

Criminal Law Enforcement Against Press Crimes in Reporting Suicide Cases in the Mass Media

Melisnawati¹, Khristyawan Wisnu Wardana², Sholihin Bone³.

^{1,2,3} Faculty of law University of Mulawarman, Indonesia.

Article history:

Received 2024-01-05

Received 2024-03-24

Accepted 2024-04-01

Keywords:

Press, Press Freedom; Press Crimes; Law enforcement; Criminal Liability.

DOI:

doi.org/10.26905/idjch.v15i2.15011

Corresponding Author:

Sholihin Bone.

E-mail: sholihinbone@ft.unmul.ac.id

Abstract: The Indonesian Constitution guarantees freedom of the press, which is part of human rights in national and democratic life. The press has an important function that influences social, economic, political, and cultural life, namely as a medium of information. Restrictions on press freedom must be firmly and clearly stipulated by laws and regulations with provisions, one of which is the regulation of press crimes in criminal law. Suicide cases are one of the cases that are widely reported by the mass media; In covering suicide cases, ideally journalists have sensitivity and can empathize by protecting the identity of the perpetrator and the family of the suicide perpetrator in accordance with Press Council Regulation Number: 2/Peraturan-DP/III/2019 Concerning Guidelines for Reporting Related to Acts and Attempted Suicide which was stipulated in Jakarta on March 22, 2019. Seeing this phenomenon, it is important to enforce the law against media that violate the rules in reporting suicide cases.

1. Introduction

Suicide is an important phenomenon in Indonesia. Based on data from the Ministry of Health of the Republic of Indonesia (2022), the suicide rate reached (3.7 per 100,000 population).¹ Journalists, the Press, and the mass media play an important role in conveying accurate and sensitive information when reporting suicide cases. This is based on the Republic of Indonesia Law Number 40 of 1999 concerning the Press, which emphasizes moral norms and the presumption of innocence.

Based on this, the Author of this journal will discuss how violations of moral norms committed by the mass media can be considered criminal acts. The Press Council Regulation Number: 2 / Regulation-DP / III / 2019 concerning Guidelines for Reporting Related to Criminal Acts and Attempted Suicide, which was stipulated in Jakarta on March 22, 2019, which regulates the procedures for writing in reporting suicide cases that should be conveyed, including the prohibition on revealing the identity of the perpetrator, distributing photos, videos, sounds and motives of the perpetrator of suicide and not linking it to mystical things. However, some online media still

¹ Wirjono Prodjodikoro, *Tindak-Tindakan Pidana Tertentu di Indonesia*, (Bandung: T Refika Aditama, 2012), 4.

violate moral and religious norms by including the identity of the perpetrator, method of suicide, motive for suicide, and photos of the corpse.

This raises problems because this violation violates not only the code of ethics but also the law. So, there needs to be law enforcement against media that spread news about suicide unethically. From the above matters, the Problem Formulation raised by the Author is how to construct Press Crimes according to the Criminal Code and Law of the Republic of Indonesia Number 40 of 1999 concerning the Press and how to enforce Criminal Law against press crimes in reporting suicide cases in the mass media.

2. Method

The type of research used in writing this thesis is normative juridical, also called doctrinal legal research, which is also called library research or document study. This research is conducted or aimed only at written regulations, so it is very closely related to the library because this normative law will require secondary data in the library. In essence, this research is conducted by examining primary materials, secondary legal materials, and tertiary legal materials. This research uses the statutory approach, namely examining laws and regulations relating to press provisions, press concepts, the role of the press, legal sanctions, and law enforcement.

3. Construction of Press Crimes in the Criminal Code and Law of the Republic of Indonesia Number 40 of 1999 concerning the Press

According to Bambang Sadono, press crimes are punishable acts that can only be committed by the press. If the crime is committed by an individual or institution other than the press, then it cannot be considered a press crime.² Press Crimes in Indonesia's legal context can be studied through two principal regulations: the Criminal Code and Law Number 40 of 1999 concerning the Press.

3.1. Press Crimes in the Criminal Code

Press crimes in the Criminal Code refer to crimes or violations committed through the media. The three main criteria for press crimes are:³ a. The act must be carried out with printed materials; b. The criminal act must be a statement of thoughts or feelings; c. There is a publication to classify the crime. It can be interpreted that anything published, whether in print or electronic media, can be a press crime. The following are press crimes contained in the Criminal Code: a. Crimes through Printing are regulated in Article 61 and Article 62 of the Criminal Code (KUHP); b. Leakage of State Secrets and Leakage of State Defense and Security Secrets: Article 112-Article 133 of the Criminal Code (KUHP); c. Insults against the President and Vice President: Article 134, Article 136 bis, Article 137 of the Criminal Code (KUHP); d. Insults against the King or Head of a Friendly State and representatives of foreign countries: Article 142-Article 143 of the Criminal Code (KUHP); e. Hostility, Abuse, or Blasphemy: Article 156a of the Criminal Code (KUHP); f. Incitement and Offering of Criminal Acts: Articles 160-163 of the Criminal Code (KUHP); g. Insults Against the Authorities or Public Bodies: Articles 207-208 of the Criminal Code (KUHP); h. Violation of Morality: Article

² Bambang Sadono, *Penyelesaian Delik Pers Secara Politis*, (Jakarta: Pustaka Sinar Harapan, 1993), 59.

³ Insanwijayani, *Menulis Berita di Media Massa dan Produksi Feature*, (Jogjakarta: Andi, 2019), 48.

282 of the Criminal Code; i. Assault/Defamation or Defamation: Articles 310-311 and Articles 315-316 of the Criminal Code (KUHP); j. False News; Article 317 of the Criminal Code (KUHP); k. Insults or Defamation of the Dead: Articles 320-321 of the Criminal Code (KUHP); l. Violation of Rights Denial, Article 322 of the Criminal Code (KUHP); m. Receiving Publishing and Printing; Article 483-Article 484 of the Criminal Code (KUHP).

In principle, every crime consists of behavior and consequences, as stated in Tien Hulukati's book, which covers behavior, consequences, and specific circumstances.⁴ The elements of a crime according to the Criminal Code are: a. Behavior, b. Against the law, c. Mistake, d. Constitutive consequences, e. Accompanying circumstances, and f. Additional requirements for prosecution or punishment. There are two types of crimes. The first is an ordinary crime, which can be processed without a report.⁵ Second, complaint offenses, according to Drs. P.A.F. Lamintang, namely, criminal acts that require complaints from the injured party.⁶ Press crimes are included in complaint offenses, so processing requires a complaint. Except for several articles, for example, Article 137 of the Criminal Code is not included in complaint offenses, so processing it does not require a complaint. For example, broadcasting writings that insult the president and vice president can be punished by Article 137 of the Criminal Code.

3.2. Press Crimes in the Republic of Indonesia Law Number 40 of 1999 Concerning the Press

Press crimes are regulated in the Republic of Indonesia Law Number 40 of 1999 concerning the Press, including criminal law regulated outside the criminal code. The following are articles that regulate violations or criminal acts and include provisions on sanctions for press violations in the Republic of Indonesia Law Number 40 of 1999 concerning the Press: a. Article 5: Regulates the obligation of the Press to report events and opinions by respecting religious norms, morality, and the principle of presumption of innocence. The Press must also serve the right to reply and make corrections; b. Article 9 paragraph (2) determines that every press company must be an Indonesian legal entity; c. Article 13 prohibits press companies from publishing advertisements that can degrade the dignity of religion or disrupt harmony between religious communities or advertisements related to the demonstration of cigarettes and/or the use of cigarettes, alcoholic beverages, narcotics, psychotropics, and other addictive substances; d. Article 18, paragraph (2) and paragraph (3); Regulates fines for press companies that violate the provisions of Article 5, paragraph (1) and paragraph (2), and Article 13 with a maximum fine of Rp. 500,000,000.00 (Five hundred million rupiah). Press companies that violate the provisions of Article 9 paragraph (2) and Article 12 shall be punished with a maximum fine of Rp. 100,000,000.00 (One hundred million rupiah).

⁴ Tien Hulukati, *Hukum Pidana Jilid 1, Materi kuliah Hukum Pidana di Fakultas Hukum Unpas* (Bandung: Bandung Unpas Press), 76.

⁵ *Ibid.*

⁶ Arthur Daniel P. Sitorus, *Perbedaan Delik Aduan dan Delik Biasa*, Indonesiaiare.com, 2019, diakses Juli 03, 2023, <https://indonesiaiare.co.id/id/article/perbedaan-delik-aduan-dan-delik-biasa>.

⁷ Antara Kaltara, *Dewan Pers diberi wewenang sertifikasi jurnalis karena UU "lex specialis"*. Kaltara.antara.com, 2022, diakses Juli 3, 2023, <https://kaltara.antaraneews.com/berita/495033/dewan-pers-diberi-wewenang-sertifikasi-jurnalis-karena-uu-lex-specialis>.

State Law Number 40 of 1999 concerning the Press is one of the laws that is *Lex Specialis*. In the rules or principles of law, there is an adage, “*Lex Specialis derogate legi generali*,” meaning that special rules override general rules.⁷ Based on the principle of “*Lex Specialis derogate legi generali*,” only the Press Council is authorized by the state under the law to regulate all aspects of press life.⁸

3.3. Construction of Press Crimes Based on the Criminal Code and Law of the Republic of Indonesia Number 40 of 1999 Concerning the Press in Suicide Cases

Legal construction is needed to overcome the legal vacuum, where if existing legal provisions do not regulate a specific legal or regulatory situation, then in the context of the paradigm or way of thinking, the need for legal construction can be justified. Legally, the construction of a criminal act usually includes several elements, namely: a. The perpetrator of the crime can be an individual or a group; b. The existence of an object of the crime: The object that is the target of the crime can be property, people, or society; c. The existence of an act (*Actus Reus*): An action carried out by the perpetrator, be it a positive action (doing) or an adverse action (not doing); d. The existence of intent or error (*Mens Rea*): The existence of a mental attitude or evil intention that accompanies the action. This can be in the form of intent (intentional), negligence, or unintentional; e. Legal rules: The existence of legal rules that the act violates.

Construction of Press Crimes in reporting suicide cases that reveal the perpetrator’s identity, photos of the corpse, and the motive for the suicide, as follows. Legal Aspects in the Criminal Code (KUHP): a. Article 310 of the Criminal Code; defamation, including information detrimental to the perpetrator’s reputation even though he has died. b. Article 311 of the Criminal Code; defamation committed through the mass media by spreading photos or videos of the perpetrator committing suicide or even the motive for the suicide can be considered a violation of this provision because such actions can damage the reputation and dignity of others. In addition, disseminating such information can violate privacy and negatively impact the perpetrator’s family and those closest to them. Articles related to defamation seek to protect individuals from the dissemination of information that can harm them, including in sensitive contexts such as suicide. c. Article 282 of the Criminal Code; violation of morality related to unethical delivery methods or content.

Legal Aspects in Law of the Republic of Indonesia Number 40 of 1999 Concerning the Press: a. Article 5 of Law of the Republic of Indonesia Number 40 of 1999 Concerning the Press states the public’s right to obtain correct information. However, news reporting that displays personal data and reveals the motives of suicide perpetrators sensationally can be considered a violation of this right. b. Article 6 of Law of the Republic of Indonesia Number 40 of 1999 Concerning the Press emphasizes the obligation of the press to respect human rights. The distribution of photos and personal data of the perpetrator and the motives of the suicide perpetrator can violate the privacy of the family and the dignity of the perpetrator. c. Article 8 of Law of the Republic of Indonesia Num-

⁸ *Ibid.*

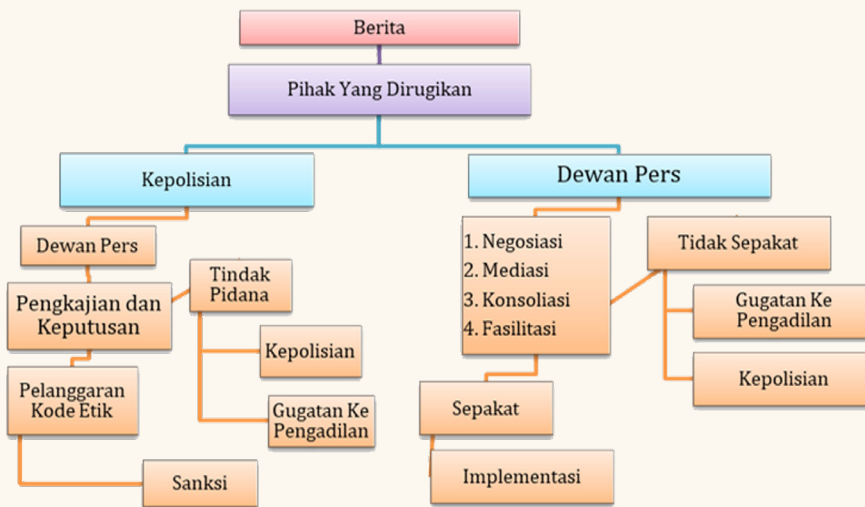
ber 40 of 1999 Concerning the Press prohibits news reporting that insults or degrades a person's dignity, including suicide perpetrators. d. The journalistic code of ethics emphasizes the impact of reporting on sensitive issues such as suicide.

Violations that occur can result in sanctions, either administrative sanctions or lawsuits. Important elements in journalistic ethics related to reporting on suicide cases include:⁹ 1) Identity of the perpetrator: revealing the perpetrator's identity can violate privacy and affect the people closest to the perpetrator, especially the family. 2) Photos of the Corpse: uploading photos of the corpse of the perpetrator of suicide, especially openly and without censorship, is a very sensitive act and may be considered unethical. Of course, this worsens the trauma for the family and society and can lead to the imitation of suicide perpetrators among vulnerable groups. 3) Disclosure of the Reasons (Motives) of the Suicide Perpetrator: Reporting the context in the news is very important, but disclosing the motives for suicide must be done very carefully because it must consider how the information affects public perceptions of mental health problems and suicide. 4) Ethics and guidelines: Every media outlet must follow the rules and guidelines set by journalistic organizations and the Press Council. This includes not disseminating information that can trigger stigma or glorify suicide. It also includes avoiding language that is considered insulting, demeaning, and sensational. 5) Social Impact: In reporting on suicide cases, the media has a responsibility to provide helpful information but also to report it very carefully because content about suicide is a very sensitive topic and can have wide-ranging negative impacts, including increasing the suicide rate for people with similar problems. Therefore, journalists must uphold journalistic ethics in carrying out their duties with a complete sense of responsibility, considering the impact of the news they convey.

Settlement of Press Disputes. The mechanism for resolving press disputes based on the Republic of Indonesia Law Number 40 of 1999 concerning the Press, primarily related to the right of reply for individuals or groups who feel aggrieved by news reports, is as follows: a. Definition and right of reply, based on article 1 number (11) to number (13) of the Republic of Indonesia Law Number 40 of 1999 concerning the Press; explains the meaning of news and the right of reply as the right of an individual or group to respond to news reports that are detrimental to their good name. b. Granting the right of reply, based on Article 5 paragraph (2) of the Republic of Indonesia Law Number 40 of 1999 concerning the Press, emphasizes that press companies must provide the right of reply to the injured party. Based on Article 5, paragraph (3) of the Republic of Indonesia Law Number 40 of 1999 concerning the Press emphasizes serving the right of reply. c. Sanctions for press companies, based on Article 7 paragraph (2), emphasize that criminal sanctions can be imposed if a press company does not exercise the right of reply. d. Recovery of losses, based on Article 18 paragraph (2), explains that the right of reply aims to recover losses experienced by parties who feel aggrieved by the news. The right of reply is guaranteed by law regarding the Recovery of losses by a press company. Criminal sanctions will be imposed if the press company does not serve the right of reply.

⁹ G.W. Muschert, Teaching and Learning Guide for: Research in School Shootings. *Sociology Compass*, 1, 2007: 840-846. <https://doi.org/10.1111/j.1751-9020.2007.00049.x>.

Chart 1.1: Dispute Resolution Mechanism Dispute Resolution Mechanism Based on the Republic of Indonesia Law Number 40 of 1999 Concerning the Press.



Source: Author’s Processing, 2023.

Mechanism for Resolving Press Disputes Outside the Courts. Press disputes can be resolved through several mechanisms outside the courts, by Law of the Republic of Indonesia Number 1999 Concerning the Press. The Press Council acts as an independent mediator and facilitator who reviews complaints related to detrimental news reporting. The press council facilitates negotiations to reach an agreement between the disputing parties. In mediation, a neutral third party helps reach an acceptable solution without legal channels. Conciliation involves experts or commissions to explain the facts to reach an agreement. The Press Council carries out facilitation to arrange a meeting between the two parties. If all these methods are unsuccessful, the injured party can file a lawsuit through legal channels, where the Press Council is no longer involved.

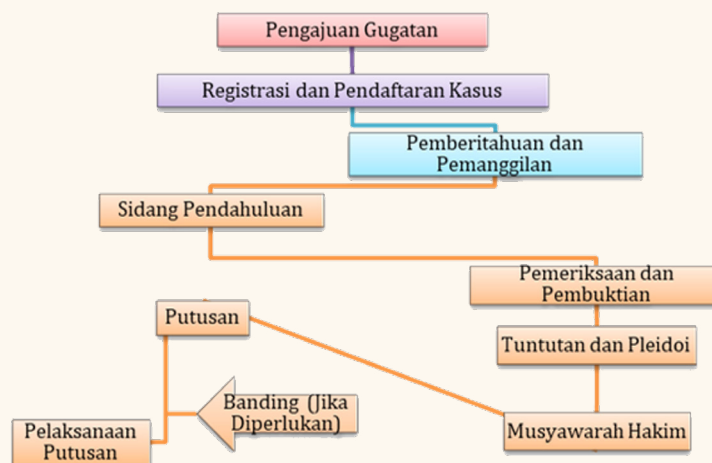
Chart 1.2: Press Dispute Resolution Process Through the Press Council with Out-of-Court Mediation.



Source: Author’s Processed Results, 2023.

Settlement of Press Disputes in Court. Right of Reply and Right of Correction: The party who feels aggrieved can request the right of reply and correction, which is required to respond to this request. Rebuttal Evidence: The injured party must prepare data or facts proving that the news is not true as additional evidence. Press Council: the right of reply and correction can also be submitted to the press council, which considers and resolves public complaints. Court action: problems resulting from news reporting filed as civil or criminal lawsuits. In this case, the court still refers to Law Number 40 of 1999 concerning the Press, which emphasizes fulfilling rights and corrections. Journalistic Code of Ethics: The Press Council assesses violations of the journalistic code of ethics and can impose sanctions through journalist organizations or press companies. Right to file a case with the court; the injured party still has the right to file a case. In criminal cases, judges are required to refer to Supreme Court Circular No. 13 of 2008 concerning Requesting Expert Witness Information (“SEMA 13/2008”) to request expert witness information from the Press Council.

Chart 1.3: Press Dispute Resolution Process Through the Courts.



Source: Author’s Processed Results, 2023.

4. Criminal Law Enforcement Against Press Crimes in Reporting Suicide Cases in the Mass Media

Law enforcement can be divided into two meanings, namely, broad and limited meanings. In general, the application of law includes the values of justice from official rules and values in society. While the application of law in a narrow sense only focuses on the application of formal written regulations.¹⁰ Law enforcement is a process that regulates the relationship of values in law to create and maintain a peaceful social life. Individual living standards often conflict in society, so law enforcement is not only about implementing the law.

4.1. Press Crimes

The Law of the Republic of Indonesia Number 40 of 1999 concerning the Press stipulates that the national press functions as a medium for information, education, entertainment, and social

¹⁰ Laurensius Arliman S, *Penegakan Hukum dan Kesadaran Masyarakat*, (Yogyakarta: Deepublish, 2015), 12-13.

control. In reporting suicide cases, journalists are required to comply with ethics and religious and moral norms. Some examples of press violations can be subject to criminal sanctions, such as revealing the perpetrator's identity or publishing photos of the corpse.

4.1.1. Violation of Decency and Defamation

Criminal Code. Violation of morality in the Criminal Code is regulated in Article 282. Article 282 covers disseminating, displaying, or attaching writing, images, or objects that violate morality. The elements of violation of morality based on Article 282, namely: Paragraph (1): Mentions the elements, whoever disseminates and displays writing, images, or objects that violate morality, with the threat of imprisonment of up to one year and six months or a maximum fine of Rp. 4,500. Paragraph (2): Mentions the elements, whoever makes, imports, transports out, has in stock, disseminates or displays or attaches openly, writing, images, objects that violate morality, is threatened with a maximum of nine months or a maximum fine of Rp. 4,500. Article (3): offering or stating that it can be obtained without request, images, writings, or objects that violate morality, done openly, with the threat of a maximum prison sentence of two years and eight months or a maximum fine of Rp. 70,000.

Article 282 of the Criminal Code regulates actions that violate moral norms, including disseminating information that can harm the morals or ethics of society – in the context of the mass media, reporting on suicide cases, including sensational ones because exploiting suicide incidents can be categorized as a violation of morality, for example showing photos of corpses or details that are too explicit. The media must consider the impact of the news they convey on the public. If the presentation of news can cause trauma, stigma, or dangerous imitation, this can be categorized as a violation of morality.

Suppose the media is proven to have violated Article 282 of the Criminal Code by publishing news. In that case, both the media and the individuals involved in disseminating the information can be subject to legal sanctions in accordance with applicable legal provisions. Overall, the construction of this violation encompasses ethical considerations of social impact and media responsibility in conveying sensitive information. Defamation is regulated in Articles 310, 311, 315, and 316 of the Criminal Code. Elements of defamation: a. Subject: any person or individual who intentionally commits an act of defamation aimed at a particular individual or group whose reputation can be tarnished. b. Act: the Act of spreading verbally, in writing, images that can harm someone's reputation. It can be in the form of slander, accusations, or baseless judgments. c. Content of the statement: the statement or information disseminated is negative, which can lower the reputation of the Subject. d. Intentionally; the perpetrator does it intentionally. e. Dissemination: detrimental information widely disseminated to third parties so that more than one person knows the information. f. Misinformation: information disseminated can mislead others.

Regarding defamation, although not directly related to violations of morality, it can be related if it is related to unethical distribution methods or Content, then it can be categorized as a violation of morality. Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions. Article 27, Paragraph (1) stipulates that anyone who intentionally distributes electronic information that violates morality can be subject to sanctions, for example, uploading photos or identities of suicide perpetrators and revealing the perpetrator's motives openly. This can be con-

sidered a violation of morality because it can hurt the feelings of the public, as well as degrade the dignity of suicide perpetrators. In addition, this action is contrary to the principle of human rights, where the perpetrator has the right to respect and protect his dignity, even after death.

Elements of press crimes based on Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions, namely: a. Subject: Any person involved in disseminating information, both individuals and media. b. Unlawful acts: uploading or disseminating information that presents tragic, vulgar moments explicitly on electronic media, whether containing photos, identities, or details related to suicide cases that are considered to violate morality. c. Element of intent: actions must be carried out intentionally. d. Legal consequences: An action can hurt the dignity of the suicide perpetrator and his family, as well as hurt the feelings of the community; this can be considered a violation of the principle of protecting human rights.

The distribution of uncensored photos of the corpse of a suicide perpetrator can hurt the psychology of the individual. The media needs to consider the impact of the information disseminated, considering its function as a means of information for the community.¹¹ The provisions of Article 27, paragraph (1) of the Electronic Information Law, which regulates the prohibition of the dissemination of information that violates morality, can sanction the violation. The broadcast of news related to suicide must be careful to avoid imitation effects and traumatic impacts on readers. Thus, the media need to present information ethically and responsibly, maintaining sensitivity to issues that can affect the mental health of the community. Violation of the Identity of the Suicide Perpetrator. Indonesia as a country of law as regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which upholds norms based on Pancasila and guarantees the protection of human rights (HAM).

Human rights (HAM), based on the Republic of Indonesia Law Number 39 of 1999 concerning Human Rights, are fundamental rights or citizenship inherent in individuals from birth and must be respected and protected by the state. Personal data protection is an important part of human rights, as stated in the Amendment to the 1945 Constitution of the Republic of Indonesia in Article 28G paragraph (1), which emphasizes the individual's right to personal data protection and dignity. Referring to the provisions of the Republic of Indonesia Law Number 27 of 2022 concerning Personal Data Protection, which defines personal data as information that can identify an individual and regulates the prohibition on disclosing personal data that does not belong to him.

The prohibition on the dissemination of identity is regulated in Article 65 and Article 67 of the Republic of Indonesia Law Number 27 of 2022 concerning Personal Data Protection, which prohibits the collection and disclosure of personal data without permission, and this violation can be subject to criminal sanctions in the form of fines and imprisonment. Several elements of identity violations of the perpetrator based on Article 65 of the Republic of Indonesia Law Number 27 of 2022 concerning Personal Data Protection, namely: a. Everyone, including anyone who works as a journalist or reporter. b. Disclosing Personal Data: personal information that can identify a person directly or start a combination of other information. In a suicide case contest, mentioning a name, address, place of residence, or date of birth is a violation of privacy. c. Ownership of data: the data

¹¹ R. Arifin, Law Enforcement in Banking Criminal Act Involving Insiders. *Jambe Law Journal*, 1(1), (2018): 55-90. <https://doi.org/10.22437/jlj.1.1.55-90>.

disclosed does not belong to the journalist or reporter himself but to another person (the suicide perpetrator). Dissemination of such information without permission is a violation of privacy.

In the context of press crimes regarding violations of personal data, mainly reporting on suicide cases, several things need to be considered based on the Law of the Republic of Indonesia Number 27 of 2022 concerning the Protection of Personal Data, namely: a. Definition of personal data: Personal data is data about an individual who is identified or can be identified individually or combined with other information directly or indirectly through an electronic or non-electronic system. In cases of suicide, personal data can include a person's name, address, and related information. b. Dissemination of personal data; media that report suicide cases containing the identity or sensitive information regarding the perpetrator of suicide without permission or in violation of applicable laws can be considered a violation of the Personal Data Protection Law. c. Principles of data processing: The processing of personal data has certain principles, namely, fairness, transparency, and clear objectives. In providing cases of suicide, care must be taken not to violate the privacy rights of the individual and the perpetrator's family. d. Sanctions: violations of the processing and dissemination of personal data can be subject to administrative or criminal sanctions by applicable laws. e. The media has a responsibility to report suicide events while respecting privacy and following journalistic ethical guidelines.

4.2. Criminal Responsibility for Press Crimes in Reporting Suicide Cases

Criminal responsibility in Dutch is called "Toerekenbaarheid" and in English "Criminal Responsibility" or "Criminal Liability".¹² The concept of criminal liability is not only related to legal issues but also involves moral values and norms upheld by society or various community groups. This aims to ensure that criminal liability is enforced to fulfill justice.¹³ Criminal liability in the "Common Law" legal system is closely related to the concept of mens rea (malicious intent) and punishment. Mistakes included in mens rea are interpreted as violations of rules or legislation. Every individual who violates the law must be responsible for their actions.

Regarding the responsibility for reporting on cases of suicide that violate the law, responsibility falls on several parties, namely:¹⁴ a. Editor: The editor is responsible for editing and ensuring that published news complies with journalistic standards, ethics, and applicable laws. b. Editor-in-Chief: The editor-in-chief is responsible for the overall editorial and policy. If the violation occurs due to inadequate policies or lack of supervision, the editor-in-chief is considered responsible. c. Media Owner: media management is also responsible for ensuring that their company's practices comply with the law and ethics. d. Press Supervisory Agency: The Press Council enforces journalistic ethics standards and can provide sanctions or recommendations to media that violate them. Press crimes in reporting suicide cases include various aspects related to violations of morality and defamation, violations of personal data protection, and related to journalistic ethics, as well as applicable legal provisions. Criminal liability that can be imposed on the media, namely;

¹² Dwi Indah Lestari, *Skripsi Perlindungan Hukum Terhadap Identitas Anak Yang Berhadapan Dengan Hukum Sebagai Korban Tindak Pidana Asusila Yang Dipublikasi Oleh Media Massa Ditinjau Dari Perspektif Viktimologi*, (Samarinda: Universitas Mulawarman, 2021), 11.

¹³ Hanafi, Mahrus, *Sistem Pertanggungjawaban Pidana, Cetakan pertama* (Jakarta, Rajawali Pers, 2015), 16.

¹⁴ Arifin, R. (2018). Law Enforcement in Banking Criminal Act Involving Insiders. *Jambe Law Journal*, 1(1), 55-90. <https://doi.org/10.22437/jlj.1.1.55-90>

4.2.1. Criminal Code

Provisions in the Criminal Code: a. Article 282; related to morality. News that degrades the dignity of the suicide perpetrator or family or that contains inappropriate and unethical elements can be considered to violate this article. For example, news or reports that embarrass the perpetrator, use impolite language, or spread sensitive personal details without consent, such as addresses, photos of corpses, and health details of the perpetrator without permission. b. Articles 310 and 311 relate to defamation. If incorrect information or direct accusations are spread, the perpetrator is linked with a negative stigma, thus harming his and his family's reputation.

Elements of Accountability: a. Subject: The media or journalist responsible for the news content must be recognized as a legal subject who can be held accountable. b. Unlawful acts: News that degrades the dignity of the suicide perpetrator or family, Inaccurate information, disclosure of personal details without permission, using rude or rude language. c. Consequences: Losses are negative impacts caused by reporting on suicide cases and negative impacts on the reputation, privacy, or mental condition of the perpetrator's family and the community due to unethical reporting. d. Intention or Element of Deliberation: The information contains an element of intent or negligence that can be detrimental, which can strengthen the claim.

Proof: a. Documentary evidence, articles, news recordings, or other documents support the claim that the news is wrong or misleading. b. Witnesses: presenting witnesses who can provide accurate factual information. c. Expert witnesses: using expert opinions or statements to explain how the news meets ethical code standards. d. Other evidence, as an additional show, shows the negative impact of the news on the suicide perpetrator's family and the community. e. Legal Process: The injured party can file a lawsuit through the police or press council; this process involves investigation and trial to determine whether the law was violated. f. Sanctions: if proven to have violated, the media or journalist can be subject to sanctions, depending on the severity of the violation. Criminal sanctions: Fines or imprisonment

4.2.2. Republic of Indonesia Law Number 40 of 1999 concerning the Press

Provisions in the Republic of Indonesia Law Number 40 of 1999 Concerning the Press: a. Article 1, paragraph 1, states that the press is an institution and vehicle for mass communication. b. Article 5 emphasizes the public's right to obtain correct and accurate information. The media has a responsibility to present information accurately and not misleadingly and not provide sensational motives for suicide. c. Article 6 Emphasizes the obligation to respect human rights in conveying news and spreading news by uploading photos of the suicide perpetrator's body and personal data and revealing the motives of the suicide perpetrator without considering the privacy and dignity of the individual, including violating the principles of human rights. d. Article 8 Emphasizes the prohibition of insulting or degrading a person's dignity. News that corners and degrades the dignity of the suicide perpetrator and his family uses harsh and impolite language that has the potential to harm the dignity of the perpetrator and his family and worsen the social stigma against mental problems.

Elements of responsibility: a. Legal Subject: Journalists or media. According to Article 12 of the Press Law, press companies are required to list their names, addresses, and responsible per-

sons openly in the media concerned.¹⁵ The person responsible for the press company includes the business and editorial sectors. b. Unlawful acts; News that degrades the dignity of the suicide perpetrator or family, Inaccurate information, disclosure of personal details without permission, using harsh or impolite language. c. Consequences and losses: inaccurate reporting can harm the reputation of the perpetrator and family, create a negative stigma, and allow the family to experience trauma or psychological impacts due to sensational and unethical reporting.

Proof: a. Documentary evidence, articles, news recordings, or other documents supporting the claim that the news is wrong or misleading. b. Witnesses: presenting witnesses who can provide accurate factual information. c. Expert witnesses: using expert opinions or statements to explain how the news meets ethical code standards. d. Other evidence, as an additional show, shows the negative impact of the news on the suicide perpetrator's family and society. e. Legal Process: The injured party can file a lawsuit through the police or press council; this process involves investigation. i. and courts to determine whether there is a violation of the law. f. Sanctions: if proven to have violated, the media or journalist can be subject to sanctions, depending on the severity of the violation. Administrative Sanctions: warnings, fines, or revocation of permits. Criminal Sanctions; Imprisonment or fines.

4.2.3. Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions

Provisions in the Republic of Indonesia Law Number 19 of 2016 concerning Amendments to the Republic of Indonesia Law Number 11 of 2008 concerning Electronic Information and Transactions: a. Article 27 confirms the prohibition on distributing harmful content, such as insults, defamation, and content related to moral norms. b. Article 29 confirms any prohibition on intentionally and without the right to send electronic information containing threats, violence, or intimidation. c. Article 45B regulates sanctions for violations of Article 29, with a maximum prison sentence of 4 years and/or a maximum fine of Rp—750,000,000.00 (seven hundred and fifty million rupiah).

Elements of responsibility: a. Legal subject: Media or journalists who are responsible for the news published. b. Unlawful acts; dissemination of information containing obscene or unethical elements, inaccurate and sensational depiction of news. Presenting news that can cause fear, threats, or encourage suicide, directly or indirectly. c. Consequences and losses: news reporting can defame a good name, trigger trauma, or affect the mental health of families and communities.¹⁶

Proof: a. Documentary evidence, articles or comments, news recordings, or other documents supporting claims that the news is false or misleading. b. Expert witnesses: using expert opinions or statements to explain how the news meets ethical code standards. c. Legal Process: The injured party can file a lawsuit through the police or press council. This process involves investigations and courts to determine whether there has been a violation of the law. d. Sanctions: if proven to

¹⁵ T. A. Sanjaya, R. L. Sinaulan, & M. Ismed, LEGAL PROTECTION OF PORNOGRAPHIC BEHAVIOR THROUGH SOCIAL MEDIA IN INDONESIA. *POLICY, LAW, NOTARY AND REGULATORY ISSUES*, 1(2), (2022): 55-72. <https://doi.org/10.55047/polri.v1i2.153>.

¹⁶ Andiniya Komalla Parawita, "Law Enforcement towards Online Mass Media Abuse According to the Press Law". *Ius Poenale* 2 (2) (2021):103-12. DOI: <https://doi.org/10.25041/ip.v2i2.2229>.

have violated, the media or journalist can be subject to sanctions, depending on the severity of the violation. Administrative Sanctions; warnings, fines, or revocation of permits. Civil sanctions; compensation. Criminal sanctions: Fines and imprisonment.

4.2.4. Law of the Republic of Indonesia Number 27 of 2022 concerning Personal Data Protection

Provisions in the Republic of Indonesia Law Number 27 of 2022 Concerning Personal Data Protection: a. Article 27: Regulates the control of personal data. b. Article 65 Prohibits anyone from illegally obtaining or disclosing personal data that is not theirs to benefit themselves and if this is detrimental to the data owner. c. Article 67 regulates sanctions regarding the prohibition on anyone from illegally obtaining or collecting personal data that is not theirs to benefit themselves and if this is detrimental to the data owner. d. Article 69 Contains additional sanctions in the form of confiscation of profits and/or assets obtained or the result of a criminal act and payment of compensation. e. Article 70: If a corporation commits a criminal act, sanctions will be imposed on the control holder, the person who gives the order, the beneficial owner, and/or the Corporation. Corporations will be subject to a fine of up to 10 times the maximum fine threatened and additional penalties such as freezing of business or revocation of permits.¹⁷

Elements of responsibility: a. Legal subject: Media or journalists responsible for the news published. b. Unlawful acts include collecting personal data illegally (without permission), disclosing personal data without permission, and misusing personal data to benefit oneself and harm the personal data owner. c. Consequences and losses: This can cause trauma to the family of the suicide, social stigma, degrading dignity, and can damage reputation. Proof: a. Documentary evidence, articles, comments, news recordings, or other documents support claims that the news is wrong or misleading. b. Expert witnesses: using expert opinions or statements to explain how the news meets the code of ethics standards. c. Legal Process: The injured party can file a lawsuit through the police or the press council. This process involves an investigation and a court to determine whether the law was violated. d. Sanctions: if proven to have violated, the media or journalist can be subject to sanctions, depending on the severity of the violation. e.

Criminal Sanctions: Fines and imprisonment. f. If a corporation commits the violation, there is a threat of additional sanctions in the form of 10 times the maximum fine threatened, as well as additional penalties such as freezing of business or revocation of permits. Criminal liability for press crimes in reporting suicide cases based on the personal data protection law emphasizes the importance of protecting personal data and the identity rights of each individual, especially in sensitive reporting. Journalists and the media must be responsible for considering the social impact of the news they convey.

5. Conclusion

Suicide in Indonesia is a serious problem, with a rate of 3.7 per 100,000 population, according to data from the Ministry of Health in 2022. The mass media is vital in conveying information

¹⁷ A. I. Antipov, The use of mass media and information and telecommunication networks as an evidence of offences punished for illegal trafficking of items and materials. *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia*. (4), (2020) 80-88. DOI: <https://doi.org/10.35750/2071-8284-2020-4-80-88>.

about reporting suicide cases, accurately conveying news, and respecting applicable norms and ethics by the Law of the Republic of Indonesia Number 40 of 1999 concerning the Press. However, there are still violations of moral norms by several media that reveal the identity of the perpetrator of suicide, the method of suicide, photos of the corpse, and the motives of the perpetrator of suicide, which are contrary to the Press Council Regulation Number: 2 / Regulation-DP / III / 2019 concerning Guidelines for Reporting Related to Criminal Acts and Attempted Suicide. This can hurt the community because it can cause trauma, stigma against mental health, and can lead to copycat actions. The resolution of press disputes can be through legal channels, such as reporting the violation to the police or the Press Council; press disputes can be resolved through mediation or outside the court. The media must be responsible for the negative impacts caused by the news, for example, a public apology, revision of incorrect news, and payment of compensation, and the media can take steps by applicable legal regulations. The media must comply with the code of ethics and press laws in reporting suicide cases. The press council and police need to conduct socialization with journalists about moral ethics in reporting suicide cases to prevent trauma and copycat actions.

References

- Antara Kaltara, *Dewan Pers diberi wewenang sertifikasi jurnalis karena UU "lex specialis"*. Kaltara. antara.com, 2022, diakses Juli 3, 2023, <https://kaltara.antaranews.com/berita/495033/dewan-pers-diberi-wewenang-sertifikasi-jurnalis-karena-uu-lex-specialis>.
- Antipov A. I., The use of mass media and information and telecommunication networks as an evidence of offences punished for illegal trafficking of items and materials. *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia*. (4), (2020) 80-88. DOI: <https://doi.org/10.35750/2071-8284-2020-4-80-88>.
- Arifin, R. Law Enforcement in Banking Criminal Act Involving Insiders. *Jambe Law Journal*, 1(1), (2018): 55-90. <https://doi.org/10.22437/jlj.1.1.55-90>.
- Arliman S., Laurensius., *Penegakan Hukum dan Kesadaran Masyarakat*, (Yogyakarta: Deepublish, 2015).
- Daniel P., Arthur, Sitorus, *Perbedaan Delik Aduan dan Delik Biasa*, Indonesiaare.com, 2019, diakses Juli 03, 2023, <https://indonesiare.co.id/id/article/perbedaan-delik-aduan-dan-delik-biasa>.
- Hanafi, Mahrus, *Sistem Pertanggungjawaban Pidana, Cetakan pertama* (Jakarta, Rajawali Pers, 2015).
- Hulukati, Tien., *Hukum Pidana Jilid 1, Materi kuliah Hukum Pidana di Fakultas Hukum Unpas* (Bandung: Bandung Unpas Press).
- Insanwijayani, *Menulis Berita di Media Massa dan Produksi Feature*, (Jogjakarta: Andi, 2019).
- Lestari, Dwi Indah., *Skripsi Perlindungan Hukum Terhadap Identitas Anak Yang Berhadapan Dengan Hukum Sebagai Korban Tindak Pidana Asusila Yang Dipublikasi Oleh Media Massa Ditinjau Dari Perspektif Viktimologi*, (Samarinda: Universitas Mulawarman, 2021).
- Muschert, G.W., Teaching and Learning Guide for: Research in School Shootings. *Sociology Compass*, 1, 2007: 840-846. <https://doi.org/10.1111/j.1751-9020.2007.00049.x>.
- Parawita, Andiniya Komalla., "Law Enforcement towards Online Mass Media Abuse According to the Press Law". *Ius Poenale* 2 (2) (2021):103-12. DOI: <https://doi.org/10.25041/ip.v2i2.2229>.

Prodjodikoro, Wirjono., *Tindak-Tindak Pidana Tertentu di Indonesia*, (Bandung: T Refika Aditama, 2012).

Sadono, Bambang., *Penyelesaian Delik Pers Secara Politis*,(Jakarta: Pustaka Sinar Harapan, 1993).

Sanjaya, T. A., Sinaulan, R. L., & Ismed, M. LEGAL PROTECTION OF PORNOGRAPHIC BEHAVIOR THROUGH SOCIAL MEDIA IN INDONESIA. *POLICY, LAW, NOTARY AND REGULATORY ISSUES*, 1(2), (2022): 55-72.
<https://doi.org/10.55047/polri.v1i2.153>.
