

# IDEAL MODEL FOR SETTING JOURNALIST COMPETENCE IN PREVENTING VIOLATIONS OF THE PRESUMPTION OF INNOCENTNESS

*by* Mustawa Nur

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**Submission date:** 22-May-2023 03:29PM (UTC+0700)

**Submission ID:** 2099062684

**File name:** Jurnal\_Internasional.pdf (209.78K)

**Word count:** 3024

**Character count:** 16986



## Research Article

### IDEAL MODEL FOR SETTING JOURNALIST COMPETENCE IN PREVENTING VIOLATIONS OF THE PRESUMPTION OF INNOCENTNESS

\*Mustawa

Faculty of Law, Universitas Bosowa, Indonesia.

Received 06th October 2021; Accepted 07th November 2021; Published online 20th December 2021

#### ABSTRACT

The regulation of journalist competence in the Press Council Regulation is defined as knowledge ability without any confirmation for journalists who have knowledge of certain disciplines. This means that all journalists who come from any discipline may be recognized as journalists who have the competence to apply the principle of presumption of innocence in reporting. This arrangement in journalistic practice, the press often appears 'judging' in the news because of the use of terms that are often interpreted the same, even though legally they have very different meanings, such as suspect is written by the perpetrator, released is written freely, not accepted is written rejected, sentenced to trial is written by the judge. free. To prevent violations of the presumption of innocence in reporting, the regulation of journalists' competence must be emphasized, from intellectual ability and general knowledge to legal knowledge. This affirmation is directly correlated with the object of reporting that is in the realm of law, as a function of the press which is obliged to respect the principle of presumption of innocence. Respecting this principle, news writing standards are set based on the provisions of Article 3 of the Journalistic Code of Ethics, so it is considered important to apply the new model as an ideal model in journalist competency testing as a system to harmonize journalist educational backgrounds with reporting duties, so that it becomes a journalist competency standard, in order to can prevent misuse of the profession to realize the principle of presumption of innocence in press reporting.

**Keywords:** Competence of Journalists, Preventing Violations, Principle of the Presumption of Guilt

#### INTRODUCTION

The Press Law is binding because the nature of the formation of the Act is a legal product with provisions for criminal offenses for violators. The Press Council Regulation is not binding because the nature of the regulation is not a legal product, as regulated in Law No. 12 of 2011 concerning the Establishment of Legislation. The regulation of journalist competence should be part of the article on regulating press coverage into the law so that it is binding for the realization of law enforcement of the Press Law.<sup>1</sup> Journalist competence is related to intellectual ability and general knowledge. Within the competence of journalists, there is an understanding of the importance of freedom of communication, nationhood, and a democratic state. Journalists' competencies include the ability to understand press ethics and law, news conception, news preparation and editing, and language. In the latter case, it also concerns the ability to do so, as well as technical abilities as a professional journalist, namely finding, obtaining, storing, possessing, processing, as well as creating and broadcasting news.<sup>2</sup> The provision of Article 3 of the Journalistic Code of Ethics are as follows: Indonesian journalists always test information, report in a balanced way, do not mix judgmental facts and opinions, and apply the principle of presumption of innocence. If qualified as a journalist's professional act in writing legal news, then there are 4 (four) elements that must be met, namely: First, testing information, Second, being balanced, Third, not mixing judgmental facts and opinions, Fourth, applying the principle of presumption of innocence.<sup>3</sup> According to the researcher, the fourth element, namely: applying the principle of presumption of innocence, does not need to be an element that must be fulfilled as a

qualification for the professional act of journalists in writing legal news, because the First, Second, and Third elements are part of an inseparable element as a system for implementing the principle of presumption of innocence. Strictly speaking, one of the elements, whether the first, second, and third elements are not fulfilled, can be declared to have fulfilled the element of committing a violation of the presumption of innocence through the writing of legal reports. The researcher continued, applying the principle of presumption of innocence as a standard setting for writing legal reports with the following elements: First, testing information, Second: balanced, Third, not mixing up facts and judgmental opinions. However, the researcher continued, the three elements are not sufficient to apply the principle of presumption of innocence because the level of effectiveness of the standard of writing legal news is also determined by the level of legal knowledge of journalists in applying the principle of presumption of innocence to the rules of news writing in Article 3 of the Code. Journalistic Ethics. The higher the level of legal knowledge of journalists, the greater the news written can prevent violations of the presumption of innocence. On that basis, the researcher formulates the concept of journalist competence with news writing standards that apply the principle of the presumption of innocence which includes 4 (four) elements that must be met. The four elements are as follows: First (1), Testing Information, Second (2), Balanced, Third (3), No Opinion, Fourth (4), Having legal knowledge.

#### Press Council Competency Standards

To achieve competency standard a legal journalist must take a competency test conducted by an institution that has been verified by the Press Council, namely press companies, journalists' organizations, universities or journalism education institutions. Journalists who have not taken the competency test are considered not to have the competence according to this competency standard. Standards are standard benchmarks that serve as a guide to size and basis. Standard also means a model for featured characters.

<sup>1</sup> Mustawa, "Harmonisasi Pengaturan Sistem Pemberitaan Pers Dalam Menerapkan Prinsip Due Process Of Law", diakses pada <https://www.academia.edu>, pada tanggal 23 Desember 2021, Pukul 00.29 WITA.

<sup>2</sup> Lampiran Peraturan Dewan Pers Nomor 01/Peraturan-DP/X/2018 tentang Standar Kompetensi Wartawan, hlm. 5.

Competence is a certain ability that describes a special level of awareness, knowledge, and skills.<sup>3</sup> The competency test model is based on the Press Council guidelines issued through Regulation Number. 1/ Regulation-DP/VIII/2015 concerning Competency Test Participants, the criteria are as follows:

1. Working as a journalist as evidenced by a press card or certificate from a press company and showing the results of his work or journalistic work in the last three months.
2. Has been a journalist for at least 1 (one) year.
3. Work as a journalist in press companies and broadcasting institutions that meet the following requirements:
  - a. An Indonesian legal entity in the form of a Limited Liability Company (PT), Foundation, Cooperative, or other press legal entity established by the stated state or publicly broadcast through their respective media.
  - b. Include the name of the person in charge and address (including telephone number and e-mail address) openly in each media.
  - c. Carry out journalistic activities including seeking, obtaining, possessing, storing, processing, and conveying information regularly for at least 6 (six) consecutive months.
  - d. Managed for the public interest, not public relations media, and not the internal media of the organization or company.
  - e. Do not use the name and or logo of the publication, page, or broadcasting institution that resembles the name of a state institution or public body.

The formulation of this journalist's competence uses models and categories of competence, namely: Awareness: includes awareness of legal ethics, journalistic sensitivity, and the importance of networking and lobbying. Knowledge: includes journalistic theories and principles, general knowledge, and special knowledge. Skills, including 6 M activities (searching, obtaining, possessing, storing, processing and conveying information), as well as conducting research/investigation, analysis/prediction, and using tools and information technology.<sup>4</sup> Then, journalist competency standards require the ability to master key competencies for journalists to achieve performance in carrying out journalistic duties. The key competencies consist of 11 ability categories, which are as follows:<sup>5</sup>

1. Understand and adhere to the journalistic code of ethics
2. Identify related issues that have news value;
3. Build and maintain networks and lobbying;
4. Mastering the language;
5. Collecting and analyzing information in the form of facts and news material data;
6. Compile news;
7. Editing news;
8. Designing a news page rubric or channel and or news program slot;
9. Editorial management;
10. Determine the policy and direction of the news
11. Using news information technology equipment

In the journalist competency test, the researcher examines several parts of the competency test material, where the competency category models which include: Awareness, Knowledge, and Skills are in one material that requires ability as a key competency standard. In fact, journalists come from various educational backgrounds, so the ability of journalists for all areas of coverage is

also different. There are journalists who have the ability and knowledge in the field of law, but do not have the ability in the economic field: According to R. Toto Sugiharto, there is a popular expression among journalists. There are people who know a lot about a few things, namely a professional, who only masters certain knowledge according to their competence and even if they know other sciences, so only a little. Journalists are referred to as "people who know a little about a lot of things". He knows many things of knowledge but on average only a little of each knowledge he knows.<sup>6</sup> Regarding the journalist competency test model by the Press Council, the researcher agrees with R. Toto Sugiharto. The model does not include a classification of journalists' coverage areas, but instead the Press Council determines competency test materials for each journalist without discriminating against competency test materials according to their journalistic duties. After all, journalists have limited knowledge, so that ability is a consideration in determining the coverage tasks that exist in various media. There are economic journalists, sports journalists, legal journalists, and so on. Forcing journalists to know about many things, even though the little knowledge they know will have an impact on journalistic work. Journalists from an economic education background are then tasked with covering legal events, it will result in errors in reporting. For journalists with non-legal education backgrounds, it will be difficult to distinguish between arrests and perpetrators, free and free, or prosecutors and lawyers whose professional attire in the courtroom is exactly the same. Vice versa, for journalists with legal education in charge of covering economic events, it will be difficult to distinguish deviation (difference) and growth (income). Based on the thoughts above, the competence of journalists must be relevant between the knowledge of journalists and their journalistic duties. This is in accordance with the provisions formulated in the Press Council Regulation regarding the definition of Journalist Competency Standards. This definition is as follows:<sup>7</sup> Journalist competency standards are the formulation of work abilities that include aspects of knowledge, skills/expertise, and work attitudes that are relevant to the implementation of journalistic duties. Thus, the benchmark competency is knowledge that is correlated with skills in writing news according to the field of coverage, while careers in the editorial structure are the policies of press companies, where the Press Council is not legally authorized to regulate press company policies. Journalists who have the competence to write legal news are intended to realize free and responsible press reporting. Freedom means the freedom of journalists in carrying out their journalistic duties and is guaranteed in Article 18 paragraph (1) of the Press Law. Being responsible means that journalists in carrying out their journalistic duties are obliged to report events and opinions by respecting the principle of the presumption of innocence.<sup>8</sup> The implementation of that responsibility becomes a journalist's guide in writing legal news as regulated in Article 3 of the Journalistic Code of Ethics as a standard for implementing legal news writing. The importance of journalists' responsibilities in carrying out journalistic

<sup>6</sup> R.Toto Sugiharto, 2019, *Panduan Menjadi Jurnalis Profesional*. Araska, Yogyakarta. hlm. 4.

<sup>7</sup> Lihat bagian pendahuluan Peraturan Dewan Pers Nomor: 01/Peraturan-DP/X/2018 tentang *Standar Kompetensi Wartawan*

<sup>8</sup> Lihat Pasal 18 ayat (1) Undang-Undang Nomor 40 tahun 1999 tentang Pers sebagai berikut: Setiap orang yang secara melawan hukum dengan sengaja melakukan tindakan yang berakibat menghambat atau menghalangi pelaksanaan ketentuan Pasal 4 ayat (2) dan ayat (3) dipidana dengan pidana penjara paling lama 2 (dua) tahun atau denda paling banyak Rp 500.000.000,00 (lima ratus juta rupiah). Lebih lanjut menerangkan Pasal 4 ayat (2) yaitu: Terhadap pers nasional tidak dikenakan penyensoran, pembredelan, dan pelarangan penyiaran. Selanjutnya ayat (3) disebutkan: Untuk menjamin kemerdekaan pers, pers nasional mempunyai tugas mendidik, memperoleh, dan menyebarkan gagasan dan informasi.

<sup>9</sup> Lihat Pasal 3 Kode Etik Jurnalistik, wartawan Indonesia selalu menguji informasi, memberitakan secara berimbang, tidak mencampurkan fakta dan opini yang menghakimi, serta menerapkan asas praduga tak bersalah.

<sup>3</sup> Lihat Bagian I Pendahuluan Peraturan Dewan Nomor 01/Peraturan-DP/X/2018 tentang *Standar Kompetensi Wartawan*

<sup>4</sup> Lihat Buku Saku Wartawan, Dewan Pers, cetakan kesepuluh, 2019, Jakarta, hlm. 91

<sup>5</sup> *Ibid*, hlm. 97.

duties, the Press Law mandates the Press Council to improve<sup>10</sup> the quality of the journalist's profession by conducting a competency test.<sup>11</sup> As a consequence<sup>7</sup> of the abuse of responsibility, the Press Law threatens to be fined a maximum of Rp. 500,000,000.00 (five hundred million rupiah).

### Ideal Model of Journalist Competence

Based on that rationale, the researcher emphasized that the standard of writing legal news and the competence<sup>14</sup> of journalists to write legal news is a system that cannot be separated in applying the principle of presumption of innocence in press reporting. Efforts to prevent abuse of the journalist profession, it is deemed appropriate to develop an ideal journalist competency test system model with the following conditions:

- a. Journalists who can undergo the competency test are journalists who are already professionally certified as evidenced by a professional certificate from a professional organization;
- b. Professional certificates are valid as long as the certificate holder continues to carry out journalistic duties;
- c. Journalists who hold professional certificates who do not carry out journalistic duties for two consecutive years are recognized as having to return to the initial level in the journalist appointment system;
- d. The results of the competency test of journalists writing legal news are competent or not yet competent;
- e. The competency test tool for writing legal reports to respect the principle of presumption of innocence covers aspects of press law knowledge and journalistic code of ethics with competency units based on qualifications, as follows:
  1. Writing Criminal News (before entering the jurisdiction)
  2. Writing Legal News (after entering the handling of the legal area, namely the stages of investigation, prosecution, and examination in court);
  3. Writing Criminal and Legal News
- f. The choice of methods used in the competency test are as follows:
  1. Oral Test
  2. Practice
- g. Competency exam questions are prepared by the examining body by referring to the competency test equipment set by the Press Council;
- h. Journalists are considered competent if they get 70 results with a score of 10 to 100;
- i. The assessment sheet includes the identity of the participant and the media, the date of implementation, the unit of competence, the identity of the assessor and the examining body, the score and notes on the assessment of the test results. For details, see the image below:

9

<sup>10</sup> Lihat Pasal 15 ayat (2 f) Dewan Pers melaksanakan fungsi-fungsi sebagai berikut: memfasilitasi organisasi-organisasi pers dalam menyusun peraturan-peraturan di bidang pers dan meningkatkan kualitas profesi wartawan.

<sup>11</sup> Lihat Pasal 18 ayat (2) Undang-Undang Nomor 40 tahun 1999 tentang Pers, bahwa: Perusahaan pers yang melanggar ketentuan Pasal 5 ayat (1) dan ayat (2), serta Pasal 13 dipidana dengan pidana denda paling banyak Rp.500.000.000,00 (lima ratus juta rupiah).

### Sample Assessment Sheet Model

Notes: Nomor Unit	Participant	
	Name:	
	Media:	
	Date:	
Value: competency test results o Competent o Not Competent	Signature Regarding	
	Name	
	Testing Agency	
	Date	
	Signature	

The provision of a legal news journalist competency test system is very relevant to the responsive legal theory expressed by None and Selznick where the law must be able to respond to social needs. Responsive law, as<sup>10</sup> Kusnu Goesniadhie's analysis which departs from the logic that, without harmonization of the legal system, it will create conditions that cannot guarantee legal certainty which can cause disturbances in social life, disorder and a sense of being unprotected. Responsive law is not only oriented to rules, but also other logics. That just applying jurisprudence is not enough, but law enforcement must be enriched with social sciences and this is a challenge for all parties involved in the law enforcement process, especially the Press Law as the main regulation to apply regulations professionally. Media behavior cannot be separated from the interests of parties related to the press reporting system. Starting from press companies, journalists to journalistic works as a benchmark for assessing the function of a free and responsible press.

### CONCLUSION

The importance of implementing the new model as an ideal model in journalist competency testing as a system to harmonize the educational background of journalists with reporting duties, so that it becomes a journalist's competency<sup>7</sup> standard, in order to prevent abuse of the profession to realize the principle of presumption of innocence in press reporting. The attitude and desire of journalists to apply a system with a competency test model becomes a legal instrument in the Press Law.

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