THE URGENCY OF PRESS FREEDOM IN REPORTING CONFLICTS NORMS PERSPECTIVES OF DIGNIFIED JUSTICE

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ABSTRACT

This study focuses on two problems, first, the urgency of press freedom in reporting the conflict of norms throuh the press law ITE law; second, the criminal code and the conflict of norms resolution construction regarding defamation reviewed from the perspective of dignified justice. Five approaches—the legislative approach, the conceptual approach, the historical method, the philosophical approach, and the case approach—are employed in this dissertation research's problem approach. Among the hypotheses employed are: The foundation of civilized social life is the theory of justice. The Republic of Indonesia Law No. 19 of 2016 on ITE is ratified, which restricts the freedom of the press to educate the public. Clause 27 paragraph (3) of the ITE Law and the Criminal Code's regulations regarding slander, insults, and defamation—which also define defamation—hinder the press's ability to perform its duties, search for, cover, broadcast, and publish news to the public. The following regulations are included in the Criminal Code: Clause 310 paragraph (1); Law No. 1 of 2023: Clause 433 paragraph (1); Criminal Code: Clause 311 paragraph (1); and Law No. 1 of 2023: Clause 434 paragraph (1). Referring to the press freedom under Republic of Indonesia Law No. 40 of 1999 concerning the press, which forbids transmitting and distributing information in accordance with Republic of Indonesia Law No. 19 of 2016 concerning ITE in line with the legislative regulations' hierarchical order, the answer is that the ITE Law should be governed by the Press Law as viewed from the perspective of vertical norms. This is because there is a conflict of norms, specifically a vertical norm conflict and a horizontal norm conflict. A vertical norm conflict is a mismatch between higher and lower norms. In contrast, the philosophy of dignified justice holds that the system must offer justice that has a spiritual component, which is inherent in the idea of freedom. This includes the application of the incarnation of the body and soul, senses, volition, and the inherent qualities of social organisms and people, as well as the principle of humanity or internationalism.

Keywords: ITE law, press freedom, conflict resolution, dignified justice

INTRODUCTION

One important element in realizing open state administration is the public's right to obtain information in accordance with statutory regulations. The right to information is very important because the more open state administration is to public supervision, the more accountable state administration becomes. Everyone's right to obtain information is also relevant to improving the quality of community involvement in the public decision-making process. The Law of the Republic of Indonesia No. 40 of 1999 concerning the Press provides guarantees and legal protection for the press, as well as freedom from interference and coercion from any party. This is necessary to ensure the implementation of the press's functions, rights, and obligations, as press freedom is one of the manifestations of people's sovereignty (Surbakti, 2015). Article 8 of the Press Law states that journalists are legally protected when practicing their profession, and Article 17 states that the public is free to engage in actions that promote press freedom and ensure that everyone has access to the information they need. Since the establishment of Law of the Republic of Indonesia No. 19 of 2016 concerning ITE, it has become a barrier to the freedom of the press to disseminate information to the public. Article 27 paragraph (3) of the ITE Law restricts the freedom of the press to perform its duties, including seeking, covering, broadcasting, and publishing news to the public, as well as what is regulated regarding slander, insults and defamation regulated in the Criminal Code also

explains about defamation which has implications for the application of Article 27 paragraph (3) of the ITE Law No. 16 of 2016, and Article 310 paragraph (1), Article 311 paragraph (1) of the Criminal Code, regarding press freedom.

This is as regulated in Clause 1 number 1 and Clause 4 number (2) letter d Republic of Indonesia Law Number: 14 of 2008 concerning Openness of Public Information, (hereinafter referred to as Republic of Indonesia Law No. 14 of 2008 concerning KIP);

Clause 1 number 1;

> "Information is information, statements, ideas, and signs that contain values, meanings, and messages, both data, facts, and explanations that can be seen, heard, and read, which are presented in various packages and formats in accordance with developments in information and communication technology, electronically or non-electronically.".
>
> *"Informasi adalah keterangan, pernyataan, gagasan, dan tanda-tanda yang mengandung nilai, makna, dan pesan, baik data, fakta maupun penjelasan yang dapat dilihat, didengar, dan dibaca yang disajikan dalam berbagai kemasan dan format sesuai dengan perkembangan teknologi informasi dan komunikasi secara elektronik ataupun nonelektronik"*

Clause 4 number (2) letter d;

> "Disseminate public information in accordance with statutory regulations."
>
> *"Menyebar luaskan informasi publik sesuai dengan peraturan perundang-undangan."*

From the three explanations of the laws described above (the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia No. 39 of 1999 concerning Human Rights and Law of the Republic of Indonesia No. 14 of 2008 concerning KIP). In line with the theory of dignified justice, Pancasila as the soul of the Indonesian nation, is the basic norm of the state, an important element in the legal system, which is called the Pancasila Legal System.

According to the Dignified Justice perspective, the goal of law is justice that humanizes humans. In the concept of justice that humanizes humans, there is justice itself, benefit and legal certainty. These three components of justice that humanize humans are always present in every rule and in legal principles and concrete legal regulations and legal discoveries.

The theory of dignified justice also adheres to another postulate, namely the principle that if people want to seek the law, the law can only be found in the soul of the nation, which means two things in the soul of the nation (Prasetyo, 2015), the first, namely the applicable laws and regulations, secondly, namely a court decision which has permanent legal force, as is the case with freedom of the press as stated in Clause 1 number 1 and Clause 4 paragraphs (1) and (3) of the Law of the Republic of Indonesia Number: 40 of 1999 concerning the PERS, (hereinafter referred to as the Law RI No. 40 of 1999 concerning the Press).

With the birth of Republic of Indonesia Law No. 40 of 1999 concerning the Press, which provides a legal umbrella for the press in carrying out its duties and main duties as a news seeker, is a form of popular sovereignty, as a vehicle for mass communication, disseminator of information and shaper of opinion, and participates in maintaining world order. To guarantee the implementation of the functions, rights, and obligations of the press, the government provides legal guarantees and protection for the press, as well as freedom from interference and coercion from any party through Republic of Indonesia Law No. 40 of 1999 concerning the Press. This is necessary because press freedom is one manifestation of people's sovereignty (Surbakti, 2015).

According to Clause 8 of Republic of Indonesia Law No. 40 of 1999 concerning the Press which reads;

> "In carrying out their profession, journalists receive legal protection."
>
> "*Dalam melaksanakan profesinya wartawan mendapat perlindungan hukum*".

This is balanced with the role of the community as regulated in Clause 17 of the Press Law, namely;

> *"Masyarakat dapat melakukan kegiatan untuk mengembangkan kemerdekaan pers dan menjamin hak memperoleh informasi yang diperlukan".*

Along with the progress of the times and the era of internet-based globalization, Law of the Republic of Indonesia Number 19 of 2016 was born regarding amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as ITE Law No. 19 of 2016).

Clause 27 paragraph (3) ITE Law No. 19 of 2016

> "Every person intentionally and without right distributes and/or transmits and/or electronic documents that contain insulting and/or defamatory content."
>
> *"Setiap orang dengan sengaja dan tanpa hak mendistribusikan dan/atau mentranmisikan dan/atau dokumen elektronik yang memiliki nuatan penghinaan dan/atau pencemaran nama baik".*

Clause 45 paragraph (3) ITE Law No. 19 of 2016

> "Any person who intentionally and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents which contain insulting and/or defamatory content as intended in Clause 27 paragraph (3) shall be punished with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah)."
>
> *"Setiap orang dengan sengajabdan tanpa hak mendistribusikan dan/atau mentranmisikan dan/atau membuat dapat diaksesnya Informasi Elektronik dan/atau Dokumen Elektronikyang memiliki muatan penghinaan dan/atau pencemaran nama baik sebagaimana dimaksud dalam Pasal 27 ayat (3) dipidana dengan pidana penjara paling lama 4 (empat) tahun dan/atau denda paling banyak Rp. 750.000.000,00 (tujuh ratus lima puluh juta rupiah)."*

It has been revised to become Republic of Indonesia Law No. 1 of 2024 concerning Information and Electronic Transactions concerning the second amendment to Law no. 19 of 2016 concerning Electronic Information and Transactions hereinafter referred to as (RI Law No. 1 of 2024 concerning ITE), of which Clause 27 paragraph (3) of RI Law No. 19 of 2016 concerning ITE was changed to Clause 27A of Republic of Indonesia Law no. 1 of 2024 concerning ITE which reads;
Clause 27A Republic of Indonesia Law No. 1 of 2024 concerning ITE

> "Any person intentionally attacks the honor or good name of another person by accusing him of something, with the intention of making this matter known to the public in the form of Electronic Information and/or Electronic Documents carried out through an Electronic System."
>
> *"Setiap orang dengan sengaja menyerang kehormatan atau nama baik orang lain dengan cara menuduhkan suatu hal, dengan maksud supaya hal tersebut diketahui umum dalam bentuk Informasi Elektronik dan/atau Dokumen Elektronik yang dilakukan melalui Sistim Elektronik".*

Clause 45 paragraph (4) Republic of Indonesia Law No. 1 of 2024 concerning ITE

> "Any person who intentionally attacks the honor or good name of another person by accusing him of something, with the intention of making the matter known to the public in the form of Electronic Information and/or Electronic Documents carried out through the Electronic System as intended in Clause 27A shall be punished by a maximum imprisonment of 2 (two) years and/or a maximum fine of Rp. 400,000,000.00 (four hundred million rupiah)".
>
> *"Setiap orang dengan sengaja menyerang kehormatan atau nama baik orang lain dengan dengan cara menuduh suatu hal, dengan maksud supaya hal tersebut diketahui umum dalam bentuk Informasi Elektronik dan/atau Dokumen Elektronik yang dilakukan melalui Sistem Elektronik sebagaimana dimaksud dalam Pasal 27A dipidana dengan pidana penjara paling lama 2 (dua) tahun dan/atau denda paling banyak Rp. 400.000.000,00 (empat ratus juta rupiah)."*

It means that the narrative content contained in Clause 27 paragraph (3) of the ITE Law No. 16 of 2016 does not specifically explain the prohibition on distributing or transmitting things so that they can be threatened with that Clause, and the prosecution carries a criminal threat of 4 years in prison while under Clause 27A ITE Law no. 1 of 2024, the content of the narrative more specifically emphasizes that it must be aimed at attacking the honor of someone's good name and if it is spread via electronic media then it can be stated to be a violation of the ITE Law, and the threat of criminal prosecution as contained in Clause 27A of the latest ITE Law No. 1 of 2024, only 2 years, much lighter than the previous ITE Law (Wiratraman, 2023).

In the application of Clause 310 paragraph (1) of the Criminal Code with Clause 433 paragraph (1) of Law No. 1 of 2023, the criminal charge tends to be the same, namely 9 months, but in terms of application the fine in Clause 310 paragraph (1) of the Criminal Code is much lighter. namely 4.5 million, while the application of fines in Clause 433 paragraph (1) of Law no. 1 in 2023 is heavier, namely 10 million rupiah (Mahendra Gautama & Purwanto, 2020). Likewise with Clause 311 paragraph (1) where in the Criminal Code the threat is 4 years in prison, whereas in Clause 434 of Law no. 1 of 2023 the threat is lighter, namely 3 years, and the fines in Clause 311 paragraph (1) of the Criminal Code do not include temporary fines in Clause 434 paragraph (1) of Law no. 1 of 2023 is much heavier Rp. 200,000,000.00 (two hundred million rupiah).

Meanwhile, the implications of implementing Clause 27 paragraph (3) of the ITE Law no. 16 of 2016, and Clause 310 paragraph (1), Clause 311 paragraph (1) of the Criminal Code, to RI Law no. 40 of 1999 concerning the Press is very contradictory, this can be seen from a series of cases that befell journalists related to news published to the public either through electronic means or print media which resulted in conviction.

In accordance with the hierarchical order of Legislative Regulations according to Republic of Indonesia Law no. 12 of 2011 Clause 7 paragraphs (1) and (2) concerning the Formation of Legislative Regulations, namely that there is a Vertical norm conflict and a Horizontal norm conflict, where the Vertical norm conflict is a mismatch between higher norms and lower norms, then it is resolved that the ITE Law should be subject to the Press Law seen from the position of Vertical norms (Soediro, 2018). Meanwhile, Horizontal norm conflict is an incongruity between norms that have equal positions in the hierarchical order of Legislative Regulations according to Law Number 12 of 2011 concerning the Formation of Legislative Regulations. The relationship between legal norms can be described as a relationship between "super ordinations." " and "subordination" which is a spatial metaphor.

The Criminal Code contexts' as a basic norm related to the implementation of defamation and freedom of the press, it is necessary to look at the explanation in Clause 310 Paragraph (3) of the Criminal Code. The acts mentioned in paragraphs (1) and (2) are not necessarily punishable (Soesilo 1995), If the accusation is made to defend "public interests" or because it is forced to "defend oneself". If interpreted in depth, the meaning of the words "in the public interest of Clause 310 Paragraph (3) of the Criminal Code" according to the author regarding the words "Public Interest" Clause 310 Paragraph (3) is that journalists cannot be charged with the defamation Clause, because it has been stipulated in the memorandum. understanding between the Press Council and the National Police of the Republic of Indonesia Number: 2/DP/MoU/II/2017-Number: B/15/II/2017 concerning Coordination in the Protection of Press Freedom and law enforcement regarding abuse of the profession of journalists related to handling press offenses due to the press work for the public/general interest.

If the report made by a journalist results in a criminal act of defamation then the process that will be carried out is using the Criminal Code, if on the contrary it is only a violation of the code of ethics then the problem can simply be resolved with the Press Council using the right of reply and the right of correction. There is a mismatch between Das Sein (actual facts) and Das Sollen (the governing legal rules), resulting in a conflict of norms between freedom according to Republic of Indonesia Law No. 40 of 1999 concerning the Press with prohibitions according to Republic of Indonesia Law no. 19 of 2016 concerning ITE which has implications for punishment. (Explanation of the author's opinion regarding "there is a mismatch between Das Sein "actual facts" and Das Sollen "governing legal rules", then there is a conflict of norms between freedom according to the press law and prohibitions according to the ITE Law). This study aims to analyze and discover the urgency of press freedom in reporting related to the conflict of norms between the Press Law, the ITE Law and the Criminal Code which regulates Defamation, viewed from the perspective of Dignified Justice.

Theory of Legal Justice

The foundation of a civilized social existence is justice. Laws are made to ensure that each member of society and state officials take the required steps to preserve social bonds and accomplish life's objectives together, or vice versa, to avoid taking any acts that would jeopardize the rule of law. The social order will be upset because justice will be broken if the mandated activity is not followed or a prohibition is broken. Justice must be maintained if social life is to return to order. Sanctions will be imposed based on the severity of each infraction (Mahfud, 2014). According to (John Rawls, 2006), situations of inequality must be regulated in such a way that they most benefit the weakest groups in society. Two requirements must be fulfilled for something to occur. First, the lowest group of individuals is guaranteed a maximum minimum due to the status of inequality. This implies that society must be set up in a way that maximizes profits for the limited group of individuals. Second, jobs that are accessible to everybody are linked to inequality. This implies that everyone has an equal chance of success in life. These rules require that any racial, ethnic, religious, and other fundamental distinctions between individuals be disregarded. John Rawls also highlighted the need of two justice concepts in a popular justice enforcement program: first, equal rights and chances for the most fundamental freedoms, including equal freedom for everyone. This means that everyone is given equal opportunities in life. These rules require that any racial, ethnic, religious, and other fundamental distinctions between individuals be disregarded. John Rawls further emphasized that a justice enforcement program with a popular component has to focus on two justice principles: first and foremost, giving everyone equal rights and opportunities for the most basic freedoms. Second, being able to reorganize socioeconomic disparities so that everyone, even those from affluent and underprivileged groups, may benefit in turn (Hasanuddin, 2018).

The foundation of equality-based justice is the idea that everyone is bound by the law, meaning that the justice that the law seeks to accomplish must be viewed in light of equality. Numerical and proportional similarity makes up the similarity that is being discussed here. While proportional equality involves granting each individual their right, numerical equality is based on the idea that all people have the same standing before the law. Distributive justice, this is identical to proportional justice, where distributive justice stems from the granting of rights according to the size of the service, so that in this case justice is based on equality, but rather according to each portion (proportional). In its most basic form, corrective justice is based on making amends for mistakes. For instance, if someone makes a mistake that harms another person, the person who caused the loss must compensate the victim to restore their condition as a result of the mistake (Rea, 2023). Justice serves as both the moral cornerstone of the law and the standard for an effective legal system. The foundation of positive law is justice. In the meanwhile, it is constitutive as justice must be a fundamental component of law as such. In the absence of justice, a norm is not worthy of becoming law.

This is because the most crucial factor in ensuring legal certainty is that the rules themselves follow the formulation. Similarly, when utility value is given priority, it will override the importance of justice and legal clarity since utility value is based on whether or not the law benefits society. There must be a balance between these three values in law enforcement since focusing solely on the value of justice will also diminish the value of legal clarity and utility (Bernard L. Tanya, 2010). Furthermore, according to Radbruch (2002), justice has both normative and constitutive qualities for law, and law is the carrier of this value. Since positive law is derived from justice, it is normative. According to Radbruch (2002), it is constitutive because justice must be an absolute component of the law; without justice, a rule does not deserve to become law. In order to apply the law effectively and equitably and achieve the goals of the law, justice must come first, followed by expediency and finally legal certainty. (Satjipto Raharjo, 2008).

Theory of Legal Benefit

Jeremi Bentham (1748-1831) was the first to create utilitarianism (Gaus, 2015). How to determine if a socio-political, economic, and legal policy was ethically just or wrong was the issue Bentham was facing at the time. That is, how to evaluate a public policy that affects a large number of people morally. According to this concept, Bentham concluded that the most objective way to determine whether a given policy or action helps or produces beneficial results—or, on the other hand, harms the individuals involved—is to look at it (Bellamy, 2023). The main principle of this theory is regarding the purpose and evaluation of law. The aim of law is the greatest welfare for the greatest number of people or for all people, and legal evaluation is carried out based on

the consequences resulting from the process of implementing the law. Based on this orientation, the content of the law is provisions regarding the regulation of the creation of state welfare (Lili Rasjidi and B. Arief Sidharta, 1989).

The next adherent of Utilitarianism was John Stuar Mill. In line with Bentham's thoughts, Mill has the opinion that an action should aim to achieve as much happiness as possible. According to Mill, justice originates in the human instinct to reject and avenge the damage suffered, both by ourselves and by anyone who gets our sympathy, so that the essence of justice includes all the moral requirements that are essential for the welfare of mankind (R. Salman, 1989). Mill agrees with Bentham that an action should be aimed at achieving happiness, whereas an action is wrong if it produces something that is the opposite of happiness. Furthermore, Mill stated that standards of justice should be based on utility, however, the origins of awareness of justice are not found in utility, but rather in two things, namely the stimulus for self-defense and feelings of sympathy. According to Mill, justice originates from the human instinct to reject and avenge the damage suffered, both by ourselves and by anyone who has our sympathy (Rosen, 2003).

The feeling of justice will rebel against damage, suffering, not only on the basis of individual interests, but more broadly to other people whom we equate with ourselves, so that the essence of justice includes all the moral requirements that are essential to the welfare of humanity (Bodenheimer, 2019).

Theory of Legal Certainty

Legal certainty as one of the goals of law can be said to be part of efforts to realize justice. It is possible to say that attempts to achieve justice include legal certainty as one of the objectives of the law. Implementing or enforcing a law regardless of who does it is the true definition of legal certainty. Everyone can anticipate what will happen to them if they conduct certain legal activities when there is legal certainty. Realizing the idea of equality before the law without discrimination requires certainty (Yasa & Iriyanto, 2023). Legal certainty will guarantee that a person carries out behavior in accordance with applicable legal provisions, on the other hand, without legal certainty; a person does not have standard provisions for carrying out behavior. Thus, it is not wrong if Gustav Radbruch puts forward certainty as one of the goals of law. In the order of social life, it is closely related to certainty in the law. Legal certainty is in accordance with the normative nature of both provisions and judge's decisions. Legal certainty refers to the implementation of life arrangements which are clear, orderly, consistent and consequential and cannot be influenced by subjective circumstances in people's lives (Susanto, 2020).

Legal certainty is a question that can only be answered normatively, not sociologically. Normative legal certainty is when a regulation is created and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not give rise to doubt (multiple interpretations) and logical in the sense that it forms a system of norms with other norms so that it does not clash or give rise to norm conflicts. Norm conflict arising from regulatory uncertainty can take the form of norm contestation, norm reduction or norm distortion. Radbruch (2002), positive law which regulates human interests in society must always be obeyed even though positive law is unfair (Kameo & Prasetyo, 2020). Furthermore, legal certainty is a matter (circumstances) that are certain, provisions or provisions. Laws must essentially be certain and fair. It must be a guide to behavior and is fair because the code of behavior must support an order that is considered reasonable. Only because it is fair and implemented with certainty can the law carry out its function. Legal certainty is a question that can only be answered normatively, not sociologically. There is no standard definition regarding what constitutes hate speech and defamation in Indonesian.

The Concept of Defamation

Defamation is a special form of unlawful act. Some of the terms used regarding this form of unlawful act are defamation, but others say it is an insult. Insults, or in foreign languages, defamation, are literally defined as an action that harms someone's good name and honor. Based on the explanation in Clause 310 of the Criminal Code, insult has the meaning of "attacking someone's honor and good name". In the history of Indonesian law, the concept of insult was formulated by the Supreme Court as a result of the interpretation of haatzai Clauses, the main offense of which is found in Clause 154-Clause 156 and verpreidings delict, the main offense of which is found in Clause 155-Clause 157 of the Criminal Code.

According to this definition, an insult is an act of expressing animosity, anger, or degrading remarks made about the government or certain groups of people in the Haatzai Clauses. Textually speaking, these clauses make it illegal for anyone to publicly express animosity, anger, or denigration; this is not the same as insult, which is derived from the term "minachting" against the government or particular groups of people. Thus, the interpretation by the Supreme Court, the statement of hostility, hatred or contempt (which comes from the word vijandschap, haat of minachting) can be interpreted as a statement of feelings in the form of insults (in beledigende vorm). From the word "or" between the words "good name" and "honor", we can conclude that both, namely "good name" and "honor" are two different things and can be distinguished, even though they are often closely related to each other.

Defamation/insult/slander that is spread in writing is known as libel, while that which is spoken is called slander. The Criminal Code states that insults/defamation can be done verbally or in writing (printed). In his book, Oemar Seno Adji states that defamation is known as insult, which is divided into the following:

a. Material insult
Insult consisting of a fact that includes an objective statement in words, either verbally or in writing, then the determining factor is the content of the statement, whether used in writing or verbally. There is still a possibility to prove that the accusation was made in the public interest.

b. Formal insult
In this case, the content of the insult is not stated, but rather how the statement in question was issued. The form and method are determining factors. In general, the way of stating is in a rude and non-objective manner. The possibility of proving the truth of the accusation does not exist and it can be said that this possibility is closed.

Honor is a feeling of self-worth that emerges in a person's psyche (eergevoel, feeling of honor). Therefore, "self-esteem" refers to an individual's "internal" qualities. However, a person's "good name" is an accolade bestowed by the community around them and is connected to their behavior, views, or social standing. "Good name" is an external concept. Although experts disagree on the definition and meaning of honor and good reputation, they all agree that they are a person's or every human being's fundamental rights. Furthermore, it is clear from the term "or" above that the criterion to attack honor or breach one's good reputation is an alternate condition rather than a cumulative one for an insult. For a criminal act who insult to exist, only one of the two requirements must be met (together with additional unique requirements) (Saputro & Anwar, 2023).

Social Media Concept

Social media has the potential to be a different way for criminal activity to occur. The flow of information has undergone significant and wide-ranging changes as a result of digital advances in science and information technology. It used to be difficult for people to become news providers, but now days, anyone can become a news source. Social media has evolved into an alternate, open, and public place. On social media, everyone may publish, post, and share whatever kind of content they like (Gst. Ayu Atun Luviana et al., 2022).Social media has become a new space in human life, and seems to be a second home for users. Social media or applications such as Facebook, Twitter, Blackberry Messenger (BBM), Line, WhatsApp, Youtube, Google, Yahoo Messenger, and others are used as a means of writing, sending photos, videos, or negative content such as pornography, immorality, gambling, threats, blackmail, fraud with various modes, seduction, trickery, to acts containing insults and/or defamation. Any information such as news, Clauses, videos, photos, containing negative content accessed through social media can spread and occur so quickly.

The speed of the spread of technological information is much faster to all corners of the world compared to the spread of information conventionally. Likewise, acts containing insults and/or defamation on social media spread very quickly. The impact of its propagation cannot be prevented once it is sent or uploaded to social media in a matter of seconds. Social media has several beneficial effects on society, particularly for its users, but it also has many drawbacks, such as being a tool for systematic and varied criminal activity. The laws controlling offensive and/or libelous information on social media must be reconstructed via criminal policy because to its wide reach, quick global dissemination, and the legal protection of freedom of speech in a democracy.

FORMULATION OF THE PROBLEM

The following issues in this study are based on the previously indicated problem background as follows:

1. What is the Urgency of Press Freedom in Reporting related to the Conflict of Norms according to the Press Law with the ITE Law and the Criminal Code?
2. How is the Construction of the Resolution of the Conflict of Norms Regarding Defamation Reviewed from the Perspective of Dignified Justice?

RESEARCH METHODS

This study is frequently referred to as doctrinal law or normative legal research. The term "normative legal research" refers to legal research that looks at the legal principles found in laws and regulations. This means that the research only focuses on legal norms in the context of legal concepts and theories; it also studies aspects of legal norm conflicts using analogies, interpretations, and legal constructions using the theory of dignified justice as an analytical tool. Five approaches—the legislative approach, the conceptual approach, the historical method, the philosophical approach, and the case approach—are employed in this dissertation research's problem approach. Among the hypotheses employed are: The foundation of civilized social life is the theory of justice. The legislation was established to ensure that each individual member of society and state officials take the required steps to preserve social bonds and accomplish life's objectives together, or vice versa, in order to avoid doing anything that may jeopardize the rule of law. Legal Benefit Theory, specifically: If the adoption of a new legal provision results in goodness, maximum enjoyment, and decreased suffering, then it can be deemed excellent. However, it is deemed harmful if its use leads to unjust outcomes, losses, and simply makes suffering worse. One may argue that the Theory of Legal Certainty is a component of the endeavor to achieve justice as one of the goals of the law.

DISCUSSION

Legal Protection of Freedom of the Press Provisions of Legislation

Press professionals in Indonesia are subject to the Criminal Code ("KUHP") that is now in effect and cannot be exempted from or granted immunity from criminal law. This does not imply, however, that journalistic freedom has been legally curtailed. Actually, the way of thought that needs to be created is that the goal of the legal instruments is to create a press that is impartial, open, and professional. It must be admitted; nonetheless, that Indonesian news media has not yet completely adopted a responsible and professional press style. Given that not all Indonesians are intelligent and well-educated, this should be closely monitored. The press has the potential to become an agitational medium that may impact the psyche of the ignorant population, which is far more numerous than the educated population, if it is permitted to function without oversight or accountability. Therefore, curbs on press freedom are necessary, at the very least in the form of laws. in order for the press to conduct proper press responsibilities.

Meanwhile, press freedom to report if it is done responsibly and professionally, even if there are errors in the facts of the news, it is still not criminalized. In carrying out his profession as a journalist, he needs to get legal protection in carrying out his duties to seek, obtain, possess, store, process, and convey information both in the form of writing, sound, images, and data and graphics or in other forms using print media, electronic media and all types of available channels as stated in Article 8 of Law of the Republic of Indonesia Number 40 of 1999 concerning the Press.

The legal protection referred to here is none other than a guarantee of protection from the government and/or society given to journalists in carrying out their functions, rights, obligations and roles in accordance with applicable laws and regulations. Freedom of opinion, expression, and the press are human rights protected by Pancasila, the 1945 Constitution of the Republic of Indonesia, and the UN Universal Declaration of Human Rights. In realizing press freedom, Indonesian journalists are also aware of the interests of the nation, social responsibility, social diversity, and religious norms.

Fair and Dignified Freedom of the Press

The criminal law system's defining feature is the offender's accountability for the illegal conduct they did, which is frequently linked to specific situations rather than the offender's mindset (Atang Ranomihardja, 1994). If a crime has been committed and satisfies the legal requirements, criminal culpability might be declared. If a banned (required) crime is committed and there is no illegal action or explanation, the perpetrator will be held accountable (criminalized) for the conduct (E Y Kanter and S R Sianturi, 2002). Pancasila and the Republic of Indonesia's 1945 Constitution serve as the foundation for Indonesian justice, the country has a unique approach to enforcing the law that sets it apart from other nations. The justice practiced in Indonesia is based on the principles of humanity, the Almighty God, and Indonesian cultural etiquette. These principles are derived from society and aim to eradicate both material and non-material forms of colonial conduct.

The Urgency of Conflict Norms Press Freedom on the Perspective of Dignified Justice

Justice is the absence of prejudice, partiality, and side-taking, that is, an act that is neither biased nor balanced. Since the goal of justice in the law is to ensure that no one is harmed, scales are frequently used as a symbol (Suharso and Ana Retnoningsih, 2014). From the standpoint of the Indonesian people, justice is defined as justice that is influenced by Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), specifically justice that is influenced by the values of the Almighty God, just humanitarian values, and values that are indigenous to Indonesian society and customs. According to researchers, everyone must have a unique perspective on justice. Since justice is a multifaceted object, various individuals will undoubtedly have diverse opinions about it. Since the legal ramifications of these divergent opinions will be unclear, standards and foundations are necessary in order to comprehend justice. Pancasila and the Republic of Indonesia's 1945 Constitution, which established justice on Indonesian soil, serve as the standard. The ideology of Pancasila refers to the beliefs, values, and character of the Indonesian people as outlined in the articles of the 1945 Constitution of the Republic of Indonesia (Sunarjo Wreksosuhardjo, 2005).

The Pancasila concept is elaborated in the Preamble to the 1945 Constitution of the Republic of Indonesia, which is composed of many paragraphs (Teguh Prasetya and Abdul Halim Barkatullah, 2009).

1. The first paragraph contains the meaning that the Indonesian state is a state that protects and encompasses all Indonesian people and all of Indonesia's territory, and encompasses all group and individual ideologies.

2. The second paragraph contains the meaning that the Indonesian state seeks to realize its ideals as an independent, united, sovereign, just and prosperous state for all Indonesian citizens.

3. The third paragraph contains the meaning that the Indonesian state adheres to the concept of people's sovereignty in organizing the state.

4. The fourth paragraph contains the meaning that the Indonesian state is a state that believes in one God according to the basis of just and civilized humanity.

Prasetyo claims that the legal theory of Dignified Justice has a number of significant legal postulates. One of the aforementioned postulates is that law is a system (Prasetyo, n.d.). A system is a cohesive whole made up of several interconnected elements. The system consists of a number of components or components that work together to accomplish objectives. Justice that humanizes people is one of the other tenets.

The nation's soul is the foundation of the dignified justice philosophy. The spirit of the Indonesian people is Pancasila. A key component of the legal system known as the Pancasila Legal System, Pancasila is the fundamental rule of the state. The Pancasila principles serve as a benchmark for a legal system's quality. The goals of the legislation are further components of the Pancasila Legal System. The goal of the law, according to the Dignified Justice viewpoint, is justice that makes people more like themselves. Benefits, legal certainty, and justice itself are all part of the humanizing idea of justice. The three components of justice that humanize humans are always present in every rule or in the legal principles or concrete legal regulations and legal discoveries.

According to the perspective of Dignified Justice, a system does not allow conflict to occur within it. So in the philosophy of Dignified Justice there is no antinomy. There is no conflict between justice and utility. Likewise, there is no conflict between utility and legal certainty. Justice, certainty, and utility as the objectives of law are a unified balance. Every time the law is discussed, it automatically contains the meaning of justice, as well as certainty and all laws that are beneficial.

The philosophy of dignified justice also upholds another tenet, which is that if people wish to find their law, it can only be discovered in the nation's spirit. The phrase "soul of the nation" refers to two concepts. First, specifically the relevant laws and rules. Second, judicial rulings that, if feasible, are legally binding forever. The teachings of conventional legal aims, or dogmatic juridical doctrines, are connected to the goals of law. Since law is only a set of regulations, positivistic legal philosophy, which tends to view law as autonomous and independent, is the source of this school of thought.

Furthermore, the standard priority teachings of Gustav Radbruch, a German legal philosopher, taught the concept of three basic legal ideas that some experts identify as the three objectives of law, namely: Justice, Benefit and Legal Certainty.

Based on Radbruch's teachings, justice must always be prioritized. When a judge must choose between justice and benefit, the choice must be on justice. Likewise, when a judge must choose between benefit and certainty, the choice must be on

benefit (Ali, 2015). According to Teguh Prasetyo, in justice, as a priority, there is already certainty and benefit. To fulfill the judge's obligation to fill the legal vacuum or ambiguity of a regulation in legal science is known as Legal Construction and Interpretation (Interpretation).

According to Sudikno Mertokusumo, what is meant by interpretation or legal interpretation is a method of legal discovery that provides a clear explanation of the text of the law so that the scope of the rule can be determined in relation to certain events. The interpretation method is a means or tool to find out the meaning of the law. Explaining the provisions of the law is ultimately to realize the function of law (Mertokusumo, 2014).

Method of Argumentum Per Analogium (Analogy). Inductive reasoning, or thinking from specific occurrences to general events, is used in the legal discovery process of analogies, where judges look for the more general essence of a legal event or legal conduct that has been governed by law or for which there are no laws. Method of Argumentum a Contrario. This approach gives judges the chance to make legal discoveries by taking into account the idea that if the law specifies something for a certain event, it indicates that the regulation is only applicable to that event, and the contrary is true for occurrences that are not covered by it, because sometimes the law does not directly control an occurrence, but it does govern its opposite.

When a disagreement arises or a violation is committed, repressive legal protection is the last line of defense and takes the shape of fines, jail time, and other punishments (Muchsin, 2003). According to the theory of dignified justice, utility, legal certainty, and justice are all one and the same. Mahadi claims that legal philosophy is a philosophy of law, a philosophy of everything related to the area of law, methodically going all the way back to its foundations. According to Soedjono Dirjosisworo, legal philosophy is the position or understanding of philosophy that individuals, groups, or the government have taken on the nature of the qualities that serve as the foundation for the legitimacy of laws. As a theory, the theory should be understood with full awareness or rationalized that in reality the theory is a tool, meaning that every theory that is built is always oriented towards the value of utility for humans and society. The Theory of Dignified Justice is valuable, as the value meant by Notonagoro, because at least the theory has quality, it can be utilized by a nation with a large territory and population.

Formally-constitutionally, for the Indonesian nation, Pancasila is recognized as the state philosophy (state philosophy) of the Republic of Indonesia which was born from the contemplation of the values of divinity, humanity, unity, democracy, justice and then used as the basis for the theory of Dignified Justice. Potentially, the philosophy of Pancasila will develop along with the dynamics of culture; the philosophy of Pancasila will develop conceptually, rich conceptually and literature in quantity and quality. Pancasila is a philosophy that is systematic and objective.

The principles of Pancasila are interconnected in a complete or whole way. This completeness shows the essence, its meaning in such a way that it finds the building of the philosophy of Pancasila if the substance of the law is in accordance with the contents of the soul of the Indonesian nation from generation to generation. The contents of this soul are the measuring tool for whether or not a rule or principle of law is truly the philosophy of Pancasila. Dignified Justice is legal justice in the perspective of Pancasila which is based on the 2nd principle, namely fair and civilized, while economic justice is based on the 5th principle, namely social justice. Justice is the goal to be achieved by every legal system. While some argue that the justice to be achieved is economic justice that is material in nature. This view is ultra-lateral.

The reverse is true of the doctrine of dignified justice, which holds that the system must offer justice with a spiritual component that is inherent in the idea of independence. According to the second Pancasila principle, "fair and civilized" means "just and civilized humanity." The embodiment of the aspects of human nature, including body and soul, reason and feeling, will, and the essence of individuals and social beings, is embodied here, together with the principle of humanity or internationalism (Prasetyo, n.d.).

In order for Pancasila to openly acknowledge the notion of humanity, the second principle highlights the philosophy of Pancasila considering people as individuals who possess lofty dignity and honor, which is their inherent intrinsic nature (Pasha et al., 2019). The concept of humanity states clearly that people should accept and value each other's honor and dignity without making distinctions between them.Justice that humanizes people is the cornerstone of the second Pancasila principle and the legal justice system that the Indonesian people possess. Dignified justice is justice founded on the second Pancasila precept. When someone is treated as a human being despite having a criminal record, this is known as "dignified justice." Justice that strikes a balance between duties and rights is known as dignified justice.

In order to give legal protection to the parties involved or those who file a lawsuit, legal protection theory encompasses all attempts to ensure legal certainty for each person's rights. In order to achieve order and peace and allow people to enjoy their human dignity, Setiono defines legal protection as an action or endeavor to shield society from capricious acts by the authorities that do not follow the rule of law (Harjono, n.d.). The Indonesian nation's ideology and identity, which are embodied in Pancasila, are the foundation of the notion of dignified justice. Pancasila is the origin of all legal precedents as well as the ideology and state and national philosophy. Furthermore, a reconstruction of the resolution of the conflict of norms between press freedom and Article 27 paragraph (3) of Law of the Republic of Indonesia Number: 19 of 2016 concerning ITE and the Criminal Code Reviewed from the Perspective of Dignified Justice is needed.

CONCLUSION

The following conclusion on the pressing need for press freedom in reporting on norm conflicts between the Press Law, ITE, and the Criminal Code:

1. The importance of affirming regulations related to handling press crime cases, so that the press in carrying out its duties and main duties as journalists is no longer constrained or shackled by the prohibition on distributing, transmitting and disseminating news as referred to in Article 27A of Law of the Republic of Indonesia No. 1 of 2024, the second amendment to Article 27 paragraph (3) of Law No. 19 of 2016 regarding the second amendment to Law No. 11 of 2008.

2. There needs to be clarity regarding Article 310 Jo 311 of the old Criminal Code (Article 433 paragraph (1) and (2) Jo Article 434 paragraph (1) of Law of the Republic of Indonesia No. 1 of 2023) which regulates the meaning of oral and written defamation related to the conflict of norms between press freedom and prohibitions according to the ITE Law.

3. There needs to be a special resolution regarding the problem of conflict of norms between the Press Law and the ITE Law which are both Lex Specialis Derogat Legi Generali.

The construction of the resolution of the conflict of norms regarding defamation reviewed from the perspective value of Pancasila values to identify the fundamental law, the practical construction of the resolution of the conflict of norms regarding defamation reviewed from the perspective of dignified justice should go back to the rules that have been mandated in the constitution regarding statutory regulations, namely:

1. Using the Hierarchy of Statutory Regulations as stated in Article 7 paragraph (1) of Law No. 12 of 2011

2. Using the Principles of Law (Lex superiori derogate inferiori, Lex specialis derogate legi generali and Lex posteriori derogate legi priori)

3. Using the Agreement between the Press Council and the National Police as stated in the MoU Number: 2/DP/MoU/II/2017 and Number: B/15/II/2017 concerning the handling of press crimes.

4. Using the Circular of the Chief of Police dated February 19, 2021 Number: SE/2/II/2021 concerning Ethical Cultural Awareness to realize a Clean, Healthy, and Productive Indonesian digital space.

5. Using the Journalist Code of Ethics

Law enforcement officials (National Police, Prosecutor's Office, and Judiciary) should preserve the supremacy of law by standing tall like a sword of justice, regardless of status, group, or power, in order to accomplish the actual goals of the law. Instead of just using the ITE Law and the Criminal Code, which have implications for press freedom in disseminating news in digital media, law enforcement officials should apply the legal principle of Lex Specialis Derogat Legi Generalis as the primary norm when handling press crime cases involving defamation caused by press reporting. As a reference for the fundamental norm of Article 27 paragraph (3) of Law of the Republic of Indonesia No. 19 of 2016 concerning ITE and the Constitutional Court Decision Number: 50/PUU-VI/2018 is a complaint offense (klacht), according to Article 72 to Article 75 of the Criminal Code, which explains the rules for filing and withdrawing complaints in cases of crimes that can be prosecuted for complaints, the press must follow the 5W 1H elements when publishing news in order to ensure that the news presented by journalists is truly journalistic and can be accounted for in order to avoid the defamation article as stipulated in Article 310 paragraph (3) of the Criminal Code. Before pursuing legal action, victims of press-reported news are expected to use the Press Council's right of reply and right of correction to news in print and electronic media to strike a balance between the public interest and journalistic product reporting and prevent criminal defamation.

REFERENCES

Ali, A. (2015). Achmad Ali,. *Tinjauan Yuridis Terhadap Tindak Pidana Pencemaran Nama Baik*, *3*.

Andrey Sujatmoko. (2009). Sejarah, teori, prinsip dan kontroversi HAM. *Sejarah, Teori, Prinsip Dan Kontroversi HAM*.

Angkasa, N., Wardani, Y. K., Zulkarnain, Agustin, Y., Faisal, A., Susanti, R., Gunawan, Mubaroq, H., & Shafira, M. (2019). Metode Penelitian Hukum: Sebagai Suatu Pengantar. In *Lex Privatum* (Vol. 2, Issue 1).

Baskoro, L. R. (2021). Kekerasan Terhadap Pers dan Perlindungannya. *Jurnal Hak Asasi Manusia*, *7*(7). https://doi.org/10.58823/jham.v7i7.67

Bellamy, R. (2023). Victorian Liberalism. In *Victorian Liberalism*. https://doi.org/10.4324/9781032671581

Bernard L. Tanya. (2010). *Teori Hukum. Strategi Tertib Manusia Lintas Ruang dan Generasi*. Genta Publishing.

Bodenheimer, R. (2019). The Politics of Story in Victorian Social Fiction. In *The Politics of Story in Victorian Social Fiction*. https://doi.org/10.7591/9781501733444

Budiardjo, M. (2007). Dasar-dasar ilmu politik (Revisi). *PT Gramedia Pustaka Utama*.

Darwis, N. (2006). Membangun Politik Hukum, Menegakkan Konstitusi. *Membangun Politik Hukum, Menegakkan Konstitusi-Tinjauan Status Dwi Kewarganegaraan Berdasarkan Undang-Undang No. 12 Tahun 2006*, *7*(12).

Disantara, F. P. (2021). PERSPEKTIF KEADILAN BERMARTABAT DALAM PARADOKS ETIKA DAN HUKUM. *LITIGASI*, *22*(2). https://doi.org/10.23969/litigasi.v22i2.4211

Farinelli, F. (2000). Friedrich Ratzel and the nature of (political) geography. *Political Geography*, *19*(8). https://doi.org/10.1016/S0962-6298(00)00036-6

Fathorrahman, F. (2021). Politik Hukum Hierarki Peraturan Perundang-Undangan Indonesia. *HUKMY : Jurnal Hukum*, *1*(1), 73–90. https://doi.org/10.35316/hukmy.2021.v1i1.73-90

Gaus, G. F. (2015). Social Philosophy. In *Social Philosophy*. https://doi.org/10.4324/9781315700717

Gst. Ayu Atun Luviana, Ejasa Sembiring, & A.A.I.N Dyah Prami. (2022). PENGARUH IKLAN MEDIA SOSIAL INSTAGRAM (INSTAGRAM ADVERTISEMENT) DAN ELECTRONIC WORD OF MOUTH (EWOM)TERHADAP MINAT BELI DI AYRIN MOMS & BABY CARE. *Journal of Applied Management Studies*, *3*(2). https://doi.org/10.51713/jamms.v3i2.51

Hamid S. Attamimi. (1988). Pancasila Sebagai Ideologi Bangsa. *Tep. Apx.*, *60*(8).

Hasanuddin, I. (2018). Keadilan Sosial: Telaah atas Filsafat Politik John Rawls. *Refleksi*, *17*(2), 193–204. https://doi.org/10.15408/ref.v17i2.10205

Herlambang, U. P., PJ, N. S., & Astuti, A. E. S. (2012). Penyelesaian Perkara Tindak Pidana Pers melalui Dewan Pers sebagai Lembaga Mediasi. *Diponegoro Law Review*, *1*(4).

Hermiyanty, D.; Bertin, Wandira Ayu; Sinta, D. (2017). Teori Negara Hukum. *Journal of Chemical Information and Modeling*, *8*(9), h. 15.

Hidayat, M. I., Sakti, M. D. A. B., Hafidz, N., & Al Manaanu, Y. (2022). The Elements of Secularization in The Universal Declaration of Human Rights. *Tasfiyah: Jurnal Pemikiran Islam*, *6*(2). https://doi.org/10.21111/tasfiyah.v6i2.8321

Ibrahim, Z., Hukum, F., & Sriwijaya, U. (2013). HUKUM PENGUPAHAN YANG BERKEADILAN SUBSTANTIF (Kajian Teoritis Terhadap Teori Upah Teladan). *Masalah-Masalah Hukum*, *42*(2).

Izzah, I. Y. U. (2013). Jacques Derrida: Dekonstruksi, Difference, serta Kritiknya terhadap Logosentrisme dan Metafisika Kehadiran. *Filsafat Sosial*.

Jemat, A. (2014). Framing Media Online Terhadap Pemberitaan Mengenai Susilo Bambang Yudhoyono Menjelang Pemilu Legislatif. *Komunikologi (Ilmu Komunikasi)*, *11*(2).

John Rawls. (2006). *Teori Keadilan*. Pustaka Pelajar.

Kameo, J., & Prasetyo, T. (2020). Hakikat Hukum Ekonomi (Internasional) Dalam Perspektif Teori Keadilan Bermartabat. *Jurnal Hukum Ius Quia Iustum*, *27*(2). https://doi.org/10.20885/iustum.vol27.iss2.art5

Leden Marpaung. (2012). Asas - Teori - Praktik Hukum Pidana. *Jakarta: Sinar Grafika*.

Lili Rasjidi dan B. Arief Sidharta. (1989). *Filsafat Hukum Mazhab dan Refleksinya*. Remaja karya.

Mahendra Gautama, I. D. G. A., & Purwanto, I. W. N. (2020). PENGATURAN PEMBATASAN KEBEBASAN PERS DALAM PENYEBARAN INFORMASI DI INDONESIA. *Kertha Semaya : Journal Ilmu Hukum*, *8*(10). https://doi.org/10.24843/ks.2020.v08.i10.p12

Mahfud, M. (2014). Hermeneutika Hukum dalam Metode Penelitian Hukum. *Kanun Jurnal Ilmu Hukum*, *16*(2).

Mahmud Marzuki dan Peter Mahmud. (2011). Penelitian Hukum,. In *jurnal Penelitian Hukum*.

Marzuki, P. M. (2005). *Penelitian Hukum*. Kencana.

Mertokusumo, S. (2014). Penemuan Hukum Sebuah Pengantar Edisi Revisi,. *Yogyakarta: Liberty*.

Nikolić, O. (2020). The Cairo Declaration on Human Rights in Islam. *Strani Pravni Zivot*, *3*. https://doi.org/10.5937/spz64-28285

Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). METODOLOGI NORMATIF DAN EMPIRIS DALAM PERSPEKTIF ILMU HUKUM. *Jurnal Penegakan Hukum Indonesia*, *2*(1). https://doi.org/10.51749/jphi.v2i1.14

Oba, E. (2023). Penyelesaian Sengketa Pers Pencemaran Nama Baik Media Online Ditinjau Dari Undang-Undang Nomor 40 Tahun 1999 Tentang Pers. *COMSERVA : Jurnal Penelitian Dan Pengabdian Masyarakat*, *3*(03). https://doi.org/10.59141/comserva.v3i03.871

Pasha, M. K., Ahmad, I., Mustafa, J., & Kano, M. (2019). Modeling of a nickel-based fluidized bed membrane reactor for steam methane reforming process. *Journal of the Chemical Society of Pakistan*, *41*(2).

Prasetyo., T. (n.d.). *Keadilan Bermartabat Perspektif Teori Hukum*.

Prasetyo, T. (2015). *Keadilan Bermartabat, Perspektif Teori Hukum, Cetakan Pertama*. Nusa Media.

Purwadi Wahyu Anggoro, Khudzaifah Dimyati, Absori, Kelik Wardiono, & Waljinah, S. (2023). The Judicial Reasoning Behind Decision No. 262/Pid.B/2018/Pn.Skt on a Case of Mass Violence: The Perspective of Human Aggressiveness and the Ashobiyah Terminology. *Jurnal Jurisprudence*, *12*(2). https://doi.org/10.23917/jurisprudence.v12i2.1314

R. Salman, O. (1989). Beberapa Aspek Sosiologi Hukum. In *Beberapa Aspek Sosiologi Hukum*.

Radbruch, G. (2002). Introducción a la filosofía del derecho. In *Breviarios. Filosofia del derecho* (Vol. 42).

Rahmi. (2019). KEBEBASAN PERS DAN DEMOKRASI DI INDONESIA. *Jurnal Komunikasi Dan Kebudayaan*, *6*(1).

Rea, H. E. (2023). Keadilan Menurut Axel Honneth. *Dekonstruksi*, *10*(01). https://doi.org/10.54154/dekonstruksi.v10i01.210

Respationo, H. S., & Hamzah, M. G. (2013). PUTUSAN HAKIM: MENUJU RASIONALITAS HUKUM REFLEKSIF DALAM PENEGAKAN HUKUM. *Yustisia Jurnal Hukum*, *2*(2). https://doi.org/10.20961/yustisia.v2i2.10194

Retnowati, E. (2012). KETERBUKAAN INFORMASI PUBLIK DAN GOOD GOVERNANCE (ANTARA DAS SEIN DAN DAS SOLLEN). *Perspektif*, *17*(1). https://doi.org/10.30742/perspektif.v17i1.94

Roky Huzaeni, M. (2022). Kedudukan Hukum Pancasila dan Konstitusi dalam Sistem Ketatanegaraan Indonesia. *Pancasila: Jurnal Keindonesiaan*. https://doi.org/10.52738/pjk.v2i1.83

Rosen, F. (2003). Classical utilitarianism from Hume to Mill. In *Classical Utilitarianism from Hume to Mill*. https://doi.org/10.4324/9780203987353

Rosyadi, I. (2021). Rekonstruksi Putusan Hakim Atas Hukum Pidana Dalam Komodifikasi Travel Umrah Di Indonesia. In *Disertasi*.

Rustandi, N. (2022). Keterbukaan Informasi Publik dan Kebebasan Pers dalam Konteks Reformasi Birokrasi. *Jurnalika : Jurnal Ilmu Komunikasi*, *6*(2). https://doi.org/10.37949/jurnalika6235

Saleh, R. (1978). Masalah Pidana Mati. In *Masalah Pidana Mati*.

Sandi, K., & Nuraeni, R. (2018). Motivasi Wartawan Menjadi Anggota Kelompok Kerja Pemerintah Provinsi Jawa Barat. *PRofesi Humas : Jurnal Ilmiah Ilmu Hubungan Masyarakat*, *2*(2). https://doi.org/10.24198/prh.v2i2.12618

Santoso, G., Abdul Karim, A., Maftuh, B., Sapriya, & Murod, M. (2023). Kajian Dinamika Demokrasi di Indonesia untuk Menjadi Tokoh Pahlawan Daerah dan Nasional RI Abad 21. *Jurnal Pendidikan Transformatif (Jupetra)*, *Vol. 02 No*(01).

Saputro, L. A., & Anwar, A. S. (2023). MENYOAL PASAL PENGHINAAN PRESIDEN DALAM KUHP: ANTARA PROPORSIONALITAS PRINSIP PRIMUS INTERPARES ATAU KEMUNDURAN DEMOKRASI. *WICARANA*, *2*(1). https://doi.org/10.57123/wicarana.v2i1.32

Satjipto Raharjo. (2008). Negara Hukum Yang Membahagiakan Rakyatnya. In *Negara Hukum Yang Membahagiakan Rakyatnya*.

Setiono. (2004). *Rule of Law (Supremasi Hukum)*.

SHEILA MARIA BELGIS PUTRI AFFIZA. (2022). PENERAPAN NILAI-NILAI PANCASILA DALAM KEHIDUPAN BERMASYARAKAT INDONESIA DEMI MEMBANGUN PERADABAN DUNIA. *STKIP Widya Yuwana Madiun 2022*, *8.5.2017*.

Simamora, J. (2014). TAFSIR MAKNA NEGARA HUKUM DALAM PERSPEKTIF UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945. *Jurnal Dinamika Hukum*, *14*(3). https://doi.org/10.20884/1.jdh.2014.14.3.318

Smith, R. K. M., Christian, N. H., Ranheim, C., Arinanto, S., Falaakh, F., Soeprapto, E., Kasim, I., Rizki, R. M., Marzuki, S., Agus, F., Yudhawiranata, A., Sudjatmoko, A., Pradjasto, A., Eddyono, S. W., & Riyadi, E. (2018). Hukum Hak Asasi Manusia Materi. *Universitas Esa Unggul*.

Soediro. (2018). Prinsip Keamanan, Privasi, dan Etika dalam Undang-undang Informasi dan Transaksi Elektronik dalam Perspektif Hukum Islam. *Kosmik Hukum*, *18*(2), 95–112.

Soekanto, S., & Mamudji, S. (2015). Penelitian hukum normatif : suatu tinjauan singkat. In *Jakarta: PT Raja Grafindo Persada* (Cetakan ke). Rajawali Pers.

Surbakti, D. (2015). Undang-Undang Pers Tahun 1999 Serta Perkembangannya. *Jurnal Hukum PRIORIS*, *5*(1).

Surbakti, D. (2016). Peran dan Fungsi Pers Menurut Undang-undang Pers tahun 1999 serta Perkembangannya. *Jurnal Hukum PRIORIS*, *5*(1). https://doi.org/10.25105/prio.v5i1.396

Susanto, A. (2020). Kewenangan Judisial Badan Pengawas Pemilu dalam Perspektif Asas Nemo Judex in Causa Sua. *MLJ Merdeka Law Journal*, *1*(2). https://doi.org/10.26905/mlj.v2i1.5495

Tachau, F. (1980). John M. Echols. *PS: Political Science & Politics*, *13*(03). https://doi.org/10.1017/s1049096500008933

Takalelumang, R., Senduk, J. J., & Harilama, S. H. (2019). Penerapan Kode Etik Jurnalistik Di Media Online Komunikasulut. *Acta Diurna Komunikasi*, *1*(3).

Tan, K., & Disemadi, H. S. (2022). POLITIK HUKUM PEMBENTUKAN HUKUM YANG RESPONSIF DALAM MEWUJUDKAN TUJUAN NEGARA INDONESIA. *Jurnal Meta-Yuridis*, *5*(1). https://doi.org/10.26877/m-y.v5i1.8803

Teguh Prasetya dan Abdul Halim Barkatullah. (2009). *Ilmu Hukum dan Filsafat Hukum Studi Pemikiran Ahli Hukum Sepanjang Zaman,*. Pustaka Pelajar.

Wahjono, P. (1980). INDONESIA lALAH NEGARA YANG BERDASAR ATAS HUKUM. *Jurnal Hukum & Pembangunan*, *10*(1). https://doi.org/10.21143/jhp.vol10.no1.700

Wijayanta, T. (2014). Asas Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Kaitannya Dengan Putusan Kepailitan Pengadilan Niaga. *Jurnal Dinamika Hukum*, *14*(2), 216–226. https://doi.org/10.20884/1.jdh.2014.14.2.291

Wiratraman, H. P. (2023). Kebebasan Pers, Hukum, dan Politik Otoritarianisme Digital. *Undang: Jurnal Hukum*, *6*(1).

Wulandari, F., Wahyuni, R., Susanto, H., & Suwanto, I. (2021). SOSIALISASI BELA NEGARA WAWASAN KEBANGSAAN DAN NILAI-NILAI DASAR DI SMPN 1 JAGOI BABANG KABUPATEN BENGKAYANG. *Al-Khidmat*, *4*(1), 1–7. https://doi.org/10.15575/jak.v4i1.10599

Yanova, M. hendri, Komarudin, P., & Hadi, H. (2023). Metode Penelitian Hukum: Analisis Problematika Hukum Dengan Metode Penelitian Normatif Dan Empiris. *Badamai Law Journal Magister Hukum Universitas Lambung Mangkurat*, *8*(2).

Yasa, I. W., & Iriyanto, E. (2023). Kepastian Hukum Putusan Hakim Dalam Penyelesaian Sengketa Perkara Perdata. *JURNAL RECHTENS*, *12*(1). https://doi.org/10.56013/rechtens.v12i1.1957

Yovita A. Mangesti & Bernard L. (2018). Tanya Moralitas Hukum. In *Tanya Moralitas Hukum*.

Zandy, J. (2019). Universal declaration of human rights. *Radical Teacher*, *113*. https://doi.org/10.5195/rt.2019.591