

CITIZENS JOURNALISM IN THE DIGITAL SPACE, FREEDOM AND PROTECTION OF THE LAW

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Abstract

Citizen journalism in the digital realm, its freedom, and legal protection are certain things. Through normative legal research using statutory and conceptual approaches, this article focuses on the discussion of citizen journalism in the digital realm, freedom of citizen journalism, and its legal protection in journalistic practice. This problem is examined considering that technological developments, the digital era, and the internet have encouraged the creation of citizen journalism practices that cannot be avoided. The results of the study show that citizen journalism activities in the digital realm are the most effective tool for consolidating the voices of citizens in involving themselves, their groups or communities in government. With its freedom, citizen journalism has the freedom to involve itself in seeking, obtaining, possessing, storing, processing and conveying information to the public using various media. And with ethical freedom which is freedom as a human right. Legal protection for citizen journalism in journalistic practice is an effort to protect that given by the government to citizen journalism in journalistic activities. Legal protection can be given to citizen journalism that carries out journalistic activities in accordance with journalistic standards, rules, and ethical codes.

Keywords: Citizen Journalism in the Digital Realm, Freedom, Legal Protection

INTRODUCTION

Indonesia is a democratic country that guarantees the freedom to every citizen to issue and disseminate opinions, including the freedom to express their thoughts both orally and in writing using print and electronic media while still paying attention to religious values, decency, order, public interest, and integrity of the Indonesian Nation. The freedoms of these citizens are a manifestation of the fulfillment of one of the basic rights of citizens. However, in exercising their freedom, every citizen must comply with applicable laws and regulations as a form of guarantee of recognition and respect for the rights and freedoms of others.

Along with advances in technology, information, and communication, the freedoms of citizens have also experienced developments in seeking and disseminating information into news. Originally the freedom to seek and disseminate news was only carried out by journalists or professional journalists, but now it has developed that the freedom to seek and disseminate

information can be carried out by ordinary citizens or better known as the concept of citizen journalism or citizen journalism. Citizen journalism is ordinary citizens who do not have knowledge in the field of journalism but are able to find and disseminate news to the public using sophisticated technology or digital devices.

The development of digital technology in Indonesia has experienced a significant increase by providing various benefits. One of the benefits is the easy fulfillment of the basic rights of citizens, namely, the right to freedom of information. The right to freedom of information is a human right contained in the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVII/MPR/1998 concerning Human Rights and Article 20 of the United Nations Charter which basically guarantees that everyone has the right to communicate and obtain information. To develop personal and social environment. And the rules regarding freedom of opinion, recognition and respect for human rights and freedom to obtain information have been set out in Article 28E paragraph (2) and paragraph (3), Article 28F, Article 28J paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Article 23 paragraph (2) of Law Number 39 of 1999 concerning Human rights, as well as the juridical basis regarding the legal protection of freedom of opinion and expression, also originate from Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights)/ICCPR and Standard Norms and Regulation Number 5 of 2021 concerning the Right to Freedom and Expression. Based on this, it seems clear that the legal rules govern the rights of citizens to seek and disseminate news, Ulya, (2021).

The influence of citizen journalism can be felt if a citizen has little journalistic knowledge and skills, but is able to present good, objective, accurate, and readable news like the mainstream media. Of course, the presence of citizen journalism in the digital realm has had an impact on changes in journalistic activities which were previously only familiar with conventional journalism, but are currently experiencing developments into online journalism (online journalism) or what is called cyber journalism which is a new generation of conventional journalism and broadcast journalism. Readers can update news directly and regularly, additional voice, video, and online content owned by print media can be stored in online archives from time to time. Romli, (2018).

With the emergence of various citizen versions of new media, conventional journalistic activities have slowly begun to be abandoned. Citizen journalism in the digital realm continues to move rapidly along with unavoidable technological sophistication. Citizen journalism in the digital realm is the ability of an ordinary citizen to understand and be able to use sophisticated technological devices in exercising his freedom to seek and disseminate information into the news to the public. The current digital era has changed the lifestyle of every citizen in the use of technological devices and the use of internet networks in seeking and disseminating information to the public, including participating in government and seeking economic benefits. In addition, digitalization and the speed of internet networks have also brought changes to conventional journalistic activities and broadcast journalism to become online journalism, Bruns, (2016).

Online journalism is termed journalism, online, internet and websites that can report an event, while online is the language of the internet which means that information can be accessed anywhere and anytime as long as there is an internet network or connectivity. Internet is short for interconnection-networking which literally means interconnection network. Thanks to this network, a piece of news can be accessed through another computer. The internet produces media known as online media and websites that contain content (media), including text, video, audio, and images, Romli, (2018).

Online journalism is a journalistic activity that begins with the process of reporting, writing, and disseminating information to become news through the mass media in a concise and practical manner that originally could only be done by journalists, but is currently being practiced by citizen journalism. With online journalism, the public is no longer dependent on conventional media and mainstream media to follow world developments. Thanks to technological developments, the media created by citizen journalism are part of digital developments which are used as media in seeking and disseminating news to the public. The presence of citizen journalism in the digital realm cannot be stopped anymore, in fact, everyone can easily search for, access, and disseminate news, (Domingo, 2006; Saragih & Harahap, 2020).

Ordinary citizens take advantage of technology in finding and disseminating information into news through the use of digital devices. Ordinary citizens who were previously only as objects in a news report, now actually play a more active role in finding and disseminating information to the public. The current condition is very different from before, when it was very difficult for people to access information. Today's public is of course no longer dependent on the mainstream media which is controlled by politicians and those in power in seeking and disseminating information, Mhamdi, (2016).

In essence, the digital realm is a place or means for every citizen to convey freedom of opinion and freedom of expression freely. However, this freedom must be exercised with a sense of responsibility, because everyone also has the right to freedom which cannot be violated by others. And if this freedom violates the freedom of others, it will have an impact on legal problems, Hamdy, (2017).

Journalistic activities carried out by citizen journalism using digital devices can certainly have a negative impact if they are not used responsibly. Every citizen needs to understand the ethics of seeking and disseminating information to the public. Because in the provisions of Article 27 paragraph (1), paragraph (2), paragraph (3), paragraph (4), Article 28 paragraph (1), paragraph (2), paragraph (3), Article 29, and Article 30 paragraph (1), paragraph (2), paragraph (3) Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions regulates ethics in disseminating information or news using information technology, Tejo, & Rohayati, (2019).

Based on the description above, this research is focused on the following 3 (three) legal issues, namely (1) Citizen journalism in the digital realm; (2) Freedom of citizen journalism; and (3)

Legal protection for citizen journalism in journalistic practice

METHOD

This article uses a type of normative legal research, which is carried out by seeking solutions to legal issues and using sources from primary legal materials in the form of laws and regulations and secondary legal materials taken from various references and legal journals, so as to provide a description of what should be applied in the practice of citizen journalism in the digital realm, freedom and legal protection. Furthermore, using 2 (two) relevant problem approaches, namely the statutory approach (statute approach) and the conceptual approach (conceptual approach). The statutory approach is carried out by examining the laws and regulations that are related to the legal issues discussed. While the concept approach is used to examine views, and concepts in the science of law related to the issues discussed.

Citizen journalism in the digital realm

In Indonesia, citizens who actively participate in presenting a variety of information that is presented quickly using internet devices with different perspectives from professional journalists, have a variety of different terms. In mentioning the term citizen journalism, some call it participatory journalism, civic journalism, public journalism and grassroots journalism, citizen mobile journalism, and public service journalism (public service journalism). However, when viewed from the type, these terms have differences from one another. These terms bear similarities to citizen journalism, Ritonga, & Syahputra, (2019).

Shayne, & Chris, (2003) define citizen journalism as "the act of citizens playing an active role in the process of collecting, reporting, analyzing, and disseminating news and information". This means that citizens have the right to become news seekers, processors, and analysts to then report it to the wider community through the media, Handayani, et al., (2016). Citizen journalism is citizen involvement in reporting an event. Someone regardless of educational background, or expertise can plan, explore, search, process, and report information (writing, pictures, photos, speeches), and videos to others, Nurudin, (2009).

Citizen journalism in principle comes from the word journalism itself. MacDougall, (2005), defines journalism as the activity of gathering news, finding facts, and reporting events. Journalism refers to journalistic activities which include seeking, obtaining, possessing, storing, processing, and conveying information in the form of writing, sound, images, sound, and images, as well as data and graphics as well as in other forms using print media, electronic media, and all the types of available channels as stated in the provisions of Article 1 paragraph (1) of Law Number 40 of 1999 concerning the Press. Thus, citizen journalism is an active participatory activity carried out by individual citizens, groups of people, and certain communities in seeking, obtaining, possessing, storing, processing, and conveying information in various forms by using print media, electronic media, online media as well as other media that aims to be known by the public, Kusumaningrat, (2017).

Technological developments, the digital era and internet speed have had an impact on changes in journalistic activities from conventional journalism to online journalism. With online

journalism, it has directly changed the role of ordinary citizens who previously could only be used as news objects, now their role can actually carry out journalistic activities as carried out by journalists or professional journalists. These changes demand a new role for citizens in seeking and disseminating information into news. Based on data from the Press Council, in 2023 there will be 1732 media companies that have factual verification and administration. The increase in the number of news media sites indirectly warns every citizen that they must be prepared to face the flow of information and be more careful in finding and disseminating news.

According to Theodore, (1994), there are four forces that changed the world of post-industrial journalism, namely (1) the advent of the computer age and the domination of electronics; (2) the globalization of communication, where geography becomes not too important; (3) demographic changes, especially the increase in the number of people aged over 40 years; and (4) the rapid development of information technology. Related to the emergence of the computer age and the domination of electronics as well as the rapid development of information technology, has changed people's behavior through online media reporting, the source of which are journalists or professional journalists as well as media developed by citizen journalism with the aim of making the news known to the public, Ishwara, (2005).

Apart from technological developments, the digital era, and the speed of internet networks, the presence of citizen journalism is actually felt to be more reachable in getting news compared to professional journalists. So it is not surprising that in several mainstream media countries in the world, even Indonesia has also involved citizen journalism in finding and disseminating news to the public. In fact, the power of the news in a democratic country has a considerable influence on governance. A piece of news is believed to be able to perpetuate a power and with the power of news can also bring down a power. News that comes directly from citizen journalism is believed to represent the feelings of the people, although in reality there are still a number of news stories whose truth is still in doubt, Zeng, et al., (2019).

The existence of citizen journalism is the most effective tool for consolidating the voices of citizens so they can involve themselves or their groups in government. The presence of citizen journalism is one of the impacts of technological advances, the era of digitalization, and the speed of internet networks. Citizen journalism freely without space and time restrictions actively seeks and conveys information to the public. However, in the absence of certain requirements to become citizen journalism, the absence of a journalistic code of ethics or ethics that is used as a standard and rule in seeking and disseminating information to the public is a challenge for citizen journalism in terms of accountability for every news content. As is the case with professional journalists, in carrying out journalistic activities they are limited and must obey the journalistic code of ethics. The Journalistic Code of Ethics is a set of journalistic professional ethics. In addition, professional journalists are limited by legal provisions. This is so that in carrying out their profession, such as seeking and presenting information to the public, professional journalists can be responsible, Kurniawan, & Loo, (2007).

If we look at it, the presence of citizen journalism cannot be categorized as a professional journalist as referred to in Law Number 40 of 1999 concerning the Press, because citizen journalism is not a legal entity. However, if you look at the form of activities carried out, then

citizen journalism activities can be categorized as part of journalistic activities, Hutagalung, (2013).

According to Pringgodigdo, (1973), journalism is the art of processing daily activities in a record that can be enjoyed. Journalism is the activity of collecting news material and processing it to disseminate it to the public. The news material can be in the form of events or events and statements spoken by someone who has influence in society. The concept of journalism according to Suryawati contains three meanings, namely: (1) Journalism is the process of activity or activities of searching, collecting, compiling, processing, editing, presenting, and disseminating news to audiences through mass media broadcasts, (2) Journalism is expertise (expertise) or skills (skills) to write journalistic works, including news search, event coverage, (reporting), interview funds (interviews), (3) Journalism is part of the field of communication/publicity studies, especially regarding the creation and dissemination of information through mass media, Qorib, (2018).

The relationship between journalism and the press is functionally inseparable. But specifically journalism can always be separated or distinguished from the press. Journalism is a form of activity, a form of communication of its contents, while the press is a journalistic medium where news or whatever is channelled, Daulay, (2016).

According to Syarifudin, (2010) in the world of journalism, media is categorized into 3 (three) types, namely:

1. Print media consists of daily newspapers, weekly newspapers, tabloids, magazines, bulletins/journals, and so on.
2. Electronic media consists of radio and television.
3. Online media, namely internet media, such as websites, blogs, and so on.

The presence of blogs and social media allows everyone to become citizen journalists. Glaser, (2009) said that citizen journalism (citizen journalism) is that people without professional journalism training can use modern technological tools and the global distribution of the internet to create and disseminate information as well as correct news in online media. Print and electronic media provide space and time to display and publish citizen journalism news on the moments of the tsunami in Aceh that were broadcast on Metro TV, news on the attacks on the WTC twin towers, and on cyber news sites Kompas and detik.com also provide blog facilities for the readers, Romli, (2018).

By adhering to journalistic principles, citizen journalism is not justified in having any interest in the writing of a news story except only to convey information based on facts and accurate data, through interviews with credible sources, and solely for the sake of truth. To produce non-judgemental news, citizen journalism must have guidelines for writing news and choose to postpone or cancel writing when it is realized that the writing does not meet journalistic guidelines. In fact, citizen journalism is aware that its writing has a big influence on its readers. Citizen journalism can reach news sources more quickly, it is not uncommon for the mainstream media to take news from citizen journalism as news headlines. Not infrequently,

the power of citizen journalism becomes a political force and an effective legal force is exercised in society. The existence of citizen journalism finds a good place in any political situation, which allows change to occur because of the power of the people, Blaagaard, (2013).

This citizen journalism movement arose because society is experiencing a crisis of trust in the mainstream media which is controlled by politicians, and is already owned by investors who are oligarchs, even the owners of the media themselves are those who have power so that the information disseminated and conveyed to the public is their version of reporting and intervention from mainstream media owners is very strong.

Freedom of Citizen Journalism

The hallmark of a rule of law or “rechstaat” is the recognition and protection of human rights based on the principles of freedom and equality. Freedom is essentially a fundamental right that is inherent in humans, but only ethical freedom can achieve personality because ethical freedom is freedom as a human right that guarantees human survival, Darmanto, & Delliana, (2017).

The right to freedom of information is the freedom or freedom of every citizen to involve himself in seeking, obtaining, possessing, storing, processing and conveying information using all available channels. The type of channel referred to as stated in the provisions of Article 28-F of the 1945 Constitution of the Republic of Indonesia, Article 21 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVII/MPR/1998 concerning Human Rights, Article 23 paragraph (2) of Law Number 39 of 1999 concerning Press, Article 1 paragraph (1) of Law Number 40 of 1999 concerning the Press. In relation to citizen journalism, the types of available channels that can be used to seek, obtain, possess, store, process and convey information can be interpreted through the digital realm. The types of channels available can be in the form of media created by citizen journalism or media created by certain groups, Djangko, (2015).

The freedom of citizen journalism in the digital realm by creating new media according to their own version or by using mainstream media has provided many conveniences and benefits in finding and disseminating information. However, there is a tendency for the media to prioritize speed and sensibility over the accuracy and quality of news. Even technology that is used to create or become a means to commit crimes and create new crimes in the field of information and communication technology by misusing it for financial gain or other benefits the use of information and communication technology must be accompanied by efforts to anticipate, prevent and eradicate cybercrime, Suseno, (2012).

In fact, citizen journalism cannot take refuge behind the expression that there is freedom for citizens to obtain and present news if in reality, this freedom has a negative impact. In exercising its freedom, citizen journalism must be able to interpret and maintain that this freedom is used for the public interest. The government also has strong reasons to control or limit every freedom of every citizen in seeking and disseminating information for the greater interest, namely the public interest. Citizen journalism must have the ability to search for and disseminate information based on actual facts. In fact, to increase citizen participation in the

democratic process, a democratic country requires a framework of freedom without any restrictions from any party. Even more so in the current era of digitalization, where the development of the media industry is growing with various challenges that must be addressed in a professional manner so as to guarantee information to the public. The digital era provides convenience in accessing information and the digital era also gives rise to citizen journalism, Merrill, et al., (2001).

LEGAL PROTECTION

Discussing citizen journalism in the digital realm, freedom and legal protection is important and has different studies, but cannot be separated from one another when it comes to citizen journalism in technological developments. The era of digitalization and the speed of the internet network are currently changing the perspective of citizens in seeking and using their freedom in seeking and disseminating news. With the sophistication of technology, every citizen can easily and quickly access and disseminate news, Djangko, (2015).

The activity of citizen journalism in seeking and processing information into news is not an act that is prohibited by law. In criminal law, the principle of “Nullum Delictum Nulla Poena Sine Praevia Lege Poenali” which means “No Offense and No Punishment without It Being Recognised Previous Penal Law” is recognized or, there is nothing wrong, nothing is prohibited until there is a law or rule that prohibits it first. So that the freedom of citizens to seek and convey news to the public through the media of their choice, including the means used, is part of human rights that must be respected and protected, Marbun, et al., (2018).

Citizen journalism activities in the digital sphere, freedom, and legal protection, such as what happened in Southeast Sulawesi. A citizen deliberately recorded a video of the arrival of 40 foreign workers from China at Halu Oleo Airport which was later secured after making the video of the arrival of the foreign workers viral during the coronavirus disease 2019 (Covid-19) pandemic¹⁶. If you look closely at the information conveyed, it has news value and should receive legal protection, because in the Covid-19 pandemic situation, the government has imposed restrictions on people not to travel outside the area. However, based on the videos uploaded by residents, the facts show that foreign workers are allowed to enter Southeast Sulawesi. The video uploaded by the residents went viral via social media and was also reported in the press, Priyanto, & Sardi, (2020).

To be said as news, it must fulfill three main conditions. First, factual, meaning that the news must be based on facts that actually happened and not fantasy or assumptions and not necessarily proven true. Second, the news must be current, meaning that the news must be presented as quickly as possible so that readers can quickly find out everything that is happening. If the incident has been too long, it is considered stale and no longer worthy of being presented as news. Third, news must be interesting even though there is a new event that is so amazing, strange, and extraordinary, if it is presented like a rigid official report it is also not seen as news, Mahfud, & Wiba, (2015).

Legal protection is an effort to protect what the state provides to all people by using statutory

regulations. Legal protection is the law protects a person's interests by placing a measurable (certain and deep) power to act in the framework of that interest. The principles of legal protection in Indonesia are based on Pancasila as the ideology and philosophy of the State, Raharjo (1994). Legal protection for citizen journalism in the digital realm and its freedom can be given if in carrying out journalistic activities it always adheres to journalistic standards, rules, and codes of ethics. Journalistic standards are certain measurements that are used as benchmarks to determine the freedom of citizen journalism in exercising their freedom to seek and disseminate information to the public, while rules are rules that are used as guidelines for citizens in seeking and disseminating information. There are two types of special legal protection for the people of Indonesia, namely preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring, while repressive legal protection aims to resolve disputes, Philipus, (2007).

The negative impact of citizen journalism journalistic activities in the digital realm will be confronted with the provisions in Article 27 paragraph (1), paragraph (2), paragraph (3), paragraph (4), Article 28 paragraph (1), paragraph (2), paragraph (3), Article 29, and Article 30 paragraph (1), paragraph (2), paragraph (3) of Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, hereinafter referred to as the ITE Law, Sujamawardi, (2018).

The ITE Law regulates ethics in disseminating information or news using information technology. Every citizen needs to understand ethics in seeking and disseminating information to the public. Citizen journalism ethics are considered as values or norms that are used as a guide for them when carrying out journalistic activities. The nature of citizen journalism that is open and free to be practiced by anyone makes it a challenge for the perpetrators. Because citizen journalism is not a profession and does not yet have a code of ethics, citizen journalism must be guided by the ethics and morals prevailing in society. In discussing ethics, it also relates to the quality and accountability of the news produced, Rahayu, & Andamari, (2021).

The presence of citizen journalism is still relevant to several press theories, namely libertarian theory and social responsibility theory. A libertarian press theory whose purpose is to provide information to others. Citizen journalism encourages the creation of a climate of democratization by providing freedom of information to the public. Humans are not beings who are always guided and directed but rather as virtuous beings who are able to distinguish and choose alternatives, because the pursuit of truth is a human right. Likewise, the theory of social responsibility is still relevant to the presence of citizen journalism. The press is responsible to the public and protects the public and how the public press obtains adequate information. Meanwhile, authoritarian theory and soviet-communist theory are no longer relevant to Indonesia, if all publications must be approved by the authorities, then the authorities will become the standard of truth, Siebert, & Peterson, (1986).

Legal protection is the key to citizen journalism's freedom in seeking, receiving and disseminating information to the public. With legal protection for citizen journalism, it encourages the realization of freedom of opinion and freedom of expression. The right to

freedom to get news about an event or fact that happened is an important right to make us human. In addition, information is a necessity that is very valuable in life. Until now, in Indonesia there are no specific regulations governing citizen journalism including its legal protection. The existence of legal problems that occur as a result of journalistic activities carried out by journalists or professional journalists as well as citizen journalism itself demands that the government regulate citizen journalism and prepare forms of legal protection, Örnebring, (2013).

The law, according to John Galsworthy's view, is a majestic building, a place for all to take shelter, where each piece of it rests on the other (Law is majestic edifice, sheltering all of us, each stone of which rests on another). In the theory of natural law, the law is identical with God's will, while in the social life of mankind, it is governed and determined by a general rule which contains the elements of will and reason as well. In the dissemination of information into news by issuing and disseminating opinions including the freedom to express thoughts both orally and in writing using print and electronic media while still paying attention to religious values, decency, order, public interest, and the integrity of the Indonesian Nation. The freedoms of these citizens are a manifestation of the fulfillment of one of the basic rights of citizens. However, in exercising their freedom, every citizen must comply with applicable laws and regulations as a form of guarantee of recognition and respect for the rights and freedoms of others, Aditya, & Al-Fatih, (2017).

CONCLUSION

Citizen journalism in the digital realm is something that is certain and cannot be avoided. Its presence is the most effective tool for consolidating the voices of citizens so they can involve themselves, their groups or communities in government. The freedom of citizen journalism is the freedom of every citizen to involve himself in seeking, obtaining, possessing, storing, processing and conveying information using all available channels. And that ethical freedom is freedom as a human right. Legal protection for citizen journalism in journalistic practice is an effort to protect that given by the government to citizen journalism in journalistic activities. Legal protection can be given to citizen journalism that carries out journalistic activities in accordance with journalistic standards, rules and ethical codes. Even though the Press Law does not clearly regulate citizen journalism, if you look at the activities carried out, there are several laws and regulations that provide legal protection for citizen journalism in seeking and disseminating information.

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