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<td>Batubara, S. L.</td>
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S.L. BATUBARA
Indonesian Press & Broadcast Society, Jakarta, Indonesia

STRUGGLING FOR FREEDOM OF INFORMATION

SEMINAR ON ASIAN MEDIA AND FREEDOM OF INFORMATION
May 8 –10, 2000, Bangkok, Thailand
FOREWORD

The history shows that Indonesia has tended not to possess a tradition in safeguarding freedom of the press. On 20 June 1744, the first media Bataviasche Nouvelles en Politique Raisonnementen (Batavian News and Political Reasoning) was established in the archipelago. This media published the first edition on 7 August 1744. But, the next two years, the media was banned. Then, abolishment of press publication was not unusual during the Dutch Colonial period and Japanese occupation.

In the era of independence, both under President Soekarno’s and Soeharto’s governance, freedom of the press was not pleasurable although Article 28 of the 1945 Constitution stipulates freedom of expression. It was only the authority that possessed freedom of expression. The authority was very sovereign in the system of information and of national communication. The public were not free to express their opinions both in spoken and written forms. The principles taken by the authority were the regulation, restriction, repression to the opponents as well as the closure of public access to information. In fifty-three years, hundreds of press publications were shut down temporarily as well as permanently with the reason that they broke up “the national unity and stability”.

The authority’s repression to the press resulted in deprivation. Fifty-four years after being free from Dutch colonialization, Indonesia has not in fact moved toward what was idealized by the founding fathers, i.e., the prosperous, just society on the basis of Pancasila (Five Principles) in the framework of the unity of the Indonesian Republic. In this connection, Indonesia has depressed, and corruption, collusion, and nepotism --or better knows as KKN-- has become endemic. Demands for separation have also increased. As a consequence, human rights violation has occurred, and Indonesia is considered as being barbaric in the international flora. The act of revoking over 100 print media has made the press powerless. The media then sustained their existence by facing down rather than they closed or stopped down having expression. With this attitude, the national press failed to give warnings to the authoritarian and to prevent the depression of Indonesia.

Two hundred and fifty-three years after the first newspaper, Bataviasche Nouvelles en Politique Raisonnementen, however, the tyranny toward the press ended. Law on Press No. 40, which was promulgated on 23 September 1999, has made the press free. Despite this, the Law protects the public’s right to have freedom of expression only. Meanwhile, the right to know is still obstructed. The solution is then to try providing the law which makes the government compulsory to be open to the public.

For fifty-three years, repression to the press has occurred systematically. The practice of fascism, as in the Dutch colonial regime and Japanese occupation, was continued during Soekarno’s and Soeharto’s regime, and even it was more repressive as explained below.

1. Manipulation of the System

First, the first paragraph of the Preamble of the 1945 Constitution explains that freedom is the right of all the nations. But, in implementing the Constitution, only the authority had freedom. The public and press were colonialized and repressed. There was no freedom to assemble, get gathering, and express opinions. Only did the authority’s opinions become reference. There was no room for the public.

Second, Article 1 (2), the 1945 Constitution, stipulates that sovereignty is in the hand of the public. In practice, it was only the government that had sovereignty. The authoritativeness became the basis of the governance. Actually, public opinions became the government’s basic foundation to sovereign the public. In fact, however, the government appeared to monopolize freedom of information.

Third, Article 28, the 1945 Constitution, states that freedom to assemble, get gathering, and express opinions in spoken or written forms is regulated with laws. In fact, the laws produced were Law on Press No. 11/1966 Jo 4/1967 jis 21/1982 and Law on Broadcast No. 24/1997, all of which contain the articles that are not line with what is stipulated in the 1945 Constitution about freedom of expressing opinions.

Fourth, the essence of Pancasila as stated in the Preamble of the 1945 constitution clearly respects human rights. But the Laws on Press and Broadcast suppress the public’s right to have free expression and to restrict the public’s right to know. Besides, there are the other laws contradictory to human rights. Considering KUHP (Criminal Law), the public and press are extremely careful in criticizing the government. Article 154 up to 157 on haatzaai article (article on spreading hatred) is considered as barriers to freedom of the press.

One of the tasks of the press is to do criticizing, correcting and socially controlling by revealing facts and truth about the authority’s wrong doings and undiscipline. However, the execution of the function was threatened by Article 154 of the KUHP with a maximum seven years-jail, if the press revealed the fact or truth which led to hatred or slander to the government. In the KUHP 35 articles are noted to drive journalists to a jail. Moreover, the press could be taken in subversive action, according to the Law No. 11 (PNS)/1963 on subversive criminal action due to a criticism considered as opposing to the government.

All the laws stated above is inevitably contradictory to human rights: violating freedom of speech and expression, freedom of inquiry and freedom from fear. They function as being deterrent and creating the feeling of fear among the public and the press in expressing opinions.
2. Controlling and Repressing the Press

In the concept of democracy, it is the public that control the government and not the other way around. But in the course of the 54 years of independence, the government became a supreme power and gave no chance to the public and press to control them. The government tightly controlled the public and press in order that the public and press surrendered to them.

In order that the public and press surrender, the government suppressed and repressed the press systematically. This was characterized as follows.

First, regulation and restriction; second, harshness to opponents; third, no access for freedom to information. Since the independence was proclaimed, the public and press have not been given access to the sources of information, but the government have had free access to the press. The press has been relinquished to such a dealing; fourth, the use of reversed logic. Freedom of the press which is believed to enlighten the nation has been mistakenly thought to be the cause of the territorial and national instability. The public has been regarded as not being ready toward freedom of the press; therefore, the government emerged to regulate and restrict the press.

3. The Government Stunting the Press

The regime of the authority did not intend to make the national press to be professional.

The function of the press as the fourth pillar of democracy was considered as not being parallel to the concept of guided democracy by President Soekarno and to democracy without opposition as conceptualized by Soeharto. The function of the press as a medium for public debate or as open marketplaces for ideas was considered to be a disturbance for common order.

The design of the government toward the press was to make it an instrument to bring voices which were in accordance with the government's opinions. On the one hand, the press had to be responsible. But, on the other hand, it was not allowed to reveal facts and truth about the abilities of the government authority, undiscipline of the government apparatus, and the manipulation of the system by the authority.
### DEVELOPMENT OF MEDIA INDUSTRIES

<table>
<thead>
<tr>
<th>No</th>
<th>MEDIA ENTERPRISE</th>
<th>COPIES IN MILLION</th>
<th>MEDIA ENTERPRISE</th>
<th>COPIES IN MILLION</th>
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<tbody>
<tr>
<td>1</td>
<td>Print Media</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Daily</td>
<td>79</td>
<td>5.0</td>
<td>299</td>
</tr>
<tr>
<td></td>
<td>b. Tabloid, Weekly</td>
<td>88</td>
<td>5.0</td>
<td>886</td>
</tr>
<tr>
<td></td>
<td>c. Magazine</td>
<td>144</td>
<td>4.3</td>
<td>491</td>
</tr>
<tr>
<td></td>
<td>d. Bulletin</td>
<td>8</td>
<td>n.a</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>e. Total PP</td>
<td>289</td>
<td>14.4</td>
<td>1,687</td>
</tr>
<tr>
<td></td>
<td>(Press Publication)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Television station</td>
<td>6</td>
<td>-</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>Radio Station</td>
<td>740</td>
<td>-</td>
<td>1,100</td>
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n.a. = not available

In line with the increase of 1,398 press publications during the Reform era:

- There was a change from nation-wide print to regional, local, and community newspapers,
- 40% has published,
- Some have stopped down.
LAW ON PRESS NO. 40 YEAR 1999 TO FREE THE PRESS

The fundamental changes have occurred in the system of the national press.

<table>
<thead>
<tr>
<th>FUNDAMENTAL DIFFERENCE</th>
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<tr>
<td>The Law manipulated the 1945 Constitution, The Law became the basis for the policy in the authoritative information &amp; communication.</td>
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<tr>
<td>The press comprised print media only.</td>
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<tr>
<td>Freedom of the press was the gift from the authority; Freedom of the press was repressed: The function of the press as a social control, critics, correction became blunt, The Law prohibited censorship and revoking (Article 4) and freedom of the press in line with human rights was protected (Article 5). But the authority put censorship in practice and revoked hundreds of press publication; The press of broadcast, except RRI and TVRI, was prohibited to practice journalistic tasks. There were no journalists, except informer and obligatory relay to RRI and TVRI.</td>
</tr>
<tr>
<td>Violating Human Rights: Breaking in upon freedom of speech and expression, Breaking in upon freedom of inquiry, Breaking in upon freedom from fear; Press media took a position as an instrument for “the government opinion”, a channel of one-way communication; Information was the business of the government;</td>
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<td>The law characterized the government as controlling the public and press:</td>
<td>The law characterizes the public and press as controlling the government:</td>
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<tr>
<td>• The government (i.e., Ministry of</td>
<td>• Media circles control themselves in the</td>
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</table>
Information) became the regulating body of the press;

- The government was characterized as regulating and controlling;
- The ministry of Information had an organization unit for cultivation;
- Restriction through the instrument in permit and registration procedures;
- The intervention of the government with 11-14 empty check;
- Press council was placed as a Troya horse of the government;
- The application of the system for press organization was single;
- Abandonment of SIUPP (licenses for press publication) and other regulatory sanctions were also taken;
- Harshness to the press and journalists was allowed without law enforcement;
- The government had free access to the public and press, but the access of the public and press to the source of information about the government was limited.

<table>
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<th>basis of self-regulatory, standard of profession is set up by the media itself without the government interference;</th>
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<tbody>
<tr>
<td>- The is no regulation and restriction by the government;</td>
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<tr>
<td>- The Ministry of Information is not needed any longer;</td>
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<tr>
<td>- No licenses, no registration to the government;</td>
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<tr>
<td>- The law without empty check and no intervention from the government;</td>
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<tr>
<td>- Press council is independent and becomes the main keeper for freedom of the press and press ethic codes;</td>
</tr>
<tr>
<td>- Freedom of assembling;</td>
</tr>
<tr>
<td>- No censorship, no revoking permits, violation of the press offense by judicature;</td>
</tr>
<tr>
<td>- Harshness to the press and journalists is proceeded in independent, responsive, open, and just judicature;</td>
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</table>
| - Freedom to seek information is the prerequisite of freedom of the press, There is no freedom of the press without freedom to information:
  - Article 4 (3) safeguards freedom of the press and the national press has the right to seek, obtain, and widespread ideas and information;
  - Article 6 enables the national press to play a role as follows:
    a. Fulfill the public’s right to know. |

Notes:
Despite the articles safeguarding freedom to information, there is a need for laws on freedom to information which obligate public authorities/institutions to be open to the public and press.
THE CONSTITUTION AND LAWS POTENTIAL TO THREATEN FREEDOM OF THE PRESS

a. Since President Soeharto resigned on 21 May 1998 the national press has done social controlling, criticizing, and correcting. The press reveals cases on corruption, collusion, and nepotism as well as violation on human rights. However, legislative, bureaucrats and judicatives give no response to what has been exposed by the press as aspiration of the nation. Moreover, the press is accused of being excessive, selling conflicts as a commodity, and of causing disintegration.

In the above regard, the judicature independent and responsive should be open and fair as a solver to the conflict which occurs between the media and the public, groups of business and military interests or and the government. Meanwhile, the judicature is subordinative to the government, and it would not become the solver to the conflict.

b. Article 28 the 1945 Constitution, safeguards freedom of expression, and it stipulates that freedom of the press needs establishing with laws. Related to this there were three laws produced by the government together with the House of Representatives. The three Laws concern with print media, i.e., Law on Press No. 11/1966, Law No. 21/1982, and with Law no. 24/1997 on Broadcast. In essence, the three Laws are contradictory to Article 28, the 1945 constitution about freedom of the press.

From the above facts, it is concluded that Article 28, the 1945 Constitution, was turned so as not safeguard freedom of expression. Moreover, it was subordinated, lower and dependent of the laws which were resolved by the government together with the House. Furthermore, it was much lower than the press regulations which were resolved by the ministry. For the sake of safety and certainly, Article 28, the 1945 Constitution, needs to be amended in order that the next government and the House of Representatives will unlikely repress freedom of the press. The amendment should be added with the following sentence: "No law shall be passed to abridging the freedom of speech, of expression, or of the press, or the right of the people to assemble and petition the government for redress of grievances ".

c. In 1918 the Dutch Hindian government put in effect penal code (KUHP). Several articles like Article 154–157 on hatzaart artikelen (article on spreading hatred) was considered to have trapped the criminal laws of the press. The articles were used by the Dutch government to trap Indonesian journalists who had courage to criticize the Dutch government. They were used as being deterrent toward the journalists who had courage to write about the aspiration of Indonesian independence.

Ironically, the KUHP was applied by the government in the regime of Orde Lama (Old Order) and of Orde Baru (New Order) as well. Moreover, the Reform Cabinet led by the third president B.J. Habibie through the Ministry of Justice prepared a draft of KUHP. The draft contained 42 articles, instead of 35, which could drive a journalist to court due to press offence. Seven articles which were added in the draft based on Presidential Resolution No. 11 Year 1963. This resolution was then legalized by Law No. 5 Year 1969 to become Law No. 11 (PNPS) 1963.
The latter was well-known with the name Law (PNPS) on Subversive Criminal Case. With reference to the Law, the press was extremely cautious to criticize the government because it could be accused of being subversive. It was mainly because that criticism could be considered as opposing the government. The law clearly violated human rights, not only breaking in upon freedom of speech and expression, freedom of inquiry, but also breaking in up the freedom from fear. The law created the public to have fear of expressing ideas freely.

d. Law on Broadcast No. 24 year 1997 was made by the New Order of Soeharto's regime, and it repressed freedom of the press. Meanwhile, freedom of the press is threatened by Law on Limited Company No. 1 Year 1995, Law on Bankruptcy No. 36 year 1999 and the draft of the Law on Insecurity Control in September 1999.

POST SOEHARTO: OBSTACLES OF ACCESS TO INFORMATION CONTINUING

a. The paradigm of the New Order regime shows that the government's control to the press and public has been strong. Actually, the public are necessary to control the government. The Decree of Minister of Transportation No. Km 4 on 26 January 2000 about General Directorate of Broadcast shows that the Ministry is in contradiction with the paradigm that information is public affairs. Because of this, regulating and controlling broadcast are still the dream of the Ministry.

b. The government has not realized to fulfill the right of the public to know. But now the present President Abdurrachman Wahid is always ready and open to the public through media or direct meetings.

c. The public are curious about:

1) The case on KKN revealed by state owned oil company Pertamina, state body on national logistics Bulog, state owned electricity PLN and so on.
2) The tragedies on violation to human rights, mysterious killings, torturing and kidnapping.
3) Who repeat offenders at the attorney general, thieves at the court, robberies at banks.
4) Who were the provocateurs in Situbondo, Jakarta May 1998, Banyuwangi, Ketapang, Maluku, NTB etc.
5) The killings of students in Trisakti, Semanggi - Atmajaya 1 & II, the murder of Yun Hap of Indonesian University.

However, access to information about the above cases is closed to the public. All are mysterious.

d. Obstacles toward Freedom to Information:

1) In the era of the Reform Cabinet led by the former President B.J. Habibie, harshness to the press continually occurred without law protection. For example, on 10 April 1999 the Governor of East Java Imam Utomo punched the daily Surya journalist Yudith Nainggolan after the journalist had asked him for clarification about his land in Sawojajar, Malang.
2) Tens of the journalists got stricked with a gun, and were kicked. Their equipments were broken while students performed uprisings in 1998, 1999, and who broke the equipments were never taken into court. Meanwhile Edward Karo-Karo, student of Indonesian Christian University on 30 April 1999 was sentenced with a five-month jail because he was accused of kidnapping Serma (Pol) Suratman in the student’s uprising. On the other way around, the shooters to 12 students dead in Trisakti University, Semanggi-Atmajaya as well as the murderer of the journalist Udin and other doers of violation to tens of journalist and media are in fact untouched by laws.

3) The case on the leak of the telephone conversation between the former President B.J. Habibie and the Attorney General Andi M. Ghalib turned from who did leaking the conversation to prosecution by the police toward the leader of the editorial staff of Panji Masyarakat that exposed the copy of the conversation (February 1999).

4) The Attorney General on 8 June 1999 forbade three journalists of Diantrama (RCTI), Bambang Wahyu (Kompas) and Roy Tumpal Pakpahan (Suara Bangsa) to cover news at the attorney. The reason was that the journalists did not well-dressed and have a good conduct when they interviewed the Attorney General.

5) Reform has gone on for 17 months. But the attitude of the government apparatus has not changed yet. In September 1999 the police called up the journalists of ANteve and of SCTV to take accountability for the act. What was the problem? The two television journalists exposed the result of their interview with the commander of Aceh independence movement (GAM) Tengku Abdullah Safei in August 1999. The investigation by the police shows the different vision of the police from the struggle for freedom at the press. In fact, the police used an old paradigm that the press and television should be a channel for government propaganda. Exposing the result of the interview with the commander of separatist movement GAM was assumed to be propaganda for rivalry. Because of this assumption, access to information, especially to the sources of information discrediting the government, is appreciated as not being patriotic. Meanwhile, the defense lawyer for freedom of the press assumed that the journalists of ANteve and SCTV are protected by the new law on the press. The first consideration was that ANteve and SCTV fulfilled the right of Tengku Abdullah Sjafei to express freely. The second was that Anteve and SCTV fulfilled the right of the public to know what Sjafei wanted. Therefore, the right of the press to fulfill access to information is the prerequisite at freedom of the press. Prosecution of the police to the journalists can be considered as being deterrent, terror in order that the press could not fulfill access to sources of information potentially discrediting the government.

6) Polling on East Timer on 30 August 1999 went on accordingly. But, announcement of the result of the referendum on 4 September 1999 was followed by riots, mysterious killings, burning up and refuging. The tragedies in East Timer occurred at the same time when the draft of the law on press was debated in Commission I, the House of Representatives. In the debate, Indonesian Press and Broadcast Society (MMPI) was supported by FKP (Golkar-Faction) to propose a specific article about protection to journalists in doing their
profession. But the representative of F-ABRI (Indonesian Military Faction) refused such a proposal with the reason that journalists are equal to other community members of the state. As an illustration it was stated that in the East Timor riots ABRI protected and helped journalists leave from East Timor by providing aircraft to evacuate them in order that they did not become the victims of the harshness.

On behalf of MPPI invited by the Minister of Information as an expert of the ministry, the writer answered that for the press the aid of ABRI to evacuate the journalists from East Timor was not in line with the demands of their profession as journalists. If ABRI had wanted to help the journalists in their work in East Timor, they should have needed to be protected from harshness of mysterious crimes. Furthermore, evacuating the press from East Timor meant taking the journalists away from access to information about various conflicting parties.

8. On 3 April 2000 Hoesin KH a senior editor of the Menara tabloid Samarinda, East Kalimantan was kidnapped by three unidentified men. He was held blindfold seven days in Jakarta, during which time he was badly beaten in the face and stomach and hung upside down. He was released on 10 April.

This was the third attack on Hoesin KH since the publication of a controversial article in Menara in January exposing a corruption case involving the misuse of forestry funds in East Kalimantan province. On 21 February he was held for one hour by assailants who beat him and threatened to harm his pregnant wife and children, and on 9 March he was held again for one hour and beaten and threatened with death before being released.

PROSPECTS FOR INDONESIA

The blow of the monetary crises has made Indonesia get worse. This situation is not separated from the endemic practice of corruption and violation to human rights. This was explained by a survey conducted by the consultation institute based in Hongkong. The Political and Economic Risk Consultancy Ltd. (PERC) conducted the survey to 450 foreign businessmen in the region during the first quarter of 1999, as quoted by AFP (Kompas, 31/3/1999). The result of the survey suggests that Indonesia has become the state with highest levels of corruption and with a greatest practice of cronyism. Meanwhile the cleanest state is Singapore being followed by Hongkong, Japanese, the Philippines, Taiwan, Malaysia, Thailand and South Korea.

Besides, according to 1999 CPI (Corruption Perception Index) which was compiled by an institution of independent corruption watch based in Berlin, Transparency International (TI) exposed on 26 October 1999, Indonesia has stood at the first place of the most corrupted states after Nigeria and Kamerun (Kompas 28/10/1999).

The report of Human Right Watch states that Indonesia is included in the states which are spotlighted as having violation to human rights.

Furthermore, hundreds of cases on corruption, collusion and nepotism and of abuses of human rights during the last 23 month were revealed by Indonesian media. But, the intention of the public to know who are the actors is obstructed because the public bodies and security apparatus are not transparent to reveal the mystery of KKN and abuses of human rights.
Is there any chance to reveal the various mysteries covering those criminal cases? In this connection, it is interesting to note Cabinet Secretary, Marsillam Simanjuntak’s opinion in the meeting of Southeast Asean Press Alliance (SEAPA), Forum on Access to Information, AJI Jakarta, 10 February 2000. The secretary stated as follows: “We all understand that freedom of expression and the press includes also, if not most importantly, the freedom of inquiry. What good is to be free to write and to publish, if we do not have a free access to information and unblocked channel to the sources of information? Freedom of the press, then, presupposes freedom of access to information. Now there is another kind of responsibility. The one that says the press should carry out the task to spread truth, that the press should be the society’s basic instrument to uphold the nation that “the censorial power is in the people over the government, and not in the government over the people. One way to implement is to secure the access to information. There is clearly an element of “demand” in the effort to gain a guaranteed access to information. A demand, such that the right to it should be respected. And like every other right, it exists only if it is fought for,-- by fighting for it.

So accessibility to information, like press freedom, is not to be taken for granted. It is to be produced (by the press, by ourselves), not something to be consumed whenever it is available, presented or prepared by others.

In other words, accessibility is to be attained as a result of struggle. A constant struggle. We have to open and maintain the channel by constantly fighting for it”.

To answer the challenge of the Cabinet Secretary, the chance to bring into reality one of the principles of clean and good governance, namely transparency, is considerably great. A juridical foundation is available. During the last 23 months, the principle of freedom of information was originated from Universal Declaration of Human Rights which has been transformed into People Consultative Assembly (MPR) Decree No. XVII year 1999 on Human Rights, Law No. 39 Year 1999 on Human Rights and Law No. 40 Year 1999 on Press.

a. Universal Declaration of Human Rights:

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

b. MPR Decree No. XVII/1998 on Human Rights:

Article 14: “Everyone has the right to freely express ideas in line with his own inner.”

Article 19: “Everyone has the right to freely assemble, get gathering, and express ideas”

Article 20: "Everyone has the right to communicate and obtain information to develop himself and his social environments"

Article 21: “Every one has the right to seek, obtain, possess, keep, proceed, and pass on information through with all kinds of available channels”.

11
Article 42: "The right of citizens to communicate and obtain information is guarantee and protected"

c. Law No. 39/1999 on Human Rights:

Article 14 (1): “Everyone has the right to communicate and obtain information needed to develop himself and his social environment.”

(2): “Everyone has the right to seek, obtain, possess, keep, proceed, and pass on information through with all kinds of available channels”.

Article 23 (2): “Everyone is free to possess, reveal and widespread his opinions in line with his own inner orally or in written forms through print media as well as electronic media by carefully considering religious norms, social values, common order, public interest and the integrity of the nation.”

Article 60 (2): “Everychild has the right to seek, obtain, and give information in accordance with his level of intellectuality and age to develop himself as long as in line with social values and appropriateness.”

d. Law No. 40 Year 1999 on Press

Article 4 (3): “To protect freedom of the press, the national press has the right to seek, obtain, and widespread ideas and information.”

Article 6: “The national press implements the role as follows:

a. Fulfill the right of the public to know.”

Furthermore, ARTICLE 19, the International Centre Against Censorship, London has up to now helped Indonesian Press and Broadcast Society (MPPI). In the effort to legislate the Indonesian Information Act, the Centre has offered the following principles:

1. Maximum Disclosure: Freedom of information legislation should be guided by the principle of maximum disclosure.
2. Obligation to publish: Public bodies should be under an obligation to publish key information.
3. Promotion of open government: Public bodies must actively promote open government.
4. Limited scope of exceptions: Exceptions should be clearly and narrowly drawn and subject to strict "harm" and "public interest" tests.
5. Processes to facilitate access: Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available.
6. Costs: Individuals should not be deterred from making requests for information by excessive costs.
7. Open meetings: Meetings of public bodies are open to the public.

8. Disclosure takes Precedence: Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed.

9. Protection for whistleblowers: Individuals who release information on wrongdoing - whistleblowers - must be protected.

CONCLUDING REMARKS.

Two hundred and fifty-three years after the first newspaper Bataviasche Nouvelles en Politique Raisonnementen was revoked, or fifty-four years after Indonesian Independence was proclaimed, only Law on Press No. 40/1999 has freed the Indonesian press. However, the struggle of the public and press has not yet completed. Freedom of speech and expression would be meaningful when freedom from fear and freedom of inquiry are brought in reality by establishing a law on freedom of information.

The law on freedom of information, protecting freedom of inquiry, would result in: firstly, the existence of the tool of transparency in line with one of the principles for clean and good governance. With this tool, the public will be eased to reveal the mystery of hundreds of cases on KKN, the misappropriation of reforestation funds, violation to human right, etc. Secondly, the law can function as a means of preventing the government officials to misuse their powers/positions. The accountability of the officials will become more and more concrete. Thirdly, free access of information to the public is both as a part of society empowerment and as an important tool in establishing a democratic system. True democracy can only be achieved if civil society is empowered.

Bangkok, May 2000

S.L. Batubara