



Application of Criminal Sanctions for Violations of the Journalistic Code of Ethics Related to Reporting without Confirmation by the Press in Muara Enim Regency

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Abstract

The press's legal status is an important consideration when discussing its foundations. Law No. 40 of 1999 concerning the Press and the Code of Journalistic Ethics must uphold because only in this way can journalists have their honor and the accountability of their journalistic work to the public. PWI Muara Enim Regency, a journalism organization in South Sumatra, has received many complaints or reports related to news that is considered detrimental to someone or other agencies because of unbalanced reporting. The problems in this study are: 1. How is the application of criminal sanctions for violations of the Code of Journalistic Ethics related to reporting without confirmation by the press? 2. What are the obstacles to applying criminal sanctions for violations of the Code of Journalistic Ethics related to reporting without confirmation by the Press in Muara Enim Regency? The research method used in this thesis uses an empirical juridical approach that is descriptive. Based on the study results, criminal sanctions have not applied related to reporting without confirmation by the press in Muara Enim Regency because they resolve through the delivery of the Right to Answer and the Right to Correction. Obstacles to the application of criminal sanctions for violations of the Journalistic Code of Ethics related to reporting without confirmation by the press in Muara Enim Regency are as follows: 1. Lack of understanding and knowledge from the media related to the Press Law and the Code of Journalistic Ethics. 2. The lack of press in Muara Enim Regency that has passed the Journalist Competency Test (UKW). 3. The Press Council has not administratively and factually verified many print and online media in Muara Enim Regency.

Keywords: *Criminal Sanctions; Code of Ethics; Journalism*

Introduction

In today's democratic realm, journalistic activities are essential because everyone cannot organize or do something for themselves without obtaining information first (Bernet Páez & Sierra Herrero, 2018). Meanwhile, information about what exists and happens in this universe, whether related to political, economic, socio-cultural, security, and other issues, can be obtained by being interested in and enjoying journalistic products such as newspapers' content (content), radio broadcasts, and television (Barbas, 2021).

The work of journalists is full of risks (Asher et al., 2021). When facing a case, he is in danger (Suriyanto, 2020). When reporters search, process, and disseminate information, many things can happen to them (Parawita, 2021). Therefore, in Law Number 40 of 1999, it is clearly stated that journalists receive legal protection (Satino et al., 2021). However, the question is whether journalists who do not understand the Basic Press Law and implement the Code of Journalistic Ethics should also be legally protected (Žuffová, 2021).

The problem is that the growth in the press and the increasing number of journalists today have not been balanced with quality (Zhang & Wang, 2020). There are frequent complaints to the Press Council about how media companies were founded only because of political and economic motives, not caring about ideological interests. Idealistic interests should be the spirit or spirit for running the press business (Bukar et al., 2019).

The Code of Journalistic Ethics is important to be applied by journalists to regulate ethics concerning judgments about correct or untrue behavior, excellent or unkind, appropriate or inappropriate, useful or useless, and what should or should not be done (Nabavi, 2021). Journalists must include and heed the Code of Journalistic Ethics as a guideline for journalistic activities (Ren & Li, 2021). Understanding the Journalistic Code of Ethics must be ensured by every press person, considering that this is one of the guidelines or handles for press personnel to carry out their journalistic activities (Sari, 2020). Still, if it is not understood, they will continue to violate the Code of Journalistic Ethics (Mazumdar & Richard Riffle, 2021).

Implementing and understanding the Code of Journalistic Ethics is not as easy as turning the palm (Hamada et al., 2019). Many obstacles must be passed to become a journalist, especially since the Code of Journalistic Ethics has become a mecca for journalists in any mass media (Firdausi, 2021). The Code of Journalistic Ethics is sometimes an obstacle for press personnel in collecting news until the functions of the press have now shifted, such as increasingly fierce competition among the media, spurring the media to compete to convey various events quickly (Suriyanto, 2020).

It is this demand to present events quickly, making many deviations from the freedom of the press that has been granted and the Code of Journalistic Ethics often not obeyed, even abandoned as reporting without affirmation to apt sources (Asher et al., 2021). Media owners and journalists are more concerned with popularity ratings to seek profits, so the information conveyed is second and not optimal (Soni et al., 2021). The job of being a journalist is indeed a job that imposes the responsibility and requires freedom. Based on data from the Muara Enim Regency PWI for the last three years, starting from 2019 - 2021, the Muara Enim Regency PWI has received complaints from the public or corporate and private agencies related to the news made by journalists has increased. They objected because the information was unbalanced. After all, there was no interview from their side. So it is aggrieved for the news published. As a result, PWI facilitates mediation between the press party, responsible for creating the word, and the offended party, accountable for creating the information again through the Right to Answer or Correction of the party. Case in point in the Management of PT. Cipta Futura, an oil palm company operating in Muara Enim Regency, filed a report with the Muara Enim Regency PWI against a

media member for broadcasting false and defamatory information about the company on April 21, 2021, according to the news company management, said PT. Cipta Futura polluted the Lematang tributary in Ujanmas Lama Village, Ujanmas District, Muara Enim Regency, which is invalid.

One crucial aspect of the press's existence is its legal status. The press (as an institution) and the consumer community interact when the press is central to society. Technically, legal problems will arise when the presentation turns out to be judged to be incorrect or detrimental to the community. For this reason, there must be a fair and standardized solution so that it does not interfere with people's lives and the continuity of the press itself.

Methods

To investigate the issues raised by the thesis, the author employs a study, which is an example of empirical juridical research; this method is used to conduct a qualitative analysis of the implementation of Law No. 40 of 1999 regarding the Press and the Journalistic Code of Ethics concerning reporting without confirmation.

Primary data are obtained from field research activities such as interviews or observations. At the same time, secondary data are obtained from the study of documents. For legal material collection techniques, for example, the snowball method (snowball method) and identification procedures and inventory, discuss primary and secondary legal materials.

Result and Discussion

Application of Criminal Sanctions for Violations of the Code of Journalistic Ethics Related to Unconfirmed Reporting by the Press in Muara Enim Regency

1. Application of Criminal Sanctions According to Law No. 40 1999 About the Press

Law No. 40 of 1999 concerning the press, which provides a breath of freedom of expression for the media during the reform period, seems to make the Press move without understanding that there are limits in social life. Often, the press crashes ethics in its journalistic reports, better known as trial by the media, to the point of causing legal proceedings. Ethics and freedom of expression The Press must always go hand in hand because there is a moving intellectual process in the difficulty of unearthing the news. An innovative press is a press that digs into its information using ethics and must be adhered to as a professional press.

The Indonesian Press, as a national press, receives guarantees, and legal protection, implied in Law No. 40 of 1999 concerning the press regulated in article 8, namely, in carrying out their profession, journalists receive legal protection. The legal guarantee here is as long as the journalist, in carrying out his duties following the standards of the code of ethics, directly attached legal protection to himself, namely the guarantee of government and or public security to journalists in carrying out their functions and obligations and roles following the provisions of the applicable laws and regulations.

Especially for journalists serving in Muara Enim Regency, around 70 percent of journalists who carry out their journalistic duties understand Law No. 40 of 1999 concerning the press and carry out the Journalism Code of Ethics well. The remaining 30 percent do not understand and understand the rules, so they carry out their duties as journalists ignoring Article 1 of the Code of Journalistic Ethics, where journalists must be independent and present accurate, balanced, and non-bad faith news.

During 2021, PWI Muara Enim Regency received 15 complaints from the public or corporate and private agencies related to the news made by journalists. They objected because the information was unbalanced. After all, there was no interview from their side. So it is harmed by the news made. In response, PWI assists mediation between the press party making the news and the aggrieved party by making the news again through the Right to Answer or Correction of the party. One of the cases that PWI Muara Enim mediated was a report produced by the online media muaraenimnews.com on November 23, 2020, with the title "Thousands of Anglers Disappointed in the 39th PTBA Anniversary Competition" the news reported the disappointment of the participants in the PT's 39th Anniversary fishing competition. Bukit Asam (PTBA) Tbk is related to the unprofessionalism of PTBA Tbk in organizing a fishing competition involving thousands of people so that the competition that pours significant funds reaching hundreds of millions from PTBA seems to be plebeian.

Criminal sanctions can be imposed on press companies for violating the journalistic code of ethics as referred to in Article 1 number 2 of the Press Law: "A press company is an Indonesian legal entity that organizes press business including print media companies, electronic media, and news agencies, as well as other media companies that specifically organize, broadcast, and distribute information."

A press that commits deviations from its profession as a journalist in carrying out its journalistic duties because of favorable legal provisions can be categorized as a crime of the press. Following Article 483 of the Criminal Code, persons who publish an obscene inscription or photograph face up to one year in prison and a fine of up to 4,500 Indonesian rupiahs. Deviations from the Press, as mentioned in the Code of Journalistic Ethics in article 4, include broadcasting misleading news, writings, or images, namely information that is conveyed confusing, troubling, lying, fooling, or harassing people's thinking skills. Such notification, in positive Indonesian law, is prohibited.

Press freedom and the protection of citizens' rights from invasion by the media are addressed in Article 40 of Law No. 40 of 1999:

a. Violation of correction rights and correction obligations

Article 5, paragraph 3 clearly states, "The press shall serve the right of correction." Following article 1, paragraph 12 of Law No. 40 of 1999 concerning the press. The term "Right to Correction" refers to the public's entitlement to rectify inaccurate journalistic coverage of themselves and others. Unlike the Right to Answer, which concerns oneself, according to the Right of Correction, everyone can give corrections not only about himself but also about others, and the press is obliged to serve him.

About the PTBA case above, the press must grant the Right of Correction to parties who have felt aggrieved by the news. The press should be required to serve this right even though it doesn't specify what kind of false information it's reporting. But often, the press does not fulfill its duty to act the Right of Correction. The press often ignores this, and this right of Correction is provided for in Article 5 paragraph (3), not regulated by the threat of sanctions.

b. Violation of Right to Answer and Right to Answer Obligations

The Right to Answer regulated in Article 5 Paragraph (2) has a threat of sanctions. Article 5 guarantees the Right to Reply and the Right to Correct but deals with the danger of fines differently. Even the affirmation stipulated in Article 1 Paragraph (13), the threat of sanctions does not exist, nor is its application regulated in the Press Law No. 40 of 1999. The press that does not serve the Right to Answer is subject to criminal law penalties of up to Rp. 500,000,000.00 for breaking the Code of Journalistic Ethics, as stated in Law Number 40 of 1999 About the Press (Five hundred million rupiahs).

2. Application of Criminal Sanctions According to the Criminal Code

According to Law No. 40 of 1999 concerning the press, legal responsibility is known as individual or personal liability in criminal law. Criminal law recognizes the legal principle that: "whoever does, then he who must be held accountable." Thus, the focus of criminal law recognizes direct liability that is not transferable. Who commits a criminal act, it is he who must be held accountable for his deeds before the law. This notion applies to the practice of halting press publications in Indonesia. It deals with adopting an illegitimate legal basis that is not only formally but also substantively congruent with the underlying concept, constitution, and higher rules. There is an element of legal certainty and justice.

The sanctions that can be given to the press for unlawful acts are compensation, both moral and material damages. Material losses relate to the costs incurred against the report's impact. Meanwhile, moral harm in the form of defamation, in other words, can harm someone immaterially. Based on its nature and nature, the particular press also held exceptions to personal accountability, proportionate and inclusion principles. In the press, work results are not solely the result of someone's unique or individual work. But more collective work with the editor-in-chief as the person who plays the most role and is responsible for the news being broadcast. So press accountability based on the above description, although done personally in reporting, the final result involves a cumulative series of work. Law enforcement must also understand the organizational system within the press workspace.

Obstacles to the Implementation of Criminal Sanctions for Reporting Without Confirmation by the Press in Muara Enim Regency

Due to the procedure established by Law No. 40 of 1999, notably the Right to Answer or the Right to Correction, journalists in Muara Enim Regency who breach the Code of Journalistic Ethics by publishing unsubstantiated information have never been criminally prosecuted. However, if ignored by the press company, then PWI Muara Enim gives the whistleblower the freedom to take other actions, namely criminal channels. As for the factors that led to the violation of the Code of Journalistic Ethics:

1) Accidental Factors

- a. There is still a lack of professionalism, and this includes. Currently, there are not enough employees working to eliminate errors; How frequently will follow-up examinations occur; Remove your mind from the game. Inadequacies in the generation of inaccurate data; Comparison and analysis of data are simple; Failure to adapt to the changing times Using improper terminology or idioms.
- b. Deadline pressure so that unknowingly there is negligence.
- c. Understanding and understanding of the Journalism Code of Ethics is still limited.

2) Intentional Factors

Have knowledge and understanding of the Journal Code of Ethics, but there have been bad intentions from the beginning. Does not have sufficient knowledge and experience of the Code of Journalistic Ethics and, from the beginning, has had poor choices. Because the competition of the press is very fierce, wanting to defeat partners or competitors of fellow press unnaturally and inappropriately to deliberately make a statement that is not following the Code of Journalistic Ethics. The press is only used as a mask or camouflage for criminal acts, so it is outside the scope of journalistic work.

Conclusion

The application of criminal sanctions for violations of the Code of Journalistic Ethics related to reporting without confirmation by the press in the Muara Enim Regency has not been implemented. It is because complaints about unconfirmed reporting by the media were successfully resolved through the

delivery of the Right to Answer and the Right to Correction after being mediated by the press organization of the Indonesian Journalists Association (PWI) Muara Enim Regency.

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