



## The Role Of The Press Board of Hoax Reports Taken By Announcer Based on Press Law

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### Abstract

In this era of digitalization and globalization, news or information can be obtained through printed media and cyber media. However, it is unfortunate that with the emergence of new media such as cyber media, not all can provide accurate, reliable, and responsible information. Some of these cyber media practice hoax reporting. The press council has the function of establishing and supervising the implementation of the journalistic code of ethics, namely to provide consideration and seek resolution of public complaints on cases related to press reports, including hoax reporting. In recent years, hoax news has emerged in Indonesia. This research discusses how the press council's role in hoax reporting carried out by journalists based on Law Number 40 of 1999 concerning the Press and the press council's obstacles to hoax news carried out by journalists based on Law Number 40 of the Year. 1999 About the Press. The method used in this research is the normative juridical method, which is carried out through a literature study that examines mainly secondary data. The role of the press council in reporting hoaxes carried out by journalists based on Law Number 40 of 1999 concerning the Press, namely the supervision of the implementation of the Journalistic Code of Ethics

**Keywords:** Press Council, Journalists, Hoax Reporting.

### Abstrak

Pada era digitalisasi dan globalisasi seperti saat ini, berita atau informasi bisa didapatkan tidak hanya lewat media cetak saja namun juga melalui media siber. Namun, yang disayangkan munculnya media baru seperti media siber, tidak semua mampu memberikan informasi yang akurat, terpercaya dan bertanggung jawab, justru sebagian dari media siber tersebut, melakukan praktek pemberitaan hoax. Dewan pers memiliki fungsi untuk menetapkan dan mengawasi pelaksanaan kode etik jurnalistik yaitu memberikan pertimbangan dan mengupayakan penyelesaian pengaduan masyarakat atas kasus-kasus yang berhubungan dengan pemberitaan pers, termasuk di dalamnya pemberitaan hoax. Beberapa tahun belakangan ini di Indonesia bermunculan berita hoax. Penelitian ini membahas bagaimana peran dewan pers terhadap pemberitaan hoax yang dilakukan oleh wartawan berdasarkan Undang-undang Nomor 40 Tahun 1999 Tentang Pers dan apa hambatan-hambatan yang dialami dewan pers terhadap pemberitaan bohong (hoax) yang dilakukan oleh wartawan berdasarkan Undang-undang Nomor 40 Tahun 1999 Tentang Pers. Metode yang digunakan dalam penelitian ini yaitu Metode yuridis normatif dilakukan melalui studi pustaka yang menelaah terutama data sekunder. Peran dewan pers terhadap pemberitaan hoax yang dilakukan oleh wartawan berdasarkan Undang-undang Nomor 40 Tahun 1999 Tentang Pers yaitu pengawasan terhadap pelaksanaan Kode Etik Jurnalistik.

**Kata kunci:** Dewan Pers, Wartawan, Pemberitaan Hoax.

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## I. Introduction

To develop press freedom and improve the national Press's life, an independent Press Council was formed. Based on Law Number 40 of 1999 concerning the Press, Article 4 paragraph (1) states that the Press's freedom is guaranteed as a citizen's human right. Press freedom also has opposing sides that can be seen, among others: the decline in journalist professionalism, such as unbalanced news and distorting facts, resulting in fooling of the public, fermenting terror and violence against journalists and press institutions; the spread of

pornographic publishing; and the weakening of the supply of democracy due to the strengthening of media capitalism that relies on market mechanisms.<sup>1</sup>

The press council also has a function to determine and supervise the Journalistic Code of Ethics's implementation, namely to provide consideration and seek resolution of public complaints on cases related to press coverage. The Journalistic Code of Ethics's implementation is an order from Law Number 40 of 1999 concerning the Press in Article 7 Paragraph 2, which reads, "Journalists have and obey the Journalistic Code of Ethics" this means that if they violate the Journalistic Code of Ethics, they will violate the Law.<sup>2</sup> In recent years, hoax news has emerged in Indonesia. This hoax news contains lies and spreads hatred, prejudice, and hatred related to ethnic-religion-race-inter-group (SARA), slander, and public agencies' distrust. Based on this, the problem in this research is related to the Press Council's role in hoax news carried out by journalists based on Law Number 40 of 1999 concerning the Press and the obstacles experienced by the Press Council to hoax reported by journalists, based on Law Number 40 of 1999 concerning the Press.

## II. Research Methods

This research is legal research because it analyzes social problems from a legal perspective. Legal research is divided into two aspects, namely legal research with normative aspects and legal research with empirical aspects. This research approach method is normative juridical. The normative juridical method is carried out through literature studies that examine secondary data in the form of laws and regulations, court decisions, agreements, contracts, or other legal documents, research results, assessment results, and other references.<sup>3</sup> This research is supported by literature related to the problem under study.<sup>4</sup> Secondary data includes primary legal materials, secondary legal materials, and tertiary legal materials. The data type is secondary data in qualitative data, which is then analyzed by the regulations relating to the problem under study.<sup>5</sup> The research was conducted in the area of the Press Council Office. The data collected and analyzed is then reviewed with the triangulation approach, aiming to verify researchers' data from various perspectives.<sup>6</sup>

## III. Result And Discussion

### 1. The Role of the Press Council in Hoax Reporting Conducted by Journalists Based on Law Number 40 the Year 1999 Concerning the Press

The Press Council is an independent institution in Indonesia whose function is to develop and protect the life of the Press in Indonesia. The Press Council was established in 1966 through Law Number 11 of 1966 concerning the Main Press's Provisions, but that functioned as a Government's advisor. Also, the Press Council had a structural relationship with the Ministry of Information.<sup>7</sup> The legal basis for the Press Council is Law Number 40 of 1999 concerning the Press. The Press Council becomes an independent institution in Indonesia. The Press Council's formation is also intended to fulfill Human Rights (HAM) because press freedom is part of human rights. The Press Council has the power to resolve journalistic disputes. As an independent institution.<sup>8</sup> Under Law Number 40 of 1999 concerning the Press Article 15 paragraph (2), the Press Council carries out the following functions:

- 1) protect the freedom of the Press from interference by other parties;

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<sup>1</sup> Djoko Waluyo, *Kebebasan Pers dari Pandangan Wartawan, Kasus Wartawan Pwi dan Aji*. (Yogyakarta: Tiara Wacana Locus, 2014), 116.

<sup>2</sup> Gabriel Gawi, Penerapan Kode Etik Jurnalistik dalam Surat Kabar Harian Surya Malang, *JISIP*, 6.1, (2017), 20.

<sup>3</sup> Badriyah Khaleed, *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-undangan*, (Yogyakarta: Medpress Digital, 2014), 41.

<sup>4</sup> Salim HS, *Penerapan Hukum pada Penelitian Tesis dan Desertasi*, (Jakarta : PT Rajagrafindo, 2013), 26.

<sup>5</sup> Mathew, Miles dan Michel Huberman, *Analisis Data Kualitatif : Buku Sumber tentang Metode-metode Baru*, (Jakarta: UI Pres, 2009), 102.

<sup>6</sup> Sugiyono, *Metodologi Penelitian Pendidikan*, (Bandung : Alfabeta, 2007), 303.

<sup>7</sup> Ratna Komala, Menunggu Wujud Nyata Kemerdekaan Pers, *Jurnal Dewan Pers*, Edisi 16, (2017):4.

<sup>8</sup> Yosep Adi Prasetyo, Kondisi Pers Indonesia dan Tantangan Saat Ini, *Jurnal Dewan Pers*, Edisi 16,(2017): 13.

- 2) conducting studies for the development of press life;
- 3) determine and supervise the implementation of the Journalistic Code of Ethics;
- 4) provide considerations and endeavor to resolve public complaints on cases related to press coverage;
- 5) developing communication between the Press, society, and Government;
- 6) facilitate press organizations in drafting regulations in the press sector and improve the quality of the journalism profession;
- 7) listing press companies.<sup>9</sup>

In the era of digitalization and globalization today, we can not only get information about news through printed media. Cybermedia that is seen as interactive media can also function as new media that provides various information in it, including news. However, it is unfortunate that with the emergence of new media such as cyber media, not all can provide accurate, reliable, and responsible information. Some of these cyber media practice hoax reporting. This cyber media has even turned into the most effective means of interest for shaping public opinion today. Technology-based journalism is a journalist's activity, starting from data search, information to news writing by using technology as the basis for cyber media to dig up data for news.<sup>10</sup> Cybermedia is a combined media or convergence between conventional and contemporary technology-based media. Technology in cyber media cannot be denied that has resulted in the hybridization of information. Hybridization means reducing researchers' ability to theorize about the existing effects of media forms due to the substantial overlap in media characteristic technologies.<sup>11</sup> One way to do this hybridization is to encourage the instantiation of coverage and, finally, the act of cloning news.<sup>12</sup>

It is difficult to control the spread of hoaxes in cyber media because these media accounts are personal. So far, one of the best ways to fight hoax information is to strengthen the existence of cyber media. However, it is a little surprising because most cyber media do not have a license or are not registered with the competent authorities and have not gone through certifying the eligibility as a media. Several steps that have been, are being and will be taken by the Press Council in combating hoax reporting include:

- 1) educating the public through literacy media continuously on various occasions: inviting the public to be critical (doing Checks and Rechecks) on the news of each media, especially social media.
- 2) Encourage the mass media (Press) to educate themselves by verifying (testing information) the information obtained and implementing self-sensors based on the Journalistic Code of Ethics guidelines.
- 3) Consistently enforce Law Number 40 of 1999 concerning the Press and Journalistic Code of Ethics.
- 4) Strictly enforce all the regulations and guidelines of the Press Council, especially regarding media verification and competency testing of journalists.
- 5) Cooperate with related institutions and institutions, both Government and private, to combat hoaxes by, for example, holding a memorandum of understanding (MoU) between the Press Council and these institutions.<sup>13</sup>

As mentioned above, the Press Council consistently upholds Law Number 40 of 1999 concerning the Press and Journalistic Code of Ethics. Article 7 paragraph (2) of this Law states that "Journalists have and obey the Journalistic Code of Ethics." Meanwhile, Article 4 of the Journalistic Code of Ethics states: "Indonesian journalists do not make false, slanderous, sadistic and obscene news." Interpretation of "lying means something that has been known beforehand

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<sup>9</sup> Results of Interviews with Press Council Experts Mr. Herutjahjo S. On Friday, 15 May 2020 at 12:00 WIB.

<sup>10</sup> Hidayat, Dasrun, *Media Public Relations: Pendekatan Studi Kasus Cyber Public Relations sebagai Metode Kerja PR Digital*, (Yogyakarta : Graha Ilmu, 2014), 95.

<sup>11</sup> Dylko, Using Technological Attributes to Study Online Media: The Case of User-Generated Content, *Journal of Broadcasting & Electronic Media*, 58(4), pp. 501-521. ISSN: 0883-8151, (2014): 502.

<sup>12</sup> I. B., Beam, M., Landreville, K., & Geidner, N. Filtering 2008 presidential election news on YouTube by elites and nonelites: An examination of the democratizing potential of the Internet. *New Media & Society*, 14.832-84. (2012): 503.

<sup>13</sup> Results of Interviews with Press Council Experts Mr. Herutjahjo S. On Friday, 15 May 2020 at 12:00 WIB.

by journalists as things that are not under the facts that happened.” Whether or not there are complaints related to hoax news, the Press Council will continuously warn the press community about it to work under the Journalistic Code of Ethics guidelines. The Press Council, for example, will issue a press release or circular to the Press in order to uphold the Journalistic Code of Ethics. For the latest example, throughout March 2020, the Press Council issued two press releases related to Covid-19 coverage, namely March 3, 2020, and March 26, 2020.

Press Council Regulation Number 1 / Regulation-DP / III / 2012 Concerning Guidelines for CyberMedia Coverage reveals that cyber media carrying out journalistic activities is bound by Law Number 40 of 1999 concerning the Press. In the CyberMedia Coverage Guidelines, it is also stated that every news must go through verification in principle. News that can harm other parties requires verification of the same news to meet accuracy and balance principles. To uphold the working principles of the Press, the Press Council launched an online media certification program. This certification goes through a rigorous process that implements several requirements that uphold the Press’s duties and functions as the fourth element of democratic life.<sup>14</sup>

The provisions in Article 15 paragraph (2) letter c of Law Number 40 of 1999 concerning the Press are an effort to demand the Press’s accountability for all news to the public. Based on this regulation, it is used as the basis for maximizing the Press Council’s role in supervising the implementation of the Journalistic Code of Ethics. It is hoped that the national Press can better understand the Journalistic Code of Ethics as the operational basis for journalists. One of the Press Council’s functions is to determine and supervise the Journalistic Code of Ethics implementation. The Press Council has a reference to the Journalistic Code of Ethics which can be used as a reference for professional values. The Press Council also receives and examines complaints about suspected violations of the Journalistic Code of Ethics from all parties. It resolves complaints against suspected violations of the Journalistic Code of Ethics through the right of reply mechanism, or Statement of Assessment and Recommendations (PPR). Then carry out education, training, and outreach related to the journalistic code of ethics.<sup>15</sup>

As with the fake news case handled by the Press Council, namely the filing of director Livi Zheng’s complaint against Tirto. id, in his report to the Press Council, Livi said that Tirto. id had written and distributed five inaccurate articles about himself and his family and committed defamation. The number of points that Livi admitted was inaccurate and did not cover both sides. According to Livi, this Tirto. id fiction story led to Livi Zheng’s family’s public opinion by presenting false news, not testing information, unbalance, judging, and spreading lies (hoaxes).<sup>16</sup> Even though Tirto.id never knew and never confirmed about Livi Zheng’s family business. The Press Council took this case seriously and decided that Tirto. id was guilty of violating the Journalistic Code of Ethics, Articles 1 and 3 for presenting false news, not testing information, being unbalanced and judgmental, As an institution bound by Law No. 40 of 1999 concerning the Press. The Press Council was given the authority to resolve journalistic disputes. Tirto. id accepted the Press Council’s assessment and apologized to Livi Zheng and the public.

Regarding the news about Tirto. id, which is considered defamatory and inaccurate in its reporting. Tirto. id uses sentences that the Press Council assesses as judgmental, and there is not enough confirmation.<sup>17</sup> Under the Minutes of Settlement Number 74/ Risalah-DP/ IX /2019 issued by the Press Council.<sup>18</sup>

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<sup>14</sup> Andi Fadli, *Etika dan Tanggung Jawab Jurnalis (Studi Pemberitaan Hoax Melalui Media Online di Kota Makassar, Jurnalisa*, 04. 2, (2018): 184.

<sup>15</sup> Sukardi. W.A, *Kajian Tuntas 350 Tanya Jawab UUU Pers dan Kode Etik Jurnalistik* (Jakarta : Dewan Pers Indonesia, 2011), 222.

<sup>16</sup> Ibnu Hariyanto, *Terima Aduan Livi Zheng, Begini Putusan Dewan Pers Terhadap 3 Media* (Internet) Available from <https://news.detik.com/berita/d-4699150/terima-aduan-livi-zheng-begini-putusandewan-pers-terhadap-3-media>; Accessed May 6, 2020.

<sup>17</sup> Syafil Alam, *Tirto Ungkapkan Permintaan Maaf pada Livi Zheng dan Masyarakat* (Internet) Available from <https://rri.co.id/nasional/723884/tirto-ungkapkan-permintaan-maaf-pada-livi-zheng-dan-masyarakat>; Accessed May 6, 2020.

<sup>18</sup> Restu Diantina Putri, *Bukan kepada Livi Zheng, Kita Patut Angkat Topi Kepada Publisistanya* (Internet) Available from <https://mmc.tirto.id/image/2019/09/14/risalah-dewan-pers-antara-tirto-dan-livi-zheng-tirto.id.jpg>; Accessed May 6, 2020.

Whether or not there are complaints related to hoax news, the Press Council will continuously warn the press community about it to work based on the Journalistic Code of Ethics. The public, including public officials who feel aggrieved by press media coverage, including hoax news, can complain to the Press Council. Then the Press Council will follow up on the complaint based on the Procedure for Complaints to the Press Council In the Press Council Regulation Number: 03/ Regulation-DP/ VII/ 2013 concerning the Procedure for Complaints to the Press Council, matters include journalistic works that can be filed, handling complaints. , decision making, and implementation of decisions of the Press Council. The Procedure for Complaints to the Press Council is based on Regulation of the Press Council Number: 03/ Regulation-DP/ VII/ 2013 concerning Procedure for Complaints to the Press Council in Article 11 paragraph (2), which reads: "The Press Council can resolve complaints through mechanisms: correspondence, mediation and or adjudication." Paragraph (3) reads: "The mediation's results of the parties are contained in the Resolution of Complaints and signed by the parties." It is often called the Minutes of Complaint Resolution or Minutes. Paragraph (5) reads: "If the mediation does not reach an agreement, the Press Council will issue a Statement of Assessment and Recommendation. Paragraph (6) reads: "The Statement of Assessment and Recommendations shall be determined through a Plenary Meeting and submitted to the complainants and defendants and announced publicly." Therefore, the Declaration of Assessment and Recommendation is final and binding for the parties.<sup>19</sup>

The Press Council consistently enforces Law Number 40 of 1999 concerning the Press and Journalistic Code of Ethics. In Article 7 paragraph (2) of Law Number 40 the Year 1999 concerning the Press, it is stated that "Journalists have and obey the Journalistic Code of Ethics." Meanwhile, Article 4 of the Journalistic Code of Ethics states: "Indonesian journalists do not make false, slanderous, sadistic and obscene news." Interpretation of "lying means something that has been known beforehand by journalists as things that are not under the facts that happened." The Press Council has been working with the Ministry of Communication and Information of the Republic of Indonesia and the Indonesian National Police to warn the public regarding hoax news spreading in the community. These two institutions usually stamp the hoaxes of news spread in society. The Ministry of Communication and Information Technology of the Republic of Indonesia usually releases several hoax news spread in the community regarding some instances. Also, the Press Council will follow up on any public complaints related to hoax news in the press media. Under the authority given by Law Number 40 of 1999 concerning the Press, the Press Council will handle hoax news and other news in the press media, while other media are not under the Press Council's authority.

Based on Article 12 of Law Number 40, the Year 1999, all news published/uploaded/broadcast in a press media is responsible for the person in charge of the media concerning the Press. It is necessary to note that the Journalistic Code of Ethics states, "That the Press Council carries out the final assessment of violations of the Journalistic Code of Ethics." Meanwhile, "Sanctions for violations of the Journalism Code of Ethics are carried out by journalist organizations and/or press companies." Suppose a journalist commits a fatal violation of the Journalistic Code of Ethics in reporting and has been repeatedly committed. In that case, the Press Council can provide recommendations to the press company that oversees the journalist. For example, the journalist is directed to take the competency test if he has not taken the competency test. Operate first before having a competency certificate if a person is testing an agency where the journalist takes the competency test to consider reviewing and even revoking the journalist's certificate.<sup>20</sup>

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<sup>19</sup> Results of Interviews with Press Council Experts Mr. Herutjahjo S. On Friday, 15 May 2020 at 12:00 WIB.

<sup>20</sup> *Ibid.*

## 2. Obstacles Experienced by the Press Council on Hoaxes Conducted by Journalists Based on Law Number 40 the Year 1999 Concerning the PressLegal Protection for Domestic Workers Experiencing Domestic Violence in Banyumas Regency.

The high number of journalistic complaints to the Press Council shows the number of violations committed by the media and many parties who feel disadvantaged because of hoax reporting. Data on the results of solving journalistic problems related to hoax reporting in the Press Council shows that most of the cases handled by the Press Council ended with the conclusion that there had been a violation of the Journalistic Code of Ethics by the media or journalists.<sup>21</sup> In other words, the Press Council's obstacles from data on solving journalistic problems related to hoax reporting in the Press Council, which is the starting point, can be said that the level of violations of the Journalistic Code of Ethics is still high. The level of obedience of the Indonesian Press to the journalistic code of ethics is still low.

One explanation of the high number of violations of the Journalistic Code of Ethics is a significant problem in the Indonesian Press recently, namely weaknesses in verification due to the media's excessive orientation towards the speed in conveying information. In other words, the trend of hit-and-run journalism causes the Press to ignore the aspects of completeness and feasibility of the news. The Press is expected to help positively image the Government. However, the Press in the democratic era is also required to balance information. There is positive information as well as criticism. Currently, many new presses are appearing that are not prepared to manage press companies. Apart from that, the Press that has emerged recently has been filled with capital owners' interests.<sup>22</sup>

## IV. Conclusions

Maximizing the Press Council's role to supervise the implementation of the Journalistic Code of Ethics under the provisions of Article 15 paragraph (2) letter c of Law Number 40 of 1999 concerning the Press is an effort to hold the Press accountable for all news to the public. The Press Council's role, which already has a reference to the Journalistic Code of Ethics, can be used as a reference for professional values. The Press Council also receives and examines complaints about suspected violations of the Journalistic Code of Ethics from all parties. It resolves complaints against suspected violations of the Journalistic Code of Ethics through the right of reply mechanism, or Statement of Assessment and Recommendations (PPR). Then carry out education, training, and socialization related to the Journalistic Code of Ethics.

The obstacles experienced by the Press Council from data on solving journalistic problems related to hoax reporting in the Press Council can be said that the level of violations of the Journalistic Code of Ethics is still high, and the level of compliance of the Indonesian Press with the journalistic code of ethics is still low. One explanation of the high number of violations of the Journalistic Code of Ethics is a weakness in verification due to the media's excessive orientation towards the speed in conveying information. The Press ignores the completeness and feasibility of the news. Much new Press has emerged, which are not accompanied by a readiness to manage a press company. Apart from that, the Press that has emerged recently has been filled with capital owners' interests.

## V. Suggestion

The large flow of information as a result of the development of digital communication technology is a necessity that must be accepted by all modern societies today –likewise, the amount of hoax information as a result of these developments. However, in this case, cyber media is still the primary source used to measure the information's validity. Therefore, cyber media is expected to maintain its position by promoting news based on shared values and public trust. Every press media company should require journalists or journalist certification to

<sup>21</sup> Jamalul Insan, *Dewan Pers: Tidak Akurat, Kode Etik Paling Sering Dilanggar Jurnalis* (Internet) Available from <https://www.amsi.or.id/dewan-pers-tidak-akurat-kode-etik-paling-sering-dilang garjurnalis/>; Accessed May 6, 2020.

<sup>22</sup> Beki Nugroho, *Masih Banyak Kendala Tingkatkan Mutu Pers* (Internet) Available from <https://dewanpers.or.id/berita/detail/466/Masih-Banyak-Kendala-Tingkat kan-Mutu-Pers>; Accessed May 7, 2020.

admit journalists in their media. Through this program, the capacity and level of journalists' understanding of the values and the Journalistic Code of Ethics can be measured. Besides, formal training and regular discussions need to be improved internally in the media or press companies.

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