

Defending Our Freedom After Speech “A General Situation in Indonesian on Free Expression”

Anggara

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Constitutional and Legal Framework

- Article 28 UUD 1945
- Article 28 E UUD 1945
- Article 28 F UUD 1945
- Article 14 Law No 39 Year 1999 on Human Rights
- ICCPR (ratified by Law 12/2005)
- Convention on the Right of the Child (ratified by Presidential Decree 36/1990)
- International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Law 29/1999)



Indonesia Press Freedom Index

- 2002 = 57 : 139
- 2003 = 110 : 166
- 2004 = 117 : 167
- 2005 = 102 : 167
- 2006 = 103 : 168
- 2007 = 100 : 169
- 2008 = 111 : 173
- 2009 = 100 : 175
- 2010 = 117 : 178

* Reporters Without Borders



Internet Freedom Index 2010

- Malaysia = 41 (Partly Free)
- Indonesia = 46 (Partly Free)
- Thailand = 61 (Not Free)
- Vietnam = 73 (Not Free)

* Freedom House

Legislation Limiting Freedom of Expression

- Criminal Code
- Law No 1 Year 1946 on Regulation of the Criminal Law
- Law No 1/PNPS/1965 on Blasphemy
- Law No 27 Year 1999 on Crimes against State Security
- Law No 32 Year 2002 on Broadcasting
- Law No 32 Year 2004 on Regional Government
- Law No 10 Year 2008 on General Election
- Law No 11 Year 2008 on Information and Electronic Transaction
- Law No 42 Year 2008 on Presidential Election
- Law No 44 Year 2008 on Pornography
- Law No 24 Year 2009 on Flag, Official Language, State Emblem and National Anthem
- Intelligence Law



Not Enough Room For Freedom

- Defamation Law : Criminal Code, Law 32/2002, Law No 32/2004, Law 10/2008, Law 11/2008, Law 42/2008
- Pornography/Decency Law/Moral Offences : Criminal Code, Law 40/1999, Law 32/2002, Law 11/2008, Law 44/2008



Other Important Issues

- Wiretapping/Interception → No Law of Procedures Exist/Clear → GoI not implemented the Constitutional Court Ruling
- Internet Censorship → Pornography, Blasphemy, and IPR



Cases against Internet Users/Bloggers/Private Media/Online Media

- Herman Saksono → Unknown Info
- Teguh Santosa → South Jakarta D.C. → Unaccepted Indictment
- Prita Mulyasari Case – S.C. Ruling → Guilty: Suspended Punishment
- EJA Case → Unknown Info
- Narliswandi Piliang Case → Unresolved
- Indra Sutriadi Pipii Case → Unknown Info
- Nur Farah Case → Bogor D.C. → Guilty: Suspended Punishment
- Satria Lasmana Case → Unknown Info
- Kho Seng – Seng Case → Unknown Info
- Luna Maya Case → Resolved: Peaceful Settlement
- Nazriel Ilham Case → Bandung H.C. Guilty: 3,5 year → Unresolved

* IMDLN Cases Database