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Law Enforcement towards Online Mass Media Abuse According to the Press Law

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Abstract

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The resolution process of law enforcement related to press offences differs in Indonesia. The disparity in resolving legal issues arising from press violations in Indonesia is due, in part, to differing interpretations of press regulations. Some actions were taken under Law No. 40 of 1999 Concerning the Press (Press Law). Some issues were resolved through the Criminal Code or the Kitab Undang-Undang Hukum Pidana (KUHP). This study is interested in looking into law enforcement against the abuse of mass media through online media in terms of press law and the Criminal Code and the barriers to its enforcement. The method used in this research is a normative juridical and empirical juridical approach. Subsequently, data analysis uses qualitative analysis methods. The paper concludes by arguing that enforcing press law against abuse of mass media through online media is accomplished by enforcing Article 5 paragraph (1) of the Press Law. However, Article 5 paragraph (1) of the Press Law does not regulate or formulate the delusions of defamation and insults as regulated in Article 310 of the Criminal Code. The absence of norms and conditions for when and in what cases the press can and cannot be brought to court for violating criminal law and sentenced to criminal sanctions is a barrier in law enforcement on the misuse of mass media through online media associated with press laws.



A. Introduction

Online mass media is the result of the development of information technology marked by the discovery of the internet in 1972 and opened for commercial use in 1991, which has encouraged online journalism. In the end, brought up the first online media site in Indonesia, namely *Republika.co.id*, in 1995.¹ The mass media work independently of the government even though the government also guarantees media freedom. This means that the media remains a watchdog, not a pet dog or an attack dog. The press, as the watchdog, monitors the daily work of the government to help citizens assess the performance of the government. Publicity needs to go beyond what officials and their spokespersons say to assess government performance and serve as a form of oversight. Indeed, the media can report violations committed by the government or other parties, changing the community's behaviour as voters in elections. So, this requires law enforcement so that the media's ability to influence depends on the effectiveness of each media.

There are differences in the resolution process of law enforcement related to press offenses in Indonesia. Concerning a legal issue involving the press and the public, some actions were taken in accordance with Law Number 40 of 1999 Concerning the Press (Press Law). Some were resolved in accordance with the Criminal Code or the *Kitab Undang-Undang Hukum Pidana* (KUHP). The disparity in resolving legal issues is due, in part, to differing interpretations of the regulations governing the press.² One example of a case that has rocked the Indonesian press world is the case of Tomy Winata versus "Tempo", in which legal problems between the press and the public (as one of the parties who feel aggrieved) lead to a settlement process using criminal channels, without using a settlement mechanism that has been regulated in the Press Law.³ Whereas after the criticism of rights, one way human rights can get back into productive involvement in free politics is to draw from the radical democratic tradition.⁴ The people and the government find a considerable measure of freedom of the press.⁵

Related to the news "Is there Tomy in Tenabang?" in Tempo magazine's last 3-9 March 2003 edition, the accused were the Chief Editor, Bambang Harimurti, and two of his journalists, Ahmad Taufik and Iskandar Ali. Both the Chief Editor and the two Tempo magazine journalists were charged with the crime of spreading false news and defamation/insulting (Article 310 of the Criminal Code). Finally, the Chief Editor of Tempo magazine was found guilty and sentenced to one year in prison by the judge, while two of his journalists were released from punishment even though they were still found guilty. The case of Tomy Winata versus Tempo magazine above shows that there are different interpretations of regulations related to the press, namely the Press Law is interpreted as not a specific rule so that the settlement of the Tommy vs. Tempo case uses the Article in the Criminal Code.

The preceding is, of course, contrary to the spirit and purpose of the issuance of the Press Law. The Press Law has one of the objectives: to provide guarantees to the national press so that it can carry out and use its functions, duties, obligations, and rights as well as possible. As explained by Philip Lewis that for the development of studies, in particular, the legal profession

¹ Metha Madonna, "Aktualisasi Peran Dewan Pers Sebagai Penegak Jurnalisme Independen Terkait Pemberantasan Media Online Abal-Abal," *Jurnal Ilmu Komunikasi Progressio* 1, no. 1 (July 11, 2020): 39–52, <http://ejournal.unsa.ac.id/index.php/progressio/article/view/383>.

² Aditya Nugraha Marpaung, "Tinjauan Normatif Atas Pencemaran Nama Baik Melalui Media Massa Berdasarkan Undang-Undang Nomor 40 Tahun 1999 Tentang Pers," *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan* 4, no. 1 (May 3, 2016): 70, <https://jurnal.untan.ac.id/index.php/jmfh/article/view/15092/13352>.

³ Rety Palupi, "Penyalahgunaan Media Sosial Sebagai Alat Propaganda," *Jurnal Komunikasi* 10, no. 1 (March 1, 2019): 69–76, <https://doi.org/10.31294/jkom.v10i1.5364>.

⁴ Kathryn McNeilly, "After the Critique of Rights: For a Radical Democratic Theory and Practice of Human Rights," *Law and Critique* 27, no. 3 (October 1, 2016): 269–88, <https://doi.org/10.1007/s10978-016-9189-9>.

⁵ Paul D. Kenny, "'The Enemy of the People': Populists and Press Freedom," *Political Research Quarterly* 73, no. 2 (June 1, 2020): 261–75, <https://doi.org/10.1177/1065912918824038>.

culminated in three comparative volumes of work.⁶ Humans are inherently vulnerable, and humans are at risk of certain dangers if they are increasingly exposed to human rights violations and discrimination. The peaceful status will demand the fulfillment of fundamental rights.⁷ In a certain sense, the Press Law is also expected to provide guarantees for upholding the rule of law against any violations committed by the press, even though the Press Law guarantees freedom of the press, this freedom is still Interpretation of Article 63 paragraph (2) of the Criminal Code against Articles 5 paragraph (1) of Law Number 40 of 1999 concerning the Press and Article 310 of the Criminal Code are threatened by several laws and regulations, one of which is the Criminal Code. Article 63 paragraph (2) of the Criminal Code is formulated as follows: “If an act is included in a general criminal rule, it is also regulated in a special criminal rule, then only the specific one is applied”. This Article is in line with the legal principle of *lex specialis derogat legi generali* (specific legal rules override general legal rules). The Press Law is specifically made to ensure the enforcement of the rule of law against any violations committed by the press. However, there are still cases of press violations that are criminalized without using the provisions and mechanisms in the Press Law in advance. This is certainly not in accordance with the principle of *ultimum remedium* criminal law (the application of criminal sanctions is the last option in law enforcement).

Problems and factors in law enforcement against the misuse of online mass media based on the press law are urgently needed. However, the law enforcement process has a broader dimension because law enforcement involves the dimensions of human behaviour. Law enforcement is essentially an interaction between various human behaviours representing different interests in a mutually agreed upon rule. Concerning factors affecting law enforcement, in this case regarding social media users. Legal culture can be defined as the values or behaviour of society or the habits of society in obeying, knowing, or obeying legal rules. Violation of financial interests, but also to sue for additional customers.⁸

Starting from the thinking above, it is found that the vague legal norms in the Press Law are linked to the Criminal Code, thus forming an interpretation of whether the Press Law is a *lex specialis* of the Criminal Code.⁹ And whether Article 5 of the Press Law is a *lex posterior* of Article 310 of the Criminal Code. This research aims to analyze the law enforcement against the abuse of mass media through online media about the press law and the constraints of law enforcement against the abuse of mass media through online media with the press law.¹⁰ While the research method used in this scientific paper is to use a normative juridical and empirical juridical approach, where the normative juridical approach is a legal research method carried out by examining library materials or secondary materials, meanwhile, juridical empirical is legal research regarding normative legal enactment or implementation of provisions in action at any particular legal event that occurs in society. As well as data analysis using a qualitative analyst.

⁶ Hilary Sommerlad and Ole Hammerslev, “Lawyers in Society: A Celebration of the Work of Philip Lewis and His Legacy,” *International Journal of the Legal Profession* 28, no. 1 (2021): 5–21, <https://doi.org/10.1080/09695958.2021.1874958>.

⁷ Vera Lúcia Raposo and Teresa Violante, “Access to Health Care by Migrants with Precarious Status During a Health Crisis: Some Insights from Portugal,” *Human Rights Review*, May 7, 2021, 1–24, <https://doi.org/10.1007/s12142-021-00621-5>.

⁸ Jacob Öberg, “The European Public Prosecutor: Quintessential Supranational Criminal Law?,” *Maastricht Journal of European and Comparative Law* 28, no. 2 (April 1, 2021): 164–81, <https://doi.org/10.1177/1023263X211005980>.

⁹ Satia Satia, “PENERAPAN KEBEBASAN PERS OLEH WARTAWAN DI KOTA MEDAN,” *Jurnal Interaksi : Jurnal Ilmu Komunikasi* 2, no. 1 (March 13, 2018): 119–31, <https://doi.org/10.30596/INTERAKSI.V2I1.1791>.

¹⁰ F Rahmadi, *Perbandingan Sistem Pers* (Jakarta: Gramedia, 1990):51.

B. Discussion

1. Law Enforcement against Mass Media Abuse through Online Media Associated with the Press Law

Mass media is a type of communication addressed to several public, heterogeneous, and anonymous audiences through print or electronic media so that the same information can be received simultaneously and momentarily. In general, mass media functions as a medium for information, education, entertainment, and social control. This is formulated in Article 3 Paragraph 1 of Law No. 40 of 1999 concerning the Press (Press Law). To the mass media abuse through online media, this press law should be one of the efforts to enforce the law for people who commit acts outside the rules of this law. So that people who violate can be subject to criminal responsibility or accountability.

How to formulate a criminal act in criminal law is not aimed at certain legal subjects. As far as the press is concerned, the Criminal Code does not explicitly regulate criminal acts committed by the press.¹¹ Book I of the Criminal Code regulates: “criminal acts committed by printers and publishers, because both become a legal job or livelihood and are justified by law. Therefore, the publisher and printer are protected under the criminal law because they both obey the rules that apply to publishers and printers.”

Articles 61 and 62 of the Criminal Code regulate when and in what cases publishers and printers cannot be prosecuted and can be prosecuted for crimes using publishing and printing facilities committed by other people.¹² The limits of criminal liability for publishers and printers are clearly and firmly formulated in Articles 61 and 62 of the Criminal Code, entirely cited as follow:

Article 61

- (1) “Regarding crimes committed by printing, such publisher is not prosecuted if printed goods mention the name and place of residence, while the creator is well known, or after the prosecution begins, when the first reprimand is then notified to the publisher.”
- (2) “This rule does not apply if the perpetrator, when the printed material is published, cannot be prosecuted or has resided outside Indonesia.”

Article 62

- (1) “Regarding crimes committed by printing, the printer as such is not prosecuted if the printed material states his name and place of residence, while the person who orders printing is known or after the prosecution has started, when the first reprimanded then notified by the printer”.
- (2) “This rule does not apply, if the person who orders to print at the time the printed goods are published, cannot be prosecuted to have resided outside Indonesia.”

These two articles are the principles of criminal law in asking for criminal responsibility against people working as a legal livelihood. Criminal law protection is provided with special conditions, namely if it complies with the legal principles contained in Articles 61 and 62 of the Criminal Code. On the other hand, if it deviates from the rule of law as regulated in Articles 61 and 62, “then the publisher and printer can be held criminally liable”. The Criminal Code “does not follow a system of absolute protection for printers and publishers, so that the two are not always *immune to criminal prosecution*”. This regulation is essential so that people who carry out legitimate businesses in the field of publishing and printing feel safe, considering that criminal acts using publishing and printing facilities almost always involve publishers and

¹¹ Tommy Suprpto, *Pengantar Ilmu Komunikasi Dan Peran Manajemen Dalam Komunikasi* (Yogyakarta: Caps, 2011): 13.

¹² Madonna, “Aktualisasi Peran Dewan Pers Sebagai Penegak Jurnalisme Independen Terkait Pemberantasan Media Online Abal-Abal.”

printers, and both can be charged as perpetrators of criminal acts as regulated in Article 55 or 56 of the Criminal Code which regulates participation and assistance offenses.

The provisions of the criminal law as regulated in Articles 61 and 62 of the Criminal Code also apply to the press, “if a company in the press sector is engaged in printing and publishing, the press has immunity and at the same time immunity from criminal lawsuits.” Law enforcement should be applied in a firm, consistent and sincere manner under the prevailing laws and regulations. This is because the press influences society, but society also influences the press. The press influences the government, but the government also influences the press. Inadequate law enforcement against the abuse of mass media certainly harms the abuse of mass media freedom. These impacts are as follow:

- a. The press is not objective; delivering fake news will sooner or later be left behind by its readers;
- b. The public’s unpreparedness to use the right of reply will irritate those who feel harmed by the press coverage, will take anarchic action by destroying the office, even physical action against reporters who report.

Legal accountability of the press in fulfilling the sense of justice in society and for creating balance in a country. In the law enforcement process, the mass media plays a significant role, namely by carrying out the function of control and providing actual rules and norms used by institutions, facts, and behaviour of the actors observed in the system. However, it turns out that the press law cannot answer the demands for law enforcement in journalistic activities that have the dimension of justice, and reality must invite other legal dimensions to resolve it. Then the *lex specialis* provisions of the press law are limited to specific arrangements regarding press freedom with consequences on its downstream flow. In addition, there is still much-needed accommodation for the legal sector as the basis for solving them.

Law is not only used as a means of normative action (law enforcement) but as a means of conciliation or reconciliation. Aggressive law enforcement or excessive security operations can escalate conflict or broaden sympathy for those the law enforcement or security operations’ targets. Policies in criminal law enforcement using offenses against insulting disproportionate press releases will give the impression of press criminalization. It does not rule out the possibility that there will often be conflicts in law enforcement practices, such as conflicts between justice and legal certainty or other conflicts. So that the principle of casuistic priority must be used to overcome conflicts between legal objectives. Law enforcement means that a criminal act is prohibited by the rule of law, where the prohibition is accompanied by threats (sanctions) in the form of certain crimes as responsibility.

Law enforcement officials carry out handling the criminal act of spreading hoax (fake news), insults, and others through several stages. The first stage endeavored to use Law Number 40 of 1999 to ask for recommendations from the press council regarding the violations. Whereas the second stage is when the violation cannot be resolved by Law Number 40 of 1999, law enforcers can only apply the Criminal Code against violations committed by the press. So, in this case, how can law enforcement officials who are authorized to carry out investigations and use existing laws to ensnare the press concerning their news which is considered to contain elements of press offenses, namely hate-sowing offenses, religious offenses, and hoax offenses.

The concept of law enforcement chooses the goal of the law enforcement because it is to realize justice. Therefore, by enforcing the law, the law becomes a reality that is obeyed by every society. Without law enforcement, the law is merely a conceptual formula with no guts and binding power. In good law enforcement, valid information is urgently needed. In addition to the coverage results that the press must first screen before being informed to the public, law enforcers must also screen the information that will be used as supporting material in carrying out their law enforcement duties. Sometimes law enforcement that is not aware of press freedom

as one of the pillars of democracy can injure the functions of an independent press and the entire democratic order.

Methods of reporting, which can affect the freedom of law enforcement, or affect the freedom of law enforcement, will undermine law enforcement which will lead to failure to enforce the law correctly, appropriately, fairly, and solely according to the law. Based on this, it is clear the position of the interaction between the press and law enforcers. A good press will create good information. A good law enforcer can filter all the information it gets, be it for personal consumption or be used as study material in carrying out its law enforcement duties.

2. Inhibiting Factors of Law Enforcement against Mass Media Abuse through Online Media Associated with the Press Law

According to Soerjono Soekanto, the main problem of law enforcement lies in the factors that might influence it. These factors have a neutral meaning so that the positive or negative impact lies in the content of these factors. These factors are the legal factors themselves: (1) the law enforcement factors, namely the parties implementing the law, the facilities, or infrastructure supporting law enforcement. (2) The community factors, namely the environment in which the law applies or is applied. (3) Cultural factors result from work, copyright, and a feeling that is based on the human initiative in social life. The importance of law enforcement against the misuse of social media to spread hatred and slander is a significant necessity because this crime is already classified as severe from a legal, socio-cultural, political, economic development, human rights, and cyber security perspective.

Related to the inhibiting factor of law enforcement against the abuse of mass media through online media, it is related to the press law. Of course, there is a legal factor itself because the formulation of variables in the norm contains ambiguity, thus opening up opportunities for different interpretations by community members. Along with this, positivists often make interpretive claims as a reference to say that someone's behavior deviates from established norms. A press law can be interpreted as social control and is related to the formation and maintenance of social rules. In the context of the press, sanctions are expected to make the public obey and order the rules related to the press, so that press freedom can be maintained.

The freedom of the press that can be enjoyed today does not come automatically but results from a very long struggle.¹³ Every step or level of struggle can be seen from the "laws and regulations" regulating the press.¹⁴ Even so, the meaning of freedom of the press is often subject to deviation in meaning and treatment, which is always considered irresponsible.¹⁵ The free press that most journalists approve of often faces challenges, especially when looking at the reality of the high demands on the mass media or the press and journalists.¹⁶ Journalistic principles, journalist code of ethics, and the Press Law are often inadequate, resulting in many press disputes.¹⁷ In this situation, the Press Law indeed stipulates a body, namely the Press Council, as an institution for resolving press disputes.¹⁸ Lawsuits against the press and journalists are still in the same realm, such as defamation that is born from various reasons,

¹³ Irman Syahriar, "Fungsi Pers Sebagai Penyebaran Informasi Dalam Penegakan Hukum Di Indonesia," *Legalitas* 4, no. 2 (January 15, 2020): 19–35, <https://doi.org/10.31293/LG.V4I2.4460>.

¹⁴ Bagir Manan, "Penghinaan Terhadap Pengadilan Versus Kebebasan Pers," *Jurnal Hukum Dan Peradilan* 4, no. 2 (July 31, 2015): 189, <https://doi.org/10.25216/jhp.4.2.2015.189-198>.

¹⁵ Triya Indra Rahmawan, "Karakteristik Produk Hukum Pers Dan Prospek Konsolidasi Demokrasi," *WASKITA: Jurnal Pendidikan Nilai Dan Pembangunan Karakter* 2, no. 2 (July 1, 2017): 1–16, <https://doi.org/10.21776/ub.waskita:jurnalpendidikannilaidanpembangunankarakter.2018.002.02.1>.

¹⁶ Onong Uchyana Effendy, *Ilmu Komunikasi Teori Dan Praktek* (Bandung: PT Remaja Rosdakarya, 2015): 12.

¹⁷ Naungan Harahap, "Kajian Hukum Persaingan Usaha Dalam Media Massa (Tinjauan Aspek Kemerdekaan Pers Dan UU No. 40 Tahun 1999 Tentang Pers)," *Jurnal Hukum Media Justitia Nusantara* 4, no. 2 (June 29, 2019): 75–101, <http://ojs.uninus.ac.id/index.php/MJN/article/view/221/164>.

¹⁸ Muh Arman, M Syukri Akub, and Wiwie Heryani, "Pertanggungjawaban Pidana Pelaku Penyebaran Berita Hoaks Melalui Media Online," *Amanna Gappa* 26, no. 1 (2018): 1–11, <https://doi.org/10.20956/halrev.v1i2.304>.

why news does not cover all sides, premature (too early), judgment (trial by the press), and other issues that are always accused in the press.¹⁹

More profoundly, press disputes that arise from the news are not clearly explained and stipulated in the Press Law how they are resolved. So that the interpretation that develops is to follow the will of the victim, this is not a mistake if the victim refers to Article 19, Transitional Provisions, Law Number 40 of 1999 Concerning the Press, which states that with the enactment of this law, all prevailing laws and regulations in the field of press and existing bodies or institutions remain. It is valid or continues to carry out its functions as long as it does not conflict with or has not been replaced by a new one under this law.²⁰ If this Article is interpreted, it is in the victim's interests to proceed with a police report for a crime and a lawsuit if it is a civil case. However, there is no obligation to seek dispute resolution by submitting to the Press Council or exercising the right of reply.²¹

Simply put, victims with or through their attorneys can send a warning letter as well as a request for rectification or right of reply, or if they feel that the reprimand is not being ignored, immediately report to the police or lawsuit. The ideology of legalism adopted in this republic guides us to obey the positive law and regulate it. The Press Law does not close the door for police reports or lawsuits. Consequently, the basis of a dispute is where the victim's interests must be protected immediately by having a long dialogue, mediating in the Press Council. In contrast, the victim's losses continue to accumulate.²² There are also principles of general law and a civilized nation, which make it necessary for us to seek settlement of press disputes.²³ In all democratic countries, press disputes are resolved not by criminalization but by utilizing civil charges.²⁴ By compensating the victim's losses proportionately. Press cases in the United States are always resolute with the First Amendment to the US Constitution, which guarantees press freedom.²⁵

This disproportionate punishment is what causes fear among the mass media or the press. In this case, the community has interpreted the message of norms that exist in the law. In essence, this interpretation will determine the effectiveness of the enactment of a law in society. To access the interests of victims and the mass media, the Press Council plays an active role in resolving press disputes. Therefore, victims should obey press dispute resolution institutions and the mass media of the press not to question freedom and human rights being removed. In resolving press disputes with this model, we hope that the press will be more protected from all legal means counterproductive to press freedom. This is not an empty message, the absence of legal standards or jurisprudence that can become a reference for law enforcers in dealing with the press. Apart from that, politically, there is no other way to keep democracy in Indonesia running apart from the press, given the role of the press as a "fourth estate" and the loss of

¹⁹ Laurensius Arliman, "Peran Dewan Pers Sebagai Lembaga Negara Independen Yang Menjamin Siaran Yang Layak Bagi Anak," *Jurnal Kajian Hukum Islam* 175, no. 2 (October 29, 2019): 175–83, <https://www.syekhnurjati.ac.id/jurnal/index.php/mahkamah/article/view/4972>.

²⁰ Yadi Supriadi, "Relasi Ruang Publik Dan Pers Menurut Habermas," *Jurnal Kajian Jurnalisme* 1, no. 1 (January 3, 2017): 1–20, <https://doi.org/10.24198/jkj.v1i1.12228>.

²¹ Jalaludin Rakhmat, *Psikologi Komunikasi* (Bandung: PT. Remaja Rosdakarya, 2007): 7.

²² Abdul Rohman, "Implementasi Perlindungan Hukum Jurnalis Dalam Menjalankan Profesinya Berdasarkan Undang-Undang Nomor 40 Tahun 1999 Tentang Pers," *Aktualita (Jurnal Hukum)* 3, no. 1 (November 16, 2020): 58–80, <https://doi.org/10.29313/aktualita.v0i0.5957>.

²³ Arvita Hastarini and Orin Gusta Andini, "Tindak Pidana Pencemaran Nama Baik Pasca Putusan Mahkamah Konstitusi Nomor 31/PUU-XIII/2015," *Jatiswara* 34, no. 2 (July 31, 2019): 143, <https://doi.org/10.29303/jatiswara.v34i2.199>.

²⁴ Azrul Azwar and Made Warka, "Perlindungan Hukum Terhadap Masyarakat Akibat Kesalahan Pemberitaan Oleh Pers," *Jurnal Kertha Semaya* 9, no. 2 (January 6, 2021): 250–60, <https://doi.org/10.24843/KS.2021.v09.i02.p06>.

²⁵ Jimly Asshiddiqie, "Penegakan Hukum," 2010, 1–4, http://www.jimly.com/makalah/namafile/56/Penegakan_Hukum.pdf.

public confidence in the power of other pressures. Students as a moral force and pressure group are very often involved in divisions between them so that credibility becomes a question and tends to become “public enemy”. Therefore, national figures are unable to provide solutions due to the problems of the nation that contribute to democratization. Not only that, economically, the development of the media or press industry at present has grown into a substantial economic base. This is not only due to the increasing number of press that grows and absorbs professionals and a support workforce. However, the press industry has given birth to and has become a fertile ground for the creative industry, as seen by the emergence of online media, the advertising industry, etc.²⁶

Protection of victims cannot be left alone in the name of democracy and freedom of the press. That is the responsibility of the press or the media for the defamation or insult they have made. However, if seen in the Criminal Code, explain that press freedom is increasingly eroded because the concept used is a rule that is still regressive in nature and still prioritizes punishment in punishment rather than treatment. This means that it prioritizes repressive action rather than preventive action. This is one reason why the communication of the law with the community does not run smoothly, which ultimately raises pros and cons regarding its enactment in the community. The law will apply well in society if communication between the community and the rules runs effectively. Therefore, the importance of professionalism and reporting standards are highlighted in the Press Law. Obedience to the regulations stipulated in positive law is a measure that cannot be negotiated by the press, including the code of ethics and professional standards as well as journalistic principles in reporting. Furthermore, the public must also play a role and supervise the press to produce a professional press that is truly easy to read, necessary, and reliable as the bearer of the people’s conscience.

C. Conclusion

Law enforcement against the abuse of mass media through online media with the press law is by applying Article 5 paragraph (1) of the Press Law, formulated as follows: “The national press is obliged to report events and opinions to religious norms and the sense of public morality. as well as the presumption of innocence: *“Pasal tersebut tidak mengatur atau merumuskan delik-delik penghinaan dan pencemaran nama, seperti yang diatur dalam Pasal 310 Criminal Code”*. By not being regulated or not formulating defamation and defamation in Article 5 paragraph (1) of the Press Law, the Press Law is deemed unable to accommodate defamation and defamation so that investigators will use the articles in the Interpretation of Article 63 paragraph. (2) Criminal Code Against Article 5 paragraph (1) Law Number 40 of 1999 concerning the Press and Article 310 of the Criminal Code to examine cases of defamation and defamation which are then used as a basis for judges to decide press cases using articles in the Criminal Code.

Obstacles in law enforcement against the abuse of mass media through online media associated with the press law are that there is no formulation of norms and conditions at what time the press can be directed to the court because it has violated the criminal law and is subject to criminal sanctions and at what time. The press cannot be directed to court because it has violated criminal law.

²⁶ R Hari Purwanto, “Penegasan Perlindungan Hukum Wartawan Yang Karya Jurnalistiknya Bermasalah Menurut Pasal 15 Ayat (2) Huruf C Undang-Undang Nomor 40 Tahun 1999 Tentang Pers,” *Pro Hukum* 6, no. 1 (2017): 8–13, <http://journal.unigres.ac.id/index.php/JurnalProHukum/article/view/465>.

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