

“Legal Protection Journalists Against Cyber Threats: Perspective on Press Law and Electronic Transaction Information Law”

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Abstract

Introduction to the Problem: The development of information and communication technology has brought significant changes to journalistic practices in Indonesia, particularly through the utilization of digital media and cyberspace in press activities. On the other hand, such developments have also given rise to various cyber threats against journalists, including account hacking, digital intimidation, doxing, dissemination of personal data, and criminalization through electronic media. These conditions create legal issues concerning the protection of press freedom and the digital security of journalists in carrying out their journalistic functions.

Purpose/Study Objectives: This study aims to analyze the forms of legal protection afforded to journalists against cyber threats based on Law Number 40 of 1999 concerning the Press and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), as well as to examine the legal certainty of journalist protection within the digital sphere.

Design/Methodology/Approach: This study employs a normative legal research method using statutory, conceptual, and case approaches. The legal materials consist of primary, secondary, and tertiary legal sources obtained through library research, which are subsequently analyzed qualitatively through methods of legal interpretation.

Findings: The results of the study indicate that the Press Law and the ITE Law have normatively provided legal protection for journalists, both through guarantees of press freedom and regulations concerning cybercrime. However, such protection has not yet fully ensured legal certainty, as there remain overlapping regulations and the application of multi-interpretative provisions within the ITE Law that have the potential to criminalize journalists. Therefore, regulatory harmonization and the strengthening of digital security protection for journalists are necessary in order to safeguard press freedom and the protection of human rights in the digital era.

Paper Type: Research Article or General Review

Keywords: Legal protection, journalists, cyber threats, press freedom, ITE Law.



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Introduction

The development of information and communication technology has brought significant changes to journalistic practices in Indonesia. Journalistic activities that were previously conducted through conventional print and electronic media have now expanded into digital media and cyber platforms. This transformation has facilitated the rapid and widespread dissemination of information to the public; however, on the other hand, it has also given rise to various cyber threats against journalists, such as account hacking, communication interception, doxing, digital intimidation, the dissemination of hate speech, and malware attacks. These threats not only compromise the digital security of journalists but also have the potential to hinder press freedom within a democratic state. (Daulay, 2016)

In a democratic state, the press holds an important position as a means of social control, dissemination of information, public education, and oversight of governmental administration. Press freedom constitutes a part of human rights guaranteed by the constitution and serves as a primary indicator of the sustainability of democracy. According to Hamdan Daulay, press freedom is an important instrument in creating an open and democratic society because the press functions not only as a disseminator of information but also as a watchdog over those in power. (Pengantar Hukum Pers, 2004) In line with this view, Armansyah states that press freedom forms part of human rights protected by the constitution and statutory regulations in Indonesia.

Normatively, the protection of the press is regulated under Law Number 40 of 1999 concerning the Press. Article 4 of the Press Law affirms that press freedom is guaranteed as a constitutional right of citizens, and that the national press shall not be subject to censorship, banning, or restrictions on publication and broadcasting. (Pers, Pasal 4) Furthermore, Article 8 of the Press Law stipulates that journalists, in carrying out their professional duties, are entitled to legal protection. (Pers, Pasal 8) These provisions demonstrate the existence of normative guarantees provided by the state regarding press freedom and the journalistic profession.

Nevertheless, the development of digital media has transformed the nature of threats faced by journalists. Whereas threats were previously dominated by physical violence and political pressure, they have now expanded into the digital sphere through cyberattacks. Research on journalists' digital security indicates that journalists constitute a vulnerable group frequently targeted by cyber threats due to the sensitive information and public interests associated with their work. (Anjuli R.K. Shere, 2020) This situation becomes increasingly complex when journalistic

activities are conducted through digital platforms that carry risks of data breaches, digital surveillance, and the misuse of information technology..

On the other hand, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law) was enacted to provide legal certainty for electronic activities and protection against cybercrime. Fundamentally, the ITE Law may serve as a legal instrument to protect journalists from cybercrimes such as hacking, electronic threats, and the misuse of digital data. However, in practice, several provisions of the ITE Law have generated controversy because they are considered to have the potential to restrict freedom of expression and criminalize journalistic products. Agus Siagian explains that in the digital era, press freedom frequently comes into conflict with the implementation of the ITE Law, particularly in relation to news reporting deemed detrimental to certain parties. (Siagian, 2025)

These issues demonstrate the existence of tension between the protection of press freedom and law enforcement within the digital sphere. Numerous journalists have experienced intimidation, criminal complaints, and even digital attacks after reporting on issues related to political, economic, and power interests. Such conditions may create a chilling effect on journalists in carrying out their journalistic duties independently. Studies concerning the implementation of legal protection for journalists indicate that the legal protection provided by the state has not yet functioned optimally, particularly in addressing threats to press freedom in the digital era.

Furthermore, the increasing prevalence of cybercrime threats in Indonesia demonstrates that legal protection for professions that depend on digital security, including journalists, has become increasingly important. Threats such as doxing and the illegal dissemination of personal data may endanger journalists both professionally and personally. Research on doxing emphasizes that legal regulations in Indonesia have not yet adequately provided protection for victims of cybercrimes involving the dissemination of personal data (Rahmayanti, 2025).

Based on the foregoing discussion, it can be understood that legal protection for journalists in the digital era faces increasingly complex challenges. On the one hand, the Press Law guarantees press freedom and the protection of the journalistic profession; on the other hand, the development of cyber threats requires more adaptive legal protection through digital legal instruments, including the ITE Law. Therefore, this study is important to conduct in order to analyze the legal protection afforded to journalists against cyber threats based on the Press Law and the ITE Law, as well as to formulate an ideal framework of legal protection for journalists in the digital era. Based on the above background, the following research problems are formulated:

1. How is the legal protection for journalists against cyber threats regulated under the Press Law and the ITE Law?
2. Have the provisions under the Press Law and the ITE Law provided legal certainty for the protection of journalists within the digital sphere?

Methodology

This study employs a normative legal research method. According to Peter Mahmud Marzuki, legal research is a process aimed at discovering legal rules, legal principles, and legal doctrines in order to address existing legal issues. (Marzuki, 2017) Normative legal research is conducted by examining library materials or secondary data related to legal norms, legal principles, and statutory regulations. (Mamudji, 2003) Accordingly, this study focuses on analyzing the legal protection afforded to journalists against cyber threats based on the provisions of Law Number 40 of 1999 concerning the Press and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law).

1. Research Type

The type of research employed in this study is normative legal research or juridical normative research. Normative legal research is a form of research that examines law as norms or legal principles prevailing within society. (Djatmiati, 2005) This research is conducted through library research by examining primary legal materials, secondary legal materials, and tertiary legal materials related to the legal protection of journalists against cyber threats. (Soekanto, 2012)

This study is descriptive-analytical in nature, meaning that it describes the applicable legal provisions and subsequently analyzes them systematically in order to obtain answers to the legal issues under examination. (Soekanto, 2012) In this study, the author analyzes the synchronization between the Press Law and the ITE Law in providing legal protection for journalists in the digital era..

2. Research Approach Methodology

The approaches employed in this study include:

- a. Statutory Approach (Statute Approach)

The statutory approach is conducted by examining all laws and regulations related to the legal issues under study. (Marzuki, 2017) This approach is used to analyze the provisions contained in:

- 1) Law Number 40 of 1999 concerning the Press;
- 2) Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law);
- 3) Law Number 27 of 2022 concerning Personal Data Protection;
- 4) as well as other regulations related to press freedom and digital security.

- b. Conceptual Approach

The conceptual approach is conducted by examining views, doctrines, and legal concepts that have developed within legal scholarship. This approach is used to understand the concepts of legal protection, press freedom, human rights, and cybercrime from the perspective of national law.

- c. Case Approach

The case approach is conducted by examining cases related to cyber threats against journalists as well as the application of the ITE Law to journalistic activities. This approach aims to identify the implementation of legal protection for journalists within the practice of law enforcement in Indonesia..

3. Types and Sources of Legal Materials

Normative legal research utilizes legal materials as the primary source of research. (Muhaimin, 2020) The legal materials employed in this study consist of:

a. Primary Legal Materials

Primary legal materials are legal sources that are authoritative in nature or possess binding legal force. In this study, the primary legal materials include: The 1945 Constitution of the Republic of Indonesia; Law Number 40 of 1999 concerning the Press; and Law Number 27 of 2022 concerning Personal Data Protection.

b. Secondary Legal Materials

Secondary legal materials are legal sources that provide explanations and interpretations of primary legal materials. In this study, the secondary legal materials consist of: legal textbooks; scientific journals; research findings; scholarly articles; opinions of legal scholars; and other literature related to the legal protection of journalists and cybercrime.

c. Tertiary Legal Materials

Tertiary legal materials are legal sources that provide guidance and explanations regarding primary and secondary legal materials. The tertiary legal materials used in this study include legal dictionaries, legal encyclopedias, as well as legal indexes and bibliographies.

4. Technique for Collecting Legal Materials

The technique for collecting legal materials is conducted through library research, namely by inventorying, reading, examining, and recording various legal materials related to the object of the study. (Ibrahim, 2006) The collection of legal materials is carried out through the examination of statutory regulations, books, scientific journals, legal articles, and other legal documents relevant to the legal protection of journalists against cyber threats.

5. Technique of Legal Material Analysis

The analysis of legal materials in this study is conducted qualitatively by employing methods of legal interpretation and legal argumentation. The collected legal materials are subsequently analyzed systematically in order to identify the relationship between one legal norm and another, thereby obtaining an understanding of the legal protection afforded to journalists against cyber threat.

Results and Discussion

A. Forms of Legal Protection for Journalists Against Cyber Threats Under the Press Law and the ITE Law

The development of digital technology has transformed journalistic practices from conventional media into internet-based media. This transformation has facilitated the dissemination of information; however, it has also given rise to new threats in the form of cyberattacks against journalists. These threats include the hacking of social media and email accounts, interception of digital communications, doxing, intimidation through electronic media, dissemination of hate speech, cyberbullying, and even criminalization through digital legal instruments. Such threats not only affect the personal security of journalists but also have the potential to hinder press freedom and the public's right to obtain information.

Normatively, legal protection for journalists in Indonesia is regulated under Law Number 40 of 1999 concerning the Press. Article 4 paragraph (1) of the Press Law affirms that press freedom is guaranteed as a constitutional right of citizens. This provision indicates that the state is obligated to protect press freedom from all forms of threats, including digital or cyber threats. Furthermore, Article 8 of the Press Law stipulates that journalists are entitled to legal protection in carrying out their profession. Such protection encompasses journalistic activities, news gathering, information processing, as well as the dissemination of information to the public. (Pers, Pasal 4)

Legal protection under the Press Law is fundamentally preventive and repressive in nature. Preventive protection is provided through the recognition of press freedom and the prohibition of censorship, banning, or restrictions on broadcasting activities. Meanwhile, repressive protection is provided through criminal provisions against parties who obstruct or interfere with press activities, as regulated under Article 18 paragraph (1) of the Press Law. (Pers, Pasal 18 ayat (1)) In the context of cyber threats, these provisions may be interpreted to mean that digital actions that hinder journalistic work, such as the hacking of journalists' accounts or online intimidation, constitute violations of press freedom.

According to Mawardi, legal protection for members of the press constitutes a form of implementation of a democratic rule-of-law state that guarantees freedom of expression and the public's right to obtain information. (Mawardi, 2022) Such protection is important because the press functions as a mechanism of social control over those in power. Therefore, threats against journalists, including cyber threats, essentially constitute threats against democracy itself.

On the other hand, the ITE Law provides a legal basis for the protection of activities within the digital sphere. The ITE Law regulates various forms of

cybercrime, including illegal access, unlawful interception, manipulation of electronic data, and electronic threats. In relation to the protection of journalists, Article 30 of the ITE Law prohibits any person from accessing another person's computer or electronic system without authorization, while Article 32 prohibits the unauthorized transfer, destruction, or manipulation of electronic data. These provisions may be utilized to protect journalists from acts such as account hacking, data theft, and the interception of digital information..

Furthermore, Article 29 of the ITE Law regulates the prohibition of transmitting threats of violence or acts of intimidation through electronic media. This provision is relevant to cases of digital intimidation frequently experienced by journalists when reporting on sensitive issues, such as corruption, human rights violations, or criticism of those in power. In practice, digital intimidation against journalists may take the form of death threats, terror through social media, or the illegal dissemination of personal data (doxing).

Research on the protection of journalists in digital media indicates that local journalists and online media personnel constitute the groups most vulnerable to cyber threats due to weak digital security systems and limited institutional support. Such threats are not only manifested in the form of verbal violence within the digital sphere, but also in the form of surveillance and attacks on journalists' reputations through social media.

From the perspective of human rights, the protection of journalists within the digital sphere is also closely related to the protection of the right to freedom of expression as guaranteed under Article 28F of the 1945 Constitution of the Republic of Indonesia. This right guarantees every person the freedom to seek, obtain, process, and disseminate information through all available channels. Therefore, the state bears a constitutional obligation to ensure the safety and security of journalists in carrying out journalistic activities within the digital sphere.

Nevertheless, in practice, the ITE Law does not merely function as an instrument for protection against cyber threats, but is also frequently used to restrict freedom of expression. Several provisions, such as those concerning defamation and hate speech, are often regarded as "rubber articles" due to their broad and ambiguous interpretation, which may be used to criminalize journalists as well as journalistic products. (Miranda Lufti Nasution dan Nabil Abduh Aqil, 2022) This condition gives rise to a legal dilemma between the protection of digital security and the protection of press freedom.

According to the research conducted by Vina Octavia and Ariawan Gunadi, the criminalization of journalistic products frequently occurs when parties who feel aggrieved choose to invoke the ITE Law rather than resolving press disputes through the Press Council mechanism. (Gunadi, 2023) In fact, based on the principle of **lex specialis derogat legi generali**, the settlement of

journalistic disputes should primarily refer to the Press Law as the special legal framework rather than the general provisions contained in the ITE Law.

In addition to the protection provided under the Press Law and the ITE Law, the protection of journalists' personal data is also strengthened by Law Number 27 of 2022 concerning Personal Data Protection. (Siti Aisyah, 2025) This regulation is important because cyber threats against journalists are often related to the misuse of personal data, such as the illegal dissemination of home addresses, phone numbers, and family identities of journalists. Accordingly, legal protection for journalists in the digital era requires an integration of press freedom protection, cybersecurity, and personal data protection.

B. Legal Certainty of Journalist Protection in the Digital Sphere under the Press Law and the ITE Law

Legal certainty is one of the fundamental principles of a rule-of-law state aimed at protecting citizens' rights through clear, consistent, and predictable legal norms. In the context of protecting journalists in the digital sphere, legal certainty is necessary to enable journalists to perform their journalistic functions freely without fear of intimidation or criminalization..

Normatively, the Press Law provides a relatively clear legal basis for the protection of press freedom and the journalistic profession. The Press Law positions the press as a social institution and a mass communication medium that conducts journalistic activities, including seeking, obtaining, possessing, storing, processing, and disseminating information. (Pers, Pasal 1 angka 1) In addition, the existence of the Press Council as an independent body serves as a mechanism for resolving press disputes, aimed at maintaining journalistic independence and professionalism.

However, in practice, legal certainty regarding the protection of journalists in the digital sphere still faces various challenges. One of the main issues is the overlap between the Press Law and the ITE Law. In many cases, disputes over journalistic reporting that should be resolved through the right of reply mechanism or the Press Council are instead brought into the criminal realm under the ITE Law. This situation creates legal uncertainty, as journalists may be subjected to criminal proceedings for journalistic products that are actually protected under the Press Law. (Siti Aisyah, 2025)

Research on press freedom indicates that the application of the ITE Law to journalistic activities often creates a chilling effect, namely a condition in which journalists become afraid to report certain issues due to concerns about being subject to criminal complaints. (Quinncy Quillon Nugraha, 2026) This situation has the potential to weaken the role of the press as a mechanism of social control and as a watchdog over those in power.

The main issue within the ITE Law lies in several provisions that are open to multiple interpretations, particularly those related to defamation and the distribution of electronic information. These provisions are considered to have

failed to clearly distinguish between criticism, journalistic work, and criminal acts of insult in the digital sphere.. (Jurnal Universitas Pasundan)

From the perspective of legal certainty theory, a regulation must satisfy the elements of normative clarity and consistency in its application. However, in the implementation of the ITE Law, differences in interpretation often occur among law enforcement officers, the Press Council, and the public. As a result, the protection of journalists becomes suboptimal because there is no uniform standard for determining whether a journalistic product constitutes press freedom or an electronic criminal offense.

Research on the implementation of legal protection for local journalists shows that weak coordination between law enforcement authorities and press institutions has resulted in many cases of digital threats against journalists not being handled optimally. In some cases, journalists have even become the subject of legal proceedings rather than receiving legal protection. (Siahaan, 2025) This indicates that legal certainty for the protection of journalists in the digital sphere remains weak in terms of its implementation.

In addition, the increasing complexity of cyber threats has not been fully matched by adaptive legal regulation. New forms of threats such as doxing, cyberstalking, and data-based digital attacks have not yet been specifically regulated within the context of protecting the journalistic profession. Although the Personal Data Protection Law (UU PDP) provides protection for personal data, its implementation in relation to the protection of journalists still requires clearer technical regulations.

From the perspective of progressive law theory, the protection of journalists in the digital sphere is not sufficient if it relies solely on a repressive approach in the form of criminal sanctions. It also requires preventive measures such as strengthening digital security, improving cyber literacy education, and enhancing the capacity of law enforcement officials in addressing press freedom issues. The state needs to build a protection system that is not only oriented toward prosecuting cybercrime offenders but also ensures the sustainability of democracy through the protection of press freedom.

Therefore, harmonization between the Press Law and the ITE Law is necessary in order to create clearer legal certainty regarding the protection of journalists in the digital sphere. Such harmonization may be achieved through:

- a. affirming that disputes over journalistic products must first be resolved through the Press Council mechanism;
- b. limiting the application of multi-interpretative provisions in the ITE Law to journalistic works;
- c. strengthening the protection of journalists' personal data; and
- d. establishing specific regulations on digital security for members of the press.

Thus, it can be understood that the regulations under the Press Law and the ITE Law have not fully provided legal certainty for the protection of journalists in the digital sphere. Although normative legal protection has been established,

the implementation and synchronization of these regulations still face various obstacles that have the potential to hinder press freedom in Indonesia.

Conclusion

1. Legal protection for journalists against cyber threats has been normatively regulated under the Press Law and the ITE Law. The Press Law provides protection for press freedom through guarantees of press liberty, protection of the journalistic profession, prohibitions on censorship and banning, as well as sanctions against parties who obstruct journalistic activities. These protections are reflected in Articles 4 and 8 of Law Number 40 of 1999 concerning the Press, which affirm that press freedom is a constitutional right of citizens and that journalists are entitled to legal protection in carrying out their professional duties. Meanwhile, the ITE Law provides legal protection for digital activities through provisions governing illegal access to electronic systems, manipulation of electronic data, electronic threats, and various other forms of cybercrime. The provisions under Articles 27, 29, 30, and 32 of the ITE Law may serve as a legal basis for protecting journalists who experience digital intimidation, account hacking, electronic threats, or misuse of personal data in cyberspace. However, such legal protection remains general in nature and does not specifically regulate digital security protection for the journalistic profession. The increasing development of cyber threats such as doxing, cyber harassment, digital interception, and attacks on journalists' personal data indicates that existing regulations have not comprehensively accommodated the evolving forms of digital threats. Therefore, legal protection for journalists in the digital sphere still requires stronger and more adaptive regulations in response to developments in information and communication technology.
2. The provisions under the Press Law and the ITE Law have not yet fully provided legal certainty regarding the protection of journalists in the digital sphere. Normatively, the Press Law has established a legal basis for press freedom protection and the resolution of journalistic disputes through the Press Council mechanism. However, in practice, overlapping regulations between the Press Law and the ITE Law still occur, particularly in the handling of reporting disputes in digital media. Several provisions of the ITE Law, especially those related to defamation and the distribution of electronic information, are often used to bring journalistic products into the criminal domain. This situation creates legal uncertainty, as journalists performing their social control function may instead face criminalization through digital legal instruments. In addition, the existence of multi-interpretative provisions in the ITE Law leads to differences in interpretation among law enforcement officials, the Press Council, and the public regarding the boundary between press freedom and electronic criminal acts. Such legal uncertainty also contributes to the emergence of a chilling effect on journalists in carrying out their journalistic activities in the digital sphere. Journalists become more cautious and even afraid to report

certain issues due to concerns about potential criminal proceedings under the ITE Law. Therefore, regulatory harmonization between the Press Law and the ITE Law is necessary to create legal certainty that ensures the protection of press freedom as well as the digital security of journalists..

Suggestions (Saran)

Based on the findings of this study, several suggestions can be formulated as follows:

1. It is recommended that the government and the legislature strengthen harmonization between the Press Law and the ITE Law to ensure legal certainty in the protection of journalists within the digital sphere.
2. Law enforcement officials should prioritize the Press Law and the Press Council mechanism in resolving disputes related to journalistic products, in accordance with the principle of *lex specialis derogat legi generali*.

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