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# Press freedom in Indonesia: inconsistencies to Southeast Asian regional approaches

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## KEYWORDS

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## 1 Introduction: the state of press freedom in Indonesia

Widespread protests in Indonesia occurred on 6 December 2022 due to the passing of the controversial criminal code by the Indonesian People's Representative Council (DPR). The repealing of the previous criminal code came with the introduction of 17 new articles, among them criminalizing acts of defamation directed at the Indonesian president, ministries, agencies, the flag, and state ideology (Steele, 2024). The consequences for the press are detrimental, as they could easily be reported and jailed for reporting the news (CNN, 2021). Perceived as a step back to Indonesian democracy, this empirical reality causes a puzzle within international relations discourses. Indonesia's successful transition to democracy has been followed by the introduction of democratic values and norms to be adopted at the regional level through the Association of Southeast Asian Nations (ASEAN). However, the introduction of domestic laws regulating press freedom is against Indonesia's conception of its role in Southeast Asia.

Indeed, there have been instances in the past that indicate the declining digital freedom of the press in Indonesia. The 2008 Electronic Information and Transactions Law (ITE) justified the government to penalize individuals disseminating libel (Ong, 2021). Since then, criminal penalties have been on the rise due to the use of social media by individuals to spread insults and blasphemy to the public. Although this is a step forward to regulating imprecise information being spread, the offenses have been considered vague and, at times, lacking accuracy. Communication services were also severely impacted after the 2020 Ministry of Communication and Information Technology Regulation to allow access to user data and permit take-down (Steele, 2024).

The consequences of the laws were detrimental to the press. In 2019, one media outlet and seven journalists were criminalized (Aditya and Krisiandi, 2020). "Jawa Pos," a news media covering affairs in Java, was reported for defamation by a local soccer club after reporting the presence of mafias in a soccer match. Two Southeast Sulawesi journalists were reported by a legislative party candidate, claiming to defame that individual regarding a citizenship administration matter. Raising the issue of the lack of attention in handling a patient, a journalist in Central Sulawesi was also sentenced to 3 years in prison after being reported by the hospital's director. The series of arrests and connections between journalists and media outlets to the act of defamation reveals the hierarchy of what news should be available to the Indonesian public. Being imprisoned due to reporting what is happening on the ground causes significant undermining of press freedom, severely impacting their flexibility and sharpness of arguments in reporting certain events.

However, a positive perspective remains maintained by those outside the press and media companies. Lawyers and government officials have argued that the repealed and amended laws are a step forward to modernizing Indonesian law to better synergize with contemporary values and cultural practices (Afifa, 2022; Antara, 2022). This opinion is with reference to issues such as the rise of hoaxes and trolls within Indonesia's online platforms, causing socio-political misleading information and irresponsible disseminated news (Dhea, 2022; Setiawan, 2022). This group also ensured that on the point of protecting against the attack on the personal dignity of Indonesian leaders, prosecutors could be permissible to take such actions if it was for the sake of the public interest (Kompas, 2022; Lamb, 2018; Wiryono and Santosa, 2023).

What is surprising is that all these limitations and challenges to journalists are imposed in Indonesia, a country having relatively positive experiences with democratic transition. Sombatpoonsiri and Luong argued that in Southeast Asia, there exists "legislative opportunism," in which Southeast Asian non-democratic governments are accused of controlling media outlets to control the types of news that are being disseminated to its people (Sombatpoonsiri and Luong, 2022; Luong, 2022). In countries such as Vietnam, Laos, Myanmar, and Cambodia, press freedom continues to be suppressed due to state controls and state media ownership (Strangio, 2024). Ownership by oligarchs and members of royal families has also been a prominent reason why media restrictions are prevalent in Brunei Darussalam and Thailand. Could the recent developments in Indonesia's communication landscape justify an extension of Indonesia into a state that practices legislative opportunism?

This opinion article discusses Indonesia's recent struggles with press freedom rights and the inconsistencies in the theoretical interpretations of Indonesia's role in the region. Existing scholarship argues that Indonesia embraces a leadership role in Southeast Asia and actively promotes democratic norms to be adopted through ASEAN (Smith, 1999; Roberts and Widyaningsih, 2015; Emmers, 2014; Rattanasevee, 2014; Drajat, 2018). More recently, Indonesia also displayed a leading role in pushing the implementation of the "ASEAN guideline on the management of government information in combating fake news and disinformation in the media." However, internally, the domestic laws introduced have contrasted their regional approaches. This qualitative inquiry utilizes secondary data between 2020 and 2024 related to press freedom in Indonesia. The following section will discuss Indonesia's Southeast Asian regional approaches in the field of democratic norm entrepreneurship and discuss how Indonesia can refrain from inconsistencies in its role.

## 2 Indonesia's Southeast Asian regional approaches in democratic norms and values

Talks within ASEAN aimed to officially publish a guideline for a regional collective approach towards tackling disinformation and fake news have been pioneered by Indonesia. The topic's sensitivity became the primary cause of years of negotiations leading to negotiation deadlocks. However, it was during Indonesia's ASEAN

chairmanship in 2023 that allowed for the addressing of the issue by the use of non-sensitive languages in the documents in order for it to be accepted by the 10 ASEAN members (ASEAN, 2023a). In a more technical field, ASEAN member states also discussed collective measures through the ASEAN Ministers meeting, focusing on ministries related to information and news (ASEAN, 2023b; Kominfo, 2023).

Indonesia's engagement in countering disinformation is consistent with its role conceptions in the region. Indonesia was a founding member of ASEAN and made a successful transition to democracy due to the resilience of its government stakeholders in bringing change to Indonesia's political landscape. In Southeast Asia, non-democratic governments such as Vietnam, Thailand, Myanmar, and Cambodia have struggled to provide the types of freedom granted in Indonesia (Emmerson, 2005; Martinus, 2023; Smith and Perry, 2022; Putra, 2024). This is connected to several patterns, such as media ownership (government or royal family members), state censorship, and criminalization of media workers for publishing "sensitive" topics. Thus, to assist its neighbours in the region, Indonesia has embraced norm entrepreneurship roles in democratic norms and values through ASEAN.

Initially, Indonesia's advocacy in the region was a success. Jakarta knew that introducing democratic norms in the region would be a difficult challenge due to the non-democratic nature of several Southeast Asian states. The adoption of consensus-based voting within ASEAN further complicates the introduction of unfamiliar norms. Indonesia was able to overcome those challenges in several ways. First is establishing the ASEAN Intergovernmental Commission on Human Rights (AICHR), emphasizing the "promotion" rather than the "enforcement" of human rights in the region (Kraft, 2012; Ryu and Ortuoste, 2014). Indonesia was detrimental to this process, initially proposing the need for a regional human rights body in 2007 and pushing the commission's agenda since then. Second was the adoption of the 2012 ASEAN Declaration of Human Rights (ADHR), an ASEAN version of the Universal Declaration of Human Rights. The ADHR ensured that it fit the context of human rights in Southeast Asia by avoiding languages that impose specific human rights-related measures (Davies, 2013).

With the recently concluded ASEAN Guideline on disinformation and fake news, Indonesia continues to play the norm of entrepreneurship in Southeast Asia. However, the challenges with press freedom due to imposed domestic laws restricting those rights challenge Indonesia's consistencies between national frameworks and regional measures. The following section will discuss possible measures for Indonesia to avoid inconsistencies in its role in Indonesian press freedom.

## 3 How to refrain from inconsistencies in ASEAN?

There are a number of actionable recommendations for the Indonesian government that could enhance the country's consistency of norm entrepreneurship in the region by ensuring greater press freedom. Perhaps the most significant challenge currently faced is the vast number of detentions and arrests designated to the press, connected to the ITE law and the

2022 criminal code (Aditya and Krisiandi, 2020; CNN, 2021). There is a lack of decisiveness within Indonesian domestic laws that differentiates between blasphemy, defamation, criticism, and simply reporting possible accusations. This vagueness in definitions allows the practice of subjective interpretations towards mass media reporting, which, unfortunately, some would fall under the category of defamation. For the press, this causes challenges in their freedom to report possibilities on top of facts that could be verifiable. Therefore, a solid first step is to judicially review existing laws and reduce the possibilities of grey areas in interpreting the law.

What is critical related to Indonesia's press freedom laws also relates to eliminating the possibility of hurting the diversities of the Indonesian media. Spotlights have been placed on media ownership in the nation being owned by tycoons. Additionally, individuals owning these companies tend to have political ambitions, thus causing greater questions about the reliability and neutrality of the disseminated information. The stronger the limitations imposed on the press, the more difficult it would be to have more diverse media available in Indonesia. The newspaper "Republika," a renowned news agency in Indonesia since 1993, could no longer manage the costs of printed news and decided to go online, a massive blow to local populations still dependent on printed news (elder demography) (Steele, 2024).

However, a more prominent concern on this matter should be Indonesia's consistency in its role conception in Southeast Asia. As literature in international relations studies has informed, Indonesia's niche diplomacy advocating democratic norms and values is critical to its identity in ASEAN. In order to maintain this role, it is pivotal for Indonesia to adopt measures consistent between domestic laws and regional engagements.

Indonesia's recent engagements in ASEAN have reflected consistency in its role in the region. By finalizing the ASEAN guideline to counter disinformation and fake news in Southeast Asia and the continuous push of its importance in agenda setting, Indonesia is displaying that it is extending its niche diplomacy to protect news-related stakeholders, including the press. However, the criminalization of the press due to the vast domestic laws enforced to protect the state policymakers and values has made it difficult for Indonesia to maintain a consistent image in the region. A true democracy cannot be formed when journalists and media outlets are constantly facing the threat of being penalized,

criminalized, and sentenced. As seen in past events in Indonesia, when people of authority are challenged and exposed to possible wrongdoings, such individuals are given the power to fight back under the notion of being defamed.

In this, Indonesia's Ministry of Foreign Affairs (MOFA) needs to coordinate with relevant stakeholders within Indonesia in order to maintain a consistent image in regional affairs. Indonesia's leadership and advocacy of democratic values in Southeast Asia are also determined by the forms of laws introduced by different policymaking bodies. Having understood that connection, the MOFA can take an active role in pushing agendas within Indonesia that would allow for greater consistency between Indonesia's regional outreach and how the government deals with its citizens.

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