

## Perlindungan Privasi Terhadap Praktik Jurnalisme Kuning Oleh Pers di Indonesia = Privacy Protection for Yellow Journalism Practices by the Press in Indonesia

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### Abstrak

Praktik jurnalisme kuning marak dilakukan oleh pers dalam menjalankan kegiatan jurnalistik sehingga berpotensi melanggar privasi subjek berita. Hal ini menimbulkan pertanyaan bagaimana pengaturan perlindungan privasi terhadap praktik jurnalisme kuning yang terjadi berdasarkan hukum komunikasi massa di Indonesia. Selanjutnya, tulisan ini juga akan menganalisis keseimbangan antara hak kemerdekaan pers dan hak privasi dalam kegiatan jurnalistik oleh pers dan menganalisis bagaimana upaya hukum subjek berita untuk memulihkan haknya. Tulisan ini menggunakan metode penelitian hukum doktrinal. Simpulan yang didapatkan adalah pengaturan perlindungan privasi dalam kegiatan jurnalistik di Indonesia belum komprehensif sehingga ditemukan praktik jurnalisme kuning yang melanggar privasi subjek berita dalam bentuk pengungkapan informasi privat dan juga publikasi yang tidak benar. Kemudian, pers berkewajiban untuk melindungi hak privasi subjek berita disamping hak kemerdekaannya dengan memperhatikan prinsip kepentingan umum, prinsip ekspektasi yang wajar, dan juga penerapan doktrin pengetahuan tentang risiko pengungkapan informasi kepada orang lain. Dalam upaya memulihkan haknya, subjek berita yang dirugikan dapat mengajukan mekanisme Hak Jawab kepada pers bersangkutan, pengaduan Hak Jawab kepada Dewan Pers, serta melalui upaya hukum administratif, perdata, dan pidana. Selain itu, pers juga bertanggungjawab terhadap penghormatan privasi subjek beritanya melalui pelaksanaan penilaian dampak privasi.

.....The practice of yellow journalism is widely practiced by the press in carrying out journalistic activities, potentially violating the privacy of news subjects. This raises the question of how the regulation of privacy protection against the practice of yellow journalism occurs based on mass communication law in Indonesia. Furthermore, this paper will also analyze the balance between the right to press freedom and the right to privacy in journalistic activities by the press and analyze how the legal efforts of news subjects to restore their rights. This paper uses doctrinal legal research method. The conclusion obtained is that the regulation of privacy protection in journalistic activities in Indonesia is not yet comprehensive so that there are practices of yellow journalism that violate the privacy of news subjects in the form of disclosure of a private fact and also false light. Then, the press is obliged to protect the privacy rights of news subjects in addition to their freedom rights by paying attention to the principle of public interest, the principle of reasonable expectation of privacy, and also the application of the doctrine of assumption of risk. In an effort to restore their rights, the aggrieved news subject can submit a Right of Reply mechanism to the relevant press, a Right of Reply complaint to the Press Council, as well as through administrative, civil and criminal remedies. In addition, the press is also responsible for respecting the privacy of its news subjects through the implementation of privacy impact assessment.