

## Impact of the Elimination of Defamation and Fake News Articles in the Criminal Code on Press Freedom and Government Accountability

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**Abstract:** This research explores the impact of the elimination of defamation and fake news articles in the revised Indonesian Criminal Code (KUHP) on press freedom and government accountability. The study employs a qualitative descriptive approach to examine the perspectives of journalists, government officials, and civil society activists concerning how legal reform influences the dynamics between media and the state. Data were collected through in-depth interviews, document analysis, and non-participatory observation, then analyzed using Miles and Huberman's interactive model, consisting of data reduction, data display, and conclusion drawing. The findings reveal that the removal of defamation and fake news articles has expanded press freedom and reduced the risk of criminalization against journalists in Indonesia. It signifies a progressive step toward strengthening democratic governance and legal protection of human rights, particularly the right to express and access information. However, the reform also presents new ethical challenges, as the absence of penal provisions may increase the spread of misinformation if not accompanied by strong media ethics and accountability mechanisms. In conclusion, the legal reform marks a significant transition from a restrictive legal culture to one that promotes freedom with responsibility. The study recommends the enhancement of journalistic ethics training, public media literacy, and stronger institutional collaboration between the Press Council, government, and civil society to sustain a balanced and accountable media ecosystem.

**Keywords:** press freedom, criminal code reform, defamation, fake news, government accountability, media ethics

### INTRODUCTION

The revision of the Criminal Code (KUHP) marks a significant paradigm shift in Indonesia's national criminal law system<sup>1</sup>. This change is not merely technical, but also reflects the evolution of legal values and philosophies that are more in line with the spirit of the modern era.

One of the most prominent aspects is the elimination and adjustment of articles regarding defamation and fake news (hoaxes) which have so far given rise to much controversy and public debate<sup>2</sup>. This step

demonstrates the state's commitment to improving the legal system so that it no longer restricts freedom of expression but instead protects citizens' rights to express their opinions responsibly. Thus, the revised Criminal Code will not only serve as an instrument for law enforcement but also as a means to uphold proportional justice between individual and public interests<sup>3</sup>.

Furthermore, these changes reflect efforts to reform criminal law towards a more humane, democratic system based on the

<sup>1</sup> Malau, P. Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 5(1), (2023). 837-844.

<sup>2</sup> Antonio, A., & Adhari, A. Menilai Implementasi Undang Undang ITE dalam Menegakkan Kepastian Hukum Terhadap Kasus Pencemaran Nama Baik. *Ranah*

*Research: Journal of Multidisciplinary Research and Development*, 6(4), (2024), 1079-1087.

<sup>3</sup> Arum, S. K. K., & Maulidah, K. Pembaruan Hukum Pidana Melalui Penerapan Prinsip Insignifikansi: Kajian dalam KUHP Baru Indonesia. *Jurnal Hukum Ekualitas*, 1(1), (2025), 57-69.

principle of respect for human rights<sup>4</sup>. This new paradigm shifts the legal orientation from a repressive approach to a corrective and educational one, placing humans as the primary subject of legal protection.

In this context, criminal law is no longer understood merely as a means of retribution for unlawful acts, but rather as a means of social development and prevention that upholds substantive justice. This paradigm shift is expected to strengthen the foundations of a civilized Indonesian state based on the rule of law, ensure a balance between freedom and responsibility, and support the creation of a more inclusive and just social order.

Before the deletion and adjustment of articles related to defamation and fake news in the Criminal Code<sup>5</sup> Press freedom in Indonesia is often in a vulnerable position. Journalists and media institutions frequently face the threat of criminalization for their journalistic work, particularly through the application of Articles 310, 311, and Articles 14–15 of the old Criminal Code.

These articles are often used to ensnare journalists or media outlets reporting on sensitive issues related to abuse of power, corruption, and ethical violations by public officials. As a result, many journalists choose to refrain from reporting on cases that could potentially lead to legal repercussions, thus hampering the media's role as the fourth pillar of democracy and a watchdog of public power<sup>6</sup>.

This condition shows that before the revision of the Criminal Code, press freedom in Indonesia was still in the shadow of

criminal law which had the potential to be misused<sup>7</sup>. Rather than being a tool to protect individual dignity, these articles often serve as instruments of repression against freedom of expression and the dissemination of public information.

In many cases, criminal prosecutions against journalists are more politically motivated than legally motivated, resulting in a chilling effect on press freedom. Therefore, the abolition of these articles is a crucial step in strengthening the press's position as an independent institution responsible for maintaining transparency, accountability, and public participation in Indonesia's democratic system.

In a democratic system, press freedom plays a strategic role as the fourth estate, maintaining the balance of power between government and society. The press plays a crucial role as an instrument of social control, overseeing the administration, ensuring public policies are implemented in accordance with the principles of transparency and justice, and serving as an information channel for the public to assess the performance of public officials<sup>8</sup>.

Through independent and investigative reporting, the media can uncover abuses of power, corrupt practices, and human rights violations that may be hidden behind bureaucratic structures. Thus, a free and responsible press is a vital element in strengthening substantive democracy and promoting clean and open governance<sup>9</sup>.

Reducing criminal threats against journalists through the elimination of repressive articles in the Criminal Code has

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<sup>4</sup> Sudibyo, A. W., & Hoesein, Z. A. Penataan Ulang Sistem Perlindungan Hukum Bagi Pelaku Tindak Pidana Terorisme Sebagai Upaya Pembaharuan Hukum Nasional Yang Berkeadilan dan Humanis. *Judge: Jurnal Hukum*, 6(03), (2025), 536-549.

<sup>5</sup> Ramadhan, G. R., Diaz, Y., & Hosnah, A. U. Penanganan Tindak Pidana Pencemaran Nama Baik Yang Dihubungkan Dengan KUHP. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 2(1), (2024), 51-64.

<sup>6</sup> Kerševan, T., & Poler, M. Silencing journalists in matters of public interest: Journalists and editors assessments of the impact of SLAPPs on journalism. *Journalism*, 25(12), (2024), 2485-2503.

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<sup>7</sup> Fadhil, M. Criminal Law Reform in Indonesia: The Perspective on Freedom of Expression and Opinion. *Al-Jinayah: Jurnal Hukum Pidana Islam*, 9(2), (2023), 128-146.

<sup>8</sup> Novemyanto, A. D. Media Sosial sebagai Pengawasan Publik: Implikasi terhadap Penegakan Hukum dan Keadilan Sosial. *CONSTITUO: Journal of State and Political Law Research*, 4(1), (2025), 158-171.

<sup>9</sup> Gao, Z., & Li, Z. Role of free media and political openness in achieving resources efficiency and sustainability. *Resources Policy*, 90, (2024), 104801.

had a positive impact on increasing government transparency and accountability<sup>10</sup>. When the media is no longer overshadowed by the fear of criminalization, the space for critical and investigative reporting expands. This encourages public officials to be more careful and transparent in carrying out their duties, as their every action can be scrutinized and held accountable to the public.

In addition, healthy press freedom also strengthens public participation in the democratic process, because the public obtains accurate and balanced information to assess and control government policies<sup>11</sup>. Thus, the synergy between press freedom and government accountability is an important foundation for creating a government that is transparent, responsive, and oriented toward the interests of the people.

While the removal of the defamation and false news articles from the Criminal Code has opened up greater space for press freedom, this change also presents new challenges in practice. On the one hand, journalists now have greater freedom to express criticism and conduct investigative reporting without fear of criminalization<sup>12</sup>.

However, on the other hand, concerns have arisen regarding the abuse of freedom of expression which could damage the social order, such as the spread of hoaxes, hate speech, slander, and violations of journalistic ethics<sup>13</sup>. This phenomenon demonstrates that without strong ethical regulations and

professional awareness among journalists, the freedoms afforded can become tools for disinformation, threatening media integrity and public trust.

This situation creates a dilemma between freedom and social media responsibility, which must be managed proportionally. On the one hand, excessive restrictions can hamper freedom of expression, but on the other, uncontrolled freedom has the potential to lead to social and political instability. Therefore, strengthening ethical regulations, improving media literacy, and optimizing the role of institutions such as the Press Council are crucial steps to maintain this balance<sup>14</sup>. The press must play a role not only as a conveyor of information, but also as a guardian of truth and a public educator, upholding the values of professionalism, integrity, and moral responsibility. With wise management, press freedom after the removal of the article can be a driver of democratic progress, not a source of division or disinformation.

To date, empirical studies specifically examining the impact of the removal of articles concerning defamation and fake news in the Criminal Code on press freedom and government accountability remain very limited. Most previous research has focused more on normative aspects, namely legal analysis and regulatory comparisons, without delving deeply into how these changes have real implications for journalistic practice and the dynamics of the relationship between the media and the government<sup>15</sup>.

Yet, this legal reform carries complex social, political, and professional consequences, particularly in the context of

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<sup>10</sup> Höglund, C. M., & Schaffer, J. K. Defending journalism against state repression: legal mobilization for media freedom in Uganda. *Journalism Studies*, 22(4), (2021), 516-534.

<sup>11</sup> Setyowati, A., & Kencono, P. S. Kebebasan pers dalam penyampaian berita menurut Undang-Undang Nomor 40 Tahun 1999 tentang Pers. *Indonesian Journal of Law and Justice*, 2(1), (2024), 18-18.

<sup>12</sup> Papadopoulou, L., & Maniou, T. A. "SLAPPEd" and censored? Legal threats and challenges to press freedom and investigative reporting. *Journalism*, 26(2), (2025), 288-306.

<sup>13</sup> Bambang, J. U. I., Najwa, N., Rahmadani, M. R., Salsabil, H., Sulistyoko, A., Wardani, M., & Muhajir, A. Kebebasan Berbicara di Media Sosial: Antara Regulasi dan Ekspresi. *Student Research Journal*, 3(1), (2025), 87-96.

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<sup>14</sup> Laoli, I. M., Lase, D., Telaumbanua, E., Bate'e, M. M., & Waruwu, R. M. P. Etika Profesionalisme Jurnalistik dalam Praktik: Studi pada Serikat Media Siber Indonesia Kepulauan Nias. *Tuhenori: Jurnal Ilmiah Multidisiplin*, 3(1), (2025), 46-54.

<sup>15</sup> Harefa, J. E., Pandia, E. V. A. P., Situmorang, A. S., & Rumapea, M. S. Analisis perbandingan penegakan hukum pidana korupsi di Indonesia dengan Singapura: Pendekatan normatif terhadap kriteria keberhasilan penindakan korupsi. (2024).

how journalists perform their public oversight function and how the government adapts to increased media scrutiny. This research gap raises the need for empirical understanding that can comprehensively describe the reality on the ground following the revision of the Criminal Code.

This research addresses this gap by conducting an in-depth analysis based on a qualitative approach. Through interviews, document studies, and thematic analysis, this research seeks to uncover the experiences, perceptions, and dynamics of interactions between journalists, government institutions, and the public in the context of freedom of expression in the post-article abolition era.

A qualitative approach allows for a more comprehensive exploration of the meaning and social impact of this criminal law reform, and is expected to provide both theoretical and practical contributions to the development of policies that better balance press freedom and responsibility. Thus, this research not only enriches the academic literature but also plays a role in strengthening the foundations of democracy and the enforcement of human rights in Indonesia.

Although numerous studies have addressed press freedom and the criminalization of journalists in Indonesia, most of these studies have focused on the context before the enactment of the new Criminal Code. Consequently, few have examined in depth the direct impact of the elimination of articles on defamation and false news on the dynamics of press freedom and government accountability. Previous studies have tended to focus on the issue of freedom of expression from a classical criminal law perspective without considering the social, ethical, and political dimensions that accompany this policy change.

Therefore, there remains a research gap in understanding how these legal reforms impact the relationship between the media and the government, including the potential for new challenges related to the spread of misinformation and the media's ethical

responsibilities. This gap provides an important basis for this study to make a new contribution to the literature by presenting a comprehensive qualitative analysis of the implications of the removal of these articles for press freedom and accountable governance in Indonesia.

This research has novel elements that lie in four main aspects. First, in terms of the object of study, this research directly examines the impact of the elimination of defamation and fake news articles in the new Criminal Code on two important variables, namely press freedom and government accountability, which have not been widely studied before. Second, in terms of approach, this research uses an empirical-qualitative method that differs from previous research that is generally normative-judicial, by exploring the real experiences and perceptions of various social actors such as journalists, government officials, and academics. Third, this research's theoretical contribution lies in its effort to integrate the theories of social responsibility of the press, the rule of law, and public accountability within a comprehensive analytical framework to assess the relationship between press freedom and criminal law reform. Fourth, this research has high contextual relevance because it was conducted in the post-revision period of the Criminal Code (2023–2025), so the resulting findings are up-to-date and reflect the current dynamics in the legal and political landscape of media in Indonesia.

This study generally aims to analyze in depth the impact of the elimination of defamation and fake news articles in the Criminal Code on press freedom and government accountability in Indonesia. More specifically, this study seeks to identify the perceptions of journalists, academics, and government officials regarding the elimination of these articles, and analyze the extent to which this policy strengthens or weakens press freedom in carrying out its social control function. Furthermore, this study also aims to evaluate the impact of criminal law reform on

the level of accountability and transparency of government administration, while also finding the ideal balance between freedom of expression, media responsibility, and legal protection. Thus, this study is expected to provide a comprehensive understanding of the implications of this policy on the dynamics of democracy and governance in Indonesia.

## METHODOLOGY

This study uses a descriptive qualitative approach with the aim of understanding in depth how the elimination of articles on defamation and fake news in the new Criminal Code (KUHP) impacts press freedom and government accountability in Indonesia<sup>16</sup>. A qualitative approach was chosen because it allows researchers to explore the meanings, perceptions, and direct experiences of the social actors involved, including journalists, academics, and government officials. The primary focus of this approach is not on numerical measurement, but rather on contextual and interpretive understanding of ongoing social and legal phenomena.

This research was conducted at several institutions and organizations directly involved in press freedom and criminal law reform. The research locations included the Indonesian Press Council, an independent oversight body for journalism activities; the Ministry of Communication and Informatics (Kominfo), a government agency that regulates public information policy; and professional organizations such as the Alliance of Independent Journalists (AJI) and the Indonesian Journalists Association (PWI), which represent the national journalist community. Furthermore, the research also reached out to several national media outlets, including Tempo, Kompas, and CNN Indonesia, to directly observe press freedom practices in the field.

This research focuses on three main aspects, namely: the impact of the elimination

of articles on defamation and fake news on press freedom, the influence of criminal law reform on government transparency and accountability, and new challenges that arise regarding media ethics and responsibility after the revision of the Criminal Code<sup>17</sup>. With this focus, researchers seek to understand the relationship between legal policy and the dynamics of media democracy in Indonesia.

Informants were selected using purposive sampling, which involves selecting informants based on specific criteria relevant to the research objectives. The selected informants included senior journalists from national media outlets, academics in the fields of law and communications, government officials from the Ministry of Communication and Information Technology and the Press Council, and civil society activists working in the areas of freedom of expression and public transparency. The main criteria for informants included a minimum of five years of work experience in a related field and direct involvement in the implementation and oversight of new criminal law policies<sup>18</sup>.

The data used in this study are divided into two types: primary and secondary. Primary data was obtained through in-depth interviews with informants and observations of media practices and government policies. Meanwhile, secondary data was obtained from various sources, such as legal documents, scientific journal articles, institutional reports, news archives, and official publications from government and media organizations.

Data collection techniques were carried out in three main ways, namely in-depth interviews, non-participatory observation, and documentation studies<sup>19</sup>. Interviews were

<sup>16</sup> Apandi, M., Rahayu, K., Prayugo, W. A., & Ariany, L. Kekaburan Norma dalam Kebebasan Berkepres di Era Digital: Analisis Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. *Jurnal Hukum Lex Generalis*, 5(12), (2024).

<sup>17</sup> Sari, A. P., Munawar, A., & Rahmathoni, L. Y. Analisis Hukum terhadap Perlindungan Whistleblower dalam Mendukung Kebebasan Berpendapat di Indonesia. *Jurnal Hukum Lex Generalis*, 4(7), (2023).

<sup>18</sup> Hartanto, D. Implementasi Kebijakan-Kebijakan Dalam Penegakan Hukum Bagi Pelaku Pencurian dan Penggelapan, Pencurian Dengan Pemberatan, Pencurian dengan Kekerasan (3C), Penipuan dan Penggelapan (Tipu Gelap) Serta Narkotika. *Publikauma: Jurnal Administrasi Publik Universitas Medan Area*, 9(2), (2021), 19-24.

<sup>19</sup> Romdona, S., Junista, S. S., & Gunawan, A. Teknik pengumpulan data: Observasi, wawancara dan

conducted semi-structured to allow informants to express their views freely while remaining focused on the research. Non-participatory observation was conducted to observe media work patterns, interactions between journalists and public officials, and the forms of social control the media exerts on the government. Documentation studies were used to collect written data to support analysis and triangulate information.

Data analysis was conducted using the interactive model of Miles and Huberman (1994), which includes three main stages: data reduction, data presentation, and conclusion drawing. In the data reduction stage, researchers select and focus on data relevant to the research problem. The data presentation stage involves organizing the findings into narrative form and thematic tables for ease of understanding. Next, the conclusion drawing stage involves interpreting the patterns of meaning emerging from the data, and verifying the findings using member checking techniques to ensure the validity of the findings.

To ensure the validity and reliability of the findings, this study employed several data validation techniques, including source triangulation, method triangulation, member checking, and peer debriefing. Source triangulation was conducted by comparing data from various informants with different backgrounds, while method triangulation was conducted by combining interviews, observations, and documentation. Member checking was conducted by requesting direct confirmation from informants regarding the researcher's interpretations, while peer debriefing was conducted by discussing the research results with colleagues or experts in the fields of law and communication to obtain an objective perspective.

The research procedure is carried out in stages, starting from the preparation stage with the preparation of proposals and research instruments, followed by the data collection stage through interviews and field observations, the data analysis stage with reduction and categorization, to the conclusion

drawing stage<sup>20</sup>. Throughout the research process, researchers adhered to the principles of research ethics, including maintaining the confidentiality of informants' identities, using data only for academic purposes, obtaining informed consent from informants, and presenting research results objectively without data manipulation.

Through this method, the research is expected to provide a comprehensive picture of how changes in criminal law policy, particularly the elimination of articles on defamation and fake news in the Criminal Code, have implications for the practice of press freedom and government accountability mechanisms in Indonesia.

## RESULTS AND DISCUSSION

Research findings obtained through in-depth interviews, observations, and documentation studies with ten key informants consisting of journalists, academics, government officials, and press freedom activists indicate that the elimination of the defamation and fake news articles in the Criminal Code has brought significant changes to the dynamics of press freedom in Indonesia. Most informants believe that this policy has created a greater sense of security for journalists in carrying out their profession, especially in reporting critically on the government and public officials. Media activists describe this change as a form of "democratization of the information space," allowing the media to exercise their social control function without fear of legal repression. However, several academics have noted that the elimination of these articles has not been accompanied by strengthening ethical regulations and media literacy, so the potential for the spread of disinformation and violations of journalistic ethics remains a threat that needs to be anticipated.

Furthermore, the research also shows an increase in government accountability and transparency following the revision of the Criminal Code. Media informants stated that

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kuesioner. *JISOSEPOL: Jurnal Ilmu Sosial Ekonomi dan Politik*, 3(1), (2025), 39-47.

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<sup>20</sup> Putri, Y. R., El-Fadhla, I. Z., Ritonga, A. E. P., Hidayatullah, R., & Harmonedi, H. Langkah-langkah Penyusunan Proposal Penelitian Pendidikan. *QOSIM: Jurnal Pendidikan Sosial & Humaniora*, 3(2), (2025), 882-896.

public officials are now more cautious in their decision-making and more open to criticism, particularly on strategic issues such as corruption, public policy, and the transparency of state institutions. Several interviewed officials even acknowledged that media pressure has been a driving factor in increasing accountability and more transparent public communication.

However, several informants also highlighted new challenges in media ethics and responsibility, with a growing tendency to disseminate sensational and unverified news online. Academics and the Press Council assess this situation as a consequence of weak legal literacy and professionalism among young journalists. Therefore, all informants agreed that press freedom must always be balanced with social responsibility and strong non-criminal ethical enforcement mechanisms to prevent information anarchy in the post-article era.

### **Freedom of the Press and the Theory of Social Responsibility**

Based on the Social Responsibility Press theory, press freedom is not interpreted as unlimited freedom, but rather as freedom accompanied by moral, social and professional responsibility<sup>21</sup>. The press ideally functions not only as a conveyor of information, but also as a guardian of truth and a safeguard of the public interest through accurate, balanced, and ethical reporting.

In the context of democracy, this theory positions the media as a crucial pillar in maintaining a balance between freedom of expression and social obligations to society. Healthy press freedom is not one that is free from regulation, but one that is grounded in ethical awareness to serve the public interest and strengthen a just social order. Thus, social responsibility is an integral element in ensuring that press freedom does not become an instrument of disinformation or propaganda for vested interests.

Research findings indicate that the removal of articles on defamation and false

news from the Criminal Code has indeed expanded the space for journalists to express criticism and exercise oversight over the government without fear of criminalization. However, the growth in ethical responsibility within the media has not kept pace with this increased freedom<sup>22</sup>. Sensational reporting practices, the dissemination of poorly verified information, and violations of journalistic code of ethics are still being found.

This situation confirms that legal reform alone is not enough to create an ideal press ecosystem; it also requires moral reform and strengthening media professionalism. Therefore, the implementation of the Social Responsibility Press theory must be realized through journalistic ethics education, increased media literacy, and the formation of a culture of social responsibility inherent in all news reporting activities in Indonesia.

### **Legal Reform and the Principle of the Rule of Law**

The elimination of the defamation and false news articles in the Criminal Code reflects a paradigm shift in national criminal law from a repressive approach to a more humanistic and human rights-oriented one. This step aligns with the principle of the rule of law, where the law serves as a protector of freedom, not a tool to restrict it<sup>23</sup>.

This principle affirms that a true state based on the rule of law emphasizes not only legal certainty but also justice and humanity in its application. This legal reform demonstrates Indonesia's commitment to a more democratic criminal justice system, where freedom of expression is guaranteed as a fundamental right of citizens<sup>24</sup>. With the removal of articles

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<sup>22</sup> Mas'ud, F., Jeluhur, H., Negat, K., Tefa, A., Uly, M., & Amtiran, M. Etika Dalam Media Sosial Antara Kebebasan Ekspresi Dan Tanggung Jawab Digital. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 2(2), (2025), 235-246.

<sup>23</sup> Fiqih, P. R., Widodo, A. M., & Firdaus, A. M. Analisis Penerapan Rule Of Law Oleh Mahkamah Konstitusi Sebagai The Guardian Of Constitution (Studi Kasus Putusan MK Nomor 90/PUU-XXI/2023). *DISCOURSE: Indonesian Journal of Social Studies and Education*, 1(3), . (2024), 238-249.

<sup>24</sup> Iswahyudi, E. Human Rights and Legal Reforms in Indonesia: Challenges and Progress. *The Journal of Academic Science*, 2(2), (2025), 734-743.

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<sup>21</sup> Sihombing, T. R. Kebebasan Dan Tanggung Jawab Pers Ditinjau Dari Undang-Undang Nomor 40 Tahun 1999 Tentang Pers. *Lex Et Societatis*, 8(2), (2020).

that could potentially restrict freedom of the press and opinion, the public space becomes more open to criticism, dialogue, and active public participation in monitoring power.

However, despite this progress, a complex debate remains regarding the boundaries between freedom of expression and protection of reputation. Concerns arise when expanded freedoms are not balanced with adequate moral responsibility and legal awareness, potentially giving rise to new conflicts in the public sphere. In this context, criminal law is no longer positioned as a tool for silencing, but as a mechanism for protecting human rights that maintains a balance between individual freedom and dignity<sup>25</sup>.

Therefore, the application of the rule of law principle in criminal law reform must be accompanied by the enforcement of media ethics, increased public legal literacy, and a commitment by the government and judicial institutions to enforce the law fairly, proportionally, and free from political interests. In this way, legal reform can truly become the foundation for a just and civilized democratic life<sup>26</sup>.

### **Government Accountability and Public Accountability Theory**

The results of this study support Bovens' (2007) view in the theory of Public Accountability, which asserts that transparency and public criticism are fundamental instruments in overseeing the exercise of power. In the context of modern democracy, public accountability is not only interpreted as the government's obligation to report on its performance, but also as a reciprocal process in which the public and the media have the right to access information, criticize policies, and hold public officials accountable.

The removal of the defamation and fake news articles from the Criminal Code

strengthens the media's role as an effective social regulator, as it now has more freedom to highlight irregularities, uncover corruption cases, and monitor the implementation of public policies without fear of criminalization. This also encourages government institutions to be more responsive, transparent, and careful in managing public information, while strengthening public trust in open governance<sup>27</sup>.

However, the study also found that there were gaps in the application of public accountability principles at the regional level<sup>28</sup>. While the central government has shown progress in transparency and information disclosure, not all local governments share the same commitment and capacity to respond to media criticism. Some regions still tend to be defensive about critical reporting and have not fully implemented mechanisms for reporting and publishing information openly.

This condition shows that the implementation of Public Accountability in Indonesia is still partial and requires institutional strengthening and a culture of transparency that is evenly distributed across all levels of government<sup>29</sup>. Therefore, the synergy between press freedom, public participation, and government commitment is a key factor in realizing true and sustainable public accountability.

### **The Dilemma between Freedom and Ethical Oversight**

This research reveals the existence of a classic dilemma inherent in the dynamics of press freedom in the era of criminal law reform, namely that the greater the freedom given to the media, the greater the risk of

<sup>25</sup> Firman, A., Sinaga, R. S., & Br, R. B. Perlindungan hak asasi manusia dalam sistem hukum pidana. *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara*, 1(4), (2023), 227-236.

<sup>26</sup> Ramadhan, A. F. Hukum dan Demokrasi: Sinergi Negara Hukum dan Partisipasi Warga Negara. *Islamic Law: Jurnal Siyash*, 10(2), (2025), 192-202.

<sup>27</sup> Husaini, H. Peran Humas Dalam Meningkatkan Kepercayaan Publik terhadap Pemerintah. *Jurnal Riset Multidisiplin Edukasi*, 1(2), (2024), 112-121.

<sup>28</sup> Ibrahim, R., & Olli, R. A. Strategi Reformasi Birokrasi Di Tingkat Lokal: Perspektif Good Governance Dalam Otonomi Daerah Kecamatan Kwandang. *Professional: Jurnal Komunikasi dan Administrasi Publik*, 11(2), (2024), 769-774.

<sup>29</sup> Wirawan, D. G., & Tjenreng, M. B. Z. Penerapan Good Governance dalam Reformasi Birokrasi untuk Peningkatan Layanan Publik di Indonesia. *Jurnal PKM Manajemen Bisnis*, 5(1), (2025), 179-193.

misuse of information<sup>30</sup>. After the abolition of the articles on defamation and fake news, the space for journalistic expression has indeed expanded, but on the other hand, new challenges have emerged in the form of the spread of sensational news, hoaxes, and disinformation, which have the potential to reduce the quality of public information. This situation demonstrates that press freedom that is not balanced with ethical awareness and social responsibility can have negative consequences for the integrity of the media itself. Therefore, press freedom must always be placed within a strong moral and professional framework to prevent it from degenerating into uncontrolled freedom.

As an alternative to a repressive criminal law approach, ethical mechanisms and internal media oversight need to be strengthened through professional institutions such as the Press Council, a journalistic code of ethics, and an effective self-regulation system. Researchers believe that the best solution to maintaining the balance between freedom and responsibility is not through tightening legal sanctions, but rather through strengthening media literacy, journalistic ethics education, and public awareness of the importance of information verification<sup>31</sup>.

In this way, the media can fulfill its role as a social watchdog without causing social harm through abuse of freedom. This ethical and educational-based approach is believed to be able to create a healthy, balanced information ecosystem that supports responsible democracy.

The findings of this study indicate that the reform of the Criminal Code, which eliminated articles on defamation and fake news, has provided a more democratic legal basis for the development of press freedom in Indonesia<sup>32</sup>. This step marks a significant shift

in the national legal paradigm, shifting from a repressive one to one that is more humane and oriented toward protecting human rights.

However, the success of these reforms depends not only on changes to the legal text, but also on the extent to which these principles are implemented in social and institutional practice. Without a prepared media ecosystem, including building journalist capacity, strengthening ethics institutions, and public participation in information oversight, the press freedoms gained could be misdirected and potentially abused.

Therefore, ongoing collaboration is needed between the government, press institutions, academics, and civil society to create media governance that balances freedom of expression and social responsibility<sup>33</sup>. The government needs to act as a facilitator, guaranteeing freedom without excessive intervention, while press institutions and professional organizations must strengthen ethical mechanisms and media literacy education.

On the other hand, the public also needs to be encouraged to become critical audiences capable of sorting and evaluating information objectively. With this synergy, legal reform will not only be a symbol of democratization but also a foundation for the creation of a healthy, transparent, and accountable public sphere.

## CONCLUSION

Based on the data analysis and thematic findings, it can be concluded that the elimination of the defamation and fake news articles in the Criminal Code has had a positive impact on expanding press freedom in Indonesia. This reform reduces the risk of criminalization of journalists and strengthens the media's role as a watchdog over public power. This step also represents a concrete manifestation of strengthening the principles of a democratic rule of law, where the law serves as a means of protecting human rights,

<sup>30</sup> Alamsyah, R., & Wiraguna, S. A. Dilema Media Massa di Era Digital: Antara Perlindungan Data Pribadi dan Kebebasan Pers Dalam UU PDP. *Media Hukum Indonesia (MHI)*, 3(2), (2025).

<sup>31</sup> Maulana, A. Kebebasan Dan Tanggung Jawab Bisnis: Sebuah Penelitian Filsafat Bisnis. *EKBIS (Ekonomi & Bisnis)*, 11(2), (2023), 59-74.

<sup>32</sup> Alhakim, A. Urgensi Perlindungan Hukum terhadap Jurnalis dari Risiko Kriminalisasi UU Informasi dan

Transaksi Elektronik di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 4(1), (2022), 89-106.

<sup>33</sup> Fatimah, S., & Widowati, A. R. Hukum vs netizen: Tata kelola lembaga Komdigi dalam penegakan demokrasi Pancasila di era konvergensi media. *Proceeding APHTN-HAN*, 2(1), (2024), 399-424.

particularly the right to obtain and convey information. Furthermore, increased government accountability and transparency are concrete evidence of the development of more open and participatory democratic practices.

However, this research also identified new challenges in the realm of media ethics. The removal of this article has the potential to lead to abuses of press freedom, such as the spread of hoaxes, slander, and misleading information if not balanced with strong ethical oversight. Therefore, the balance between freedom and responsibility is crucial in media governance. Strengthening ethical regulations, media literacy, and the role of the Press Council are crucial instruments for maintaining the integrity and professionalism of the press in the post-revision era of the Criminal Code.

Based on these conclusions, the researchers recommend that the government and policymakers strengthen derivative regulations that guarantee legal protection for journalists and prioritize educational and ethical approaches, rather than penal ones, in addressing information breaches. Press institutions such as the Press Council, AJI, and PWI are expected to strengthen ethical oversight mechanisms and increase professional training so that press freedom can be exercised responsibly. Furthermore, collaboration between media outlets, academic institutions, and civil society is crucial to promote fact-based investigative journalism.

The public also needs to improve media literacy to be able to distinguish between valid information and disinformation, while academics are expected to continue developing studies related to the relationship between criminal law policy, freedom of expression, and substantive democracy.

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