

Research Article

Criminal Liability in Press Law and Artificial Intelligence-Generated Disinformation: Urgency of Reform in Indonesia

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ABSTRACT: Artificial intelligence (AI) presents significant challenges to the criminal liability framework under Indonesian press law, particularly in the regulation of AI-generated disinformation. This paper addresses these challenges through normative legal research, employing statutory, comparative, and conceptual approaches. The findings demonstrate that existing press law provisions are inadequate to regulate the complexity of AI-driven disinformation. This inadequacy has created a legal vacuum regarding accountability, undermining both legal certainty and the effectiveness of press regulation in the digital era. The paper argues that reform is urgently required to strengthen accountability while safeguarding press freedom. Such reform must incorporate the principles of prudence, independence, and AI ethics to ensure that press law remains responsive to technological innovation and continues to uphold the integrity of digital journalism.

KEYWORDS: Artificial intelligence; Criminal liability; Disinformation; Press law.

I. INTRODUCTION

Digitalization, which is developing rapidly, especially in artificial intelligence (AI), has significantly transformed modern journalistic practices.¹ Journalists and media institutions now rely not only on conventional methods in collecting and disseminating information, but also on utilizing AI to generate automated news, edit content, and even formulate narratives algorithmically.² This phenomenon creates new loopholes in the spread of disinformation, i.e., false or misleading information created with or without

¹ Waleed Ali dan Mohamed Hassoun, "Artificial Intelligence and Automated Journalism: Contemporary Challenges and New Opportunities," *International Journal of Media, Journalism and Mass Communications* 5, no. 1 (2019): 40–49, <https://doi.org/10.20431/2454-9479.0501004>.

² Ongky Hojanto et al., "Jurnal Mahardika Adiwidia," *Scholar.Archive.Org*, no. 2022 (2022): 111–18, <https://scholar.archive.org/work/v7rywulsnvfb7nqfrfowldzoju/access/wayback/http://jurnal.usahid.ac.id/index.php/mahardikaadiwidia/article/download/34/652>.

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intent, and can damage society, public trust, and the press's credibility.³

Philosophically, Press Law protects truth, justice, and freedom of expression in a democratic society. However, journalists' moral and ethical responsibilities become blurred when AI is an invisible actor in the news production process. The key issue is whether humans can be held criminally liable for disinformation generated by machines. This dilemma centers on press freedom, technological automation, and human accountability in the context of AI. Viewed from a theoretical perspective, the theory of criminal liability requires identifying error or fault in a legal subject. In AI-driven journalism, it is unclear who bears responsibility for AI-generated disinformation: programmers, journalists, media owners, or possibly AI itself. Classical criminal theory does not clearly address such distributed or automated liability, creating a gap between regulatory expectations and actual press practices involving AI. It is difficult to determine proper accountability when artificial intelligence mediates or aids journalistic crimes.⁴

The regulation of press law in Indonesia is rooted in the Press Law, several provisions in the Criminal Code (KUHP), and the Information Electronic Transactions Law (ITE Law) as a complement.⁵ Under the Press Law, the newspaper system is not regulated in detail. No article explicitly mentions the word "Editor." However, the functions and responsibilities of the editorial are strongly regulated, especially in Articles 6 and 12. Article 6 states: "The national press carries out its role as follows: a. fulfilling the public's right to know; b. uphold the basic values of democracy, encourage the realization of the rule of law and human rights, and respect diversity; c. develop public opinion based on precise, accurate, and correct information; d. supervise, criticize, correct, and advise on matters related to the public interest; e. fighting for justice and truth." Article 6

³ Anisa Rahmadhani, Anggi Aldila Safitri, and Irwansyah Irwansyah, "The Phenomenon of Spreading Hoaxes and Hate Speech on Social Media," *Journal of Business Information Technology and Systems* 3, no. 1 (2021): 30–43, <https://doi.org/10.47233/jteksis.v3i1.182>.

⁴ Harmonization of Criminal Law in the Perspective of Democracy and Human Rights et al., "National Proceedings of the Actual Law of the Idea of Regulating Artificial Intelligence as a Legal Subject in Indonesia," n.d., 149–57, <https://eduparx.id/blog/insight/artificial-intelligence/4-jenis-artificial-intelligence-atau-ai>.

⁵ I Komang Aditya Sanjaya, I Nyoman Gede Sugiarta, and Ketut Adi Wirawan, "Legal Regulation of the Spread of Fake News by the Press in Indonesia," *Journal of Legal Construction* 4, no. 1 (2023): 46–51, <https://doi.org/10.22225/jkh.4.1.6029.46-51>.

regulates the primary duties and functions of the Editor.

Indonesian society is flooded with information. The rise of fake news, clickbait, and machine-created algorithmic framing increases polarization, misguided thinking, and public unrest.⁶ Disinformation from mainstream media, especially unintentionally produced by AI, raises concerns that the authority of information truth may shift from humans to machines. If the law does not adapt to this, the public may lose trust in both the press and the criminal law.⁷

European countries, such as the Netherlands, take a different approach. In the Netherlands, the regulation of AI-generated news is covered by the EU AI Act. This law classifies AI by risk and establishes mandatory provisions, including transparency requirements, for specific AI systems. In contrast, Indonesia lacks a comprehensive law that specifically covers AI. In the U.S., regulating AI in news primarily focuses on ensuring media compliance with Laws such as copyright and defamation, as well as maintaining public trust and confidence. While Europe is creating strict new rules, the U.S. currently relies on market mechanisms, court litigation, and journalistic ethics to address these challenges.

Switzerland has no specific law on AI in the news. However, the use of AI in journalism must comply with existing legal frameworks and global standards. The Swiss Code of Obligations and the Criminal Code still apply. As in the US, Swiss media are responsible for the content they publish. If AI-generated content is defamatory, hateful, or misleading, the media can be prosecuted under Swiss criminal and civil law. Human editors remain strongly accountable. For these philosophical, theoretical, juridical, and sociological reasons, reforming the Press Law is urgent and strategic. Laws must anticipate and clarify criminal responsibility in journalistic practices that utilize advanced technology, including AI, to uphold information integrity and protect the public's right to

⁶ Mahdiyyah Febrinazahra et al., "Algorithms Against the Spread of Hoax News in the Media" 8, no. 2 (2024): 176–86.

⁷ Muh Akbar et al., "Artificial Intelligence and Human Rights: A Legal Study of Potential Dangers in Indonesia" 11 (2024): 359–64, https://blogs.lse.ac.uk/humanrights/2020/07/16/b.accountability_and_transparency_in_the_use_of_AI.

accurate news.

Compared to previous research that generally focused on the responsibility of the conventional press and the spread of disinformation by humans, this study specifically examining the urgency of press criminal law reform in the face of the challenges of journalistic disinformation generated or magnified by artificial intelligence (AI) in the digital age, which not only analyzes regulatory gaps in reaching accountability for AI-generated content, but also formulating a proportional criminal accountability model that distinguishes between algorithmic error and human negligence, to make a concrete contribution to the development of criminal law that is responsive to technological disruptors while remaining principled in protecting press freedom. This study aims to analyze press regulations related to criminal law and AI-based disinformation.

II. METHODOLOGY

This research is a legal study of norms, focusing on written legal norms as the primary legal material. The objective of this study is to conceptually and normatively analyze laws and regulations and legal principles relevant to the regulation of disinformation in artificial intelligence-based journalism. The research uses the legislative, conceptual, historical, and comparative approaches.⁸ The legislative approach is used to examine the legal regulations that are the basis of the research, including the 1945 Constitution, Law No. 40 of 1999 concerning the Press, Law No. 1 of 2024 concerning Amendments to the ITE Law, the 2023 Criminal Code, implementing regulations, and the 2012 Guidelines for Cyber Media News from the Press Council.⁹

The conceptual approach aims to examine legal concepts regarding disinformation, criminal accountability, and the role of AI in journalism, while the historical and comparative approach traces the development of press criminal law in Indonesia and

⁸ Rahmat Dwi Putranto, "Legal Digitization Analysis: Study of National Legal System Renewal," *Literatus: literature for social impact and cultural studies* 4, no. 3 (2022): 1163–72.

⁹ A N Husna et al., *Empowering the Digital Society* (Unimma Press, 2021), <https://books.google.co.id/books?id=I38-EAAAQBAJ>.

compares it with regulations in Germany, France, and the United States in the context of AI-based disinformation.¹⁰

The types of legal materials used include primary legal materials in the form of binding laws and regulations, secondary legal materials in the form of legal literature,¹¹ Academic journals, AI-related articles in journalism, and the results of scientific seminars, as well as tertiary legal materials in the form of legal dictionaries, encyclopedias, and trusted digital sources.¹² The technique of collecting legal materials is carried out through literature studies, which involve tracing legal documents and academic publications in physical libraries and electronic databases.¹³ Furthermore, legal materials are analyzed in a descriptive-qualitative by describing and examining the content of legal norms, comparing them with practices and challenges in the digital era, and formulating legal arguments regarding the urgency of reforming press criminal law to address AI-based journalistic disinformation.¹⁴

III. CRIMINAL LAW REGULATION OF THE PRESS IN INDONESIA IN HANDLING DISINFORMATION PRODUCED WITH THE HELP OF ARTIFICIAL INTELLIGENCE (AI).

A. Criminal Regulation of the Print Press in Law No. 40 of 1999

Law No. 40 of 1999 concerning the Press provides a legal framework to crack down on violations committed by print media, including press crimes in the context

¹⁰ B.G.B.M. Ratmono, *Demokrasi from Era Post Truth (2021)* (Gramedia Popular Literature, 2021), <https://books.google.co.id/books?id=mBwpEAAAQBAJ>.

¹¹ Mukti Fadjar, *The Dualism of Normative and Empirical Law Research*, 1 ed. (Jogjakarta: Pustaka Siswa, 2010).

¹² A A Putra et al., *Legal Article Writing Methods* (Tri Scientific Education Foundation, 2024), <https://books.google.co.id/books?id=PE7yEAAAQBAJ.p.88>

¹³ M S Cendekia et al., *Social Research Methodology* (Media Sahabat Cendekia, 2019), <https://books.google.co.id/books?id=tretDwAAQBAJ>.

¹⁴ B Wins, *Press, law, and human rights* (Dewan Pers, 2016).

of disinformation.¹⁵ For example, Article 1, paragraph (1) of the Press Law stipulates that the national press is a social institution and a vehicle for mass communication that disseminates information, entertainment, and education. The press is responsible for providing accurate and fair information in situations like this.¹⁶

Article 18 regulates violations of the journalistic code of ethics.¹⁷ If the print media spreads false or misleading information, the press may be subject to administrative or criminal sanctions.¹⁸ Sanctions range from reprimands to license revocations. The goal is to encourage more professional and responsible journalism practices. The existence of sanctions makes the media more professional, and the mass media is expected to be a reliable means for readers to obtain news with high accuracy and balance.

Some examples of unbalanced and low-accuracy media coverage are fake news published by a tabloid in 2020 that claimed there was a major scandal among government officials. The news proved unfounded and detrimental to the good name of the individuals involved. In this case, the tabloid editor was sanctioned according to the Press Law.¹⁹

Several other cases of spreading hoax news in Indonesia show the high vulnerability of the public to disinformation, especially those related to social, political, technological, and disaster issues. Examples of cases include the pig hoax, which manipulates public beliefs about mystical things; the Ratna Sarumpaet hoax that misleads public opinion in a political context; and the blue energy hoax and vacuum power plants that claim technology without a scientific basis.

¹⁵ Ernis Hutabarat, Ampuan Situmeang, and Junimart Girsang, "Juridical Review of Article 15 of the Press Law on the Function and Authority of the Press Council in Preventing Fake News," *Al-Qanun: Journal of Islamic Law Thought and Reform* 26, no. 1 (2023): 57–70, <https://doi.org/10.15642/alqanun.2023.26.1.57-70>.

¹⁶ Dudi Sabil Iskandar, "Press Construction in Building Healthy Information Strengthens National Resilience," *Press Construction in Building Healthy Information to Strengthen National Resilience*, 2015, pp.42-52.

¹⁷ Ruslan Abdul Gani Iin Rahmawati, "Criminal Liability for Press Delik (A Normative Study)," *Lgalitas* 1, no. 4 (2011): 133–90, <https://legalitas.unbari.ac.id/index.php/Legalitas/article/viewFile/74/62>.

¹⁸ N Nurdin, D Guntara, and M Abas, "Criminal Liability of the Press in the Crime of Defamation Linked to Law Number 40 of 1999 concerning the Press (Study ...)," *UNES Law Review* 6, no. 1 (2023): 1544–52, <https://review-unes.com/index.php/law/article/view/912%0Ahttps://review-unes.com/index.php/law/article/download/912/704>.

¹⁹ Nurdin, Guntara, and Abas.

In education and disasters, there were hoaxes about B.J. Habibie's successor students, aftershocks in Palu, and large earthquakes in the Sunda Strait and the South Java Sea, known as the *Megathrust earthquake*, which resulted in mass panic. In addition, the child abduction hoax and the footage of the Lion Air JT 610 black box have muddied the atmosphere of the crisis and lowered trust in official institutions. In the social realm, hoaxes such as marriage cards with photos of four wives, plastic eggs and fake eggs, and food containing plastic or wax, impact consumption and public health.

No less severe, the hoax about the State Cyber and Cryptography Agency (BSSN) tapping people's devices, the sale of Bali to pay the state debt, and the Citilink plane losing contact also reflect how easily strategic issues are used to create public unrest. These cases emphasize the importance of digital literacy, information verification, and law enforcement against spreading hoaxes to maintain social order and information integrity in public spaces.

The Press Law protects the rights of individuals who may be harmed by inaccurate reporting. Article 4 of the Press Law emphasizes that everyone has the right to get true, accurate, and non-misleading information. Thus, the Press Law protects a free press and the public from harmful information.²⁰ Given AI's ability to generate content that appears credible but is actually misleading, this will become increasingly relevant in the context of the disinformation generated by artificial intelligence.²¹

Statistics show that public trust in print media is declining as cases of disinformation increase. According to a survey conducted by the Reuters Institute in 2022, approximately 30% of respondents in Indonesia believe that the news they read is accurate.²² The data above shows the need to strengthen regulations and law enforcement against the media that spread disinformation. In this context, The Press Law can effectively crack down on

²⁰ Nurdin, Guntara, and Abas.

²¹ Noémi Bontridder dan Yves Pouillet, "The role of artificial intelligence in disinformation," *Data & Policy* 3 (2021): e32, <https://doi.org/10.1017/dap.2021.20>.

²² Alliance of Independent Journalists, *Disinformation on the 2024 Election*, 2024.

irresponsible media. The Press Law has an important role in dealing with disinformation, especially that produced by artificial intelligence. Updates and adjustments to existing regulations must be carried out so that they remain relevant to the dynamics of information in the current digital era.

Regarding the writing of false and deliberate AI news, in this scenario, where there is an element of intentionality from journalists, the three laws can apply in layers, with different emphasis and approaches: 1. Law No. 40 of 1999 concerning the Press (Press Law). The Press Law is a *lex specialis* law that regulates journalistic activities explicitly. Therefore, in legal principle, the Press Law will precede the Criminal Code, a *lex generalis* (common law).

Article 12 of the Press Law confirms that Press Companies are responsible for publishing journalistic works. This means that the media for which the journalist works bears the primary responsibility for the error, regardless of the tool used (human or AI). Sanctions: The Press Law does not regulate criminal sanctions for false news content. Instead, the Press may have the Right of Reply; meanwhile, the aggrieved party can ask for correction.

Sanctions from the Press Council include reprimands, revocation of press cards, or recommendations to the Company to take internal action. The aggrieved party can sue for damages in court. The violations are resolved through the press mechanism, not prison. AI is just a tool; those responsible remain the press companies and their journalists.

B. Criminal Regulation of the Digital Press in ITE Law No. 1 of 2024

Article 27 paragraph (3) aims to encourage the growth of information and communication technology or electronic transactions and regulate disinformation in the digital realm.²³ This change is important in disinformation because artificial intelligence

²³ Abdurrakhman Alhakim, "The Urgency of Legal Protection for Journalists from the Risk of Criminalization of the Information and Electronic Transaction Law in Indonesia," *Indonesian Journal of Legal Development* 4, no. 1 (2022): 89–106.

can easily create content that appears to be true but is actually false.²⁴ The existence of criminal sanctions for violators is one of the important points of the ITE Law. A person who intentionally and without permission disseminates misleading information can be subject to imprisonment and/or a fine, according to Article 45A. It provides a strong legal basis for cracking down on people or organizations that spread disinformation through digital platforms. The arrest of individuals who spread false news about COVID-19 vaccines on social media, which has proven to be detrimental to the broader community, is a clear example of the application of this article.

The ITE Law emphasizes that electronic system operators have clear responsibilities. Due to the development of AI technology that can automatically create content, these regulations are becoming increasingly important to prevent the spread of misinformation. Article 26 of the ITE Law states that “electronic system operators are obliged to remove unlawful content, including disinformation, within a certain time after receiving a report.”

Statistics show an increase in disinformation on social media. According to Kominfo, more than 1,000 fake content about COVID-19 were discovered in one month in 2021. These findings suggest that law enforcement is still difficult despite regulations. To overcome this problem, the government, digital platform operators, and the public must work together. In the ITE Law No. 1 of 2024, a more comprehensive legal framework is provided to deal with disinformation generated by artificial intelligence.²⁵ However, to properly implement these regulations, various parties must work together to ensure that the information disseminated to the public is correct and responsible.

Law No. 19 of 2016 concerning ITE (as amended into Law No. 1 of 2024), will take effect if fake news made with AI is disseminated through electronic systems

²⁴ Stephanie O’Neill, Journal of Law Science. *Journal of Law Science* 2, no. 1 (2024): 15–23.

²⁵ Syahrir Nur Dachlan, “The Role of Artificial Intelligence in Law Enforcement: Towards a More Accurate and Efficient Justice System,” *Sinergi International Journal of Law* 2, no. 3 (2024): 198–202, <https://doi.org/https://doi.org/10.61194/law.v2i3.157>.

(websites, social media, online news applications). The most relevant articles are: Article 45A paragraph (1) of Law No. 1 of 2024: “Any person who deliberately and without rights disseminates information intended to cause hatred or hostility to certain individuals and/or groups of people based on ethnicity, religion, race, and intergroup (SARA) shall be punished...”. The “intentional” element in your scenario is crucial to ensnare this article. If the false news contains elements of insult, defamation, or the spread of hatred (SARA), then the ITE Law can be applied.

If the false AI news meets the criminal elements in the ITE Law (such as defamation or spreading hatred), journalists and their press companies can be charged with criminal sanctions of imprisonment and fines.

C. Criminal Law Regulation of the Press in Handling Disinformation Produced with the Help of AI Intelligence

In response to the growing complexity of disinformation challenges posed by the use of artificial intelligence, the regulation of the press in Indonesia needs to be strengthened in criminal law. Artificial intelligence can produce content in large quantities and at high speeds; therefore, tackling the disinformation generated by this technology is a significant challenge in itself. The existing Press Law and ITE Law must be integrated to create a more solid legal system.²⁶

One action that can be taken is to include specific provisions in the law to regulate false information generated by AI. For example, clearly define false information and hold accountable the developers of the AI technology that created the content. Article 28 of the ITE Law, which prohibits the dissemination of misleading information, can be expanded to include information generated by AI algorithms, thus providing legal clarity for all parties involved. One of the most significant examples in the development

²⁶ Juwitha Putri; Hery Firmansyah Simanjuntak, “The Complexity of the Application of Artificial Intelligence (AI) in Evidence in Criminal Court,” *Kertha Semaya Journal* 12, no. 12 (2024): 3097–3112, <https://doi.org/10.24843/KS.2024.v12.i12.p01>.

of modern technology is the emergence of deepfakes. This technology leverages artificial intelligence to alter video and sound, making them appear highly realistic, even though the reality is a fabrication. Deepfakes are often misused to spread fake news about famous figures, which can not only damage their reputations but also erode the trust of society as a whole. The Indonesian nation must have strict regulations and strict penalties for those who abuse AI technology. Without firm steps, it will become increasingly difficult to distinguish between what is true and what is a lie.

The 70 percent figure indicates a pressing need for more proactive action from the government and related agencies to protect the public from the negative effects of disinformation. Strengthening criminal law regulations against the press is expected to create a safer and more responsible information environment. Media-related criminal law arrangements in dealing with disinformation generated by artificial intelligence require a comprehensive and adaptive approach. This approach involves not only strict law enforcement, but also efforts to educate the public on how to recognize and counter disinformation. Implementing the right measures can create a healthy and sustainable information ecosystem.

IV. URGENCY AND DIRECTION OF REFORM OF INDONESIAN PRESS CRIMINAL LAW IN RESPONDING TO THE CHALLENGES OF AI-BASED JOURNALISTIC DISINFORMATION IN THE DIGITAL ERA

The dissemination of inaccurate or misleading information can fuel public distrust, undermine the integrity of institutions, and create social tensions that can lead to conflict.²⁷ In the world of politics, disinformation can be used as a tool to damage opponents' reputations, influence public opinion, and exacerbate polarization among different groups within society. In the economic field, disinformation can disrupt markets, influence

²⁷ Sarjito, "Hoaxes, Disinformation, and National Resilience: Information Technology Threats in Indonesia's Digital Society."

investment decisions, and harm companies that are the target of negative information campaigns. In this complex context, it is crucial to understand how the press criminal law in Indonesia can adapt to the challenges of disinformation spread. The current criminal law system needs to be evaluated and modernized to function effectively in dealing with new issues arising from advances in information and communication technology.²⁸ The government, law enforcement, and the public must collaborate to raise awareness of the serious impact of disinformation and strengthen mechanisms to protect accurate and correct information. Building appropriate regulations and providing effective sanctions against the spread of false information is an important step in protecting the public from its negative impacts.²⁹ In addition, media education needs to be improved so that the public can be wiser in receiving and disseminating information. The ultimate goal is to build a more educated and responsive society to disinformation issues and create a healthier environment in social and political communication.

Who is responsible if the news is wrong, related to AI products in news creation? According to the Press Law, responsibility is both hierarchical and collective, with the top position held by the Editor-in-Chief. The Editor-in-Chief is the Principal Person in Charge. This is very clear in the Press Law. Article 1 Paragraph (8): “The Editor-in-Chief is responsible for all mass media content.” Article 12: Every press company is obliged to announce the name and address of the editor-in-chief. Article 15: Whenever there is a mistake, the right of reply and the right of correction are addressed to the Editor-in-Chief. As the consequences in every criminal case or civil lawsuit related to news, the Editor-in-Chief will be the first to be summoned and prosecuted. As the person in charge, the Editor-in-Chief must ensure that all systems running in his newsroom, including those utilizing AI, produce products that meet legal and ethical standards.

The company is legally responsible for the actions of its employees (in this case,

²⁸ Muhammad Anshar, “Analysis of Journalistic Regulation in the Press Law No. 40 of 1999 Analysis of Journalism Regulations in Press Law No.40 of 1999” 2, no. 1 (2025): 42–61.

²⁹ Udiyo Basuki R. Hendradi Setyawan, “Strategic Steps to Counter Hoaxes: A Policy and Legal Approach” 2, no. 1 (2022): 1–23.

journalists and editors) carried out in the course of carrying out their duties (vicarious liability). Companies are obliged to provide resources and work systems that ensure the quality and truth of news. If there is a court decision that punishes the Editor-in-Chief with a fine, it is the company that ultimately bears the financial burden. In very severe cases, the press company's license can be revoked. Journalists who use AI have professional and ethical responsibilities. If a journalist uses AI and then simply copies and pastes without verification, or uses an improper prompt that causes an error, they have violated the code of conduct. The journalists can be subject to internal sanctions from the company such as a warning, suspension, dismissal, and external sanctions from the Press Council by revoking the press ID card. In the legal process, journalists can be questioned as witnesses or even suspected. Whilst the Company is legally responsible for the actions of its employees (in this case, journalists and editors) carried out in the course of carrying out their duties (*vicarious liability*). Companies are obliged to provide resources and work systems that ensure the quality and truth of news. If there is a court decision that punishes the Editor-in-Chief with a fine, it is the Company that ultimately bears the financial burden. In very severe cases, the press company's license can be revoked.

In the digital era, news writing in the media can utilize AI, but as a tool, not a substitute for the journalistic process. Verification by humans is an absolute key that AI cannot replace. The editor-in-chief is the most responsible party, as per the Press Law. The Editor-in-Chief cannot shirk his responsibility by blaming the AI or his subordinates. Responsibilities are tiered. Journalists are responsible for initial verification, Editors are responsible for double-checking, and responsible for final verification, while the Company bears its legal and financial burdens. The Editor-in-Chief is the most responsible party according to Press Law.³⁰ Normatively, the Press Law has regulated absolute responsibility for disinformation in press companies, including that generated by AI, through Article 12.³¹ This principle affirms that tools or technologies (such as AI) do not reduce the legal

³⁰ Yadi Sastro, "The World of Journalism and the Journalist Profession," n.d.

³¹ Noorsyah Adi Noer Ridha et al., *Digital Society And Freedom Of Opinion: Integration Of Legal, Ethical, And Technological Literacy Perspectives* (Widina Publisher, 2025).

accountability of the press for published content. Thus, press companies are still obliged to ensure the accuracy and truth of the news, regardless of the production method.

The obligation to verify and correct in the Press Law (Article 1 paragraph 1, Article 5, and Article 6) also applies fully to AI-based news. These articles require the Press to verify facts, provide answers, and make corrections if proven to be false, with no exception for algorithmically generated content. This strengthens the position of press law as a *lex specialis* responsive to technological developments. However, the Press Law has not regulated specific aspects of transparency in using AI, algorithmic audits, or AI-based journalistic ethics standards. This gap requires progressive interpretation from the Press Council and the development of adequate derivative guidelines. At the same time, sanctions still refer to existing mechanisms such as professional sanctions from the Press Council or civil and criminal lawsuits.

Related to the ITE Law, regarding news made by AI, there are many challenges in law enforcement related to news disinformation generated by AI. As a relevant example in the legal context in Indonesia, Article 28 of the ITE Law clearly regulates the prohibition of disseminating information that violates morality, insults, or defamation. This article aims to protect individuals from various forms of character attacks and the dissemination of information that can harm their reputation.³²

Furthermore, Law No. 1 of 2024 will apply if the fake news is disseminated through electronic systems (websites, social media, online news applications). Article 45A paragraph (1) states “Any person who deliberately and without rights disseminates information intended to cause hatred or hostility to certain individuals and/or groups of people based on ethnicity, religion, race, and intergroup shall be punished...” Based on this Article when the false AI news meets the criminal elements of the ITE Law (such as defamation or spreading hatred), then journalists and their press companies can be

³² Renata Christha Auli, “Article 28 paragraph (2) of the 2024 ITE Law that ensnares the spreader of SARA hatred,” 2024, [https://www.hukumonline.com/klinik/a/pasal-28-ayat-\(2\)-uu-ite-2024-yang-menjerat-penyebar-kebencian-sara-lt65a6950b71ccc/](https://www.hukumonline.com/klinik/a/pasal-28-ayat-(2)-uu-ite-2024-yang-menjerat-penyebar-kebencian-sara-lt65a6950b71ccc/).

charged with criminal sanctions of imprisonment and fines.

In today's digital era, when information can be easily disseminated through various online platforms, the existence of this article has become increasingly important. The implementation of this article is often controversial and debated, especially regarding two main aspects: freedom of opinion and the right to information. One side of this controversy is how the prohibitions set out in the article could limit freedom of speech.³³ On the one hand, people have the right to express their views and thoughts, especially in the context of criticism of the government or other individuals. On the other hand, there are concerns that the criticism conveyed could be considered insulting or defamatory by those who feel aggrieved. This situation creates a complex dilemma in society, often where the line between freedom of expression and lawlessness feels very thin.

The implementation of Article 28 has not only sparked debate among academics and legal practitioners but has also attracted the attention of the media and the public. Cases involving allegations of defamation or insult often receive media attention. Academics question whether the legal action taken is really proportionate to the alleged violations that occurred. This raises concerns that the ITE Law may be misused to silence voices of criticism in an unfair manner. On the other hand, in the context of current press criminal law, several articles require serious attention from legal practitioners, journalists, and the general public. One of the most fundamental articles is Article 4 of the Press Law, which states that "Everyone has the right to freedom to seek, obtain, and convey information." This article should serve as the primary foundation for press freedom and the dissemination of information in Indonesia. Freedom of opinion and information is a crucial element in a democracy, as it enables people to access accurate and diverse information, while also allowing them to participate in decision-making processes.³⁴ In

³³ Salsabela Qurota Ayun, "Juridical Analysis on the Application of Positive Law on Insults to State Institutions in Cases of Insulting the President on Social Media" (Unisula Semarang, n.d.), https://repository.unissula.ac.id/38030/1/Illmu_Hukum_30302100302_fullpdf.pdf.

³⁴ Mulki Shader et al., *Press Freedom and Journalist Safety in Crisis*, ed. oleh Erasmus, 1 ed. (Jakarta: Institute for Criminal Justice Reform, 2021), <https://icjr.or.id/wp-content/uploads/2021/03/Penelitian-Situasi-Kebebasan-Pers-Keselamatan-Jurnalis-dan-Pemenuhan-Hak-Hak-Ketenagakerjaan-Selama-Masa-Pandemi.pdf>.

practice, this article often faces challenges and even conflicts with other articles in the law that govern defamation, the spread of fake news, and various other forms of violation. For example, Article 27, Paragraph (3) of the ITE Law specifically regulates the prohibition of the dissemination of information that can harm others. These arrangements, while intended to protect individuals from harmful accusations or information, are often abused. This provision can be used to ensnare journalists or individuals who convey information that is considered detrimental to certain parties.

For example, in some cases, journalists who report on sensitive or controversial issues are often threatened with lawsuits under this article. This creates a fear among journalists to conduct investigative reporting, which in turn can reduce public transparency and accountability. Additionally, there is a risk that press freedom can be silenced through the use of these articles as a tool to suppress criticism or discredit facts unfavorable to certain parties, whether individuals, companies, or governments.³⁵

All parties, especially lawmakers, should re-evaluate how these articles are implemented. There is an urgent need to create a balance between protecting individuals from defamation and ensuring that press freedom is not impeded. Legal reform efforts must be made to ensure that freedom to seek, obtain, and impart information is maintained, while still protecting the rights of individuals from the dissemination of harmful information.³⁶ Dialogue between relevant parties, including journalists, academics, and policymakers, is urgently needed to develop a fairer and more thoughtful approach to addressing these complex legal issues.

The direction of reforming press law in Indonesia must take into account the contextual changes caused by the development of information technology and the increasingly widespread dissemination of disinformation. In this digital era, the dynamics of communication and news dissemination have undergone a significant revolution,

³⁵ Fathika Ratna Wulandari et al., "The Implications of the ITE Law on Press Freedom in Indonesia," *Journal of Progressive Law* 8, no. 1 (2025): 1928–40.

³⁶ Sasmito, "The Struggle of Civil Society to Erase the Colonial Fake News Article" (n.d.).

where information can be easily accessed, shared, and changed by anyone.³⁷ It is crucial to conduct a thorough evaluation of current regulations to adapt to the new challenges that arise. One of the crucial steps that needs to be taken is to update the articles in the law that are considered outdated or no longer relevant to current social, political, and technological conditions. For example, the definition contained in Article 28 of the ITE Law regarding the prohibition on disseminating misleading information needs clarification to avoid multiple interpretations. Ambiguity in regulations can cause confusion among journalists, mass media, and the public, and has the potential to be abused to silence critical voices or dissent.³⁸

Furthermore, it is essential to establish clear boundaries between disinformation and freedom of speech. In this context, freedom of expression is one of the pillars of democracy that must be protected, while disinformation has the potential to undermine public trust and social stability. There needs to be clear and firm regulations on what constitutes disinformation, including the categories or types of information that are classified as such, without compromising the fundamental rights of journalists and individuals to express opinions and information that are considered important. Journalists and the media should not get entangled in legal issues just because they seek to convey information that is critical and relevant to the issues facing society. Training and education on journalistic ethics, as well as an understanding of disinformation, must also be enhanced so that journalists can be more informed in their reporting and avoid falling into legal traps that are not aligned with democratic principles. Reform of the press criminal law in Indonesia must reflect not only the need to maintain public order, but also to protect freedom of perception and support the development of a more informative and inclusive society.

The process of reforming press law is crucial to involve various stakeholders who have their respective roles and responsibilities within the media ecosystem. These

³⁷ Nur Khalimatus Sa'diyah, "Criminal Law Reform in Response to Social and Technological Changes," 2025, <https://beritaborneo.com/main/pembaharuan-hukum-pidana-dalam-menanggapi-perubahan-sosial-dan-teknologi/>.

³⁸ Sasmito, the Struggle of Civil Society to Remove Colonial Fake News Articles.

stakeholders include journalists, who are at the forefront of delivering information to the public; academics, who possess in-depth knowledge of legal theory and practice, as well as their impact on society; and civil society organizations, which serve as monitors and advocates for human rights and freedom of expression.³⁹ The involvement of all parties aims to establish a comprehensive, fair, and responsive legal framework that addresses the evolving needs of society. Reform processes involving journalists can ensure that their voices are heard and considered, allowing the resulting legislation to accommodate the challenges they face in carrying out their journalistic duties. Academics can provide the critical analysis and empirical data needed to formulate evidence-based policies, while civil society organizations can offer a broader perspective on the law's impact on society as a whole, particularly in safeguarding press freedom and individual rights.⁴⁰

The reform of the press criminal law is not only a step to improve regulations on disinformation, but also a strategic effort to protect freedom of opinion and expression. This is becoming increasingly important amid the rapid development of information technology and the increasing complexity of disinformation in today's digital era.⁴¹ The resulting law must be able to provide adequate protection for journalists while they carry out their duties, without neglecting the responsibility to deliver accurate and accountable information. Stakeholder engagement, press criminal law reform can create a healthy balance between the need to counter disinformation and protect press freedom.⁴² This challenge requires collaboration and constructive dialogue to produce inclusive and sustainable solutions for society in the digital era.

Articles 164 and 165 of the Criminal Code provide a strong legal basis for

³⁹ Abdurrahman Alhakim, "The Urgency of Legal Protection for Journalists from the Risk of Criminalization of the Information and Electronic Transaction Law in Indonesia," *Indonesian Journal of Legal Development* 4, no. 1 (2022): 89–106, <https://doi.org/10.14710/jphi.v4i1.89-106>.

⁴⁰ Ragil Hadiwibowo, "Analysis of Legal Protection of Journalists Based on Law Number 40 of 1999 concerning the Press" 1, no. 1 (2023): 19–24, <https://ejournalpasca.unisi.ac.id/index.php/ilr/article/view/66/40>.

⁴¹ Flat Syaripah; Miss; Ernita Prima Noviyani, "Legal and Ethical Challenges (Social Engineering Towards Freedom of Opinion in the Digital World)," *Scientific Research Center* 2, no. 4 (2023).

⁴² Muhammad Alberto Persada, Firman Muntaqo, and Ruben Achmad, "Strengthening the Function of the Press Council as a Mediator for the Settlement of Press Cases in the Indonesian Constituendum," *Lex LATA* 5, no. 1 (2023): 1–13, <https://doi.org/10.28946/lexl.v5i1.1947>.

ensnaring disinformation spreaders, including those facilitated by AI. Article 164 is for those who deliberately deceive, while Article 165 is for those who neglect to disseminate uncertain information. For journalists, the obligation of verification is absolute. The use of AI is not a justification for disseminating information without filters; rather, it increases the responsibility to be more vigilant. Although the Press Law does not have criminal sanctions, professional sanctions still apply. Sanctions from the Press Council include reprimands, revocation of press cards, and recommendations for press companies. The aggrieved party can claim damages through the courts. The responsible parties are journalists, editors, and press companies. The element of “intentionality” must be proven to impose criminal sanctions. The Press Law remains a *lex specialist*, but if the elements of defamation or hate speech are met, the ITE Law and the Criminal Code can be applied.⁴³

Meanwhile, the concepts of misinformation, disinformation, and fake news will be defined in detail for the next analysis. In the academic discourse on the digital information ecosystem, a clear distinction between various forms of inaccurate information is necessary. Concepts such as disinformation, misinformation, fake news, and distorted information are often used interchangeably, although each has unique, definitive characteristics and requires a different response. Disinformation news written using AI must be completely regulated. Legal action against AI-based journalistic disinformation, especially in the context of the press, requires specific and visionary regulatory reforms. Existing legal frameworks have not fully accommodated the technical complexity and unique liabilities posed by AI.⁴⁴ On the other hand, disinformation is also incorrect information, but it is distinguished by the existence of elements of intentionality and malicious intent in its creation and dissemination. Disinformation is strategically designed to deceive, manipulate public opinion, or cause specific harms, thus occupying it as an instrument of propaganda or information warfare that has the potential to threaten public order.

Furthermore, malinformation refers to information that is factually true but is

⁴³ Prahassacitta.

⁴⁴ Wawan Kurniawan, “Information Literacy in the Face of Fake News: Bibliometric Analysis of the Spread on Social Media,” *Media Librarian* 31, no. 2 (2024): 156–69.

disseminated with the intent to cause loss or damage to the reputation of an individual, group, or organization. A classic example is the leakage of personal data or confidential communications disseminated for revenge or extortion. Meanwhile, the term fake news functions more as a popular umbrella term. It is often used loosely in political discourse and media to refer to various types of misinformation, both in the category of misinformation and disinformation. Because of its ambiguous and easily politicized nature, academics advocate using more specific and operable terminology.

Distorted information refers to information that contains elements of truth but has undergone a distortion process, such as cutting context, exaggeration, or extreme simplification, resulting in a narrative that is misleading or does not represent reality. This form often bridges between true and false information, and can be part of a larger disinformation tactic if done intentionally.⁴⁵ This differentiation is important not only from an academic perspective but also crucial to the formulation of legal policy. As analyzed in the context of regulations such as the ITE Law and the Criminal Code, intent and potential harm are fundamental elements of crime. The legal approach to perpetrators who spread misinformation inadvertently should differ from perpetrators who deliberately create and spread disinformation or malinformation with malicious intent.

Disinformation news written using AI must be regulated entirely. Legal action against AI-based journalistic disinformation, especially in the context of the Press, requires specific and visionary regulatory reforms. Existing legal frameworks (Press Law, ITE Law, Criminal Code) have not fully accommodated AI's technical complexity and unique liabilities.⁴⁶ The Press Law and the ITE Act do not define "artificial intelligence", "AI generative content," or "deepfake." As a result, the existing rules appear general and not well-targeted. The solution is to establish a clear legal definition of AI terminology in the context of journalism and information dissemination. Ambiguity in liability arises when it is unclear who is responsible, whether the journalist is a user, the editor who

⁴⁵ M Waston, *Post-Truth Philosophy: The Crisis of Truth and the Challenge of Rationality in the Digital Age* (Muhammadiyah University Press, n.d.).

⁴⁶ Andi Tejawati et al., "Artificial Intelligence in Public Relations and Journalism," 2024.

supervises, the press company as the publisher who disseminates, the developer of the AI platform, or the AI itself. Existing laws only target “everyone” deploying AI, with no specific guidance on the complex chain of responsibility within the AI ecosystem. The solution is to clarify the hierarchy and proportion of responsibility for each actor in the production chain and the dissemination of AI content.

The Press Law requires verification, but it does not specify the mandatory verification standards for AI-generated or assisted content. Is it enough to check the prompt, or should you use a deepfake detection tool? The solution needs to establish a “Professional Duty of Care” that journalists and media must meet when using AI. The challenge of proof, or determining whether a piece of content is a deepfake or the result of AI manipulation, requires sophisticated digital expertise and forensics, which may not be possessed by ordinary law enforcement officials. The solution is the need for legal recognition of digital evidence from AI audits and certification for AI digital forensic experts.

In the Journalistic Code of Ethics, the Press Council should issue Guidelines for the ethical use of AI in news. These guidelines should require transparency in informing the public that content (text, images, sounds) is generated or assisted by AI (AI-generated content disclosure). Journalists and editors remain primarily responsible for all published content, even if it is produced by AI.⁴⁷ The Special Arrangement in the ITE Law or the AI Security Bill is to create a special article. Add an article in the ITE Law or in a bill under discussion, such as the Personal Data Protection Bill or the AI Security Bill, that regulates, on Content Labeling (*Watermarking*), directing AI platforms to embed *watermarks* or undeleted metadata that tags content as a result of AI. Platform Responsibility is to provide an obligation to social media platforms to have a transparent AI content detection and labeling mechanism. Punishment is considered the element of punishment if disinformation is carried out using sophisticated technology such as AI,

⁴⁷ Poppy Suryanti and Eko Aziz Apriadi, “Artificial Intelligence In Journalistic Content Production: Ethical Analysis And Accuracy Of Ai-Based News Communication,” *Journal Media Public Relations* 5, no. 1 (n.d.): 253–63.

because of its massive scale and more dangerous impact.⁴⁸

In line with the Criminal Code, specifically the interpretation of the Judge, the Supreme Court should issue a Circular Letter or Regulation on Law Enforcement against AI-Based Crimes. It contains guidelines for judges to interpret the elements of “deliberate”, “reasonable suspicion”, and “nuisance” in the context of AI disinformation. There is a standard of proof that sets a minimum standard for electronic evidence to prove that content is a deepfake or AI disinformation—increasing the capacity of the apparatus with special training, namely building the capacity of the police, prosecutor’s office, and judges through special training in Digital Forensics and AI Literacy and forming a cybercrime unit that specializes in AI-based crime investigations.

V. CONCLUSION

The criminal law regulation of the press in Indonesia in dealing with disinformation produced with the help of artificial intelligence currently refers to several laws and regulations, namely the Press Law, the ITE Law, and the Criminal Code. However, related to artificial intelligence (AI)-based disinformation, the three laws are still not fully responsive to the development of digital technology that can engineer information massively and quickly. The urgency and direction of reforming Indonesia’s press law in response to the challenges of AI-based journalistic disinformation in the digital era are crucial. It ensures legal certainty and the protection of responsible press freedom, while preventing the misuse of AI technology to spread journalistic disinformation. The criminal law reform has not focused on integrating journalistic ethical principles, strengthening technology-based regulations, and protecting the public’s right to accurate and correct information in the ever-evolving digital era.

48 Arief Wibowo, Yehu Wangsajaya, and Asep Surahmat, *Digital policing with artificial intelligence* (PT. RajaGrafindo Persada-Rajawali Pers, 2023).

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