



Graduate School of Development Studies

**Pushing For the Right To Know:
Understanding the Indonesian Mass Media Support
for Freedom of Information Bill**

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List of Acronyms

CEO	: Chief Executive Officer
DPR	: Dewan Perwakilan Rakyat (House of Representatives)
DPRD	: Dewan Perwakilan Rakyat Daerah (Local House of Representatives)
FKPPI	: Forum Komunikasi Putra-Putri Purnawirawan ABRI (Communication Forum for the Sons and Daughters of Retired Members of the Armed Forces)
FoI	: Freedom of Information
ISAI	: Institut Studi Arus Informasi (Institute for Information Studies)
JP	: Jawa Pos
JPNN	: Jawa Pos News Network
Koalisi KMIP	: Koalisi untuk Kebebasan Memperoleh Informasi Publik (Coalition for Freedom of Public Information)
KPI	: Komisi Penyiaran Indonesia (Indonesian Broadcasting Commission)
LP3Y	: Lembaga Penelitian, Pendidikan, dan Penerbitan Yogyakarta (Yogyakarta Institute of Research, Education, and Publication)
MI	: Media Indonesia
MPR	: Majelis Pemusyawaratan Rakyat (People's Consultative Assembly)
NGO	: non-governmental organisation
PID	: Public Information Disclosure
RRI	: Radio Republik Indonesia
SOE	: SOE
TV	: television
TVRI	: Televisi Republik Indonesia
UN	: United Nations
US	: United States of America

Abstract

Eight years were needed to negotiate Freedom of Information (FoI) legislation in Indonesia before it was passed in 2008 by Dewan Perwakilan Rakyat (DPR, House of Representatives). A coalition of non-governmental organisations (NGOs) was the initiator and advocate of the process, supported by mass media.

The research paper probes to critically investigate the motives of the support. Findings show that beyond the facade of anti-corruption, FoI, and freedom of press, the media identified benefits for themselves. Amongst others, FoI legislation gives greater access to newsworthy information, and opens a lucrative business advantage as the law orders public agencies to advertise their information. The media successfully used FoI issues to leverage their political-economy interests of the corporations and owners, which sets precedence for future use of the law.

Relevance to Development Studies

Mass media is one of the key parts of civil society which can determine the political course of the state. Media played significant role in supporting the FoI Bill campaign in Indonesia. This paper aims to understand the political and economy motives mass media, the aspect that seems to be overlooked by previous studies.

Keywords

FoI, mass media, civil society, non-governmental organisations

Introduction

Research Problem

For four decades, Indonesians lived under regimes of state secrecy, led by Soekarno and then Soeharto. This situation changed dramatically after Soeharto stepped down amidst the financial crisis of 1998. People demanded corruption eradication, greater transparency, higher degree of accountability and democratisation. After years of being hailed as sacred, static law, the 1945 constitution was revised four times, and finally recognises the rights to know.

In November 2000, several concerned non-governmental organisations (NGOs) gathered and formed Koalisi KMIP (Coalition for Freedom of Public Information) to push a comprehensive FoI (FoI) law. Koalisi KMIP made its first draft, which was adopted as a DPR (House of Representatives) initiative Bill in 2002. It took six years to finally pass the Bill as an Act in April 30th, 2008. The law was passed as Public Information Disclosure (PID) Act.

The coalition worked closely with mass media. In general, national media showed support by regularly covering press conferences of Koalisi KMIP, interviewing and using quotes from Koalisi KMIP activists, giving column space for pro-bill opinions, and featuring editorials which pushes for the Bill. As Antlöv et al. (2010) put it, the coalition constantly ‘pepper[ed] the national media with discussion and analysis on the drafts.’

FoI campaign in Indonesia was not unique or new, as it was in line with a worldwide trend. Vleugels (2011: 6-7) notes that until October 2011, FoI –interchangeably labelled as right to know, right to information, or access to information – laws already exist in 88 countries. Sweden is considered as a pioneer as it enacted such law in 1766.

Almost two centuries later, the United Nations (UN) acknowledged FoI in its first session, the UN General Assembly approved Resolution 59(1), which stated that ‘FoI is a fundamental human right and ... the touchstone of all the freedoms to which the UN is consecrated’ (Mendel 2003: 8). Later the Universal Declaration of Human Rights, accepted by the UN General Assembly in 1948, recognised the right to freedom of expression and information as well.

Finland followed suit in 1951, and United States of America (US) passed its FoI act in 1966. Four Western Europe countries did the same in 1968-1978, and six more countries in the decade after. Then the trend increased dramatically in the last decade of last millennium, with 26 countries adopting the law, and finally rocketed to 49 countries in 2001-2011 (Vleugels 2011: 6-7).

Peled (2012: 6-9) argues there are four central justifications for the increasing recognition of FoI. The first is the Political – Democratic Justification, focusing on the right of disclosure as a prerequisite to the proper conduct of a democratic regime, as it enables active participation of the citizens. According to him it was voiced by James Madison, the fourth US president, who in 1822 wrote that a popular government without popular information or means to access it is a prologue to tragedy. The next one is the Oversight Justification, as FoI leads to transparency which enables effective inspection of government activities. The third is the Instrumental Justification, as FoI is a necessary condition to exercise most civil rights. He believes this is the rationale to include right to ‘request and receive information’ in Article 19 of the Universal Declaration of Human Rights of 1948. The last one is the Proprietary Justification, which emphasises information held by public authorities is the property of the citizens, thus citizens are entitled to have access to the information.

However, as Brown and Cloke (2012: 276) notice, the FoI trend is a part of the anti-corruption measures promoted by international financial institutions (IFIs) to the South. Corruption, perceived as having the potential to undermine the effective operation of market

institutions, offers a convenient excuse on why pro-market economic reforms in the South did not give results as expected. The main limitation of such neoliberal approach is 'its blindness to the complex interplay between economic liberalisation, political power, and institutional reform' (Brown and Cloke 2012: 272)¹

Here we arrive at an intriguing question related to those complex interplays: why did commercial mass media support the cause? Was it based on sincere interest to make Indonesia a better place, or on potential future profits using information to gain the upper hand in power negotiation, or other reasons? Since this is the world of no free lunch, there must be benefits for mass media, or for their owners, if the Bill could be passed.

After all, most mass media are private companies, which need profits to sustain themselves. According to Nugroho et al. (2012a: 4), twelve large groups control nearly all of Indonesia's media channels (see Table 1).

Table 1
Top 12 Media Groups in Indonesia(2011)

No	Group	TV	Radio	Print Media	Online Media	Other businesses	Owner
1	Global Mediacomm (MNC)	20	22	7	1	Content Production, Content Distribution, Talent Management	Hary Tanoesoedibjo
2	Jawa Pos Group	20	n/a	171	1	Paper Mills, Printing Plants, Power Plant	Dahlan Iskan, Azrul Ananda
3	Kelompok Kompas Gramedia	10	12	89	2	Property, Bookstore chain, Manufacturing, Event Organiser, University	Jacob Oetama
4	Mahaka Media Group	2	19	5	n/a	Event Organiser, PR Consultant	Abdul Gani, Erick Thohir
5	Elang Mahkota Teknologi	3	n/a	n/a	1	Telecommunication and IT solutions	Sariatmaadja Family
6	CT Corp	2	n/a	n/a	1	Financial Services, Lifestyle and Entertainment, Natural resources, Property	Chairul Tanjung
7	Visi Media Asia	2	n/a	n/a	1	Natural resources, network provider, Property	Bakrie & Brothers
8	Media Group	1	n/a	3	n/a	Property (Hotel)	Surya Paloh
9	MRA Media	n/a	11	16	n/a	Retail, Property, Food & Beverage, Automotive	Adiguna Soetowo & Soetikno Soedarjo
10	Femina Group	n/a	2	14	n/a	Talent Agency, Publishing	Pia Alisjahbana
11	Tempo Inti Media	1	1	3	1	Documentary making	Yayasan Tempo
12	Beritasatu Media Holding	2	n/a	10	1	Property, health services, cable TV, Internet service provider, University	Lippo Group

Source: Nugroho et al. (2012a: 39)

¹ Despite the critical view of the anti-corruption crusade, Brown and Cloke (2012) emphasise that it does not mean that corruption is unimportant. 'The fact that the anti-corruption banner has been taken up by those promoting neoliberal reforms does not negate the need for the issue to be taken seriously' (Brown and Cloke 2012: 273).

The only public mass media are the ones owned by the state: TVRI television, RRI radio, and Antara News Agency. Meanwhile in commercial mass media scene, ten national free-to-air television stations, 1,248 radio stations, 1,076 print media publications, and 66 online news portals are published in 33 provinces of Indonesia (Nugroho et al. 2012A: 56-82).

Moreover, some media owners are politicians or supporters of certain politicians. For example, Aburizal Bakrie, owner of Visi Media Asia which controls two national television stations and an online news portal, is the chairman of Golkar, Soeharto's party. Surya Paloh of Media Group, owner of the leading news channel Metro TV, national newspaper Media Indonesia, and two local newspapers, in mid-2011 launched his political party, Nasional Demokrat. Hary Tanoesoedibjo, who owns three national television stations, 17 local televisions, 22 radio stations, seven newspapers, and one online media; recently proclaimed himself as a member of Nasional Demokrat, too.

Other mass media, despite are not owned by certain politicians, also show bias towards particular political parties. The Islamic newspaper Republika, part of Mahaka Media Group, shows preference towards the Islamic party PKS; while Tempo Inti Media tends to support the ruling party, Partai Demokrat, particularly during the 2004 presidential election campaign. State-owned TVRI, RRI and Antara tend to show preference to Partai Demokrat.

This research paper aims to understand the complex set of interests which mass media conglomerates identified in supporting the Bill campaign. To interrogate the private corporations-civil society partnership and coalition building's objectives is one of the steps to understand the complex set of interests underlying this Bill.

This paper focuses on the identification and analysis of the interests that drove the mass media conglomerates to support the Bill. The formation of a coalition that mobilised the support will serve as an illustration to put the campaign into context.

Research Objective

This paper aims to fill the void of both governance studies and media studies which look at the role of Indonesian mass media in the campaign for the FoI Bill mainly from a democratization perspective, as if it is an act of political liberalisation and as a win-win situation for freedom and justice for all. To identify and analyse the complex set of interests of the media in their support for the Bill campaign, this study explores core elements of FoI Bill and Act and Indonesian media industry structure.

Research Questions

Main Question

Why did mass media conglomerates support the FoI Bill campaign in Indonesia?

Sub Questions:

- How does the bill define the roles of the political and civil society in relation to the right to know?
- What is the structure of the industry? In which ways it draws a relationship between mass media interest and their support to the bill?

- What are the objectives and the agendas that drove the collaboration of the mass media and Koalisi KMIP?
- What are the identified benefits and potential benefits for mass media conglomerates from the Act?

Hypothesis

As a part of civil society, mass media plays a complex role, by dialectically reproducing hegemony, but also as a source of counter-hegemony. In the case of this research, it will be argued that the role played by mass media contributes to the reproduction of hegemonic trends in the political economy of mass media. In particular, it is observed that the foreseen future benefits drove Indonesian mass media to support the Bill campaign, infused and justified by post-reformation idealism on the notions of freedom.

Framework of Analysis

To understand why the mass media played a hegemonic role in supporting the campaign for the Bill, a framework linking the interrelation between capital, politics, and mass media becomes necessary.

Gramscian analysis on civil society is a central element of this research framework of analysis. According to Gramsci (1971: 80), mass media is a part of the civil society, with the ability to disguise practices of force as based on the consent of the majority. Civil society in Gramscian approach is understood as a mix of organisms that generally are called private; which, together with the political society that is commonly labelled as the state, operate as major superstructural levels in a country (Gramsci 1971: 12). Gramsci sees civil society has a complex role, dialectically a reformist and conservative force. Civil society can be co-opted by hegemonic elites by promoting their interests, but it may also be the infrastructure from which counter-hegemonic resistance arise (Katz 2006: 333-334).

In addition to Gramsci's own ideas, neo-Gramscian IPE scholars such as Stephen Gill provide important notions to advance the hypothesis of this research. This research takes Gill (1992, 2008) interpretation of Gramsci's hegemony which introduces, among other elements, the concepts of disciplinary neoliberalism and new constitutionalism. The first one refers to a 'concrete form of structural and behavioural power, combining the structural power of capital with capillary power and panopticism' (Gill 2008: 137). Meanwhile, new constitutionalism is 'the move towards construction of legal or constitutional devices to remove or insulate the new economic institutions from popular scrutiny or democratic accountability' (Gill 1992: 165). Through these notions, Gill manages to identify forms of state control and discipline along the lines of neoliberal restructuring policies (2008: 138), while new constitutionalism efforts contribute to 'insulat[ing] the new economic institutions from popular scrutiny or democratic accountability' (1992: 165).

In addition to Gramsci and Gill, this research also brings forward ideas developed by the critical media studies. In particular, the analysis of Herman and Chomsky would be central to develop hypothesis. According to them, with the rise of mass media conglomerates, which are entangled in complicated networks of corporations and politicians, wealth and power give tremendous impact on the mass media interests and choices. The owners of money and power have the capacity to filter what news materials are worthy to be published as news, and at the same time marginalise dissent to make sure they can stay in power.

Herman and Chomsky (1988: 2-35) identify five news filters which interact and reinforce one another: the concentrated ownership of mass media firms, advertising, reliance on information provided by official sources, flak or negative responses to news, and anti-communism. Twenty years later they notice that anti-communism has been replaced by two elements: ideology of free market and war on terror (2009: 15). These elements are going to be explored in detail in theoretical framework of this analysis.

Methodology

To answer the main research question, it is important to understand the context. Therefore the paper shall look into core elements of the several versions of the Bill and the Act, who may be benefited and disadvantaged by those elements, as well as the current structure of media industry, which define their interests in supporting the Bill. Only then, after analysing a selection of news items and interviews with the editors, the reason of the support can be explained.

As mentioned above, from a Gramscian perspective, mass media is one of the key parts of civil society which can determine the political course of the state – after all, ‘the opinions of any idiot who knows how to write have exactly the same weight... as the opinions of somebody who devotes his best energy to the state and the nation’ (Gramsci 1971: 192). As Cox (1981: 129) suggests, institutions as well as social and power relations shall not be taken for granted, but questioned by examining their origins and whether they are in the process of changing. To understand the background of the story, data is gathered from a combination of literature review and semi-structured interviews with relevant informants.

The core of the research is a qualitative analysis of multiple case studies on top three national newspapers which supported the Bill campaign, particularly the discourses brought up by those newspapers in the news articles and editorials from the start of the campaign in November 2000, until May 2008, a month after the passing of the Bill. Quantitative data is also used to illustrate some points in the qualitative analysis.

Case studies, according to Yin (2009: 1-23), is best used as an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, where the boundaries between phenomenon and context are not clearly evident. It has the ‘how’ or ‘why’ as the research question, it involves empirical work, relies on multiple sources of evidence, it requires no control of behavioural events, and focuses on contemporary events. This paper seems to fit the parameters.

Newspapers are chosen because its feasibility to be researched in a short time span. Access to television news programs is more difficult and the transcription of the records is time-consuming; the online news articles are generally too short, shallow, and numerous to pick; while weekly magazines or tabloids articles are too scarce, long, and not accessed by as many people as the other form of mass media. On the practical side, as a newspaper journalist, I have more networks in newspapers than in other media, which eases the access to interview key informants. Three national daily newspapers are chosen on the basis of circulation ranks: Kompas, with 530,000 newspapers sits at the top; Jawa Pos (JP), with 433,383 comes second; and Media Indonesia (MI), with 200,000, is the third (vom Busch and Carthew 2008: 116-117). These numbers seems relatively miniscule compared with Indonesia population of 237 million people in 2010 census. However, those newspapers play important roles in shaping discourses about political, economic, and social issues (Tomsa 2007: 79); though one may argue that the discourses are only discussed by elites, or at most, elites and middle class.

Data is gathered from literature review, semi-structured interviews with two editors of each newspaper, as well as published news items – comprised of editorials, opinions, and news articles – about the FoI Bill campaign and its surroundings. Most data were collected during fieldwork in

Jakarta in June 26th-July 11th 2012. The available materials are analysed from neo-Gramscian perspective, seeing whether it fits the scrutinisation of Herman and Chomsky (2002: xi-xii) on the political economy of mass media of the United States of America: that media is a propaganda tool on behalf of the controlling, powerful societal interests, but it acknowledges critique and gives a space for it for the sake of showing that the system is not monolithic, although such criticism are kept small enough so they will not interfere the domination of the official agenda.

The chosen methodology is by no means exhaustive or perfect; however considering research constraints, they are the most feasible choices. Originally I also wanted to track the change of mass media industry structure before, during, and after the Bill campaign. However as all three newspapers companies are not listed in stock market, it was difficult to access ownership data, as they have no disclosure obligation. Limited fieldwork time means that I could not arrange request for information or interviews with business managers of the newspapers. Thus I changed the plan for the third chapter and decided to focus instead to current structure of media industry.

Organisation of the Paper

The research paper starts with theoretical framework, which explores the theories of mass media, civil society, and neoliberalism. It focuses on concepts mainly from Gramsci, Gill, Cox, as well as Herman and Chomsky.

The next chapter examines the core elements of the FoI Bill and Act, particularly on how the texts lay down the roles of the political society and civil society.

The third chapter explores a historical account of the mass media industry structure in Indonesia, which defines their interests on supporting the Bill. I argue that after the fall of Soeharto, the country saw an expansion of the mass media like never before, leading to concentrated power, used by the owners for their political-economy agenda.

The following chapter presents and analyses a case study which observes the interests of the three national daily newspapers. Their interests are identified and then analysed from a selection of news articles, editorials, and interviews with the editors.

I conclude the paper in the last chapter, putting forward the argument that the pursuit of future benefits drove the mass media to support the Bill campaign, infused or justified by post-reformation idealism on the notions of freedom.

Chapter 1 Theoretical Framework

Mass media role has been analysed differently in social sciences. Bennet (2006: 93) notes in late 1970s, debates about popular culture, including mass media, were often deadlocked around polar opposites of structuralism and culturalism. The structuralists viewed popular culture as ideological machine with the ability to dictate people. Conversely, culturalists celebrated pop culture as genuine interests and values of subordinate social groups. According to Bennet, Gramsci's work both avoids and disqualifies such bipolar analysis, as popular culture is perceived as 'neither the site of people's cultural deformation nor as that of their cultural self affirmation... it is a force field of relations shaped, precisely, by these contradictory pressures and tendencies' (2006: 94). Gramscian analysis is used in this paper because as what Mahon (2000: 472) sees, it enables more nuanced understanding of complex processes in which cultural producers are engaged.

This chapter briefly introduce relationships of mass media and FoI, then progresses to contribution of Gramsci's critical theory for the debates. The next parts explore Neo-Gramscian development, critical approaches to political-economy of media, and ends with a conclusion.

1.1 Mass media and FoI

Szekely (2007: 135-136) observes that although media is a key institutional platform in democratic change, its role in fighting for transparency may differ from case to case. For example, Slovakian press cooperated with the successful campaign for FoI Bill. Mass media in Ukraine was generally not involved in a similar campaign, while the ones in Romania did not support it at all because they have become a part of dishonest information-related activities, as in blackmail practices.

According to Raboy (2003: 102-103), conventional thinking about mass media focused on its role in democratisation but government intervention was deemed necessary to enable and facilitate the role of the media. However with the advent of new communication and information technologies, for a combination of technical, political, economic, and ideological reasons, policy makers have become less willing and less able to intervene media activity. Simultaneously, powerful mechanisms such as international trade agreements have emerged, further constraining the national governments capacity to regulate media, either its content, license, property transactions, or funding requirements (Raboy 2003: 116).

1.2 Gramsci's contributions: Civil Society and Mass Media as arenas of hegemony and counter-hegemony

Gramsci (1971: 80) notices mass media as an important part of civil society, which can mask practices of force as if it is based on the consent of majority. Combination of force and consent, balancing each other reciprocally, is a normal exercise of hegemony (Gramsci 1971: 80). Hegemony in Gramscian approach is commonly understood as 'an expression of broadly-based consent, manifested in the acceptance of ideas and supported by material resources and institutions' (Bieler and Morton 2003). Hegemony is a form of dominance, however since it is a consensual order, dominance of a powerful state can be 'a necessary but not a sufficient condition of hegemony' (Cox 1981: 139).

Katz (2006: 332-347) puts civil society in neo-Gramscian thought as having a complex role, dialectically a reformist and a conservative force. Civil society can be co-opted by hegemonic capitalist and political elites, thus promoting hegemonic interests. In the contrary, civil society

may be an infrastructure from which counter-hegemonic movement will arise. The relationship of the two models is a simultaneous double movement that shape one another.

1.3 Disciplinary Neoliberalism and New Constitutionalism

Gill (1992, 2008) develops Gramsci's hegemony by introducing concepts of disciplinary neoliberalism and new constitutionalism. Disciplinary neoliberalism is a 'concrete form of structural and behavioural power, combining structural power of capital with capillary power and panopticism' (2008: 137). Gill uses Foucauldian notions of capillary power and panopticism, where capillary power means power that stretches into the smallest and most private aspects of life, while panopticism refers to 'absolute power of total visibility and ability to render the human condition obedient and productive' (2008: 138). Forms of disciplinary neoliberalism are not universal or consistent, but they are bureaucratized and institutionalised, attempting to discipline states along neoliberal restructuring policies.

Meanwhile, new constitutionalism is 'the move towards construction of legal or constitutional devices to remove or insulate new economic institutions from popular scrutiny or democratic accountability' (Gill 1992: 165). It is a political project 'to make transnational liberalism.. the sole model for future development' (2008: 139). Such constitutionalism emphasises, among others, market efficiency, economic policy and consistency, but insulates 'key aspects of the economy from the influence of politicians or the mass of citizens'; a contrast of the traditional constitutionalism that is related to political rights, obligations, freedoms, and procedures which give institutional form to the state (2008: 139-140). As a result, particular freedoms, concepts of efficiency, and discipline are privileged on the expense of the others, e.g. freedom of capital, X-efficiency (maximisation of market), and micro-efficiency over macro-efficiency and social efficiency (1992: 177).

One can likewise see new constitutionalism in the establishment of right to know acts over the world, which were increased from only a dozen countries in the 1970s to 70 countries in 2006 (Florini 2007: 8) and later to 88 countries in 2011 (Vleugels 2011). Ranson (2003: 460) sees such regulations, which were designed to enhance public accountability, 'paradoxically strengthen corporate power at the expense of the public sphere.' Mason (2008: 12) warns that neoliberal institutions only favour information disclosure as long as it reinforces market-oriented norms.

Gill (1988:50-51) also emphasises that policy recommendations suggested by liberal economists are actually the political interests of capital. As a consequence of liberal focus on market and exchange, the relations of production are overlooked. Furthermore, liberal economy theory usually stresses that utility is obtained through consumption, hence neglecting the question of who controls production process and the struggle for the control.

The concerns mentioned above holds water in Indonesia. In the first draft of the Bill which was proposed by Koalisi KMIP as well as in the passed legislation, the state, SOEs (SOEs), and state-funded institutions are burdened with new obligations to disclose information to public under the good governance discourse. However, it overlooks the fact that private sector is growing stronger – 42 out of the 100 biggest world economies were private companies -- and has been taking over some, if not most, of public service delivery (Peled 2012: 10-13). The lawmakers did not take the contemporary trend into account. On the contrary, they gave a loophole for corporations to evade giving information needed by society, as in Article 6 and 17, information hindering protection for intellectual property rights and unhealthy business competition shall not be available for public.

Meanwhile, private media along with state and entertainment firms continuously create and distribute cultural products to produce consent (Gill 2008: 14). This cultural apparatus consolidates and creates cultural 'limits of the possible' for social thought and political action.

1.4 Critical Political Economy of Mass Media

Things become more complicated with the rise of mass media conglomerates, which are entangled in complex networks of corporations and politicians. Herman and Chomsky (1988, 2009) notice that wealth and power remarkably shape mass media interests and choices. Owners of money and power define newsworthiness by filtering news materials and marginalising dissent. There are five news filters which interact and reinforce one another: the concentrated ownership of mass media firms, advertising, reliance on information provided by official sources, flak or negative responses to news, and anti-communism (1988: 2-35). Twenty years later they notice anti-communism has been replaced by two elements: ideology of free market and war on terror (2009: 15). The filters become very hegemonic that media employers, even those with integrity and goodwill, believe their choices and interpretations of news are objective and based on professional values. The filters are internalised, making alternative news choice seems unimaginable for the media workers (1988: 2).

According to Herman and Chomsky (1988: 3-13), the first and foremost filter of news is concentrated ownership and profit orientation of mass media corporations. It is associated by the always-increasing capital costs to establish media, contributed by technological improvements and the stress on reaching larger audience. As free market expansion was accompanied by press industrialisation, starting a media has always been expensive, and the price tag keeps increasing. In the United Kingdom, in 1837 one would only need less than £1,000 to start a national weekly with a break-even circulation of 6,200 copies. Three decades later a new London daily newspaper would need £50,000, while in 1918 *The Sunday Express* disbursed more than £2,000,000 before reaching the 250,000 copies break-even circulation. Similar situation happens globally.

Increasing costs of investment means only rich people with large corporations can afford to own mass media. Merger and acquisition becomes more frequent, bringing conglomeration and concentrated ownership as consequence. In 1986, there were over than 25,000 media entities in US, half of those were concentrated in 24 conglomerations (Herman and Chomsky 1988: 4-5). The concentration grows stronger over time. For example, corporations controlling half or more of mass media industry in US has decreased from 23 in 1990 to only five in 2004 (Bagdikian 2004 in Winseck 2008: 36). In Canada, share of circulation of top five newspaper groups has increased from 73% in 1994 to 79% by 2003; in television, five largest media groups owned 68% of all stations in 2000, more than double the total 20 years earlier. In Mexico, its largest private television network, Televisa, controls three quarters of all advertising revenue; akin to other Latin America countries such as Brazil with its Globo, Argentina with Grupo Clarin and Telefónica, Colombia with Grupo Santo Domingo and Grupo Ardilla Lule, and Venezuela with Grupo Phelps and Grupo Cisneros. Global media market in 2005 was valued US\$258 billion, distributed to hundreds of corporations, but 80% of revenues were drawn by the big ten global firms (Winseck 2008: 36-37).

To further fund expansion, all firms needs loans from banks and profit. Banks do not only provide loans, but also own large media stock, therefore they have power to steer news in media, as their actions can affect the welfare of company owners and workers. Meanwhile, growing pressure to seek profit entails diversification of business sectors and intensification of efforts to increase audience. This restrains news to be in line with corporate needs, benefiting as much companies in the group as possible. Furthermore, each media has to increase the number of audience as it will attract advertisers. Advertising reduces burden on newsmaking costs, but as a consequence, choices of advertisers influence media prosperity. Thus media managers will strive to make news which serves advertisers (Herman and Chomsky 1988: 10-17).

The frameworks provided by Herman and Chomsky, albeit first argued in 1988, still rings true in Indonesia. Ida (2011: 13) notes that interests of business tycoons, containing those which were nurtured by the Soeharto regime, 'have been accommodated within new alliances and political coalitions.' In parallel, media ownership remains in hands of dominant political and economic actors, with media marketisation ideology which bars development of alternative media as well as media democratisation. As relationship between media ownership and their political-economy opportunism in the country becomes more pervasive, space for democratising media is reduced because necessary channels are controlled by those for whom such practices would be a threat (Ida 2011: 16).

Such characterisations find evidence in top three newspapers of Indonesia, which are all a part of one of twelve mass media conglomerates. Kompas, the leading newspaper, is known to always play safe to keep its publication afloat. Strategy to avoid conflicts with state and minimising news about conflicts made Kompas survived the anti-communist purge in 1966 after the fall of Soekarno, the first president; and three decades of Soeharto authoritarianism. As it prioritised business than politics, it founded more businesses, both media and non-media, then formed a holding company named Kompas-Gramedia (Yani 2002: 11-12). JP, contender for the peak position, has sharp business instinct as well. Its former chief editor, Dhimam Abror, calls ex-JP CEO Dahlan Iskan as a businessman par excellence, who has more interest in profit than idealism (Steele 2011: 95). JP seldom writes critically on companies owned by its shareholders and advertisers. Currently Iskan is the SOEs Minister and possible candidate for the next presidential election in 2014 (Aritonang 2012). Meanwhile, MI is owned by Surya Paloh, a politician who was a member of Soeharto-era Partai Golkar and the founder of a new political party Partai Nasional Demokrat in 2011. The political and economy interests of Paloh are enmeshed in his Media Group as he explicitly stated that he used his mass media group as his political vehicle, while his employers are prohibited from writing negative news about Bank Mandiri, as it has provided large loans to the group (Haryanto 2011: 111).

Back to the support of Indonesian mass media for FoI Bill campaign, it is captivating to see media relatively gave no report – at least it is unheard of – that market interests, in this case information which may disrupt intellectual property rights protection and unfair competition protection, is put in the Bill as the second exemption of information that can be requested. In the Bill, which later became Public Disclosure Act, it sits after law enforcement but above national defence and national economic resilience. The Act does not even bother to explain about the information which can disturb the protection for intellectual property rights and fair competition, assuming it is a clear-cut concept, while it goes at length on explaining information that may endanger national defence in Article 17c.

As this paper searches for complex set of interests lying behind mass media support, perspectives mentioned above gives conceptual tools to understand which interests played role in coalition building of mass media and Koalisi KMIP.

Chapter 2 From The Bill to the Act: Who Gets What, How and Why

The FoI Bill has taken a long way before being passed as Act. From 2000 to 2008, several drafts were circulated in Indonesia. According to Mas Achmad Santosa, one of Koalisi KMIP founders, the coalition made at least ten drafts². Later, DPR and government drafted their own versions. The coalition provided their experts to help Bill drafting in both sides.

This chapter briefly explains the changes in the Bill drafts and the Act, then probe roles of political and civil society as laid down by texts, particularly the 2001 Bill draft, the earliest one that is documented in a book published by Koalisi, and the final 2008 Act. Obtainable drafts made by DPR and government are in the form of annotation book, which gives thorough explanation of arguments of both sides in the sessions, but does not contain full version of either of the Bill drafts, thus insufficient to be discussed in this chapter.

2.1 Transformation from Bill Drafts to Act

The first draft was written by Koalisi KMIP in 2000, and adopted by DPR in 2002. DPR then changed parts of it and pass it as their initiative Bill in 2004. Following Indonesian law making procedures, from DPR Bill, government made an inventory list of issues, which became their Bill version (Mihradi 2011: 78). The list was handed to DPR in mid-2005. Following years saw heated debates between DPR and government in the sessions in the parliament building.

There were at least four debates topics: the title, definitions of public institutions, the Information Commission, and criminal sanctions for offenders. First of all, government objected to the proposed title of the Bill, because the word "freedom" for them was identical to liberal values. They proposed another title, Right of Citizens to Obtain Information. After several sessions, both sides agreed to give new title, 'Public Information Disclosure.' The second subject is definition of public bodies, as DPR wanted all SOEs to be included while government went against, arguing it would hinder SOEs business activities. Negotiations ensued, resulting with the inclusion of SOEs, as well as all state-funded organisations, including political parties and NGOs, as they have activities funded by public, either via government or not. The next issue was the formation of Information Commission, which were proposed by DPR but dismissed by government since there was already Ombudsman, whose task was to monitor the public service delivery. DPR argued a separated commission will ensure more effective implementation of the legislation. Government eventually agreed, in return that its representations would sit as Commission members, with no limit of the number of the state representatives. It was accepted by DPR with condition that selection of commissioners would be done through an open fit and proper test in the House. This made Koalisi KMIP concerned with the possibility of government representatives' domination in the seven seats of the Commission, but their fear was not heeded by lawmakers. The fourth debate was about government demand for a provision of sanctions for those who misuse public information. Koalisi was against the request, arguing it was illogical because public information belongs to public by definition, thus it should be free to be used. Government claimed their proposal was meant to ensure justice for both sides – if information providers could be punished, then the similar should happen to the users as well. DPR took the

² Interview, 27 June 2012.

argument but changed the sentence from government proposal ‘abuse of information’ to ‘use of information against the law’ (Asriani 2008).

Apart from those four subjects, not many changes can be found. Although it grew from eleven chapters and 58 articles in the 2001 draft to 14 chapters and 64 articles in the Act, the structures are still similar. The draft starts with considerations and general provisions, then continues with principles and objectives, public rights and public institutions, exemptions, procedures, Information Commission, objections and appeals, fees, criminal sanctions, transitional provisions, and ends with closing provisions. Added into the Act are chapter IV, titled ‘Mandatory Published Information,’ and chapter XII, ‘Other Provision,’ which rules that compensation procedures will be regulated by ‘Peraturan Pemerintah’ or Government Regulation, a derivative legislation one step lower than an Act.

The considerations of the Bill and Act put FoI in the democracy and good governance discourse. It is portrayed as a human right, an important characteristic of a democratic nation to manifest good governance, a mean to optimise public monitoring of state administration and public institutions and everything which has impact to public interests. Opening public access to information is hoped to motivate public institutions to be responsible and orientate themselves to the best public service, preventing corruption, collusion, and nepotism. Moreover, FoI is claimed to be basic need for everyone to develop themselves and their social environment. It is also deemed as an important part of national resilience, although no clear explanation is provided for this point.

After considerations, more than half of both the draft and the Act deal with Information Commission and procedures to obtain public information. Both texts also define various roles to political and civil societies, which is explored in the next sub-chapter.

2.2 Roles of Political Society and Civil Society

As this paper operates using Gramscian and neo-Gramscian frameworks, this sub-chapter employs their notions of major superstructural levels, political society and civil society, to understand their roles as ascribed by the texts. Gramsci (1971: 12) defines political society as the state and its apparatus, which rule through force; and civil society as private organisms, including political parties, trade unions, and mass media, which rule through consent.

In general, every person, which is defined as individuals and organisations, in both societies has the rights to request public information, submit complaints and appeals if the request was rejected, and can be punished if they obstruct the disclosure process and misuse the public information obtained. Anyone who uses public information must mention the source of information.

As mentioned in the previous sub-chapter, negotiation of government and DPR makes public institutions includes not only state apparatus and SOEs, but also political parties and NGOs. Therefore, they appear both in political society as government, state public institutions, SOEs, and Information Commission, as well as in civil society as political parties and NGOs. They are obliged to disclose public information in certain procedures. They should include considerations in every policy so public will understand its background. Particular information such as activities, performance, and financial reports must be published automatically every six months, while life-threatening information such as disaster warnings must be published immediately. These regular and immediate announcements should be delivered in an accessible and easily understood way. Each public body should appoint information and documentation officers to handle information requests. They can reject information requests about exempted topics, but such decision can be repealed by Information Commission and/or the President.

In political society, there are several categories of actors mentioned by the Bill draft and the Act: government, state public institutions, Information Commission, and SOEs, both in the national and local levels. The political society is more scrutinised by the texts compared with the civil society. For example, government has to setup and fund the Information Commission, build an information system in almost of all public institutions and fund the systems in most public bodies (political parties and NGOs are to fund their own system). In return, government has representatives in the Commission, may order the disclosure of exempted information, and has authority to approve proposal from the Commission to dismiss its members. The Information Commission itself has many functions, amongst others, to receive, examine, and decide upon a public information dispute; establishes public information policies, guidelines and technical instructions; summons disputing parties and public institutions officials; and requests records or relevant materials held by public institutions. The texts require the setup of Provincial Information Commissions, while commissions in cities and municipalities are optional. Similar arrangements are to be made in local levels, e.g. they will process information disputes, may summon disputing parties, and shall provide their annual performance report to the Governor – or to the Mayor or Regent, in cities and municipalities, respectively – and the local parliament, Dewan Perwakilan Rakyat Daerah (DPRD). Meanwhile, state public institutions, which encompass executive, legislative, and judicial branches of the trias politica, are under the obligations of public institutions as listed above. Extra roles are attached to Administrative Courts and Supreme Court as they shall receive, examine, and decide upon appeals against the Information Commission decisions. Aside from the information that must be disclosed by public institutions, SOEs are also obliged to publish no less than 14 kinds of information, ranging from the company charter, full names of stockholders and board members, to procurement mechanisms.

Actors in civil society gain less attention from legislation. Political parties have additional obligation to disclose information about their principles, objectives, programs and activities; names and address of the officials and its changes; management and usage of funds from government; policy making mechanisms, and party decisions taken in open forum. Parties' members, who sit in the parliament and become the members of related commission, usually Commission I in DPR and Commission A in DPRD, have the authority to select the members of Information Commission. All NGOs which are funded by public funds have similar obligations of disclosures with political parties. Individual citizens are protected from the possibility of information disclosure which may reveal personal secrets and wills. Their identities are kept secret when they become whistleblowers. In the other hand, they may run as Information Commission candidates in national and local levels. Private companies are not mentioned explicitly, but protected from the possibility of information disclosure which can endanger intellectual property rights and unhealthy business competition. The draft and Act do not explicitly regulate about mass media either, but only imply its role as possible channels to ensure public information can be accessed by everyone.

The roles of political society and civil society and the related articles in the texts are summed up in Appendix 1.

The lack of concern on civil society is not unique to Indonesia. According to Siraj (2007: 211), it is common in FoI laws in other countries. He argues the main reason is because the laws are developed in the conventional human rights framework, which imposes obligations for human rights only on the state.

If we look closer, although private companies are not mentioned explicitly in the legislation, it plays along the global neoliberal discourse of antitrust and the protection of intellectual property rights. These two are suppression of the communal rights which allow the elites to extract rent while dispossessing others (Harvey 2007: 35), that is growing dangerously, enlarging

the gap between the 'owner' of rights and users, usually developing countries and the developed ones, respectively (Chon 2006: 2823). Here new constitutionalism concept as offered by Gill (1992, 2008) rings true, as policy recommendations suggested by liberal proponents are actually political interests of capital (Gill 1988:50-51). The question of who controls the production process and the struggle for the control was neglected, gaining fewer spotlights, if any, compared with debates on legislation title, definition of public institutions, power of Information Commission, and criminal sanctions. In fact, DPR session records about articles related to private companies shows no debate at all. In the 29 November 2006 meeting, government only suggested redactional change which was simply approved by DPR (Muharjanti et al. 2009: 165). The article was perceived already in line with previous related laws, such as the Prohibition of Monopoly and Unhealthy Business Competition Act, Trade Secret Act, and the Penal Code.

As to why the exception to information which may jeopardise interests of capital sits above national defense and economic resilience, Josi Khatarina, who was responsible for the drafting of the Bill as the Koalisi KMIP advocacy coordinator, claims the sequence does not matter, meaning every exception is equally important³. The drafting itself, according to her, was made after reviewing many examples of similar laws in other countries, as well as the model provided by Article 19, an NGO based in London, United Kingdom, which advocates FoI. The model puts 'commercial and confidential information' above health and safety, law enforcement, defence and security, and public economic interests in the 'Exceptions' chapter. It is interesting to note that a quick search in the internet of the model locates the same model in the website of Article 19⁴ and the World Bank⁵, the international organisation which is often seen as one of the most aggressive proponents of neoliberalism. There is no dates and author in the model, although properties of the files reveal the one in Article 19 website is created in 2005, while the file in the World Bank site is created in 2001 by Toby Mendel. According to FOIANet⁶ website, a network of FoI advocates supported by George Soros' Open Society Foundation, Mendel was Senior Director for Law at Article 19 for 12 years. Now he is the Steering Committee Chairman of FOIANet and the Executive Director of the Centre for Law and Democracy, an NGO that focuses on providing legal expertise about rights in democracy, including the right to information. He has provided expertise, amongst others, to the World Bank, various UN agencies, other intergovernmental bodies, numerous governments and NGOs, including the ones in Indonesia.

Mass media, albeit countless portrayed as potential users of the Bill in the campaign⁷, is also only vaguely mentioned in the Bill draft and Act. In the Act, article 7-1 states public institutions are obliged to provide and publish their public information, and the article 7-6 says they can use electronic and non-electronic media. There was no debate between government and DPR when both articles were approved in the 26 September 2006 meeting (Muharjanti et al. 2009: 113). These articles can benefit mass media in several ways. First of all, it's a guarantee of newsworthy material, and second but not less important, it is an important source of advertising, because space for news is always limited but space for advertisement can be expanded, even 'eating' the space for news if needed. Dependency to advertising, which reduce burden of media sales and cover most costs of doing business, means the choices of advertisers influence media prosperity and survival (Herman and Chomsky 1988: 15-17). As a consequence, the tones and

³ Interview, 3 July 2012.

⁴ <http://www.article19.org/data/files/pdfs/standards/modelfoilaw.pdf>, accessed 24 August 2012.

⁵ <http://www1.worldbank.org/publicsector/.../Judicial/ModelFOILaw.doc>, accessed 24 August 2012.

⁶ <http://www.foiadvocates.net/en/component/content/article/258>, accessed 24 August 2012.

⁷ Agus Sudibyo, the Koalisi KMIP Lobby Coordinator, said it is one of the aspect constantly emphasised every time the coalition visited mass media offices to ask the support of the editors. Interview, 9 July 2012.

choices of news are adapted to the will of advertisers. This proves true in many cases, for example in a research about coverage of four main national daily newspapers in Argentina in 1998-2007, Tella and Franceschelli (2009: 18) find a correlation between government advertising and news about corruption. The higher the value of advertising space bought by government, the less corruption coverage gets published by those newspapers. To sum up, profit motives of media companies compromises coverage, thus ironically and adversarily robs audience of their rights to information.

At the same time, mass media as private companies are protected under the antitrust and intellectual property rights articles in the Act. Such privilege makes mass media can dodge inquiries which question the correlation of advertising, political economy motives of the companies and the owners, and their news making decisions. Of course the Information Commission and the President may order the media to open those information, but it is unlikely to happen because the discourse is currently to scrutinise the state, not the private sector; and even if it happens, the dispute resolution will take a long time and a lot of efforts of the suitors while the result is uncertain. As the mass media is still powerful enough to define what the problem is and how to think about it through its framing of the news (Davis 2009: 1), the chance seems to be even less probable.

Chapter 3 Media Conglomeration in Indonesia

As in other industries, the media corporations' mantra in most part of the world is, as McChesney and Schiller (2003: 9) put it, 'get very big very quickly, or get swallowed up by someone else'. Consolidation in every possible line is the logic. In 2000, global media market was dominated by nine transnational corporations. None of them existed in its current form 15 years before, but by 2000 almost all nine giants ranked among the biggest 200 non-financial companies of the world.

As it is organised on a business model, the corporate media then promote their own business interests and their favourable politicians and policies (Kellner 2004: 31). Media lost their role to inform the people, engage them in civic debates, and participate in democratic dialogue and decision-making. Public sphere of rational debate becomes co-opted and transformed by the corporations into a sphere of consumption and passivity (Kellner 2004: 32).

McChesney and Schiller (2003: 12) notes media corporations now resemble cartels, not competitive marketplace as in economics textbooks. In common theory, free market will drive multiple producers to work hard and sell their products at fair market price, over which they have no control. The assumption is not valid as companies grow larger, ownership intertwined, while the price and content is controlled by close-knit giant firms, the model that 'is then spread across the globe' (2003: 4). These cartels, along public relations industry and intellectuals play central role to provide illusions that the grim situation appear rational and necessary (McChesney 1999: 14). The illusions, or 'manufactured consent' (Herman and Chomsky 1988), balanced and combined with force, completes what Gramsci calls the normal exercise of hegemony (1971: 80).

This chapter explores transformation of media conglomeration in Indonesia across time. It starts with media under Soeharto ancien regime, during economic crisis and reformation, then progresses to the current condition.

3.1 Stability under Soeharto Regime

Government intervention of the media is not a distinctive feature of Soeharto regime, as Dutch colonial power and Soekarno also banned press which was seen as 'disturbing the public order' (Andriana 2009). However, Soeharto in his 'New Order' exercised stricter measures and institutionalised intervention to prevent media from opposing official views of the state (Nugroho et al. 2012a: 37). Regulations included tight procedures of granting publishing licenses, controlling new content, and recognising only one journalists association, thus dictating media practitioners fate (Gazali 2003 : 86). State-owned Radio Republik Indonesia (RRI) was the only radio channel until 1970, while government-operated Televisi Republik Indonesia (TVRI) was without competition until 1989. Later when commercial radio and television stations started to operate, they must broadcast government-biased news produced by RRI and TVRI.

Private media firms were mostly owned by relatives and cronies of Soeharto (Nugroho et al. 2012a: 37). The rest of the press had to play safe, restraining them with self-censorship to avoid government ban. The regime saw some deviations and banned a number of publications, but in general could maintain the stability and made sure the media stuck to the rules.

In late 1980s and early 1990s, government opened up the airwaves to the first five commercial television stations, which were owned by Soeharto's entourage⁸. Nugroho et al. (2012a: 46) points out in a way, it was a conglomeration, an extension of government, or to be more precise, the hands of president who understood power of television as the most effective tool of reaching mass audience and shaping public opinion.

Conglomeration of print media group also began in 1990s, albeit with different reasons (Nugroho et al. 2012a: 46). Corporate expansions were chosen in case government ban a particular newspaper or magazine. Therefore if a certain channel in the network was banned, the employees could be relocated to other media in the same company. *Kompas-Gramedia Group* and *Grafiti Pers* were the largest media groups at the end of Soeharto's regime.

3.2 Economic Crisis and Reformasi: The Rocky Road

In mid-1997, the Asian crisis hit Indonesia hard, a critical juncture which led to the fall of Soeharto and dramatic national change. In the beginning of the crisis, mainstream media obeyed government rule and only published 'safe' news. Gazali (2004: 35) notes underground media, such as those published by university students, pro-democracy NGOs, and newly established internet platforms played important roles to fuel Reformasi. Journalists in mainstream media actually also supported the movement, but their media still feared to cross government's red lines.

Only when Soeharto and his regime were too weak to fight the people, mainstream media joined the wagon and started to expose the movement. Following hypotheses of Blyth (2002: 35), that was when the crisis allowed agents to reduce uncertainty. The possibility of government ban was steeply reduced, if not diminished. Media executives and journalists believed they could broadcast and print any news without government restrains anymore. As Blyth proposes, agents got the chance to interpret crisis and started to construct new institutions.

Reformasi brought optimistic hope of democratisation, with promise of freedom of press (Nugroho et al. 2012b: 37). Regulations which obstructed access of citizens to produce and distribute information were stripped. Government propaganda and media control bureau, the Information Ministry, was disbanded. The rights to media and information were included in constitution amendments.

Hadiz and Robison (2005: 221) say under the neoliberal reform of Indonesia, deregulation had been selective. Media deregulations were also selective. A new Press Law was enacted in 1999, abolishing press obligation to obtain publication license from government. The number of print media surged from just 289 titles in 1997 to 1,381 in 1999 and then 1,881 in 2001. Several new private television stations aired a few years after Reformasi⁹. Seeing conglomeration of media in the North, particularly the US, made Indonesian media practitioners thought about it as inevitable at home (Nugroho et al. 2012a: 45). Bimo Nugroho of Kompas TV says, '[It is] a

⁸ The first private television station, *RCTI*, was established by Bambang Trihatmodjo, Soeharto's second son, in 1989. A year later Henri Pribadi and Sudwikatmono, cousins of Soeharto, founded *SCTV*. These two were initially pay-televisions, but then went free-to-air in 1990. The first child of Soeharto, Siti Hardiyanti Rukmana, gained better treatment from her father when she started an education television station, *TPI*, using the state-owned *TVRI* equipments and transmissions network. The next two television stations were closely related to politicians of Golkar, the state party: *ANTV* was established by Aburizal Bakrie, while *Indosiar's* shares were held by Agung Laksono.

⁹ Metro TV, founded by Surya Paloh, owner of daily newspaper Media Indonesia; Trans TV, owned by Chairul Tanjung, financial and property businessman; TV 7, a new subsidiary of Kelompok Kompas Gramedia; and Global TV, the third television station of MNC Group, owned by businessman Hary Tanoesoedibjo who previously bought RCTI and TPI from the children of Soeharto.

logical consequence where it [the media business] became spread out and then became concentrated. Business will always be like that.' (Nugroho et al. 2012a: 45).

In 2001, Dewan Perwakilan Rakyat (House of Representatives, DPR) and government started to draft a new Broadcasting Law, to replace the old overly-controlling regulation and to prevent the return of unfair practices such as concentration of television channels in the hand of Soeharto's family (Nugroho et al. 2012b: 38-39). The Bill raised controversy as it obliges 'network broadcasting', where the television stations with national coverage have to relinquish their allocated frequency to local televisions. This scheme aims to ensure ownership and content diversity and guarantee local wisdom preservation, but obviously endanger television corporations' profit. Another controversial issue in the Bill is KPI, an independent body with objectives of ensuring an autonomous and accountable broadcasting system. The television industry feared KPI would further hamper their profit, and launched a campaign stating KPI would turn into a superbody whose power resemble the disbanded Information Ministry of Soeharto regime. Swiftly after the bill was passed as law in 2002, a coalition of national television stations brought the law for judicial review by Constitutional Court, a sign of institutional contestation when the industry as the agents use ideas of 'the return of the New Order' to attack and delegitimize the newborn law. The Court approved the appeal partially, that is, only government should interpret the law, meaning most roles of KPI is abolished. KPI's sole power is only to scrutinise media content, but not to impose any sanctions to the offenders.

As a follow-up of the verdict, government enacted Government Regulation No.50/2005, a derivation of the Broadcasting Law No. 32/2002. As a result of media industry lobby, it contradicts its 'parent' Law, exempting already existing television from network broadcasting principles, hence national television stations can do 'business as usual' (Nugroho et al. 2012b: 51). Meanwhile, although Broadcasting Law limits media cross-ownerships, corporations can continue to merge and acquire using the Limited Liability Company Law No 40/2007 as their legal basis. Furthermore, by acquiring stocks of certain media, companies can obtain television and radio frequencies. As Indonesian broadcasting system is still analogue, frequencies are very limited and should be considered public goods. Although many scholars, including Gazali (2003: 88) and Nugroho et al. (2012b: 5) propose to limit the use of frequencies to be utilised by corporations interests, in reality, companies have successfully constructed the playing field for their own benefits.

Expansion becomes the norm of the day, done in a neck-breaking speed. Media corporations establish new branches while merging and acquiring other smaller media companies, even diversifying in other business sectors. Vice versa, corporations rooted in other sectors also diversified, adding mass media in their portofolio. Nugroho et al. (2012a: 39) identify now there are twelve major media groups in the country.

3.3 Illiberal Media: Current Conditions of the Industry

The historical review shows us the dramatic change of media control in Indonesia, from dogmatic role of state to hands of the market. Gazali (2003: 87) points out preference for large-scale corporation harms public as it undermines democratic sphere, because media content become homogenised, driven by rating, sales, and owners' interests. Meanwhile, news presented by media corporations only addresses issues which will not interfere their capital expansion, on the expense of preventing people to discuss issues of their interest.

As worrisome as the blatant motive for profit is the use of media as political means to influence public opinion (Nugroho et al. 2012a: 4). As mentioned before, media moguls Aburizal Bakrie, Surya Paloh, and Hary Tanoesoedibjo are politicians. News coverage of their media is

adjusted to their political tendencies. Other mass media, despite are not owned by certain politicians, also show bias towards certain political parties.

Nugroho et al. (2012a: 49) notice this representation bias mostly serves as a double standard – mass media in general becomes critical to misconducts in government and its public agencies; but insensitive to equally important failures in the market. It is yet another proof how market reforms have been not only resisted, but hijacked to consolidate predatory economic relationships and private oligarchies instead of resulting in liberal outcomes, what Hadiz and Robison (2005: 220) call ‘illiberal consolidations’. Borrowing their term, the Indonesian mass media can be labelled as ‘illiberal media’.

Meanwhile, other media groups, particularly the television stations, are enslaved by advertisement-related program rating, constantly reproducing content which will gain high ratings (Nugroho et al. 2012a: 27). The media corporations also give extra space and report positively about their sister companies.

Nowadays, such practices become accepted as normal operations of media, where new institutional features have been entrenched. It is not without challenges – a coalition of NGOs is now in the process of bringing Broadcasting Law for judicial review in Constitutional Court. Gazali (2003: 96) also notes community and public broadcasting is on the rise, however, Nugroho et al. (2012a: 5) find the community media is having serious difficulties in getting broadcast permit. Nonetheless, in the mean time, until there is another change of rules and law enforcement, growing larger and using media for owners’ interests seem to remain in Indonesia.

Chapter 4 Case Study: Kompas, Jawa Pos, and Media Indonesia

After looking at law texts and mass media industry structure, it is time to zoom in to mass media companies. This chapter explores case study from top three national daily newspapers: Kompas, JP, and MI.

The first three sub-chapters explain the background, the news items between 1 November 2000 and 31 May 2008; and point of views of two editors of each newspaper. Special attention is given to editorials, as they reflect the opinion of newspapers. Another highlight is dedicated to mentions of media ownership concentration and indications of vested interests of newspapers in the news. In interviews, I asked what informants think about neoliberalism, intellectual property rights, and the connection to FoI Bill. Meanwhile, questions about the policy for news and advertisement are used to see the weigh each newspaper gives to profit-making.

In the fourth sub-chapter I analyse how media justifies its involvement in the campaign, the interrelation between capital, politics, and mass media, then identify benefits of the Act for mass media conglomerates.

4.1 Kompas

Kompas ('compass') is the leading daily newspaper in Indonesia. According to senior journalist DD Laksono, its circulation may be merely over 500,000 per day, but the President and public policy makers are its avid readers (Nugroho et al. 2012a: 67).

In 1965, two journalists of Chinese descents, P.K. Ojong and Jakob Oetama, founded Kompas. It was an initiative of Catholic Party to present a Catholic voice in Indonesia in the 1960s, when Soekarno government with his leftist tendency closed down anti-communist media. Previously, Ojong was a chief editor of Star Weekly in the 1950s, while Oetama was editor of Catholic weekly Penabur ('sower'). As general manager, Ojong was in charge for business, while Oetama as editor-in-chief was responsible for content. Kompas earned reputation for its analytical depth and polished style of Oetama which is typically Javanese with subtle and indirect criticism, establishing the publication as prestigious paper of record (Hills 1994: 83-84).

Strategy to avoid conflicts with the state and minimising news about conflicts made Kompas survived anti-communist purge in 1966 after the fall of Soekarno; and three decades of Soeharto authoritarianism. As it prioritised business more than politics, it founded more companies, both media and non-media, then formed a holding company named Kompas-Gramedia Group (Yani 2002: 11-12). In 2011 the group has ten television stations, 12 radio stations, 89 print publications, and two online media. In non-media businesses, it has nation-wide bookstore chains, hotels and properties, manufacturing plants, event organiser, and university (Nugroho et al. 2012a: 39).

As flagship publication of the group, Kompas has almost never been banned, allowing the expansion of its circulation steadily. The group retains amiable relations with government media institutions, while at the same time does not shy away from disciplining its journalists or closing down its publications in order to avoid government or public backlash which may risk the keeping up of the group (Hills 1994: 86). Kompas also publish several local editions, adding 4-12 pages of local news in those editions.

When Ojong died in 1980, Oetama took general manager role, managing both the business and news aspect of Kompas. Along with the growing size of the group, he became the President Director of Kompas Gramedia. The editor-in-chief position was handed to Suryopratomo in

2000. Later in 2008, when Kompas Gramedia was reorganised, Oetama became its President Commissioner¹⁰. As Kompas constantly generates ample profits, it does not need public fund and remains to be outside stock exchange, operating as a closed corporation.

According to the editors¹¹, Kompas has mission to enlighten readers. Therefore, independency and objectivity has always been devoutly guarded. Kompas also upholds a philosophy called 'transcendental humanism', meaning every effort to contribute to humanity should be promoted, and vice versa, every attempt that harms humanity must be opposed.

Meanwhile, Oetama still has significant role in the newsroom and sometimes wrote for Kompas, but paid no attention to FoI Bill campaign. He is said to be more interested in larger national issues¹².

4.1.1 FoI Bill in Kompas

Kompas published no less than 316 articles, divided into 14 editorials, 45 opinions, and 257 news articles.

The first two news articles did not mention FoI Bill or Koalisi KMIP yet, but told story of FoI in Australia and in Qatar. News about the Bill and NGOs coalition showed up for the first time on 16 February 2001, when Koalisi held FoI press conference and workshop. Toby Mendel from Article 19 was one of the speakers, and quoted claiming 'information as the oxygen of democracy' and 'government is obliged to assure rights to information for every citizen.' Koalisi proclaimed FoI legislation should be made before State Secrecy Bill, of which government had proposed to DPR in 2000. 'Without a guarantee of rights to information beforehand, State Secrecy Act will be a boomerang on efforts to create an open, responsible, and participative government.'

The first editorial, published on 30 July 2001, did not discuss FoI Bill but mentioned FoI in a piece criticising plan to revive Information Department, which was Soeharto's tool in suppressing press and shut down by President Abdurrahman Wahid in 1999. The writer regarded there were many other ways for government to build effective communication with the people. Information Department ala Soeharto was seen as against democracy.

Later, Kompas published articles on FoI Bill mainly in contrast and confrontation with State Secrecy Bill. In March 2002 Koalisi strategically met legislators who supported the Bill, made a much-quoted press release, talked in a workshop, and held a press conference. Kompas also printed an opinion written by Koalisi lobby coordinator Agus Sudibyo, one of the firsts of many to come. Kompas published 27 of his opinion in total. Sudibyo in the opinion¹³ warned that State Secrecy Bill would bring the old Soeharto regime back, therefore priority should be given to the FoI Bill:

'[T]he nation's current problems is not how to create a secrecy mechanism of governmental information in order to protect the interests of the state. Instead, it is how to widely open access to information from government agencies, to protect such rights of the people which were ripped by the closed regime.'

In April 2002, President Megawati Soekarnoputri in a speech supported access of information, but worried about national order. Kompas responded with an editorial titled 'Control, Correction, and Improvement Need FoI.' The writer quoted Amartya Sen who said

¹⁰ <http://www.kompasgramedia.com/aboutkg/ourmanagement>, accessed 24 August 2012.

¹¹ Interview with Budiman Tanuredjo, 27 June 2012, and Paulus Tri Agung Kristanto, 4 July 2012.

¹² Interview with Budiman Tanuredjo, 27 June 2012.

¹³ Published on 13 March 2002

press freedom and FoI prevented famine in India, and its absence made China prone to it. The writer said given the past of Indonesia, and the tendency of power structure and culture, there is a fear that 'order' will be used as a excuse to shackle freedom. It dedicated six paragraphs campaigning for FoI, with arguments as follows:

'FoI is not everything.. It is just a starting point, a necessary one. The quality of information will determine the next steps... Requirements and condition needed for FoI means more than self expression. It is complete only if public not only know about it, but embrace it... Because besides self expression, which is a human right, FoI and freedom of press also function to make information to be delivered, comprehended, and responded by public and state institutions... It all starts from FoI and freedom of press, which are embedded in the democracy process, law enforcement, human rights, and people's struggle.'

In the second half of 2002, Kompas printed editorials, opinions, and news against the Broadcasting Bill, which proposed the forming of a national broadcasting commission, with power to regulate the broadcasting industry. The broadcasting corporations, particularly television station, attacked the Bill using, among others, FoI reasons.

*'The commission is feared to be a new monster for press freedom, new field for corruption, accomplices of conglomerates, or the authoritarian tool for government.'*¹⁴

Sudibyo in an opinion published on 25 September 2002 wrote, collective trauma of an authoritarian regime makes civil society to be anxious of any potential freedom-curbing legislation. However, he pointed out movement against the Bill was powered by the broadcasting companies who were afraid of the proposed limitations on cross-ownerships, as a measure to bring ownerships and content diversity.

Kompas in its 10 September 2002 editorial confirmed so:

'According to an early version of the Bill, cross-ownership of mass media, between print and electronic ones, are prohibited. We heard that such rules were erased. A right decision, because due to the nature of information technology, it's only natural that media become convergent.. The history of our nation and others shows synergy and convergence is needed between print and electronic media... We suggest the Broadcasting Bill to be planned as good as possible, otherwise it should be postponed.'

At that time, Kompas had majority share, 81%, in TV7. The shares were later sold to Trans Corp in 2006.

Protests from media companies seemed to work: although the Broadcasting Bill was passed as a law, its implementation was postponed for several years. Kompas published news about the media ownership debates very rarely¹⁵.

There are recurring themes in the support for FoI Bill. Amongst others, Kompas argued that lack of FoI triggered not only the weakening of government authority and credibility, but also rise of violence and conflicts¹⁶; that it should be prioritised above State Secrecy Bill¹⁷ -- or there should be no Secrecy Bill whatsoever¹⁸; that there are concerted efforts to dwarf the FoI Bill¹⁹; and that FoI Bill may effectively obstruct corruption in political parties and elections²⁰. The

¹⁴ Editorial, published on 10 September 2002.

¹⁵ One of the few occurrences is 'Media Ownership Should Be Controlled by Public,' which was only published in Kompas West Java edition in 29 November 2005.

¹⁶ Editorial titled 'Gaps Between Information and Response,' 9 October 2002

¹⁷ 'FoI versus State Secrecy – Testing DPR's Commitment to Reformation,' 25 February 2003; 'State Secrecy Issues Should Be Part of FoI Act,' 1 March 2003; 'FoI Bill Should Be The Umbrella of Other Regulations,' 26 June 2003

¹⁸ 'A Separate Secrecy Bill Is Not Needed,' 4 April 2003; 'One Information Act is Enough,' 21 April 2003,

¹⁹ 'There Are Efforts to Dwarf FoI Bill,' 14 March 2003

²⁰ 'Donations for Candidates are Corruption Chances,' 18 December 2003; 'Political Parties Should Be Open About Campaign Budget,' 29 January 2004; 'Financial Irregularities in Election Committee Reaches Rp 90.26 Billion,' 23 April 2005

Bill was promoted as, above all else, a measure to fight corruption²¹, including by ensuring greater role for mass media²². The Bill would also function to democratise the nation²³; to conserve environment²⁴; to prevent hunger, disasters, and violence²⁵;

Kompas published numerous news articles attacking government unwillingness to open access to information²⁶ and conservatism of several parliament members²⁷. The newspaper pushed government and DPR to pass the Bill²⁸; generally by quoting members of parliament who supported the Bill, activists of Koalisi KMIP²⁹, or experts in line with them. However, sometimes Kompas also published news from the side which opposed FoI Bill³⁰, of which the articles are usually ended with statements from pro-FoI sources anyway.

FoI was connected with other issues too, for example, antiterrorism³¹, intelligence³², the role of private companies in bribing public officials³³, efforts to link it with cultural values³⁴, and foreign news³⁵.

After the Bill was passed as an act in 2008, Kompas printed articles highlighting the disappointment on the legal product as it is inconsistent and pose danger of criminalisation to the information users³⁶. It also continued to warn the audience on the danger of the State Secrecy Bill.

4.1.2 FoI Bill According to Kompas Editors

Budiman Tanuredjo³⁷ has been working in Kompas for 22 years. In 2000-2008 he was political news desk chief editor, and later managing editor of the same desk. Recently, from 1 June 2012, he became vice editor-in-chief.

Paulus Tri Agung Kristanto³⁸ worked as political reporter in 2000-2003, head of Central Java bureau in the next three years, political news desk vice chief editor in Jakarta in 2006-2010, and the political news desk chief editor until May 2012. He is now chief editor of *nusantara* ('archipelago') desk, coordinating news from outside capital city.

²¹ 'Fighting Corruption in Regional Levels,' 25 September 2004; opinion by Agus Sudibyo, 'Corruption Eradication and Secrecy Regime,' 11 December 2004; 'FoI Bill Supports Anticorruption Efforts,' 7 June 2005; 'FoI, The Unused Corruption Antidote,' 25 November 2005; 'Information Transparency Can Prevent Corruption,' 25 November 2006

²² 'Eradicate Corruption Transparently, Mass Media Role Should Be Optimised,' 8 May 2006

²³ 'FoI Is Important for Democracy,' 13 December 2004

²⁴ 'Three Causes of Deforestation,' 10 March 2004

²⁵ Opinion by Agus Sudibyo, 'Malnutrition and Disinformation,' 30 June 2005; editorial titled 'Meanings of Fast and Open Information,' 14 April 2007

²⁶ 'Yudhoyono Government Has Not Opened Public Information Access,' 3 November 2004; 'Government Has No Will To Give Rights to Information,' 23 September 2006

²⁷ 'Struggles for FoI Hindered by Parliament Conservatism,' 26 October 2002; 'Local Parliament Hampers FoI,' 10 August 2005

²⁸ 'FoI Bill Should Be Passed Soon,' 9 February 2006; 'Communication Minister Should Concentrate on FoI Bill,' 6 May 2006

²⁹ '58 NGOs Await President's Letter to Continue FoI Bill Discussion,' 8 March 2005

³⁰ 'FoI Bill Gives Too Broad Rights,' 21 May 2003; 'Communication Minister Is Worried of FoI Bill Implementation,' 13 September 2005

³¹ Opinion by Sudibyo, 'Danger of Information Control, a Critique for Antiterrorism Emergency Law,' 1 November 2002.

³² 'State Intelligence Agency Should Not Adopt FBI Model,' 3 December 2002.

³³ 'Role of Private Companies in Bribery Cases,' 20 February 2003.

³⁴ 'FoI Needs Culture to Back It Up,' 3 November 2007

³⁵ 'Malaysian Opposition Insist Abdullah To Limit Prime Minister Term,' 14 November 2003; editorials titled 'The Controversy of Prisoners Abused by US Forces,' 23 December 2004

³⁶ 'The FoI Act is Disappointing,' 15 April 2008

³⁷ Interviewed 27 June 2012

³⁸ Interviewed 4 July 2012

Everyday, Kompas editors meet twice at 9.30 am and 4 pm. The morning meeting is used to evaluate the day's edition, and to decide what to publish next. Editors then informed the meeting results to the reporters. Later in the afternoon they gather again to list what news has been gathered, what news are still in the making, and which ones should be headlines. Additionally, weekly meetings shape coverage of the next week.

Kompas has a policy that advertisers should not interfere at all to news content. However, instead of using traditional notion of 'firewall' which strictly separates news from advertisement (Bærug and Harro-Loit 2012: 178), Kompas employs 'glasswall' concept, where business department knows the editorial plan so they can find advertisers and sponsors accordingly.

For Tanuredjo and Kristanto, the decision to promote FoI Bill is natural and obvious. As an institution which operates in information sector, access to information is very important. The spirit to enhance transparency, accountability, corruption prevention, and future of journalism is also mentioned as the reason.

'The open-access regime is a positive idea that we must support, because with transparency, tendency to abuse the power is eliminated.' (Tanuredjo)

'It is related to the future of journalism. It is a fight between civil society and the ruler of the sector that is used to secrecy.' (Kristanto)

However, no agenda setting was designed by Kompas with the coalition. Although Koalisi frequently did roadshow to mass media, including to Kompas, Tanuredjo and Kristanto emphasised no such agreement was discussed in meetings.

'Perhaps it was because the similarity of ideas. Koalisi offered some ideas, it can be bought (by Kompas) or not.' (Tanuredjo)

'Kompas is never involved in cooperation with any coalition. We treat them on the basis of neutrality, we keep the same distance.' (Kristanto)

Kristanto views the mass media could do better to boost FoI Bill campaign, but failed to do so, partly caused by their lack of competency and will. The long process of legislation also lowered the mass media stamina, while there was a desperation spread because of what seemed like an endless effort. Kompas itself, although covered FoI regularly, never published it as front page headline.

'Media only reported it, because it was not a sexy topic. Not many media people understood the issue, and most felt that quoting officials is enough to make news.' (Kristanto)

Both editors believe it is normal to support greater transparency for public institutions and companies listed in stock exchange, because there is public interest and public stake. Nevertheless, they feel there is no need to give public access to closed companies like Kompas.

They do not view the FoI Bill as a neoliberal agenda, and assert that even if it is, it would not matter as open regime is always better than the secrecy one. As for the country, they support social market economy, where market is important but state intervention is equally vital. Furthermore, Kristanto questions whether it is significant to contest neoliberalism, as long as the market is fair, actors do not manipulate it, and public is unharmed.

'Nowadays, there is almost no secret anyway, there are US satellites monitoring everything.. I guess the problem is in the fight to have power over information, as long as it is fair and not sacrificing others, it is understandable.' (Kristanto)

As for intellectual property rights, Tanuredjo said it was not a part of the FoI Bill discourses. Yet, although Kompas consciously appreciate that right and strictly forbid plagiarism, they do not mind if books published by the group is pirated.

'If people photocopy the books for education purposes, we think it's okay as the reality demonstrates that taxes for books are very high, making them too expensive.' (Tanuredjo)

Kristanto underlines Kompas gains no direct or indirect benefits from their support for the campaign, since Kompas gets no cash and it is still difficult anyway to access public information because FoI Act is not fully implemented. He sums up:

'It is true that there is no free lunch. In this case, Kompas pays for the lunch.'

4.2 Jawa Pos

Jawa Pos was founded by The Chung Shen, former marketing staff of a cinema in Surabaya, East Java, in 1949. Its official website³⁹ says when in 1982 Shen's children refused to continue the business and circulation dipped to only 6,000 copies daily, it was sold to PT Grafiti Pers, publisher of leading national weekly magazine Tempo. Grafiti Pers appointed Dahlan Iskan, then Tempo head of bureau in East Java, to revamp it. In five years, the daily circulation leaped to over 300,000 copies, and in a decade, JP became one of the best 20 corporations in Indonesia (Ida 2011: 18).

Iskan then started local newspaper network Jawa Pos News Network (JPNN) and the holding company JP Group, which now owns at least 171 print media, 20 television stations, and one online media, making it the most powerful media group in terms of market penetration scale (Nugroho et al. 2012a: 39, 67). The group also has paper mills, printing plants, power plants, and a telecommunication enterprise which built fibre optic network to connect Surabaya and Hong Kong. He was appointed as President Director of state-owned electricity company PT PLN in December 2009, then as SOEs Minister in October 2011.

According to Taufik Lamade⁴⁰, an ex-managing editor of JP and now head of editorial board of JPNN, Iskan is not a majority shareholder. Lamade does not know the shareholders names and their percentage of ownership, but admits that Iskan has become so identical with the newspaper. Although Iskan holds no position in the group after his appointment as minister, control stays close in family. His son Azrul Ananda stepped in as JP chief editor in 2005, then as director of marketing director for several years before finally took the helm of CEO JP Group in 2011. While Iskan has expressed no ambition to be a president, he has been hailed as a possible candidate for the next presidential election in 2014 (Aritonang 2012).

As an indigenous, or pribumi, businessman, Iskan enjoyed privileges from government which prefers pribumi than Chinese entrepreneurs. Under Soeharto, Chinese magnates were paradoxically economically successful but discriminated by the regime, and this mentality persists in most parts of Indonesia. He builds close personal relationship with local bureaucrats. In 1999 Iskan was appointed as CEO of PT Panca Wira Usaha Jatim, a provincial-owned holding company controlling more than 55 East Java government businesses. He was also involved in a business venture of the East Borneo provincial government to build power plant to cope with chronic electricity shortage in the region. (Ida 2011: 19-20).

As Steele (2011: 95) notes, with gargantuan networks of corporations in hand, no wonder Iskan is labelled as someone who has more interest in profit than idealism by a former JP chief editor, Dhimam Abror. JP rarely writes critically on companies owned or controlled by its shareholders and advertisers. For example, JP seldom writes critically on property development, particularly when it is connected with one of its shareholders, property tycoon Ciputra, or his business interests. When Iskan was head of PT PLN, JP tended to be subjective, in favour of his

³⁹ <http://jawapos.com/profile/index.php>, accessed 25 August 2012.

⁴⁰ Interview, 3 July 2012.

policy in its news coverage. A research of JP news in January-May 2010 shows that 70% of them were not objective but skewed to support PLN (Mulya 2011: 124).

Iskan is also an influential actor in local political process, at least in the June 2005 Surabaya mayoral election. Along with Partai Demokrasi Indonesia Perjuangan (PDIP), Iskan sponsored the former chief editor of JP, Arif Afandi. He bought air time on talk shows and advertisement in his own local television, JTV, for Afandi and his running mate Bambang Dwi Haryono. The couple won the election with 51% of votes (Ida 2011: 20).

The editors⁴¹ say JP has a mission to promote democratisation, particularly in the regional levels after the decentralisation. JP also strives to function as social control, and wants to enhance the economy and law enforcement. To achieve these aims, the group has an institute for autonomy studies, and another for bureaucracy reform.

Although Iskan is no longer the editor-in-chief, he still regularly writes a column in JP⁴². He does not interfere with newsmaking, but sometimes contacts editor-in-chief if there are inaccurate or unbalanced news. The editors emphasise that company owners, including Iskan, never intervene the newsroom, so they have no burden of political interest.

4.2.1 FoI Bill in Jawa Pos

JP printed 90 news items about FoI, which are comprised of one editorial, 22 opinions, and 67 news articles. The news articles do not always follow the 5W+1H (what, who, where, when, why, how) news requirements, and occasionally only quote one source. Sometimes, they appear as a paragraph of event announcement in the agenda section⁴³.

The first news was in 25 December 2000, portraying Trade Secret Bill as a danger for FoI. The writer lengthily quoted Wiwiek Awiati, the Executive Director of Indonesian Center for Environmental Law, member of Koalisi KMIP. The next reference of FoI appeared in a news feature about the writer's experience in a press tour to US, mentioning Iowa Information Council and FoI campaign in the state⁴⁴. Six months later, JP dedicated a page with four news items⁴⁵ about FoI. The longest article highlighted contradiction of FoI Bill with State Secrecy Bill, supporting FoI Bill over the other, albeit a title which implied harmony was chosen, 'Like Husband and Wife, Freedom and Secrecy Should Be Together.'

Opinion about FoI first showed up in 21 September 2001, written by Agus Sudibyo⁴⁶, emphasising the importance of FoI, linking it with Election Commission reluctance to open access to its database. JP later published five more opinions by Sudibyo, while his colleague from the coalition, Ahmad Faisol, Advocacy Program Coordinator of ISAI (Institute for Information Studies), penned down four op-eds.

Amidst the controversy on Broadcasting Bill, a scholar whom later is more well-known as election consultant, Denny J.A., wrote an opinion about political control of broadcasting and FoI⁴⁷. He slightly discussed about power of media owners, but concluded that everything should

⁴¹ Interview with Taufik Lamade, 3 July 2012; and Imam Syafii, 7 July 2012

⁴² Interview with Taufik Lamade, 3 July 2012; and Imam Syafii, 7 July 2012

⁴³ For example, 'FoI Workshop,' 19 November 2001, 'Discussion on FoI,' 19 July 2005, and 'Discussion on FoI Bill,' 20 December 2005.

⁴⁴ 'Criticism, Reprints, More Copies Sold,' 14 March 2001.

⁴⁵ 'Like Husband and Wife, Freedom and Secrecy Should Be Together,' 'Determined By The Leaders' Subjectivities,' 'Information Should Not Be Limited,' and 'Corruption, Collusion, Nepotism, and Criminality Are Not Secrets,' 4 September 2001.

⁴⁶ 'Public Agencies and Information Shackles: Election Commission is Reluctant to Open Legislators' Wealth.'

⁴⁷ 'Political Control of TV and Radio,' 28 November 2002.

be decided by market, and government should have minimalist role in intervening market mechanism.

During eight years, JP only published one editorial about FoI, titled 'Restriction on Broadcasting Duration'⁴⁸. It was a response to new Communication Ministry regulation which aims to save energy during a period of electricity crisis due to world oil price hike. Most television stations operated 24/7. The writer argued it restricted people's rights to know:

'[Government] can not restrict the public's right to obtain information, although temporarily,... sacrificing it to a particular policy. Getting the information should not be limited by space and time. The regulation restricts television broadcast at late night, assuming audience is already asleep. The assumption is not entirely true, as traffic of information never stops... And it needs to be understood: information is not only news, but can also be creative, educational, and cultural messages as well as all kinds of television shows. This includes messages from films, commercials, and others.'

The mention of commercials in that editorial mirrors the profit drive of the corporation. Had the regulation been imposed, less broadcasting duration meant JP Group would lose income from advertisers. The media uproar against ministry directive caused no enforcement of the law, allowing all stations to continue business as usual. When the editorial was printed, JP Group owned at least four local televisions: JP TV (established in 2001), Riau TV (2001), Batam TV (2002), and Padjadjaran TV (2005). As the group expanded five-fold, now they own at least 20 television stations (Nugroho et al. 2012a: 39).

JP published news with tone of pushing the FoI Bill, mostly quoting Koalisi members and legislators who supported it⁴⁹. FoI was highlighted as a measure to prevent corruption⁵⁰, improve good governance⁵¹, and enhance transparency and accountability⁵². FoI was also discussed in connection with disaster management⁵³, decentralisation⁵⁴, intelligence⁵⁵, Land Office reform⁵⁶, movement against thuggery⁵⁷, safety measures for journalists in conflict area⁵⁸, and its relation with foreign issues⁵⁹.

Meanwhile, the state's reluctance for FoI Bill was criticised⁶⁰, but parliament was portrayed as the good guys who fought for the Bill and against State Secrecy Bill⁶¹. State Secrecy Bill was also constantly viewed as the enemy of FoI Bill⁶² and not needed by the nation⁶³.

⁴⁸ 15 July 2005

⁴⁹ 'Demand for FoI Bill,' 26 November 2004;

⁵⁰ 'Corruption, Collusion, Nepotism, and Criminality Are Not Secrets,' 4 September 2001; 'Municipal's Bad Grades,' 28 December 2002

⁵¹ 'Good Governance Needs FoI Law,' 21 November 2001

⁵² 'Accountability and Transparency of Regional Autonomy,' 10 January 2007

⁵³ 'People's Right to Get Information: Concerning Disaster Warning,' 21 July 2006

⁵⁴ 'Accountability and Transparency of Regional Autonomy,' 10 January 2007

⁵⁵ 'Monitoring Intelligence Power in Indonesia: It Should Only Be An Information Center,' 24 August 2007

⁵⁶ 'National Land Agency Should Change,' 26 May 2008

⁵⁷ 'Standing Against Thuggery,' 15 March 2003

⁵⁸ 'Between News and Life,' 10 April 2003

⁵⁹ 'Defending Invasion to Iraq,' 11 July 2004; 'Finding Evidence in England,' 15 December 2004; 'Kids in Abu Ghraib Prison,' 13 March 2005;

⁶⁰ 'Government Does Not Prioritise FoI Bill,' 15 March 2006; 'State Secrecy Overtakes FoI Bill,' 27 September 2006; 'Clash on FoI Bill's Derivative Regulations,' 3 October 2006; 'Government Treats FoI Bill Discreetly,' 21 November 2006

⁶¹ 'Lawmakers Refuse to Discuss State Secrecy Bill,' 8 October 2006; 'Legislation Competition: Parliament vs Government,' 19 December 2006; 'Deadlock Looming Over FoI Bill,' 4 October 2007

⁶² 'Freedom is Threatened' and 'Protecting the Rotten In The Name of Secrets,' 9 April 2002; 'State Secrecy Bill Tends To Be Misused,' 16 September 2005; 'Press Freedom is Threatened,' 19 January 2006

⁶³ 'Is State Secrecy Bill Required?' 2 February 2005

After the Bill was passed, the newspaper published two opinions lamenting inclusion of a clause to punish information users in the Act⁶⁴. Nevertheless, JP also printed an article about punishment for public agencies and officials who violated the Act⁶⁵.

4.2.2 FoI Bill According to Jawa Pos Editors

JP editors were interviewed by phone as they resided in Surabaya, East Java, the location of group headquarter. Taufik Lamade⁶⁶ was a political reporter in Jakarta in 2000-2002, who briefly became coverage coordinator in Jakarta in 2002. In the same year he was transferred to head office in Surabaya, as national news desk chief until 2005, when he was promoted to managing editor position. Now he acts as editor-in-chief for all the daily newspapers in the group.

Imam Syafii⁶⁷ started his career in JP in 1994. In 2000-2009 he was the head of Jakarta bureau and then managing editor of JP. From 2009 he is the editor-in-chief and news director of Jawa Pos TV network.

The newsmaking cycle starts at 5 pm, when editors in Surabaya meet to budget news of the day and to plan the ones for the day after. After meeting, they disburse coverage plan to reporters and then edit the news until 9 pm, although deadline may be extended in extraordinary cases. In the next day, they meet at 10 am to evaluate that day's edition and to update any changes in the coverage plan. The decisions taken in the meeting which affect the plan will then be informed to reporters, who must adjust their coverage accordingly.

JP usually separates news from advertisements, but sometimes connects the two in what they call 'buy one get one.' This practice can be implemented in any rubric, from politics to business.

'For example, a company buys the bottom half of a page. In the upper half, we put a news related to the advertisement. But the news content is not dictated by the advertiser, we only cluster them together.' (Syafii)

Both editors agree FoI Bill is vital to prevent corruption and at the same time to facilitate journalists in gathering information. They hoped the Bill would improve the access to information about crucial things that used to be difficult to get, such as budget, income and revenue of particular public institutions.

'It is important because many people hide behind the state secret.. prohibiting public, including journalists, to access [information].' (Lamade)

'We thought it would benefit journalists in our coverage and investigation.' (Syafii)

Koalisi visited JP several times, but there was no coordinated strategy between JP and Koalisi. The newspaper covered FoI Bill campaign simply when there was considerable progress.

'There is no binding agreement in the discussion. We continued to cover it as long as the topic is attractive.' (Lamade)

They are not bothered by the fact that in the Bill, private sector is excluded from obligation to disclose information to public, since universally, companies without public capital are not required to do so. However, they admit the role of profit-making corporations in public service delivery is growing, and suggest those companies to be included in the Bill.

⁶⁴ Opinion by Agus Sudibyo, 'Punishment in FoI Bill,' 4 February 2008 and opinion by Ahmad Faisol, 'FoI Bill's Sanction for Information User,' 18 March 2008.

⁶⁵ 'Fine for Those Who Don't Response to Information Request,' 8 April 2008.

⁶⁶ Interviewed 3 July 2012

⁶⁷ Interviewed 7 July 2012

When being asked about neoliberalism, Lamade interpreted it as the domination of foreign powers in domestic economy. The misperception of neoliberalism as such is quite common in Indonesia, as there was a strong discourse during 2004 election that a candidate for Vice President, Boediono, was a servant of foreign interests, and his opponents labelled him as a neoliberal. Boediono and the incumbent President Susilo Bambang Yudhoyono eventually won the election, but the confusion remains.

'We don't like the neoliberals, as we [Indonesians] will only be spectators, while foreigners are profiteering... The state should protect citizens' rights.' (Lamade)

Later after I told him that neoliberalism in this research was understood as subordination of every aspect of life to the market, Lamade claimed it should not be implemented in Indonesia. However, he argued market must be enabled by state. The state should set free some parts of market and reign control in other parts which significantly influence welfare of citizens.

In the other hand, Syafii considers debates about neoliberalism as useless. What important is whether the economy and purchasing power of Indonesians increases, as it will influence future of JP.

'We do not really care about neoliberalism. We just want the economy to grow, so people can purchase more, and newspapers sales increases too.' (Syafii)

As for intellectual property rights, Syafii says the company promotes it and has stern regulations against employees who plagiarise.

Both editors see so far no benefit has been attained by JP from their support for FoI Bill, as there is no proof that news which use information obtained by using the FoI Act will improve the newspapers sales. Nevertheless, Lamade admits public information gained by the media can be used by the owners to bargain in political negotiations.

'Most mass media are controlled by political groups [thus it is natural if the media owners use the information]. It also happens in other countries. It shouldn't be like that, as media should be independent, but it is the reality.' (Lamade)

Meanwhile, Syafii expresses concerns that public information is sometimes used by irresponsible NGOs to blackmail public officials.

'Some NGOs become free riders, asking information from public institutions, but instead of using it for public interest, they look for officials' weakness and extort them for money.' (Syafii)

4.3 Media Indonesia

Media Indonesia is what Hill (1994:92) calls a successful experiment of a businessman with no prior experience in journalism. It succeeds with a well-thought investment strategy of regional diversification. It is owned by Surya Paloh, an Acehnese who founded a local branch of the anti-communist and anti-Soekarno student group in 1966. He became involved with the ruling party, Golkar, and drew close to senior figures of the party. He moved to Jakarta after the 1977 election, when he was appointed as member of MPR, the highest legislative body in Indonesia which had the power to select the President, albeit actually was just a rubber stamp for Soeharto. He also founded an influential military-aligned lobby group, FKPP, which made him in close contact with the most powerful families in Indonesia, including Soeharto's son Bambang Trihatmojo who owned Bimantara conglomerate.

His early earning was mostly from food catering business, PT Indocater. Influential connections smoothened his commercial success. In 1985 Paloh diversified into media by establishing PT Surya Persindo, which produced daily newspaper Prioritas. Paloh's close relationship with the regime could not save the daily to avoid government ban, as it discussed corruption cases and highlight economic failures. In 1987 government revoked its license for

publishing 'tendentious' and 'insinuating' lies. Two years later Paloh bought a dying daily MI, founded in 1969 by fellow Acehnese, Teuku Yousli Syah. MI was revamped, injected with fresh funds and staffed by former Prioritas employees. On contrary with established newspapers like Kompas, MI relied more on street sales than subscription. Another breakthrough of promotion was done by placing free copies inside taxi cabs. Its innovative layout and government-challenging features boosted sales so it could pass the break-even point in 20 months (Hills 1994: 93-94).

Paloh quickly diversified to regional publishing, with ten take-overs of local newspapers in 1989-1990. However, economic difficulties forced him to close four local papers and downgraded one daily into a weekly. He survived with help of Bimantara, although how much of financial back up provided by First Family's company remains unclear. MI kept its critical tone. Paloh's intimacy with the regime suggests the complexity of state-press relations at that time (Hills 1994: 94-103). Shortly after reformation, Paloh received the license to broadcast Metro TV, the first news television in Indonesia. Initially Bimantara had 25% of the shares, but later Paloh bought it in 2003 so he has full ownership (Sudibyo 2004: 37-99). In April 2011 Paloh started to publish a monthly magazine, Kick Andy, a spin-off of a successful talkshow with the same name in Metro TV. Prioritas was revived as a weekly news tabloid in December 2011.

Compared with Kompas-Gramedia Group and JP Group, Media Group seems miniscule as currently it only has one television station, five print media, five-star hotel in Bandung, West Java, and five percent of shares in an Australian-based mining company Intrepid. However, his political and economy interests are deeply embedded in his Media Group. He explicitly stated that he used it as his political vehicle. His eyes for profit is also obvious for his employees, who are prohibited from writing negative news about Bank Mandiri, main loan provider of the group (Haryanto 2011: 111).

In 2010, a year after Paloh was defeated by tycoon Bakrie in Golkar chairmanship election; he found a mass organisation Nasional Demokrat, which transformed into full-fledged political party in 2011. He resigned from Golkar in 2011 to be Chair of Nasional Demokrat party, a preparation to race in 2014 presidential election.

4.3.1 FoI Bill in Media Indonesia

The newspaper printed 108 news items on FoI: three editorials, 18 opinions, and 87 news articles.

Compared with editorials in other newspapers, the ones in MI gain more weight in opinion-making as they are also aired by Metro TV. Editorials are read every day at 7.05 by a narrator, accompanied by related video footages (Samatan 2009: 193). An MI editor then discusses it with Metro TV anchor. As an interactive program, it allows the audience to voice their opinion through phonecalls, Twitter, and Facebook.

MI wrote three editorials about FoI. The first one, 'Bottlenecks in Supreme Court,' was published in 3 January 2006. It criticises the court as one of the bottlenecks in corruption eradication efforts, and advocates the institution to embrace FoI principles. At that time, MI was waiting for a copyrights lawsuit appeal verdict. In mid-2005, a diving instructor who was also a photographer sued MI for publishing his picture without permission and payment. Commercial Court decided in favour of plaintiff in October 2005, ruling MI to pay Rp 120 million (approximately 6,700 euro) to him. MI immediately appealed to Supreme Court. Shortly after the editorial was published, the court upheld the previous decision, but decreased the compensation to Rp 45 million (3,600 euro).

The second editorial came in 2007⁶⁸, criticising lawmakers who went abroad for study visits for several bills, including FoI Bill. The whole study visits cost Rp 19.78 billion (1.59 million euro) and naturally gained public uproar protesting for such policy.

The last editorial was published in 2008⁶⁹, highlighting the worrying trend of more repressive bills, which endanger freedom of expression and FoI. The writer accused government wanted to reinforce regulations akin to the ones in Soeharto's New Order regime. 'Government is longing to regulate and inhibit freedom of expression, FoI, and freedom of press. The yearning is scattered in various chapters in all of the bill, either proposed by government or DPR.. The New Order had been uprooted; however, the repressive mind is still alive, dwelling even in the elites who are the results of democratic election results. If this contradiction is not dealt with immediately, the new Indonesia will never be materialised.'

An opinion written by Agus Sudibyo was the first news item to be printed⁷⁰. Sudibyo juxtaposed FoI Bill with State Secrecy Bill, advocating the earlier and criticising the latter. The next two opinions, penned down by Toeti Adhitama, Vice Editor-in-chief of MI, promoted the Bill as an effort to ensure transparency and avoid future authoritarian leaders⁷¹.

Unlike in Kompas and JP, there are few opinions by Koalisi members in MI. Sudibyo only wrote another one, 'Upholding The Only Artefact of Democratisation,' published in 20 December 2002, advocating for more robust journalism in the era of FoI, but at the same time questioning the motives of mass media in their news coverage, such as in the Broadcasting Bill debate. His colleagues Ashadi Siregar, Director of the think-tank LP3Y wrote 'Direct Election and Democracy'⁷², arguing FoI is needed to enhance voters' knowledge before they go to voting booths; Deputy Director of Yayasan Visi Anak Bangsa Roman N Lendong⁷³ analysed main challenges in FoI Bill legislation; while Bejo Untung, researcher of Yayasan SET (SET Foundation), criticised government's reluctance to include SOEs in FoI Bill⁷⁴. However, MI printed opinions from other writers who also supported FoI Bill⁷⁵. It also quoted Koalisi activists such as Sudibyo and Mas Achmad Santosa frequently.

Across the news, similar topics about FoI Bill were repeated constantly. It was usually portrayed as effective tool to prevent corruption, enhance transparency⁷⁶, create better election⁷⁷, improve freedom of press⁷⁸, and enable bureaucracy reform⁷⁹. The news routinely criticised Secrecy State Bill⁸⁰, although once also published a reader's letter which supported the act⁸¹. After the 2004 election, which dominated the news, the legislation process came under scrutiny

⁶⁸ 'Yeah, DPR Legislators Are Having Study Visit Again!' 11 April 2007.

⁶⁹ 'Repressive Mind,' 25 February 2008

⁷⁰ 'FoI Bill vs State Secrecy Bill,' 7 December 2000.

⁷¹ 'Let the Bird Sing,' 17 February 2001; 'We Have to Be Transparent,' 24 February 2001

⁷² 16 August 2008

⁷³ 'Obstacles in Public Information Bill,' 28 February 2006

⁷⁴ 'SOEs Blunder in FoI Bill,' 2 October 2007.

⁷⁵ Among others, 'Questioning the Plan to Revive Information Department,' by social and political analyst Thomas Koten, 2 August 2001; 'Long Dream of A Rule of Law State' by advisor of Election Reform of Partnership for Governance Reform in Indonesia, 17 December 2003; 'Probing Our Information Policies' by University of Manchester scholar Yanuar Nugroho, 4 November 2011.

⁷⁶ 'Let the Bird Sing,' 17 February 2001; 'FoI Bill, the Determinant of Corruption Eradication,' 5 September 2007

⁷⁷ 'Political Parties' Financials Must Be Published,' 1 April 2008

⁷⁸ 'Press Act Revision is Rejected, Government Seen As Trying To Control Press,' 6 March 2007; 'Seven Bills Are Threatening the Free Press,' 8 February 2008

⁷⁹ 'Bureaucracy Reform,' 6 March 2007

⁸⁰ 'State Secrecy Bill Disaster,' 25 August 2001; 'Indonesia is Still the Most Corrupt In The World: State Secrets,' 9 September 2001; 'State Secrecy Bill is Authoritarian,' 21 December 2005; 'State Secrecy Bill Will Criminalise People,' 27 April 2006

⁸¹ 'State Secrecy Act is Needed,' 6 October 2006

of the mass media, including MI. Different approaches of government and DPR was highlighted⁸², the reluctance of government in the process was seen as a threat to human rights⁸³, the incompetence of some lawmakers and their study visit abroad was criticised⁸⁴, and coalition members were quoted in stories pushing for the Bill⁸⁵. FoI was also discussed in connection to the Broadcasting Bill⁸⁶, to antagonise the plan to limit broadcast duration in 2005⁸⁷, and in connection with foreign news such as Arroyo corruption case in the Philippines⁸⁸.

MI published only once news about relationship of private sectors and FoI. The short news, a paragraph with 120 words, quoted its Editor Board Chairwoman Toeti Adhitama in a seminar about independence of journalists. She admitted that media ownership will indirectly limit the way the journalists deliver the news because they must be in line with the vision and mission of the media, but insisted it did not equal restriction.

4.3.2 FoI Bill According to Media Indonesia Editors

Usman Kansong⁸⁹ started his career in Media Group in 2009, when he joined the newly-established Metro TV after five years in Islamic daily newspaper Republika. He was transferred to MI in October 2009 as news director, the highest position in newsroom.

Kleden Suban⁹⁰ has been working in Media Group since 1989, in daily paper Prioritas until it was banned by government, then moved to MI as political desk reporter. In 2000-2008 he became political desk chief editor, and later was promoted as head of news division.

Newsmaking starts with morning editors meeting. To bolster convergence efficiency, the 9 am meetings involve news producers of Metro TV as well. They evaluate the day's edition and plan news for the next day. The editors then informed the results to the reporters. At 2 pm, the editors meet again to budget the news. They meet for the third time at 7 pm, to further discuss coverage plan for the day after.

The newspaper has discarded the 'firewall' doctrine and gives 'bonus' news for advertisers. The bonus can be news or pictures about advertisers, which can be published in any rubric.

'Press is an industry, so I think it [bonus news] is something ordinary.' (Suban)

'Critical journalism is difficult to attract advertisement. Mass media is not NGO but industry, we have a new jargon, good journalism is good business, the money will follow.. Media has to sustain itself and it will be good to be a 'kingdom' like Kompas.' (Kansong)

They believe FoI is needed by public and journalists alike. Public as taxpayers must know where their money goes. FoI Bill was expected to enforce government institutions to disclose newsworthy information. Additionally, for Kansong, as the society is becoming more complex, more specialist laws are needed to maintain order.

⁸² 'DPR and Government's Perceptions Are Still Different,' 25 September 2006

⁸³ 'The Government is Threatening Human Rights,' 12 December 2006

⁸⁴ 'FoI Bill: Many Legislators Do Not Understand the Materials,' 19 December 2006; 'FoI Bill Study Visit is Criticised,' 25 May 2007

⁸⁵ 'Discuss FoI Bill Immediately,' 23 January 2003; 'DPR and Government Are Urged to Discuss FoI Bill,' 10 February 2006; 'Government Urged to Prioritise FoI Bill,' 3 May 2006; 'FoI Bill Must Be Passed Soon,' 22 December 2006

⁸⁶ 'Government to Postpone Broadcasting Bill,' 16 May 2002; 'Broadcasting Bill will Trigger Massive Disobedience,' 22 September 2002; 'Broadcasting Bill is Seen as Discriminative,' 23 January 2004

⁸⁷ 'Broadcast Hours Limitation: Government's Mean to Reincarnate Information Department,' 14 July 2005.

⁸⁸ 'Arroyo Phenomenon and Democracy Procedures,' 18 July 2005

⁸⁹ Interviewed 3 July 2012

⁹⁰ Interviewed 7 July 2012

As for the exclusion of private sector in the Bill, they think it is natural as generally public have no stakes in private corporations' action. Other laws such as Stock Exchange Act and Foundation Act are seen to be adequate to govern it.

They claimed MI did not construct any shared strategy with Koalisi. The coalition only came several times to the office to promote FoI Bill, and left reading materials about FoI. However, they admit the meetings concluded that campaigning for FoI Bill is beneficial for both public interest and mass media interest.

Meanwhile, both editors perceive debates about neoliberalism are not necessary. Any ideology is good as long as the nation benefits from it. They view market should function effectively although government must protect public rights and welfare. Nevertheless, they think it is inevitable that once the citizens' wellbeing is fulfilled, the society will move to neoliberal direction.

'Let it be a debate in the intellectual, academics scene. We have no standpoint on it; we only want what's best for the nation.' (Kansong)

'It is only about time. Sooner or later we will embrace neoliberalism.' (Suban)

As for intellectual property rights, MI believes it is important because everyone must respect those who have invested their idea on a product. The newspaper cooperates with Justice Ministry to promote it. They do not see it as a neoliberal measure. Instead, they consider it as a mean to distribute economy equally and to encourage innovation and creativity.

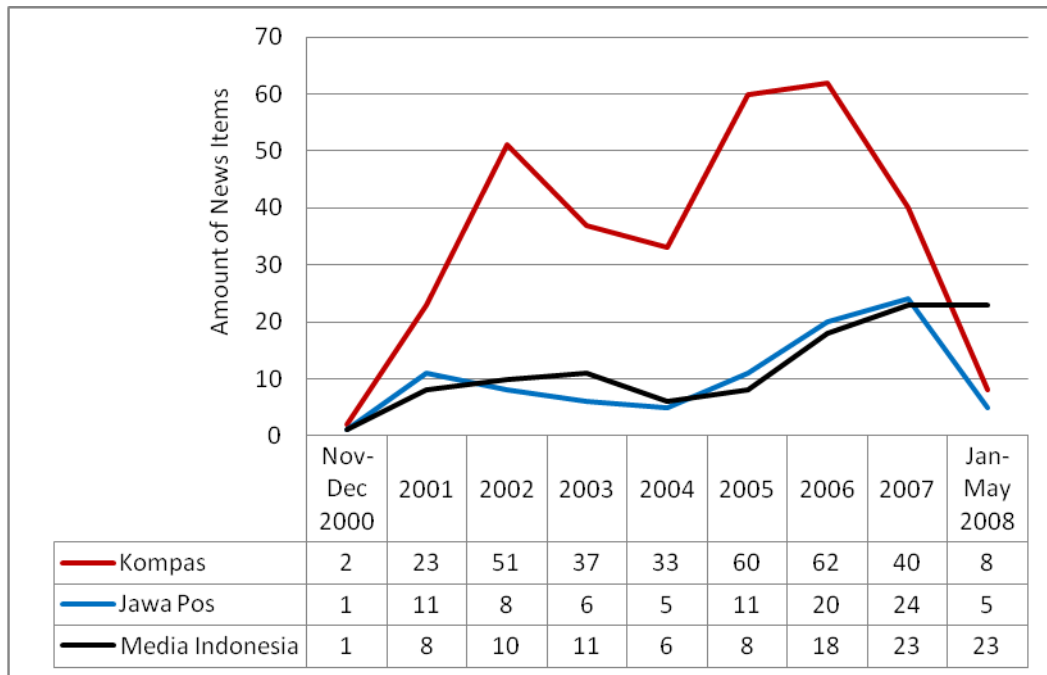
'If I made something that can be made by everyone, I don't need property rights. But otherwise, it has to be subject of property rights regulation. If not, the music, book, and movie industry will die because of piracy.' (Kansong)

So far, they deem the support for FoI Bill gives no benefit for MI. For example, acquiring information from public agencies is still a gruelling affair.

4.4 Analysis

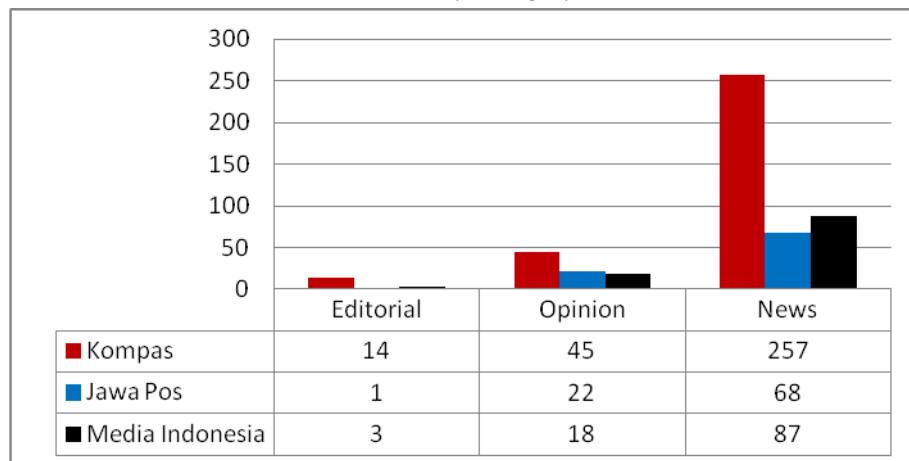
Judging from the quantity and frequency, Kompas printed more news items on FoI Bill compared with JP and MI. Kompas published 316 articles in total, even more than JP (91) and MI (108) combined. Each newspaper reduced coverage in 2003 and 2004, when news about national election grabbed the attention. Generally, more FoI news were printed on the following years. However in 2007 when JP and MI published most news on FoI, Kompas decreased their coverage (see figure 4.4.1).

Figure 4.4.1
FoI Bill News Items, November 2000-May 2008



Consequently, Kompas printed more news items per category than JP and MI (see Figure 4.4.2).

Figure 4.4.2
News Items by Category



The coverage gap between newspapers, and small numbers of news compared with the total amount of news items in the whole eight years may be deduced as non-existent support of media for the FoI Bill. However, I argue the opposite, as even though the topic is labelled as ‘not sexy’ by an editor, the newspapers continued to cover it instead, albeit scarcely in the beginning and more intense in the latter years. There must be strong rationale for such decision.

Recurring themes arises in the support for FoI Bill. The main argument generally revolved around corruption prevention, as FoI was viewed as potent tool to enhance transparency, accountability, and good governance. The fraudulent and authoritarian Soeharto regime, which

caused most Indonesians to have strong sentiment against corruption and for notions of freedom, makes anti-corruption and freedom as the most powerful post-reformation social movement themes. At some points, FoI Bill was even portrayed as the utopian answer of many problems, from troubles of democratisation, health issues, environmental conundrum, to disaster management; thus promoting the Bill seems to be a perfectly logical choice for the editors.

However, these claims actually have weak foundations. Darch and Underwood (2010: 13-46) extensively examine them and found the anti-corruption impact depends heavily on the existence of specific conditions, such as the demand for FoI as a social norm, which allows, amongst others, the marginalised people and their organisations to understand their rights to information, then take extremely confrontational and risky action to encounter the people in power. Meanwhile, the democracy claim is overstated and vague, as research shows even if information is available to citizens, due to the miniscule individual benefit, people do not really assess the candidates rationally; psychological experiments in so-called 'advanced democracy' like the US also proves the emotional part of brain is more dominant in voting decision-making than the rational part. Furthermore, claim of causal relationships between FoI and development issues i.e. health, environment, and violence is also confirmed to be false⁹¹.

FoI Bill was mainly seen as the protagonist law in the making, vis-a-vis State Secrecy Bill. News items promoting FoI and antagonising Secrecy Bill were frequent. News sources argue there should be no Secrecy Bill; that there are concerted efforts to dwarf the FoI Bill; and that Secrecy Bill would bring back the nation to the dark era of Soeharto. Albeit sometimes the newspapers published news with pro-secrecy angles, the articles are usually ended with statements from pro-FoI sources.

After the Bill was passed as an act in 2008, each newspaper printed articles about the dangers it posed, particularly the criminalisation of information users. They also continued to warn the audience on the danger of the State Secrecy Bill.

Although the three newspapers openly campaigned for freedom of press along FoI and the editors admitted they hoped for greater access to information, thus easier and deeper newsmaking, almost no explicit reference for media interests was published. Nevertheless, as mentioned in previous sub-chapters, each media used FoI issue to leverage its own position. The common case is the zealous attempt to fight the Broadcasting Bill and the broadcasting duration restriction. Meanwhile, MI also utilised FoI as a pressure tool against public agencies. Moreover, the potential of the media owners to use public information for political-economy negotiations is not disputed by the editors.

The precedence of benefits in the campaigning process and more potential advantages in the future, combined with the newspapers' eyes for profit as admitted by the editors, proves there are more than just idealism for public interest as the rationale of the support. Instead, mass media contributes to the reproduction of hegemonic trends in the political economy of mass media.

⁹¹ For example, Sen's argument, which is used in one of Sudibyo's opinion in Kompas, of democracy and free media as a tool prevent famine, proves to be false. Sen's country, India has democracy and free media, but failed to prevent severe famines in 1967, 1973, 1979 and 1987 in Bihar, Maharashtra, West Bengal, and Gujarat. In US, although inadequate measures for disasters was known, the government could do nothing to prevent severe damage caused by Hurricane Katrina in 2005. Meanwhile, still in the US, abundant information about preventable diseases does not affect the harmful decisions made by its citizens (Darch and Underwood, 2010: 22-24).

Chapter 5 Conclusion

In previous chapters, I strive to answer the questions asked in the beginning. Here I recap the answers which eventually contribute to the final conclusion.

First of all, on how the Bill and the Act define roles of political and civil society in relation to the right to know. Those texts allow actors in the three clusters to gain greater access to information about public institutions. The state as the political society is heavily scrutinised under the Act, while the private sector including mass media as civil society is barely mentioned. However, the texts follow the global neoliberal discourse of antitrust and the protection of intellectual property rights, thus protecting the interests of the civil society.

As for the mass media industry structure, conglomeration and higher degree of concentration has become the norm. It homogenises media content, thus undermining the democratisation process. News presented by media corporations mainly serve political-economy interests of the owners instead of public interest, while the line between news and advertisements has become more blurred than ever. The editors admit the importance of advertisement in the livelihood of media, confirming the hypothesis of Herman and Chomsky (1988) of the media political economy.

Formally, there were no arrangements between newspapers and Koalisi KMIP in formulating common objectives, agendas, and strategies. Both sides understood Koalisi needed media support, and media wanted greater access to information, either for newsmaking process or for the interests of media moguls.

There are several benefits that the media attains from the Act. The most obvious, which perhaps serves as a perfect facade, is the larger access to newsworthy public information. Secondly, mass media can gain considerable profits from public agencies as they advertise information as ordered by the legislation.

Beyond the facade, the newspapers as part of large-scale media corporations have used FoI to leverage their own interests. The test cases are the fight against Broadcasting Bill and the broadcasting duration restriction. They have also learned FoI could be utilised as a pressure tool against public agencies. Moreover, the editors nodded on the possibility to use public information for political-economy negotiations of the media owners.

To sum up, it is the pursuit of benefits, both in short term and long term, which drove the mass media to support the Bill campaign. Post-reformation idealism on anti-corruption and freedom justified the collaboration, although the editors do believe those notions sincerely. Therefore, mass media contributes to the reproduction of hegemonic trends in the political economy of mass media in those eight long years of campaign.

As media concentration is unlikely to change in the short term, it will be interesting to monitor how the media in Indonesia, and other parts of the world, play further – or less – role in democracy. Another potential future research field is the structural change of media industry, and the impact of political-economy interests of the owners in the changing media landscape.

On the sidelines, due to the limitations of this research, deeper analysis of the news could not be obtained, as news items were gathered by using the search engines in the newspapers' databases, each with different system, which might cause related articles to be accidentally filtered. More thorough, manual searching may yield more results.

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Appendix 1: Roles of Political Society and Civil Society in 2001 Bill Draft and 2008 Act

	Roles	Related Articles in 2001 Bill Draft	Related Articles in 2008 Act
General Provisions	<p>Individuals and organisations:</p> <ul style="list-style-type: none"> - have the rights to request public information - may submit complaints and appeals if the request was rejected <p>Individuals and organisations will be punished if they:</p> <ul style="list-style-type: none"> - obstruct the public information processing - misuse the public information obtained <p>Public institutions must:</p> <ul style="list-style-type: none"> - Disclose public information - Routinely disclose comprehensible public information such as activities, performance, and financial reports every semester - Automatically publish information that may endanger lives of citizens - Annually publish the public information requests, the follow-ups, and the considerations - Appoint information and documentation officers - Disclose exempted information if instructed by the Information Commission, Administrative Court, Supreme Court and/or the President <p>Public institutions may:</p> <ul style="list-style-type: none"> - Reject information requests about exempted topics 	<p>2-1, 4, 5, 22-1</p> <p>48, 49, 50, 51, 52, 53</p> <p>-</p> <p>8</p> <p>8, 12</p> <p>13</p> <p>15</p> <p>16</p> <p>19</p> <p>17</p>	<p>2-1, 3-a, 4, 22-1</p> <p>4-4, 35, 47, 50</p> <p>52, 53, 54, 55</p> <p>52, 53, 54, and 55</p> <p>7</p> <p>9, 14</p> <p>10</p> <p>12</p> <p>13</p> <p>18-4, 46-1</p> <p>6, 17</p>
Political Society			
Government	<ul style="list-style-type: none"> - Obligated to setup and fund Information Commission - Represented in the Commission - Build information system in all public institutions and fund it - Protected from the possibility of information disclosure which may jeopardise law enforcement as well as national defense, resources, economic resilience, and foreign relations - By requests from judicial institutions, the President may order the disclosure of exempted information or reject such requests - Approve proposal from Information Commission to dismiss its members 	<p>26, 46</p> <p>-</p> <p>22</p> <p>17-1, 17-4</p> <p>-</p> <p>38-2</p>	<p>29-1, 29-2, 29-6</p> <p>25-2</p> <p>17-a, 17-c, 17-d, 17-e, 17-f</p> <p>18-4, 18-7</p> <p>34-1</p>
Information	- Receives, examines, and decides upon a	30, 33	26-1-a

Commission	Public Information Dispute resolution - Establishes general public information policies, guidelines and technical instructions - Provides performance reports to the President and DPR annually or at any time when requested - Summons the disputing parties and public institutions officials - Requests records or relevant materials held by the public institutions - Creates its own code of conduct and announce it so the public can assess their performance - Proposes to dismiss its members	33-2-b 35-2 34-1-a 34-1-b - 38-2	26-1-b, 26-1-c 26-2-c 27-1-a 27-1-b 27-1-e 34-1
State Public Institutions	Administrative Courts and the Supreme Court receive, examine, and decide upon appeals against the Information Commission decisions	40, 41, 42, 43, 44, 45	47, 48, 49, 50
SOEs	Obligated to disclose information about: - The charter of the company - Full names of stockholders, board of directors, board of commissioners, and the mechanism of their election - Audited profit and loss account, financial reports, corporate social responsibility reports - Rating by external auditors - Remuneration for board members - Lawsuits in courts - Guidelines of good corporate governance - Announcement of debts issuance - Change in auditors - Public service obligation as ordered by government - Procurement mechanism	12, 13, 14, 15	14
Civil Society			
Political parties	Obligated to disclose information about: - Principles, objectives, programs and activities - Names and address of the officials and its changes - Management and usage of funds from government - Policy making mechanisms - Party decisions taken in open forums As members of DPR, have the power to select the Information Commission members	12, 13, 14, 15 37-1	7, 15 31-2
NGOs	If funded by public, obliged to disclose information on: - Principles, objectives, programs and activities - Names and address of the officials and its changes - Management and usage of funds from government, public donations and foreign donations - Policy making mechanisms - Decisions taken by the NGOs	8, 12, 13, 14, 15	7, 16

Citizens	<ul style="list-style-type: none"> - Protected from the possibility of information disclosure which may reveal personal secrets and wills - Identities of whistleblowers are protected - May apply as candidates of the Information Commission 	17-5 17-1-a 36	17-g, 17-h 17-b-2 25-2
Private Companies	Protected from the possibility of information disclosure which may endanger intellectual property rights and unhealthy business competition	17-3	6-3-b, 17-b
Mass Media	Publish public information from public institutions	8	7-1, 7-6

