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# Freedom of the Press as a Constitutional Right: An Analysis of Criminal Restrictions on Reporting Accused of Spreading False News

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**Abstract**

Press freedom in Indonesia is constitutionally protected through the rights to freedom of expression and information under Articles 28E(3) and 28F of the 1945 Constitution, although statutory restrictions are permitted under Article 28J(2). The potential application of false-news offences to journalistic work raises concerns regarding the protection of press freedom. This study examined the constitutional status of press freedom, the permissible scope of its restrictions, and the constitutional conformity of criminal restrictions on reporting alleged to disseminate false news following Constitutional Court Decisions Nos. 78/PUU-XXI/2023, 105/PUU-XXII/2024, and 115/PUU-XXII/2024 and the entry into force of the National Criminal Code (Law No. 1 of 2023, as amended by Law No. 1 of 2026). The study employed normative legal research using statutory, case, and conceptual approaches. The findings indicate that false-news offences have been narrowed through the requirement of actual knowledge, the requirement that dissemination result in a riot, and the interpretation of riot as a disturbance in physical space, making these provisions consistent in principle with Article 28J(2). However, the absence of an explicit exemption for journalistic work leaves press protection dependent on law enforcement interpretations. The criminalisation of journalists under the Electronic Information and Transactions Law also reflects inconsistencies in applying the Press Law mechanisms and engaging the Press Council. The study recommends joint enforcement guidelines, case screening through the Press Council, and explicit clarification in the statutory elucidation that journalistic errors should be resolved through ethical mechanisms and the right


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of reply. These measures could strengthen constitutional safeguards for press freedom and reduce the risk of criminalising legitimate journalistic activities.

**Keywords:** Press Freedom; Constitutional Rights; False News; Criminal Restrictions; Press Council

## INTRODUCTION

Freedom of the press is a prerequisite for the functioning of a constitutional democracy. Through the press, citizens obtain information that enables them to evaluate the exercise of governmental power, while the press also encourages public officials to account for their actions before the public. The Indonesian Constitution provides a clear legal foundation for this function. Article 28F of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) guarantees everyone's right to seek, obtain, possess, store, process, and communicate information through all available channels (DPR, 2017). At the statutory level, Article 4 paragraph (1) of Law Number 40 of 1999 concerning the Press (hereinafter referred to as the Press Law) stipulates that press freedom is guaranteed as a human right of citizens, while paragraph (2) provides that the national press shall not be subject to censorship, banning, or prohibition of publication (RI, 1999).

Nevertheless, Indonesian criminal law recognizes several provisions that may apply to reporting considered false. For decades, the primary legal instruments were Articles 14 and 15 of Law Number 1 of 1946 concerning Criminal Law Regulations (hereinafter referred to as Law No. 1/1946), which criminalized the dissemination of false news or uncertain information that causes or may cause "public unrest" among the people. In the digital sphere, a similar prohibition is provided under Article 28 paragraph (3) in conjunction with Article 45A paragraph (3) of the Law on Electronic Information and Transactions (hereinafter referred to as the ITE Law), as amended by Law Number 1 of 2024. Following the entry into force of the National Criminal Code (Law Number 1 of 2023, hereinafter referred to as the National Criminal Code) on January 2, 2026, these offenses were reformulated under Articles 263 and 264 (Octarita, 2026).

For the press, such provisions raise a fundamental concern. Journalistic work is carried out under time pressure, often involving information that is incomplete and facts that may change from hour to hour. Journalistic truth is therefore progressive in nature: an initial

report may be corrected or supplemented by subsequent reporting. If criminal law does not clearly distinguish between deliberate falsehood and an honest mistake, every reporting error risks being treated as a criminal offense. Scholars refer to this consequence as the *chilling effect*, namely a condition in which uncertainty surrounding criminal provisions encourages individuals to refrain from exercising otherwise legitimate expression because the potential cost of misjudging the boundaries of prohibited conduct is excessively high (Schauer, 1987).

This concern is not merely hypothetical. In 2020, Diananta Putra Sumedi, the former Editor-in-Chief of Banjarhits.id, was sentenced to three months and fifteen days of imprisonment by the Kotabaru District Court, South Kalimantan, for reporting on a land dispute between the Dayak community and a palm oil plantation company (CNN Indonesia, 2020). The case was brought under Article 28 paragraph (2) of the ITE Law concerning hate speech based on ethnicity, religion, race, and intergroup relations, rather than under provisions criminalizing false news. Nevertheless, the case remains relevant because it illustrates a similar pattern: journalistic reporting was subjected to criminal proceedings even though the Press Council considered the matter to be a press-related case (Mongabay Indonesia, 2020).

Between 2024 and 2026, the Constitutional Court of Indonesia (hereinafter referred to as the Constitutional Court) reviewed and reinterpreted several of these offenses. Decision Number 78/PUU-XXI/2023 declared Articles 14 and 15 of Law No. 1/1946 unconstitutional and without binding legal force (Hukumonline, 2024). Decision Number 115/PUU-XXII/2024 restricted the meaning of "riot" under Article 28 paragraph (3) of the ITE Law to disturbances of public order in the physical sphere (Hukumonline, 2025), while Decision Number 105/PUU-XXII/2024 affirmed that government institutions, corporations, institutions, professions, and public offices cannot file complaints concerning defamation under Article 27A of the ITE Law (CNN Indonesia, 2025a). Throughout 2026, the newly formulated Articles 263 and 264 of the National Criminal Code were also subject to constitutional review, with the applications being declared inadmissible or rejected (Okezone, 2026).

Existing studies have largely examined false-news offenses in general or from the perspective of academic freedom. Octarita, for example, analyzed the elements of criminal culpability under Articles 263 and 264, focusing on academic expression, while Fariduddin criticized the criminalization of false-news dissemination under the National Criminal Code

as a misguided approach from the perspectives of decolonization and democratization (Fariduddin, 2026).This study addresses that gap by focusing specifically on the position of the press: how freedom of the press as a constitutional right interacts with the narrowed provisions criminalizing false news, and what further measures are necessary to ensure that journalistic work does not become a target of criminal prosecution. Based on this background, this study formulates the following research questions: (1) How is freedom of the press positioned as a constitutional right, and what are the limits of its restriction under the 1945 Constitution and human rights standards? (2) To what extent are criminal restrictions on reporting accused of spreading false news, as regulated by legislation and interpreted in recent Constitutional Court decisions, consistent with the principles of press freedom? This study aims to explain the constitutional status of press freedom within Indonesia's constitutional system and to examine whether the criminal-law regime governing false news is consistent with that status.

## METHODS

This study employs normative legal research (*doctrinal legal research*), which examines law as a set of norms embodied in legislation and judicial decisions (Marzuki, 2017). This study adopts three approaches. The statutory approach (*statute approach*) is used to examine the 1945 Constitution of the Republic of Indonesia, the Press Law, Law Number 1 of 1946, the Law on Electronic Information and Transactions (ITE Law) as amended by Law Number 1 of 2024, the National Criminal Code, and Law Number 1 of 2026 concerning Criminal Law Adjustments. The case approach (*case approach*) is employed to analyze Constitutional Court Decisions Number 78/PUU-XXI/2023, Number 105/PUU-XXII/2024, Number 115/PUU-XXII/2024, Number 93/PUU-XXIV/2026, Number 170/PUU-XXIV/2026, and Number 26/PUU-XXIV/2026, as well as the criminal prosecution of journalist Diananta Putra Sumedi. The conceptual approach (*conceptual approach*) is used to examine the concepts of press freedom, false news, criminal culpability (*mens rea*), and the proportionality of restrictions on rights.

The primary legal materials consist of legislation, Constitutional Court decisions, Supreme Court Circular Letters, and Press Council regulations. The secondary legal materials comprise books, journal articles, reports issued by press professional organizations, and official reports from judicial institutions and mainstream media outlets. Legal materials were

collected through library research and online searches of the official Constitutional Court website and legal databases. They were subsequently analyzed qualitatively using grammatical, systematic, and historical interpretation, with the analysis adopting a prescriptive approach. This study has one limitation that needs to be acknowledged. Constitutional Court decisions issued in 2026 were examined through official Constitutional Court publications, online decision databases, and literature citing those decisions. Accordingly, quotations from paragraphs of judicial reasoning derived from secondary literature need to be cross-checked against the official copies of the decisions whenever discrepancies arise.

## RESULTS

Freedom of the press constitutes an exercise of citizens' constitutional rights guaranteed under the 1945 Constitution of the Republic of Indonesia. Article 28E paragraph (3) guarantees the freedom to express opinions, while Article 28F grants everyone the right to seek, obtain, process, and communicate information through various communication channels. These guarantees demonstrate that journalistic activities are not merely commercial media activities but also form part of the exercise of human rights. Press freedom is also closely related to the public's right to access information as a basis for forming opinions and participating in democratic life.

These guarantees are further reinforced by Law Number 40 of 1999 concerning the Press, which grants the press the right to seek, obtain, and disseminate information. However, the exercise of these rights must still take into account religious norms, decency, the presumption of innocence, and the obligation to provide the right of reply and the right of correction. Journalists are also required to comply with the Journalistic Code of Ethics. This regulatory framework demonstrates that disputes concerning journalistic reporting should, in principle, prioritize correction mechanisms, journalistic ethics, and the role of the Press Council. Although press freedom is not an absolute right, any restriction under Article 28J paragraph (2) of the 1945 Constitution must have a legal basis, pursue a legitimate aim, be necessary, and be proportionate so as not to undermine the substance of freedom of expression.

Theoretically, press freedom provides space for the exchange of ideas in the pursuit of truth. The state should not be the sole authority determining the truth of an opinion, since

differences in viewpoints are an inherent part of democratic life. In journalistic practice, informational inaccuracies may occur because facts are still developing and have not been fully verified when a report is first published. Therefore, a distinction must be made between journalistic errors and the deliberate dissemination of false information. Restrictions on press freedom must continue to take into account the protection of the rights of others, security, and public order without imposing excessive limitations.

The regulation of false-news offenses in Indonesia has evolved since the enactment of Articles 14 and 15 of Law Number 1 of 1946. These provisions regulate the dissemination of false news, uncertain, exaggerated, or incomplete information that causes or may cause public unrest. However, their formulations were considered insufficiently clear in defining false news and the meaning of public unrest. Through Constitutional Court Decision Number 78/PUU-XXI/2023, dated March 21, 2024, Articles 14 and 15 were declared contrary to the 1945 Constitution and no longer legally binding. This decision emphasizes the importance of legal certainty to ensure that criminal provisions are not broadly applied to restrict freedom of opinion and journalistic activities.

The regulation of false news is also provided under Article 28 paragraph (3) in conjunction with Article 45A paragraph (3) of the ITE Law, as amended by Law Number 1 of 2024. These provisions prohibit the dissemination of electronic information known to contain false announcements and to cause public unrest, carrying a maximum penalty of six years' imprisonment and/or a fine of up to IDR 1 billion. Through Constitutional Court Decision Number 115/PUU-XXII/2024, the term “public unrest” was restricted to disturbances of public order in the physical sphere, rather than merely commotion in the digital sphere. Meanwhile, Constitutional Court Decision Number 105/PUU-XXII/2024 restricted the application of Article 27A of the ITE Law by establishing that defamation provisions do not cover government institutions, institutions, corporations, professions, or public offices. Article 28 paragraph (1) of the ITE Law, meanwhile, is limited to false or misleading information that causes material losses to consumers in electronic transactions.

Further developments can be observed in Articles 263 and 264 of the National Criminal Code. Article 263 regulates the dissemination of news known to be false that causes public unrest, while Article 264 regulates the dissemination of uncertain, exaggerated, or incomplete news known to cause public unrest. Through Law Number 1 of 2026 concerning Criminal Law Adjustments, Article 263 paragraph (2) was repealed, and the formulation of

Article 264 was amended by emphasizing the perpetrator's knowledge of the consequences of public unrest. These provisions were subsequently subject to constitutional review through Constitutional Court Decisions Number 93/PUU-XXIV/2026, Number 170/PUU-XXIV/2026, and Number 26/PUU-XXIV/2026. This series of amendments demonstrates an effort to narrow the scope of criminal liability by emphasizing the element of intent and the actual occurrence of public unrest. To clarify the development of regulations governing false-news offenses and defamation, the following table presents a comparison of the relevant provisions of Indonesian positive law and their status under Constitutional Court decisions.

**Table 1. Criminal Provisions on False News and Defamation under Indonesian Positive Law**

| Legal Provision | Main Elements | Status under Constitutional Court Decisions |
|---|---|---|
| Articles 14 and 15 of Law No. 1/1946 | Disseminating false news or uncertain, exaggerated, or incomplete information that causes or may cause public unrest among the people. | Declared contrary to the 1945 Constitution and no longer legally binding (Decision Number 78/PUU-XXI/2023). |
| Article 28 paragraph (3) in conjunction with Article 45A paragraph (3) of the ITE Law (Law No. 1/2024) | Intentionally disseminating electronic information known to contain false announcements and to cause public unrest. | Conditionally constitutional: public unrest is interpreted as a disturbance of public order in the physical sphere (Decision Number 115/PUU-XXII/2024). |
| Article 27A in conjunction with Article 45 paragraph (4) of the ITE Law (Law No. 1/2024) | Attacking another person's honor or reputation by making an allegation through an electronic system. | Conditionally constitutional: does not apply to government institutions, institutions, corporations, professions, or public offices (Decision Number 105/PUU-XXII/2024). |
| Article 263 of the National Criminal Code (Law No. 1/2023 in conjunction with Law No. 1/2026) | Broadcasting or disseminating news known to be false that causes public unrest. | Constitutional challenges were rejected (Decisions Number 170/PUU-XXIV/2026 and Number 26/PUU-XXIV/2026); the application was declared inadmissible in Decision Number 93/PUU-XXIV/2026. |
| Article 264 of the National Criminal Code (Law No. 1/2023 in conjunction with Law No. 1/2026) | Broadcasting uncertain, exaggerated, or incomplete news known to cause public unrest. | Constitutional challenge rejected through Decision Number 26/PUU-XXIV/2026. |

*Source: Legislation and Constitutional Court decisions, processed by the author.*

Based on Table 1, the regulation of false-news offenses has evolved from broadly formulated provisions toward provisions that place greater emphasis on intent and actual consequences. Articles 14 and 15 of Law No. 1/1946 have lost their binding legal force, while the ITE Law provisions have been restricted through Constitutional Court decisions.

Meanwhile, the National Criminal Code treats the perpetrator's knowledge of the falsity of the information and the occurrence of public unrest as essential elements of criminal liability. These developments demonstrate an effort to narrow the application of criminal law so that it is not excessively imposed on journalistic activities.

In journalistic practice, the distinction between false news and journalistic errors is a crucial issue. Errors may arise from limited sources, evolving facts, or mistakes in the process of gathering and verifying information. Such circumstances do not necessarily indicate an intention to mislead the public. Article 263 of the National Criminal Code places the perpetrator's knowledge as the basis for criminal liability. Accordingly, awareness that information may be inaccurate cannot immediately be equated with knowledge that the information is false. Therefore, journalistic negligence must be distinguished from the deliberate dissemination of falsehoods.

Professional journalistic standards are regulated through the Journalistic Code of Ethics, which requires journalists to verify information, provide balanced reporting, and separate facts from judgmental opinions. When errors occur, journalists are also required to retract, correct, or revise their reports and issue an apology. In proving criminal cases, law enforcement authorities need to consider the sources of information, the verification process, efforts to obtain confirmation, and the journalist's actions after becoming aware of an error. The absence of confirmation or an imbalance in reporting constitutes an ethical issue, but does not automatically establish that a journalist knew the information to be false.

In addition to the element of knowledge, the application of false-news offenses must establish the actual occurrence of public unrest and a causal relationship between the dissemination of false news and the resulting unrest. Public unrest cannot be equated with controversy, criticism, public anger, or debates on social media. Critical reporting about the government cannot be criminalized merely because it generates controversy. Law enforcement authorities must prove that physical unrest actually occurred as a result of the dissemination of information known to be false, rather than as a consequence of other factors, such as social conflict or pre-existing disputes.

The protection of press freedom is also related to the application of the *lex specialis* principle through the Press Law. This legislation provides dispute-resolution mechanisms through the right of reply, the right of correction, and complaints submitted to the Press Council. In practice, the Press Council plays a role in assessing whether a complaint concerns

journalistic work and determining whether a violation of the Journalistic Code of Ethics may have occurred. Coordination between the Press Council and the Police is also necessary to ensure that complaints concerning journalistic reporting are first examined through press-related mechanisms. If the matter constitutes an ethical violation, its resolution should prioritize the press mechanisms, while criminal proceedings should only be pursued when the elements of a criminal offense can be established. To illustrate the differences between the mechanisms for resolving disputes concerning journalistic reporting, the following table compares the mechanisms under the Press Law with criminal-law mechanisms under the National Criminal Code and the ITE Law.

**Table 2. Comparison of the Press Law Mechanism and Criminal-Law Mechanisms for Journalistic Reporting**

| Aspect | Press Law Mechanism | Criminal-Law Mechanism (National Criminal Code and ITE Law) |
|---|---|---|
| Legal basis | Law No. 40/1999 and the Journalistic Code of Ethics. | Articles 263 and 264 of the National Criminal Code and Article 28 paragraph (3) in conjunction with Article 45A paragraph (3) of the ITE Law. |
| Standard of violation | Violations of ethical standards, such as failure to verify information, lack of balance, mixing facts with judgmental opinions, and failure to issue corrections. | Falsehood known to the perpetrator that results in public unrest. |
| Assessing authority | The Press Council through public complaints. | Investigators, public prosecutors, and judges, who may request expert opinions from press experts. |
| Form of sanction or remedy | Right of reply, right of correction, retraction, apology, and fines imposed on press companies in accordance with statutory provisions. | Imprisonment and/or fines. |
| Main orientation | Restoring the quality of information and protecting the public's right to accurate reporting. | Imposing criminal liability on perpetrators who disseminate false news and fulfill the elements of a criminal offense. |

*Source: Legislation and the Journalistic Code of Ethics, processed by the author.*

Based on Table 2, the Press Law mechanism places greater emphasis on restoring the quality of information, fulfilling the rights of affected parties, and ensuring the professional accountability of journalists. In contrast, criminal-law mechanisms are oriented toward imposing sanctions on conduct that fulfills the elements of a criminal offense. This distinction demonstrates that not every journalistic error must be resolved through criminal proceedings. Violations of accuracy standards and the Journalistic Code of Ethics are more appropriately addressed through the Press Council, whereas criminal prosecution may be pursued when the elements of a criminal offense are genuinely fulfilled.

The practical application of the law to the press can be illustrated by the Diananta case, which concerned reporting on a land dispute between the Dayak community and a palm oil plantation company. The Press Council had previously identified a violation of the Journalistic Code of Ethics; however, the matter nevertheless proceeded to the criminal justice system, resulting in the journalist's detention and imprisonment. The case involving Muhammad Asrul also illustrates the risk of journalists being criminally prosecuted under the ITE Law's defamation provisions for reporting on alleged corruption. Both cases demonstrate that the issue of press protection does not lie solely in the wording of legislation but also in law enforcement authorities' interpretation and the consistency with which dispute-resolution mechanisms through the Press Council are applied.

Legal developments since 2024 have narrowed certain avenues for criminalization through restrictions on defamation provisions, clarification of the meaning of public unrest, and the removal of the standard of fault based on what a person ought to have suspected under the National Criminal Code. Nevertheless, there is still no explicit provision requiring law enforcement authorities to first examine whether a complaint concerns journalistic work before proceeding to the investigation stage. This situation indicates that press protection still requires strengthening to ensure that the specific mechanisms provided under the Press Law are consistently implemented.

Based on the principle of proportionality under Article 28J paragraph (2) of the 1945 Constitution, criminal restrictions on journalistic reporting must balance the interest in maintaining public order with the protection of freedom of expression. Articles 263 and 264 of the National Criminal Code pursue legitimate objectives, but their application must satisfy the requirements of necessity and proportionality. The main concern lies particularly with Article 264, since the categories of uncertain, exaggerated, or incomplete news may resemble the formulations of earlier provisions that were declared unconstitutional. In journalistic activities, initial reports may not contain all relevant facts; therefore, incomplete information should be capable of being addressed through updated reporting and correction mechanisms.

Overly broad criminal threats may also create a *chilling effect*, whereby journalists or media companies avoid certain reporting activities for fear of facing criminal proceedings. This may hinder investigative journalism, reduce the media's willingness to criticize those in power, and weaken the press's function as a watchdog over government. Therefore, the criminal penalties under Article 263 may only be applied proportionately when the elements

of actual knowledge of falsity and the actual occurrence of public unrest are strictly established.

Strengthening legal protection for the press requires three measures. First, the element of knowledge under Articles 263 and 264 of the National Criminal Code needs to be clarified to ensure that it is not interpreted as encompassing journalistic negligence or a lack of due care. Second, joint guidelines are needed among the Police, the Prosecutor's Office, and the Press Council to regulate the examination of complaints concerning journalistic work before such complaints proceed to the investigation stage. Third, the case review mechanism (*gelar perkara*) under the new criminal procedural law may be utilized as a preliminary screening stage to examine whether the subject of the complaint constitutes journalistic work, whether evidence of actual knowledge of falsity exists, and whether physical public unrest has genuinely occurred.

Overall, the research findings indicate that the protection of press freedom in Indonesia has developed through legislative amendments and Constitutional Court decisions. Restrictions on the element of intent, clarification of the meaning of public unrest, and the strengthening of dispute-resolution mechanisms under the Press Law constitute important measures to prevent the criminalization of journalists. Nevertheless, such protection still requires stronger legal provisions, improved coordination among law enforcement authorities, and effective case-screening mechanisms to ensure that press freedom remains guaranteed without eliminating accountability for the dissemination of false news that fulfills the elements of a criminal offense.

## DISCUSSION

### 1. Freedom of the Press as a Constitutional Right

#### a. Constitutional and Legislative Foundations

Freedom of the press constitutes an integral part of human rights guaranteed under the 1945 Constitution of the Republic of Indonesia. Article 28E paragraph (3) guarantees everyone's freedom to associate, assemble, and express opinions, while Article 28F grants everyone the right to seek, obtain, possess, store, process, and communicate information through all available channels. These guarantees are closely related to the definition of the press under Article 1 point 1 of Law Number 40 of 1999 concerning the Press, which defines journalistic activities as the process of seeking, obtaining, possessing, storing, processing, and

communicating information. Accordingly, journalistic activities are not merely professional activities but also constitute an exercise of citizens' constitutional rights (Hafiz & Hidayat, 2026).

Freedom of the press has two dimensions: the right to disseminate information and the public's right to obtain information. Articles 14 and 23 paragraph (2) of Law Number 39 of 1999 concerning Human Rights also guarantee the right to obtain information and the freedom to express opinions through print and electronic media. Therefore, restrictions on the press affect not only journalists and media companies but may also limit the public's right to access information concerning matters of public interest.

These guarantees are further reinforced by the Press Law. Article 4 paragraph (3) grants the national press the right to seek, obtain, and disseminate ideas and information. However, this freedom is accompanied by the obligation to respect religious norms, decency, and the presumption of innocence, as stipulated in Article 5 paragraph (1). The press is also required to fulfill the right of reply and the right of correction under Article 5 paragraphs (2) and (3), while journalists are obligated to comply with the Journalistic Code of Ethics pursuant to Article 7 paragraph (2). Public complaints concerning journalistic reporting may be addressed through the functions of the Press Council as stipulated in Article 15 paragraph (2) letter d. These provisions demonstrate that violations relating to journalistic reporting already have specific resolution mechanisms through corrections, the right of reply, and ethical assessments. Furthermore, Article 18 paragraph (2) of the Press Law provides for fines against press companies that violate certain statutory provisions, rather than imprisonment for journalists (RI, 1999).

**b. Theoretical Foundations and International Standards**

Theoretically, freedom of the press is associated with the idea that truth can be discovered through the exchange and competition of ideas. According to (Mill, 1859) explains that suppressing an opinion may harm society because that opinion may contain an element of truth or serve as a means of testing established views. This reasoning is consistent with the *marketplace of ideas* doctrine in *Abrams v. United States* 1919, which recognizes the competition of ideas as one means of testing the truth. This perspective demonstrates that the state should not be the sole authority determining the truth of information, particularly in debates concerning matters of public interest.

This principle is also reflected in *New York Times Co. v. Sullivan* 1964, in which the United States Supreme Court emphasized the importance of allowing room for factual errors in public debate. In that case, public officials were required to prove *actual malice*, namely that the publication was made with knowledge that the information was false or with reckless disregard for its truth or falsity. Meanwhile, in *Lingens v. Austria* 1986, the European Court of Human Rights distinguished statements of fact, which can be proven, from value judgments or opinions, which cannot always be assessed according to standards of truth and falsity. These two decisions demonstrate the importance of protecting criticism, particularly criticism directed at public officials.

In press theory, (Siebert et al., 1956) developed the concept of social responsibility, which regards press freedom as a right that must be accompanied by professional responsibility. This means that the press retains its freedom to perform journalistic functions but is also expected to maintain accuracy, balance, and the public interest through ethical mechanisms. This principle is relevant to the Indonesian press system, which has established the Journalistic Code of Ethics and the Press Council as instruments of professional oversight.

At the international level, Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR), which Indonesia ratified through Law Number 12 of 2005, guarantees freedom of opinion and the right to seek, receive, and impart information. Nevertheless, restrictions remain permissible provided that they are prescribed by law and necessary to protect the rights or reputations of others, as well as national security, public order, public health, or public morals. The United Nations Human Rights Committee, through *General Comment No. 34*, emphasizes that restrictions on freedom of expression must satisfy the principles of legality, legitimate purpose, necessity, and proportionality (HRC, 2011). Accordingly, criminal prosecution arising from journalistic reporting cannot be justified merely by the existence of information considered inaccurate; it must also satisfy the requirements governing restrictions on human rights.

**c. Limits on Restrictions under Article 28J Paragraph (2) of the 1945 Constitution**

Freedom of the press is not an absolute right. Article 28J paragraph (2) of the 1945 Constitution stipulates that the exercise of rights and freedoms may be restricted by law to ensure respect for the rights of others and to satisfy fair requirements based on considerations of morality, religious values, security, and public order in a democratic society.

This provision constitutes the constitutional basis for the state to impose restrictions, including through criminal law, provided that such restrictions are not excessive (Taqwa, 2025).

Restrictions on press freedom must satisfy at least four requirements. First, the restriction must have a clear legal basis to prevent legal uncertainty. Second, it must pursue a legitimate interest, such as protecting the rights of others and maintaining public order. Third, the restriction must be genuinely necessary, and no less restrictive means should be available to achieve the same objective. Fourth, the application of the restriction must be proportionate to the objective pursued. These principles are consistent with the international standards established in *General Comment No. 34* (HRC, 2011). Therefore, the use of criminal law against journalistic reporting must take into account the balance between protecting society and guaranteeing freedom of expression.

## 2. The Criminal-Law Regime Governing False News under Current Positive Law

### a. From Law Number 1 of 1946 to Constitutional Court Decision Number 78/PUU-XXI/2023

The regulation of false-news offenses in Indonesia was initially provided under Articles 14 and 15 of Law Number 1 of 1946. These provisions were enacted during the revolutionary period with the aim of maintaining social stability and security. Article 14 paragraph (1) regulated the deliberate dissemination of false news that caused public unrest. Article 14 paragraph (2) regulated the dissemination of news that could cause public unrest when the perpetrator ought to have suspected that the news was false. Meanwhile, Article 15 regulated the dissemination of uncertain, exaggerated, or incomplete information when the perpetrator knew or ought to have suspected that such information could cause public unrest.

The main problem with these provisions lay in the broad formulation of the elements of false news and public unrest. The use of standards such as "ought to have suspected" and "ought to have presumed" made it possible to impose criminal liability not only on individuals who knew that the information was false but also on those considered to have reasonably been expected to know. This condition potentially created legal uncertainty in their application, particularly to journalists working with information that continues to develop.

This issue was subsequently addressed through Constitutional Court Decision Number 78/PUU-XXI/2023, pronounced on March 21, 2024. The Constitutional Court declared Articles 14 and 15 of Law Number 1 of 1946 contrary to the 1945 Constitution and without binding legal force. One of the Court's considerations was the absence of clear parameters defining false news, uncertain information, and public unrest, thereby creating the potential for these provisions to become vague and overly broad criminal provisions (Paramudhita, 2026). This decision demonstrates that restrictions on freedom of expression must be formulated clearly and must not demand absolute certainty of truth as a prerequisite for expressing opinions. Research (Octarita, 2026) also emphasizes that the protection of freedom of expression requires the state to provide room for differences of opinion and the development of information whose truth may not yet be established with absolute certainty at the time it is communicated.

**b. The ITE Law and Constitutional Court Decisions Number 105/PUU-XXII/2024 and Number 115/PUU-XXII/2024**

The subsequent regulation of false news is contained in Article 28 paragraph (3) of the Law on Electronic Information and Transactions (ITE Law), as amended through Law Number 1 of 2024. This provision prohibits the dissemination of electronic information known to contain false announcements and to cause public unrest. Violations of this provision are punishable by imprisonment for a maximum of six years and/or a fine of up to IDR 1 billion, as stipulated in Article 45A paragraph (3) of the ITE Law.

The meaning of public unrest under this provision was subsequently clarified through Constitutional Court Decision Number 115/PUU-XXII/2024, dated April 29, 2025. The Court held that public unrest must be interpreted as a condition that disrupts public order in the physical sphere, rather than merely disturbances or commotion in the digital and cyberspace environments. This clarification is important because debates, criticism, or differences of opinion on social media cannot automatically be categorized as public unrest fulfilling the elements of a criminal offense. Accordingly, the application of Article 28 paragraph (3) of the ITE Law must take into account the existence of actual consequences in society.

On the same date, through Decision Number 105/PUU-XXII/2024, the Constitutional Court also imposed limitations on the application of Article 27A and Article 45 paragraph (4) of the ITE Law concerning defamation. The phrase “another person” was

declared conditionally constitutional insofar as it was not interpreted to include government institutions, groups of people with specific identities, institutions, corporations, professions, or public offices. This decision provides protection for reporting that criticizes the policies and actions of institutions or organizations, because such entities cannot invoke the defamation provisions of the ITE Law as interpreted in that decision (CNN Indonesia, 2025a; 2025b).

Furthermore, Article 28 paragraph (1) of the ITE Law cannot be used as a basis for criminal prosecution of every form of false-news dissemination. This provision specifically concerns false or misleading information that causes material losses to consumers in electronic transactions. The limitation on the application of this provision was also explained in the Joint Decree of the Minister of Communication and Informatics, the Attorney General, and the Chief of the Indonesian National Police in 2021. Therefore, press reporting unrelated to material consumer losses in electronic transactions cannot automatically be prosecuted under this provision.

**c. The National Criminal Code, Law Number 1 of 2026, and Constitutional Review in 2026**

The National Criminal Code regulates the offense of disseminating false news through Articles 263 and 264. Under the original formulation of Article 263 paragraph (1), any person who broadcasts or disseminates news that they know to be false, thereby causing public unrest, may be sentenced to a maximum of six years' imprisonment or a fine of up to Category V. Article 263 paragraph (2) previously regulated similar conduct based on the standard that the perpetrator ought to have suspected that the news was false and could cause public unrest. Meanwhile, Article 264 regulated the dissemination of uncertain, exaggerated, or incomplete news when the perpetrator knew or ought to have suspected that such news could cause public unrest.

Amendments to these provisions were introduced through Law Number 1 of 2026 concerning Criminal Law Adjustments. According to (Octarita, 2026), these amendments repealed Article 263 paragraph (2) and reformulated Article 264 by emphasizing that the perpetrator knew that the news would cause public unrest. These amendments narrow the scope of criminal liability by eliminating the fault standard of "ought to have suspected" and the element of consequences that are merely potential. Accordingly, the element of

knowledge and the occurrence of actual consequences become important components in proving false-news offenses.

These provisions were subsequently subjected to constitutional review. In Constitutional Court Decision Number 93/PUU-XXIV/2026, dated April 16, 2026, the application for constitutional review of several provisions of the National Criminal Code was declared inadmissible. Subsequently, through Decision Number 170/PUU-XXIV/2026, dated June 29, 2026, the Court rejected the application seeking the reinsertion of the word "may" into the formulations of Articles 263 and 264. The Court considered that adding this word could eliminate the requirement to prove the consequence of public unrest. This reasoning was reaffirmed in Decision Number 26/PUU-XXIV/2026, dated August 12, 2026, which rejected the application for constitutional review of the relevant provisions (Prahassacitta, 2024).

Overall, these regulatory developments demonstrate a shift in orientation from criminalization based on presumptions concerning information considered potentially capable of causing public unrest toward stricter evidentiary requirements. Articles 14 and 15 of Law Number 1 of 1946 have been declared to have no binding legal force, while Article 28 paragraph (3) of the ITE Law has been restricted to public unrest occurring in the physical sphere. Article 27A of the ITE Law has also been restricted regarding the parties who may be categorized as victims of defamation. Meanwhile, Articles 263 and 264 of the National Criminal Code emphasize the perpetrator's knowledge and the resulting public unrest, reflecting the developments following Law Number 1 of 2026.

### 3. Analysis of Criminal Restrictions on Press Reporting

#### a. False News and Journalistic Errors

The main issue in imposing criminal restrictions on journalistic reporting is distinguishing deliberately disseminated false news from journalistic errors. By (Wardle & Derakhshan, 2017) distinguish three types of information disorder: *misinformation*, namely false information disseminated without the intention to cause harm; *disinformation*, namely false information deliberately disseminated to cause harm; and *malinformation*, namely genuine information used to cause harm to another party. This distinction is important because not all inaccurate information can be treated as a criminal offense. In the context of journalistic reporting, errors arising from limited information or verification processes should be

distinguished from the deliberate dissemination of false information with specific knowledge and intent.

Article 263 of the National Criminal Code essentially imposes a limitation through the use of the element "known to be false." According by (Hiariej, 2016) explains that criminal intent may take the form of direct intent, knowledge of certainty, or conditional intent. However, in the context of Article 263, the element of actual knowledge must be carefully examined so that it is not equated with negligence or a lack of due care. Research (Octarita, 2026) argues that the phrase "known to be false" requires actual knowledge of the falsity of the information and cannot simply be extended to circumstances in which a person merely recognizes the possibility that the information may be inaccurate.

Consequently, journalists who have undertaken reasonable verification efforts but whose reporting is subsequently found to contain errors cannot automatically be considered to have fulfilled the elements of a criminal offense. Such errors should first be assessed through ethical mechanisms, including the right of reply, the right of correction, and the obligation to rectify the news. The Journalistic Code of Ethics, adopted through Press Council Regulation Number 6/Peraturan-DP/V/2008, requires journalists to verify information, provide balanced reporting, and refrain from mixing facts with judgmental opinions. The Code also regulates the obligation to retract, correct, and revise inaccurate reports, accompanied by an apology to readers, listeners, or viewers.

Nevertheless, proving the element of knowledge remains a challenge in practice. Knowledge is a state of mind that cannot be directly observed and is therefore often inferred from objective circumstances, such as the sources of information, the verification process, and the perpetrator's conduct after receiving a rebuttal. However, the failure to seek confirmation from the reported party or the lack of balance in a news report cannot automatically be treated as proof that a journalist knew the information was false. Such reasoning risks transforming an ethical violation into a criminal offense, even though the two have different standards and legal consequences (Octarita, 2026).

**b. The Element of Consequence: Public Unrest and Causation**

Another important element of false-news offenses is the consequence in the form of public unrest. The distinction between public unrest and general commotion became particularly important after Constitutional Court Decision Number 78/PUU-XXI/2023 invalidated Articles 14 and 15 of Law Number 1 of 1946 because their formulations created

legal uncertainty. Under the National Criminal Code, the concept of public unrest is associated with a condition involving violence against persons or property committed by a group of at least three people, as explained in the provisions concerning public unrest. This definition must be read together with Constitutional Court Decision Number 115/PUU-XXII/2024, which affirms that public unrest must occur in the physical sphere rather than merely as commotion in the digital sphere.

Consequently, critical or strongly worded reporting, or reporting that reveals matters unpleasant to public officials, cannot immediately be considered to fulfill the elements of Article 263 of the National Criminal Code merely because it generates public anger or debate on social media. Criminal prosecution must be based on proof that the perpetrator knew the information was false, that actual physical unrest occurred, and that there was a causal relationship between the dissemination of false news and the occurrence of such unrest. During constitutional review proceedings, the government also explained that the dissemination of news known to be false, which does not result in public unrest, does not fulfill the consequence element required under the relevant provision (Mahkamah Konstitusi, 2026).

Examining the causal relationship is important to prevent criminal liability from being based solely on presumptions. Public unrest may occur due to various factors, such as pre-existing social conflicts, provocation by other parties, or issues that are not directly related to journalistic reporting. Therefore, law enforcement authorities must prove that the unrest was genuinely caused by the dissemination of news known to be false, rather than merely occurring after a news report was published.

The experience in the Diananta case illustrates the importance of examining the consequences of journalistic reporting. In that case, reporting on a land dispute between the Dayak community and a palm oil plantation company resulted in criminal proceedings against the journalist. The Alliance of Independent Journalists, in its advocacy guidelines, explains that the facts presented during the trial did not demonstrate the existence of public unrest or disturbances caused by the reporting (Asfar, 2024). The Diananta case occurred before Constitutional Court Decision Number 115/PUU-XXII/2024 and before the National Criminal Code entered into force; therefore, it cannot be directly equated with the current application of Article 263. Nevertheless, the case illustrates the risks of criminal

prosecution when the elements of consequence and causation are not examined rigorously (Asshiddiqie, 2010; CNN Indonesia, 2020).

**c. The Press Law as *Lex Specialis* and the Role of the Press Council**

The protection of press freedom depends not only on the formulation of criminal offenses but also on the existence of specific dispute-resolution mechanisms provided under the Press Law. Law Number 40 of 1999 provides mechanisms involving the right of reply, the right of correction, and complaints to the Press Council to resolve disputes concerning journalistic reporting. These mechanisms demonstrate that violations arising from journalistic activities do not always need to be resolved through criminal proceedings. During discussions on the Draft Criminal Code, the Press Law was also emphasized as a special regulation or *lex specialis* in relation to the general provisions of the Criminal Code (Hukumonline, 2022).

Nevertheless, Articles 263 and 264 of the National Criminal Code do not explicitly provide an exemption for journalistic work. Therefore, the application of the *lex specialis* principle requires appropriate coordination and understanding among law enforcement authorities regarding the characteristics of journalistic activities and the dispute-resolution mechanisms under the Press Law. Without clear screening mechanisms, journalists may remain vulnerable to criminal proceedings even when the reported matter actually concerns an ethical violation or an error in journalistic reporting.

At the judicial level, the Supreme Court has issued Circular Letter Number 13 of 2008 concerning Requests for Expert Witness Testimony. This circular provides guidance for judges examining press-related cases to request expert testimony from the Press Council. The involvement of press experts is necessary to assist the courts in determining whether an information product constitutes journalistic work and whether it violates professional journalistic standards. In addition, coordination between the Press Council and the Police through memoranda of understanding and cooperation agreements constitutes an important instrument for resolving complaints concerning journalistic reporting.

When the subject of a complaint constitutes journalistic work, its resolution should first consider the mechanisms of the right of reply, the right of correction, and assessment by the Press Council. Criminal proceedings should serve as a last resort when conduct fulfilling the elements of a criminal offense is established and the matter does not merely constitute an error in the exercise of the journalistic profession. The advocacy guidelines

prepared by (Asfar, 2024) also emphasize the importance of assistance and coordination in addressing the use of the ITE Law and criminal provisions against journalists. Accordingly, the Press Council occupies a strategic position as an institution that helps ensure that the resolution of journalistic disputes does not disregard the protection of press freedom.

**d. Lessons from Practice: The Diananta Case and the Criminalization of Journalists**

Law enforcement practices demonstrate that dispute-resolution mechanisms under the Press Law have not always been optimally implemented. In the Diananta case, three news reports concerning a land dispute between the Dayak community and a palm oil plantation company were submitted to the Press Council on November 14, 2019. The Press Council subsequently determined that the reports violated several provisions of the Journalistic Code of Ethics and assigned responsibility for the publication to the relevant press company. Nevertheless, the matter proceeded to criminal proceedings. Diananta was detained on May 4, 2020, sentenced to three months and fifteen days of imprisonment, and subsequently released on August 17, 2020 (Asfar, 2024; Mongabay Indonesia, 2020).

This case demonstrates that violations of the code of ethics may lead to criminal proceedings when press-related dispute-resolution mechanisms are not treated as the primary consideration. Human Rights Watch 2020 and Reporters Without Borders 2020 also highlighted the case involving the journalist in South Kalimantan as an issue related to press freedom and the use of criminal law against journalistic reporting. This indicates that press protection cannot be guaranteed through legislation alone; it also requires consistency among law enforcement authorities in applying mechanisms for resolving journalistic disputes (Watch, 2022).

A similar pattern can be observed in the case of Muhammad Asrul before the Palopo District Court. On November 23, 2021, Muhammad Asrul was sentenced to three months' imprisonment in connection with articles concerning alleged corruption published through Berita.news. The case involved the defamation provisions of the ITE Law rather than false-news offenses. Nevertheless, the Asrul and Diananta cases demonstrate the risk of applying criminal provisions to journalistic disputes that should also be assessed through the mechanisms provided under the Press Law (Asfar, 2024; CNN Indonesia, 2021).

Legal developments since 2024 have indeed narrowed certain avenues for criminal prosecution. Constitutional Court Decision Number 105/PUU-XXII/2024 restricts the application of Article 27A of the ITE Law to government institutions, institutions,

corporations, professions, and public offices. Constitutional Court Decision Number 115/PUU-XXII/2024 also affirms that public unrest must occur in the physical sphere. Furthermore, the amendments introduced through Law Number 1 of 2026 eliminated the "ought to have suspected" standard in the formulation of Article 263 paragraph (2). However, these developments have not fully resolved the issue because there is still no explicit regulation requiring a preliminary examination of the journalistic nature of a report before a criminal complaint is processed further.

**e. Proportionality Assessment and the Chilling Effect**

Under Article 28J paragraph (2) of the 1945 Constitution, criminal restrictions on journalistic reporting must satisfy the principles of legality, legitimate purpose, necessity, and proportionality. Articles 263 and 264 of the National Criminal Code have a statutory legal basis and are intended to protect public order against unrest caused by the dissemination of certain types of news. However, the existence of a legal basis and a legitimate purpose does not automatically make criminal prosecution proportionate. Its application must still consider whether the use of criminal law is genuinely necessary and whether less restrictive mechanisms are available to resolve the matter.

The proportionality issue is particularly evident in Article 264 of the National Criminal Code, which regulates uncertain, exaggerated, or incomplete news. This formulation resembles Article 15 of Law Number 1 of 1946, which was previously declared unconstitutional because it created legal uncertainty. Research (Octarita, 2026) argues that the elements of exaggerated and incomplete news may give rise to broad interpretations because they involve assessments of how information is presented. In the journalistic context, reports published during the initial stages of an event may not yet contain all relevant information. Such incompleteness should be capable of being addressed through corrections, the right of reply, and the provision of additional information, as regulated under the Journalistic Code of Ethics.

Accordingly, the imposition of criminal penalties for incomplete information must be considered carefully. Criminal prosecution should not be the first option when correction mechanisms remain available to restore the quality of information. Constitutional Court Decision Number 26/PUU-XXIV/2026 has also not provided a specific explanation resolving all proportionality concerns relating to Article 264, as discussed by (Octarita, 2026; Furqan, 2026). Therefore, the assessment of this provision must continue to take into

account the principles governing restrictions on human rights and the characteristics of journalistic work.

Criminal threats that are not applied carefully may also create a *chilling effect*. Research (Schauer, 1987) explains that uncertainty regarding the boundaries of a prohibition may encourage individuals to refrain from exercising their freedom, even when the intended conduct is actually lawful. In the context of the press, this effect may arise when journalists or editorial teams choose not to publish investigative reports, criticism of public officials, or information concerning matters of public interest because they fear facing criminal complaints. Therefore, Articles 263 and 264 must be applied strictly on the basis of proof of the elements of the offense, rather than merely because certain parties feel uncomfortable with the content of journalistic reporting.

**f. Directions for Strengthening Legal Protection for the Press**

Based on the analysis, several measures can be undertaken to strengthen the protection of press freedom. First, the element of knowledge under Articles 263 and 264 of the National Criminal Code needs to be clarified. Legislators could provide a more explicit explanation that the phrase "known to be false" must be proven as actual knowledge of the falsity of the information. Journalistic errors that can be resolved through the mechanisms of the Press Law should not immediately be treated as criminal offenses, unless there is evidence that the perpetrator actually knew the information was false and fulfilled the elements of a criminal offense prescribed by law. This clarification is important to ensure that the evidentiary standard does not shift toward mere suspicion or negligence (Hiariej, 2016; Octarita, 2026).

Second, joint guidelines are needed for law enforcement authorities in handling complaints concerning journalistic reporting. The experience of issuing the Joint Decree on Guidelines for the Implementation of the ITE Law in 2021, as well as cooperation between the Press Council and the Police, demonstrates that inter-institutional coordination can serve as an instrument for preventing the excessive application of criminal law. Similar guidelines could be applied to Articles 263 and 264 of the National Criminal Code by regulating preliminary examinations of the nature of the reporting, the involvement of the Press Council, the perpetrator's knowledge, and the existence of actual physical public unrest (Simandjuntak, et al., 2024).

Third, screening mechanisms under criminal procedural law need to be utilized optimally. Law Number 20 of 2025 concerning the Criminal Procedure Code provides a case review mechanism (*gelar perkara*) based on the results of an investigation to determine whether an event constitutes a criminal offense. This mechanism can be used to examine whether the subject of a complaint constitutes journalistic work, whether evidence of actual knowledge of the falsity of the information exists, and whether physical public unrest genuinely occurred and bears a causal relationship to the reporting. Such preliminary examination can prevent cases that should be resolved through press-related mechanisms from developing into criminal proceedings (Sembiring et al., 2026; Jessica et al., 2022).

Overall, the protection of press freedom under Indonesian law has developed through Constitutional Court decisions and amendments to legislation. Nevertheless, the effectiveness of such protection depends heavily on the proper interpretation of the elements of criminal offenses, the application of the principle of proportionality, and the consistency of law enforcement authorities in respecting the dispute-resolution mechanisms under the Press Law. Therefore, criminal law should be positioned as a last resort for addressing the dissemination of false news that genuinely fulfills the elements of a criminal offense, rather than as an instrument for restricting criticism, obstructing journalistic work, or silencing information concerning matters of public interest.

## CONCLUSION

Based on the foregoing discussion, the following conclusions can be drawn. First, press freedom is a constitutional right rooted in Article 28E paragraph (3) and Article 28F of the 1945 Constitution of the Republic of Indonesia, further elaborated in the Press Law, and consistent with Article 19 of the ICCPR. Although this right may be subject to restrictions, such restrictions must satisfy the requirements set forth in Article 28J paragraph (2), namely, that they be prescribed by law, pursue a legitimate aim, be necessary, and be proportionate in a democratic society. The Press Law itself prioritizes corrective, ethical, and specialized institutional mechanisms for addressing violations of reporting accuracy, with fines imposed on press companies as a form of sanction. Second, criminal restrictions on reporting accused of disseminating false news have been narrowed through Constitutional Court Decisions No. 78/PUU-XXI/2023, No. 105/PUU-XXII/2024, and No. 115/PUU-XXII/2024, as well as through amendments to Articles 263 and 264 of the National Criminal

Code under Law No. 1 of 2026. In principle, Article 263, which requires actual knowledge of the falsity of the information and the occurrence of a riot, is consistent with Article 28J paragraph (2), provided that it is interpreted strictly. Article 264, however, which retains the categories of news that is "uncertain, exaggerated, or incomplete," remains problematic for the press because these categories resemble provisions previously declared to be vague and overly broad. Legal protection for the press is not yet explicit, as neither article provides an exemption for journalistic works. Meanwhile, the practice of prosecuting journalists under the ITE Law, as illustrated by the Diananta case, demonstrates that the mechanisms provided under the Press Law and the role of the Press Council have not always been observed.

This study contributes to clarifying the relationship between the protection of press freedom as a constitutional right and criminal restrictions on the dissemination of false news under Indonesia's positive law. It also identifies changes in the standards governing criminal liability following Constitutional Court decisions and the enactment of Law No. 1 of 2026, particularly with regard to the importance of proving actual knowledge, the occurrence of a physical riot, and the causal relationship between the conduct and the resulting consequence. Furthermore, this study reinforces an understanding of the position of the Press Law and the Press Council as specialized mechanisms for resolving issues relating to journalistic reporting, while also demonstrating the potential emergence of a chilling effect when criminal provisions are applied disproportionately to journalistic activities.

Future research is recommended to empirically examine the application of Articles 263 and 264 of the National Criminal Code in cases involving journalistic reporting, particularly with regard to proving the elements of the perpetrator's knowledge, the occurrence of a physical riot, and the causal relationship between the reported information and the resulting consequence. Further research should also evaluate the effectiveness of coordination between law enforcement authorities and the Press Council in handling complaints against journalists, including the implementation of screening mechanisms at the investigation stage under the new Criminal Procedure Code. In addition, subsequent studies may focus on formulating a more explicit legal protection model for journalistic works, so that law enforcement against the dissemination of false news can continue to protect public order without undermining press freedom and the public's right to obtain information.

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