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P. Kitley

University of Southern Queensland

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Reformasi, Vulnerable Values And The Regulation Of Television In Indonesia

This paper charts the recent history of the media regulation debate in Indonesia and examines constructive tensions over regulatory values and policies which reformasi has made possible. A comparative textual analysis of two draft bills, one proposed by the state bureaucracy, and the other by parliamentary representatives, throws into relief tensions which define reformasi: namely, the tension between an authoritarian state system intent on shaping cultural development, and an invigorated public intent on asserting its rights of freedom of expression. This paper will focus on just three sets of values which the present legislative disarray and commercial pressures have made vulnerable: diversity, cultural identity, and the role of the public.

Philip Kitley

University of Southern Queensland, Australia

The regulation of television in Indonesia is in disarray. It has been since September 1997, and some might argue that it was in disarray long before that. The unpopular and controversial Broadcasting Law #24, signed into law on 29 September 1997, set up site pegs across the field of broadcasting, but little more than that. A lot of the detail, especially the government regulations which were to be drafted by the Department of Information, had to be in place by September 1999 for the Law to be operational. The regulations have not been drafted. The management of television broadcasting has been thrown into chaos by former President Soeharto's resignation in May 1998, jostling from five alternative bills designed to replace the humpty dumpty Law #24, the recent issue of five "in-principle" commercial television licenses, and the government's decision in November 1999 to dismantle the Department of Information and make the state television service TVRI pay its own way by raising revenue from advertising and sponsorships.

In one way, perhaps, little has changed. The Broadcasting Law came late to an industry that had been a government monopoly since television was established in 1962. When commercial television was introduced in 1990, it was regulated by a confused and confusing series of ministerial decrees that tended to favour the interests of the new commercial licensees (Kitley 1994). Licenses were issued without any public tendering process, and there was no independent authority that had the responsibility of monitoring television. As Indonesian broadcaster Sumita Tobing has said, "wide and untrammelled powers are conferred on the Minister for Information over broadcasters in both the public and private sectors. There is little transparency or public participation in the framing of laws to regulate the media" (Tobing 1996, 34).

But in a period of reformasi [political reform], when the post-Soeharto government asserts its legitimacy and right to govern in terms of values of transparency and the rule of law, it is unwise to leave influential broadcasters and the market to their own devices. Significant social and cultural values become vulnerable and at risk in an unregulated commercial, multi-channel environment (Blumler 1992, 23-42). Blumler's discussion relates to programming and broadcasting system values that Western Europeans considered vulnerable under the increasing commercialisation of national television in Europe.

The seven vulnerable sets of values identified included values relating to program quality, diversity, cultural identity, independence of program sources from commercial influences, welfare of children and juveniles, maintenance of standards and the integrity of civic communication. These values are not the exclusive concern of European policy makers and social observers.

A brief survey of the local literature concerning Indonesian television, and more widely, the press and television in Asia, shows that these values are of prime interest in the Asian region, just as much as in Europe (see Deddy Mulyana and Idi Subandy Ibrahim 1997, Sirikit Syah 1999, Ishadi SK 1999, Garin Nugroho 1995, Veven Sp Wardhana 1997, Seow 1998, Asad Latif 1998, Venkateswaran 1996).

This analysis will extend understanding of processes of civil society in Indonesia by taking television as an important site of policy re-regulation. By and large, international interest in Indonesian affairs in the last years of the New Order government has focused on power politics. But the media play an increasingly important role in Indonesia and have been important in contributing to civil society processes at least since May 1998. This

Historical Background

discussion draws attention to a policy struggle going on in Indonesia as conservative forces vie with others who uphold more liberal principles summed up by notions such as freedom of the press and freedom of information. What I show, however, is that these freedoms are complicated and that their implementation requires careful management of new technologies and the television industry.

Since the events of 21 May 1998 and the period of reformasi following, regulation of the press and broadcasting has been the focus of a high-profile debate. The chairperson of the Indonesian Press and Broadcasting Community [Forum] (MPPI) said that he and his colleagues wanted to seize the moment of reformasi to put in place freedoms which had been eroded over the period of the New Order (Leo Batubara, personal interview 10 June, 1999).

The first Indonesian Broadcasting Law was introduced into parliament in 1996. It became the focus of intense debate, the resolution of which was highly controversial (Kitley 1999). President Soeharto's action in withholding assent to the Law, the dominating position of the government in controlling and managing broadcasting, perceived technical inadequacies in the Law, and the harsh penal sanctions attached to breaches of the Law left many individuals and groups with a very bitter taste in their mouths when the revised Broadcasting Law was ratified in 1997.

MPPI's first campaign after the fall of Soeharto was to get press freedom recognised in the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) resolution concerning Human Rights. They did not get all that they wanted, but did manage to have the right to access and disseminate information included in the resolution (see Articles 20, 21 and 42 of TAP MPR RI #17 Concerning Human Rights).

The debate on press and broadcasting regulation was assisted by the changed media atmosphere which the economic crisis and reformasi precipitated. Radio stations, which up until then were not permitted to broadcast their own news bulletins, began to put together programs which focused on politics and current affairs. TV stations and the press focused on news and current affairs and developed talk shows that were much freer than ever before. This kind of programming was popular with audiences and assisted interest groups arguing for changes in media regulation.

Surprisingly, in some ways, the voices which were prominent in the 1996 debate have been absent from the 1998-99 debate. Sex and violence, children's programming and globalisation which were the key issues in 1996 are no longer a concern. We should note, however, that some of the individuals who were active in arguing these issues in 1996 were in a completely different position in 1999. The leading activist in the 1996 debate, American educated Dr Marwah Daud Ibrahim, for example, a representative of the GOLKAR political group, faced an uncertain future after May 1998, and in the first half of 1999 was involved in campaigning for the national election. Without her leadership, the coalition of voices active in 1996 has been silent. This points to the ephemeral character of civil society activism, and reflects how significant institutional associations may be in facilitating advocacy.

In looking at the detail of the legislation which has been proposed, my interest is primarily on the regulation of television. The following draft bills have been developed:

1. Mass Media Law (omnibus legislation with sections on the press, broadcasting and film)
2. Press Law
3. Broadcasting Law
4. House of Representatives (DPR) draft Initiative concerning Press and Broadcasting

Drafts 1, 2 and 3 are government legislation. The Minister for Information until November 1999, Yunus Yosfiah, favoured the omnibus bill, but his department preferred separate bills, each focused on a specific medium. The Director General of Radio, Television and Film in the now dissolved Department of Information said that what might seem to be a superfluity of legislation did not represent any internal conflict. The bills that the Department had prepared should be understood, he said, as "backup", just in case there was any difficulty with the Mass Media Law (Azis Husain, personal interview 21 June, 1999). In the end, in a face-saving gesture, a Mass Media Draft, consisting of three separate bills (press, broadcasting and film), was presented to parliament for discussion.

The fourth bill is an important legal development. The House of Representatives [*Dewan Perwakilan Rakyat, DPR*] did not initiate any legislation during the period of the New Order. Since May 1998, the DPR has proposed four bills. The DPR Initiative

Concerning Press and Broadcasting [*Usul Inisiatif Tentang Pers dan Penyiaran*] is the fifth to come before the House (*Tim Pengusul* [Proposers], 24 June 1999). The Initiative is based on the MPPI's draft Bill. Table 1 summarises the institutional arrangements established in the government and the alternative parliamentary draft.

Table 1
Functions and Powers of Regulatory Bodies
in the Government and DPR Draft Laws

Draft law	Regulatory body	Legal status	Members appointed by	POWERS	
				Administration and management of broadcast sector	Supervision and regulation of broadcast sector, content, impose sanctions
Government Draft Law	BP3N (National Broadcasting Advisory and Development Body)	Unclear from draft	Not stated in the draft. To be determined by govt regulation. Likely to be a departmental appointed body.	No	Some
DPR Draft Law	KPI (Indonesian Broadcasting Commission)	Non-departmental, non-structural	Parliament, on nomination of members from broadcasting community	Yes	Yes

Language Of Regulation

More revealing, perhaps, than the schematic table, is the language used in both of the draft bills to describe the role and functions of the regulatory institutions. The active verbs which describe the respective roles of the government and the proposed new National Broadcasting Advisory and Development Body (*Badan Pertimbangan dan Pengembangan Penyiaran Nasional, BP3N*) position the government as the decisive agent in broadcasting regulation and management. The verbs describing the duties and

functions of the BP3N show it to be accountable and answerable to the government. In all cases, the initiative in management and administration of broadcasting remains with the government (Article 47, a-f). In Denis McQuail's words, politics is still very much in charge here (McQuail 1998: 107).

The Indonesian Broadcasting Commission (IBC) provided for in the parliamentary draft is divided into two councils: the Executive Council and the Advisory Council. The Advisory Council has the duty to monitor the operation of the Executive Council and does so in the name of the public interest and the aspirations of the public. The Advisory Council is required to take account of input from the community in making recommendations to the Executive Council. The Executive Council is independent of government and has important powers. But although the Advisory Council is set up to advise and monitor the Executive Council, there is no mechanism described which would allow this to happen. There is no mechanism, for example, for the Advisory Council to hold the Executive accountable to parliament. While the independence of the Executive Council separates broadcasting policy from direct state or government control, the lack of accountability of this Council is a concern, because it opens the way for an independent, unaccountable fiefdom to emerge.

Historically, the principle of regulating broadcasting has rested on the understanding that the electromagnetic spectrum, upon which broadcasting depends, is a limited resource. A license to broadcast conferred a right to occupy and use a certain limited electromagnetic space (Sableman 1997: 86). Because the resource was public, in the sense that it was a natural resource, users were permitted to use the resource as long as they did so in the public interest. The DPR draft recognises this principle explicitly and proposes that control of the spectrum should be under the control of the state. The representatives proposing the DPR bill argue that use of the spectrum should be managed by an independent body, the Indonesian Broadcasting Commission, because the free market cannot be relied upon to protect community interests, nor guarantee the standards of a free press (MPPI 1999).

The government draft does not link its licensing power to control of a public resource. Justification of state control of broadcasting through licensing is linked to the assumption that broadcasting plays an influential role in society, a role that may have both negative and positive benefits. Its power becomes a means of achieving a series of public interest goals that include national security strategy, nation-building, education, economic

Regulating By Licensing

development, cultural development and social control. For some of these goals, the state is positioned as the protector of its citizens (Article 2 and 3).

This second situation is more instrumentalist. Broadcasting has a defined function as a medium of government policy. In the DPR draft, broadcasting is associated much more with principles of public service and civil society processes. Historically, in Indonesia and in other mixed systems, the expectation that commercial channels as well as the national public broadcaster should perform a dual role has been a site of tension, as commercial priorities and public service priorities do not always coincide.

It is revealing that the government draft links its control to specific, instrumentalist objectives and ignores the issue of the scarce spectrum. I suggest we can understand this difference between the two bills as revealing two opposed tendencies: a centralist, centre-out political and cultural project rather blind to commercial industry priorities, and a principle of sharing public resources in an equitable way. The value of public participation is subordinated to the cultural policies of the state, perpetuating the paternalistic, cultural-nationalist policies of the New Order period. The DPR draft separates the allocation of licenses and use of the spectrum from direct state control as a way of empowering the public and ensuring that the public has access to what it wants from the broadcasting system (MPPI 1999: 21).

Both bills agree on state control, and both acknowledge public interest issues are part of broadcasting, though they differ on what those interests are. Although it might appear that the vulnerable value of public participation in the management of broadcasting is better provided for in the DPR draft, neither bill includes a public-accountability mechanism (such as hearings) that would permit examination of whether the users of the spectrum have operated in the public interest.

Both the government draft and the DPR draft acknowledge the public's right to access and disseminate information. In the government draft, the globalisation of electronic communications is acknowledged as having created a channel that satisfies the community's right to communicate in creating a democratic nation. That is to say, both bills describe broadcasting as a medium and a factor in communications policy. What needs to be examined is how this dual role is operationalised. What role has the public in shaping the conduct and development of broadcasting? We can examine this issue by looking at public participation in hearings, appointments, complaints and censorship.

In the government draft, appointments to the government

Role Of Public Communication

broadcaster and BP3N will include government representatives. The public can not play any part, however, in the appointment of members of the BP3N, a body which is, however, described as "representative". The draft does not provide for any hearings concerned with license renewal. Complaints from the public may be directed either to the government or to the BP3N, although no mechanism for doing so is outlined. The inability to direct complaints to an institution independent of the government is offensive to the principles of civil liberties. At least the complaints function should have been delegated to the BP3N as a more independent arbitrator. In practice, there is no guarantee that the BP3N will necessarily be made aware of complaints about broadcasting. The government is nominated as the body which receives complaints. BP3N is directed to give input as required, but no mechanism is described for ensuring that all complaints come before the BP3N.

Article 49, on the community's role in broadcasting, begins by invoking the individual Indonesian subject (*setiap warga negara Indonesia...*), and in so doing creates the impression that individual subjects have rights and a role to play in shaping broadcasting practice. But the whole thrust of the discourse in other sections of the bill concerns the community and cultural subjects, not individual subjects.

The Article expansively suggests that individuals can establish an educational and training institution, make suggestions about improving and developing the quality of broadcasting, establish an NGO to exercise "social control" over broadcasting, and do other kinds of things to advance broadcasting. But this fantasy of individual action and enterprise trivializes the role of the public in broadcasting. While it is certainly true that individuals could do all the things described, given time, education, connections and funds, the bill does not provide for any systematic process of canvassing public opinion, nor does it offer established organisations opportunities to contribute to the improvement of broadcasting.

Given that most other sections of the bill speak in terms of the community (*masyarakat*), the nation and the people, and not in terms of the individual's right to access information, express opinions and circulate information, why is it that in this section on participation, the discourse is expressed in terms of individual agency or action? I suggest it is simply to scare off participation from civil society. By tying the process of participation to individual initiative, organisation and funding as described by the government, the bill effectively warns off the very kind of participation it purports to encourage.

In the DPR draft, appointments to the Indonesian

Broadcasting Commission are made from nominations derived from the broadcasting community, ratified by the head of state. This mechanism, given other principles such as limited terms and so on, opens the way for at least some members of the public to play a very influential role in broadcasting policy and management. That said, no public hearing mechanism is described for the licensing process, nor for meetings of the IBC Advisory Council, even though the Council is required to consider input from the "broadcasting community" (Article 10 (3)). Similarly, no mechanism for directing public complaints to the Advisory Council is provided. Thus neither draft provides adequate protection for the vulnerable value of public participation in the regulation of broadcasting, though both drafts endorse and assume some level of participation.

Pluralism - External And Internal

In discussion of media regulation, ideas of pluralism have been historically important as a way of avoiding authoritarianism and the dominance of a single ideological position. Internal pluralism refers to the internal organisation of media enterprises, where legal obligations provide for democratic internal structures and for "objectivity" or "balance" in broadcast content and reporting. External pluralism refers to competition between a variety of media enterprises, which, it is assumed, will generate ideological pluralism (Hoffmann-Reim 1992).

In considering provisions for external pluralism, the government draft provides for a single, national system of broadcasting in Indonesia under the control of government (Article 4). In a single system, government and commercial broadcasters are intended to work together to achieve nation building goals. In the current DPR bill, this principle is not articulated explicitly. But the principle is familiar to those who remember the establishment of commercial television in Indonesia in 1990. When the first commercial television service was established, the then Minister for Information, Harmoko, made a point of emphasising that the new commercial station was not a rival of the government service, but a complement of the government service (*Suara Karya* 16 July, 1990). While from one perspective this principle might be understood as promoting external pluralism by inhibiting monopolistic practices, it can equally inhibit external diversity given the potential the government has in a single system to control editorial policy and content. It is also possible that the superior infrastructure of the government broadcaster, TVRI, could deliver better access to programming of all kinds than the more recently established commercial stations could, given their far more limited

transmission capability.

Consistent with this general approach to competition, Article 9 in the government draft states that the government does not support a free market in broadcasting. This provision inhibits the external pluralism which, according to free market ideology will develop from competition between broadcasters. Article 9 states that competition is to be modified so that it does not become “unhealthy” – a phrase which refers to monopolistic market dominance. This approach reflects an historical dislike of what are seen as inherent inequities in capitalism, which may be traced back to sections of the 1945 constitution, and principles of social equity in Islam (Kitley 1998: 41-47).

Second, cross-ownership is regulated (Article 9.2), further modifying free market activity in broadcasting, but this time as a way of increasing broadcasting diversity by vesting ownership across a larger number of owners than might be the case if free market practices of vertical and horizontal integration were permitted.

Table 2: Cross-ownership rules in the Government draft, Article 9, 2 (a-f)

Core business	Core business may own in addition only
1 commercial radio station	1 Press enterprise
1 commercial TV station	1 Press enterprise
1 commercial radio station	1 Special broadcasting station
1 commercial TV station	1 Special broadcasting station
1 commercial TV station	1 commercial radio station
1 Special broadcasting station	1 Press enterprise

More positively, external pluralism is provided for in this way:

- Horizontal competition: there will be a government broadcaster plus commercial broadcasters.
- Commercial licenses will be issued for national and regional coverage.
- Commercial operators are permitted to operate only one channel.

No limit is placed on the number of commercial licenses. The Department of Information has recently given in-principle agreement to the issue of five new television broadcasting licenses (Minister of Information Decree #286, 1999). This was probably done in a spirit of reformasi. Only one of the applications was accompanied by a fully worked out business and broadcasting plan (Tobing, personal interview 6 July, 1999). The issue of licenses failed to take account of the very limited availability of TV frequencies, and did not pay attention to industry considerations such as whether or not ten additional operators would be economically viable. The issue of new licenses can be understood either as a poorly informed, political response, or as a deliberate political strategy of being seen to be doing something consistent with reformasi.

The DPR draft states in the statement of principles that heads the draft bill, that broadcasting should not be limited by any party. We might interpret this statement as an indication of external pluralism, but it is made as part of a more general statement that broadcasting should be free of influence, threat, and intervention from any party.

In the DPR draft, there is the same reluctance to let the market operate freely noted in the government bill. Competition is to be reined in so that it does not become unhealthy, and the market must operate in line with freedoms articulated in Articles 2 and 3. The implicit logic is that monopoly or market dominance is not consistent with the free flow of information. Article 11 provides for a government broadcaster and commercial broadcasters. Taken together, these Articles envisage a mixed government and commercial broadcaster system. The number of broadcasters will be consistent with creating sufficient diversity to maintain ideals of democratic freedom and a viable industry. This last idea is based on an interpretation of "healthy competition". Taken positively, it can refer to industry management and not just anti-monopoly provisions.

Article 16 limits ownership. The cross-media ownership limits defined in Article 16(2) specify that no individual or organisation which has a commercial television enterprise as its core business will be permitted to own press, commercial radio or other broadcasting enterprises. Article 18 states that TV stations will be established in locations determined by the KPI. Broadcast reach will reflect availability of frequencies and the goals noted in Article 3. The issue of licenses will be determined by considerations set out in Article 3.

If we look at internal pluralism in the government draft, these points emerge:

- Programming is to be comprised of 70 per cent local

production content, and 30 per cent imported content.

- The language of broadcasting is to be Indonesian, and there are very complicated rules about dubbing and sub-titling programs in other languages. Spanish, Hindi or Mandarin dialogue, for example, have to be dubbed into English, and then the English dialogue is given Indonesian subtitles!

- Article 26 suggests that programming should be in line with community standards

- Suggestions about content are expressed negatively – what should not be screened, rather than what should be (Article 29).

- Diversity is explicitly acknowledged for news broadcasting. Free press principles are acknowledged.

- State news and state programs must be relayed at specified times.

- All film and recorded video programs must pass the government censor before screening.

- In Article 43, an essentialised construct of Indonesian identity is invoked. This could be relied upon to pressure radical programming. Administrative sanctions apply to non-compliance.

- In Article 45, freedom of creation and expression is valued positively.

These various provisions promise more than they deliver and hardly support vulnerable values of cultural diversity. The idea of diversity within Indonesia is not positively encouraged. In fact, the language policy works against addressing minority audiences. The role that the national broadcaster might play is not specified. Whether it will function as a government voice, which has been its traditional role, or whether it will operate more in the tradition of public broadcasting, and work toward pluralism in that way, is not addressed. The recent presidential decision to make TVRI dependent on commercial advertising and sponsorship suggests that it will not. Commercial television is skewed towards the production of entertainment genres targeting audience segments with buying power. Cultural minorities are unlikely to attract sponsorship and are unlikely to be the focus or the target of commercial programming. Commercial priorities apart, filmmaker Dea Sudarman reported that ethnographic programs celebrating the diversity of Indonesia were rarely part of TVRI programming during the New Order period (Personal interview 18 Jan. 1992).

Networking is not discussed, but each broadcaster is required to erect its own infrastructure. In practice this is a constraint on diversity, as the large investment in terrestrial infrastructure favours the larger broadcasters and will encourage

networking, as smaller, local stations link up with national broadcasters to boost programming resources. If broadcasters rely on downlinks from a common domestic satellite, however, then the dominance of larger broadcasters is likely to be more pronounced, as in some cases, they may own the satellite. In any case, the cost of satellite links will probably be beyond smaller broadcasters except for special events and programs. The development of separate transmission infrastructures will likely work against external pluralism, understood as universal access, as audiences in remote and inaccessible regions are likely to be bypassed by commercial operators because of expense.

In the DPR draft there are strong assertions of internal pluralism. In Article 2 and 3, for example, ideals of freedom of expression and access to information are described and guaranteed. Broadcasting content must be related to fundamental goals of broadcasting as set out in Articles 2, 3 and 4. Censorship is not mentioned, but in the "Considerations" (*Menimbang*) section which typically introduces Indonesian bills, it is stated that because broadcasting has a mass audience, it must operate in a manner that is consistent with social norms.

The DPR draft does not provide explicitly for diversity, however, nor require broadcasters to pay attention to and represent community views. There is no formal complaints process/hearing provided for at the time of license renewal. There are no public hearings provided for at all. The KPI Council is required to take account of input from the broadcasting community (Article 10 (3)), but no mechanism for doing so is set out. And it is not clear whether the broadcasting community includes interest groups, such as advertisers, consumer groups and children's TV activists.

There is nothing in either of these bills which addresses the audience's right to receive information which conflicts with the commercial objective of maximising profits. The economic crisis in Indonesia threw this issue into sharp relief. The survival strategies of the broadcasters put audience interests to one side. Re-runs and the scheduling of low quality programs did not satisfy audiences and led to many complaints (*Bisnis Indonesia* 21 Feb. 1998, *Media Indonesia* 25 Feb. 1998, *Kompas* 12 Apr. 1998). The crisis revealed a tension which is a daily reality in commercial broadcasting, but which is usually modified by regulations concerning quality, favourable earnings, and competition between providers. Under conditions of hardship, the tension between balancing commercial priorities with a diversity of content and standards of programming which audiences had come to expect, gave way, as broadcasters tried to cope with dramatic losses in advertising revenue. Under these circumstances, the values of program quality became even more at risk than they are generally

in commercial broadcasting

To sum up, the government draft provides for external diversity, but it is likely that market forces will lead to the dominance of one or two large broadcasters at the expense of the others. Internal pluralism is not strongly supported, and Articles on language, essentialised constructs of cultural identity, and relays of state broadcasts and news work against diversity of content. The DPR draft, on the other hand, offers greater potential for the realisation of internal and external pluralism.

Neither bill includes expressions of a perceived threat from globalised satellite television and the international trade in television products and services. There is no reference, for example, to satellite dishes in either bill, and no regulation of their use. This contrasts with regulation enacted in the 1980s which was explicit about how dishes were to be used, tuned and so on.

Both bills restrict direct foreign participation in the television market. This is part of Articles concerning investment and establishment of broadcasting stations on Indonesian territory. The government bill also relies on local content rules to limit the penetration of imported programming. The split is 70 per cent local, 30 per cent imported. Further restrictions apply concerning news. News bulletins may not use segments from overseas as a regular, permanent part of news programming. This is obviously designed to make news local. Advertising is also required to prioritise Indonesian locations, talent and productions (Article 35 (3)). Censorship applies to film and video segments, advertisements (Article 28; 35 (4)) and Pay TV (Article 17).

The language regulations outlined appear as a very specific, probably unique response to cultural imperialism and globalisation. The regulations discriminate against all foreign languages except English and languages that are part of the Indonesian family. In the function and role section, specific cultural goals are nominated, and a national “social control” function for television is described (Article 3). The goals, too numerous to mention, invoke the rhetoric of the state ideology Pancasila and “union and unity” that were the leit motif of New Order cultural policies. Regarding content, the familiar anti-racial, ethnic and religious vilification SARA convention is part of Article 29 (5). Programs which include sadism, pornography and gambling are also forbidden.

The requirement that commercial broadcasters are obliged to relay the TVRI national news and “state broadcasts” (Article 32) may also be understood as a cultural regulation strategy – a way of attempting to shape audience’s understanding of particular

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political and cultural issues or topics. The regulation disempowers the commercial market, making it very difficult at times to schedule programming and keep advertisers happy. It also maintains a relationship of dependency and emphatically asserts the reality of a single broadcasting system under government control.

“Special” broadcasting services such as cable and other multimedia services are required to exercise “self-censorship” or “internal” censorship to counter “negative impacts” of the material broadcast (Article 17). Further, to discourage a purely commercial orientation on the part of special broadcasters and to prevent them from becoming simply a funnel for imported content, overseas programming must be balanced by broadcast of a fixed proportion of local programming at a ratio of 1 local to every 10 imports.

Taken together, the 70/30 rule, the language rules, and the anti-vilification convention provide the state with sufficient means to limit the circulation of foreign content. The relay requirements are a more proactive or positive assertion of a particular cultural policy or project. Taken together with the high level of state control over the management and development of the broadcast sector, the government bill seems highly protectionist.

The DPR bill, on the other hand, is not nearly as resistant to global television. As in the government bill, the DPR bill prevents foreign broadcasters from establishing permanent stations in Indonesia. But broadcast content is not divided into local and imported programming, censorship is not mentioned, and no restriction is placed on the language of broadcasting. Comparatively, then, this bill is generally unconcerned with issues of cultural sovereignty and protection from cultural imperialism.

Conclusion

I have outlined an important process of re-regulation in Indonesian broadcasting. The legislative process has been characterised by greater openness and greater attention to fundamental issues affecting the broadcasting sector than ever before. This has been possible because of the leadership given by a number of highly idealistic and committed individuals who seized the moment of reformasi to introduce important changes into the system. That has been their strength and their weakness. From an outsider’s perspective, the bill proposed by the MPPI and taken up by the DPR is still very much a single-issue bill. Reading earlier drafts, it is easy enough to see that what exercised the forum in the beginning was primarily the vulnerability of the values of freedom of expression and opinion, summarised by the idea of freedom of the press. As most of the forum members were closely associated with the print media, not broadcasting, the bill that was developed is insufficiently attuned to broadcasting industry issues.

The forum's opposition, for example to the omnibus bill, reflected outdated thinking and a desire to preserve the media system as it was, rather than consider the cultural, technological and commercial implications of convergence.

I suspect further, that the forum was not in a good position to get close to the television industry and its key players. As we know, the existing commercial television stations in Indonesia were all granted licenses without formal tender, and stations are owned either by cronies or family of former president Soeharto. The experience of 1997, when the owner of TPI, Siti Hardiyanti, lobbied her father for concessions on behalf of commercial television stations, perhaps prejudiced the forum against dealing with their colleagues in commercial television. If this analysis is correct, then it is easy to understand why a clearer and more specific industry focus was not developed for the DPR draft. Issues of convergence, and a closer analysis of the financial viability of an expanding and diversified television industry should have been part of re-regulating television in Indonesia. Close attention to these issues would help protect values of diversity, cultural identity and freedom of expression which often become vulnerable in an environment where highly competitive relations lead to financial instability and an easy reliance on imported content. ■

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PHILIP KITLEY, PhD is a senior lecturer in the Department of Humanities and International Studies at the University of Southern Queensland. His book, *Television, Nation and Culture in Indonesia* will be published by Ohio University Press in May 2000. He is director of a research project on *Television, Regulation and Civil Society in Asia* funded by the Commonwealth Key Centre for Cultural and Media Policy and the Australian Research Council. Email: kitley@usq.edu.au
