

Legal Freedom of the Press in the Configuration of Democratic Politics in the Reform Era

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Abstract

The purpose and legal position of the press has two functions, namely: First, the press has become the oldest communication medium in the world. As a provider of communication sources, the press must be able to coexist with other state agencies or institutions. Both press are social institutions as well as political systems. The correlation between the parties cannot be separated from the philosophical and ideological foundations of society according to what they profess. Law is a system created by humans to control and limit human behavior so that it can always be monitored. Quoting Prof. Dissertation. Mahfud MD in the open senate session of Gadjah Mada University, 25 June 1993 he said that, the role and function of law is heavily influenced and often suppressed by the control of political influence. In Indonesia, political configurations are intertwined between democratic and authoritarian political configurations, while the characteristics of legal products follow the pattern of attraction between responsive and conservative products. The principle of democratic political configuration or the principle of authoritarian political configuration refers to three main indicators, namely the party concept and the role of parliamentary or people's representative bodies, domination by the executive branch, and freedom of the press.

Keywords: Legal Freedom, Press Configuration, Democratic Politics

A. Introduction

Freedom in expressing opinions is something that is very attached to democracy. Without freedom of opinion, a government will exercise its power arbitrarily without supervision from the people. The press is one of the crucial institutions that cannot be released in a democratic system which is like two sides of a coin. In Indonesia, the existence of the press is inseparable from the political schemes that are implemented and contained in that country. The press as a medium is always associated with a view from Habermas (1989) regarding the public sphere, which

emphasizes that there is a gap or atmosphere or climate that gives rise to the possibility of a person expressing issues as a citizen of a country that concerns broad public interests without being hindered by oppression from various political influences, existing, social and economic. As a civic forum, the press must act and function at a general level to function as a communication intermediary between the people and the government.

Press Law has two sides to the position, where both sides have their functions. First, the press has become the world's oldest communication medium. As a provider of communication sources, the press must be able to coexist with other state agencies or institutions. Both press are social institutions as well as political systems. The correlation between the parties cannot be separated from the philosophical and ideological foundations of society according to what they profess.

Freedom of the press is one indicator of the political configuration of democracy. Democratic configurations certainly lead to responsive legal products, the measurement parameters used in the concept of political configurations in the country are democratization or authoritarianism. If you look at the extent of the role of politics in the country, as well as the extent to which the domination of institutions, especially the executive branch, over the aspirations of the people. Apart from that, it can also be measured through indicators of press freedom and the role of representative bodies.

In Indonesia itself, the Press Institution has often faced gloomy times. Where there is no freedom to carry out their duties as a public media, they are not free to access and explore sources of information, they are not free to disseminate information and as a result of this, the public does not feel free to obtain various information from public media.

During the New Order era, the press in Indonesia adhered to an authoritarian press strata, in which the press was fully under the auspices of the state and used for the interests of the state and the government in power at that time. The form of the authoritarian press during the New Order era was marked by the restraint of various media which were considered critical of the government, especially newspapers. It was the reformation era that became the turning point for press freedom in Indonesia. As an indicator of the political configuration of democracy in Indonesia, freedom of the press is crucial to note. Freedom of the press in the reformation era is a reflection of Indonesia's political configuration which will be the main discussion of this scientific paper.

B. Research Methods

Research methodology is a collection of rules, procedures, and activities of a scientific discipline used in various studies. Research can be referred to as research that is neatly arranged to increase the level and is organized to find the location of certain problems that require answers. The type of method for compiling this Scientific Work is research with the type of normative law, or what is more widely known as library study research, that is, sourced from books, journals, or articles. In collecting reference sources in this study, the authors used data collection tips through various literature research by reading, searching, studying, and studying various related literature both from journals, books, and magazines.

1. Research Focus

This research focuses on a. The political configuration of democracy by understanding its meaning more deeply during the reform period. b. Freedom of the press is an indicator of the political configuration of democracy, especially freedom of the press during the reform era.

2. Data Collection Techniques

- a. Observation Normative research is carried out by observing the environment where research is carried out to find phenomena that occur
- b. Interview key respondents to obtain key answers that focus on research and are verified to obtain accurate and valid data

- c. Documentation studies in the form of formal and available archives, official records of important and urgent meeting results

C. Results and Discussion

1. Configuration of Democratic Politics in the Reform Era

Law is a system created by humans to control and limit human behavior so that it can always be monitored. Quoting Prof. Dissertation. Mahfud MD in the open senate session of Gadjah Mada University, 25 June 1993 he said that, the role and function of law is heavily influenced and often suppressed by the control of political influence. In Indonesia, political configurations are intertwined between democratic and authoritarian political configurations, while the characteristics of legal products follow the pattern of attraction between responsive and conservative products.

The principle of democratic political configuration or the principle of authoritarian political configuration refers to three main indicators, namely the party concept and the role of parliamentary bodies or people's representatives, domination by the executive branch, and freedom of the press. In addition, the principle of responsive law or an autonomous legal system is identified based on law-making procedures and provides a legal role and power in interpreting the law.

A democratic political configuration is a form of configuration that gives broad flexibility for the potential of the community to play a role and actively participate in determining state policy optimally. It is in this configuration that the government is transformed into an institution that carries out all the will of the people, which is determined democratically, political parties and people's representative bodies play a perfect role and require steps when drafting state regulations, with the press being enabled to apply its functions freely without any threat of banning. In contrast to the democratic political configuration, the Authoritarian Political Configuration positions the government more by dominating the nature of those who intervene in determining and implementing state policies, so that the aspirations and potential of the people are not hindered proportionally. Referring the opinions of experts, who stated that if you look at the relationship between the political and legal subsystems, the political subsystem has a very broad concentration of energy or power compared to the law which gives an understanding that when faced with politics and law, the law is in a weaker position.

An important moment in political change in 1998, which is often referred to as the Reformation era, began with the resignation of Suharto from his position as president for more than thirty years. This incident changed all of the state constitutional institutions by amending the 1945 Constitution. The results of the amendment brought significant changes to the Indonesian constitutional system. Reform has extended its reach to the regulation of Indonesia's party system. The community is also given broad freedom to determine and form their political parties, elections can be an important way in a democratic political system as invitees for the community as well as channeling political aspirations for the people. The reform movement also gave a burst of enthusiasm and fighting power to the press in Indonesia.

During the reform period, the constitution was strengthened as the basis for the formation of laws under it. Gradually the 1945 Constitution underwent changes which began in 1999, 2000, 2001, and 2002. As part of constitutional reform, the MPR RI's seat is no longer the highest state institution, its position is balanced among other state institutions by emphasizing strengthening the checks system and balances between existing institutions. The reform era also encouraged bureaucratic reform, by giving the right to develop their regional potential through regional autonomy. Changes in a political configuration from an authoritative concept to a democracy that is determined in a country will bring about a shift in power and the control of power to become impersonal.

2. Freedom of the Press as One of the Indicators of Political Configuration during the Reformation Period

The political configuration in a country produces the character of its particular legal products. Countries that apply a democratic political configuration will manifest a more responsive and populist style of law, while countries that use an authoritarian political configuration will trigger legal products with orthodox, conservative, and elitist characteristics. In a democratic system, the mass media can become a reporting body for political life which also strengthens and becomes a way for an educated public to open up. The press is seen as an institution that carries out roles that support accountability, transparency, participation, and inclusion in the democratic process. Furthermore, the press and media are believed to be institutions that can carry out checks and balances and act as watchdogs. In the Reformation era, the press held a highly respected position and status as the fourth pillar of power (the fourth estate).

Law No. 40 of 1999 concerning the press in Article 2 emphasizes that: "freedom of the press is a manifestation of people's sovereignty which contains the principles of democracy, justice and the rule of law." With this clause, it is clearly stated that the position of the press is as the executor of people's sovereignty, or "an extension of the people's hand".

Freedom is at the heart of the press system. A system created by the press itself is precisely a determinant of how best the press can carry out its duties with full responsibility and a sense of freedom. In Indonesia itself, freedom of the press is part of a large system, namely the system of freedom to convey aspirations in the form of written and oral thoughts, as mandated in Article 28 of the 1945 Constitution.

Freedom of the press is strongly related to the political situation, in Indonesia itself the press got all its freedom after the collapse of the New Order regime in May 1998. The fresh air that the reform movement brought to the press freed the press from the shackles of the authoritarian system. When entering the era of reform, which proposes a better direction of transformation, especially in the political and economic fields. As a democratic country, the people have the right to know everything about the surrounding conditions which also means that they have the right to obtain complete and accurate information. For this reason, the press functions as a realization of the flexibility of the press by completing the people's right to know and providing easy access to information.

Reform begins with the opening of the flow of freedom of information. In the world of the press, the ease of obtaining SIUPP is an indication of freedom. The reform of press freedom in Indonesia is aimed at ensuring that the survival of the press in Indonesia truly gains its freedom. The earliest step to realizing a free press is to withdraw the regulations regarding the issuance of a Press Publishing Business License. In addition to the policy regarding the revocation of SIUPP, another authority is the withdrawal of the Ministry of Information, which during the New Order era had extraordinary influence to repress and regulate the press. Apart from that, the most important thing in starting press freedom in Indonesia after the collapse of the New Order was the promulgation of Law Number 40 of 1999 concerning the Press, which made the initial milestone of the free life of the press in Indonesia.

D. Conclusions and Suggestions

1. Conclusion

The explanation described above regarding the legal freedom of the press can be drawn several conclusions which include the following:

- a. The political configuration of democracy mentioned earlier has the meaning of opening opportunities for the community to optimally participate and actively participate in explaining the rules of a country. In such a configuration, the government's role becomes more of a body that should listen to and carry out the will of the people which is expressed democratically, political parties and people's representative bodies have a proportional function and greatly determine the formulation of a country's rules. On the other hand, the

press can carry out its functions and achieve its goals with a full sense of freedom without fear of the threat of banning.

- b. The press is seen as an institution that carries out roles that support accountability, transparency, participation, and inclusion in the democratic process. Furthermore, the press and media are believed to be institutions that can carry out checks and balances and act as watchdogs. The initial step taken to start a press-free life in Indonesia was by withdrawing the SIUP rules. Apart from that, the most important step in efforts to initiate press freedom in Indonesia is to promulgate Law Number 40 of 1999 concerning the Press.

2. Suggestion

The press in a country is an institution that plays an important role not only as an intermediary for information between the government in power and its people but also as one of the important indicators that determine that the political system in that country implements a system of democratic political configurations. The press should be given free space which is meant to be free from threats or shadows from the ruling oligarchy. And get full protection from the government. Press institutions must also have more integrity as an institution or body that is independent and impartial to other parties.

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