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

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Propositions relating to the dissertation

"Press Freedom, Law, and Politics in Indonesia: A Socio-Legal Study"

by Herlambang Perdana Wiratraman

1. Presently, violence against journalists in Indonesia is a result of political-economic contestation at the regional rather than at the national level.
2. When targeted by ULAP (unjustifiable lawsuits against the press) and other forms of harassment, Indonesian media that produce high quality news are in practice ill-protected by the Indonesian legal system.
3. The *Radio Era Baru* case shows that the New Order practice of press banning through revoking a publication permit has now been revived in the field of broadcasting media.
4. Recent scholarship on press freedom argues that in a globalised world and under a democratic regime press freedom comes under threat from factors internal to the media (notably media ownership) rather than from ones operating outside of them (e.g. Baker 2006). This research demonstrates that in post-Soeharto Indonesia internal and external factors are closely interlinked and that one should not consider them separately.
5. Some lower courts consistently refuse to refer tort claims on account of press reports to the Press Council, as is required by the 1999 Press Law and as has been confirmed several times by the Supreme Court. This suggests that precedents still play not much of a role in the administration of justice by the lower echelons of the Indonesian judiciary.
6. If the 1999 Press Law were consistently applied, the right to reply, the priority of the Press Council over other mechanisms of redress against alleged press offences, and the self-regulating mechanism of the journalists' association would guarantee that the concept of 'public interest' is explained in a reasonable, proportionate manner.
7. The combination of an internal and an external perspective on law is essential to further develop Indonesia's legal system.
8. Press freedom would be bolstered if Indonesian higher legal education would no longer focus on 'Press Offences' (*Delik Pers* or *Hukum Tindak Pidana Pers*), but rather offer broader courses such as 'Press Law' or 'Law and Press Freedom'.
9. It is remarkable that generally speaking socio-legal scholars in Indonesia take case law more seriously than legal scholars.

