

The Implications of Press Regulation Towards the Citizen Journalism Phenomenon in Indonesia

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Abstract— This research will discuss citizen journalism which is currently expanding in Indonesia and also criticism related to the Press Law No. 40 of 1999 and the Journalistic Code of Ethics, the contents of which is not relevant with the technology growth, thus making several aspects of society related to the press unregulated that can certainly cause ambiguity in the regulation. The analysis carried out will focus on using the principle of freedom of speech as a guide. In Indonesia, freedom of speech has been regulated in the 1945 Constitution article 28E paragraph 3 and Law No. 39 of 1999 concerning Human Rights Article 23 Paragraph 2. All citizens in Indonesia have the freedom to express their opinions, but in delivering their opinions the community must pay attention to the prevailing norms and consider whether their opinions do not contain ethnicity, religion, race, and inter-group relations issues (SARA). The case raised in this article deals with citizen journalism. Citizen journalism is an ordinary citizen who seeks an event and then covers, records, collects, writes, and broadcasts it on online media. Citizen journalism in Indonesia is a phenomenon that expands along with the development of communication technology. However, in the delivery and processing of news, citizen journalism is not bound by a journalistic code of ethics and is not even regulated in the Press Law No. 40 of 1999. Citizen journalism does not have the protection given to journalists since citizen journalism is considered different. There are a No. of examples of cases that will be discussed in this scientific article; the first is the case of Acho with Green Pramuka Apartment. Initially, Acho wrote his concerns about the facilities and promises which were not kept by the developer on his website, but by the Green Pramuka Apartment developer, Acho was reported for defamation. Then the second case is Augie Fatinus case reported by the members of the police for disturbing video contains hoax. These cases will be discussed further in this scientific article.

Keywords— *Press Regulation, Citizen Journalism, Freedom of Speech*

I. INTRODUCTION

Each individual needs mass media to get information about events around them. With the mass media, it is also easy for people to get the information they need whenever they want. According to Cangara [1], mass media is a tool used for the delivery of messages from the source to the public using mechanical communication tools. Meanwhile, according to Duchowski [2] the mass media can spread messages in unison and fast to a broad and heterogeneous audience, as well as be able to spread messages almost instantly in a limited time.

There are three types of mass media, namely print media, electronic media, and cyber media. Print media is a means of mass communication through writing such as newspapers, magazines, and tabloids. Electronic media is one of the communication media that lies in the support of electronics and technology as its fundamental strengths such as television, radio, and film. However, as technology expands and the internet becomes more accessible for the public, new media, namely cyber media, including websites, blogs, news portals, and social media are emerging.

The rapid development of technology has made so many people dependent on the internet, so that was born a new media era that focuses on cyber networks. This can be proven based on data obtained from the research institute of the Indonesian Internet Service Providers Association or known as APJII states that in 2018, internet users in Indonesia have ranked fifth as the largest internet user country in the world. It has even experienced an increase in the No. of 171.17 million users. So, it can be said that internet users reach 64.8% of the total population of Indonesia. This certainly will be compelling to study how the patterns and developments of citizen journalism in cyber media, since unwittingly, the internet has played an important role for Indonesian people [3].

The mass media is one of the crucial institutions for the community because, without the media, it will be challenging for the public to get or know the information needed, but to carry out its correct roles and functions, a media must apply regulations in a professional manner. The government has established several regulations that serve as a guideline for the media in carrying out its objectives, one of which is press regulation.

Press regulations in Indonesia existed long before the New Order, but at the time, freedom of speech was restricted by the government. In 1931, the press regulation was legitimated as Persbreidel-Ordonantie 1931, for several years press regulations had been amended four times before finally determined by the third Indonesian President Bacharuddin Jusuf Habibie on September 23, 1999. The Press Law No. 40 of 1999 contains 10 chapters and 21 articles, the chapters and articles contain rules and provisions on banning, censorship, principles, functions, rights, and press company obligations, journalist rights and also the press council.

Along with the development of existing communication technology, the press in Indonesia is also developing. The public is increasingly easy to access and disseminate

information. If in the preceding era those permitted to seek and disseminate news were journalists, but now the public can also do the same. Society no longer becomes passive but also actively distributes existing news. Citizen journalism refers to nonprofessionals taking an increasingly central role in news reporting, writing, editing, publication, and distribution. They often report the results of their coverage on social media [4]. Citizen journalism in Indonesia has been developing since 2004 and even now several media companies have created their websites to accommodate the work of citizen journalism such as Kompasiana, then there are also free websites such as blogs and social used by citizen journalism to spread their news. However, in reporting and disseminating news, citizen journalism is not regulated by press regulations like professional journalists, so there are no rules or codes of conduct that bind citizen journalism. This makes the credibility of citizen journalism questionable and prone to imprisonment. As explained above, the researcher wants to discuss further the lack of government attention regarding press regulations relating to citizen journalism since there are still many citizen journalists who stumble over cases or are imprisoned because they do not get protection while voicing their opinions.

II. METHOD

In its arrangement, this journal used qualitative methods. Qualitative research methods are research methods that use descriptive formats and tend to conduct studies of various social phenomena that exist in society both individually and social groups [5]. Meanwhile, according to [6], the qualitative method is a method that aims to create social reality, cultural meaning, and focus on the process of phenomena. Objectivity is the main factor needed in assessing a phenomenon that is happening. So, it can be concluded that the qualitative method is a research method that produces written data that aims to explain the social reality that exists in society.

For data collection, this journal used a literature review of books, journals related to the theme of this study, and news related to citizen journalism. After the data were collected, the researcher analyzed the data following the data that has been collected. The researcher also analyzed by using the Press Law as a guideline especially related to the principle of freedom of speech, such as the 1945 Constitution article 28E paragraph 3, then article 28 F and Law No. 39 of 1999 concerning Human Rights Article 23 Paragraph 2. Then the next step after the analysis has completed was the presentation of data results, researchers described the results of data analysis using words or writing that can be easily understood by the reader.

III. RESULT AND DISCUSSION

A. Mass Media

Mass media has an important role in providing information to the public, without mass media we cannot find out information in other parts of the world. According to Cangara, mass media is a tool used to convey information from media crews to the public using existing communication tools. Meanwhile, according to Duchowski, mass media can spread messages simultaneously and quickly to a wide and heterogeneous audience and can spread

messages almost instantly in a limited time. So it can be concluded that the mass media is a tool to convey information from the media crews to the public and in its movement, the mass media can convey messages widely and quickly.

There are three types of mass media, namely print media, electronic media, and cyber media. Print media is a means of mass communication through writing such as newspapers, magazines, and tabloids. Electronic media is one of the communication media that lies in the support of electronics and technology as its fundamental strengths such as television, radio, and film. However, as technology expands and the internet becomes more accessible for the public, new media, namely cyber media, including websites, blogs, news portals, and social media are emerging.

The struggle of the media in Indonesia is not always smooth, this is proven by the setbacks that occurred in the mass media in Indonesia both during the old and new order. During the old order, Sukarno used the media as a tool to broadcast his government policies to get the attention of the people. The press in the old order was controlled by the government and must be following the political movements adopted by the government. As well as the old order, the freedom of the media crew had also been limited by the government in the new order. Even at that time, the media had to be in accordance with and approved by the government before reporting the news.

The government legitimately attempts to control the role of the media in society, one example is the existence of bans carried out by the government to numerous print media. As in 1978, there were seven print media banned in Jakarta such as Kompas, Sinar Harapan, Merdeka, Pelita, The Indonesian Times, Sinar Pagi and Pos Sore related to the rampant student action against Suharto's nomination as President. At that time, the permission to publish the print media was temporarily frozen by telephone and only allowed to be reissued after each of the print media owners apologized to Soeharto [7].

The mass media is one of the crucial institutions for the community because, without the media, it will be challenging for the public to get or know the information needed, but to carry out its correct roles and functions, a media must apply regulations in a professional manner. The government has established several regulations that serve as a guideline for the media in carrying out their duties. This journal discusses press regulation and its relation to citizen journalism.

B. Press Regulation

Press regulations in Indonesia have existed since 1931, initially, press regulations were legitimated as Persbreidel-Ordonantie 1931, however, after a few years later press regulations have been amended at least four times and finally become The Press Law No. 40 of 1999 which we still used until now. The Press Law No 40 of 1999 just need two weeks to legalized [8]. The beginning of the formation of press regulations was due to the decline of mass media in Indonesia which has occurred since the old order regime and also the new order. After the resignation of the new order power, finally came the ideas to make laws relating to the press, this is due to the desire of the media crew to get

freedom in disseminating information to the public without excessive intervention from the government.

The Press Law was legalized by the third Indonesian President Bacharuddin Jusuf Habibie on September 23, 1999. The Press Law No. 40 of 1999 contained 10 chapters and 21 articles, the chapters and articles contained rules and provisions on banning, censorship, principles, functions, rights, and press company obligations, journalist rights and also the press council [9].

Press regulations in Indonesia have a critical role in regulating the rights and code of ethics of journalists, press companies, and also about the press council. However, with the development of technology that makes it effortless for all layers of society to access it, press regulations should also be developed because without realizing Press Law No. 40 of 1999 is no longer relevant to regulate the current press. Many aspects of the Press Law No. 40 of 1999 which need to be updated. One of them is related to citizen journalism.

C. Citizen Journalism

Citizen journalism in Indonesia began since the tsunami in Aceh in 2014 which was recorded by ordinary citizens namely Cut Tari and then aired on Metro TV. Nevertheless, if we discuss citizen journalism globally then it has existed since the assassination of John F. Kennedy in early 1963 when the incident was accidentally recorded in video format by residents' CCTV although at the time it did not impress the public that it was the forerunner of citizen journalism.

According to Dan Gillmor [10], the boundary between producers and consumers has been lost along with the development of communication technology, a media is not only owned by the media owners but also has become a media for everyone. Moreover, Gillmor states that the citizens not only become passive people but they have a way to challenge traditional media and create their media. This is supported by the words of Shayne Bowman and Chriss Willis [11] in their paper which explains that citizen participation in writing and broadcasting independent, accurate, wide-spread, and relevant information is a requirement for democracy. To this extent, it can be concluded that the citizen is no longer passive but has become an active society since they can make their media and this is a form of democracy. This is supported by Chesney [12] who says that every citizen can obtain sufficient information and has the freedom to be involved and participate in it.

Citizen journalism is a media for empowering small groups of citizens who are marginalized from other community groups to participate in sharing information as a form of freedom of expression. Meanwhile, according to Hicks in Nassarullah [13] citizen-journalists are regular people who contribute to news reporting, not for monetary reward, but because they have a particular interest in a topic, and Pepih Nugraha [14] say that, citizen journalism is an ordinary citizen who finds an event and then covers, records, collects, writes, and broadcasts in online media. He also mentions that citizen journalism does not only work as a journalist but also as an editor and publisher. This will certainly be compelling to study further.

Citizen journalism in Indonesia has been developing since 2004 and even now several media companies have

created their websites to accommodate the work of citizen journalism such as Kompasiana, then there are also free websites such as blogs and social used by citizen journalism to spread their news. Nevertheless, in the writing, citizen journalism often gets difficulties both intrinsically and extrinsically, such as the credibility of the news that is questioned whether or not it is true, or those who are sued for defamation. This issue happens because the Press Law No. 40 of 1999 and the Journalistic Code of Ethics do not discuss citizen journalism at all. The Press Law No. 40 of 1999 and the Journalistic Code of Ethics only discuss journalists even though there have been many citizen journalists who implement the same mechanism as professional reporters in the news search.

D. Freedom of Speech

The communication industry, especially related to mass media, is distinct from other industries. In the communication industry, there is a uniqueness specifically in the formation and analysis of communication policies. There are three main points of difference between communication regulations and other regulations, the first is that communication policies affect the social, cultural, and political aspects of each individual and the organization directly involved. The second is the difficulty of categorizing this domain in economic regulation or social regulation. The third point is the difficulty of distinguishing individual communication policy categories as economic or social regulation. The second point reflects the breadth of responsibility in the regulation whereas the third point reflects the fact that individual policies are often mixed as economic and social objects. The three points above pose unique challenges for communication policy [15].

In his book, Napoli's divides the communication policy principles into seven namely freedom of speech, public interest, localism, market place of ideas, universal service, diversity, and competition. In this paper, the researcher will use the principle of freedom of speech as a reference material to criticize press regulations regarding citizen journalism. Freedom of speech is the flexibility to think and speak which are indispensable tools for the discovery and dissemination of truth. Without freedom of opinion, all will be in vain, thus freedom of opinion becomes a basic principle of government. According to Napoli, there are three points about communication policies relating to freedom of speech, the first is that communication policies must be designed to enhance freedom of speech of each citizen, the second is a communication policy must be designed to maximize the autonomy of individual citizens, both to speak and listen. Finally, the communication policy must be designed to create a speaking environment where as many citizens as possible have the means to express their views and have access to other points of view.

Freedom of opinion is a human right, it is guaranteed by the Universal Declaration of Human Rights which has been approved by the United Nations in articles 19 and 20 which are written as follows [16].

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20 Paragraph 1: Everyone has the right to freedom of peaceful assembly and association.

Article 20 Paragraph 2: No one may be compelled to belong to an association.

In Indonesia, there are also articles relating to freedom of opinion written in the 1945 Constitution article 28E paragraph 3, and 28F [17] and Law No. 39 of 1999 concerning Human Rights Article 23 Paragraph 2 [18] which is written as follows.

1945 Constitution Article 28E paragraph 3: Every person shall have the right to the freedom to associate, to assemble and to express opinions.

1945 Constitution Article 28F: Every person shall have the right to communicate and to obtain information for the development of his/her self and social environment, and shall have the right to seek, obtain, possess, store, process and convey information by employing all available types of channels.

Law No. 39 of 1999 concerning Human Rights Article 23 Paragraph 2: Everyone has the freedom to hold, impart and widely disseminate his beliefs, orally or in writing through printed or electronic media, taking into consideration religious values, morals, law and order, the public interest and national unity.

Based on those facts, all citizens in Indonesia have the freedom to express their opinions, but in delivering their opinions the community must pay attention to the prevailing norms and consider whether their opinions do not contain ethnicity, religion, race, and inter-group relations issues (SARA). However, the articles above contradict the reality, often Indonesian people get entangled in defamation cases when they are expressing an opinion, even though some opinions expressed by the community do not contain SARA and do not violate norms. Even their opinions help us recognizing information from the subject involved.

One example of this case is Acho, an ordinary citizen who wants to express his opinion through his blog, but was finally sued by the Green Pramuka Apartment using the rubber article ITE Law relating to defamation, which of course violates the principle of freedom of speech. Komo Acho in June 2017 has been declared a suspect since without his knowledge the Green Pramuka apartment developer reported him to the police for alleged defamation, and allegedly violated article 27 paragraph 3 of the ITE Law and article 310 on defamation as well as Article 311 of the Criminal Code concerning slander[19].



Picture 3.1. The Case of Comedian Acho at source: <https://m.cnnindonesia.com/nasional/20170806143342-12-232782/kronologi-kasus-komikaacho-versus-apartemen-green-pramuka>

Initially, Acho complained about apartment facilities that were deemed not following the promises given by the apartment. In his blog, Acho expressed his disappointment as the developer did not fulfill the promise to make the apartment area green open space, also about the unclear apartment certificate, as well as the cost of environmental management fees that kept increasing and finally the basement that was not suitable for parking. Acho wrote this on his blog because from the beginning the developer did not heed the complaints that have been submitted by the residents of the apartment directly to the developer[20].

Acho is one of the many occupants who feel the discomfort and sweet promises given by the Green Pramuka Apartment. He wrote the complaint to represent the Green Pramuka Apartment residents and to inform the public of the situation that happened in the Green Pramuka Apartment so that no more people were tricked by the developers' promises. The action that Acho has taken is to convey information to the public and is regulated in Law No. 14 of 2008 on Public Information Openness article 4 paragraph 2 states that every person is entitled the right to see and acknowledge public information; attend meetings that are open to public in order to obtain public information; obtain copies of public information in the course of a request pursuant to this act; and/or disseminate public information pursuant to regulations.

The Acho case can be regarded as citizen journalism since the content published by Acho in his blog uses the rules of journalism. Acho, before writing the news, collected information by observing and discovering the fact that numerous facilities in the apartment were not following the initial agreement of the developer, then after that Acho wrote the results of his analysis, contained the chronology, and included photographic evidence before finally disseminating the information in his blog as a medium to disseminate this information. The Acho case is closely related to the Press Law No. 40 of 1999 since the law regulates everything related to the press. Nevertheless, there is not a single article that discusses citizen journalism in Press Law No. 40 of 1999. Thus, Acho does not get the same protection as media reporters.

The next case example is the Augie Fatinus case which in 2018 stumbled on a defamation case as he was judged for

using social media recklessly to cause hoax news. Unlike Acho and the Green Pramuka Apartment case, this case is an example of the absence of clear guidelines regarding the writing and delivery of citizen journalism that emerge hoax news. Augie is an example of the importance of changes in the Press Law and Journalistic Code of Ethics relating to citizen journalism .



Picture 3.2. The Case Of Augie Fatinus source

<https://www.cnnindonesia.com/nasional/20181017070202-20-339068/kasus-augie-fantinus-sembrono-gunakan-medsos-berujung-bui>

Augie initially wrote a statement that he wanted to watch a wheelchair basketball national team at the Asian Para Games. He admitted the ticket line was quite long. Then he was offered a ticket by two police officers that made him disappointed and described as scalpers since they did not serve and safeguard the public. Augie's video posting went viral so the police officers in the video made a report. Based on their explanation, they only helped elementary students from Tarakanita to buy 100 tickets to watch the game. The student from Tarakanita Elementary School approached the two police officers and asked for help to buy 100 tickets. Of the 100 tickets that have been purchased, they found as many as five excesses. The police later decided to refund the ticket but could not. Furthermore, they took the initiative to offer the community to help those elementary school students[21].

Augie applied journalism mechanism so that it can be considered as citizen journalism. Augie at that time collected, then he loaded the chronology of the data he got and uploaded it in the form of videos in social media. Unfortunately, the video footage contained no evidence that both members of the police offered him tickets so he had no strong evidence base and the data was considered a hoax. He then was charged with article 28 paragraph 2 and article 27 paragraph 3 of the ITE Law along with article 310 paragraph 1 and article 311 of the Criminal Code concerning defamation.

This case is an example of how citizen journalism is considered different from a journalist. Journalists hold a journalistic code of ethics as a guideline in writing and seeking news. But citizen journalism does not have guidelines and not even get attention from the government even though it is a flourishing phenomenon in Indonesia. Moreover, it is not uncommon to find television media that present data from citizen journalism. Thus, citizen journalism should have concrete guidelines that in the writing it does not leave any crucial points to support the news uploaded on anyone's page. The Augie case certainly makes the

credibility of citizen journalism even more questionable, especially when uploading news.

Both of such issues are a handful of cases related to citizen journalism in Indonesia. Nowadays, citizen journalism in Indonesia is an expanding phenomenon, but why the 1999 Press Law does not follow technology growth. Citizen journalism seems to be distinguished from journalists even though some citizen journalism also implements the journalism rules in writing news that they will publish. Therefore, Press Law No. 40 of 1999 should include several rules relating to citizen journalism, for instance in the delivery and reporting method, citizen journalism should be bound by journalistic code of ethics so that the news can be validated and citizen journalism should also be protected as journalists. The Acho and Augie cases can be a lesson for us because even though in Indonesia there are regulations that intend to help people to have a more conducive and safe life, we recognize several laws that backfire the public when they express their opinions, such as the Law ITE which has ensnared numerous people

IV. CONCLUSIONS

Along with the development of existing technology, the press in Indonesia inevitably continues to grow following technological growth. In the beginning, only the journalists were allowed to write and disseminate news while consumers used to be passive people who enjoyed the news made by journalists. But over time, the community are not only become consumers but can also participate in making news. People who find an event then cover, record, collect, write and broadcast news can be called citizen journalism. The role of citizen journalism is not only to be a journalist but also an editor and publisher.

Citizen journalism in Indonesia is a phenomenon that develops along with technological expansion. But in the delivery and processing of news, citizen journalism should be bound to a journalistic code of ethics. So that in writing and processing news, citizen journalism has strong guidelines in the eyes of the law. Citizen journalism also does not have any protection because it is considered different from journalists even though some citizen journalism writes the news according to the mechanism of professional journalists.

In Press Law No. 40 of 1999, citizen journalism has not been recognized as a journalist as contained in Article 7 and Article 8 of the Press Law and the Journalistic Code of Ethics, none of which discuss citizen journalism. In fact, with the rapid growth of technology, the demand for a new legal basis that has not been regulated in Press Law No. 40 of 1999 emerges, so there must be legal certainty in regulating citizen journalism.

What can be done besides revising Press Law No. 40 of 1999 is also by holding counseling from the authorities related to the workings of journalism itself so that in writing the news citizen journalism can be more educated about how to get and compile good news and suitable with the rules that have been laid down. Then, a media can also be built for shelter and exchange of ideas for citizen journalism so that in the future they can help one another and become more structured in conveying the news.

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