

# Public Broadcasting Reform in the Transitional Society: The Case of Indonesia

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## Abstrak/Abstract

*The formal adoption of public service-oriented broadcasting (PSB) in countries undergoing political transition in Asia is increasing. However, this initiative is not protected by strong regulations. For instance, Indonesian PSB, which is represented by RRI (Radio of the Republic of Indonesia) and TVRI (Television of the Republic of Indonesia), remains difficult to realize. The arrival of universal ideas to establish PSB since two decades ago in the country lacks public engagement. Under a weak regulation, namely Broadcasting Law No. 32/2002, the PSB is far away from detailed preparations to serve as a truly public oriented broadcaster. This paper examines the process of formulating PSB bill within the Broadcasting Law, particularly its formation and public involvement in the law making process. This paper investigates why the outcome of the PSB law is that weak by observing how the policy was made. At the end, this paper recommends what could be done to improve the PSB Law to accelerate PSB institutional reform toward Public Service Media in Indonesia, particularly in the form of public engagement, both locally and globally within a framework of connected society.*

Adopsi formal Lembaga Penyiaran Publik (LPP) di negara dengan transisi politik di Asia semakin meningkat. Namun, inisiatif ini tidak terlindungi oleh peraturan yang kuat. Misalnya, LPP Indonesia yang diwakili oleh RRI (Radio Republik Indonesia) dan TVRI (Televisi Republik Indonesia) sulit dilaksanakan. Kemunculan gagasan universal untuk membangun LPP dalam dua dekade di negara ini adalah kurangnya keterlibatan publik. Di bawah peraturan yang lemah, yaitu UU Penyiaran 32/2002, LPP masih jauh dari persiapan yang matang dan penyiar yang benar-benar berorientasi pada masyarakat. Makalah ini membahas proses perumusan undang-undang LPP dalam UU Penyiaran, khususnya selama proses pembuatan dan keterlibatan publik dalam proses pembuatan kebijakan industri penyiaran. Tulisan ini menyelidiki mengapa hasil undang-undang LPP di Indonesia lemah dengan mengamati bagaimana kebijakan tersebut dibuat. Pada akhirnya, tulisan ini merekomendasikan tentang apa yang dapat dilakukan dalam memperbaiki undang-undang LPP untuk mempercepat reformasi kelembagaan LPP terhadap Media Pelayanan Publik di Indonesia, terutama dalam bentuk keterlibatan publik, baik lokal maupun global dalam kerangka masyarakat yang terkoneksi.

## Kata kunci/Keywords:

Lembaga Penyiaran Publik (LPP), regulasi, RRI, TVRI, Undang-Undang Penyiaran

*Public Service Broadcasting (PBS), regulation, RRI, TVRI, Broadcasting Law*

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## The Failure of PSB Adoption

The PSB system and its adoption in the transitional states is a complex thing. It was originally used to describe state broadcasting corporations set up in the Europe in the 1920s and 1930s (Moe and Syversten, 2009). The British Broadcasting Corporation (BBC) in the United Kingdom is the traditional most recognized model followed with other PSB types in established democracies such as Germany, Sweden and Japan. However, due to dynamic change of political system, PSB policy in Europe and other continent varies from strong to minimalist form of state support, both in the policymaking and public engagement in practice.

Following the change of political system in Eastern Europe (late 1980s) and in Asia (late 1990s) from authoritarian and communist to liberal democratic system, PSB experienced significant regulatory reform. In line with the above

radical reform, in the last 20 years, there was a trend of policy changes that move PSB ownership from state into independent public service media (Smith, 2002). Furthermore, the changing PSB policy is a direct response to the emergence of new technology (Banerjee, 2005).

Amidst systematic problems of the politic, economy and culture, since the latest of 1980s, there is growing debate on the potential death of PSB both in the established and transitional states. For established democracies, the rapid growth of multi-channels in liberal political system systematically tried to reduce state favoritism for PSB while for the new democracies in the Asia or Africa, the current debates lie on failure adoption of independent institution of PSB. In Western Europe states, Bardoel and d'Haenens (2008) identify contemporary problems such commercialization, digitalization of broadcasting, the individualization of society and the overall unfavourable political climate with tendencies to limitation of funding support. In the transitional states, Micova (2012) pointed out legacy of authoritarian political culture, crisis of independence as the main problem for the most PSBs in the South East Europe.

In the perspective of Western Aid Agencies, evaluations to the failure of PSB policy in countries identified as fragile states found the weakened support from existing political regimes. To illustrate, some of the works are: 'Looking for Shortcuts, Assistance to and Development of PSB in the Bosnia Herzegovina, Serbia, Kosovo, Macedonia and Albania' (Thomson, 2013); and 'Public Service Media in the Divided Society, Relic or Renaissance?' (Harding, 2015). The two reports provide evidences of the PSB policy crisis in Africa, the Middle East, South Asia and the Eastern Europe, which have been received media assistances.

Furthermore, the efforts found failure in the PSB policy design and its implementation. Evidences show that the BBC formula or Western model of PSB governance cannot successfully be adopted by the new democracies, although it protected by the new media law. Nevertheless, up to present, the systematic assessment to PSB reform in the South East Asia as other model of the third world PSB is still limited. Moreover, the previous investigations did not apply wider perspective of the interplay between politics and PSB system that deep to particular historical setting behind initiative of PSB adoption and its failure. In other word, refer to the third wave model of democracy (Veltmer, 2008), there is the lack of PSB study in democratic transitions from one party dictatorship to multiparty political system in Asia.

Indonesia is one of Asian states which experiences PSB reform as a result of the political reform. The political reform 1998 which marked by the end of Suharto power (1966-1998) has trig-

gered media system reform in Indonesia (Kristiawan, 2012). For example, there was public pressure to reform RRI and TVRI amidst rapid growth of commercial media outlets. Previously (1996-1998), media system was authoritarian in nature where RRI and TVRI were state owned broadcasting and operated as a mouthpiece of the ruling regime.

One of the important regulations born after the reform 1998 was Broadcasting Law no. 32/2002 which recognizes Public Service Broadcasting (PSB) and replaces the old Broadcasting Act no. 24/1997. The Act has formally changes the ownership status of RRI and TVRI from state to public. However, compare to similar policy in developed countries such as Germany and the UK, the Act is not clearly explaining structure, funding mechanism, content criteria and the ways that guide transformation from old to the new PSB system. Why?

My study in 2007 found, the Broadcasting Act. 32/2002 was enacted favored two actors: the government with its interest to use RRI and TVRI as the mouthpiece and industry player that tends to apply market free competition policy. As a result, the articles governing PSB in the Act are less compared to commercials. Of the 64 articles in Broadcasting Act, only 4 articles regulate PSB. In this sense, there is no clear ownership model as well as guidance to PSB institutional reform and sustainability. Furthermore, public engagement in the PSB was very weak. Compared to community broadcasting sector, after the enactment of Broadcasting Act 32/2002 to present, international assistances for PSB reform in Indonesia is limited.

This paper examines process of formulating PSB law within Broadcasting Act 32/2002 and particularly pays attention to industry capture over the making process as well as public engagement in the policy making process. To concentrate this study, I select four debates: legal status of PSB, structure, service area and funding system among actors and it will be explained in these two periods: agenda setting/first discussion (1998-2000) and negotiation/decision making phase (2000-2002). This paper answers for two questions: First, how are debates among stakeholders on the PSB system and to what extent it was formulated in the Broadcasting Law? Second, how the locals and international communities engaged in the process?

### **PSB Policy: Public vs. Private Interest**

PSB is widely understood as broadcasting made, financed and controlled by the public, for the public. It is neither commercial nor state-owned and free of political interference and pressure of commercial forces (Banerjee, 2005; Mendel, 2011). In order to ensure above condition, Smith stated PSB regulatory governance should meet the followings: (a) legislative regulatory

framework for its sustainable development; (b) clear mandate for public service broadcasters; (c) exact remit and standard of content; (d) corporate and financing structure that ensure editorial independence; (e) mechanism for public accountability and (f) role to meet global challenges: digital and transnational broadcasting (Smith, 2012).

In legal status, most of PSB regulated as independent entity to guarantee as public asset in safeguarding the interests of cultural, political democracy and to balance the increasing commercial media. For instance, BBC and ARD (Germany) are independent Corporations. Furthermore, to ensure the importance of this issue, the European Union imposes Amsterdam Protocol of 1997. This regulation forced former Eastern Europe states that joined the Union to change their regulations and old-authoritarian form of PSB (Jakobowicz, 2008).

As a public policy, redesigning public service broadcasting (PSB) regulation in the world is a complex negotiation process, influenced by political system and the strength of economic and social culture of a country. For instance, change in political system from authoritarianism to liberal in transitional countries in Europe and Asia has a direct effect on the formulating new media laws, engagement of various actors and the result. It is mostly indicated by contradictory policy outcome between public and private interest.

Normally, two issues: frequency scarcity and cultural purposes is classical rationales for PSB regulation. As a public domain, frequency is technically limited. For example, if it is used by any radio or TV company, the other can not use it at the same time. Hence, in the name of public and its limitation, frequency should be allocated for majority of the public, and the licensing process based on competitive roles, involves independent regulator (Thierer, 2005). There is a general view that frequency should not be utilized by only government and industry players, but also for the benefit of citizen. Although the doctrine is no longer valid, its regulatory legacy still lives on the so-called "public interest" requirements over broadcasting contents. This commanded to satisfy public interest, convenience, and necessity (Thierer, 2005). At all over the world, broadcasting media are the major communication platform which people can access news and entertainment, and are often regarded as the powerful media.

Moreover, term 'Public Service' is the central point of regulatory issue for PSB system at national and international level. Public service is used to describe a kind of provision deemed vital for every member of society, regardless of spending power, educational, social geographical location, or gender. At different times in different polities, varied services have belonged to this category, from public infrastructure like roads or telephone lines, via health care, to education as well as radio and television broadcasting (Moe, 2008). In the liberal states such as the UK, in

addition to market failure in distributing broadcasting content as public resource, PSB policy is a form of state's obligation to provide a public sphere (Habermas, 1991).

In Indonesia, political influences bring PSB regulation to more complex one. Debates on PSB policy occur between both, the desire to create new rules to protect public interest by law in one side with desire to avoid strict rules resulted from historical and political trauma of authoritarian system in the past (Masduki, 2007). At the same time, pressures from capitalist players resulted in the long debates on PSB ownership, structure and funding model. Recently, commercial radio and TV which controlled by monopolistic corporation model (Lim, 2012) acted as the main enemy toward independent PSB. To protect their power, commercial sectors actively try to limit PSB reform through regulatory governance.

According to Barry M. Mitnick, problem in the regulatory making process arises when a policy maker (for Indonesia: Parliament or Government officials) acts in the industry side to damage public interest. It means, their policy outcome captured by industry as private-regulated party (Mitnick, 2011). For instance, the agency's main mandate to regulate PSB to maximize benefit of society is captured and the agency acts in favour of the industry interest due to their lack of knowledge on the broadcasting system in the policy making process. Indeed, to regulate PSB system, policy makers require specific knowledge such as frequency allocation; remit, and funding system. Mitnick describes six forms of capture: constitutional; systemic; relational (governance); individual; functional and chronical (Mitnick, 2011). For the interest of this study, I will explain two forms: individual and functional.

First, individual form: incentives shape decision making between legislators and the industry (Mitnick, 2011). In the electoral system with high economic cost, capture occurs as a form of 'political barter' among political parties and their politicians in one side and corporate donors on the other. In this model, regulatory members cum politicians need campaign funds to increase their voters. The industry can easily provide 'political investment' fund for them in order to have room to influence legislative policy outcomes of the policy makers in the future. Second, functional. It happens when regulated parties control and filter information essential to policy decision making, actively supply information that manipulate public opinion in order to keep their interest (Mitnick, 2011). For instance, present on hearings intensively, active responses to the need of supporting data, opinion spin in media and the involvement of industry expert as a temporary consultant of parliament.

As stipulated in Law no. 12/2011 on law making mechanism, formulation of national act in Indonesia is an absolute authority of both parliament and government officials. Hence, the

legislator or government is policy maker. Unlike in the EU, Indonesia officials does not establish a permanent external agency or gives mandate to outside body to draft of a policy. Nevertheless, parliament may invite some experts as temporary consultant. By this power, issuing law draft formally should come from both government and parliament, through various steps. Civil society and industry may propose a draft to both bodies. In the formulation process, parliament formed a special team consist of parliament members that represent political parties. The team intensively attended internal meetings and public hearings prior to the enactment of a law.

From regulatory perspective, captures of industry players over formulation of the law such PSB Act occurs in the two periods: agenda setting and negotiation/decision making phase. To define, agenda is the list of issues in a polity, consists of both political (the list of issues from decision-makers) and public agenda (the list of issues from general public) (Kingdon, 1995). Decision making is a final choice, an outcome of cognitive processes leading to the selection of action among several alternatives (Meyerhöfer, 2009).

In the long history of media reform, government, politician and independent commission of broadcasting are vulnerable bodies to intervene. For example, the scandal of internet neutrality regulation applied by Federal Communication Commission, the United States independent body (Esguerra, 2008). In Indonesia, before ratification of the Broadcasting Act of 2002, the discussion and enactment of the Telecommunication Act of 1999 was also influenced by national and international telecommunication industries. They intended particularly to remove barriers for foreign investment in telecom market (Rianto, 2014).

### In Pressure by the Industry

As discussed above, the present of suitable regulation and its public engagement in the policy making process are the two pillars of the independence PSB adoption. This part describes empirical situation of the two issues happened in Indonesia in details.

During 1998-2002, there were strong debates among three actors: government, industry and public in the process of formulating Broadcasting Act of 32/2002 that formally introduced Indonesian PSB. Government represented by the Ministry of Communication and Information Technology (MCIT), while Association of Indonesian Private Television (ATVSI) represented industry group. Meanwhile, public interest group was voiced by various parties: academics of the Indonesian University and some non-government organizations such as Indonesian Press and Broadcasting Society or MPPI (Irma, 2003). In this sense, politicians in the Parliament tried to accommodate all opinions equally, but sometime failed in to particular interest. The table below describes various proposals from all above parties over four issues of the PSB governance: legal status, structure, service area and funding sources.

All debates influence over the making period of Broadcasting Act that spends more than 6 years from its agenda setting and drafting in the last 1997 up to the formal enactment in the parliament by November 28, 2002. On the PSB side, the result of these debates was contradicts to public interest. From all 64 articles in the new law, PSB sector is regulated only in 5 articles. First, article 13 that states PSB as one of four types of broadcasting model in Indonesia along-

No	Issues	Government	Industry	Public
1	Legal status	State agency under MCIT. A state agency under ministerial office and it established by government	State owned corporation, a commercial entity under ministry of state own corps	State agency, independent, public owned, non-profit and it established by state in the name of public
2	Governing structure	Board of supervisory and board of executive under MCIT, elected by minister of MCIT	Board of commissary and executives as in the private corporation	Board of supervisory and board of executive as in the BBC UK, elected by parliament
3	Service area	Covers the entire Indonesian archilepago with proportional allocation of frequency between public, private and community broadcasting	Covers specifically for area that is not covered by commercial service, use only the existing frequency allocation	Covers the entire Indonesian archilepago accompanied by local public service broadcasting, supported with highest portion of frequencies
4	Funding sources	State budget, lisencc fee, social donation, commercial advertising and other appropriate incomes	State budget, lisencc fee, social donation, strick limitation of commercial advertising	Lisence fee, state budget, social donation, commercial advertising and other appropriate incomes

Source: Irma, 2003 & Masduki, 2007



side private commercial, community and pay broadcasting services.

Second, article 14 that explain legal status, PSB mandate and its structure. This article describes PSB as law entity established by state, operated as independent, neutral and not for commercial interest, and its function to serve society. This article also states clearly that RRI and TVRI are chosen for PSB in one side and provides room for establishment of local PSB outside both institutions on the other. Third, article 15 explains funding sources (license fee, state annual budget, social donation, advertising and appropriate business) and role of finance accountability (finance report should be audited by public accountant, published on media). Fourth, the two articles that regulate PSB's content standard: PSB to broadcast programs from internal country for 60 % at minimum a day; time allocation of business advertising (maximum 15 %) and social advertising (minimum 30 %) of the entire duration a day.

The enactment of these 5 articles indicates three conditions in favour for public interest. First, adoption of BBC-like model of independent and public owned PSB, changing RRI and TVRI's legal status from state to public entity. Second, introduction of licence fee as source of funding alongside state budget is a sign for public based PSB and public participation. Third, establishment of supervisory board elected by parliament is a symbol for formal public access to the PSB operation that was not applicable in the past.

However, service area, frequency allocation and advertising are in favour of market interest. As described above, the Act limits PSB to broadcast commercial advertising up to 15 % of the entire time a day. This followed by two government decrees of 2005 (translation of Broadcasting Act) that limit frequency for PSB up to 20 %, compare to private that receive 75 %. Limitation of commercial Ads as funding source will potentially disturbs PSB's sustainability, especially in the crisis of state budget and license fee as ideal fundings. Limitation of frequency reduces opportunity to develop new PSB channels in order to wider public services.

Furthermore, as discussed above, from the 5 articles, there is no detail explanation of PSB institutional design compare to specific PSB law as in the developed country. According to eight indicators developed by Smith (2012), it only adopts 4 indicators and needs more articles to adopt the rest in the same level of regulation. For instance, more regulation needed to exact remit and standard of PSB content, finance that ensures editorial independence as well as mechanisms to enhance public monitoring over the entire operation.

During agenda setting and negotiation phases (1998-2002), Arifuddin (2014) described enthusiasm of three actors: (1) parliament members; (2) officials under two presidents: Habibie and

Gus Dur and (3) civil society to birth a new law which replaces old-Broadcasting Act no. 24/1997. In the ideological perspective, there are three kinds of actor: pro democratic broadcasting (CSO), authoritarian broadcasting system (Government) and pro liberal media system represented by them (Heryanto, 2006). Furthermore, Irma (2003) explained three different groups: (1) private firm that intend to protect their domination in the market. At agenda setting process, introduction of PSB in the draft was prevented by industry, (2) civil society such Alliance of Independent Journalist and University lectures which proposed PSB institution in broader context than just state agency. In their view, PSB may be a community based stations, (3) government (via MCIT) that proposed PSB system under MCIT. It was contrary to general idea of independent PSB in the parliament and CSO (Irma, 2003).

Compare to civil society, the industry's lobby to policy maker is more intensive involved a wide range of collaboration among ATVSI, advertising agencies, production houses and broadcaster associations. It includes regular opinion publication in their own media; propose law draft, and personal approaches to politicians. In contrast, civil society with limited support from RRI and TVRI broadcasters and international agencies focuses only their move to public opinion through community media, grassroot level of discussion and mass rally.

During 2000-2002, in summary, capture by the industry over PSB law took place in two steps: (1) agenda setting step, ability to setting up the central issue, (2) negotiation phase, ability to influence policy maker to accept policy in favour of their interest. From media coverages and notes of my field investigation in the past (years: 2000-2002), refer to Mitnick (2011), I found at least two kinds of capture below. In the agenda setting, the industry applied functional model. With their highest resources of knowledge, fund and media outlets, private TV and radio owners with their staffs manage of the importance to protect private industry as key actor in economic growth. Through more than 7 national TV channels such as RCTI, Indosiar and ANTV, ATVSI published regular news, talkshow and advertisements. At the same time, ATVSI provides data and invite experts to set a law draft favouring the goal, and actively sends experts to public hearings in the parliament or discuss with government officials.

In negotiation and decision making phase, the firms adopt similar model with the agenda setting with more intensive pressures. Aside of actively attend public hearings and gathering mass rally, they influence both parliament and MCIT officials through direct meetings outside offices. Finally, in respond to the enactment of Act on 28 November 2002 which recognize independent broadcasting commission as their new regulator, the Industry raise protest by airing 'dark colour' in their TVs which symbolizes 'death of press

freedom’.

During implementation period of the Broadcasting law from 2002 up to present, private broadcasters showed their denial over the new broadcasting policies restrict their dominance, among other by reduce public attention to the PSB reform toward prominent media and against almost all sanctions of the independent regulator for their bad contents. For instance, support for recent initiatives to formulate a special law for PSB namely RTRI Act which came from civil society and the parliament members is weak. Also, the industry contributes to delay latest effort to revise Broadcasting Law of 32/2002 during 2010-2015 which can empower Komisi Penyiaran or Indonesian Broadcasting Regulator to monitor their operational malpractices.

### Crisis of Public Engagement

Referring to Hallin & Mancini, (2004), PSB system is the most common arena of external engagement both in the policy and its practice. The area of engagement covers a wide range of policy formation, ownership, funding, technology and defining the remit in which driven by particular interests. Its not only involved local-national actor, but also supranational institution such European Union (EU) in the Europe states. The motives of intervention to PSBs vary from larger ideal orientation toward democratic or pluralistic media system up to keep the old-interest of maintaining PSB as mouthpiece of the ruling power. For instance, the EU applied strong pressure to formulate independent model of PSB for the former communist states wishing to be a member of EU, through the Amsterdam Protocol 1997.

In case of global interventions to particular states, the most common goal is to promote model of independent and ‘public sphere’ PSB model which simply adopt British Broadcasting Corporation (BBC) model or largely, the Western developed democracies model of PSB. During the last three decades, following the fall of authoritarian regimes, there was tendency to reform state broadcasters and replace it with the new model likely to be public owned broadcaster as part of adoption of the democratic political principles. Most efforts come from the international institutions based in the Europe or in the US such UNESCO and the BBC Trust, where provide funding and experts to share experiences of managing public owned broadcasters worldwide. In case of Indonesia, during 2000s, types of intervention can be identified into four: the regulation consultancy, assistances for developing skill in production, trainings and comparative visits for PSB management and support for upgrading technological facilities.

However, the global initiatives to assist reform of PSB system in the transitional states face local political and cultural legacies of authoritarian system, among other paternalism which influences the delay of independent PSB establishment.

Paternalism is the policy or practice of the old governments to restrict freedom or responsibilities of those subordinate (Aycan, 2006). The word ‘paternalism’ gained usage in late nineteenth century and it mostly used to refer to strategic benevolence in hierarchical relationships, such as among king and his subject. It can be individual (paternalistic leadership); organization (organizational culture); and socio cultural. In Indonesian political culture, tendency of paternalism indicated by habit of ‘bapak-ism’ (‘father-ism’) or just to make the leader happy among civil servants. As a result of feudalism, in the most public decision-making, almost society left behind in applying their political right and political responsibility to their issues, includes regulatory making for PSB.

In case of PSB governance in the transitional states, the less public engagement in the policymaking may connect to the local paternalism values where in the past, PSB hold totally by the ruling regime, not by public. In light with this, Ispandriarno (2008) in his study on political communication in the transitional states identifies impact of paternalism in the policy making where elite groups dominate the policy debates. Agenda setting and formulation of a PSB policy belongs to the government officials, adjusted and ratified by politicians in the Parliament, while common people are alienated or marginalized from the processes.

Experiences in transitional states outside Indonesia indicate that local and international community engagement in the policy making process are valuable in ensuring adoption of public interest in the policy design. This part examines shortly the international engagement and its result during the making of Broadcasting Act in 1998-2002 and its implementation up to present. The table below highlights international assistances to Indonesian PSB:

No	Type	Institution	Year	Activity
1	Regulatory and Institutional Design	UNESCO and or AIBD	1998-2001	Series of seminar and workshop
2	Regulatory Design	IFES	2001-2002	Series of workshops
3	Technical Support	JICA	1990s	Providing facilities
4	Capacity Building of Broadcasters	Swedish Radio	2000s	Short courses and comparative visits

Table 2. List of International Assistances for RRI and TVRI

Source: AIBD Report; Darmanto, *et. al*, 2001

From the table, I can say that international interventions occur in various ways depending on the concern of the providers. Hence, its a sporadic approach and obviously contains the lack of interconnected-comprehensive approach to the central issue of Indonesian PSB establishment. Furthermore, as happened in the Georgia’s PSB reform case (Bekerman, 2014), there is the lack of adoption of cultural political approach which resulted in the less appreciation and engagement from the Indonesian political actors toward the

reform initiatives.

Moreover, most of external aids centered only to RRI and TVRI broadcasters, not for the larger public. Also, the attention is predominantly to policy design, there is no further initiatives to monitor its execution stages during 2002-now. This problem adds to the paternalism culture of Indonesian political climate where most of society alienated themselves from the PSB debates based on their old perception that PSB is of the regime responsibility.

### Conclusion

This study shows that the PSB policy making process during 1998-2002 has been intense where three actors: government, industry and civil society involved. Industry has more resources to create pressure over policy makers in favour of their dominant in the market place than civil society. Formally, Broadcasting Act 32/ 2002 recognizes PSB as independent and public owned body. It is followed by introduction of public access to the supervisory body and parliament right to its selection process and to supervise PSB operation in the interest of public. However, there is no appropriate policy to ensure sustainable improvement of PSB management. The two policy sectors: limitation of Ads and frequency are obviously in favour of the industry interest. Hence, in terms of public interest, the regulation is very weak. This was a result of industry capture over the law making process. The goal of this action was mainly to keep PSB as a minor broadcasting actor in the field and maintain the dominant capitalist players.

Analyzing series of statements from ATVSI and PRSSNI (association of private radio owners), I conclude the main goal of their capture is protection of their companies, in the name of million workers, high investment of broadcasting equipment and their claim of public utility over contents. Hence, they criticize initiative to regulate PSB in the form of state intervention. Improvement of PSB was seen as 'serious danger' for their two sectors: huge area of audience service and advertising market incomes. Having the widest network, RRI and TVRI as PSB will be a strong competitor for the industry player (Masduki, 2007). The long history of close-relation between private TV owners and political leaders

obviously established their goal and influence outcomes of policy maker which depend on the direction from their party leaders. In Indonesia, political party needs good image and politicians need their safety in the parliament. The industry provides it by managing politician's images in the public through massive news coverages. This can be identified as the individual incentive model of industry capture (Mitnick, 2011), although more evidences are needed to ensure this practice in the future.

Learning from the case of the Broadcasting Act 32/2002 design and its implementation, I would like to address two possible recommendations: (1) Broadcasting Act no. 32/2002 needs to be revised. Concerning the huge sectors involve in the revision process which will spend long time and energy, the 2015-proposal from parliament to draft specific law of PSB can be a faster way to accelerate PSB policy reform. (2) Improvement of knowledge and competency of policy makers on PSB governance is a central issue in managing public interest in the process of both the law revision and addressing new specific PSB law.

Finally, to prevent industry's capture in upcoming PSB law revision, strong alliance is needed among local and international advocates in the process of new regulatory making and its implementation. A model of supranational intervention such as European Union to the national policy of PSB can be adopted by ASEAN, a similar regional group of nations in South East Asia. At the same time, there is the need to renew formula of the international intervention, change its focus to empower public awareness over the PSB reform.

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