

Freedom of The Press as an Embodiment of Democracies in Indonesia

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Abstract

Freedom of the press is freedom of communication and expression in providing information to the public through the mass media, both print and electronic media. This freedom shows that there is no interference from the state or government or other elements of society, both individually and collectively in providing information to the public and constitutionally protected by the state. This is done so that the press can control the running of government.

Keywords: Press, State, Government.

Introduction

The 1945 constitution after the amendment had several provisions relating to the right to free speech. Article 28 of the 1945 Constitution (1945 Constitution) states that the freedom of association and assembly, issuing thoughts verbally and in writing and so on is stipulated by law. From this formulation related to freedom of speech is the part of the sentence that reads "to let out thoughts verbally". Article 28E paragraph (3) states that everyone has the right to freedom of association, assembly and expression of opinion.

Freedom of speech or in the language of the 1945 Constitution formulated as the freedom to express thoughts verbally or the freedom to express opinions, can be categorized as a human nature, that is, as beings who always communicate between each other.

In the state system, freedom of speech becomes the pillar of the implementation of the principle of democratic law state government. With the existence of freedom of speech, there will be a competition of opinions in public discourse about the ideas that have been proposed that can be chosen by many people. Therefore, this freedom

of speech includes other freedoms as derivatives or elaborations, namely freedom of the press, broadcasting, and film.

In the past, the press in Indonesia had experienced a dark period, namely during the New Order period. At that time the Indonesian government tended to be authoritarian, where freedom of the press and freedom of expression were restricted by the government. If there is news that is not in accordance with the interests of the government, then the press license will be revoked, and it is not a matter of surprise at that time if there is a problem facing the government, then the person is likely to be lost/kidnapped or killed. The journalist who was victimized at the time was a journalist in Yogyakarta in 1996 who was killed by an unknown person as a result of the news that Udin wrote in *h arian Bernas*. At that time, Udin as a journalist wanted to convey honesty and truth related to the alleged corruption case in the Bantul Regional Government involving the Bantul Regent. As a result of this courage he became a victim.

So much government control over the press pada the new order period, the press at that time was restrained oleh the government, as a result of which the press could not provide accurate and

open information (transparency) to the public. The press cannot criticize the government's distorted policies, which ultimately result in government actions that abuse its authority, further and more corruption, collusion, and nepotism and uneven development. When the press is enforced by not being free to convey information, then people's knowledge of the real information becomes marginalized.

Today the role of the press is very broad, in contrast to the press during the new order period. Because the press is given the opportunity to spread the news according to the facts on the ground. So that in news must be free but must also be in accordance with the facts. The freedom of the press that is increasingly free as it is today should be put to good use, this is so that the press can control the course of a democratic, transparent and just government.

However, nowadays the press in Indonesia tends to be overblown, this can be observed in several media or news reports but has a different meaning or discussion. For example, in reporting the quick count between TV broadcasts and other TVs the results are different, as well as electronic and print media. So that every candidate who has the media

claims the media that sided with him is the right one.

From this background, the problem is first, Is press freedom in Indonesia in accordance with the elements of a democratic country?, second, Is press freedom in Indonesia absolute?

Freedom of the Press and Democracy

The term Press is known by the wider community in two senses: first, in a broad sense is the word press includes all printed goods addressed to the public or a general audience such as newspapers, magazines, brochures, bulletin, and others. secondly the press in the narrow sense is the same as that of newspapers i.e. sheets of printed whose contents are general, and actual, as well as publishing regularly.

Freedom of the press is the freedom of communication and expression in providing information to the public through mass media, both print and electronic media. Such freedom indicates the absence of interference from the state or government or other elements of society, both individual and collective in providing information to the public and constitutionally its existence is protected by the state. This is done so that the

press can control the course of government.

For the democratic community, Jimly mentioned that democracy cannot be separated from the existence of the press. The press can be said to be the fourth pillar of democracy, in addition to the Tif, Judicial and Executive Legislatures. The press tourut played a big role in making the country one of the democratic countries. For this reason, freedom of the press in expression must be protected in the constitution as stated in Article 28 of the 1945 Constitution which guarantees the freedom of every individual including the press in expressing opinions.

Freedom of the press has significance in a democratic state system. The role performed by the mass media in carrying out the function of the press is to realize a democratic state system. One of them is that the mass media must be positioned as a true and reliable distribution of information, a gar the public gets knowledge and knows the developments that are up to date.

To implement democratic values it is necessary to organize institutions as a result:

- a. Responsible government;
- b. A house of representatives that represent the class, interests in

society and which is elected by free and secret elections and on the basis of at least two candidates for a series of seats;

- c. A political organization that includes one or more political parties;

- d. The press in the mass media is free to express opinions; and

- e. A free judicial system to guarantee human rights and maintain justice.

Looking at the role of the press in democratic elements or values, the press must fall into that category. The press is positioned as a counterweight to avoid abuse by the government. The press must intensely monitor the performance of the government in carrying out its duties. Thus the government also has the principle of openness, so that it can be in need and improve each other.

According to Kaufmann and Nelson, quoted in Jimly's book entitled towards a democratic legal state, there are five things in the relationship between the media and institutional reform and economic reform, namely:

1. Economic growth is related to the need for information,
2. Information service providers require consumeren,
3. The media became more independent and became an important

player in regulating and controlling the public sector and the private sector,

4. As a bodyguard in institutional change, and

5. Request for precise and accurate information.

The effort of embodiment in a democratic state cannot be separated from the existence, role and function of the press, even Jimly said that the national press as the fourth pillar of democracy after the executive, legislative and judicial institutions. Nevertheless, in carrying out the role and functions of the press, the press must walk above the corridors of the law. Thus between freedom of the press and the rule of law is like two sides of a piece of currency. The two cannot be separated or always go hand in hand.

Press Freedom and Human Rights

Every human being born in the world has rights in his life. There is recognition of the existence of every right of persons and there is the same dignity possessed by every person and such recognition is laid down in law, for every person who lives in a sovereign state.

Equal basic rights must be followed by representation as the basis for every human being in the life of the nation and state. So there are no

differences in race, ethnicity, religion, or social status. The most basic right in human life is the natural right of God. Man has the right to develop himself and this development can be accounted for later, namely to God Almighty. .

Freedom of expression is not unlimited. There must be steps that need to be taken to ensure that freedom of expression does not harm the rights and freedoms of others. So the law governing the press as well as journalism and the code of ethics is valid, because it can protect the rights and reputation of others.

Restrictions on Press Freedom

UN Secretary-General Kofi Annam on the commemoration of world press freedom day some time ago said that the press is the backbone of Human Rights (HAM) and encourages openness and the realization of good governance. The press, both through inter net and conventional media, still invites insecurity, namely the violation of personal, moral rights and the use of the media to arouse hatred among the people. Kofi's statement supports the normative position and role of the press in efforts to realize good governance in the world.

From the statement of the UN Secretary-General proved that freedom

of the press cannot be liberated absolutely, because it is possible that there will be many abuses. Thus freedom of the press can proceed in accordance with the prevailing law.

In the sense contained in the Press law, all journalists' activities are subject to and follow the provisions of Law No. 40 of 1999 concerning the Press. Including broadcast journalism. In Law No. 32 of 2002 on broadcasting which states that: "broadcast journalists in carrying out journalistic activities of electronic media are subject to the code of journalistic ethics and applicable laws and regulations".

In this case, the applicable journalistic code of ethics is the one in accordance with the explanation of Article 7 paragraph (2) of the Press Law Number 40 of 1999 concerning the Press which reads: "what is meant by the journalistic code of ethics is the code of ethics agreed upon by the journalist organization and determined by the board". According to Ashadi Siregar, the aforementioned article in the code of journalistic ethics, of the ethical provisions which the press must respect and follow in covering and making news shows the difference between interpretive opinions and judgmental opinions, this difference is important so

that the press can present clear reporting to the general public by providing interpretation or background information for the facts of events or problems. But instead journalists remain unable to mix up the facts received in reporting activities with their own opinions.

Some of the moral bases that become professional attributes for journalists include:

1. Autonomy is meant the freedom to exercise one's own deliberations and the development of a self-regulating organization,
2. Commitment is to focus on open service on personal economic gain,
3. Expertise is running a unique and essential service. The emphasis is on intellectual techniques, a long period rather than a special exercise in order to obtain systematic knowledge based on research, and
4. Responsibility is the ability to fulfill obligations or act without prosecution from above, the creation and application of a code of ethics.

In general, the current code of ethics is actually relatively loose and provides a wide space for journalists, but the added value of journalism that exists today still has a strong commitment to values. However, in reality, there are still

many deviant journalistic practices, under the pretext of press freedom, so many media outlets convey fake news, slander to the detriment of others.

Conclusion

From the explanation above, a common thread can be drawn, that in fact press freedom in Indonesia has fulfilled the elements of a democratic country, but it is still in the realm of formality, because in practice there are still many violations committed by both journalists and journalists, such as the absence of uniformity of reporting in the media, but on the contrary between one media and another media attacking each other. A very obvious example when every general election, whether president and vice president, governor, regent, etc., there is a difference in the results of the votes. From this it is understandable that the news in Indonesia has not been completely free and independent. One of them is that the media is owned by the private sector in this case it is the owner of capital and/or political parties.

Freedom of the Press does not apply absolutely, because the press must also still be subject to the constitution or applicable laws and regulations, and must also be subject to a code of ethics that must be adhered to by every

journalist and journalist. Thus, journalists and journalists, even though in reporting have freedom in reporting, they must still be subject to the rules of the game, that is, they must be subject to a code of ethics.

Recommendations

In the future, the state must have its own media with any intention that the implementation of government affairs can be reported through the state media. Because nowadays many media have been controlled by the private sector, so to really believe the news seems very difficult. Because between one media and another, the reporting is different, even though it is in the same news object.

Journalism and journalists in presenting news must be leaned on objectivity, fairness, and ideality so that reporting does not harm other parties. and the news presented must be in accordance with the object under study, open according to interests, both political interests and political interests.

If journalists and journalists can carry out their duties in accordance with legal theory, legal dogma, and legal philosophy, then indirectly journalists and journalists are involved in educating the nation's children, in accordance with the mandate of the constitution, because the news presented provides a correct

understanding in accordance with the object.

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