military Dynamics in Southeast Asia.” *International Journal of Constitutional Law* 20, no. 1 (2022): 237–71. doi:10.1093/icon/moac007.

64 James Ockey and Naimah S. Talib, eds. *Democratic Recession, Autocratization, and Democratic Backlash in Southeast Asia*. Singapore: Palgrave Macmillan, 2023.

65 AJI. *Catatan Tahun 2024: Keluar dari Mulut Harimau, Masuk ke Mulut Buaya*. Aliansi Jurnalis Independen. Jakarta. 2025

66 Riezky Aprilia, Sigid Suseno, Komariah E Sapardjaja, and Widati Wulandari. “Insult Law and Freedom of Expression - As Indonesia Understands It: A ‘Vernacular Domestication?’” *Indonesian Journal of International & Comparative Law* 9, no. 4 (2022): 553.

67 Tasya Safiranita, Travis Tio Pratama Waluyo, Elizabeth Calista, Danielle Putri Ratu, and Ahmad M Ramli. “The Indonesian Electronic Information and Transactions Within Indonesia’s Broader Legal Regime: Urgency for Amendment?” *Jurnal HAM (Indonesia)*. Badan Penelitian Dan Pengembangan Hak Asasi Manusia 12, no. 3 (2021): 533–52. doi:10.30641/ham.2021.12.533-552.

68 Cherian George, and Gayathry Venkiteswaran. *Media and Power in Southeast Asia*. First edition. Cambridge, England: Cambridge University Press, 2019.

69 Dewan Pers. *Indeks Kebebasan Pers Indonesia*. 2024. <https://data.dewanpers.or.id/>

Second, the toleration of violence and systematic impunity against journalistic cases. Journalists often experience physical violence from security forces and unknown people. Some journalists officially often reported this to the police, but there has been no clear legal process.⁷⁰ Likewise, media and journalists who received digital attacks, official reports to the police have been ended at the notification report. Supposedly the police with their authorities, cyber technology equipment and cyber expertise should be able to unravel these digital attack cases. Not only at the national level, attacks also occur at the local level against the press. Violence often occurs and there is no accountability.

Third, there have been many media workers' layoffs. In 2024, there was a wave of media workers' layoffs. And in some cases, these layoffs did not comply with applicable laws.⁷¹ There was even a union busting in a national media outlet. Really unfortunate, the Ministry or Department of Manpower tends to resolve by persuading journalists to accept the media company's decision.

Forth, the use of disproportioned lawsuits against the press. Unreasonable lawsuits are often made by public officials over news produced by journalists. The lawsuit demanding billions of rupiah in compensation against two online media is considered excessive. This case was advocated by the South Sulawesi Journalist Advocacy Coalition together with LBH Pers Makassar. The stages of the litigation advocacy process were also supported by AJI Indonesia, which worked intensively from 2023 to 2024. Public officials often use settlements outside the legal mechanisms of the press regulated in the Press Law No. 40 of 1999. Fortunately, the panel of judges at the Makassar District Court decided to reject the civil lawsuit against the two online media. Through the decision of Civil Case No. 3/Pdt.G/2024/PN.Mks, the panel of judges also ordered the plaintiffs to pay court costs of Rp. 362.000..

In addition, the new revised criminal code (2023) which will take into force in 2026, also potentially threatens to press freedom. There is an article that assesses new revised criminal code as a good development. Such as an article written by Flora et al. This article argues by referring to Lawrence Friedman's legal system perspective regarding the ratification of the Draft Criminal Code (2023), substantially fits to the need to reform.⁷² Nevertheless, such article's argumentation is not only unclear, but also lacks accurate and limited empirical evidence. Under new revised criminal code (2023), several articles concerning the prohibition on broadcasting and disseminating false news (Article 263), articles on assaults on the honor of the President and Vice President (Articles 218, 219, and 220), and articles on insulting the government (Articles 240 and 241) are potential articles which could be applied to criminalize journalists.

This becomes more difficult if the government is also more influenced by buzzers or viral social media, and does not trust the press. Unfortunately, to support policies that are wrong or detrimental to the public, they often also deploy buzzers. Buzzers are treated like public relations, everything that officials say is what is conveyed to the buzzer's followers. The budget spending to finance these buzzers is also very costly. This cost is detrimental to the need for citizen rights who supposed to receive better public services and human rights fulfilment. Even, there is also unreasonable buzzer programs

70 Tatang Mulyana Sinaga. Bahaya Impunitas Kekerasan terhadap Wartawan, Kompas, 10 Apr 2025, <https://www.kompas.id/artikel/bahaya-impunitas-kekerasan-terhadap-wartawan>

71 Mochammad Fajar Nur. PHK Massal dan Disrupsi AI Mengguncang Industri Media, Tirto, 6 May 2025, <https://tirto.id/phk-massal-dan-disrupsi-ai-mengguncang-industri-media-hboo>

72 Flora, H. S., Thuong, M. T. H., & Erawati, R. D. (2023). The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System. *Jurnal IUS Kajian Hukum dan Keadilan*, 11(1), 120-121. <https://doi.org/10.29303/ius.v11i1.1169>

in Prabowo's militarised governance. For example, the Navy program has planned to rent and deploy buzzers with a budget allocation of up to IDR 100 billion.⁷³

The power relations between the government and the buzzers are increasingly open and there is no longer any shame. If the press is invited, the government will be easily criticized. That is why President Joko Widodo invites the buzzers to visit the Indonesian Capital city (*Ibukota Nusantara*) rather than allowing the media to participate in his visit. While during Prabowo's administration, the involvement of buzzers and influencers was not just a 'ceremonial invitation' like Jokowi. The buzzers and influencers were assigned to have official positions in the government, especially at ministerial level. This is not surprising at all due to parallel to the weakening democratic situation where the government is not ashamed to be considered an anti-criticism government.⁷⁴ Due to such situation, recently, it is no longer just buzzers that are threatening, but also systematic digital attacks using cyber troops that have widespread impacts to manipulate or distort information to gain political or economic advantages that can strongly influence public opinion. Investigative journalism is also increasingly restricted, and in its development, it is now also facing systematic surveillance using artificial intelligence devices.

While President Joko Widodo during his ten years in power has shown no political will to promote better press freedom, this will be continued by Prabowo. Keeping silence to the misuse actions of his subordinates is a form of approval of attacks on the press. Meanwhile, President Prabowo's speech said that his government is a 'continuation of the previous government' (Jokowi). Hence, it seems more or less similar patterns his governance towards the press. The first response shown was during the presidential election campaign, Prabowo did not attend the campaign invitation from the Press Council. While the other two presidential candidates attended, both online and offline. This absence confirms the unimportance of the press in Prabowo's eyes. Although later on when he became President, he invited selected journalists, but it was clear message his relation to journalists is mere political propaganda rather than supporting press freedom.

Therefore, due to the strengthening of the cyber media landscape, the current challenge for the press is also a matter of public trust, because trust in the media is decreasing due to the rampant manipulative contents. Although there was a current Constitutional Court has consistently issued progressive rulings to protect freedom of expression. Based on Constitutional Court Decision No. 105/PUU-XXII/2024, which limits the scope of defamation, attacks on reputation, and attacks on community groups and corporations. However, this ruling does not clarify the position of 'public figures', who are legally exempt from filing cases in the digital sphere. Public figures can still file the case especially dealing with news produced by journalists if they deem it an attack on reputation or defamation. This situation will worsen the situation of freedom of the press, opinion, and expression. Interestingly, under Indonesian legal system, law on public figures is specifically regulated in matters of social conflict.⁷⁵

The decline in the quality of democracy makes it increasingly difficult for the public to obtain accurate and balanced information. Moreover, coupled with the still rampant

73 Kompas, Dituding Anggarkan Rp 100 Miliar untuk Sewa "Buzzer", Apa Kata TNI AL?, 04 Jan 2025, <https://www.kompas.id/artikel/dituding-anggarkan-rp-100-miliar-untuk-sewa-buzzer-apa-kata-tni-al>

74 Mujani, Saiful, and R. William Liddle. "Indonesia: Jokowi Sidelines Democracy." *Journal of Democracy* 32, no. 4 (2021): 72–86. doi:10.1353/jod.2021.0053.

75 Adityo, R. D. Interpretation of Public Figures in Indonesian Law Number 7 Of 2012 Concerning Handling Social Conflicts in The Perspective of Legal Certainty. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 5(1), 13–25 (2022). <https://doi.org/10.24090/volksgeist.v5i1.6402>

violence, the security of journalists and the media is increasingly threatened not only by the police but also now the military and the threat of multi-layered regulations. Freedom of the press is increasingly threatened as Prabowo's military government moves further away from democratic principles, instead the press is in the shadow of the military and dynastic politics.⁷⁶ The case of the murder of journalist and his entire family in Kabanjahe demonstrates the military's impunity (2024). One of the witnesses of such murder, also suspected of being the master mind of such killing, a military officer Herman Bukit (Koptu HB), failed to appear at the court session, despite being summoned twice. Until decision has made (2025), the judge had failed to bring him at court session, while the military institution protected him.⁷⁷

In recent years, journalists have often been terrorised or intimidated, and have never been held legally accountable. For example, the bomb terror case at the Jubi editorial office (Jayapura, Papua). Journalists experienced a Molotov bomb terror attack on Wednesday, October 16, 2024.⁷⁸ This attack caused two Jubi operational cars parked in the office yard to catch fire and be damaged. This bomb terror is a serious terror that threatens the safety of journalists and press freedom in Papua. In Jakarta, the car of Tempo journalist, Hussein Abri Dongoran, was damaged by an unknown person, on Monday, August 5, 2024, at around 21.50 WIB.⁷⁹ Terror occurred again when a package containing a pig's head was sent to the Tempo editorial office in Jakarta. The pig's head, wrapped in a cardboard box and covered in styrofoam, was sent on Wednesday (19/3/2025) at 16.15 WIB.⁸⁰ The package was addressed to Francisca Christy Rosana or Cica, a political desk journalist and host of the *Bocor Alus Politik* podcast.⁸¹ The day after, there was a terror package containing six dead rats sent to the Tempo editorial office as a symbol of threat against the six hosts of the *Bocor Alus Politik* podcast.⁸² Clearly, the terror was not only a threat to the editorial staff of the media, but also to freedom of the press and expression in the country.

3. CONCLUSION

Unfortunately, the post-Soeharto era has in the end not fully delivered on its liberal promises regarding press freedom. While journalism has serious challenge of systematic impunity, and clear this is part of human rights violations.

If we compare the first ten years after Soeharto to the New Order, violence against journalists has become more 'localised' and 'privatised', usually benefiting elites at the district level rather than the national government. The surge of violence against the

76 Ikaningtyas. "Kebebasan Pers Terancam: Pers dalam Bayang-Bayang Militer dan Nepotisme". in Refleksi 2024, Outlook 2025: Akhir Reformasi Politik di Tengah Pusaran Oligarki. Jakarta: LP3ES. 2025

77 Fnr/Dal. Sidang Kasus Pembunuhan Wartawan Karo, Koptu HB Dua Kali Mangkir, CNN Indonesia, 18 Feb 2025, <https://www.cnnindonesia.com/nasional/20250218181342-12-1199724/sidang-kasus-pembunuhan-wartawan-karo-koptu-hb-dua-kali-mangkir>

78 Dhias Suwandi, Aloysius Gonsaga AE. Kantor Media Jubi di Jayapura Diteror Pelemparan Bom Molotov, 2 Unit Mobil Terbakar. Kompas.com, 16 October 2024, <https://regional.kompas.com/read/2024/10/16/102706978/kantor-media-jubi-di-jayapura-diteror-pelemparan-bom-molotov-2-unit-mobil?page=all>.

79 Tempo, Mobil Wartawan Bocor Alus Tempo Dirusak di Tengah Jalan, 6 August 2024, <https://www.tempo.co/politik/mobil-wartawan-bocor-alus-tempo-dirusak-di-tengah-jalan-30045>

80 Kompas, Teror Kepala Babi ke Kantor "Tempo" Ancaman terhadap Kebebasan Pers, 21 Mar 2025, <https://www.kompas.id/artikel/teror-kepala-babi-ke-kantor-tempo-ancaman-terhadap-kebebasan-pers>

81 The Guardian (London). "A Pig's Head and Decapitated Rats: A New Era of Intimidation Dawns for Journalists in Indonesia; Grisly Gifts a Worrying Turn for Press Freedom in World's Third-Largest democracy Warning: Some Readers May Find an Image in This Story Distressing." 2025.

82 Teror 6 Bangkai Tikus di Kantor Tempo Diduga Simbol Ancaman ke 6 "Host" Bocor Alus Kompas.com - 27/03/2025, <https://megapolitan.kompas.com/read/2025/03/27/15021161/teror-6-bangkai-tikus-di-kantor-tempo-diduga-simbol-ancaman-ke-6-host>.

press at the regional level cannot be considered separately from the political context of decentralisation. Political gangsters and vigilantes have been major beneficiaries of the decentralisation reforms. As argued by Heryanto and Hadiz, “freedom of the press continues to be challenged, not by an authoritarian state, but by a variety of vested business interests or by the exercise of societal political violence.”⁸³ One may add that exposing issues of corruption and natural resource exploitation by regional elites are most likely to lead to violence against the press.

The greater autonomy and power of regional governments have turned paramilitary groups and ‘political gangsters’ into valuable political capital and influential power brokers in their own right.⁸⁴⁸⁵ The proliferation of paramilitary and vigilante groups since 1998 represents a manifestation of the decentralisation of violence as a political, social and economic strategy, leading to a loss of state control.⁸⁶ Hence, this article argues similarly that the role of the state in shaping and influencing press freedom is still large, but the pattern has changed from an interaction between state and society, to struggles within society.⁸⁷

There were many hopes that democracy, as well as press freedom, would be stronger and protected in the early days of Jokowi’s administration. However, the situation for press freedom has become more difficult, not only because of the legal pressure aimed at journalists and media owners, but also the impact of digital technology developments which have much influenced to press media platforms. Trust in the media is decreasing due to the rampant manipulative contents. Even, numbers of ‘mainstream’ medias have collapsed. Meanwhile, in the second half of Jokowi’s administration actually have been directing to the political tendencies that underpinning oligarchic power interests and dominantly weakening civil liberties, expression, including press freedom. Latest controversial is related to the draft of broadcasting law in 2024 which proposes the censorship against investigative journalism and the enactment of draconian articles under new revised criminal code (2023) This article argues that this situation can be attributed to two main factors in shaping press freedom situation. First, decentralisation plays a role as the contestation of the political economy at the local level influences this, rather than policies at the national level. This has significantly shaped legal cases against journalists, where the courts have been used to retaliate against the press and to silence opposition, with this paper showing that the most targeted medias have also been those lauded for their reliability and high-quality standards. As a consequence, media have adapted to this new situation, actively avoiding the judiciary.

Second, the media itself have changed, with new configurations of political imperium combining media ownership and its expansion to build multiple platforms for audience. However, the character of media which expanding their vested interest in either politics or business, lead to the worse situation of journalism, uncertain and insecure when it deals with legal protection.

83 Ariel Heryanto and Vedi R. Hadiz. “Post-Authoritarian Indonesia, A Comparative Southeast Asian Perspective”, *Critical Asian Studies*, 37:2 (2005), 251-275.

84 Vedi R Hadiz. “Local Power: Decentralization and political reorganization in Indonesia,” conference paper, presented at the “Globalization, Conflict, and Political Regimes in East and Southeast Asia” Asia Research Center, Murdoch University, Western Australia, 15-16 August 2003.

85 Vedi R. Hadiz and Richard Robison. ‘The political economy of oligarchy and the reorganisation of power in Indonesia’, *Indonesia*, vol. 96 (2013), pp. 35-57.

86 Ian Douglas Wilson. 2006. “Continuity and Change: The Changing Countours of Organized Violence in Post-New Order Indonesia,” *Critical Asian Studies*, 38:2, 265-297.

87 Angela Romano. *Politics and the Press in Indonesia: Understanding an Involving Political Culture*. Oxon: Routledge. 2003.

In this context, it is necessary to see Jokowi's predecessor, Prabowo and Jokowi's son (Gibran) critically how the political and legal pressures have been dominantly shaped throughout Jokowi's administration. Press freedom in militarized governance would have character in authoritarian turn, although this will be in its new forms. Digital attacks, buzzers, influencers, cyber troops, and its budget support to enable them to play an important role in politics systematically, would be a new face as well as continuing challenges for press freedom in the future.

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- Fnr/Dal. Sidang Kasus Pembunuhan Wartawan Karo, Koptu HB Dua Kali Mangkir, *CNN Indonesia*, 18 February 2025, <https://www.cnnindonesia.com/nasional/20250218181342-12-1199724/sidang-kasus-pembunuhan-wartawan-karo-koptu-hb-dua-kali-mangkir>
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