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Legal And Philosophical Tenets Of Asean Press System
CONSULTATION ON PRESS SYSTEMS IN ASEAN
JAKARTA

Topic : Legal and Philosophical Tenets of ASEAN
Press Systems

Session : 09.00 - 12.00 hours, August 24, 1983

Chairman : Ms Milagros S. Alora

JAKOB OETAMA - INDONESIA

Since the beginning of the national movement against the
colonialists in Indonesia, the social groups, in moulding the
political awareness against the colonialists, have searched for
the concept of what kind of Indonesia they were going to build.

Therefore, immediately, one day after the Proclamation of
Indonesian Independence (August 17, 1945), the founding fathers
decided to formulate the state philosophy (Pancasila).

Some years ago, there was a national renewal of commitment
to the philosophy whereby all political parties and social
organizations committed themselves to one philosophy and one
ideology, that is Pancasila.

This is quite an achievement because Indonesia, as a plural
society, needs to build up a common platform. Within this
configuration, all groups can move and express themselves.

That's why Indonesia has enjoyed unity and national harmony.
The Indonesian press as a subsystem of the whole social fabric is
naturally also subject to this philosophy. The press should be
attached to the fundamental values within the society; otherwise
it will be a strange animal.

The press can play its role effectively only if it works
within the social and cultural fabric of the society.

The Indonesian Constitution explicitly defines (Article 28) that the freedom of the press should be regulated by law.

But the problem with philosophy concerns the gap between the idealism (philosophy) and its transformation into reality (everyday life). How to operate within that framework of philosophy, how the press should contribute to the transformation of the philosophy into reality.

The translation of the philosophy into the press is reflected in the freedom of the press.

One who wants to publish something has to accept certain regulations and limitations made necessary by the realities: the degree of economic development, literacy rate, degree of stability and degree of political awareness.

These realities influence how and to what extent the freedom of the press can be exercised. But in so doing, one should not see only the limitations but rather the wider horizon.

As shown by the South Korean experience, once a nation becomes more industrialized, its per capita income is higher, social mobility is high, its political awareness also becomes higher and the people want more freedom of expressions.

It is therefore rather strange that while Singapore has become more developed with a high per capita income the government is tighter regarding the press.

According to the national philosophy in Indonesia, freedom of the press should be imbued with responsibility. The rules are the social fabric of the society.
Discussion

Q. Need the press become weaker as the government becomes more stronger or can it be the other way around? Is this a zero-sum or positive-sum equation?

A. The relations between the government, the press and the nation as a whole are integrative in nature. The press is not the watchdog, but is the partner of the government. That is the way we look at things idealistically. But one should distinguish idealism from reality. Politicans tend to monopolize power. That is the iron rule of politics, but the Constitution limits the power.

If the government becomes too strong, the social institutions tend to weaken. But sometimes a strong government is needed. The general feeling, however, is that when the government becomes strong the social institutions that support the government should also grow strong.

Q. How far is Pancasila related to religions in Indonesia and is Pancasila the cornerstone of everything. What is the function of the press in realizing the principles of Pancasila.

A. Belief in God (first principle of Pancasila) strongly reflects the religious feeling in Indonesia, where the majority of the people are moslems. But the foundation of the State in Indonesia is not religious. Indonesia is thus not a secular nor a religious State but adopts a concept in between the two.

Even during the early national movement for independence, the political ideals at that time were not only religious
ones.

To realize and achieve the principles of Pancasila is the long-term goal that should be attained through cooperation between the government and other social organizations, including the press.

But sometimes, government officials forget that newspapers also should have good relationships with their readers as well.

Q. How are the relationships between the press and Golkar and the military?

A. Golkar is the most important political party in Indonesia. It helps develop the political format, the modernization of Indonesia. Most Indonesians subscribe to the ideals pursued by Golkar. Golkar embodies the ideals and the practice. Naturally, most newspapers in Indonesia are "independent".

Obviously, there is a Golkar newspaper or one that is called the press arm of Golkar. This newspaper is oriented to Golkar, but is not organizationally linked up with Golkar. The Armed Forces also have their own newspapers in a similar form of tie-up.

The military in Indonesia plays a distinct role because the Armed Forces were in the early days also the people's leaders. Their background was civilian. They work among and with the people. The political role of the Armed Forces is increasing and the press should consider that role. It should be noted, however, that the army is army.

Q. Is Pancasila imposed on Indonesians.

A. Pancasila is not imposed by the government, but was
formulated by the founding fathers of the Republic. Pancasila is deep-rooted in the country. Naturally, there are differences in looking at how Pancasila is in practice. The role of the press is therefore to socialize the principles and ideals and show the gap between the ideals and the reality.

The role of the press is to bring about Pancasila through dialogues.

Additional comments from floor:

Indonesian founding fathers, in formulating the national philosophy, looked at the great concepts available at that time (1940s) in the world.

And they found that within the Marxism and liberalism concepts, two very important elements are lacking, namely social justice and Belief in God. These two principles were stipulated in the philosophy (Pancasila).

KADIR JASIN - MALAYSIA

There is no Press Council in Malaysia. While the government wants one, the Malaysian press does not want it. There is no written philosophy. But, the press, including the electronic media, indeed observe a set of rules dictated both by the environmental and legal framework of the country. So, apart from the traditional roles of informing, educating and entertaining, it also seeks to:

1. promote racial and religious harmony;
2. promote regional integration (Peninsula, Sabah and Sarawak);
3. promote development.
The Malaysia's Founding Fathers did not decisively work towards a philosophical tenet like Pancasila. To some extent, the Indonesian independence movement provided inspiration to the Malaysian press for writing on nationhood. Over the years, Malaysia attempted to formulate a national ideology, called Rukum Negara, but has not had the same impact as Pancasila. The New Economic Policy is another example at forging national unity through a clear set of guidelines. The problems still exist: vernacular aspirations; party position at a communal level; and also foreign influence.

Additional comments from the floor:

1. Indonesian delegation shared and explained the Indonesian philosophical tenets.

Of course there are different perspectives between the government and the press. Pancasila not only serves as the philosophy but also the goal. The government does not treat the press as one to be punished or to be corrected, but treats it as a partner having an equal share in the development of the nation. Also, Indonesia's Press Act states that the press is to protect and develop Pancasila. The relationship between the government and the press can be sometime friendly, sometimes not; and there is also some overlapping relationship.

2. In Thailand the term unity is not used. Thailand uses the word assimilation of the minority and majority. According to a Malaysian delegation, however, the term assimilation connotes the reducing/losing of minority cultural values to the majority, like the aborigines in Australia. The term
integration is proper, because it can unite.

DOREEN FERNANDEZ, PHILIPPINES

The philosophy of the Philippines has been determined by the history of the country which was once under the colonization of the Spanish and the American and the rule of the military dictator of President Ferdinand Marcos.

The colonialization and sufferings under the Marcos regime have made the Filipinos choose liberal democracy as their philosophy, which advocates freedom and equality. Equality means that power resides in the people who exercise it through elections and the democratic process.

The press, therefore shares the power in equality and it has also the responsibility as an individual. This has made the Philippine press very critical.

She admitted that the Philippine democracy is pursuing American-style democracy, but in the 1986 Constitution promulgated by President Corazon Aquino there is a systematic expression of the Philippine philosophy.

Though the Philippines has not set down its national philosophy in the form like that of Pancasila of Indonesia and Rukun Negara of Malaysia, the 1986 Constitution advocates pluralism by giving equal treatment to all citizens even though 90 per cent of the population is Catholic, human rights (due to sufferings under the Marcos regime) and social justice.

To guarantee that all those principles are pursued by the government, a free press is needed.

Liberal democracy, which originated from the American
culture, was interpreted in the Philippine way. The Filipinos do not have a strong sense of individuality like the Americans. They also have a strong sense of brotherhood, considering the other's interest, instead of pursuing the principle of survival of the fittest. Explaining that the Philippine basic values have been damaged by colonialization, she said that a sense of nationhood is now being forged. As a partner of the government in the liberal democracy, the press must be free. The problems of the citizens are also the problems of the press, she said.

Ms Eugenia Apostol. The Philippine press has been a growing fourth estate and a kind of police over the government.

Some Filipinos would even like to legalize the communist party. It would not be a threat if we are strong in our belief in Christianity, although it is admittedly a risk that we will take, but it will also make us stronger.

Discussion and comments from the floor:

Q. The Philippine journalists during the Marcos era were free to interview the president, but why did they not succeed in controlling him?

A. Marcos exercised systematic control through secret agreements and those violating them might risk many sanctions, including losing jobs and having their publications closed down. Marcos also developed a "Marcos culture" which resulted in the birth of "developmental journalism" and "Xerox journalism".

Q. Freedom in the developing countries is just one aspect of life, which is mostly enjoyed by the elites. The Philippine
press is not only free, but it is also wild. Perhaps the Philippine needs an authoritarian government to prevent the free press from becoming a wild press.

A. That has been suggested by some.

Q. Can the Philippine press as a partner of the government not help President Aquino -- considering her job -- by mobilizing public opinion to support her programs, for example land reforms.

A. The press helps the government by explaining to the citizens the government's programmes. But the duty of the press is only to inform what the government is doing, not to back the government.

Q. Several delegates expressed concern over proposals to legalize the communist party and asked them to take heed from the examples of the region. They also expressed fears of a ripple effect on other ASEAN states.

A. The Philippines understands the neighbouring countries' concern, but they stick to their belief that it is better to bring the Communists into the open and let them participate in the elections. It's up to the people to choose. Repression will only make the Communists grow stronger.

Q. What if the Communists eventually defeated the Christian faith?

A. We hope our faith will be strong enough to overcome what will happen.

DALJIT SINGH, SINGAPORE

The press system of a country reflects the political system of the country concerned. The Singapore press has been a partner
of the government in survival and development efforts together with other institutions like trade unions.

Singapore is now experiencing a leadership transition so that the people must be in unison. Singapore inherited the principles of liberal-parliamentary democracy, but some of them have to be modified to conform with the realities of Singapore. The ban of the Communist Party is one of the modifications.

Permit is needed for a rally in Singapore. Though Chinese constitute 75 per cent of the population, there are a number of significant minorities, so that racial problems are very sensitive issues.

The Press Act of 1974 was promulgated to ensure that no single family or organization could control a newspaper and to prevent manipulation by foreign interests. According to the law, a newspaper can be published by a newspaper company only.

Discussion:

Q. Freedom of the press in Singapore is getting narrower, despite economic progress. Is not the fact that foreign publications are getting more popular in Singapore an indication of political dissatisfaction of the people and why does the Singapore government fear the foreign press?

A. Singapore is not ready to accede to pressures which will result in the Singapore press becoming an American-style press and the Singapore press is still a partner of the government.

Despite the economic successes, there are still certain political fragilities based on social and religious
problems. Singapore does not want to take the risk now. There is no suppression of information. The people can read the foreign publications in copied forms after the advertisements are removed. Singapore does not want the foreign press to interfere in the domestic affairs of Singapore.

Q. Personal approach to foreign correspondents had is the Indonesian experience yielded positive results. We should make them friends, because we can't afford to make them enemies. Good arguments will give good results in handling foreign correspondents.

A. Malaysia and Singapore have also made a similar approach, but Indonesia has had better luck. The foreign correspondents give more respect to the Indonesian government than to the Malaysian and Singapore governments. Despite continued efforts by the two governments, the foreign correspondents continue their practices of harming the interests of Malaysia and Singapore.

DR BOONLERT SUPADHILOKE

Thailand's press does not have a philosophy. But some may relate the press code of ethics to the Buddhist doctrine. The government does not want to intervene in to the press. The government does not want to impose a certain philosophy on the press as by so doing it may get involved in some sort of confrontation with the press.

The press also does not want to talk about philosophy, because it does not want to be subject to or bound by certain
philosophy on which press performance may be judged.

The press, however, has been more aware of its responsibility. The philosophical aspects of the press are related more to democracy which means freedom of the press.

But of late, the Thai press has been discussing some concept of developmental journalism, but some philosophy may be needed in the future to support this concept.

Over the last eight years since the Prem administration, the Thai press has been enjoying tremendous freedom of the press. The problem, though, is how to preserve democracy amid the political ups-and-downs.

Thailand suffered political turbulence during the 1973-1976 period and the Thai press also should be blamed for that turbulence. During this period, the press was polarized and some newspapers were manipulated by certain elements. The press was divided into left and right wings.

During the 1973-1976 period, the people in Thailand were disillusioned with democracy and the press also should be blamed for it.

The freedom of the press over the last eight years should also be attributed to the attitude of PM Prem who did not want to intervene in the press even though Prem himself was very much the subject of criticisms by the press. Prem did not attempt to influence the press.

It should also be noted that during that period, Thailand's economy was booming, thereby encouraging the development of daily newspapers oriented to business development.
The press continues to play the role of a watchdog of the government, especially against corruption. The press continues to combat corruption.

However, the press should be careful not to repeat its mistakes during the political turbulence of the 1973-1976 period.

The Thai press will also continue to play the role of a freedom fighter, fighting for freedom because democracy is a very basic principle in society.

Buddhist doctrines are, to a certain extent, similar to Pancasila, notably the principles of civilized humanity and social justice. Buddhism tries to solve internal conflicts in an attempt to reduce sufferings.

To reduce sufferings, the press and the government should tell the truth and only the truth. This means access to the right information, the right reporting.

Hence, the philosophy is by and large rooted in Buddhist doctrines. Buddhism serves as a practical guideline. The Thai press is open to both the government and political parties, but they must all tell the truth.

The truth is the basic practical guideline.

Q. Have the practical guidelines for the Thai press been articulated?

A. The practical guidelines are not written. The guidelines cover such matters as the national security and the monarchy. Stories that affect the national security and the monarch cannot be published.

The government tries also to inject the Buddhist ethical values into the press.
The Thai press is very powerful also with regard to agenda setting and the government always encourages the press to further develop its role.

Additional comments from the floor:

Jacob Oetama: Democracy and freedom of the press is shaped not only by the social fabric but also by those in power (government). Therefore, the press should also consider the attitude of the government and not only the social fabric because the government may have a reason not to develop democracy and freedom of the press.

Indonesia follows closely the developments in Thailand because of its remarkable economic achievements. Also the political culture and nature in Thailand are very similar to Indonesia, especially with regard to the role of the military. But the Indonesian press does not play it so bluntly as the Thai press does.

The press should exercise criticism in such a way that it will not be counter-productive.