

ATTACKS INCREASE, AUTHORITARIANISM STRENGTHENS

Report on the Security
Situation of Indonesian
Journalists 2022



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Alliance of Independent Journalists
2022

A critical,
independent and
investigative
press is the
liveblood of any
democracy

-Nelson Mandela

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GLOSSARIUM

State actors :

They, both individuals and institutions, are in a capacity or as representatives of the state (legislative, executive, and judicial).

Non-state actors :

Persons or groups outside of state actors who can become perpetrators of press freedom violations in certain actions.

Gender-based violence:

Direct violence against a person based on sex or gender.

Digital violence :

Violence where the perpetrator attacks network infrastructure or uses digital technology.

Physical violence:

Violence that includes minor persecution, serious persecution, torture, confinement, kidnapping, murder, and destruction of reporting equipment

Verbal violence:

Violence through speech or writing such as denouncing, manipulating, demeaning, and delegitimizing journalists.

Censorship:

Censorship is the forcible removal of part or all of the information material to be published or broadcast, or threatening actions or warnings from any party, and/or the obligation to report, and obtain permission from the authorities, in carrying out journalistic activities.

EXECUTIVE SUMMARY

The situation for journalists in Indonesia throughout 2022 was unsafe. This is based on the increasing number of attack cases and the number of journalists and media organizations who have become victims. The perpetrators come from state actors and non-state actors.

Data from AJI Indonesia shows that in 2022 there were 61 cases of attacks with 97 victims from journalists, media workers, and 14 media organizations. The number of cases increased from the previous year which reached 43 cases.

The majority of the attacks were in the form of digital attacks, namely 15 cases, physical violence and destruction of work equipment (20 cases), verbal violence (10 cases), gender-based violence (3 cases), arrests and criminal reporting (5 cases) and censorship (8 cases).

In terms of perpetrators, 24 cases involved state actors, including the police (15 cases), government officials (7 cases), and the TNI (2 cases). Meanwhile, there were 20 non-state actors involved, including mass organizations (4 cases), political parties (1 case), companies (6 cases), and citizens (9 cases). The perpetrators of the remaining 17 cases had not been identified.

Based on this data, the number of cases of digital attacks has certainly increased compared to 2021 which recorded only

5 cases. The surge occurred due to the hacking of the work equipment of 37 media workers and the DDoS attack on the Narasi news website from 24 to 29 September 2022. This case is the largest digital attack recorded by AJI Indonesia in the last 4 years.

There are two main trends of digital attacks during 2022: hacking of individual journalists or media workers and DDoS attacks on media organization websites. From AJI Indonesia's data, there were 6 cases of hacking with 43 journalists and media workers as victims. The hack targeted the victims' WhatsApp, email, Facebook, and Instagram communication platforms.

In addition to digital attacks, AJI Indonesia noted how physical violence against journalists covering on the ground is increasingly concerning due to the involvement of state actors, particularly police officers.

Articles of defamation in the ITE Law are still used to ensnare journalists. This was experienced by Muhammad Irvan, a journalist for *Timurterkini.com* who was named a suspect by the Southeast Sulawesi Regional Police on 9 May 2022, and was convicted.

Not only are journalists criminalized, but media companies are also subject to civil lawsuits, as experienced by six media in Makassar who were sued civilly at the Makassar District Court (PN). The six media were Antara News, *Terkini News*, *Celebes News*, *MakassarToday*, *Kabar Makassar*, and *Radio Republik Indonesia (RRI)*. What is relieving is that the Makassar District Court Panel of Judges won the six media outlets by using the Press Law as the basis for the mechanism for reporting disputes and protecting the press. The decision must become jurisprudence

for handling civil lawsuits against other media in Indonesia.

On the other hand, gender-based violence in the form of sexual violence still haunts female journalists on the ground. Three cases of sexual violence received by AJI Indonesia happened to L, a female journalist in Makassar, journalist A in Central Java, and EH, a journalist of Cendrawasih Pos, Papua, on 21 February 2022. These actions were included as crimes that violated the Law on Sexual Violence and the Press Law.

(Perhaps) only a few cases of sexual violence have been disclosed to the public because other survivors are reluctant to expose them because they are hampered by their domestic situation, there is no workplace protection, and they are worried about getting a backlash from the perpetrators.

As a comparison, recent research conducted by PR2Media and AJI Indonesia on 852 female journalists from 34 provinces in Indonesia shows that 82.6% (704) of respondents had experienced sexual violence throughout their journalistic careers.

AJI Indonesia recorded four cases of attacks on journalists in Papua and West Papua throughout 2022 with 7 journalists as victims. These cases included censorship (1 case), criminal reporting (1 case), sexual violence (1 case), and physical violence (1 case). This number has increased compared to 2021 with 3 cases and 3 victims.

WEAK PROTECTION

Every year journalists receive various types of attacks by perpetrators from both state and non-state actors. However, AJI Indonesia has not seen any protection mechanisms provided

by state institutions to protect journalists who are victims of violence, such as the availability of emergency assistance, safety funds, or legal assistance. The protection mechanism is still the initiative of civil society organizations such as AJI, LBH Pers, and the Journalist Safety Committee.

The Press Council already has a mechanism to protect journalists from criminalization, marked by an MoU with the Chief of Police and was followed this year by a cooperation agreement (PKS) on the protection of press freedom.¹ However, the MoU has so far been minimally socialized and no training has been given to the lower-level police officers.

Furthermore, if a journalist is still convicted for his journalistic work, there is no mechanism for the quick response and comprehensive protection, for example, no hotline that is easily accessible to victims of criminalization, no litigation funding assistance, no lawyers provided by the Press Council, and how litigation advocacy provided by the Press Council so that criminal cases are stopped by the Police.

On the other hand, media organizations are also considered to have not provided holistic protection for their journalists. In the Journalist Safety Index research conducted by AJI Indonesia (2022), the majority of respondents stated that security support from the workplace received a low index. Some of the indicators are the lack of security training provided by media companies and the lack of special security protocols for female journalists

1 https://dewanpers.or.id/publikasi/siaranpers_detail/580/Dewan_Pers-Polri_Tanda_Tangani_Kerja_Sama_Perlindungan_Kemerdekaan_Pers

(to protect women from threats of sexual violence).²

The absence of special protection mechanisms for women results in the absence of adequate mechanisms when female journalists experience sexual harassment and trauma. The practice that is generally carried out is to reassign the female journalist in question to avoid threats of violence perpetrated by the perpetrators.

Weak protection by the state is accompanied by strong impunity for perpetrators of crimes against journalists. The absence of investigations into all attacks and threats against journalists, whether online and offline, will strengthen the practice of impunity for criminals against journalists. Ignorance of one violence will give birth to the next violence.

2 <https://aji.or.id/read/buku/113/indeks-keselamatan-jurnalis-2022.html>

PART A
INTRODUCTION





1. JOURNALIST SECURITY PROTECTION

Independent journalism is vital for a democratic society to ensure transparency, participation and accountability of the public as well as government authorities. Independent journalism can only be produced by protecting the security of journalists who work to produce credible information for the public. So that this protection is not only about the rights of journalists, but also relates to the rights of the public in general.

However, the problem that continues to loom is that journalists are still the target of silencing. According to UNESCO, 117 journalists were killed globally between 2020 and 2021, with 78%, or 91, of them becoming victims when they were away from the media office.³ While the International Federation of Journalists (IFJ) documented 68 cases of murder of journalists and media staff during 2022.⁴

Apart from death threats, journalists are still the targets of other violence: physical attacks, harassment, terror, digital attacks, to sexual harassment. Unfortunately, perpetrators of violence against journalists throughout the world are often allowed to get away with it and enjoy impunity. This is added to the economic vulnerability that has not been adequately met to get social protection from media organizations, as well as the shadow of

3 <https://www.unesco.org/reports/safety-journalists/2022/en#:~:text=Of%20the%20117%20journalists%20killed,killings%20occurred%20outside%20their%20newsrooms.>

4 <https://www.ifj.org/media-centre/news/detail/article/68-journalists-killed-in-2022-an-enduring-safety-crisis-in-the-media-sector-warns-ifj.html#:~:text=The%20IFJ%20has%20recorded%2068,decline%20recorded%20in%20recent%20years.>

unilateral layoffs and low wages. Now, the safety of journalists globally is increasingly being threatened by the weakening of democracy and the rise of authoritarian governments.

There are many reasons why journalists become targets of violence and even murder. This is due to their role in exposing human rights crimes, disrupting corrupt authorities, and monitoring abuses of power. Many parties want to silence journalists and kill their independence so they cannot be critical of power.

However, amid this difficult situation, the struggle to hold the state responsible for the safety of journalists must not subside. The safety of journalists has been protected by various international human rights laws and instruments, as an integral part of freedom of expression. This is included in Article 19 paragraph 2 of The International Covenant on Civil and Political Rights (ICCPR), which reads: *“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”* This means that acts of intimidation, harassment, and killing of journalists include violations of human rights.

In 2012, the UN adopted the UN Plan of Action on the Safety of Journalists and the Issue of Impunity which aims to create a free and safe environment for journalists and media workers. The UN Action Plan, which is 10 years old in 2022,⁵ is a guide for

5 <https://www.unesco.org/en/safety-journalists/un-plan-action>

member states and other multi-stakeholders on how to prevent, protect, and break impunity for crimes against journalists.

The safety of journalists has also been adopted in 2015 as one of the indicators of the 16 Sustainable Development Goals in 2030, by tracking cases of murder, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists and related media staff.

Indonesia has ratified the International Covenant on Civil and Political Rights. Guarantees for freedom of expression which are the umbrella for press freedom are regulated in Article 28 F of the 1945 Constitution. Then, in 1999, Indonesia already had Law No. 40 of 1999 on the Press which became the legal basis for protecting press freedom. The Press Law contains guarantees for working journalists, a special mechanism for handling journalistic work disputes, which consists of the right of reply, as well as a complaint mechanism through the Press Council, mediation, and court procedures as a last resort.

However, the issuance of the Press Law 20 years ago has not been fully respected and implemented by the government to ensure the safety of working journalists. From 1996-2010, nine journalists were killed because of news, and most of the perpetrators have not been brought to justice. AJI Indonesia also recorded 956 cases of attacks and obstruction of journalists and media organizations from 2006-2022 in which many state actors were involved, such as the TNI, police, central government to local governments. Most cases of violence also end with impunity.

UNESCO has actually developed eight indicators to assess

the safety of journalists in a country⁶. The eight indicators are: 1) Journalists and associated media personnel are not subject to threats, harassment, or surveillance; 2) Journalists and associated media personnel are not physically attacked, unlawfully detained or killed as a result of pursuing their legitimate activities; 3) Media organizations are not forced to close down as a result of pursuing their legitimate activities, or threatened with closure; 4) Crimes against journalists are prosecuted and there is no climate of impunity.

Next indicators: 5) Media organizations have policies for protecting the health and safety of their staff and freelancers; 6) Measures of social protection are available to all staff, including temporary and freelance employees; 7) Journalists do not routinely self-censor because of fear of punishment, harassment or attack; and 8) Confidentiality of sources is protected in law and respected in practice.

Referring to these indicators, if journalists are still the target of violence, intervention, and impunity, then it can be said that the life of journalists in that country is not yet safe.

2. DEMOCRACY WEAKENS, AUTHORITARIANISM STRENGTHENS

In the last three years, the public has witnessed the weakening of democracy accompanied by the strengthening of the government's authoritarianism. Levitsky and Ziblatt (2018) state that there are four symptoms that characterize the death of a democratic state: (1) lack of commitment to democratic rules;

6 <https://en.unesco.org/themes/safety-journalists/journalists-safety-indicators>

(2) suppression of the opposition; (3) the omission of violence against civil society, and (4) restrictions on civil liberties.

Restrictions on civil liberties are shown by the high level of repression against critical groups. During the period from January 2019 to May 2022, Amnesty International Indonesia's report documented at least 328 cases of physical and/or digital attacks against communities, with at least 834 victims. These victims included human rights defenders, activists, journalists, environmental defenders, students, and demonstrators. The alleged perpetrators of these attacks and intimidations are state and non-state actors.⁷ Law enforcement for these various forms of violence is weak and tends to perpetuate impunity.

The restriction is also indicated by the absence of space for meaningful public participation in making laws or regulations. This can be seen from the revisions to the KPK Law, the Minerba Law, and the Job Creation Law in 2019-2020. In the digital space, the government utilized its power to carry out an internet shutdown in Papua in 2019 and monitor online activities such as virtual police, followed by increased digital attacks like hacking, doxing and DDoS attacks, as well as criminalization using the ITE Law or other laws.

While the problematic articles in the ITE Law had not been revised, the Ministry of Communication and Information issued the Minister of Communication and Information Regulation No. 5 of 2020 on Private Scope Electronic System Operators, ratification of the Personal Data Protection Law which contains

7 <https://www.amnesty.id/kerja-amnesty/riset/meredam-suara-membungkam-kritik-tergerusnya-kebebasan-sipil-di-indonesia/>

'catchall' articles in 2022, and the passing of the Book of Laws Penalties on 6 December 2022 containing 17 articles which are a new threat to journalists.

On December 30, as the public was enjoying the right to a holiday before the new year, the government surprisingly issued Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 on Job Creation.⁸ The Constitutional Court earlier declared that the Job Creation Law was unconstitutional. The Constitutional Court ordered the legislators to make improvements within a maximum period of two years from the pronouncement of the decision. If improvements are not made within this time frame, the Job Creation Law will be declared permanently unconstitutional.

Apart from that, the Constitutional Court also ordered the Government to suspend all strategic actions or policies with broad implications, and it is also not justified to issue new implementing regulations relating to Law No. 11 of 2020 on Job Creation.

The Job Creation Law, especially the employment cluster, has so far had an impact on decreasing the welfare of workers, including media workers and journalists. This law makes the position of workers weaker in labor relations. This is shown by the revision of several articles concerning wages, termination conditions, holiday provisions, and contract workers.⁹

8 <https://setkab.go.id/pemerintah-terbitkan-perppu-cipta-kerja/>

9 <https://aji.or.id/read/press-release/1122/pernyataan-sikap-aji-indonesia-omnibus-law-merugikan-pekerja-dan-mengancam-demokratisasi-penyiaran>

The government's authoritarianism undermines press freedom and restricts journalistic work with various regulations that can land journalists in jail with various articles on insults, false information, spreading hatred, and allowing the perpetrators of violence to enjoy impunity. All of this violates the mandate of international law, the constitution, and the Press Law to protect press freedom and the public's right to obtain information.

3. DATA COLLECTION METHODS

The data collection in this report was generated through direct daily monitoring with 40 AJI Cities (AJI Kota), surveys and focus group discussions on specific topics, and media monitoring. AJI Indonesia measured the security situation of journalists based on laws and regulations that affect the security of journalists, cases of attacks on journalists, and the economic security of journalists within media organizations.

Daily monitoring carried out by AJI included documenting cases of attacks on journalists and media organizations as well as opening reports from the public. Every incoming report has been verified by AJI City and published in real-time via the advocacy. aji.or.id platform. Then, regarding data on the economic security situation of journalists in media organizations, it was obtained based on complaints to the AJI Indonesia Manpower Sector together with 40 AJI Cities.

Apart from direct monitoring, AJI Indonesia also conducted three surveys with specific topics namely Gender Discrimination in the Workplace, Journalist Safety Index, and Sexual Violence against Indonesian Female Journalists. The results of these three

studies were to explore the security situation of journalists on certain issues.

Analysis of laws and regulations that are dangerous to the safety of journalists was the result of work when AJI Indonesia was involved in public policy advocacy with a coalition of civil society by becoming part of the Journalist Safety Committee, the Serious Coalition for Revision of the ITE Law (*Koalisi Serious Revisi UU ITE*), the National Alliance for Criminal Code Reform (*Aliansi Nasional Reformasi KUHP*), the Permenkominfo 5/2020 Advocacy Coalition (*Koalisi Advokasi Permenkominfo 5/2020*), and the Personal Data Protection Coalition (*Koalisi Perlindungan Data Pribadi*). The review and analysis of the articles that threaten the security of journalists included in this report, were developed with the network in each coalition.

PART B

**REGULATIONS
THAT THREATEN**





1. JOURNALISTS' SECURITY

Law No. 19 of 2016 on Amendments to the ITE Law

As of December 2022, the Indonesian Parliament (DPR) and the Government have not revised Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE). There has been no revision, which means that the threat of several problematic articles that might land journalists in jail continues to loom over the Indonesian press.

The ITE Law was first published in 2008 and then revised in 2016. Since its inception, the ITE Law contains articles that threaten freedom of expression and freedom of the press so that they are easily misused to silence legitimate expression and journalistic works. In comparison, 3 journalists were jailed under the ITE Law in 2020-2021 after they wrote news about the environment and allegations of corruption.¹⁰

President Jokowi promised to revise the ITE Law in February 2021. He asked the Indonesian Parliament to revise it by revoking the catchall articles which are the source of the law's legal issues.¹¹ The President then sent Presidential Letter No. R58 dated 16 December (2021) concerning the Draft Law on the Second Amendment to Law No. 11 of 2008 concerning ITE to the DPR RI on 16 December 2021. The DPR read the letter at the 10th Plenary Session in November 2022.¹²

10 <https://nasional.kompas.com/read/2021/12/29/21061491/anggap-uu-ite-momok-media-aji-catat-3-jurnalis-dipenjara-sepanjang-2021>

11 <https://nasional.kompas.com/read/2022/07/06/10005641/tak-kunjung-tuntas-revisi-uu-ite-tiap-hari-korban-bertambah>

12 <https://www.republika.co.id/berita/rlhet3485/terungkap-dpr-sudah>

The Serious Coalition for the Revision of the ITE Law, which contains 24 civil society organizations including AJI Indonesia, has moved to compile a policy paper in April 2021 containing critical notes on the implementation of the ITE Law and recommendations for articles that should be revoked or corrected.¹³ In addition, on 29 January 2022, the coalition officially submitted a Problem Inventory List (DIM) of the revised articles and additional articles proposed by the government to the DPR RI.¹⁴

The coalition assesses that the draft revision of the second revised ITE Law proposed by the government still retains problematic articles and adds several new articles that have the potential to threaten citizens' constitutional rights. In addition, the coalition assesses that the draft revision of the ITE Law has many fundamental weaknesses, especially the multiple interpretations of articles and the excessive application of criminal law.

What the Government still maintains are articles of decency (Article 27 paragraph 1), gambling (Article 27 paragraph 2), defamation (Article 27 paragraph 3), threats (Article 27 paragraph 4), fake news that causes harm to consumers (Article 28 paragraph 1 and 2), hate speech based on ethnicity, religion, race, and inter-group relations (termed "SARA") (article 28A paragraphs 1 and 2), threats (article 29), the weighting of actions

terima-surpres-revisi-uu-ite-sejak-2021

13 Download at: s.id/seriusrevisiuite

14 <https://aji.or.id/read/press-release/1324/koalisi-serius-revisi-uu-ite-menyerahkan-daftar-inventarisasi-masalah-dim-revisi-uu-ite-kepada-dpr-ri.html>

in articles 30 to 34 (article 36).

Meanwhile, the new norm that has been included by the Government is an article that regulates false information that cause confusion (article 28A paragraph 3). Through this DIM, the coalition provides input for a thorough improvement of the contents of the ITE Law, not limited to revisions to the articles proposed by the government alone.

From a number of articles highlighted by the coalition, several articles of the ITE Law that are often used to criminalize journalists and as tools for censoring information are:

- a. Article 27 paragraph (3) jo. Article 45 paragraph (3) on insult and defamation;
- b. Article 28 paragraph (2) jo. Article 45A paragraph (2) of the ITE Law on hatred or hostility based on SARA;
- c. Article 40 paragraphs (2a) and (2b) related to the prevention of dissemination and the government's authority to cut off access.

Without repealing these problematic articles, journalists are still vulnerable to being criminalized, as happened to Muhammad Irvan S, a journalist for *Timurterkini.com*. He was named a suspect by the Southeast Sulawesi Regional Police, on 9 May 2022, one of which was with article 45 paragraph (3) jo. Article 27 paragraph (3) of the ITE Law on insult or defamation.

Irvan was named a suspect and detained since Thursday 19 May 2022, after writing a news article entitled: *Suspected of Carrying Out Illegal Shipments, AT Reportedly Being Examined at the Southeast Sulawesi High Prosecutor's Office and AT Reportedly Being Examined at the Southeast Sulawesi High Prosecutor's Office*

regarding Tax Allegations. He was convicted by the Panel of Judges of the Kendari District Court on 27 September 2022 with a prison sentence of 7 months. The judge charged him with Article 45 paragraph (3) jo. Article 27 paragraph (3) of the ITE Law on insult or defamation.

In fact, this case has gone through a complaint mechanism to the Press Council in accordance with the Press Law. On 30 November 2021, the Press Council has written to Sultraraya and Timurterkini media due to a report from AT's attorney. The Press Council provides recommendations for the editorial team to request the right of reply or the right of correction from the reporter (AT). After attempting to confirm with the reporting parties but receiving no answer, Timur Terkini's editorial staff attempted to carry out the Press Council's recommendations by releasing clarifying news. The news contains a chronology of the events, Press Council recommendations, apologies, and the editorial team's efforts to obtain information from the reporter.¹⁵

Despite carrying out the recommendations of the Press Council, the police continued to proceed with the criminal process. This is, of course, ignoring the Press Law, the MoU between the National Police Chief and the Press Council, and refusing to carry out the Joint Decree (SKB) between the Indonesian Minister of Communication and Information, the Indonesian National Police Chief, and the Attorney General regarding Guidelines for Criteria for Implementation of the Electronic Information and Transaction

15 Excerpted from the Year-End Notes of the Journalist Safety Committee. Download at: <https://aji.or.id/read/buku/116/catatan-akhir-tahun-komite-keselamatan-jurnalis-2022.html>

Law (ITE) which was signed 23 June 2021.¹⁶ One of the contents of the SKB is an exception to the use of Article 27 paragraph (3) in journalistic works.

In the latest development, the Government announced that article 27 paragraph (3) on defamation and insult in the Electronic Information and Transaction Law (UU ITE), was removed through the Draft Criminal Code or RKUHP which was passed on 15 December 2022.¹⁷ However, AJI Indonesia assesses that revisions with comprehensive improvements to the ITE Law must still be carried out to ensure the protection of freedom of expression and freedom of the press.

2. LAW NO. 1 OF 1946 ON CRIMINAL LAW REGULATIONS

In the criminal case of Muhammad Irvan S, a journalist for Timurterkini.com from Southeast Sulawesi, the police also charged him with Article 14 paragraphs (1) and (2) of Law 1/1946 on Criminal Law Regulations. Article 14 paragraph (1) related to broadcasting fake news or information by deliberately causing public confusion with a maximum prison sentence of 10 years.

Whereas in paragraph (2), if someone broadcasts fake news or information that can cause confusion, while he reasonably thinks that the news or information is fake, he is threatened with a maximum imprisonment of 3 years.

The imposition of a fake news article on journalistic works is

16 Download the contents of the SKB at: <https://icjr.or.id/wp-content/uploads/2021/06/SKB-UU-ITE.pdf>

17 <https://nasional.tempo.co/read/1662017/pemerintah-umumkan-pasal-pencemaran-nama-baik-dihapus-dari-uu-ite>

of course inappropriate and ignores the press dispute mechanism regulated by the Press Law. Journalistic work is a process of collecting data and information that has been verified. Media organizations are responsible for this process and disclose their identities to the public so they can be easily held accountable.

This is different from hoaxes where the information that is created and disseminated is not based on facts, without going through verification, and has certain motives. In many cases, it is difficult to find out who created the hoax.

Journalistic works may be inaccurate, but the Press Law has regulated a mechanism for reporting disputes starting from the right to correction, the right to reply, and complaints to the Press Council if a source objects to journalistic work or finds inaccurate data. The Press Council will evaluate the implementation of the Code of Ethics in these journalistic works and provide recommendations that must be implemented by media organizations.

In the case of Muhammad Irvan S, the editorial team of *Timurterkini.com* has carried out the recommendations of the Press Council. Thus, the police should stop the case, not the other way around to process it into the realm of crime.

3. LAW NO. 27 OF 2022 ON PERSONAL DATA PROTECTION

The Indonesian Parliament and the Government passed the Draft Personal Data Protection Law to become the PDP Law on 20 October 2022.¹⁸ On the one hand, the PDP Law is needed to

18 <https://www.dpr.go.id/berita/detail/id/40795/t/DPR+RI+Sahkan+RUU+PDP+Menjadi+Undang-Undang>

provide guarantees for the protection of citizens' personal data in the digital era, which is becoming increasingly vulnerable to incidents of personal data leakage. On the other hand, there are still problematic articles that provide new obstacles for journalists. These articles are:

- a. Article 4 paragraph (2d) categorizes crime records as specific personal data;
- b. Article 64 paragraph (4) reads: *"In the event that it is necessary to protect Personal Data, the trial process is carried out in private"*;
- c. Article 65 paragraph (2) reads: *"Any person is prohibited from unlawfully disclosing Personal Data that does not belong to him"*;
- d. Article 67 paragraph (2) reads: *"Any person who intentionally and unlawfully discloses Personal Data that does not belong to him as referred to in Article 65 paragraph (2) shall be subject to imprisonment for a maximum of 4 (four) years and/or a maximum fine IDR 4,000,000,000.00 (four billion rupiahs)."*

These articles are potentially dangerous because they do not provide exceptions for journalistic work and the public interest. Without exception, journalists and sources who reveal the criminal record of a person or public figure can be targeted with a number of the articles above. Moreover, Indonesia will hold elections simultaneously which, of course, is the role of the media to report on the track records of the candidates, which is very much needed by the public.

The provisions above are contradictory to Article 240 of the Election Law which requires a former convict to declare his legal status track record. If the protection of personal data actually prevents the public from knowing information that they should

know, then this is contrary to Article 28 F of the 1945 Constitution which reads:

“Every person is entitled to communicate and to obtain information for the development of his/her personality and social environment, as well as be entitled to seek, to obtain, to own, to store, to process, and to convey information by means of all kinds of available channels”.

In several other countries, personal data protection practices provide exceptions for journalistic work and public interest. In Costeja’s decision, the CJEU (Court of Justice of the European Union) in its consideration stated that the issue of freedom of expression, including stating that in certain circumstances, such as when personal data is related to a public figure, the public has the right to be able to have access to that information.

Furthermore, in the General Data Protection Regulation (GDPR) in the European Union, it is stated that by law, a middle ground must be found between the right to protection of personal data and freedom of expression and information, including processing for journalistic purposes and the purpose of academic, artistic or literary expression. Be it through setting exceptions or in the form of a reduction for the purpose.

In addition, Article 14 paragraphs (1) and (2) of Law No. 39 of 1999 concerning Human Rights confirms that *“everyone has the right to communicate and obtain information they need to develop themselves as individuals and to develop their social environment”* and *“everyone has the right to seek, obtain, own, store, process, and impart information using all available facilities.”*

Thus, the right to public information is placed as part of human rights so that it cannot be ignored and must be fulfilled by the state.

4. KOMINFO REGULATION NO. 5 OF 2020 ON PRIVATE PSE

In early July 2022, the Ministry of Communication and Informatics announced that all private electronic system operators (PSE) had a deadline to register their applications on July 20. This obligation is one of the implementations of Minister of Communication and Informatics Regulation (Permenkominfo) No. 5 of 2020 which was changed to Permenkominfo 10 of 2021 concerning Private Scope Electronic System Operators.

The announcement was followed up by blocking eight platforms on July 30 for not registering, namely PayPal, Yahoo, Epic Games, Steam, Dota, Counter-Strike, Xandr.com, and Origin (EA). Termination of access causes material and immaterial losses for the plaintiffs, such as not being able to access the eight applications and loss of income and jobs. The Complaint Post opened by AJI Indonesia and LBH Pers recorded 8 journalists who were directly affected because they could not access revenue with a loss of IDR 36 million.

Permenkominfo 5/2020 becomes a new regulation that allows government institutions, through Kominfo, to exercise stronger control in the digital space, threatening freedom of expression and freedom of the press. Since the regulation was issued, AJI Indonesia, which has joined the Permenkominfo 5/2020 Advocacy Coalition, has requested that the Ministry of Communication and Informatics cancel the regulation. On 21 May 2021, for example, 25 civil society organizations from a number of countries, including Indonesia, sent an open letter asking the Minister of Communication and Information Johnny

G. Plate to withdraw the regulation¹⁹

AJI Indonesia identified four crucial articles in Permenkominfo 5/2020 that pose a risk of directly threatening press freedom in Indonesia. First, Article 9 paragraphs (3) and (4) contain provisions for private PSE not to contain prohibited information. The criteria for prohibited information include those that violate the law, disturb the public, and disturb public order.

The criteria of “disturbing the public” and “disturbing public order” are quite flexible or rubbery because they open up space for debate, especially when it comes to content that criticizes state or law enforcement agencies. Moreover, the Permenkominfo does not regulate strict clauses regarding standards, does not involve an independent party authorized to evaluate content, and does not contain a clause regarding the mechanism for objections from the public.

The impact is that news and content that reveals issues of human rights violations, such as in Papua, on LGBTQ groups or investigative coverage that uncovers crimes, can be considered disturbing, bothersome, or considered a hoax by certain parties, even by the government and law enforcement agencies. Regulations that are rubbery or flexible in Permenkominfo 5 actually become an entry point for abuse of power or arbitrariness.

The Permenkominfo 5/2020 Advocacy Coalition rallied in front of the Kominfo office on 25 July 2022 to urge the Minister of Communication and Informatics to revoke the Permenkominfo 5/2020.

19 <https://www.article19.org/resources/indonesia-repeal-ministerial-regulation-5/>



The Permenkominfo 5/2020 Advocacy Coalition rallied in front of the Kominfo office on 25 July 2022 to urge the Minister of Communication and Informatics to revoke the Permenkominfo 5/2020.

Second, Article 14 stipulates that requests for termination of access or blocking of information that disturbs or bothers public order can be made by the public, ministries or agencies, law enforcement officials, and judicial institutions. This provision risks opening the door for anyone, including those with a political agenda, to apply for a blockade of content or news that actually contains the public interest, but is considered to be unilaterally disturbing the public or disturbing public order.

Third, Article 21 and Article 36 contain provisions that PSE must provide access to electronic systems and electronic data to ministries or agencies for supervision and to APH (law enforcement officers) for law enforcement. AJI considers that this provision has the risk of becoming a door for the government to oversee media work. The government and officials can easily access personal data and open up space for violations of privacy rights, including for targeted journalists.

The widespread impact of blocking eight platforms on July 30 shows how the regulation was made without involving meaningful public participation. The blocking is against Law No. 19 of 2016 on Information and Electronic Transactions. Referring to Article 40 paragraphs 2 (a) and 2 (b) of the ITE Law, termination of access is actually limited only to “*Electronic Information and/or Electronic Documents that have prohibited content*”.

On 30 November 2022, AJI Indonesia, the Media and Creative Industry Workers’ Union for Democracy (SINDIKASI), and two individuals filed a lawsuit against Permenkominfo 5 to PTUN Jakarta.²⁰

5. LAW NO. 1 OF 2023 ON THE CRIMINAL CODE

The Indonesian Parliament and the government officially ratified the Draft Law on the Criminal Code (RUU KUHP) to become the Criminal Code Law on Tuesday 6 December 2022.²¹ This ratification was carried out amid public protests in various parts of Indonesia, including from the press community.

AJI became one of the organizations that rejected the ratification of the Criminal Code because it still found 17 problematic articles that had the potential to criminalize journalists and threaten freedom of the press as well as freedom of opinion and expression.²²

20 <https://aji.or.id/read/press-release/1481/tim-advokasi-kebebasan-digital-gugat-kominfo-atas-pemblokiran-8-platform-digital.html>

21 <https://www.dpr.go.id/berita/detail/id/42227/t/UU+KUHP+Telah+Akomodir+Seluruh+Aspirasi+Masyarakat+Indonesia>

22 <https://aji.or.id/read/press-release/1428/aji-menuntut-19-pasal-rkuhp-yang-membahayakan-kebebasan-pers-dicabut.html>

The rejection was because the discussion process for the RKUHP was not transparent and did not provide space for the public to be able to participate meaningfully. This can be seen in how initially the government and DPR RI were reluctant to open the RKUHP draft until a number of CSOs and the Journalist Safety Committee submitted requests for public information disclosure to the DPR RI in July 2022. Input from CSOs and the Press Council, either to revoke or reformulate articles that are dangerous to democracy, was not fully accommodated.

The ratification of the Criminal Code which contains 17 criminal articles that endanger the safety of journalists is a democratic and ahistorical setback. Bearing in mind, the Press Law was actually born as a response to the systematic suppression of the press by the previous authoritarian regime and its basic purpose was to improve the quality of democracy, as the operational law of article 28 of the 1945 Constitution.

Sociologically, and historically, the application of criminal law has always been aimed at attacking and/or retaliating (revenge) against journalists or the press, and this has not only affected press freedom but has also failed to reflect the rule of law, democratization, and human rights. That is because the formulation of criminal provisions in press cases is no longer relevant.

Offenses related directly or indirectly to journalistic activities should no longer be included in the Criminal Code, moreover, the professional ethical standards provide a breathing space for error, as a special mechanism in press law. Such an exception has become a doctrine in the Judgment of the European Court of Human Rights when journalistic work is not considered



AJI Bandung rejected the ratification of the RKUHP by holding a silent demonstration for 17 minutes in front of the West Java DPRD Building, Monday 5 December 2022. (Photo: AJI Bandung).

insulting or cannot be blamed if it cannot convey other people's statements accurately (see: *Case of Observer and Guardian v. the United Kingdom*, 1991, § 60).

AJI Bandung rejected the ratification of the RKUHP by holding a silent demonstration for 17 minutes in front of the West Java DPRD Building, Monday 5 December 2022. (Photo: AJI Bandung).

In practice, this doctrine applies to journalists whose profession is to carry out coverage for the public interest. As long as the media reports are in accordance with professional ethics, reporting must be protected as freedom of expression. This doctrine provides a breathing space for error for journalists in carrying out their work. In fact, the Court also needs to understand the working mechanism of journalists who are in a race against time.



Action against the ratification of the RKUHP by AJI Semarang in front of the Central Java Regional House of Representatives Office on Monday, 5 December 2022. (Photo: AJI Semarang)

Therefore, in the context of Indonesian law, the validity of Law no. 40 of 1999 on the Press along with the Journalistic Code of Ethics is a special mechanism (*lex specialis*) and priority is given to its legal validity (*lex suprema*) in legal cases involving news coverage or journalistic works.

Internationally, there is a tendency to regard any use of criminal law on defamation of the press as a violation of freedom of expression. The United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE) have lobbied for this goal. In fact, the OSCE Parliamentary Assembly has called for the abolition of all laws which provide for criminal penalties for defamation of public figures or which punish defamation of

the state or state organs.

The UN Special Mandate, OSCE, and Organization of American States (OAS) have gone further, stating that: *“Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws”*.

Action against the ratification of the RKUHP by AJI Semarang in front of the Central Java Regional House of Representatives Office on Monday, 5 December 2022. (Photo: AJI Semarang)

The UNHRC has expressed concern several times over the abuse of criminal defamation laws in real cases, and recommended comprehensive legal reforms in countries, as exemplified by Azerbaijan, Norway, and Cameroon. In General Comment No. 34, the Human Rights Committee provides in paragraph 47, *“States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”*

LIST OF ARTICLES IN THE CRIMINAL CODE THAT THREATEN THE SECURITY OF JOURNALISTS

ARTICLE TYPE	CATEGORY
Article 188	Regulates the criminal act of spreading or developing the teachings of Communism or Marxism-Leninism
Article 218, Article 219, and Article 220	Regulate the criminal act of attacking the honor or dignity of the President and Vice President
Article 240 and Article 241	Regulate criminal act of insulting the Government
Article 263	Regulates the criminal act of broadcasting or disseminating false news or information

ARTICLE TYPE	CATEGORY
Article 264	Regulates the criminal act against anyone who broadcasts news that is uncertain, exaggerated, or incomplete
Article 280	Regulates interference and misdirection of the judicial process
Article 300, Article 301, and Article 302	Contain criminal act against religion and beliefs
Article 436	Regulates the criminal act of light insult
Article 433	Regulates criminal acts of defamation
Article 439	Regulates the criminal act of defiling the dead
Article 594 and Article 595	Regulate criminal acts of publishing and printing

6. THE JOB CREATION LAW AND GOVERNMENT REGULATION IN LIEU OF JOB CREATION

The Job Creation Law and Republic of Indonesia Government Regulation No. 35 of 2021 on Specific Time Working Agreement (PKWT), Outsourcing, Working Time and Rest Time, as well as Layoffs, have weakened the position of journalists in front of employers. Bad practices of working relations in the media such as contractual status without certainty of being appointed as permanent workers, outsourcing, until layoffs are legalized by the state.

Media companies continue to lay off workers even though the Constitutional Court has granted a civil society organization's lawsuit over a formal review of the Job Creation Law on November 25. In the decision, the panel of judges of the Constitutional Court stated that the Job Creation Law was formally flawed and conditionally unconstitutional. With this

decision, the government cannot make strategic and broad-based policies related to the Job Creation Law. The Constitutional Court also provides an opportunity for the government and the DPR to amend the law no later than two years.

The fact is that media companies continue to lay off workers based on the Job Creation Law and these government regulations. The amount of severance pay given to journalists who have been laid off is also far from the provisions of the Labor Law. For example, layoffs for reasons of efficiency that should receive severance pay twice the provisions of Article 156 paragraph (2) of the Manpower Law become one-time provision. In fact, in some cases, not a few companies provide severance pay under the provisions of government regulations.

The Job Creation Law and this government regulation make bad practices such as the outsourcing status of media workers and contract workers (contributors) scattered in various regions, thereby eradicating efforts to improve journalist welfare. AJI Indonesia often finds outsourcing workers on television who are contracted for up to a dozen years by renewing their contracts with a different company every year.

The Job Creation Law also makes bad practices in the broadcasting sector legal. This is because the Job Creation Law allows broadcasters to broadcast nationally, something that is considered a violation of Law No. 32 of 2002 concerning Broadcasting. The ban on national broadcasts is precisely to encourage the spirit of democratization of broadcasting, namely to give space for local culture and economy to grow.

The Job Creation Law also gives the government great authority to regulate broadcasting. This is because article 34

which regulates the role of KPI in the broadcasting licensing process has been omitted. The abolition of this article also eliminates the provisions on the time limit for broadcasting licenses, namely 10 years for television and 5 years for radio, and also prohibits broadcasting licenses from being transferred to other parties.

Even worse, at the end of 2022, President Joko issued Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 concerning Job Creation on Friday (30/12/2022). The government claims that the issuance of Perppu Cipta Kerja is urgent to anticipate global conditions such as a global recession, rising inflation, and the threat of stagflation. In addition, the government claims that the issuance of the Perppu is in accordance with the decision of the Constitutional Court (MK) No. 38/PUU-VII/2009.

The government continues to ignore public participation and community input, including the press community, in the issuance of this Perppu and other laws. In fact, this Perppu has a big impact on all workers in the country, including media workers. Articles that are detrimental to journalists and broadcasting are also maintained in this Job Creation Perppu. Among others:

- a. Article 156 which regulates severance pay is still maintained in the Job Creation Perppu. This means that the calculation of severance pay still refers to the derivative rules of the Job Creation Law, namely Government Regulation No. 35 of 2021 concerning Specific Time Working Agreement (PKWT), Outsourcing, Working Time and Rest Time, and Layoffs (PHK). In several cases of layoffs, this Perppu is detrimental to media workers because it is far worse than the Labor Law.

- b. Articles 163 and Article 164 of the Labor Law in the Job Creation Perppu are deleted, the same as the Job Creation Law. These two articles regulate workers' rights to severance pay in the amount of twice the provisions of Article 156 paragraph (2). This is, of course, detrimental to media workers who are laid off because it reduces the amount of severance pay that should be received.
- c. AJI Indonesia also found articles relating to outsourcing arrangements, contract workers, working time arrangements, and leave that are detrimental to journalists and media workers being retained in the Job Creation Perppu.
- d. Provisions that allow the world of broadcasting to broadcast nationally and eliminate the role of KPI in the licensing process are also maintained in the Job Creation Perppu.

PART C

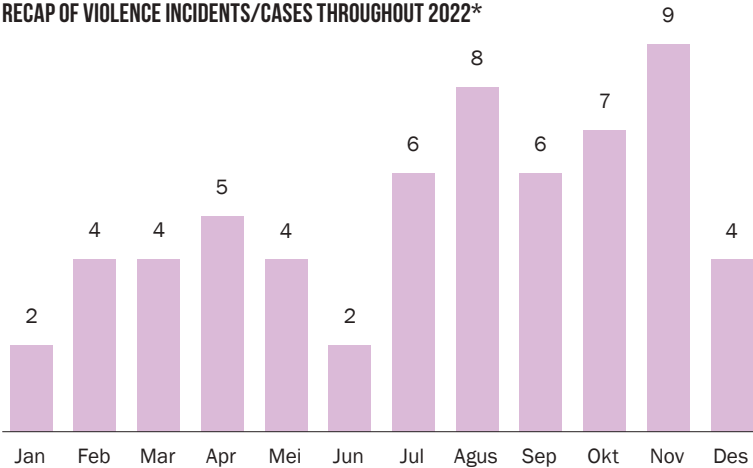
**TRENDS IN
ATTACKS ON
JOURNALISTS**





Data from AJI Indonesia shows that in 2022 there were 61 cases of attacks with 97 victims from journalists, media workers, and 14 media organizations. The number of cases increased from the previous year which reached 43 cases.

RECAP OF VIOLENCE INCIDENTS/CASES THROUGHOUT 2022*



*The data for each case does not represent the number of victims. In one case/incident, there could be more than one victim.

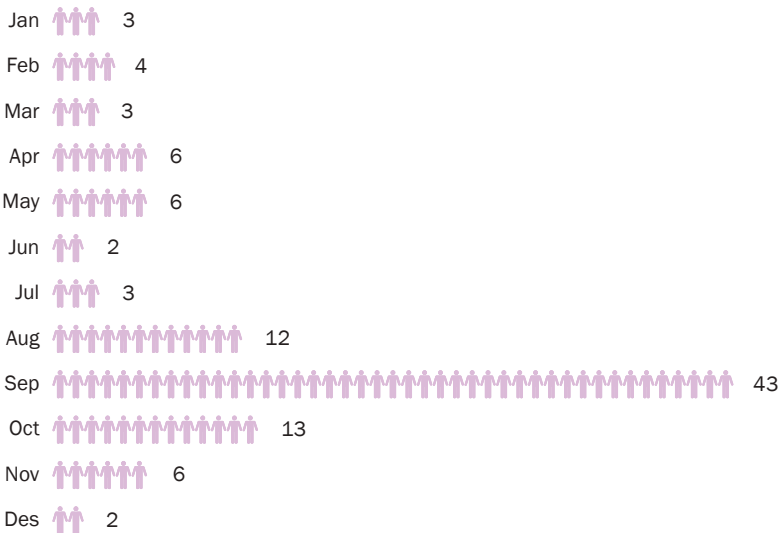
*The data for each case does not represent the number of victims. In one case/incident, there could be more than one victim.

The majority of the attacks were in the form of digital attacks, namely 15 cases, physical violence and destruction of work equipment (20 cases), verbal violence (10 cases), gender-based violence (3 cases), arrests and criminal reporting (5 cases) and censorship (8 cases).

In terms of perpetrators, 24 cases involved state actors, including the police (15 cases), government officials (7 cases), and the TNI (2 cases). Meanwhile, there were 20 non-state

actors involved, including mass organizations (4 cases), political parties (1 case), companies (6 cases), and citizens (9 cases). The perpetrators of the remaining 17 cases had not been identified.

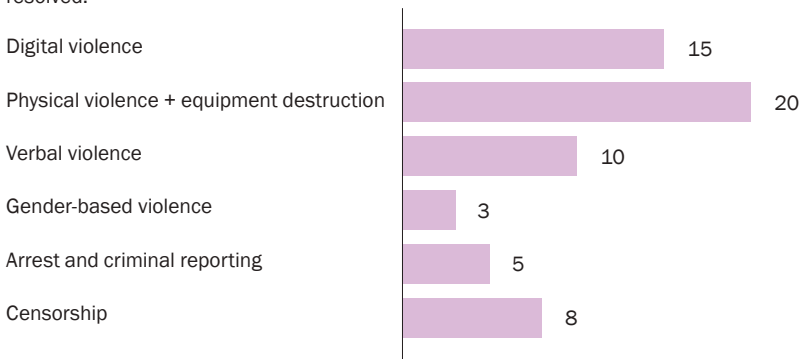
THE TOTAL NUMBER OF VICTIMS IS 97 PEOPLE*



*The attacks in September affected 43 crew members and former editors of Narasi. Recorded as the most massive attack in the last five years

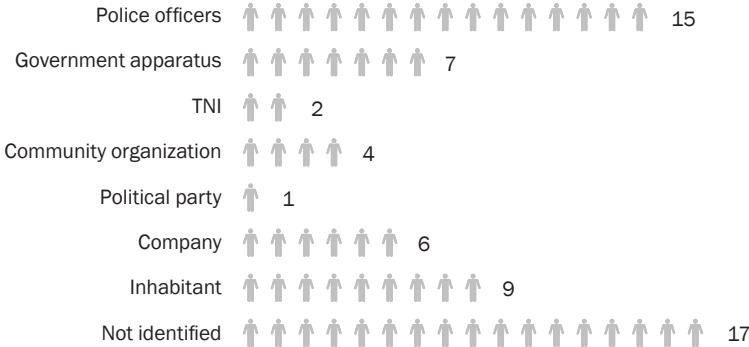
TRACES OF ATTACKS ON JOURNALISTS AND MEDIA 2022

From a total of 61 cases, the predominance of attacks was in the form of physical violence. This condition can increase if digital violence is not anticipated and resolved.



PERPETRATORS OF VIOLENCE AGAINST JOURNALISTS AND MEDIA 2022

State actors were the main perpetrators of violence identified in three groups in 24 cases. Police officers are the perpetrators of most of the violence.



1. TYPE OF ATTACKS

A. Physical Violence and Equipment Destruction

AJI Indonesia documented 20 attacks consisting of 15 cases of physical attacks and five cases of destruction of work equipment. Of the 15 physical attacks on journalists, four of them were related to reporting on the environment and agrarian conflicts.

A prominent case was experienced by AmperaNews journalist Faisal when he was going to cover the existence of illegal gold processing in Mulyo Sari Village, Way Ratai Hamlet, Pesawaran Regency, Lampung. The victim was slashed in the head, neck, and hands by a man who claimed to be the owner of the illegal business, on Monday, 5 December 2022. The victim reported this case to the Pesawaran Police.

The editor of *cemat.id* in Ternate, Nurkholis Lamaau was beaten at his house, on Wednesday, 31 August 2022 in

the morning at 09.15 WIT after writing an opinion entitled *Breathing Coal Dust Gets Rewards*. He quoted the title from the statement of the Deputy Mayor of Tidore Islands, Muhammad Sinen. He was hit by Sinen's nephew in the head and back of the neck.

TV One journalist Beny was assaulted while covering a land dispute between the people of Dalu XA Village and PTPN II in Tanjungmorawa District, Deli Serdang Regency, North Sumatra, Thursday, 24 March 2022. A number of men wearing PTPN uniforms abused him until he injured his lip and head. Beny has reported the violence to the Deli Serdang Police.

Online media journalist Topmetro.news.com, Jeffry Bhatara Lubis was assaulted by four unscrupulous members of the Community and Youth Organization (OKP) at the Lopo Mandailing Coffe SPBU Aek Galoga, Mandailing Natal, on Friday 4 March 2022, around 19.30 WIB. As a result of the beating, Jefri suffered facial injuries. The act of violence against Jefri was allegedly because the perpetrators were unhappy with the news about the suspect in the Unlicensed Gold Miner (PETI) in Mandailing Natal Regency, North Sumatra, with the initials AAN.

AJI Indonesia also documented two cases of violence against journalists by members of the police while covering demonstrations. First, it was experienced by a journalist from Zonasultra.com, Sutarman, while covering a student demonstration against President Joko Widodo's term extension in the former MTQ area, Kendari city, Monday 11 April 2022.

At that time, Sutarman was covering a demonstration and recorded the apparatus beating one of the students using his cell phone. Then the police saw Sutarman's actions, approached the victim and committed acts of violence, by slapping and choking the victim. The police also confiscated Sutarman's cell phone and deleted the video he had recorded.

A prominent case of equipment destruction was also received by a journalist from Serambi Indonesia Daily, Indra Wijaya, when he covered a demonstration against the increase in fuel prices in front of the Aceh Parliament building, Jl. Daud Bereueh, Banda Aceh, Wednesday, 7 August 2022. His cell phone was damaged by a member of the police, when he was live via Facebook for the Serambi Indonesia editor.

A few minutes later, or around the eighth minute, when the camera was focused on several mobs being guarded by the police. Someone suspected of being a police intelligence officer hit and dropped the victim's mobile phone so that it fell onto the road. The phone broke and the screen was damaged.

From a number of cases above, AJI Indonesia provides focus: **first**, how environmental issues and covering demonstrations become risky issues or areas of coverage for journalists. This needs to be a concern of how journalists need to assess the issues and areas they will cover, receive physical and digital security training, and must have knowledge in the event of a violent incident like the cases above.

Media organizations that assign journalists to risk areas must provide guarantees of protection such as training, social security, trauma recovery, and living allowances as long as the journalist who is a victim cannot return to work.

Several cases of attacks on journalists have been reported to the National Police. However, only in one case has the alleged perpetrator been arrested, namely the assault on the journalist Suaraflobamora Fabi Latuan in Kupang City, NTT.

Second, violence against journalists by members of the police while covering demonstrations is not the first time. AJI Indonesia noted that during a demonstration against the Omnibus Law in October 2020, there were 28 cases of violence against journalists that occurred in a number of regions in Indonesia.²³

Violence by security forces during demonstrations is a form of violation of human rights, including violating freedom of the press that has been guaranteed by the Press Law. It is also prohibited in various international human rights instruments, including the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) which prohibits all forms of torture and inhumane treatment. All forms of torture are expressly prohibited in various human rights protection instruments, for example in Article 7 of the ICCPR.²⁴

The UN Basic Principles on the Use of Force and Firearms (BPUFF) by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials (CCLEO) also stipulate the principles that law enforcement officials need to follow when using force: the principles of legality, necessity,

23 <https://nasional.tempo.co/read/1394697/aji-28-jurnal-alami-kekerasan-oleh-polisi-saat-liput-demo-omnibus-law>

24 <https://www.amnesty.id/apa-itu-kekerasan-polisi/>

proportionality, and accountability.

The prohibition of torture has also been regulated in the Indonesian constitution. The right to life and not to be tortured is protected in Article 28 I of the 1945 Constitution and Articles 4 and 9 of Law No. 39 of 1999 concerning Human Rights.

Regulation of the Head of the National Police of the Republic of Indonesia No. 14 of 2011 concerning the Professional Code of Ethics for the Indonesian National Police also requires every member of the police to respect human dignity based on human rights principles.

Therefore, the National Police Chief must evaluate the excessive use of force and safeguarding demonstrations that are not in accordance with human rights principles. This evaluation must be followed by taking action against and bringing in members of the police who have committed violence against journalists.

B. Verbal Violence

Verbal violence, which includes psychological violence, is divided into terror and intimidation against journalists or media organizations. AJI Indonesia documented 10 incidents of terror and intimidation with a total of 8 victims being journalists during 2022. Of the total incidents, eight cases were related to reporting on alleged corruption, some of which occurred at police institutions in the regions.

Several incidents that stood out were the successive threats received by NTBSatu.com journalist Mugni Agni. On

7 December 2022, he was intimidated by members of the West Nusa Tenggara (NTB) Police after writing a report entitled *Indications of Fees Flowing to Investigators from the NTB Regional Police Regarding Illegal Cosmetic Cases*. The police threatened him using the newly passed Criminal Code.

Prior to the threat, on November 25, Mugni received intimidation and forced summons from police officers suspected of being from the NTB Regional Police Propam after he wrote a news article entitled *Accident Victims Allegedly Charged Millions of Rupiah, This is the Kapolresta Mataram's Response*. He also once received terror in the form of a mysterious phone call related to his report on fuel hoarding.

Jurnalisa, a journalist for *Harian Rakyat Aceh*, received death threats on Thursday, November 10, 2022. The victim was threatened with death by someone suspected of being a project supervisor in the district of Central Aceh Regency after covering allegations of irregularities in the Pasar Rejewali Sejahtera development project in Ketol District, Central Aceh Regency. The journalistic report was first published by *Kabargayo.com* with the title *The Rejewali Ketol Market Work Project is Allegedly Done Carelessly and Slowly, Fantastic Budget*. The report was later published by *Rakyat Aceh*.

The several examples above show how corruption is also a risky issue and journalists who cover it experience backlash from institutions and sources suspected of being involved in the case. This condition is concerning since corruption is a major issue in this country, while on the other hand, the KPK has been systematically weakened. Based on data from Transparency International, Indonesia's ranking is low on

the 2021 Corruption Perceptions Index. Indonesia's ranking is number 96 out of 180 countries, below African countries such as Ethiopia (87), Tanzania (87), and Ghana (73).²⁵

Public participation, including journalists' efforts to monitor corruption, faces complex challenges. This is in line with the 2021 Corruption Perception Index (CPI) report, which states that the decline in a democracy that Indonesia is currently experiencing, among others, appears in the form of disproportionate restrictions on civil liberties and leads to the arbitrary use of the rule of law.²⁶

This condition requires serious attention from the state so that it is more serious in its commitment to eradicating corruption, including protecting journalists and ensuring public participation. Media organizations must also provide mitigation and protection for journalists deployed to cover corruption issues. State administrators and all resource persons must ensure that they have the same commitment and use the Press Law as a mechanism for objecting to reporting.

C. Digital Violence

AJI Indonesia documented 15 attacks and digital disturbances with at least 43 editorial staff and 9 media organizations victims. The number of incidents has increased

25 <https://ti.or.id/indeks-persepsi-korupsi-2021-korupsi-hak-asasi-manusiadan-demokrasi/>

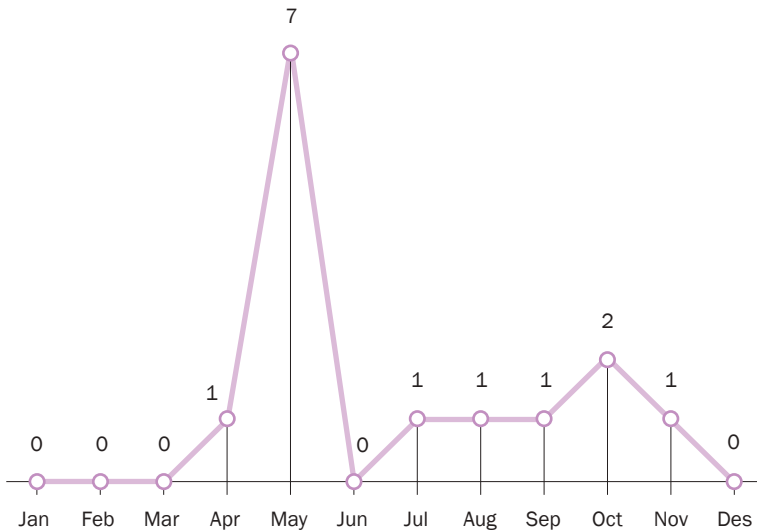
26 <https://ti.or.id/residensi-jurnalis-anti-korupsi-mewartakan-jurnalisme-hukum/>

compared to 7 cases in 2020 and 5 cases in 2021.

Digital attacks that are becoming a trend during 2022 are hacking experienced by journalists, and DDoS targeting media organization sites. The biggest hack in the history of digital attacks was experienced by 37 Narasi editorial staff from 24-29 September 2022.

The hacking and attempted hacking of Narasi's media crew spanned multiple platforms such as Facebook, Instagram, Telegram, and Whatsapp accounts. The editorial crew that became the target came from various levels, from editor-in-chief, managers, finance, producers to reporters.

DIGITAL ATTACK AND LAWSUIT



- A total of 14 media became victims of digital attacks and lawsuit
- Surge in May from civil law against 6 media in Makassar

The hacking first occurred on the WhatsApp number belonging to Akbar Wijaya or Jay Akbar, a Narasi producer, on Friday 23 September 2022. He received a number of unknown links via Whatsapp at around 15.29 WIB.

Even though Jay did not click on any of the links in the text message, 10 seconds later he had lost control of his account or personal Whatsapp number. Not only WhatsApp account, but Jay also cannot access the private phone number. Since then, the social media accounts of Narasi's editorial team have been hacked one by one. Those who have implemented more stringent digital security can prevent or more quickly take over their digital assets after receiving notification of an attempt by another party to take over their account.

Apart from the Narasi editorial staff, five other hacking incidents were experienced by journalists from CNN Indonesia, Jaring.id, the Chairperson of AJI Indonesia, as well as the Suara Kita YouTube account and Niusdo Facebook account.

There are generally two reasons why hacking is easy. First, due to low digital security on digital assets such as social media accounts and electronic devices. From a number of incidents handled by AJI Indonesia and the Rapid Response Team, several victims had not implemented 2-step authentication (2FA), used passwords that were easy to detect, and used one email for all social media.

When journalism penetrates the internet, journalists must not only be able to adapt to digital ways of working, but also understand that security and privacy risks are increased. Therefore, journalists must implement digital security in

an effort to reduce risk (mitigation). Digital security starts with risk mapping and its mitigation by providing multiple protections for social media accounts and work devices. Another step is understanding quick or emergency response in the event of a hacking attempt.

Media companies and journalist organizations play an important role for journalists to increase their digital security capacity. Various digital security training for journalists have been initiated by journalist organizations and other civil society organizations. However, the Journalist Safety Index (2022) shows that not many journalists actually practice their digital security protocol knowledge, only around 20%, both journalists in Jakarta and outside Jakarta. This digital security application applies thoroughly, not only to journalists on the ground, but also editors and newsrooms in general.

Second, the platform manager has not provided stronger digital security settings. This has happened in a number of hacking cases on WhatsApp even though the user has activated 2FA, namely via an OTP code via SMS and PIN. AJI Indonesia considers that the use of the OTP code via SMS is not effective in preventing hacking because the service does not encrypt messages so that third parties can easily enter or intercept them.

The next attack trend is Distributed Denial of Service (DDoS) targeting news sites, as experienced by Narasi, Konde.co, Batamnews, and Tempo. A DDoS attack occurs when a website is flooded with 'packets' of data requests thereby draining server capacity and rendering the website or content inaccessible.

The Konde.co news site came under digital attack on Monday, 24 October 2022, after writing news about a rape that occurred at the Ministry of Cooperatives and Small and Medium Enterprises (UKM). At 16.31 WIB, the Konde.co site could not be accessed after receiving a DDoS attack and it was only fully normal on 26 October 2022. During those two days, the editors were unable to publish other articles and were forced to expend additional fees to pay IT consultants, install additional devices, and replace the faulty plug-in. The main loss fell on the public because it was difficult to access information, especially related to stories of the steep path of sexual violence survivors seeking justice.

The attack on Batamnews occurred for seven days from 17 October to 21 October 2022. According to the IT team at Batamnews.co.id's analysis, there were around 7 billion requests to access the news portal with a total of 36 TB of data sent simultaneously. This makes the website difficult to access by the public.

AJI Indonesia noted that there were at least six cases of DDoS attacks experienced by the media from 2020 to October 2022. These attacks add to the long list of types of threats that journalists and media in Indonesia have to face in the digital era, including hacking, doxing, and disinformation.

Freedom House²⁷ in its 2017 report has named DDoS as one of five digital attack trends used to censor independent news sites and blogs, including opposition groups and

27 <https://freedomhouse.org/report/freedom-world/2017/populists-and-autocrats-dual-threat-global-democracy>

human rights defenders. The attack was not only related to elections but other crime issues such as corruption. In many cases, such as in Bahrain, Azerbaijan, Mexico and China, independent forensic analysts have concluded that the government is often behind the attacks.

As DDoS has become a trend for attacks on media sites, online media managers need to improve security on their devices, networks, and sites. This security enhancement needs to pay attention to the development of how DDoS attacks operate today, to know the various types of attacks, the signs of an attack appearing, and to map the perpetrators' motivations. Thus, media managers can learn about the best protection to deal with these potential DDoS attacks.

Digital security enhancements certainly do not come cheap. For large-scale media companies, this need may not be a big problem. The challenge will be faced by small media that have limited resources. Therefore, support programs for the sustainability of media with small resources also need to be directed at strengthening their digital security, in addition to media and content business issues.²⁸

Second, the state must seriously pay attention to and enforce the law on digital attacks on the media and other human rights organizations, including cases of DDoS attacks. Any attack that results in the obstruction of public access to information and freedom of expression includes violating Article 19 of the International Covenant on Civil and Political

28 <https://www.remotivi.or.id/amatan/792/ddos-cara-baru-membungkam-media-kritis>

Rights (ICCPR).

The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (2019) recommends that when a DDoS attack occurs, states have an obligation to investigate and provide remedies. These actions range from investigating, releasing log files of the IP addresses connected to the attack, and tracking down who is responsible for the attack.²⁹

D. Gender-Based Violence

gender-based violence in the form of sexual violence still haunts female journalists on the ground. Three cases of sexual violence received by AJI Indonesia happened to L, a female journalist in Makassar, journalist A in Central Java, and EH, a journalist of Cendrawasih Pos, Papua, on 21 February 2022.

L was held by the breast by Anies Baswedan's bodyguard when he was covering Anies' meeting with his supporters in Makassar. This sexual violence occurred after the Indonesian Parliament and the Government passed the Law on the Crime of Sexual Violence on 12 April 2022. This act was included as a criminal act that violated the TPKS Law and the Press Law.

Prior to L, journalist A received harassment while covering the PSS Sleman match against Borneo FC at the Maguwoharjo Stadium, Sleman, Yogyakarta, on Thursday, 7 July 2022, at 20.30 WIB. At that time, the condition of the

29 <https://www.ohchr.org/Documents/Issues/Opinion/ElectionsReportDigitalAge.pdf>

stands was almost full. The victim was about to enter the stadium stands in a jostling condition. In that condition, the perpetrator suddenly grabbed the victim's chest. Instantly, the victim panicked and tried to fight the behavior.

EH received verbal sexual harassment while covering the trial of the indictment against KNPB spokesperson Viktor Yeimo, on Monday, 21 February 2022, around 10.00 WIT, at the Jayapura District Court. At that time EH was about to enter the trial room, then a man she did not know spoke to her with threatening and insulting words "*Nanti Sa Perkosa Ko*" (Later I will rape you).

(Perhaps) only a few cases of sexual violence have been disclosed to the public because other survivors are reluctant to expose them because they are hampered by their domestic situation, there is no workplace protection, and they are worried about getting a backlash from the perpetrators.

As a comparison, recent research conducted by PR2Media and AJI Indonesia on 852 female journalists from 34 provinces in Indonesia shows that 82.6% (704) of respondents had experienced sexual violence throughout their journalistic careers.

Meanwhile, regarding the online and offline domains, most journalists experienced violence both online and offline (37% of the total respondents), then only online (26.8%), and only offline (18.2%). Only 17.4% (148) of the respondents had never experienced any form of sexual violence in their journalistic career.

There are 10 types of sexual violence that female journalists

often receive from the survey in the following order:

- a. Body shaming offline (58,9% of total respondents),
- b.. Catcalling offline (51,4%),
- c. Body shaming online (48,6%),
- d. Receiving text messages and audio visuals that are sexually explicit and online (37,2%),
- e. Unwanted sexual physical touch offline (36,3%),
- f. Sexually abusive or derogatory comments offline (36%),
- g. Sexually abusive or derogatory comments online (35,1%),
- h. Showed text or audio-visual messages of a sexual and explicit nature offline (27,2%),
- i. Forced to touch or cater to the perpetrator's sexual desires offline (4,8%),
- j. Forced to have sexual intercourse offline (2,6%).

The survey also revealed that female journalists received sexual violence, including from their seniors (3.4%), co-workers (15.7%), news sources (12.8%), anonymous (24.7%), as well as other parties 26% consisting of office people (Drivers, Cleaning Service/Office Boy) and other people they met in the field when reporting (Members of the Police, Journalists from Other Media, Adjutant of the Resource Person, etc.).

From the location, respondents said that sexual violence occurred in the office (9.7%), outside the office (51.2%), as well as the office and outside the office at the same time as much as 21.7%.

From this situation, AJI Indonesia is of the view that

every journalist needs to improve their understanding regarding gender-based violence, especially sexual violence. This understanding covers the types, forms, prevention, emergency steps when you become a victim (offline or online) and your rights as a victim. Next, media organizations must have SOPs to prevent and deal with sexual violence that befalls their journalists. The survey found that 60.9 percent of respondents who had been victims of sexual assault did not receive help or support from the media organization where they worked.

The Press Council as the regulator needs to be involved in preparing SOPs, facilitating the preparation of these SOPs, and encouraging press companies to formulate SOPs, especially for press companies with limited resources.

Indonesia does have a Law on the Crime of Sexual Violence. Even though the law still has deficiencies, it is hoped that it will become a legal umbrella to provide the best protection for survivors of sexual violence, one of which is being able to prosecute perpetrators of sexual violence. In order for the law to be implemented, the government needs to immediately issue three government regulations and four presidential regulations as derivative regulations for the TPKS Law.

E. Arrests, Criminal Reporting, and Civil Lawsuits

AJI Indonesia noted that there were 5 cases consisting of 2 cases of illegal arrest, 2 cases of criminal reporting, and 1 case of a civil lawsuit.

An online media journalist in Manado, Noufryadi

Sururama, experienced an illegal arrest. He was arrested by the Manado Police while covering a group of people who were holding a demonstration against land clearing in Kalasey Dua Village, Mandolang District, Minahasa Regency on Monday, 7 November 2022.

According to Noufryadi, he had shown his identity card as a journalist and his Residential Identity Card (KTP), but the police did not believe his confession. He was pulled from behind by one of the officers so that the clothes he was wearing were torn and then put in a police car and taken to the Manado Police. The victim was released after AJI Manado had a dialogue and asked the Police to release him.

Still in North Sulawesi, Manado Pos print media journalist Julius Laatung was forcibly picked up at his home on Saturday 29 October 2022 by the Tomohon Police in front of his wife and children. Some time before, the victim wrote about Dark Toto (Togel) Gambling in the jurisdiction of the Tomohon Police.

Muhammad Irvan, a journalist for Timurterkini.com who was named a suspect by the Southeast Sulawesi Regional Police, received the punishment under the ITE Law and Law I/1946 on 9 May 2022.

Irvan was sentenced after in December 2021, he wrote about a businessman, AT, being investigated by the Southeast Sulawesi Attorney General's Office for alleged shipping tax for a company in Kendari, Southeast Sulawesi. He was convicted by the Panel of Judges of the Kendari District Court on 27 September 2022 with a prison sentence of 7 months. The judge charged him with Article 45 paragraph (3) jo. Article 27

paragraph (3) of the ITE Law on insult or defamation.

From a number of incidents, it shows that the Press Law has not been implemented, including by the National Police and the Kendari District Court to respect and protect press freedom. In fact, the Press Law has regulated the mechanism for reporting disputes through the right of reply, right of correction, and settlement by the Press Council.

Not only are journalists criminalized, but media companies are also subject to civil lawsuits, as experienced by six media in Makassar who were sued civilly at the Makassar District Court (PN). The six media were Antara News, Terkini News, Celebes News, MakassarToday, Kabar Makassar, and Radio Republik Indonesia (RRI).

The lawsuit was filed by M Akbar Amir, who objected to the media reporting that he was not a descendant of King Tallo. The plaintiffs asked the six media to pay compensation in the amount of more than IDR 100 trillion, a value aimed at bankrupting media companies. The lawsuit ended in the victory of the six media. The Panel of Judges at the Makassar District Court considered that the plaintiff was not proven to have used the right of correction and the right of reply in accordance with the Press Law.

The Makassar District Court Panel of Judges' decision should be appreciated because it used the Press Law as the main basis for laying out the mechanism for reporting disputes and protecting the press. The decision must become jurisprudence for handling civil lawsuits against other media in Indonesia.

F. Censorship

Censorship included a ban on reporting (3 cases), a ban on reporting (1 case), and deletion of coverage results (4 cases).

CNN Indonesia.com and 20Detik journalists experienced a prominent incident of deleting coverage results when covering the shooting of Brigadier J by Ferdy Sambo, on Thursday, 14 July 2022 afternoon. The intimidation was carried out by 3 men, not far from the house of the Head of Propam Polri Division Inspector General Ferdy Sambo at the Duren Tiga Police Complex, South Jakarta, which was the location of the shooting. The cell phones of the two journalists were confiscated, then the recordings of their interviews, photos, and videos were deleted. The two of them were also prohibited from covering too far from Ferdy Sambo's residence.

The data of two journalists in Papua were erased while reporting at the Manokwari District Court on Monday, October 17, 2022. On that day, the two victims, Tribun Papua Barat journalist Safwan Ashari, and Tabura Pos daily journalist Hendri Sijinjak, covered the trial of a military member of the TNI, who was involved in the shooting of his relative to death, at the Manokwari District Court, West Papua.

Initially, the trial with the agenda of reading the charges and examining witnesses which began at 13.24 WIT was carried out openly. The judge did not provide any information that the trial was closed, nor did the security forces prohibit the media from covering the moment. However, at 14.50 WIT, one of the judges ordered the clerk's office to take the cell phones belonging to

the two journalists, followed by taking the memory card and deleting all the photos taken during the trial.

The incident with the ban on reporting was experienced by seven journalists in Palembang, namely from the media Liputan6.com, Sriwijaya Post, Tribun Sumsel, Suara.com, MerdekaNews.com, Palembang Pos, Urban.id, and Detik South Sumatra. State Islamic University (UIN) Raden Fatah students blocked them from reporting on campus, Tuesday 4 October 2022.

That day, the Rectorate of UIN Raden Fatah summoned and examined around 10 students who were the committee for the basic education activities of UKMK Research and Development of UIN Raden Fatah. The ten students under investigation are alleged to have committed violence and abused their juniors, who are also the basic education committee at the Gandus Camping Ground, Palembang, because they were judged to have shared information that cornered the committee. The form of obstruction was in the form of students shaking off the journalist's hand, covering the journalist's camera with a jacket, some even pushing the journalist back, to get away from that location.

Censorship is an act of obstructing journalistic work that violates the Press Law. This action restricts journalists from collecting and broadcasting the information they have obtained. This action also limits the public's right to obtain information.

2. JOURNALIST SECURITY IN PAPUA AND WEST PAPUA

AJI Indonesia recorded four cases of attacks on journalists in Papua and West Papua throughout 2022 with 7 journalists

as victims. These cases included censorship (1 case), criminal reporting (1 case), sexual violence (1 case), and physical violence (1 case). This number has increased compared to 2021 with 3 cases and 3 victims.

The physical violence befell Inews TV Yapen Islands Regency journalists Andrew Worja and Mesakh Yoberth Kamarea, who were beaten by around 20 people in Borai Village, Yawakukat District, Yapen Islands Regency, at 11:20 WIT. As a result of the violence, Andrew suffered bruises on his face and near the right eye, as well as a headache. While Mesak suffered bruises on his face.

Censorship occurred for two journalists in Jayapura whose data were deleted by PN officers while covering at the Manokwari District Court on Monday, 17 October 2022. On that day, the two victims, West Papua Tribune journalist Safwan Ashari, and Tabura Pos daily journalist Hendri Sijinjak, covered the trial of a military member of the TNI, who was involved in the shooting of his relative to death, at the Manokwari District Court, West Papua.

A journalist for the Cenderawasih Pos Newspaper named Elfira Halifah was verbally abused by members of the public. This was experienced by Elfira while covering the trial of the indictment against KNPB spokesperson Viktor Yeimo, on Monday, 21 February 2022, around 10.00 WIT, at the Jayapura District Court. At that time Elfira was about to enter the trial room, then a man wearing a hat spoke to her with words like this "*Nanti Sa Perkosa Ko*" (Later I will rape you).

Meanwhile, the chairman of the Sorong Raya Indonesian Journalists Association (PWI) and the chairman of the Indonesian Television Journalists Association (IJTI) were

reported to the Aimas Police, Sorong Regency, on Saturday, 23 April 2022. The report was made on suspicion of defamation, spreading fake news, as well as alleged violations of the ITE Law. The one who reported was the Sorong Raya Indonesian Journalists Association (PPWI).

So far, Papua and West Papua have been areas that are not safe for journalists. The Papua Press Freedom Index by the Press Council places West Papua as having the lowest index. Previously, AJI Indonesia recorded 114 cases of violence against journalists during 2000-2021. This figure is estimated to be far from the total violence in the field due to the difficulty in collecting data on violence against journalists in these two provinces.

AJI Indonesia has also found a number of problems that are still hindering the work of journalists in Papua and West Papua. These include restrictions on foreign journalists, racism and stigma against native Papuan journalists, internet blackouts like in 2019, to issues of ethics and professionalism of journalists in Papua.

In March-May 2022, the internet network in Merauke experienced disruptions which prevented residents from accessing the internet via Telkomsel and Indihome. The disturbance occurred in the Merauke-Timika section of the Sulawesi Maluku Papua Cable System (SMPCS) sea cable at a distance of 289 kilometers from the coast of Merauke at a depth of 59 meters (sea segment).³⁰ The internet disruption for almost two months has made it difficult for the public to access information

30 <https://cenderawasihpos.jawapos.com/lintas-papua/merauke/29/03/2022/jaringan-internet-hilang-akibat-gangguan-kabel-smpcs-di-timika/>

and it is also difficult for journalists to verify and submit news.

The security situation for journalists in Papua and West Papua cannot be separated from the generally low level of protection for freedom of expression in the two regions as well as the excessive use of force which leads to violations of human rights. The Tapol report (2022) entitled *Papua 2021: Freedom of Expression and Freedom of Assembly*³¹ shows the high pressure the Indonesian Government has placed on criminalizing, imprisoning and intimidating activists who speak out loud about issues concerning West Papua, marked by an increase in the number of arrests and an increase in police and militia incidents who act together. The total number of those arrested was 671 in 2021, an increase of 45.9 percent compared to 2020.

Monitoring by Amnesty International Indonesia, extrajudicial killings in Papua/West Papua throughout 2022 have reached at least 14 cases with 36 victims. Five of these cases involved suspected perpetrators from members of the Police and the TNI. The nine most cases were allegedly committed by unknown persons and pro-independence groups. The number of victims this year increased from the previous year's figures (21 cases with 28 victims). Moreover, of the cases allegedly committed by the apparatus, none have been prosecuted in public courts.³²

From this situation, it is important for the Press Council not to stop at the Press Freedom Index, but to go further to protect

31 <https://www.tapol.org/id/reports/west-papua-2021-kebebasan-berekspresi-dan-kebebasan-berkumpul-laporan-lengkap>

32 <https://www.amnesty.id/catatan-akhir-tahun-hak-asasi-manusia-di-indonesia/>

the safety of journalists working in Papua by forming the Papua Task Force to encourage transparent and impartial investigations into cases of violence against journalists in Papua, making a multi-stakeholder protection mechanism that can be accessed by Papuan journalists.

3. LAW ENFORCEMENT AND IMPUNITY

The results of AJI Indonesia's monitoring of 61 cases of attacks on journalists and media organizations in 2022, 16 cases have been officially reported to the police. Of the 16 cases, there were five cases where the police arrested the suspected perpetrators of the attack and one case found no evidence.

LIST OF CASES OF VIOLENCE BY JOURNALISTS REPORTED TO THE POLICE

NO	PROVINCE	CASE TYPE	REPORTED	PROCESS
1	Southeast Sulawesi	Physical attack and equipment destruction against JPNN journalist La Ode Muhammad Deden Saputra ³³	Satpol PP members and two police officers	-
2		Physical attack and equipment destruction against Sutarman, a journalist from Zonasultra.com. ³⁴	Police officer	-

33 <https://sultra.tribunnews.com/2022/02/14/jurnalis-korban-dugaan-kekerasan-di-kendari-resmi-laporkan-polisi-dan-satpol-pp-di-polda-sultra>

34 <https://inilahsultra.com/2022/04/15/jurnalis-korban-kekerasan-saat-demo-11-april-lapor-di-polda-sultra/>

NO	PROVINCE	CASE TYPE	REPORTED	PROCESS
3	Riau Islands	Destruction of TVOne journalist Chairullah's equipment. ³⁵	Immigrant	-
4	North Maluku	Physical attack on Nurkholis Lamaau, a journalist at cermat.co.id. ³⁶	Deputy Mayor of Tidore Islands	The Tidore Police Team's Letter of Notification of the Progress of the Investigation Results concluded that the investigation of the case was stopped due to insufficient evidence.
5		Physical attack on Nurkholis Lamaau, a journalist at cermat.co.id. ³⁷	Ariyanto Maradjabessy, nephew of the Deputy Mayor of Tidore City	The panel of judges at the Soasio District Court handed down a one-month sentence with a three-month probation period. The defendant was proven to have committed maltreatment according to Article 352 of the Criminal Code. ³⁸

35 <https://regional.kompas.com/read/2022/12/08/150250478/kamera-jurnalis-di-tanjungpinang-dirusak-saat-meliput-unjuk-rasa-pencari?page=all>

36 <https://kumparan.com/ceritamalukuutara/wakil-wali-kota-tidore-kepulauan-resmi-dilaporkan-ke-polda-malut-1zIvMvaJpPW/1>

37 <https://advokasi.aji.or.id/read/data-kekerasan/2054.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

38 <https://kumparan.com/ceritamalukuutara/ponakan-wawali-tidore-pemukul-jurnalis-cermat-dihukum-wajib-lapor-1yovRCzy7xB/1>

NO	PROVINCE	CASE TYPE	REPORTED	PROCESS
6	North Sumatra	Physical attack on online media journalist Abi Pasaribu. ³⁹	Unknown group of people	The police arrested seven perpetrators of the beating, one of which was the chairman of the Youth Community Organization (OKP). Article 170 paragraph (2) to 1e juncto articles 55 and 56 of the Criminal Code. ⁴⁰
7		Physical attack on TV One journalist Beny.	PTPN II security officer	-
8		Physical attack on Topmetro.news.com online media journalist, Jeffry Bhatara Lubis.	Member of Youth Community Organization (OKP)	-
9	Lampung	Physical attack on AmperaNews journalist, Faisal. ⁴¹	People's gold mining business owner	-
10	West Sulawesi	Physical attack on TV One journalists in Polewali Mandar, Tamrin. ⁴²	Unknown group of people	-

39 <https://advokasi.aji.or.id/read/data-kekerasan/2063.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

40 <https://www.detik.com/sumut/hukum-dan-kriminal/d-6253919/7-pengeroyok-wartawan-di-labuhanbatu-ditangkap-otaknya-ketua-okp>

41 <https://advokasi.aji.or.id/read/data-kekerasan/2087.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

42 <https://advokasi.aji.or.id/read/data-kekerasan/2060.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

NO	PROVINCE	CASE TYPE	REPORTED	PROCESS
11	West Java	Physical attack on Jurnalsukabumi.com journalist, Ilham Nugraha. ⁴³	Unknown group of people	The Sukabumi Police arrested 2 suspected perpetrators who were charged with Article 170 of the Criminal Code on beatings. ⁴⁴
12	East Nusa Tenggara	Physical attack on Suarafloramora.com journalist Fabi Latuan.	Unknown group of people	The Kupang City Police arrested 5 perpetrators who were charged under Article 170 Junto Articles 55 and 56.
13	Papua	Physical attacks on INEWS TV journalists in Yapen Islands Regency, Andrew Worja and Mesakh Yoberth Kamarea. ⁴⁵	Residents group	-
14	North Kalimantan	Physical attacks and gunpoint towards journalist M. ⁴⁶	Police officer	-
15	South Sumatra	Physical attack on a journalist in Muara Enim, Teguh S.	Unknown person	-
16	DKI Jakarta	Digital attack on Narasi website	Unknown person	-

43 <https://advokasi.aji.or.id/read/data-kekerasan/2042.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

44 <https://jurnalsukabumi.com/2022/06/17/polisi-tangkap-dua-pelaku-pengeroyokan-terhadap-wartawan-jurnal-sukabumi/>

45 <https://advokasi.aji.or.id/read/data-kekerasan/2016.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

46 <https://advokasi.aji.or.id/read/data-kekerasan/2015.html?y=2022&m=1&ye=2022&me=12&jenis=Kekerasan%20Fisik>

Based on the table above, AJI Indonesia analyzes several things. **First**, of the four cases in which the alleged perpetrators have been arrested, the police have not used additional Law No. 40 of 1999 on the Press other than the Criminal Code to ensnare the perpetrators.

In fact, Article 18 paragraph (1) of the Press Law contains a criminal provision that reads: *“Whosoever illegally and deliberately takes actions that result in the impediment and obstruction to the implementation of the provisions of Article 4 paragraph (2) and paragraph (3) of this law shall be liable to a maximum prison sentence of 2 (two) years or a maximum fine amounting to Rp500.000.000,00 (five hundred million rupiahs).”*

The provisions of Article 4 paragraph (2) and paragraph (3) of the Press Law cover acts of censorship, banning or broadcasting prohibition, as well as the national press which has the right to seek, obtain and disseminate ideas and information.

The use of the Press Law in every act of violence against working journalists is crucial to show that the attacks that occur are different from ordinary violence. Every attack on journalists related to journalistic activities is an attack on press freedom which has been guaranteed by various international human rights instruments, the constitution and laws in Indonesia. Attacks on journalists directly impede other human rights, especially the public’s right to obtain information. This shows that the Polri institution does not fully understand the Press Law.

Second, the use of a misdemeanor crime (tipiring) by the Panel of Judges at the Soasio District Court, Tidore Islands City against the perpetrators of journalist violence, is a form of ignoring the Press Law. Not only did it not have a deterrent effect, but the



Dozens of journalists who are members of the North Maluku Journalist Comrade (KJMU) held a solidarity action against the violence experienced by Nurkholis Lamaau, a journalist cermat.co.id, on September 7, 2022. (Photo: AJI Ternate)

one-month criminal sentence with a three-month probationary period was also a practice of impunity for crimes against journalists. This reality also shows how the Panel of Judges at the Soasio District Court is not in favor of press freedom.

Third, of the 16 cases reported above, there were three cases involving members of the police and Satpol PP and one case reported by the Deputy Mayor of Tidore Islands. The first three cases have not been followed up, while the case involving the Deputy Mayor of Tidore Islands will be terminated because they did not find strong evidence.

So far, cases of violence against journalists involving state

actors tend to go without due process and end with impunity, especially those involving members of the police. AJI noted that there were 14 cases of violence against journalists involving members of the police in 2018, 2019 (32 cases), 2020 (55 cases), 2021 (12 cases), and 2022 (14 cases). These cases included physical violence, equipment destruction, deletion of coverage results, prohibition of coverage, to intimidation.

From a number of cases involving the police, AJI Indonesia noted that one case was processed until the court used the Press Law, even though the sentence handed down was not optimal. This case is the case of the persecution of a Tempo journalist in Surabaya, Nurhadi. Two police officers, Bripka Purwanto and Brigadier Muhammad Firman Subkhi were sentenced to 10 months in prison by the Surabaya District Court (PN) Judges, Wednesday, 12 January 2022, which was reduced to 8 months on appeal. Finally, the Supreme Court rejected the defendant's cassation.

The results of the East Java Police ethics trial only sanctioned a written warning, a delay in submitting education and positions for 6 months, and a 14-day special placement for Purwanto. Meanwhile, Firman received a written warning and a special place placement of 14 days. Even then dozens of other alleged perpetrators were never touched in this case. In fact, the journalist Nurhadi suffered persecution until his life was threatened and had to be protected by the Witness and Victim Protection Agency while this case was ongoing.

Seeing that the police are the perpetrators of the most violence against journalists, the perpetuation of impunity actually shows the failure of the state to carry out reforms within the police. Police reform was previously marked by separation from the



The Alliance of Independent Journalists (AJI) Jakarta held a solidarity action for Tempo journalist, Nurhadi, who was a victim of violence while reporting in Surabaya. The theatrical demonstration and the making of a mural took place at the Monas Horse Statue, Central Jakarta, Tuesday 11 January 2022. (Photo: AJI Jakarta)

Indonesian Armed Forces (ABRI) in line with demands for national reform in 1998. The public hopes that this separation can make Polri a professional and independent institution, and far from intervention in law enforcement. President BJ Habibie at that time issued Presidential Instruction of the Republic of Indonesia No. 2 of 1999 concerning policy steps in the context of separating the Polri from ABRI.

However, after 23 years, this reform still leaves a number of problems within Polri. One of them is the culture of violence that continues to persist in the Bhayangkara Corps to this day. This has proven that the Police, who are supposed to be the protectors of society, are actually the perpetrators of violence. Including being the perpetrators of violence against journalists which is protected by Law Number 40 of 1999 on the Press.

The failure to reform the Police has allowed a culture of

violence to strengthen within the police force, resulting in the next cycle of violence which continues to erode freedom of expression and freedom of the press. Impunity allows journalists to be attacked and silenced, emboldening other police personnel to carry out similar attacks.

4. ETHICAL ISSUES

Journalistic ethics are universal values to guide journalists in respecting human rights. Indonesia itself has a Journalistic Code of Ethics that was drawn up by the Press Council together with journalist organizations which serve as a guideline for all working journalists. AJI Indonesia considers compliance with ethics to be one of the mitigation measures to reduce the vulnerability of journalists to threats or other forms of violence. Ethics is also the key for journalists to gain the trust and support of the public which is essential for press freedom advocacy.

During 2022, AJI Indonesia still finds violations of the journalistic code of ethics in various regions and the number of complaint cases has not decreased compared to previous years. Data from the Press Council show that there were 665 complaints from January to November 2022.

One of the most striking cases this year was the confession of a television presenter, Brigita Purnawati Manohara.⁴⁷ During the investigation by the Corruption Eradication Commission (KPK), Brigita admitted receiving a sum of money and gifts from Central

47 <https://www.suara.com/news/2022/07/25/194511/akui-terima-aliran-uang-terkait-kasus-suap-mamberamo-tengah-presenter-tv-brigita-manohara-segera-kembalikan-ke-kpk>

Mamberamo Regent Ricky Ham Pagawak who has been named a suspect in alleged corruption. Brigita admitted receiving the money as an appreciation for her profession as a presenter.

A journalist who receives money or gifts from sources is a violation of article 6 of the Journalistic Code of Ethics which states that Indonesian journalists do not abuse their profession and do not receive bribes. Receiving bribes in the form of money, gifts or other facilities can affect the independence of a journalist.

Ethical violations also occur massively in online media. This is because control factors in online media are looser than in other media platforms. In addition, the clickbait title factor triggers online media to violate ethics in order to chase traffic. One of the online media that was convicted of violating ethics by the Press Council is *jppn.com*. The article uploaded on 30 May 2022 entitled *Husband Makes a Living, Wife Satisfied Playing Piggyback with an Affair, Rocked in 2 Rounds* is considered to have violated article 4 of the Journalistic Code of Ethics and point 3CI of the Guidelines for Reporting on Cyber Media. The Press Council recommended that the *jppn.com* editors withdraw the story and apologize for the mistake.

Apart from that, there was also an ethics violation committed by *herstory.co.id* regarding the news dated June 10, 2022. The news entitled *Not Losing to the Gladiator, Deddy Corbuzier Admits Made Sabrina Chairunnisa Satisfied until Leaked Her First Kiss, Wadaw*. The Press Council considered that the news exploited sexual activity.

Journalists also need to learn from the murder case of Brigadier Nofriansyah Yosua Hutabarat in August 2022. In the early days when this case was uncovered, the mass media was busy quoting a press statement from the Head of the Penmas Public Relations Bureau at the National Police Headquarters,

Brigadier General Police Ahmad Ramadhan, who explained that the case was an incident of shootings. Later it was revealed that Brigadier Nofriansyah Yosua Hutabarat's death was suspected of being a homicide. The official press statement submitted by the National Police Headquarters officials was a fabrication involving high-ranking police officers. Therefore, in this case, even though there is an official statement from an institution, journalists must be diligent and faithful in verifying, verifying, verifying, and digging up information from various sources.

Likewise, major events that received enormous public attention, such as the Kanjuruhan tragedy and the Wadas conflict. When the Kanjuruhan tragedy occurred, journalists still quoted a lot from one source, namely the police. Recently, the incident that killed at least 132 people and injured hundreds of others has caused many irregularities and suspicions.

The behavior of journalists in social media should also be noted in 2022. This is because the average journalist has a social media account both as a way to find information and to interact. As journalists, they should uphold the values of democracy, tolerance and inclusivity in their behaviors and actions. However, this is not seen in *tirto.id* journalists. *Tirto.id* journalist, M. Bernie was dismissed because his tweets about President Joko Widodo and the Baduy people contained elements of hatred and racism.⁴⁸ Unfortunately, not all press and mass media companies and journalist organizations have a code of conduct that regulates journalists using social media.

48 <https://tirto.id/pernyataan-redaksi-tirtoid-atas-kasus-ujaran-rasis-m-bernie-giGB>

PART D

**JOURNALIST
ECONOMIC
SECURITY**

PHK



1. LAYOFFS STILL CONTINUE

The economic security of journalists in Indonesia cannot be said to be safe throughout 2022, even though the Covid-19 pandemic has decreased. AJI Indonesia conducted a number of assistance and recorded layoff cases in various regions.

One of them is the case of termination of employment (PHK) for more than one hundred media workers at BeritaSatu TV managed by PT First Media News in March 2022. The status of workers who were laid off were mostly permanent workers, followed by journalists in the regions (contributors), and outsourced workers.

The practice that is detrimental to workers in this layoff case is the outsourcing provision which makes journalists registered with short working terms. This is because companies often change media worker distribution companies so that contracts are always new. In fact, the outsourced workers at BeritaSatu TV have been working for years, many of them have even worked for more than 11 years.

Management also applies a “sell as is” work system with 46 journalists in the regions at a certain price. This practice has been experienced by BeritaSatu TV journalists in various regions for more than five years. Even though the law does not allow work agreements for a certain time for permanent jobs.

Journalists in the regions are the main workers for media companies that produce information. They are entitled to wages according to the rules and should not be treated as partners who have to sign a contract every year.

Information obtained by AJI, the layoff cases at BeritaSatu

TV was completed with the provision of 1-time severance pay. Minister of Manpower Regulation (PMTK) for permanent workers and outsourced workers get 2 times their salary, plus 1 time for the current month's salary. Meanwhile, journalists in the regions will continue to work as usual.

Layoffs also occurred on the news portal VIVA.co.id or PT Viva Media Baru. Information received by AJI is that there were around 20 media workers, 10 of whom were journalists who have been laid off. The employment status of the 12 affected people were permanent employees who have worked for at least more than 5 years. While others were employees with contract status.

Information about downsizing workers due to difficult financial conditions has been circulating among the internal online media since October 2022. However, only two months later, a number of employees affected by downsizing received an email from HRD.

In the period December 19-23, workers affected by layoffs were asked to go to the office and then explained about the layoffs. There were two types of letters proffered to be signed. The first was the minutes that socialization has been carried out regarding layoffs. Then another letter concerned the company's rights and obligations including the severance pay paid which was calculated based on the provisions and schemes stipulated in the Job Creation Law.

From the explanation of the company's management and what is stated in the minutes, the reason for the layoffs was that the company made a loss. Some of the employees affected by the layoffs were said to have accepted and others were in the negotiation process. The layoff date will be active as of January 15, 2022.

12 workers at Media Lampung Post (Media Group News) also experienced layoffs for reasons of efficiency or downsizing employees in December 2022. Three of them went through the early retirement option. Based on information from layoff victims, the company will initially provide severance pay of 0.5 x years of service, award money (according to PP RI No. 35 of 2021 Article 40 and Article 43 paragraph 1), as well as other compensation entitlements that have not been paid such as meal allowances, top-up money and leave money.

These details refer to derivatives from the Job Creation Law, namely Government Regulation of the Republic of Indonesia No. 35 of 2021 on Specific Time Working Agreement, Outsourcing, Working Time and Rest Time, as well as Layoffs. However, details of severance pay and benefits were not given to the laid-off workers.

The victims then contacted the Lampung Manpower Office, which stated PP RI Number 35 of 2021 which was used as a reference for the rights of employees affected by layoffs. Then on Thursday 15 December 2022, the victims met again with the HRD office. Referring to PP No. 35 of 2021, the victims said the amount of severance promised was not in accordance with the PP. If referring to PP RI No. 35 of 2021 Article 40 and Article 43 paragraph 1, there must be evidence of financial internal and external audits if the company suffers a loss. HRD was unable to prove evidence of a financial audit, finally, HRD said they would increase the severance pay to 1 x length of service plus gratuity money and compensation for other rights.

Then for Lampung Post workers who are affected by the early retirement program, they were promised to get 1.75 times the

right to severance pay.

Thursday (29 December 2022), according to information from one of the victims, severance pay had been transferred to savings according to the company's latest explanation. However, because the layoffs were not carried out procedurally or were considered unilateral, this industrial relations dispute will be sued at the Tanjungkarang District Court industrial relations court.

AJI Indonesia received a number of information on layoffs and early retirement programs implemented in a number of companies. However, AJI still has difficulty verifying it because there have been no reports from victims.

2. NOT ALL JOURNALISTS ARE COVERED BY SOCIAL SECURITY

The results of an online AJI survey of 144 journalists in various regions showed that 55.6 percent (80 journalists) of respondents had not been registered as BPJS Employment participants and 21.7 percent (31 journalists) had not been registered as BPJS Health participants. Even though Law No. 40 of 2004 on the National Social Security System and Law No. 24 on the Social Security Administrative Body require companies to register workers as participants for the BPJS Health and the BPJS Employment.

This survey was conducted from June to July 2022 involving 144 respondents consisting of 117 men (81.3 percent) and 27 people (18.8 percent). Respondents came from various cities in Indonesia representing the western, central, and a small part of the east. They worked on various media platforms both print, online, tv, and radio.

Of the majority of media workers, 37.5 percent were permanent workers, while 26.4 percent were contract workers. 24.3 percent freelance, and 13.9% other status.

Most of the respondents answered that they had registered as BPJS Health participants, namely 112 journalists (78.3 percent), while 31 journalists (21.7 percent) had not. Of those that have not, most of them were because companies did not register workers and workers did not know that BPJS Health membership is a worker's right.

Of participants who already have BPJS Health, most of them were registered as independent participants 56 percent while 44 percent were through companies. Most of them registered independently because their company did not cover them. There were also BPJS participants who were dependent on the wife and there were also BPJS Health participants who were dependent on the state (JKN KIS).

Another problem for participants is arrears in contributions ranging from IDR 500,000 to IDR 3 million. One of the reasons is that the previous company did not pay for the job transfer. This condition is complicated because almost all respondents 83.9 percent do not have health insurance other than BPJS Health.

For Employment BPJS, 55.6 percent of respondents have not registered as participants of BPJS Employment and 44.4 percent have registered. Of those who have not registered, 55 percent said they did not have BPJS Employment because they were not registered by the company. The rest did not know that BPJS Employment membership is a worker's right, freelance status, and others.

Meanwhile, of those who were already participants, 38 percent said the company where they work had registered their BPJS Employment membership, and another 12.4 percent registered independently.

3. GENDER DISCRIMINATION IN THE EDITORIAL ROOM

The results of research that were also carried out by AJI Indonesia and PR2Media in June 2022 also found that there was still gender discrimination in editorial rooms.

This research involved 405 female journalists from 34 provinces and was conducted in April 2022.

The research found that 68 female journalists (16.8%) of the total respondents acknowledged that there was discrimination in giving remuneration at their place of work. The remuneration included basic salary, bonuses, and allowances.

Another aspect that was asked was health insurance benefits for all family members. As many as 58% of respondents stated that female journalists cannot get health insurance benefits for all their family members. In fact, because the head of the family is not always a man, many female journalists are also heads of families or their husbands work in the informal sector.

In terms of reporting duties, 29.6% of female journalists said that there was still gender discrimination. For example, female journalists were only assigned to cover what has traditionally been considered the domain of women (entertainment, domestic issues, and others).

Even though Indonesia has ratified ILO Convention No. 111 on Discrimination in Employment and Occupation, 25.4% of

respondents in this study said that there was still discrimination in terms of promotion in the organization where they work.

Another challenge faced by female journalists in the world of work is the difficulty in obtaining the right to leave. In this survey, 11.6% of female journalists said their place of work did not provide women journalists with maternity leave rights and 67.9% of female journalists said that their place of work did not provide them with menstruation leave.

In terms of reducing the number of employees, 14.3% of respondents said that gender discrimination still occurs in the companies where they work. Women are still the target of being 'sent home' by companies because they are considered a burden on the company. This type of discrimination is often experienced by married women. The stereotype of the role of women who are considered human beings who are not obliged to earn a living is also sometimes the reason women journalists are targeted for being "sent home" by companies.

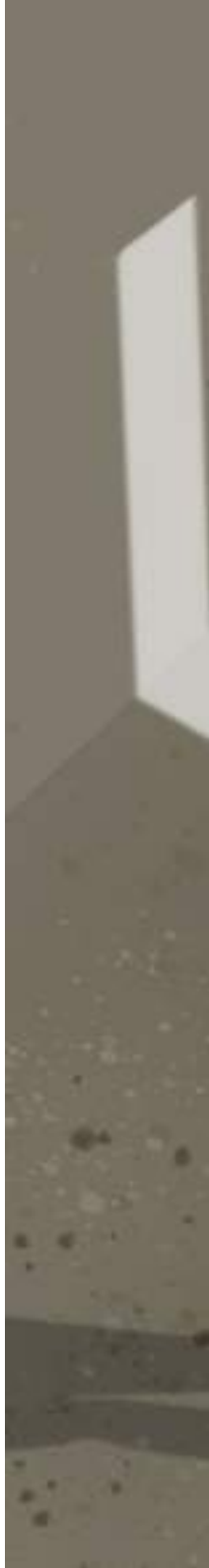
Media companies still discriminate against women in terms of contribution to policy making. This can be seen from 11.4% of respondents saying their editorial room did not accommodate ideas/suggestions from female journalists regarding coverage and 14.8% of respondents said that newsrooms did not accommodate ideas/suggestions from female journalists regarding company policies.

Respondents in the AJI and PR2Media research provided several important recommendations in efforts to reduce and eliminate gender discrimination in their workplaces. Most of the respondents (29.9%) chose the recommendation of "a more gender-friendly company policy" to reduce or eliminate gender

discrimination in their workplace.

While the recommendation “leaders who are sensitive to gender” was the second most answer chosen by respondents (25.7%). The next recommendation option was “transparency from management or HRD regarding the amount of salaries, bonuses and benefits provided to employees” (22.2%), then “gender-friendly government regulations” (19.8%).

PART E
RECOMMENDATION



BIBAASS..



FOR THE GOVERNMENT AND THE INDONESIAN PARLIAMENT:

1. The government and DPR remove problematic articles in various laws and their derivative regulations that suppress the freedom of the press. Among others, in the Criminal Code, the ITE Law, the Job Creation Law, and the Permenkominfo 5.
2. The President and DPR carry out a comprehensive reform of the Police. These reforms must at least address the issue of a culture of violence within the Police, the abuse of power, and the professionalism of the Police which are obstacles to press freedom in this country.
3. The government and DPR together with the Press Council and the press community form a national mechanism for the protection of journalists to prevent, protect and investigate cases of attacks and killings against journalists.
4. Law enforcement officials actively ensure that people who break the law by deliberately impeding or hindering press freedom are punished according to the Press Law. Law enforcement of the Press Law is still far from ideal because there are still many cases that have stalled in the police and journalists who are victims of violence are still difficult to report. On the other hand, cases of reporting disputes that should have been resolved at the Press Council were instead continued to court.
5. Ministry of Manpower to ensure journalists' normative rights are fulfilled such as living wages and BPJS membership. The Ministry of Manpower also needs to ensure companies take the layoff option as a last resort. However, if layoffs occur, the government, through the Manpower Office, needs to ensure

that companies provide workers' rights, such as severance pay, award money, and compensation money, according to the Labor Law.

FOR THE PRESS COUNCIL:

1. The Press Council can issue interpretations of problematic articles and articles in various regulatory laws so that they can serve as a guide for law enforcement officials in cases of reporting disputes. This effort can be carried out while waiting for the improvement of various laws that threaten press freedom in the country.
2. The Press Council implements and updates the Press Council Regulation No. 1/Peraturan-DP/III/2013 concerning Guidelines for Handling Cases of Violence against Journalists adapted to current developments in types of violence.
3. Creating an SOP for the Handling and Prevention of Sexual Violence Cases for the Press Council's internal handling and prevention. This is also an example for press organizations and media companies to carry out similar policies for a press climate that is friendly to everyone.

FOR MEDIA COMPANIES:

1. Media companies must be responsible for the safety of journalists and media workers in accordance with the law. This includes increasing awareness and capacity by holding routine training on holistic security.
2. Media companies are obliged to provide the rights of journalists and media workers such as living wages in

accordance with statutory regulations. Companies are also required to make layoffs the last option. However, if layoffs are unavoidable, then the company is obliged to provide severance pay, compensation money, and replacement of rights in accordance with the Labor Law because the Job Creation Law and its derivatives are unconstitutional.

3. Media companies develop SOPs for Handling and Prevention of Cases of Sexual Violence in the workplace. This is to ensure cases of sexual violence in the press workplace can be handled thoroughly and victims get justice.
4. Associations of media companies need to be more active in carrying out advocacy work on cases of violence against journalists and need to ensure that their members are fully responsible for the safety of journalists.
5. Journalists are more active in increasing their capacity to prevent both physical and digital attacks. One of them is by participating in training provided by professional organizations and media companies.
6. Journalists need to form or join trade unions, both inside and outside the company to be able to fight for their rights in an increasingly difficult situation.

FOR SOCIETY:

Society respects journalistic work protected by the Press Law. Citizens who feel aggrieved can exercise their right of reply, correct, or report to the Press Council in accordance with the mechanism in the Press Law.