New Press and Restoration of the Press as a Social Control Media in Indonesia from a Democracy Point of View

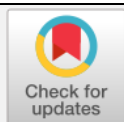## Muhammad Muslimin *, 🆔, Febrian 🆔, and Mada Apriandi 🆔

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ABSTRACT

A state is said to be democratic if it provides a neutral public space for all citizens to express their opinions and ideas, including criticizing injustices committed by those in power. The purpose of this study is to describe, from a democratic standpoint, the restoration of the function of the press as a medium of social control in Indonesia, particularly in the context of the new press. A normative approach was used in this study's research method. The study's findings indicate that the new internet-based press can help to restore the function of the press as a medium of social control in a democratic context. The new press's cyber public space can provide guarantees and expand public participation in all aspects of government and state life. The cyber public space, which is technically public and is linked to the National Cyber Parliament via the national press website, will serve as media control for the government so that it does not abuse its authority.

1. Introduction

The freedom of the press is the most important feature of a democratic society. Constitutional democracy cannot function properly in the absence of press freedom. The extent to which a country's press freedom is an indicator of democracy (Wiratraman, 2010). The press is a democratic parameter. The press is explicitly mentioned as one of the pillars of democracy in modern countries that include democracy in their constitutions. The argument is that the role of the press is just as important as the roles of the legislature and the judiciary (Nasution, 1997). It is not surprising that, after the legislature, executive, and judiciary, the press is referred to as the fourth pillar as the channel for the people's aspirations, forming public and public opinion, as a tool of social control as a suppressor that can influence and color the state's political policies, and defenders of justice and justice truth (Morah & Uzochukwu, 2012; Luwarso, 2002; Zaenuddin, 2007).

It is acknowledged that the press wields enormous power and influence over the course of state affairs that no other institutions do. These include supervising the government, exposing fraud, being a driving force, educating and representing the community, serving the people's right to know, contributing information and opinions for public debate, criticizing the government, and communicating what the government is doing to the people (Shi, 2011).

Apart from being a medium of information and communication, the press is also a reflection of the community's identity, because what is contained in the press's presentation is essentially the pulse of the community where the press is located (Wahidin, 2011). Because the press shapes people's patterns of thinking and behavior, some faces of society, both progressive development, and level of thinking can be observed through the press. The press, as a public space, can be interpreted as an observer, forum, and teacher, because the press has the ability to educate the public about progress and development (Purwanto, 2009).

Many academics have stated in their works the importance of the role and function of the press, including George Gerbner who has claimed that the press is now the official religion of today's society, which is a large part of the role of the press (Latif, as cited in Ibrahim, 2011). The press has been described by McQuail as cited in Subiakto (2012) as a window through which they are able to observe what is happening in the world.

Based on Law No. 40 of 1999 concerning the Press in Indonesia, the press's role in carrying out these functions is guaranteed to be accessible under Indonesian laws and regulations as a true manifestation of a sovereign people based on the principles of democracy, justice, and the rule of law. Human rights-based guarantees such as no censorship and a broadcasting ban are strengthened. Acts that obstruct or impede the press's ability to carry out its functions are illegal. The criminal threat is imprisonment for up to two years or a fine of up to IDR500 million.

According to the press law's explanation, the press performs social control functions in order to prevent abuses of power such as corruption, collusion, nepotism, and other irregularities. However, conflicts frequently arise in the implementation of social control because the government is arrogantly unwilling to be controlled and criticized by the public through the press. Rather than obeying laws and regulations, government executives prefer to demonstrate power through violence. Violence is mentioned, both physical and non-physical violence. Criminal threats for perpetrators of acts that inhibit and hinder the function and role of the press remain merely threats. This has an impact on the press's role as a medium of social control.

The ideal press is expected to serve as society's mouthpiece and a tool for social control over executive, legislative, and judicial powers. This condition is only possible because of a free and healthy press. As previously stated, the press requires a free environment free of pressure, coercion, and threats in order to enforce the social control function.

Commission on Freedom of the Press makes the following criteria to explain the state of a free press:

1) Freedom from coercion by any party;
2) Freedom to express all opinions in any form;
3) A free press must be free for all who need to do something useful for the public because the main goal that makes a free press respected is that ideas that deserve to be heard by the public must be heard by the public (Basuki, 1995).

According to the criteria of Commission on Freedom of the Press, the press is considered free if it is not subjected to persuasion, coercion, pressure, or threats from any party, including the authorities or the press's own owner. Everyone is free to express their views, whether they agree or disagree, good or bad. There is no justification for prior restraint of press information, forcible deletion of parts or all of the information material published or broadcast, or for any party to take threatening actions or issue warnings. It can also be classified as obstructing the press's duties and functions, for agencies that follow the rules for reporting obligations and obtaining permits in the implementation of journalistic activities.

In the context of Indonesian rule of law, which adheres to the concept of popular sovereignty, all of the criteria referred to in the Law No. 40 of 1999 concerning the Press, based on Article 28 F of the 1945 Constitution, have been met. The Indonesian press must be free to carry out its functions and roles in accordance with the law. Problems arise when what should be and what is not in sync. In fact, the press in Indonesia is only partially free. There is an even more extreme view that the Indonesian press from independence to the present is the same as the press from the colonial era. Press freedom can only be felt for a few brief moments at the start of independence and reform. Apart from that, not much the freedom of press can be expressed. The press cannot function optimally as a medium of social control as required by law.

The following table clearly explains the data on the highest and lowest scores and scores of press freedom in Indonesia over the last 5 (five) years (see **Table 1**).

Table 1. Press Freedom in Indonesia: Highest and Lowest in the Past Five Years

Year	Rank	Index Score	Adjective
2002	57	20.00	Highest
2009	100	28.50	
2012	146	68.00	Lowest
2017	124	39.93	
2018	124	39.68	
2019	124	36.77	
2020	119	36.82	
2021	113	37.40	

Source: RSF (2021)

The results of the 2018 Indonesian Press Freedom Index Survey conducted by the Press Council stated that:

> ''*Status Kemerdekaan Pers di Indonesia. Pers di Indonesia AGAK BEBAS, dengan kecenderungan yang sama dengan IKP tahun-tahun sebelumnya. Dibandingkan*

dengan tahun 2016, dan 2015 kemerdekaan pers Indonesia pada 2017 menunjukkan tren naik tipis dengan kategori agak bebas. Kenaikan tipis ini cukup merata secara kumulatif baik di lingkungan politik, ekonomi maupun hukum. Namun tidak merata pada 20 elemen-elemen pokok kemerdekaan pers. Demikian pula dari segi cakupan 25 provinsi dalam kategori CUKUP BEBAS, sembilan provinsi dalam kategori AGAK BEBAS" (The status of press freedom in Indonesia. The press in Indonesia is partially free, with the same tendency to the Press Freedom Index in previous years. Compared to 2016 and 2015 Indonesian press freedom index in 2017 shows a slight rising trend with a partially free category. This slight increase is quite evenly cumulative both in the Political, Economic and Legal Environment. But not evenly distributed in the 20 main elements of press freedom. Likewise in terms of the scope of 25 provinces in the category quite free, nine provinces in the category are partially free) (Prasetyo, 2018).''

According to the results of the 2021 survey, Indonesia's Press Freedom Index in 2021 was "Quite Free," with a score of 76.02. The IIS value in 2021 is nearly identical to the Press Freedom Index value is 2020, which increased by 0.75 points (Kartika, 2021).

Based on previous data and evaluations by both international and national institutions, it is clear that the progress of press freedom in Indonesia since the 1998 Reformation has been relatively better than the 30 years under the New Order regime and the 20 years under the Old Order regime. This is not to say that there are no longer issues with press freedom in the country. The state's repression of the national press has been greatly reduced, and the press can now write about anything without fear. However, they cannot be said to be free because the press continues to face physical threats, intimidation, attacks on press institutions, persecution, imprisonment, and even murder.

The advancement of digital technology has altered the pattern of press consumption, with press actors shifting from traditional to digital media. When compared to traditional media, the online press has a significant advantage in terms of information delivery speed because it can be easily updated and sent over time. As long as there is an internet connection, new or old information can be accessed as widely as possible from anywhere and at any time. Aside from text, the content presented can take the form of animation, images, videos, and audio all at the same time. Also can communicate and interact with one another. Users can also choose and determine which information is relevant to them and discard what is not (Yunus, 2010).

The digitalization of the press does not affect the fundamental concept of the press. The function, role, and goal remain unchanged. The only changes are in how the public accesses the press, its media, and the quality of journalistic work. This new era required press workers to work at breakneck speed (Fenton, 2010).

Furthermore, the study of the press as a social control medium in Indonesia is philosophically based on Pancasila as *Rechtsidee* (legal ideals), *Staatfundamentalnorm* (state fundamental norms), *Grundnorm* (ground norms), or basic norms. A set of ideals that will guide the law of press freedom in Indonesia in carrying out its functions in accordance with what is desired. In this context, legal ideals must be understood as both the foundation and the binding force in the formation of legislation. Values contained in legal ideals are becoming increasingly important, particularly in the use of the press as a medium of social control in Indonesia, which is divinity, humane, creates unity, democracy, and social justice.

The rule of law is used as the main guideline in the mechanism for applying the press as a medium of social control in Indonesia so that it is carried out in an orderly manner, which is the juridical basis of the press as a medium of social control. The law must be used as a tool or as the primary guide. Responsive laws, as defined by Roscoe Pound and legal realists, are those that take into account social needs. It was emphasized that the law should be more responsive to community needs. Responsive law must be guided by a philosophical foundation that directs fair law to the general public and, in particular, press workers.

Various thoughts that become the background, as described above, raise the thought of the need for steps and efforts to restore the function of social control to the original idea in accordance with the mandate of the law within the framework of democracy. This study attempts to investigate from the standpoint of restoring the function of the press as a medium of social control in Indonesia from a democratic standpoint. It is hoped that this research will uncover policies, benefits, and the formulation of the role of the press as a medium of social control in the context of an ideal democracy.

Several previous studies have also examined press freedom, such as Pastika (2019) conduct press freedom study that linked to support for tourism. The focus on the limits of press freedom is justice. Balance between rights and obligations. There is always a balance between damage and trying to repair the damage so that people feel fair. Furthermore, Surbakti (2016) which focuses on studies on the role and function of the press in general based on the Law No. 40 of 1999. Harahap (2018) conducted the most recent study on the role of the press in shaping public opinion and public understanding of a national and state policy/problem. The press's news, writings, reviews, and analyses influence public opinion, whether positive or negative. To provide clarity that these studies do not have anything in common with this research, it is necessary to present the main points.

As an analytical tool, this study used several theories, including:

1) Theory of Democracy

In the context of this study, the theory of democracy with all of its explanations is used to discuss, analyze, explain, and find solutions to the problem of how the urgency of the function of the press as a medium of social control in relation to public participation and efforts to restore the function of the press as a medium of social control in Indonesia.

2) Theory of Sovereignty

In the context of this study, the theory of sovereignty is used to discuss, analyze, explain, and find solutions to the problem of how the press functions as a medium of social control in relation to state sovereignty, legal sovereignty, and people's sovereignty, as well as comparing the regulation and function of the press with different countries and restoration efforts of the press's role as a social control medium in Indonesia.

3) The Rule of Law Theory

The rule of law theory is used to discuss, analyze, explain, and find solutions to the problem of how the press functions as a medium of social control in relation to the state, guaranteeing equality before the law and protecting human rights for freedom of expression, expression of opinion, and freedom of the press. This theory is also used to compare the regulation and function of the press in various countries, as well as efforts in Indonesia to restore the press's function as a medium of social control.

4) Theory of Nation Objectives

The theory of Nation Objectives is used to debate, analyze, explain, and find solutions to the problem of how the press's function as a medium of social control relates to achieving state goals, namely the welfare and happiness of the people for the sake of a just and prosperous society. This theory is also used to support efforts in Indonesia to restore the function of the press as a medium of social control.

5) Theory of The Press's Social Responsibility

Theory of The Press's Social Responsibility is used to discuss, analyze, explain, and find solutions to the problem of how the urgency of the function of the press as a medium of social control in relation to the social responsibility of the press to the public interest, as well as efforts to restore the function of the press as a medium of social control in Indonesia.

2. Research Methodology

An approach method is used to answer this research problem, with the first step of research focusing on the identification, systematization, and synchronization of all positive legal provisions. It is then analyzed based on legal theory or legal concepts at this technical level. Furthermore, 2 (two) things will be studied at the level of legal philosophy: first, to examine the legal principles and legal principles covering the law of the press as a medium of social control; second, to examine the legal system of the press as a medium of social control in a democratic perspective.

Legal documents of this research includes both primary and secondary legal materials. Equipped with additional legal materials in the form of empirical and secondary data such as tables, graphs, and statistics that are used as supporting data for a legal discussion that is currently using primary and secondary legal materials (Diantha, 2016).

Systematization of primary legal materials is carried out by referring to the hierarchy of laws and regulations, beginning with the constitution, laws, implementing regulations of laws, and so on; sorting out laws classified as *lex specialist* (special) and *lex generalis* (general). The laws are *lex preori* (old) and *lex posteriori* (new), as well as *lex superior* (higher) and *lex inferior* (lower) laws on the same subject; collecting laws and regulations on the central issue being discussed, as well as laws and regulations relating to the central issue; and collecting secondary legal materials using the Snowball technique. Acquiring secondary legal materials such as legal books (textbooks), periodical publications (journal law reviews), and so on; System of Cards; Secondary legal material in the form of quotations from a theory/teaching, views, or information from a book or journal is recorded on cards of various colors and sizes.

According to Van Hoecke, processing techniques and legal material analysis are carried out in stages, namely the technical level, teleological level, and external systematization level. Following the collection and processing of legal materials in this manner, an analysis is performed to obtain the final argument in the form of an answer to the problem. On a macro level, the steps of this legal analysis attempt to (legal problem solving) using four analytical techniques, namely description, comparison, evaluation, and argumentation.

The conclusion of legal research is reached using deductive reasoning. The application of legal theory to the review and analysis of prescriptive normative legal materials interacts with the results of descriptive empirical fact analysis to produce, structure, and systematize new legal findings that serve as the foundation for drawing conclusions and suggestions.

3. The Restoration Model of the Function of the Press as a Media for Social Control

Restoration is intended as an effort to restore or restore the function of social control of the press in accordance with Article 3 Paragraph 1 of Law No. 40 of 1999 concerning the Press within the framework of people's sovereignty and human rights in a Pancasila-based democracy. Simultaneously, as a form of acknowledgment of the fact that the function of social control in the press is practically important. It is hoped that the effectiveness of restoration can be significantly improved by ensuring that the ideas and approaches used are based on current understandings and learning from previous successes and failures.

There are at least three reasons why the press's social control function must be restored, namely:

1) It is necessary to reaffirm the press's social control function, which is mentioned in Article 3 Paragraph 1 of the Press Law and then clarified in the general explanation of the said law. The framework's purpose is to uphold people's sovereignty, which guarantees human rights based on Pancasila, in order to achieve the state's goal of just and prosperous people's welfare.

2) The formula for the social control function in Article 3 Paragraph 1 of the Press Law is degraded due to power dynamics that render the function ineffective.

3) It is necessary to make efforts to make the press's social control function useful to all parties without having to put down or corner government executives or become press workers as victims.

4. Public Space as ''*Zwischenraum''*

Hannad Arendt defines "public space" as "*Zwischenraum*" (intermediate space). Where there is space for communication and social interaction between individuals and communities, public opinion is formed with the goal of achieving common goals.

According to Habermas, the public sphere has three basic characteristics. The criteria are derived from trends observed in public spaces such as coffee shops, salons, and *tischgesellschaften*. These are the properties:

1) Egalitarian or equal status; Status is often overlooked in the public space. The resulting social relations are far from imagining equality of status. This equality or equality of status is significant because it serves as the foundation for a stronger argument in resisting social hierarchy.

2) Domination-free: Public spaces that manifested in salons and coffee shops from the 17th to the 19th centuries, discussions about public issues but without the domination or authority of church and state, which at the time held a monopoly on all interpretations in philosophy, literature, art, science, and so on;

3) Inclusive; Public inclusivity is created as a result of the fact that virtually every issue discussed is a general issue that must be accessible and easy for everyone to access. In other words, everyone should be able to participate in it.

This public space is now manifested not only in physical spaces such as coffee shops, salons, and *tischgesellschaften* but also in the press in the form of special journals for art and cultural criticism. These journals then served as the foundation for the press's current role as a public space.

The book "Between Facts and Norms" discusses the public space as part of a larger theoretical framework based on deliberative democracy, a type of democracy that focuses on the issue of political legitimacy. The deliberative democracy model is a countercurrent to classical-orthodox

democracy, which sees democracy solely as the accumulation of citizens' preferences and interests through traditional means such as voting and representative institutions.

The essence of this democracy is that a decision will be legitimized if all parties with an interest in the decision participate in authentic deliberation. As a result, Habermas refers to the public space in "Facts and Norms" as a space in which everyone can participate in deliberation efforts.

5. The New Press as a Cyber Public Space

According to McQuail, the new press via the Internet is not just a "window to the world," but an infinite "big room." The space can be entered, inhabited, and actions performed in it, allowing it to create cyber communities in cyberspace. The space for interaction and communication provided by cyberspace is nearly limitless, allowing for what Habermas refers to as "*Herrschaftsfreie Kommunikation*" (communication free of dominance).

Power relations are inextricably linked to the process of technological transformation, including the internet. The internet as a technology that is transformed in the process of social change is explored through three concepts: civil society, public space, and identity. Explanation below:

1) Civil Society

Previously, civil society was defined as an opposition to any form of governmental power. Recently, a new approach has emerged in which civil society serves as a middle power or a third way between the interests of the state and the interests of business. The main issue in civil society is how civil society obtains and distributes information, as well as how civil society interacts with other forces in society, namely the state and business.

2) Public Space

The concept of public space refers to a model in which (1) the press serves as a catalyst for discussion, (2) Conversations shape opinions, and (3) opinions motivate action. This model reveals four components of the public space: the press, conversations, public opinion formation, and action. Thus, the press, in the sense of the new internet-based press, is one of the most effective pillars of the public space.

3) Identity as a Source of Power and Resistance

Identity is the most basic source of meaning and the universal human experience. Despite the fact that it has many layers that frequently contradict each other, it still creates a symbolic identification that links a person or group to their actions. Identity sources can be divided into three categories: (1) legitimating identity; introduced by dominant institutions in society to expand and rationalize domination; (2) resistance identity; raised by those who are belittled and/or stigmatized by the logic of domination; and (3) resistance identity. Project Identity seeks a social structural transformation as a whole when people construct new identities that redefine their position in society. A distinct identity is initially a resistance that can become a project identity and later can become a dominant identity. Civil society can emerge from a legitimate identity because it is integrated with the "apparatus" such as trade unions, parties, and various citizen associations. Meanwhile, the identity of resistance leads to the formation of community groups that construct various forms of collective resistance against intolerable oppression. Identity projects aim to transform society through collective action against dominant identities (Lim, 2004).

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A new press capable of reorganizing public spaces and filling social spaces. Papacharissi (2010) acknowledges the positive impact of internet technology on democracy. Using internet technology is one example of Obama's success in winning elections in the United States. Another case in this point was when the New Order regime, which heavily censored critical and opposing thoughts and ideas, was unable to stifle communication and public opinion via the internet. As a result, the internet can be referred to as one of the elements used to overthrow an authoritarian regime.

Although both are internet-based and serve to bridge public interactions, the new press qualifies as a better cyber public space than social media. The new press can be used as a medium for political discussion or debate, the exchange of ideas and ideas, and the development of discourse as a response to political realities (Nasrullah, 2012). Meanwhile, in social media, the "wall" facility is only a place for the public to convey ideas and inform a reality, rather than necessarily sparking critical debates, as Habermas hopes for in "public space."

In another sense, there are at least two conditions that allow the cyber community to be oriented toward state political interests, namely:

1) The attitude of the participants in leaving the private orientation and taking on the role of citizens to be involved in public issues characterizes the publicity of communication. In the sense that publicity can be created virtually as long as the communication's contents are delivered responsibly as citizens;

2) Virtual publicity will only have a public impact if it has an impact on real politics in the form of changes in citizens' attitudes, opinions, or actions. In this case, virtual publicity is dependent on real publicity, which produces public effects, because virtual communication is meaningless unless it is directed toward changing the real world.

The difficulty of social media in meeting the first condition is that, despite having almost unlimited freedom, participants frequently lacks responsibility in conveying the communication's contents. Because of the presence of the disembodied in virtual communication, real communication has been reduced to mere verbal terms, and authentic elements in expressions and body language are not conveyed. Furthermore, virtuality frequently deceives and exaggerates. The second condition is that social media cannot always fulfill it, so, while it is extensive, the role of social media in producing public effects fluctuates. The social media public effect is only a parasite on real communication networks. Rational consensus can be achieved, but it only serves as a tool to help achieve consensus in real communication because the purpose of communication is not to change in the virtual world but in the real world.

The new press via the Internet provides a distinct opportunity structure that has the potential to renew or pique public engagement and participation interest. This is understandable because it includes three dimensions: political knowledge (what the public knows about public issues), political trust (public support for a political system), and political participation (activities designed to influence the government and the process of making decisions). Political participation via the Internet press can take the form of "Cyber Public Space," which can help to strengthen human rights, civil society, and good governance. Democratization is closely related to the ethical, rational, and responsible administration of power, which includes guarantees for the protection of individual rights in the face of state and government power. A government cannot function effectively unless it has the support of the people. Participation, transparency, and accountability are fundamental principles in a democratic country. Sovereign people must be involved in all processes from election to election. As a result, the public can express their opinions and raise questions about any topic that interests them. The press serves as a medium

of social control by providing a democratic space for people to express their opinions, interests, and needs. This necessitates constitutional guarantees in order to structure the press as a public space in relation to its sphere of action (rights to free association, assembly, and expression) while also ensuring the security of media infrastructure (press freedom) in relation to the political system (the right of parties to participate in public deliberation). Protection against pluralism of ways of life, subcultures, belief orientations, and the right to the integrity of the private sphere.

Only through deliberative democracy is this process possible. A model that uses public opinion to explain the meaning of democratic control. The majority viewpoint is logical, universally valid, and rational. Although the majority opinion does not always correspond to the correct opinion. The deliberative democracy model emphasizes "how" majority opinion is formed so that it can be obeyed by all citizens. Deliberative democracy is the democratic process of forming opinions and aspirations that leads to political decisions through public scrutiny. So that it can be accepted intersubjectively by all citizens while remaining open to criticism and revision. Social control via the new press, which is used as a "cyber public space" in conjunction with Deliberative Democracy, is expected to become a public space "Cyber Parliament".

6. National Cyber Parliament

In the context of this dissertation research, the public exercises social control through the press on various platforms as a form of participation in the government process and as a form of people's sovereignty. Previously, the process of social control via print and broadcast media could not function optimally because it only lasted one way. However, in today's digitalization era, where interaction can occur in two directions and without boundaries, the new press is able to form cyber communities and cyber communities in the interest of exercising social control.

The government can directly channel and monitor the social control carried out by the cyber community in the form of ideas, ideas, criticism, supervision, and suggestions via a public space of the Cyber Parliament. A social space in which the public can freely exercise social control over the government through the press, and the government can respond to and explain criticism and public scrutiny, as well as receive input, ideas, and ideas from the public. Technically, social control is carried out by the press, which is then linked and connected nationally through a website to a national institution, the National Cyber Parliament, as a public space.

7. Conclusion

In a democratic context, restoring the function of the press as a medium of social control is an effort to ensure and expand public participation in all aspects of government and state life. By utilizing the cyber public space, the new internet-based press allows the public to freely channel their opinions in the form of ideas, criticisms, opinions, and suggestions. The freedom gained by the public and the press can promote the function of social control over the government, preventing abuses of authority and power.

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The authors have declared no potential conflicts of interest concerning this article's research, authorship, and/or publication.

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