

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/>>.

Freedom Of Speech And Human Rights An International Perspective

Graeme B. Dinwoodie



Freedom Of Speech And Human Rights An International Perspective:

Freedom of Speech and Information in Global Perspective Pekka Hallberg, Janne Virkkunen, 2017-03-13 This book offers a unique exploration of the current state of freedom of speech as a basic right available to everyone The research focuses on the different development stages of the concept of freedom of speech and the use of modern indicators to depict the its treatment in different legal cultures including the obligations under international treaties and the effects that the globalising and digitalising environment have had on it The authors conduct a broad survey of freedom of speech around the world from Europe over Russia and both Americas to Africa Asia and Australia The aim of this survey is to identify safeguards of freedom of speech on both a national and an international level violations and threat scenarios and in particular challenges to freedom of speech in the digital era Human Rights And Asean: Indonesian And International Perspectives Kevin Yl Tan, David Cohen, Aviva Nabahan, 2021-01-26 Human Rights in ASEAN Indonesian and International Perspectives is a collection of 13 essays that not only offers fresh new insights on the different facets of human rights and their protection in ASEAN but also insider accounts of the development of the ASEAN Inter Governmental Commission for Human Rights These valuable perspectives have never been shared publicly and offer a view from both the state and non governmental organisations NGO perspectives In addition to these valuable perspectives this book offers a number of significant case studies of how human rights has been implemented and the challenges it faces in ASEAN in general and in Indonesia particularly *Hate Speech and Human Rights in Eastern Europe* Viera Pejchal, 2020-04-03 Hate Speech and Human Rights Democracies need to understand these terms to properly adapt their legal frameworks Regulation of hate speech exposes underlining and sometimes invisible societal values such as security and public order equality and non discrimination human dignity and other democratic vital interests The spread of hatred and hate speech has intensified in many corners of the world over the last decade and its regulation presents a conundrum for many democracies This book presents a three prong theory describing three different but complementary models of hate speech regulation which allows stakeholders to better address this phenomenon It examines international and national legal frameworks and related case law as well as pertinent scholarly literature review to highlight this development After a period of an absence of free speech during communism post communist democracies have sought to build a framework for the exercise of free speech while protecting public goods such as liberty equality and human dignity The three prong theory is applied to identify public goods and values underlining the regulation of hate speech in the Czech Republic and Slovakia two countries that share a political sociological and legal history as an example of the differing approaches to hate speech regulation in post communist societies due to divergent social values despite identical legal frameworks This book will be of great interest to scholars of human rights law lawyers judges government NGOs media and anyone who would like to understand values that underpin hate speech regulations which reflect values that society cherishes the most **The Boundaries of Freedom of Expression & Order in**

American Democracy Thomas R. Hensley, 2001 On Monday May 4th 1970 members of the Ohio National Guard fired 61 rounds of bullets into the Kent State University students protesting about the invasion of Cambodia This work develops the ideas of the first symposium on American democracy established to commemorate the tragedy *Informed Publics, Media and International Law* Daniel Joyce, 2020-11-26 This book considers the significance of informed publics from the perspective of international law It does so by analysing international media law frameworks and the mediatization of international law in institutional settings This approach exposes the complexity of the interrelationship between international law and the media but also points to the dangers involved in international law's associated and increasing reliance upon the mediated techniques of communicative capitalism such as publicity premised upon an informed international public whose existence many now question The book explores the ways in which traditional regulatory and analytical categories are increasingly challenged revealed as inadequate or bypassed but also assesses their resilience and future utility in light of significant technological change and concerns about fake news the rise of big data and algorithmic accountability Furthermore it contends that analysing the imbrication of media and international law in the current digital transition is necessary to understand the nature of the problems a system such as international law faces without sufficiently informed publics The book argues that international law depends on informed global publics to function and to address the complex global problems which we face This draws into view the role media plays in relation to international law but also the role of international law in regulating the media and reveals the communicative character of international law

HUMAN RIGHTS WATCH WORLD REPORT 1990 An Annual Review of Developments and the Bush Administration's Policy on Human Rights Worldwide January 1991 , **The Real Truth Unraveled About Sedition and Free Speech in India** Abhishek Sharma Padmanabhan B.A. LL.B, LL.M. Assistant Professor of Law, 2022-01-01 The expression Sedition generally means of defamation of the State but the legal meaning of Sedition is different Sedition is crime against the State and includes the misdemeanour of publishing verbally or otherwise any words or documents with the intention of exciting disaffection hatred or contempt against the Sovereign or the Government and Constitution of the Kingdom or either house of Parliament and the Administration of Justice The gist of the offence of Sedition is incitement to violence mere abusive words are not enough The acts or words complained of must incite public disorder or must cause reasonable anticipation or likelihood of public disorder in order to constitute disaffection The intention of the speaker writer or publisher may be inferred from the particular speech Article or letter The requisite intention cannot be attributed if the person was not aware of the contents of the seditious publication Feeling of hatred contempt or disaffection would be excited towards the Government

Freedom from poverty as a human right: economic perspectives Andreassen, Bard A., Marks, Stephen P., Sengupta, Arjun, 2010-06-04 *Sports and Human Rights* Véronique Boillet, Sophie Weerts, Andreas R. Ziegler, 2024-06-06 Based on a series of themes and case studies this book aims to illustrate the impact of sports policies and practices on

individuals and their identities and to analyze the potential solutions offered by International human rights law IHRL for these infringements It bridges the gap between IHRL and sports studies and will be useful to scholars in both fields especially those unfamiliar with each other's work Furthermore by investigating the context of sport and its governance this collection offers a series of valuable insights enabling the development of an interpretation of law in context for legal scholars in the field of human rights As the governance and regulation of sport are seen as illustrations of other forms of normativity this book also contributes to the conversation about the transnational dimension of law and legal orders In this respect it illustrates that normative autonomy in the field of sport associated with the idea of *lex sportiva* tends to be relative regarding IHRL The sporting environment is not disconnected from major contemporary social issues it constitutes a public space in which injustices can be denounced but also the theater in which prejudices are perpetuated against various parties such as athletes or workers IHRL commonly addresses attacks on individual dignity and social justice issues by guaranteeing rights to individuals and offering them protection mechanisms In this context can IHRL solve the problems encountered in the sporting environment This is the question that animates this volume This is an open access book

Cyber Crimes And Consumer Protection in Cyber Space Mr. Rohit Manglik, 2024-03-10 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

Founding a Global Human Rights Culture for Trade Marks Genevieve Wilkinson, 2023-08-14 This ground breaking book demonstrates that states are not attentive enough to the serious human rights implications of trade mark protection Important rights to freedom of expression health life benefits from science and culture privacy a fair trial and protection from discrimination and hate speech are often insufficiently addressed

Religious Human Rights in Global Perspective John Witte, Johan D. van der Vyver, 2023-07-24 In this Dickensian century of human rights the world has cultivated the best of religious rights protections but witnessed the worst of religious rights abuses In this volume Jimmy Carter John T Noonan Jr and a score of leading jurists assess critically and comparatively the religious rights laws and practices of the international community and of selected states in the Atlantic continents This volume and its companion *Religious Human Rights in Global Perspective Religious Perspectives* are products of an ongoing project on religion human rights and democracy undertaken by the Law and Religion Program at Emory University

Human Rights and Intellectual Property Laurence R. Helfer, Graeme W. Austin, 2011-03-07 This book explores the interface between intellectual property and human rights law and policy The relationship between these two fields has captured the attention of governments policymakers and activist communities in a diverse array of international and domestic political and judicial venues These actors often raise human rights arguments as counterweights to the expansion of intellectual property in areas including freedom of expression public health education privacy agriculture and the rights of

indigenous peoples At the same time creators and owners of intellectual property are asserting a human rights justification for the expansion of legal protections This book explores the legal institutional and political implications of these competing claims by offering a framework for exploring the connections and divergences between these subjects by identifying the pathways along which jurisprudence policy and political discourse are likely to evolve and by serving as an educational resource for scholars activists and students *Methods and Perspectives in Intellectual Property* Graeme B.

Dinwoodie,2013-11-29 The diversity of methods used and perspectives displayed in intellectual property law scholarship is now quite vast This book brings together scholars from around the globe to discuss these methods and provide insights into how they are best used **Human Rights Internet Reporter** ,1994 **Human Rights and the Capabilities Approach**

Diane Elson,Sakiko Fukuda-Parr,Polly Vizard,2014-06-11 Among several contesting views about the purpose of development and how progress should be evaluated human rights and capabilities or human development stand out as two approaches that are concerned first and foremost with the well being of individuals their freedom dignity and empowerment These two approaches contrast sharply with the dominant development frameworks that emphasize economic growth as the essential objective Though human rights and capabilities share these common commitment to human priorities they are distinct concepts and fields that have developed separately The aim of this volume is to explore the relationship between them in order to enhance the understanding of both as theoretical paradigms as public policy frameworks and as approaches to development The book includes contributions from some of the leading scholars in the two fields of capabilities approach and human rights It covers the essential aspects of this relationship addressing the complementarities between human rights and capabilities as theoretical concepts how the concept of capabilities can contribute to resolving some key theoretical issues in human rights how the social science analysis and methods of the capabilities approach can clarify human rights concepts and strengthen human rights advocacy and how human rights norms can strengthen public policy and mobilize collective action to demand greater accountability in placing human priorities first in public policy Human Rights and the Capabilities Approach raises many questions for further inter disciplinary conversation and further research This book was originally published as a special issue of the Journal of Human Development and Capabilities and has been expanded with two additional articles from this journal and a new foreword by Professor Amartya Sen **African Human Rights Yearbook**

Volume 4 2020 ,2020-01-01 The three institutions making up the African regional human rights system the African Court on Human and Peoples Rights the African Commission on Human and Peoples Rights and the African Committee of Experts on the Rights and Welfare of the Child decided to jointly publish the African Human Rights Yearbook to spearhead studies on the promotion and protection of human rights and to provide a forum for constructive engagement about the African human rights system with academics and other human rights commentators on the continent Volume 4 of the Yearbook published in 2020 contains 24 contributions by scholars from Africa and beyond Les trois institutions qui composent le syst me r gional

africain des droits de l'homme la Cour africaine des droits de l'homme et des peuples la Commission africaine des droits de l'homme et des peuples et le Comité africain d'experts sur les droits et le bien-être de l'enfant ont décidé de publier conjointement l'Annuaire africain des droits de l'homme pour encourager les études sur la promotion et la protection des droits de l'homme et offrir un forum d'interaction constructive sur le système avec les universitaires et observateurs du continent Le Volume 4 de l'Annuaire publié en 2020 contient 24 contributions de chercheurs du continent et d'ailleurs

National Perspectives on Housing Rights Scott Leckie, 2021-10-18 More than one billion people around the world do not have adequate housing How far does human rights law help to remedy this problem What measures must governments take to protect people against housing rights violations What are the strengths and weaknesses of human rights law in the housing area Is the current law enough or are new laws necessary These and many other questions are addressed in the various chapters contained in *National Perspectives on Housing Rights* While most coverage of economic social and cultural rights has tended to focus on international standards and principles this book examines the more challenging question of how housing rights are implemented at the national and local level Chapters from recognised housing rights practitioners from Brazil Canada India Kenya Mexico Nigeria Philippines South Africa the US and elsewhere provide some of the first national level legal analyses of the implementation of housing rights standards recognised under international law A foreword by Nelson Mandela and a preface by international legal scholar Professor Philip Alston provide interesting perspectives on the fundamental role of housing rights within the broader human rights field

The Criminalization of Incitement to Terrorism from an International Perspective Ye Tao, 2023-07-25 This book critically analyzes the criminalization of incitement to terrorism under the fundamental principles of legality necessity and proportionality with the aim of striking a fair balance between security and liberty on this complicated issue The criminalization of incitement to terrorism has gained momentum but no exact or generally accepted definition of this offense exists at the international level What's more given that the criminalization of incitement to terrorism results in restrictions on the exercise of citizens' freedom of expression there should be certain limitations on those criminal measures to avoid unnecessary or disproportionate infringement of this fundamental human right Nevertheless there has not been a precise standard by which to determine how to draw the line between anti-terrorism and the protection of freedom of expression Hence it could be concluded that the criminalization of incitement to terrorism concerns how to balance security and liberty and the safeguarding principles of legality necessity and proportionality should be fully observed in considering this issue This book studies definitions of incitement terrorism and incitement to terrorism under the relevant international and national legislation and points out the existing ambiguousness or substantive divergence in defining actus reus and mens rea regarding incitement to terrorism It carefully considers the current need for and essential limitations on criminal measures against incitement to terrorism in accordance with the principles of necessity and proportionality and particularly focuses on how to balance the protection of freedom of expression with the

criminalization of incitement to terrorism In considering how to draw a line between the two the book formulates precise requirements for objective and subjective elements of this offense in accordance with the principle of legality Given its scope it will be of interest not only to academics human rights lawyers and practitioners but also to policymakers as it offers an extensive evaluation of the effects and counter effects of existing criminal measures

Free Speech, Religion and the United Nations Heini í Skorini, 2019-07-19 This book explores the political struggle to interpret and define the meaning the scope and the implications of human rights norms in general and freedom of expression in particular From the Rushdie affair and the Danish cartoon affair to the Charlie Hebdo massacre and draconian legislation against blasphemy worldwide the tensions between free speech ideals and religious sensitivities have polarized global public opinion and the international community of states triggering fierce political power struggles in the corridors of the UN Inspired by theories of norm diffusion in International Relations Skorini investigates how the struggle to define the limits of free speech vis vis religion unfolds within the UN system Revealing how human rights terminology is used and misused the book also considers how the human rights vision paradoxically contains the potential to justify human rights violations in practice The author explains how states exercise power within the field of international human rights politics and how non democratic states strategically apply mainstream human rights language and secular human rights law in order to justify authoritarian religious censorship norms both nationally and internationally This interdisciplinary book will appeal to scholars and students researching international human rights religion and politics The empirical chapters are also relevant for professionals and activists within the field of human rights

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Freedom Of Speech And Human Rights An International Perspective Introduction

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Robert Martin Adams. W. W. Norton & Company Paperback (PDF) Utopia. Norton Critical Editions, 3rd ed This chapter examines the role of the prefatory material of Thomas More's Utopia such as the sample alphabet of the Utopian language, which was included in most ... Utopia: A Revised Translation, Backgrounds, Criticism This Norton Critical Edition is built on the translation that Robert M. Adams created for it in 1975. For the Third Edition, George M. Logan has carefully ... Utopia: A Norton Critical Edition by Thomas More; George ... Utopia: A Norton Critical Edition Paperback - 2010 ; Edition Third Edition ; Pages 336 ; Volumes 1 ; Language ENG ; Publisher W. W. Norton & Company, New York, NY ... Digital Film and Television Production < University of Florida To graduate with this major, students must complete all university, college, and major requirements. Department Information. The Media Production, Management, ... Film and Media Studies - UF Catalog - University of Florida Courses. ANT 3390 Visual Anthropology 3 Credits. Grading Scheme: Letter Grade. Uses photography and film as tools and products of social science ... Media Production, Management, and Technology - UF Catalog The University of Florida's Media Production, Management, and Technology program is one of the most comprehensive in the country, offering specializations ... Film and Media Studies - Department of English Welcome · Undergraduate Studies · Graduate Studies · About Our Faculty · Courses · Filmmaking · UF · Stay Connected. Photography » Creative Services » The information will help ensure that your photo shoot will go smoothly. Our goal is to produce the best images that tell your stories in order to further the ... Production Guidelines UF Health Communications uses the project management system, Asana, to input and manage our workload. Print Production Timeline The purpose of the print ... Plan & Market Events - Filming & Photography in the MSC Filming in the Marshall Student Center may not interfere with building operations and requires prior approval. University Departments, Current Students, and ... College of Motion Picture Arts - Florida State University Rigorous, hands-on programs (BFA or MFA) that provide a story-first education and prepare students for a career in film with industry-standard skills. Filming location matching "university of florida, gainesville ... Exclude · Steve Martin, Keanu Reeves, Martha Plimpton, Tom Hulce, Rick Moranis, Jason. 1. · Just Cause (1995). 2. · Run the Race (2018). 3. · The Naked Ape (1973) ... Are there any movies about UF? : r/ufl The Scream horror movie franchise is based off of the UF/Santa Fe murders in the 1990s. Even though they changed the story so it takes place ... Using Arabic - Cambridge University Press Using Arabic - Cambridge University Press Using Arabic: A Guide to Contemporary Usage This guide to Arabic usage for intermediate-level students wishing to extend their knowledge of the language focuses on Modern Standard Arabic. Using Arabic: A Guide to Contemporary Usage - Mahdi Alish Jun 30, 2005 — Using Arabic is a guide to Arabic usage for students who have already acquired the basics of the language and wish to extend their knowledge ... Using Arabic: A Guide to Contemporary Usage Aug 8, 2005 — This guide to Arabic usage for intermediate-level students wishing to extend their knowledge of the language focuses on Modern Standard ... Using Arabic: A Guide to Contemporary Usage (Paperback) Jun 30, 2005 — This guide to Arabic usage for intermediate-level students wishing to extend their knowledge of the language

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