

# CHAPTER I

## INTRODUCTION

### A. Background

Bali Nine was a term given by the mass media to nine Australians detained in Bali, Indonesia on 17 April 2005 in an attempt to smuggle 8.2 kg of heroin from Indonesia to Australia. There were nine men, they were:

- Andrew Chan
- Myuran Sukumaran
- Si Yi Chen
- Michael Czugaj
- Renae Lawrence
- Tach Duc Thanh Nguyen
- Matthew Norman
- Scott Rush
- Martin Stephen

Death penalty imposed by the Denpasar District Court in 2006 the two Australian drug carriers Andrew Chan and Myuran Sukumaran drew protests from Australian Prime Minister Tony Abott and the Australian public for their alleged opposition to human rights. The act carried out by Andrew and Myuran is smuggling of Heroin which is a narcotic crime for class I amounting to 8.2 kilograms on April 17, 2005. In article 113 paragraph (2) of Law no. 35 of 2009 concerning Narcotics in force. (ABC News, 2015)

Australia's diplomacy efforts were through the government's role and the mass media also as a diplomatic instrument. These approaches were simply not working. In the

final section, the researcher attempted to respond with a question as to why this technique of diplomacy is not successful, which caused two prisoners in Bali Nine death row, Andrew Chan and Myuran Sukumaran.

It is not always necessary for every state to enforce the death penalty. It is a severe violation of human rights, a right to live, the death penalty. Under Australia's history, the death penalty has been abolished by a moratorium on the application of the death penalty in the commonwealth. Under the legal on abolishing the death penalty (The Death Penalty Abolition Act 1973), the abolition of the death penalty has been governed. In addition to human rights violations, the success of the application also includes considering death penalty.

Some media reports reported that Andrew Chan and Myuran Sukumaran that they showed a positive change of attitude since they were detained, and that they have also made a real contribution, particularly for the convicted. Another aspect were the practice in painting and also the use of a computer. According to the Australian government, the pardon of the death penalty could be assessed. The perception of someone could be clearly seen through changes in each individual's behaviour. Therefore, a punitive effect could be accomplished without the need to enforce the death penalty.

There is international evidence that the Australian government has committed itself to condemning the death penalty. Australia has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty at international level. It is clear that Australia felt that is necessary to meet all negotiated forms of agreement by ratifying the International Covenant on Civil and Political Rights. Although this Agreement is not binding in its execution, Australia is still trying to enforce all types of rules negotiated with the ratified countries. (Kompas, 2015)

Other cooperation agreements include ratification, by act No 8 of 1994 Article 2, of the extradition agreement

concluded between the Republic of Indonesia and the State of Australia. In that article, it is accepted that drug trafficking was an extraditable offense, and Australia's extradition agreement aims to recognize a loophole in the way its people can return to their homes. That was one of the priorities of diplomatic efforts, which was to save the rights of the people. PM Tony Abbott told the Radio Network of Australia that Mr Abbott tried to stop the continuing executions.

Australia was a country with a democratic system which has been strictly controlled by several parties, the opposition and the shadow of the cabinet. It makes the media a weapon for political parties' interests. In Australia, the media in general also monitor the performance of government in the fight for people's interests. Condition such as this make the media so important to support the Australian government's interests.

In Bali nine case, there were supports from the leaders that demonstrated that all parties support PM Tony Abbott's full efforts to liberate his fellow citizens. Here are quotations from the sponsors of The Sydney Morning Herald that were sent on Friday to Tony Abbott: opposition leader Bill Shorten said Labour was satisfied and agreed that the government could do everything it could to stop the execution. The statement from Opposition Leader Bill Shorten backed PM Tony Abbott's Liberal Party, stating that the Labour Party was very happy and supportive of the government's efforts to prevent the execution. Different parties have now supported the introduction of the death penalty.

A number of parties have now decided to approve the death penalty. The Australian Government's goal was to specifically encourage diplomacy with a view to protect the country's rights and sovereignty. The Government was seen as one of the objectives to be accomplished to legitimize its success. The conditions under which the party's position remains in honor are accepted. The Australian Government's

fight for the rule of law in Australia was also one form of effort to claim legal independence in Australia.

The role of Australia's mass media in the diplomatic efforts of the government in action also involves. The media's contribution to every government diplomatic process in Australia was a government strategy to build Indonesian government policies through speech acts. A national public opinion would be created through speeches made in the form of a declaration by the Australian government through mass media. The media was therefore a political device that cannot be isolated from the Australia Government.

President Joko Widodo of Indonesia was always approached by the Australian government through two government institutions, the executive and the legislative institutions in Indonesia. The Australian Government, with its approach, sees the mass media as an interest channel between the two countries, Australia and Indonesia. The Australian Government's diplomatic approach to two aspects of the major institutions of Indonesia's government are here the legislative and executive.

The Australian PM attracted public attention during the negotiations. As several media reports reveal in his speech in an effort to defend the interests of Australian citizens, Australian Prime Minister Tony Abbott. The fact was that President Joko Widodo has appealed against forgiveness of his country's citizens, but President Joko Widodo has reinstated the refusal.

PM Tony Abbott gave Australia's mass media approval of the Australian government's tsunami disaster aid. In particular, this shows the significance with the help given, Indonesia was able to realize the clemency of two Australian citizens, which it earns by kindness. In the case of PM Tony Abbott's decision, he attempted to build a policy by the Indonesian Government that assisted the tsunami which he received. He stated that: "Let's not forget that a few years ago when Indonesia was struck by the Indian Ocean tsunami,

Australia sent a billion dollars' worth of assistance, we sent a significant contingent of our armed forces to help in Indonesia with humanitarian relief and Australians lost their lives in that campaign to help Indonesia.”

The declaration by Tony Abbot could provide an answer from the Indonesian community. The anger of the Indonesians in the shape of an Abbott coin collector's movement in different regions of Indonesia, especially Aceh, as a tsunami disaster, has been realized through media coverage. This is a sign that Indonesia citizens were insulted by the declaration of Tony Abbott through the mainstream media. Tony Abbott is able to spark domestic conflict on the territory of the Unitary State Republic of Indonesia as a result of protests against Indonesian citizens. At least anger at Indonesian citizens who could not suspend the execution immediately.

## **B. Research Question**

According to the background, the following background, the research question that writer can conclude is: **How was Australia's strategy to protect duo Bali Nine in Indonesia from death penalty during 2005-2015?**

## **C. Theoretical Framework**

### Theory of Constructivism

Constructivism was the paradigm of developed and transformed identity and the interests of the state. It was the model of social constructivism. This view considers that international political fundamentalism was not only based on material or power but on social aspects. Constructivist was a paradigm, or a that highlights the role of norms in International Relations.

Constructivism was an alternative theory that also frames a modern theory of international relations. The constructivism of participation has been considered as dynamic,

not arbitrary, and culturally based on social conditions since 1980. This theory was based on fundamental human understanding and thought. It is possible to turn social phenomena or reality into knowledge in the social sciences through nature and human understanding of each individual.

Constructivist rejects such a one-sided focus on materials. They argue that social, is the most important aspect of international relations. In the study of international relations, the main focus must therefore be on ideas and convictions that inform the global actor.

In the context of international politics, however, Constructivism emphasizes the importance of the influence of social norms in determining every action. This was reflected in the distinction between consequences logic and appropriateness logic. The logic of consequences was when an entity pursues certain interests and then takes the usefulness of action based on its priority interests, the main consideration, in other words, was the consequences of actions against interests. Actions are therefore moral in order to increase interests. Meanwhile logic of appropriateness was when an entity does what is considered appropriate in certain contexts because there are norms that define specific actions in that context, in other words rational calculations such as interests, consequences and no utility again become important because there are already norms that determine what is appropriate. These norms can be written or unwritten

Norms are the result of state actions in constructivists, but at the same time this can also affect a country's action. In its construction with Human Rights, this hypothesis of constructivism becomes relevant. Human rights are powerful because they are the universal norm in order to form the basis for the actions of a state. On the other hand, however, constructivism also composes the sense of history, society and community. This is also relevant because the world applies

human rights in different ways and also supports different cultures.

If correlated with constructivism theory, all the actions of Australia are based on the view of the norms of human rights. Australia has an individual-principled liberal democratic tradition. Since Australia is a colony of Britain. And as a country that believes that human rights protection is absolute. That thing inspired Australia to make different efforts so that the two people is not executed by Indonesia

### **Theory of Public Diplomacy**

Public diplomacy is defined as a government-sponsored program to inform or influence public opinion in other countries, with its main instruments being publications, films, cultural exchanges, radio and television, according to the U.S. Department of State.<sup>1</sup>

Public diplomacy aims to promote positive public opinion through the interaction of interest groups in other countries. Public diplomacy also requires the ability to interact interculturally because it is related to evolving group perceptions, mutual understanding when it comes to foreign policy issues

Public diplomacy is a coordinated effort to form positive perceptions among the public of other countries by distributing information, expanding information and other forms of activity that directly affect the activities of NGOs.

Public diplomacy has three main objectives: preventing or resolving conflicts between groups or countries by maintaining cooperation, mutual understanding and improving the quality of personal relationships, reducing stress, frustration, fear, confusion by tolerating enemies and giving special experiences to individuals while communicating with each other, and as a bridge between the diplomatic road. Sharing

feelings and needs through intensive communication without prejudice by explaining the subject matter from each point of view. So public diplomacy becomes the basis for more structured negotiations and policy formulation.

Public diplomacy is concerned with influence, public attitudes on foreign policy formation and implementation, including international relations outside international diplomacy; development of public opinion in other countries; interaction of private groups and interests in one country with other countries; reporting on foreign issues and their impact on policies.

The political process that tends to always promote freedom is a reason for the usage of mass media in the Australian government's diplomatic model. The construction of the Australian government's view of the Indonesian government's policies which sought to be built through the media, tends to lead to conflict formation. This can be proven through attacking statements made by state officials through reporting in their local media, such as ABC News, The Sydney Morning Herald, and The Daily Telegraph.

Mass media and diplomacy are an inseparable unity. Diplomacy's relationship with the mass media are interconnected. The existence of mass media, especially online mass media, makes access to all necessary forms of information easy for every citizen. For some large countries that uphold press freedom, the conflict is often dominated by mass media. Mass media is basically a medium in the government system that can promote two competing countries' interests. Simply put the mass media acts as a channel for public aspirations between the government and other governments or government and its people's interests

In a statement made by both Australia's Prime Minister and Australia's Foreign Minister, Australia is always attempting to get clemency from its two citizens in any case. In some media reports, this intention is often articulated in a clear and



straightforward manner by the Australian government about what they need. The press also presents the news in a way that can attract a great deal of public criticism. So it makes the government of Indonesia upset. Diplomatic government and mass media is always in harmony to reach the interest

In particular, approaches to advocacy and mediation are more focused governmental bodies with a more significant role and purpose. The legislature is responsible for forming the policy and making the country's laws. Because it's a legislative solution, the main agenda of the whole diplomatic process is finished.

#### **D. Hypothesis**

Based on the background and the research question of the problem can be drawn the conclusion that the Australia strategy to prevent the death penalty are:

1. Australia change the frame of the public opinion on Duo Bali Nine death penalty from drug issues into the human right issues.

2. Australia government develop and maintain relationships with civil society, human rights defenders and relevant UN agencies to advance global abolition of the death penalty for Duo Bali Nine suspect.

#### **E. Purpose of Research**

1. To enrich the international relations knowledge related to the writing.

2. To prove the answer from the research question and truth with relevant concept and data.

3. To find out how the Australia influence and strategy carried out by Australian government and citizen in handling Bali Nine death penalty issues in Bali, Indonesia.

## **F. Research Methodology**

In this research, writer used qualitative research method. Qualitative research method used for analysis that was done deeper, which could then be understood and taken important points about an event or social problem in the community. In addition, understanding the topics raised could be obtained widely and, in more detail, using the method. Qualitative research emphasized the research process compared to the results achieved.

In addition, this qualitative research method used more data sources from the field. The data collection in this research was taken from written data sourced from news, reports, journals and books. Furthermore, the author described the facts as they were, by sorting them out, categorizing them, interpreting them and describing them to get an overview to answer the questions from the research question already mentioned.

## **G. Scope of Research**

Giving limitation to the writing to minimize discussion that was not related and the possibility of problems. With the limitation in accordance with the problem, it aimed to facilitate the author in finding data. The scope of research was needed to avoid any discrepancies in the discussion and verification of the hypothesis and subject matter that had been 19 proposed. The scope of writing in this thesis was not widely general. This research took limit in 2005 to 2015, also this research only explained about the Australia role and methods of abolishing the death penalty of Bali Nine.

## **H. Writing System**

Chapter I, examining the introduction which contained: background, research question, theoretical framework, hypothesis, scope of research, research methodology, purpose of research, and writing system.

Chapter II describing about the death penalty judgement to duo Bali Nine.

Chapter III describing Indonesia death penalty policy in the case of drugs.

Chapter IV explaining Australia's Strategy in The Abolition Of Duo Bali Nine Death Penalty.

Chapter V as the closing or the last chapter that consisted of conclusion from the entire paper as a whole.

