

REGULATIONS AND ETHICS OF REPORTING ON PERSONS WITH DISABILITIES IN THE MEDIA: A COMPARATIVE STUDY OF INDONESIA AND INDIA

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Abstract

Freedom of the press is a fundamental right in a democratic system guaranteed by Law Number 40 of 1999 concerning the Press. However, in some cases, freedom of the press can conflict with the rights of vulnerable groups, such as people with disabilities. This study focuses on a normative analysis related to the dilemma between freedom of the press and protection of the rights of people with disabilities, by referring to the laws and regulations in force in Indonesia. The results of the study indicate that although freedom of the press is guaranteed, there are regulations that govern the ethics of reporting so as not to violate the rights of people with disabilities, as regulated in Law Number 8 of 2016 and the Guidelines for Disability-Friendly Reporting from the Press Council. This study emphasizes the importance of a balance between freedom of the press and protection of the rights of people with disabilities in journalistic practice.

Keywords: *Freedom of the Press, Rights of People with Disabilities, Regulation, Journalism, Legal Protection.*

A. INTRODUCTION

Freedom of the press is one of the main foundations of modern democracy that not only guarantees the right to convey information but also protects the diversity of voices in society. In Indonesia, this guarantee is explicitly stated in Article 28F of the 1945 Constitution of the Republic of Indonesia and further regulated in Law Number 40 of 1999 concerning the Press. Through this provision, every citizen has the right to obtain and convey information freely. However, this freedom is not absolute and must be exercised with consideration of ethical responsibilities, especially in reporting that involves vulnerable groups such as persons with disabilities (Faiz, 2021).

In practice, the media in Indonesia often still fail to represent people with disabilities fairly and with dignity. According to reports from the Press Council, many mass media use terms that contain stereotypes or demean the dignity of persons with disabilities, such as 'disabled people' or 'half-normal humans.' Even in several news reports, individuals with disabilities are made into objects of comedy or portrayed as excessively 'inspirational' figures, without considering the context of their dignity and agency. However, legally, protection for this group has been affirmed in Law No. 8 of 2016 concerning Persons with Disabilities, which guarantees the right to non-discriminatory information and equal treatment in public spaces and media. The gap between progressive formal regulations and the reality of discriminatory media practices is a significant aspect that warrants further examination.

To understand this phenomenon, this study uses two concrete theoretical foundations. First, the theory of representation. (S Hall, J Evans, 2024) which explains how media plays a role in shaping social meanings through the processes of selection,

construction, and reproduction of images in reporting. Hall emphasizes that representation is not merely a reflection of reality, but also shapes the perspective of society towards a social group. Second, the theory of social responsibility of media is used, which underscores that the media, in addition to having the right to convey information, also has the obligation to uphold social justice by avoiding the dissemination of content that reinforces discrimination or social prejudice. These two theories form the basis for analyzing how the media should play a role in shaping an inclusive and fair discourse towards individuals with disabilities.

Relevant recent research conducted (Winefadila & Nuraeni, 2020) highlighting how digital media often presents a negative stigma against persons with disabilities through visual representation and text that tends to limit their rights and social roles. This research emphasizes that 'media often reinforces discriminatory narratives that position persons with disabilities as objects of pity, rather than as subjects with full agency.' (Putri Cahya Sufiyah, n.d.). In line with this, they found in their study that the coverage of social advertisements about people with disabilities is still dominated by framing that emphasizes excessive inspiration, which actually diminishes respect for the diversity and real needs of that group. They concluded that "media must adopt an inclusive approach that adheres to friendly disability reporting guidelines in order not to reinforce stereotypes." (Ahmad et al., 2024).

In addition, a comparative study examining the implementation of the Rights of Persons with Disabilities Act (RPwD) in India provides an overview of the effectiveness of inclusive media policies that offer full accessibility, including alternative text, subtitles, and direct involvement of persons with disabilities in the

media content production process. Gupta and Sharma state that "participatory approaches and strong policies in India have been able to reduce levels of stigma and discrimination in the media, making media a means of empowerment for persons with disabilities." (Gupta,A.,& Sharma, 2024, hlm.37). This condition serves as a benchmark for Indonesia to improve policies and implementation of a journalistic code of ethics that is oriented towards inclusivity.

This research offers novelty through an integrated approach of legal analysis and critical discourse, with a specific focus on violations of the journalistic code of ethics in online news coverage concerning persons with disabilities. Not only does it analyze the content of news coverage, but this study also examines the weak implementation of the disability-friendly news guidelines from the Press Council, as well as the absence of strict sanctions for such ethical violations. Furthermore, this research highlights the minimal accessibility accommodations in online media for disabled readers, such as the absence of alternative text or subtitles in visual news content, and compares it with the practices of inclusive media policies in India as a reference for improvement. The formulation of the problem in this research is: How do violations of the journalistic code of ethics in online media reporting in Indonesia affect the rights of persons with disabilities? To what extent can regulations and media supervisory bodies guarantee the principle of non-discrimination in journalistic practice? And how can the comparative effectiveness of inclusive media policies in India serve as a reference for Indonesia in improving the protection and representation of persons with disabilities in the media? How effective is the implementation of regulations that protect the rights of persons with disabilities in media reporting in Indonesia?

B. RESEARCH METHOD

This research uses a normative legal research method (Tinambunan, 2018), which focuses on the analysis of written legal norms such as legislation, journalistic codes of ethics, and other legal documents relevant to the protection of the rights of persons with disabilities. To provide a deeper analysis of the social context of these rights violations, this research also employs a multidisciplinary approach (specifically sociological approaches and media discourse analysis) to examine how media coverage and digital content contribute to practices of discrimination and exploitation against persons with disabilities. The data used are secondary data, consisting of legislation (Law No. 8 of 2016, Information and Electronic Transactions Law, Journalistic Code of Ethics), conceptual literature on media and disabilities, as well as documentation of news coverage and digital content. The analysis is conducted qualitatively by examining the alignment between legal norms and the reality of news reporting, and identifying potential violations of the rights of people with disabilities in the mass media.

C. RESULTS AND DISCUSSION

1. Analysis of the Impact of Violating the Code of Ethics on the Rights of Persons with Disabilities in Indonesia

Violations of the code of ethics in broadcasting have a direct impact on the fulfillment and protection of the rights of persons with disabilities. Here are some significant impacts that can be identified: mass media, especially television, plays a large role in shaping public opinion. Programs that exploit or embarrass persons with disabilities can reinforce negative stigma already

present in society. This has the potential to increase discrimination and worsen the social position of persons with disabilities. (Rahmi et al., 2021).

Mass media, especially television, has a great power in shaping public opinion. When broadcasts exploit or embarrass people with disabilities, it directly reinforces the negative stigma that already exists in society. Such shows can increase discrimination and worsen the social position of people with disabilities, making them even more marginalized.

The rights of persons with disabilities to be treated with dignity and equality are guaranteed by Law Number 8 of 2016 concerning Persons with Disabilities. Shows that demean them or indirectly make them objects of entertainment violate these rights and disregard the principle of social inclusion. Instead of serving as an educational tool, the media actually reinforces negative stereotypes. In fact, the media should be able to be a tool for improving public understanding of diversity and the capabilities of persons with disabilities. and the importance of respecting their rights. The mass media has a social responsibility to educate and provide useful information to the public. When the media prioritizes ratings over quality and social responsibility, vulnerable groups such as people with disabilities become victims. (Faiz, 2021).

The broadcasting code of ethics serves not only as a formal rule but also as a moral guide for all actors in the media industry. Violating the code of ethics means disregarding values of humanity and social justice. (Devina & Surya, 2024) The violation of the code of ethics in broadcasting not only impacts individuals with disabilities but also the broader community. This can hinder social inclusion efforts, reinforce discrimination, and create an unfriendly environment for

vulnerable groups. In Indonesia, the previously described violations of broadcasting ethics actually indicate ketidakmampuan media untuk menjadi agen pemberdayaan. Discriminatory and exploitative treatment of people with disabilities in media portrayals reflects the absence of a participatory approach and a lack of strict policies in the implementation of the code of ethics. In comparison to India, where media actively provides accessibility and involves people with disabilities, which ultimately reduces stigma and discrimination.

The situation in India shows that with strong policies and a participatory approach involving persons with disabilities in the content production process, media can transform from being a potential means of reinforcing stigma to a means of empowerment. This serves as a reflection for Indonesia to improve policies and the implementation of a journalistic code of ethics oriented towards inclusivity. (Thousand Oaks, n.d.).

By adopting these principles, broadcasting media in Indonesia can transform into a truly inclusive platform, supporting the fulfillment of the rights of persons with disabilities, and contributing to the creation of a more just and equitable society. (Anggraeni & Sukmono, 2019).

2. The Effectiveness of Regulations and Supervisory Institutions in Guaranteeing Non-Discrimination in Indonesia

The principle of non-discrimination is a fundamental part of human rights protection that has been normatively regulated in various national legal instruments in Indonesia. The 1945 Constitution explicitly guarantees equality before the law, reinforced by Law Number 39 of 1999 on Human Rights, and various other sectoral regulations. These regulations reflect the state's

commitment to ensuring fair and equal treatment for all citizens regardless of ethnicity, religion, race, gender, or social background. (Devina & Surya, 2024).

Although the legal basis is strong, the effectiveness of regulations in guaranteeing the principle of non-discrimination still faces serious challenges in the field. Various reports from independent institutions such as the National Commission on Human Rights and the Indonesian Ombudsman indicate the prevalence of discriminatory actions, both systematically and incidentally, in both public and private sectors. This indicates a gap between legal norms and their implementation. Weaknesses in oversight functions, limited resources, and suboptimal complaint mechanisms are factors that hinder the realization of effective protection for victims of discrimination.

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To improve the effectiveness of regulations and the role of supervisory institutions, systemic strengthening measures are needed. Harmonization of regulations should be carried out to avoid conflicts of norms and the potential

for hidden discrimination in public policies. In addition, supervisory institutions must be equipped with adequate authority, budgetary support, and a strong law enforcement system. Furthermore, active participation of civil society in monitoring, advocacy, and reporting cases of discrimination is also an important component in promoting accountability and enforcing non-discrimination principles comprehensively in Indonesia.

In addition to the efforts mentioned above, Indonesia can learn from comparative studies that examine the implementation of the Rights of Persons with Disabilities Act (RPwD) 2016 in India. This research provides an overview of the effectiveness of inclusive media policies that provide full accessibility, including alternative text, subtitles, and the direct involvement of persons with disabilities in the media content production process. The conditions in India serve as a benchmark for Indonesia to improve policies and the implementation of journalistic codes of ethics that are focused on inclusiveness. This study highlights that when media policies actively support accessibility and involve persons with disabilities, it can significantly reduce stigma and discrimination.

To improve the effectiveness of regulations and the role of supervisory institutions, systematic strengthening measures are necessary. Regulatory harmonization needs to be carried out to avoid normative conflicts and the potential for covert discrimination in public policy. In addition, supervisory institutions must be equipped with adequate authority, budget support, and a strong law enforcement system. Furthermore, active participation of civil society in monitoring, advocacy, and reporting cases of discrimination is also

an important component in promoting accountability and the enforcement of non-discrimination principles comprehensively in Indonesia.

3. Inclusive Media Policy in India as a Benchmark

A comparative study with India, particularly through the implementation of the Rights of Persons with Disabilities Act (RPwD) 2016, provides an overview of a more effective model of inclusive media policy. The RPwD law in India not only recognizes various forms of disabilities but also explicitly regulates the obligations of the state and the private sector, including the media, to ensure comprehensive accessibility. Article 29 of the RPwD explicitly establishes that all broadcasting institutions, especially public media, are required to provide accessibility features such as closed captioning, audio description, and sign language interpreters in mainstream programming.

The implementation of accessibility norms in India is evident in the broadcasting practices of national news channels such as DD News and Rajya Sabha TV, which have consistently featured sign language interpreters in their main news broadcasts since 2020. This commitment is reinforced by the sanction mechanism stipulated in Section 89 of the RPwD Act, which includes provisions for fines of up to ₹100,000 or imprisonment for broadcasting institutions that neglect accessibility requirements. This participatory approach and firm policies in India have proven effective in reducing stigma and discrimination in the media, making it a means of empowerment for persons with disabilities. This Indian model shows that a strong legal framework with clear sanctions is key to promoting inclusive media practices. (Rahmi et al., 2021).

Factors that hinder and directions for improvement, violations of the rights of persons with disabilities in media reporting in Indonesia are not only caused by regulatory gaps but are also exacerbated by several fundamental factors:

1. **The Lack of Awareness and Training for Journalists:** Many journalists still have a poor understanding of disability reporting ethics, appropriate language, and inclusive perspectives. The absence of specialized journalism training on disability poses a significant barrier.
2. **Dominance of the Medical/Deficit Perspective:** Media tends to view disability from a medical standpoint that emphasizes 'deficiencies' or 'inabilities', rather than a social perspective that sees disability as a result of the interaction between individuals and environmental barriers or attitudes.
3. **Culture and Social Stigma:** Deeply rooted social stigma in society still influences the way media represents people with disabilities.
4. **Rating Pressure and Sensationalism:** In the competitive media industry, the pressure to achieve ratings or clicks often drives sensational reporting, even if it means exploiting or belittling vulnerable groups.
5. **Internal Media Representation:** The lack of individuals with disabilities in key positions in editorial or media production teams hinders the development of authentic and inclusive perspectives from within.

Therefore, the protection of the rights of persons with disabilities in the media in Indonesia requires more than just the existence of laws. It demands stronger oversight improvements, systematic journalistic education, and cultural transformation in the media industry to ensure that the principles of

inclusion and non-discrimination are truly realized in every news coverage. (Chairiyani, 2020).

D. CONCLUSION

This research comprehensively examines the impact of violations of the journalistic code of ethics in mass media reporting in Indonesia on the rights of persons with disabilities. A comparative study shows that India has been more effective in ensuring the rights of persons with disabilities by mandating full accessibility—including alternative text, subtitles, and the direct involvement of persons with disabilities in the media content production process. It emphasizes that participatory approaches and strong policies in India are capable of reducing stigma and discrimination in the media, making media a means of empowerment. Weaknesses in oversight functions, limited resources, and the suboptimal complaint mechanisms in Indonesia contribute to the gap between legal norms and their implementation, exacerbated by cultural factors and the lack of specialized journalism training.

To enhance the effectiveness of regulations and ensure the protection of the rights of persons with disabilities in media reporting in Indonesia, a comprehensive multi-stakeholder approach is required. This includes strengthening regulations and technical guidelines with the addition of mandatory accessibility clauses and clear, strict sanctions, enhancing the capacity and authority of oversight bodies such as the Press Council and KPI, as well as continuous journalistic education and training involving persons with disabilities as resources. In addition, cross-sector collaboration between

the government, oversight agencies, the media industry, and disability organizations is essential. Encouraging inclusive editorial policies and investing in online media accessibility technologies, as well as improving public media literacy, will be crucial. By implementing these strategic measures, Indonesia can transform towards a more inclusive media ecosystem that upholds the dignity and rights of persons with disabilities.

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