
Criminal Responsibility in Press Freedom of Cyber Media

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Abstract

Press freedom constitutes freedom of conscience followed by an awareness of the importance of law supremacy enforcement which was performed by the officers of law enforcement and profession responsibility which was described in journalistic code of ethics. This research was elaborating the position of criminal responsibility in press freedom, the enforcement of criminal law in press legal system and the concept of criminal responsibility which corresponds to the principles of press freedom of cyber media. The research aimed at realizing the principles of responsible press freedom of cyber media. The method employed in this research was a normative research by a conceptual, historical and comparative approaches. The result showed that the press freedom of cyber media must be on the basis of journalistic code of ethics in order that the journalistic quality can be maintained favorably. It was urgently needed policy reconstruction of criminal responsibility policy in press freedom of cyber media, as well as the prescription and evaluation of the applicable laws in order to avoid unethical press freedom and create a responsible press freedom of cyber media.

Keywords: Criminal responsibility, Press freedom, Cyber media.

Introduction

Indonesia is a democratic country that guarantees every citizen the freedom to express opinions, freedom of association, assembly, and freedom to express thoughts both verbally and in writing. This freedom as a form of fulfillment of one of human rights as mandated in the Constitution 1945. But in exercising their rights and freedoms, every citizen must submit to the rule of law as a form of guarantee of recognition and respect for the rights and freedoms of others in order to fulfill the sense of justice in a democratic society. During the New Order regime, freedom of the press as one of the hallmarks of democracy was experiencing restraint. Media that are judged to be breaking the rules and singling out rulers can be subject to deed. The mechanism of mass media control is controlled through the Press Publishing Business License.¹

Freedom of speech is a human right rooted in a democratic legal system.² Freedom of the press in conveying, providing news information through Cyber media to the maximum serves as the embodiment of people's sovereignty based on the principles of democracy, justice and supremacy of the law. That is, the freedom of the press does not mean an independent and free press as free as it is in presenting news, but it must be followed by awareness of the importance of delivering good news, promoted journalism and upholding the supremacy of the law. In the new order, the role of the government in regulating the life of the Indonesian press using politics will create a strong press that has bargaining power with the government. If this political will does not exist and is not worked on professionally, then there will always be a press release. However, such conditions did not continue in the reform era. The media in the reform era more consciously implemented freedom of expression and created with benchmarks and values that are far from benchmarks and values before reform. Globalization has been the driving force behind the information technology era.³ Currently the government does not only grant independence on the condition of having credibility and responsibility. The press is considered part of a society that can no longer be separated from its function as a medium of public information transformation. But in this system the press has a greater responsibility, so the press cannot be as willing in its deeds and the news broadcaster also provides support for all its activities as long as it does not violate the prevailing laws and regulations.

The Press Act guarantees that the freedom of the press as a human right of citizens who are free from preventive measures, prohibitions and suppression so that the right of the press to seek, obtain and disseminate information is guaranteed. The guarantee of press freedom is also important to maintain the objectivity and transparency of the press in writing news without fear under the pressure of the authorities.

The fact that the development of technology and information contributes to the improvement of welfare, progress, and human civilization, as well as being an effective means of unlawful acts and the development of new modes of crime.⁴

The existence of the Press Act in democratic people's lives makes accountability to the people guaranteed, the system of state administration that transparency works, and justice and truth can be realized. The power of the media is actually a double-edged knife that on the one hand, with its power, the press can be the perpetrator of a very critical control function to correct the course of power that is perched. On the other hand, if abused, the power of the press is instead used by the authorities to insensitize the public with news that is full of falsehoods and rhetoric. New media has great potential as a resource for press freedom and freedom of expression. They serve as a platform for cross-border dialogue and enable innovative approaches to distribution and knowledge. These qualities are vital to press freedom. But they may be weakened by efforts to regulate and censor both access and content.⁵

Freedom of the press is an independence accompanied by awareness of the importance of law enforcement carried out by law enforcement officers and professional responsibilities outlined in the Journalistic Code of Conduct as well as in accordance with the conscience of the press. Freedom and freedom of the press is also the sanity of the information media vehicle that must carry out its role and function as the fourth pillar of democracy, in addition to the executive, legislative and judicial, so as to create a balance in the State of democracy.

Reform is the way the press finds and reclaims the dignity of independence in a changing political atmosphere.⁶ The freedom of the press is guaranteed as a human right of citizens. The press that has the freedom to seek and convey information is very important to realize human rights that are guaranteed by the Decree of the People's Assembly of the Republic of Indonesia Number: XVIII/MPR/1998 on human rights which states that everyone has the right to communicate and obtain information. This is in line with article 19 of the Universal Declaration of Human Rights (DUMHAM)⁷ which asserts that everyone has the right to freedom of expression and opinion, including the freedom to have an uninterrupted opinion to seek, receive and convey information, and the fruit of the mind through any medium and regardless of the boundaries of the territory. The press also exercises social controls to prevent abuse of power, both corruption, collusion and nepotism.

In developed countries like the United States, press freedom is not only guaranteed, but protected. Freedom of the press has been accepted by the state since British colonial times. Formally, such *kebebasan* is guaranteed by and in the first amendment of the 1945 Constitution. The amendment stated "congress should not make laws that would diminish free speech or the press." The United States Supreme Court, first implemented guarantees for press freedom in accordance with the first amendment in 1931, when it overturned a statute of limitations allowing the use of censorship for scandalous press publishers in the State of Minnesota.

Freedom of the press was initially likely to be interpreted only as a freedom to disseminate information and thoughts through the mass media without the restraint of the government, but is now more developed. The press is not only "free from" but "free to". Freedom of the press includes external freedoms and internal freedoms. External freedom is a guarantee of freedom for the press to broadcast news without any other party intervention. While internal freedom is the freedom of journalists in writing news without any threat from within that is the party of the media bureaucracy itself institutionally.

The freedom of the press is not only free from interference and coercion from any party, but the independence of the press also has its moral imperatives and responsibilities in its implementation in the life of a national and state society. These moral values and responsibilities must certainly come from the content of our national values. A free press is essential for a truly independent and professional press. But this freedom does not mean absolute freedom. Therefore, in addition to the need for guarantees and legal protections, the practitioners of the press also need to develop themselves in order to realize the freedom of a truly democratic press, justice and put forward the supremacy of the law.

According to the American Press Commission the freedom of the press is essential to political freedom. When a person cannot freely convey his thoughts to the *lan*, then there is no guarantee of independence. If there is freedom of expression, it means the beginning of the presence of a free society and it means that there has been all the right to freedom.

Along with the development of information technology, media and communication has changed the behavior of society and human civilization globally, especially the development of information and communication technology through cyber media coverage that causes significant social, economic, and cultural changes to take place so quickly. The existence of Cyber media has provided many facilities and benefits for humans in an effort to improve the welfare of mankind. Nevertheless, the advancement in information and communication technology was also followed by negative impacts that denounced and endangered the national and economic development of mankind in the world. Even the technology used to create or become a means to commit criminal acts and bring up new crimes in the field of information technology and communication by abusing it for financial gain or other profit, so that in the utilization of information and communication technology must be accompanied by efforts to anticipate, prevent and eradicate such cybercriminals. Restrictions that can be imposed are if the activity damages the public living order.⁸

Regulation of the Press Council Number 1/Regulation-DP/III/2012 on Cyber Media Guidelines confirms that cyber media is any form of media that uses internet rides and carries out journalistic activities, as well as meets the requirements of press laws and press law standards set by the Press Council.

Today, freedom of speech and freedom of speech and the right to obtain information through the use and utilization of information and communication technology are necessary to advance public well-being, and educate the nation's life and provide a sense of security, justice, legal certainty for users and the implementation of electronic systems outlined in Law No. 19 of 2016 on Changes to Law No. 11 of 2008 on Information and Electronic Transactions abbreviated to the Information and Electronic Transactions Act. The existence of the Information and Electronic Transactions Act is solely to ensure recognition and respect for the rights and freedoms of others and to meet fair demands in accordance with moral considerations, religious values, security, public order in society. But in reality, with the establishment of the Information and Electronic Transactions Act, a number of Cyber media that no longer conduct journalistic activities seek, obtain news as mandated in the Press Act. Cyber Media easily makes fictitious news in a way without searching and interviewing the source, but easily the news is published as if the result of journalistic activity when in fact the news is the result of copy paste from other Cyber media. The development of Cyber media technology in delivering news such as a double-edged sword since the enactment of the Information and Electronic Transactions Act.

This method of detecting news that develops in this society becomes very important to ensure that the content presented by a news site is true or is precisely fake news or hoaks. Because, the criminal threat of spreading the news not only refers to the newsmaker, but also to those who spread it. Therefore, the public should be careful in publishing any information received. Both through medsos, or through cyber news. Moreover, not a few cyber sites are declared unofficial in Indonesia.

The Ministry of Communication and Informatics says there are as many as 800 thousand sites in Indonesia indicated as spreading fake news and hate speech.⁹ Kemkominfo also during 2016 has blocked 773 thousand sites based on 10 groups. The ten groups contain elements of pornography, SARA, fraud, illegal trafficking, drugs, gambling, radicalism, violence, children, internet security, and Intellectual Property Rights (HaKI). Of these, the most are pornographic elements.¹⁰

Former chairman of the Press Council, Yosep Adi Prasetyo identified the "professional sin" of journalists being to receive envelopes, conspire with sources, plagiarism, make rumors as sources, fictitious news sources and withhold important data in the news.¹¹ Cases involving the press due to the news in terms of criminal liability in the development of Cyber media technology, reflected the lack of legal certainty as to what laws are used if the news source is fictitious. Former chairman of the Indonesian Broadcasting Commission (KPI) Yuliandre Darwis stated that many Cyber media are so easy to make news without verification process.¹² In one case, the law used refers to the articles in the Penal Code abbreviated to the Dutch colonial-era Penal Code that are still valid today, but in other cases, the design uses the instruments of the Press Act and the Electronic Information and Transaction Act. The complete arrangement of the implementation of journalistic activities to the mechanism of solving problems due to press coverage, focused on the implementation of journalistic activities.

With this high number of internet users, the potential of hoaks will also increase. This is due to the fact that there are very effective means of its spread. Moreover, hoaks, not only has the effect of damaging and obscuring information, but is also a criminal offence. Therefore, the community should be aware of this hoaks. One of them, by providing the ability to identify hoaks simply by knowing the characteristics. The

former Chairman of the Central Broadcasting Commission (KPI), Prof. Dr. Judhariksawan, mentioned the characteristics of hoaks as follows :

1. May result in anxiety, hostility and hatred in exposed communities (fear arousing).
2. It's unclear what the source of the news is.
3. The content of the news is not balanced and tends to corner certain parties.
4. Often charged with fanaticism in the name of ideology (*plain folks*).
5. The title and introduction are provocative, giving judgment even condemnation but hiding facts and data.
6. It usually also paints a certain figure.
7. The spreader also asks for what he shares to be redied (band wagon).

The issue arises in dealing with press cases, namely between the application of the Press Act, the Information and Electronic Transactions Act and the Criminal Code, is legally responsible. Because the juridical aspect of legal accountability that has been affirmed in the Press Act is much different from the legal accountability known in the Electronic Information and Transaction Act and the Criminal Court. As a result, legal subjects or perpetrators (press persons) who must be held accountable for their actions under the Press Act, Information And Electronic Transactions Act and the Criminal War have fundamental differences.

In carrying out his profession journalists get legal protection because the press also carries out noble values namely truth and justice, human rights, democracy and legal supremacy. The value of the press is in the implementation of the role of supervision, criticism, correction, and advice on matters relating to the public interest.¹³ The protection of the law is the guarantee of protection of the government and or the public to journalists in carrying out their functions, rights, obligations, and roles in accordance with the provisions of the prevailing laws and regulations.

Some community groups judge that the meaning of press freedom expressed in journalistic work or news is often out of bounds. Even until the term press "kebablasan" News presented by the press is considered to often cause negative effects that must be borne by citizens due to the arrogance of the press that interprets press freedom too loosely. However, it is worth acknowledging, that one side of the press is a representation of the right to issue opinions and the right to obtain information. On the other hand, some community groups think that the interaction between the community and the press should be aligned, but in practice there has been inequality. The public, both as recipients and as subjects of information, often feel an untruth in the coverage presented by the press.

Ni Putu Noni Suharyanti argues that the principle of presumption of innocence as a guideline in the Press Act and Journalistic Code of Conduct shows that there are norms and limitations that should be observed by every Person of the Press whether in terms of seeking, acquiring, possessing, storing, processing and conveying information related to the legal problems facing a person.¹⁴ But in fact, there is still news in the mass media that excessive news about certain legal cases and contains "judgmental" opinions and false conclusions, thus affecting the stigma of public thinking and the legal process faced by a person (suspect/defendant).

The inequality between the press and some communities ultimately led to widespread criticism of the press. Even in certain cases, the public also appeals to the court for the purpose of imprisoning the press. On the contrary, the press thinks that in the world of the press is not known the term press "kebablasan" in relation to freedom of the press. Freedom of the press comes face to face with the limits of people's tolerance. Public opinion will limit the extent to which the press can be free.

The number of defamation cases through the courts has risen sharply. For example, in ICW records, in the last two years there have been 11 defamation cases addressed to the press.¹⁵ In court rulings override the Press Act and prosecute under civil law and criminal law. The Court considers the Press Act to be merely governing the right of responsibility and the right to correction, not to include the delik of the press. The criminalization of press reports through the Criminal War is a new threat to the real freedom of the press. This is contrary to the nature of democracy, because one of the hallmarks of the Democratic State is the freedom of the press. Thus if press freedom is threatened, it can be interpreted that the democratic process in this country is also threatened.

A journalistic work that is organized in Cyber media is the result of collective work. A reporter or reporter in the field can make any news. But the determining whether and not the news is published in cyber media is

not determined by the reporter concerned, but rather through an editorial meeting. From the results of the meeting of the journalist looking for news, after the news was written by the journalist in question, the news was edited by the editor and determined whether it was worth publishing or not. Thus a news story is born in the media through the process of reportage, writing, editing, and loading that was first approved by the editorial board.

This research unravels the position of criminal accountability in press freedom, criminal law enforcement in the press legal system and the concept of criminal accountability in accordance with the principles of cyber media press freedom. The purpose of this research was to realize the principles of press freedom of responsible cyber media.

The above issue simply gives an idea of the need to find a way out of any media violation without castrating press freedom. This effort is part of a strategy to healthy media activity and perform its true role. Moreover, propaganda is considered highly effective through social media. The latest case with the Saracen case becomes evidence, the media becomes a means to profit by creating a wide range of cyber sites and then channeling information massively. There was a variety of hoax news that essentially ignored the function of the media itself as a means of education and information. The maturity of stakeholders in managing the health of media activities must be resused. Law No. 40 of 1999 on the Press needs to be positioned as an object of thorough study. Especially in seeing the media as an institution that has signs in carrying out its journalistic work. The principle of transparency and honesty of media management is at the root of the improvement of the press company system. In addition, in reviewing cyber media activities, the Electronic Information and Transaction Act (ITE) becomes very urgent to be compromised by the Press Act itself. The spirit of free speech is indeed a central tool, but it must be positioned in the principle of responsible media. Thus, there is a clear tone of direction from each news activity that develops across various information channels. Improving the system and the clarity of media accountability flows will also be a means of suppressing the number of violence against journalists. Because, undeniably, the number of journalists violence is also inseparable from ignorance and loss of way of dealing with media attacks.

In terms of regulation, the perpetrators of the dissemination of hoaks news can be snared through both the Press Act and the ITE Act and other legal products. For unsan bodily and unmanaged cyber media, it is not subject to the Press Act but rather uses the mechanisms of the ITE Act or other laws. Meanwhile, for a legally registered press, the mechanism must be through coordination with the Press Council. This coordination, aims to ascertain whether there is a press crime (press release) or just a delik ethics. In terms of criminal liability, the scope of press accountability is fictitious, which is to be held accountable for the media. Thus, its criminal liability refers to corporate criminal liability.

Research Methods

This research is a type of normative legal research that is descriptive-qualitative with a view to studying problems related to cyber media criminal accountability in Indonesia and especially in South Sulawesi,¹⁶ which is expected to provide an overview of the criminal liability model of cyber media and its various forms of irregularities. This includes the classification of press details as stipulated by Law No. 40 of 1999 on the Press and the view of the Criminal Code (Penal Code). While the research approach uses a case approach, this approach is done by reviewing cases related to the legal issues faced. The cases studied are cases that have obtained court rulings of permanent legal force. The main thing that is reviewed in each of these rulings is the judge's consideration to come to a decision, so that it can be used as an argument in solving the legal issues at hand.¹⁷ The research site is centered in several agencies that handle media such as the High Court of South Sulawesi, the South Sulawesi High Prosecutor's Office, the Regional Police (Polda) of South Sulawesi, the Press Council and several cyber media in South Sulawesi.

Results and Discussions

Cyber media coverage can be categorized as a press crime, if it does not meet the provisions in Law No. 40 of 1999 on the Press that is not legal, spreads news hoaks, and is managed un professionally, thus leading to violations of the Code of Journalistic Ethics. While in Law No. 19 of 2016 on Changes to Law No. 11 of 2008 on Electronic Information and Transactions (ITE) mentioned hoaks or fake news channeled through an electronic media or a network that resulted in the harm of the other party. The number of hoaks circulating among the public, not separated from the mushrooming of cyber media that is not in the form of press companies as emphasized in Law No. 40 of 1999 on the Press. In fact, in the Press Council even, it is recommended in the form of Limited Individuals (PT). While cyber media that spread a lot of hoaks is

formed simply complements the needs of information from an institution or community. Including some established and active at certain times. It depends on the interests of the person or group of people. In addition, some are massively active, but do not yet have the legal entities required by the Law and other regulations.

Referring to the mechanisms of the Press Act, un followed and or unconditional media must be legally and professionally managed, not protected by the Press Act. Thus, basically, legal proceedings can be conducted outside the handling of press council news disputes. Liability, may refer to the Criminal Court or by using other Laws in accordance with the type of delik carried out by the perpetrator. Electronic Information and Transaction (ITE) laws can automatically be applied to ensnare the perpetrators of the spread of hoaks news. The presence of the ITE Act is also based on the need for arrangements on the invasion of news sites that are not uncommon to the detriment of others.

Based on the results of the study, it is very rare that hoaks circulating in unsan bodily media can be revealed quickly. This is because, it is difficult to get the perpetrator or in charge of the media. In such exceptional y, if it refers to Law No. 40 of 1999 on the Press, then the one that must be responsible is the corporation. This can be seen in CHAPTER VIII Criminal Provisions in Article 18 paragraph (3) i.e. violation of article 12 (not listing the person responsible), penalized with a maximum fine of Rp100 million. Thus, it can be interpreted that, to be responsible for sanctions is the press company. The provisions of Article 18 paragraph (3) also affirm that the Press Act adheres to the corporate liability system.

As for the mechanism of criminal liability of the press, refer to the last paragraph in the explanation of Article 12 of the Press Act which states, "As long as it concerns criminal liability, adhere to the provisions of the applicable legislation". Thus, it can be interpreted, criminal acts committed by press companies in the news may refer to the Criminal Code or other provisions of legislation. In this case, criminal liability uses fictitious and succulent mechanization.¹⁸ Accountability based on the management of the news that emphasizes the editorial responsibility. Thus, if there is a news that is considered to lead to a criminal act, then it cannot be directly addressed to the newsmaker or its journalists.

Investigators may call the media if it is deemed that information is needed. It's just that, in providing an explanation, the media's answer can only explain according to the content in the news. In addition to the content in the news, the media can reject it. Unlike journalists or newsmakers who are not in charge of the media. If called by investigators, then there are two possibilities that can be done. First, if the call is made by the investigator, directly as a suspect, then it can be immediately rejected on the grounds of error in persona. Because, who should be called and or designated as a suspect is in charge of the media. In other words, this summons violates the criminal liability system adopted by Law No. 40 of 1999 on the Press. Second, if a journalist who is not in charge of the media is called as a witness, then there are two options. That is, it is permissible to attend the call, then in the presence of investigators stated, objections to be examined because it does not comply with the mechanisms in the Press Act. Then, if the call is again made, then journalists who are not in charge of the media, can immediately refuse. In addition, journalists who are called and not in charge of the media, can refuse directly to come on the grounds of not complying with the rules in journalism. This condition is certainly an obstacle for investigators in uncovering a case of hoaks. However, on the other hand, this mechanism is applied to protect the independence of the press. Thus, mechanisms through the Press Council, should take precedence. In accordance with the press accountability stated in the Press Law, i.e. refers to the media in charge.

This formula actually had an argument among members of the House of Representatives discussing the post-reform Press Act. At the time, there were various opinions on how the Press Act governed its accountability system. It was later agreed that as long as journalistic work applies a fictitious system of accountability and therefore, the press company is obliged to include the name of the person in charge of the press company. However, if outside the issue of journalistic work, then journalists or members of the press company who commit criminal acts, will apply the existing laws and regulations. For example, if a journalist commits fraud or extortion, then that applies to criminal regulations in general. On the contrary, when it comes to journalistic work, it uses a system of press accountability.¹⁹

By referring to the role of the Press Council in handling the above press disputes, it can be interpreted, regarding the issue of the news will return to the parties first. The Press Council will make a decision if indeed the two sides do not reach an agreement. The decision of the Press Council has so far been known as the Assessment and Recommendation Statement (PPR). This decision must be adhered to by both parties. If there is a violation, then the Press Council will determine the type of violation, including in the Journalistic

Code of Conduct. Then, when it comes to press releases, it will be recommended to law enforcement officers. In entering the criminal realm, the court must ask an expert from the press board first before resolving its legal issues. On this basis, the Supreme Court (MA) has issued Circular Letter (SEMA) No. 13/2008 dated December 30, 2008 on requesting expert testimony in the press dispute. The court was asked to put the members of the Press Council first on the grounds that the Press Council is considered the most understanding institution about the press. Thus, in general, the court before deciding first hears experts from the Press Council.

The Press Council has also followed up SEMA Number 13 of 2008 by issuing Press Council Regulation No. 19/Regulation-DP/X/2009 on Expert Information of the Press Council. In this regulation, it is explained about what is meant by experts from the Press Council. Namely someone who has special skills that provide information in accordance with his expertise on behalf of the Press Council. Members of this Press Council can provide information in criminal, civil, or other legal cases. In carrying out its duties, members of the Press Council are equipped with an official letter of duty from the Press Council signed by the chairman or vice chairman of the Press Council. In addition, members of the Press Council, should not have a conflict of interest with the litigation party. If there is any doubt, then the Plenary Meeting of the Press Council determines whether there is a conflict of interest. Members of the Press Council cannot provide information for two or more parties at the same time in the same case. Members of this Press Council come from members of the Press Council, former members of the Press Council, and chairmen or honorary board members of journalist organizations as well as persons elected or formally appointed by the Press Council who have had expert certificates issued by the Press Council.

Meanwhile, to guarantee the freedom of the press and face the possibility of criminal acts in the press, the Press Council and the Police of the Republic of Indonesia (Polri) made a memorandum of understanding containing six important things:

1. The affirmation of the Press Council and The Police to respect each other's duties and will always coordinate.
2. If the Police receive a report and or complaint related to a matter or dispute of press coverage, the Police department will first coordinate with the Press Council and ask for the opinion of the Press Council. Especially when it comes to whether the case is still within the scope of the Journalistic Code of Conduct or already in the criminal realm. If it is still within the scope of the Journalistic Code of Conduct, it will be completed by the Press Council in accordance with the stages of the mechanism stipulated. On the other hand, if it has entered the realm of law, then it becomes the authority of the Police to follow up.
3. If it has received advice from the Press Council, in the event of an allegation of a criminal offence, the Police will be guided by Law No. 40 of 1999 on the Press.
4. The Press Council will provide experts on the press to the Police in cases related to press coverage.
5. The Press Council and Police will coordinate at least once every six months.
6. The Press Council and Police will conduct a joint socialization of the contents and implementation of the Memorandum of Understanding of the Press Council and Police.

With the birth of this agreement, press coverage can be processed legally, if it is in the category of press release. Hoaks is part of the press's delik because it is contrary to the Journalistic Code of Conduct. Media outlets can be subject to criminal sanctions. Meanwhile, if the media is not legally and unmanaged and unprofessionally managed in the face of news that is considered criminally infringing, then it can be applied to its law, penal code, or other laws.

Conclusion

The results of the research analysis show that the freedom of the cyber media press must be guided by a journalistic code of conduct in order for journalistic quality to be maintained properly. A reconstruction of criminal liability policies is required in the freedom of the cyber media press, as well as the prescription and evaluation of applicable laws to avoid unethical press freedom and create a responsible cyber media press freedom.

Cyber media coverage can be categorized as a press crime, if it does not meet the provisions in Law No. 40 of 1999 on the Press that is not legal, spreads news hoaks, and is managed unprofessionally, thus leading to violations of the Code of Journalistic Ethics. While in Law No. 19 of 2016 on Changes to Law No. 11 of 2008 on Electronic Information and Transactions (ITE) mentioned hoaks or fake news channeled through an electronic media or a network that resulted in the harm of the other party.

Criminal liability for the dissemination of news regulated in the Press Act must follow the mechanisms of the Press Council. If it becomes a press release or a general deposition, then the investigator will ask the members of the Press Council to process the crime. This mechanism applies to corporate press companies, but there are indications of spreading or false news. As for media that is not legal and unmanaged, it is not within the framework of the protection of the Press Act. Thus, the enforcement of the law, can be done by using Law No. 19 of 2016 on Changes to Law No. 11 of 2008 on Electronic Information and Transactions.

References

- ¹ Anett Keller, Tantangan dari Dalam Otonomi Redaksi di 4 Media Cetak Nasional : *Kompas, Koran Tempo, Media Indonesia*, Friedrich Ebert Stiftung (FES) Indonesia Office, Jakarta, 2009. H. 5.
- ² Idri Shaffat, *Kebebasan, Tanggung Jawab, dan Penyimpangan*, prestasi Pustaka, Jakarta, 2008, h. 95.
- ³ Budi Suhariyanto, *Tindak Pidana Teknologi Informasi (Cybercrime) Urgensi dan Pengaturan Celah Hukumnya*, Raja Grafindo Persada, Jakarta, 2012, h.1.
- ⁴ Ahmad Ramli, *Cyber Law dan Hak Dalam System Hukum Indonesia*, Rafika Aditama, Bandung, 2004, h. 1.
- ⁵ Ronal Koven, *New Media The Press Freedom Dimension*, UNESCO, in Paris 15-16 February 2007, h. 6
- ⁶ Bagir Manan, *Indonesia Menyongsong Jakarta World Forum for Media Development 2016*, Jurnal Dewan Pers Edisi 12 2016, Jakarta. H. 15
- ⁷ R. Helambang Perdana Wirataman, Sinta Dewi Rosadi, Heribertus Jaka Triyana, Shinta Agustina, L.I. Nurtjahyo, Masitoh Indriani, Stanley Adi Prasetyo, Indriaswati Dyah Saptaningrum, Wahyudn Djafar, Miftah Fadhli, Lintang Setianti, *Kebebasan Berekspresi di Indonesia*, Lembaga Studi dan Advokasi Masyarakat, Jakarta, 2006. H. 49
- ⁸ Samsul Wahidin, Tanggung Jawab Pemberitaan Pers Dalam Perspektif Keadilan dan Hak Asasi Manusia di Indonesia, JURNAL HUKUM. NO. 14 VOL. 7. AGUSTUS 2000, h. 65
- ⁹ Pratama, A. B. (2016, December). Ada 800 Ribu Situs Penyebar Hoax di Indonesia. *CNN Indonesia*. Retrieved from <http://www.cnnindonesia.com/teknologi/20161229170130-185-182956/ada-800-ribu-situs-penyebar-hoax-di-indonesia/> diakses 2 April 2018 Pukul 19.00 Wita
- ¹⁰ Jamaludin, F. (2016, December). 773 ribu situs diblokir Kemkominfo setahun, pornografi paling banyak. *Merdeka.com*. Retrieved from <https://www.merdeka.com/teknologi/773-ribu-situs-diblokir-kemkominfo-setahun-pornografi-paling-banyak.html> diakses 2 April 2018 Pukul 19.00 Wita
- ¹¹ Yosep Adi Prasetyo, *Indonesia Menyongsong Jakarta World Forum For Media Development 2016*, Jurnal Dewan Pers Edisi 12 Jakarta, 2016, h. 15.
- ¹² <http://nasional.sindonews.com> “Banyak Media Siber Meng-copy Paste Informasi, 20 februari, 2017.
- ¹³ Artidjo Askar, *Indonesia Menyongsong Jakarta World Forum For Media Development 2016*, Jurnal Dewan Pers Edisi 12 2016. h. 28.
- ¹⁴ Ni Putu Noni Suharyanti, *Perspektif HAM Mengenai Penerapan Asas Praduga Tidak Bersalah Dalam Kaitannya Dengan Pemberitaan Di Media Massa*, Jurnal Advokasi Vol. 5 No. 2 September 2015. h. 125-126
- ¹⁵ Emerson Yuntho, *Lampu Merah Bagi Kebebasan Pers*, (dimuat Koran Jawa Pos, 3 Mei 2009) <http://epajak.org/abg/free-monitor-hukum>, h. 3.
- ¹⁶ Zainuddin Ali. 2011. *Metode Penelitian Hukum. Edisi 1*. Cetakan Ketiga. Jakarta: Sinar Grafika, h. 21-22
- ¹⁷ Irwansyah (2020) Penelitian Hukum, Pilihan Metode dan Praktik Penulisan Artikel. Miarra Buana Media: Yogyakarta.
- ¹⁸ Juditha, C. Hatespeech In Siber Media: Jakarta On Election 2017-Hatespeech di Media Siber: Kasus Pilkada DKI Jakarta 2017. *Jurnal Penelitian Komunikasi dan Opini Publik*, Vol. 21 No. (2).
- ¹⁹ Dewan Pers. Kajian tuntas 350 tanya jawab Undang-Undang Pers dan Kode Etik Jurnalistik, Dewan Pers, 2013, Jakarta, halaman 219.