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Journalists: Protection Versus Violence

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Abstract

This journal aims to examine the journalist profession in carrying out their duties through the activities of seeking, obtaining, possessing, storing, processing and conveying information to the public. The guarantee is a constitutional right implemented in Law Number 40 of 1999 concerning the Press. The implementation is concretized with the threat of criminal acts for anyone who commits acts of obstructing the duties of journalists. The form of threat is a form of protection for the journalist profession in carrying out the task of covering the news, but in its implementation, what happens is the opposite, journalists are treated with violent acts. As a result, the freedom to convey correct information is a threat. On that basis, acts of violence are acts that cannot be tolerated and concrete law enforcement measures must be taken through preventive and repressive measures by prioritizing coordination and communication between the police and journalist organizations in order to create legal protection for journalists while still upholding journalistic duties that are not as free as possible, but free and responsible.

Keywords: Journalists, Protection, Violence

I. Introduction

Journalists in carrying out their profession, are bound by norms as a form of implications that guarantee press freedom, to seek, obtain, store, process and disseminate information (Fazri et al., 2022). The guarantee is regulated in the provisions of Article 4 paragraph (2) of Law Number 40 of 1999 concerning the Press (hereinafter referred to as the Press Law) as follows: "The national press is not subject to censorship, censorship, censorship or prohibition of broadcasting. Furthermore, it is more strictly regulated in Article 4 paragraph (3) that: "To guarantee press freedom, the national press has the right to seek, obtain and disseminate ideas and information".

The aforementioned foundation is a reflection that every citizen has the right whose regulation binds everyone, as affirmed above, so that no citizen is allowed to obstruct or hinder in order to seek information, including the right of journalists to carry out their functions to search for and publish information (Press Council of Indonesia, 2016). This affirmation is a guarantee as emphasized in Article 18 paragraph (1) of the Press Law. The provisions are regulated as follows: Every person who unlawfully deliberately commits an act that has the effect of hindering or obstructing the implementation of the provisions of Article 4 paragraphs (2) and (3) shall be sentenced to imprisonment for a maximum of 2 (two) years or a maximum fine of Rp. 500,000,000,000.00 (five hundred million rupiah).

Referring to the legal basis mentioned above, the duty of journalists is the basis of protection in carrying out their functions as part of legal certainty. "The profession of a journalist needs to receive legal protection in carrying out the task of seeking, obtaining, storing, processing and conveying information in oral, written and image forms as well as data and other forms using print media, social media and other mass media" (Mustawa, 2019). Legal protection is a variety of legal remedies that must be provided by law enforcement officials to provide a sense of security, both mentally and physically from disturbances and various threats from any party (Rinta Ariani et al., 2023).

Based on the descriptions and opinions of the experts above, it can be concluded that legal protection is an act to protect everyone for acts that violate the law, or violate the rights of others carried out by the government through law enforcement officials by using certain means based on applicable laws or regulations as an effort to fulfill the rights of every citizen, including for arbitrary acts committed by the ruler (law enforcement officials themselves) (Suhariyanto, 2022).

The right to obtain legal protection for everyone concerned in a case or legal problem, is one of the Human Rights (Mandjo & Sarson, 2021). The right to obtain legal protection itself needs to be guaranteed for its implementation. In its implementation, it shows that between the laws regulated and the legal reality in society, there is still a gap between *dassolen* (the law) and *das sein* (in fact) (Wijayanti, 2020). Data shows from the results of the research *TIFA Foundation* and *Populix* reported Katadata Media *Network*, It was revealed that 45% (percent) of journalists experienced violence in 2023, ranging from acts of intimidation to death threats. The following is an overview of the forms of actions to obstruct the work of journalists, as follows:

Table 1. Proportion of Types of Violence Journalists Receive While Working

| It | Data Name | Value (%) |
|----|-----------------------------|-----------|
| 1 | Coverage Ban | 46 |
| 2 | News Prohibition | 41 |
| 3 | Terror and Intimidation | 39 |
| 4. | Removal of Coverage Results | 31 |
| 5. | Death Threats | 24 |
| 6. | Physical Violence | 21 |
| 7. | Tool Destruction | 19 |
| 8. | Digital Attacks | 17 |

Source: research results of TIFA Foundation and Populix (databoks.katadata.co.id, 30-3-2024

Based on the data mentioned above, it shows that although the duties of the journalist profession have been guaranteed in the Press Law, acts of violence as a form of obstructing the duties of journalists still continue to occur (Gojali, 2019),. For this reason, guarantees of legal protection that are contrary to acts of violence must be prevented by taking law enforcement measures as a reflection in realizing obedience to the law, this is because people who commit acts that violate the law will be sanctioned according to the level of their guilt (Sembiring et al., 2023). So that the sanctions given are one of the efforts to prevent acts that are contrary to the law, because the sanctions given can give birth to feelings of fear and can even have a deterrent effect for the perpetrators of crimes (Nurdiansyah, 2018). So that they do not commit crimes that have been committed before. This is important so that people believe in the existing law so that it will give birth to an attitude of legal obedience born from conscience, not just fear of the authorities or legal sanctions (Rahmah & Suparto, 2019). Thus, people's lives will be peaceful and prosperous as expected.

Literature Review

Legal protection is a form of guarantee in order to exercise rights that cannot be legally hindered and hindered (Nainggolan et al., 2023). The form in question is the regulation of norms to result in a criminal act for anyone who obstructs or hinders these rights, as affirmed in the Press Law that: Every person who unlawfully deliberately commits an act that has the effect of hindering or obstructing the implementation of the provisions of Article 4 paragraph (2) and paragraph (3) shall be sentenced to imprisonment for a maximum of 2 (two) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah) (President of the Republic of Indonesia, 1999).

The aforementioned article is a sanction for the provisions stipulated in Article 4 paragraph (2) of the Press Law, that: the national press is not subject to censorship, suppression or prohibition of broadcasting. Furthermore, it is also regulated in the provisions of Article 4 paragraph (3) that; To ensure press freedom, the national press has the right to seek, obtain and disseminate ideas and information (President of the Republic of Indonesia, 1999).

Referring to the above legal instruments, journalists in carrying out their duties to seek, obtain, possess, store, process and convey information to the public are a guarantee of the constitution which normatively becomes a method that affirms the existence of orders and prohibitions. The ban is the basis for an order that brings legal consequences for those who hinder and obstruct the journalist's duties in carrying out their duties with criminal law entanglements and fines (Satino et al., 2021).

Along with the legal arrangements mentioned above, legal protection is the protection given to the subject of law by the rule of law, or the protection has a legal rule that regulates it, if viewed from the means (Sugiarto et al., 2023). The law enforcement can be divided into two, namely: a) preventive law enforcement, which is legal protection provided in the form of an opportunity for legal subjects to submit their objections or opinions before a government decision gets a definitive form. Preventive legal protection is very meaningful for government actions based on freedom of action because with preventive legal protection, the government is encouraged to be cautious in making decisions based on discretion. This legal protection is carried out before a dispute occurs and to anticipate the emergence of problems in the future (Sriwulan et al., 2023). b) Repressive law enforcement is legal protection provided when a problem or dispute has occurred, so that legal protection is provided by the Court with the aim of resolving disputes that occur (Risano & Ningtias, 2021).

The form of protection resistance itself leads to the occurrence of violence, namely violence in a narrow sense and violence in a broad sense (Muhammadin et al., 2023). Violence in a narrow sense refers to an act in the form of attack, destruction, destruction of one's self (physically) or property or something that potentially belongs to another person (Galtung, 2018). This means that in this sense violence refers to physical actions that are personal, that is, leading to certain people or groups that are carried out deliberately, directly and actually. Violence in a broad sense refers to physical actions or psychological actions committed by a person or a group of people, whether intentionally or unintentionally, directly or indirectly, personal or structural (Galtung, 2018).

Thus, it can be understood that basically legal protection for a journalist who carries out his profession must be fulfilled. This has received recognition from the state as outlined in the Press Law.

Results And Discussion

The form of legal protection for journalists mandated by Article 18 of Law Number 40 of 1999 concerning the Press as an instrument that provides legal guarantees not to hinder and hinder the right to seek, obtain, and disseminate information which is the duty of the press/journalist (President of the Republic of Indonesia, 1999). The guarantee for the violator is threatened with a criminal penalty of a fine of Rp 500,000,000. The basis is an effort to follow up with various legal remedies carried out such as: legal remedies for journalist organizations, legal remedies for the Press Legal Aid Institute and legal remedies for the South Sulawesi Regional Police.

Referring to the legal remedies mentioned above, they are described one by one as the basis for analyzing the implementation of legal forms of protection for journalists who are victims of violence in carrying out their duties of covering news. For clarity, it is described as follows:

A. Legal Remedies of Journalist Organizations

Journalists in carrying out their duties covering news in the field, still often receive treatment that they should not be. Journalists often receive violence from certain parties who are not happy with the activities carried out by journalists (Clark & Grech, 2017). This can be because journalists will disseminate news that is not wanted by certain parties, such as violations of the law, corruption, abuse of authority, and others.

Some journalists were subjected to violence in carrying out their duties of covering news in the field (Gojali, 2019). The violence can be in the form of physical and psychological/verbal violence. The data on violence against journalists obtained by the author from AJI Makassar can be seen in the following table:

Table 2: . Data on Journalists Who Received Violence in Makassar City

| It | Year | Types of Hardness | | Sum |
|-------|------|-------------------|---------|-----|
| | | Physical | Psychic | |
| 1 | 2016 | 4 | 2 | 6 |
| 2 | 2017 | 2 | - | 2 |
| 3 | 2018 | 2 | 1 | 3 |
| 4 | 2019 | 2 | - | 2 |
| 5 | 2020 | - | - | - |
| 6 | 2021 | - | - | - |
| Total | | 10 | 3 | 13 |

Data source: AJI Makassar, processed from primary data (SYMPHONY-PPA, 2024).

Based on the table above, it can be seen that, from the number of cases of journalists who received violence in 2016-2021, there were 13 cases, with details: in 2016 there were 6 cases with the type of physical violence 4 cases and psychological violence 2 cases. In 2017 there were 2 cases, namely 2 cases of physical violence and no psychic. In 2018 there were 3 cases of violence that occurred, 2 cases of physical violence and 1 psychological violence. In 2019 there were 2 cases, all of which were physical violence. In 2020 and 2021, there was no violence against journalists.

B. Legal Remedies of the Press Legal Aid Institute (LBH)

LBH Pers follows up on reports of journalist professional organizations, works by prioritizing legal protection for journalists who carry out their duties by taking legal steps (Abdullah, 2019). These legal steps are an effort by LBH Press, with two forms of steps. The two steps are illustrated below:

a. Preventive Measures

Preventive is a preventive measure for something negative so that the flow does not occur. Prevention is a step that has been programmed by LBH Press to protect journalists in carrying out their profession by upholding the values of responsibility (Fazri et al., 2022). The form of the program is concretized in activities, both formal and informal.

The program is formal, the activity is carried out officially by inviting media leaders, both print, online and electronic through an activity that is periodically carried out. This form is in the form of coaching and discussion activities.

b. Repressive Measures

Law enforcement or repressive measures are carried out if there has been a violation of the law. The purpose of repressive law enforcement is not as an effort to prevent violations, but to overcome if there are legal problems, especially if there are violations (Joanna Schwartz, 2024).

Based on the formulation mentioned above, LBH Pers as a means of fighting for the rights of civilians, including journalists who are victims of criminal acts, also carries out repressive measures. These steps are carried out in the form of assistance and follow-up to carry out legal remedies with several stages of reporting and complaints to the Police (Wiratraman, 2014).

Based on the above stages, all authority as a legal remedy for LBH Pers to fight for the rights of journalists who are victims of violence is the obligation of law enforcement officials, ranging from the Police, Prosecutor's Office to the Court.

c. Police Legal Remedies

The police as one of the law enforcement agencies has an important and strategic role in efforts to protect the law for journalists who are victims of violence in carrying out their duties of covering news in the field. The legal protection provided by the Police is carried out by the law enforcement process against those who commit violence against journalists. As for the legal efforts made by the South Sulawesi Regional Police in providing legal protection for journalists who are victims of violence in carrying out their duties of covering news in the field, starting from investigations, and investigations (Naufali & Saiful, 2023). If it involves members of the Police, the Police will process it through the Code of Ethics Hearing. The 1st General Criminal Office of the South Sulawesi Police, AKP Ahmad Marzuki stated as follows, that: "If proven guilty, the police member will be subject to administrative sanctions according to the violation he committed. The heaviest sanction is Dishonorable Dismissal (PTDH) (Yang & Victim, 2023).

The imposition of the sanction, as referred to in Article 21 paragraph (1) of Perkap Number 14 of 2011 concerning the Police Professional Code of Ethics (KEPP) is cumulative and/or alternative in accordance with the assessment and consideration of the Professional Code of Ethics Commission Session. On that basis, the imposition of KEPP sanctions does not eliminate criminal and/or civil prosecutions.

Research Methods

This research is a normative-empirical research with a qualitative approach. Normative-empirical research is legal research that is equipped with empirical data or it can be concluded that normative-empirical research is a type of normative legal research that is supported and equipped with empirical data (Benuf et al., 2019). This type of research is used to examine the role of the Legal Aid Institute (LBH) of the Makasaar Press, the Alliance of Independent Journalists (AJI) of Makassar, and the South Sulawesi Regional Police (Polda Sulsel) in handling cases of violence against journalists who are victims in reporting news.

Results And Discussion

The legal protection that is a guarantee for journalists has not run as it should, precisely what has come to the surface is the occurrence of violence that befalls journalists in carrying out their journalistic duties. The cause of all of this is influenced by internal and external factors (Makur et al., 2023). These two factors are as follows:

A. Internal Factors

This factor is an obstacle in the protection of journalists who are victims of violence in carrying out news that comes from within themselves. These internal factors consist of:

a. Lack of Legal Knowledge

The lack of legal knowledge possessed by journalists is one of the inhibiting factors in efforts to implement protection for journalists who are victims of violence in running news (Abdullah, 2019). Based on an in-depth interview with Didi Hariadi, the Chairman of AJI Makassar stated that: "There are still many journalists who lack legal knowledge or even do not want to report if they get violence while covering news in the field," The lack of legal knowledge for journalists is a sad thing. Considering that knowledge for journalists is an important thing to have. Having legal knowledge is urgent for journalists considering that the journalist profession is often faced with the law. Either because the journalist is considered guilty or because the journalist is a victim, such as the victims of violence experienced while carrying out news reporting duties in the field.

b. Lack of Legal Awareness

Another factor that also comes from within journalists is the lack of legal awareness they have. as revealed by Firmansyah, Director of LBH Pers Makassar said that: "There are still journalists who lack legal awareness. Sometimes there are journalists who experience violence, we accompany them to make reports, but it turns out that they themselves (journalists) cancel the report. So we as advocates are also confused. Because the journalist himself did not want the case to be continued,"

Based on the results of the interview mentioned above, it can be seen that one of the factors that hinders the legal protection of journalists who are victims of violence in carrying out their duties of covering news in the field is the internal factor that comes from the journalist himself. These internal factors are in the form of lack of legal knowledge and lack of legal awareness. So that journalists who experience violence sometimes do not want to report or cancel the reports they have made.

B. External Factors

External factors are things that are an obstacle to the protection of journalists who are victims of violence in carrying out news that comes from outside the journalist concerned (Commissioner for Human Rights, 2011). These external factors can be in the form of:

a. The Existence of Persuasion, Threats of Physical and Psychological Violence from Perpetrators

Journalists who are victims of violence who report the violence they experience are sometimes persuaded not to report the violence they experience. In addition, sometimes they also receive threats or even violence both physically and psychologically. As revealed by Firmansyah from LBH Pers Makassar that: "In terms of the perpetrators, it could be because we have handled cases of violence experienced by journalists, initially these journalists were too serious to be accompanied. But after a few days, he didn't want the case that happened to him to continue. It could be that this journalist has received persuasion or even pressure from the perpetrator. Because when asked by this reporter, he only said that there was no need to continue."

Furthermore, Firmansyah, Director of LBH Pers Makassar revealed that: In addition to physical violence, journalists also sometimes get psychological violence with threats and reports. Many officials and regional heads reported cases of freedom of expression. where in several areas in South Sulawesi such as Makassar, Jeneponto, Palopo and Luwu, online media are reported using the ITE Law article which is a subscription to ensnare and kill the expression of journalists (journalists).

Perpetrators of violence against journalists often make efforts so that journalists do not report on the treatment of violence committed by perpetrators. The perpetrators will try to persuade and sometimes even threaten journalists not to make reports. With persuasion or even threats, journalists do not report so that the case that occurs is not processed by law. As a result, it will be detrimental to the freedom of the press guaranteed by the existing legal rules.

a. Information Disclosure/Police Proactive Attitude

Regarding other external factors that are obstacles in the legal protection of journalists who are victims of violence in carrying out their duties of covering news, is the absence of information disclosure from police officers who handle cases of persecution of journalists who are victims of violence. This can be seen from the results of the interview with Rahmad Ariadi, Chairman of AJI Makassar which explained that: "There is a lack of seriousness on the part of the police in handling the case we reported. Imagine that from 2019 to 2021 the case has not been delegated to the JPU. It's been a long time,"

Based on the results of interviews with the two informants mentioned above, namely Rahmad Ariadi as the Chairman of AJI Makassar and Firmansyah who is the Director of LBH Pers Makassar, it can be seen that the factors that are an obstacle in the implementation of legal protection for journalists who are victims of violence in carrying out their duties of covering news from an external perspective are perpetrators who try to prevent victims from making reports, and police officers who conduct investigations and investigations into cases of violence against journalists are seen as not open in providing information about the development of handling cases of violence against journalists reported to the South Sulawesi Police. This can not be detrimental to journalists as victims of violence who want to get detailed information about the extent of the legal process that has been reported.

Conclusion

This study concludes that the implementation of legal protection for journalists who are victims of violence in carrying out their duties of covering news is carried out by journalist organizations by establishing coordination and communication with LBH Pers Makassar. These legal efforts are carried out by preventive steps in the form of coaching, and discussions, and repressive steps in the form of receiving reports, collecting through investigations and submitting reports to the Police. Similarly. Legal efforts carried out by the South Sulawesi Regional Police are carried out in the form of investigations and investigations, as well as the Police Code of Ethics Commission Session for perpetrators of Police members who are seen as involved.

Legal protection and violence of journalists who cover the news from the perspective of law enforcement are still influenced by obstacles stemming from internal and external factors. Internal factors are factors that come from within the journalist himself, such as the lack of understanding and legal awareness possessed by the journalist concerned so that the acts of violence experienced by journalists are only handled in 13 cases (see table 2), the rest are not reported. External factors, originating from outside the journalist such as persuasion, threats of physical and psychological violence from the perpetrator, and the

lack of information disclosure related to the development of the handling of reports of violence cases experienced by journalists.

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