



Legal Protection of Journalists' Rights Based on Law No 40 of 1999 on Freedom of the Press

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ABSTRACT

This thesis is entitled legal protection for the journalist profession by raising several issues including the following: (a) abuse or physical violence against journalists who are carrying out their duties, (b) deletion, falsification of news reports produced by journalists, (c) intimidation or pressure on journalists to stop or limit the delivery of news or reports relating to the public interest, (d) prohibiting access or blocking journalists from gathering information or covering an event. Based on the main points calculated in the background, the researcher can analyze it to determine the formulation of the problem as follows what are the forms of criminalization of journalists' rights of profession and the legal protection of the rights of journalists who are criminalized by other parties. The research methods as researchers in a scientific or scientific way to get a discussion of theoretical studies. This research method consists of: (1) The type of research method used in this writing is the normative legal research method. (2) descriptive approach (3) and sources of legal materials consisting of secondary, primary and tertiary sources of legal materials, then also processing of legal materials and analysis of legal materials. Then the literature review section consists of (1) an overview of previous research, (2) an overview of journalists and the press, (3) an overview of legal protection, (4) an overview of victims. This literature review serves as a theoretical basis in outline so that it can complete the discussion and theory sections which consist of: (1) Forms of criminalization of the rights of the journalist profession, (2) Legal protection of the journalist profession which is criminalized by other parties.

Keywords: *Freedom of the Pres, Journalist Profession, Journalist's Rights*

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INTRODUCTION

Indonesia is a democratic country with a republic system of government with the president as the head of state and head of government (Slater, 2023; Tan, 2020; Yustisia dkk., 2023). The system of democracy in Indonesia is governed by the constitution of the country which is enacted by the 1945 Constitution (Djuyandi dkk., 2023; Iannone, 2022; Neoh & Saifulloh, 2020). The freedom of expression in Indonesia is regulated by UUD 1945 Article 28E Paragraph (3) which states that "Every person has the right to freedom of association, assembly, and expression of opinion" (Junius Fernando dkk., 2022; Prahassacitta & Harkrisnowo, 2021; Tuzovskij, 2021). However, this freedom is not absolute and can be restricted on the grounds of the interests of the state, security, order, safety, security, and the rights of others. In addition, there is also UIU No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination which prohibits any form of discrimination on the basis of race or ethnicity, including in terms of the right to freedom of speech (Bayarsaikhan dkk., 2021; Masduki, 2022). However, freedom of expression must also be exercised responsibly, not violating the honor and dignity of others, and not threatening the stability and security of the state. So, although the freedom of freedom can be guaranteed by UUD 1945, there are still limits that must be heeded. The freedom of expression and the people's freedom are interrelated because they embody the full and partial human rights in a democracy.

Human rights are rights that are inherent in a person since he was born, which cannot be violated by anyone because it is a private property right and guaranteed by the state to protect each of its citizens. Its validity is very strong in the regulation of laws and regulations in Indonesia (Cahaya & Hervina, 2019; Lamchek, 2018; Purba dkk., 2022). Even after the UN Declaration of Human Rights in 1948, Indonesia has already passed the declaration of human rights and protected it in the national life which is repeated in the 1945 Constitution, the declaration of the Indonesian nation in principle is enshrined in the UUD 1945 and the UUD 1945 and pelmbulkaan is what melrupakan sulmbel normative for hukum positive Indonesia, in the UUD 1945 alinea I stated that "kelengkapan adalah hak segala bangsa", in this statement terkandung selcakan yuridis human rights.

Meanwhile, freedom of speech is the right of individuals to express their opinions without being bullied or intimidated by the opposing party (Bouwman, 2018; Chakim, 2020; Defung & Yudaruddin, 2022). The freedom of speech enables the people to express their opinions about public policies and to criticize the government if they wish (Di Domenico dkk., 2021; Oleksienko & Jackson, 2021; Pettersson, 2019). In any democracy, freedom of speech is essential to ensure the creation of a healthy and fair popular discourse as well as the formation of an important political class (Howard, 2019; Revers & Trautmüller, 2020; Riemer & Peter, 2021). In this way, popular civility and freedom can complement each other.

One article 28 E in chapter XA on human rights paragraph 3 every person has the right to freedom of association, freedom of expression, and freedom to express opinions, the state guarantees and provides freedom of expression to its people to express their

aspirations completely, The state guarantees and provides the people with the opportunity to contribute in providing constructive criticism and suggestions, starting from formulation activities such as dialogues, discussions, meetings, and consolidations, to massive activities such as mass demonstrations, which mobilize the people and extend the hands of the people.

The presence of mass media and journalists plays an important role in monitoring, reporting, and releasing information related to the public interest (Cuartero Naranjo, 2019; Høiby & Ottosen, 2019; San José de la Rosa dkk., 2023). However, in carrying out their journalistic duties, journalists often experience rights violations, discrimination, and even abuse (Blanco & Palomo, 2021; Muela-Molina dkk., 2020; Scherman & Mellado, 2019). For this reason, it is important to conduct a thorough analysis of violations of journalists' rights in the performance of their journalistic duties in order to provide for the protection and proper enforcement of the rights of journalists who are victims of violations (Jaakkola, 2022; Sobel & McIntyre, 2018). Alongside the growing development of the journalistic world, there are still discriminatory actions against journalists that result in violations of human rights. In accordance with Law No. 40 of 1999 on the Freedom of the Press, journalists should be protected in carrying out their journalistic duties.

Violation of journalists' rights can be any action or action that impedes journalists from performing their journalistic duties (González-Quñones dkk., 2020; Gunawan dkk., 2023). Some examples of violations of journalists' rights include: (1) Persecution or physical abuse of journalists while performing their duties. (2) Arrest or detention of a journalist without a clear reason or without due process. (3) Falsification or deletion of news or reports produced by journalists. (4) Intimidation or threats against journalists in order to prevent or limit the release of news or reports related to the interests of the public. (5) Prohibition of access or obstruction of journalists in order to release information or report on events.

The criminalization of journalists' rights can have significant negative impacts on journalism and society at large (Suarez Estrada, 2022). Some of the impacts that may occur are (1) The impairment of Media's credibility: Discriminatory actions against journalists can undermine the credibility of the media in the eyes of society (Dixon, 2020; Gill dkk., 2021). This can impact on the public's trust in the information provided by the media. (2) Limitation of the Freedom of the Press: Discriminatory actions can affect the freedom of journalists (Hamada dkk., 2019; Liu dkk., 2018). Journalists who feel threatened or insecure when reporting news may choose not to report or complete their coverage to avoid threats or discrimination. (3) Barriers to information access: Discriminatory actions can also be a barrier to journalists accessing information that is important to the public (Marahatta dkk., 2020). This can lead to a loss of transparency and accountability in government and society. (4) Obstruction of justice and democracy: Journalists are guardians of justice and democracy (Siders, 2019). Discriminatory actions against a journalist can lead to a lack of oversight and accountability in government and society. This can harm society as a whole. In order to preserve the freedom of journalists

and allow journalists to carry out their journalistic duties, it is important for society and government to ensure that discrimination against journalists is not allowed to occur. Furthermore, journalists must be provided with protection and freedom that allows them to carry out their duties properly and without inconvenience as mandated by Law No. 40 of 1999 on the freedom of the press.

RESEARCH METHODOLOGY

The model used in this research is the normative law research model, (normative law research) which utilizes the normative legal standards without a law enforcement product, such as reviewing laws. With descriptive research is a type of research that aims to describe or describe a phenomenon or event that is currently happening in a systematic, transparent, and detailed manner (Mishra dkk., 2019). With Belrtuljulan UIntulk Exploring Comprehensive Felnomelna in the Field of Hulkulm Issues related to legal protection of journalists based on law number 40 of 1999 concerning freedom of the press.

RESULT AND DISCUSSION

Forms of Criminalization of Journalists' Professional Rights

The rights of journalists include various journalistic activities such as storing, managing, searching, processing, possessing, and delivering information through various media including electronic and print media (Бартахов dkk., 2019). From this it can be concluded that mass communication is a form of communication aimed at a large number of heterogeneous and anonymous audiences through print or electronic media simultaneously and openly. Journalists are often referred to as the "spirit" of the press as they play a key role in journalistic activities. The skills of journalists are essential to ensure good quality and objective news.

Based on the definition of journalists' rights above, there are several perspectives that can be used to understand these rights: 1) From a legal perspective, journalists' rights include freedom of expression, right to information, self-protection, privacy, and freedom of the press. These rights are stated in Law No. 40 of 1999. Freedom of expression is recognized as a human right that must be fulfilled, respected, and exercised by all citizens, especially in a democratic country like Indonesia. 2) Journalistic Ethics Viewpoint, the journalistic code of ethics reflects the basic principles of the journalism profession. Journalists' skills are also important. Many journalists do not have adequate journalistic knowledge and skills. Therefore, the Press Council publishes Journalist Competency Standards as training materials. 3) From a democratic point of view, journalists' rights are an important part of a healthy democratic system. Journalists have the right to check the government, expose the truth, provide relevant information to the public, and promote public participation. Article 28 of the 1945 Constitution guarantees freedom of association and assembly, expression of thoughts orally and in writing. The media (electronic and print) is a key tool for this.

Duties and Functions of the Journalist Profession

According to (Darbo & Skjerdal, 2019; Koch dkk., 2019) the duties and functions of journalists are at the core of journalistic activity. Some of the main duties and functions of journalists are: 1) Maintain and Protect Freedom of the Press, journalists have a duty to protect the freedom of the press and the public's right to information. Press freedom is the foundation of democracy and must be safeguarded from any form of intervention or restriction, except those regulated by law. 2) Verifying Facts and Maintaining News Credibility, before publishing information, journalists must verify the truth and accuracy of the information. News accuracy determines the credibility of the media in the eyes of the public. 3) Maintain Integrity and Independence, journalists must maintain their integrity and independence. This means not accepting gifts or other rewards that could affect their objectivity and independence in reporting the news.

Criminal Acts Against Journalists' Professional Rights

According to (Figenschou & Ihlebæk, 2019) there are several criminal acts that threaten the profession of journalism: 1) Persecution, many journalists are victims of physical violence or threats of violence for reporting or investigating certain issues. 2) Restriction of Press Freedom, governments or other entities sometimes try to restrict press freedom in unauthorized ways. This could be the detention of journalists, censorship of news, or laws that hinder press freedom. 3) Violation of Law, journalists can be faced with false or unfair lawsuits as a form of intimidation or an attempt to silence them. 4) Murder or Rape, in extreme cases, journalists can be victims of murder or rape in an attempt to silence them. 5) Cyber Attacks, journalists and media organizations are also vulnerable to cyber attacks aimed at damaging or stopping their operations. A journalist's job is to convey honest, accurate, and balanced information, while criminal acts against journalists are a serious threat to press freedom and democracy.

Legal Protection for Journalists Criminalized by Other Parties

Law No. 40/1999 on the Press in Indonesia defines press freedom and legal protection for journalists. Some relevant articles in the law are: 1) Article 3 paragraph (1): The national press is tasked with conveying information, opinions, and ideas for the benefit of the community, the benefit of the nation, and the benefit of the state. 2) Article 4 paragraph (1): Everyone has the right to express their opinions and ideas through the mass media. 3) Article 4 paragraph (2): The national press is protected by the state and may not be intervened by other parties. 4) Article 8: Journalists have the right to protect the confidentiality of information sources obtained in carrying out journalistic duties, except in certain situations based on the law. (Villanueva-Ledezma dkk., 2020) explains that to maintain the security and sustainability of the press, journalists as implementers of journalistic activities must be protected from threats and obstacles from parties that interfere with their independence. Criminalization is a serious problem often faced by a number of journalists.

Violation of Journalists' Professional Rights

Legal violations of journalists' rights include actions that go against the laws or norms that regulate and protect the profession (Gunawan dkk., 2023). Some examples of

these violations include: 1) Restrictions on Press Freedom, where the government or other institutions restrict or suppress press freedom and access to information. 2) Manipulation or Alteration of Content, editing clips or images to cause misunderstanding or damage the reputation of the media or journalists. 3) Intimidation or Threats to Journalists, hindering journalists in reporting the truth. 4) Illegal Wiretapping and Surveillance, conducting unauthorized wiretapping or surveillance. 5) Restricting Access to the Scene, blocking journalists' access to the scene of an important event. 6) Slander and Defamation, spreading false information to damage a journalist's reputation. 7) Abuse of Authority, authorities using their authority to threaten or hinder journalists' activities. Protection for journalists should include essentials such as freedom of expression, protection from violence and intimidation, right of access to information, and protection of news sources.

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The Concept of Legal Protection of Journalists' Freedom

Legal protection for journalists' freedom is essential to ensure press freedom and for journalists to carry out their journalistic duties without interference (Greste, 2023). Some key aspects of this concept include: 1) Constitutions and laws, many countries have laws that recognize and protect freedom of the press as a human right. 2) Right to Information, journalists have the right to seek, receive and impart information to the public. 3) Right to Privacy and Source Protection, protecting the privacy of journalists and their sources from eavesdropping, illegal surveillance, or coercion to reveal sources. 4) Prevention of Retaliation and Protection of Journalists, punish those who attack journalists and provide legal sanctions. 5) Editorial Freedom, journalists have the right to control and choose the content to be published without interference. 6) Due Process, guarantee access to due process for journalists facing legal charges. Press freedom for journalists is important to ensure truth, transparency and accountability. The state and society both have a responsibility to protect and support press freedom and journalistic integrity.

CONCLUSION

The law affirms the right of journalists to carry out their journalistic duties without unauthorized interference from other parties. It also provides protection for the identity of sources of information disclosed by journalists. This is important to encourage more free and open reporting. Journalists have the right to obtain information from public institutions or the government. Public institutions are required to provide access necessary for journalists to carry out their journalistic duties and prohibit censorship or restrictions on reporting without legitimate reasons. This aims to ensure diversity of opinion and freedom of expression in the media.

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