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A LEGAL ANALYSIS OF LAW ENFORCEMENT REGARDING THE ABUSE OF PRESS FREEDOM IN ONLINE MEDIA IN INDONESIA

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Abstract

The development of digital technology has brought about significant transformations to the press system in Indonesia, particularly through the emergence of online media, which has accelerated the distribution of information and expanded public access. However, this development has also raised various legal issues, such as the spread of unverified news, hoaxes, clickbait, and the potential for abuse of press freedom. This study aims to analyze the legal framework governing press freedom in Indonesia, forms of its abuse in online media, and the roles of the Press Council and law enforcement agencies in resolving press disputes in the digital age. The research method employed is a normative legal approach using legislative and conceptual frameworks. The data utilized includes primary, secondary, and tertiary legal sources, which were analyzed qualitatively through legal interpretation and deductive reasoning. The research findings indicate that press freedom in Indonesia has a strong legal foundation through the 1945 Constitution of the Republic of Indonesia and Law No. 40 of 1999 on the Press; however, in practice, it still faces challenges in the form of regulatory overlap with the ITE Law and the Criminal Code. Furthermore, there is a lack of coordination in the handling of press disputes between the Press Council and law enforcement agencies, which has the potential to create legal uncertainty and lead to the criminalization of the press. The rise of digital media has further exacerbated the situation by accelerating the spread of unverified information and blurring the line between professional journalism and user-generated content. Therefore, regulatory harmonization, institutional strengthening, and improved digital literacy are needed to strike a balance between press freedom and legal accountability in the digital age.

Keywords: Freedom of the Press, Online Media, Press Law, ITE Law

Abstrak

Perkembangan teknologi digital telah membawa transformasi signifikan terhadap sistem pers di Indonesia, khususnya melalui hadirnya media online yang mempercepat distribusi informasi dan memperluas akses publik. Namun, perkembangan ini juga menimbulkan berbagai persoalan hukum, seperti penyebaran berita tidak terverifikasi, hoaks, clickbait, serta potensi penyalahgunaan kebebasan pers. Penelitian ini bertujuan untuk menganalisis pengaturan hukum kebebasan pers di Indonesia, bentuk penyalahgunaannya dalam media online, serta peran Dewan Pers dan aparat penegak hukum dalam penyelesaian sengketa pers di era digital.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Data yang digunakan meliputi bahan hukum

primer, sekunder, dan tersier yang dianalisis secara kualitatif melalui interpretasi hukum dan penalaran deduktif. Hasil penelitian menunjukkan bahwa kebebasan pers di Indonesia telah memiliki landasan hukum yang kuat melalui UUD NRI 1945 dan Undang-Undang Nomor 40 Tahun 1999 tentang Pers, namun dalam praktiknya masih menghadapi tantangan berupa tumpang tindih regulasi dengan UU ITE dan KUHP. Selain itu, terdapat ketidaksinkronan dalam penanganan sengketa pers antara Dewan Pers dan aparat penegak hukum yang berpotensi menimbulkan ketidakpastian hukum dan kriminalisasi pers. Perkembangan media digital juga memperburuk situasi melalui percepatan penyebaran informasi tanpa verifikasi yang memadai serta kaburnya batas antara jurnalisme profesional dan konten pengguna. Oleh karena itu, diperlukan harmonisasi regulasi, penguatan kelembagaan, serta peningkatan literasi digital untuk menciptakan keseimbangan antara kebebasan pers dan tanggung jawab hukum di era digital.

Kata kunci: Kebebasan Pers, Media Online, UU Pers, UU ITE

INTRODUCTION

The development of digital technology in the field of information and communication has brought major changes to the system of information dissemination throughout the world, including Indonesia. The emergence of the internet as the primary medium of public communication has given rise to a significant transformation in the world of the press, from conventional media toward digital-based or online media. This transformation has not only changed the way journalism operates, but has also changed the structure, patterns of information distribution, and the relationship between the media, society, and the state. In this context, press freedom has undergone a very significant expansion, whether in terms of access, speed of distribution, or the reach of information.

Press freedom is one of the main pillars of a modern democratic system. In Indonesia, this freedom is explicitly guaranteed in Article 28F of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to communicate and obtain information for the purpose of developing their personal self and social environment (Republic of Indonesia, 1945). In addition, Law Number 40 of 1999 on the Press guarantees press freedom as a citizen's human right protected by the state (Republic of Indonesia, 1999). Nevertheless, this freedom is not absolute; rather, it is limited by moral, ethical, and legal responsibility.

In practice, the development of online media in Indonesia reflects a complex phenomenon. On one hand, online media makes a major contribution to the democratization of information, public transparency, and public participation in the digital space. On the other hand, online media also presents various new problems in journalistic practice, such as the spread of inaccurate news, hoaxes, clickbait, privacy violations, and defamation. This phenomenon indicates a misuse of press freedom that not only affects the quality of information but can also harm certain individuals, groups, or institutions. The development of digital media has also shifted the journalistic paradigm from one based on verification to one based on speed. In many cases, online media prioritizes speed of publication over the accuracy and validity of information. This is compounded by the click-based media economic model, which drives media outlets to pursue high traffic through sensational headlines and unverified information. This

condition has led to a decline in journalistic ethical standards and an increased potential for violations of the press code of ethics.

From a legal perspective, this condition raises serious challenges for law enforcement against the misuse of press freedom. Indonesia has a number of regulations governing the press and information, including the Press Law, the Electronic Information and Transactions Law (ITE Law), and the new Criminal Code. However, the existence of these various regulations often gives rise to normative overlap, particularly in determining whether a given journalistic product falls within the scope of press freedom or constitutes a criminal offense (Republic of Indonesia, 2008; Republic of Indonesia, 2023). One of the main issues in law enforcement is the tension between the mechanism for resolving press disputes through the Press Council and the criminal law mechanism carried out by law enforcement officials. In practice, not all cases involving online media are resolved through the Press Council, and some cases proceed directly to criminal prosecution. This raises concerns about the criminalization of journalists or media outlets, particularly in cases that actually remain within the realm of press-reporting disputes.

In addition, the development of digital technology has also expanded the scope of uncontrolled information dissemination. Social media and digital platforms allow any individual to become a producer of information without going through a rigorous journalistic verification process. This condition creates an increasingly blurred boundary between professional journalism and user-generated content. As a result, the misuse of freedom of expression is often associated with, or mistaken for, press freedom, even though the two are conceptually quite distinct under the law. In the Indonesian context, the Press Council plays an important role in overseeing and enforcing journalistic ethics (Dewan Pers, 1999). However, the effectiveness of this institution still faces various challenges, particularly in dealing with online media outlets that are unregistered or that fail to meet press company standards. Many digital media outlets operate without following press company verification standards, making them difficult to supervise from either an ethical or a legal standpoint. This exacerbates the problem of press-freedom misuse in the digital space.

Furthermore, the development of regulations such as the ITE Law has also given rise to controversy in law enforcement practice. The ITE Law is often regarded as containing "rubber articles" (vague, elastic provisions) that can be used to ensnare journalistic activity, particularly with respect to defamation and the dissemination of electronic information (Republic of Indonesia, 2008). In several cases, journalistic products that should have been resolved through press mechanisms have instead been processed through criminal channels, giving rise to debate over the boundary between press freedom and legal accountability. In press-law literature, press freedom has always been regarded as a fundamental right that must be protected, but must not be misused. Press freedom must operate in tandem with the principles of accuracy, verification, balance, and social responsibility. In the practice of online media, however, these principles are often neglected due to economic pressure, traffic competition, and the demand for speed in delivering information. This has led to an increased risk of violations of the journalistic code of ethics, which in turn affects media credibility.

Several previous studies indicate that digital transformation in the press has created new challenges for media law enforcement. These studies show that there remains a lack of synchronization between press regulations and electronic information regulations, resulting in legal uncertainty in handling digital journalism cases. In addition, other studies highlight that weak public digital literacy also contributes to the rapid spread of inaccurate information. Although a great deal of research has addressed press freedom and digital media, most of it still focuses on the normative aspects of press-freedom protection or on general analysis of the Press Law. Studies that specifically examine the misuse of press freedom in online media using an integrative approach combining the Press Law, the ITE Law, and the Criminal Code remain limited. This indicates a research gap that needs to be filled through a more comprehensive juridical study.

Based on these conditions, this research is important to conduct in order to analyze how law enforcement addresses the misuse of press freedom in online media in Indonesia. This research also aims to examine how the harmonization of press-law regulations can respond to the challenges of the digital era, as well as how effective law enforcement institutions and the Press Council are in resolving journalistic disputes.

Academically, this research is expected to contribute to the development of legal scholarship, particularly in the fields of press law and digital media law. Practically, this research is expected to provide input for policymakers, law enforcement officials, and the Press Council in formulating more effective policies to maintain the balance between press freedom and legal accountability. Thus, this research does not merely discuss press freedom from a normative perspective, but also examines the dynamics of press-freedom misuse in the practice of online media and its implications for law enforcement in Indonesia. This approach is expected to provide a new perspective for understanding the increasingly complex challenges of press law in the digital era.

METHOD

This research is a normative legal research (*yuridis normatif*), that is, research conducted by examining library materials or secondary data consisting of primary, secondary, and tertiary legal materials. This approach is used to examine the legal norms governing press freedom as well as law enforcement against the misuse of press freedom in online media in Indonesia (Marzuki, 2017). The approaches used in this research include the statute approach and the conceptual approach. The statute approach is carried out by examining various regulations related to press freedom, including the 1945 Constitution of the Republic of Indonesia, Law Number 40 of 1999 on the Press, Law Number 11 of 2008 on Electronic Information and Transactions along with its amendments, and the provisions of the Criminal Code relevant to press-related offenses (Marzuki, 2017). Meanwhile, the conceptual approach is used to analyze the concept of freedom of the press, press accountability, and the concept of press-freedom misuse from a legal perspective.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations related to the object of research. Secondary legal materials include legal textbooks, scholarly journals, prior

research findings, and academic articles relevant to press law and digital media. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that provide additional explanation of the legal terminology used (Soekanto, 2015). Legal materials were collected through library research, namely by collecting, reading, and analyzing various legal literature relevant to the research problem. The collected data was then analyzed qualitatively using a descriptive-analytical method, that is, by describing and explaining the legal phenomena that occur and then relating them to the applicable legal norms.

Data analysis was conducted using the method of legal interpretation, namely the interpretation of statutory regulations related to press freedom and law enforcement. In this regard, the researcher sought to understand the meaning of legal norms and the relationship between one regulation and another in order to identify consistency or potential norm conflict. In addition, a deductive reasoning method was also used, namely drawing conclusions from general matters to specific matters related to cases of press-freedom misuse in online media (Marzuki, 2017). Thus, this research is expected to provide a comprehensive picture of how law enforcement addresses the misuse of press freedom in Indonesia, particularly in the context of online media, as well as how synchronization among legal regulations can respond to developments in information and communication technology.

RESULT AND DISCUSSIONS

The legal regulation of press freedom in Indonesia is an important part of a democratic system that guarantees human rights, particularly the right to obtain, process, and convey information. In the development of the modern rule-of-law state, press freedom is understood not merely as unlimited freedom, but as freedom bounded by legal norms, ethics, and social responsibility. As a democratic country, Indonesia positions press freedom as one of the main pillars of national life, which is normatively guaranteed under Article 28F of the 1945 Constitution of the Republic of Indonesia (Republic of Indonesia, 1945). This provision guarantees that every person has the right to communicate and to obtain information in order to develop their personal self and social environment. In addition to this constitutional guarantee, the regulation of press freedom is specifically set out in Law Number 40 of 1999 on the Press, which serves as the primary legal basis for guaranteeing press freedom in Indonesia (Republic of Indonesia, 1999). Article 4 of the Press Law affirms that press freedom is guaranteed as a citizen's human right, free from censorship, banning, or prohibition of broadcasting. Nevertheless, this freedom is not absolute, since Article 5 also affirms that the press is obligated to present news that is accurate, balanced, and free of bad faith. This shows that press freedom is always accompanied by an obligation to respect the rights of others and to comply with the journalistic code of ethics.

In the context of online media, the regulation of press freedom faces new challenges arising from the development of digital technology. As part of the modern press, online media has characteristics that differ from conventional media, particularly in terms of the speed of information dissemination, its broad audience reach, and the minimal presence

of geographic boundaries. This condition makes oversight of news content more difficult, thereby increasing the potential for the misuse of press freedom. Such misuse may take the form of the dissemination of unverified information, misinformation, fake news, and clickbait practices that harm the public interest.

Normatively, the regulation of press freedom in Indonesia is set out not only in the Press Law, but also intersects with various other pieces of legislation, such as the Electronic Information and Transactions Law (ITE Law) and the Criminal Code. The ITE Law, particularly Article 27 paragraph (3), prohibits insult and/or defamation through electronic media (Republic of Indonesia, 2008). This provision often serves as the legal basis in handling cases related to online media reporting, although in many cases debate continues over whether a given news report falls within the category of journalistic work or constitutes an electronic criminal offense. This condition reflects a potential normative overlap between the Press Law as *lex specialis* and the ITE Law as *lex generalis* in the context of electronic information. Under legal doctrine, the principle of *lex specialis derogat legi generali* should give precedence to the Press Law in resolving reporting-related disputes. In practice, however, there remain cases in which law enforcement officials apply the ITE Law to ensnare journalists or online media outlets, giving rise to debate over the boundary between press freedom and criminal accountability.

In addition, the misuse of press freedom in online media is also closely related to the weak implementation of the journalistic code of ethics. The Journalistic Code of Ethics established by the Press Council requires every journalist to act independently and to produce news that is accurate, balanced, and free of bad faith (Dewan Pers, 1999). In practice, however, many online media outlets do not fully comply with this code of ethics, particularly those oriented toward traffic-based revenue. This has given rise to unprofessional journalistic practices that tend to disregard the principle of information verification. Within Indonesia's press-law system, the Press Council plays an important role in resolving reporting disputes and in overseeing the implementation of journalistic ethics. The Press Council functions as an independent institution tasked with protecting press freedom and improving the quality of journalism. However, the effectiveness of this institution in addressing the misuse of press freedom in the digital era still faces various obstacles, particularly with respect to online media that are not registered as official press companies. Such media often operate outside the Press Council's oversight, making it difficult to impose ethical or administrative sanctions on them.

On the other hand, the development of digital technology has also expanded the space for public participation in disseminating information. Social media and digital platforms allow any individual to become a producer of information without having to go through a journalistic verification process. This has created a new phenomenon known as user-generated content, which often does not meet journalistic standards. As a result, the boundary between press freedom and freedom of expression has become increasingly blurred, creating difficulty in determining whether a given piece of content can be categorized as a press product or not.

From the perspective of criminal law, the misuse of press freedom can give rise to legal consequences if it satisfies the elements of a criminal offense, such as defamation, the dissemination of false news, or a privacy violation. Nevertheless, the application of criminal law to journalistic work must be carried out with great care so as to avoid the criminalization of the press. This is important because press freedom is part of the human rights protected by the Constitution. Therefore, the resolution of press disputes should ideally first be pursued through the ethical mechanism of the Press Council before entering the realm of criminal law. In the development of legal scholarship, various studies indicate that there remains a lack of synchronization between press regulation and electronic-information regulation in Indonesia. This lack of synchronization gives rise to legal uncertainty in handling cases involving online media. In addition, weak public digital literacy further worsens the situation by accelerating the spread of unverified information. This condition reinforces the urgency of harmonizing legal regulation in the fields of the press and information technology.

It can thus be understood that the legal regulation of press freedom in Indonesia already has a strong normative foundation, but in practice still faces various challenges, particularly in the context of online media. The misuse of press freedom relates not only to legal violations, but also encompasses violations of journalistic ethics that have a broad impact on the quality of public information. Therefore, strengthened regulation, legal harmonization, and an enhanced role for press-oversight institutions are needed to ensure that press freedom continues to operate in tandem with legal and ethical responsibility in the digital era.

The development of the online media ecosystem carries legal implications that are not only normative in nature, but also structural and social. In the context of law enforcement, the main issue is no longer merely the existence of rules, but rather how well those rules are able to respond to the rapidly changing dynamics of the digital space. This shows that press law in Indonesia faces the challenge of adapting to the characteristics of information technology, which is open, borderless, and cross-jurisdictional in nature. One of the most significant implications is the increasingly blurred boundary between the realm of journalistic ethics and the realm of criminal law. Violations of journalistic principles such as balance and verification are no longer regarded merely as ethical violations, but can develop into criminal offenses if they cause reputational harm or affect certain legal interests. This condition broadens the scope for legal interpretation, which has the potential to create uncertainty in law enforcement.

In addition, the development of digital media has also changed the pattern of legal responsibility. Whereas in conventional media, responsibility is more structurally attached to press institutions, in online media, responsibility can attach to various parties, including individual writers, platform administrators, and even those who redistribute content on social media. This complexity makes it difficult to clearly determine the legal subject in cases involving the misuse of press freedom. From the perspective of press administrative law, there is a weakness in the press-company verification system. Many digital media outlets operate without meeting the press-company standards established by the Press Council, placing them outside the formal oversight system. This creates a

regulatory grey area that allows the production of information without adherence to professional journalistic standards.

A repressive approach through criminal law in handling press disputes is often ineffective. The use of criminal-law instruments can produce an over-deterrence effect, which in turn has the potential to disproportionately restrict freedom of expression. Therefore, a more proportional legal approach is needed, one based on a balance between the protection of reputation and freedom of information. Under the theory of the *rechtsstaat* (rule-of-law state), law enforcement must satisfy the principles of legal certainty, utility, and justice. In cases involving the digital press, these three principles are often in tension. Legal certainty is disrupted by the multiplicity of possible interpretations of regulation; utility demands the protection of society from harmful information; while justice demands the protection of press freedom as a constitutional right.

The development of algorithmic technology further compounds the complexity of law enforcement. Digital platform algorithms accelerate the spread of viral information without regard to the validity of its content, allowing unverified information to spread widely within a short period of time. This condition makes the process of correction and law enforcement more difficult once information has already spread. From an institutional standpoint, stronger coordination is needed among the Press Council, law enforcement officials, and related agencies in handling digital media cases. Without effective coordination, law enforcement will be partial and inconsistent. In addition, law enforcement officials also need an adequate understanding of the characteristics of journalistic work so as to avoid errors in the legal classification of a given event. Improving public digital literacy is also an important factor in reducing the misuse of press freedom. A public with strong digital literacy skills will be more critical in receiving information, thereby helping to curb the spread of inaccurate news. This, in turn, indirectly helps reduce the burden of law enforcement in the digital space.

Thus, strengthening law enforcement against the misuse of press freedom depends not only on regulation, but also on institutional reform, improved digital literacy, and the development of a legal approach that is adaptive to the development of information technology.

The legal regulation of press freedom in Indonesia essentially already has a strong normative foundation through the 1945 Constitution and Law Number 40 of 1999 on the Press. Press freedom is positioned as part of human rights as well as a pillar of democracy, but in its implementation it remains bounded by legal responsibility, journalistic ethics, and the public interest. This shows that press freedom is not an absolute freedom, but rather a freedom accompanied by an obligation to maintain accuracy, balance, and the integrity of information. In the development of online media, it has been found that digital transformation has brought significant change to journalistic practice, both in terms of the production and the distribution of information. On one hand, this change has expanded access to information and public participation; on the other hand, it has also increased the potential for the misuse of press freedom in the form of the dissemination of unverified information, fake news, clickbait, and violations of the journalistic code of ethics. This

condition reflects a shift in media orientation from the social function of providing information toward a traffic-based economic orientation that affects the quality of reporting.

Juridically, law enforcement against the misuse of press freedom still faces the challenge of regulatory overlap among the Press Law, the Electronic Information and Transactions Law (ITE Law), and the Criminal Code. This lack of synchronization creates legal uncertainty, particularly in determining whether a given case constitutes a press dispute to be resolved through the Press Council mechanism, or a criminal offense to be processed through the criminal justice system.

The effectiveness of law enforcement is also affected by institutional limitations, particularly in coordination between the Press Council and law enforcement officials. There remain cases that proceed directly to criminal prosecution without first going through the press ethics mechanism, which has the potential to give rise to the criminalization of journalistic activity. On the other hand, the presence of unverified digital media also widens the grey area in the oversight and enforcement of journalistic ethics. The development of digital technology and media algorithms further complicates the situation by accelerating the spread of information without adequate verification. This heightens the risk of disinformation and weakens control over the quality of public information. Law enforcement therefore cannot rely solely on a repressive approach, but must be accompanied by a preventive approach through improved public digital literacy and strengthened media professionalism standards.

It can thus be concluded that the regulation and enforcement of press freedom law in Indonesia in the era of online media still face challenges in terms of regulatory harmonization, institutional capacity, and technological development. Therefore, more adaptive regulatory strengthening, improved inter-institutional coordination, and stronger digital literacy are needed to ensure that press freedom continues to operate in balance with legal and ethical responsibility in the digital era.

THE ROLE OF THE PRESS COUNCIL AND LAW ENFORCEMENT OFFICIALS IN RESOLVING DISPUTES OR VIOLATIONS OF PRESS FREEDOM IN ONLINE MEDIA

Within Indonesia's press-law system, the resolution of disputes or alleged violations of press freedom in online media involves two main actors: the Press Council and law enforcement officials. These two institutions have different but interrelated functions in maintaining the balance between press freedom and legal accountability. The Press Council serves as an independent institution established under Law Number 40 of 1999 on the Press to protect press freedom and improve the quality of journalism in Indonesia (Republic of Indonesia, 1999). In the context of reporting disputes, the Press Council functions as a mediator that prioritizes non-litigation resolution through ethical mechanisms such as the right of reply, the right of correction, and mediation between the aggrieved party and the press company.

The role of the Press Council becomes especially important in the era of online media, because the fast, massive, and easily spreadable nature of digital information can cause widespread harm if not promptly corrected. Through the press-dispute-resolution mechanism, the Press Council assesses whether a given news product remains within the bounds of journalism or has violated the journalistic code of ethics. If a media outlet is found to be in violation, the Press Council may issue a recommendation in the form of a correction, an apology, or the retraction of the news item. However, the Press Council's authority is ethical and administrative in nature, and it therefore lacks executory power in the criminal-law realm.

On the other hand, law enforcement officials such as the police, the prosecutor's office, and the courts have the authority to take action against legal violations related to online media when the elements of a criminal offense have been met. The legal bases frequently used include the Criminal Code and the Electronic Information and Transactions Law (ITE Law), particularly with respect to defamation, the dissemination of false news, and privacy violations (Republic of Indonesia, 2008; Republic of Indonesia, 2023). In this context, law enforcement officials serve as the enforcers of criminal law, which is repressive in nature.

In practice, however, there is dynamic tension between the authority of the Press Council and that of law enforcement officials. The Press Law positions the Press Council as the primary mechanism for resolving press disputes, one that should take precedence before any criminal process is initiated. This is based on the principle of *lex specialis derogat legi generali*, under which special law (the Press Law) should override general law (the Criminal Code and the ITE Law) in cases relating to journalistic work. In several cases, however, law enforcement officials have proceeded directly through criminal channels without first seeking the Press Council's opinion, creating the potential for the criminalization of journalists or online media outlets.

Subsequently, efforts have been made to strengthen synergy between the Press Council and law enforcement officials through a memorandum of understanding (MoU) intended to clarify the boundaries of each institution's authority. This MoU, in principle, affirms that when a case relates to journalistic work, the Press Council must first be consulted for its professional opinion in order to determine whether the content in question is a press product or not. This mechanism is expected to reduce the overlap in authority and create legal certainty in resolving press disputes.

Nevertheless, the effectiveness of this cooperation still faces a number of challenges. One is the continuing difference in interpretation between law enforcement officials and the Press Council regarding the boundaries of journalistic work. In addition, the existence of online media that are not verified as press companies also complicates the application of the press-dispute-resolution mechanism, since not all media actors are subject to the journalistic code of ethics overseen by the Press Council. This condition causes some cases to be handled directly through criminal channels without first passing through the ethical mechanism.

It can thus be concluded that the Press Council and law enforcement officials play complementary roles in resolving press-freedom disputes in online media. The Press Council plays a role in the ethical and mediation aspects, while law enforcement officials play a role in criminal law enforcement. However, in order to create legal certainty and prevent the criminalization of the press, stronger synergy, clearer boundaries of authority, and greater consistency in applying the principles of press law in Indonesia are needed.

The resolution of press disputes in online media does not always proceed according to the normative design set out in the Press Law. One of the main issues is the lack of a uniform understanding between law enforcement officials and the Press Council regarding the qualification of certain content as a journalistic product. This difference in perspective often leads to divergent handling approaches, whereby a case may proceed directly to criminal processing without first going through a professional clarification mechanism at the Press Council.

In addition, the development of the digital media ecosystem has broadened the range of actors producing information, which is no longer limited to incorporated press companies. Many digital-based media entities do not meet the verification standards of a press company, yet continue to produce content resembling journalistic news. This creates a problem of delimitation between "professional press" and "public information platforms," which ultimately complicates the application of ethics-based dispute-resolution mechanisms.

In this context, the Press Council faces structural limitations because its authority covers only verified press companies. Meanwhile, content produced by individuals or non-press platforms falls outside the reach of the ethical mechanism. As a result, oversight becomes fragmented, leaving most digital content without a clear resolution mechanism in the event of a dispute or violation.

The development of information technology has also caused a shift in the legal object of regulation, from media institutions to digital content itself. In traditional practice, legal responsibility attaches to the editorial board as an institution with a clear organizational structure. In the digital ecosystem, however, responsibility can be distributed among various actors, such as content creators, platform administrators, and even users who redistribute information. This change gives rise to new challenges in law enforcement, because the traditional concept of accountability in press law has not yet been fully able to accommodate network-based information dissemination. As a result, law enforcement officials often face difficulty in determining who is the most appropriate legal subject to be held accountable.

The use of criminal-law instruments against digital media content reflects a tendency toward broad discretion on the part of law enforcement officials. This occurs because there are not yet very clear technical boundaries as to when content should be treated as a press dispute and when it should be treated as an ordinary criminal offense. This condition opens up room for interpretation that can result in differing legal treatment of substantively similar cases. The impact of this condition is the emergence of legal uncertainty that has the potential to disrupt the principle of the rule of law. In a rule-of-

law state, legal certainty is a fundamental element that must be safeguarded in order to prevent arbitrariness in the application of the law. When the boundary between ethical violations and criminal violations becomes blurred, the risk of abuse of authority in the law enforcement process becomes higher.

CONCLUSIONS

It can be concluded that the legal regulation and enforcement concerning press freedom and its abuse in online media in Indonesia have a strong normative foundation through the 1945 Constitution of the Republic of Indonesia and Law Number 40 of 1999 on the Press. These two legal instruments affirm that press freedom constitutes part of human rights and serves as an essential pillar of the democratic system. However, press freedom is not absolute, as it remains subject to legal responsibilities, journalistic ethics, and the public interest. In practice, the development of online media has brought significant changes to the press ecosystem, particularly in terms of the speed of information dissemination and the expansion of public access. Nevertheless, digital transformation has also generated various new forms of press freedom abuse, including the dissemination of unverified news, hoaxes, clickbait, privacy violations, and declining journalistic ethical standards due to traffic-driven economic interests. This condition demonstrates a shift in the function of the media, which is no longer oriented solely toward serving the public's right to information but is also increasingly driven by commercial interests.

From a legal perspective, law enforcement against the abuse of press freedom continues to face a major challenge in the form of overlapping regulations between the Press Law, the Electronic Information and Transactions Law (EIT Law), and the Indonesian Criminal Code (KUHP). The lack of regulatory synchronization creates legal uncertainty in determining whether a particular case constitutes a press dispute that should be resolved through the mechanisms of the Press Council or a criminal offense that may be prosecuted through the criminal justice system. Furthermore, the effectiveness of law enforcement is also affected by the lack of optimal coordination between the Press Council and law enforcement agencies. In practice, there are still cases that are immediately pursued through criminal proceedings without first being addressed through the Press Council's ethical and dispute-resolution mechanisms, potentially resulting in the criminalization of journalistic activities. On the other hand, the limited authority of the Press Council over unverified digital media outlets has further expanded the regulatory gray area concerning oversight and the resolution of press disputes in the digital sphere.

The development of digital technology and information-distribution algorithms has also complicated law enforcement by accelerating the dissemination of content without adequate verification and blurring the boundaries between professional journalism and user-generated content. This situation requires a legal approach that is not merely repressive but also preventive, through improved public digital literacy, strengthened professional standards for media organizations, and regulatory reforms that are more adaptive to developments in information technology. Therefore, it can be concluded that the regulation and enforcement of law concerning press freedom and its abuse in online

media in Indonesia continue to face challenges in terms of regulatory harmonization, institutional effectiveness, and adaptation to rapid developments in digital technology.

BIBLIOGRAPHY

Dewan Pers. (1999). *Peraturan Dewan Pers tentang kode etik jurnalistik* [Press Council regulation on the journalistic code of ethics]. Dewan Pers.

European Union. (2016). *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)*. Official Journal of the European Union.

Marzuki, P. M. (2017). *Penelitian hukum* [Legal research]. Kencana.

Republic of Indonesia. (1945). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* [1945 Constitution of the Republic of Indonesia].

Republic of Indonesia. (1999). *Undang-Undang Nomor 40 Tahun 1999 tentang Pers* [Law Number 40 of 1999 on the Press].

Republic of Indonesia. (2008). *Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik* [Law Number 11 of 2008 on Electronic Information and Transactions].

Republic of Indonesia. (2016). *Law Number 19 of 2016 on the Amendment of Law Number 11 of 2008 on Electronic Information and Transactions*.

Republic of Indonesia. (2022). *Law Number 27 of 2022 on Personal Data Protection*.

Republic of Indonesia. (2023). *Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana* [Law Number 1 of 2023 on the Criminal Code].

Republic of Indonesia. (2024). *Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions*.

Soekanto, S. (1983). *Faktor-faktor yang mempengaruhi penegakan hukum* [Factors influencing law enforcement]. Rajawali Pers.

Soekanto, S. (2015). *Pengantar penelitian hukum* [Introduction to legal research]. UI Press.

Wall, D. S. (2007). *Cybercrime: The transformation of crime in the information age*. Polity Press