



Conflicts of Interest in Governance of Public Broadcasting in Indonesia

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Abstract. This study examines the disruptive influence of conflicts of interest on the governance of public frequencies, focusing on the case of the Republic of Indonesia Television Public Broadcasting Institution (LPP TVRI) in the democratic era. By employing a qualitative analysis through case studies and theoretical frameworks within a political economy perspective, the research highlights the intricate dynamics between stakeholders, including regulatory bodies, the government, and the public, in the management and policy-making processes of public broadcasting. Findings reveal persistent internal conflicts within LPP TVRI, notably between the Supervisory Board and the Board of Directors, and external pressures from government and political entities, all of which hinder the realization of public broadcasting ideals such as pluralism, independence, and public accountability. The study underscores the challenges of maintaining a public broadcasting system free from political and economic interests, pointing towards the necessity for a more robust regulatory framework and genuine institutional independence. Recommendations include the strengthening of public participation and oversight to ensure the integrity and independence of public broadcasting governance in Indonesia.

Keywords: Conflicts of interest, public frequency governance, regulatory bodies, decision-making, policy formulation.

1 Introduction

This article attempts to explain the conflict of interest behind public frequencies involving elements of the state and the public in implementing the policies of the Republic of Indonesia Television Public Broadcasting Institution (LPP TVRI) in the democratic era. The implications of these tug-of-war interests lead to conditions where four public broadcasting standards have not been achieved, including: promoting pluralism and diversity; independent in making decisions; mainstreaming quality over quantity; as well as providing public access to control and supervision with various institutional instruments [1] The author views that it is precisely the system itself that results in the imperfection of public broadcasting in Indonesia.

The change from a Government Broadcasting Institution to a Public Broadcasting Institution under the umbrella of broadcasting regulations through Law Number 32 of 2002 is a form of public victory. The reason is that the media as a pillar of democracy or the fourth estate has found its identity after the New Order regime was under the shadow of the authorities. However, the identity discovered by the media, one of which is through the representation of LPP TVRI, is never complete or seems half-hearted. As a public broadcasting institution, it should be able to fully act as a watchdog [2] and not be trapped as a partisan of the political elite.

Government Regulation Number 13 of 2005 concerning TVRI, which should be a means of systematizing the space for public broadcasting, often becomes an obstacle due to internal conflicts involving the Supervisory Board and the Board of Directors. On the one hand, the projection of public expectations is that TVRI is managed professionally with quality shows that are not trapped by the market, but on the other hand, it seems as if there is a "genetic helplessness" where TVRI tends to be conditioned in dependence, especially in relation to funding. Apart from that, the average human resource, which is in fact a Civil Servant (PNS), is considered less productive and seems normative, unlike the corporate cultural climate which has progressive targets.

The mandate of Law No. 32 of 2002 explains that Public Broadcasting Institutions are broadcasting institutions in the form of legal entities established by the state, are independent, neutral, non-commercial, and function to provide services for the benefit of the community. However, the fact is that this mandate has not been consistently carried out.[3] study shows the complexity of TVRI's problems as an LPP, including: changes in the institutional structure of public broadcasting, which have not been followed by other institutional changes (HR, funding, functions) include harmonization of perceptions among the executive and legislative circles; research results from various regions show that cultural diversity has not been properly accommodated; confusion in interpretation regarding the meaning of LPP "has not moved on from the government to the public"; the professionalism and commitment of HR at LPP is still not optimal due to various factors behind it; and regulations have not been established to support the public interest.

The Indonesian Broadcasting Commission's (KPI) warning against TVRI regarding its practice of taking sides in broadcasting the convention of a political party shows that TVRI is not yet independent as a public mouthpiece. Apart from that, the tendency for TVRI to be affiliated with the authorities still often appears to occur, especially during election periods where political interests are very strong in making TVRI a channel for these interests. It cannot be denied, even though TVRI is mandated as an independent institution which is expected to be free from elite interests, remembering that TVRI always collaborates with the executive and legislative in the political vortex is a test in itself for TVRI in order to maintain its sense of integrity. Furthermore,

2 Literature Review

2.1 Political Economy Perspective

Referring to political economy is not a particular theoretical basis, but rather a perspective that offers an analysis of the relationship between economic aspects on the one hand and political aspects on the other. Meanwhile, [4] classifies the political economy perspective into the critical

media theory cluster. The political economy perspective is an alternative in global communication studies where the tendency of the basis of media analysis is towards a positivistic approach.

explains that "Political economy is the study of the social relations, particularly the power relations, that mutually constitute the production, distribution, and consumption of resources, including communication resources". The main proposition of political economy analysis is that media entities are not just ordinary institutions, but are part of an economic system that is related to the political system. The implications of political economy studies encourage efforts to understand in depth who the interrelated actors are, where their alignment is and who benefits from the mechanisms that take place.

Through political economy, wants to show that issues of control or power can influence regulation or policy making. Power relations create elitist working mechanisms related to the exchange of resources or commodities between actors who have interests.

The political economy of media can also be understood as a space that connects media and communication systems including content production that originates from ownership, structure, changing practices, technology, as well as government policy [5]. Through political economy, the output of the media or policies on the media can be seen as a link where pressures related to economic and political interests are very strongly intertwined. The blurring of independence is something that is not strange from a political economy perspective where values are displaced in contestation against pragmatism.

2.2 Concept of Public Broadcasting Institutions

Public Broadcasting Institutions depart from the basic idea of institutional development that leads to services to the public. The public is the main orientation in this paradigm. Furthermore,[6] explained that there are at least two characteristics of public broadcasting institutions, namely: providing socially useful content and funding from the state. This is different from the private sector which prioritizes commercial interests, while public broadcasting institutions place audiences as subjects in the interests of enlightenment, education and empowerment.

Public broadcasting institutions place the public as active participants. In this context, efforts to open public access are the main indicators that need to be met. The public is not just a consumer of media, but an entity that has rights and obligations. Public broadcasting institutions are designed to fulfill these rights and obligations. Thus, the mindset of public broadcasting institutions needs to be clearly differentiated from that of private and government broadcasting institutions. According to [7], the public broadcasting system can support the ongoing democratization of a country where the breath of independence from government interference and commercial economic interests is maintained for the sake of the public interest. Therefore,

The conception of LPP in Indonesia refers to three main regulations, including Law no. 32 of 2002 concerning Broadcasting; Government Regulation no. 11 of 2005 concerning the Implementation of Public Broadcasting Institutions; and Government Regulation no. 13 of 2005 concerning the Public Television Broadcasting Institution of the Republic of Indonesia. On the one hand, these policies are used as a legal umbrella to strengthen the sustainability of the broadcast system, especially LPP, but on the other hand, they are still unable to meet public expectations regarding legal guarantees for weak broadcasting supervision mechanisms, LPP institutions have not been regulated in detail, especially those that affect LPP independence.

3 Results and Discussion

3.1 Internal Crisis and Conflict of Interest in LPP TVRI

Procedurally, TVRI's position as LPP has been established through a number of regulations, including: Law no. 32 of 2002 concerning Broadcasting; Government Regulation no. 11 of 2005 concerning the Implementation of Public Broadcasting Institutions; and Government Regulation no. 13 of 2005 concerning LPP TVRI. However, substantially, the conditions for realizing the ideal LPP have not been fully achieved. This failure to achieve was due to TVRI's internal management factors involving feuds between the Supervisory Board and the Board of Directors which were recorded as taking place in the 2005-2010 and 2010-2015 periods[7] In fact, the latest case that befell TVRI still revolves around the same issue, namely the conflict between the Supervisory Board and the Board of Directors with the unilateral dismissal of Helmy Yahya as Chairman of the Board of Directors by the Supervisory Board.

This is different from the Corruption Eradication Commission (KPK), where when problems occur, the public is enthusiastic about participating. Meanwhile, regarding LPP TVRI, public support is relatively weak. This is not without reason, public involvement in broadcasting issues is relatively weak. Even worse, people's interest in watching TVRI shows is also low. This problem makes it seem as if TVRI as an LPP does not yet have direct back up from the public.

On article 14 paragraph 1 Law no. 32 of 2002 states that Public Broadcasting Institutions as intended in Article 13 paragraph (2) letter a are broadcasting institutions in the form of legal entities established by the state, are independent, neutral, non-commercial, and function to provide services for the benefit of the community. Furthermore, regarding the formation of the Supervisory Board and Board of Directors, it is stated in paragraph 4 which states that the Supervisory Board and Board of Directors of Public Broadcasting Institutions are formed in accordance with applicable laws and regulations. A conflict of interest is possible because in clause Article 8 paragraph 3 of Law No. 13 of 2005, prospective members of the Supervisory Board are proposed by the government to the DPR RI based on input from the government and/or the public.

Considering that public enthusiasm for LPP TVRI is still quite weak, input regarding Supervisory Board candidates often comes one-sidedly from the government. In conditions like this it is relatively vulnerable that the government's interests are better accommodated. Not to mention that the government and DPR RI have strong political ties and ties, encouraging the creation of interest bias. The proportion of the Supervisory Board mandated by law as representing elements of TVRI, society and government has not yet been substantially realized.

Meanwhile, the rules for establishing the Board of Directors are appointed and determined by the Supervisory Board in accordance with Law no. 32 of 2002 Article 14 paragraph 7. In this context, the position of the Supervisory Board is structurally higher. However, operationally, the Board of Directors has more of a role in carrying out technical functions. In Article 11 of Law no. 13 of 2005 states that the Board of Directors has the task of: implementing policies determined by the Supervisory Board which include general policies, master plans, broadcasting policies, annual work plans and budgets, as well as institutional and resource development policies; lead and manage TVRI in accordance with its objectives and always strive to increase efficiency and results;

determine technical provisions for the implementation of institutional operations and broadcasting operations; etc.

Internal conflicts can actually be reduced by harmonization from the start regarding the master plan prepared by the Board of Directors for further discussion and approval by the Supervisory Board. However, in its development, the dynamics of the relationship between the two parties are not always in line. The latest polemic in the case of the deactivation of Helmy Yahya as Main Director of LPP TVRI is also unclear. The author who tried to confirm this through an interview with one of the active Supervisory Board members has not received a satisfactory answer. Helmy Yahya was dismissed "unilaterally" by the Supervisory Board through LPP TVRI Supervisory Board Decree No. 3 of 2019.

If the Supervisory Board has not yet given a complete explanation, this case does seem quite strange. The reason is that if you review Helmy Yahya's work as President Director, it is quite transformative. A number of Helmy Yahya's achievements, for example: getting the broadcasting rights for the International Champions Cup pre-season match, getting the broadcasting rights for the Premier League competition, ten badminton tournaments, collaboration with the Discovery Channel and various other achievements which are enough to make TVRI get enough attention from the public. On the one hand, this progress created new hope for the future of LPP TVRI, but inevitably an internal crisis which created estrangement in relations with the Supervisory Board forced Helmy's steps to stop.

If referring to, the policy taken by the Supervisory Board regarding the unilateral deactivation of Helmy Yahya cannot be understood as a mere procedural mechanism, but also needs to consider the biases at play in it. Through the data that has been collected, it is still not possible for this article to conclude what factors are currently becoming the main narrative regarding the interests at play. However, if we refer back to regulations, conflicts of interest cannot be avoided, especially due to the lack of social supervision involving the public and a regulatory umbrella that has not been able to mediate the deadlock in the relationship between the Supervisory Board and the Board of Directors as a classic problem that LPP TVRI often faces.

3.2 LPP TVRI under the Shadow of the Government and Parliament

It cannot be denied that LPP TVRI was born from a government regime which then became a political vehicle for propaganda channels. However, along with the birth of Law no. 32 of 2002 changed the paradigm of government broadcasting to public broadcasting. The era of democracy requires the public to participate actively, including in formulating state policies. Furthermore, the author in this subchapter intends to explain potential interventions that may be carried out by the government and DPR RI in implementing the LPP TVRI policy.

The opportunity for intervention or control from these two institutions is quite difficult to avoid. This is related to the structure that requires this pattern to occur. In relation to LPP TVRI financing, there is the term APBN. There are two mindsets in understanding the APBN, from the government's mindset the APBN is government funds, while from the public's mindset the APBN is people's money. When LPP TVRI received financing from APBN elements through the approval of the DPR RI, this led to potential intervention. This happens as a consequence that the budget hammer is the institution. Even though the DPR RI is an extension of the people, it cannot be denied

that this institution is a political institution. Political institutions have identical political interests according to the affiliation of the political party that houses them. Therefore,

Shadow-Overshadowing of the government and parliament can also occur through control over the annual reports made by the Board of Directors and Supervisory Board. The Board of Directors together with the Supervisory Board publish a report, which depends on the two institutions for approval. In this context, intervention channels enter through procedural mechanisms that have been regulated. [1] stated that throughout the three periods since 2005, there were inconsistencies in the implementation of Article 7 of Government Regulation No. 13 relating to the Supervisory Board which has the task of determining master plans and broadcasting policies on the one hand and is accountable to the President and DPR RI,

The author views that the involvement of the government and parliament is indeed very necessary in the context of institutional harmonization on the one hand, but on the other hand it is prone to political intervention. Fulfillment of the expected LPP standards is very difficult to achieve if political intervention is too large. Especially in relation to efforts to uphold independence in decision making.

It has been almost a decade and a half, after the institutionalization of the LPP in 2005, the government's role in realizing the ideal LPP still feels half-hearted. Since the period of President Susilo Bambang Yudhoyono until the Joko Widodo era, the position of the LPP still cannot be clearly separated from the interests of the political elite. The interests of the authorities often enter. Public frequency in this context cannot be separated from the "order" of the power in power.

One of the lawsuits that was filed by the Indonesian Broadcasting Commission (KPI) against authority was related to the issuance of seven PPs regarding broadcasting guidelines which were deemed to exceed the authority of the KPI. The government is considered to have violated Law no. 32 of 2002 concerning broadcasting. The PP is actually considered to have deviated from higher statutory provisions. This overlap regarding broadcasting regulations is a form of excessive intervention which has the potential to castrate the role of KPI as a regulator of broadcasting operations.

Another form of conflict of interest that was detrimental to the TVRI LPP also occurred during the 2014 fiscal year. In this context, disharmony between Commission I of the DPR RI and the TVRI Supervisory Board resulted in the budget approved by the DPR being only routine costs and employee salaries. The budget relating to TVRI's operations and development was not approved by parliament. The plan to merge radio and television of the Republic of Indonesia (RTRI) was initiated during the 2009-2014 DPR RI period. However, in the period since there has been no follow-up. The government still needs to be committed to proving that it creates quality public broadcasting, especially by creating a healthy political atmosphere and adequate funding support to support TVRI's governance. Looking at the facts that have been explained, Conflicts of interest or government and parliamentary control factors are very influential in determining the direction of TVRI LPP policy. Therefore, it is necessary to strengthen institutional integration with integrity in creating healthy governance in a democratic political system.

3.3 RTRI Idea: Winning the Public Interest?

RTRI is a fusion mechanism between radio and television of the Republic of Indonesia. This idea is an initiative of Commission I DPR RI for the 2009-2014 period in the context of

strengthening the LPP. However, after the DPR period ended, in the following period there was no significant follow-up. Only later in the 2019-2024 DPR RI period, the RTRI discussion was included in the 2020 national legislation program (prolegnas). Public pressure, one of which was through the National Coalition for Broadcasting Reform (KNRP), was proof that strengthening the quality of broadcasting in Indonesia was important, especially in relation to the LPP.

Before RTRI was selected as the national legislative program, the author attended a hearing held by the DPR RI Legislation Body with the KNRP. A number of DPR members representing factions of each political party on the one hand provided support regarding RTRI, but on the other hand also questioned the urgency of RTRI. A number of questioning views relate to the extent to which television and radio, the Republic of Indonesia, would be able to integrate well by considering aspects of human resources and management between the two institutions.

A special legal umbrella that strengthens the existence of the LPP is important. RTRI was designed as an Auxiliary State Institution (LNB) like the Judicial Commission. [8] explain that status as an LNB makes it possible to maintain independence by not being partisan towards certain interests.

Through this amalgamation mechanism, it is projected that LPP management can be achieved effectively. Strengthening regulations with the existence of a separate legal umbrella related to RTRI encourages strengthening of public broadcasting institutions. Guaranteeing independence to be free from conflicts of interest is carried out by establishing a Public Broadcasting Council, Audience Council, Executive Council, Secretariat General, Audit Committee, Honorary Council through open and objective selection involving public participation.

Effort to win the public interest is the victory of democracy. Policies aimed at minimizing and even freeing ourselves from conflicts of interest in order to realize broadcasting ideals are a basic need. With this, the shadow of the political elite coloring LPP policies can be reduced and efforts to achieve the ideal LPP can be achieved by prioritizing independence, developing quality and strengthening social control-based institutions that encourage public participation.

4 Conclusion

Through this explanation, the author shows the conflict of interest behind public frequency which involves elements of the state and the public in implementing the policies of the Republic of Indonesia Public Television Broadcasting Institution (LPP TVRI) in the democratic era. The change in Government Broadcasting Institutions to Public Broadcasting is contained in legislation through Law no. 32 of 2002 concerning Broadcasting represents reduced state intervention by both the government and parliament. However, conflicts of interest that occurred after the legislation were a form of the ineffectiveness of these regulations, including Government Regulation no. 11 of 2005 concerning the Implementation of Public Broadcasting Institutions and Government Regulation no. 13 of 2005 concerning the Public Television Broadcasting Institution of the Republic of Indonesia.

The internal conflict that occurred at LPP TVRI shows that the progress of broadcasting policy development in Indonesia is still procedural and has not reached a substantial level. The political economy perspective shows that power relations are dynamic in which each actor, both government and parliament, attempts to negotiate with the public to realize each of their agendas.

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