

Effectiveness of Law No. 40 of 1999 on the press (study of the journalistic code of ethics on reporting that triggers conflict in society)

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ABSTRACT

In an effort to support the success of Indonesia's development, arrangements are needed for all supporting elements. One of them is the regulation of press activities, namely through Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics which is regulated in Indonesia. This is because there are several reports that actually cause conflict in the community, such as the cases of Wamena, Ambon and Sampit. One of the causes of the conflict is due to overlapping regulations that are applied and there are still many shortcomings that cause uncertainty among law enforcers. This can be seen in the imposition of sanctions on journalists. There is no article in the journalistic code of ethics that authorizes any group outside PWI to take action against an Indonesian journalist or against press publications. This study aims to analyze the effectiveness of Law No. 40 of 1999 concerning the press and the Enforcement of the Journalistic Code of Ethics against news that triggers conflict in society. This research is a normative legal research using the Statute Approach and the case approach. The results of the study show that Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics has not been implemented optimally or effectively, because there are still shortcomings that cause uncertainty among law enforcement. One of the obstacles is because there is no certainty which party has the authority to take action against journalists who violate it but are outside the journalists' organization.

Keywords: Effectiveness, Press, Journalistic Code of Ethics, Conflict

ABSTRAK

Dalam upaya mendukung keberhasilan pembangunan Indonesia, diperlukan pengaturan bagi semua elemen pendukung. Salah satunya adalah pengaturan terhadap aktivitas pers, yaitu melalui Undang-Undang Nomor 40 Tahun 1999 Tentang Pers dan Kode Etik Jurnalistik yang diatur di Indonesia. Hal ini mengingat, ada beberapa pemberitaan yang justru menimbulkan konflik dalam masyarakat seperti kasus Wamena, Ambon dan Sampit. Salah satu penyebab konflik tersebut adalah karena adanya

tumpang tindih peraturan yang diterapkan dan masih banyak memiliki kekurangan yang menimbulkan ketidakpastian di kalangan penegak hukum. Hal ini terlihat pada penjatuhan sanksi kepada wartawan. Dalam Kode etik jurnalistik tidak ada satupun pasal yang memberi wewenang kepada golongan manapun di luar PWI untuk mengambil tindakan terhadap seorang wartawan Indonesia atau terhadap penerbitan pers. Penelitian ini bertujuan untuk menganalisa efektifitas UU No 40 tahun 1999 tentang pers dan Penegakan Kode Etik Jurnalistik terhadap pemberitaan yang memicu konflik di masyarakat. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan Perundang-Undangan (Statute Approach) dan pendekatan kasus (case approach). Hasil penelitian menunjukkan bahwa Undang-Undang Nomor 40 Tahun 1999 Tentang Pers dan Kode Etik Jurnalistik belum diterapkan secara maksimal atau efektif, karena masih adanya kekurangan yang menimbulkan ketidakpastian di kalangan penegak hukum. Salah satu hambatan dikarenakan belum adanya kepastian pihak mana yang berwenang menindak bagi wartawan yang melanggar namun berada di luar organisasi wartawan.

I. INTRODUCTION

The growth and development of the national press has a correlation with the rate of growth and development of national development as a whole. Including the rapid growth and development of information media at this time, both domestically and abroad ([Jusrianto et al., 2019](#)).

Based on Article 1 paragraph (3) of Law Number 40 of 1999 concerning the Press, the News Agency is a social organization and mass communication tool engaged in reporting, among others seeking, obtaining, possessing, storing, processing and conveying information in written form, sound, image, and data. Using print media, electronic media and all types of available channels, as well as other graphic forms. The literal interpretation of the role of the press cannot be separated from the media and news.

The press is a public institution and mass communication tool, which organizes news activities in various forms through print media, electronic media and all existing channels. ([Lestaluhu, 2015](#)). As a mass communication tool, the organization of news activities, information dissemination, and opinion formation must be able to carry out its principles, functions, obligations and roles in order to achieve professional press freedom based on the principles of democracy, justice and a state of law. ([Suharyanto, 2016](#)).

One of the impacts of press freedom on society can be seen from press coverage related to cases of conflict in society. Journalists from newspapers *jubi* and *jubi.co.id* in their writings "potential injustice of the mass media by only reporting or explicitly mentioning certain ethnic groups, it is not impossible to cause conflict. For example, immigrants were killed, victims were brutally burned, tribes A and B, and tribe C were killed, large-scale displacement of tribe A and many other dictions". In another example, the news of the

death of a doctor who served in Tolikara who was caught in the Wamena riots, Doctor Soeko Marsetiyo, his death is narrated sadly: burned.

The Jawapos.com report on September 27 2019, entitled "ceos in Wamena: 32 people died, cars were blocked, and doctors were burned" turned out to be a hoax. Consciously or not, sooner or later the narrative of "victims being burned" actually creates sentiment and anti-certainty towards certain ethnicities, in this case Papuans as the focus of the conflict. Jawa Pos is a daily newspaper based in Surabaya, East Java. Jawa Pos is one of the oldest media companies in East Java that is still operating and is the newspaper with the largest circulation in Indonesia with an average circulation of 842,000 per day.

In the report of Suara Maluku newspaper on May 30, 2000 about the Galela case which reported how Christians in Duma were massacred, 44 people died. Even mothers who are frustrated because they are not protected and trapped, threaten to commit mass suicide. In searching for data (coverage), Suara Maluku journalists did not directly cover the incident. Information obtained from the Halmahera Gospel Christian Church (GMIH) Tobelo. Whereas in GMIH Tobelo itself the information comes from Levis, a community leader who is in touch with GMIH Tobelo via radio Application of Criminal Law against Press Releases That Trigger Conflicts in Society.

The March 31, 2001 edition of the Equator newspaper with the news title "The Massacre in Sampit Hasn't Ended" said that the sweeping and killings in Sampit City were still ongoing, this was proven on March 30, 2001 at 05.30 WIB, 5 bodies of men were found in the city circumference on Jalan Tjilik Riwut. Km 7. The five bodies are believed to be ethnic immigrants, namely ethnic Madurese. When he was found his condition was very poor, besides that he looked emaciated and had black skin, his body was also full of stab wounds from sharp weapons. Worse still, his head nearly fell off. Only a finger of flesh that connects between the neck and head. Fresh blood was still flowing from the neck cavity and several wounds on his body. Seeing the blood that was still pouring fresh, it was estimated that the five bodies had been killed the night before. The next day it was reported to the hospital. After being taken care of by the Corps Hunter Officer (PPM) of the Kotim Regency Government, in the afternoon after Friday prayers the body was buried. But before that, the medics had performed a minor operation to connect the neck that was almost separated from the body. Application of Criminal Law against Press Releases That Trigger Conflicts in Society.

As an institution under the state, in carrying out its functions as educators, information media, social control and entertainment media, the press has provisions that regulate all actions and performance in the reporting process, including in carrying out its obligations and roles for the community. In Indonesia, the provisions are contained in the Law of the Republic of Indonesia No. 40 of 1999 concerning the Press Article 7 paragraph 2 which states that journalists have and adhere to a journalistic code of ethics. As research

conducted by Hardiyudanto (2011) stated that press coverage in a conflict case can have a conducive or destructive impact. Conducive impact if the news produced objectively is able to provide a sense of peace related to the existing situation,

Another study conducted by Satriani (2017) which shows that normatively Law No. 40 of 1999 concerning the press cannot be applied to actors who prevent journalists from reporting, but substantively (*de facto*), the existence of the student press is recognized. This is because the student press institution is an official (legal) institution that is authorized and mandated in this case a decree in carrying out its journalistic activities from a government legal entity, namely universities. Then the perpetrators who prevent campus journalists from reporting in terms of persecution and confiscation of work tools can be subject to general offenses, namely Article 351 of the Criminal Code concerning persecution and Article 406 of the Criminal Code regarding destruction of objects.

This is different from the research conducted by Apriliani Tiara (2018), that the conflict that has occurred for years and has not been peaceful between the Rohingya and the majority of Myanmar's Buddhist population is a humanitarian conflict that seems endless. The mass media itself has a practice of journalism which is expected to be a means for a journalist to be more creative in processing conflict news. The practice is called peace journalism which was coined by Johan Galtung. Peace journalism is a way of framing news stories that are broader, balanced and accurate. This study shows that reporting on the Rohingya Muslim conflict on Tempo.co has applied the principles of peace journalism so that in general it can be concluded that Tempo.

Based on this background, it is necessary to examine the effectiveness of Law No. 40 of 1999 concerning the Press and the Journalistic Code of Ethics on reporting that triggers conflict in the community and the obstacles in implementing the Journalistic Code of Ethics in reporting that triggers conflict in the community.

II. METHOD

This study uses a case approach by trying to build legal arguments in the perspective of concrete cases that occur in the field, and a statute approach which is carried out by examining and studying all laws and regulations relating to the legal issues under study. This opinion was expressed by (Marzuki, 2009). The type of data used is primary data, namely Law Number 40 of 1999 concerning the Press and secondary data obtained from books and literature relevant to the journalistic code of ethics, as well as tertiary data obtained from news and the internet.

III. RESULTS AND DISCUSSION

2.1. Press Releases That Trigger Conflict in Society

Journalism supports democracy, human rights and peace and through non-involvement, independence, advocacy and high-quality reporting. Information from journalists can be a tool for community empowerment in building their opinions, especially to increase public knowledge, understanding and awareness. The media has also become voice to the voiceless, meaning that it receives and distributes public opinion to the public. Journalists have an important role in society in reporting information about the situation, background, choices both past, present, and hopes for the future (Sunarni, 2014). However, in the era of competition between the media industry and the abundance of information, the media competes by doing unhealthy things through sensationalization and labeling, so that journalists are often trapped in surface conflicts, no matter how small the controversy, if covered and reported by the mass media will turn into a bigger conflict. , at least its existence would have legitimacy.

2.1.1. Wamena Conflict

From mid-August to September 2019, Papua was hit by several violent demonstrations and actions took place in almost all regions or districts, such as Fakfak, Manokwari, Jayapura and the last few days in Wamena. The development of the situation in Papua after the recent Wamena incident, both through the mass media and social media, there are various narratives.

The conflict that resulted in bloodshed, waves of displacement of thousands of people and victims of property was triggered by allegations of racism by one of the teachers. Allegations of racism of unscrupulous teachers at one school occurred two days before September 23, 2019. The racism sparked protests by a number of students until they took to the streets, demonstrations or demonstrations then exploded until innocent lives became victims. Looking back, the Wamena conflict was triggered by one thing, namely racism, acts of racism and persecution against students and Papuans, which have sparked solidarity between Papuans since 19 August 2019. For example, news of the death of a doctor who served in Tolikara who was caught in the Jawapos news. com, 27 september 2019 at 16:53 WIB entitled "riot in Wamena: 32 died, car was blocked, doctor was burned"(Vusvitasari et al., 2020).

Law Number 40 of 1999 concerning the Press, the Chief Editors of the three newspapers can also be charged with using Article 5 paragraph 1 of Law no. 40 of 1999. And when viewed from the perspective of the journalistic code of ethics, it has violated articles 3 and 11, which state that they must consciously withdraw and rectify inaccurate reports.

2.1.2. Ambon conflict

Discussing the conflict in Ambon further, it is necessary to know that the people in Ambon consist of around 60% Christians and 40% Muslims. The Ambon conflict is one of the biggest conflicts in Indonesia that started in 1999. It is estimated that more than 10 thousand people died, tens of thousands of houses and places of worship were destroyed as a result of this conflict. The quarrel immediately developed into an issue of fights between immigrants from Buton, Bugis and Makassar (BBM) and the natives. Even a few hours later, the issue turned into a religious one, when it was reported that the Silo Church was burned during the Islamic period. There was also news among Muslims that the Christian masses had surrounded the Al-Fatah Mosque. The issue made mass concentration between Christianity and Islam happen everywhere. And riots, unstoppably exploded (Ernas, 2018).

Day by day the conflicts that occur are not getting smaller, but actually getting bigger. This happens because a lot of the press in their reporting is heavily influenced by emotional and ideological factors, besides that press personnel are carried away by individual factors and their organizational policies when describing conflicts. Especially in the Ambon conflict, the individual and the policies of the press were influenced by the religious factors adopted by the press individuals and organizations. Many press organizations are divided due to religious differences. So that press reports that are not in accordance with the facts on the ground, as well as the process of searching for news or coverage that is not based on invalid sources, there is no check and recheck or verification process, and unbalanced reporting.

Among other press reports that do not heed the norms of reporting related to the Ambon conflict, here are some examples, their connection, and their application to the press law. The first press report was from Suara Maluku newspaper on May 30, 2000 about the Galela case which reported how Christians in Duma were killed in massacres, as many as 44 people were killed. Even mothers who are frustrated because they are not protected and trapped, threaten to commit mass suicide. In searching for data (coverage), Suara Maluku journalists did not directly cover the incident. Information obtained from the Halmahera Gospel Christian Church (GMIH) Tobelo. In fact, in GMIH Tobelo itself the information comes from Levis, a community leader who is in touch with GMIH Tobelo via radio.

The second report was from the Ambon Ekspres newspaper, October 11, 1999, which published news about the Air Salobar incident. In that incident, one person died, dozens were injured and dozens of houses burned. But what is highlighted by the news is as written in the news title. The news even presented a story about a woman named Sari Jayanti Peganton, who was martyred for defending herself during an attack.

The third report was from the Siwalima newspaper published on February 17, 2001 regarding weapons inspections carried out by the Joint Intelligence Unit (SGI). When inspecting the house of Hasan, a resident of Talake, SGI found dozens of ammunition.

When confiscated by the SGI, the ammunition in the form of weapons and bullets were put in a white cardboard that read Kompak (Crisis Response Committee). The box also contained the address of the Surabaya Al-Falak Foundation. Siwalima wrote that fact under the title "Al-Falak Foundation Sends ammunition." This news is without confirmation, is it true that the ammunition was sent by post by the Al-Falak Foundation? Or maybe it just happened that the ammunition was stored in a cardboard box that was sent from the Al-Falak Foundation, even though the box contained the address and telephone number of the Al-Falak Foundation (Hussein & Wance, 2020).

Refer to the provision on the law number 40 of 1999 concerning the press, the editor-in-chief of the three newspapers can also be charged with using Article 18 paragraph 2 of Law no. 40 of 1999. And when viewed from the perspective of the journalistic code of ethics, it has violated Articles 3 and 11 which require journalists not to broadcast misleading news, distort facts, slander, obscene, sadistic and exaggerated sensations.

2.1.3. Conflict Sampit

The next conflict is the Sampit conflict. This conflict is actually a bit similar to the Ambon conflict, but the difference is in the form of the conflict. If the Ambon conflict becomes a religious conflict between Islam and Christianity, the Sampit conflict is a form of ethnic conflict, between the Dayak tribes as natives and the Madurese as immigrants.

The Sampit conflict, which began in mid-December 2000, left nearly 200 people dead and 21,000 others displaced. The Sampit conflict actually started because of a small dispute that happened to occur between people from the Dayak tribe and the Madurese tribe. On December 15, 2000, a fight broke out at a karaoke bar. In the fight, a Dayak was stabbed to death by three Madurese. After this killing occurred, Dayak residents who did not accept it then tried to take revenge by raiding and burning at least four karaoke bars and nine houses belonging to Madurese. This action was then responded by the Madurese in Sampit a few days later. This is what then raises the anger of the Dayak people, even those from outside Sampit, until then there was a massive conflict in Sampit. Day by day, the conflict did not diminish, but instead grew wider and spread to several other areas outside Sampit, namely in East Kotawaringin, Kuala Kapuas, Palangka Raya, and Pangkalan Bun.

Similarly to the Ambon conflict, the role of press coverage in triggering and enlarging the conflict is very large. This happens because most of the ownership of press companies published in the area in Sampit and its surroundings are owned by native Kalimantan residents. This clearly affects the content of press coverage which in the end is more one-sided and inflames the public. Only the national press tries to provide balanced coverage and does not incite the public.

Press reports that do not heed the reporting norms related to the Sampit conflict, here are two examples, and their relation to the press law. The first report was from the March 31, 2001 edition of the Equator newspaper with the news title "The Massacre in Sampit Hasn't

ended yet". The news contained the following quote: "The sweeping and killing in the city of Sampit does not seem to have ended, it is proven, on March 30, 2001 at 05.30 Western Indonesia Time (WIB) again found 5 bodies of men in the city circumference of Jalan Tjilik Riwut Km 7 or about 2 Km west of the main road.

The five bodies are believed to be ethnic immigrants, namely ethnic Madurese. When it was found it was in very poor condition. Besides that, he looks emaciated and his skin is black. His body is also full of sharp weapon stab wounds. Worse still, his head nearly fell off. Only a finger of flesh that connects between the neck and head. Fresh blood was still flowing from the neck cavity and several wounds on his body. Seeing the blood that was still pouring fresh, it was estimated that the five bodies had been killed the night before. The next day it was reported to the hospital. After being taken care of by the Corps Hunter Officer (PPM) of the Kotim Regency Government, in the afternoon after Friday prayers the body was buried. However, previously the medical staff had performed a minor operation to connect the neck that was almost separated from the body." Fresh blood was still flowing from the neck cavity and several wounds on his body. Seeing the blood that was still pouring fresh, it was estimated that the five bodies had been killed the night before. The next day it was reported to the hospital. After being taken care of by the Corps Hunter Officer (PPM) of the Kotim Regency Government, in the afternoon after Friday prayers the body was buried. However, previously the medical staff had performed a minor operation to connect the neck that was almost separated from the body." Fresh blood was still flowing from the neck cavity and several wounds on his body. Seeing the blood that was still pouring fresh, it was estimated that the five bodies had been killed the night before. The next day it was reported to the hospital. After being taken care of by the Corps Hunter Officer (PPM) of the Kotim Regency Government, in the afternoon after Friday prayers the body was buried. However, previously the medical staff had performed a minor operation to connect the neck that was almost separated from the body" (Santosa, 2016).

The second report was from the March 4, 2001 edition of the Manuntung Kaltim Post, which published a story about the comments of KH Alawy Muhammad, a prominent Madurese. He said that in the incident in Sampit there was a kiai who was beheaded by the Dayaks. In this news, it has never been checked and verified. This is something serious and needs to be followed up, because it tends to be a lie. Because the Dayaks themselves say that the Sampit conflict is purely an ethnic conflict, not a religious one.

If viewed from the point of view of the nimir law 40 of 1999 on the press, the editor-in-chief of the three newspapers can also be charged with using Article 18 paragraph (2) of Law no. 40 of 1999. And when viewed from the perspective of the journalistic code of ethics, it has violated Articles 3 and 11 which require journalists not to broadcast misleading news, distort facts, slander, obscene, sadistic and exaggerated sensations.

2.2. The Effectiveness of the Journalistic Code of Ethics for the Obligations of the Press towards Reports That Trigger Conflicts in Society

With regard to effectiveness, it must first be able to measure the extent to which the law is complied with by most of the targets that are the target of its obedience, we will say that the law in question is effective. However, even if it is said that the rules that are obeyed are effective, we can still further question the degree of effectiveness because someone obeys or does not obey a rule of law depending on his interests. The effectiveness of the law according to Soerjono Soekanto is that whether or not a law is effective is determined by 5 (five) factors, namely (Yudho & Tjandrasari, 2017):

- a. The legal factor (law).
- b. Law enforcement factors, namely the parties that form and apply the law.
- c. Factors of facilities or facilities that support law enforcement.
- d. Community factors, namely the environment in which the law applies and is applied.
- e. Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life.

If analyzed one by one based on the effectiveness of the law according to Soerjono Soekanto then:

- a. The legal factor itself

Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics still has many shortcomings that cause uncertainty or among law enforcers. And the sanctions imposed are not on the editor-in-chief, journalists must also be held accountable.

- b. Law enforcement factors, namely the parties that form and apply the law.

For law enforcement officers, it is better to be bolder and firmer in taking action against the press which in its reporting is detrimental to the interests of many people, or in this case is considered to be able to trigger conflict in the community.

- c. Factors of facilities or facilities that support law enforcement

The code of ethics is based on the principle that the responsibility for its arrangement rests primarily with the conscience of every Indonesian journalist. And that there is no article in the (journalistic) code of ethics that authorizes any group outside the Indonesian Journalists Association (PWI) to take action against an Indonesian journalist or against press publications. Therefore, sanctions for violating the code of ethics are rights which are the organizational rights of PWI through its organs.

- d. Community factors, namely the environment in which the law applies and is applied.

The public should be more critical in responding to reports that arise related to conflict cases. As parties who consume news and tend to become victims, the public also plays an

active role in assessing news that is considered detrimental or violates reporting norms and ethics that can be charged with press crimes. The community as a party has constitutional rights and can make complaints to the press council or law enforcement officials regarding press reports that are considered detrimental to individual interests or community life.

2.3. Barriers to the Journalistic Code of Ethics on the Obligations of the Press to Reports That Trigger Conflicts in Society

It must be admitted that since the beginning of the reformation there have been obstacles faced in enforcing the journalistic code of ethics in general. In this case what is not appropriate is not the code of ethics and journalists as a whole, but the dynamics of the press itself in line with the government's political policies. Each of the many journalist organizations has a code of ethics and organizational equipment to monitor and enforce its code of ethics. Moreover, because the code of ethics is personal and autonomous, it is absolutely necessary to have organizational equipment to monitor and enforce the code of ethics of each journalist organization (Sulasi et al., 2018).

Faced with this problem, there are those who are of the opinion that the agency authorized to decide that there has been a violation of KEWI and that determines the sanctions for the violation is the Press Council in accordance with Law Number 40 of 1999 concerning the Press. However, if we examine the function of the Press Council according to Law Number 40 of 1999 concerning the Press, the law does not authorize the Press Council to carry out the function of deciding and setting sanctions for violations of the journalistic code of ethics. This is because Article 15 Paragraph (2) Letter c of Law Number 40 of 1999 concerning the Press only says that the Press Council has the function of establishing and supervising the implementation of the Journalistic Code of Ethics (KEJ).

With such a formulation, it is clear that the Press Council is not the agency authorized to decide and impose sanctions for violations of the Indonesian Journalist Code of Ethics (KEWI). Thus, the agency that has the authority to decide whether there is a violation of KEWI and impose sanctions for the violation is each journalist organization, in this case by the Honorary Council. So, not by the Press Council. The reason is because the journalistic code of ethics is personal and autonomous. It is said to be personal because the code of ethics is made by, from, and for journalists who are members of a professional organization and then vow to implement it. Since the code of ethics is created by, from, and for journalists and then vows to implement it, its compliance is entirely up to each member. That is why in the PWI KEJ it is emphasized that compliance with the code of ethics is primarily in the conscience of each member. This personal code of ethics is also the strength of the code of ethics itself (Gawi et al., 2017).

The consequence of a personal code of ethics is none other than that a code of ethics is autonomous. Because the code of ethics is made by, from, and for journalists who are

members of a professional organization and then vows to obey and implement it, it follows that the supervision, judgment, and imposition of sanctions for violations are also fully the authority of the PWI organization, which in this case is carried out. By the PWI Honorary Council as stipulated in Article 17 KEJ PWI.

This principle of personal and autonomous code of ethics is the basis for rejecting the Press Council as a decision-making and judging institution. and impose sanctions for violations of the code of ethics (Kasman, 2019). Because KEWI was not created by the Press Council, but was compiled and formulated by 26 professional organizations themselves in 1999. So, KEWI is wholly owned by journalists' organizations, not the Press Council, so of course the Press Council is not authorized to decide, judge, and impose sanctions for violations. That is why the Press Council's decision was made carefully so as not to violate the personal and autonomous principle by using the words "determine", not "authorize" which connotes being made by other agencies or institutions. According to the Press Law, the function of the Press Council regarding the journalistic code of ethics is only to "supervise". "Supervising" is not the same as "deciding" or "judging" and "setting sanctions".

It should be remembered that what is meant by profession is a permanent job that has elements of a specific set of basic knowledge, skills to apply it, procedures for objective testing, and a code of ethics as well as institutions for monitoring and implementing its compliance. So, if the authority to adjudicate and impose sanctions for violations of the code of ethics as the basis of the profession is handed over to other agencies, it means that the organization is no longer entitled to claim itself as a professional organization. Therefore, it is appropriate to stipulate that the enforcement and imposition of sanctions for violations of the code of ethics is the full authority of the organization. KEWI as the "umbrella" of the national code of ethics is applied to journalists who do not join one of the journalists' organizations,

According to the Press Law, the Press Council only oversees the implementation of the code of ethics. The Press Law does not explicitly authorize the Press Council to decide, adjudicate, and impose sanctions for violations of KEWI. Moreover, when it comes to imposing sanctions, apart from the absence of a legal basis, the type of punishment to be imposed has not yet been regulated. It is different from PWI because the Basic Regulations and Household Regulations of PWI clearly state the type of punishment that can be imposed if a member violates the PWI KEJ, namely in the form of a regular warning, a stern warning, and a maximum membership suspension of two years. Bearing in mind that the Press Law does not authorize the Press Council to decide, try, and impose sanctions for violations of KEWI, but only to supervise.

IV. CONCLUSION

In practice in the field, Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics has not been applied optimally or effectively, because there are still shortcomings that cause uncertainty among law enforcers. One of the obstacles is because there is no certainty which party has the authority to take action against journalists who violate it but are outside the journalists' organization.

Author Declaration

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