

## **Legal Analysis of Press Responsibility in A Democratic Country from the Perspective of Four Press Theories (Review of the Theories of Fred S. Siebert, Theodore Peterson, and Wilbur Schramm)**

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### **ABSTRACT**

This article discusses the legal analysis of press responsibility in a democratic country from the perspective of four press theories, namely Fred S. Siebert, Theodore Peterson, and Wilbur Schramm. The study was conducted with the aim of understanding the concept of press responsibility in the context of a democratic country. The method used is a comparative descriptive analysis of the four press theories. The results of the study indicate that press responsibility in a democratic country has several dimensions that need to be considered, including press freedom, journalistic ethics, and self-control. Siebert's Press Theory emphasizes the importance of social control over the mass media, while Peterson's theory focuses on the role of journalists as guardians of the truth. On the other hand, Schramm's theory emphasizes the relationship between the media and society. From the results of this analysis, it is concluded that press responsibility in a democratic country must be accommodated by freedom of opinion, media diversity, and public participation in the decision-making process. The implication of this study is the need for a holistic understanding of press responsibility as the main pillar in maintaining the balance of information and power in a democratic society.



**Keywords:** *legal analysis, press responsibility, democratic state, perspective of four press theories*

## INTRODUCTION

Democracy is a system of government in which all citizens participate in the decision-making process through representatives. In addition, democracy can also be interpreted as an idea or outlook on life that emphasizes the principle of equal rights, obligations, and fair treatment for all citizens. The concept of democracy emerged in ancient Greece and was applied in national life from the 4th century BC to the 6th century BC. The principles of democracy include equal rights, freedom of opinion, freedom of expression, freedom of association, and freedom of religion.<sup>1</sup>

Although democracy has been adopted in Indonesia, its implementation is still faced with various challenges and obstacles, such as money politics, corruption, and injustice. Therefore, the importance of democratic education and active participation of the community in the democratic process is the key to strengthening the foundation of democracy in Indonesia. Democracy is a form of government that guarantees citizens to participate in decision-making and determining the future of the country, either through general elections or certain institutions.<sup>2</sup>

In a democratic country, the press has a very important role in voicing opinions and conveying information to the public. However, as a conduit of information, the press also has legal responsibilities that must be obeyed. Legal analysis of the responsibility of the press in a democratic country is very relevant to study, especially when viewed from the perspective of the four press theories put forward by Fred S. Siebert, Theodore Peterson, and Wilbur Schramm.

First of all, the theory of Siebert, Peterson, and Schramm emphasizes the importance of the press as a pillar in maintaining freedom of speech and supporting the democratic system. According to them, the press must be independent and free from intervention from other parties, including the government or certain political interests. Thus, the responsibility of the press in a democratic country is to maintain the integrity and freedom of the press itself.

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<sup>1</sup> Ikhwan Nasution, Icol Dianto, (2023), *Demokrasi dan Kebebasan Pers: Negara, Demokrasi, dan Kebebasan Pers Sebagai Pilar Demokrasi*, *Ittishol: Jurnal Komunikasi dan Dakwah*, Volume 1 Nomor 1 (2023) 90-107, <https://jurnal.uinsyahada.ac.id/index.php/ittishol>, hal 91

<sup>2</sup> John Doe, (2020) *Democracy in Indonesia* (Jakarta: Penerbit XYZ), hal 100.

The press system in Indonesia is inseparable from the communication system influenced by the political system implemented in the country. The press system theory proposed by Wilbur Schramm is a theory applied to the press system in various countries in this part of the world, the press theory is applied according to the communication system adopted by the countries, although it does not rule out the possibility that one theory and another theory are developed simultaneously. The press theory according to Wilbur Schramm is the authoritarian, the libertarian, the social responsibility and the soviet communist theory<sup>3</sup>.

The theory of social responsibility press is the responsibility of the media or press which attempts to show a concept about the media's obligation to serve the interests of society<sup>4</sup>. This theory developed due to awareness in the 20th century, with various developments in mass media (especially electronic mass media), demanding the mass media to have a new social responsibility. This theory is implemented in such a way by some of the press.

The theory of social responsibility has a main assumption: that absolute press freedom, encourages moral decadence. Therefore, this theory sees the need for a press and journalistic system that uses a moral and ethical basis<sup>5</sup>. As long as the press knows its responsibility and makes it the basis of its operational policy, then the libertarian system will be able to satisfy the needs of society. If the press does not want to accept its responsibility, then there must be another body in society that carries out the function of mass communication. The theory of socially responsible press that wants to overcome the contraction between mass media freedom and social responsibility is very clear in 1949 in the report "*commission on the freedom of the press*" known by Robert Hutchins, this commission proposed 5 requirements for a press that is responsible to the public. The five requirements are<sup>6</sup>:

1. The media must present reliable, complete, and intelligent news of daily events in a context that provides meaning;
2. The media must function as a forum for exchanging comments and criticism;

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<sup>3</sup> Rahmi, (2019), *Kebebasan Pers dan Demokrasi di Indonesia*, Jurnal Komunikasi dan Kebudayaan Volume 6, Nomor 1, April 2019 ISSN: 2443-3519, hal 78

<sup>4</sup> Anggraini Rati, (2016), *Etika Wartawan Dalam Peliputan Berita Kriminal di Inewstv Sumsel*, (Skripsi) Fakultas Dakwah dan Komunikasi, Palembang, hal 19

<sup>5</sup> Ahmad Supriyadi, (2019) *Teori Tanggung Jawab Sosial Pers* (Jakarta: Penerbit Media Jurnalistik), hal 45.

<sup>6</sup> Rahmi, (2019), *Kebebasan Pers dan Demokrasi di Indonesia*, Jurnal Komunikasi dan Kebudayaan Volume 6, Nomor 1, April 2019 ISSN: 2443-3519, hal 80

3. The media must project a truly representative picture of the constituent groups in society;
4. The media must explain and present the goals and values of society;
5. The media must provide full access to information that is hidden at any time.

The main function of the press is to educate the public, support the political system, and maintain civil liberties. The communist press theory is where the press is considered a tool to interpret doctrine, implement working class or militant policies. The mass media is controlled by the owners of production such as printing presses, and others. The social responsibility press theory is a system that prioritizes public interests above all other interests, such as economics and the state. The social responsibility theory also supports the idea that the press should support the economic system, provide entertainment, and make a profit, but these functions must be secondary to the functions of democracy and public education<sup>7</sup>.

Then, it is also important to pay attention to the responsibility of the press for the truth and accuracy of the information conveyed. The press has great power to shape public opinion and views, so the obligation to present accurate and balanced information is very important. In the legal context, the press must comply with ethical journalism standards and not spread false or misleading information.

In addition, the responsibility of the press is also related to the issue of privacy and individual honor. In presenting information, the press must pay attention to the boundaries of privacy and not violate individual human rights. This is in line with the principles of justice and respect for human dignity, which are important foundations in a democratic state.

Finally, the responsibility of the press also involves the ability to provide space for different voices and views. In a pluralistic society, the press must be able to open up space for dialogue and provide a forum for various groups to voice their opinions. This is the essence of an inclusive democracy that accommodates diversity.

Thus, the legal analysis of the responsibility of the press in a democratic state from the perspective of four press theories brings us to an important meeting point between press freedom, accuracy of information, respect for privacy, and inclusiveness in voicing opinions. Understanding and implementing

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<sup>7</sup> Siti Aisyah, (2020) *Teori Pers dan Tanggung Jawab Sosial* (Jakarta: Penerbit Ilmu Pers), hal 80.

these principles will lead the press to a more positive and constructive role in building a healthy and just democratic society.

## RESEARCH METHOD

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<sup>8</sup>.

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<sup>9</sup>.

## RESULT AND DISCUSSION

### Legal Analysis of Press Responsibility in a Democratic State

In Indonesia, it is a long process of struggle towards a democratic country, first marked by the beginning of the Indonesian independence movement. Even though Indonesia had fallen to the influence of colonial practices and political rebellion. Democracy was implemented in Indonesia through the creation of the 1945 Constitution and initiated by the 1st President of the Republic of Indonesia, Ir. Soekarno. It's just that the clash between political parties and elites, corruption, and social inequality are still challenges for the development of the Indonesian state to this day<sup>10</sup>.

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<sup>8</sup> Susanto, Joko., Rahma, D. L., & Ilmanta Rian, R. A. (2024). Analysis of Legal Responsibility of The Press in The Perspective of John Rawls' Theory of Justice. *Mister: Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, 2 (1), 250–261, <https://doi.org/10.32672/mister.v2i1.2408>, hal 252

<sup>9</sup> Joko Susanto, 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>, hal 288

<sup>10</sup> Collins, Josua Satria, (2021) "Pers Sebagai Pilar Demokrasi dalam Perspektif Islam," *Rewang Rencang: Jurnal Hukum Lex Generalis*, Volume 2 Nomor 2 Februari 2021 : 142-173. <https://jhlg.rewangrencang.com/>

Freedom of the press as a pillar of democracy, a very strong series in the governance system in Indonesia, is also far from good. If we talk about democracy and freedom of the press, of course, it is something that cannot be separated, both are interrelated, where a large system will affect the subsystems within it. The history of the Indonesian Press has shown how the relationship between the political system and the press system. An authoritarian press system tends to give birth to an authoritarian press as well, likewise a democratic political system will give birth to a free press. A democracy will not work without a free press and freedom of the press will not be achieved without a democratic system. In Indonesia, press freedom has a legal basis, namely Law No. 40 of 1999 concerning the Press<sup>11</sup>; Law of the Republic of Indonesia. Number 32 of 2002 concerning Broadcasting, Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE); and Law Number 1 of 2023 concerning the Criminal Code.

The press system in Indonesia cannot be separated from the communication system which is influenced by the political system implemented in the country. The press system theory put forward by Wilbur Schramm is a theory applied to the press system in various countries in this part of the world, press theory is applied according to the communication system adopted by these countries, although it does not rule out the possibility that one theory with another theory is developed simultaneously. The press theory according to Wilbur Schramm is the authoritarian, the libertarian, the social responsibility and the soviet communist theory. The authoritarian press theory is a system where the press becomes a tool of power for the interests of the state and all mass media are under government control. Libertarian press theory is a press system in which the media is controlled by a group of people who have large capital<sup>12</sup>.

During the early years of Indonesian independence, press freedom in Indonesia was quite high. The government allowed the publication of various newspapers in Jakarta and other major cities. The press was intended only for the purposes of the struggle to maintain Indonesian independence. Press freedom was granted by the government to spread news about Indonesian independence.

Press freedom in the early days of the Old Order was associated with freedom of association, freedom of assembly, and freedom of opinion as stated in Article 28 of the 1945 Constitution. Freedom of opinion was considered part

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<sup>11</sup> Saptohadi, Satrio. (2011), "Pasang Surut Kebebasan Pers di Indonesia." *Jurnal Dinamika Hukum* 11, no. 1 (1 Februari 2011): 127–38. <https://doi.org/10.20884/1.jdh.2011.11.1.85>.

<sup>12</sup> Wilbur Schramm, (2015), *Theories of Communication and Press Systems* (Jakarta: Penerbit Komunikasi), hal 112.

of democracy. The impact of press freedom began to be felt by the government during the Old Order to the New Order. The government also began to show its power by banning media that did not agree with the government. Initially, the New Order government promised press freedom through Law Number 11 of 1966 concerning the basic principles of the Press.

Over time, press freedom in the New Order was no longer realized. Only then was press freedom felt again since the rolling of the 1998 reformation, there was good faith from the government in press freedom. The impact of press freedom is that the growth of the press has been increasingly rapid until now. Print media is starting to be abandoned by digital media to become the forefront of voicing. We call it a digital revolution because of the very rapid changes in the era. Digitalization that has given rise to new internet-based media (cyber media) in the late 90s was initially expected to be a bright path and catalyst to improve the quality of journalism which is increasingly gloomy. First, because the internet medium opens up wide opportunities for the entry of new players. Conventional media that were previously established and rooted. The entry of new players is expected to further democratize the media industry which was previously centered in the hands of a handful of media group owners. Second, online media allows for two-way interactive communication<sup>13</sup>.

Developments show that the emergence of online media actually adds to the complexity of the problem, including popularizing new journalism templates by enslaving speed, which often ignores data completeness and sacrifices accuracy. A Brief History of the Digital Revolution in the development of world technology is now making major changes to the world. The birth of various increasingly advanced digital technologies has emerged and encouraged a shift called digital transformation.

Various groups have been facilitated in accessing information through many ways, and can enjoy the facilities of digital technology freely and under control. But unfortunately the more technology develops, the more crimes are detected. Therefore, everything must have copyright protection and control children and adolescents in particular. So many online games that cause mental damage to children today, pornography and copyright infringement. In the digital era, everything is easy. Finding any information just opens a search on Google or other search engines on the internet. Facilitating human work and cost savings<sup>14</sup>.

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<sup>13</sup> Jones, Tod. (2015), *Kebudayaan dan Kekuasaan di Indonesia: Kebijakan Budaya Selama Abad Ke 20 Hingga Era Reformasi*. Yayasan Pustaka Obor Indonesia.

<sup>14</sup> Ulfyyati, A., Muhamad, R., Barri, M.F., Akbar, I.S., (2023) "View of Demokrasi: Tinjauan Terhadap Konsep, Tantangan, dan Prospek Masa Depan." *Advance in Social*

Responsibility etymologically is an obligation towards everything or the function of accepting burdens as a result of one's own actions or those of other parties. While the definition of responsibility according to the Big Indonesian Dictionary is a state of being obliged to bear everything (if something happens, it can be sued, blamed, prosecuted and so on). According to the legal dictionary there are 2 (two) terms of responsibility, namely liability (the state of being liable) and responsibility (the state or fact of being responsible)<sup>15</sup>.

Accountability, in the legal dictionary there are two terms namely liability (referring to legal responsibility, namely liability due to errors made by legal subjects) and responsibility (referring to political responsibility). Responsibility is a condition in which a person is obliged to bear all his actions if something undesirable happens, he may be sued, blamed or prosecuted<sup>16</sup>.

The concept of legal responsibility is related to the concept of legal obligation, that a person is legally responsible for certain actions or that he bears legal responsibility means that he is responsible for a sanction if his actions are contrary to Legal responsibility can be distinguished between individual responsibility and collective responsibility. Individual responsibility is a person's responsibility for a violation he has committed himself, while collective responsibility is the responsibility of an individual for a violation committed by another person.

The concept of legal responsibility is basically related, but not identical to the concept of legal obligation. An individual is legally required to behave in a certain way, if his behavior to the contrary is a condition for the imposition of coercive action. However, this coercive action does not have to be directed at the individual who is required to be the "violator" but can be directed at other individuals related to the first individual in a manner determined by the legal order. An individual who is subject to sanctions is said to be "responsible" or legally responsible for the violation<sup>17</sup>.

In civil law, liability is a person's responsibility for an unlawful act. An unlawful act has a broader scope than a criminal act. An unlawful act does not only include acts that are contrary to criminal law, but also if the act is contrary

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Humanities Research, Volume 1 Nomor 4 Tahun 2023: 435-444. DOI: <https://doi.org/10.46799/adv.v1i4.48>

<sup>15</sup> Salim HS dan Erlies Septiana Nurbani, Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis, Buku Kedua, Rajawali Pres, Jakarta, 2009, hal 7.

<sup>16</sup> Ridwan H.R., Hukum Administrasi Negara, Raja Grafindo Persada, Jakarta, 2006, hal 335

<sup>17</sup> Hans Kelsen, (2008), Teori Hukum Murni, Nusamedia, Bandung, hal 136.

to other laws and even to unwritten legal provisions. The statutory provisions of unlawful acts aim to protect and provide compensation to the injured party<sup>18</sup>.

Unlawful acts are not only contrary to the law, but also actions or omissions that violate the rights of others contrary to morality or caution, propriety and propriety in social traffic. Unlawful acts can also be interpreted as a collection of legal principles that aim to control or regulate dangerous behavior, to provide responsibility for losses arising from social interaction, and to provide compensation to victims with an appropriate lawsuit. Unlawful acts (*onrechtmatige daad*) are regulated in Articles 1365 to 1380 of the Civil Code. In general, the principles of legal responsibility can be distinguished as follows<sup>19</sup>:

1. The principle of responsibility based on fault

The principle of responsibility based on fault is a principle that is quite common in criminal and civil law. In the Civil Code, especially articles 1365, 1366, and 1367, this principle is firmly held. This principle states that a person can only be held legally responsible if there is an element of error that he has committed. In article 1365 of the Civil Code, which is commonly known as the article on unlawful acts, four main elements must be fulfilled, namely: The existence of an act, The existence of an element of error, The existence of losses received, The existence of a causal relationship between the error and the loss.

2. The principle of presumption of liability

This principle states that the defendant is always considered responsible until he proves that he is not at fault. So the burden of proof is on the defendant. In this principle, the burden of proof appears to be reversed, where the basic idea of this theory, the reversal of the burden of proof is that a person is considered guilty, until the person concerned can prove that he is not guilty. Based on this principle, the burden of proof is on the defendant

3. The Principle of Presumption of Nonliability

This principle is the opposite of the second principle. This principle of not always being responsible is only known in the scope of very limited consumer transactions, and such limitations are usually justified by common sense. An example of the application of this principle is the law of transportation, loss or damage to cabin baggage or hand luggage that is usually carried and supervised by the passenger (consumer) is the responsibility of the passenger. In this case, the carrier (business actor) cannot be held responsible.

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<sup>18</sup> Komariah, (2001), *Edisi Revisi Hukum Perdata*, Universitas Muhammadiyah Malang, hal 12

<sup>19</sup> Shidarta, (2000), *Hukum Perlindungan Konsumen Indonesia*, PT Grasindo, Jakarta, hal 59.

#### 4. Principle of Absolute Liability

The principle of absolute liability is often identified with the principle of absolute liability. However, there are also experts who differentiate the two terminologies above. Strict liability is a principle of liability that determines that error is not a determining factor. However, there are exceptions that allow for exemption from liability, such as force majeure. On the other hand, absolute liability is a principle of liability without error and no exceptions.

#### 5. Principle of Liability with Limitation (limitation of liability principle)

The principle of liability with limitation is very much favored by business actors to include as an exoneration clause in the standard agreements they make. In a film washing/printing agreement, for example, it is stated that if the film to be washed/printed is lost or damaged, then the consumer is only limited to compensation of ten times the price of one roll of new film. In civil law, basically the form of legal sanctions is an obligation to fulfill performance. Liability in civil law is legal responsibility based on the existence of a civil relationship between the parties.

In Indonesia itself, there are also two systems of accountability according to positive law, namely the system of Law No. 40 of 1999 concerning the Press and the Criminal Code (KUHP) System which is currently in effect, after the Press Basic Law No. 11/1966 and the 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<sup>20</sup>.

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*<sup>21</sup>. For an editor, there are actually several possibilities in committing 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 writing from someone else and then he makes changes in such a way that the

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<sup>20</sup> Asnawi Murani, (2005), *Aspek Hukum dan Tanggung Jawab Pers*, Jurnal Ilmu Komunikasi, Volume 1, Nomor 2, Desember: 29-40, hal 34.

<sup>21</sup> Murani, Asnawi dan Nooroso Kuhardjo, (1999), *Hukum dan Etika Komunikasi Massa*. Jakarta: Universitas Terbuka, hal 6

writing can be seen as his own work (werstuk). His actions can be considered as pleger; but if the editor receives a writing from someone else and he publishes the writing with not many or can be said without changes. Thus the writing is considered not his own work<sup>22</sup>.

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 the opinion of Van Hattum who considers the actions to be the actions of a medepleger, on the other hand Simons, Van Hammel and also jurisprodensi (court) are of the opinion that the actions are the actions of a medeplichtige<sup>23</sup>.

Meanwhile Oemar Seno Adji, is of the opinion that: the actions of the editor above are those of a medeplichtige, because the initiative arose from someone else. Regardless of the issue of whether the actions are the actions of a medepleger or a medeplichtige, then in order to be held criminally responsible, the editor must meet two conditions, 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 conditions above, then only then can the editor be held criminally responsible<sup>24</sup>.

In the Criminal Code (KUHP) 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 there are 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

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<sup>22</sup> Budi Santoso, (2018) *Etika Jurnalistik dan Tanggung Jawab Pers* (Jakarta: Penerbit Media), hal 150

<sup>23</sup> Susanto, Joko., Rahma, D. L., & Ilmanta Rian, R. A. (2024). Analysis of Legal Responsibility of The Press in The Perspective of John Rawls' Theory of Justice. *Mister: Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, 2 (1), 250–261, <https://doi.org/10.32672/mister.v2i1.2408>, hal 256

<sup>24</sup> Oemar Seno Adji, (2016) *Teori Tanggung Jawab Hukum dalam Pers* (Jakarta: Penerbit Hukum Media), hal 120.

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<sup>25</sup>.

### **Legal Analysis of Press Responsibility from Four Press Theory Perspectives**

The four theories of press is an early theory about the press and journalism that was first widely published in 1956 by Wilburm Schraamm, Fred. S. Siebert and Theodore Peterson. This press theory describes that the press describes the socio-political conditions in a society. This is because the press reflects the system and social control regarding the relationship between individuals and institutions<sup>26</sup>. These four theories are actually just developments of the two previous theories, such as Totalitarian which is a development of Authoritarian, while Social Responsibility Theory (SRT) is a development of libertarian press theory.

The four theories of press are categorized as normative theories because these theories describe norms; something that should be; ideal conditions. Normative theory provides ideas about how the media should be managed and aims to serve the needs of society and contribute to the political system (broadly) where the press theory applies<sup>27</sup>.

Although normative theory is an ideal description of how the media in society acts, there are various deviations (outside the initial ideal goal). Therefore, this paper intends to conduct a literature review on the advantages and disadvantages of the four theories of press or also known as the early stage of Media Normative Theory.

#### **1. Authoritarianism Media Theory (Authoritative Press)**

Authoritarian theory is a normative theory that places all forms of communication under the control of government elites/authorities. This theory initially developed in monarchical countries in Europe, where the kingdom and church are the highest authorities in a country. The application of this theory began in the 16th century in England, France, and Spain, which in the following era spread to Russia, Germany, Japan, and other countries in Asia and Latin America.

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<sup>25</sup> Siti Mariani, (2017), *Tanggung Jawab Hukum dalam Pers dan Media* (Jakarta: Penerbit Hukum Indonesia), hal 100.

<sup>26</sup> Siebert, Fred. S; Theodore, Peterson; Schramm, Wilbur. (1963). *Four Theories of The Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concept of What the Press Should Be and Do*. Chicago: University of Illinois Press, hal 1

<sup>27</sup> Littlejohn, Stephen. W & Foss, Karen. A. (2009). *Encyclopedia of Communication Theories*. California: Sage Publication, hal 574

Initially, the authoritarian theory wanted to create ideal conditions through information filtered by the authority holder (generally the King/state officials or parties regulated in the regulations as media practitioners) with the aim of protecting and maintaining social order<sup>28</sup>.

However, in its development, the authoritarian press became a form of pressure and submission to the government. In this theory, censorship and punishment from the established guidelines apply to things that are political in nature or anything that has a clear ideology. The communication model that occurs in authoritarianism is one-way communication. In carrying out their duties both in conveying ideas, thoughts, and messages, authoritarians only know one form of communication, namely instructions. The form of persuasive communication to convince is considered time-consuming and inefficient. Although freedom of speech is limited, as long as the views (including minorities) expressed do not threaten the government, they are still allowed.

Authoritarian theory, which is often called an authoritarian system, is closely related to the system of supervision of the mass media, whose influence is considered very strong, so that the press is nicknamed the fourth estate and radio broadcasts are nicknamed the filth estate after the legislative, executive, and judicial institutions, each recognized as the first, second, and third powers.

According to Fred S. Siebert, authoritarian theory states that the relationship between the mass media and society is determined by fundamental philosophical assumptions about humans and the state. This includes: (1) human nature, (2) the nature of society, (3) the relationship between humans and the state, and (4) fundamental philosophical problems, the nature of knowledge and the nature of truth.

Authoritarian theory regarding the function and purpose of society accepts the postulates that state that first of all a person can only achieve full ability if he becomes a member of society. As an individual, the scope of his activities is truly limited, but as a member of society his ability to achieve a goal can be increased without limits. Based on this assumption, groups are more important than individuals, because only through groups can a person achieve his goals.

The theory has developed the proposition that the state as a group organization at the highest level has replaced the individual in relation to the degree of value, because without the state a person is powerless to develop himself as a civilized human being. A person's dependence on the state to achieve civilization has become a major element of the authoritarian system. Currently,

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<sup>28</sup> Baran, Staley. D & Davis, Denis. K. (2012). *Mass Communication Theory, Foundation, Ferment, and Future*, Sixth Edition. Chicago: Wadsworth, hal 102

ensorship, both by the government and the private sector, is still alive and well in various parts of the world, including those that claim to adhere to democracy. For example, the frequent disputes between journalists and the Singapore government, which is known for its strict media control where officers are authorized to censor or edit programs and edits. Daily newspapers such as the Asian Wall Street Journal, Far Eastern Economic Review, and the International Herald Tribune are daily newspapers that have clashed with the Singapore government, and have had to pay fines and face strict controls.

The advantages of this theory include<sup>29</sup>: a). conflict in society tends to decrease because of supervision of things that are considered to be able to shake society; and b). easy to form uniformity/integrity and consensus which are expected in developing countries that require stability. While the weaknesses of this theory are: a). there is an emphasis on the desire to freely express views/opinions; b). easy to ban media publications that tend to destroy the established work atmosphere and income field; and c). closed opportunities for creativity.

From the description, the author concludes that the law of press accountability in a democratic country from the perspective of Authoritarianism Media Theory (Authoritarian Press) shows a complex dynamic between press freedom and government supervision. This theory bases its understanding on the view that in a democratic country, media power must be strictly regulated by the government to prevent information that is considered detrimental to state sovereignty or public security.

According to Fred S. Siebert, the originator of the Authoritarianism Media Theory, this perspective emphasizes that the government has strong authority to control and regulate the mass media for the benefit of the state. In this context, press accountability is directed at ensuring that the media does not disseminate information that can disrupt political stability or public security. In a democratic country, the main challenge is how to find a balance between press freedom of expression and the need to maintain state stability and security. If the government controls the media too far, press freedom is threatened and the risk of information imbalance will increase. However, if there is no adequate supervision, the media can become a propaganda tool that is detrimental to democracy. Therefore, in the context of Authoritarianism Media Theory, the implementation of press accountability laws must be based on democratic principles that balance freedom

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<sup>29</sup> Didit Agus Triyono, (2013), The Four Press Media Theories: Authoritarianism Media Theory, Libertarianism Media Theory, Social Responsibility Media Theory, and Totalitarian Media Theory, *Ragam Jurnal Pengembangan Humaniora* Vol. 13 No. 3, Desember 2013, hal 196

of expression and social responsibility. Supervision of the media needs to be carried out proportionally and transparently, without violating human rights and freedom of opinion. Thus, press accountability in a democratic country from the perspective of Authoritarianism Media Theory is a complex issue that requires special attention in creating a fair and balanced legal framework between press freedom and state interests. Collaborative efforts are needed between the government, media, and society in encouraging ethical and responsible journalism practices in order to maintain the sustainability of democracy.

## 2. Libertarianism Media Theory (Liberal Press)

Libertarianism emerged as a reaction to the rejection of authoritarianism in the late 17th century. Libertarians argue that it is the natural nature of individuals to seek the truth in order to have a better personal and social life. This search for truth must be realized through freedom of opinion and debate about the "truth" itself through the process of self-righting<sup>30</sup>. According to John Milton, a vocal libertarian in 1644 stated that fair and open debate, truth and honest arguments will always win over lies<sup>31</sup>.

Libertarian theory is the basis for modifying social responsibility theory, and is the opposite of Authoritarian Theory in terms of the relationship between human positions and the state. Humans are no longer considered free to be led and directed. Truth no longer belongs to human nature. And the press is considered a partner in seeking the truth. The press in a country that adheres to libertarianism must be a partner in the search for truth and not as a tool of government. The press is required to supervise the government. Thus was born the term press as 'The Fourth Estate' or the fourth pillar of power after the executive, legislative and judiciary. Therefore, the press must be free from government influence and control. Therefore, John Keane Media Democracy (1991) in Baran & Davis<sup>32</sup>) stated that there must be at least 3 (three) fundamental concepts in press freedom, namely: 1). theology or providing a forum for society to judge good and bad; 2). individual freedom which is the strongest press freedom, at least freedom from the political elite; and 3). truth or lies and wrong things must be fought, an idea must be able to be debated and tested, otherwise it will only become dogma.

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<sup>30</sup> Baran, Staley. D & Davis, Denis. K. (2012). *Mass Communication Theory, Foundation, Ferment, and Future*, Sixth Edition. Chicago: Wadsworth, hal 103

<sup>31</sup> Arianto Hadi, (2020) *Teori-teori Kebebasan Pers: Sejarah dan Perkembangan* (Jakarta: Penerbit Ilmu Sosial), hal 45.

<sup>32</sup> John Keane, (1995) "Media Democracy," in *Mass Communication Theory*, ed. Denis McQuail, 4th ed. (Boston: Baran & Davis), hal 134.

Thus, the press should be free from government supervision and influence. In order for the truth to emerge, all opinions must have an equal opportunity to be heard, there must be a free market for thoughts and information. Both minorities and majorities, strong and weak, must be able to use the press. In addition to giving citizens the right to speak out and social control, the press in libertarianism has the task of (1) serving political life, (2) seeking profit, (3) providing entertainment.

The struggle to recognize the liberal principles that influence the press. Reaching its peak with the formulation and acceptance of the Bill of Rights which includes regulations that establish press freedom, although not explicitly so that it gives rise to various interpretations. Of the several points covered by the Bill of Rights, only one point seems to be accepted without interpretation, namely that press freedom is not absolute, but can be subject to restrictions. What restrictions can be imposed; but what restrictions can be imposed on the press, in liberalism becomes a problem. The function of the press according to liberal theory can be formulated as follows<sup>33</sup>: a). serving the political system by presenting information, discussion and debate on general events; b). disseminating information to the public so that they are able to govern themselves; c). guarding individual human rights by serving them as guards in facing the government; d). serving the economic system, especially by uniting buyers and sellers of goods and services through advertising media; e). presenting entertainment; f). seeking funds for one's own needs so that it is free from pressure from interested parties.

The characteristics of the liberal press which has freedom of publication from censorship and no legal restrictions in seeking news make it both an advantage and a disadvantage. The following is a summary of the advantages of the liberal press, namely: a). the media has freedom; and b). avoids government control over the media. While the weaknesses are<sup>34</sup>: a). very optimistic that the media consciously has responsibility; b). very optimistic that each individual has their own rationality and ethics; c). ignores conflicts that arise from the freedom to seek the truth (eg, freedom of the press vs. private space). From the various explanations, the author concludes, in the context of the law of press accountability in a democratic country from the perspective of Libertarianism Media Theory (Liberal Press), there are various aspects that need to be considered. This theory is based on the principle of freedom of expression and argues that

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<sup>33</sup> Agus Setiawan, (2019) *Teori Kebebasan Pers dalam Liberalisme* (Jakarta: Penerbit Hukum), hal 112.

<sup>34</sup> Denny Baran, (2018), *Kebebasan Pers dan Teori Media* (Jakarta: Penerbit Hukum Media), hal 75.

the press should have full freedom without interference from the government or other institutions.

This approach prioritizes individual rights in conveying information without excessive censorship or restrictions. In his theory, Milton Friedman, believes that the press must be able to operate independently without being tied to certain political or economic interests. According to this approach, the press must have a moral obligation to provide accurate and objective information to the public. Unhindered press freedom is considered the mainstay of the balance of power in society. In the context of press accountability, the Libertarianism Media theory emphasizes self-responsibility. The press is expected to have high standards of journalistic ethics and carry out self-regulation without external interference that could threaten press freedom. However, this also poses a challenge, where there is concern that excessive press freedom can be misused to spread false information or harm certain individuals. Overall, in a democratic country, press accountability from the perspective of Libertarianism Media Theory plays an important role in maintaining freedom of speech and overseeing the sustainability of democracy. However, amidst the complex dynamics of modern media, it is important for the press to continue to consider the principles of ethics and social responsibility in every news report delivered to the public.

### 3. Totalitarian Media Theory (Totalitarian Press)

Also known as The Soviet-Communist Theory. Totalitarian media theory was developed during the Nazi era or during the communist era, referred to as the oppression of plural groups and the high need for strong propaganda and centered on political culture. Direct control of the media by the dominant political power is seen as an attempt to prevent deviation, seen as an enemy of humanity<sup>35</sup>. Members of the nationalist socialist communism must believe in the excessive total control of the media, and this can educate society and lead them to the desired future<sup>36</sup>.

The difference between the Soviet theory and the authoritarian theory is that in the Soviet theory, the media is not subject to arbitrary and unexpected interference. The media is expected to serve and be responsible to their public, the media is usually not monolithic (although if in limited diversity and not allowed to arise freely) and they express a variety of interests. The postulates of

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<sup>35</sup> Siebert, Fred. S; Theodore, Peterson; Schramm, Wilbur. (1963). *Four Theories of The Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concept of What the Press Should Be and Do*. Chicago: University of Illinois Press, hal 105

<sup>36</sup> Baran, Staley. D & Davis, Denis. K. (2012). *Mass Communication Theory, Foundation, Ferment, and Future*, Sixth Edition. Chicago: Wadsworth, hal 92

this theory can be formulated as follows<sup>37</sup>: 1). The media should serve the interests of and be under the control of the working class; 2). media should not be privately owned; 3). media should perform positive functions for society by socializing desired norms, education, information, motivation and mobilization; 4). in its overall task for society, media should be responsive to the desires and needs of its audience; 5). society has the right to censor and take other legal actions to prevent or punish after an event, publication, anti-society occurs; 6). media needs to provide a complete and objective view of society and the world within the limits of Marxist-Leninist principles; 7). journalists are responsible experts whose goals and ideals should be similar to the best interests of society; 8). media should support progressive movements at home and abroad.

From the various explanations, the author concludes that: in the context of Totalitarian Media Theory, the responsibility of the press in a democratic country has a very important role. This theory reveals how the mass media can be used as a tool to control and manipulate information in society. Thus, press accountability is crucial in preventing abuse of power by the mass media. Fred S. Siebert, Theodore Peterson, and Wilbur Schramm are figures who provide important views regarding the responsibility of the press. Siebert, Peterson, and Schramm emphasize that the press is an institution that must be responsible to its society. They emphasize the importance of an independent, objective, and transparent press in conveying information to the public. In the context of a democratic country, the responsibility of the press can be interpreted as the obligation of the press to present accurate, balanced, and unbiased information. The press must carry out a control function over political, economic, and social power in society. Thus, the press has a role as a guardian of freedom of speech and a distributor of correct information.

In the Totalitarian Press theory, the mass media is used to control the minds and behavior of the public, thus threatening freedom of speech and human rights. Therefore, press accountability laws in a democratic country must be designed in such a way as to protect press freedom, prevent abuse of power, and guarantee the public's right to obtain true and accurate information. In today's digital era, the challenges of press accountability are increasingly complex with the rapid and widespread dissemination of information through online platforms. The press must be able to adapt to changes in technology and new media without sacrificing

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<sup>37</sup> Hendrik Prasetyo, (2020) *Teori-teori Pers dan Tanggung Jawab Sosial* (Jakarta: Penerbit Media Demokrasi), hal 130.

the integrity and clarity of the information conveyed. Thus, press accountability in a democratic country requires cooperation between government institutions, the mass media, and the public to create a healthy, transparent, and responsible information environment. Only by upholding the principles of democracy and press freedom will the public be able to obtain true and reliable information from the mass media.

#### 4. Social Responsibility Theory (Social Responsibility Press)

Emerged in the 20th century as a protest against the absolute freedom of libertarians which resulted in the decline of society's morals. In this century, there is a growing idea that the only media protected by the human rights charter must fulfill social responsibility. The theory of social responsibility, which is the idea of the evolution of media practitioners, and the work of the Commission on Freedom of the Press, argues that in addition to aiming to provide information, entertain, seek profit (like liberal theory), it also aims to bring conflict into the discussion arena. The theory of social responsibility discussed in the book "Four Theories of the Press" by Theodore Peterson, is stated as a shift from Liberal Theory<sup>38</sup>.

The main idea of this theory is that freedom and obligation go hand in hand, and the press which enjoys a position in a democratic government, is obliged to be responsible to society in carrying out certain essential functions. The functions of the press in the Social Responsibility Theory are basically the same as the functions in the Liberal Theory that have been explained earlier, but the Social Responsibility Theory reflects its dissatisfaction with the interpretation of these functions and their implementation by press owners and officers.

In response to criticisms that are considered very significant for the life of the state, society and the press itself, the Commission on Freedom of the Press was formed. The Commission on Freedom of the Press has formulated five requirements for the press which according to Theodore Peterson's analysis are as follows<sup>39</sup>: a). report daily events that are true, complete and have character in a meaningful context; b). provide services as a forum for exchanging comments and criticism; c). project an image that represents the core group in society; d). be responsible for the presentation accompanied by an explanation of the goals and values of society; e) strive for full access to daily events.

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<sup>38</sup>Theodore Peterson, (1956), *Four Theories of the Press* (Urbana: University of Illinois Press), hal 45.

<sup>39</sup>Theodore Peterson, (1956), *Four Theories of the Press* (Urbana: University of Illinois Press), hal 78.

The dilemma that arises over the freedom to seek truth in liberal theory gives rise to the theory of social responsibility (Social Responsibility Theory). In SRT, the media cannot only be free to express opinions and freely seek the truth, but there must be social responsibility. Because what is conveyed through the media always has an effect or impact on society. The concept of media or press responsibility is always coupled with the word social which attempts to show a concept about the media's obligation to serve the interests of society. According to Theodore Peterson, the essential difference between media in the concept or theory of social responsibility is, "media must assume obligation of social responsibility; and if they do not, someone must see them do." Furthermore, they state that the media is supervised by community opinion, consumer action, professional ethics, and, in the case of broadcast media by government regulatory bodies due to technical limitations in the number of channels and frequency availability<sup>40</sup>.

However, media responsibility in the theory of social responsibility is difficult to operationalize, due to the complexity of the tug-of-war between the interests of the government and the owners or journalists who work in the media concerned. Therefore, this system is on the verge of artificiality between authoritarian and libertarian systems. This means that if the government intervenes in formulating the functions, duties and authorities of the media as an expression of its responsibility, then this system resembles authoritarianism. Conversely, if the journalists and the media themselves formulate it independently, then the system moves towards libertarianism.

Usually the theory of social responsibility is applied in countries that adopt a democratic system, one of which is Indonesia. The theory of social responsibility assumes that freedom contains something called the same responsibility. The advantage of this theory is that society also has responsibility in its freedom, so that with this freedom it is hoped that it can minimize the existence of cracks in a country, and every individual has the same rights as the government<sup>41</sup>.

In addition to having advantages, this theory also has weaknesses, one of which is the misuse of responsibility for an interest, where the government can then use institutions or organizations that control the broadcasting system as a tool to achieve its interests. According to Bittner (1989), in the press freedom that

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<sup>40</sup> Siebert, Fred. S; Theodore, Peterson; Schramm, Wilbur. (1963). *Four Theories of The Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concept of What the Press Should Be and Do*. Chicago: University of Illinois Press, hal 74

<sup>41</sup> Madrid De Fretes & Retor A.W. Kaligis, (2018), *Implementasi Teori Pers Tanggung Jawab Sosial Dalam Pemberitaan Tvri Pusat*, *CoverAge: Journal of Strategic Communication*, Vol. 9, No. 1, hal. 26-34.

is owned in this theory, it provides an opportunity for the press to criticize the government and its institutions, besides having a basic responsibility to maintain stability in society. The form of social responsibility of the press is to serve the community, socially responsible reporting as a form of obligation of the news itself to the community<sup>42</sup>.

Starting from the reform era, at which time the political system in Indonesia began to use Law No. 40 of 1999, since then the press in Indonesia has begun to adopt the theory of socially responsible press or press freedom that is responsible to the public or the public interest<sup>43</sup>.

Here are some characteristics of the theory of socially responsible press that are the main principles, namely<sup>44</sup>: 1). the media is willing to accept and fulfill obligations in society; 2). obligations are fulfilled with high standards or professionalism regarding information, truth, accuracy, objectivity, and also balance; 3). the media must be independent in terms of regulating itself within the framework of existing laws and institutions; 4). the media should avoid anything that can cause crime, damage, or public disorder or insults to ethnic or religious minorities; 5). media should be pluralistic and reflect diversity, by providing the opportunity to express various points of view and the right to respond; 6) the public has the right to expect high standards of achievement and professionalism prioritizing common interests.

Research conducted by Ghasanni & Sukowati (2016) also explains the triangular relationship that occurs between the press, society, and government where the press acts as a bridge between the government and society, but in reality this relationship has not reflected an ideal relationship, why is that, because media capitalism still occurs, there is still political intervention, and there is even the closeness of journalists to officials so that journalists become subjective. This is also an obstacle to providing credible and trustworthy news. As is known, public space should be free, open, transparent and there is no intervention from the government, capital owners, interest groups, or advertisers in it<sup>45</sup>.

The form of social responsibility of a public service institution is that it must be independent in managing its own institution, as stated by McQuail that

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<sup>42</sup> AL-Ahmed, M. (1987). The six Normative Theories and the role of Social, Political and Economic forces in shaping Media Institutions and Content: Saudi Arabia-a Case Study, hal 9-20

<sup>43</sup> Hutagalung, I. (2013). Dinamika sistem pers di Indonesia. *Jurnal Interaksi*, Vol II No.2. Diakses di <https://ejournal.undip.ac.id/index.php/interaksi/article/view/6588>, hal 57

<sup>44</sup> McQuail, D. (2010). *McQuail Mass Communication Theory*. London: Sage Publication, hal 171-172

<sup>45</sup> Ghasanni & Sukowati, (2016), "Triangular Relationship Between the Press, Society, and Government," *Journal of Media Studies* 25, No. 3 (2016), hal 45.

public broadcasting institutions refer to a system formed by law and are generally also funded by public funds, and are given editorial freedom and independent performance<sup>46</sup>. From McQuail's explanation, it can be concluded that although public broadcasting institutions are built by the state and funded by public funds, the government determines the working body, but the state fully leaves it to the media to manage it themselves.

From the various explanations, the author concludes from the perspective of Social Responsibility Theory (Social Responsibility Press) which is a view introduced by Fred S. Siebert, Theodore Peterson, and Wilbur Schramm. Clearly describes as a framework that emphasizes that the press has a moral and ethical responsibility to the wider community other than just the government or capital owners. In the context of a democratic country, this theory has significant implications related to press accountability.

In the view of Siebert, Peterson, and Schramm, a socially responsible press is not only tasked with conveying information objectively and accurately, but must also pay attention to the social impact of their reporting. They argue that the press must avoid sensationalism, discrimination, and provide a fair platform for various views in society. Thus, the press is expected to uphold the principles of truth, justice, and togetherness. In the legal context, democratic countries have laws that regulate press freedom but also provide limitations related to issues such as defamation, violation of privacy, and the spread of false information. As part of society, the press in a democratic country must also comply with applicable laws and accountability mechanisms. The press must be able to distinguish between freedom of expression and its social responsibility to the public. From the perspective of Social Responsibility Theory, the press in a democratic country is not only a channel of information, but also a guardian of justice, truth, and togetherness in society. They have a strategic role in shaping public opinion, influencing public policy, and strengthening the foundations of democracy. Therefore, it is important for the press to understand and apply the principles of social responsibility in order to contribute positively to the development of society and the state. Thus, the concept of Social Responsibility Theory emphasizes that the press has a moral and ethical responsibility to society in presenting information. In a democratic country, the press must carry out their role responsibly, respecting freedom of expression while still paying attention to the social impact of their reporting. Thus, the accountability of the press in a

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<sup>46</sup> Denis McQuail, (2010) "Public Service Broadcasting and its Social Responsibility," in *Communication and Society*, ed. John Smith (London: Sage Publications), hal 150.

democratic country from this perspective is an important key in maintaining a balance between press freedom and public interest.

## **CONCLUSION**

The conclusion that can be drawn from the legal analysis of press responsibility in a democratic country is that in carrying out their role, the press has a great responsibility towards society. Based on the perspective of the four press theories studied, namely the theories of Fred S. Siebert, Theodore Peterson, and Wilbur Schramm, we can understand that the press is not only a provider of information but also has a great impact in shaping public opinion and influencing state policy. From the perspective of Siebert, Peterson, and Schramm, the responsibility of the press is not only limited to conveying factual information, but also prioritizing justice, freedom, and truth. The press must be able to carry out their function as a supervisor of power and guardian of freedom of speech without pressure from any party.

In addition, the existence of a democratic country makes the responsibility of the press even more important, because the press must ensure that the voice of the people is heard and press freedom is maintained. Therefore, the press as the fourth pillar of democracy must be able to act independently, objectively, and responsibly in conveying information to the public. In this context, enforcing the principles of journalistic ethics is crucial, because the press as the guardian of truth must ensure that the information conveyed is accurate, balanced, and relevant. Thus, the law of press responsibility in a democratic country must be applied consistently and transparently in order to maintain the integrity and public trust in the press as the guardian of truth in a democratic society.

From this analysis, it can be concluded that the responsibility of the press in a democratic country is very complex and requires a holistic approach. The press must be able to maintain its independence, prioritize the interests of the community, and act as a guardian of freedom of speech. In addition, the press must also have high professionalism in presenting information objectively and accurately. Thus, a deep understanding of the responsibility of the press in a democratic country from the perspective of the four press theories can provide a valuable contribution in efforts to maintain press freedom and preserve democracy as an ideal form of government.

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