



## **Implementing Freedom of the press within Professional Ethics**

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### **Abstract**

Freedom of the press is another side of its accountability. The press must adhere to the ethics of the press profession regulated by press organizations. At the same time, journalistic work lies within the corridors of laws and regulations governing the press. The press works in the spirit of freedom on the one hand, on the other hand, the press also demands accountability. This research shows that the Indonesian press was free after Suharto's Authoritarian Rule ended. However, the gift of press freedom was simultaneously confronted with various violations of the ethics of the press profession, leading to legal issues. The researchers used normative legal research methodology. This study used a normative research methodology. This research concludes that in addition to "freedom of the press", journalistic work is also required to adhere to the ethics of the journalistic profession, which press organizations regulate.

### **Keywords**

freedom of the press; ethics of the press; journalist; media

### **1. Introduction**

Freedom of the press is fundamental in public and state life in today's democracy, so it is stated "The press is the Fourth Pillar of Democracy". Freedom of the press is fundamental in public and state life in today's democracy, so it is stated "The press is the Fourth Pillar of Democracy".

The press's important role is undeniable in realizing freedom of opinion and the right to communicate. The strong relationship between press freedom and freedom of thought is described as the destruction of press freedom, which implies the destruction of freedom of opinion (Alexis de Tocqueville, 1994). Press freedom refers to the freedom to convey information impartially. The impartiality of the press is very important because if the press takes sides, the first victim is the public. Therefore, press freedom was later limited by professional ethics, laws, and regulations governing the press. This press regulation is a phenomenon found in almost every country, including countries that glorify individual freedom, such as England through the Licensing Act of 1662 (E.C.S. Wade dan G. Godfrey Phillips, 1957). Press-related arrangements in the country were also established through laws that did not specifically regulate the press, such as the Defamation Act of 1952.

The press has become very important to the development of democracy as instruments for the implementation of freedom of opinion. Because of the importance of the press's role, it places in a noble position, namely as the fourth pillar of democracy. The importance of the press was described by a journalist writing that "Journalism exists for democracy" (Bill Kovach dan Tom Rosenstiel, 2004). The role of the press is shown through its function of providing government activities and thoughts that develop in the community about a policy or government activity that affects public life in general. The role of the press is again described as "journalism exists to fulfill the rights of citizens."

Press freedom is internationally recognized as a fundamental right for every citizen in every country as stated in the 1948 United Nations of Human Rights Declaration (Media Law Handbook for Southern Africa – Volume 1, 2021). The first sentence of the preamble to the Universal Declaration of Human Rights,<sup>1</sup> adopted by the United Nations (UN) General Assembly in 1948 as Resolution 217A, states: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

This includes the right to seek information and ideas through any media. This is a critically important statement for the press and media because it clarifies that newspapers, radio, television, and the internet, for example, are all contained within the right.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) elaborates on several of the provisions of the Universal Declaration of Human Rights. It provides: 1. Anyone has the right to hold opinions without interference. 2. Anyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.

This pillar when fundamental to journalistic practice is independence. In proven practice, even if journalists making news refer to ethics and norms, there can be distortions in the information presented. In particular, if it is associated with

a sharper clash between the interests of the press and the business interests of the press, then the issue of independence becomes threatened to no longer be able to be neutral, objective, and critical in carrying out journalistic tasks. If so, the media is no longer responsible to the people as the holder of concern, but fully follow the owner's will. Such circumstances are very dangerous because the media are redacted unwell. Moreover, nowadays the public complains about the content or media showings that are too vulgar, bombastic, and excessive sensations. In addition, editorial policy is oriented towards how to benefit as much as possible by not paying attention to ethical and legal norms that should be a reference. For example, the orientation of ratings (advertisements) has made the media compete to present mystical, supernatural, pornographic, sadistic, and others that attract the interest of readers or viewers.

Professionalism is a key pillar of journalism. Although the press has referred to ethical and legal norms and has been independent, it is not guaranteed to qualify as a healthy and professional press. Based on practical experience, there is often a distortion of the information presented even though it has been packaged in accordance with ethical norms, legal norms, and the editor's independence. It turns out that the skill factor or ability to professionally package is very important and determines whether the information presented can be digested and received by the audience clearly and is not contaminated by the opinions of newsmakers.

## **2. Methods of Research**

Legal research is "the process of discovering laws governing activities in human society". Legal research involves the use of various printed and electronic sources. Print sources include court decisions, laws, administrative documents, and scientific commentaries. Electronic sources were obtained from computer databases (Morris L. Cohen dan Kent C. Olson, 1992).

This research relies on the study of laws and regulations, government policies and their implementation related to the field of journalism as well as perceptions among journalists and professional journalists' organizations, the press industry, communication and legal experts, and government circles. In addition to the literature, several interviews with resource persons related to this research are important sources for this research.

This type of research is normative legal research coupled with field research. This study uses an approach with a descriptive-qualitative approach by collecting and studying several materials or written documents. The processed materials were obtained through literature in the form of laws and regulations, program policies, books and articles, newspaper clippings, and other secondary data related to this study.

Normative legal research was based on the issues studied and the selection of data sources. As understood in the legal literature, this method examines the juridical standards contained in the law and court decisions. Library research is conducted to obtain data from primary, secondary, and tertiary legal materials,

such as concepts, legal methods, and legislation (Soerjono Soekanto and Sri Mamudji, 1985).

There are two broad categories of legal literature: a) primary and b) secondary materials. The primary sources of the law are the recorded rules imposed by the state; these sources can be found in the decisions of appeals courts, laws passed by legislators, executive decisions, and the rules and decisions of administrative institutions. In common law countries such as the United States, the first major category of primary sources is judicial decisions, while product law is the primary source in civil law states.

Secondary materials include agreements, hornbooks, practice manuals, and legal writing in legal journals. Secondary sources can help analyze problems and provide research references for primary sources and other secondary materials.

In this study, the researchers conducted interviews with several sources to explore the issues that were the focus of the study.

Further explanation of the research method used will be described as follows:

1. The research method used in this study is descriptive, in which researchers only observe existing phenomena and explain what they are without making arrangements or engineering research objects.
2. Data collection techniques were used to strengthen the implementation of observations by confirming data and information.
3. The Data Collection Instruments used are:
4. 1). Documentation, namely collecting data in the form of documents or writing.
5. 2). A systematic observation method (structured observation), which carries out direct observations on the object of study about the pattern of interaction within the state-press-society triangle. Researchers only observe existing phenomena and explain to them as they are without making arrangements or engineering the object of study;
6. 3). Data analysis was conducted using descriptive analysis techniques that aim to collect facts accompanied by data interpretation. The data obtained will be processed qualitatively derived from literature studies and analyzed using a normative juridical approach, to be subsequently presented in a descriptive form to obtain conclusions.

### **3. Literature Review**

Ethics are understood as a system of principles, morality, or codes of professional behavior related to the problem of good or completely wrong values, that develop in accordance with culture and society (Conrad C. Fink, 1988). Professional ethics are related to the accountability of the implementation of a profession, which is generally made by professional organizations or institutions. Since the 1980s, the term social responsibility theory in mass communication has been known as part of the development of the classical theory of the press, known

as the Four Theories of the Press (Hikmat Kusumaningrat and Purnama Kusumaningrat, 2005). This new theory recognizes the role of mass communication as a tool for social control and orderly society (William L. Rivers, et.al, 2004).

The Commission on the Freedom of the Press report in 1949 formulated the theory of a socially responsible press that wanted to overcome the contradiction between press freedom and social responsibility. The commission, better known as the Hutchins Commission because headed by Robert Hutchins, proposed five prerequisites for the achievement of a responsible press for the public:

- (1) The media must present news of daily events that are trustworthy, complete, and intelligent in a context that gives them meaning. That is, the media must be accurate, must not lie, must separate facts and opinions, must report in a way that gives meaning internationally, and must go deeper than just presenting facts and reporting the truth.
- (2) The media should serve as a forum for the exchange of comments and criticism. That is, the media must be a public means; must contain all ideas "as the basis of objective reports"; it shall contain "all important views and interests" in society to be represented; The media must identify the source of their information because it is "necessary for a free society".
- (3) The media must project a picture that is truly representative of the constituent groups in society. That is when the images presented by the media fail to present a social group correctly, the opinion is misleading; the truth about any group must be truly representative; it must include the values and aspirations of the group, but it must not exclude its weaknesses and vices.
- (4) Media must present and explain the goals and values of society. That is, the media is an instrument of education; it must assume the responsibility of expressing and explaining the ideals championed by society.
- (5) The media must provide full access to hidden information at some point. That is, there is a need for "widespread attributing of news and opinion."

An interesting development occurred after the Commission published the report. Starting in 1956 the press in the United States, as an example of adherents of the theory of a free press (libertarian theory), shifted following five guidelines for the implementation of the concept of a press that is responsible to the public to carry out the basic functions of mass communication in contemporary society. To achieve the ideals of a responsible press to the public, the press must carry out the following six functions below:

- (1) Serving a political system that allows information, discussion, and consideration of public issues to be accessible to the public.
- (2) Providing information to the public to enable them to act in their own interests.
- (3) Protect the rights of individuals by acting as watchdogs against the government.
- (4) Serving the economic system, by bringing together buyers and sellers through advertising media.

- (5) Provide entertainment (only “good” entertainment, whatever that entertainment is).
- (6) Maintain autonomy in the field of information so that there is no dependence on certain interests and influences.

Kant also proposed an important view of professional ethics. According to him, professional ethics related to what should be done or professional ethics is something of imperative value. Therefore, Kant stated that the code of conduct and morals must depart from the conscious mind and be universally applied to all societal environments of all ages. In the context of the journalistic profession, the ethics of the press profession are closely related to the standardization of the journalist profession and the media’s credibility. Adherence to the ethics of the press profession can make journalists widely aware of their honesty in presenting news. Following professional ethics, journalists use professional techniques to obtain news and consider whether a news story has been published. Professional journalists should consider fair and balanced aspects of news writing.

Three categories of responsibilities can be applied to the press (Luwi Ishwara, 2005). First, the responsibilities associated with the assignment (assigned responsibility). In this context, superiors assign tasks to subordinates such as hierarchies in the military, or employers. On the other hand, journalists are also personally charged with various responsibilities by media companies that employ them, such as covering news. Concerning assignment-based responsibilities, journalists are accountable to their editors and bosses. In this context, the press is not free. He or she must work based on a superior assignment, not because of voluntary principles, because the editor of the assignor will ask for responsibility from the reporter.

Second, contract responsibilities. This responsibility is based on indirect agreement with the community. The positions on the two sides were equal. The explanation is that the public promises the press the freedom to carry out its duties based on the assumption that the press will serve the public's need for information and opinion. Thus, journalists are bound by two contracts, with their company and their readers. The press is responsible for delivering news about the government's performance and societal problems.

Third, self-imposed responsibilities. Journalists can develop what they should be held accountable for. This sense of responsibility departs from the soul and consciousness. In this context, a journalist’s job is more of a calling on the soul than a matter of survival. Therefore, journalism is a novel profession.

Adherence to professional ethics will be reflected through journalistic work with the principle of freedom and its responsibilities. The principle of freedom in journalistic work applies to journalists’ freedom. The principle of press freedom can practically be laid out in professional journalistic work, with two prerequisites. First, the nature of a journalist’s job requires specialized training. Second, the norms governing journalists’ behavior are focused on the interests of their readers.

To achieve professional journalistic work, journalists must adhere to the following two norms simultaneously as guidelines for their work. First, technical norms revolve around gathering news quickly and precisely through writing and editing skills. Second, ethical norms revolve around the obligation of readers to account for journalists' work with impartial, caring, fair, and objective attitudes. Professional journalistic work must be realized as time-consuming so that journalists are ideally considered professional and ethical.

In line with journalistic professionalism, the constitutional guarantee of freedom of expression implies that recognizing freedom of expression is a fundamental right for every citizen (Louis Henkin, et., al., 1999). The regulation in the constitution hints at the importance of guaranteeing freedom of expression both orally and in writing. Freedom of opinion itself has a broad aspect because it is not limited to expressing opinions orally and in writing, but also to the right to communicate both receiving and conveying thoughts, criticisms, and dissent (Todung Mulya Lubis, 1993).

#### **4. Results**

The Freedom of the press to seek and convey information is protected by the constitutions of many countries, including Indonesia. Press freedom is framed as the freedom to express thoughts and opinions as stated in the 1945 Constitution. In connection with the spirit of press independence as a manifestation of people's sovereignty and a fundamental element in the life of society, nation, and state, the Law of the Republic of Indonesia Number 40 of 1999 concerning the press was formed. Article 3 Paragraph (1) explains that the press is a medium for information, education, entertainment, and social control.

The National Press, as a vehicle for mass communication, disseminating information, and forming opinions must be able to carry out its principles, functions, rights, obligations, and roles as well as possible based on professional press independence, so that it must receive legal guarantees and protection, and be free from interference and coercion from anywhere. The press as a social institution also does not escape the inevitability of redefining its role in the post-reform era as the antithesis of the limitations of work in the previous era.

Political reforms following the end of Suharto's authoritarian rule in 1998 have made significant progress in press freedom in Indonesia. Freedom of the press is part of freedom of opinion as guaranteed in the 1945 Constitution. President B.J. Habibie, as Suharto's successor, aided the development of the press and press freedom through government regulations and policies. The development of press freedom also requires strengthening press accountability amid the euphoria of freedom due to the soaring number of press publications. The accountability of the press through its ethics and regulation is the other side of freedom of the press itself.

In the post of the 1998 Political Reform Era, the Press developed in the increase of media companies and in the form of press freedom guaranteed by the

1945 Constitution and legislation. Journalists live in a euphoric atmosphere. The press seemed to have escaped Suharto's authoritarian rule. The development of the press is not followed by strengthening adherence to the ethics of the press.

Owing to the rapid development of the press after the 1998 Political Reform, journalists must educate their members to adhere to the journalistic code of ethics. In addition to being created by professional organizations, collections of professional organizations, or collections of professional organizations, press publishing also create a press code of ethics. The substance of a journalist's code of conduct created by a press publishing company is not significantly different from the press code of ethics created by press organizations. However, in practice, journalists better understand and adhere to the journalist code of conduct created by press publishing companies. Penalties for violators of the company's code of conduct vary widely, from transfers to non-editorial desks to suspensions and permanent dismissals. There are even indications that violations of professional ethics are a form of journalist ignorance of the press code of ethics created by press organizations or rules on press codes of conduct stipulated in the Press Act 1999. The Indonesian Press Council noted that approximately 90% of Indonesian journalists are unaware of Law No. Forty of 1999 in the press and press code of ethics (Anton Tabah, 2005).

A form of press ethics violation that often occurs is when the decline of news is not balanced (cover both sides) or without cross-checking (check and recheck) with parties who are interested in the news. Therefore, if interests are violated due to news, then there will be legal problems, such as libel. The settlement of legal channels against news is considered a detrimental signal that the settlement of professional ethics violations does not satisfy the public. This last fact has been a phenomenon of press life in Indonesia since 1999, where entering 2002, the life of the press was cynically said to have exceeded the limits of press freedom itself. Indications vary, namely from writing news that is considered provocative to the practice of extortionist journalists dubbed journalists without media.

Another problem in press coverage is balanced reporting and protection of news sources. At this time, information media, such as entertainment information, often enter the personal realm. The research result by students of the University of North Sumatera's Department of Communication in 2004 indicated that some journalists do not know the professional code of ethics, both regulated in professional organizations and created as internal regulations of media companies (North Sumatra University, 2004). This study also noted several violations of professional ethics. For example, news sources not seeking information are either cornered or forced. There should be a rule that the source must be protected if does not want to be asked for information. Journalists have no right to force someone not to provide information. This development is not profitable as decreases journalists. Another problem with professional ethics is the need necessity for lower-balanced reporting. Balanced news can maintain press independence.

The phenomenon of violations of the ethics of the press profession that has long led to lawsuits is the antithesis of press freedom, which press figures and human rights activists have long championed. A press observer considers violations of professional ethics as an anomalous form of practice of press freedom as a signal of interaction that is not equal to the power of the press, which argues for public inferiority (Muhammad Mufid, 2009). This picture concerns the inverse of the quality of news, which is considered distorted by news correction or the loading of the right of reply. Such conditions can trigger a sense of public helplessness toward the "arbitrariness of the press" in journalistic work.

A criminal charge is assumed to arise because of violations of the press code of ethics due to news-writing or caricature of various kinds, such as slander, insults, defamation, and spreading false news. The international journalist organization Reporters Without Borders (RSF) was announced in Paris on October 26, 2004 (Reporter Without Borders Annual Report 2004), noting that the press's cases that followed the legal process were so shocking that they ultimately threatened the freedom of the press itself.

During Suharto's rule, government agencies and security forces heavily controlled journalistic life. Government control of the press ranges from having to have a license issued for press companies as stipulated in Law Number 11 of 1966 on the Press to the necessity to have a Press Issuance Business License as stipulated in Law Number 21 of 1982 on Press in lieu of Law No. 11 of 1966. The Ministry of Information controls the freedom of the press. Security forces can also terrorize news loading by calling the news editor directly through the "call editor" mechanism. The strict practice of media censorship is said by human rights advocate Mulya Lubis to be a loss of free speech rights guaranteed by the 1945 Constitution (Todung Mulya Lubis, 2021). The lack of news censorship results in media suppression. Media closures due to reporting criticism of the government occurred in the weekly magazine Tempo Magazine and Tabloid Detik in 1994.

After the 1998 Political Reform, freedom of the press was better than in the Suharto era (1966-1998). Law Number 40 of 1999 no longer requires the press to have a Press Publishing Business License for the media (SIUPP). Press Companies, such as Limited Liability Companies, are incorporated. Article 4 paragraph (2) of the 1999 Press Law also guarantees that there is no censorship, dissipation, or ban on broadcasting. A better arrangement brings fresh air to the institutionalization of democracy, especially regarding access to information conveyed by the press.

The 1999 Press Law has provided a solid foundation for the realization of press freedom in Indonesia. However, in practice, the freedom of the press has not substantially taken place because of the lack of human appreciation of the press for the profession (Amir Syamsudin, 2005). Many violations of journalistic ethics and professionalism are counterproductive to the essence of press freedom. Ironically, in the era of Political Reform in 1998, there were several events of the occupation of the press office. Physical attacks on journalists showed a low appreciation of the public against press freedom, also caused by the low

appreciation of the press for their freedom. People dissatisfied with a report are advised to protest, clarify or correct the publication even though the public can respect their right to sue in court.

In the United States, journalists also conduct trials because of news issues. For example, the New York Times versus Sullivan case reached the level of the U.S. Supreme Court (Victor Menayang, 2005). The judicial process shows that news issues can also reach the green table and journalists are not above the law. However, there is also a positive side to the protection of press freedom in the punishment of journalists for news writing must be proven through a judicial process. The U.S. Supreme Court's ruling ultimately became a crucial jurisprudential milestone in press freedom in the U.S. Before the 1964 case, the U.S. Supreme Court had always allowed decisions in state courts that sometimes failed to protect the press under the constitution (Wayne Overbeck, 2003). The ruling became very important and studied by all media students in the U.S. because it significantly changed the position of the press in the face of public officials as well as public figures.

The 1998 political reforms influenced Indonesian press development. The changes and developments that emerged included the press becoming freer, reporting becoming more balanced, and critical attitudes of the public towards press reporting. Freedom of speech, which had been repressed, was relatively better after Suharto's resignation (Agus Purwanto, 2005). After Suharto's era, government officials were relatively free to report on all events, news about corruption, collusion, and nepotism among officials, and reports of violence by the authorities (Metalianda, *THE JURIS* Vol. I, No. 1, Juni 2017 ISSN 2580-0299).

This differs from the practice of journalists before the 1998 Political Reform Era, especially during the New Order government which was generally not conducive to the development of the press, including the freedom of opinion and freedom of expression. On the other hand, press freedom in the 1998 Political Reform Era had the potential to give rise to the dominance of certain press, and there were differences in the meaning of press freedom itself.

It also happens that press freedom comes at a cost with threats of physical violence and legal cases perpetrated by those who feel aggrieved by a report without first exercising the "right to answer". On the other hand, freedom of the press has been accompanied by the responsibility to respect the rights of others and complement its reporting with facts, data, and accurate evidence which are the main requirements of journalistic work. Thus, it is very important to implement press freedom not to violate human rights or the principle of the presumption of innocence of news sources.

The openness of information access that characterizes the current era has placed the press in an extraordinary role in presenting information from a business perspective and democratic development. In line with the demands of the development of the dynamics of national life, public and business interests must remain in the management of journalistic activities.

Until now there has been no common perception of the press, idealism and professionalism of the press. Those differences had an impact on how the press was conducted. Each has its own perception of interpreting press freedom. The government has its own views that are different from those of the public and academics. Likewise, the press itself has a different understanding. This difference in meaning has an impact on differences in views on the need for the government's role in press development and the protection of public rights to press reporting.

Two basic issues that various parties often forget are the definitions of the press, journalists, and those referred to as press practitioners and journalists. Normally, the definition of the press is found in the provisions of Article 1 Point 1 of Law Number 40 of 1999. The provisions of Article 1 Point 1 state that the press is a social institution and a vehicle for mass communication that carries out journalistic activities including searching, obtaining, possessing, storing, managing, and conveying information, both in the form of writing, sound, images, data and graphics as well as in other forms using print media, electronic media and any kind of channels. The definition of journalism is contained in Article 1 Point 4 of Law Number 40 of 1999, which refers to the provisions of Article 1 Number 1. Article 1 Point 4 states that journalists regularly carry out journalistic activities.

The provisions of Article 1 Point 4, especially the phrase "carrying out journalistic activities" cannot be separated and must refer to the provisions of Article 1 Point 1, which include searching, obtaining, possessing, storing, managing, and conveying information, both in the form of writing, sound, images, data and graphics as well as in other forms using print media, electronic media and all types of available channels. The definitions distinguish journalists from other professions and activities.

The reform era brought more shifts in the role of the press with a very large role that could not be separated from the shift from an authoritarian to a democratic political format. The enforcement of the life and development of the press no longer occurred as in the New Order era through Law Number 40 of 1999 concerning the Press, the press regained its crown of freedom.

Indeed, the importance of freedom of the press has been discussed in the sessions of the Investigating Board for Preparatory Efforts for Independence (Wikrama Abidin, 2003). Liem Koen Hian debated the importance of including the issue of press freedom in the draft provisions of Article 28 of the 1945 Constitution, arguing that "freedom of the press is necessary to combat the depravity of society and government". Supomo rejected this idea, stating that Liem's idea were individualist and liberalist.

The issue of press freedom has been a long journey since its discussion in the Investigating Board for Preparatory Efforts for Independence sessions. This press freedom also experienced a period of "ups and downs" with the spirit of democracy in Indonesia and the press regulation, which developed from one period to another (Faculty of Law of the University of Indonesia, 2004). The Criminal Code regulates everything related to writing and publishing activities. Law Number 11 of

1966 concerning Basic Provisions of the Press was produced. The presence of this law is expected to bring the press back to an atmosphere of freedom after the press experienced pressure both during the Dutch East Indies colonial period and the Japanese occupation period, with the threat of a media ban, which is considered to disturb public order as stipulated in the Dutch Colonial Media Closure Law (Pressbreidel Ordonantie) and the imprisonment of journalists based on charges of criminal acts of spreading hatred against the government as stipulated in articles on hate speech law (hatzaai artikelen) in the Dutch Colonial Criminal Code.

The regulation in Law Number 11 of 1966 does not restore press independence, because the press is used as a tool of revolution through its function as "mass media that is active, dynamic, creative, educative, and fostering critical and progressive thinking throughout the lives of Indonesian people". However, freedom of the press is guaranteed in Law No. 11 of 1966 owing to provisions regarding the absence of censorship and suppression of the press, and no license is required for press publishing.

The history of Indonesian press travel then records that implementing the spirit of press freedom is not uncommon to face legal proceedings when a writer or journalist is charged with Hatzaai Artikelen article as stipulated in the Dutch Colonial Criminal Code. For example, what happened in Sukarno's Old Order era, namely the trial of the editor-in-chief of the daily Community Trumpet in Surakarta on charges of violating Article 154 of the Criminal Code was reported the arrest of several figures in Jakarta. Two other examples that can be mentioned against the shackles of press freedom that occurred in the New Order era are the trial of the editor-in-chief of the Nusantara Daily and the ban on Tempo magazine. Nusantara daily editor-in-chief T.D. Hafas was tried on charges of spreading hatred against the ruler in 1971. Tempo magazine's Press Publishing Business License (SIUPP) was revoked in 1994 because it exposed the depravity in the process of purchasing ex-East German warships.

The press regulation has also changed in line with the development of political dynamics. Law No. 21 of 1982 concerning Basic Provisions of the Press controlled the press. Law No. 21 of 1982 also revoked the provisions requiring the possession of an Issue Permit and the provision requiring the possession of an Issue Permit (SIT) as stipulated in the Regulation of the Minister of Information No. 03 of 1969. However, Law No. 21 of 1982 introduced a new form of licensing for press publishing, which was technically regulated later in the Regulation of the Minister of Information Number 01 of 1984.

After the enactment of Law Number 40 of 1999, the government no longer had the opportunity to inhibit the press, because it was no longer subject to suppression, censorship, and broadcasting bans. The guarantee of press freedom gives hope that the role of the press will run well. The role of the press can also be more optimally not limited to being an objective and balanced conveyor and disseminator of information, but also more intensely carrying out social control and educational functions. Its function as an entertainment medium developed rapidly in the post-Suharto New Order era.

In the current era of openness, the press is important for realizing democracy through education and social control. This is with assessing the press as the fourth pillar of democracy after the legislature, executive, and judiciary. The press absorbs and reports on public aspirations related to exercising legislative, executive, and judicial functions. Press control over the implementation of three functions of the state is strict. Through this role of social control, the press has exercised itself as a watchdog and critic of the government, society, and the press institution itself. This function of the press must remain within the corridors of legislation and professional journalistic ethics. The press contributes greatly to the development of the state and society.

Such great press freedom seems to cause the press to flourish as if it were out of control. Media report is often complained about as walking outside the journalistic professional's ethical corridors. The public and the government often complain about violations of professional journalistic ethics. In addition, the correction of news or the posting of the public and the rights of third parties are very unbalanced quantitatively and qualitatively compared to the news publication. The unbalanced reporting led the press towards a pendulum of unlimited freedom. The issue of violations of professional ethics seems to be an antithesis of the development of press freedom.

R.H. Siregar, a senior journalist and Vice Chairman of the Indonesian Press Council, also argued for ending of journalists' adherence to the code of ethics of the press profession. He stated that adherence to the press code of ethics was one of the four main pillars of journalistic practice (R.H. Siregar, 2005). According to Siregar, in carrying out journalistic activities with the functions of information, education, entertainment, and social control, there is absolutely a moral foundation in the form of a journalistic code of ethics. It is inconceivable how the press will be if it is not based on a code of ethics. It is almost certain that the press becomes all it wants, leading to anarchism. Such conditions are clearly incompatible with denying the values of press freedom. Therefore, the implementation and structuring of the journalistic code of ethics becomes very important. The code of ethics is the signpost, the guiding and directional rules about what should do about what journalists should not do in carrying out journalistic tasks. The journalistic code of ethics is also the limit of press freedom. Because in practice so far it is often questioned, what exactly is the limit of press freedom. The answer is none other than a code of conduct. That code of conduct is the corridor of press freedom. As long as things go in the corridors of the code of ethics, then the freedom of the press will be guaranteed. But if it has violated the borders of the corridor, it is clear that it is contrary to the nature of the freedom of a responsible and professional press.

Legal norms are the second pillar of journalism. In practice, the journalistic code of ethics is insufficient. Therefore, Law No. 14 of 1999 contained the absolute structuring of legal norms. Even if the news is made following the journalistic code of ethics, there is no guarantee that journalists can avoid legal entanglements.

Ethics and legal norms are closely related. Logically, things that are prohibited by ethics are also prohibited by legal norms. Similarly, ethical norms prohibit things legal norms prohibit. Ethics are not synonymous with legal norms. The enforcement of this legal norm has become very important because people are no longer reluctant to lie down to the press. This was slightly different from what it was a few decades ago. For example, in the 1950s, 1960s, and 1970s, people were reluctant to talk to the press. If news stories are considered detrimental to a person's good name, or the facts presented are not in accordance with the actual events, then an attempt is made it is always attempted to straighten out the news that is considered detrimental earlier by contacting the editor to be a rectified or aligned through the news.

However, the public is no longer reluctant to make a statement to the press. If the news is considered detrimental, the concerned person immediately files a civil lawsuit and criminal charges. What is interesting is the amount of indemnity demanded in civil lawsuits, which amounts to hundreds of billions or even trillions of rupiah. If the judge grants a lawsuit, the media can go out of business because they cannot afford to pay damages. In addition, according to the Criminal Code relics of the Dutch colonial government, approximately 37 articles could drag journalists into prison.

In Indonesia after the Suharto Government (1966-1998), applying the press code of ethics refers to the Indonesian Journalist Code of Ethics established based on the agreement of 26 journalist organizations. The Code of Ethics contains guidelines for the journalistic profession regarding searching, processing, writing, and broadcasting news as well as obligations and manners in response to public complaints about news given in the form of rights of reply. This Code of Ethics is shorter because it consists of seven articles without paragraphs compared to the PWI Press Code of Ethics which consists of six articles and 26 paragraphs. Therefore, the Indonesian Journalist Code of Ethics is relatively easier to understand.

This study demonstrates that not all journalists know or understand the journalistic code of ethics. For example, in North Sumatra, the number of journalists who read the code of ethics equals those who have not read it. Another study found that journalists are not the main profession, in the sense that many journalists currently exist in the profession of journalists as an alternative profession. It's better to be a journalist than an unemployed one. This allows journalists who are not animating to emerge and do not possess professionalism.

Even this study proves that the issue of journalistic codes of ethics is becoming unpopular among journalists. In the context of competition for news, many journalists think that if the news does not receive complaints from the public, the news is true and then they feel irresponsible.

There are other mechanisms to enforce the press code of ethics, as practiced by Fajar Daily in Makassar: If there is a news writing error, then the Fajar editor will correct the news. If you are still not satisfied with the correction, the person

concerned can complain to the Ombudsman Team. For example, there was news about the general accusation of being the mastermind of the Bali bombings. He then revealed his intention to sue Harian Fajar and other newspapers of the Java Pos Group. However, the Ombudsman eventually reconciled this after posting a news story through a special interview and an apology. An aggrieved party can also complain to the board. They were selected from all professions and diverse backgrounds, including academia and traders.

In addition to being created by professional organizations or collections of professional organizations, press publishing companies also create press codes of ethics. For example, it can be mentioned here the journalist's code of ethics made by Kompas Daily, Koran Tempo, and Harian Media Indonesia. The substance of the journalist's code of conduct made by a press publishing company is not much different from the press code of ethics created by press organizations. However, in practice, journalists better understand and abide by the prohibition of receiving "envelopes", which means money, which is one of the provisions of the journalist's code of conduct created by press publishing companies. The penalties prepared to prohibit offenders from receiving envelopes vary widely, from transfers to non-editorial desks to suspensions and permanent dismissals. Ironically, wrongly writing news is often considered neither a violation of the code nor a non-serious violation, because of the right to reply to those harmed by the news.

There are even indications that violations of professional ethics are a form of ignorance among journalists regarding the press code of ethics. The Press Council noted that approximately 90% of Indonesian journalists were unaware of press Law and the journalistic code of ethics.

In line with all the descriptions of press ethics mentioned above, it must be recognized that implementing the principle of press independence is not easy, because the press does not work in a vacuum. Moreover, conflicts of interest sometimes occur when the news concerns the interests of the group or business field of the advertising partner or press publishing subsidiary. The irony is that press companies also have business networks outside of press publishing businesses.

A form of press ethics violation that often occurs when the decline of news is not balanced (cover both sides) or without cross-checking (check and recheck) with parties who are interested in the news. Therefore, if interests are violated due to news, then there will be legal problems, such as libel. The settlement of legal channels against news is considered a detrimental signal that the settlement of violations of professional ethics violations does not satisfy the public. This last fact has been a phenomenon of press life in Indonesia since 1999, where entering 2002 the life of the press was cynically said to have exceeded the limits of press freedom itself. Indications vary, namely from writing news that is considered provocative to the practice of extortionist journalists dubbed as journalists without media.

Another problem in press coverage is balanced reporting and protection of news sources. At this time information media also appeared to often enter the

personal realm, such as entertainment information impressions. Research by North Sumatra University's Department of Communication students in 2004 indicated that some journalists do not know the professional code of ethics both regulated in professional organizations and create internal regulations of media companies. This study also noted several violations of professional ethics. For example, news sources not seeking information are either cornered or forced. There should be a rule that the source must be protected if does not want to be asked for information. Journalists have no right to force someone not to provide information. This development is not profitable as decreases journalists' image. Another problem in implementing professional ethics is the necessity of lowering balanced reporting. Balanced news can help maintain press independence.

The phenomenon of violations of the ethics of the press profession that has long led to lawsuits is the antithesis of press freedom, which has long been championed by press figures and human rights activists. A press observer considers violations of professional ethics as an anomalous form of practice of press freedom as a signal of interaction that is not equal to the power of the press, which argues for public inferiority (Novel Ali, 2004). This picture concerns the inverse of the quality of news, which is considered distorted by news correction or the loading of the right of reply. Such conditions can trigger a sense of public helplessness toward the "arbitrariness of the press" in journalistic work.

All violations of press ethics that lead to legal proceedings in court are a phenomenon that is counterproductive to the freedom of the press that has developed under the umbrella of Law No. 40 of 1999. The 1999 Press Law provided a strong foundation for the realization of press freedom in Indonesia. However, in practice, freedom of the press has not been substantial because of the lack of human appreciation of the press for the profession (Amir Syamsudin, 2005). Many violations of journalistic ethics and professionalism that are counterproductive to the essence of press freedom. Conversely, some events involve the occupation of the press office; physical attacks on journalists show the occupation of the press office and the physical attack on journalists shows a low appreciation of the public for press freedom, also caused by the low appreciation of press people for their freedom. This kind of intimation with journalists occurred because the press played a detective role. This was an important addition that helped for press become a public watchdog. The detective press plays a role in investigating misconduct in public affairs administration. People dissatisfied with a report are advised to protest, clarify or correct the publication of the press, although the public can respect their right to sue in court. However, civil defamation law limits media outlets to report the reported news freely (Brawijaya Law Journal, Volume 2 (S) No. 1, 2015, p.1).

Civil defamation cases are mostly linked to people with a high profile in terms of economic and political power. Concerning the interests of political figures or big businesses-people, there will be great political pressure on editors to ensure that information related to a case does not damage the name of the political relative

or businessman. In Indonesia, Suharto, former Indonesian President, sued Time Magazine in the Central Jakarta District Court over the coverage of May 24, 1999, Asian Edition Volume 153 Number 20, "SUHARTO INC. How Indonesia's longtime boss built a family fortune". Suharto felt aggrieved by the news in Time magazine, among other things, that "Time has learned that \$ 9 billion of Suharto money was transferred from Switzerland to a nominee bank account in Austria". Therefore, Suharto demanded compensation as much as Plaintiff demanded compensation of Rp 189 trillion or the equivalent of US \$ 27 billion. On May 2001, The Supreme Court sentenced Time Magazine to pay Suharto Rp1 trillion or equal to US Dollar 27 billion in damages. However, in 2007 the Supreme Court re-examined Suharto's lawsuit and ruled to overturn an earlier Supreme Court ruling.

Freedom of the press always brings out excesses. Therefore, freedom must be associated with professionalism. There will be a criterion of professionalism. First, professionalism is related to expertise, in the sense of expertise and skill. If he can't write the news well, he's not a journalist. As with other professions, such as doctors who also base themselves on the expertise to diagnose diseases, the ability to write news is one important measure in measuring the expertise of journalists. Those skills and skills in the press world are acquired through education and experience.

Second, professionalism is also related to responsibility. Working without responsibility is not perfect. And third, corporates are an important element also in professionalism. Peer ship is realized through professional organizations as a forum for the gathering of members. In the world of the Indonesian press, there are two journalist organizations that are significant in relation to the role and number of its members, namely the Indonesian Journalists Alliance and the Indonesian Journalists Association.

The discussion of the professionalism of journalists is currently in the public spotlight. Society has long felt a lack of balance in granting a portion of the right to answer. The cornering news is posted on page I, but the right of reply (in the form of rebuttal) from the aggrieved party is placed on the inside page, which is usually in the Reader's Letter. If it is loaded on the same page but does not match the size of the previously published news. So that its essence becomes reduced or not in accordance with the will of the maker of the right of reply (buffer). This unbalanced portion can lead to the dissatisfaction of those who feel aggrieved over the news. If this dissatisfaction is reported to the Press Council, but this council only has the role of mediator. The Press Council has no authority to impose sanctions. The maximum Press Council will give a rebuke, which is more related to morals only.

In the press now comes the tendency, if a person's right of reply has been loaded, then the case of news writing errors cannot be brought back to court. But still, many cases of violations of news and photo writing are brought to court. Some writers see the symptoms of the completion of press cases to court as evidence of a declining appreciation of press freedom and the declining professionalism of

journalists. Violations of professional ethics are also considered to cause the public trust to be limited and will decline.

The trial of the editor of the "Harian Rakyat Merdeka" (The Free People's Daily) on the basis of allegations of spreading unpleasant news is one example of solving the pressing issue to the green table. Radio 68H News Agency reported on October 24, 2003, when the executive editor of the Free People's Daily, Karim Paputungan was sentenced to six months with one year's probation. Tabloid-style Rakyat Merdeka was found guilty of insulting President Megawati Soekarnoputri through stories such as: "Mega Crueler than Sumanto (the cannibal)." The condemnation of Karim Paputungan caused a strong reaction from journalists. Press figure Abdullah considered the legal process against Paputungan should be carried out based on Law No. 40 of 1999, not based on Article 310 and Article 311 of the Criminal Code on defamation.

However, criticism of Paputungan judicial process is not deviant by legal practitioners. Senior advocate Frans Hendra Winarta said the criminal justice process in the defamation case actually showed the implementation of the principle of equality before the law, including against journalists (Antara News Agency, 2015). Thus, press people in Indonesia cannot be excluded or have immunity (immune) as subjects of criminal law, and must remain subject to the Criminal Code (Criminal Code) applicable in Indonesia. Freedom of the press in bringing up news is maintained, but that does not mean criminalization in the press is not possible.

In connection with the trial of journalists related to news lawsuits that are considered to violate the public interest, a number of journalists oppose the legal process by leaning on the criminal code. Opponents of the journalist's judiciary said the Press Law should be applied to the judicial process because the Press Law is a *lex specialis*. A number of respondents to this study refute the truth of this opinion with a number of arguments. First, the Press Law is not *lex specialist* of the Criminal Code, because the regulation of the Press Law does not regulate crimes that can be categorized as a more specific crime arrangement than the Criminal Code as a general category of legal arrangements against crime. If you want to categorize a law as a *lex specialis* compared to the Criminal Code as *lex generalis*, then the categorization can be imposed against the Anticorruption Law for example. Second, the rejection of the argument "the criminal act of the press cannot be tried by the Criminal Code" is based on the idea that all citizens are equal in the eyes of the law.

## 5. **Conclusions and Implications**

## 6. **Conclusions**

In addition to having "freedom of the press", journalistic work is also required to adhere to the ethics of the journalistic profession, which is regulated by press organizations. Adherence to professional ethics makes a journalist noble in

the public eye. Although professional ethics is internally binding among members of professional organizations, the power of professional ethics becomes a barometer of how far a journalist maintains the honor of his profession.

Violations of professional ethics by a journalist, in addition to causing punishment from internal professional organizations to the press, but the toughest punishment actually comes from the community. The public can punish journalists violating professional ethics with a penalty of loss of trust either to the journalist concerned or to the media in which the journalist works. For example, once a journalist lies about his news, then the public will not deceive the journalist for the rest of his life working as a journalist. It's a tough penalty. Adherence to professional ethics will be reflected through journalistic work with the principle of freedom and at the same time its responsibilities.

Not to mention when talking about legal sanctions, then the journalist is a news liar, such as a news source does not state a sentence, but he "twists" as if the sentence in the news comes from the news source mentioned in the news. This is a public lie, or it could be an offense of good name-telling or slander. In popular terms, journalists are prohibited from "frying" or "cooking" themselves. He should "cover both sides" and "check-and-recheck". That's the principle of journalism work. That's the ethics of the journalist profession.

## **7. Implications**

The author's research on press freedom in ensuring that journalists obey professional ethics of the press and regulations regarding the media. That is: Indonesian journalists need to pay attention both to professional ethics and regulation.

We hope our paper can be a basis for other researchers to inherit and develop in their research works on related content and the legal framework for ensuring the freedom of the press can be implemented within professional ethics in Indonesia.

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