

A blueprint for future press legislation protecting every element of the media in the use of information technology

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Abstract: Law Number 40 of 1999 on the Press has never been amended, while the norms that now govern journalism in the digital environment are scattered across the Electronic Information and Transactions Law, the national Criminal Code, the Personal Data Protection Law, a presidential regulation on digital platforms and a Press Council regulation on artificial intelligence. This study formulates future press legislation capable of protecting every element of the media in the use of information technology. It is normative legal research employing statutory, conceptual, comparative and case approaches; legal materials collected up to 31 August 2026 were tested against operational indicators of vertical, horizontal, systemic, temporal and axiological coherence. The analysis shows that the core problem is not a shortage of norms but incoherence: platform and artificial intelligence obligations sit below statutory rank, one journalistic act can be processed through conflicting procedures, Press Council assessments lack full legal effect, statutory concepts do not reach digital journalism, and custodial sentences remain available for good-faith reporting. Comparison with Australia, Canada and the European Union indicates that platform obligations need a statutory, non-discretionary backstop and that a journalistic exemption must be legislated expressly. The result is a blueprint of ten principal substances, crowned by the Theory of Dignified Press Coherence, whose axioms, five dimensions, propositions and six-step test enable legislators, judges, law enforcement officials and the Press Council to determine whether a norm is coherent or incoherent.

Keywords: press law reform; legal coherence; digital platforms; artificial intelligence; dignified press coherence.

INTRODUCTION

Indonesian press law today faces a problem that can no longer be answered by partial patching. Law Number 40 of 1999 on the Press (the Press Law) was enacted when

national journalism was dominated by print and broadcast media, when global digital platforms did not control the distribution of news, and when artificial intelligence (AI) could not produce text resembling journalistic work. The statute has never been amended, although the world it governs has changed fundamentally (Ruslan, 2023). The symptoms are measurable: the Press Freedom Index compiled by the Press Council fell from 71.57 in 2023 to 69.36 in 2024 and reached only 69.44 in 2025, remaining in the 'fairly free' category (Dewan Pers, 2024, 2026), while the Alliance of Independent Journalists recorded 73 cases of violence against journalists and media in 2024 (Aliansi Jurnalis Independen, 2025).

The State has responded to technological change not by revising the Press Law but by adding norms in other instruments and at different levels of the hierarchy of legislation. Law Number 1 of 2024, the second amendment to the Electronic Information and Transactions Law (EIT Law), moved defamation into Article 27A while adding a public-interest defence in Article 45(7). Law Number 1 of 2023 on the Criminal Code, in force since 2 January 2026, contains defamation offences (Articles 433–442) and false-news offences (Articles 263–264). Law Number 27 of 2022 on Personal Data Protection (PDP Law) criminalises the unlawful disclosure of another person's personal data (Articles 65 and 67) without any journalistic exemption. Presidential Regulation Number 32 of 2024 on the Responsibility of Digital Platform Companies to Support Quality Journalism imposes duties on platforms (Article 5), envisages paid licensing, revenue sharing or the sharing of aggregate news-user data (Article 7), and provides only for voluntary arbitration or alternative dispute resolution (Article 8). Press Council Regulation Number 1/PERATURAN-DP/I/2025 requires human control, full responsibility of the press company and disclosure for AI-assisted journalism (Dewan Pers, 2025a). Even the protection of journalists has been built outside the statute: through the 2021 Joint Decree on guidelines for the EIT Law and, most recently, Constitutional Court Decision Number 145/PUU-XXIII/2025 of 19 January 2026, which conditions criminal and civil sanctions against journalists on the prior exhaustion of Press Council mechanisms.

This fragmentation is not merely untidy; it generates four identifiable legal problems, and these are the problems that the proposed reconstruction addresses. The first is conflict: one journalistic act may be handled as a press dispute under the Press Law or as a criminal offence under the EIT Law or the Criminal Code, with incompatible outcomes, as the convictions of the journalists Diananta Putra Sumedi (2020) and Muhammad Asrul (2021) show. The second is misplacement: obligations imposed on global platforms and rules on AI rest on a presidential regulation and a self-regulatory instrument, although matters that restrict rights or impose obligations and sanctions on third parties belong at statutory rank. The third is ineffectiveness: the assessments of the Press Council have long lacked binding effect on investigators and prosecutors. The fourth is obsolescence: the statute's concepts of the press and the press company do not address platform distribution, citizen journalism or AI-assisted production. Because these problems arise from the relations among norms rather than from the absence of norms, their remedy cannot be one more sectoral rule; it requires a legislative reconstruction that re-orders those relations within a single statute. This causal chain, from fragmentation to legal problems to reconstruction, structures the analysis that follows.

Previous research can be grouped into six clusters, summarised in Table 1. The first cluster examines the standing of the Press Law as *lex specialis* and the criminalisation of journalistic work. Amri et al. (2021) map the debate on whether the Press Law displaces general criminal provisions, Oba et al. (2023) examine the settlement of online defamation disputes under the Press Law, and Wiratraman (2014, 2023) shows through socio-legal analysis that law and law enforcement have operated as instruments of repression against the press, a pattern he describes as digital authoritarianism. These studies establish that protective norms exist but are circumvented; they do not design the statutory mechanism that would close the alternative criminal routes, nor do they address platforms and AI. The second cluster concerns the Press Council. Yanto and Priskap (2023) find that the Council lacks enforcement powers and that threats to independence increasingly come from media owners, while Pratama et al. (2024) examine the dynamics of press independence; neither links the Council's weakness to the absence of legal effect of its assessments in criminal procedure or to the supervision of digital media. The third cluster traces the politics and history of press legislation (Manan, 2011; Ruslan, 2023) and remains predominantly descriptive.

The fourth cluster, largely international, evaluates platform-news regulation. Bossio et al. (2022) situate Australia's bargaining code within a global turn towards platform regulation; Bossio and Barnett (2023) find that it corrected a bargaining imbalance but suffered from problems of designation, registration and transparency; and Flew et al. (2024), comparing Australia and Canada, find few guarantees that platform payments are reinvested in public-interest journalism. In Indonesia, Hamdani and Markoni (2024) find that Presidential Regulation Number 32 of 2024 leaves the distribution of revenue ambiguous and the position of unverified media uncertain, but they do not examine the regulation's rank or its lack of a binding backstop. The international literature is written for common-law systems with competition or communications regulators; it has not been tested against a civil-law hierarchy of legislation such as Indonesia's, nor connected with press dispute resolution and criminal law. The fifth cluster addresses the governance of AI in journalism: the AI policies of news organisations converge on transparency and human supervision (Becker et al., 2025), while public regulation remains dominated by soft law and gives media-specific uses little explicit attention (Porlezza, 2023); both strands treat AI governance as newsroom self-regulation, which is the model of Press Council Regulation Number 1/PERATURAN-DP/I/2025 and whose binding force ends at the press community. The sixth cluster is theoretical: coherence has been developed as a criterion of legal justification by MacCormick (2005), Dworkin (1986) and Alexy (1989), refined into explicit criteria by Alexy and Peczenik (1990), and surveyed comprehensively by Amaya (2015). These theories were built mainly for adjudication and legal argumentation; they do not supply a field-specific, operational test that legislators, judges, prosecutors and a self-regulatory body can apply to press legislation within a Pancasila-based constitutional order.

Table 1. Mapping of Previous Research, Research Gap and Position of This Study

Cluster	Representative studies	Main finding	Gap left open	Position of this article
Press Law as <i>lex specialis</i> and criminalisation of journalism	Amri et al. (2021); Oba et al. (2023); Wiratraman (2014, 2023)	Protective norms exist but are bypassed through the EIT Law and the Criminal Code	No statutory mechanism closing alternative criminal routes; platforms and AI not addressed	Mandatory tiered dispute resolution with legal consequences; <i>lex specialis</i> clause (substances 3 and 10)
Institutional design of the Press Council	Yanto & Priskap (2023); Pratama et al. (2024)	The Council lacks enforcement powers; independence is under pressure	Legal effect of assessments; regional representation; supervision of digital media	Binding effect of assessments, regional representation and digital oversight (substance 4)
Politics and history of press legislation	Manan (2011); Ruslan (2023)	Evolution from licensing and banning to press freedom	Descriptive; no <i>ius constituendum</i> for the digital era	Prescriptive blueprint of ten principal substances
Platform-news regulation (comparative)	Bossio et al. (2022); Bossio & Barnet (2023); Flew et al. (2024); Hamdani & Markoni (2024)	Bargaining codes correct a bargaining imbalance but face designation, transparency and reinvestment problems; distribution under Presidential Regulation 32/2024 is unclear	Rank of the Indonesian regulation and absence of a binding backstop not examined; not linked with press dispute resolution	Statutory platform chapter with a non-discretionary backstop (substance 5)
Governance of AI in journalism	Porlezza (2023); Becker et al. (2025)	Human oversight and transparency as core principles, largely through soft law and newsroom self-regulation	Binding force beyond the press community	Statutory AI chapter binding all actors (substance 6)
Coherence in legal theory	MacCormick (2005); Dworkin (1986); Alexy (1989); Alexy & Peczenik (1990); Amaya (2015)	Coherence as a criterion of legal justification	Built for adjudication; no operational, field-specific test for legislation	Five dimensions with indicators and decision rules; Theory of Dignified Press Coherence

Source: compiled by the authors, 2026.

The research gap is therefore twofold. A search of dissertations, theses and journal articles in university libraries and electronic scholarly databases found no study that weaves the fragmented strands of press, criminal, data-protection, platform and AI regulation into a single legislative blueprint in which each substance is derived from an identified legal problem (the normative gap), and none that converts coherence into indicators capable of showing when a press norm is coherent or incoherent (the theoretical gap). The novelty of this article lies in addressing both gaps, and it differs from existing studies in three respects. First, it relocates the diagnosis from a shortage of norms to incoherence among norms, institutions and values, and substantiates that diagnosis with evidence for each indicator. Second, it operationalises coherence through five dimensions with explicit indicators and decision rules, instead of using coherence as a general ideal. Third, it proposes the Theory of Dignified Press Coherence, which, unlike Hadjon's theory of legal protection, asks not whether means of protection are available but whether the available means work in the same direction (Hadjon, 1987), and which, unlike general theories of coherence, anchors every test in human dignity and Pancasila values (Prasetyo, 2015).

This article asks: how should future press legislation be designed to protect every element of the media using information technology? It answers in three steps: it diagnoses the incoherence of current regulation with operational indicators; it draws functional lessons from Australia, Canada and the European Union; and it formulates a blueprint of ten principal substances together with the theoretical framework by which that blueprint, and any future norm, can be tested.

METHODS

This study is normative (doctrinal) legal research with a prescriptive orientation, aimed at formulating the law as it ought to be (*ius constituendum*) (Marzuki, 2017). It combines the statute, conceptual, comparative and case approaches; cases are used as legal materials showing how norms operate and where they fail, not as empirical data (Irwansyah, 2020).

Legal materials were selected purposively on three criteria: relevance to journalism carried out through information technology, binding force on the cut-off date of 31 August 2026, and retrieval from official sources. Primary materials comprise the 1945 Constitution, the Press Law, the EIT Law as amended by Law Number 1 of 2024, the PDP Law, the Criminal Code, Law Number 12 of 2011 as amended, Presidential Regulation Number 32 of 2024, Press Council Regulation Number 1/PERATURAN-DP/I/2025, the 2021 Joint Decree and the judicial decisions cited in the analysis. Cases were included where journalistic work became the object of criminal or administrative action although a press mechanism was available (the Diananta, Asrul and Papua internet-shutdown cases), with the Bambang Harymurti, Risang Bima Wijaya and Nurhadi cases as points of comparison. Secondary materials consist of books, journal articles and official reports.

Australia, Canada and the European Union were selected because each has enacted binding rules on platform-news relations and each represents a distinct model: a competition-law bargaining code, a regulator-supervised bargaining regime and a rights-based, multi-instrument package. The comparison is functional: it asks which

problem each foreign rule solves and whether an equivalent solution fits the Indonesian hierarchy of legislation and Pancasila values.

Coherence is used as the criterion of legal correctness, drawing on MacCormick's distinction between consistency and coherence (MacCormick, 2005), Dworkin's principle of integrity in legislation (Dworkin, 1986), Friedman's triad of legal substance, structure and culture (Friedman, 1975) and the Indonesian hierarchy of legislation. It is operationalised in five dimensions (vertical, horizontal, systemic, temporal and axiological), each with a test question, indicators of incoherence and a legal yardstick (Table 2).

Table 2. Operational Indicators Used to Determine Whether a Norm Is Coherent or Incoherent

Dimension	Test question	Indicators of incoherence (one suffices)	Legal yardstick
Vertical (V)	Is the matter regulated at the level its content requires?	V1 A matter that restricts rights or imposes obligations or sanctions on third parties is regulated below statute. V2 A lower norm or act narrows a guarantee in a higher norm.	1945 Constitution, Articles 28F and 28J(2); Law 12/2011, Articles 7, 8, 10(1) and 15(1)
Horizontal (H)	Do the statutes governing the same act give one answer?	H1 The same journalistic act is exposed to two or more procedures with incompatible outcomes. H2 No statutory priority rule (<i>lex specialis</i>) resolves the conflict.	Press Law, Articles 5 and 15; EIT Law, Articles 27A and 45(7); Criminal Code, Articles 263, 264 and 433; PDP Law, Articles 15, 65 and 67
Systemic (S)	Is there an institution able to give the norm effect?	S1 No competent institution exists. S2 The institution's decision does not bind other state organs. S3 Documented practice disregards it without legal consequence.	Press Law, Articles 8, 15 and 18; Constitutional Court Decision 145/PUU-XXIII/2025; Friedman's substance, structure and culture
Temporal (T)	Does the norm reach the technology it governs?	T1 Definitions or procedures do not cover cyber media, platform distribution, citizen journalism or AI. T2 No mechanism for periodic review.	Press Law, Articles 1 and 9(2); Press Council Cyber Media Reporting Guideline (2012)
Axiological (A)	Does the outcome respect constitutional values and human dignity?	A1 Deprivation of liberty for good-faith journalistic work corrected through the right of reply. A2 Offence definitions lacking measurable criteria.	Pancasila; 1945 Constitution, Articles 28D(1) and 28G; Constitutional Court Decision 78/PUU-XXI/2023; ICCPR Article 19; General Comment No. 34

Decision rule. Coherent: no indicator is met in any dimension. Incoherent: at least one

indicator is met, which requires a remedial norm at the correct level of regulation. An indicator counts only if anchored in a specific provision, decision or documented case.

Source: constructed by the authors, 2026.

Legal materials were collected through documentary research, interpreted grammatically, systematically, historically, teleologically and comparatively, and tested against the indicators in Table 2; each incoherence found was matched with a remedial norm at the correct level of regulation, and these remedial norms together form the blueprint.

RESULTS AND DISCUSSION

Diagnosis: Incoherence, Not a Shortage of Norms

The central finding is that Indonesian press law suffers not from a shortage of protective norms but from incoherence: at least one indicator in Table 2 is met, so the legal system gives contradictory answers to the same journalistic act, or answers that its own institutions cannot enforce. Protective norms exist in Articles 28E(3) and 28F of the Constitution and in Articles 4, 5, 8 and 15 of the Press Law; the failure lies in the relations among them.

This is why a consistency check cannot detect the problem. The right of reply and criminal defamation can each be applied without logical contradiction (MacCormick, 2005), yet they produce incompatible outcomes for the same act (H1), the kind of 'checkerboard' result that Dworkin's integrity condemns (Dworkin, 1986): the Supreme Court gave precedence to the Press Law in the Bambang Harymurti case (Decision 1608 K/Pid/2005), but Diananta and Asrul were later convicted for comparable conduct, because no statutory priority rule binds the courts (H2).

Vertical incoherence (V1) appears in three places: platform obligations rest on Presidential Regulation Number 32 of 2024, which offers only voluntary arbitration (Article 8) and cannot carry sanctions under Article 15(1) of Law Number 12 of 2011; AI rules rest on a Press Council regulation that binds only the press community, although those most likely to fabricate imitations of journalism lie outside it; and, until 2026, the precedence of the press mechanism rested on the 2021 Joint Decree and memoranda of understanding that do not bind judges. The 2019 internet shutdown in Papua, declared unlawful in Decision 230/G/TF/2019/PTUN-JKT, illustrates V2.

Horizontal incoherence (H1, H2) is the most damaging. One news report may be processed under the Press Law, as defamation under Article 27A of the EIT Law or Article 433 of the Criminal Code, or as false news under Articles 263–264 of the Criminal Code; an investigative report naming an official may also fall under Articles 65(2) and 67(2) of the PDP Law, whose exemptions in Article 15(1) omit journalism. The public-interest defences in Article 45(7) of the EIT Law and Article 433(3) of the Criminal Code operate only after a prosecution has begun. In both the Diananta and Asrul cases a Press Council assessment preceded imprisonment (Kotabaru District Court, 10 August 2020; Palopo District Court, 23 November 2021), and from January to November 2025 Press Council experts handled 86 cases under the EIT Law against 17 under the Press Law (Dewan Pers, 2026).

Systemic incoherence (S1–S3) is the institutional face of the same problem: no statute gave Press Council assessments binding effect on investigators and prosecutors. Decision 145/PUU-XXIII/2025 partly cures S2 by requiring prior exhaustion of the Press Council mechanism, but it leaves to the legislature who counts as a journalist 'lawfully exercising the profession', the procedure and time limits of that stage, and the consequence of bypassing it. Journalists' safety likewise lacks a statutory institution (S1): Article 18(1) of the Press Law operates only through case-by-case prosecution, as in the Nurhadi case (Decision 5995 K/Pid.Sus/2022), and the National Press Safety Mechanism launched in 2025 has no statutory footing (Dewan Pers, 2025b).

Temporal incoherence (T1, T2) lies in a statute that regulates only Indonesian press companies (Article 9(2)), says nothing on platform distribution, algorithms, citizen journalism or AI, and has no review clause. Axiological incoherence (A1, A2) lies in outcomes: imprisonment remains available for journalism already corrected through the right of reply, although imprisonment is never an appropriate penalty for defamation (United Nations Human Rights Committee, 2011, para. 47), and the vague false-news formulations struck down in Decision 78/PUU-XXI/2023 survive in Articles 263–264 of the new Criminal Code. The legal significance of this diagnosis is that further sectoral rules would deepen rather than cure the problem; each incoherence is linked to its remedial norm in Table 4.

Comparative Findings: Australia, Canada and the European Union

Finding 1: a bargaining obligation is effective only with a statutory, non-discretionary backstop. Australia's bargaining code (Competition and Consumer Act 2010, Part IVBA) produced more than 30 agreements between platforms and news businesses (The Treasury, 2022), but only under the threat of ministerial designation, which was never exercised; distribution remained opaque and less favourable to small publishers (Bossio & Barnet, 2023), and the code offered no lever when Meta declined to renew its agreements. Parliament's 2026 response was a statutory charge on large platforms, reduced by payments made to news businesses (Australian Taxation Office, 2026; Wells & Mulino, 2026). For Indonesia, the voluntary arbitration in Article 8 of Presidential Regulation Number 32 of 2024 reproduces the weakness that Australia had to correct, so the new statute should contain a backstop that depends neither on ministerial discretion nor on platform consent.

Finding 2: payments should be distributed through a transparent, formula-based mechanism, and the backstop must work even if a platform exits. Under Canada's Online News Act, Google's agreement, exempted under section 11, yields CAD 100 million a year distributed by a collective according to the number of journalists employed (Canadian Radio-television and Telecommunications Commission, 2024), which protects small and local publishers; Meta, by contrast, withdrew news from its Canadian services rather than pay (Flew et al., 2024). For Indonesia, this supports a statutory distribution formula and a backstop that does not rely on platform consent.

Finding 3: obligations on algorithms and AI must bind all actors by statute. The European Union regulates these functions through legislative acts rather than self-regulation: recommender-system transparency and systemic-risk duties (Digital Services Act, Articles 27, 34 and 35), source protection and safeguards before platforms restrict media content (European Media Freedom Act, Articles 4 and 18), and disclosure of AI-

generated text unless it has undergone human editorial control (AI Act, Article 50(4)). For Indonesia, this supports placing algorithmic transparency and AI labelling in the press statute instead of a Press Council regulation that binds only the press community.

Finding 4: a journalistic exemption in data protection exists only where the legislature has written it. It is mandated by Article 85 of the General Data Protection Regulation and enacted in section 7B(4) of Australia's Privacy Act 1988 and section 4(2)(c) of Canada's PIPEDA, whereas Indonesia's PDP Law has none, and the Constitutional Court declined to read one in (Decision 135/PUU-XXIII/2025). The gap can therefore be closed only by statute.

Table 3 summarises the four systems in uniform categories. Its central comparative finding is that functions regulated by statute in all three comparators are regulated in Indonesia below statutory rank or not at all.

Table 3. Comparative Regulation of Digital Platforms, Artificial Intelligence and Journalistic Protection Using Uniform Categories

Category	Australia	Canada	European Union	Indonesia
Main instrument on platform-news relations	S: Competition and Consumer Act 2010, Part IVBA (2021); News Media Bargaining Charge Act 2026	S: Online News Act, S.C. 2023, c. 23	S: Directive (EU) 2019/790, Article 15 (related right)	Sub: Presidential Regulation 32/2024
Addressees	Platforms designated under s 52E (none designated); from 2026, platforms above AUD 250 million Australian digital advertising revenue	Digital news intermediaries with a significant bargaining power imbalance (s 6)	Information society service providers using press publications	Digital platform companies (Article 5)
Remuneration mechanism	Good-faith bargaining; charge reduced by payments to news businesses (2026)	Bargaining, or exemption for qualifying agreements (s 11); Google CAD 100 million a year through a collective	Licensing of the related right	Paid licence, revenue sharing or data sharing (Article 7)
Enforcement backstop	Final offer arbitration; statutory charge (2026)	Final offer arbitration (s 19); administrative monetary penalties	S: remedies under national law implementing Directive 2004/48/EC	Voluntary arbitration or ADR (Article 8); no statutory sanction

Algorithmic distribution and moderation	V: industry code on disinformation and misinformation (2021)	S: prohibition of undue preference (s 51)	S: DSA, Articles 27, 34 and 35	Sub: Presidential Regulation 32/2024, Article 5 (algorithm design); S: EIT Law, Article 40 (general take-down powers, not specific to news)
AI-generated content	V: Guidance for AI Adoption (2025), replacing the Voluntary AI Safety Standard (2024)	V: voluntary code of conduct on advanced generative AI (2023)	S: AI Act, Article 50 (from 2 August 2026)	V: Press Council Regulation 1/2025 (press community only)
Journalistic exemption in data protection	S: Privacy Act 1988, s 7B(4) (conditional)	S: PIPEDA, s 4(2)(c)	S: GDPR, Article 85 (mandatory; content set nationally)	None: PDP Law, Article 15(1); Constitutional Court Decision 135/PUU-XXIII/2025
Protection of journalistic sources	S: Evidence Act 1995 (Cth), s 126K	S: Canada Evidence Act, s 39.1 (2017)	S: EMFA, Article 4	S: Press Law, Article 4(4) (right of refusal)

Source: compiled by the authors from the primary legal materials cited; status as of 31 August 2026. S = statute or EU legislative act; Sub = sub-statutory instrument; V = voluntary or self-regulatory instrument.

The Blueprint: Ten Principal Substances

Integrating the diagnosis and the comparative findings, the blueprint comprises ten principal substances, each stated below as one core norm answering at least one indicator of incoherence; the supporting legal evidence is set out in Table 4 and the test results in Table 5.

First, function-based definitions of the press, the press company and the journalist that cover digital media and new forms of journalism, curing the obsolescence of the statutory concepts (T1). **Second**, a guarantee of press freedom in its negative and positive dimensions, with a statutory National Press Safety Mechanism and mandatory restitution, to institutionalise the protection of journalists (S1, S3). **Third**, a mandatory tiered procedure for reporting disputes that codifies Decision 145/PUU-XXIII/2025, renders inadmissible any case that bypasses the Press Council and excludes custodial sentences, ending conflicting routes for the same journalistic act (H1, S2, A1).

Fourth, an independent, regionally represented Press Council whose assessments state organs must request and follow, remedying their lack of binding effect (S2). **Fifth**, a statutory chapter on digital platform responsibility with mandatory bargaining, final offer arbitration and a non-discretionary backstop, lifting platform duties from sub-

statutory rank (V1). **Sixth**, a statutory chapter on AI requiring human control and content labelling and penalising misleading imitations of journalistic work by any actor, replacing a rule that binds only the press community (V1, T1).

Seventh, a journalistic exemption in personal data protection conditioned on the Code of Journalistic Ethics and the public interest, removing the conflict between the Press Law and the PDP Law (H1). **Eighth**, verification of press companies and protection of citizen journalists who meet journalistic standards, extending the statute to new actors (T1). **Ninth**, algorithmic transparency in news distribution and a rule that access restrictions affecting journalism require a statutory basis and judicial review, preventing executive curtailment of the right to information (V2). **Tenth**, a harmonising clause making the press statute the *lex specialis* for all journalistic activity, with a periodic review clause, supplying the missing priority rule and keeping the statute current (H2, T2).

Table 4. Matrix of Legal Gaps, Indicators, Evidence and Remedial Norms in the Blueprint

Present legal gap	Indicator	Legal evidence	Remedial norm (substance)
No statutory duty to give precedence to the Press Council; procedure after Decision 145/PUU-XXIII/2025 unregulated	H1, H2, S2	Diananta (Kotabaru District Court, 10 August 2020); Asrul (Palopo District Court, 23 November 2021); 2021 Joint Decree not binding on judges; Decision 145/PUU-XXIII/2025	Tiered procedure with time limits; mandatory request for the Press Council's assessment; inadmissibility of cases that bypass the Press Council; independent, regionally represented Press Council with digital oversight; <i>lex specialis</i> clause (3, 4, 10)
Exercise of the right of reply has no legal effect on prosecution	H1, A1	Diananta: right of reply, take-down and apology preceded conviction; contrast with the French <i>droit de réponse</i> and the German <i>Gegendarstellung</i>	Norm that a sincere right of reply negates material unlawfulness; public-interest defence affirmed (3)
Custodial sentences available for journalistic work	A1, A2	Risang Bima Wijaya (2007), Diananta and Asrul cases; General Comment No. 34, para. 47; Decision 78/PUU-XXI/2023	Prohibition of custodial sentences; fines and restoration (3)
No express prohibition of digital censorship	V2	Jakarta Administrative Court Decision 230/G/TF/2019/PTUN-JKT of 3 June 2020 on the Papua internet shutdown	Access restrictions affecting journalism only by statute and subject to judicial review; algorithmic transparency in news distribution (9)
Journalists' safety not	S1, S3	Nurhadi case: Article 18(1) applied only through case-by-	Extension of Article 18(1) to physical, digital and

institutionalised		case prosecution (Supreme Court Decision 5995 K/Pid.Sus/2022); 73 cases of violence in 2024; non-statutory safety mechanism (2025)	legal violence; statutory safety mechanism; mandatory restitution (2)
Platforms and AI regulated below statutory rank	V1, T1	Presidential Regulation 32/2024, Articles 5, 7 and 8; Press Council Regulation 1/2025; Law 12/2011, Article 15(1)	Platform chapter with mandatory bargaining, final offer arbitration, a non-discretionary statutory backstop and transparent distribution of payments; AI chapter on human control and labelling (cf. AI Act, Article 50) binding all actors, with sanctions for misleading imitations of journalistic work (5, 6)
No journalistic exemption in data protection	H1	PDP Law, Articles 15(1), 65(2) and 67(2); Decision 135/PUU-XXIII/2025	Journalistic exemption clause conditioned on the Code of Journalistic Ethics and the public interest, modelled on GDPR Article 85, Privacy Act 1988 s 7B(4) and PIPEDA s 4(2)(c) (7)
Concepts and procedures predate digital journalism	T1, T2	Press Law, Articles 1(1) and 9(2); Cyber Media Reporting Guideline (2012)	Function-based definitions; verification of press companies and protection of citizen journalists; review clause (1, 8, 10)

Source: compiled by the authors, 2026.

The Theory of Dignified Press Coherence as a Testing Framework

The blueprint is crowned by an original theoretical construction, the Theory of Dignified Press Coherence. *Coherence* names its criterion: a norm, decision or act is correct when it coheres with the whole order of press law; *dignified* names its centre and outer limit, human dignity grounded in Pancasila values (Prasetyo, 2015). Its originality is clearest against its two nearest neighbours. Hadjon's theory of legal protection asks whether preventive and repressive means of protection are available (Hadjon, 1987); this theory asks whether the available means work in the same direction or paralyse one another, which is the question Indonesian press law actually poses. General theories of coherence treat coherence as a quality of justification in adjudication (MacCormick, 2005; Dworkin, 1986; Alexy & Peczenik, 1990; Amaya, 2015); this theory turns it into a field-specific standard for legislation that legislators, judges, prosecutors and a self-regulatory body can all apply.

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The theory rests on four basic axioms. The Axiom of Dignity: human dignity is the centre and the outer limit of all press regulation. The Axiom of the Unity of the Order: every norm touching journalistic activity, in whatever statute it is placed, belongs to a single order of press law, from which follows a prohibition of choosing whichever legal door bears most heavily on the press. The Axiom of Harmony: a dispute arising from journalistic work is in essence a dispute of communication among citizens, so its settlement must proceed in tiers in the spirit of deliberation. The Axiom of Fallibility and Correction: both the press and the law are human works capable of error, so an error corrected through the system's own mechanism may not be treated in the same way as deliberate falsehood.

From these axioms follow the five dimensions of coherence defined in Table 2, so that theory and method share a single set of indicators. The theoretical contribution lies in their order: each dimension presupposes the previous one, since whether an institution can enforce a norm matters only once the norm sits at the right level and does not conflict with its neighbours, and the axiological dimension comes last as the highest test because it judges the outcome the norm produces.

The theory is made usable as a six-step Dignified Press Coherence Test. Its distinctive first step is a functional test of journalism: conduct is journalistic when it consists in seeking, verifying, processing and conveying information to the public in compliance with the Code of Journalistic Ethics and with readiness to answer through the right of reply, irrespective of the technology used. Steps 2 to 6 apply the five dimensions in order, and every finding of incoherence carries a legal consequence: a restriction resting on a sub-statutory instrument cannot be applied (V1), a journalistic dispute routed into general criminal law must be returned to the press mechanism (H1, S2), an obsolete definition must be replaced by a functional one (T1), and imprisonment for corrected good-faith journalism must be excluded (A1).

The test is also reflexive. Applied to Article 27A of the EIT Law as used against a corrected news report, it fails at the horizontal, systemic and axiological steps; applied to the remedial norm in substances 3 and 10, it passes all six steps (Table 5). The blueprint is thus designed to satisfy the same standard by which it assesses current law.

Table 5. Five Dimensions of Coherence: Operational Test, Findings, Results and Remedial Norms

Dimension	Operational test (question and indicators)	Finding in this study	Result	Remedial norm
Vertical	Is the matter regulated at the level its content requires? (V1, V2)	Platform duties only in Presidential Regulation 32/2024; AI only in Press Council Regulation 1/2025; precedence of the press mechanism formerly only in the 2021 Joint Decree; internet shutdown by executive act (Decision 230/G/TF/2019/PTUN-JKT)	Incoherent (V1, V2)	Elevation to statutory rank with sanctions; access restrictions only by statute (substances 5, 6, 9)

Horizon tal	Do the statutes governing the same act give one answer? (H1, H2)	Press Law versus the EIT Law, the Criminal Code and the PDP Law; 86 EIT Law cases against 17 Press Law cases handled by Press Council experts (January–November 2025)	Incoherent (H1, H2)	<i>Lex specialis</i> clause; journalistic exemption (substances 7, 10)
Systemic	Is there an institution able to give the norm effect? (S1–S3)	Press Council assessments disregarded in the Diananta and Asrul cases; Decision 145/PUU-XXIII/2025 partly cures S2; safety mechanism non-statutory	Incoherent (S1, S3; S2 partly cured)	Tiered procedure with consequences; stronger Press Council; statutory safety mechanism (substances 2, 3, 4)
Temporal	Does the norm reach the technology it governs? (T1, T2)	No provisions on platforms, algorithms, citizen journalism or AI; no review clause	Incoherent (T1, T2)	Function-based definitions; AI chapter; review clause (substances 1, 6, 8, 10)
Axiological	Does the outcome respect constitutional values and human dignity? (A1, A2)	Imprisonment possible for corrected good-faith journalism; vague false-news formulations in Articles 263–264 of the Criminal Code	Incoherent (A1, A2)	Right-of-reply norm negating material unlawfulness; prohibition of imprisonment (substance 3)

Source: constructed by the authors, 2026.

From these axioms and dimensions five propositions follow. Constitutional coherence: the protection of press freedom is an active duty of the State, not a mere duty of abstention. Procedural coherence: the settlement of reporting disputes must proceed in tiers on the principle of harmony. Material coherence: a sincere and proportionate exercise of the right of reply negates material unlawfulness and the element of intent, so a custodial sentence is never appropriate for journalistic work. Functional coherence: responsibility within the digital information ecosystem is layered and follows function rather than technology. Legislative coherence: press law reform must be anticipatory and embodied in certain statutory norms, not left to precedent, internal guidance for officials or institutional regulations of limited binding force (Rahardjo, 2009; Kusumaatmadja, 2002).

The theory does not replace the frameworks from which it draws. It takes from the theory of the Pancasila state based on law the positive duty of the State and the spirit of harmony, from Hadjon the tiered structure of protection, from Friedman the triad that grounds the systemic dimension, from the social responsibility theory of the press the layered responsibility that grounds functional coherence (Siebert et al., 1963), and

from development and progressive legal theory the anticipatory orientation that grounds temporal coherence. Its original contribution lies in three elements found in none of these sources: the diagnosis of incoherence as the core problem, which redirects reform from adding norms to re-ordering them; the decomposition of coherence into five dimensions with indicators and decision rules, which turns coherence from an ideal into a working tool; and the parallel between legal and journalistic method, both of which test statements against other statements and accept correction, from which follows the rule that the right of reply is a mechanism of epistemic correction whose sincere exercise negates material unlawfulness.

The fifth proposition explains why the remedy must be legislative. Precedent does not bind Indonesian courts, the 2021 Joint Decree does not bind judges, and Decision 145/PUU-XXIII/2025, though binding on everyone, states only the constitutional minimum, whose follow-up Article 10(1)(d) of Law Number 12 of 2011 assigns to statute; Decision 135/PUU-XXIII/2025 likewise shows that a journalistic exemption can come only from the legislature. Conversely, the 2024 Broadcasting Bill, which would have prohibited the exclusive broadcast of investigative journalism contrary to Article 4(2) of the Press Law and the watchdog function of the press (Manan, 2011), shows that legislation enacted without a coherence test may itself create new incoherence.

CONCLUSIONS

Future press legislation capable of protecting every element of the media in the use of information technology must begin from a correct diagnosis. Measured by operational indicators, the core problem of Indonesian press law is incoherence rather than a shortage of norms: platform and AI obligations sit below statutory rank (vertical), the same journalistic act is exposed to conflicting procedures (horizontal), Press Council assessments have lacked binding effect (systemic), the statute's concepts do not reach digital journalism (temporal), and imprisonment remains available for corrected good-faith reporting (axiological).

The remedy is a blueprint for a new press statute comprising ten principal substances: function-based definitions; a guarantee of press freedom in its negative and positive dimensions with a statutory safety mechanism and restitution; a mandatory tiered procedure that codifies Constitutional Court Decision Number 145/PUU-XXIII/2025 and prohibits custodial sentences for journalistic work; a strengthened Press Council; a platform chapter with a non-discretionary statutory backstop; an AI chapter binding all actors; an express journalistic exemption in data protection; verification of press companies and protection of citizen journalists; content moderation and algorithmic transparency under judicial supervision; and a harmonising *lex specialis* clause with periodic review. The comparative analysis supports two design choices in particular: the experience of Australia and Canada suggests that bargaining is fragile without a backstop that depends neither on ministerial discretion nor on platform consent, and the four systems compared show that a journalistic exemption exists only where the legislature has written it.

The blueprint is crowned by the Theory of Dignified Press Coherence, with four axioms, five dimensions, five propositions and a six-step test that allows legislators, judges, law enforcement officials and the Press Council to determine, on stated indicators, whether a norm is coherent or incoherent.

It is recommended that the amendment of Law Number 40 of 1999 be placed on the priority National Legislation Programme with this blueprint as material for the academic manuscript; that the follow-up to Constitutional Court Decision Number 145/PUU-XXIII/2025 be enacted in statute, as Article 10(1)(d) of Law Number 12 of 2011 contemplates; that the substance of Presidential Regulation Number 32 of 2024 and Press Council Regulation Number 1/PERATURAN-DP/I/2025 be elevated to statutory rank; that a journalistic exemption be enacted in harmony with the PDP Law; and that the Broadcasting Bill, which has returned to the 2026 priority list (Bisnis.com, 2026), be subjected to the coherence test before enactment. Further research should examine legal responsibility for journalistic work produced by generative AI, models of supervision over news distribution algorithms, and the empirical operation of the systemic dimension through socio-legal study.

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