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## **Press freedom, law and politics in Indonesia : a socio-legal study**

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This book addresses how press freedom has been shaped by Indonesia's legal system in its political context, from colonial times until the present. It provides an overview of the development of press laws and how they have affected press freedom in practice. Moreover, the book contains the first comprehensive in-depth analysis of case law concerning press freedom. It does not limit itself to criminal prosecutions, but also looks at civil and administrative cases, thus broadening the scope of press cases usually studied by legal scholars.

The analysis is situated in the context of social and political change and explores how law has simultaneously reflected and shaped press freedom, and how this relates to the strengthening of democracy, rule of law and human rights. Through its long term perspective it demonstrates how protracted many processes of press curbing are and how Indonesia has known very little press freedom throughout its history.

Press freedom continues to be contested. The transition from Soeharto's authoritarian New Order to a democratic regime initially led to a truly free press, but gradually new limitations have appeared. These were partly introduced through new laws, but – even more importantly – they are the result of the decentralisation of political power and the corollary changes in the regional political economy. This has led to new forms of violence against the press, ranging from the killing of journalists to so-called ULAP (unjustifiable lawsuits against the press). The latter are usually of a civil law nature and they merely intend to silence the press, while ignoring the formal procedure of bringing complaints against press reports before the Press Council. The main targets of ULAP have been high quality news publications of a political nature.

The book indicates that the courts play an important role in the protection of press freedom. Not only can they limit the use of ULAP, they also determine the punishment of those committing violence against journalists and editors. However, the current political constellation makes it difficult for the courts to properly perform their tasks. The result therefore is a mixed bag of outcomes, some providing hope, others fear for the future of press freedom in Indonesia.

*This is a volume in the series of the Meijers Research Institute and Graduate School of Leiden University. The study is a part of the Law School's research programme Securing the Rule of Law in a World of Multilevel Jurisdiction and was conducted at the Van Vollenhoven Institute for Law, Governance, and Development.*



# Press Freedom, Law and Politics in Indonesia

*A Socio-Legal Study*

H.P. WIRATRAMAN