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THE ROLE OF MASS MEDIA IN STRENGTHENING THE MODERN LEGAL STATE

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Abstract: This article discusses the role of the mass media in strengthening the modern rule of law. This type of research is library research carried out using literature from previous studies. This systematic literature review method is a research method that identifies, assesses, and interprets all findings on a research topic, to answer predetermined research questions. The mass media can help maintain press freedom, increase government transparency and accountability, and provide information and public oversight that can help ensure that laws are enforced fairly and democratically. In addition, the mass media can also encourage public participation in the legal process, provide a forum for discussion and debate on controversial legal issues, and give voice to the community in terms of voicing their aspirations and interests. However, the mass media also need to pay attention to the challenges in their role, such as ensuring that they not only strengthen the interests of existing governments or economic forces, but also help safeguard the interests of society and justice

Keywords: Mass media; Law; Country

INTRODUCTION

Human curiosity about the surrounding things is very high. From time to time, changes in cultural systems must be present in society as a result of that great human curiosity. Out of curiosity, people always investigate what is good or bad around them and then want to convey the results to others. Gradually it can develop from communication that was originally personal to a mass communication process, where information

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develops and can change the pattern of life of the wider community. Mass media is one of the means of cultural development, not only in the development of art and cultural symbols but also in the development of 'ways of doing things, ways of doing things, ways of life, and norms. Mass media plays a very important role in the formation or even change in the pattern of community behavior so the position of mass media in society becomes very important. With the presence of mass media, a society that could once be called civilized can become a civilized society. This is because mass media has a wide and massive network so those who read are not just individuals, they already have tens, hundreds, or even thousands of readers, so that the influence of mass media is very visible on the surface of society. Mass media is often likened to [the sun which gives light that illuminates the world or conveys a message that penetrates and illuminates the heart of mankind. Thus, mass media seems to have a position outside social life.

The superiority of mass media is considered capable of influencing public opinion which ultimately changes society. This position may not be an empirical conclusion because it is too confused with hope, it is said that such beliefs force the rulers of various fascist or communist countries to make excessive demands on the media, but at the same time severely oppressive the media is considered incompatible with the wishes of state power. In fact, the power of the media to shape public opinion is enormous in every political agenda. The process carried out by the media gives space and time to every event, including political events, certainly always attracts public attention. The greater the space and time, the greater the audience's attention to the event, hereinafter referred to as agenda theory. Mass media has many roles in fulfilling the mission of journalism, which is to create democratic politics to achieve a prosperous society. The amount of information that shells provide to the media to the public, namely in the economic, legal, political, cultural, social, religious and entertainment fields. Legal and police information is often the subject of public discussion in the media, so that the non-structural position of the media occupies an important position in law enforcement in Indonesia.

THEORETICAL BASIS

Mass media is a means of disseminating information to the public. According to Bungin¹ mass media is defined as a medium of

¹ Burhan Bungin, *Sosiologi Komunikasi Teori, Paradigma, dan Diskursus Teknologi Komunikasi di Masyarakat*, (Jakarta: Kencana Prenada Media Group, 2006). p. 72



communication and information that disseminates information on a large scale and in the sense that it can be accessed by the general public. Mass media is a tool or means to disseminate the content of news, opinions, comments, entertainment, and others. According to Kangara, media is a tool or means of delivering messages from a communicator to the audience, and the understanding of mass media itself is a tool used. When using tools to convey messages from the source to viewers. Communication methods such as newspapers, films, radio, and television.²

The word "sovereign" consists of the words "souveränität" (English), "souverainete" (French) and "soranus" (Italian). This loanword comes from the Latin word *superanus*, meaning "best". Medieval scholars often used *summa potestas* or *potestatic plenitud*, the meaning of which is similar to the term "superanus", meaning the supreme authority of a political body. The word has many definitions, but "it always means governmental authority."³ To understand what the state of law actually means, we must first understand the meaning of the state of law itself. Because without understanding the meaning of the rule of law, it is difficult to explain its meaning. by the rule of law. Wiryono Prodjodikoro⁴ defines the state of law as a state whose government as the ruler or administrator of the state is bound by applicable legal provisions.⁵ So that we can state that the basic principle of the rule of law is to protect its people against arbitrary government actions and the protection of human rights. And if sought, the core of the notion of the state of law is actually the submission of the ruler to the law as an essence of the state of law. The essence of such a state of law focuses on the submission of state power holders to the law.⁶

RESEARCH METHODS

This study uses a type of qualitative research with a specialization of exploratory research, in order to explain how the role of mass media in strengthening the modern rule of law. In this study, the authors will use

² Hafied Cangara, *Pengantar Ilmu Komunikasi*. (Jakarta: Rajawali Pers, 2010). p. 123, 126

³ D. K. Habibie, "Dwi Fungsi Media Massa" *Interaksi: Jurnal Ilmu Komunikasi*, 7(2), 2018, DOI: <https://doi.org/10.14710/interaksi.7.2.79-86>, p. 79-86.

⁴ Wiryono Prodjodikoro, *Asas-Asas Ilmu Negara dan Politik*, (Bandung: PT Eresco, 1971). p. 10

⁵ Indah Sari, "Konstitusi Sebagai Tolak Ukur Eksistensi Negara Hukum Modern". *Jurnal Ilmiah Hukum Dirgantara*, 9(1) 2018. DOI: <https://doi.org/10.35968/jh.v9i1.297> , p. 40-60

⁶ Ibid.



primary and secondary data.⁷ Primary data include data obtained directly from several competent sources, and secondary data obtained from various kinds of information both through print media, various library literature. This type of research is library research carried out using literature from previous research. This systematic literature review method is a research method that identifies, assesses, and interprets all findings on a research topic, to answer research questions that have been previously determined. Data analysis in this study uses qualitative analysis, which is carried out simultaneously starting from data reduction, data presentation and conclusions. Data reduction is the selection and concentration of attention on simplifying, abstracting and transforming from raw data in the field. The presentation of data intends to present an organized set of information that provides possibilities for drawing conclusions.⁸

RESULTS AND DISCUSSION

Result

Law by itself can be seen as a tool of social control, as a tool of social engineering, social reform, and as a means of strengthening society. As a state of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia, all aspects of life in the fields of society, nationality, and statehood including government must always be based on law. The Indonesian nation that aspires to create a just and prosperous society based on Pancasila needs law, as Kelsen argues call it state regulation, because law aims to create order, justice and prosperity of society according to its time.⁹ A.V. Dicey, put forward three main elements of the rule of law (rechtsstaat), namely; supremacy of law, equality before the law, and constitution based on individual rights.¹⁰

⁷ Hasrat Efendi Samosir, "Multicultural Political Communication (Case Study of Political Communication Bulan Bintang Party in North Sumatra Province)" *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*: Vol. 5 (1), 2023, <https://doi.org/10.47006/ijierm.v5i1.196>, P. 23 - 48

⁸ Mira Susanti, "Tabayyun Values Manifestation in Nahdatul Ulama and Muhammadiyah in Organizing the Information and Communication in Jambi City", *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*: Vol. 4 (3), 2022, <https://doi.org/10.47006/ijierm.v4i3.180>, P. 245 - 263

⁹ I. Faniyah, *Kepastian Hukum Sukuk Negara Sebagai Instrumen Investasi di Indonesia*, Yogyakarta: Deepublish, 2018)

¹⁰ S. Haposan, *Penerapan Prinsip Negara Hukum di Indonesia*, Medan: Fakultas Hukum Universitas HKBP Nommensen, 2016)



The formulation actually recognizes the existence of legal sovereignty to prevent personal or group power. In fact, the three elements proposed by Dicey are the initial foundation for law enforcement. Thus, as Kelsen argues above, it is true that state regulation and law enforcement are monopolized by the state. The point captured from this sub-discussion is that law enforcement in a state of law carries the concept of supremacy of law, equality before the law, and constitution based on individual rights.¹¹ However, in the implementation of law enforcement, it certainly stands on the principle of presumption of innocence. Where a person shall not be punished except by a final and binding court decision. But the question is, what about the position of information conveyed by the mass media to the public about someone who is still a suspect? Can the information not be said to have convicted someone before the court ruling? What is the legal status of the information? Then what about the role of mass media in law enforcement? Can mass media play a role? What if a suspect is found innocent before the court? What about public opinion that has already judged him guilty? What about the moral damages that innocent suspects receive before the court? A number of these questions relate to a person's position and status before the law, of course based on the principle of presumption of innocence.

Without mass media, the public may not receive enough information about law enforcement developments. Various legal events were successfully revealed by the mass media through their investigations, without the involvement of the mass media a number of legal cases may not be revealed in public. Such as the violence in IPDN that was successfully revealed by the mass media through investigations, as well as the case broker (Markus) and the judicial mafia. Even the function of mass media related to tackling criminal acts of corruption, called Budiyono as the function of social control, which is in the form of monitoring the disclosure of corruption cases handled by law enforcement starting from investigations, prosecutions, courts and corrections. The role of mass media in eradicating corruption has three vital roles, namely: revealing cases of corruption through news; conduct 'investigations' into corruption cases and exercise control; and supervision of a criminal act of corruption. So that at

¹¹ D. N. Andriyan, *Hukum Tata Negara dan Sistem Politik: Kombinasi Presidensial dengan Multipartai di Indonesia*, (Yogyakarta: Deepublish, 2016)



its peak, the role of the mass media aims to create a culture of shame for the perpetrators of criminal corruption.¹²

However, along with the public's need for mass media in law enforcement, according to the author, the role of mass media in law enforcement is not directly involved in legal structure. However, the involvement of mass media in law enforcement is in accordance with its function to convey law enforcement information to the public. In addition, the author also believes that the mass media does not have the right and authority to determine a person's guilt or innocence, this is related to the principle of presumption of innocence. The mass media must convey information to the public proportionally, because if the mass media is wrong in conveying information to the public, of course the mass media will be faced with a code of ethics.

Discussion

The history of mass media in strengthening the modern legal state began in the 18th century with the emergence of newspapers as the main mass media. Newspapers provide broad information and thought to the public, helping to strengthen the rule of law by providing information and public oversight that can help maintain the integrity of government and justice.¹³ Furthermore, with the advent of modern communication technologies such as radio, television, and the internet, mass media is increasingly playing a greater role in strengthening the modern rule of law. Mass media help increase government transparency and accountability by providing information accessible to the public at large, and strengthen the rule of law by providing a public forum for discussion and debate. However, the role of mass media in strengthening the modern rule of law has also been the subject of controversy. Several studies have shown that mass media often tend to side with existing political power and do not consider the public interest. Therefore, the role of mass media in strengthening the modern legal state must always be carefully assessed.¹⁴

¹² Irman Syahriar, "Fungsi Pers Sebagai Penyebaran Informasi Dalam Penegakan Hukum di Indonesia". *LEGALITAS: Jurnal Ilmiah Ilmu Hukum*, 4(2), 2019, DOI: <https://doi.org/10.31293/lg.v4i2.4460>, p. 19-35.

¹³ Burhanuddin, dkk, "Kontribusi Bahasa Arab di Media Massa dalam Penyebaran Dakwah Islam". *Jurnal Ilmu Komunikasi Dan Sosial Politik*, 1(2), 2023, <https://jurnal.ittc.web.id/index.php/jiksp/article/view/490>, p. 269-281

¹⁴ M. Sambo, *Media Relations Kontemporer: Teori dan Praktik*, (Jakarta: Prenada Media, 2019).



Mass media have an important role to play in strengthening the modern rule of law because they can influence public opinion and exert social control over existing power. Here are some of the roles of mass media in strengthening the modern rule of law and their references: (1) Provide transparent and accurate information Mass media has an important role in providing transparent and accurate information to the public. It is important to ensure that people have access to the right information and that it can be used as a basis for making informed decisions. A study by the International Center for Journalists shows that mass media can help strengthen the rule of law by exposing crime and corruption, as well as providing transparent access to information to the public.¹⁵ (2) Give social control to power The mass media can give social control to existing power by highlighting actions that harm society. This can help police government actions and prevent abuse of power. A study by Oxford University Press suggests that mass media can help strengthen the rule of law by giving social control to existing power.¹⁶ (3) Strengthening human rights Mass media can strengthen human rights by providing quality reporting on justice, human rights, and important social issues. A study by UNESCO shows that mass media can strengthen the rule of law by promoting human rights and fighting for social justice.¹⁷

The mass media has an important role in strengthening the modern rule of law. Mass media can help safeguard press freedom, increase government transparency and accountability, and provide information and public oversight that can help ensure that laws are enforced fairly and democratically. Several studies have shown that mass media can also contribute to encouraging public participation in legal proceedings, such as through coverage of high-profile legal cases, and providing a forum for discussion and debate on controversial legal issues. However, there are also some challenges in the role of mass media in the modern legal state. One of the main challenges is how to ensure that mass media not only amplify the

¹⁵ F. Farhan, & Mardijono, H. R. A. "Perlindungan Hukum Terhadap Jurnalis Dalam Merahasiakan Identitas Pelaku Pengaturan Skor Dalam Pertandingan Sepak Bola". *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 3(3), 2023, DOI: <https://doi.org/10.53363/bureau.v3i3.320> p. 2357-2378.

¹⁶ G. J. Postema, *Law's Rule: The Nature, Value, and Viability of the Rule of Law*, (Great Britain: Oxford University Press, 2022)

¹⁷ Y. Fedotov, *Strengthening The Rule Of Law Through Education: A Guide For Policymakers*, (UNESCO Publishing, 2019)



interests of existing governments or economic forces but also help safeguard the interests of society and justice.

There are several obstacles faced by the mass media in strengthening the modern legal state, including (1) Dependence on finance: Many mass media depend on advertising and sponsorships to finance their operations. This dependence can affect media independence in reporting controversial legal and justice issues.¹⁸ (2) Political influence and power: Mass media are often under pressure from political parties and powers to limit their coverage and coverage. This can affect the ability of the media to provide objective and accurate information about the legal system and justice. (3) Limited resources and access to information: Mass media often have limited resources and access to information, especially in reporting on complex legal and justice issues that are difficult for the general public to understand.¹⁹ (4) Technology and social media: Advances in technology and social media have brought about major changes in the way people access information and communicate. This has led many to rely on social media as the primary source of information, while traditional mass media continue to struggle to find ways to grab the attention of their readers.²⁰

The role of mass media in the Indonesian rule of law is essential to ensure that laws are enforced fairly and democratically. Here are some of the roles of mass media in the Indonesian rule of law: (1) Increase government transparency and accountability: Mass media can help ensure that the government acts transparently and accountably by providing public information and oversight that ensures that government decisions are based on the principles of justice and public interest.²¹ Providing information and education to the public: Mass media can be an important source of information and education for the community, especially in terms

¹⁸ H. Susanto, & Michael, T. "Akuntabilitas dan Justifikasi Peningkatan Dana Negara Terhadap Partai Politik". *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(5), 2023, DOI: <https://doi.org/10.5281/zenodo.10421434>, p. 371-388.

¹⁹ C. Fuchs, "Social Media And The Public Sphere, In Culture And Economy In The Age Of Social Media", Routledge, 2015. pp. 315-372

²⁰ M. Oller, Hughes, S., Amado, A., Arroyave, J., Benítez, J. L., Chavero, P., Garcés, M., Márquez Ramírez, M., Mellado, C., & Moreira, S. V. "An overview of Latin American journalistic culture (s). The profile, professional situation and perception of journalists in Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador and Mexico". 2017.

²¹ R. Anggraeni, *Pembatasan Kebebasan Pers Dan Dampaknya Terhadap Kondisi Pers Di Indonesia Tahun 1974-1984*, 2023



of explaining complicated or controversial legal aspects.²² (3) Voice the voice of the community: Mass media can be a voice for the community in terms of voicing their aspirations and interests, especially in matters related to justice and human rights. (4) Monitor and cover legal processes: Mass media can monitor and cover legal processes, provide information needed by the public and help keep legal processes carried out fairly and openly.²³ (Novasari, 2022)

CONCLUSION

Overall, it can be concluded that mass media play an important role in strengthening the modern rule of law. Mass media can help safeguard press freedom, increase government transparency and accountability, and provide information and public oversight that can help ensure that laws are enforced fairly and democratically. In addition, mass media can also encourage public participation in legal proceedings, provide a forum for discussion and debate on controversial legal issues, and voice the voice of the public in terms of voicing their aspirations and interests. However, mass media also need to pay attention to challenges in their role, such as ensuring that they not only strengthen the interests of existing governments or economic forces, but also help safeguard the interests of society and justice.

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²² J. Dunaway, & Graber, D. A. *Mass Media And American Politics*. (Colombia: Cq Press, 2022).

²³ D. Novasari, *Potensi Karbon Tersimpan Pada Pola Tanam Agroforestri Sederhana Dan Kompleks Di Kesatuan Pengelolaan Hutan Batutegei*, (Bandar Lampung: Universitas Lampung, 2022)



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