

The Impact of Unclear Limits on Press Freedom on Legal Uncertainty and Efforts to Strengthen Regulations to Realize Professional and Accountable Journalism

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Abstract: This study focuses on the importance of regulating restrictions on press freedom in the dissemination of information in Indonesia to analyze the related legal aspects and identify the impacts that arise due to the unclear regulation. Based on a normative legal study with a statute approach, the main findings obtained indicate that until now, Law Number 40 of 1999 concerning the Press has not specifically regulated the limitations of press freedom, which leads to the potential for abuse of this freedom, such as the spread of hoaxes, slander, or inaccurate information that can harm various parties, both individuals, groups, and the state. It risks weakening the quality of journalism because the media tends to prioritize sensation over accuracy and truth. Therefore, this study emphasizes the urgency of revising and improving existing regulations so that press freedom remains a pillar of democracy, but within clear limits and by legal principles and journalistic ethics, to prevent potential abuse that can damage reputation and social stability.

Keywords: Freedom of Pers, Pers, Broadcasting

INTRODUCTIONS

The press has a vital role in the democratic system, often referred to as the fourth pillar after the executive, legislative, and judiciary (Satino et al., 2021). In carrying out its functions, the press acts as a liaison between the government and the public, ensures transparency, and provides objective and accurate information (Setiadarma & Priambodo, 2023). In addition, the press also functions as a social control tool that monitors public policies and government actions, to prevent abuse of power (Ulfiyyati et al., 2023). This is in line with Article 3 paragraph (1) of Law Number 40 of 1999 concerning the Press, which states that the national press functions as a medium of information, education, entertainment, and social control. With this role, the press helps the public understand the social, political, and economic developments in their country (Suharyanto, 2016).

Freedom of the press is a fundamental aspect of democracy, where freedom of the press is guaranteed as part of the basic rights of citizens (Saptohadhi, 2011). Article 2 of Law Number 40 of 1999 concerning the Press emphasizes that press freedom is part of the sovereignty of the people based on democracy, justice, and the supremacy of law. With press freedom, the public has access to various objective information that is not controlled by certain interests (Hajad, 2018). In addition, the press also plays a role in educating the public about their rights and obligations in democratic life, as well as encouraging active participation in public decision-making (Kurnia, 2024). Therefore, a free and independent press is an important element in maintaining the balance of power and strengthening the democratic system in a country.

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Law Number 40 of 1999 concerning the Press, especially Article 4 paragraph (1), explicitly guarantees press freedom as a basic human right of citizens, and prohibits all forms of censorship, banning, and broadcasting bans against the press. In addition, Article 4 paragraph (3) states that the national press has the right to seek, obtain, and disseminate ideas and information without intervention from other parties (Pombengi, 2024). However, this regulation does not regulate the limits of press freedom, especially in terms of protecting privacy, disseminating information that can trigger social conflict, and disseminating news that is not based on facts. This legal vacuum has the potential to lead to abuse of press freedom, such as the spread of fake news (hoaxes) or unethical journalistic practices.

One of the main challenges in Law No. 40 of 1999 is the lack of affirmation regarding the limits of acceptable press freedom. Article 2 emphasizes that press freedom is a manifestation of the sovereignty of the people based on democracy, justice, and the supremacy of law (Harijanto, 2014). However, in practice, there is no regulation that specifically regulates the limits between press freedom and the protection of public interests, state security, and individual rights. The implication of this ambiguity is the emergence of various cases of abuse of press freedom, such as unverified news reporting, defamation, and exploitation of sensitive issues without consideration of journalistic ethics (Fuqoha et al., 2019). This should be a concern for policymakers so that regulations regarding press freedom can be more balanced between the right to freedom of expression and legal responsibility. Therefore, Indonesia needs to consider revising Law No. 40 of 1999 by adding stricter provisions regarding the limitations and sanctions for abuse of press freedom.

Law No. 40 of 1999 concerning the Press does not explicitly regulate the limitations of press freedom in disseminating information, thus opening up space for broad interpretations regarding freedom of expression in the media. Article 4 paragraphs (1) and (2) emphasize that press freedom is guaranteed and may not be subject to censorship or banning, but there are no clear provisions regarding the limitations so that this freedom is not misused (Setyowati & Kencono, 2024). The absence of these explicit limitations has the potential to lead to irresponsible journalistic practices, such as the dissemination of news without verification, exploitation of sensitive issues, and tendentious reporting. Therefore, a revision or additional regulation is needed that can provide stricter guidelines regarding the limitations of press freedom without reducing the essence of freedom of expression itself.

The unclear limitations in Law No. 40 of 1999 have implications for weak legal protection for harmed parties by inaccurate or tendentious reporting. Article 15 paragraph (2) letter d mandates the Press Council to handle public complaints about press reporting, but more concrete legal enforcement mechanisms are still limited (Metalianda, 2017). As a result, many cases of defamation or the spread of fake news are difficult to resolve legally, because there are no specific regulations governing the extent to which press freedom can be limited to prevent abuse (Marpaung, n.d.). It may create legal uncertainty and increase conflicts between press freedom and individual rights or public interests.

The absence of clear restrictions on press freedom has a direct impact on the quality of journalism in Indonesia, especially in the dissemination of information that tends to be sensational and less fact-based. Many media, especially online media, prioritize aspects of virality and economic gain over the principles of ethical journalism. As a result, there is a trend of clickbait, provocative titles, and a lack of verification in reporting. This is contrary to Article 3 paragraph (1) which states that the national press must function as a responsible media for information and social control (Surbakti, 2015). Therefore, it is necessary to strengthen

regulations and supervise journalistic practices so that the quality of information conveyed to the public is more credible and useful.

The absence of restrictions on press freedom also has an impact on the increasing spread of hoaxes and disinformation in society. In today's digital era, inaccurate information can spread quickly and is difficult to control, causing confusion, social polarization, and even conflict in society. Although Article 15 paragraph (2) letter c regulates the role of the Press Council in supervising the implementation of the Journalistic Code of Ethics, this regulation is not yet effective enough in preventing abuse of press freedom, especially on social media and digital platforms (Rohman, 2020). Therefore, further coordination is needed between the government, the Press Council, and media companies in controlling the spread of information that may mislead the public.

Besides the impact on society, press freedom that is not limited can also have negative consequences for government institutions and the business sector, especially defamation and legal uncertainty (Octavia & Gunadi, 2022). There are many cases where inaccurate or tendentious reporting has damaged the reputation of an institution or company, even leading to prolonged legal conflicts. Although Article 4 paragraph (4) states that journalists have the right to refuse to be held accountable for their reporting before the law, this provision needs to be balanced with a protection mechanism for parties who are harmed by false reporting (Astuti, 2014). Therefore, a policy revision is needed that can guarantee a balance between press freedom and the protection of the interests of other affected parties.

Based on the explanation above, this study will discuss the problematic nature of the absence of restrictions on press freedom in Indonesia. The urgency of forming a policy of restricting press freedom in Indonesia requires a revision of Law No. 40 of 1999 to include clearer provisions regarding the limitations of press freedom in the dissemination of information. It is critical to provide legal certainty regarding journalistic practices and reduce the risk of disseminating inaccurate or misleading information, which can harm individuals or institutions.

In addition, the implementation of the Journalistic Code of Ethics as a regulatory standard needs to be strengthened by optimizing the role of the Press Council in supervision and enforcing stricter sanctions for violations of the journalistic code of ethics. This policy can also include the formation of implementing regulations that regulate the limitations of the dissemination of information, as well as increasing legal literacy for press personnel so that they better understand their responsibilities. Collaboration between the government, the Press Council, and the community is an important step in creating an effective monitoring system for journalistic practices so that press freedom is maintained without ignoring the principles of accuracy and social responsibility.

RESEARCH METHODS

The study uses a normative legal method that focuses on the analysis of relevant laws and regulations, with a statute approach to explore and assess legal provisions related to press freedom, especially in Law No. 40 of 1999 concerning the Press. The data sources used consist of primary legal materials, such as relevant laws, which are the main basis for analyzing existing legal problems. In addition, this study also uses secondary legal materials, including scientific journals and law books that can provide a deeper understanding of the theory and practice related to press freedom, as well as tertiary legal materials such as legal dictionaries to ensure an understanding of legal terms that are appropriate and consistent. By using these

various data sources, the study aims to provide a comprehensive understanding of the problem of unclear restrictions on press freedom in Indonesia and the urgency of revising these regulations.

RESULTS AND DISCUSSION

Problems of the Absence of Restrictions on Press Freedom in Indonesia

Press freedom in Indonesia is guaranteed as a basic right as stated in Article 4 of Law No. 40 of 1999 concerning the Press, which emphasizes that the press has the freedom to obtain, process, and disseminate information without censorship or intervention from the government. This guarantees the independence of the media in conducting its duties to provide information to the public, which is one of the fundamental aspects of a democratic country (Susanto et al., 2010). However, although this freedom is regulated, there are no clear restrictions on the limits of this freedom, which could potentially lead to misuse of information or content that is not by journalistic ethics.

Press freedom as part of human rights is also regulated in Article 28F of the 1945 Constitution which gives everyone the freedom to express themselves, including to access, seek, and convey information (Mugiono et al., 2024). However, this freedom is not without limitations, considering the existence of Article 28J of the 1945 Constitution which emphasizes that every human right must be carried out with full responsibility and must not violate the rights of others or conflict with the public interest. Therefore, although the press has the freedom to disseminate information, this freedom must still pay attention to aspects of social responsibility and ethics in conveying information.

The press plays an important role as the fourth pillar in the democratic system in Indonesia, which functions as a social control over government policies and state institutions. Under Article 3 of Law No. 40 of 1999, the press not only functions as a medium for information, education, and entertainment but also as a means to oversee the running of government and voice the interests of the community (Syahriar, 2020). This function makes the press a vital pillar in maintaining transparency and accountability in a democratic country. However, without clear regulations regarding the limitations of press freedom, there is the potential for abuse of this freedom, which can harm individuals, groups, or even the state, for example, in the dissemination of baseless or provocative information.

The absence of explicit limitations on press freedom in the dissemination of information in Law No. 40 of 1999 has caused ambiguity regarding the extent to which such freedom can be applied, particularly regarding the content disseminated by the media. Although Article 4 of this Law guarantees press freedom, there is insufficient explanation regarding acceptable limits regarding the dissemination of information that may be detrimental to individuals, groups, or the public interest. It can lead to the press disseminating potentially misleading or provocative information without obvious regulations regarding individual rights and the impact of such information on society in general.

The legal impact of weak regulation of press freedom restrictions can be seen in the potential for abuse of press freedom that is not accompanied by clear responsibilities (Panama et al., 2023). Without stricter restrictions, journalistic practices can lead to the spread of hoaxes, slander, or inaccurate information, which can harm the parties involved (Daulay & Iskandar, 2017). It also creates legal uncertainty because there are no clear guidelines on how press freedom can be accounted for in the legal realm, which ultimately has the potential to disrupt social stability and create tension between individuals, society, and state institutions.

The impact on the quality of journalism due to the absence of restrictions on press freedom is the spread of information that prioritizes sensation over accuracy (Saputra et al., 2019). Media that are not bound by clear restrictions often prefer to pursue clickbait and provocative headlines, even though they are not based on valid facts. It might damage the quality of reporting because the information conveyed tends not to be objective, can be influenced by certain interests, and does not consider its impact on the public.

There are three main categories of journalistic quality and approaches to presenting information, namely quality press, popular press, and yellow press, each of which has different characteristics in terms of ethics, objectives, and how to present news. Quality press refers to the type of press that presents information professionally, by prioritizing journalistic ethics and morality in every process of its delivery (Widarmanto & Sasmita, 2017). This type of press prioritizes a rational and serious approach, provides weighty reports, and is based on facts that can be accounted for. In this case, the news is not presented in an emotional or sensational way, but with reviews and materials that have intellectual depth. The quality press aims to convey useful and ethical information, which is aimed at the upper middle class who value substance over sensation in reporting.

In contrast, Popular Press is more in tune with market desires and developing trends. The presentation of news is done in a light and easy-to-understand manner and is often decorated with attractive visual elements to attract the attention of a wide audience. Although its purpose is to inform and entertain, the popular press tends to use more sensational and emotional language, sometimes sacrificing journalistic ethics for the sake of market satisfaction. The news presented can prioritize entertainment and recreation, rather than providing in-depth and substantial information.

On the other hand, the Yellow Press is a type of journalism that tends to ignore ethics and standards of truth in its reporting. The news presented often prioritizes sensation, dramatization, and controversial or vulgar information, such as cases of violence or sexual harassment, without paying attention to the truth or empathy for the victims. This type of reporting is generally not accountable because it often relies on sources that are not credible and have minimal verification. In this case, the yellow press can be considered a form of communication that is insincere, unethical, and has the potential to damage public perception and encourage actions that are not by applicable social norms.

The impact on society is also significant, because the lack of clarity in restrictions on press freedom can lead to an increase in hoaxes and disinformation. False or misleading information can quickly spread widely without adequate control or sanctions. It can affect public perception of important issues, such as politics, health, and safety, and trigger distrust of the media and other institutions, which in turn undermines social stability. The impact on government institutions and the business sector is related to the possibility of defamation and legal uncertainty. Without clear regulations, the media can easily spread detrimental information to the image of the government or the business sector, whether true or unfounded. This can lead to expensive lawsuits or conflicts, damage the reputation of institutions or companies, and create a legal environment full of uncertainty, where stakeholders find it difficult to protect themselves from potential losses due to uncontrolled reporting.

Comparative studies of press freedom regulations in countries with stricter legal systems, such as Germany and France, show that there are clearer and more detailed regulations regarding the limits of press freedom. In Germany, for example, press law is very carefully regulated through laws that combine freedom of information with the protection of personal rights and public order, considering the importance of the balance between freedom of

expression and social responsibility. It is also the case in France, where the press is required to avoid spreading hatred or hate speech and to adhere to the principles of accuracy and objectivity in reporting. Best practice in regulating press freedom in these countries involves the establishment of regulations that clearly define the scope and limits to which the media must adhere, as well as the enforcement of a strict code of ethics aimed at preventing abuse of press freedom and protecting the public interest.

Urgency of Establishing a Policy on Limiting Press Freedom in Indonesia

The importance of including provisions on the limitations of press freedom in the revision of Law No. 40 of 1999 lies in the need to provide clear guidance on the extent to which press freedom can be exercised without harming individual rights and public order. Without explicit limitations, press freedom has the potential to be misused to spread inaccurate information, trigger social conflict, or damage the reputation of certain parties. This revision must include provisions that regulate the scope of press freedom so that it can protect the public's right to obtain correct, fair, and responsible information.

The legal implication of establishing a policy on limiting press freedom is to create a balance between the right to freedom of expression and the protection of other equally important rights, such as the right to a good name, security, and order. Establishing such a policy can reduce the risk of misuse of press freedom that can harm certain parties while ensuring that the media can operate with clear accountability. In addition, with a clear restriction policy, press practitioners can also understand the limits of their professionalism, avoid potential lawsuits, and improve the report quality.

Strengthening the role of the Press Council in supervising and enforcing the journalistic code of ethics is very important to ensure that the mass media operates by the principles of professional and responsible journalism. The Press Council as an independent institution has the responsibility to supervise journalistic practices, provide training, and handle violations that occur in the world of the press. By increasing supervision of journalists and press companies, the Press Council can help ensure that press freedom is unabused, and encourage the media to maintain the quality of information disseminated to the public.

Strengthening sanctions for violations of the journalistic code of ethics is also a crucial step to uphold the standards of the journalistic profession. Strict sanctions will deter perpetrators of violations and encourage journalists and press companies to be more careful in presenting information. With clear and consistent sanctions, it is hoped that responsible journalism practices will be more achieved, and increase public trust in the media. Strengthening these sanctions will also clarify the limitations that must be adhered to by press practitioners in carrying out their journalistic duties.

The formation of implementing regulations governing the limitations of the dissemination of information by the press is critical to clear the limitations that need to be adhered to in journalistic practice. With more detailed and specific regulations, it is expected that it can avoid abuse of press freedom that may harm other parties, such as defamation or the dissemination of inaccurate information. The regulation can ensure that press freedom is carried out in accordance with democratic principles, without ignoring the social responsibility of the media.

Increasing legal literacy for journalists is an essentially important step to help journalists and media managers better understand the limitations of press freedom as regulated by law and the journalistic code of ethics. Education and training on press law can encourage

journalists to be wiser in covering and disseminating information. Good legal literacy will also enable journalists to maintain their professionalism and avoid potential violations of the law in their journalistic activities.

Collaboration between the government, the Press Council, and the public is essential in overseeing journalistic practices so that they remain within the correct and responsible corridor. The government must establish clear regulations, while the Press Council plays a role in overseeing the implementation of the journalistic code of ethics. The public must also be involved in overseeing media performance, both by providing input and filing complaints if there is news that is detrimental or violates individual rights. This collaboration will strengthen a healthy press ecosystem and ensure responsible press freedom.

CONCLUSION

Although press freedom in Indonesia is guaranteed by Law No. 40 of 1999 and the 1945 Constitution, the lack of clarity regarding the limits of press freedom can lead to potential misuse of information, the spread of hoaxes, and legal uncertainty that is detrimental to various parties, including individuals, society, and state institutions. The absence of explicit restrictions on the limits that must be adhered to in journalistic practice can damage the quality of reporting and trigger public distrust of the media. Therefore, a more detailed revision of the law is needed, with clear regulations regarding the limits of press freedom, as well as stricter enforcement of the journalistic code of ethics, so that press freedom can be carried out responsibly without harming other parties or disrupting social and legal stability.

Therefore, to ensure that press freedom continues to run by the principles of democracy and social responsibility, there needs to be a clear update and limitation in Law No. 40 of 1999 concerning the Press. The revision must include provisions that protect individual rights and public order, balanced by strengthening the role of the Press Council in supervising and enforcing the journalistic code of ethics. In addition, the application of strict sanctions and the establishment of clear implementing regulations are very necessary to avoid abuse of press freedom, while increasing legal literacy for press personnel. Collaboration between the government, the Press Council, and the community will strengthen supervision and create a healthy media ecosystem, which in turn supports professional, accountable, and responsible journalistic practices.

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