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Appendix

The interviewed

Sururi Alfaruk and Purwanto, journalists at Jawa Pos in Jakarta. Sururi has studied general education at university and Purwanto has studied sociology, politics and international relations at university. Purwanto has been working as a journalist for two years and Sururi for ten years. Jawa Pos is a daily newspaper. The head office is situated in Surabaya on East Java.

Atmakusumah Astraadmadja, Chairman of the Press Council and a veteran journalist. He has been a reporter at the Sunday Edition of Indonesian Raya, Duta Minggu weekly paper, Radio Australia in Melbourne, Antara news agency etc. He is also working as ombudsman of Kompas.

Tarman Azzam, Chairman of PWI, Persatuan Wartawan Indonesia, the Indonesian Journalists Association.

Leo Batubara, Executive Chairman of SPS, Serikat Penerbit Surat Kabar Pusat, The Indonesian Newspaper Publishers Association.

Endy M Bayuni, Deputy Chief Editor at the Jakarta Post. Has worked as a journalist since 1983. First at the Jakarta Post, than for Reuters, AFP and then at the Jakarta Post again. He has a bachelor degree in economics. The Jakarta Post is a morning daily English newspaper.

Daniel Dhakidae, Director Kompas Research and Development Department. The department writes about opinion and doing their own surveys, sometimes they are doing their own polling. Dhakidae has a degree in political science from Cornell university,

New York. He did his Ph D about the newspaper industry in Indonesia. Kompas is the biggest daily morning newspaper in Indonesia.

Bambang Harymurti, Editor-in-chief of Tempo. He is also a fellow at the Foreign Policy Institute of John Hopkins University's Paul H. Nitze School of Advanced International Studies. Tempo has a daily edition and a weekly magazine in English.

Kristianto Hartadi, Managing Editor-in-chief at Sinar Harapan, a daily morning newspaper. Kristianto has been working as a journalist for twelve years.

Lukas Luwarso, Country Director of SEAPA, South East Asian Press Alliance, established in 1998. Luwarso has worked as a journalist since 1994. Before that, he was the chief editor for a student newspaper. He is also the Executive Director of the Press Council.

Syaumsul Muarif, Minister of Communication and Information. Leader of the Golkar party group in the parliament.

Andi Muis, Professor and Ph D of communication and Professor of law. He works at Sahid University in Jakarta.

Ati Nurbati, Opinion Editor at the Jakarta Post. Has worked in the paper since 1992. Before she worked at a "small research office on labour". She has a bachelor of science in Indonesian politics.

Hinca I.P Pandjaitan, Executive Director at IMLPC, Indonesia Media and Law Policy Centre. Another title is Media Law Ombudsperson. Hinca has worked at the university and has a degree in law.

Samuel Pardede, member of the Central Executive Board, PWI, Persatuan Wartawan Indonesia, the Indonesian Journalists Association. Until 1998 PWI was the only journalist association allowed in Indonesia. Pardede also works as a journalist at Sinar Harapan. He has a university degree in foreign relations.

Heru Purwanto, Executive Editor at Antara, Lembaga Kantor Berita Nasional, The Indonesian National News Agency. He has been working in Antara since 1981. Antara is the biggest news agency in Indonesia with about 350 journalists. You find journalists from Antara in every province in the country.

Myorna Ratna M, Editor at Kompas. Has worked at Kompas 14 years. Before she worked in magazines, for example in woman magazines while she studied at the university. Kompas is the biggest morning daily newspaper in Indonesia.

Richard Robison, Professor of Asian and International Politics, Murdoch University, Perth, Australia.

AA Sudirman, senior journalist at Suara Pembaruan, a daily newspaper. He has a master degree from human rights program in Bangkok, with a speciality in international law. At Suara Pembaruan he has worked for seven years.

Didik Supriyanto, General Secretary of AJI, Aliansi Jurnalis Independen, The Alliance of Independent Journalists, (until November 2001). He has worked as a journalist for almost ten years. Before that he was a “student press activist”. The student press is an important element in the student movement in Indonesia and many of the members of AJI, come from the student press.

The following **Press Law number 40 1999** is published on the UNESCO web site:
<http://www.unesco.or.id/prog/cii/com-index/law.pdf>

NATIONAL LAW OF THE REPUBLIC OF INDONESIA
NUMBER 40 YEAR OF 1999 ON PRESS
BY THE GRACE OF GOD THE PRESIDENT OF REPUBLIC OF INDONESIA

Considers:

- a. that the freedom of the press is one of the many embodiments of the sovereignty of the people and is the utmost important element in creating a democratic society, nation and state in order to insure the freedom of expressing ideas and opinions as stated in Article 28 Indonesian Constitution of 1945;
- b. that in the existence of a democratic society, nation, and state, the freedom of expressing ideas and opinions, in accordance to conscience and the right to acquire information, is the substantial right - necessary to preserve justice and truth, promote general welfare, and advance the nation's intellectualism;
- c. that national press as the media of mass communication, information dissemination, and shape public's opinion, must be able to perform at its best according to its principles, functions, rights, obligations and roles based upon the professional freedom of the press, guaranteed and protected by law and free from any interference and intrusion;
- d. that national press has the role to protect the order of the world in accordance to freedom, eternal peace and social justice;
- e. that Act No. 11 of 1966 on The Principles of the Press as modified with Act No. 1 of 1967 and amended with Act No. 21 of 1982 are considered inappropriate;
- f. that based upon considerations stated in letters a, b, c, d, and e, it is necessary to form a Press Act.

In view of:

1. Article 5 item (1), Article 20 item (1), Article 27, and Article 28 in Indonesian Constitution of 1945;
2. Stipulation made by National Assembly of Republic of Indonesia No. XVII/MPR/1998 on Human Rights;

With the Approval of
House of Representatives of
The Republic of Indonesia
It is hereby decided
To put into effect: THE ACT OF PRESS

CHAPTER 1
General Provision
Article 1

In this Act, what is meant by:

1. Press is a social and mass communication institution that operates within journalistic activities that include seek, acquire, own, record, analyze, and disseminate information, on all forms either in written, sound, picture, sound and picture, with data and graphic in any other form, by using printing media, electronic media and all kinds of available channel.
2. Press company is an Indonesian legal entity operating in press enterprise that includes printing media company, electronic media company, and news agency, and also other media company that specializes in operating, broadcasting or disseminate information.
3. News agency is press company that serves printing media, electronic media, or any other media and the public in general, in acquiring information.
4. Journalist is person who regularly conducts journalistic activities.
5. Press organization is journalists' organization and press companies' organization.
6. National Press is press conducted by Indonesia press companies.
7. Foreign Press is press conducted by foreign press companies.
8. Censorship is a coercive deletion on the part or whole of information materials to be published or broadcast, or warning or notice of intimidation in nature by any party, and/or obligation to report, and acquiring permission from the authorized body in conducting journalistic activities.
9. Ban or restriction of broadcasting is discontinuation of publishing and circulation or coercive broadcasting or against the law.
10. The Right to Refuse is the right owned by journalists as professional to refuse in divulging names and/or other identities from sources to be kept concealed.
11. The Right to Response is the right owned by individual or group to response or deny any factual news that is unfavorable for his/their good reputation.
12. The Right to Correct is the right owned by everybody to correct or restore any inaccurate information published by press, either concerning himself or any other person.
13. The Obligation to Correct is the obligation to correct or amend any information, data, facts, opinions, or pictures considered inaccurate that have been published by press.
14. Journalistic Code of Ethics is the compilation of ethics for journalistic profession.

CHAPTER II PRINCIPLES, FUNCTIONS, RIGHTS, OBLIGATIONS AND ROLES OF THE PRESS

Article 2

The freedom of the press is one of the embodiments of the sovereignty of the people based upon democratic, justice, and law supremacy principles.

Article 3

- (1) National press has the function as information, education, entertainment and social control media as well.
- (2) Besides the above-mentioned functions in item (1), national press can function as an economy institution.

Article 4

- (1) The freedom of the press is guaranteed as the basic human rights for every citizen.
- (2) Towards national press no censorship, prohibition or restriction of broadcasting will be imposed upon.
- (3) To insure the freedom of the press, national press has the right to seek, acquire, and disseminate ideas and information.
- (4) In terms of accountability towards the law, the journalist has the Right to Refuse.

Article 5

- (1) National press has the obligation to report events and opinions with respect towards religious norms and moral norms possessed by the public, completed with the presumed innocent principle.
- (2) Press is obliged to attend to The Right to Response.
- (3) Press is obliged to attend to The Right to Correct.

Article 6

National press must play its roles in the following matters:

- a. fulfill the public's right to know;
- b. enforce democratic basic principles, promote the embodiment of supremacy of law and human rights, while at the same time respect the diversity;
- c. develop public opinion based upon factual, accurate and valid information;
- d. conduct control, provide criticism, correction, and suggestion towards any public concern;
- e. fight for justice and truth.

CHAPTER III- Journalist

Article 7

- (1) Journalist is free to choose journalist's association.
- (2) Journalist owns and adheres to The Ethic Codes of Journalistic.

Article 8

In conducting the activities of his profession, journalist is protected by law.

CHAPTER IV- PRESS COMPANY

Article 9

- (1) Indonesian citizen, as well as the state itself, has the right to establish a press company.
- (2) Each press company must be in the form of Indonesian legal entity.

Article 10

Press company must provide welfare towards its journalists as well as its employees with shareholdings and/or net distribution and other fringe benefits.

Article 11

Re-capitalization from foreign enterprise for press company can be conducted through stock exchange.

Article 12

Press company is obliged to disclose name, address, and accountable party through its own media; particularly for publication press, it must be added with name and address of printing company.

Article 13

Press company is prohibited to have advertisement that:

- a. caused in degrading the dignity of a certain religion and/or create disorder in the harmonious relationships between diverse religions' followers, and contrary to the public sense of morality;
- b. contains alcoholic, narcotics, psychotropic and other addictive substances as against the statutory laws;
- c. show the form of cigarette and/or its usage.

Article 14

In order to develop the report of domestic as well as foreign news, each Indonesian citizen and the state can establish news agency.

CHAPTER V- THE BOARD OF THE PRESS

Article 15

- (1) In an effort to develop the freedom of the press and expand the existence of national press, a Board of the Press is established.
- (2) The Board of the Press has the following functions:
 - a. protect the freedom of the press from any intervention;
 - b. conduct studies to develop the existence of the press;
 - c. decide and control the compliance of Code of Ethics of Journalistic;
 - d. give consideration and find solutions any complaint lodged by public towards cases concerned with press' reportage;
 - e. develop communication between press, public and government;
 - f. facilitate press' organizations in order to form regulations in press as well as increase the quality of journalistic professionalism;

g. register press companies.

(3) The membership of the Board of the Press includes:

a. journalists nominated by journalist's associations;
b. management of press companies, nominated by press companies' associations;

c. public figures, experts in press and/or communication, and other occupations nominated by journalist and press companies' organizations.

(4) Chairman and Vice Chairman of the Board of the Press are appointed from and by members.

(5) Membership of the Board of the Press as stated in article (3) is stipulated by a Presidential Decree.

(6) The period of membership of the Board of the Press is three (3) years and afterwards can only be extended for an additional one period.

(7) The financial sources for the Board of the Press are from the following:

a. press organizations;
b. press companies;
c. assistance by the state and other unattached aid.

CHAPTER VI- FOREIGN PRESS

Article 16

Foreign press circulation and its representatives company's establishment in Indonesia must be in accordance to statutory law.

CHAPTER VII-PUBLIC PARTICIPATION

Article 17

(1) The public can conduct activities in order to develop the freedom of the press and to ensure its right in acquiring necessary information.

(2) Activities as mentioned in item (1) can be in the form of:

a. observing and analyzing reports of infringement on law, ethics, and technical faults over reportage conducted by press;
b. convey suggestion and proposal to the Board of the Press in an effort to preserve and increase the quality of the national press.

CHAPTER VIII- CRIMINAL PROVISION

Article 18

(1) Everyone who, against the law, deliberately take action that caused hindrance or prevention of the criteria stated in Article 4 item (2) and item (3) will be sentenced to jail for 2 (two) years at the maximum or charged with fine of Rp. 500,000,000.- (five hundred millions rupiahs) at the maximum.

(2) Press company who violates the criteria as stated in Article 5 item (1) and item (2), and Article 13, will be charged with fine of Rp. 500,000,000.- (five hundred millions rupiahs) at the maximum.

(3) Press company who violates the criteria as stated in Article 9 item (2) and Article 12 will be charged with fine of Rp. 100,000,000.- (one hundred millions rupiahs).

CHAPTER IX- TRANSITIONARY PROVISION

Article 19

(1) By the enforcement of this Act, all statutory laws in press' area that are effectual, as well as organizations or institutions, remain in effect as long as their functions do not supersede or being supplanted with new ones in accordance to this Act.

(2) Press company existed prior to this Act enactment is obliged to make adjustment according to this Act at least 1 (one) year since the enactment date is in effect.

CHAPTER X- CLOSING STIPULATIONS

Article 20

By the enactment of this Act:

1. Act No. 11 of 1966 concerning the Press Regulations' Principals (State Document of Republic of Indonesia year 1966 No. 40, Supplement to State Document of Republic of Indonesia No. 2815), amended lately with Act No. 21 of 1982 concerning Amendment to Act No. 11 of 1966 concerning Press Regulations' Principals as modified with Act No. 4 of 1967 (State Document of Republic of Indonesia year 1982 No. 52, Supplement to State Document of Republic of Indonesia No. 3235);

2. Act No. 4 PNPS of 1963 concerning Protection Towards Printing Matters which Contain Can Cause Public Unrest (State Document of Republic of Indonesia of 1963 No. 23, Supplement to State Document of Republic of Indonesia No. 2533), Article 2 item (3) that concerns newspapers, magazines and regular publications; Are hereby declared null and void.

Article 21

This Act will be put into effect on the date of its enactment.

In order that it is made known, the enactment of this Act is mandated by its placement within the State Document of the Republic of Indonesia.

Made official in Jakarta,

On this date of year

**THE PRESIDENT OF REPUBLIC OF INDONESIA
BACHARUDIN JUSUF HABIBIE**

Enacted in Jakarta

September year of 1999

THE STATE MINISTER

OF THE REPUBLIC OF INDONESIA

MULADI

STATE DOCUMENT, REPUBLIC OF INDONESIA, YEAR OF 1999 NO. 40