



Disharmony in Law Enforcement: Repressive Actions by Officers and Weakening of the Press Law

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Submitted: 2026-05-07

Revised: 2026-08-10

Accepted: 2026-09-25

Published: 2026-09-30

Abstract:

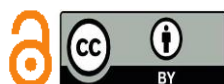
Repressive actions by law enforcement officers against the press is an issue that has persisted in Indonesia, raising serious concerns about the state of journalistic freedom in the country. Legal protections for journalists, as stipulated in the Press Law, have not provided adequate security, and the press, which embodies the sovereignty of the people, has not achieved the freedom and independence it was promised after the Reformation. This trajectory signals a broader and troubling decline in democracy. Serving as the eyes, ears, and voice of the people, the press faces mounting pressure in carrying out its journalistic work, a pressure made worse by the numerous cases of violence originating from the police, the very pillar of law enforcement. Therefore, this study examines applicable laws and regulations on the issue, using a normative juridical approach. Addressing the disharmony between police duties and press rights requires a shared perception of the Press Law. This study makes three recommendations. First, Article 8 of the Press Law should be amended. Second, the Indonesian National Police should issue a regulation of the Chief of the Indonesian National Police governing the authority of police officers in relation to journalistic activities. Third, the Press Council should take an active role in advocating for journalists whose press freedom is restricted.

Keywords:

human rights; press freedom; and repressive actions.

Cite:

Achmad, Fajar Bahrudin, and Riris Ardhanariswari. "Disharmony in Law Enforcement: Repressive Actions by Officers and Weakening of the Press Law" *Jurnal Dinamika Hukum* 26, no. 3 (2026): 325-339, <https://doi.org/10.20884/1.jdh.2026.26.3.20473>.



DOI: 10.20884/1.jdh.2026.26.3.20473.

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Introduction

Repressive actions by law enforcement officers against journalists pose a serious threat to press freedom, which the Press Law of 1999 guarantees. According to Jimly Asshiddiqie, "Press Freedom" is the right of the press to seek, obtain, and convey ideas and information, including protection against censorship and press bans.¹ The constitutional basis for press freedom is Article 28F of the 1945 Constitution of the Republic of Indonesia, which provides that everyone has the right to communicate and obtain information for the development of their personal and social environment, as well as the right to seek, obtain, possess, store, process, and convey information through any available channel. However, the regulation has not yet fully guaranteed the press's independence and freedom from threats of violence, repressive actions, and intimidation. Efforts to stifle press freedom have continued across various regions, posing a serious threat to Indonesian democracy. The most pressing of these threats is the violence and repressive actions carried out by law enforcement officers, particularly the police. Many journalists have experienced these repressive actions while covering

¹ Jimly Asshiddiqie, *Menuju Negara Hukum Yang Demokratis* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2008), 671.

demonstrations and other events, ranging from physical violence and confiscation of work equipment to coercion to delete journalistic photographs, directly contradicting Article 8 of the Press Law, which guarantees journalists legal protection in the exercise of their profession. Although the specific form of protection is not explicitly defined, journalists are entitled to protection against violence, confiscation or seizure of work equipment, and harassment and intimidation.² In a democratic state, the press is an institution that must be protected because it plays a vital role as a public watchdog and a voice for the public.³

The scale of violence and repressive actions committed by law enforcement officers against the press is considerable and continues to further weaken the Press Law. Data from the Alliance of Independent Journalists (*Aliansi Jurnalis Indonesia - AJI*) in Indonesia recorded 89 cases of various forms of violence against journalists in 2025, with police officers identified as the most frequent perpetrators, accounting for 21 cases, followed by military personnel with 6 cases and unknown perpetrators with 29 cases. Beyond physical violence, other documented forms of attacks included prohibitions on reporting, destruction of work equipment, and deletion of journalistic data.⁴ Corroborating these figures, data from the Legal Aid Institute for the Press (*Lembaga Bantuan Hukum Pers - LBH Pers*) recorded 96 cases of attacks against the press in the same year, of which 23 cases allegedly implicated police officers, 13 implicated public officials or their aides, and 4 implicated elements of the military.⁵

The repressive actions referred to here are efforts by law enforcement authorities to obstruct journalistic activities. The AJI Indonesia defines intimidation, confiscation of journalistic equipment, and physical violence perpetrated by law enforcement authorities as forms of abuse of power and a failure to understand the principle of press freedom.⁶ Such incidents frequently occur when journalists are covering alleged violence during demonstrations, in which case journalists may themselves become targets of physical violence by law enforcement officers.⁷ From a normative perspective, repressive actions carried out by law enforcement officers against journalists are inconsistent with the Press Law and the Constitution. As stipulated in Article 28F of the 1945 Constitution, every individual has the right to communicate and obtain information to develop their personal and social environment, and to seek, obtain, possess, store, process, and convey information using all available channels. Repressive actions by law enforcement officers undermine the effectiveness of the Press Law. Such actions weaken the press's role in exercising its social control function, particularly in reporting and disseminating information about government activities to the public honestly and objectively.⁸

² Mohammad Ahsan Habibie and Tomy Michael, "Ketimpangan Pena Jurnalis Atas Kriminalisasi Kemerdekaan Dan Kebebasan Pers," *Journal Evidence Of Law* 4, no. 1 (2025): 239–49, <https://doi.org/10.59066/jel.v4i1.1078>.

³ Katie Pentney, "Tinker, Tailor, Twitter, Lie: Government Disinformation and Freedom of Expression in a Post-Truth Era," *Human Rights Law Review* 22, no. 2 (2022): 1–29, <https://doi.org/10.1093/hrlr/ngaco09>.

⁴ AJI Indonesia, *Catatan Tahun 2025: Pers Dalam Pusaran Otoritarian* (AJI Indonesia, 2025), 8.

⁵ Mustafa Layong et al., *Annual Report LBH Pers 2025: Bayang-Bayang Kuasa Di Balik Teror Tak Terurai* (LBH Pers, 2025), 5.

⁶ AJI Indonesia, *Catatan Tahun 2025: Pers Dalam Pusaran Otoritarian*, 11.

⁷ Neira Priyanka Suci et al., "Kekerasan Negara Terhadap Rakyat: Tinjauan HAM Dalam Penanganan Aksi Demonstrasi," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 4, no. 1 (2025): 12–24, <https://doi.org/10.37631/jrkhm.v4i1.80>.

⁸ Irman Syahriar, *Hukum Pers: Telaah Teoritis Atas Kependidikan Hukum Dan Kemerdekaan Pers Di Indonesia* (Yogyakarta: LaksBang Pressindo, 2015), 42.

As law enforcement officers, the police should understand that the Press Law is *lex specialis* and includes criminal provisions for those who obstruct journalistic work. In practice, however, the police are most frequently responsible for repressive actions taken against the press in the course of their duties. This reflects a troubling disharmony with the police's function as outlined in Article 13, letter c, of the Police Law of 2002, which mandates that the police provide protection, shelter, and service to the public. Legal protection for journalists, as guaranteed under Article 8 of the Press Law, should rightfully fall within the scope of the police's role and duty, but repressive actions against journalists persist. These actions directly contradict two core principles of policing: the duty to be present in the community and provide protection, shelter, and services, and the duty to enforce the law and safeguard state governance.⁹ Accordingly, this study examines the normative framework governing press freedom and relates it to repressive actions by law enforcement officers. It argues that a disharmony remains between the functions of the police and the legal guarantees of protection afforded to journalists under the Press Law.

Several previous studies relevant to this topic are as follows. First, a study by Manasa, Madiung, and Nur found that violence against journalists stems from attempts by certain parties to obstruct journalistic activities. The study concluded that the protection of journalists and the resolution of cases of violence against journalists have not been effective due to the lack of professionalism among police officers.¹⁰ However, the study did not provide concrete recommendations for addressing violence against journalists. The study's novelty lies in its proposal to reconstruct the legal framework for protecting journalists to harmonize the Press Law, the Regulation of the Chief of the Indonesian National Police, and Press Council regulations. Second, Khairunnisa and Kabir state that acts of violence by police officers against journalists constitute violations of international law, as provided under the International Covenant on Civil and Political Rights (ICCPR). Such violence may be understood as acts attributable to the state; therefore, the state must bear responsibility.¹¹ However, the study does not explain the impacts and legal implications of acts of violence committed by police officers against journalists. In contrast, this study's novelty lies in its examination of police functions and its recommendation to issue regulations governing police authority in relation to journalistic activities. Third, Wiratraman identifies efforts to weaken the Press Law in the digital sphere amid the growing influence of authoritarian power politics. The actors involved include police officers who abuse their authority through cyber patrols.¹² However, the study does not provide a concrete solution for regulating police authority in relation to press freedom. As a point of distinction, the novelty of the present study lies in its proposal for regulations that clearly establish that attempts to obstruct journalistic activities violate applicable laws and regulations.

⁹ Sadjijono, *Fungsi Kepolisian Dalam Pelaksanaan Good Governance* (Sleman: LaksBang Yogyakarta, 2005), 159.

¹⁰ Anggristiyani Meilinda Manasa, Baso Madiung, and Mustawa Nur, "Perlindungan Hukum Terhadap Wartawan Yang Menjadi Korban Kekerasan Dalam Menjalankan Tugas Meliput Berita," *Indonesian Journal of Legality of Law* 5, no. 2 (2023): 376–83, <https://doi.org/10.35965/ijlf.v5i2.2610>.

¹¹ Alya Khairunnisa and Syahrul Fauzul Kabir, "Tanggung Jawab Negara Atas Kekerasan Aparat Kepolisian Terhadap Wartawan Berdasarkan Hukum Internasional," *Bandung Conference Series: Law Studies* 6, no. 1 (2026): 529–38, <https://doi.org/10.29313/bcsls.v6i1.21900>.

¹² Herlambang P Wiratraman, "Kebebasan Pers, Hukum, Dan Politik Otoritarianisme Digital," *Undang: Jurnal Hukum* 6, no. 1 (2023): 1–31, <https://doi.org/10.22437/ujh.6.1.1-31>.

This study contributes to the discourse on press freedom and the legal protection of journalists by proposing a legal reconstruction framework to address the gap between normative guarantees and the realities journalists face in practice. The study highlights the importance of harmonizing press law, law enforcement regulations, and institutional mechanisms to effectively protect journalistic activities. Based on the background above, this study formulates the following questions: First, what is the concept of press freedom as a matter of people's sovereignty? Second, what are the repressive actions of the authorities and the weakening of the Press Law? Third, how can the legal framework for protecting journalists from repressive actions by law enforcement officers be strengthened?

Method

This study aims to formulate a legal framework to protect journalists by harmonizing the Press Law with the responsibilities of the Indonesian National Police and the role of the Press Council. The research method employed is normative juridical research, focusing on examining law as a set of norms contained in legislation relevant to the legal protection of journalists. Two approaches are applied. First, the *statute approach* is used to analyze relevant legislation and regulations. Second, the *conceptual approach* analyzes the concept of press freedom. The legal materials used in this study consist of primary and secondary legal materials. The primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Press Law, the Indonesian National Police Law, and Constitutional Court Decision Number 145/PUU-XXIII/2025. The secondary legal materials include the annual report entitled *Catatan Tahun 2025: Pers dalam Pusaran Otoritarian*, published by AJI Indonesia, and the annual report entitled *Annual Report LBH Pers 2025: Bayang-Bayang Kuasa di Balik Teror Tak Terurai*, published by LBH Pers. Both reports present an overview of the state of press freedom in Indonesia during 2025.

The legal materials were collected through library research by inventorying, identifying, classifying, and examining legal materials relevant to the study. The legal materials were then analyzed using a dogmatic-prescriptive method, namely by interpreting and evaluating the applicable legal norms to determine the consistency between the regulation of journalist protection under the Press Law and the functions of law enforcement officers, particularly the police, under the Indonesian National Police Law. The legal materials were then examined using a systematic interpretation technique, in which a legal provision is interpreted by considering its relationship with other relevant legal provisions. The provisions examined include Article 28F of the 1945 Constitution of the Republic of Indonesia, Articles 4 and 8 of the Press Law, the Indonesian National Police Law, and Constitutional Court Decision No. 145/PUU-XXIII/2025.

Discussion

1. Press Freedom: A Manifestation of People's Sovereignty

The high number of cases of violence against journalists indicates serious concerns about the state of democracy in Indonesia. In 2025, the *Aliansi Jurnalis Indonesia (AJI)* recorded 89 cases, while the *LBH Pers* documented 96 cases of violence. These findings indicate that journalists continue to face significant obstacles in carrying out their journalistic duties, including violence, intimidation, and other forms of repression. These conditions contradict the constitutional mandate of Article 28F of the 1945 Constitution of the Republic of Indonesia, which provides the constitutional basis for press freedom by protecting journalists' rights to seek, obtain, possess, store, process, and convey information through available channels. Press freedom should have been fully realized after the enactment of the Press Law during the Reform Era, when the expression of ideas and opinions was no longer subject to censorship, bans, or prohibitions on publication or broadcasting.¹³ The legislation was enacted to lay the foundation for democracy, protect press freedom, abolish the censorship system, establish an independent Press Council, and recognize journalists' rights, including the right to refuse and the right to reply.¹⁴

Article 4 of the Press Law clearly states that: paragraph (1) freedom of the press is a basic right of every citizen; paragraph (2) the press is not subject to censorship or broadcasting bans; paragraph (3) the press has the right to seek, obtain, and disseminate ideas and information; and paragraph (4) journalists have the right to refuse to be held accountable for reporting before the law. Despite these provisions, such laws and regulations have not proven strong enough, and many journalists still face criminalization or intimidation for bold or sensitive coverage.¹⁵ This is particularly paradoxical given that press freedom is a foundational principle of any democratic state, with the press holding a strategic position as a benchmark for democracy, serving simultaneously as a transmitter of information, a means of education, and a tool of social control.¹⁶ Therefore, the state must urgently protect the press, as it plays a central role in building a democratic society, nation, and state.¹⁷ In practice, the Press Law has not yet provided adequate legal protection because law enforcement authorities have not acted effectively to protect the press.¹⁸

Attempts to obstruct journalistic activities violate human rights, as the views conveyed by the press represent the collective expression of many people rather than the opinion of an individual.¹⁹ Legal protection for journalists is, in essence, an effort to safeguard democracy by ensuring that the news reaching the public remains objective and accurate and is protected

¹³ Untung Sumarwan and Lita Tyesta Addy Listya Wardhani, "Perwujudan Nilai-Nilai Pancasila Dalam Kebebasan Pers Pasca Reformasi Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 5, no. 3 (2023): 484–509, <https://doi.org/10.14710/jphi.v5i3.484-509>.

¹⁴ Tenang Haryanto, Syarafina Dyah Amalia, and Manunggal Kusuma Wardaya, "Digital Journalism and Press Freedom: The Relevance of the Press Law in the Era of Social Media Platforms," *Rechtenstudent Journal* 6, no. 1 (2025): 20–33, <https://doi.org/10.35719/rch.v6i1.351>.

¹⁵ Rineke Sara et al., "Pembaharuan Hukum Perlindungan Jurnalistik Dalam Rangka Kebebasan Pers Berdasarkan Nilai Keadilan," *Jurnal Retentum* 5, no. 2 (2025): 487–98, <https://doi.org/10.46930/retentum.v7i1.5388>.

¹⁶ Syafriadi, *Demokrasi Dan Kebebasan Pers* (Jakarta: Bina Karya, 2023), 28.

¹⁷ Abdul Fatah, *Hukum Pers Indonesia* (Malang: Setara Press, 2019), 9.

¹⁸ Tegar Kusuma Putra and Soediro, "Perlindungan Hukum Terhadap Jurnalis Dalam Mewujudkan Independensi Pers Di Indonesia," *Journal Presumption of Law* 7, no. 1 (2025): 48–58, <https://doi.org/10.31949/jpl.v7i1.12567>.

¹⁹ Syahriar, *Hukum Pers: Telaah Teoritis Atas Kepastian Hukum Dan Kemerdekaan Pers Di Indonesia*, 103.

from disinformation.²⁰ In terms of legal legitimacy, the Press Law regulates press freedom as a *lex specialis*. This guarantee is further reinforced by its recognition under the Human Rights Law of 1999 and the Universal Declaration of Human Rights (UDHR). Incorporating human rights principles into journalistic activities is intended to ensure that freedom of expression remains protected without discriminatory or excessive restrictions.²¹ Article 19 of the UDHR provides that everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. Accordingly, any action that threatens press freedom may violate human rights, including when the state commits it.²²

According to Jimly Asshiddiqie, the national press is an important factor in promoting good governance. The national press does not merely serve as a bridge for disseminating government programs and policies; it also plays an important role in monitoring and exercising oversight over government administration through its *watchdog* function. It exercises this oversight by producing critical, objective journalism and disseminating it to the public.²³ However, the press's watchdog function often places journalists in vulnerable positions, exposing them to pressure and repressive treatment. For example, when a demonstration becomes disorderly, journalists' efforts to report objectively may often be met with pressure or interference. Martha Minow, a legal scholar at Harvard University, argues that press freedom should not be understood merely as freedom of speech; rather, appropriate government intervention and regulation are necessary to ensure that press freedom can be effectively realized.²⁴ Therefore, as long as government or state authorities continue to restrict or suppress the press, press freedom cannot be fully realized.

The continued occurrence of repressive actions against journalists may be understood as a strong indication that political rights and civil liberties are under threat, reflecting a potential decline in democracy. Efforts to silence the press through censorship or violence are characteristic of anti-democratic practices.²⁵ If left unaddressed, such practices may reduce the quality of democracy and bring the political system closer to autocratic and authoritarian forms of governance. Therefore, according to Mahfud MD, the quality of democracy in a country is largely determined by the quality of law enforcement and its implementation.²⁶ In this context, the protection of press freedom, as guaranteed by the Constitution and statutory regulations, should not remain merely a formal commitment. Instead, it must be effectively implemented, particularly by the police as law enforcement authorities whose actions directly affect the exercise of press freedom in the field.

²⁰ Ricki-lee Gerbrandt, "Threatening & Protecting Press Publishers and Journalism in the UK's Regulation of Social Media Platforms," *Journal of Media Law* 17, no. 1 (2025): 68–102, <https://doi.org/10.1080/17577632.2024.2445897>.

²¹ Ayu Nurhaliza Tasimia and Asep Suherman, "Kebebasan Berpendapat Dan Berekspresi Di Era Digital: Perspektif HAM," *Jurnal Hukum POSITUM* 10, no. 1 (2025): 63–79, <https://doi.org/10.35706/positum.v10i1.12307>.

²² Roshita Anggun Trisnaningrum and Adhitya Widya Kartika, "Perlindungan Hukum Bagi Pers Dalam Melaksanakan Kebebasan Pers Di Indonesia Dan Australia," *Jurnal Hukum & Pembangunan* 54, no. 2 (2024): 357–90, <https://doi.org/10.21143/jhp.vol54.no2.1593>.

²³ Asshiddiqie, *Menuju Negara Hukum Yang Demokratis*, 669.

²⁴ Alan Z Rozenshtein, "Saving the News: Why the Constitution Calls for Government Action to Preserve Freedom of Speech," *International Journal of Constitutional Law* 21, no. 4 (2023): 1240–44, <https://doi.org/10.1093/icon/moad101>.

²⁵ M Fajar Shodiq Ramadlan, "Kemunduran Demokrasi Dan Kebebasan Pers Di Asia Tenggara: Refleksi Dari Enam Negara," *Jurnal Penelitian Politik* 18, no. 2 (2021): 141–57, <https://doi.org/10.14203/jpp.v18i2.1028>.

²⁶ Eko Nursetiawan and Riris Ardhanariswari, "Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law," *Jambe Law Journal* 5, no. 2 (2022): 251–70, <https://doi.org/10.22437/jlj.5.2.251-270>.

The Constitutional Court Decision Number 145/PUU-XXIII/2025 on the judicial review of Article 8 of the Press Law brought fresh hope for journalists and the national press. The Constitutional Court affirmed that legal protection for the press, as stipulated in Article 8 of the Press Law, already provides legal certainty; on this basis, the article, "In carrying out their profession, journalists receive legal protection", was left unamended. The Court interpreted "legal protection" as being inherently attached to journalists when carrying out journalistic work. As long as journalists perform their duties in accordance with the principles of professionalism and the journalistic code of ethics, they should not be readily subjected to criminal sanctions or civil lawsuits. The reason for not amending the provision's wording is that legal protection for journalists is both substantive and procedural in nature and therefore cannot be interpreted as a legal norm granting immunity from liability. Unfortunately, the Constitutional Court's decision focuses more on protection against criminal complaints and civil lawsuits against journalists. The Court overlooked the principal basis of the petition for judicial review, which sought to provide legal protection for journalists beyond litigation, particularly against threats of violence, intimidation, and repressive actions frequently carried out by police officers. The current problem is that law enforcement authorities continue to disregard the legal protection afforded to journalists under the Press Law, which constitutes *lex specialis*. Regardless, the Press Law, intended to protect journalists in carrying out their work, has in practice become a loophole, contributing to increased security threats against the press.²⁷

2. Repressive Actions by Officers and Weakening of the Press Law

Threats to press freedom are persistent, with recorded cases of violence increasing each year and showing no signs of decline. AJI Indonesia documented 89 cases of violence against journalists between January 1 and December 31, 2025. Three categories of attacks were predominant: physical violence, with 30 cases; digital attacks, with 29 cases; and terror and intimidation, with 22 cases. The forms of violence included restrictions on journalistic coverage, damage to work equipment, deletion of journalistic data, vexatious legal proceedings, and self-censorship resulting from external pressure. Police officers were identified as the most frequently reported perpetrators, accounting for 21 cases, followed by military personnel with 6 cases and unknown perpetrators with 29 cases.²⁸ Supporting this, data from LBH Pers recorded 96 attacks on the press in the same year, of which 23 cases allegedly implicated police officers, 13 implicated public officials or their aides, and 4 implicated military elements.²⁹

The high number of cases of violence, repressive actions, and intimidation against the press represents a grave threat to journalistic freedom in Indonesia, with officers who should serve as protectors frequently being the primary actors of repression, further undermining the Press Law. From a sociological perspective, repressive actions are a social control mechanism applied after a violation or deviation from prevailing societal norms, typically carried out

²⁷ Safira Azarine Luthfiyah Soeprianto and Mauridah Isnawati, "Perlindungan Hukum Terhadap Wartawan Sebagai Korban Kekerasan," *Justiciabelen: Jurnal Hukum* Volume 4, no. 2 (2022): 50–63, <https://doi.org/10.30587/justiciabelen.v4i2.3567>.

²⁸ AJI Indonesia, *Catatan Tahun 2025: Pers Dalam Pusaran Otoritarian*, 8.

²⁹ Layong et al., *Annual Report LBH Pers 2025: Bayang-Bayang Kuasa Di Balik Teror Tak Terurai*, 5.

through force or coercion to stop such deviation.³⁰ However, journalistic activities do not constitute violations or misconduct; rather, they are an exercise of the right to freedom of expression and the citizens' right to access information and news. On this basis, journalists are entitled to a higher degree of legal protection against attempts to suppress their work and prohibit them from covering demonstrations.³¹ Any attempt to suppress journalistic activity therefore weakens the legal protection afforded to the press. Police officers must recognize journalists' position as part of the government, and this reflects good governance, given that the police function as a state instrument mandated to maintain public order and security, with a duty to protect, serve, and enforce the law.³²

Police repressive actions against the press are generally carried out through coercion, directly contradicting the principle of press freedom enshrined in Article 8 of the Press Law, which clearly states that journalists are legally protected in the exercise of their profession. The legal protection referred to in this article should constitute a core duty and responsibility of the police, ensuring the press can carry out its work without fear, consistent with the police's function as stipulated in Article 13(c) of the National Police Law, which mandates the provision of protection, guidance, and service to the public. The relationship between these two laws is clear: the press is guaranteed legal protection and freedom, while the police have a duty to protect citizens and ensure public safety.³³ Repressive actions against the press by the police also contradict two foundational principles of policing: first, that the police must be present among the public, fulfilling their function of providing protection, guidance, and service, and second, that the police must uphold the law and safeguard state governance.³⁴

The police bear a considerable responsibility in reconciling their role as guardians and law enforcement officers with the legal protection for the press guaranteed under the Press Law. The legal protection clause places a duty squarely on the police as law enforcement officers, not the reverse, which would instead threaten press freedom. Tasked with maintaining public order and security, and with service to the public, the police are expected to uphold existing norms.³⁵ As law enforcement officers, the department must also be guided by three values central to effective law enforcement, namely, legal certainty (*Rechtssicherheit*), justice (*Gerechtigkeit*), and expediency (*Zweckmässigkeit*).³⁶ These three values have significant practical implications: legal certainty protects journalists, grounded as it is in the Press Law, while justice and expediency help prevent public unrest and preserve the public's right to information and reporting.

³⁰ Ni Made Queena Putri Suardana, Ida Ayu Putu Widiati, and I Nyoman Utama, "Pelanggaran Hak Asasi Manusia Tindakan Represif Aparat Kepolisian Kepada Massa Aksi Demonstrasi," *Journal of Artificial Intelligence and Digital Business* 5, no. 1 (2026): 7408-15, <https://doi.org/10.31004/riggs.v5i1.7148>.

³¹ Ellen Læxerød Hovlid, Paul Bjerke, and Birgitte Kjos Fonn, "Is the ECtHR Supporting a Journalistic Colonization of Other Fields? On the Application of the 'Ethics of Journalism,'" *Nordic Journal of Human Rights* 43, no. 2 (2025): 127-47, <https://doi.org/10.1080/18918131.2025.2481711>.

³² Sadjijono, *Fungsi Kepolisian Dalam Pelaksanaan Good Governance*, 159.

³³ Sri Waljinah, Kelik Wardiono, and Purwadi Wahyu Anggoro, "Etika Profesi Polisi Dan Kepercayaan Masyarakat: Studi Atas Integritas Penegakan Hukum," *Jurnal Ilmiah Advokasi* 13, no. 3 (2025): 955-71, <https://doi.org/10.36987/jiad.v13i3.7873>.

³⁴ Sadjijono, *Fungsi Kepolisian Dalam Pelaksanaan Good Governance*, 163.

³⁵ Sadjijono, 160.

³⁶ Ryanto Ulil Anshar & Joko Setiyono, "Tugas Dan Fungsi Polisi Sebagai Penegak Hukum Dalam Perspektif Pancasila," *Urnal Pembangunan Hukum Indonesia* 2, no. 3 (2020).

The police have previously signed a memorandum of understanding (MoU) with the Press Council, specifically, the MoU between the Press Council and the Police, Number 01/PK/DP/XI/2022 and Number PKS/44/XI/2022, on the Implementation of Press Freedom Protection and Law Enforcement Against Abuse of the Journalism Profession. Under the MoU, when a public complaint is submitted to the police about news reporting by mass media or journalists, the police must coordinate with the Press Council to determine whether the complaint concerns journalistic content.³⁷ If the complaint concerns journalistic content, the Press Council handles the matter; if it does not, the police proceed with law enforcement through investigation and inquiry in accordance with applicable laws and regulations.³⁸ However, the MoU significantly lacks provisions governing abuses of authority by police officers who engage in repressive actions against journalists. This gap renders the MoU unbalanced and risks transforming it into an instrument for regulating, rather than protecting, press freedom.³⁹ Therefore, a new and more concrete policy is needed to regulate the duties and functions of the police in relation to journalists and journalistic activities.

3. Strengthening the Legal Framework for the Protection of Journalists

The weakening of the Press Law that is currently taking place is attributable to acts of violence, intimidation, and other repressive actions perpetrated by law enforcement authorities against journalists. Law enforcement authorities should be aware that the Press Law constitutes a *lex specialis* legal framework governing press activities; nevertheless, its provisions are frequently disregarded in practice. If the numerous cases of violence, intimidation, and repression against journalists are left unaddressed, press freedom will remain merely an ideal rather than a reality, with serious implications for the potential abuse of governmental power. This is particularly concerning because press freedom serves an essential oversight function in monitoring state administration. Jimly Asshiddiqie argues that good governance begins with enforcing the law.⁴⁰ In this context, inadequate law enforcement in protecting journalists not only weakens the implementation of the Press Law but may also undermine press freedom, democratic accountability, and the rule of law. Attacks on press freedom, democracy, and the rule of law may erode the fundamental principles of a state governed by the rule of law. Therefore, preventive measures should be undertaken before the situation deteriorates further, including restoring compliance with legal norms and strengthening the existing regulatory framework.⁴¹

The police should serve as the frontline institution in enforcing Article 8 of the Press Law, which provides legal protection for journalists in carrying out their journalistic duties. This aligns with the police's functions under Article 13(c) of the Indonesian National Police Law: to provide protection, guidance, and services to the public. The gap between the police's

³⁷ Koswara and Gialdah Tapiansari Batubara, "Kriminalisasi Jurnalis Terhadap Publikasi Produk Jurnalistik Dalam Perspektif Hukum Pidana Indonesia," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana* 5, no. 1 (2023): 386–405, <https://doi.org/10.46930/jurnalrectum.v5i1.2619>.

³⁸ Dewan Pers, *Buku Saku Wartawan* (Jakarta Pusat: Dewan Pers, 2024), 493.

³⁹ Afifah Firdaus and Indra Yugha Koswara, "Pembaharuan Hukum Pidana Di Indonesia: Analisis Tentang Pidana Pengawasan Dan Asas Keseimbangan," *Lex Renaissance*, 19, no. 1, (2024): 2620–5386, <https://doi.org/10.20885/JLR.vol9.iss1.art1>.

⁴⁰ Asshiddiqie, *Menuju Negara Hukum Yang Demokratis*, 669.

⁴¹ Sonja Priebe, "The Commission's Approach to Rule of Law Backsliding: Managing Instead of Enforcing Democratic Values?," *JCMS: Journal of Common Market Studies* 60, no. 6 (2022): 1684–1700, <https://doi.org/10.1111/jcms.13341>.

functions and their implementation in protecting journalists clearly threatens press freedom. It is also inconsistent with the human rights principles upheld in Indonesia. According to Bagir Manan, the human rights principles adopted by Indonesia are not based on a state governed by arbitrary power (*machtstaat*) or *governmental ambitions*, but on the principle of a state based on the rule of law (*rechtsstaat*) and equality before the law.⁴² This principle prohibits all forms of violence and arbitrary actions undertaken without a legal basis. Furthermore, as a state institution, the police must be able to protect citizens' rights from injustice.⁴³

The Constitutional Court Decision No. 145/PUU-XXIII/2025 concerning the judicial review of Article 8 of the Press Law does not appear to have significantly changed the protection of journalists from threats of violence, intimidation, and other repressive actions perpetrated by police officers. The Constitutional Court appears to have been too quick to interpret the petition for judicial review as seeking legal impunity. With regard to disputes concerning journalistic products, such disputes have generally been addressed under the established mechanism through the Press Council as the initial forum. What is less frequently addressed, however, is the violence, intimidation, and other repressive actions experienced by journalists while carrying out their journalistic duties. In fact, the petition primarily sought legal certainty regarding the repressive actions journalists frequently face, so that criminal sanctions against those who obstruct journalistic activities would apply to anyone, including police officers. The Constitutional Court should have expressly affirmed, or at least provided specific guidance, that police officers must uphold the legal protection guaranteed under the Press Law. The state's presence, particularly through the police, is crucial to realizing press freedom by respecting and protecting journalistic activities.⁴⁴ This is consistent with the principle of equality enshrined in the Universal Declaration of Human Rights (UDHR), under which the state must guarantee freedom from all forms of oppression and arbitrary exercise of power.⁴⁵

As an independent and sovereign state, Indonesia must guarantee press freedom as a fundamental principle of a state governed by the rule of law, where the exercise of state power is subject to law. Mochtar Kusumaatmadja regarded written law, particularly legislation, as an important source of law. He argued that law serves as a means of social renewal and that legislation can advance national development.⁴⁶ This view is consistent with Friedrich Julius Stahl's conception of the rule of law, one element of which is that government must be exercised on the basis of law.⁴⁷ Accordingly, clear regulatory provisions are needed to harmonize the functions of the police with the legal protection afforded to journalists. Such harmonization may be implemented through a Government Regulation or a regulation issued

⁴² Bagir Manan, *Hak Asasi Manusia Dan Constitutional Complaint Dalam Prespektif UUD 1945* (Malang: Setara Press, 2024), 57.

⁴³ M Tasbir Rais, "Negara Hukum Indonesia: Gagasan Dan Penerapannya," *Jurnal Hukum Unsulbar* 5, no. 2 (2022): 11-31, <https://doi.org/10.31605/j-law.v5i2.1854>.

⁴⁴ Puja Auria, Radhit Adi Putra, and Misleni, "Pentingnya Penegakan Hak Asasi Manusia Dalam Arus Siklus Negara Hukum," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 3, no. 1 (2024): 1-14, <https://doi.org/10.37631/jrkhm.v3i1.35>.

⁴⁵ Tasimia and Suherman, "Kebebasan Berpendapat Dan Berekspresi Di Era Digital: Perspektif HAM."

⁴⁶ Nor Fadillah, "Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN)," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 11, no. 1 (2022): 45-65, <https://doi.org/10.14421/sh.viii.2559>.

⁴⁷ Cecep Cahya Supena, "Tinjauan Tentang Konsep Negara Hukum Indonesia Pada Masa Sebelum Dan Sesudah Amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Moderat: Jurnal Ilmiah Ilmu Pemerintahan* 9, no. 2 (2023): 372-88, <https://doi.org/10.25157/moderat.v9i2.3125>.

by the Chief of the Indonesian National Police, which clarifies that the exercise of law enforcement functions in relation to journalistic activities must take into account the mechanisms established under the Press Law. The regulation should include three key clauses. First, every member of the Indonesian National Police, in exercising their duties and authority, must respect and protect journalistic activities conducted in the public interest and must not obstruct such activities. Second, members of the Indonesian National Police are prohibited from engaging in violence, intimidation, threats, confiscation or destruction of journalistic equipment, deletion of journalistic data, or any other actions that directly obstruct journalistic activities. Third, when a report concerns a journalistic product, investigators must coordinate with the Press Council in accordance with the Press Law to uphold and protect press freedom.

The importance of clear written regulations protecting journalists in the performance of their professional duties should not be construed as granting legal impunity. Rather, such regulations are intended to ensure that the space for press freedom guaranteed by the Press Law and mandated by the 1945 Constitution of the Republic of Indonesia is effectively realized through legal certainty. This enables the press to perform its functions as a medium of information, education, entertainment, and social control, as stipulated in Article 3 of the Press Law. Satjipto Rahardjo, in his critique of legal formalism, argued that legal certainty can be excessively formalistic and that the law should allow for flexible interpretation.⁴⁸ Nevertheless, in the present context, although Article 8 of the Press Law expressly provides that journalists are entitled to legal protection in carrying out their journalistic duties, journalists continue to be subjected to violence, intimidation, and repressive actions by police officers. Hans Kelsen viewed law as a hierarchical system of legal norms, whereby legal certainty can be achieved through a formally established normative structure.⁴⁹ Therefore, Article 8 of the Press Law should be amended by expanding it from one paragraph into two paragraphs. The first paragraph should be retained in its current form: *"In carrying out their profession, journalists are entitled to legal protection."* The additional paragraph would provide: *"Journalists are entitled to legal protection from any acts of violence, intimidation, threats, or other actions that obstruct journalistic activities, including those committed by law enforcement officers."*

Affirming legal protection for journalists against violence, intimidation, and repressive actions by police officers does not make journalists immune from the law. Disputes concerning journalistic products may be resolved through the Press Council, as provided under the Press Law. If a journalistic product is found to violate the Journalistic Code of Ethics, the matter may subsequently be pursued through criminal or civil legal proceedings, where appropriate.⁵⁰ By contrast, where the conduct involves individuals claiming to be journalists who engage in threats or extortion, the matter may be directly pursued through criminal

⁴⁸ Agus Awaluddin and Hajairin, "Positivisme Hukum Dan Keadilan Substantif: Tinjauan Terhadap Praktik Penegakan Hukum Di Masyarakat," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 3302–11, <https://doi.org/10.61104/alz.v4i1.3627>.

⁴⁹ Deandra Tiffany et al., "Makna Kepastian Hukum Dalam Perspektif Filsafat Hukum Dan Implementasinya Di Indonesia," *Juragan: Jurnal Ragam Pengabdian Dan Penelitian* 3, no. 1 (2026): 5228–37, <https://doi.org/10.62710/2wkrxg23>.

⁵⁰ Fauqa Shafa Qurbani and Henny Yuningsih, "Tindak Pidana Dalam Praktik Jurnalistik: Batas Kebebasan Pers Dan Perlindungan Hukum," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan & Sosial Keagamaan* 5, no. 1 (2026): 207–14, <https://doi.org/10.47200/awtjhpsa.v5i1.3158>.

proceedings. Such conduct is contrary to the Journalistic Code of Ethics, which serves as a professional guideline for journalists, including in protecting the privacy of sources and preventing human rights violations.⁵¹ In addition to receiving complaints concerning journalistic products, the Press Council should also play an active role in addressing legal matters involving journalists who are victims of violence. This is intended to ensure that the press freedom guaranteed under the Press Law is effectively realized and understood by the public, particularly law enforcement authorities. Accordingly, the Press Council should issue a regulation governing legal assistance for journalists who become victims of violence as part of efforts to safeguard popular sovereignty and human rights.

Table 1. Proposed Legal Reconstruction for the Protection of Journalists

Regulation	Proposed Reconstruction	Legal Orientation
the Press Law of 1999	The addition of Article 8 paragraph (2), which explicitly protects journalists from violence, intimidation, threats, and other actions that obstruct journalistic activities, including those committed by law enforcement officers.	Normative guarantee
Regulation of the Chief of the Indonesian National Police	Regulating the obligation of Indonesian National Police officers to respect and protect journalistic activities; prohibiting repressive actions against journalists; and requiring coordination with the Press Council in handling complaints concerning journalistic products.	Regulation of the authority and conduct of law enforcement officers
Press Council Regulation	Establishing a legal assistance mechanism for journalists who become victims of violence, intimidation, threats, or repressive actions in the course of carrying out journalistic activities.	Legal advocacy and assistance

Source: author's analysis

Conclusion

Legal protection for press freedom in Indonesia has not been effectively implemented due to two fundamental problems. First, there is a high incidence of violence, intimidation, and repressive actions against journalists, including those perpetrated by the police. Second, no clear legal provision governs the protection of journalists and the limits of police authority in relation to journalistic activities. This condition stems from systemic normative disharmony between the Press Law and the National Police Law, as well as a legal vacuum that has weakened democratic oversight and journalists' safety in carrying out their journalistic duties. These problems clearly threaten press freedom and undermine the Press Law's position.

First, this study recommends adding Article 8 paragraph (2), providing that journalists are entitled to legal protection from any acts of violence, intimidation, threats, or other actions that obstruct journalistic activities, including those committed by law enforcement officers. Second, this study recommends that the Indonesian National Police issue a regulation by the Chief of the Indonesian National Police governing police authority in relation to journalistic activities to harmonize police regulations with the Press Law. Third,

⁵¹ Hirjani and Muhammad Nadzirin Anshari Nur, "Kebebasan Pers, Tanggung Jawab Dan Etika Jurnalistik Dalam Lingkungan Media Online Yang Kompetitif," *Jurnal Pembangunan Hukum Indonesia* 6, no. 2 (2024): 301–14, <https://doi.org/10.14710/jphi.v6i2.301-314>.

this study recommends that the Press Council issue a regulation governing procedures for providing legal assistance and advocacy to journalists who become victims of violence, intimidation, and repressive actions. A limitation of this study is that it does not yet examine the legal consequences of repressive actions against the press in Indonesia, whether committed by members of the public, government institutions, or law enforcement officers.

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