

Reformulation of Press Regulation to Realize Responsible Press Coverage

Mustawa

Faculty of Law, Bosowa University. mustawa@universitasbosowa.ac.id

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The Press Law, especially Article 5 paragraph (1) becomes the standard of news writing whose implementation is guided by Article 3 of the Code of Journalistic Ethics, but the standards of the journalist profession are not found provisions in the Press Law and the Code of Journalistic Ethics, thus triggering the occurrence of press coverage that does not apply the principle of presumption of innocence. The absence of such arrangements, it must be immediately corrected by reformulating the press news system in terms of regulation into Law No. 40 of 1999 on the Press that can be a solution to the complexity of problems in the Press Briefing which must certainly be based on a free and responsible news philosophy.

I. Introduction

The system of appointment of journalists in upholding the provisions in the explanation of Article 5 paragraph (1) of the Press Law, is a very¹ urgent thing to support a free and responsible press news system. This system initiates all journalistic activities, namely finding, acquiring, possessing, storing, processing, and conveying information in the form of writing using print media. This stage of appointment is a process in which all the requirements that become professional standards are determined which includes the legal knowledge and journalistic skills of a prospective journalist to be appointed as a legal and criminal journalist.

Achmad Ali says legal knowledge, as well as other knowledge, is a matter of position. No wonder people don't know enough about the legal system, because everyone doesn't know much enough. Legal counsel knows the law, but he may have misinformation about medicine, science, and world history. People in general

¹ View Explanation Article 15 Verse (1) Laws Number 40 Years 1999 About Pers, That: Pers National In Post Information, do not Judge Or Make Conclusion Offence Someone, Especially Again To cases that Still In Process Judicial, And Can accommodate Interests All Party that Related In Preaching the.

tend to feel sufficient with knowledge of how the law works practically, to be safe in their daily lives. Overall, people are expected to know more about the rules relevant to themselves, their group, and their work and duties. Taxi drivers are more or less aware of taxi regulations and rules on taxi permits. The police know more about the law about arrests than a plumber knows. On the contrary, plumbers know more about building regulations than the police know. People who transact import exports, know very little about taxi permits, arrests, or pipe rules, but many know import export laws. So on.²

The author strongly agrees that Achmad Ali, that legal knowledge is a matter of position that is expected to be more relevant to him, his group, as well as his work and duties. Similarly, journalists must have legal knowledge, so that they can better know to provide legal information correctly. Sri Herwindya Baskara Wijaya said that journalists without adequate knowledge will only produce journalistic works that contain superficial information and do not provide enlightenment for the community.³

The requirement to have legal knowledge for a journalist becomes the basis for putting responsibility in carrying out the profession, so that the principle of freedom of the press does not mean as free as free, but thus emphasized by the principle of responsible press freedom. He added that the Press Act threatens prison sentences and fines, for anyone who obstructs and obstructs the duties of journalists. On the contrary, the Press Act also emphasizes that the news always respects the principle of presumption of innocence by broadcasting information that is not judgmental or making conclusions of one's mistakes, especially for cases that are still in the judicial process, also threatened with criminal fines.^{4,5}

² Achmad Ali, *Reveals Expression Law (A Study Philosophical Dan Sociological)*, Chandra Pratama Jakarta 1996, Pp. 166-167

³ *Journalist Professional; A Introduction Conceptual Standard Competent* Yes, Journal Communication Mass University Eleven March, 2015, Accessed From Jurnalkommas.com, on Date 20 February 2021, Hit 2315 WITA.

⁴ View Article Article 18 Verse (1) Laws Number 40 Years 1999 About Pers That: Every The person who automatically Against Law With Deliberately Do Action that Result Inhibit Or Blocking Implementation Article 4 Verse (2) and Verse (3) convicted With Criminal Prison maximum 2 (Two) Years Or Fine Most Many Rp. 500,000,000.00 (five hundred Million rupiah). More Firmly that Intended Conditions Article 4 Verse (2): Against Pers National do not Charged Censorship, redacting Dan Banning Free channels broadcasting on. Next Verse (3): To Guarantee Independence press, press National have it Rights Find, Obtain Dan Disseminate Idea Dan Information.

⁵ View Article 18 Verse (2) That, The press company Breaking Conditions Article 5 Verse (1) and Verse (2), And Article 13 convicted With Criminal Fine Most Many Rp 500,000,000.00 (five hundred Million rupiah). More continued referred to Violation Wings Presumption So Guilty Set In Conditions Article 5 Verse (1) That: Press National Obligated Preach Events Dan Opinion With Respect standard-norm religion and taste Decency Community And Wings Presumption So Guilty. Explanation that Intended In Article 5 Verse (1) Is: Press National In Post Information, do not Judge Or Make Conclusion Offence Someone, Especially Again To cases that Still In Process Judicial, And Can accommodate Interests All Party that Related In Preaching the.

To realize a news that respects the principle of presumption of innocence must be supported by the legal knowledge of journalists so as to prevent violations of Article 18 paragraph (2) of the Press Law. On that basis, a special article in the Press Act is required that governs the appointment system to be appointed as a journalist, by fulfilling various requirements. Now many journalists write or write inaccurately. One of them is because many media are not selective in recruiting journalists. Which is the question: what are the standards of the journalist profession? Indeed, being a journalist, let alone making a newspaper, can not be "origin so" or "origin of publication". A reliable and professional journalist must have criteria.⁶

A. Press Coverage and Appointment of Journalist Profession

Press coverage and the appointment of the profession of journalists into two poles that influence each other, because the two poles become a system to lead to responsible news. Responsible news is the basis of regulation in article 5 paragraph (1) of the Press Law so that the national press in preaching facts and opinions always uphold the principle of presumption of innocence. The evaporation of facts based on respect for the rights of a person who has not been proven wrong, becomes a benchmark of the ability and knowledge of journalists to realize a responsible press. While the appointment of journalists as the standardization of the profession is no special arrangement in the Press Act, but the Press Council only publishes legal instruments governing the standards of press organizations through the Regulation of the Press Council Number: 4/Peraturan-DP/III/2008.

The basic regulation of the Press Council above, the Press Council requires all press companies to be registered in order to be verified, both administrative verification and factual verification. The absence of professional appointment arrangements of journalists, the appointment of journalists refers only to the policy of each press company with its own standardization, whose implementation directly affects the quality of work of journalists in conveying information based on facts and not opinions. In fact, the system of appointment of journalists implemented since the announcement of acceptance to be appointed as journalists is a very strategic process to realize the application of the principle of presumption of innocence in press coverage. Through the admission process can be obtained qualifications of journalists used as the basis for the placement and determination of the field of journalist coverage in the field of legal and criminal rubrication. If in the process of acceptance and placement of journalists do not consider the disciplines that become a requirement to perform journalistic duties in the field of law, then the impact of errors in the press coverage.

⁶ Romeltea, *Standard Profession Journalists*, Accessed From <https://romeltea.com> On Date 20 February 2021, hit 2.29 WITA.

Furthermore, based on the classification of the field of journalist coverage practiced in the press company so far shows the absence of a separate classification for legal journalists so it has not been able to prevent the occurrence of violations of the principle of presumption of innocence in press coverage. Whereas the system of appointment of journalists is required special classification in the field of legal coverage, in addition to carrying out the mandate explanation Article 5 paragraph (1) Law No. 40 of 1999 on the Press is also the mandate of Article 3 of the Code of Journalistic Ethics that emphasizes Indonesian journalists always apply the principle of presumption of innocence. Journalists without a special classification in the field of legal coverage, especially those with a background in legal education, will find it very difficult to apply the principle of presumption of innocence in the news. In addition to the use of words in legal practice has a different meaning, so it is very vulnerable if the journalists from non-legal educational backgrounds. As prosecuted written convicted, loosely written free, arrested written perpetrators and so on.

The general explanation of the Press Act in carrying out its functions, rights, obligations and roles of the press respects the human rights of everyone, therefore it is demanded that a professional and open press be controlled by the public. The Code of Journalistic Ethics also asserts, that thus it is necessary to establish a new journalistic code of ethics that applies nationally, as a moral basis or professional ethics and become an operational guideline in upholding the integrity and professionalism of journalists.⁷⁸

R. Toto Sugiharto sees that, in fact, the media also needs professional workers in certain fields. That is, a journalist is also required to be professional or have competence in a particular field. Tri Agung Kristanto more emphatically said, professionalism is not only in the interest of improving the quality of media in the country, but also more than that to ensure the safety of journalists or press companies themselves. Admittedly, until now violations of the Code of Journalistic Ethics is still happening. Journalists can't do anything else, they have to keep improving.⁹¹⁰

⁷ View section Explanation Public Top Act-Invite Number 40 Years 1999 tentan Pers

⁸ View section Weigh Press Council Decree Number: 03/SK-DP/III/2006 About Code Ethical Journalism

⁹ R. This Sugiharto, *Panduan Be Journalist Professional*. AraskaYogyakarta. 2019, Pp. 3.

¹⁰ Tri The Great Kristanto, *Pers Healthy Dan Professional, Avoid Journalists Be a Victim*, Journal Press Council, Edition 17, July 2018, Pp 23, Accessed From <https://www.dewanpers.or.id/>, on Date 20 February 2021, Hit 10:30 p.m.

B. Responsible Press Coverage

Realizing a responsible press, the standard of news writing emphasized in Article 3 of the Code of Journalistic Ethics¹¹ and Explanation of Article 5 paragraph (1) of the Press Law must be harmonized with the ability of journalists' legal knowledge to prevent violations of the principle of presumption of innocence in news writing. Harmonization becomes a necessity so that the profession of journalists is increasingly required to work professionally in conveying information correctly to the public.

Referring to the above thinking, menurut penulis, the system of appointment of journalists is required legal instruments by making reference to the system of appointment of Advocates established based on Law No. 18 of 2003 on Advocates. The involvement of professional organizations of journalists is considered urgent because this organization is the parent organization of the profession that is most responsible for improving the quality of journalists. On that basis, the author develops an ideal model of legal journalist appointment system by going through five (5) stages. The five stages are as follows:

1. Law-Educated

The requirement to be a journalist is to have a background in legal higher education from various campuses in Indonesia. This requirement must be met because in higher education with legal majors will be explained about the legal sciences that will be the basis of knowledge of a prospective legal journalist.

2. Attending Special Education Profession journalists (PKPW)

Graduates of Strata One (S1) in the field of law who have a desire to become a journalist must follow the special education of the profession of journalists run by professional organizations.

3. Take the Journalist Education Exam (UPW)

The next procedure that should be followed by someone who wants to be a journalist is to join upw post-graduate from PKPW. Upa is the same as PKPA implemented by universities or institutions that have been approved

¹¹ View Article 3 Code Ethical Journalism, If qualified As A Act Profession Journalists In Write News Law, Then there are 4 (Four) Elements that Should Filled, I.e *First*, Test Information, *Second*, Balanced, *Third*, do not mixing Facts Dan Opinion that Judge, *Fourth*, Apply Wings Presumption So Guilty.

by professional organizations. The requirements to join UPA are Indonesian citizens and complete the registration form by attaching:

- a. Photocopy of Id Card
- b. Photocopy of proof of bank transfer of journalist's exam fee
- c. 3x4 color photo fitting as many as four pieces
- d. Photocopy of bachelor's degree from a legal education background that has been legalized by the college that issued it, and
- e. Photocopy of PKPW certificate.

4. Internship

After graduating from UPW, a prospective journalist must pass the implementation of a 2-year internship at a press publishing company.

5. Inaugural Profession of Journalists

The next procedure that should be done by a prospective journalist who has passed the 4 stages above is the confirmation of the profession of journalists carried out in the Press Council.

The system of appointing journalists is relevant to the responsive legal theory expressed by Nonet and Selznik, namely how the law is able to respond to find a way to change so that the law can overcome problems in the world of press coverage that has legal implications, such as *hoaks* (fakenews), slander, defamation that exist at this time turns out that the legal devices through the Press Act do not adequately address the situation. Responsive law places the law as a means of responding to social provisions and public aspirations. In accordance with its open nature, this type of law prioritizes accommodation to accept social changes in order to achieve social justice and public emancipation.

Referring to the above points of thought, in order to realize a responsible press, the standard of news writing and the system of appointment of the profession of journalists must be in a summary of arrangements into the Press Act so that news writing against suspects can apply the principle of presumption of innocence through the system of appointment of the profession of journalists, which is determined on the ability of journalists' legal knowledge in applying the principle of presumption of innocence, so that the professionalism of the journalist profession can realize a responsible press system.

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