Law Development Journal
SINTA 2 Degree No. 0228/DTS/C3/DT.05.00/2026
ISSN: 2747-2604
Volume. 8 No. 3, (2026)

Legal Certainty of Journalists' Criminal Liability: Harmonizing Press Law and New Criminal Code

Nur Aziza Oktawulansari[1)], Haris[2)] & Sumali[3)]
[1)]Faculty of Law, Universitas Muhammadiyah Malang, Indonesia, E-mail: nurazizaoktawulansari@gmail.com
[2)]Faculty of Law, Universitas Muhammadiyah Malang, Indonesia, E-mail: haris_fh@umm.ac.id
[3)]Faculty of Law, Universitas Muhammadiyah Malang, Indonesia, E-mail: sumali@umm.ac.id

Abstract. *Although press freedom enjoys constitutional protection, journalists can still be held criminally accountable when their published work is claimed to infringe the rights of others. This article assesses the legal certainty of journalists' criminal liability under Law Number 40 of 1999 concerning the Press (Press Law) after Law Number 1 of 2023 concerning the Criminal Code (New KUHP) took effect, with particular attention to the Press Council mechanism and the Law on Electronic Information and Transactions (EIT Law). It is normative legal research that uses statute, conceptual, and case approaches. Legal materials were collected through a literature study and analyzed qualitatively with a prescriptive-analytical technique. The findings show that the Press Law is treated as* lex specialis *in doctrine, yet it lacks an express and comprehensive scheme for the individual criminal liability of journalists. Articles 433–440 of the New KUHP recodify the offences of insult and defamation without stating how they relate procedurally to the Press Law, and the case of Muhammad Asrul demonstrates the resulting overlap. Constitutional Court Decision Number 145/PUU-XXIII/2025 reinforces the Press Council mechanism by requiring that the right of reply, the right of correction, and the Press Council's assessment be exhausted before criminal or civil sanctions are imposed on journalists who carry out their profession lawfully. The novelty of this study lies in a proposed model of harmonization that combines rules on individual liability, a procedurally binding Press Council mechanism, and alignment of the Press Law, the New KUHP, and the EIT Law.*

Keywords: *Constitutional Court; Criminal Liability; Journalists; Legal Certainty; Press Law*

1. Introduction

Press freedom expresses the sovereignty of the people and is guaranteed by Article 28F of the 1945 Constitution of the Republic of Indonesia, with further regulation in Law Number 40 of 1999 concerning the Press (hereinafter the Press Law) (Law Number 40 of 1999 Concerning the Press, 1999; The 1945 Constitution of the Republic of Indonesia, 1945). Under this law the national press has the freedom to seek, receive, and disseminate ideas and information, which reflects the human rights of citizens and also makes the press the fourth pillar of democracy. Even so, this freedom has limits. Journalists, who routinely perform journalistic work as press practitioners, are still legal subjects and may be held answerable when their reporting harms other people, for instance through defamation, slander, or insult (Kaban et al., 2022, p. 153).

The core problem is that the Press Law contains no express provision on the individual criminal liability of journalists. Article 18 paragraph (2) of the Press Law provides only a fine, aimed at press companies that breach the duties set out in Article 5 paragraphs (1) and (2); the offences that can actually be used against a journalist's conduct sit mostly outside the Press Law. The provisions on insult and defamation, long the basis for punishing journalists, changed when Law Number 1 of 2023 concerning the Criminal Code (hereinafter the New KUHP) came into force and replaced the codification inherited from the *Wetboek van Strafrecht* (hereinafter the old KUHP). The connection between the Press Law as *lex specialis* and the New KUHP as the general criminal law (*lex generalis*) therefore has to be reassessed to give legal certainty about how far journalists may be criminally liable, including under the Law on Electronic Information and Transactions (hereinafter the EIT Law) for journalistic products distributed electronically.

Within the press community, the common view is that the Press Law is *lex specialis* and therefore displaces the KUHP as *lex generalis*, following the principle of *lex specialis derogat legi generali*. In practice, however, people who feel injured by a news report frequently choose the old KUHP or the EIT Law, since those instruments carry heavier sanctions and can be directed at individual journalists instead of press companies. The result is disharmony between norms and legal uncertainty, as the case of journalist Muhammad Asrul shows: he was prosecuted and convicted by the Palopo District Court in Decision Number 46/Pid.Sus/2021/PN Plp under Article 27 paragraph (3) of the EIT Law, although the Press Council had stated that the report in question was a journalistic product that ought to be settled through the Press Law mechanism (Nurdin et al., 2023, pp. 1544–1552).

The need to revisit this uncertainty grew with the 2025 petition to the Constitutional Court for judicial review of Article 8 of the Press Law, submitted by the Association of Legal Journalists (Iwakum). The petitioners contended that the norm of legal protection for journalists in Article 8 can be read in several ways and is less clear than the protection given to other legal professions such as advocates and prosecutors. The petition shows that legal certainty in the criminal liability of journalists is a genuine and ongoing constitutional issue, not merely an academic debate. In Decision Number 145/PUU-XXIII/2025, read out on 19 January 2026, the Court partly granted the petition and attached a conditional meaning to the phrase "legal protection" in Article 8 (Constitutional Court of the Republic of Indonesia, 2026). This decision is both the starting point and an object of this study, because it bears directly on when criminal or civil sanctions may be imposed on journalists (see Section 3.3).

Previous studies have approached the problem from narrower angles. Kaban et al. (2022: 153) examined the public interest as a ground for eliminating punishment under Article 310 paragraph (3) of the old KUHP in press activities; Nurdin et al. (2023: 1544-1552) analyzed the criminal liability of the press for defamation in the Palopo District Court decision on Muhammad Asrul; and Sholahuddin (2026: 351-360) reviewed the punishment of defamation in the New KUHP in terms of the balance between individual rights and freedom of opinion. Based on the literature reviewed, these studies do not yet examine together the recodification of insult offences in the New KUHP, the EIT Law, and the conditional reading of Article 8 of the Press Law in Decision Number 145/PUU-XXIII/2025. This study addresses that gap by proposing a model of harmonization among the three regimes.

On this basis, the study poses three research questions. The first asks what position the Press Law holds as *lex specialis* within the system of journalists' criminal liability now that the New KUHP has been enacted. The second asks whether the revised regulation of the offence of insult in the New KUHP has brought legal certainty to the criminal liability of journalists. The third asks which model of norm harmonization among the Press Law, the New KUHP, and the EIT Law can give journalists legal certainty without weakening the protection of a person's honor and good name. Identifying this problem matters because uncertainty about the liability rules both deters legitimate journalism and leaves people whose honor is harmed without predictable remedies.

This research aims to analyze critically how these regulations relate normatively and to develop proposals for legal reform that lawmakers, law enforcement officials, and the Press Council can use as a reference.

2. Research Methods

This study applies normative legal (normative juridical) research, which treats law as written norms (*law in books*) and examines legal principles, the synchronization of statutory regulations, and the legal systematics concerning the criminal liability of journalists. This type of research was chosen because the problem lies in a vacuum and an overlap of norms, not in observable behavior, so it can be answered by analyzing norms and how courts apply them. Three approaches are used. The statute approach reviews the Press Law, the old KUHP, the New KUHP, and the EIT Law. The conceptual approach examines legal certainty, the principle of *lex specialis derogat legi generali*, and the system of criminal liability in the press. The case approach studies Palopo District Court Decision Number 46/Pid.Sus/2021/PN Plp and Supreme Court Decision Number 1608 K/Pid/2005 to see how norms are applied in judicial practice. The two decisions were selected purposively, not at random. The Palopo decision was chosen because it clearly shows where the press dispute settlement mechanism of the Press Law meets general criminal law through the EIT Law, and the Supreme Court decision serves as a comparison because it offers a legal view of the Press Law's standing as *lex specialis* in resolving press cases. They are compared to judge how consistently that standing has been recognized in judicial practice, while Constitutional Court Decision Number 145/PUU-XXIII/2025 is examined as the most recent normative development.

Three kinds of legal materials were used. Primary materials are statutory regulations and court decisions. Secondary materials are books, scientific journals, and earlier studies on press offences and the criminal liability of journalists. Tertiary materials are legal dictionaries and other supporting references. The materials were collected through a literature study that drew on official digital sources, accredited journal databases, and official documents from state institutions and press organizations. Because the data are written legal materials, the study used document review as its collection technique and did not use field instruments such as questionnaires or interviews.

The materials were analyzed qualitatively with a prescriptive-analytical method, which goes beyond describing the norms currently in force by also offering a critical evaluation and normative recommendations on the problems under study. The analysis proceeded in three steps: the norms and decisions were first inventoried and systematized, then interpreted against the principle of legal certainty and the *lex specialis* principle, and finally used to formulate a model of harmonization as *ius constituendum*.

3. Results and Discussion

3.1. The Position of the Press Law as *Lex Specialis* and Its Liability System

The principle of *lex specialis derogat legi generali* states that when a special rule and a general rule address the same subject, the special rule prevails. Members of the press community regard the Press Law as such a special rule because it was made specifically to govern the problems that arise from the press's role and function in conducting journalistic work (SIJU, 2016). Supreme Court Decision Number 1608 K/Pid/2005 supports this view: it holds that imposing criminal punishment on press practitioners does not advance press freedom and in fact endangers it, so the non-criminal mechanism in the Press Law should be given priority (Supreme Court of the Republic of Indonesia, 2006).

Even so, applying this principle in criminal law cannot be detached from the principle of legality in Article 1 paragraph (1) of the KUHP, under which an act is punishable only when a statutory provision expressly defined it before it was committed. If the Press Law is to operate as *lex specialis* in the criminal liability of journalists, it must therefore set out a clear and complete formulation of offences that can be applied directly to what journalists do. In fact, the Press Law has only one criminal provision, Article 18, made up of three paragraphs, and every one of them targets corporate liability through fines on press companies rather than the individual criminal liability of the journalists who write the reports (Kaban et al., 2022, p. 153). Accordingly, the Press Law does not yet meet the requirements of a complete *lex specialis* for individual journalists. What is missing is the regulation itself, and this gap leaves room for law enforcement officials to turn to the KUHP and the EIT Law as grounds for prosecuting journalists, so the Press Law's status as *lex specialis* rests more on doctrine and ethics than on a positive legal norm that expressly binds (Business Law Binus, 2016).

The Press Law also follows a liability system that press law doctrine calls the fictitious liability system, or the stair system (*stelsel bertangga*). When a journalistic product becomes the subject of a legal action, the first party to answer is the editorial board of the media, represented in practice by the Editor-in-Chief (Nurdin et al., 2023, pp. 1544–1552). The liability is fictitious because the person who actually carried out the act (*feit*) is the journalist who wrote the story, not the Editor-in-Chief, so legal responsibility is shifted to the head of the editorial board, who stands in for the press institution. The system is meant to shield journalists in the field from being brought to court in their personal capacity and to emphasize that a journalistic product is the responsibility of the institution. It operates consistently, however, only when a case is handled through the Press Law and the Press Council mechanism. If law enforcement

officials prosecute under the KUHP or the EIT Law, the system in effect falls away, because both laws rest on individual criminal liability (the fault principle) and aim directly at journalists as the perpetrators. Applying two different liability systems inconsistently is among the principal causes of legal uncertainty in press cases.

3.2. The Overlap among the Press Law, the New KUHP, and the EIT Law

Before the New KUHP took effect, law enforcement against journalists typically relied on the provisions on insult and defamation in Articles 310 and 311 of the old KUHP (Law Number 1 of 1946 Concerning Criminal Law Regulations, 1946). Since Law Number 1 of 2023 was enacted, the systematics of insult regulation have changed (Law Number 1 of 2023 Concerning the Criminal Code, 2023). The EIT Law adds further complexity, as it is frequently used against journalistic products published on online media (Law Number 19 of 2016 Concerning Amendment to Law Number 11 of 2008 Concerning Electronic Information and Transactions, 2016). However, the Joint Decree of the Minister of Communication and Informatics, the Attorney General of the Republic of Indonesia, and the Chief of the Indonesian National Police on Guidelines for the Implementation of Certain Articles of the EIT Law states that reporting which amounts to journalistic work must be handled under the Press Law and not the EIT Law (Joint Decree of the Minister of Communication and Informatics, the Attorney General, and the Chief of the Indonesian National Police Number 229 of 2021, Number 154 of 2021, and Number KB/2/VI/2021 Concerning Guidelines for the Implementation of Certain Articles of the EIT Law, 2021). This is consistent with Press Council Regulation Number 01/Peraturan-DP/VII/2017, which classifies disputes over press reports as press disputes rather than criminal offences, so that settlement must first be sought through the right of reply, the right of correction, and the Press Council mechanism (Press Council Regulation Number 01/Peraturan-DP/VII/2017, 2017).

The case of journalist Muhammad Asrul illustrates this overlap concretely. Asrul, who wrote for the news outlet berita.news, was reported after releasing a story about suspected corruption in a Micro-Hydro Power Plant project in the city of Palopo. Even though the Press Council had stated that the story was a journalistic product and that the legal process should be stopped, the Palopo District Court found Asrul guilty under Article 27 paragraph (3) in conjunction with Article 45 paragraph (1) of the EIT Law and sentenced him to three months in prison in Decision Number 46/Pid.Sus/2021/PN (Palopo District Court, 2021). The panel of judges recognized Asrul as a journalist and berita.news as a press outlet but still imposed a sentence, which indicates that the *lex specialis* position of the Press Law has not been recognized consistently in judicial practice (Institute for Criminal Justice Reform, 2021).

Law Development Journal
SINTA 2 Degree No. 0228/DTS/C3/DT.05.00/2026
ISSN: 2747-2604
Volume. 8 No. 3, (2026)

Law Number 1 of 2023 changed the way the offences of insult and defamation, formerly governed by Articles 310 and 311 of the old KUHP, are arranged. The New KUHP collects the insult provisions in Chapter XVII on Criminal Offences of Insult: oral and written defamation falls under Article 433; slander under Article 434, with the procedure for proving the truth of an accusation in Article 435; minor insult under Article 436; false complaint under Article 437; false suspicion under Article 438; and defamation of a deceased person under Article 439. Article 440 confirms that the offences in Articles 433, 434, and 436 through 438 are complaint-based, meaning they can be prosecuted only upon a complaint by the victim. Like Article 310 paragraph (3) of the old KUHP, Article 433 paragraph (3) keeps a ground for eliminating punishment: oral or written defamation is not punishable when it is done in the public interest or out of the necessity of defending oneself. This matters for journalistic work, because press products produced in good faith to reveal matters of public concern, such as reports on alleged corruption by public officials, can in principle rely on this ground. Its retention indicates that the legislators wanted to reform national criminal law while preserving a balance with the freedom of expression assured by the 1945 Constitution (Sholahuddin, 2026, pp. 315–360). Table 1 compares the two codes.

Table 1. Comparison of the Regulation of the Offence of Insult in the Old KUHP and the New KUHP

Aspect	Old KUHP	New KUHP (Law No. 1 of 2023)
Regulation of insult/defamation	Articles 310–321 of the KUHP (WvS)	Recodified in Chapter XVII (Articles 433–440) on Criminal Offences of Insult
Oral/written defamation	Article 310 paragraphs (1) and (2)	Article 433 paragraphs (1) and (2), with adjusted criminal penalties
Ground for eliminating punishment	Article 310 paragraph (3): in the public interest or in self-defense	Article 433 paragraph (3): retains the same ground for eliminating punishment
Slander	Article 311	Article 434, with the mechanism for proving the truth of the accusation in Article 435
Nature of the offence	Some ordinary offences, some complaint-based offences	Article 440 affirms that Articles 433, 434, and 436–438 are complaint-based offences
Relationship with the Press Law	Gives rise to multiple interpretations and overlapping application	Still requires explicit harmonization with the Press Law to avoid overlap
Protection of journalists' liability	Not expressly regulated at the individual level	Not yet expressly regulated; still depends on the Press Law and Press Council mechanisms

Table 1 shows that the move from the old KUHP to the New KUHP was basically a recodification and rearrangement of systematics, not the removal of the offence of insult. The New KUHP gives no specific provision on how the insult articles relate to the press dispute settlement mechanism, so law enforcement officials remain free to apply general criminal provisions to journalists immediately,

without first resorting to the right of reply, the right of correction, or the opinion of the Press Council. The source of legal uncertainty therefore does not lie in how the offence of insult is worded, but in the lack of a norm that explicitly governs the relationship between the Press Law as *lex specialis* and the New KUHP as *lex generalis*. Journalists can still be held criminally liable when they satisfy the elements of Articles 433 and 434, yet those articles cannot be applied in isolation from the Press Law: officials remain under an obligation to weigh the right of reply, the right of correction, the journalistic code of ethics, and the opinion of the Press Council before turning to criminal law against journalists. Were the Asrul case to arise after the New KUHP had taken effect, a conflict of norms could still occur, because none of the norms in Chapter XVII obliges officials to use the Press Council mechanism first.

3.3. The Press Council Mechanism and Constitutional Court Decision Number 145/PUU-XXIII/2025

The Press Law assigns the Press Council a significant role as an independent institution that develops press freedom and improves the condition of the national press, among other things by helping to settle public complaints about news coverage. The right of reply and the right of correction, set out in Article 1 numbers 11 and 12 of the Press Law, give people who are harmed by a news report a way to obtain redress outside the criminal route. The Press Council also issues technical guidelines, including on the right of refusal (*hak tolak*) and on legal liability in journalistic cases, which stress that law enforcement officials should prioritize the Press Law mechanisms before using general criminal channels. In practice, however, the Press Council's position is only advisory and does not legally bind the police, the prosecution service, or the courts. That no norm obliged officials to obtain the Press Council's view before pursuing a press case criminally is one of the Press Law's structural weaknesses, as the Asrul case again shows: the Press Council stated that the disputed report was journalistic work, but the legal process went on all the way to the court.

This weakness was taken up in Constitutional Court Decision Number 145/PUU-XXIII/2025, on the petition for judicial review of Article 8 of the Press Law brought by the Association of Legal Journalists (Iwakum) together with a journalist as Petitioner II. The petition was decided at the Judges' Deliberation Meeting on 11 December 2025 and announced in an open plenary session on 19 January 2026 (Constitutional Court of the Republic of Indonesia, 2026). The Petitioners argued that the phrase "legal protection" in Article 8 and its Elucidation fails to specify the form, scope, and mechanism of the protection journalists receive when they face criminal and civil proceedings over their journalistic work, and that it therefore conflicts with the principle of fair legal certainty guaranteed in Article 1 paragraph (3), Article 28D paragraph (1), and

Article 28G paragraph (1) of the 1945 Constitution. The Court granted the petition in part. It declared the phrase "legal protection" to be contrary to the 1945 Constitution and conditionally without binding legal force, to the extent that it is not read as including the requirement that criminal and/or civil sanctions against journalists who lawfully carry out their profession may be applied only once the right of reply, the right of correction, and the Press Council's assessment of alleged breaches of the journalistic code of ethics have failed to produce an agreement, as an application of restorative justice. The Court turned down the remainder of the petition, among them the request that the summoning, examination, search, arrest, and detention of journalists require the Press Council's prior permission, since it considered that kind of protection to be legal immunity, which goes beyond the legal protection the constitution guarantees.

In its legal considerations, the Court stressed that Article 8 is a key safeguard so that the journalistic profession is not obstructed by fear of criminalization or of strategic lawsuits against public participation (SLAPP). It also confirmed that the Press Law is *lex specialis* for regulating journalistic activity, so criminal and civil law instruments used against journalists must observe the principle of *ultimum remedium*, consistent with its position in Decision Number 105/PUU-XXII/2024 on strict limits to applying criminal provisions that touch on freedom of expression. The Court separated "legal protection" from "legal immunity": the protection is not absolute and depends on journalists observing the journalistic code of ethics and the prevailing laws and regulations. The Press Council mechanism is thus positioned as the primary remedy to be used before any criminal or civil instrument. The decision was not unanimous. Three of the eight constitutional justices, Saldi Isra, Daniel Yusmic P. Foekh, and Arsul Sani, submitted dissenting opinions. Justices Saldi Isra and Arsul Sani observed that the statements of the Alliance of Independent Journalists (AJI), the Indonesian Journalists Association (PWI), and the Press Council indicated that journalist criminalization stems more from weak implementation and commitment among law enforcement officials than from a vacuum of norms, so that no new constitutional interpretation was needed (Constitutional Court of the Republic of Indonesia, 2026).

Decision Number 145/PUU-XXIII/2025 gives the Press Council mechanism a constitutional footing it lacked before: law enforcement officials are now obliged to give priority to the right of reply, the right of correction, and the Press Council's assessment before using criminal or civil channels against journalists who lawfully perform their profession. Had this rule applied when the Muhammad Asrul case was handled, the criminal proceedings against him could not have continued without first passing through the Press Council mechanism, which had already declared his product to be journalistic work. Still, the decision

does not settle every problem raised in this article. The conditional interpretation concerns only the reading of Article 8; it leaves untouched the norm vacuum in Article 18 on the individual criminal liability of journalists, and it has not been accompanied by explicit harmonization in criminal procedural law that would require investigators and public prosecutors to follow the Press Council mechanism as a matter of procedure.

3.4. A Model of Harmonization and Its Implications

Legal certainty demands that legal norms be worded clearly, free of multiple interpretations, and enforced consistently by law enforcement officials. Decision Number 145/PUU-XXIII/2025 marks an important step toward that certainty, because for the first time a constitutional interpretation requires that the Press Council mechanism be used before criminal or civil instruments are applied to journalists. Yet, as the Indonesian Journalists Association and the Alliance of Independent Journalists stressed as Related Parties in the *a quo* hearing, adequate norms do not by themselves solve the problem unless their implementation on the ground is strengthened, particularly through legal aid for journalists who face criminalization (Constitutional Court of the Republic of Indonesia, 2025). The call for reform is therefore no longer about filling the vacuum of protective norms, which the Court has already filled, but about following up on the decision through legislation and criminal procedural law, so that its binding force does not rest only on constitutional interpretation.

The originality of this research lies not only in taking the New KUHP as its object of study but also in its finding that the recodification of the offence of insult in Law Number 1 of 2023 has not, by itself, removed the legal uncertainty surrounding the criminal liability of journalists. The regulatory vacuum concerning the duty to give priority to the Press Council mechanism before general criminal law is applied, originally one of the chief sources of uncertainty, now has a constitutional basis in the Court's conditional interpretation of Article 8, but the norm vacuum on the individual criminal liability of journalists in Article 18 was not addressed by that decision. On this basis the research proposes, as *ius constituendum*, a model of harmonization among the Press Law, the New KUHP, and the EIT Law that builds on the decision at the level of legislation and criminal procedural law. The model has three parts.

First, the Press Law should be amended to formulate press offences explicitly, separating corporate liability (press companies) from individual liability (journalists), and to refer expressly to the ground for eliminating punishment in Article 433 paragraph (3) of the New KUHP for journalistic works produced in good faith in the public interest. The decision did not reach this point, because it reinterpreted only Article 8 and not Article 18. Second, the conditional

interpretation should be followed by explicit codification in the Press Law and in criminal procedural law, so that the duty to give priority to the right of reply, the right of correction, and the Press Council's opinion before a press reporting case is processed under Articles 433–440 of the New KUHP or the EIT Law does not depend on case-by-case constitutional interpretation but binds the police and the prosecution service directly as a rule of procedural law that must be obeyed and not just a recommendation. Third, explicit harmonization is needed among the Press Law, the EIT Law, and the New KUHP, above all to make clear that Chapter XVII of the New KUHP may be applied against journalists only after the right of reply, the right of correction, and the Press Council's opinion have been used first, with synchronization in criminal procedural law so that the duty binds investigators, public prosecutors, and judges and not only the Constitutional Court when it reviews a norm.

Theoretically, the model shows that *lex specialis* can gain normative force through legislation and procedural law, and not only through doctrine and constitutional interpretation. Practically, it gives lawmakers a drafting agenda, gives law enforcement officials a clear sequence to follow in press cases, and gives the Press Council a procedurally recognized role. In line with the concern of Sholahuddin (2026: 351-360) for the balance between individual rights and freedom of opinion, the model aims at a balanced legal certainty between protecting press freedom and protecting each person's right to honor and good name guaranteed by Article 28D paragraph (1) of the 1945 Constitution.

4. Conclusion

This study concludes, first, that the Press Law is understood in doctrine as *lex specialis* for journalistic activity but does not explicitly regulate the individual criminal liability of journalists, so its position rests more on doctrine than on a binding positive norm. Second, the New KUHP only recodifies the offences of insult in Articles 433–440 without addressing their relation to the press dispute settlement mechanism; legal certainty has therefore been strengthened by Constitutional Court Decision Number 145/PUU-XXIII/2025, which requires the Press Council mechanism to be used first, but it is not yet fully achieved, as the Muhammad Asrul case shows. Third, the proposed model of harmonization, namely amending the Press Law to regulate individual criminal liability and its limits, codifying the priority of the Press Council mechanism in the Press Law and criminal procedural law, and synchronizing the Press Law with the New KUHP and the EIT Law, would give *lex specialis* clear normative force and keep a balance between press freedom and the protection of individual rights.

5. References

Journals:

Kaban, A. P., Hamdan, M., Ginting, B., & Mulyadi, M. (2022). Analisis Hukum Tentang Kaban, A. P., Hamdan, M., Ginting, B., & Mulyadi, M. 2022. Analisis Hukum Tentang Kepentingan Umum Menurut Pasal 310 Ayat (3) KUHP di Indonesia sebagai Alasan Penghapusan Pidana dalam Kegiatan Pers [Legal Analysis of the Public Interest under Article 310 Paragraph (3) of the KUHP in Indonesia as a Ground for Eliminating Punishment in Press Activities]. *Mahadi: Jurnal Ilmu Hukum*, Vol. 1 No. 2: p.153.

Nurdin, Guntara, D., & Abas, M. 2023. Pertanggungjawaban Pidana Pers dalam Tindak Pidana Pencemaran Nama Baik Dihubungkan dengan Undang-Undang Nomor 40 Tahun 1999 Tentang Pers (Studi Putusan Nomor 46/Pid.Sus/2021/PN.Plp) [Criminal Liability of the Press in the Criminal Offence of Defamation in Relation to Law Number 40 of 1999 concerning the Press (Study of Decision Number 46/Pid.Sus/2021/PN.Plp)]. *UNES Law Review*, Vol. 6 No. 1: p.1544-1552, Doi: 10.31933/unesrev.v6i1.912, accessed from https://doi.org/10.31933/unesrev.v6i1.912

Sholahuddin, M. 2026. Dinamika Pemidanaan Pencemaran Nama Baik dalam KUHP Baru: Studi Literatur tentang Keseimbangan Hak Individu dan Kebebasan Berpendapat [The Dynamics of Punishing Defamation in the New Penal Code: A Literature Study on the Balance between Individual Rights and Freedom of Opinion]. *Causa: Jurnal Hukum dan Kewarganegaraan*, Vol. 16 No. 4: p.351-360, Doi: 10.6679/ptgemz31

Internet:

Binus Business Law. 2016. UU Pers Sebagai "Lex Specialis" Dalam Penyelesaian Masalah Pemberitaan Pers [The Press Law as "Lex Specialis" in Resolving Press Reporting Issues], accessed from https://business-law.binus.ac.id/2016/05/22/uu-pers-sebagai-lex-specialis-dalam-penyelesaian-masalah-pemberitaan-pers/

Constitutional Court of the Republic of Indonesia. 2025. PWI dan AJI Tegaskan Pentingnya Perlindungan Wartawan [PWI and AJI Stress the Importance of Protecting Journalists], accessed from https://www.mkri.id/berita/pwi-dan-aji-tegaskan-pentingnya-perlindungan-wartawan-23954

Institute for Criminal Justice Reform (ICJR). 2021. Pidana 3 Bulan Terhadap Jurnalis Muhammad Asrul Bukti Nyata Kebebasan Pers Terancam [A Three-Month Sentence against Journalist Muhammad Asrul Is Clear Evidence That Press Freedom Is Threatened], accessed from https://icjr.or.id/pidana-3-bulan-terhadap-jurnalis-muhammad-asrul-bukti-nyata-kebebasan-pers-terancam/

SIJU. 2016. Implementasi Hukum Atas Pencemaran Nama Baik yang Dilakukan Pers: Analisis Delik Pers sebagai Lex Specialis Menurut UU No. 40 Tahun

1999 tentang Pers Berdasarkan Asas Legalitas dalam Perspektif Hukum Pidana. Universitas Airlangga.

Regulations:

Joint Decree of the Minister of Communication and Informatics, the Attorney General, and the Chief of the Indonesian National Police Number 229 of 2021, Number 154 of 2021, and Number KB/2/VI/2021 concerning Guidelines for the Implementation of Certain Articles of the EIT Law. 2021.

Law Number 1 of 1946 concerning Criminal Law Regulations. 1946, accessed from https://peraturan.bpk.go.id/Details/25029/uu-no-1-tahun-1946

Law Number 1 of 2023 concerning the Criminal Code. 2023, accessed from https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023

Law Number 19 of 2016 concerning Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. 2016, accessed from https://jdih.komdigi.go.id/produk_hukum/view/id/555/t/undangundang%2Bnomor%2B19%2Btahun%2B2016

Law Number 40 of 1999 concerning the Press. 1999, accessed from https://peraturan.bpk.go.id/Details/45370/uu-no-40-tahun-1999

Press Council Regulation Number 01/Peraturan-DP/VII/2017. 2017, accessed from https://www.dewanpers.or.id/assets/ebook/buku/1905160429_2017-08_BUKU_Saku_Wartawan_Cetakan_ke-7.pdf

The 1945 Constitution of the Republic of Indonesia. 1945, accessed from https://jdih.kemenkeu.go.id/dok/uud-tahun-1945

Court Decisions:

Constitutional Court of the Republic of Indonesia. 2026. Decision Number 145/PUU-XXIII/2025, accessed from https://www.mkri.id/perkara/persidangan/putusan

Palopo District Court. 2021. Decision Number 46/Pid.Sus/2021/PN Plp.

Supreme Court of the Republic of Indonesia. (2006). *Decision Number 1608 K/Pid/2005*.