

FREEDOM OF SPEECH IN INDONESIAN PRESS: INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

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Abstract

This paper will firstly examine the international framework of human rights law and its guidelines for safeguarding the right to freedom of speech in the press. Secondly, it will describe the constitutional and other legal rights protecting freedom of speech in Indonesia and assess their compatibility with the right to freedom of speech under the international human rights law framework. Thirdly it will consider the impact of Indonesia's constitutional law and criminal and civil law, including sedition and defamation laws, and finally media ownership, on the interpretation and scope of the right to freedom of speech in the press. Consideration of these laws will be integrated with a discussion of judicial processes. This discussion will be used to determine how and in what circumstances the constitutional right to freedom of speech in the press may be facilitated or enabled, or on the other hand, limited, overridden or curtailed in Indonesia. Conclusions will then be drawn regarding the strengths and weaknesses of Indonesian laws in safeguarding the right to freedom of speech in the press and the democratic implications from an international human rights perspective. This inquiry will be restricted to Indonesian laws in existence during the post-New Order period of 1998 to the present, and to the information and analysis provided by English-language sources.

Keywords: *freedom of speech, human rights, Indonesia, freedom of expression*

I. INTRODUCTION

Freedom of speech is recognised as an international human right by the United Nations ('the UN') who 'play a vital role in promoting and protecting human rights worldwide.'¹ In 1948 the UN General Assembly adopted the Universal Declaration of Human Rights

('the Declaration') setting out 'fundamental human rights to be universally protected' and aiming for 'a common standard of achievements for all peoples and all nations.'² The right to freedom of expression is included as one of the thirty articles outlining universal rights contained in the

¹ Sangsavan, Kitsuron, 'Balancing Freedom of Speech on the Internet Under International Law' (2014) 39 *North Carolina Journal of International Law and Commercial Regulation* 701, 707-8.

² The United Nations, *The Universal Declaration of Human Rights* <<http://www.un.org/en/universal-declaration-human-rights/>>.

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