http://dx.doi.org/10.18623/rvd.v22.n5.3757

MAXIMIZING THE PROFESSIONALISM OF THE PRESS IN CONDUCTING JOURNALISTIC ACTIVITIES BASED ON THE PRESS LAW AS A LEX SPECIALIS REGULATION

MAXIMIZANDO O PROFISSIONALISMO DA IMPRENSA NAS ATIVIDADES JORNALÍSTICAS COM BASE NA LEI DE IMPRENSA COMO LEX SPECIALIS

Article received on: 9/3/2025
Article accepted on: 11/3/2025

Ronald Fredy Christian Sipayung*
*PhD Program in Law Studies, Faculty of Law, Universitas Sumatera Utara, Indonesia, Medan, Sumatera Utara
Orcid: https://orcid.org/0009-0004-7699-4491
ronaldfredy@students.usu.ac.id

Elwi Danil**
**Faculty of Law, Universitas Andalas, Padang, West Sumatra
elwidanil2560@gmail.com

Mahmud Mulyadi**
**Faculty of Law, Universitas Sumatera Utara, Medan, Sumatera Utara
Orcid: http://orcid.org/0009-0002-4151-0747
mahmudmulyadi.dr@gmail.com

Edi Yunara**
**Faculty of Law, Universitas Sumatera Utara, Medan, Sumatera Utara
Orcid: https://orcid.org/0009-0009-0340-7037
edi.yunara@gmail.com

The authors declare that there is no conflict of interest

Abstract
This article reassesses the legal status and normative function of Indonesia's Press Law No. 40/1999 as a lex specialis in relation to the Criminal Code and general legislation on defamation, insult, and false information. The study examines whether the existing regulatory framework simultaneously guarantees press freedom and demands professional and socially responsible journalistic practices. Using a normative legal method with a descriptive–analytical approach, the analysis focuses on statutory interpretation, doctrinal debates, and relevant jurisprudence. The article reconstructs the theoretical foundation of the lex specialis derogat legi generali doctrine in media regulation and identifies conflicting interpretations regarding the Press Law's special status. It also highlights normative gaps related to sanctions, remedies, and procedural clarity, linking these weaknesses to recurring problems such as sensationalism, "trial by press," and the criminalization of journalistic activities. The findings demonstrate the need for a reformulation of the Press Law to strengthen

Resumo
Este artigo reavalia o status jurídico e a função normativa da Lei de Imprensa da Indonésia n.º 40/1999 como lex specialis em relação ao Código Penal e a outras legislações gerais sobre difamação, injúria e divulgação de informações falsas. O estudo examina se o atual marco regulatório é capaz de, simultaneamente, assegurar a liberdade de imprensa e exigir práticas jornalísticas profissionais e socialmente responsáveis. Com base no método jurídico-normativo e em uma abordagem descritivo-analítica, a pesquisa concentra-se na interpretação legislativa, no debate doutrinário e na jurisprudência pertinente. O artigo reconstrói os fundamentos teóricos do princípio lex specialis derogat legi generali aplicado à regulação da mídia e identifica interpretações conflitantes acerca da natureza especial da Lei de Imprensa. Também evidencia lacunas normativas relacionadas a sanções, mecanismos de reparação e clareza processual, relacionando essas fragilidades a problemas recorrentes, como o sensacionalismo, o "julgamento pela imprensa" e a criminalização

legal certainty, reinforce self-regulation mechanisms, and clarify the relationship between criminal, civil, and administrative liabilities. The article concludes that affirming the Press Law as lex specialis is essential for ensuring responsible press freedom and enhancing the professionalism of media institutions.

Keywords: Freedom of Expression. Journalistic Ethics. Lex Specialis. Media Responsibility. Press Law.

de atividades jornalísticas. Os resultados demonstram a necessidade de reformulação da Lei de Imprensa, a fim de fortalecer a segurança jurídica, reforçar mecanismos de autorregulação e esclarecer a relação entre as responsabilidades penal, civil e administrativa. Conclui-se que afirmar a Lei de Imprensa como lex specialis é essencial para garantir uma liberdade de imprensa responsável e aprimorar o profissionalismo das instituições midiáticas.

Palavras-chave: *Direito de Imprensa. Ética Jornalística. Lex Specialis. Liberdade de Expressão. Responsabilidade da Mídia.*

1 INTRODUCTION

In obtaining and covering news, the press in Indonesia has the ease of becoming a conduit of information for the public. Article 1, number 1 of the Press Law No. 40 of 1999 states that "*the press is a social institution and a mass communication tool that carries out journalistic activities including seeking, obtaining, possessing, storing, processing, and delivering information in the form of writing, voice, images, sound and images, as well as data and graphics, through the use of print media, electronic media, and all available channels*."

In carrying out the function of the press as a medium of information and social control, press practitioners in Indonesia are required to have a social responsibility in performing their duties by prioritizing unity and adhering to applicable norms (Syafriadi, 2018). Following the reform era, the press obtained legal protection and freedom. The impact of this press freedom, on one hand, has resulted in its role as a social control mechanism outlined in the Press Law No. 40 of 2009, not functioning properly, leading to the emergence of various news or information that does not align with the facts. The excessive freedom of the press encourages them to cover news solely to attract readers' attention, present sensational information, and disregard the applicable norms (Harahap, 2019).

The implementation of press freedom or also known as press independence in Indonesia after the reform era has resulted in various positive and negative impacts within society. One positive impact of press freedom is the emergence of various local and national media outlets that provide access to a wide range of public information, greatly

benefiting the public. On the other hand, the current state of press freedom represents a form of judgment or execution that is not based on the coverage presented, commonly known as "*trial by press*" (Marda et al., 2023). This condition positions the subject of news coverage as the target of media scrutiny, even though the facts and truths may not have been fully confirmed. It is not uncommon for mass media, under the guise of press freedom, to exploit this situation and exert complete control over the helpless subjects of their coverage (Machmud, 2016).

The implementation of Law No. 40 of 1999 on the Press at the legal level in Indonesia has not fully met expectations and has sparked controversy within society. In certain cases such as fake news (Majid, 2019), defamation, slander, and ongoing instances of insults, there is still no clear resolution, leading to debates on whether the Press Law can be considered as lex specialis of the Criminal Code. Meanwhile, many journalists have been charged under these articles, especially in cases of defamation and insults. This is also aligned with the increasing number of civil lawsuits against media institutions, which has caught the press off guard (Junaedi, 2019).

Regulations on the press are one of the fundamental reasons behind the practices of both free and excessive press. Various impacts have arisen from the implementation of press freedom, leading to provocations within society (Marda, et al., 2023). Legal protection for the press is also a contributing factor. As stated in Article 4 of Law No. 40 of 1999 on the Press, freedom of the press is guaranteed as a basic right of citizens. Under the guise of freedom of expression, the abuse of authority and policies drive the press to disregard established norms and the Journalistic Code of Ethics (Halim, 2017; Humam & Susanto, 2022).

A reassessment of the legislation is necessary to find solutions for press freedom, particularly addressing misuse and misinterpretation of the meaning of freedom in carrying out press activities (Kasman, 2019). Reevaluating the Press Law can provide benefits in the form of more specific regulations on the limitations of news reporting and the role of the press as an information medium. This way, the purpose of the press will not lean towards profit-oriented economic institutions but genuinely have a positive impact as an educational institution and social control.

The legal issue of this paper is how to maximize the professionalism of the press in conducting journalistic activities based on the Press Law as a lex specialis regulation. The problems addressed in this paper are: First, the debate surrounding the Press Law No.

40 of 1999 as a specific regulation governing the field of the press; Second, the ideal concept for revising the Press Law No. 40 of 1999 to oversee responsible social freedom of the press.

Previous scholarship has examined the transformation of Indonesia's press regulation primarily from historical and socio-legal perspectives. Steele (2012) demonstrates how the enactment of the 1999 Press Law fundamentally reshaped the relationship between the press and the state by dismantling formal governmental control over print media, while simultaneously exposing contradictions between the new law and the criminal defamation provisions embedded in the Penal Code. Complementing this view, Wiratraman (2014) shows that criminal law, both during the colonial period and in post-authoritarian Indonesia, has continued to operate as a mechanism through which powerful actors, including businesses and civil society groups, may initiate prosecutions against journalists, thereby influencing the practical contours of press freedom. Although these studies illuminate the tension between press regulation and criminal liability, they do not examine the Press Law as a functional *lex specialis* framework nor assess how its normative structure directly affects the professionalism and accountability of journalistic practices in Indonesia. This article seeks to address that gap by providing a normative-analytical assessment of the Press Law's special regulatory character and its implications for responsible press conduct.

2 RESEARCH METHOD

This study employs normative legal research, which is appropriate for examining statutory provisions, doctrinal debates, and jurisprudential developments related to the Press Law No. 40 of 1999 as a *lex specialis* regulatory framework. The research adopts a descriptive-analytical approach, aiming to describe the content, structure, and normative intent of the Press Law and subsequently analyze its coherence, adequacy, and relevance to contemporary issues in press freedom and journalistic professionalism (O'Neill, 2018).

Data collection relies primarily on documentary and literature-based research, which includes: a) statutory materials such as the Press Law No. 40 of 1999, the Indonesian Criminal Code, constitutional provisions on freedom of expression, and relevant derivative regulations; b) authoritative doctrinal writings from national and international scholars on media law, freedom of expression, and the *lex specialis derogat*

legi generali doctrine; c) judicial decisions, including Constitutional Court and Supreme Court rulings that interpret the scope and application of the Press Law; and d) comparative materials on press regulation in selected jurisdictions to strengthen analytical depth.

The method of legal interpretation used in this study includes statutory interpretation, systematic interpretation, and teleological interpretation, which together allow an examination of whether the Press Law functions effectively as a *lex specialis* and whether its normative content aligns with democratic principles of responsible press freedom.

The analysis proceeds in several stages: 1) identifying the normative objectives and regulatory philosophy embedded in the Press Law; 2) assessing inconsistencies, overlaps, or conflicts between the Press Law and general criminal legislation; 3) evaluating how these normative tensions affect the enforcement of press-related disputes and the protection of journalistic activities; and 4) formulating conceptual improvements for strengthening professionalism and ensuring regulatory clarity.

3 RESULT AND ANALYSIS

3.1 Literature review

3.1.1 The press

In the Press Law No. 40 of 1999, it is stated that the press plays a role as a social institution and a means of mass communication involving various journalistic activities such as searching, obtaining, storing, processing, and delivering information to the public using various forms of media, including print media, electronic media, and other channels.

Press freedom is an essential element in realizing the sovereignty of the people and creating a democratic society. Press freedom ensures that ideas, thoughts, and opinions can be expressed without excessive fear, in line with the right to freedom of speech guaranteed in Article 28 of the 1945 Constitution.

3.1.2 Lex spesialis

The fundamental differences in resolving press offense cases, including defamation, defamation of character, and slander resulting from a publication, indicate that law enforcement is ineffective due to the lack of legal certainty (Rahmawati & Gani, 2011; Ali, 2010). However, considering the suboptimal implementation and understanding of the right of reply and correction, the complainant subsequently generalizes that press offenses can be addressed based on the Indonesian Criminal Code (KUHP). It is even more concerning when law enforcement authorities handling the cases, who should understand the conceptual basis to be used in the judicial process, agree with the plaintiff's wishes. Law enforcement officers, who are experts in the legal field, should understand which cases can be categorized as criminal offenses and which fall under press offenses (Setyawan, et al., 2021). It requires the intelligence, attentiveness, and accuracy of law enforcement officials to resolve each case they encounter. If the case is related to media/press coverage, it should be resolved through the Press Law, as it is more specific (*lex specialis*).

3.1.3 Freedom of the press

Freedom of the Press is closely related to press freedom. In its broadest sense, it refers to the collective expression of freedom of expression, which is recognized as a human right. According to UNESCO, a democratic society is built on the foundation of popular sovereignty, and the desires of such a society are determined by openly expressed public opinion. The public's right to know is at the core of press freedom, while professional journalists, writers, and producers are the direct implementers. The absence of press freedom means the absence of human rights (Selian & Melina, 2018).

Press freedom is derived from popular sovereignty and belongs to the people, established for the benefit of the people. Press freedom is upheld as a shield for the people against the abuses of the state and/or powerful entities, serving as a safeguard against violations of human rights. The fundamental basis for the dignity of human life lies in the freedom of expression and the right to access information (the public's right to know), which technically can only be realized through press freedom (Syafriadi, 2018).

The notion that press freedom derives from popular sovereignty aligns with the meaning of press freedom as stated in Article 2 of the Press Law, which states: "*Press freedom is one manifestation of popular sovereignty based on the principles of democracy, justice, and the rule of law*." This same idea is also expressed by Luis R. Mauricio in "Freedom of The Press: The Philippine Experience," where he states the following: freedom of the press, including freedom of expression and other rights within the essential needs of a democracy, is a person's right to know or provide information. An information society is a prerequisite for a functioning democracy. If democracy is government by the people for the people, it is followed by an informed sovereign citizenry. Otherwise, how can the public intelligently engage in the democratic process, which involves formulating policies that are fundamentally related to the state or selecting public officials to implement such policies? However, steps toward authoritarianism involve the imposition of military emergencies or state declarations of emergency. Press freedom cannot exist under the rule of one person, and therefore, the first target of a dictator is to dismantle the engine of freedom of expression (Mauricio *in* Syafriadi, 2018, 141).

Press freedom has been a long-standing issue discussed in many countries. In the Bahrain Press Law No. 47 of 2022 regarding Organizing the Press, Printing, and Publishing, for example, it is stated that the press will operate with a mission of being free and independent, aiming to create an environment that fosters a free society and promotes it by expanding knowledge and making contributions. It is considered the best solution in all aspects concerning the interests of society and the nation (Alawsi, 2020).

In the German Press Law, it is stated that the press is independent. This serves as the fundamental principle to be followed within the scope of freedom and democracy, emphasizing that the press is free and committed to the basic order of freedom and democracy (Anggraini & Saptatia, 2021).

Similarly, in the Press Law of Yemen, it is stated that the freedom of knowledge, thought, press, expression, communication, and access to information is one of the rights of citizens to ensure the expression of public opinion as citizens, whether orally, in writing, through photographs, paintings, or in any other form of expression. This right is guaranteed to all citizens as stipulated in the constitution and positive law (Website Andolu Agency, 2023).

The freedom of the press is also affirmed in the United Nations Universal Declaration of Human Rights 1948. Article 19 of the charter states that everyone has the right to freedom of opinion and expression. This right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers (Manan, 2016).

In Indonesia, Article 28 of the 1945 Constitution guarantees the freedom to obtain information, freedom of the press, and political freedom constitutionally. The implementation of this article implies that Article 18 mandates laws that establish the freedom of association and assembly, freedom of expression through speech and writing, and so on. Elaboration on this article is also issued in various legislative regulations and the Indonesian Journalists' Code of Ethics by the Press Council. Although Article 28, particularly Article 28F, assures press freedom, it does not mean that this freedom can be exercised without norms or values (Syafriadi, 2018).

Freedom of the Press is a constitutional right granted to the media to provide information to the public while adhering to the Journalistic Code of Ethics. Media, whether publishing news online or in print, should not exercise their power arbitrarily and must have social responsibility (Amri, et.al., 2021).

Freedom of the press in Indonesia is regulated in Article 4, paragraph (1) of the Press Law No. 40 of 1999, which states: "*Freedom of the press is guaranteed as a constitutional right of citizens*." Paragraph (2) states: "*The national press shall not be subjected to censorship, suppression, or prohibition of broadcasting*." Paragraph (3) states: "*To ensure the freedom of the press, the national press has the right to seek, obtain, and disseminate ideas and information*."

The Press Law imposes sanctions on anyone who obstructs the work of journalists. Article 18 of the Press Law states, "*Any person who intentionally, unlawfully obstructs or impedes the implementation of the provisions of Article 4, paragraphs 2 and 3 shall be subject to imprisonment for a maximum of 2 years or a fine of up to Rp 500 million*."

Freedom of the press must be accompanied by the responsibility of media professionals, which entails considering the freedom and rights of other Indonesian citizens. If the press continues to focus on its negative aspects, a significant question arises: for whom does the meaning of "freedom" truly exist, the general public or the press itself as a monopoly? Therefore, freedom of the press is not intended solely for the benefit of the press, but for the public interest and the interests of the people. However,

since the public cannot access information directly - although they are technically allowed to do so, as it is one of their civil rights - the press, namely a free press, is necessary. By "free," it does not mean acting arbitrarily, but rather being free to access information, free to cover news, free to write and express opinions responsibly (Syafriadi, 2018).

In the Indonesian constitutional framework, a free press is the embodiment of the ideals and aspirations of a democratic state. A free press serves as its cornerstone, an idea that is inseparable from and influenced by the world and international law, which upholds the freedom of speech, both orally and in writing, in the press.

Oemar Seno Adji stated that England is the main country that serves as the "cradle" of the idea of a free press and laid the foundations and principles of press freedom. This idea is closely related to the credibility and intellectual contributions of English scholars such as John Locke, John Milton, John Stuart Mill, and Blackstone, who influenced the development of press freedom in America, France, and the Netherlands, and later transmitted to the Dutch East Indies (Adji in Syafriadi, 2018, p. 144). The British government recognized that information is a powerful force in society, as stated by Don R. Pember and Clay Calver: "*The British government soon realized that unrestricted publication and printing could seriously dilute its power. Information is a powerful tool in any society, and the individual or group controlling the flow and content of the information received by a people exercise considerable control over those people*." (Pember & Calvert, 2023).

3.2 Debate on law No. 40 of 1999 on the press as a special regulation (*Lex Specialis*) governing the field of press

In legal terminology, there is an explanation stating that specific laws will prevail over general laws (*lex specialis derogat legi generali*). Laws that have been in effect and are generally can be replaced by laws that specifically and comprehensively regulate a particular issue. Therefore, these specific laws, known as lex specialis, are separate legislative provisions outside the Criminal Code as specific rules (adapted from RAS Editorial, 2010).

The Press Law No. 40 of 1999 is a lex specialis of the Criminal Code (KUHP). This means that individuals carrying out journalistic duties cannot be charged under the defamation provisions of the Criminal Code (Ali, 2010). If the Press Law is applied,

according to Hinca, if there are members of the public who feel harmed or their reputation tarnished by press coverage, they have the right to a response and the press is obliged to accommodate that right. If the press refuses to publish the right of response, the Press Law stipulates a fine of Rp. 500 million. Once the right of response has been duly served, the issue is resolved.

Regarding this matter, until now in the practice of the press, many media practitioners desire the Press Law No. 40 of 1999 to become *lex specialis* to resolve press disputes or offenses. As the basis for resolving legal offenses related to the press, the government currently still uses the Criminal Code (Constitutional Court Decision No. 81/PUU-XVIII/2020, dated October 27, 2021). The use of the Criminal Code in resolving disputes is widely rejected by journalists due to the criminal penalties imposed on press practitioners, whereas press offenses or disputes should ideally be resolved through press mechanisms (Herlambang, 2012).

Journalists under the Press Law No. 40 of 2009 have press freedom in carrying out their activities, and there are no regulations that can imprison journalists in case of an error. The Press Law was decided by the Constitutional Court (MK) as "*Lex specialis*," which favors the press community (Constitutional Court Decision No. 99/PUU-VII/2009, dated July 2, 2009). However, on the other hand, some individuals do not agree with the application of the Press Law as Lex specialis. This is based on the fact that the Press Law does not sufficiently include sanctions for press disputes and conflicts, requiring revisions first. The issue of the Press Law as a specialized regulation still sparks debates among the press and legal experts.

3.3 The press law No. 40 of 1999 as Lex Specialis

The Press Law No. 40 of 1999 is recognized as a Lex Specialis. It means that this law specifically governs matters related to the press, taking precedence over general laws. As a specialized regulation, it provides comprehensive guidelines and provisions for the press industry in Indonesia.

By being designated as Lex Specialis, the Press Law holds significant importance in resolving disputes and legal issues concerning the press. It serves as the primary legal framework that journalists and media organizations rely on to exercise their rights and fulfill their responsibilities.

The designation of the Press Law as Lex Specialis demonstrates the recognition of the unique nature and significance of the press in society. It emphasizes the need for specific regulations to protect press freedom, ensure responsible journalism, and safeguard the rights of both journalists and the public. However, it is worth noting that discussions and debates surrounding the Press Law as a Lex Specialis continue to exist. Some stakeholders may have differing opinions on its effectiveness or suggest the need for further revisions and enhancements to address emerging challenges in the media landscape.

Overall, the recognition of the Press Law No. 40 of 1999 as Lex Specialis highlights the importance of a specialized legal framework to regulate and promote a free, responsible, and vibrant press in Indonesia.

The imperfections of the Press Law are considered normal by some parties. This is because the Press Law was established in an emergency within a few months by the Minister of Information, Yunus Yosfiah. In the end, the issue of how to protect sources that have been harmed by the press's coverage becomes an example of how the law only protects certain parties and does not solve the existing problems.

Criticism of the Press Law includes the need for further improvement and revision to address the existing shortcomings. Some argue that the law does not provide adequate mechanisms to protect the rights of sources who feel aggrieved by press coverage. It is important to acknowledge that perfection in the law is not always achievable at the initial stage. The process of revision and improvement is a natural part of legal development. Therefore, it is important for stakeholders, including the government, journalists, and media organizations, to continue discussing and working together to enhance protection and legal accuracy in the press industry.

Thus, awareness of the imperfections of the Press Law No. 40 of 1999 is a starting point for evaluating and improving it to create better regulations that can provide adequate protection for all parties involved in the journalism and media process.

A law can be classified as lex specialis or not based on the process and background of its formulation. As explained by Herawati (2016), supporters of the view that the Press Law qualifies as lex specialis argue that a law does not need to have explicit statements regarding its classification as *lex specialis*. From the beginning, the purpose of the Press Law was to address specific matters related to press coverage (Hendrayana, 2010; Amri, *et.al*., 2021).

The argument is that the Press Law, by its nature and intended purpose, is designed to regulate and govern the specific issues and challenges faced by the press industry. It focuses on the unique legal aspects of journalism, media ethics, and the protection of freedom of expression within the context of the press. Therefore, proponents of the view consider the Press Law as a special law that provides specific regulations for the resolution of press-related matters.

The argument for the Press Law as lex specialis also refers to the concept of journalism as a process of seeking, acquiring, possessing, storing, processing, and disseminating information in various forms such as writing, sound, images, audiovisuals, data, graphics, or other forms, using print media, television, radio, and all available channels. This definition implies that press activities and the disputes that arise within it, when referring to the specifically formulated press law, should be resolved using specific legal provisions for press-related issues. Thus, based on this foundation, the Press Law can be considered a special law (Pandjaitan & Siregar, 2004, pp. 31-168). Specifically, the law as *lex specialis* benefits media practitioners by enabling them to effectively address disputes related to the press from the perspective of the press itself, without subjecting them to criminal punishment.

3.4 The press law No. 40 of 1999 is not considered as *Lex Specialis*

In addition to supporters, many groups oppose the inclusion of the Press Law No. 40 of 1999 as lex specialis. There are several arguments against the Press Law being considered as lex specialis (Sukardi, 2007, p. 177-186). First, the Press Law does not meet the requirements of being a *lex specialis*. It lacks a clear legal basis from any parent law, such as the Criminal Code (KUHP), the Civil Code (KUH.Perdata), Administrative Law, or other laws. In terms of procedural law context, the Press Law also lacks clarity regarding which procedural law reference should be used.

Secondly, the Press Law itself does not mention that it is a special law and will replace general laws. Thirdly, in terms of its content and explanations, this press law does not demonstrate its nature as a lex specialis, as eight articles contradict and show that the law is not a lex specialis and does not require regulations outside of the law itself. These articles in the Press Law include Article 13 letter b, Article 16, the explanation of Article 8 which regulates legal protection for journalists, the explanation of Article 9, the

explanation of Article 11 regarding foreign capital, the explanation of Article 4 paragraph (2), the last paragraph of the General Explanation, and the last paragraph of Article 12 (Setyoko, 2022).

Fourthly, referring to the decision of the Supreme Court that the Press Law is not a lex specialis. The Press Law is affirmed to "prevail" or take precedence over other laws. Fifthly, the view is that the Press Law not only covers journalistic activities but also regulates various issues in other media domains such as advertising, films, the welfare of journalists, or activities of foreign media companies.

Lastly, the sixth point is that the Press Law is seen as a law that applies not only to the press but is intended for all Indonesian citizens. Therefore, the implementation of this law must consider the context of justice for all parties and not just for the press.

3.5 The ideal concept for revising the press law No. 40 of 1999 to oversee responsible social freedom of the press involves several key considerations

Firstly, it is essential to strike a balance between freedom of the press and social responsibility. The revised law should uphold and protect the fundamental right to freedom of expression and press freedom, while also emphasizing the responsibility of the press in providing accurate, fair, and ethical information to the public. This can be achieved by incorporating provisions that promote responsible journalism practices, such as fact-checking, verification of sources, and adherence to professional codes of conduct.

Secondly, the revision should establish clear mechanisms for accountability and oversight. This can include the creation of an independent regulatory body or strengthening existing press councils to monitor and enforce ethical standards in the media industry. The regulatory body should have the authority to investigate complaints, mediate disputes, and impose appropriate sanctions when necessary while ensuring the protection of journalists' rights and independence.

Thirdly, it is important to address the issue of media ownership concentration and promote media pluralism. The revised law should include measures to prevent monopolistic control over the media, encourage diversity of ownership, and support the development of independent and diverse media outlets. This can contribute to a more balanced and inclusive media landscape, fostering a variety of perspectives and ensuring the public's access to diverse sources of information.

Fourthly, the revision should incorporate provisions to protect the rights of journalists and safeguard their safety and security. This can involve enacting measures to prevent harassment, intimidation, and violence against journalists, as well as ensuring their access to information and protecting their confidentiality when necessary.

Lastly, it is crucial to involve relevant stakeholders, including journalists, media organizations, civil society, and legal experts, in the revision process. Their input and expertise can help shape a comprehensive and inclusive legal framework that reflects the needs and aspirations of a democratic society while upholding the principles of responsible social freedom of the press.

Overall, the ideal concept for revising the Press Law should strive to strike a balance between press freedom and social responsibility, establish accountability mechanisms, promote media pluralism, protect journalists' rights, and involve key stakeholders in the process.

The 1998 reform was followed by the emergence of hundreds of new press publishing companies. Many of these publishing companies did not pay journalists fairly, failed to adhere to journalistic principles, developed sensational and bombastic reporting patterns, fueled hatred and animosity, and highlighted pornographic aspects. These allegations have damaged the overall image of the press (Amri, et al., 2021).

The current Press Law does not regulate the qualifications required to become a journalist. This requirement is important to ensure that journalists working in the field are professionals. Although journalists are bound by the Journalistic Code of Ethics, in practice, they often neglect these ethical guidelines, resulting in numerous violations that harm specific parties.

Journalists, as media professionals, do have the freedom to report, and this freedom is regulated by the Press Law. The Press Law also demands that journalists take responsibility for their reporting, but so far, it has not directly been able to enforce penalties for journalists who violate specific rules. Violations committed by journalists are addressed based on the Indonesian Criminal Code (KUHP), with a greater emphasis on the media organization that employs the journalist. The Press Law focuses more on the freedom enjoyed by journalists and does not sufficiently include sanctions for press disputes. Media professionals prefer press mechanisms to resolve such disputes.

Therefore, there is a need to reconsider the Press Law. The national press should still be subject to censorship, as this is crucial for information dissemination to the public.

Additionally, certain regulations need to be added, such as regulations on reporting, broadcasting, advertising, and others. Regarding censorship, if a press entity violates the rules, the government should take firm action, including revoking broadcasting and printing rights for the press company. This is necessary to uphold professionalism and ensure the effective implementation of the functions, rights, and responsibilities of the press.

Several ideas explain why the revision of the Press Law is reasonable and urgent. First, the empowerment of the Press Council should be understood in this context: how to make the Press Council function effectively as a bridge between the press, the public, and the government, and how to resolve media reporting cases in ways that are productive for the future of press freedom. Empowering the Press Council does not mean turning it into a regulatory body with the authority to create new rules and impose sanctions for violations.

Second, various parties demand the implementation of minimum standards for press publications. The Press Law does not regulate this aspect, as the requirements for establishing press companies are agreed upon referring to the Limited Liability Company Law. It should be regulated specifically for the field of mass media publishing, both print and online. The problem is that the Limited Liability Company Law No. 40 of 2007 only regulates the establishment of companies in general. However, press companies are different from ordinary companies. Press companies inherently possess social institutional functions that position them as public instruments to control various forms of power. This is where the proposal arises to regulate the standards of eligibility for press companies in the Press Law.

Third, until now, the Press Law has not effectively protected media professionals in carrying out their journalistic work. Article 18 of the Press Law threatens anyone who obstructs and hinders press freedom with a maximum criminal penalty of 2 years imprisonment and a maximum fine of Rp. 500 million. However, this becomes futile because legal processes related to press disputes often refer to other laws, especially the Criminal Code, which contains 35 articles that can ensnare media workers with criminal charges. It is important to establish the Press Law as a lex specialis (exception) concerning press matters. Strengthening guarantees for press freedom in the Press Law can be an alternative solution. A better alternative would be to incorporate guarantees for press freedom into the 1945 Constitution of the Republic of Indonesia.

Fourth, formulating the protection of public interests from harmful reporting. Especially the elaboration of Article 5 of the Press Law, which states that press companies are obligated to provide the right to reply and the right to correction. The details of the implementation of these rights need to be clarified more specifically, such as the mechanisms, forms, implementation timelines, sanctions, and other details.

Other ideas that should be considered are looking at some of the weaknesses of the Press Law, including Firstly, there is a centralization of media ownership among certain groups in Indonesia, resulting from the absence of regulations regarding media ownership centralization. The impact of media ownership centralization can lead to the monopoly of information flow by certain groups according to their respective interests and needs. This affects the public's reception as the audience of the media, receiving fragmented information that is not complete and perceiving it according to the interests held by the media (Darmanto, 2020).

Secondly, specific rules regarding the procedures for establishing a media outlet are not fully explained. This can have negative implications for establishing media institutions in line with the main purpose of the press as a pillar of the state and social responsibility. The establishment of media outlets becomes more economically driven and can be misused by certain individuals. Although establishing a press company is a right and freedom for every Indonesian citizen, there should still be clear rules and requirements (Valerisha, 2016).

Thirdly, the issue of the independence of the Press Council. Since the membership of the Press Council is determined by the President, it indicates that the President has the authority to place individuals of their choice in an institution that should protect and develop press freedom (see Article 15 of the Press Law No. 40 of 1999). The independence of the Press Council will be questioned in line with the condition of the ruling government. If the government is democratic, this rule will not pose a problem. However, if it is an authoritarian government, it can become a threat to press freedom (Yanto & Priskap, 2023).

Fourthly, the principle of ultimum remedium in criminal cases should be applied in resolving issues arising from press reporting. With this principle, the application of criminal articles should be a last resort. It means that if there are still legal remedies that can be applied to resolve the issue, those provisions should be utilized first (Januarsyah, 2017).

To establish a professional press in carrying out its activities, these ideas should be considered in the effort to revise the Press Law. The regulations in the Code of Journalistic Ethics seem to have a stronger oversight over the conduct of media professionals than the Press Law itself. The idea of incorporating some rules from the Code of Journalistic Ethics into the Press Law is also a good suggestion. This would provide clear regulations to uphold the professionalism of journalists when conducting journalistic coverage.

4 CONCLUSION

The Press Law No. 40 of 1999 indeed has various weaknesses, and one solution is to revise the law. However, the revision should not diminish the existing press freedom but rather oversee it to ensure that it does not go overboard and guarantee the professionalism of the press. After the revision, the implementation of the Press Law as a "lex specialis" is a necessary step to be taken by the Government and Law Enforcement Agencies. The revision of the Press Law is a reasonable and urgent idea.

In the current context, caution should be exercised in considering the idea of revising the Press Law, considering the recent surge in lawsuits against the press. There is a possibility that good intentions behind the idea could be disrupted by political ambitions to control the press and benefit certain parties. The revision of the Press Law must be carefully considered, taking into account its positive and negative consequences. Good ideas should prioritize the public interest over the interests of specific groups. In this regard, to ensure the professionalism of the press in carrying out journalistic duties by the Press Law as a special regulation, revising the Press Law No. 40 of 1999 is the right step.

REFERENCES

ALAWSI, H. The role of Bahraini law on online copyright infringement. *International Business & Economics Studies*, v. 2, n. 4, p. 23-31, 2020. DOI: https://dx.doi.org/10.22158/ibes.v2n4p23.

ALI, M. Pencemaran nama baik melalui sarana informasi dan transaksi elektronik (Kajian Putusan MK No. 2/PUU-XII/2009). *Jurnal Konstitusi*, v. 7, n. 6, p. 119-146, 2010. DOI: https://doi.org/10.31078/jk765.

AMRI, S.; et al. Pro dan kontra Undang-Undang Nomor 40 Tahun 1999 tentang Pers sebagai *lex specialis*. *SOURCE: Jurnal Ilmu Komunikasi*, v. 7, n. 1, p. 87-94, 2021. DOI: https://doi.org/10.35308/source.v7i1.3521.

ANGGRAINI, R.; SAPTATIA, H. Peran media massa Inggris dan Jerman dalam menginformasikan pandemi COVID-19. *JURKOM: Jurnal Riset Komunikasi*, v. 4, n. 1, p. 66-80, 2021. DOI: https://doi.org/10.38194/jurkom.v4i1.201.

Article Journal

AZZAM, M. A. *Terjadi 100 pelanggaran terhadap kebebasan pers di Yaman*. Anadolu Agency, 29 jun. 2023. Disponível em: https://www.aa.com.tr/id/dunia/terjadi-100-pelanggaran-terhadap-kebebasan-pers-di-yaman-/1194630#. Acesso em: 29 jun. 2023.

DARMANTO, N. Pemusatan kepemilikan media: implikasinya terhadap konten media. *Mediasi*, v. 1, n. 3, p. 202-218, 2020. DOI: https://doi.org/10.46961/mediasi.v1i3.147.

HALIM, H. Analisis isi pelanggaran kode etik jurnalistik pada film *Shattered Glass* karya Billy Ray. *eJournal Ilmu Komunikasi*, v. 5, n. 3, p. 512-522, 2017.

HARAHAP, M. S. Kemerdekaan pers pada orde reformasi. *Jurnal Ilmiah Hukum Dirgantara*, v. 9, n. 2, p. 139-143, 2019. DOI: https://doi.org/10.35968/jh.v9i2.358.

HENDRAYANA. Menegakkan kemerdekaan pers dan pelaksanaan asas praduga tak bersalah. *Jurnal Dewan Pers*, n. 2, p. 69-84, 2010.

HERAWATI, E. *UU Pers sebagai "Lex Specialis" dalam penyelesaian masalah pemberitaan pers*. Business Law – BINUS University, 22 mai. 2016. Disponível em: https://business-law.binus.ac.id/2016/05/22/uu-pers-sebagai-lex-specialis-dalam-penyelesaian-masalah-pemberitaan-pers/. Acesso em: 29 jun. 2023.

HERLAMBANG, U. P. Penyelesaian perkara tindak pidana pers melalui Dewan Pers sebagai lembaga mediasi. *Diponegoro Law Review*, v. 1, n. 4, p. 1-7, 2012. DOI: https://doi.org/10.14710/dlj.2012.1028.

HUMAM, M. S. I.; SUSANTO, E. H. Analysis of the use of 6 canons of journalism code of ethics in the *Spotlight* movie. *Advances in Social Sciences, Education and Humanities Research*, v. 655, p. 1266-1271, 2022. DOI: https://doi.org/10.2991/assehr.k.220404.202

JANUARSYAH, M. P. Z. Penerapan prinsip *ultimum remedium* dalam tindak pidana korupsi: kajian putusan nomor 2149K/Pid.Sus/2011. *Jurnal Yudisial*, v. 10, n. 3, p. 257-276, 2017. DOI: http://dx.doi.org/10.29123/jy.v10i3.266.

JUNAEDI, F. *Etika comunicação no era siber: Teori dan Praktek*. Jakarta: Rajawali Pers, 2019.

KASMAN, S. Penerapan kode etik jurnalistik Islami di era milenial. *Jurnal Komodifikasi*, v. 8, p. 173-199, 2019.

MACHMUD, N. S. A. Mengartikulasikan "trial by the press" dalam kemasan pemberitaan media yang berorientasi kemaslahatan. *Masalah-Masalah Hukum*, v. 45, n. 1, p. 41-48, 2016. DOI: 10.14710/mmh.45.1.2016.41-48.

MAJID, A. Fenomena penyebaran hoax dan literasi bermedia sosial lembaga mahasiswa Universitas Muslim Indonesia. *Jurnal Komodifikasi,* v. 8, p. 228-239, 2019.

MANAN, B. Kemerdekaan pers! Mengapa dan untuk apa? *Jurnal Dewan Pers*, ed. 12, p. 15-22, 2016.

MARDA, G.; et al. *Trial by the press* dalam fenomena pemberitaan kasus terorisme di Indonesia. *Jurnal Hukum dan Kesejahteraan*, v. 8, n. 1, p. 64-73, 2023. DOI: http://dx.doi.org/10.36722/jmih.v8i1.1881.

Media Mass & Internet

O'NEILL, C. (Ed.). *Legal research: how to find & understand the law*. Berkeley, California: Nolo, 2018.

PANDJAITAN, H. I. P.; SIREGAR, A. E. *1001 alasan Undang-Undang Pers lex specialis*. Jakarta: Badan Bantuan Hukum dan Advokasi Kemerdekaan Pers, Serikat Penerbit Suratkabar, 2004.

PEMBER, D. R.; CALVERT, C. *Mass media law*. 22. ed. E-book: McGraw-Hill, 2022.

RAHMAWATI, I.; GANI, R. A. Pertanggungjawaban pidana terhadap delik pers: suatu kajian normatif. *Legalitas*, v. 1, n. 4, p. 133-190, 2011. DOI: http://dx.doi.org/10.33087/legalitas.v1i4.74.

RAS. *Tip hukum praktis: menghadapi kasus pidana*. 1. ed. Jakarta: Raih Asas Sukses, 2010.

SELIAN, D. L.; MELINA, C. Kebebasan berekspresi di era demokrasi: catatan penegakan hak asasi manusia. *Lex Scientia Law Review*, v. 2, n. 2, p. 185-195, 2018. DOI: https://doi.org/10.15294/lesrev.v2i2.27589.

SETYAWAN, A.; et al. Implementasi penegakkan UU Pers terhadap delik pers dan kekerasan jurnalis di tahun 2020. *Jurnal Ilmu Komunikasi*, v. 8, n. 1, p. 54-64, 2021. DOI: https://doi.org/10.31294/kom.v8i1.10049.

SETYOKO, E.; KUSUMA, H. Kepastian hukum dalam Undang-Undang Nomor 40 Tahun 1999 tentang Pers terhadap asas *lex specialis derogat legi generali*. *Seminar Nasional Hukum – Universitas Pamulang*, v. 2, n. 1, p. 30-42, 2022.

STEELE, J. The making of the 1999 Indonesian Press Law. *Indonesia*, n. 94, p. 1-22, 2012. Disponível em: https://doi.org/10.5728/indonesia.94.0001. Acesso em: 24 nov. 2025.

SUKARDI, W. A. *Keutamaan di balik kontroversi Undang-Undang Pers*. Jakarta: Dewan Pers, 2007.

SYAFRIADI. *Hukum pers dalam ketatanegaraan Indonesia*. 1. ed. Yogyakarta: Suluh Media, 2018.

VALERISHA, A. Dampak praktik konglomerasi media terhadap pencapaian konsolidasi demokrasi di Indonesia. *Jurnal Ilmiah Hubungan Internasional*, v. 12, n. 1, p. 15-32, 2016. DOI: http://dx.doi.org/10.26593/jihi.v12i1.2546.15-32.

WIRATRAMAN, H. P. *Press freedom, law and politics in Indonesia: a socio-legal study*. Meijers-reeks, 11 dez. 2014. Disponível em: https://hdl.handle.net/1887/30106. Acesso em: 24 nov. 2025.

YANTO, R.; PRISKAP, R. Fungsi Dewan Pers dalam melindungi kemerdekaan pers. *Limbago: Journal of Constitutional Law*, v. 3, n. 1, p. 86-99, 2023. DOI: https://doi.org/10.22437/limbago.v3i1.19122.

Authors' Contribution

Both authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

How to cite this article (APA)

Sipayung, R. F. C., Danil, E., Mulyadi, M., & Yunara, E. MAXIMIZING THE PROFESSIONALISM OF THE PRESS IN CONDUCTING JOURNALISTIC ACTIVITIES BASED ON THE PRESS LAW AS A LEX SPECIALIS REGULATION. Veredas Do Direito, e223757. https://doi.org/10.18623/rvd.v22.n5.3757