

PRESS FREEDOM: USING THE ROLE OF GOVERNMENT AND REPORTERS IN THE DEVELOPMENT OF DEMOCRACY IN INDONESIA

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ABSTRACT

After the period of reform with Law Number 40 of 1999 concerning the media, it is in line with the desire of the masses to elevate the media as the fourth pillar of democracy in Indonesia. This study is to know the role of the government and journalists in interpreting media freedom. This research was conducted using a qualitative approach, which involved 20 informants consisting of media actors, kingdoms, academic experts, communication experts, and the crowd. The results showed that the model of media freedom and mutual understanding is to maintain media diversity with their respective functions. The two elements make an agreement in the form of mutual understanding in realizing harmonious media freedom. The roles of each, namely the government and journalists, strengthen each other to realize press freedom in accordance with the dynamics that affect the level of literacy and education in a country. The media is not only about news but also a broader understanding of what is happening in Indonesian society.

Key words: Government, Journalist, Freedom of the Pres-Indonesia

INTRODUCTION

The transformation of Indonesia into a state-system which is more democratic have made tremendous changes quite important in the life of the people of Indonesia. The changes have shifted the old norms and new norms. These sometimes culminate into a social and communication problem as well as legislation. However, the obstacles and problems that apply to the process of change will last as a part of the original process into a royal system moving towards a better direction. Media freedom is an important element in the formation of a democratic, open and transparent state system. Press as a media announcement is the fourth milestone of democracy that goes hand in hand with strengthening the power of the law to create balance in a country. Press role in Indonesia is very crucial in the effort to strengthen the life of democracy. If the dispute between media production and media acceptance continues, it will disrupt the function and role of Press's as a social observer in life. As a media of announcement and media for correction, a journalist profession should be guaranteed its freedom in carrying out his profession. Therefore, it is important to perpetuate objectivity and diligently in the world of journalism, therefore the news can be conveyed properly without fear or under accusation, as in the Old and New

Order administrations. This transformation is also inevitable in the world of journalism in Indonesia. According to Article 19 of the UN Universal Declaration of Human Rights, everyone has the right for expression. "Everyone" is intended for everyone without any borders and labels. A gentler threat to media freedom comes from an economic standpoint. Media literacy is a barrier to the freedom of press, especially how capital can disrupt the context of the variety of media coverage (Karlekar, 2013).

In fact, since Indonesia was established to date, the relationship between akhbar and the kingdom has always been at a point of intersection and dichotomy, one side towards the free (liberal) akhbar and the other side towards the non-free (authoritarian) akhbar. Everything that applies has created disharmony between press, kingdom and society. Press freedom is utilitarian, namely the development of knowledge for many people for happiness with the larger society (Markus, 2014). The position and the great freedom in Indonesia has a long history in the government system and practices of state administration. Officially, Press freedom is implicitly stipulated in the 1945 Constitution of the Republic of Indonesia Case 28, which reads as follows: "freedom of association and assembly to express thoughts orally and in writing etc. is stipulated by law" regarding Case 28F, which reads " everyone has the right to communicate and obtain information to develop their personal and social environment, and the right to seek, obtain, own, store, process and convey information using all available channels "(Fatwa, 2009). The case clearly states the existence of Press freedom. In this connection, in an effort to avoid changing the circumstances or position of the Case, the laws stipulated in Law of the Republic of Indonesia Number 40 of 1999 concerning press and Law of the Republic of Indonesia Number 32 of 2002 concerning Broadcasting need to be realized.

Throughout the history of the Indonesian, press's freedom which should be stipulated by law, but in reality, press's freedom is not guaranteed at all. Various regulations have been passed, but they contradict the meaning and spirit of case 28 UUD 1945. The phenomenon stated above illustrates that the akhbar's situation in Indonesia today is still moving like a pendulum swinging freely. This situation has presented several problems. First, the reforms in effect in Indonesia have changed the form of a liberal society, by reporting facts without paying attention to the ethics and norms that develop in society. Press tends to be an absolute court or judge. Second, the increasingly strong phenomenon of the saman against journalists. Powers outside press's institutions were increasingly dominant in insulating press's freedoms, either from the owners of big capital or from the demands of the kingdom. The intervention of large capital owners in reporting further weakens the function of press in providing correct announcements to the general public. Third, the Law of the Republic of Indonesia Number 40 of 1999 concerning the Press provides akhbar's freedom which causes journalists to be free to give correct information to the public in general. In certain cases, this press freedom is practiced by journalists as a major force in carrying out their journalistic duties.

It can be concluded that the press liberal system in Indonesia shows a practical gap which in practice tends to be absolute court or judge, who forgets ethical norms and codes and even carries out trial by the press. The next practical gap is the intervention of the owners of capital and the demands of the kingdom. Owners of capital tend to influence press in providing information. When, through a case in the KUHP (Criminal Code), the kingdom makes a lawsuit against the journalist. As a result, Law of the Republic of Indonesia Number 40 of 1999 concerning the Press was not fully implemented (theoretical gap).

Journalists still ignore ethical norms and codes and are sued through cases in the Criminal Code. The kingdom still grants akhbar's freedom through the Criminal Code, although the kingdom should use Law Number 40 of 1999 concerning the Press. Theoretically, the Criminal Code is a *lex generalis*, while Law Number 40 of 1999 is a *lex specialis*. In the context of theoretical legal protection, *lex specialis derogat lex generalis* applies. In essence, *lex specialis* as a special regulation overrides the *amm* in nature in solving major problems. However, in essence there are many major problems that are resolved by using the *am* (*lex generalis*) regulation and overriding the special regulation (*lex specialis*), which specifically monitors akhbar in Indonesia. In other words, the kingdom still wants to control akhbar's achievements through various forms of power.

Based on the outline stated above, it is clearly illustrated that the fact that akhbar in Indonesia experiences two contradictory things. On the one hand, akhbar is run freely (liberally), but on the other hand, freedom is prevented by the kingdom and by groups of people who still want akhbar to be carried out freely. This causes press in Indonesia to be unable to create a harmonious relationship. This is the practical gap in this study. This study will focus on the role of the government and journalists in interpreting press freedom in Indonesia.

RESEARCH METHODS

This study uses a qualitative approach. Qualitative inquiry is multi-method in focus, therefore the investigation process is carried out with thematic analysis in stages through collecting data by means of in-depth interviews with 20 informants in Jakarta, Surabaya, Malang, and Makassar. Performing data analysis in order to select and combine themes in order to answer study questions as well as headers using the Nvivo10 program to improve the results of the study.

RESULTS AND DISCUSSION

The Role of the Government in Press's Freedom

The description of research findings on the Interpretation of Media Freedom in creating a Harmonious Relationship between the Mass Media and the Government, clearly illustrates that the collection of information from informants is divided into several findings as stated in the theoretical literature namely social responsibility theory, libertarian theory, development theory, and democratic participation theory.

Nevertheless, there are study findings that require more in -depth research as new model study findings. This means that the freedom of the press in harmony between the mass media, government and society is used as a common guideline (*Guidelines Together*), then discussed into a mutual understanding as a guide for media practitioners and press staff in disseminating the work of journalism. To illustrate the role of the mass media in developing political communication for the maintenance of the state, in practice the relationship between the mass media and the government is inseparable from the relationship between the mass media and society. This is because the rate of mass media relations with the government is influenced by mass media relations and society as well as society relations with the government.

The interpretation of press freedom by being able to provide true information to the public with the constraints of the Indonesian government shows that in principle, the press obtains information from information providers and all information in practice must meet the stipulations as research findings. In other words, the media as well as the press, media practitioners as well as press staff as collectors of mental information from information providers, must publish true, authentic and quality information. In this regard, press freedom also affects the level of literacy and education in a country. The media is not just about reporting but also a broader understanding of society. Therefore, a healthy media is a key condition of press freedom as the media should be restricted (according to the law). Media owners should produce newspapers with sufficient capital, skilled in newspaper management, understand and comprehend the rules and regulations regarding newspapers as well as related laws. As stated by informant 12 that: "The Broadcasting Law does indeed stipulate the freedom of journalists. There are even two regulations on the protection of freedom of journalistic work, namely through the Press Law and the Broadcasting Act for staff on radio and television, and the ITE Law for staff on social media."

Media practitioners and press staff must be skilled in managing information to be used as a newspaper product, whether in the form of print media, electronic media or online social media as, much pressure to threats directed at the American, Chinese, and Russian media because what is reported is considered disruptive to national stability. Interpret the freedom of the press by being able to provide accurate information with the constraints of the Indonesian government, provide professional guidance to media owners, media practitioners, and press staff in carrying out duties in accordance with the profession, as well as the truth of information communication and information collection useful for personal development and its social environment. They also have the right to seek, acquire, possess, store, process, and communicate information using all types of existing channels. "Press freedom in the third world is understood in a limited sense and is not completely free thus one freedom does not eliminate other freedoms.

The findings of the study found that true information with government constraints needs to be studied deeper in terms of government transparency, freedom of expression of information by every media practitioner, government, and society. In addition, enforcement on matters, such as setting skilled newspaper companies, setting Code of Ethics standards, and setting Healthy Press, are new research findings to strengthen new models resulting from the study of Interpretation of Press Freedom in Creating Harmonious Relationships between the Press and the Case Government in Indonesia.

The results of the interview say that: "Freedom of the press may initially only be construed as the freedom to disseminate information and thoughts through the media without any restrictions from the authorities, now increasing not only freedom from, but also freedom to. Which freedom of the press is freedom that includes external freedom and internal.

External freedom is a guarantee of independence for the press to publish news writing without any interference from other parties. Meanwhile, internal freedom is the freedom of the press in news written and broadcast without threat from within, such as the party bureaucracy of the media institution itself".

According to the researcher, in interpreting the freedom of the press should not be only in the pattern of freedom of one of the pillars as stated by the results of the interview above, namely the freedom of the press in performing its role (freedom from). But in interpreting freedom it must be in the pattern of two pillars as it is said that is freedom for. A

freedom to fully guarantee community involvement so that communities can acquire and exercise their rights as citizens. The government also assures the people to exercise their rights. In the perspective of freedom, this two-pillar pattern of freedom from and freedom for is important in an effort to provide a framework governed by press freedom. Similarly, laws incorporated into regulations set out the two pillars of freedom that foster understanding between the media, the public and the government. Law of the Republic of Indonesia Number 40 of 1999 on the Press has guaranteed a pattern of freedom of those who seat both pillars in one hand balanced between the media, the public and the government

The Role of Journalists in Defining Press Freedom

Journalists in carrying out the entire task of journalism, starting with finding, managing, writing and publishing in the form of writing, pictures, writing and pictures, through print media, electronic media or social media must check and recheck continuously (social responsibility, democratic participation and development). But it is much better if given guidelines which are common guidelines between the media, government and society. Since the task of check and recheck is very closely related to this problem, then the entire media component should be quality. In addition, journalists consisting of editor-in-chief, executive editor, editor, coverage coordinator, journalist and linguist should work hard. Previous press theories did not provide detailed descriptions to the media about the form of news disseminated as a result of collection from information providers and consideration of whether the journalistic work contained benefits or otherwise. In this case, informant 1 stated that: "The press must also be professional and abide by the code of ethics so that it can carry out its functions in accordance with the Press Law, which is to be a media that serves to provide information, educate, entertain and exercise social control". This view is endorsed "The press is free plural, transparent, sustainable, professional, and independent". (UNESCO, 2008: 14).

In identifying the reaction of journalists in the definition of press freedom, journalists must undergo a test of competence or skills in journalism because if they are not skilled, the journalist cannot perform his duties as a press officer. This is based on the views of the informant stating: "Journalists now need to be quality and professional because now everyone wants and can be a journalist. Therefore, to distinguish between professional journalists and community journalists (citizen journalism) depends on the credibility of the information. We can't deny that in the new media world, everyone is a journalist because the process of sharing and disseminating an event is now part of the community's journalistic activities".

In analyzing the reaction of journalists in understanding press freedom in Indonesia, it was found that journalists must practice healthy media professionally. Journalists must perform their duties with professionalism, quality and journalistic skills must be supported by skills tests conducted by the Press Council as stipulated in the mandate of Press Law number 40 of 1999 as enforcing the 1945 Constitution articles 28 and 28F: "The need for free matter is for the existence of credible institutions, reducing political instability, increasing the effectiveness of government, reducing regulations that lead to social development, law enforcement, and preventing corruption." (UNESCO, 2008: 24-25).

The Role of Government and Journalists in Press Freedom Towards Democracy

The results of this study, found that the factors that influence the behavior of the government and journalists are dominant in interpreting press freedom in Indonesia, that each violates the act and regulations by taking advantage of the weaknesses of others, both the government and journalists. The government suppresses the news because there are untrue information. Journalists, on the other hand, use the freedom of the press arbitrarily without regard to the code of ethics, become judges of the government or provide less useful information to the public, thus damaging communication between the government and the public. In addition, the community is also deliberately bribed with untrue information. As the opinion of the informant who stated:

"In my opinion, the press in Indonesia is in an independent position. The press can still report anything, in any way, even the practice of reporting without restriction. In order to create a harmonious relationship between the media and the government within the constraints of the government, then the constraints are created in the form of Mutual Understanding (MU), which is a form of understanding through the design process of joint guidelines. This is a new model, as a previous analytical study, "Media in developing countries still tend to be elitist, but with the main purpose of creating social stability for the development of the country politically".

Therefore, when the government holds MU with the media and invites the community as a representative of the readers (readers' council) to provide certainty that freedom of the press is the freedom to convey information correctly, ensuring that each other's interests and harmony are needed to strengthen ties. In addition, an important condition in establishing a harmonious relationship between the media and the government with constraints from the government in the case of Indonesia is that the government does not only provide freedom or work according to the mandate, but the government also provides legal certainty (completion of the Press Law or common guidelines) as a new model. So, if there is a media error in conveying information in the future, then the public should not commit atrocities against the government, or the government take legal action out of bounds. For example, filing with the police. The government provides legal certainty here that the error of the information published is essentially that the information published must go through the procedure of right of correction as well as right of responsibility. However, if there is an offense due to the inability of the media with members of the media or press staff to produce information without policy, then the providers of skilled information and appropriate and complete data are allowed to file matters to the police, let alone if it is not in accordance with the joint guidelines that results through mutual understanding.

"The need for an independent press is the existence of credible institutions, reducing political instability, increasing government effectiveness, reducing regulations that burden social development, law enforcement, and prevention of corruption" (UNESCO, 2008: 24-25). It can be concluded that the various efforts of the government in reducing the power or depriving the press to carry out the profession of its journalists are the same as not implementing democracy in the media (democratic participation), weakening and useless in developing the nation and country towards prosperity and progress..

CONCLUSION

The interpretation of press freedom provides true information about the constraints of the Indonesian government. Therefore, it can be concluded that the press should be limited to newspaper company certificates only. The capital of the establishment of the newspaper is agreed upon nationally with continuous publication. Press management starts from the owner therefore media leaders and press staff should be skilled (competent). Selection of informants (who were interviewed) in accordance with journalistic methods and codes of ethics. Starting from the media product (mind), the human operations of the press up to the media leadership have been selected in accordance with the common guidelines. Media products broadcast to the public are in favor of the public and fair to the government. Taking into account the characteristics of Indonesian society and the presence of the press as the backbone of the development of democracy in Indonesia, it can be concluded that the freedom of the press can provide true information. This model of interpretation of press freedom in Indonesia can be used as a common guideline. The reaction (nature and views) of media practitioners or journalists in interpreting the meaning of press freedom can be illustrated through their awareness in carrying out functions appropriate to the profession. In other words with a focus on working professionally, adhering to a code of ethics, and maintaining the dignity of the media. The factors that dominantly influence the behavior of governments and journalists in interpreting press freedom can be summarized as follows: First, the government must provide true information and in accordance with the guidelines of the Mutual Understanding and as stipulated in Law No. 40 of 1999. In particular in doing Mutual Understanding (MU) with the media as well as inviting the community as a representative of the readers (readers' council). Second, journalists must be skilled and authentic in delivering news. Journalists must adhere to a code of ethics, be able to control their emotions, and there must be no negligence in making journalistic work.

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