

THE IMPLEMENTATION OF ROLE AND FUNCTION OF THE PRESS ACCORDING TO LAW NUMBER 40 YEAR 1999 TOWARD LAW ENFORCEMENT OF CORRUPTION IN INDONESIA BASED ON JUSTICE VALUES

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ABSTRACT

The purpose of this study was to analyze the implementation of the role and function of the press according to Law Number 40 year 1999 concerning the Press about law enforcement efforts against corruption in Indonesia and to analyze the reconstruction of the press function in Law Number 40 year 1999 on law enforcement efforts against corruption in Indonesia based on the value of justice. The method used in this study was an empirical approach. The legal material consisted of primary and secondary data. Primary data were obtained by interviewing the responses that were selected by non random sampling purposive technique, the interviews were conducted with free guided techniques with respondents consisting of academics and legal practitioners, law enforcement officers, press, figures communities and NGOs. The secondary data were obtained from literature studies. The data collected were then analyzed with qualitative methods. Results of research on the role of the press in Article 6 of the Press Law No. 40 fulfill the right of the community to know, uphold the basic values of democracy, encourage the realization of the rule of law, and human rights, and respect diversity; Develop public opinion based on the right, accurate and correct information; Supervise, critique, correct and also advise on matters relating to the public interest; Fight for justice and truth. The supervision of perpetrators of corruption in Indonesia can be done directly through the presentation and information provided through the press/mass media. This can provide positive things for the community, especially in terms of law enforcement in Indonesia. 3) Actors of corruption also have a value of justice that must be upheld by law enforcement in Indonesia. So the reconstruction is, Article 3 of Law Number 40 year 1999 concerning the Press reads: (1) the National Press has the function as a medium of information, education, entertainment, social control, maintaining independence and protecting equally the interests of the government and corruptors. Article 6 of Law Number 40 year 1999 concerning the Press reads: (c). Develop public opinion based on the right, accurate and correct information and protect the public and suspect interests in a balanced manner.

Keywords: Reconstruction, Corruption, Press, Value of Justice

I. BACKGROUND

Indonesia is a State Law, it is a State based on Pancasila and the 1945 Constitution of the State of the Republic of Indonesia. It is also an agreement to form a state government, protect all nations and all bloodshed, promote public welfare and educate the life of the nation.¹ Pancasila is the main basic values which is as crystallization of various values that live in society. It is the soul of the nation (volksgeist) in society and nation of Indonesia which is the guiding star (leidstar) in the life of society, nation and state of Indonesia.²

The existence of technology in Indonesia has a major influence on changes in people's lifestyles, the more rapid the technological development of a country, the more advanced the pattern of life of the people, one of which is characterized by sophisticated crime. This crime certainly cannot be underestimated, because they must be dealt with according to fair law.

Furthermore, in the Islamic idea of justice, it starts from a discourse on divine justice, whether the ratio of human beings can know good and bad to uphold justice on earth without relying on revelation or otherwise humans can only know good and bad through revelation (Allah). Therefore the law must be enforced as fairly as possible, including the perpetrators of corruption.³

¹I Nyoman Adi Rimbawan and Sri Endah Wahyuningsih, *Ideal Reconstruction Of Crime Liability Of Underage Drivers Causing The Loss Of Life Of Others Based On Values Of Justice.*, *International Journal of Advanced Research*, *Int. J. Adv. Res.* **5(8)**, 2017. DOI URL: <http://dx.doi.org/10.21474/IJAR01/5278>

²Anis Mashdurohaturun, Hayyan Ul Haq, Sony Zuhuda, *Social Function Reconstruction Of Intellectual Property Rights (Ipr) Based On Justice Values*, *International Journal of Law Reconstruction* Volume I, Issue 1, September 2017, page.145. See to Anis Mashdurohaturun, *Constructing And Developing The Social Function Principles In Utilising Copyright Products Related To The Fundamental Rights*, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol. 7, Issue 4 (Aug.) 2015, page.94

³ Sri Endah Wahyuningsih, *Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering Dalam Rangka Pembaharuan Hukum Pidana Di Indonesia*, *Jurnal Pembaharuan Hukum*, Volume II, No.1, January – April 2015, Page.46.

This research was refined from several previous studies, including research conducted by Hadiati E, Irwan Abdullah, WeningUdasmoro (2013), with research findings that the media is not a free channel, because it does not preach what it is as it is often described. The media actually constructs reality in such a way that it often comes out of context. It is not surprising that every day continuously can be seen how the same event is treated differently by the media. One of the most frequent media reports is the issue of corruption involving women. The reporting of women perpetrators of corruption is very full of interests outside the substance of corruption itself. Subsequent research was conducted by SinungUtamiHasriHabsari (2013) entitled Analysis of Framing Media Coverage Against Women Corruptors, which found that corruption is a serious problem faced by Indonesian people today. The culture of corruption and the difficulty of eradicating corruption cannot be separated from the influence of the State and power. Corruption practices have entered to various levels in government, involving various groups, and forming a wide network. The next research was conducted by Eko Harry Susanto (2012) entitled Media Existence in Corruption Eradication, which found that in the free press paradigm, audiences really have the authority in determining the mass media that has credibility in eradicating corruption as a source of information. Because, it cannot be denied that the media with inherent news ideology, business orientation and communalism interests are not impossible to ignore cases or allegations of corruption cases, which are related to the existence of media institutions. Therefore, it is appropriate that superior media based on journalistic rules and codes of ethics will be used as a reference for public information. But the problem is, the movement of our mass media, even though it has been protected by various independence provisions, is still the target of state power and people who are not in agreement in the reporting of transparent corruption cases.

Corruption is one of the diseases of society that is the same as other types of crime such as theft. It has existed since human live on this earth. The problem is that increasing corruption is in line with the advancement of prosperity and technology.

The problem of corruption is very difficult to eradicate as long as state and government organizers do not have a genuine commitment to complete the shortcomings and limitations of the sides that can cause vulnerability to corruption. The high licensing costs, operational costs, production costs, the length of time needed in fulfilling services, limited human resources, technological resources, infrastructure requires a long time, the amount of energy spent in every matter with the government or the state, and the magnitude of the psychological burden of a regulatory uncertainty is a result of the systemic failure of our country's management.

Severe sanctions, on principle, will only be imposed if other lighter law enforcement mechanisms are ineffective or are deemed unsuitable. Criminal law sanctions must be equal and proportionate to what is actually done by the perpetrator of the crime⁴. Forms of sanctions "impoverishment" include restorative justice efforts in which the offender must return to its original condition before he committed a corruption crime. Enforcement of justice in question not only imposes equal sanctions on the perpetrators but also pays attention to the side of justice for the injured victims, namely returning the state assets that have been stolen.

As stated by BardaNawawiArief, in addition to non-penal efforts can be pursued by making the community healthy through social policies and by exploring the various potentials within the community itself. It can also be explored from various other sources which also has effect-preventive potential. Other sources such as the press or mass media, the use of technological progress is known as techno-prevention and the use of potential preventive effects from law enforcement officials.⁵

From BardaNawawiArief's statement, it is clear that one of the non-penal attempts which has the potential for preventive effects in combating crime is the mass media. Thus, if the mass media is utilized in tackling criminal acts of corruption in Indonesia, it is in accordance with the theoretical framework in criminal policy. The importance of mass media is used in efforts to tackle criminal acts of corruption because the mass media or the press has a strategic function in criminal politics.

Based on the reasons outlined above, then in tackling corruption through criminal efforts or the criminal justice system given that corruption in Indonesia is an extraordinary crime, it is necessary to eradicate corruption. It must be carried out by extraordinary means, namely by conducting extraordinary procedures, extra-ordinary measures, which include the use of mass media in criminal law enforcement activities in the context of eradicating corruption.

Based on the background description above, the researchers wanted to examine the Reconstruction of the Press Role on Criminal Cases of Corruption in Indonesia Based on the Value of Justice. Reconstruction of the role of the press in Article 3 and Article 6 is further emphasized, especially in Article 6 point (e) concerning fighting for justice and truth.

II. PROBLEM

1. How is the implementation of the press function according to Law Number 40 year 1999 regarding the efforts to uphold the law of corruption in Indonesia in this current time?
2. Why does the implementation of the press function according to Law Number 40 year 1999 on efforts to uphold the law of corruption in Indonesia not fair?
3. How is the reconstruction of the press function in Law Number 40 year 1999 concerning efforts to uphold corruption in Indonesia based on the value of justice?

⁴ Jan Rimmelink, *HukumPidana*, GramediaPustakaUtama, Jakarta, 2003, page.15.

⁵ BardaNawawi Arif, 1996, *BungaRampaiKebijakanHukumPidana*, Bandung: Citra Aditya Bakti. Page.35.

III. RESEARCH METHODS

1. Research Paradigm

The researchers in this study used the paradigm of constructivism. Constructivism theory is a theoretical approach to communication. Constructivism theory states that individuals interpret and act according to various conceptual categories in their minds. According to this theory, reality does not show itself in its rough form, but must be filtered first through how someone sees something. Operationalization of the constructivism paradigm in this study was used to obtain empirical material data in the practice of methodology.⁶

2. Type of Research

This type of research is descriptive analysis. According to Kirk and Miller, descriptive analytical research is a particular tradition in social science that is fundamentally dependent on observations on humans both in their region and in their terminology⁷. With qualitative research, it is expected to find hidden meaning in the text and facts in the reality of the community related to the termination of the press about corruption in Indonesia with the aim of understanding social phenomena in depth and holistic.

3. Research Approach

According to SoerjonoSoekanto and Sri Mamudji, normative legal research includes research on the principles of law, the level of legal synchronization.⁸ The research approach used in this study was sociological legal research or commonly called sociological juridical research. In this study, the law is conceptualized as an empirical phenomenon that can be observed in real life.

4. Data Source

This study used primary and secondary data. Primary data were data obtained by researchers in the field. The type of data used was primary and secondary data. To obtain primary data, the researcher refers to data or facts and legal cases obtained directly through research in the field, including information from respondents relating to the object of research and practice that can be seen and related to the object of research. On the other hand, secondary data were gained by means of literature study. This secondary data were useful as a theoretical basis to base the analysis of the main problems in this study. Secondary data in this study include:

- a. Primary legal material, consisting of:
 - 1) The 1945 Constitution of the Republic of Indonesia.
 - 2) Criminal Code (KUHP).
 - 3) Law Number 40 of 1999 concerning Law No. 40 of 1999 concerning Press.
 - 4) Law Number 20 of 2001 concerning Eradication of Corruption Crimes.
 - 5) Law Number 28 of 1999 concerning the Organization of Clean and Corruption, Collusion and Nepotism Countries.
- b. Secondary legal material.

Books, documents of research results in the field of law, especially the issue of General Policy Against Traffic Violations by Children.

- c. Tertiary legal material consists of:

Indonesian Dictionary, English Dictionary, Legal Dictionary, Encyclopedia and teaching tools (hand out) about the procedures for scientific writing.

5. Data Collection Techniques

Primary data collection techniques were carried out with literature, observation and in-depth interviews with key informants that had been determined by researchers based on the characteristics of the study. Lincoln and Guba put forward the purpose of the interview, which is to construct about people, events, activities, organizations, feelings, motivations, demands, concerns, and others roundness; reconstructing such roundness as experienced by the past, verifying, changing and expanding information obtained from others.⁹

Respondents interviewed included academics and legal practitioners, law enforcement officers, the press, community leaders and NGOs. While secondary data collection, carried out with literature study (documentation). It was a series of businesses to obtain data by reading, analyzing, classifying and conducting an understanding of legal materials in the form of regulations, the literature has relevance to the issues raised.¹⁰

To obtain secondary data, literature study was conducted to obtain primary and secondary and tertiary materials.

6. Data Analysis Techniques

The data analysis method used was descriptive qualitative, it is the decomposition of data analysis based on the information obtained from the respondents to achieve the clarity of the issues to be discussed¹¹, namely by analyzing data since researchers are in the field. Next the researcher did the preparation, categorizing the data in the pattern/theme. After the data were validated, researchers conducted inductive qualitative reconstruction and analysis to be able to answer the problem. Data were analyzed by

⁶ Norman K. Denzin, Yvonna S. Lincoln, *Handbook of Qualitative Research*, diterjemahkanolehDaryatno, BadrusSamsul Fata, Abi, John Rinaldi, PutakaPelajar, Yogyakarta,2009.page 137.

⁷Lexy J. Moeleong, 2008, *MetodePenelitianKualitatif*,RemajaRosdakarya, Bandung, page. 4

⁸SoerjonoSoekantodanSri Mamudji, 2001. *PenelitianHukumNormatifsuatuTinjauanSingkat*RajaGrafindoPersada, Jakarta, page.13-14.

⁹LexyJ.Moleong, *Opcit.* page. 148

¹⁰SoerjonoSoekantodan Sri Mamudji, *Op.Cit.*, page. 25

¹¹Sugiyono. 2012. *MetodePenelitianKuantitatifKualitatifdan R&D*. Alfabeta. Bandung, page. 13

using an interactive model proposed by Matthew B. Miles and A. Michael Huberman¹² which includes 3 (three) activities, namely data reduction, data presentation and conclusion drawing or verification.

7. Data Validation Techniques

Data validation techniques aim to determine the validity of the data obtained in the study. The technique used was triangulation at the source, namely (1) making comparisons between the data obtained from the observations with the data obtained from interviews with informants; (2) making comparisons between perceptions, views and public opinion with the perceptions, views and opinions of researchers; (3) making comparisons between the results of interviews with the documents of the literature review. After the triangulation process is carried out, then the researcher determines the data considered valid to be used as research material.

IV. DISCUSSION

1. Implementation of the Press Function According to Law Number 40 year 1999 Against the Law Enforcement Corruption in Indonesia Today

Law No. 40 year 1999 concerning the Press has reflected the need for freedom of the press as stated in the dictum of consideration which states: Press freedom is one form of people's sovereignty and becomes a very important element in creating democratic society, nation and state. Life in a democratic society, nation and state, freedom of expression of thoughts and opinions in accordance with conscience and the right to obtain information are essential human rights that are needed to uphold justice and truth, promote public welfare and educate the lives of the nation. National press as a vehicle for mass communication, disseminator of information, opinion formers must be able to carry out the principles, functions, rights and obligations, and their role as best as possible based on professional press freedom, so that they must be able to guarantee and protect the law, and free from interference and coercion from anywhere.

The press in this case is mass media, is a type of communication aimed at a number of scattered, heterogeneous and anonymous audiences through print or electronic media, so that the same information message can be received simultaneously and momentarily. The use of mass media means the use of various forms of mass media, both printed and electronic for certain purposes. In general, the mass media has a function as a medium of information, education, entertainment and social control. This is as formulated in Article 3 paragraph 1 and paragraph 2 of Law No. 40 year 1999 concerning the Press, namely the Function of the National Press is as a medium of information, education, entertainment and social control, and can function as an economic institution.

The role of the press or mass media as formulated in Article 6 of the Press Law No. 40 year 1999 concerning Press stated that the National Press will carry out the following roles: To fulfill the right of the public to know; Uphold the basic values of democracy, encourage the realization of the rule of law and human rights, and respecting diversity; develop public opinion based on the right, accurate and correct information; supervise, critique, correct and also advise on matters relating to the public interest; fight for justice and truth.

The function of the press is to influence the views of the public about crime and punishment, so if it is related to its function in dealing with corruption, the mass media here is expected to influence the people's view of the community's knowledge, feelings or beliefs and participatory behavior in handling corruption.

The press as a non-penal means can also be played as an effort to overcome corruption. As a non-reasoning means the press can also be used as a driver for the functioning of the means of reasoning to be more effective.

The reasoning policy is always related to three main things, including: first, the overall principles and methods that form the basis of the reaction to violations of the law in the form of criminal. Second, the overall function of the law enforcement apparatus, including the workings of the courts and the police. Third, the overall policy aims to uphold the central norms of society. This means that criminal policy is a rational effort from the community in overcoming crime.

Criminal policies with non-penal means efforts are to overcome crime by not carrying out criminal law. Non-reasoning efforts can also be interpreted as preventive measures, such as improving certain conditions in the community or carrying out certain controls as an effort to prevent crime. In addition, it can also take the form of socialization of a new legislation, which includes a criminalization of certain acts that are social symptoms in modern society.

The role of the Press in conveying information to the public is about the handling of corruption law enforcement, in order to be known quickly by the community, there is no need to do face-to-face communication. In this case law enforcement officials (Police, Prosecutors, Courts, Correctional Institutions) are sufficient to conduct press releases to the media or invite reporters to press conferences, so that in a short time the information will be widely disseminated to the community.¹³

2. The implementation of the press function according to Law Number 40 year 1999 towards the enforcement of corruption in Indonesia is not fair

The history of the development of the Journalistic Code of Ethics in Indonesia cannot be separated from the history of the development of the press in Indonesia. Journalistic Code of Ethics is a set of journalistic professional ethics. Reporters other

¹²Matthew B. Miles & A. Michael Huberman, 1992, *Analisis Data Kualitatif*, UI Press, Jakarta, page. 22

¹³Oetama, 2009. *Perspektif Pers Indonesia*, LP3ES. Jakarta.

than limited by legal provisions, such as the Press Law No. 40 year 1999, must also adhere to the journalistic code of ethics. The aim is that journalists are responsible for carrying out their profession, namely finding and presenting information.

Information media is part of the function of the press from the dimensions of idealism. The information presented by the press is news that has been selected from various news that entered the editorial desk, from various sources collected by reporters in the field. According to Idiil Press Coaching, the press carries a positive function in supporting support for the progress of the community, having the responsibility to disseminate information about progress and development success to the reading community. Thus, it is expected that the press readers will be moved in the progress and success.

The press as a social institution engaged in the collection and dissemination of information has a mission to help educate the community, uphold justice to educate the community and eradicate evil. During carrying out its duties, the press is closely related to the social values that apply in society. In social life, the community has the right to know all things related to their lives. For this reason, the press as a social institution is required to meet the information needs of its people.

Function and role of the press Based on the provisions of article 33 of Law No. 40 year 1999 concerning the press, the press function is as a medium of information, education, entertainment and social control. While Article 6 of the Press Law affirms that the national press carries out the following roles: fulfilling the right of the public to know the basic values of democracy, encouraging the realization of the rule of law and human rights, and respecting the diversity of developing public opinion based on accurate, accurate, and correct information. criticism, correction, and advice on matters relating to the public interest to fight for justice and truth.

The activities of law enforcers, especially law enforcement against corruption, are not always in line with expectations. Political configuration of a country will influence the activities of law enforcement in carrying out law enforcement. This is because law enforcement against corruption acts always involves state officials or State officials. So that law enforcers themselves are not infrequently there are also those who also play in the crime of corruption itself in the form of bribery. There have been many cases of corruption which also target law enforcement, where law enforcers are trusted by the public to act fairly and uphold existing laws in accordance with the Law.

If the law enforcers are involved in corruption, from here the role and function of the press are in accordance with Law No. 40 year 1999 Article 6 e where the press can fight for justice. The implementation of the application of the Law on the function of the press can be carried out so that law enforcement that has been very light for perpetrators of corruption in Indonesia can be monitored directly by the community through the presentation and information provided through the press/mass media. Indirectly from Law No. 40 year 1999 the press also plays an important role in upholding justice as long as the information produced can give positive results to the community, especially in terms of law enforcement in Indonesia.

The press plays a major role in the process of law enforcement in Indonesia. As we see everyday in various media, it constantly broadcasts various coverage of a legal process. This proves that sometimes the press becomes a frightening threat to the law enforcement process in accordance with ideal legal theories.¹⁴

Law enforcement in Indonesia has difficulties in its implementation. Since it has changed form into a multi-dimensional, not only just a legal matter. For example: corruption in Indonesia is not merely a legal matter, but a problem of the bureaucracy, culture, politics and social behavior. Prof. Bagir Manan revealed that there is still public trust in the press in a law enforcement process as the most trusted tool in law enforcement processes compared to other institutions (based on Kompas pooling). As in the Century case, at the moment there is only a press that is still pushing for legal cases relating to Century Bank to be finalized. He argued, the two institutions that must always be encouraged in law enforcement are the press and intellectuals.¹⁵

3. Reconstruction Function of the Press According to Law Number 40 year 1999 towards the Law Enforcement Efforts of Corruption in Indonesia Based on the Value of Justice

Based on the formulation of the functions of the press or mass media in the Press Law Article 3 paragraph 1 and paragraph 2 of Law No. 40 year 1999 concerning the Press, it can be seen that the function of the press or mass media is as a medium of information, education, entertainment and social control. In relation to the use of mass media in tackling criminal acts of corruption, the function of mass media here is primarily as a media for information and press function in other countries of social control functions. Thus, the researchers can point out that in the use of mass media, both print and electronic, the relation to the prevention of corruption is among others: Information or actual news from various issues related to corrupt practices.

Disclosure and coverage of corruption cases and modus operandi of corrupt practices raise various corruption stories at various levels of government and law enforcement agencies objectively. Reporting on handling corruption is done by law enforcement officers since investigation, prosecution, court and correctional facilities. The function of social control of mass media related to the prevention of criminal acts of corruption here, among others, can be in the form of monitoring the disclosure of corruption cases handled by law enforcers starting from investigations, prosecutions, trials and correctional facilities.

¹⁴Fajar Junaedi.2007. *Komunikasi Massa: PengantarTeoritis*. Santusta, Yogyakarta, page. 45

¹⁵BagirManan, 1994. *Dasar-DasarSistemKetatanegaraanRepublik Indonesia Menurut UUD 1945*, UniversitasPedjajaran, Bandung, page. 25

The role of the press or mass media as formulated in Article 6 of the Press Law No. 40 year 1999 concerning Press stated that the National Press will carry out the following roles: To fulfill the right of the public to know; to uphold the basic values of democracy, to encourage the realization of the rule of law and human rights, and respecting diversity Developing public opinion based on accurate, accurate and correct information; to supervise, critique, correct and also advise on matters relating to the public interest, to fight for justice and truth.

Mass media as a non-penal means can also be played as an effort to overcome corruption. As a non-penal means the mass media can also be used as a driver for the functioning of the means of reasoning to be more effective. The role of mass media in conveying information to the public about handling corruption law enforcement, in order to be known quickly by the community, does not need to be done with face-to-face communication. In this case law enforcement officials (Police, Prosecutors, Courts, Correctional Institutions) are sufficient to conduct press releases to the media or invite reporters to press conferences, so that in a short time the information will be widely disseminated to the community

The role and function of the press certainly has an important role in law enforcement in this case is the prevention of corruption violations. As is known, corruption crimes that have been rampant have been very troublesome and detrimental to the State. Various efforts in disclosure and arrest for cases and perpetrators of corruption have often been carried out, but in this case the crime still remains.

As reference material for criminal acts of corruption, through media coverage that breaks down from any aspect that is considered appropriate to provide information to the public, including this is a crime of corruption. Through the role and function of the media in displaying acts of corruption so that it can be used as a means for the legal party to reconstruct the actions of the defendant of corruption which will later be used as relevant evidence for the law to find new evidence at the time of trial.

The function of the press in relation to providing information on criminal acts of corruption should also have a relevant basis and source, because those who are harmed by the perpetrators of corruption also have a value of justice that must be upheld by law enforcement in Indonesia. Then the reconstruction reads:

Article 3 of Law Number 40 year 1999 concerning the Press reads:

1. The National Press has the function as a medium of information, education, entertainment, social control, maintaining independence and protecting in a balanced manner the interests of the government and corruptors.

Article 6 of Law Number 40 year 1999 concerning the Press reads:

(c). Develop public opinion based on the right, accurate and correct information and protect the public and suspect interests in a balanced manner.

(e). Fight for justice and the truth of media independence and protect public and suspect interests in a balanced manner.

V. CONCLUSION

Summary

1. Implementation of the Press Function According to Law Number 40 year 1999 towards the Law Enforcement Efforts of Corruption in Indonesia Today, The function of the press is to influence the views of the public about crime and punishment, so if it is related to its function in dealing with corruption, the mass media here is expected to influence the people's view of the community's knowledge, feelings or beliefs and participatory behavior in handling corruption. The press as a non-penal means can also be played as an effort to overcome corruption. As a non-reasoning means the press can also be used as a driver for the functioning of the means of reasoning to be more effective.
2. The implementation of the press function according to Law Number 40 year 1999 towards the enforcement of corruption in Indonesia is not fairFunction and role of the press Based on the provisions of article 33 of Law No. 40 year 1999 concerning the press, the press function is as a medium of information, education, entertainment and social control. While Article 6 of the Press Law affirms that the national press carries out the following roles: fulfilling the rights of the public to know about the basic values of democracy, encouraging the realization of the rule of law and human rights, and respecting diversity, developing public opinion based on accurate, accurate and correct information supervision, criticism, correction, and advice on matters relating to the public interest in fighting for justice and truth.
3. Reconstruction of the Function of the Press in Law Number 40 year 1999 Against the Law Enforcement Efforts of Corruption in Indonesia Based on the Value of Justice ,The function of the press in relation to providing information on criminal acts of corruption should also have a relevant basis and source, because those who are harmed by the perpetrators of corruption also have a value of justice that must be upheld by law enforcement in Indonesia. Then the reconstruction reads:Article 3 of Law Number 40 year 1999 concerning the Press reads:1. The National Press has the function as a medium of information, education, entertainment, social control, maintaining independence and protecting in a balanced manner the interests of the government and corruptors.Article 6 of Law Number 40 year 1999 concerning the Press reads:(c). Develop public opinion based on the right, accurate and correct information and protect the public and suspect interests in a balanced manner.(e). Fight for justice and the truth of media independence and protect public and suspect interests in a balanced manner.

Suggestion

1. Implementation of the Press Function According to Law Number 40 year 1999 Against the Law Enforcement Act of Corruption in Indonesia at this time it is appropriate to give positive things for the continuity of law enforcement in Indonesia. It is natural that the role of the press can assist law enforcement in Indonesia. So far the function of the press

is still not maximized. The existence of group interests in the internal press also influences the provision of information to the community. Opinions and facts presented in the press must be proven and have strong data and resources. There have been a lot of disclosures and information from various media regarding corruption at present, but in the future the press must be able to be more courageous in carrying out its obligations in accordance with the provisions of Law No. 40 year 1999.

2. In the case of the implementation of the press function according to Law Number 40 year 1999, the efforts to uphold the law of corruption in Indonesia are not fair. So far, the completion of corruption cases is still not open to law enforcement. This is where the role of the press should be able to provide opinions and criticisms for law enforcement to be more effective in providing strict sanctions for corruptors. In the Press Law No. 40 year 1999 Article 6 points e where the press has the authority to enforce justice has helped a lot, but there are still many things that need to be needed for an evaluation regarding the press process in accordance with the Press Law No. 40 year 1999. This also provides input to state institutions to consider the Draft Indonesian Criminal Code which is discussed in 2018 so as not to weaken the KPK (Corruption Eradication Commission) and the press in particular.
3. Reconstruction of the role of the press against corrupt acts certainly does not involve personal interests and institutions alone, but this concerns the common interest between the press, law enforcement and society. So that the resulting reconstruction has a positive impact on the press process in corruption crime in accordance with the value of justice.

REFERENCES

- Anis Mashdurohatur, Hayyan Ul Haq, Sony Zulhuda, *Social Function Reconstruction Of Intellectual Property Rights (Ipr) Based On Justice Values*, International Journal of Law Reconstruction Volume I, Issue 1, September 2017.
- Anis Mashdurohatur, *Constructing And Developing The Social Function Principles In Utilising Copyright Products Related To The Fundamental Rights*, South East Asia Journal of Contemporary Business, Economics and Law, Vol. 7, Issue 4 (Aug.) 2015
- Barda Nawawi Arif, 1996, *Bunga Rampai Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung.
- Bagir Manan, 1994. *Dasar-Dasar Sistem Ketatanegaraan Republik Indonesia Menurut UUD 1945*, Universitas Pedjajaran, Bandung.
- Djoko Prakoso, 1988. *Perkembangan Delik Pers di Indonesia*. Liberty Offset. Yogyakarta.
- Farid Gaban, 2006. *Pengabdian Wartawan Dalam Penegakan Hukum*. Rosdakarya. Jakarta.
- Fajar Junaedi. 2007. *Komunikasi Massa: Pengantar Teoritis*. Santusta, Yogyakarta
- I Nyoman Adi Rimbawan and Sri Endah Wahyuningsih, 2017, *Ideal Reconstruction Of Crime Liability Of Underage Drivers Causing The Loss Of Life Of Others Based On Values Of Justice.*, *International Journal of Advanced Research, Int. J. Adv. Res.* 5(8), 2017. DOI URL: <http://dx.doi.org/10.21474/IJAR01/5278>
- Jan Rimmelink, 2003, *Hukum Pidana*, Gramedia Pustaka Utama, Jakarta.
- Lexy J. Moeleong, 2008, *Metode Penelitian Kualitatif*, Remaja Rosdakarya, Bandung
- Mattew B. Miles & A. Michael Huberman, 1992. *Analisis Data Kualitatif*, UI Press, Jakarta.
- Norman K. Denzin, Yvonna S. Lincoln, 2009. *Handbook of Qualitative Research*, diterjemahkan oleh Dariyatno, Badrus Samsul Fata, Abi, John Rinaldi, Putaka Pelajar, Yogyakarta
- Oetama, 2009. *Perspektif Pers Indonesia*, LP3ES. Jakarta.
- Soerjono Soekantodan Sri Mamudji, 2001. *Penelitian Hukum Normatif Suatu Tinjauan Singkat* Raja Grafindo Persada, Jakarta.
- Sugiyono. 2012. *Metode Penelitian Kuantitatif Kualitatif dan R&D*. Alfabeta. Bandung.
- Sri Endah Wahyuningsih, 2015, *Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering Dalam Rangka Pembaharuan Hukum Pidana Di Indonesia*, Jurnal Pembaharuan Hukum, Volume II, No.1, January – April 2015, Page.46.

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