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## Handling Of Press Crimes

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Article Info	Abstract
<p><b>Article history:</b> Article Accepted: May 21 2021 Publication : July 02 2021</p>	<p><i>The purpose of this study is to outline the procedure of handling crimes committed by the press. This study was analyzed using qualitative description by conducting a literature study of the problems outlined. The results of this study revealed that the handling of crimes committed by the press has its own uniqueness compared to other criminal handling. While there is no special event law for law enforcement for press criminal cases, there are certain procedures that must be bypassed. Law enforcement, police, prosecutors, and judges—should pay attention to these unique procedures. The flow of handling of press crimes is the submission of rights of responsibility, complaints of the press council, complaints to the police, investigations, investigations, prosecutions, court hearings</i></p>
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## 1. INTRODUCTION

The press of social institutions and mass communication vehicles that conduct village journalism is on the way, obtaining, owning, owning, processing, and good information in the form of writing, sound, images, sounds and images, as well as data and graphics as well as in the form of print media, electronic media, and (UU Pers dan Peraturan-peraturan Dewan Pers, October 2009; p. 6). Journalists from people who are doing what is doing journalistic activities. (Pocketbook of Press Law and Press Council Regulations, October 2009; p. 6). In the code of ethics, the Code of Journalistic Ethics what is the set of journalistic professions, while the independence of the press there is one form of the flag of the people based on the principles of democracy, justice, and law.

In matters relating to freedom of the press, there is no such thing as absolute freedom. A person's freedom will cease if it violates the freedoms of others or violates the public interest. (Tasrif, 1985). Whereas the issue of freedom of expression with the existence of boundaries in the form of law is expected people: First, be not arbitrary in expressing an opinion or determining that he does not exceed the limits in expressing an opinion. Second, neither unilaterally nor arbitrarily to state that he is the victim of a statement of opinion. Third, there is no arbitrariness in acting and cracking down when there has been a violation of the independence of the other party because of the exercise of the independence expressed that opinion.

In the pattern of relations between the people and the government (rulers) in legal issues for freedom of expression, the law for freedom expresses criticism and the law for the press, then those laws must be able to regulate and prevent the occurrence of arbitrary actions. The law

that must be able to seat the power of the people; and more importantly the power of the government (rulers) to serve the law, following the law.

Why is it more important that the government (rulers)? Certainly, because the government (the ruler) -- not closing the possibility- is very concerned with the issue of freedom of expression, independence expressed criticism, freedom of the press and with the press itself. This is by remembering the functions of the press as follows. First, the press deals with people's minds. That reason caused the government (ruler) to want to control the press with the intention to master the mind of the citizens. (Siregar, 1997). Secondly, in terms of power, Daniel Dhakidae said that the ruler (government) wants to control the press because the press is seen as able to "enhance the imagination of those in power about his power. That is to increase the imagination that if not mastered, then the press will be used by others to threaten his power. Napoleon therefore said that "pens are more dangerous than bullets" to this day remain alive. Or it is intentionally brought to life." (Dhakidae, 1997).

Criticism is the mechanism of control, and one of its goals is power. His presence has always been subjected to political traits, so criticism is very close to the issue of power. Social criticism is considered to have interfered with the interests of power groups, where the level of fear of losing the status *quo* of a group of people, diverted into his fear of the process of disintegration of the nation to gain public legitimacy or disruptor of harmony; (Wignyasobroto, 1998)

## 2. METHOD

The definition of research according to english translation is *research* derived from the word *re* (back) and to *search* (search). (Sungono, 2005: 27). Basically, what is sought is "correct knowledge" to answer certain questions or ignorance by using logic of thinking that is pursued through inductive reasoning, deductive and systematic in its decomposition.

Research is intended to find a truth and draw a conclusion from existing legal issues to find relevant rules (Marzuki, 2005). This research uses data collection through library research that collects data by studying literature materials or secondary data to obtain theoretical or doctrinal concepts, opinions or conceptual thinking and predecessor research related to the objects studied, in the form of legislation and scientific works. The secondary data in this study consists of primary, secondary and tertiary legal materials. The data collection tool used in this study is the study of documents and library materials related to this research.

Data analysis is important in a research in order to provide answers to the problems studied. Before the analysis is done, an examination and evaluation of all existing data is held to determine its validity. Furthermore, a grouping of similar data is held for the purposes of analysis and writing. While the evaluation is done to the data with qualitative approach. Furthermore, the collected data is verified and processed, then analyzed and interpreted logically and systematically using inductive and deductive methods.

## 3. RESULT AND DISCUSSION

Defamation or slander is the most commonly used legal provision against the mass media and its sources. Slander spread in writing is known as libel, while the pronounced is called slander. Slander is usually a case of complaint. A person whose good name is tainted can file a lawsuit in a civil district court, and if he wins, he can get damages. Prison sentences can also be applied to those who commit defamation or public bodies.

The most common threats faced by the media, journalists and their sources are about articles of contempt or defamation. In the Penal Code there are at least 16 articles governing insults. Insults against the president and vice president are threatened by articles 124, 136, and 137. Insults against kings, heads of State companions, or representatives of foreign States are stipulated in articles 142, 143, and 144. Insults against institutions or public bodies (such as House of Representatives (DPR), Ministry, People's Consultative Assembly (MPR), prosecutors, police, governors, regents, sub-districts, and the like) are stipulated in articles 207,

208, and 209. If the insult occurs on the person (officials at the State agency) then it is stipulated in articles 310, 311, and 315. In addition, there are still a number of articles that are commonly categorized in this insult delik, namely article 317 (libel because of complaints or false notices to the ruler).

The uniqueness of the procedure for handling criminal acts by the press, can be seen from the institution that handles, the regulations used, the elements to determine the error, the prosecution of criminal acts, as well as the flow of handling. This uniqueness will be discussed in detail in this section and the next sections. In the handling of press cases, many institutions are involved. These institutions are:

#### **1) Press Council**

According to article 5 paragraph (2) of Law No. 40 of 1999 on the Press, the functions of the Press Council among others establish and supervise the implementation of the Code of Journalistic Ethics. If the case had been handled by the police, the Press Council would not have handled the complaint.

Departing from the above provisions, it can be understood that the Press Council is a regulatory agency in the field of press, enforcement of the code of ethics and the institution that handles the case of press coverage. According to the article of complaint procedure in the Press Council, public complaints handled by the Press Council are issues related to the implementation of the Journalistic Code of Ethics and other cases concerning the news.

In the case of a complaint, the Press Council will seek deliberations between the complainant and the complaining media. If no consensus is reached, the Press Council will conduct further examination. The examination was conducted through a plenary session which resulted in a statement of assessment and recommendations sent to the parties and publicly announced.

The complained press company shall comply with the statement of assessment and recommendation, otherwise complying with the Press Council will make further recommendations. The recommendations include that the case be handled by the police or sued civilly.

#### **2) Police**

As stipulated in the Criminal Procedure Law (KUHAP), the police force is an institution that handles investigations and investigations if there are indications of criminal acts. The investigation of criminal cases by the press is conducted on the recommendation of the Press Council.

#### **3) Prosecutors**

As stipulated in KUHAP, the prosecutor's duty is prosecution. The prosecution was conducted based on the results of an investigation by the police.

#### **4) Courts**

A court is an institution that will examine and decide all cases, including cases related to press coverage. Criminal and civil cases will boil down to trial.

The flow of handling press crimes is as follows.

##### **1) Submission of rights of responsibility**

The right of responsibility is the main thing that must be by the person who is harmed by the news. The press is obliged to serve the answer, if the right of answer is not served by the person who is harmed can complain to the press council.

##### **2) Press council complaint**

If the right of responsibility is not served, the aggrieved person may complain to the press council. The press council will seek mediation between the harmed person and the press company. If mediation fails, the press council will create a plenary session to make statements of judgment and recommendations on the journalistic work complained about.

**3) Complaint to the police**

The recommendation of the press council, people harmed by the news can complain to the police. The statement letter can serve as preliminary evidence with preliminary evidence, then it can be investigated.

**4) Initial Investigation**

At this stage, police are looking for indications of a criminal offence. The easiest way is to find a statement letter and recommendations of the Press Council on a news piece.

**5) Investigation**

In order to find sufficient preliminary evidence, investigators can examine witnesses and evidence. Members of the Press Council can be witnesses. The complaint file in the Press Council can be preliminary evidence.

**6) Prosecution**

At this stage, prosecutors are making indictments and gathering evidence and witnesses from investigators.

**7) Court Hearing**

At this stage, the court examines and decides on alleged criminal acts by the Press. All complaints files in the Press Council can be evidence. Members of the Press Council can become experts.

**4. CONCLUSION**

The flow of handling of press crimes is the submission of rights of responsibility, complaints of the press council, complaints to the police, investigations, investigations, prosecutions, court hearings. The uniqueness of the procedure for handling criminal acts by the press, can be seen from the institution that handles, the regulations used, the elements to determine the error, the prosecution of criminal acts, as well as the flow of handling. This uniqueness will be discussed in detail in this section and the next sections.

**5. SUGGESTION**

Press Council should continue to supervise the implementation of the Journalistic Code of Conduct and provide consideration and seek to resolve public complaints on cases related to press coverage

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