

Legal Protection of Citizen Journalists Through the Guarantee of Press Publisher Rights in Realizing the Pancasila Economic System

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Abstract— Media globalization encourages the development of media convergence in various parts of the world, including Indonesia. The growth of media convergence and the impacts of globalization waves have caused many media industry companies to halt their print media production, shifting their focus to providing online media platforms, which in turn has fostered the emergence of citizen journalists. This paper discusses the position of citizen journalists and the assurance of press publisher rights, while emphasizing that media should not exploit citizen journalists within the media capitalism system. Utilizing a juridical-normative research method, with a conceptual comparative and legislative approach, this research posits that it is necessary to conceptualize press publisher rights for citizen journalists in future legislation through the application of Human Rights Theory based on Pancasila. Media industry companies are also mandated to align with the Pancasila economic system, and not continue with the media capitalism economic model. The current practice sees the position of citizen journalists with the content generated, seemingly replacing capital in media capitalism, as media industry companies can no longer leverage advertisements in print media, utilize opinion columns or community works, nor the sales of print media. Based on the Pancasila economic system concept, press industry companies should not solely prioritize revenue for the company, but also consider the weight of information content, as well as the economic rights of citizen journalists as citizens who are entitled to compensation or wages in accordance with their performance, as guaranteed in constitutional rights.

Keywords: Citizen Journalism; Digital Labor; Media Convergence; Media Globalization; Pancasila Economic System

I. INTRODUCTION

Media globalization emerged in tandem with the dynamics of information communication technology development, lead towards the dynamics of information communication media or press media evolution. The relationship between press media and globalization can also be seen from Thompson's perspective, that's: the development of media tends to lead to a push for transformation or change in the world on a large scale. This is later referred to as globalization, influenced by the progress of the media.[1]

The media nowadays plays a significant role in the development of nations in the modern world sphere, which is now defined as globalization. The existence of communication supported by the development of media leads to the goal of minimizing distance, facilitating access to information, and communication access. This makes human life not only feel easier but also well-connected with one another.[1]

The wave of globalization seems relentless. Globalization continues to flourish in society, and due to the wave affecting the media industry, it seems to evolve society into a "society without barriers." Information can be accessed through the media effortlessly. Global development has transformed the media not only into formats enjoyed textually in print, or audio-visual, but also through online media which is rapidly burgeoning today. This term of a society without barriers is later referred to as a "global village" by Canadian Scientist Marshal McLuhan.[2]

This development is what is later referred to as media convergence. Media convergence bridges conventional press media with the advancement of digital information technology, giving birth to online press media types which are then much favored and enjoyed by the community. The emergence of convergence media

or online media, and all its derivatives, such as formal and individual online media, fosters more diverse journalistic works; press media is not only in print form but also digitally transformed.

The data collected by the Secretariat of the Cabinet of the Republic of Indonesia indicates that the influence of globalization also causes a degradation in the utilization of print media, which in reality cannot compete with online media. In 2020, the Press Council recorded the number of media outlets in the range of 47,000 media. This number is still used for data collection in early 2023, which consists of 43,300 online media, 2,000 print media, 674 radio media, and 523 television media. The abundance of online media, in reality does not bring many positive impacts, in fact, 95% of complaints regarding violations of journalistic code of ethics were obtained from complaints about violations committed by online media.[3] 902 online media outlets are verified on the list, out of a total of 43,300 online media outlets present in Indonesia, and 95% of complaints regarding journalistic code of ethics violations involving online media, certainly pose a major issue for the development of press media in Indonesia.

The development of media convergence gives rise to a new form of labor. The media industry, which spawns digital platforms, also births digital labor, often referred to as citizen journalists (citizen journalists). The practice of citizen journalism is often identified with the term "participatory journalism",[4] which has a noble aim, that is to enhance citizen participation in discussing critical issues or any topic with the public. The citizen journalists themselves are referred to as "prosumers",[5] because they have a dual role, namely as producers and consumers; enjoyers of news and creators of news simultaneously.

In the digital era, the presence of these correspondent journalists is legitimized by digital platforms that open up a space for "participatory culture".[6] Citizen journalism give birth to new perspective in journalistic activities. Society is not only passive and merely a recipient of issues, news, or information, but the public can determine their own information. This forms a journalistic system that initially centered on media industry companies, to now be dispersed into the hands of citizen journalists. The community's hope for diversity in voiced information is often also expressed as a form of dissatisfaction towards the media policies that have dominated so far.

Citizen journalists who work online or digitally, give birth to the concept of digital work. Citizen journalists are utilized for the content they compose to become a source of information that is "sold" by media industry companies. Media industry companies profit from the information that is then accessed by readers, and also through incoming advertisements. Regarding this, for every profit gained by the company from the utilized work, it should make citizen journalists as the company's workforce. This poses a big question mark, and requires a deep study regarding the position of citizen journalists and their work relationship with media industry companies.

The capitalists of the media industry become misaligned when viewed from the economic system adhered to by Indonesia. Having the Pancasila ideology, our economic system is heavily influenced and should be built upon the foundation of Pancasila ideology. Ideology should indeed be the grand design of every economic structure of the state. Economic growth, including the media industry with digital platforms, should then be operated in alignment with the Pancasila economic system, which is also known as the "people's economic system".[7] The discussion regarding citizen journalists becomes very intriguing, to provide economic rights protection or at least guarantee the press publisher rights of citizen journalists while considering the capitalist media economic commodification, by comparing with the concept of Pancasila economic system development.

II. LITERATURE REVIEW

A. Citizen Journalism, Digital Globalization, and Media Convergence Citizen

Citizen Journalism, Digital Globalization, and Media Convergence Citizen journalism, often referred to as citizen journalism, is a journalistic practice carried out by ordinary people or citizens, not by journalists or professional reporters. Citizen journalism emerged due to the development of media convergence, giving rise to digital media platforms, such as web blogs and social media. [8] Citizen journalism, on one hand, strongly supports the work of journalists in the media world. Leveraging digital technology, information can be gathered and disseminated anywhere and anytime. In fact, the information distributed by citizen journalists can serve as material for professional journalists. [9] Citizen journalism has become an unavoidable aspect of media convergence in the era of digitization or digital globalization. The existence of citizen journalism must be harmonized through effective collaboration between citizen journalists and professional journalists. The definition of citizen journalism as an activity, and citizen journalists as the subjects engaging in journalistic activities, is influenced by the convergence of media - the digitization of technology.

B. The Theory of Press based on Pancasila Values

The Pancasila press, with its system, possesses a character or identity where the press is placed close to the people as well as the authorities. The press is not a supporter of any particular interest but stands in a balanced manner in accordance with the freedoms and responsibilities inherent to it. The principles of the Pancasila press in carrying out the press system are as follows:[10]

- 1) The press is positioned as a tool of struggle with the aim of the safety of the nation and the state.
- 2) The press, within the framework of regulations, operates in the spirit of freedom but is also limited in the execution of its responsibilities.
- 3) The press is supervised, nurtured, and supported by the government.
- 4) The press partners with the government and society in a positive relationship.
- 5) The press upholds the values of the One Almighty God as a source of moral and ethical principles.

III. RESEARCH METHODS

This research employs a juridical-normative method. The research is conducted using literature study. The approaches used in this research are: a conceptual approach used to examine digital labour within the employment concept, a comparative approach used to examine the world economic system compared to the Indonesian economic system, to determine the economic system adhered to as the basis for reviewing the economic system study of media companies in Indonesia. This research also uses a statute approach, to examine the Constitution of Republic Indonesia (UUD NRI 1945), Human Rights Law, and laws related to the Press.

IV. FINDING AND DISCUSSION

A. Position of Citizen Journalists within the Digital Platform Press Industry and Press Publisher Right

There are many debates directing towards positioning citizen journalists as part of journalists or not. Article 1 number 4 of Law Number 40 of 1999, regulates that: "Journalists are individuals who regularly conduct journalistic activities." If then citizen journalists only conduct activities irregularly, categorizing them as journalists would be excessive. However, looking at the provision of Article 1 number 1 which asserts that: "The journalistic activities referred to in the press law are any activities related to seeking, obtaining, securing, managing, and distributing information in the form of writing, images, sound, or a combination of these types, utilizing evolving media communication channels", including citizen journalists as press individuals is not excessive. Furthermore, how the upcoming press law can accommodate citizen journalists, this is what then needs to be assessed for its urgency.

The debate over the position and status of citizen journalists within the press does not stop there. Even the discussion regarding journalists as workers or laborers remains a debate to this day. Rahayu, in her research, mentions that media workers, especially journalists, tend to reject being categorized as laborers.[11] Especially when associated with citizen journalists who are unaware that their position is also as informal labor, given that they have generated income for the media industry companies. However, in their position, citizen journalists are in a very vulnerable position. In Indonesia, citizen journalists are not yet viewed on par with permanent journalists. Citizen journalism cannot obtain legal protection as they are not recognized as journalists, thus the act of taking and disseminating images and information carries risks with liability when there are demands regarding defamation or false news.

Exploitation occurs in the process of news or information production in citizen journalism. This exploitation is found in major media that employ citizen journalists without pay, such as Kompasiana and Kumparan. Kompasiana is indeed a citizen journalism site, but it is affiliated with the major media Kompas Group of Digital. Just by looking at the number of clicks, it is estimated that Kompasiana.com earns an income of IDR 5.2 billion per month. Meanwhile, Kumparan is also the seventh most visited media in Indonesia in the news and media category. According to Similarweb.com, Kumparan has earnings of IDR 735 billion to 1.1 trillion per year. Despite the high revenue of these two media giants, their citizen journalists are not paid.[12]

This exploitation can also be seen from the high demands and requirements of media companies, especially professional journalism sites which set daily targets. There are four media outlets categorized as professional journalism sites, namely IDN Times, Kumparan.com, Tempo.co, and Tirto.id. These media outlets certainly have different strategies to be applied to their citizen journalists, for example, Tempo.co media which strictly sets rules for its citizen journalists, targeting five articles per day. There's also a digital laborer at Portal Nganjuk who explained that they are required to work on 10 articles in a day. Even IDN Times also sets a target, where a citizen journalist must attract 250,000 readers to obtain the promised bonus from the media.[12]

Interestingly, citizen journalists do not feel that the digital work they perform is a form of exploitation. McKenzie Wark refers to this condition as "playbor" or play/labor. This term actually existed earlier in 2005 when Julian Kücklich discussed modders and the digital game industry in the context of precarious playbour. He stated that modding, or the activity of modifying software, games, or anything, is a form of disguised unpaid work that the practitioners consider as recreational activity, or just an extension of the game. Interestingly, engaging in work by channeling hobbies, or channeling hobbies through work, has created a new type of labor, known as playbor.[13] This is reiterated by McKenzie Wark who stated in his writing titled Considerations on a Hacker Manifesto that the internet is akin to a playground that makes us do something without payment because someone indeed wants to and for the sake of pleasure.

The writing activities favored by writers or citizen journalists seem to become a hobby outlet. This activity may give rise to the concept of "free" in journalistic writing. Thus, this activity seems to create a new type of labor, namely labor that is unaware that they are working for the media, known as playbor or play labor.[14]

This condition is similar to what happens with citizen journalists; they conduct their activities on the internet because they enjoy it and are not forced, as they are engaged in playbor or playbour activities. This is what makes citizen journalists feel comfortable and not compelled in carrying out their activities as citizen journalists.

The unawareness, or in communication science terms, the false consciousness of citizen journalists, is what needs to be addressed, in positioning citizen journalists within media industry companies that produce digital media. As of now, the Alliance of Independent Journalists (AJI) has recognized the existence of citizen journalists and has accommodated their membership. However, there has not been a single citizen journalist who has joined this membership, making it difficult for AJI to reach them, especially in protecting their rights as journalists.[15]

The existence, position, and rights of citizen journalists also need to be acknowledged by the Press Council as the institution overseeing the press in Indonesia. Of course, the position of citizen journalists and full-time journalists are not the same. However, the presence of citizen journalists is real and they are beneficial as a means of accelerating information for the community. Therefore, the recognition of citizen journalists by the Press Council is necessary so that protection can also be provided for them.

It is imperative to immediately formulate normatively regarding Press Publisher Right. Press Publisher Right is the copyright of the press company from a published news article. The journalistic work written by Citizen Journalists should then be measured, calculated, and simultaneously protected with the economic rights attached to the copyright. The fulfillment of these rights must be based on Human Rights Theory according to Pancasila.

The Press Publisher Right should be based on the value of "Humanity." This humanistic value is based on the interpretation of the position of individuals as personas. From a humanistic approach,[16] a persona is seen as organisms formed in two separate parts between soul and body. However, this presumably does not reduce the value of humans who possess both body and mind as a mono pluralistic unity. which has a transcendental relationship inseparable from the Creator. Humanity, in the view of Pancasila values, perceives humans as creatures of God, who should inspire Divine values, humanizing and civilizing humans. Therefore, press publisher rights should be ensured to be provided to citizen journalists who have rights as humans themselves and should be treated civilly without exploitation.

"Fairness" is closely related to rights. Fairness encourages someone to give according to rights, and forbids someone from taking more than what is their right or share.[17] Discussing rights, there always are duties to be fulfilled. The distribution of rights and duties then gives birth to the theory of Social Contract as proposed by Thomas Hobbes. The Social Contract contains agreements that subsequently give birth to law in all its forms.[18]

Adam Smith is an expert who also gave birth to the theory of justice, explaining that justice aims to protect from injury (the end of justice is to secure from injury).[19] Another expert, John Rawls, with his contemporary theory of justice, defines justice as fairness.[20] Achieving justice in all its meanings, encourages Satjipto Raharjo with the theory of Progressive Law to give birth to the thought, that law then as a means to achieve justice.[21]

Subsequently emerges a version of justice from the source of all legal resources, namely Pancasila. Justice that is founded and spirited with humanitarian fairness. Justice that doesn't only look at oneself, but also at other humans, at the level of society, nation, and state. Therefore, Pancasila interprets justice not only based on individual rights but also the relationship of rights with obligations towards other humans. Understanding the concept that humans are not individuals standing alone, but also with other humans and as creations of the Almighty God. The fair value of Pancasila is applied to fulfilling the economic rights of citizen journalists, not then equating the position of citizen journalists with professional journalists. The position of legitimacy as a legal press entity remains different, and rights are granted as per their position.

"Beradab" comes from the word "adab", which according to the Big Indonesian Dictionary, is defined as refinement, good character.[22] The word "beradab" in the Indonesian context, based on the values of the Second

Principle of Pancasila, is translated as "civilization" which means "a culture that in its evolutionary process has advanced and high elements, especially in terms of state systems, art, technology, architecture, and written literature. The development of digital technology that gives birth to media press with digital platforms and citizen journalists, is a form of civilization progress. Fulfilling the rights of citizen journalists on the other hand, is a form of civilized attitude towards the rights of other humans.

B. The Development and Implementation of Pancasila Economic System as an Effort to Prevent the Exploitation of Citizen Journalists Due to Media Capitalism System

In the problem background, it is mentioned that media capitalism occurs. Media is highly dependent on or controlled by market demands (market-driven). In the previous discussion, the economic system adopted and to be implemented in Indonesia has been discussed. The discussion of the economic system within the flow of media political economy becomes crucial to later conclude what kind of economic system influences the current media economic flow.

During the old order era, the press tended towards authoritarianism with a centralized command figure dominance, giving birth to the Pancasila Press. This continued into the New Order era, where if associated with media economics, it refers to the media market construction heavily influenced by authoritarian power construction. The government played a role in regulating the market (state regulation). Contrast this with the press in the reformation era, while still using the term Pancasila Press, the media political economy construction is influenced by economic liberalization and public liberalization. The development of media political economy construction is leading towards neoliberalism construction, where market power is dominated by capitalism collaborating with the power of certain groups.[23]

Many media industry companies collaborate with group interests, for instance, specific political interests. The control by such groups, like control by certain political interests, becomes stronger compared to the media's spirit to provide balanced information to the public. The strengthening of media capitalism becomes more evident in the era of media convergence. Media industry companies are intensifying competition to increase revenue without considering the public's need for information. The focus of media industry companies is on revenue generation through digitalization.

The era of media convergence is shifting from conventional media to digital media, which is more preferred by the public. Through mobile phones, news and information can be enjoyed anytime, anywhere. This has led media industry companies to expand their ventures through the provision of online media platforms. The abundance of online media nowadays prompts media industry companies to compete in presenting a variety of information as quickly as possible due to the presence of traffic or website traffic flow.

Traffic refers to everything related to website visitors. Website traffic is measured in visits, so the more often a web is visited, the higher the web traffic. For the online media industry, this web traffic is related to the competition for advertising revenue. If the traffic is maintained and has an increasing trend, the chances of winning a share of this advertising revenue are wide open. This is what makes media managers work hard to increase traffic, one of which is by providing special pages for citizen journalists or digital labor.[24]

The aforementioned represents a media economic flow model that many industry companies practice today. Considering that many media industry companies that publish print media, have had to cease the publication of print media. Newspapers like Sindo, Republika, Nova, and magazines like Bobo, Mombi, Mombi SD (part of the Kompas Gramedia Group), as well as Suara Pembaharuan, Tabloid Bola, and even Bernas, which has been around for 72 years, had to halt the production of their print media. [25] Companies that initially flourished due to their print media, had to halt the production of print or press media, being swept away by the wave of media globalization or the era of media convergence. The media economic flow model that initially made media industry companies rely on advertising as a primary source of revenue, and also from the revenue of content subscriptions from consumers, has experienced a shift in the economic flow model. Currently, media industry companies are more vigorously advancing digital media industries to maintain their revenue amidst declining income from both conventional media sources. The presence of citizen journalists as a form of "free digital labor" seems to have become a reliance for the media to ensure their business continues to operate.

Media capitalism in the era of media convergence is not only seen from how the market or audience desires media content, but also the influence of other interests, such as politics.[26] The element of Capital, or how the media industry companies obtain capital also needs to be considered. A company, including media industry companies, can be said to adhere to capitalism if capital is taken by utilizing others, increasing revenue, but not paying attention to the welfare of the parties utilized in the production process.

The utilization of citizen journalists as free digital labor that shifts the pattern of media industry companies in strengthening their economic capital, clarifies the concept of media capitalism. The exploitation of citizen journalists in the media capitalism system must immediately get attention. The role of the state in this regard is very much needed considering that the country's economic system greatly affects how companies grow in that country, including media companies.

The state must clarify economic rights to be a concern for media industry companies for all journalists, including citizen journalists. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia regulates economic rights. In those regulations, there is an acknowledgment of the rights of citizens that must be ensured for a decent living through employment that is also deemed suitable.

Based on the provision of the aforementioned article, the economic rights of Indonesian citizens are even guaranteed in the constitution to the extent that every citizen has the right to obtain employment for the sake of their decent livelihood. This further reinforces the principle of "efficiency with justice" as referred to in Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, under the sub-principle of justice. The state ensures constitutional guarantees for income distribution, in this case, the opportunity to obtain employment. Economic rights assurance, especially in the case of citizen journalists, as citizens have the right to guarantees as stipulated in Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The regulation mandates the provision of compensation rights for citizens who work appropriately and fairly, as protected within the employment relationship.

The wording of the article affirming "the right to receive compensation and fair treatment in fulfilling economic rights related to the right to work," shows the same spirit as the principle of "efficiency-justice," specifically the sub "justice," as in Article 33 paragraph (4) of the 1945 Constitution. The position of citizen journalists, although not yet legalized according to Law Number 40 of 1999 concerning the Press as journalists, and also not yet recognized by the Press Council as professional journalism insiders, must be protected as the right of oneself as a citizen with the spirit that each person has the right to receive compensation and fair treatment in employment relationships, whatever the form. Don't let the model of "free digital labor" later enrich the media industry companies, without a balance and justice on the same economic awareness between the company and the citizen journalists.

Pancasila should serve as the foundational perspective in building democracy, including in the development of the Indonesian press. It serves not only as a cultural filter and a reflection of the democratic progress of other nations but also as a societal filter in constructing democracy in line with the nation's values.[27] Building press laws to guarantee publishers' rights is also aimed at promoting social justice. The law, in line with its objectives, includes achieving justice and even realizing the happiness and prosperity of the community, which, in this context, encompasses both formal journalists and citizen journalists.[28] Moreover, for a nation, the welfare of the people is the highest law, as stated in the legal maxim conveyed by Cicero "Salus populi suprema lex esto"[29]

It's necessary to further evaluate the Press Law which has become outdated when compared to the rapidly evolving dynamics of media convergence. The press law, in its aim to guarantee the economic rights of journalists, should be able to create stability, predict the future conditions of the press in the era of media convergence development, while also providing justice for media industry business actors, journalists or press insiders, and the society. As written in Prof. Adi Sulistiyono's book "Economic Law as a Commander."[30] The key factor for law to play a role in legal development is the seriousness of law in creating stability, predictability, and fairness.

Digital media should be an additional regulation in the upcoming press laws, including formulating the position and rights of citizen journalists in the Indonesian press. It's also necessary to strengthen press independence, including formulating the form of press business, so it does not orientate on media capitalism, but strives to be the fourth pillar of democracy that enlightens the society. The formulation of new norms should be based on the economic system that is based on Article 33 of the State Constitution of the Republic of Indonesia, and Pancasila as the source of all sources of law.

V. CONCLUSION

The exploitation of citizen journalists in the media capitalism system must immediately get attention. The government must ensure that the mandate of Pancasila Economic System is understood by media industry companies. The economic rights of citizen journalist must be understood as constitutionally guaranteed economic rights. There is a need for reformulation of Press Laws that accommodate the development of media globalization.

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