

## **[Joint Statement] Indonesia: Revoke repressive provisions under the proposed Broadcasting Law, ensure press freedom**

The Asian Forum for Human Rights and Development (FORUM-ASIA) and its Indonesian member organisations are deeply concerned over the repressive proposed provisions and amendments to Indonesia's Law 32/2002 on Broadcasting and its potential impacts on press freedom, freedom of expression, and access to information.

We are in solidarity with civil society, academia, and human rights defenders who are courageously [criticising](#) the proposal.

The second revision to the 2002 Broadcasting Law was initiated by the parliament's Commission I to ensure that the law can accommodate the current development of information technology. Its first amendment was done through the controversial Omnibus Law on Job Creation, which was heavily [criticised](#) by civil society for sidelining labour, environmental, and indigenous protections.

Commission I submitted the [latest draft](#)—dated 27 March 2024—to the Legislation Commission. The draft is subject to harmonisation to ensure that it is not contrary to other existing laws and regulations. The Legislation Commission is set to discuss the harmonisation process on 29 May.

Despite Commission I's stated intention, the proposed legislation can significantly erode Indonesia's civic space, undermine press freedom and disrupt people's right to access information. If passed, the law could ban investigative journalism and other types of content the government deems inappropriate.

### **Problematic provisions**

Civil society—including the Alliance for Independent Journalists, a FORUM-ASIA member organisation—highlighted the following problematic articles under the proposed law.

Article 50 (B) (2) bans—as part of the broadcast content standards (*Standar Isi Siaran-SIS*)—content related to investigative journalism as well as behaviours portraying lesbianism, homosexuality, bisexuality, transgenderism, and professions or characters with 'negative lifestyles' among others.

The draft also retained a prohibition on fake news and defamation which could give rise to misunderstanding and subjectivity since they are prescribed without clear limitations. These are rubber articles that are usually used to criminalise human rights activists and journalists that are critical of the government. This is despite the March 2024 Constitutional Court decision which [repealed](#) the dissemination of fake news in Articles 14 and 15 of Law no. 1/1946 and defamation from Article 310 of the Criminal Code.

The imposed ban is prescribed in an overly broad manner without any clear definitions or limitations.

The ban on investigative journalism jeopardises press freedom, preventing journalists and media workers from documenting human rights abuses. At the same time, such a ban violates people's right to information. Investigative journalism plays a crucial role in seeking

truth, accountability, and justice. Without it, civil society would lose one of its biggest allies in gathering evidence of human rights violations.

The proposed law also perpetuates gender-based discrimination, particularly targeting people with diverse sexual orientation, gender identity, expression, and sex characteristics. This disregards people's right to be equally recognised and to freely express themselves without fear of discrimination and hate crimes.

Meanwhile, Article 8A (1q) expands the powers of the Indonesian Broadcasting Commission to resolve journalistic disputes. However, this function was prescribed exclusively under the authority of the Press Council as regulated under Law 40/1999 on Press thus creating an overlap.

The proposed law also contradicts the function of the press—under Law 40/1999—to inform, educate, and create social control within the Indonesian Government. If passed, the law could hamper journalists from informing the public regarding Indonesia's state of democracy and human rights.

Furthermore, as Broadcasting Commission members are elected by the House of Representatives, if they were to manage journalistic broadcasts, there would be no media independence. This would also remove one of the most important bridges between civil society and the government.

The proposed law further amends Article 42, which requires journalistic content to adhere to SIS instead of the Journalistic Code of Ethics as previously prescribed. As the Broadcasting Commission is in charge of setting up and monitoring the implementation of SIS including imposing administrative sanctions for its non-compliance, the press would thus be subjected to the Broadcasting Commission's authority and standards.

Under Articles 1(2) and 34(B) respectively, the proposed law could also cover online streaming and social media platforms, thereby impacting people's digital rights, internet freedom, and right to access unrestricted information.

Indonesia is set to be headed by Prabowo Subianto, a former military general and a supporter of President Soeharto's authoritarian regime. Prabowo was linked to human rights violations, involving the kidnapping and enforced disappearance of pro-democracy defenders from 1997 to 1998, 13 of whom are still missing to this day.

If passed, the proposed amendments to the Broadcasting Law could put Indonesia's democracy at a heightened risk, particularly under Prabowo's leadership.

### **Call to action**

FORUM-ASIA and its Indonesian member organisations call on the parliament to halt its enactment of the proposed Broadcasting Law.

We urge the Government of Indonesia to take a participatory approach in drafting and discussing the proposed law, ensuring that all relevant stakeholders are involved in the process. The government should listen to the criticisms and concerns raised by civil society, including the Press Council.

We call on the authorities to scrutinise the above-mentioned articles. We remind the government of its international human rights obligations, particularly under the International Covenant on Civil and Political Rights to which Indonesia is a State party to.

During Indonesia's second Universal Periodic Review (UPR) before the UN Human Rights Committee, FORUM-ASIA had also [asked](#) the government to review and repeal other repressive articles under the Broadcasting Law. Within the four UPR cycles that Indonesia has gone through, we have urged the government to create a safe and secure space for civil society and journalists. We urge the Legislation Commission to consider our recommendations during its upcoming meeting.

Furthermore, as Indonesia is currently a member of the UN Human Rights Council, it must lead by example in respecting, promoting, and protecting human rights. The government should not operate on a double standard of being active in tackling human rights issues internationally while continuing its pattern of repression domestically.

'A free and independent press is crucial for any functioning democracy. The proposed Broadcasting Law would essentially ban investigative journalists from pursuing the truth. Without truth, there can be no justice. If passed, this law would only squash Indonesia's already shrinking civic space. FORUM-ASIA urges the Indonesian Government to uphold people's fundamental rights and freedoms. To do so, it must stop using repressive laws,' said Mary Aileen Diez-Bacalso, Executive Director of FORUM-ASIA.

### **Signatories:**

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Indonesia Legal Aid Foundation (YLBHI)
3. Indonesian Legal Aid and Human Rights Association (PBHI)
4. Alliance of Independent Journalists (AJI)
5. Commission for Disappeared and Victims of Violence (KontraS)
6. Institute for Community Studies and Advocacy (ELSAM)

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### **About FORUM-ASIA:**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)

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