



E-ISSN 3032-601X & P-ISSN 3032-7105

Vol. 2, No. 1, Januari 2025

MISTER

**Journal of Multidisciplinary Inquiry in Science,
Technology and Educational Research**

**Jurnal Penelitian Multidisiplin dalam Ilmu
Pengetahuan, Teknologi dan Pendidikan**

**UNIVERSITAS SERAMBI MEKKAH
KOTA BANDA ACEH**

mister@serambimekkah.ac.id

Journal of Multidisciplinary Inquiry in Science Technology
and Educational Research

Journal of MISTER

Vol. 2, No. 1, January 2025

Pages: 250–261

Analysis of Legal Responsibility of The Press in The
Perspective of John Rawls' Theory of Justice

Joko Susanto¹, Dhiny Ligi Rahma², Rinanda Asrian Ilmanta³

Deputy Chairman of the Indonesian Advocates Association, Semarang City, Indonesia¹

Bachelor of Law Student, Wahid Hasyim University, Indonesia²

Head of Office Josant and Friend's Law Firm³

Article in Journal of MISTER

Available at : <https://jurnal.serambimekkah.ac.id/index.php/mister/index>

DOI : <https://doi.org/10.32672/mister.v2i1.2408>

How to Cite this Article

APA : Susanto, . J., Rahma, D. L., & Ilmanta Rian, R. A. (2024). Analysis of Legal Responsibility of The Press in The Perspective of John Rawls' Theory of Justice. *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, 2(1), 250 – 261.
<https://doi.org/10.32672/mister.v2i1.2408>

Others Visit : <https://jurnal.serambimekkah.ac.id/index.php/mister/index>

MISTER: *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research* is a scholarly journal dedicated to the exploration and dissemination of innovative ideas, trends and research on the various topics include, but not limited to functional areas of Science, Technology, Education, Humanities, Economy, Art, Health and Medicine, Environment and Sustainability or Law and Ethics.

MISTER: *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research* is an open-access journal, and users are permitted to read, download, copy, search, or link to the full text of articles or use them for other lawful purposes. Articles on Journal of MISTER have been previewed and authenticated by the Authors before sending for publication. The Journal, Chief Editor, and the editorial board are not entitled or liable to either justify or responsible for inaccurate and misleading data if any. It is the sole responsibility of the Author concerned.



ISSN 3032-7105

ISSN 3032-601X



Analysis of Legal Responsibility of The Press in The Perspective of John Rawls' Theory of Justice

Joko Susanto^{1*}, Dhiny Ligi Rahma², Rinanda Asrian Ilmanta³

Deputy Chairman of the Indonesian Advocates Association, Semarang City, Indonesia¹

Bachelor of Law Student, Wahid Hasyim University, Indonesia²

Head of Office Josant and Friend's Law Firm³

Corresponding Author's bungjosant@student.unnes.ac.id

Received: 11 24, 2024

| Accepted: 11 25, 2024

| Published: 11 26, 2024

ABSTRACT

This study aims to analyze how legal accountability of the press can be understood and interpreted within the framework of John Rawls' theory of justice. The methodology used in this study is theoretical analysis and qualitative approach. The qualitative approach is used to explore the concepts related to legal accountability of the press and John Rawls' theory of justice. In addition, theoretical analysis is carried out to understand the relevance between legal accountability of the press and the principles of justice introduced by John Rawls. This study concludes that in the perspective of John Rawls' theory of justice, legal accountability of the press must be based on the principle of fair equality. This means that every action or report published by the media must pay attention to justice and truth, and respect the rights of individuals in society. Thus, legal accountability of the press is not only limited to the legal aspect, but also to the moral and ethical aspects in conveying information to the public. The results of this study provide an important contribution to the understanding of legal accountability of the press from the perspective of John Rawls' theory of justice. The implication of this study is the importance of the media in carrying out its role as a guardian of justice and truth in society. Therefore, there needs to be a regulation that ensures that the media adheres to the principles of justice and accountability in carrying out its duties as a conveyor of information

Keywords: Legal Responsibility of the Press, John Rawls' Theory of Justice

INTRODUCTION

Freedom of the press since the reformation has left both positive and negative effects in society. The positive impact is that the public is currently feeling that it is easier to obtain any information they want. Then the current phenomenon of the press is developing and even euphoric with its freedom. Freedom of the press in seeking, processing and disseminating information to the public has made the press an important pillar in democracy. However, after the freedom of the press gained the freest possible space, public concern arose which considered that freedom of the press had invited various negative accesses due to the political journalism of the press itself, which some people tend to interpret as excessive. The press seems to be "out of control" because it often goes too far in positioning its strategic role as a social control institution, thus giving rise to two stigmas, namely freedom of the press or excessive press.

In order to get out of this dilemma, the press community needs to condition itself to use its freedom responsibly, and carry out its function as one of the pillars of democracy. What needs to be noted is that the press has 3 (three) obligations, namely upholding the truth, respecting the privacy of certain people or subjects, and upholding the principle that what is reported or reported can be accounted for. The Press Law is a legal product intended to provide freedom to the press to be more flexible in carrying out its roles and functions. So, the main point in this case is that press freedom is not arbitrary freedom, but responsible freedom. The press must be able to carry out its social control function freely and responsibly by adhering to applicable provisions, and upholding the supremacy of law. With appropriate and measured press freedom, it is hoped that all governance and democracy can be controlled so that it continues to run on the "straight and correct path".

Through this article, the author will review the legal responsibilities of the press in the context of John Rawls' theory of justice. John Rawls, a famous political philosopher, introduced the concept of justice as fair equality and stated that every individual has the same right to justice in society. In the context of the press, legal responsibility is very important. The press has great power in shaping public opinion and influencing the direction of community policy. Therefore, in carrying out its functions, the press must have high legal responsibilities in accordance with the principles of justice promoted by John Rawls. A number of articles concerning press issues or aspects of criminal law against the press in the Indonesian Criminal Code can be divided into two parts, namely those contained in Book I concerning general rules and those included in Book II concerning crimes. The term press offense is an everyday term, and not a technical term.

According to criminal law, the publisher (Article 61) and printer (Article 62) have a favorable legal position or their criminal liability deviates from the teaching of inclusion (*deelneming*) which is contained in Title V of Book I of the Criminal Code (KUHP). This deviation from the teaching of inclusion is manifested in articles 61 and 62 of the Criminal Code above, namely that the publisher and printer will not be prosecuted if they meet the requirements in these articles.

In John Rawls' theory of justice, there are two principles of justice that must be applied in all aspects of social life, including in the practice of journalism. The first principle is the principle of political equality, which states that every individual has the same rights to political participation and access to civil liberties. The second principle is the principle of socio-economic equality, which emphasizes the importance of distributive justice in ensuring the social welfare of all individuals. In the context of the legal responsibility of the press, these two principles of justice can be applied to ensure that the press carries out its duties fairly,

transparently, and responsibly. The press must provide accurate, balanced information and be biased towards the interests of society as a whole.

That is why this article will review in more depth the theory of justice put forward by John Rawls in his book *A Theory of Justice*. As we all know, a democratic country has a pluralistic society in terms of beliefs (*religion, ideology*), primordial origin, education, economic level, and social strata.

This difference is what leads humans to differences in self-interest, which leads to socio-political activities to fulfill that self-interest. Then there will be a society that succeeds and fails in fulfilling self-interest. Thus, an economic, social, and political gap is created between the people. People who are less fortunate in fulfilling self-interest will have limitations in expressing freedom.

John Rawls is a liberal-socialist, on the one hand he prioritizes ensuring equality, freedom, and individual rights in social, economic, and political life, but on the other hand he pays attention to the welfare of the most disadvantaged groups in society and advocates saving the disadvantaged to get closer to welfare, income and authority. Thus, it is understandable why John Rawls has two major principles regarding justice.

The first principle is The Greatest Equal Principle, the principle of equal rights. The second principle is The Different Principle, which is continued by The Principle of Equality of Opportunity. According to John Rawls, the first principle can only apply to the original position, the principle of freedom applies widely when equality exists in all of society. But the current state of society is the gap between elements of society, why does this happen? Due to the overlapping consensus caused by reasonable disagreement, an inevitability that exists in a democratic government regarding differences of opinion that ultimately only win some parties (*although this disagreement is rational, there are still those who benefit and those who are disadvantaged*), this difference can only be resolved in two ways, by coercion from the dominant to the weak, or by using the second principle, The Different Principle and The Principle of Equal Opportunity.

The veil of ignorance causes the public to be unaware of the state of the gap until they do not agree with The Different Principle and The Principle of Equal Opportunity. With his arguments, one thing that John Rawls actually wants to strengthen is Justice as fairness. Both for the fortunate and unfortunate parties.

Through the analysis of the legal responsibility of the press in the perspective of John Rawls' theory of justice, it is hoped that it can provide a deeper understanding of how the press can carry out its functions and responsibilities fairly in accordance with the principles of justice promoted by the great philosopher. This research is expected to provide a positive contribution in improving journalism practices and maintaining the integrity and trust of the public in the world of the press.

METHODS OF RESEARCH

This study focuses more on normative legal research, also known as library studies or document studies, because it is more often conducted on secondary data available in libraries. In normative research, secondary data can be used as a source of information or primary or secondary legal materials. Normative research also needs to be supported by empirical data so that researchers can achieve adequate results as scientific material.

The research materials used are primary legal materials and secondary legal materials. Primary

legal materials are more identical in the study of legislation and regulations that surround them, while secondary legal materials are additional legal materials that support and strengthen the primary legal materials, such as: books and journals that study the object being studied, and other data to strengthen this research.

RESULT AND DISCUSSION

1) Responsibilities of the Press According to Law Number 40 of 1999 concerning the Press

Responsibility according to the Big Indonesian Dictionary, responsibility means the state of being obliged to bear everything (*if something happens you can be sued, blamed, prosecuted, and so on*), it can also be interpreted as "the right to accept the burden as a result of your own attitude or that of another party". Responsibility is the ability to accept or bear responsibility that arises from your own awareness and will or as a result of your own actions. Being responsible means the ability to accept or bear rights and obligations on the basis of freedom (*free will*), not arising from pressure, coercion or helplessness. This freedom with limitations is what is then called democratic responsibility. Alex Sobur argues that responsibility can only be imposed on humans, and not on animals. In this case, what is meant by humans is that they can already be subject to the law. Small children cannot or have not been said to be responsible for the "violations" they commit. If a small child, while playing, then burns down "someone's" house, the child will not be prosecuted by law. People will not consider the child guilty because, basically, small children do not understand what they are doing. Therefore it is called responsibility because people understand their actions.

In a legal norm, there are two elements of human behavior that can be distinguished between obligations and rights. Both norms are incomplete, and require other norms to complete them, namely individual responsibility for regulated behavior. All legal person actions are responsible human actions that envision the unity of law.

The responsibility of the press cannot be separated from the freedom of the press that is now enjoyed by the press. Freedom cannot be accompanied without responsibility, and between freedom and responsibility are two interrelated links. In social and state life, there is no absolute freedom. A person's freedom will stop if it violates the freedom of others or violates the public interest. Likewise with journalists, in carrying out their duties there are rights and responsibilities in relations with others.. Everyone acting without responsibility will weaken the demands for freedom, and for people who do not have freedom, it is impossible to demand accountability. To obtain freedom or freedom of the press, it must support and uphold democratic values. So that a healthy press is an independent press that carries out journalistic duties correctly, precisely, regularly and orderly.

A healthy press requires various requirements. The following are four requirements for a healthy press. Namely:

- 1) The press must follow a number of demands in carrying out the press profession. These demands include: a). ethical demands; b). politeness; c). legal demands; d). integrity demands; and e). ideal demands;
- 2) Every job demands high competence which includes knowledge competence, skill competence, in addition to other demands such as the obligation to uphold ethics, maintain client trust, and others.

In addition to being a requirement for professionalism, an increasingly advanced and complex society accompanied by the development of science and technology demands that information disseminated by the press also continues to develop to be better and more detailed than before;

- 3) The need for a management system. The purpose of press management is to achieve efficiency, effectiveness, and productivity as the function of management devices in general, good management (companies and publications) of the press, building and maintaining public trust;
- 4) Community guidance. The press is a social institution or institution, the press belongs to the public, public information as stated in Law Number 40 of 1999 concerning the Press, "*the press is a social institution, the press is a means of mass communication*". This aims to show the ties between the press and society, namely that the press should be a community worker, working for the interests of society and being responsible to society. In addition to its duty to provide correct information, a responsible and healthy press is tasked with guiding society towards a peaceful and more conducive situation and condition, towards the nation's ideals, namely realizing general welfare, educating the nation's life, achieving the greatest possible prosperity of the people on the basis of social justice for all people.

The concept of media responsibility or media responsibility is always coupled with social so that it becomes social media responsibility, especially those that have given birth to four press systems, the Four Theories of the Press developed by Siebert, Peterson and Schramm. The four theories are; authoritarian theory, libertarian theory, social responsibility theory, and Soviet-totalitarian theory. Social responsibility or press theory Social responsibility is explained based on the assumption that the principles of libertarian press theory oversimplify the problem.

In the Indonesian context, the press is responsible to the laws and regulations of the state, not to the government. As a guideline for the implementation of press freedom, in the explanation of Law Number 40 of 1999, Article 4 Paragraph (1) it is emphasized that press freedom is freedom accompanied by an awareness of the importance of enforcing the supremacy of law carried out by the courts, and professional responsibility as described in the Journalistic Code of Ethics in accordance with the conscience of the press. Article 2 of the Journalistic Code of Ethics also emphasizes that Indonesian journalists with a full sense of responsibility and wisely consider whether or not it is appropriate to broadcast written news or images that can endanger the safety and security of the state, the unity of the nation, or offend the religious feelings, beliefs or convictions of a group protected by law.

The national press is obliged to provide events and opinions while respecting religious norms and the sense of public morality as well as the principle of presumption of innocence. Violation of this norm can be subject to criminal sanctions as regulated in Article 18 of Law Number 40 of 1999 concerning the Press as follows:

- 1) Any person who unlawfully intentionally carries out an action that results in hindering or obstructing the implementation of the provisions of Article 4 Paragraph (2) and Paragraph (3) shall be punished with imprisonment for a maximum of 2 (two) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah);
- 2) Press companies that violate the provisions of Article 5 Paragraph (1) and Paragraph (2), as well as Article 13 shall be punished with a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah);

- 3) Press companies that violate the provisions of Article 9 Paragraph (2) and Article 12 shall be punished with a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).

An independent and free press is one of the pillars of democracy and is an important prerequisite in forming and moving towards good governance for Indonesia. That is why Law Number 40 of 1999 concerning the Press, especially the considerations considering point c, firmly formulates that: *"The National Press as a medium for mass communication, a disseminator of information and a former of opinion must be able to implement the principles. Its functions, rights, obligations and roles are based on professional press freedom so that it must receive legal guarantees and protection, and be free from interference and coercion from anywhere"*.

Even in order to provide this guarantee, Article 4 Paragraph (2) of Law Number 40 of 1999 concerning the Press, states that the national press is not subject to censorship, banning or broadcasting bans. If in carrying out its role and function there are problems due to press reporting in its interaction with the community, then the resolution must be resolved through reporting as well, namely through the right of reply and the right of correction. The right of reply is the right of an individual or group of people to provide a response or rebuttal to news in the form of facts that are detrimental to their good name.

The right of correction is the right of every person to correct or correct erroneous information reported by the press, either about themselves or about others. The loading of the right of reply and the right of correction is a form of social responsibility of the press to the public in presenting information that is detrimental to sources and the public. The responsibility in question is the end result of the pattern of activities carried out by the press, starting from individual activities of journalists to the delivery of information as a product that carries institutional content.

As a follow-up to Article 6 of Law Number 40 of 1999, the Press Council issued Press Council Decree Number 79/XIV/1974 dated December 1, 1974 concerning the Implementing Regulations for the Development of Press Ideology. In the decree, the Press Council explained an illustration of the process of news until the news can finally be read by the public. This outline is used as the basis for press performance, and in general, the news goes through certain stages, namely: 1) The event reaches the reporter; 2) The reporter checks whether the event is really a fact. If not a fact, it is discarded and if it is a fact, it goes to the next stage; 3) The reporter considers whether the fact has news value. If not, it is discarded and if it has news value, it continues to stage IV; 4) The reporter assesses whether the fact that has news value is fit to print. If not, it is stored in the archive, if it is fit to print, it continues to stage V; 5) At this stage, facts that have news value and are fit to print are compiled to be published in newspapers or broadcast by radio and television; 6) At this stage, facts that have been compiled with news value are printed; 7) At this stage, newspapers are distributed, and 8) at this last stage, the newspaper reaches the hands of readers, so technically the journalistic event has become news.

The accountability contained in Law Number 40 of 1999 states that the editor-in-chief must be responsible for the presentation of the press. Samsul Wahidin is of the view that if it is connected to the eight stages of the news writing process as explained at the beginning, the accountability occurs when it reaches stage eight or the event has become news. At this stage, the accountability is external in having a broad influence on society. This is where the legal responsibility for press studies begins.

2) Legal Aspects and Responsibilities of the Press in Indonesia

One of the legal aspects of the press is legal responsibility for a press crime. Regarding this legal aspect, there are various kinds, including: aspects of State Administrative Law related to guarantees of press freedom; aspects of criminal law, including those related to press crimes; aspects of civil law concerning issues of insult, defamation, and internal aspects of organizations such as the Indonesian Journalists Association, the Newspaper Company Union or press ethics such as the Journalistic Code of Ethics, the Company Code of Ethics and the Advertising Code of Ethics. In general, the sanctions are moral.

The existence of various legal aspects has also given rise to various laws regarding the press in various countries in the world. Therefore, the influence of the laws aimed at the press also differs from one another in each country. Of course, this will depend a lot on the history, ideology (political system), national temperament of the countries, one may be different from another. The legal aspect of the press in the form of responsibility is also found in various systems, including the waterfall system. This system is often referred to as the Belgian system, because this system was first implemented in Belgium, based on what is called the single liability, namely that only the author (one person) can be held criminally responsible for one press crime. However, if the author is not in place (goes abroad), then the publisher is sued, and if the publisher cannot be brought to court, then the printer, and if this is also not there, then the distributor. Criminal liability like this is called sequential liability.

Another criminal liability system is the director of publication system that applies in France. This system emphasizes that large capital owners have many interests in newspaper companies, so they are seen as responsible people. The responsible editor system emphasizes the responsibility of the editor, where the editor has the right to accept or reject an article to be published in the newspaper. This liability system is found in Central Europe, Norway and Egypt.

In Indonesia itself, there are two liability systems according to positive law, namely the Press Law No. 40 of 1999 and the Criminal Code System that is currently in effect after the Basic Press Law No. 11/1966 and Press Law No. 21/1982 have been revoked. Unlike publishers or printers whose legal standing and criminal liability are contained in Title V of the Criminal Code Book, entitled participation, in that title there is not a single word about an editor. In that title there is a guarantee for the publisher or printer, while there is no editor. This means that unlike publishers or printers, the legal standing and criminal liability of an editor follow the normal teachings of participation. Therefore, it is not mentioned, while what is mentioned is only the deviation. Participation occurs when more than one person is involved in a crime. In a writing that has a criminal nature, at least five people are involved, namely the editor, writer, publisher, printer, and distributor or *verspreider*.

For an editor, there are actually several possibilities in carrying out an act related to his work, including the possibility that he himself wrote the composition (which has a criminal nature), his actions can be qualified as *plegen*. The editor receives a text from someone else and then makes changes in such a way that the text can be seen as his own work (*werstuk*). His actions can be considered as *pleger*; but if the editor receives a text from someone else and he publishes the text without many or arguably no changes. Thus the text is not seen as his own work. Here the question arises, whether his actions are seen as the actions of a *medepleger* (*participating in doing*), or as the actions of a *medeplichtige* (*ordinary helper*).

Regarding this issue, there are two opinions, namely Van Hattum's opinion which considers the act to be an act of medepleger, on the other hand Simons, Van Hammel and also jurisprodeni (court) are of the opinion that the act is an act of a medeplichtige.

Meanwhile, Oemar Seno Adji, is of the opinion that: the editor's actions above are those of a medeplichtige, because the initiative came from someone else. Regardless of the issue of whether the act is an act of a medepleger or a medeplichtige, in order to be held criminally responsible, the editor must meet two requirements, namely: that the editor must know the contents of the writing in question and the editor must be aware of the criminal nature (strafbaar karakter) of the writing in question. If they meet the two requirements above, then only then can the editor be held criminally responsible.

In the Criminal Code there are articles that regulate violations committed by print media, including offenses of insult, defamation and slander which are qualified as press crimes. All violations are clearly stated and regulated in certain markets in the Criminal Code. In the Criminal Code system there is no successive responsibility and no fictions in criminal law. This system does not follow the sequential responsibility system that applies in Belgium, among others. It also does not follow the fictional system (sometimes the editor is responsible, sometimes someone else). On the contrary, the Criminal Code system is a system based on the "theory of activity" (whether they have a role in the writing), meaning only those involved in press crimes such as editors, writers, publishers, printers and distributors. In addition, according to the Criminal Code system, a person can be held responsible for a writing in court if he meets two conditions, namely the editor must know the contents of the writing in question and he must also be aware of the criminal nature of the writing.

3) Responsibility of the Press in the Perspective of John Rawl's Theory of Justice

John Borden (Bordley) Rawls, better known as John Rawls, is a twentieth-century philosopher who is famous for his work on the theory of justice. In 1939 Rawls entered Princeton University, majoring in philosophy. Rawls continued his career after graduating from Princeton University by enlisting in the military and being assigned to the Pacific, New Guinea, the Philippines, and Japan. In 1957, Rawls published an article entitled "*Justice as fairness*" in which he poured out his thoughts on the concept of justice, then in 1960, he presented his work on justice to the general public and scientists and then in 1971, the theory of justice initiated by Rawls was published in a book.

John Rawls argues that justice in social institutions is the highest virtue and truth in the system of thought. This sentence emphasizes simpler and more elegant rules. This means that if it is not appropriate and not in line with justice, then it must be changed or rejected, because the law or institution is the part that regulates to achieve justice. Laws that deviate from justice will lead to arbitrariness and oppression in a structured way. Justice cannot be negotiated or bargained for according to the principles of justice put forward by Rawls, because justice is absolute and irreplaceable. Because Rawls' theory of justice is interspersed with his criticism of the failure of previously developed theories, making Rawls' theory of justice the most debated by experts.

By building a contract-based theory of justice, starting from the failure of previous theories of justice in the context of justice issues, John Rawls presents it in the form of a consensus. The theory of justice according to Rawls must be formed through a contractual approach, where the principles of justice that are generally chosen are the result of a mutual agreement of all free, rational, and equal people. The

theory of justice requires the use of a contractual approach to ensure that everyone enjoys fair rights and distribution of obligations. According to John Rawls, a good concept must be contractual. In his theory, Rawls defines justice as fairness, which is characterized by the principles of rationality, freedom, and equality. Therefore, Rawls requires a principle of justice that prioritizes rights over interests. Therefore, Rawls requires a principle of justice that prioritizes rights over interests.

Justice as fairness implies that those with superior skills and talents should be entitled to greater benefits, and that those benefits should also provide opportunities for better life prospects for those who are deprived of them. According to Rawls, equality should be understood as "*equality of status and rights*," rather than "*equality of outcomes*" that each person is capable of achieving. For John Rawls, the outcome does not justify the procedure. John Rawls developed two principles of distributive justice. The first is the principle of maximum equality, this is the most basic principle that everyone should follow without exception, meaning that everyone has an equal right to the most basic liberties to the greatest extent possible.

Justice as fairness does not require that everyone involved and undergoing the same procedure achieve the same outcome, but rather that the outcome of a fair procedure is accepted as fair, even when not everyone gets the same outcome. The concept of justice that arises from a procedure that is accepted by all parties must also be accepted as a concept that is appropriate to be applied to the general public. Justice does not always mean that everyone should get the same thing in the same amount without objectively looking at the differences that exist in each individual.

Several concepts of justice put forward by John Rawls, such as A Theory of Justice, Political Liberalism, and The Law of Peoples, have a significant influence on the discourse of justice values. John Rawls, who is seen as a "*liberal-egalitarian of social justice*" perspective, argues that justice is the main virtue of the presence of social institutions. However, virtue for the whole society cannot ignore or challenge the sense of justice of everyone who has obtained a sense of justice. Especially the weak society seeking justice. Specifically, John Rawls developed the idea of the principles of justice by fully using his creative concepts known as the "*original position*" and the "*veil of ignorance*".

Rawls' view positions the existence of the same and equal situation between each individual in society. There is no distinction of status, position or having a higher position between one and the other, so that one party and the other can make a balanced agreement, that is Rawls' view as an "*original position*" which is based on the understanding of reflective equilibrium based on the characteristics of rationality, freedom, and equality in order to regulate the basic structure of society.

Meanwhile, the concept of "*veil of ignorance*" is translated by John Rawls that everyone is faced with the closure of all facts and circumstances about themselves, including certain social positions and doctrines, so that they blind the concept or knowledge of justice that is developing. With this concept, Rawls leads society to obtain the principle of fair equality with his theory called "*Justice as fairness*".

In John Rawls' view of the concept of "*original position*" there are the main principles of justice, including the principle of equality, namely that everyone is equal to universal, essential and compatible freedom and inequality of social and economic needs in each individual. The first principle is stated as the principle of equal liberty, such as freedom of religion, political liberty, freedom of speech and expression, while the second principle is stated as the difference principle, which hypothesizes the principle of equal opportunity. Furthermore, John Rawls emphasized his view on justice that a justice enforcement program

with a people's dimension must pay attention to two principles of justice, namely, first, providing equal rights and opportunities for the broadest basic freedoms as broad as the same freedom for everyone. Second, being able to reorganize the socio-economic gap that occurs so that it can provide reciprocal benefits.

Thus, the principle of difference demands that the basic structure of society be regulated in such a way that the gap in prospects for obtaining the main things of welfare, income, authority is intended for the benefit of the least fortunate people. This means that social justice must be fought for two things. First, making corrections and improvements to the conditions of inequality experienced by the weak by presenting empowering social, economic, and political institutions. Second, every rule must position itself as a guide to develop policies to correct injustices experienced by the weak.

John Rawls views justice as fairness, justice is the main policy in social institutions, a law must be reformed if it is unfair because everyone has honor based on justice where human freedom and rights must be guaranteed by justice. In a just society, the freedom of citizens is guaranteed, their rights are guaranteed, there is no bargaining in politics or social interests.

The problem of justice for him is a matter of inequality in terms of economy, social, or politics in a pluralistic and democratic country, as well as often unfair laws and state policies that are often lopsided in deciding something that is detrimental to the people which leads to injustice. In his book, Rawls often emphasizes how important justice is for an individual and a state institution that is obliged to maintain the rights of every citizen.

Basically, the implementation of the application of the Legal Responsibility of the Press in the Perspective of John Rawls' Theory of Justice can be seen through an understanding of the principles of justice proposed by Rawls, especially the concept of justice as political equality, justice as freedom, and justice as equality of opportunity. In the context of the press, the Legal Responsibility of the Press must be realized in an effort to uphold social justice, respect individual rights, and prioritize public interests over personal interests.

In the context of the press, this means that the media must provide a fair platform for various political views without any intervention or particular interests that hinder freedom of expression. The concept of justice as freedom in Rawls' theory shows the need to provide maximum space for each individual to express their opinions and participate in political life without oppression or repression from other parties. In the context of the media, this implies that the Legal Responsibility of the Press must maintain press freedom and protect journalists so that they can work without pressure in reporting information that is important to the public.

This conception of justice is to understand the need for principles to provide basic rights and basic obligations and the need to determine how the benefits and burdens of society are distributed, if so individual interests clash with institutions that also receive justice, it is said to be fair if an institution does not have an arbitrary distinction between people in providing rights and obligations, and when the rules determine the right balance between disputes for the benefit of social life.

The conception of justice must be seen as providing a standard for how aspects of the basic structure of society must be measured. The original position is the status Quo which emphasizes that the fundamental agreement reached is fair, the fact gives birth to justice as fairness, and a fair agreement can only be achieved with the existence of a procedure for providing justice as fairness is pure procedural justice. To understand John Rawls's views in depth, a study can be carried out through the following perspectives: John Rawls'

methodology of reasoning and ideas of justice.

Thus, the concept of justice as equality of opportunity emphasizes the importance of creating equal opportunities for every individual to achieve their potential and success. In the context of the media, the Legal Responsibility of the Press must ensure equal access to accurate and balanced information for the entire community without any distortion or manipulation that could harm other parties. By applying the principles of justice in the perspective of John Rawls' Theory of Justice, the Legal Responsibility of the Press can be an important instrument in maintaining the balance between freedom of expression, equal access to information, and protection of individual rights in the context of the media. Thus, through proper implementation, the press can play a role as a guardian of social justice and a strong pillar of democracy in society.

CONCLUSION

The function of press freedom in Indonesia is to enable the press community to speak and voice their opinions. The press is expected to carry out its duties and responsibilities responsibly. The national press functions as a medium for information, education and education, entertainment, and taking social control over society. Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics limit media freedom.

The National Press is responsible for the laws and regulations of the state and is responsible for conveying events and opinions by respecting religious norms, public morality, and the principle of presumption of innocence. As regulated in Article 18 of Law Number 40 of 1999 concerning the Press, violations of these provisions can result in criminal sanctions. If there is a problem caused by press reporting in its interaction with the community, the problem must be resolved through reporting, namely through the right of reply and the right of correction.

The legal responsibility of the press to create social justice is closely related. The main concept in John Rawls' theory of justice is that justice is equality of rights and opportunities for everyone. Thus, as a distributor of information, the press is legally required to convey information honestly, accurately, and in a balanced manner without bias or particular interests. The press is also responsible for ensuring that everyone, including the press as a public entity, has access to fair and balanced information. This is in line with Rawls' theory of justice, which states that everyone has the right to accurate and fair information. This is in line with Rawls' theory of justice, according to which everyone has the right to obtain accurate and fair information as one of their basic rights. In terms of the legal responsibility of the press, John Rawls' theory of justice is used to conclude that the press must carry out its duties and functions with full responsibility and integrity. This is because the press must be able to convey information fairly and objectively so that the public can gain an accurate and comprehensive understanding of the various problems being faced. Thus, the role of the press in realizing social justice and a just society is important.

REFERENCE

- Alex Sobur, (2001), *Etika Pers, Profesionalisme Dengan Nurani*, Humaniora Utama Press, Bandung.
- Asnawi Murani, (2005), *Aspek Hukum dan Tanggung Jawab Pers*, Jurnal Ilmu Komunikasi, Volume 1, Nomor 2, Desember: 29-40.
- Adji, Oemar Sono. (1973). *Mass Media dan Hukum*. Jakarta: Penerbit Erlangga.
- Andre Ata Ujan (2005), *Keadilan dan Demokrasi: Telaah Filsafat Politik John Rawls* (Yogyakarta: Kanisiusblac).
- Alifa Cikal Yuanita, (2022), *Menelaah Konsep Keadilan Hukum Teori John Rawls dalam Pemutusan Hubungan Kerja secara Sepihak terhadap Pekerja Migran Indonesia di Luar Negeri*, Interdisciplinary Journal on Law, Social Sciences And Humanities (IDJ), Volume 3, Issue 2 (2022), PP. 130-142.
- Bagir Manan, (2010), *Menuju Pers yang Bertanggung Jawab dan Sehat*, Bandung:Alumni.
- Departemen Pendidikan Nasional, (2007), *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta.
- Henry J. Schmandt, (2002), *Filsafat Politik Terjemahan Ahmad Baidowi dan Imam Baehaqi* (Yogyakarta: Pustaka Pelajar, Cet. 1).
- Hans Kelsen, (2011). "General Theory of Law and State", diterjemahkan oleh Rasisul Muttaqien, Bandung, Nusa Media.
- Joko Susanto. (2020). *Perlindungan Hukum bagi Anak Korban Kekerasan Seksual yang Dilakukan Orang Tuanya*, Jurnal Ilmiah Ilmu Hukum Qistie Vol. 13 No. 1 Mei 2020, DOI: <http://dx.doi.org/10.31942/jqi.v13i1.3428>.
- _____ Sasetya Bayu Effendi, Rinanda Asrian Ilmanta, Royce Wijaya Setya Putra, Reza Aulya Ramadhan, (2024), *Perlindungan Hukum bagi Jurnalis dalam Peliputan Demonstrasi (Legal Protection for Journalists in Demonstration Reporting)*, Jurnal Kabar Masyarakat, Volume.2, Nomor. 4, 2024, e-ISSN: 2985-7724; p-ISSN: 2985-6337, Hal 284-301, DOI: <https://doi.org/10.54066/jkb.v2i4.2691>.
- John Rawls, (2006). "A Theory of Justice, London: Oxford University press", yang sudah diterjemahkan dalam bahasa Indonesia oleh Uzair Fauzan dan Heru Prasetyo, *Teori Keadilan*, Pustaka Pelajar. Yogyakarta.
- Lamintang, PAF dan Samosir, C. Djisman. (1983). *Hukum Pidana Indonesia*. Bandung: Penerbit Sinar Baru.
- Murani, Asnawi dan Nooroso Kuhardjo, (1999), *Hukum dan Etika Komunikasi Massa*. Jakarta: Universitas Terbuka.
- Nynda Fatmawati Octarina (2018), *Pidana Pemberitaan Media Sosial*, Setara Pers, Malang.
- Pan Mohamad Faiz, (2009). "Teori Keadilan John Rawls", dalam *Jurnal Konstitusi*, Volume 6 Nomor 1. Surat Keputusan. Dewan Pers Nomor 03/SK-DP/III/2006 tentang Kode Etik Jurnalistik
- Samsul Wahidin, (2006), *Hukum Pers*, Cetakan Pertama, Pustaka Pelajar, Yogyakarta.
- Syafriadi, (2018), *Hukum Pers dalam Ketatanegaraan Indonesia*, Suluh Media, Yogyakarta.
- Theresia Romaito Sihombing, (2020) *Kebebasan dan Tanggung Jawab Pers Ditinjau dari Undang-Undang Nomor 40 Tahun 1999 Tentang Pers*, Lex Et Societatis Jurnal Vol. VIII/No. 2/Apr-Jun/2020.
- Undang-Undang Nomor 40 Tahun 1999 tentang Pers
- Undang-Undang Tahun 1915 tentang Kitab Undang-Undang Hukum Pidana (KUHP)
- Zainun, Marhaban. (1971), *Ketentuan Hukum Pidana Indonesia Tentang Delik Pers Dalam Hukum dan Keadilan*, Nomor 3, Tahun II, Maret / April 1971.
- Zia Ulhaq Alfiyah, (2018), *Konsep Keadilan John Rawls dan Murtadha Muthahhari, (Skripsi), Program Studi Aqidah dan Filsafat Islam Fakultas Ushuluddin Universitas Islam Negeri (UIN) Syarif Hidayatullah Jakarta*.