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Juridical Review of Journalist Who Were Victims of Violence by Unknown Persons During the Coverage of Demonstrations

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Abstract: Security and legal protection for journalists, as a profession that plays an important role in conveying information to the public, is a crucial aspect that requires serious attention. The phenomenon of violence against journalists who are victims while covering demonstrations is increasingly occurring, both at the global level and in Indonesia. Diverse public perceptions of demonstrations often put journalists in vulnerable positions, where they are perceived as a threat by certain parties. Violence committed by unknown persons is a serious challenge because perpetrators are often difficult to identify or identify. This situation is further complicated when the perpetrators destroy evidence that can be used to reveal their identities. This study aims to find out the legal arrangements and protection for journalists who are victims of acts of physical and psychological violence by unknown perpetrators. The approach used is normative juridical, utilizing case analysis, historical approaches, and legal sociology, as well as literature reviews from reliable sources. The findings of the study show that legal protection for journalists in cases of violence during reporting on demonstrations is still not optimal. Weaknesses in existing legal arrangements are significant challenges that need to be addressed immediately to ensure the security and protection of the rights of journalists in carrying out their duties.

Keyword: Legal Protection, Journalist, Violence.

INTRODUCTION

The press serves as the eyes and ears of the public and is considered the fourth pillar of democracy because it serves as a tool for information transparency. When the Law of the Republic of Indonesia Number 40 of 1999 concerning the Press was issued, the Indonesian press had independence. It states that journalists are given legal protection to seek, obtain, and disseminate ideas and information. However, even though two decades have passed, journalistic

work is still often hindered. During their duties, press personnel still face various obstacles and difficulties, including physical violence, intimidation, and threats.

In various countries, especially in Indonesia, journalists are often victims of physical and psychological violence. Public perceptions of demonstrations are often mixed, and some parties may perceive Journalists as enemies or threats. This can have an impact on freedom of opinion and freedom of the press, which are the basic principles of democracy.

Based on data obtained from the Alliance of Independent Journalists, 2023. There were 89 (eighty-nine) cases of attacks on the Indonesian Press in 2023, which is the highest number in a decade. Violence experienced by journalists while reporting is a serious violation of human rights, especially press freedom guaranteed by Article 28F of the Constitution of the Republic of Indonesia of 1945 and Law Number 40 of 1999 concerning the Press. This act that threatens the safety of individual journalists hampers the control function of social media in overseeing the course of democracy.

Legally, these acts of violence can be classified as criminal acts according to the Criminal Code (KUHP) and other laws, such as Law Number 12 of 2022 concerning Violent Crimes. If we look at Law No. 40 of 1999 on the Press as the most relevant basis, we will see that this law explicitly protects media freedom and grants special rights to journalists to do their work. Article 8 of the Press Law states that journalists receive legal protection while carrying out their profession. These protections include acts of violence against journalists, especially when they cover demonstrations.

Looking at Article 18 paragraph (1) of the Press Law, it mentions criminal threats and fines for anyone who deliberately obstructs or obstructs the work of the press. This approach through a special law strengthens the focus of juridical reviews of journalists who are victims of violence. A very prominent legal issue here leads to the ambiguity of the implementation of legal protection for journalists as regulated in the Press Law itself.

Although both articles explicitly guarantee legal protection, there is no clear enforcement mechanism when the perpetrator of violence cannot be identified or apprehended. This creates a legal loophole because the enforcement of press protection often relies on general handling by law enforcement officials, who tend to refer to the Criminal Code. On the other hand, the definition of "legal protection" in the Press Law is also not detailed, so its implementation in the location only depends on the interpretation of law enforcement officials, who sometimes do not care about the situation of journalists.

This legal ambiguity is compounded by the lack of derivative regulations or specific protocols that govern the protection of journalists when covering high-risk events, such as demonstrations. The legal issue lies in the lack of legal certainty in implementing the rights of protection of journalists, especially in situations where the perpetrators of violence are unknown. This problem not only has implications for individual journalists, but also on the function of the press as the fourth pillar of democracy. When journalists are intimidated or attacked, information that should be the right of the public can be hampered or even distorted.

In addition, unidentifiable perpetrators of violence often take advantage of legal loopholes to avoid accountability, resulting in impunity for perpetrators of violence against the press. This emphasizes the need to evaluate the effectiveness of existing regulations and consistent application of the law.

A juridical approach in this context is important to analyze how the applicable law can or should guarantee the protection of journalists from all forms of threats, especially in situations involving unknown persons. This study also aims to identify obstacles in the implementation of legal protection and find solutions that can strengthen efforts to protect journalists in the field. Thus, the issue of violence against journalists is not only a matter of criminality, but also a problem of legal governance and respect for press freedom in a democratic system.

METHOD

The author uses a normative juridical research method that utilizes case analysis, historical approaches, and legal sociology. This research method focuses on the development and analysis of norms, principles, ethics, and rules that govern a certain field or issue. (Jonaedi & Efendi, 2018) said that normative juridical research is also referred to as doctrinal law research. The data used is secondary data consisting of primary, secondary and tertiary legal materials that are relevant to the object of research. Secondary data collection is carried out through literature studies by observing references from laws and regulations, book literature, articles, legal dictionaries, encyclopedias and other credible reliable sources.

Therefore, the authors do not do any fieldwork directly, but use the data obtained from literature studies to support the writing of this journal. Because the author considers the data to be considered scientific and accountable, the author uses a search engine (Search Engine). Next, the author will analyze the data that has been obtained to show the author's thoughts and arguments about the problem being researched, which will later be included in the discussion section. The author hopes that this article can be a source of reference for academics who have the same background as the author as well as share knowledge about journalists who are victims of violence committed by unknown people during the coverage of demonstrations.

RESULTS AND DISCUSSION

Journalism is the work of conveying messages or news to others through the media, both print and electronic. People who do this work are called journalists or reporters (Haryanto, 2021). The main job of journalists is to report events by determining who, what, when, where, why, and how (5W+1H), as well as explaining the importance and impact of the event. Violence against journalists when covering demonstrations is an increasingly worrying phenomenon, both at the global level and in Indonesia. In this context, it is important to analyze the factors that contribute to the increase in violence as well as the challenges faced by journalists in carrying out their duties.

Factors Causing Violence Against Journalists

Violence against journalists is often triggered by tensions that arise during demonstrations. In many cases, Journalists are considered to be representatives of media institutions that can influence public opinion. This perception can make them targeted, especially when their reports are considered not in line with the interests of certain parties. Unstable and emotional situations during demonstrations can trigger acts of violence from individuals or groups who feel threatened by the presence of the media. In addition, another factor that contributes to this violence is the provocation from certain parties who want to distract from the issue being raised in the demonstration. In this context, journalists are often caught up in conflicts between demonstrators and security forces, where they are targeted by both physical and psychological shooting.

Research by the Committee to Protect Journalists (CPJ) in 2022 showed that Journalists covering demonstrations often face higher risks, including physical assault and arbitrary arrest, especially in countries with politically unstable situations (CPJ, 2022). According to the report, more than 50% of journalists surveyed reported that they had experienced physical violence or threats while covering demonstrations.

A striking example of a case is the attack on journalists in Indonesia during a demonstration against the Job Creation Law in 2020, where several journalists experienced physical violence and intimidation from security forces. A report from the Alliance of Independent Journalists noted that at least 10 Journalists were injured in the incident, which shows how vulnerable they are in such situations (Alliance of Independent Journalists, 2020).

Legal uncertainty and a lack of adequate protection for journalists have also exacerbated the situation, where they feel compelled to take greater risks in order to report on important

news. In many cases, the public's lack of understanding of the role of journalists and the importance of press freedom has also contributed to the escalation of violence, where journalists are often seen as the party that fuels tensions rather than as neutral observers. According to a report from Reporters Without Borders (RSF) in 2023, this situation is exacerbated by negative rhetoric against the media that is often spread by public officials, which can trigger acts of violence from the public against Journalists (RSF, 2023).

Journalists only want to fulfill their rights while working, but the violation of these rights occurs when journalists become victims of criminal acts in carrying out their journalistic duties (Richiyanti, 2021).

Preventing violence against journalists in the field must be a priority in every policy taken. In addition to developing better protection mechanisms, effective prevention strategies should include comprehensive safety training for journalists covering demonstrations. Journalists should be provided with knowledge on how to keep a safe distance from crowds or security forces, as well as how to identify and avoid potential threats. In addition, police officers also need to be trained to respect press freedom and understand the vital role of journalists in conveying information to the public without fear of violence.

Legal Protection for Journalists

Maintaining press freedom means providing legal protection to journalists. This ensures that journalists can do their work without fear of intimidation or violence. Press Law Number 40 of 1999 in Indonesia provides legal protection for journalists. However, many journalists still struggle to get adequate protection.

A report from the National Human Rights Commission (Komnas HAM) in 2023 highlights the need for reforms in the legal system to provide better protection for journalists. Komnas HAM recommends that the government increase training for law enforcement officials on the rights of journalists and the importance of press freedom in democracy (Komnas HAM, 2023).

Research Assistant at the Center for Indonesian Law and Policy Studies (PSHK), (Nurul Fazrie, 2024) said that there are a number of legal regulations that are considered to have rubber articles and hinder journalists from working. Of course, this is interesting, considering that journalists today need legal protection and not the law itself that ends up ensnaring press freedom.

Currently, journalists are not only required to comply with the Press Law and Code of Ethics, but also need to pay attention to the ITE Law, Personal Data Protection, and Permenkominfo. Due to the fact that the Press Council is supposed to be responsible for any disputes related to journalistic products, the inconsistency between some of these laws can lead to legal confusion that can prevent press freedom (Mas Raden, 2024).

Although it is known that there are several Memorandums of Understanding (MoU) that have been made, for example, on February 9, 2017, the National Police and the Press Council signed a Memorandum of Understanding regulating journalistic products that should be examined through the Press Council first before entering the legal process, but its implementation is still an effort. Several reports show that there are officials who do not understand the content of the MoU so that the case is immediately processed as a criminal act. This should be processed and examined first through the Press Council so that the Press Law itself also has a role as the main milestone of press freedom.

One solution to reduce violence and provide legal protection for journalists is to increase public education and awareness about the importance of press freedom. People who have a better understanding of the role of journalists in supporting democracy and human rights tend to value and support them more. Awareness campaigns targeting different levels of society, especially in areas prone to violence, can help create a safer and more conducive environment for journalists to carry out their duties.

Various approaches carried out through various policies such as continuous socialization both to community groups and the apparatus can increase the security of journalists. Understanding the relevant laws and how to handle problems in the field is important to provide protection for journalists. It would be good if the Press Council could have greater authority in protecting journalists, including in creating an early warning system mechanism for journalists in the field and making derivative regulations from the Press Law that regulate security standards for journalists when covering demonstrations.

Journalists' Views on Violence When Reporting on Demonstrations

Based on the perspective of legal sociology and the views of several journalists, on the one hand, he said that experiencing violence while covering demonstrations is one of the ways for journalists to increase public trust. Journalists are often underestimated and considered not daring to be in the middle of chaos to do reporting. In order to destroy this stigma, some journalists are willing to experience physical and psychological violence. Of course, this increasingly puts journalists in a dangerous position, but with the times, the term "live report" is known which makes it easier for both journalists and non-journalists to report or broadcast live. If there are journalists who experience physical or psychological violence while covering demonstrations, of course with a large number of demonstration participants, it is very impossible if some of them do not do "live reporting" either with various applications that allow this. This is related to the phenomenon of "no viral no justice", which indirectly becomes a law enforcement instrument that can be used by the public (Grecya, 2022). As it becomes easier to cover demonstrations, perpetrators of violence by unknown people against journalists can be identified and can be easily processed. In accordance with article 17 paragraph (1) of the Press Law, which stipulates that the public is allowed to take part in activities that help develop press freedom.

Technological developments have opened up many new opportunities to improve the security of journalists in covering demonstrations or other major events. The use of emergency reporting apps, personal protective devices such as body-worn cameras, and location tracking technology can help journalists protect themselves from the threat of violence. In addition, social media can also be used as a tool to monitor the situation in real-time and alert fellow journalists or related institutions if potentially dangerous things happen. The use of the right technology can be an important tool in ensuring the safety of journalists and providing additional protection in the field.

Violence against journalists during coverage of demonstrations, whether by individuals or groups, often reflects the tension between press freedom and efforts to curb information deemed detrimental to certain parties. In the context of legal sociology, this violence is not only a violation of individual journalists, but also a threat to freedom of opinion and the public's right to obtain free and undistorted information. The state, as the holder of the obligation to protect press freedom, is expected to carry out its duties by taking strict action against perpetrators of violence. Therefore, the role of journalists in fighting for the public's right to know and voice the truth is very crucial in maintaining democracy. It is important for governments and relevant agencies to step up training efforts for journalists on digital and physical safety. An understanding of the proper use of technology in hazardous situations will maximize the protection provided. In addition, the government needs to strengthen regulations related to the protection of journalists, as well as support the development of more advanced technology to ensure their safety. As part of society, we must also raise awareness of the importance of safeguarding press freedom and protecting journalists, who are not only working for their own interests, but also for the common good of building a more informative and equitable society.

CONCLUSION

Violence against journalists who are victims while covering demonstrations is a growing problem and a serious threat to press freedom in Indonesia. Although Law No. 40 of 1999 on the Press has guaranteed legal protection for journalists, the implementation of this protection still faces various obstacles, especially when the perpetrators of violence cannot be identified. The legal vacuum in the mechanism for protecting journalists causes impunity for perpetrators of violence against the press.

The main factors that cause violence against journalists in demonstrations include tensions that occur between various parties, negative perceptions of the media, and a lack of public understanding of the role of journalists. In addition, the lack of awareness and understanding of law enforcement officials about the rights of journalists often hampers efforts to enforce justice for victims of violence.

In terms of legal protection, there are various regulations that should protect journalists, such as Article 8 and Article 18 paragraph (1) of the Press Law. However, the incompatibility between various laws related to press freedom, such as the ITE Law and the Personal Data Protection Law, often makes it difficult for journalists to do their jobs. There are obstacles in the implementation of the memorandum of understanding between the National Police and the Press Council which aims to ensure that cases related to journalistic products are examined first by the Press Council before entering the legal realm.

In addition to the legal approach, technological advances and the phenomenon of "no viral no justice" have provided new opportunities in uncovering cases of violence against journalists. Live reports carried out by the community or other fellow journalists can be a tool in identifying perpetrators of violence and speeding up the legal process.

Therefore, concrete action is needed to improve legal protection for journalists. This includes improving laws, improving understanding of law enforcement officials, and increasing cooperation between the government, media, and the public. Press freedom, which is a key pillar of democracy, will continue to be threatened if there are no adequate protections. The public's right to obtain accurate information will also be threatened.

It is good that several policies can be realized as a form of concern for journalists both through educational means for the public and the apparatus. Sanctions and victim protection can be strengthened to avoid possible intimidation. Providing an AI-based complaint platform that can provide real-time reports to the Press Council to make it easier for journalists to get protection in the event of violence during demonstration coverage.

REFERENCE

- Efendi, A., & Susanti, D. O. (2021). *Ilmu Hukum Edisi Pertama*. Kencana.
- Haryanto, A. (2021). *Pengantar Jurnalistik*. Bildung.
- Ishaq, H. (2014). *Pengantar Hukum Indonesia (PHI)*. PT RajaGrafindo Persada.
- Kusumohamidjojo, B. (2016). *Teori Hukum Dilema Antara Hukum dan Kekuasaan*. YRAMA WIDYA.
- Prakoso, A. (2023). *Penalaran Hukum (Legal Reasoning)*. Laksbang Justitia.
- Wibowo Tri, K., & dkk. (2023). *Praktik Acara Pidana*. Papas Sinar Sinanti.
- Alhakim, A. (2022). Urgensi perlindungan hukum terhadap jurnalis dari risiko kriminalisasi UU Informasi dan Transaksi Elektronik di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 4(1), 89-106. <https://ejournal2.undip.ac.id/index.php/jphi/article/view/13547>
- Grecya, E. (2022). Building civic engagement through the "No Viral No Justice" phenomenon. *Journal Civic and Social Studies*, 6(1), 51-59. <https://journal.institutpendidikan.ac.id/index.php/journalcss/article/view/199>
- Richiyanti, S. (2021). Perlindungan hukum terhadap jurnalis korban tindak pidana menurut Undang-Undang Nomor 40 Tahun 1999 tentang Pers. *KODIFIKASI*, 3(2), 37-45. https://ejournal.uniks.ac.id/index.php/KODI_FIKASI/article/view/1901

- Aliansi Jurnalis Independen. (2023). 89 Kasus serangan terhadap pers Indonesia pada 2023, tertinggi dalam satu dekade. Diakses dari <https://aji.or.id/informasi/89-kasus-serangan-terhadap-pers-indonesia-pada-2023-tertinggi-dalam-satu-dekade>
- Committee to Protect Journalists. (2022). Attack on the Press: The Annual Report on Press Freedom. Diakses dari <https://cpj.org/2022/12/attacks-on-the-press-in-2022/>
- Komisi Nasional Hak Asasi Manusia. (2023). Laporan tahunan 2023 tentang kebebasan pers dan perlindungan jurnalis. Diakses dari <https://www.komnasham.go.id/index.php/laporan/2024/08/07/132/laporan-tahunan-komnas-ham-tahun-2023.html>.