

Legal Protection To The Infotainment Of Press Development In Indonesia

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Abstract: In the socio-political life, the press has become an integral part in democratic life. The press has become one of the means for citizens to bring their thoughts and opinions. Nowadays, there is a tendency to increase the quantity of press publications sharp, but not accompanied by a statement of the quality of journalism. The objective of this research is to understand the essence of the infotainment liability as a mass media, in order to construct a freedom of the press principle which has legitimacy within the legal system of the press in Indonesia. The type of research used in this paper is normative research or also known as doctrinal research by reviewing the legal protection to the infotainment as a mass media in Indonesia. The outcomes of the research indicate that the role of infotainment in the legal system of the press in Indonesia refers to the legal construction of institutional and infotainment organizers itself. Legal liability of Infotainment essentially, can be seen from the press obligations stipulated in the Law No. 40 of 1999 regarding the Press, Law No. 32 of 2002 regarding Broadcasting, as well as the Journalists' Code of Ethics which support freedom of the press and expression.

Index Terms: Broadcasting, Infotainment, Legal Liability, Press Council

1 INTRODUCTION

For almost 17 years, Indonesia has been undergoing a transition from authoritarianism to democracy. As a democratic state, the people became one of the main focus and the perpetrators of the statehood development. Therefore, enforcement of the sovereignty people should be the most important task to do. The preamble of the Indonesian Constitution (the 1945 Constitution) has stated that freedom is actually a right of all nations and therefore, colonization in this world must be removed as it contravenes the humanity and justice. Of importance to the democratic propositions made in the 1945 Constitution is the protection of civic rights, includes the addition of a substantial section guaranteeing a number of human rights. Related in this regard, the 1945 Constitution as the highest law, Article 28F then expressly regulate the freedom of the press which states that everyone shall be entitled to communicate and obtain information to develop their personality and social setting, and to find, obtain, have, keep, process, and give information with any means of channel available. The national parliament of Indonesia also rode on the wave of democratization and decentralization throughout the country, and quickly ratified the new Law No. 40 of 1999 regarding the media, which effectively annulled the long-held policy of government censorship and media licensing. The new law sees the government as a mere facilitator and regulator to ensure a healthy exchange of information and communication as well as dissemination of public education. The central government was effectively stripped of its right to monitor and scrutinize what is published, aired or broadcast to the public. The reformed media law

together with the regulation on regional autonomy facilitated the growth and development of local media and television networks at provincial and district levels, further complicating government control over media content. Despite the overwhelming political victory and sense of triumph on the part of democracy activists and media professionals, a number of problems emerged as by-products of this abrupt change, which many observers have described as being "over the top". In the socio-political life of the country and society, the press has become an integral part in democratic life. The press has become one of the means for citizens to bring their thoughts and opinions. Even if to assert its presence on the important role in the life of the constitutional context, the press is also considered as the fourth pillar of democracy, after the executive, legislative, and judicial power (Cavaliere, 2012). Despite being out of the formal political system, where the press is still considered to have a strategic position and important role for information, education and the formation of public opinion as well as a means of social control. Therefore, freedom of the press be one of the benchmarks the quality of democracy in a country (Forsythe, 2009). Nowadays, there is a tendency to increase the quantity of press publications sharp, but not accompanied by a statement of the quality of journalism. So many accusations of "tilt" is addressed to the press. There is also a mass media accused of sensationalism language through the creation of bombastic title, displays tendency of vulgar regarding information about sex and violence. Journalism world knew him as "Yellow Journalism" which emphasizes the sensation of sex, crime and disaster news; massive titles; and rough depiction (Baran, 2004). The yellow journalism" is a style of newspaper reporting that emphasized sensationalism over facts (history.state.gov, n.d.). The term Yellow Journalism came from a popular New York World comic called "Hogan's Alley," which featured a yellow-dressed character named the Yellow Kid (Sartore, 2000). The Yellow Kid and the use of yellow ink at that time made the term Yellow Journalism becomes so popular and be one of the most interesting topics about United States of America (USA). Yellow Journalism is still debatable and remains controversies. This is because Yellow Journalism's headline-making use unusual or sensational stuffs to attract the reader's attention without regard to the substance of the content of the news itself. Most of Yellow Journalism emphasizes the sensation of sex, crime and disaster news. More concerned with the public

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interest due, Yellow Journalism is considered unprofessional and unethical. However, Yellow Journalism is a part of the freedom of speech in USA, as the First Amendment of US Constitution has been protecting. The Yellow Journalism besides has the reason (the rights of freedom of speech) to protect their action, they also has another reason to keep their action. But this law never helps that much the people who being the target of sensationalists. So that's why, Yellow Journalism is always possible to exist in daily life (Milton, 1989). From the characteristics above, then we can get some techniques mostly used by Yellow Journalism. Yellow Journalism has some techniques used in order to gain big attention from public. *First*, the technique used by Yellow Journalism is the title. The title has an important role in Yellow Journalism because readers read the title that is interested and attractive to read the article or not. *Second*, in the article there would be a colorful cartoon, cartoon administration is considered can helps in attracting the attention of the reader. This technique is only used Yellow Journalism to attract the reader's attention without concerned with the content of articles that are made, so that Yellow Journalism is often regarded as the deterioration of meaning. *Third*, in the case of radio, internet and television, journalists sometimes use flashing banners and sound alerts. The company that is providing the news often openly promotes itself and tries to make itself look more credible by presenting "experts" who aren't truly qualified to provide information. In Indonesia, "the yellow journalism" emerged as a wild innovation of the current major conservative media are struggling to stay afloat after the regional financial crisis took a serious impact on the media industry. Like the other yellow journalism over the world, the typical of this newspaper is sensational style, which refers to the life and personal affairs of celebrities, politicians and public figures Indonesia's rich and famous. According to Indonesian Broadcasting Commi-ssion (KPI) notes that in 2002 the frequency of infotainment just as many as 24 episodes per week or three episodes per day which aired 10 private television stations in the country. In 2003, that number jumped to four-fold to 101 episodes per week (14 episodes per day). In 2004, the frequency was growing to 151 episodes per week (22 episodes per day. In fact, during research conducted in January-August 2007, infotainment delivery jumped again to 210 episodes per week or 15 hours a day (Kompas, 2004). Based on the description above, no doubt, the infotainment has growing over the days. Meanwhile, the existence of infotainment would lead to criticism and controversy because it tends to be regarded as Yellow Journalism and ignore the three pillars jurnalistik which must be respected. As a result, a strong protest was made by a variety of community groups including Islamic organization Nahdlatul Ulama (NU) to forbid his followers to watch broadcasts infotainment. Even the speakers themselves are suing the media (infotainment) by legal action. Controversial issue over the existence of infotainment as a mass media, especially electronic media due to reporting practices performed by workers infotainment often raises ethical and social problems in the community. As it turns out in practice, however, it has certain weaknesses, particularly in view of the accountability and legitimacy aspects of the press as a mass media. Often infotainment even published something that does not correspond to reality, but only as a medium to find a popularity.

2 THE OBJECTIVE OF RESEARCH

The objective of this research is to understand the essence of the infotainment liability as a mass media, in order to construct a freedom of the press principle which has legitimacy within the legal system of the press in Indonesia.

3 METHOD OF RESEARCH

The type of research used in this paper is normative research or also known as doctrinal research (Marzuki, 2005) by reviewing the legal protection to the infotainment as a mass media in Indonesia. The data being used include secondary data consisting of primary law materials in the form of laws and regulations, secondary law materials in the form of reference books, opinion of experts, and the outcomes of previous research, as well as journal articles related of the press development in Indonesian..

4 RESULTS AND DISCUSSION

4.1 Legal Protection to the Infotainment in the Legal System of the Press in Indonesian

Nowadays, television is one of very important and interesting media. It is very useful and has become primary need for present modern society. Mass media, especially, press have important rules in the democracation process. The development of this information including in the form of education, knowledge, and entertainment. The role and function of the mass media's view of the contents of the message contained in a proclamation is to meet the expected three aspects of society, which is to the benefit of public, the needs of public, and the convenience of the public. The mass media, beside to conveying a message in the form of information and entertainment separately, also convey information and entertainment at the same time more commonly known as 'infotainment'. The term of infotainment in Indonesia generally assume as an information about the world of entertainment, but it refers to the style of displaying information as entertainment, does not necessarily mean the news about the gossip, the artist, or the world of celebrity. The information to be emphasized is the appearance of news tailored to the entertaining program. At the practical level, journalist is key in a mass media, because good and bad news in the media depends on the information obtained. Journalists in the news infotainment no different from other journalists, which is to provide important information that, can be enjoyed by the community. This reporter should have a relationship that is interdependent with the artists, because reporters require the artist as a source of news, while requiring journalists to promoted artist himself. Infotainment as a mass media, generally proclaim the lives of celebrities. But at the same time, exposing personal problems of the artists with great detail. It is intended that the news can be enjoyed by the community and is based on what the "market appetite". For examples, the most horrendous cases of divorce is like Aji Masaid and Reza Artamevia were dismantled down to the issues of the affair. So is the case of Rhoma Irama's polygamy and Angel Helga, until today which bear on their divorce (Republika, 2014). The entertainment industry makes life of celebrities as a part of the commodity. Based on that view, image or the image requires private things in order to know the public. Infotainment as a mass media aims to entertain, but when the numbers become much then the competition is becoming increasingly fierce. So the news hunter would do

anything to get the best news according to their version. Private lives of celebrities who became the object of news certainly feel uncomfortable. This uncomfortable feeling we can see an example of Sarah Ashari and Parto Patrio cases. News from Sarah Ashari scene is when he threw an ashtray infotainment reporters asked about his sister regarding Rahma Ashari. At that time the court decides that the convicted Sarah Ashari, because she has done a maltreatment. That news is similar to what is experienced by Parto Patrio. He is fired his gun as a warning as annoyed with questions of infotainment workers who do not appreciate his introvert attitude. Attitudes shown both Sarah Ashari and Parto Patrio is a manifestation of their frustration to reporters about their personal problems. Based on the cases above, it seems that the journalist is the most important factor in a proclamation. Journalists in Indonesia in particular has had a container of journalism organizations such as the Indonesian Journalists Association (commonly known as PWI). This organization aims to control the journalists in order to guarantee their rights, obligations and make the rules as well as in the code of conduct. The code of conduct is part of the applicable law in a society, regarding with behavior and moral values that exist. Code of ethics can be based with their respective professions, such as the Code of Medical Ethics, Advocates Code of Ethics, and the Journalists' Code of Ethics. The Journalists' Code of Ethics as stipulated in Article 1 of the Law No. 40 of 1999 regarding the Press which provides that: "The Journalists' Code of Ethics is a set of professional ethics of journalism". As it turns out in practice, however, it has certain weaknesses, particularly in view of the accountability and legitimacy aspects of its works. Therefore, in one part of the code of conduct is a sentence which essentially stated that observance of the code of conduct lies on the conscience of the journalist. According to authors, some infotainment workers at the moment who do not uphold the Journalists' Code of Ethics as the rule of all mass media. This makes the public's view of journalists in general increasingly skewed as describe in the **Table 1** below:

Table 1. Public response to the preaching of infotainment.

No.	Description	Agree	Disagree	Unknown	Total
1.	Coverage has been balanced Often	12	60	3	75
2.	oppressing parties reported Coverage	50	20	5	75
3.	has been accurate and actual Very broad social	8	60	7	75
4.	impact to the community Has adopted the	65	8	2	75
5.	presumption of innocence	12	58	5	75

principle in reporting

Source: Results of questionnaires, Edited, 2015

Based on quantitative data presented in Table 1 above, it was clear that the organizer of infotainment in Indonesia still has not run the Journalists' Code of Ethics fully and thoroughly. It is seen that in relation to the balance of the news, of 75 respondents surveyed by using a tool like questionnaire survey, there are 80% of respondents who think that preaching is done by organizers infotainment still unbalanced. Regarding to the accuracy of the reporting of infotainment, then as many as 80% of respondents thought that the news broadcast by the infotainment actually inaccurate.

4.2 Legal Liability of Infotainment as a Mass Media

The journalistic product in the form of broadcast in television is the end result of a process involving the reporter, cameraman, picture editor, producer, host, executive producer until the leadership of the mass media company. In the event of a violation, then the onus is on the Chief Editor and can not be charged to a particular profession. The freedom of the expression which is owned by the press is basically a part of human rights principles as protected by the 1945 Constitution as a highest law and the Universal Declaration of Human Rights of the United Nations. However, in realizing the freedom of the press, journalists Indonesia is also aware of the interest of the nation, social responsibility, diversity of society, and religious norms. The Press Council (or commonly known in Indonesia as "Dewan Pers") of Indonesia has to shoulder more tasks than most similar institutions in other countries that I know of. Article 15 of the Law No. 40 of 1999 regarding the Press says that "a Press Council is established in an effort to develop freedom of the press and expand the existence of national press." It stipulates that the Council has the following functions (Astraatmadja, 2010):

- (1) To protect freedom of the press from outside interference;
- (2) To conduct studies to develop the existence of the press;
- (3) To enact a journalistic code of ethics and control the compliance of the code;
- (4) To give consideration and find solutions to complaints lodged by public towards cases concerning press reports;
- (5) To develop communication between the press, public and government;
- (6) To facilitate press associations (of journalists and media companies) in establishing media regulations as well as to increase the quality of journalistic professionalism;
- (7) To gather data of media companies.

As it turns out in practice, however, it has certain weaknesses, particularly in view of the accountability and legitimacy aspects of infotainment as a mass media. Regarding of Article 1 for example, a lot of infotainment media including journalists offense, especially journalists who work for the benefit of infotainment. In the Journalistic Code of Ethics confirms that the news should be balanced, not biased. Thus, it seems that the meaning is confusing objectivity, when in fact to be conveyed is the accuracy of news and impartial sources (*cover both side*). Based on the Journalists' Code of Ethics,

necessary condition is impartial news. When the news was impartial, readers or viewers can analyze and give its own opinion objectively. However, if a news was partially (biased), then the paradigm of readers or viewers will be affected by the news presented. Therefore, a statement that comes out of a party should be followed by a confirmation or denial of the opposing party and equipped with relevant documents. In a country that has only recently recovered its freedom of expression as Indonesia, some elements of the community appear to view a free press as an influential institution, but arrogant, and thus must be subdued. These elements may not yet sense that a free press is in fact part of the "family of freedoms" they themselves belong to. The survival of freedom of the press and expression in the future will depend on the level of understanding of the society at large and those in power toward democracy—which includes press freedom and free expression.

4 CONCLUSION

The role of infotainment in the legal system of the press in Indonesia refers to the legal construction of institutional and infotainment organizers itself. Legal liability of infotainment essentially, can be seen from the press obligations stipulated in the Law No. 40 of 1999 regarding the Press, Law No. 32 of 2002 regarding Broadcasting, as well as the Journalists' Code of Ethics, which support freedom of the press and expression. In the institutional side, preferably the Indonesian Press Council and the Indonesian Broadcasting Commission has a special unit which aims to supervise and provide guidance to the infotainment program, so that the broadcasting and/or dissemination of information activities always in line with the applicable to the legal rules (*ius constitutum*).

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