

The Ethical Experience of Online Journalists in Avoiding Trial by the Press

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Abstract

Trial by the press is an ethically prohibited practice in journalism activities in Indonesia. However, it still occurs in various online media, meaning that there is something wrong with the ethical actions of online media journalists. This research aims to reveal the ethical experiences of online media journalists in avoiding trial by the press. This research method uses a phenomenological approach by conducting interviews with five online media journalists and a literature study of regulatory trials by the press in Indonesia. The results show that trial by the press has been institutionally regulated to be avoided by journalists, especially in Law 40/1999, Journalistic Code of Ethics from the Press Council, PWI, and AJI. However, journalistic ethical principles in institutional regulations are no longer compatible with the working mechanisms of online media, thus creating a dilemma for online media journalists to choose between the two. However, online media journalists do not view institutional regulations and online media working mechanisms as dualism in the practice of online journalism. Their experience in elaborating institutional regulations and online media working mechanisms can minimize the occurrence of trials by the press. We concluded that contextual and situational elaboration of institutional regulations and working mechanisms of online media can produce an authentic meaning for journalists to avoid trial by the press in online media.

Keywords: ethical dilemma; experience ethic; trial by the press; online media; online journalist

Abstrak

Penghakiman oleh pers merupakan praktik terlarang secara etis dalam aktivitas jurnalisme di Indonesia, meskipun begitu tetap terjadi di berbagai media online, artinya ada yang salah dengan tindakan etis para jurnalis media online. Penelitian ini bertujuan untuk mengungkapkan pengalaman etis jurnalis media online dalam menghindari penghakiman oleh pers. Metode penelitian ini menggunakan pendekatan fenomenologi dengan melakukan wawancara dengan lima jurnalis media online, dan studi kepustakaan regulasi trial by the press di Indonesia. Hasilnya menunjukkan bahwa trial by the press secara regulasi institusional telah diatur untuk dapat dihindari oleh para jurnalis, khususnya di dalam UU 40/1999, KEJ dari Dewan Pers, PWI, dan AJI. Namun demikian, prinsip-prinsip etis jurnalistik dalam regulasi-etika institusional tidak lagi kompatibel dengan mekanisme kerja media online, sehingga membuat dilema jurnalis media online untuk memilih menaati di antara keduanya. Meski demikian, jurnalis media online tidak memandang regulasi institusional dan mekanisme kerja media online sebagai dualisme dalam praktik jurnalisme online. Pengalaman mereka mengelaborasi regulasi institusional dan mekanisme kerja media online dapat meminimalisir terjadinya penghakiman oleh pers. Kami mencapai kesimpulan bahwa elaborasi regulasi institusional dan mekanisme kerja media online yang kontekstual dan situasional dapat menghasilkan pemahaman otentik jurnalis untuk menghindari penghakiman oleh pers di media online.

Kata kunci: dilema etis; jurnalis online; media online; pengalaman etis; penghakiman oleh Pers

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INTRODUCTION

Online media is like a judicial institution that is a courtroom for individuals, and journalists are like judges who decide someone's guilt through reporting. It is from these two premises that a trial by the press is currently taking place in online media, namely that media workers give someone a wrong-or-right decision in their reporting (Jishnu, 2019; Mayal, 2021). Judgments made by journalists or the press against someone can also have implications for the formation of public opinion (Manan, 2016, p. 69), slander and defamation (Habsari, 2017), influencing the judge's decision in the trial process (Haltom & McCann, 2004), and violates a person's right to defend themselves before being legally found guilty, but the press has already passed judgment first (Sari, 2020).

In Indonesia, trial by the press is a legally and ethically prohibited practice. Legally, trials by the press are prohibited in Law Number 40 of 1999 concerning the Press, specifically in Article 5 paragraph (1) (Wahyudi et al., 2022). Ethically, trial by the press is prohibited in Article 3 of the Journalistic Code of Ethics from the Press Council, Article 7 of the Journalistic Code of Ethics from Persatuan Wartawan Indonesia (2014), and Point 20 of the Journalistic Code of Ethics from Aliansi Jurnalis Independen (2021) which is implicitly realized by the application of the Presumption of Innocence in journalistic activities (Wahyudi et al., 2022). Thus, institutional regulations (laws and professional codes of ethics) have prohibited trials by the press in journalistic activities in Indonesia.

Even though trials by the press have been prohibited in Indonesia through institutional regulations, cases of trials by the press still occur. For example, the online media Detik.com judged Jessica Kumalawongso as Mirna's killer in the Cyanide Poison case, even though the legal process is still ongoing in court and there has been no final decision from the judge (Hapsari, 2018). The online media Tribunnews and Inews' accusations against Aditya Mukti were connoted as the male actor in the 'exciting' Gissela Anastasya video case, even though the male actor was not Aditya Mukti (Syahril et al., 2021); The online media PikiranRakyat.com which has the connotation of accusing Peter Gontha in reporting on the Garuda Airlines corruption issue (Dewan Pers, 2022); and accusations by online media against Coki Pardede for creating content cooking pork with date sauce on YouTube (Lukman et al., 2021).

Trial by the press in several online media shows that there are problems in the ethical dimension of online journalism activities. The problem of the ethical dimension of journalism is related to journalists' morality regarding the good and bad actions of a media worker (journalist) in carrying out their journalistic activities (Duncan & Keeble, 2022; Rachmawaty et al., 2022; Ward, 2020, p. 309). An ethical dimension in journalism practice is needed to become gatekeeping of journalism activities so that journalists' actions gain control from within themselves (their beliefs) and from outside themselves in the form of normative ethics (Christians, 2005; Christians et al., 2017). The nature of the ethical dimension of journalism is applied ethics that guide the social practice of journalism, which binds journalists to the principles of telling the truth, minimizing losses, and being responsible for the formation of public opinion (Ward, 2021, p. 7).

Trial by the press studies on an international scale have been carried out, such as from Steele (2013), who reviewed trial by the press in the understanding of Muslim journalists in Indonesia and Malaysia and is often used by politicians to protect themselves from exposure to bad press media information. Tanoos (2017) reviews the positive and negative consequences of the Presumption of Innocence to avoid trials by the press in the United States. Rae (2020) reviews trials by the media as a counter to the justice process for human rights crimes that are not accountable in Sri Lanka. Seoane-Pérez and Valera-Ordaz (2021) review reporting

about crimes in the Spanish media through the framework of the principle of presumption of innocence to avoid trial by the press. Mayal (2021) explains that the judgment of mass media in India (television and press) has implications for public opinion, creating hatred towards someone.

Meanwhile, a trial study by the press on an Indonesian scale discussing the competency of journalists in implementing the presumption of innocence (Mustawa, 2019b); the implementation of the Presumption of Innocence in media reporting from a normative legal perspective (Mustawa, 2019a; Pura & Kartika, 2018); Articulation of trial by the press in criminal reporting from the media from a legal science perspective (Hapsari, 2018; Sari, 2020); Representation of online media's judgment on artists who commit scandals in Indonesia (Lukman et al., 2021; Syahril et al., 2021). Meanwhile, the Press Council in 2010 also issued a report on the application of Presumption of Innocence in journalism practice to avoid trial by the press (Huda, 2010; Loqman, 2010; Mukantardjo, 2010; Sukardi, 2010).

Following up on the trend of trial by the press studies on an international and Indonesian scale, we offer a novelty study to reveal "how the experience of ethical online media journalists in avoiding trial by the press?" Edmund Husserl's phenomenology is used as an 'analysis knife' to reveal the ethical experience of online media journalists in avoiding trial by the press. Husserl's phenomenology has the premise that a person's meaning of their experiences and actions is in the realm of transcendent in self. According to Husserl, a person has the right to have a *verstehen* (meaning) that is different from institutional dogmas, so that from this *verstehen* emerges actions that are pure from his consciousness (Farber, 2017; Hamzah, 2020; Santis et al., 2020). In connection with Husserl's phenomenological premise, it can be used to reveal the ethical experiences of online media journalists in avoiding trial by the press.

The use of a phenomenological framework has also achieved transferability theory, as in the study by Bengtsson and Johansson (2020); Bradshaw (2021); Maharani and Pasandaran (2018); Soraya et al. (2023); Syahri (2018); Tandoc and Takahashi (2018) who used a phenomenological approach to reveal the ethical experience and consciousness of journalists in implementing journalistic code of ethic in their journalistic activities. The transferability of phenomenological theory as used by previous studies means that the validity of using Edmund Husserl's phenomenological theory, as operationalized by Creswell and Poth (2017); Hamzah (2020); Moustakas (1994), can be epistemologically trusted to reveal the ethical experiences of online media journalists in avoiding trials by the press.

RESEARCH METHOD

This research uses an interpretive paradigm as a worldview to reveal the experiences of ethical online media journalists in avoiding trial by the press. The interpretive paradigm helps researchers to reveal the meaning behind social phenomena based on their natural setting, not trying to generalize but revealing the unique meaning (*verstehen*) of humans with in-depth and reciprocal descriptions (Denzin & Lincoln, 2018, p. 43; Neuman, 2014, p. 103) so that researchers can reveal the unique meaning (*verstehen*) of online media journalists regarding their ethical experiences in avoiding trials by the press.

Researchers used the transcendental phenomenological approach of Edmund Husserl to reveal the stories of online media journalists about their ethical experiences in avoiding trials by the press. To express the *verstehen* of online media journalists, there are several concepts which include: *First, Intentionality*, which is related to internal processes in humans (online media journalists) which are related to certain objects (their actions, the actions of other people, and the objects they see). *Second, Noema* is the basis of the human mind (online media

journalist), which makes people aware of the meaning of objects received by the five senses. *Third, Intuitiveness* is related to the way humans think (online media journalists) by using their intuition to gain in-depth meaning from what they see or do. *Fourth, Intersubjective*, which is an inherent part of humans when interpreting something, be it experiences or actions (Hamzah, 2020, pp. 55–58; Moustakas, 1994, pp. 68–71).

The data mining techniques used in this research include in-depth interviews and documentation. *First*, in-depth interviews were conducted with five online media journalists (Informant 1; Informant 2; Informant 3; Informant 4; Informant 5) who had received press council certification, and five journalists were selected based on the criteria of having at least two years of experience and focused on legal-criminal reporting. *Second*, documentation by collecting institutional regulatory documents governing trials by the press, namely Law Number 40 of 1999 concerning the Press, specifically in Article 5 paragraph (1) (Wahyudi et al., 2022). Ethically, trial by the press is prohibited in the Journalistic Code of Ethics of the Press Council (Article 7, 2008), PWI (Article 3, 2014), and AJI (Number 20, 2021), which is implicitly realized by the application of the Presumption of Innocence in journalistic activities (Wahyudi et al., 2022).

Data from interviews and documentation is analyzed using Husserl's phenomenological analysis stages, as follows the procedure (Creswell & Poth, 2017, pp. 159–160; Hamzah, 2020, pp. 96–97; Moustakas, 1994, pp. 127–130): *First*, condensing the phenomenon by intuiting (reflecting) on the data, grouping the journalists' horizons of meaning online media, and describing phenomena in the form of written textural descriptions (detected by the five senses) which include the actions/expressions/experiences of online media journalists in avoiding trials by the press. *Second*, a variant of imagination by using a frame of reference, separation, and reversal of phenomena from different perspectives, positions, and functions. The aim is to get a structural description of an experience (the meaning of the ethical dilemma experience of online media journalists). *Third*, a synthesis of meaning and essence by integrating the basic intuition of textural description and structural description into a statement that describes the nature of the phenomenon.

RESULTS AND DISCUSSION

Meaning the 'Trial by the Press' Institutional Regulations in Indonesia

Trial by the press has been regulated in institutional regulations in Article 5 paragraph (1) of Law Number 40 of 1999 concerning the Press, Article 3 of the Journalism Code of Ethics from the Press Council (Dewan Pers, 2014), Article 7 of the Journalistic Code of Ethics from Persatuan Wartawan Indonesia (2014), and Point 20 of the Journalistic Code of Ethics from Aliansi Jurnalis Independen (2021). The following is the text of each legal substance that regulates trials by the press in Indonesia:

"The national press is obliged to report events and opinions by respecting religious norms and society's sense of decency as well as the presumption of innocence" (Article 5, Law 40/1999).

"Indonesian journalists always test information, report it in a balanced manner, do not mix facts and judgmental opinions, as well apply the presumption of innocence" (Article 3, Journalistic Code of Ethics from Press Council, 2008)

"Indonesian journalists in reporting on incidents that allegedly involve violations of the law and/or the judicial process must respect the presumption of innocence, the principles of fairness, honesty, and balanced presentation" (Article 7, the Journalistic Code of Ethics from PWI, 2014).

“Journalists uphold the presumption of innocence, not acting in bad faith, avoiding slander, defamation and character assassination” (Point 20, Journalistic Code of Ethics from AJI, 2021).

The institutional regulations governing trials by the press in Indonesia are realized through the Presumption of Innocence as the primary principle and coupled with other principles such as objectivity, verification, covering both sides, and mention of identity as a secondary principle (Mukantardjo, 2010; Mustawa, 2019b; Sukardi, 2010; Wahyudi et al., 2022). Journalism principles in institutional regulations are complementary to each other or form a unified journalism principle that can be applied by journalists to avoid trial by the press (Wahyudi et al., 2022). Therefore, avoiding trial by the press requires journalists to understand the principles of journalism and apply them correctly when reporting and writing news.

The online media journalists who were informants 1, 2, 3, 4, and 5 have the same understanding of the primary principle of trial by the press, namely the Presumption of Innocence. The common understanding of online media journalists is that they are bound by the same institutional regulations to carry out their profession, namely Law Number 40 of 1999 and the Journalistic Code of Ethics from the Press Council and other professional organizations such as PWI and AJI. In connection with this understanding, research informants 1, 2, 3, 4, and 5 have understood the Presumption of Innocence as a manifestation of trial by the press, namely that journalists do not make accusations or judgments against someone through their reporting. The following are several quotes from research informants:

“The basic principle (presumption of innocence) is not to judge someone, journalists’ job is to convey information about what is happening in the field, to report events. If you judge and accuse someone, especially if you decide that he is guilty, that is unethical. I try to adhere to the principle of presumption of innocence not to judge someone” (Informant 3, personal communication, August 05, 2023).

“The presumption of innocence is like a directive for journalists in the code of ethics. So that journalists do not just randomly accuse people when making news. His job is to report, not to accuse someone of being wrong (Informant 1, personal communication, July 23, 2023).

“The presumption of innocence itself is a principle contained in the journalistic code of ethics. The principle that I must carry out as a journalist is not to judge anyone. Because the job of journalists is to report, not judge (Informant 2, personal communication, July 25, 2023).

“The principle (presumption of innocence) for journalists is not to judge someone when reporting, to write news and report facts, not to decide whether this person is guilty or not guilty” (Informant 4, personal communication, August 13, 2023).

“The principle (presumption of innocence) protects a person from being judged by journalists in their reporting and is ethically regulated in the Journalism code of ethics of the Press Council as the institution that oversees us journalists, and unions such as AJI and PWI as well” (Informant 5, personal communication, August 23, 2023).

The interview excerpts from the five journalist informants show the definition of journalism, namely conveying information about events based on facts to the public - without having to pass judgment on someone (trial by the press). The understanding of online media journalist informants is in line with the substance of journalism, namely the activity of finding facts about a real event that occurred in the field and then reporting it to the public (Kovach & Rosenstiel, 2021). The similarity of journalists’ understanding of trial by press regulations and journalism activities is not to judge someone because their *noema* interprets the same object (institutional regulations and experience as a journalist) to be accepted by each journalist’s senses (Hamzah, 2020, p. 57; Moustakas, 1994, p. 72).

Five informants from online media journalists interpreted trial by the press regulations in institutional regulations as also a moral responsibility of their journalist profession, meaning that four informants understood the code of ethics from a philosophical perspective, namely moral guidelines for good and bad, which are the basis for someone to act with full awareness (Duncan & Keeble, 2022; Rachmawaty et al., 2022; Soraya et al., 2023; Ward, 2020). Five informants understood the responsibility to comply with the Journalistic Code of Ethics as a form of honor for their journalist profession; informant 2 said that compliance with the Journalistic Code of Ethics is to maintain the dignity of the profession. The following is an interview excerpt that explains the trial by the press regulations as part of the honor of the journalist profession:

“The journalist profession must adhere to a code of ethics; why is that? For example, there is no principle of presumption of guilt, and journalists can go around accusing people of their news, it can’t be like that [...]” (Informant 1, personal communication, July 23, 2023).

“This principle is part of my profession as a journalist. I have to obey, especially since this ethics is related to a person’s morals. So, the code of ethics is maintained as much as possible” (Informant 2, personal communication, July 25, 2023).

“It is not only a professional responsibility, but also a human side that we must uphold in this journalism. “How our news must be able to protect the victim, and also the family of the alleged perpetrator or perpetrator, we must also protect their right to privacy” (Informant 5, personal communication, August 23, 2023).

“I myself try to comply with this principle because it is not to judge someone and journalists have no right, no authority to judge someone, and that should not be done by a journalist who understands his profession” (Informant 3, personal communication, August 05, 2023).

“That’s a really heavy responsibility for journalists [.....]. The first is responsibility towards our profession, but this professional responsibility is also related to our legal responsibilities” (Informant 4, personal communication, August 13, 2023).

The quote from the informant 4 shows the meaning of the trial by the press regulations, which are not only ethical guidelines but have legal consequences. Mistakes in applying the Journalistic Code of Ethics can result in a trial by the press. Informant 1 firmly expressed his meaning that if you are not careful in writing and applying the Presumption of Innocence Principle, it will result in a trial by the press, which will harm other people, such as defamation and slander or creating fake news. The meaning of informants 1 & 4 is a manifestation of the phenomenological *noema* dimension (Hamzah, 2020, p. 56; Santis et al., 2020) of the regulatory object of trial by the press, specifically Point 20 of the AJI Code of Journalism Ethics (Aliansi Jurnalis Independen, 2021).

Compliance with trial by the press regulations, for informants 4 & 5, is not only a professional responsibility but there is a moral and humanitarian responsibility when a journalist intentionally or unintentionally carries out a trial by the press, such as accusing someone, which results in defamation and slander. Journalists do not have the authority to judge someone’s mistakes and make judgments by deciding whether they are right or wrong in their reporting. Intentional or unintentional mistakes in trials by the press, even though journalists are responsible ethically and legally regarding their profession. Following are excerpts from the interview:

“If there is a moral responsibility, why can I defame someone’s good name? Why can I slander? Even though we don’t intentionally defame or slander, sometimes there are writing accidents” (Informant 4, personal communication, August 13, 2023).

“The profession of journalist has an impact on many people, a journalist’s writing can create public opinion about someone’s mistakes. “Our morality as journalists must be maintained and consistent so that errors in judgment do not occur without intention” (Informant 5, personal communication, August 23, 2023).

Informant 1 has an authentic meaning of the Presumption of Innocence to avoid trial by the press. According to him, the Presumption of Innocence is not a principle that prohibits a journalist from suspecting someone guilty in a legal case but a principle for writing news without passing judgment on someone who is undergoing a legal case. This is different from informant 2, who interprets the Presumption of Innocence as a principle for respecting someone in a legal incident, meaning that when someone has not been found guilty, informant 2 will prioritize the Presumption of Innocence so as not to rush into suspecting the person is guilty in news coverage in the field.

The findings regarding journalists’ meaning of trial by the press regulations strengthen the statement from Reese and Shoemaker (2016); Sujoko, Rahmiati, et al. (2023); Sujoko, Wahyudi, et al. (2023), which explains that personally have power in the media industry, the understanding and ideology of a media worker will dominantly influence their performance and have an impact on the media content they produce. The important findings of this research lie in the phenomenological dimension of five online media journalists who interpret the avoidance of trial by the press by referring to institutional regulations as an object *noema*, which is interpreted by the awareness of their experiences in reporting or writing news. Table 1 shows the phenomenological dimensions of five online media journalists in interpreting trials by the press regulations in Indonesia.

Table 1. Online Media Journalists’ Meaning of Institutional Regulations Trial by the Press

Textural Description (Noema)	Structural Description Collective Meaning	Authentic Meaning
"The national press is obliged to report events and opinions by respecting religious norms and society's sense of decency as well as the Presumption of Innocence" (Article 5, Law 40/1999).	Regulation Law 40/1999 and the Journalism Code of Ethics apply to all journalists who work in online and print media, due to the nature of the rules which generally bind the journalist profession without distinguishing between journalists from online and print media to avoid trials by the press.	Complying with the Journalistic Code of Ethics to avoid trial by the press through the application of the Principle of Presumption of Innocence is a journalist's moral responsibility which must be carried out with full awareness, and minimize errors resulting from carelessness in writing news (Informant 1).
"Indonesian journalists always test information, report in a balanced manner, do not mix facts and judgmental opinions, and apply the Presumption of Innocence" (Article 3, Press Council version of the Journalism Code of Ethics, 2008)	Trial by the press is an act of journalist immorality that cannot be justified by journalistic regulations in Indonesia, and implies violating positive laws such as the Criminal and the ITE Law with the offense of defamation or slander.	Trial by the press is not just a moral responsibility dealing with the ethics council/Press Council, but becomes a legal responsibility when a trial by the press occurs such as defamation and slander against someone (Informant 3).

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Table 1 (continued)

"Indonesian journalists in reporting on incidents that are suspected of involving violations of the law and/ or the judicial process must respect the Presumption of Innocence, the principles of fairness, honesty and balanced presentation" (Article 7, PWI version of the Journalistic Code of Ethics, 2014).	The Presumption of Innocence as a principle for journalists does not create journalistic products that harm other people by judging or accusing someone in their reporting.	The Presumption of Innocence is not a prohibition for journalists not to suspect someone of being guilty in a criminal incident, but a principle for writing journalistic products so that a trial by the press does not occur (Informant 4).
"Journalists uphold the Presumption of Innocence, not acting in bad faith, avoiding slander, defamation and character assassination" (Point 20, AJI version of the Journalism Code of Ethics, 2021)	The trial by the press regulations is embodied in the Presumption of Innocence as a code of ethics attached to the profession to protect the dignity and honor of the journalist/journalist profession, so that they are protected from immoral acts such as defamation, baseless accusations, and even slander.	Even though the Presumption of Innocence is used for gathering facts, a journalist should not be in a hurry to suspect someone is guilty, because it will create a tendency to corner sources in the search for news and facts (Informant 2). Violation of the code of ethics regarding trials by the press with the application of the Presumption of Innocence applies when a journalist intentionally does so. If journalists don't do it on purpose, then the problem is not on the ethical side but on the journalistic competence side (Informant 5).

Source: Data processed by researchers, 2023

Journalists' Dilemmas and Ethical Actions: The Clash of Institutional Regulations and Online Media Mechanisms

Implementation of institutional regulations (Law Number 40/1999 and Journalistic Code of Ethics from the Press Council, PWI, and AJI) to ideally avoid trial by the press by applying the Presumption of Innocence Principle with other principles such as verification, cover both sides, objectivity, and mention of identity. However, it is a question whether the ideal application can be implemented by online media journalists with all the demands of the current information era. This research found that journalists experienced an ethical dilemma in implementing ideal institutional regulations to avoid trial by the press because it clashed with the working mechanisms of online media.

First, the application of the Presumption of Innocence and the verification principle to avoid trial by the press is the most basic thing in journalistic activities, because this is the basis for news and facts conveyed by journalists to have a high level of trust/validity (Kovach & Rosenstiel, 2021; Sujoko, 2022; Wahyudi et al., 2022). The verification principle is related to the Presumption of Innocence because when online media journalists do not verify, then the

news displayed becomes lies and puts other people in a corner, then when that happens there will be a trial by the press.

The problem is, for online media journalists applying the Presumption of Innocence and verification discipline to avoid trial by the press is not easy, because the working mechanism of online journalism requires up-to-date demands for news to be published immediately. According to a total of five informants 1, 2, 3, 4, and 5 - implementing verification discipline in online journalism mechanisms is not easy, they cannot possibly apply verification discipline like previous journalists who could contact the source concerned or other sources to verify the information they obtained. Under these conditions, online media journalists can't implement the Presumption of Innocence and verification discipline ideally.

Informant 4 stated that he had to choose between implementing verification discipline as appropriate or choosing to follow the online media mechanism, and the three journalists chose to follow the online media mechanism. The consideration of three journalists choosing to follow the online media mechanisms does not mean ignoring the Journalistic Code of Ethics that binds them, but it is indeed not possible to follow the Journalistic Code of Ethics ideally. If they insist on following the Journalistic Code of Ethics ideally, then their performance as journalists will be problematic because they cannot meet the targets of their media institutions.

Second, the application of the Presumption of Innocence and cover both sides principle by presenting a balance of controversial events so that parties who feel cornered can defend themselves in the news. The function of covering both sides in reporting is to be able to present the defense of each party in conflict so that the reporting does not corner one party and result in one party feeling judged by the media. By applying the Presumption of Innocence and covering both sides, reporting will not lead to a trial by the press (Wahyudi et al., 2022).

Ideally, journalists cover both sides in one news product by showing two sides or the balance of the narrative. However, informants 1, 2, 3, 4, and 5, explained that they would have difficulty when forced to cover both sides in one report because online media prioritizes speed in disseminating news. Forcing both sides to cover one report will hamper the performance of online media journalists in producing news so that online media productivity will be disrupted and correlated with their business, and create income problems for journalists because they are unable to achieve news production targets.

Third, the application of ethical regulations on the Presumption of Innocence and objectivity (not mixing facts and opinions) to avoid trials by the press. The application of these ethical regulations received various responses from our research informants, there were informants such as informant 2 who determinedly supported the separation of facts and opinions to avoid trial by the press, so that news products were purely based on facts and events. However, journalists are allowed to interpret the facts obtained in writing news.

Informants 2, 3, and 4 applied a factual interpretation of events to avoid opinions that led to trial by the press. However, according to informant 2, opinions about an event cannot be avoided in news production. This is related to the journalist's intentions regarding a case. Informant 2 gave the example of reporting on corruption cases, and when writing news stories, he would be influenced by his opinion that corruption is a disgraceful act, which indirectly influenced his writing. According to informant 2, journalists' opinions will be manifested through diction that never actually comes from the news source. Informant 2 also explained that opinions will increasingly appear to influence the facts when a journalist's ideology conflicts with the crime that occurred. The following is an excerpt from the interview:

“You can differentiate between writing written by a woman who has a feminist ideology and a man who, say, he has no more ideology, he works more as a journalist as an economic livelihood, it will be different for a feminist when someone reports on someone

who does “sexual violence will definitely be different, the accusations will be very strong and the resulting presumption of innocence may have no place when personal interests are strong with a person’s ideology” (Informant 2, personal communication, July 25, 2023).

The interview excerpt above shows that mixing facts and opinions can give rise to bad diction and demeaning people in reporting, resulting in a potential trial by the press. For example, the use of degrading words, accusing, to create a negative stigma towards someone, such as the diction of *Bejad*, *Garong*, *Pecangkat*, *Pencuri*, *Cabul*, and diction with other negative connotations. As explained by Mukantardjo (2010); Wahyudi et al. (2022), the use of the words labeling and stigmatization, as well as accusations that are not based on facts can become a trial by the press. According to informant 2, the use of dictions that give the impression of giving judgment occurs because of a journalist’s intention regarding events and the policy of online media companies to use clickbait dictions to seek economic gain.

Fourth, the Presumption of Innocence and mention of identity to avoid trial by the press. Direct mention of someone’s identity in a legal incident or controversy can shape public opinion, so that the public knows the person and judges him or his family. Therefore, the application of the Presumption of Innocence and mention of identity requires a conceptual classification of who can be identified and who, even if their identity is disguised, so that a trial by the press does not occur (Wahyudi et al., 2022).

The problem is, that the online media mechanism is to get the intention of the curious public through its reporting by stating the identity of someone who has not been legally declared guilty (there has been no final decision). Ethically, for someone who has not been legally declared guilty and whose crime is not extraordinary, journalists disguise that person’s identity in their reporting, so that the public does not judge someone and their family because of exposure from the media. This problem traps online media journalists with two difficult choices, between following online media mechanisms or following institutional regulations in implementing the Presumption of Innocence and revealing identities to avoid trial by the press.

The ethical dilemma of online media journalists resulting from clashes between institutional regulations and online media working mechanisms - makes online media journalists trapped in two difficult choices, namely: *First*, journalists follow institutional regulations to maintain their professional reputation, but with the consequence of hampering their performance; or *Second*, journalists follow the online media working mechanisms with the consequences that their professional dignity is at stake. However, this research found journalists’ ethical actions in avoiding trial by the press between the ethical dilemma of clashing institutional regulations and the online media working mechanisms. The phenomenological analysis can be seen in Table 2.

Table 2. Ethical actions of journalists in avoiding trial by the press

Textural Description		Structural Description
Institutional Regulation of Trials by the Press	Online Media Working Mechanism	Ethical Actions of Journalists (Journalist's conscious experience)
The presumption of innocence and verification	Real time and up to date (speed of online news publication)	Utilize online media networks and journalists to verify controversial events Utilize press releases from trusted institutions as a news verification technique, so that the information obtained is credible.

(continued on next page)

Table 2 (continued)

		Utilize social media to verify news and sources. Informant 5 did not agree with the use of social media as a news source and verification medium. However, four informants (1, 2, 3, and 4) agreed with the use of social media as a news source and verification medium, but with the condition that the social media account referred to have credibility.
The presumption of innocence and cover both sides	Real time and up to date (speed of online news publication)	Using running news coverage to cover both sides Withhold news publication with consideration of obtaining other sources/informants for news balance.
The presumption of innocence and objectivity	Viral logic and click bait from online media	Interpret facts obtained in the field Avoid labelling and words with negative connotations Prioritizing the facts of events, putting aside opinions and interests of certain groups (journalist independence)
The presumption of innocence and mention of identity	Online media policies fulfill public desires	Public officials, politicians, police and army leaders who commit extraordinary crimes such as genocide, murder and corruption can be identified, because they work in the public interest but abuse their authority. Public figures such as artists can be identified if their crimes have an influence on many people, because public figures' behavior can be imitated by the public. So, public figures can be identified but still consider the criminal acts they have committed. Ordinary citizens can only be identified if the crime they commit is linked to a group of public officials (politicians, public officials, police, and other public institutions). However, it remains to be noted that the reporting does not cause upheaval or disharmony in society. Apart from that, people usually have their identities hidden in the news.

Source: Data processed by researchers, 2023

CONCLUSION

This research concludes that online media journalists have experience in collective and authentic meaning for institutional regulations (Law and Ethics Code of Journalistics) to avoid trial by the press. The collective meaning of online media journalists regarding trial by press regulations is caused by the common meaning of the *noema* (object-institutional regulations) that binds their profession as journalists. Meanwhile, the authentic meaning of online media journalists regarding trial by the press regulations is caused by the different meanings of the *noema* (experience of online journalism activities) of each journalist. Online media journalists experience ethical dilemmas in choosing to follow institutional regulations or follow online media working mechanisms. In this ethical dilemma, journalists use meaning based on contextual and situational experience, which is elaborated with the meaning of institutional regulations to avoid trial by the press. Finally, the findings of this research contribute to journalism studies, especially the part of online media journalists in avoiding trials by the press. Then, practically, these findings contribute to online media journalists avoiding trials by the press so that they do not harm other people or society as online media audiences.

This research provides recommendations for further studies that examine the action discourse (critical approach) of journalists in dealing with power relations between online journalism mechanisms and institutional regulations.

REFERENCES

- Aliansi Jurnalis Independen. (2021). *Kode etik Aliansi Jurnalis Independen*. [https://aji.or.id/upload/Dokumen/Kode Etik AJI 2021.pdf](https://aji.or.id/upload/Dokumen/Kode%20Etik%20AJI%202021.pdf).
- Bengtsson, S., & Johansson, S. (2020). A phenomenology of news: Understanding news in digital culture. *Journalism*, 22(11), 2873–2889. <https://doi.org/10.1177/1464884919901194>
- Bradshaw, T. (2021). Moral agency in sports journalism: A phenomenological analysis. *Ethical Space: The International Journal of Communication Ethics*, 18(1), 14–23. <https://eprints.glos.ac.uk/10030/>
- Christians, C. G. (2005). Ethical theory in communications research. *Journalism Studies*, 6(1), 3–14. <https://doi.org/10.1080/1461670052000328168>
- Christians, C. G., Fackler, M., Richardson, K. B., Kreshel, P. J., & Woods, R. H. (2017). *Media ethics: Cases and moral reasoning* (10th ed.). Routledge.
- Creswell, J. W., & Poth, C. N. (2017). *Qualitative inquiry and research design choosing among five approaches* (4th ed.). SAGE Publications.
- Denzin, N. K., & Lincoln, Y. S. (2018). *The SAGE handbook of qualitative research* (5th ed.). SAGE Publications.
- Dewan Pers. (2014). *Kode etik jurnalistik*. Dewan Pers.
- Dewan Pers. (2022). *Siaran Pers: Peter Gontha sampaikan langsung pengaduan terhadap Pikiran-Rakyat.com ke Dewan Pers*. Dewan Pers.
- Duncan, S., & Keeble, R. (2022). *Ethics for journalists*. Routledge. <https://doi.org/10.4324/9780429505386>
- Farber, M. (2017). *The foundation of phenomenology*. Routledge. <https://doi.org/10.4324/9781315132099>
- Habsari, H. T. (2017). Implikasi hukum asas praduga bersalah yang digunakan wartawan dalam pemberitaan perkara pidana. *Arena Hukum*, 10(2), 287–308. <https://doi.org/10.21776/ub.arenahukum.2017.01002.7>
- Haltom, W., & McCann, M. (2004). *Distorting the law, politics, media, and the litigation crisis*. The University of Chicago Press.

- Hamzah, A. (2020). *Metode penelitian fenomenologi: Kajian filsafat dan ilmu pengetahuan*. Literasi Nusantara.
- Hapsari, W. (2018). Konstruksi media daring atas putusan sidang kasus pembunuhan I Wayan Mirna Salihin dalam tinjauan kriminologi konstitutif (Dekonstruksi terhadap pewacanaan dominan dalam pemberitaan kasus kopi sianida pada Detik.com). *Jurnal Kriminologi Indonesia*, 14(1), 43–56. <https://journal.ui.ac.id/index.php/jki/article/view/9676>
- Huda, C. (2010). Makna asas praduga tak bersalah dan pemakainnya dalam praktek Pers. *Jurnal Dewan Pers*, 2, 33–44. <https://dewanpers.or.id/assets/ebook/jurnal/Jurnal Dewan Pers Edisi Ke-2.pdf>
- Jishnu, D. (2019). Media trials: An analysis of ethical issues. *International Journal of Emerging Technologies and Innovative Research*, 6(2), 615–618. <https://www.jetir.org/papers/JETIR1902281.pdf>
- Kovach, B., & Rosenstiel, T. (2021). *The elements of journalism (Revised and updated 4th edition)*. Crown Publisher.
- Loqman, L. (2010). Asas praduga tak bersalah di dalam pemberitaan oleh media massa. *Jurnal Dewan Pers*, 2, 1–18. <https://dewanpers.or.id/assets/ebook/jurnal/Jurnal Dewan Pers Edisi Ke-2.pdf>
- Lukman, Tsabit, M., Erlangga, C. Y., & Kusumawati, N. (2021). Trial by the press new media konten Youtube memasak daging babi saus kurma. *Jurnal Media Penyiaran*, 1(1), 46–52. <https://doi.org/10.31294/jmp.v1i1.489>
- Maharani, T., & Pasandaran, C. C. (2018). Pemaknaan profesi jurnalis media online. *Jurnal ULTIMA Comm*, 9(2), 68–89. <https://doi.org/10.31937/ultimacomm.v9i2.816>
- Manan, B. (2016). *Pers, hukum, dan Hak Asasi Manusia*. Dewan Pers.
- Mayal, T. (2021). Presumption of innocence and dilution of facts by media trials. *International Journal of Legal Science & Innovation*, 3(3), 475–482. <https://doi.org/10.10000/IJLSI.11754>
- Moustakas, C. (1994). *Phenomenological research methods*. Sage Publications.
- Mukantardjo, R. S. (2010). Asas praduga tak bersalah kesalahan menurut fakta dan kesalahan menurut hukum. *Jurnal Dewan Pers*, 2, 45–52. <https://dewanpers.or.id/assets/ebook/jurnal/Jurnal Dewan Pers Edisi Ke-2.pdf>
- Mustawa. (2019a). The model for regulating press coverage that applies the principle of presumption of innocence. *Indonesia Prime*, 4(1), 58–67. <https://doi.org/10.29209/id.v4i1.72>
- Mustawa. (2019b). Journalist competence in applying the presumption of innocence principle on press release. *Amsir Law Journal*, 1(1), 36–42. <https://doi.org/10.36746/alj.v1i1.20>
- Neuman, W. (2014). *Social research methods: Qualitative and quantitative approaches* (7th ed.). Pearson Education Limited.
- Persatuan Wartawan Indonesia. (2014). *Kode etik jurnalistik wartawan Indonesia*. <https://prahumvii.files.wordpress.com/2014/11/kode-etik-jurnalistik-wartawan-indonesia-pwi.pdf>
- Pura, M. H., & Kartika, R. Y. (2018). Efektivitas penerapan prinsip asas praduga tidak bersalah atas penggiringan opini yang dilakukan perusahaan Pers berdasarkan Pasal 5 Ayat (1) Undang-Undang Nomor 40 Tahun 1999 Tentang Pers. *Jurnal Hukum Positum*, 3(1), 71–89. <https://doi.org/10.35706/positum.v3i1.2707>
- Rachmawaty, M., Stephani, N., & Dyanasari, R. (2022). Pergeseran etika profesi jurnalis pada wartawan yang menyambi sebagai endorser di Instagram. *Jurnal Kajian Jurnalisme*, 5(2), 115–128. <https://doi.org/10.24198/jkj.v5i2.32822>

- Rae, M. (2020). Trial by media: Why victims and activists seek a parallel justice forum for war crimes. *Crime, Media, Culture: An International Journal*, 16(3), 359–374. <https://doi.org/10.1177/1741659019874179>
- Reese, S. D., & Shoemaker, P. J. (2016). A media sociology for the networked public sphere: The hierarchy of influences model. *Mass Communication and Society*, 19(4), 389–410. <https://doi.org/10.1080/15205436.2016.1174268>
- Santis, D. De, Hopkins, B. C., & Majolino, C. (2020). *The Routledge handbook of phenomenology and phenomenological philosophy* (D. De Santis, B. C. Hopkins, & C. Majolino (eds.)). Routledge. <https://doi.org/10.4324/9781003084013>
- Sari, N. (2020). Trial by the press terhadap proses peradilan tindak pidana korupsi dalam perspektif asas praduga tidak bersalah. *RIO LAW JURNAL*, 1(2), 1–13. <https://doi.org/10.36355/rlj.v1i2.408>
- Seoane-Pérez, F., & Valera-Ordaz, L. (2021). Stolen innocence? Observance of the EU Directive on presumption of innocence by Spanish crime reporting. *Communication & Society*, 34(3), 15–30. <https://doi.org/10.15581/003.34.3.15-30>
- Soraya, N. A., Gumilar, G., & Al-Faqih, M. Z. (2023). The meaning of citizen journalism ethics by citizen journalists of Tempo Witness in the Central Java Region. *Jurnal Kajian Jurnalisme*, 6(2), 185–199. <https://doi.org/10.24198/jkj.v6i2.40985>
- Steele, J. (2013). “Trial by the Press”: An examination of journalism, ethics, and Islam in Indonesia and Malaysia. *The International Journal of Press/Politics*, 18(3), 342–359. <https://doi.org/10.1177/1940161213484588>
- Sujoko, A. (2022). The challenges of journalists in facing the new normal of the COVID-19 pandemic. *Kasetsart Journal of Social Sciences*, 43(2), 441–446. <https://doi.org/10.34044/j.kjss.2022.43.2.23>
- Sujoko, A., Rahmiati, D., & Rahman, F. (2023). The role of radio as the public sphere for public political education in the digital era: Challenges and pitfalls. *Cogent Social Sciences*, 9(1), 1–14. <https://doi.org/10.1080/23311886.2023.2239627>
- Sujoko, A., Wahyudi, D., & Abdillah, M. (2023). The discourse of corruption in mass media: Polarization, ideology, and challenges. *ETTISAL: Journal of Communication*, 8(1), 53–70. <https://doi.org/10.21111/ejoc.v8i1.9477>
- Sukardi, W. A. (2010). Menghindari tuduhan pelanggaran asas praduga tidak bersalah. *Jurnal Dewan Pers*, 2, 19–23. <https://dewanpers.or.id/assets/ebook/jurnal/Jurnal Dewan Pers Edisi Ke-2.pdf>
- Syahri, M. (2018). Ethics of Indonesian journalists in the era of media freedom. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 23(5), 34–38. <https://doi.org/10.9790/0837-2305073438>
- Syahril, R., Rahmi, M., Sartika, R., & Rafiq, A. (2021). Trial by the press media baru dalam pemberitaan video syur mirip Gisella Anastasia. *Jurnal Akrab Juara*, 6(1), 132–142.
- Tandoc, E. C., & Takahashi, B. (2018). Journalists are humans, too: A phenomenology of covering the strongest storm on earth. *Journalism*, 19(7), 917–933. <https://doi.org/10.1177/1464884916657518>
- Tanoos, A. (2017). Shielding the presumption of innocence from petrial media coverage. *Indiana Law Review*, 50(3), 997–1022. <https://doi.org/10.18060/4806.1159>
- Wahyudi, D., Sujoko, A., & Ayub, Z. A. (2022). The presumption of innocence: Interpretation and application in online journalism. *Informasi*, 52(2), 215–230. <https://doi.org/10.21831/informasi.v52i2.54387>
- Ward, S. J. A. (2020). Journalism ethics. In *The Handbook of Journalism Studies* (2nd ed.).

Routledge.

Ward, S. J. A. (2021). *Handbook of global media ethics* (S. J. A. Ward (ed.)). Springer International Publishing. <https://doi.org/10.1007/978-3-319-32103-5>