

Media and Press in Legal Perspective: Protecting Rights and Responsibilities in the Digital Age

Mochamad Riyanto
mrr.riyanto@gmail.com

Faculty of Law, Universitas 17 Agustus 1945 Semarang, Indonesia

Article Info

Received: 2023-12-10

Revised: 2024-01-13

Accepted: 2024-03-10

Keywords:

Media Regulation in the Digital Age; Legal Reform and Digital Literacy; Press Freedom and Legal Responsibility

Abstract

The digital age has brought significant changes in the media and press landscape, shifting the dominance of traditional media towards more dynamic digital platforms. This article aims to analyze legal protection for the media in Indonesia, identify challenges of the digital era, and explore solutions to balance press freedom and legal responsibility. Using a normative juridical approach, this research utilizes primary data from laws and regulations, such as the Press Law and ITE Law, as well as secondary data from related literature.

The results show that although press freedom has been guaranteed through various regulations, its implementation still faces obstacles, including censorship, the spread of hoaxes, and media commercialization. In addition, the multiple interpretations of several articles in the ITE Law often become loopholes to limit legitimate criticism. This article highlights the importance of legal reform through regulatory updates, strengthening oversight institutions such as the Press Council, and improving people's digital literacy.

The article concludes that the balance between press freedom and legal responsibility can only be achieved through a holistic approach that includes legal substance, institutional structure, and a supportive legal culture. This reform is expected to create a healthy, accountable, and democracy-supporting media ecosystem.

1. Introduction

The development of digital technology has brought fundamental changes to the media and press landscape in Indonesia, shifting the pattern of information distribution from traditional media to faster, wider and more interactive digital platforms (SM, 2023). Marshall McLuhan, through the concept of “The Medium is the Message,” explained that the medium used affects the way information is received and understood by the public (Guarino, 2023). In the era of digital media dominance, messages are not only articulated by content, but also by the technology that mediates the communication. This transformation opens up both opportunities and challenges for the media and the press, especially in ensuring press freedom and media responsibility are maintained within the relevant legal framework.

The media has an important role as the fourth pillar of democracy, where its function is as a watchdog of power that supports transparency and voices the public interest (Ukka, 2020). Edmund Burke in his idea of “The Fourth Estate” emphasized the role of the media as a guardian of democracy that upholds transparency and accountability (Kaur & Chauhan, 2023). However, media freedom often faces legal constraints, such as threats of censorship, criminalization of journalists, and the rise of fake news. Although Law No. 40/1999 on the Press has provided a legal foundation to guarantee press freedom in Indonesia, its implementation in the field still faces various structural and cultural obstacles.

In the legal ideal (*das sollen*), the media and press are expected to function as providers of objective information, educate, and protect the public interest. However, in reality (*das sein*), the media in Indonesia is often caught up in commercial competition, the spread of disinformation, and political bias. The misuse of social media to spread hoaxes during the election period, for example, shows the gap between legal expectations and the reality on the ground. Lawrence Friedman's analysis of the legal system reveals that the effectiveness of law depends not only on the written rules, but also on the legal culture and the structure of the institutions that implement it (Friedman, 1969).

Changes in information consumption patterns also expand the legal challenges faced by the media. Law No. 11/2008 in conjunction with Law No. 1/2024 on Electronic Information and Transactions (ITE Law) provides a legal basis for digital content management, but on the other hand, some articles in the law are often multi-interpreted and misused to limit criticism, potentially threatening press freedom (Imanuel et al., 2023). Denis McQuail underlines the importance of balanced regulation so that the media can continue to fulfill its role as a means of public communication without experiencing excessive pressure (Joye, 2022).

In the context of digital democracy, the level of public trust in the media is declining due to the increasing spread of disinformation. The ideal function of the media as a “watchdog” as expressed by Burke is often displaced by commercial interests that pursue sensationalism to increase digital traffic (Seneviratne, 2024). This condition is exacerbated by the low level of digital literacy among Indonesians, which makes it easy for false information to spread widely without effective supervision from legal authorities.

Law No. 32/2002 on Broadcasting and Law No. 40/1999 on the Press need to be adjusted to the demands of the evolving digital era. The integration of elements in the Job Creation Law (Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law) has the potential to provide solutions to media law issues, especially regarding content management and protection of media actors. However, the implementation of this law is still hampered by the weak legal structure and culture in Indonesia.

According to Lawrence Friedman's perspective, a legal system consists of legal structure, substance and culture. The structure of media law in Indonesia, which includes institutions such as the Press Council and the Indonesian Broadcasting Commission (KPI), should be strengthened to ensure compliance with existing regulations. The substance of the law, such as rules on press freedom and media responsibility, must be harmonized with digital developments. Meanwhile, legal culture, which includes public awareness of the importance of accurate information, needs to be improved through comprehensive legal and digital literacy.

Threats against journalists are currently increasing, so legal protection for journalists is very important (Nadya Andiani & Riwanto, 2024). The Press Law guarantees the rights of journalists, but physical and legal threats often hinder journalists in carrying out their duties. According to Denis McQuail, media independence can only be achieved in a conducive legal environment, where journalists are protected from external threats, both from the state and interest groups (Quail, 1994). A conducive legal environment requires clear and firm regulations and support from supervisory institutions such as the Press Council to ensure journalists can work professionally and safely.

The freedom of the press that is regulated by law is not an unlimited freedom. The media has a responsibility to present information that is accurate and does not harm other parties. This principle is reflected in several articles of the ITE Law that prohibit the dissemination of slanderous or defamatory information, although it is often misused for certain purposes.

The role of social media as the main platform for information dissemination also

poses its own challenges. On the one hand, social media allows quick and broad access to information, but it is also a fertile ground for the spread of hoaxes that have an impact on the credibility of public information. Widespread hoaxes have a huge negative impact, from shaping the wrong public opinion to triggering social unrest. On the other hand, social media regulations in Indonesia are still not comprehensive enough to effectively address this phenomenon, so more adaptive and responsive regulatory reforms are needed (Sarib et al., 2023).

Law enforcement against media offenses in the digital era is often not optimal. Weak legal structures and articles with multiple interpretations, such as in the ITE Law, result in gaps in the law enforcement process. Lawrence Friedman stated that the effectiveness of law depends on the balance between the substance, structure, and culture of the applicable law, so that without the support of these three elements, law enforcement efforts will not be maximized (Friedman, 1969).

In the face of disinformation, improving people's digital literacy is an important priority. Good digital literacy will help people sort out valid information and be able to recognize misleading news (Nisa, 2024). The media needs to take an active role in educating the public, in accordance with its ideal function as an "educator" as stated by Burke. With continuous education, the media can improve the public's critical ability to filter information in the digital era (Lin, 2024).

The dominant commercialization in today's media industry often comes at the expense of information quality and integrity. Competition to attract public attention has led some media to ignore journalistic ethics in favor of financial gain. To maintain public trust, the media must uphold the principles of journalistic ethics and uphold integrity over profit. Without a commitment to ethics, the media risks losing its role in a healthy democracy (Saragih, 2023).

The legal challenges of the media now also include global aspects. In the era of globalization, information easily crosses national borders, so media regulations in one country can have an impact on the jurisdiction of other countries. Harmonization of media regulations with international standards is necessary so that freedom of expression and privacy protection can be consistently maintained. This harmonization not only supports the effectiveness of law enforcement but also strengthens cooperation between countries in facing global challenges.

Therefore, media law reform must be carried out thoroughly. Updating the substance of the law, strengthening the structure of supervisory institutions, and improving the legal culture of society are necessary so that the media can play an optimal role in supporting democracy and fulfilling the public's right to accurate information. This holistic approach will create a healthier media ecosystem and a balance between freedom and responsibility.

This research aims to identify and analyze legal protection for the media, uncover the legal challenges of the digital era, and find solutions for a balance between press freedom and responsibility.

2. Research Method

This research uses a normative juridical approach, which focuses on analyzing laws and regulations related to the media and press in Indonesia, especially in the context of the digital era.

- a. The types and sources of data used include primary data sources in the form of laws, such as Law Number 40 of 1999 on the Press, Law Number 11 of 2008 in conjunction with Law Number 1 of 2024 on Electronic Information and Transactions (ITE Law), and other regulations relevant to the protection of media rights and press responsibilities. In addition, secondary data was obtained from legal journals, books, and scientific literature that discuss legal aspects related to the media, press freedom, and regulatory challenges in the digital era.
- b. The data analysis technique applied is qualitative analysis with a descriptive-analytical method, in which the collected data is analyzed in depth to identify the existing regulatory structure, evaluate its implementation, and explore aspects that still need to be improved.

3. Results and Discussion

Identification and Analysis of Legal Protection for Media and Press

Indonesian law guarantees press freedom through Law No. 40/1999 on the Press, which states that the press is free from censorship and unlawful interference in carrying out its journalistic duties. This law plays an important role in guaranteeing the right to freedom of expression for journalists and the media, which is an integral part of democracy. In this context, Edmund Burke described the role of the media as the “fourth pillar of democracy” tasked with monitoring power and maintaining public accountability (Kheny, 2019). However, the implementation of this protection often faces obstacles, where journalists are still faced with the threat of criminalization or repressive measures, especially when exposing critical issues. The freedom of the press guaranteed by this law includes the right to report and convey information without fear of unfair restrictions or prosecution.

Although press freedom is legally recognized, the challenges in enforcing it are increasingly complex in the digital era. The ITE Law is one of the relevant regulations but is often a source of problems, especially the articles on defamation and insults which have multiple interpretations. These articles are often misused to limit freedom of expression in the media, potentially threatening the right to freedom of the press. Lawrence Friedman in his legal

system theory emphasizes that legal effectiveness depends on the balance between substance, structure, and legal culture (Friedman, 1969). In the case of the ITE Law, the multiple interpretations of articles indicate an imbalance between the substance of the law and the legal culture adopted, which has an impact on the implementation of the law that is not always in accordance with the original purpose of protecting press rights.

Law No. 32/2002 on Broadcasting also provides legal protection for the media, especially in terms of information dissemination based on press freedom. The Broadcasting Law emphasizes the importance of the independence of broadcasting institutions, where the media has the right to convey information freely without any intervention from external parties. In Marshall McLuhan's view, the characteristics of broadcast media have a unique power to shape public perception, because "The Medium is the Message." This explains why the Broadcasting Law needs to protect media broadcasting rights and ensure that information is freely accessible, without excessive censorship. However, in the digital era, the boundaries between traditional and digital broadcasting media are blurring, requiring regulatory adjustments to accommodate the characteristics of new media.

In addition to the right to freedom of expression, the media also has a legal obligation to respect individual privacy. This principle is reflected in the Press Law and the ITE Law, which stipulate that the dissemination of information must take into account the privacy rights of others and must not violate the boundaries set by law. According to Denis McQuail, the media needs to maintain a balance between the right to freedom of expression and the protection of privacy, so that it can still carry out its function as a "watchdog" for society without harming other parties. In Indonesia, violations of privacy often occur, especially in digital media that facilitate the rapid dissemination of information. This suggests that strengthening privacy protection regulations and imposing strict sanctions on violators are necessary to protect individual rights (Syahwami & Hamirul, 2024).

The commercialization of media in the digital era often has an impact on the quality of information presented, as the media tends to prioritize profit over the integrity of the news. This results in the media ignoring the principles of journalistic ethics and sometimes violating legal provisions (Forero Franco, 2024). Burke stated that the media ideally serves as a public educator, but with strong commercialization, this role is often displaced by economic interests. In practice, this condition makes it more difficult to enforce legal protection, as the

media is more focused on increasing profits through sensational content that can violate privacy or even trigger disinformation (Lacey & Longman, 2003). For this reason, strengthening journalistic ethics and compliance with the law need to be enforced, in order to maintain the credibility of the media as a provider of accurate information.

Social media has become the main platform for information dissemination in the digital era, but it has also become a global challenge in the protection of media rights. Indonesian regulations, including the ITE Law, include prohibitions on the dissemination of false information, but their effectiveness is often hampered by a lack of oversight and existing legal loopholes. As a cross-border platform, information on social media also transcends national jurisdictions, so legal protection for the media requires international cooperation and regulatory harmonization (Zhang, 2023). The use of international standards, such as the Universal Declaration of Human Rights (UDHR), is necessary to create a consistent regulatory framework that is responsive to digital challenges. In McLuhan's perspective, the global nature of social media suggests that the protection of press freedom should not only be local, but also requires an approach that can respond to global dynamics.

Facing the challenges of the digital era, media law reform in Indonesia needs to be designed with a holistic approach that includes updating the substance of the law, strengthening the structure of supervisory institutions, and improving legal culture. Friedman emphasizes that legal effectiveness requires a balance between legal substance, enforcement structure, and a supportive legal culture (Maharani, 2024). In Indonesia, this reform should include strengthening the roles of the Press Council and the Indonesian Broadcasting Commission, updating the Press Law and ITE Law to adapt to digital developments, and improving legal literacy in the community. This approach is expected to create a balance between press freedom and media responsibility, so that the media can again function as a pillar of democracy with integrity, guarantee access to accurate information for the public, and still respect individual rights.

Responsibility and Legal Sanctions

The responsibility of the press to provide accurate, balanced and ethical information is an important cornerstone of journalistic practice in Indonesia. Law No. 40/1999 on the Press emphasizes that the press is responsible for delivering correct and accountable information to the public. Edmund Burke, revealed that the media has a function as a watchdog of power, which can only be carried out if the information presented is quality and independent. However, in the digital era, the rapid flow of

information often tempts the media to prioritize speed over accuracy, which in turn has the potential to cause violations of this journalistic responsibility (Drüeke, 2018). The responsibility of the press in this context also includes the obligation to maintain the reputation of the reported party and respect the privacy rights of individuals.

The Press Law provides guidelines on sanctions that can be imposed on journalists or press companies that violate journalistic principles. In this case, the Press Council acts as an institution that oversees media compliance with the journalistic code of ethics. When violations occur, the Press Council can impose sanctions ranging from reprimands to recommendations for news withdrawal. On the other hand, the ITE Law also provides legal sanctions related to digital content, especially for violations such as the dissemination of false information and defamation. However, articles in the ITE Law are often multi-interpretive and considered too repressive in their handling, potentially limiting journalists' freedom of expression. In Lawrence Friedman's analysis, the effectiveness of legal sanctions is strongly influenced by the harmony between the substance of the law and the structure of law enforcement and the prevailing legal culture, which in the case of the ITE Law still requires evaluation to ensure fairer and more proportional sanctions.

McLuhan emphasized that digital media is not just a means of conveying information, but also shapes and influences public perception. This means that in the digital realm, the responsibility of the media is not only limited to the content of information, but also includes the impact produced by the digital medium itself. McQuail adds that the media has a social responsibility in creating an information environment that does not harm society (Ahmad, 2023). In the legal context, this responsibility is reflected in the ITE Law, which regulates that information disseminated must not cause public unrest or defame. Thus, digital media in Indonesia must take greater responsibility to ensure that the content published is not only accurate, but also ethical and in accordance with existing regulations.

Law No. 32/2002 on Broadcasting provides sanctions for violations of broadcasting content, especially if the content broadcasted contains elements of violation of the law or is not in accordance with prevailing moral values. This is relevant in the digital era, where the boundaries between broadcast and digital media are increasingly blurred. The sanctions stipulated in the Broadcasting Law range from written warnings to license revocation, aiming to maintain the integrity and responsibility of the media in delivering information to the public. In Friedman's theoretical framework, the successful enforcement of these sanctions is highly dependent on the strength of the structure of supervising institutions, such as KPI, and the readiness of the community to support a legal culture that rejects media

abuse. In the digital era, the application of sanctions for online media or digital platforms may require a more flexible approach, while still maintaining the principles of accountability.

The complexity of media regulation in the digital era calls for legal reform that balances press freedom and legal responsibility. The Job Creation Law (Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law) has introduced several changes in media and information regulation, but has not fully addressed today's digital challenges. A holistic approach that combines clear legal substance, strong supervisory structure, and adaptive legal culture is key to effective law enforcement. In McLuhan and McQuail's view, media responsibility and legal sanctions must be developed in accordance with the development of the ever-changing digital medium (Provalinsky, 2023). With the right reforms, it is hoped that legal sanctions can be applied fairly and proportionally, so that the media in Indonesia can carry out its function as an independent and responsible conveyer of information, as expected in a healthy democratic system.

Media Challenges in the Digital Age

Personal data protection is a major challenge for media in the digital age. Media often collect, process, and disseminate personal data that has the potential to violate individual privacy rights if not properly regulated (Zhu, 2024). In Indonesia, the ITE Law has regulated prohibitions against the misuse of personal data, but the protection provided is still considered inadequate in the face of the complexity of the digital era. Lawrence Friedman in his theory states that an effective legal system must have the substance, structure, and culture of law that support it. The absence of a special law on personal data protection in Indonesia before 2022 shows that the legal substance aspect is still weak, so this legal gap allows privacy violations to occur. Personal data protection is not only important for media users, but also supports public trust in the media amidst the high potential for data misuse.

The media is faced with a dilemma between the right to freedom of the press and the obligation to protect individual privacy, which often conflicts in practice. On the one hand, the press has the right to seek and present information freely as stipulated in Law No. 40/1999 on the Press. On the other hand, the privacy of the individuals being reported on must be protected in accordance with legal provisions. Edmund Burke stated that the media is tasked with maintaining accountability and revealing facts. However, in the digital era, the wider scope of information that is easily accessible makes the media tend to be involved in privacy violations (Skrypnyk, 2023). For this reason, a balance in regulation is

needed so that press freedom is maintained without violating the privacy rights of the individuals being reported.

One of the major media challenges in the digital era is the spread of fake news or hoaxes, which have the potential to damage media reputation and influence public opinion (Nallasamy et al., 2024). The massive spread of hoaxes on social media and other digital platforms has blurred the lines between valid and invalid information. According to McLuhan, digital media has a major influence on the way people perceive information, because "The Medium is the Message" - a characteristic of digital media itself that allows content to be spread without limits and adequate verification. The spread of hoaxes not only harms the public, but also reduces trust in the mainstream media, which is considered unable to filter false information properly. The ITE Law has regulated the prohibition of spreading false information, but its implementation is often ineffective, so additional strategies are needed to combat hoaxes in the digital era.

The commercialization of digital media driven by the need for clicks and user attention causes the media to focus more on sensational content than quality information. This obscures the media's responsibility to present accurate and responsible information. Denis McQuail emphasizes that the media has a social responsibility to provide accurate and useful information to the public. However, in reality, the media often prioritizes viral content and attracts clicks compared to the real value of information. This exacerbates the spread of disinformation and hoaxes, which reduce the quality of information in the public sphere and threaten the educative function of the media (Diaz Ruiz, 2023).

Existing regulations, such as the Press Law and ITE Law, have not been able to fully address the rapid and complex dynamics of digital media. Law No. 32/2002 on Broadcasting, for example, is more aimed at traditional broadcasting media, so it has not accommodated the development of digital media. In the framework of digital media law, Indonesia needs a more comprehensive and adaptive law to regulate the dissemination of digital information and protect the public's right to receive correct information (Maulana, 2019). Lawrence Friedman emphasized that the effectiveness of regulation depends on the balance between the substance of law and the adaptation of legal structures to social change. In the digital era, the need for flexible but firm regulations is crucial so that law enforcement against the media can run optimally.

The Indonesian Broadcasting Commission and the Press Council are two institutions that have an important role in overseeing media compliance with

regulations in Indonesia. However, with the development of digital media, the boundaries of the authority of these two institutions have become blurred, especially in overseeing content produced and disseminated through digital platforms. The Press Council and KPI must adapt to the development of digital technology in order to effectively monitor media content. Legal challenges arising in the digital era require a stronger and more flexible supervisory role from KPI and the Press Council to keep the media in a healthy corridor and in accordance with journalistic standards (Muhtar et al., 2022). Strengthening the role of these supervisory institutions is important to maintain the quality and integrity of information in the digital era.

Facing the challenges that arise in the digital era, media law reform in Indonesia needs to be carried out with a holistic approach. Legislation such as the Press Law, Broadcasting Law, and ITE Law must be updated to be relevant to the characteristics of digital media. In addition, the Job Creation Law can be used as a foundation to carry out regulatory reforms covering personal data protection, media responsibility, and protection of users' digital rights. With proper reforms, the media can be more responsible in presenting information, while the public is also guaranteed the right to accurate information and protection against misuse of personal data. These reforms are expected to create a balance between media freedom and responsibility, so that the media in Indonesia can play an optimal role in supporting a healthy and transparent democracy.

Solutions to Balance Freedom and Responsibility

To balance press freedom and legal responsibility, regulatory reforms are needed that are able to face today's digital challenges. Law No. 40/1999 on Press, ITE Law, and Broadcasting Law need to be adjusted to be more relevant to the digital media landscape. The Job Creation Law (Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law) can be the basis for initiating new regulations that strengthen press freedom protection, but with proper controls to ensure media accountability. Lawrence Friedman mentioned that an effective legal system must involve a balance between legal substance, institutional structure, and legal culture. In this context, the substance of the law needs to be regulated in more detail to regulate the media's responsibility for the content they disseminate, especially in digital media. This reform will help ensure that the media still has the freedom to report without sacrificing its responsibility to maintain the accuracy and integrity of information.

Supervisory institutions such as the Press Council and KPI must be strengthened in carrying out their functions of overseeing media compliance with journalistic regulations and codes of ethics. The Press Council, for example, plays an important role in ensuring that the principles of journalistic ethics are upheld, so that the media remain independent while respecting existing boundaries. In Denis McQuail's view, the media has a great social responsibility as a conveyor of information, and the balance between freedom and responsibility can be achieved with strong supervision and the application of fair sanctions for violations. In addition, KPI can oversee broadcast content to prevent the spread of content that is not in accordance with public norms. Strong journalistic ethics under effective institutional oversight will help prevent abuses of press freedom and maintain the quality of information presented to the public.

Another solution to achieve a balance between press freedom and responsibility is to improve digital literacy and legal awareness in society. Digital literacy allows people to be more critical in filtering information and identifying valid news, so that the role of the media as a responsible source of information is maintained. Edmund Burke emphasized that the media should act as a public "educator", and this role can be supported through digital literacy education. In addition, strong legal awareness will encourage people to understand their rights and the role of the media in democracy. With a more critical and law-aware society, the media will be more motivated to maintain its responsibility to report news accurately and in accordance with regulations. This will ultimately create a healthy media ecosystem, where freedom and responsibility are balanced.

4. Conclusion

The conclusion of this research shows that legal protection for the media and press in Indonesia has been guaranteed through various regulations, such as the Press Law, ITE Law, and Broadcasting Law. However, the challenges of the digital era, including threats to privacy, the spread of fake news, and media commercialization, call for more adaptive and comprehensive legal reforms. In analyzing these obstacles, this study highlights the importance of balancing press freedom and legal responsibility so that the media can play an optimal role as an accurate and responsible conveyor of information. As a solution, reforms based on a balance between legal substance, strengthening supervisory institutions, and increasing digital literacy in society are expected to realize a healthy media ecosystem and support democracy in Indonesia.

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