

The Implications of Publisher Rights on the Digital Media Ecosystem from a Legal Perspective

Erwin Dede Nugroho*, Juwita Juwita

Sekolah Tinggi Ilmu Hukum “IBLAM” Jakarta, Indonesia

Email: Windede@gmail.com*, wiethajuwita72@gmail.com

KEYWORDS	ABSTRACT
Publisher Rights, Platform Capitalism, Quality Journalism, Algorithmic Governance	This study aims to analyze the limitations of existing copyright and media regulations in Indonesia—namely Law No. 28 of 2014 on Copyright, Law No. 40 of 1999 on the Press, and Law No. 32 of 2002 on Broadcasting—which have collectively created a regulatory vacuum resulting in inequality of publisher rights in the digital ecosystem. In addition, this research examines the legal implications of Presidential Regulation No. 32 of 2024 concerning the responsibility of digital platforms in supporting sustainable and quality journalism. The study employs a normative legal research method using a statutory, conceptual, and comparative approach by examining regulatory models in Australia and the European Union, complemented by a triangulation framework grounded in Rawls’ theory of justice, the <i>lex specialis</i> doctrine (Manan), and Suzor’s theory of platform governance. Data were collected through an in-depth qualitative literature review of laws, policy documents, academic journals, and comparative legal materials. The findings indicate that Presidential Regulation No. 32 of 2024 functions as a legitimate <i>lex specialis</i> that operationalizes publisher rights through several key mechanisms, including algorithmic distribution prioritization for press content, a revenue-sharing scheme estimated at Rp105 trillion, and the establishment of an oversight committee under the Press Council. The novelty of this research lies in its pioneering Rawls– <i>lex specialis</i> –Suzor triangulation, positioning Presidential Regulation No. 32 of 2024 as a form of Indonesian digital constitutionalism that fills a critical gap in conventional copyright discourse, particularly regarding algorithmic governance and platform accountability.

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Introduction

The development of digital technology has fundamentally changed the structure of the media industry in Indonesia. The shift in information consumption patterns from print and traditional broadcasting media to online platforms has shaped a new landscape dominated by global platform companies such as Google, Meta, and TikTok (Asmayawati et al., 2024; Hrastinski et al., 2018; Li, 2023; Osmundsen & Bygstad, 2022). The presence of these actors has not only revolutionized the

distribution of news but also shifted the economic value of the media industry from national press companies to global algorithm owners (Napitsah, D. F., 2023).

This situation has led to significant structural imbalances. According to the 2023 Annual Report of the Press Council, more than 75% of national digital advertising spending was absorbed by global digital platforms, amounting to approximately Rp105 trillion out of a total of Rp140 trillion that year (Press Council, 2023). As a result, many media companies have experienced a drastic decline in revenue, forcing them to implement extreme efficiency measures, including laying off more than 40,000 media workers between 2023 and 2025 (Independent Journalists Alliance, 2025). This phenomenon reflects the economic and technological power asymmetry between press companies and global digital platforms, where platforms serve as the main distribution gateways and controllers of algorithms that determine content visibility, while media outlets depend on traffic from search engines and social media without proportional economic compensation (Cutolo & Kenney, 2021; Fitz & Scheeg, 2025; K. Li et al., 2025; Tang et al., 2023).

This inequality raises fundamental questions about digital economic justice and legal protection for journalistic works (Rohmana, R. D., et al., 2023). Without regulations that guarantee distributive justice mechanisms, the national media industry will continue to be subordinate to the hegemony of global platforms that control the flow of information and online advertising revenue (Fuchs, C., 2022).

The existing legal framework, such as Law No. 40 of 1999 on the Press, Law No. 32 of 2002 on Broadcasting, and Law No. 28 of 2014 on Copyright, does not explicitly regulate the dynamics of digital media and the economic relationship between press companies and digital platforms. The Press and Broadcasting Laws focus more on institutional aspects, social functions, and broadcasting responsibilities without providing a mechanism for sharing the economic value of journalistic content in the digital realm.

Meanwhile, the Copyright Law provides a basis for the protection of economic rights over creative works, including journalistic works. However, these regulations are not designed to address issues of news content distribution on digital platforms, such as automatic indexing, snippet extraction, content aggregation, and algorithmic monetization (Hugenholtz, P. B., 2021). As a result, operational instruments for proportional compensation for press companies for the use of content by digital platforms are still not adequately available.

The Press and Copyright Laws are considered insufficiently adaptive to the disruption of the contemporary media industry, particularly regarding concepts such as fair use, partial quotation, or content redistribution through digital platforms in algorithm-based ecosystems (Gunawan, N., et al., 2022). This reinforces the need for a new legal approach that is more responsive to digital transformation and the complexity of the content economy structure (Wu, T., 2023). In response to these issues, the government has issued Presidential Regulation No. 32 of 2024 concerning the Responsibility of Digital Platform Companies to Support Quality Journalism, which substantially introduces the concept of publisher rights in Indonesia. This regulation aims to govern the relationship between media companies and digital platforms through a fair, transparent, and quality

journalism-oriented cooperation framework, including revenue sharing, paid news content licensing, and proportional sharing of aggregated user data.

However, the implementation of Presidential Regulation No. 32 of 2024 concerning the Responsibility of Digital Platform Companies to Support Quality Journalism still faces various obstacles. Its economic impact has not yet shown significant changes in the revenue-sharing scheme for national media (Kominfo RI, 2025). In the October 2025 edition of the Press Council Journal, Dwi Eko Lokononto criticized this situation as an “algorithmic dictatorship,” in which national journalism remains controlled by platforms and artificial intelligence (AI) that prioritize viral content over quality news (Lokononto, D. E., 2025).

National Research and Innovation Agency (BRIN) researcher Dian Andi Nur A., during a Press Company Union (SPS) seminar in Samarinda, East Kalimantan, in October 2025, introduced the term “post-clickbait journalism,” in which the media is trapped in the production of fast and light content to survive in an unequal digital ecosystem (Nur A., D. A., 2025). This crisis has affected not only the media economy but also the integrity of the journalism profession and the quality of information democracy, with the majority of journalists receiving below-standard wages (34% below the minimum wage and 32% between Rp2.5 and Rp4 million per month), coupled with high workloads and stringent traffic targets (SPS Indonesia, 2024). Deputy Chairman of SPS Pusat, Suhendro Boroma, described the condition of the national media industry as a “media economy left to languish” due to the absence of affirmative policies ensuring fair distribution of the economic value of news (Boroma, S., 2025).

In contrast, international practices show more favorable results. Australia, through the News Media Bargaining Code (2021), has successfully compelled Google and Meta to sign commercial agreements with media outlets worth more than AUD 200 million per year (Bustami, S. Y., 2024). The European Union has implemented Directive (EU) 2019/790, which grants special economic rights to press publishers for the distribution of online content (Treppoz, E., 2023). These models serve as crucial references for Indonesia in formulating publisher rights policies through Presidential Regulation No. 32 of 2024 concerning the Responsibility of Digital Platform Companies to Support Quality Journalism. From a legal perspective, the implementation of publisher rights in Indonesia represents a new normative innovation that is *lex specialis* to press law and digital economy law, creating legal space for the development of contemporary rule of law in the governance of the digital media ecosystem—upholding the principles of fairness and distributive justice in the information economy (Surbakti, R., 2025).

Previous studies, such as T. Rizkiawan (2024), analyzed the shortcomings of Copyright Law No. 28 of 2014 regarding the distribution of algorithmic content, noting the absence of automatic licensing mechanisms or fair value sharing for press companies. However, the study did not specifically address journalistic works or publisher rights. M. Nugraha (2022) examined the void in licensing and digital compensation norms, identifying reactive enforcement while neglecting the platform–press relationship and publisher rights regulations. This study differs by linking the Press Law, Broadcasting Law, and Copyright Law within a comprehensive legal framework.

This study aims to examine in depth the limitations of existing copyright regulations that cause economic inequality in publisher rights within Indonesia's current digital media ecosystem, as well as the legal implications of Presidential Regulation No. 32 of 2024 concerning the responsibility of digital platforms to support the sustainability of quality journalism in the future.

Materials and Methods

This study uses a normative legal research method with legislative, conceptual, and comparative legal approaches to analyze the legal implications of Presidential Regulation No. 32 of 2024 (Marzuki, P. M., 2023). The statutory approach examines the hierarchy of norms (Press Law, Copyright Law, and Presidential Regulation); the conceptual approach maps publisher rights within the digital media ecosystem; and the comparative law approach compares the Australian News Media Bargaining Code (2021) and the EU Directive 2019/790 (Bustami, S. Y., 2024).

This qualitative research employs primary data sources (Presidential Regulation No. 32 of 2024, Law No. 40 of 1999, and Law No. 28 of 2014) and secondary data sources (Press Council Reports 2023–2025, legal journals, and OECD 2022). Data collection techniques include literature studies and content analysis of legal documents (Soekanto, S., & Mamudji, S., 2018). Qualitative data analysis applies a descriptive-analytical method with theory triangulation (Rawls, lex specialis, and Suzor) to explore the implications of publisher rights on distributive justice and the rule of law in the digital realm (Sugiyono, 2020).

Results and Discussions

Limitations in existing copyright regulations have led to economic inequality in publisher rights within Indonesia's current digital media ecosystem.

A. Limitations of Existing Copyright Regulations

Legal Analysis of Law Number 28 of 2014 concerning Copyright

Law Number 28 of 2014 concerning Copyright provides comprehensive protection for the economic rights of creators of written works, including journalistic works as referred to in Article 9 paragraph (1). Creators or Copyright Holders, as stated in Article 8, possess economic rights to publish their works, reproduce their works in any form, translate their works, adapt, arrange, or transform their works, distribute their works or copies thereof, perform their works, announce their works, communicate their works, and rent their works. However, this regulation is *lex generalis* in nature—designed for the conventional copyright paradigm—and therefore does not anticipate the dynamics of algorithmic content distribution within the contemporary digital media ecosystem. The practices of auto-indexing, snippet extraction, and content aggregation by platforms such as Google News or Meta News Feed are not explicitly categorized as violations of economic rights, because the concept of fair use as regulated in Articles 43–44 of the Copyright Law and the notion of brief quotations are interpreted loosely, without specific criteria for algorithmic monetization.

This limitation results in a structural value gap where journalistic content, as a public good with high production costs, is exploited by platforms to generate advertising revenue without

any obligation for paid licensing. Hugenholtz (2021), in his analysis of digital copyright, asserts that regulations such as Copyright Law No. 28 of 2014 fail to accommodate the snippet economy, in which the economic value of content becomes fragmented through excerpts that no longer drive substantial traffic to the primary publisher's site. As a result, several press companies in Indonesia have experienced significant revenue leakage, with 75% of digital advertising spending—worth Rp105 trillion—flowing to global platforms without proportional compensation (Press Council, 2023).

Law No. 40 of 1999 on the Press

Law No. 40 of 1999 on the Press explicitly emphasizes the social function of the press as a check on power, a conduit for public information, and an educator of the public (Article 2 paragraph (1)), with institutional protection through the Press Council as a non-judicial ethical mechanism (Article 15). This regulation is oriented toward press freedom following the 1998 Reform, protecting journalistic activities from censorship and state intervention through the right of reply and the right of correction (Article 5). However, the Press Law is pre-digital in nature and does not anticipate the transformation of information distribution through global platforms. Consequently, it does not regulate economic relations between press companies and non-press entities such as Google or Meta, which monetize journalistic content without possessing “press company” status.

The fundamental normative vacuum lies in the absence of regulations on publisher rights or revenue sharing for the use of news by digital aggregators. Article 7 of the Press Law only guarantees freedom from censorship, not economic rights over the commercialization of content in the algorithmic realm. Rohmana et al. (2023) argue that the institutional framework of the Press Law creates a regulatory blind spot within platform capitalism, wherein the visibility of news depends on proprietary algorithms without any obligation to contribute economically to the national press ecosystem (Rohmana, R. D., et al., 2023).

Law Number 32 of 2002 on Broadcasting

Law No. 32 of 2002 on Broadcasting regulates the responsibility of private and public broadcasting institutions for the accuracy, balance, and pluralism of information (Article 36), with the obligation to broadcast national and regional programs (Article 50). This regulation focuses on conventional electronic media (television and radio), defining “broadcasting” as electromagnetic transmission, without accommodating digital streaming or internet protocol-based distribution (IP-based delivery).

Legal limitations arise because digital platforms are not classified as “broadcasting institutions,” and therefore are not bound by obligations concerning content quality or economic value sharing. Article 32 paragraph (2) only regulates broadcasting advertisements without providing a mechanism for profit sharing on aggregated content from press companies. Pramudya (2024), in his analysis of digital broadcasting law, asserts that Broadcasting Law No. 32 of 2002 creates a jurisdictional gap whereby Google News Feed or TikTok operate as news distributors without broadcasting accountability—exacerbating the economic subordination of national media.

The three regulations classified as existing copyright laws—namely, Copyright Law No. 28 of 2014, Press Law No. 40 of 1999, and Broadcasting Law No. 32 of 2002—have proven unresponsive to the dynamics of the contemporary digital media ecosystem. The Copyright Law fails to accommodate algorithmic distribution and the snippet economy phenomenon, which has caused revenue leakage amounting to Rp105 trillion. Meanwhile, the Press Law is limited to protecting freedom from censorship without regulating publisher rights, and the Broadcasting Law does not classify digital platforms as broadcasting institutions. These three *lex generalis* instruments create a structural regulatory vacuum that facilitates the hegemony of global platforms without providing proportional compensation for national press companies (Hugenholtz, P. B., 2021).

From the perspective of the *lex specialis derogat legi generali* theory, which originated from the 6th-century *Corpus Juris Civilis* and was consolidated into Indonesian legal doctrine by Prof. Bagir Manan (2019), there arises a normative analytical basis showing that the three regulations are general in nature and not adaptive to the specificity of digital platforms. Manan asserts that special laws take precedence over general provisions when regulating the same object with a higher level of detail. Therefore, Presidential Regulation No. 32 of 2024—as stipulated in Article 7 on paid licenses and profit sharing—fulfills the *lex specialis* requirement to address normative gaps in the Copyright Law, Press Law, and Broadcasting Law (Manan, B., 2019).

The application of this theory confirms that pre-digital regulatory limitations have been unable to overcome economic asymmetries worth IDR 105 trillion, thereby creating a legal need for special instruments that operationalize publisher rights through transparent contractual mechanisms and supervision by an independent committee of the Press Council (Articles 9–17 of Presidential Regulation No. 32 of 2024). This analysis reinforces the position of the Presidential Regulation as a normative innovation consistent with the hierarchy of laws and regulations.

Economic Inequality Publisher Rights

Empirical Data on the Dominance of Digital Advertising Revenue

The 2023 Annual Report of the Press Council notes that 75% of national digital advertising spending, worth Rp140 trillion, or Rp105 trillion, is absorbed entirely by global platforms such as Google, Meta, and TikTok. (Press Council. (2023). This inequality is structural in nature because platforms control the algorithmic infrastructure that governs content visibility, while press companies only play the role of primary producers without direct access to audiences. This phenomenon reflects platform capitalism, where the economic value of journalistic content as a public good is extracted without proportional compensation, as analyzed by Srnicek (2017) in the data extractive business model. The following is the advertising revenue data as shown in Table 2:

Table 1. Advertising revenue data

Platform	Pangsa Iklan Digital (%)	Nilai (Rp Triliun)	Sumber
Google	45%	63	Dewan Pers 2023
Meta	20%	28	Dewan Pers 2023
TikTok	10%	14	Dewan Pers 2023
Platform Lainnya	25%	35	Dewan Pers 2023
Total	75%	105	Rp140T Total

Table 1 illustrates the structural dominance of global platforms over Indonesia's digital advertising market, with Google controlling 45% (Rp63 trillion), Meta 20% (Rp28 trillion), TikTok 10% (Rp14 trillion), and other platforms 25% (Rp35 trillion), collectively absorbing 75% or Rp105 trillion of the total digital advertising expenditure of Rp140 trillion in 2023. This imbalance reflects the value extraction of journalistic content without proportional compensation for national press companies (Press Council. 2023).

Socio-Economic Impact on the Media Industry

Income inequality has triggered an existential crisis in the national press industry. The Independent Journalists Alliance (AJI) noted that 40,000 media workers were laid off between 2023 and 2025 due to extreme corporate efficiency measures resulting from revenue leakage. (Independent Journalists Alliance. 2025). A survey by SPS Indonesia (2024) revealed that 34% of journalists earn below the minimum wage and 32% earn between Rp2.5-4 million per month, with high traffic targets that compromise journalistic quality. (SPS Indonesia. 2024). The following table shows the locations with the worst layoffs in small and medium-sized print and digital media, as shown in Table 2:

Table 2. The worst layoffs occurred in small and medium-sized print and digital media.

Region	Number of layoffs	% of Total	Main Causes
Jakarta	18.500	46%	Decline in digital advertising
West Java	8.200	21%	Closure of local media outlets
East Java	6.800	17%	Editorial efficiency
Others	6.500	16%	Failed diversification
Total	40.000	100%	AJI 2025

Table 3. The worst layoffs occurred in small and medium-sized print and digital media outlets.

Region	Number of layoffs	% of Total	Main Causes
Jakarta	18.500	46%	Decline in digital advertising
West Java	8.200	21%	Closure of local media outlets
East Java	6.800	17%	Editorial efficiency
Others	6.500	16%	Failed diversification
Total	40.000	100%	AJI 2025

Table 3 reveals the existential crisis facing the national press industry, with 40,000 media workers facing layoffs between 2023 and 2025. The highest number of layoffs will be in Jakarta (46%, 18,500 people) due to a decline in digital advertising, followed by West Java (21%, 8,200 people) due to the closure of local media outlets, and East Java (17%, 6,800 people) due to editorial efficiency measures. The Rp105 trillion revenue leakage gap is directly correlated with the economic collapse of small and medium-sized media outlets. (Independent Journalists Alliance, 2025).

Systemic Impact on the Journalism Ecosystem

Algorithmic Dictatorship and the Dominance of Viral Content

The structural dependence of press companies on digital platform traffic has given rise to the phenomenon of algorithmic dictatorship, as identified by Dwi Eko Lokononto (Press Council Journal, 2025). Proprietary algorithms from platforms such as Google, Meta, and TikTok control the visibility of news based on engagement metrics—such as clicks, viewing duration, and shares—rather than journalistic criteria such as accuracy, factual verification, or public relevance (Lokononto, D. E., 2025).

This mechanism creates a destructive feedback loop in which emotional and sensational content dominates users' feeds, while investigative reporting or contextual analysis is marginalized in a "visibility desert." Lokononto (2025) documents that 85% of viral content on Indonesian platforms has a lifespan of less than 24 hours, with a fact-checking rate below 40%, while news produced by companies verified by the Press Council receives only 12% of algorithmic exposure (Press Council, 2025). This transformation has effectively turned journalism from a watchdog of power into a generator of traffic fodder for platform ad monetization.

Post-Clickbait Journalism and the Degradation of Professionalism

Dian Andi Nur A. from BRIN introduced the concept of post-clickbait journalism (SPS Kaltim seminar, 2025), describing the destructive adaptation of media to platform logic. (Nur A., D. A. 2025). Press companies are trapped in a cycle of producing fast and light content with bombastic headlines, emotional leads, and partial narratives in order to survive in an ecosystem

that measures value based on clicks per hour. Nur A. (2025) identifies three stages of systemic degradation as shown in Table 4:

Table 4. Stages of systemic degradation

Degradation Stage	Description	Quantitative Data	Impact	Sources
a. Production Process	Editorial prioritizes speed over verification	15 minutes/news item vs. 48 hours of investigation; 62% headline-only	Systematic ethical violations	Dewan Pers (2025)
b. Content Distribution	SEO clickbait optimization for algorithms	70% sensational clicks <30 seconds read time	Outrage rather than understanding	Google Study (2024)
c. Commercial Internalization	Traffic KPIs replace journalistic ethics	78% of journalists: "algorithm pressure > editor"	Professional identity crisis	SPS Survey (2024)

Table 4 confirms the systemic degradation of post-clickbait journalism (Nur A., 2025), characterized by rapid production (15 minutes per news item), clickbait distribution (70% of clicks occurring within less than 30 seconds), and the prioritization of traffic (78% of journalists report experiencing algorithmic pressure more than editorial pressure). This transformation is turning journalism from an ethical profession into commercial content.

The Crisis of Integrity in the Journalism Profession

Ecosystem degradation has triggered a crisis of professional identity. Journalists trained in principles of objectivity are now evaluated by foreign commercial metrics. Suhendro Boroma (2025) describes this phenomenon as a media economy left to languish, where wages below the minimum wage (34% of cases) and workdays exceeding 12 hours force journalists to choose between integrity and economic survival (Boroma, S., 2025).

AJI (2025) documented a 300% increase in ethical violations since 2022, particularly rapid plagiarism and the spread of fake news for the sake of traffic. This erosion of ethics has diminished public trust, with the Edelman Trust Barometer (2025) reporting that confidence in Indonesian media has fallen to 42%, the lowest level in ASEAN (Edelman Trust Barometer, 2025).

Implications for the Quality of Information Democracy

The quality of information democracy is structurally threatened. Quality journalism, as a pillar of democracy that provides factual information for public decision-making, is being replaced by algorithmic infotainment. Fuchs (2022) in *Digital Capitalism* warns that the subordination of media to platforms creates a post-factual democracy, where viral opinions replace empirical analysis. (Fuchs, C. 2022). Indonesia's information polarization has increased by 45% since 2022 (BRIN 2025), with political hoaxes spreading 12 times faster than facts through platform algorithms. This imbalance threatens the legitimacy of electoral democracy and public policy responses to national crises.

Economic Inequality Publisher Rights analyzed from the perspective of John Rawls' (2018) theory of Distributive Justice in Justice as Fairness provides a normative basis that algorithmic inequality violates the difference principle, whereby the platform's Rp105 trillion profit does not benefit vulnerable parties (journalists, local media). The veil of ignorance principle demands the redistribution of economic value through revenue sharing under Presidential Regulation 32/2024 as a morally legitimate distributive correction.

Implications of the Digital Media Ecosystem

The value gap and the threat to quality journalism.

The value gap refers to the gap between the economic value generated by journalistic content and the compensation received by media companies. High-quality investigative content, in-depth analysis, and field coverage require significant production costs (journalist salaries, equipment, verification), but platforms monetize it through advertising without profit sharing. The OECD (2022) estimates that the global value gap reaches US\$10 billion per year, with Indonesia contributing significantly through Rp105 trillion in digital advertising flowing to platforms. (OECD. (2022)

The threat to quality journalism is existential. As revenues decline, media outlets reduce investigative coverage (down 68% since 2020, Press Council 2025) and prioritize light content for traffic. The Journalistic Code of Ethics is diluted by economic pressures, replacing verification with speed of publication. (Press Council. (2025).

Subordination of national media to global platforms.

Indonesian media is structurally subordinate to Google (45% advertising share), Meta (20%), and TikTok (10%). This dependence is multi-dimensional: Traffic Dependence: 92% of media traffic comes from platforms (Press Council 2023), creating a hostage situation where visibility depends on opaque proprietary algorithms. (Press Council. (2023). Data Dependency: Platforms control user data (demographics, preferences, behavior), while media outlets only receive partial analytics, hindering editorial and commercial strategies. (SPS Indonesia, 2024) Monetization Dependency: Programmatic advertising flows directly to platforms, leaving media without access to the Rp105 trillion ad spend. (Press Council, 2023). Indonesian media are totally dependent on global platforms in three crucial dimensions: traffic (92% from platforms), user data (100% controlled), and monetization (Rp105 trillion in advertising). This dependence creates “digital colonialism” where platforms extract value without economic reinvestment, as shown in Table 5 below:

Table 5. Dimensions of National Media Subordination to Global Platforms

Dimensions of Subordination	Platform Control	Impact of National Media	Data 2025
Traffic	92% of visitor sources	Visibility desert investigation	Dewan Pers
User Data	100% ownership	Limited analytics	SPS Survey
Monetization	Rp105T ad spend	Total revenue leakage	Dewan Pers
Algorithms	Proprietary & opaque	Viral content > quality content	Lokononto

Table 5 shows that national media are completely subordinate to global platforms: 92% of traffic, 100% of user data, and Rp105 trillion in revenue leakage, creating a form of digital colonialism that threatens Indonesia's journalism ecosystem. From the perspective of the Digital Rule of Law Theory (Nicolas Suzor, 2018), traditional rule of law principles are adapted to digital platforms as gatekeepers of information, which are required to ensure algorithmic transparency, accountability, and fairness through independent oversight. The Press Council Committee (Articles 9–17 of Presidential Regulation No. 32 of 2024) functions as an oversight body that guarantees the audit of news distribution algorithms (Article 5 letter e), supervision of platform obligations (Articles 10–11), and prioritization of quality journalism (Article 5 letter b). This theory justifies Presidential Regulation No. 32 of 2024 as Indonesia's digital constitutionalism, balancing platform hegemony through national institutional mechanisms.

The results of this study indicate that existing copyright regulations—Copyright Law No. 28 of 2014, Press Law No. 40 of 1999, and Broadcasting Law No. 32 of 2002—have created a structural regulatory vacuum that facilitates the dominance of global platforms over Rp105 trillion in digital advertising revenue. This condition has resulted in the layoff of 40,000 media workers, the degradation of journalistic quality through algorithmic dictatorship, and the total subordination of national press companies. The triangulation of Rawls' theory (Justice as Fairness), *lex specialis* (Bagir Manan), and the Digital Rule of Law (Suzor) confirms Presidential Regulation No. 32 of 2024 as a legitimate *lex specialis* normative innovation for redistributing economic value and ensuring algorithmic transparency through the Press Council Committee.

The novelty of this research lies in the integration of the Rawls–Lex Specialis–Suzor triangulation to analyze Presidential Regulation No. 32 of 2024 as Indonesia's first form of digital constitutionalism. It operationalizes publisher rights through revenue sharing, algorithmic audits, and Press Council oversight—filling the theoretical gap in conventional copyright studies that have neglected the dynamics of platform capitalism and the subordination of Rp105 trillion in national media value.

Legal implications of Presidential Regulation No. 32 of 2024 on the responsibility of digital platforms to support the sustainability of quality journalism in the future.

Digital Platform Accountability Mechanism

Article 5 of Presidential Regulation No. 32 of 2024 explicitly requires digital platform companies to support quality journalism through six concrete obligations that transform the role of platforms from mere distributors to partners in the public information ecosystem.

Priority distribution and commercialization of news from press companies verified by the Press Council.

Platforms are required to “make their best efforts to prioritize the facilitation and commercialization of news produced by press companies” (Article 5 letter b) and to “provide fair treatment to all press companies” (letter c). These obligations apply only to press companies verified by the Press Council (Article 6), ensuring that quality content receives higher visibility than viral or inauthentic content (Bustami, S. Y., 2024).

In practical terms, this priority corrects algorithmic bias that has traditionally favored engagement over accuracy. Google News Feed or Meta should display news from press companies in more prominent positions, increasing organic traffic and advertising revenue directly to original media sites rather than solely enriching aggregator platforms (Gillespie, T., 2018).

Design algorithms that promote quality journalism (democracy, diversity).

Platforms are required to “make their best efforts in designing a news distribution algorithm that supports the realization of quality journalism in accordance with the values of democracy, diversity, and legislation” (Article 5 letter e). The definition of algorithms in Article 1 paragraph (5) as complex systems for content personalization confirms that this regulation targets proprietary black-box systems that have historically been opaque (Suzor, N., 2018).

This obligation revolutionizes algorithmic governance by compelling platforms to integrate Indonesian constitutional values—democracy under the 1945 Constitution and diversity under Pancasila—into algorithmic design. For instance, news that promotes interfaith tolerance or balanced election coverage would receive a higher algorithmic weight compared to provocative or divisive content (Napitsah, D. F., 2023).

Training and facilitation of responsible journalism.

Platforms are also required to “implement training and programs aimed at supporting quality and responsible journalism” (Article 5 letter d). These programs include workshops on fact-checking, algorithm literacy, and ethical content optimization for search engine visibility (Press Council, 2024). In addition, platforms are prohibited from “facilitating the dissemination or commercialization of news content that does not comply with the Press Law after receiving a report” (Article 5 letter a), complementing the mandatory internal reporting mechanism. This combination makes platforms proactive partners in maintaining an information ecosystem free from hoaxes and ethical violations (Pramudya, A., 2024).

The mechanism in Article 5 marks a paradigm shift from extractive platform capitalism to a collaborative ecosystem. Distribution priorities redirect traffic back to original media sources, pro-democracy algorithms correct commercial biases, and training initiatives enhance the capacity of the national press to navigate digital disruption.

Economic Cooperation and News Licensing

Economic Cooperation and News Licensing as stipulated in Article 7 of Presidential Regulation No. 32 of 2024 normatively requires written cooperation between digital platform companies and press companies verified by the Press Council through three complementary economic compensation schemes, fundamentally changing the dynamics of the relationship from unilateral exploitation to a sustainable structural partnership in the digital media ecosystem.

Three Pillars of Multidimensional Economic Compensation

Paid license

Paid licenses as stipulated in Article 7 paragraph 2 letter a state that the paid license mechanism recognizes journalistic content as premium intellectual property that requires royalties for commercial use rights by platforms. Unlike conventional copyright, which is reactive (post-factum litigation), this license is proactive with fixed or variable payments based on volume of use, compensating for the high production costs of journalistic investigations, fact-checking, and editorial infrastructure that have been subsidized by the public as a public good. This model adopts the practices of Spotify for music or Getty Images for photos, where the value of content access is explicitly priced. (Hugenholtz, P. B. 2021)

Revenue sharing

Revenue Sharing Based on Economic Value as stipulated in Article 7 paragraph 2 letter b and paragraph 3 confirms that the distribution of revenue from the monetization of news content is calculated based on objective economic value metrics such as clicks, reading time, ad conversions, and user retention to ensure proportional compensation.

Article 7 paragraph 3 also explicitly defines revenue sharing as the distribution of revenue from the use of News by Digital Platform Companies produced by Press Companies, binding the commercial fate of both parties. The benchmark Australian News Media Bargaining Code (2021) successfully allocated AUD 200 million per year through this model, with Google paying 10-15% of news-related advertising revenue, setting a legal precedent for the implementation of the Indonesian Presidential Regulation. (Bustami, S. Y. 2024).

User aggregate data.

The distribution of user aggregate data as stipulated in Article 7 paragraph 2 letter c emphasizes that the Platform must provide non-personal aggregate data on user behavior, audience demographics, topic preferences, time consumption patterns, and engagement metrics, which are strategic assets for editorial research, content personalization, and advertising marketing strategies. Currently, platforms control 100% of this data, creating structural information asymmetry where media are “blind” to their own audiences. This aggregate data, although anonymous, allows media to optimize strategies without violating privacy (PDP Law 2022), reducing dependence on partial analytics platforms. (SPS Indonesia. 2024)

Flexibility in Transparency-Based Contractual Negotiations

Cooperation “set forth in an agreement” (Article 7 paragraph 1) with flexibility in the form of “other agreed forms” (letter d) allows for a hybrid scheme that is adaptive to the scale of the media (national vs. local) and type of platform (search engine vs. social media). This contractual approach avoids rigid, one-size-fits-all tariff regulations that failed in the European Union Directive 2019/790, but instead encourages collective bargaining power through the role of the Press Council as a facilitator (Article 11 letter c).

Transparency in negotiations is guaranteed through committee reporting obligations (Article 13) and public access, preventing discriminatory most-favored-nation practices that harm small media outlets. This model adopts the collective licensing principle of musicians' unions (KCI) or writers' unions (KI), in which the Press Council functions as an aggregator of the economic rights of press companies. (Napoli, P. M. 2019)

Fast and efficient non-litigation dispute resolution

Fast and efficient non-litigation dispute resolution as stipulated in Article 8 paragraph 1 allows for dispute resolution through “arbitration or alternative dispute resolution” independently, with the facilitation of the Press Council committee (Article 11 letter c). This non-litigation approach adopts Australian best practices, where 92% of disputes are resolved within 90 days at 1/10th the cost of court litigation, accelerating revenue flow and maintaining continuity of cooperation.

The systemic advantage is that arbitration avoids cross-jurisdictional forum shopping (platforms often claim California law), while independence (Article 8 paragraph 2) prevents pro-platform bias. The Australian ACCC precedent (2023) demonstrates the effectiveness of this model in enforcing Google-Meta compliance. (ACCC. (2023).

The Long-Term Systemic Implications as stipulated in Article 7 revolutionize the media economic paradigm from extractive platform dependency to value-based symbiotic partnerships. Paid licenses stabilize monthly cash flow, revenue sharing secures long-term commercial incentives, aggregated data enhances strategic capacity, while arbitration prevents hold-up problems in negotiations. Collectively, these mechanisms operationalize publisher rights as an effective *lex specialis* that integrates copyright, media political economy, and digital constitutionalism into a single coherent normative framework. (Manan, B. 2019).

Supervision by the Independent Press Council Committee

Articles 9–17 systematically establish the Supervisory Committee as a core institution ensuring that digital platforms such as Google, Meta, and TikTok fully comply with their obligations to support quality journalism. This committee functions as an independent oversight body that combines technical supervision—through the auditing of news distribution algorithms to ensure they are not discriminatory toward national media—with the authority to issue binding policy recommendations to the Minister of Communication and Information Technology for sanctions or new regulations in cases of non-compliance. It also facilitates mediation in revenue-sharing or licensing contract disputes between platforms and media companies.

Absolute transparency is guaranteed through mandatory annual reports published on the Press Council's website, allowing the public to monitor the effectiveness of the Rp105 trillion revenue-sharing mechanism and the implementation of pro-quality journalism algorithms. Comprising 11 independent members from the Press Council, Kominfo, and neutral experts, the committee prevents platform dominance and serves as Indonesia's first institutional pillar for regulating platform capitalism.

Balanced and Independent Institutional Composition

The committee is formally established and appointed by the Press Council as stipulated in Article 9 paragraph (1), with absolute independence as stated in paragraph (2). It consists of a maximum of 11 members with a balanced and odd-number composition to prevent voting deadlock (Article 14 paragraphs (2)–(4)).

This structure includes up to five representatives from the Press Council, who explicitly do not represent press company interests (Article 14 paragraph (1) letter a and paragraph (3) letter a), ensuring objectivity in journalistic ethics supervision. It also includes one representative from the Ministry of Communication and Information Technology to maintain executive coordination (paragraph (3) letter b) and up to five digital platform service experts appointed by the Coordinating Minister for Political, Legal, and Security Affairs. These experts must not be affiliated with any platform or press organization (paragraph (1) letter c and paragraph (5)) and must possess strong technical expertise in algorithms and data governance.

Members serve a three-year term, renewable once (Article 16), and the leadership structure consists of a Chairperson (who also serves as a member), a Vice Chairperson (who is also a member), and other ordinary members (Article 15).

This hybrid composition adopts the Australian stakeholder governance model through the ACCC Digital Platforms Unit, which has proven effective in monitoring Google and Meta's compliance with the News Media Bargaining Code (ACCC, 2023).

Algorithm audit function, recommendations from the Minister of Communication and Information Technology, dispute facilitation.

The Committee has a collective-collegial mandate as stipulated in Article 12 paragraph 1, which requires joint decision-making with collective responsibility to the public, supported by three main strategic functions regulated in Article 11 to ensure the effective implementation of Presidential Regulation 32/2024.

Supervision and Facilitation of Implementation (Article 11 letter a)

The Committee is responsible for conducting periodic audits of digital platform news distribution algorithms as required by Article 5 letter e, verifying whether news from press companies verified by the Press Council is given priority in distribution and commercialization (Article 5 letters b-c), and evaluating the effectiveness of revenue sharing and paid licensing schemes (Article 7). To support this oversight, the committee has the authority to request internal platform data, including algorithm metrics, monthly performance reports, and content distribution statistics, ensuring the transparency of proprietary black boxes that have been inaccessible to independent regulators.

Policy Recommendations to the Minister of Communication and Information Technology (Article 11 letter b)

The Committee provides policy recommendations to the Minister of Communication and Information Technology based on the results of its oversight, including administrative sanctions against platforms that commit systemic violations, proposed amendments to derivative Presidential Regulations, or the designation of additional mandatory platforms based on market impact. These recommendations are morally and administratively binding as they form the basis for the Minister's executive decisions, similar to the function of the Information Commission's recommendations in resolving public information disputes under the Public Information Disclosure Law.

Facilitation of Dispute Resolution (Article 11 letter c)

The committee facilitates dispute resolution through arbitration or non-litigation alternatives between platforms and press companies as referred to in Article 8, assists in the negotiation of revenue sharing and paid license contracts (Article 7), and issues standard contract guidelines to ensure uniformity and fairness. Although not legally binding, the effectiveness of this facilitation is supported by the committee's authority to verify the status of press companies and audit internal data, providing significant negotiating leverage for the media.

The committee's decisions are made through consensus or majority vote if consensus cannot be reached (Article 12 paragraph 2), with the condition that each agreement considers public input, ensures transparency, independence, and a sense of fairness (paragraph 3), so that institutional legitimacy and accountability are optimally maintained.

Public Transparency through Mandatory Annual Reports

The committee is required to compile a report on the implementation of its duties and functions at least once a year, which must be uploaded to the Press Council's information system and made easily accessible to the public (Article 13 paragraphs (1)–(2)). This creates a transparent accountability mechanism that enables public oversight of the effectiveness of the Rp105 trillion revenue-sharing scheme and the implementation of the pro-quality journalism algorithm.

This report includes complete findings from algorithm audits and analyses of news distribution bias that may discriminate against national media; evaluations of revenue-sharing implementation along with analyses of paid licensing contracts, whether realized or pending; policy recommendations to the Minister of Communication and Information Technology, including administrative sanctions or derivative presidential regulations; and statistics on platform-press disputes, along with resolution rates and average resolution times.

The committee secretariat is led *ex officio* by the Secretary of the Press Council (Article 17 paragraphs (1)–(2)) to support daily operations, with multi-source funding from press organizations, contributions from press companies, state funding through the national budget, and other legitimate donations in accordance with laws and regulations (Article 18). This transparency approach adopts the model of the EU Digital Services Act (DSA) 2022, which

requires Very Large Online Platforms (VLOPs) to submit annual algorithm transparency reports to regulators and the public—a framework shown to effectively reduce content bias by 27% across Europe (European Commission, 2024).

In the long term, the institutional implications of the Press Council Committee demonstrate a revolutionary model of digital governance through a unique hybrid institution that combines the editorial independence of the Press Council as a watchdog of journalistic ethics, the technical competence of algorithm and data governance experts, and the executive authority of the Ministry of Communication and Information Technology to enforce policies. Unlike the failed self-regulation model of platforms in the European Union—where Google and Facebook’s voluntary code of ethics achieved only 42% compliance (EU Commission, 2023)—this co-regulation model establishes concrete enforcement mechanisms through binding recommendations by the Minister of Communication and Information Technology, administrative sanctions, and absolute public transparency that ensures accountability.

Normatively, Articles 9–17 fully meet the criteria of Nicolas Suzor’s (2018) theory of digital constitutionalism: transparency through publicly accessible annual reports, accountability through periodic algorithm audits and revenue-sharing evaluations, and fairness through the prioritization of quality journalism distribution in accordance with the democratic and pluralistic values of Pancasila. This committee thus represents Indonesia’s first digital constitutional institution—structurally balancing the hegemony of global platforms valued at Rp105 trillion through independent oversight—making Presidential Regulation No. 32 of 2024 a precedent for contemporary rule of law in the governance of the national digital media ecosystem (Suzor, N., 2018).

The legal implications of Presidential Regulation No. 32 of 2024 concerning digital platform responsibility can therefore be analyzed through the integration of three main analytical frameworks: Rawls’ Theory of Distributive Justice, the Lex Specialis Theory (from the Corpus Juris Civilis and Bagir Manan), and Nicolas Suzor’s Theory of the Digital Rule of Law.

From the perspective of Rawls’ theory of Distributive Justice, the obligations of platforms in Article 5 and the economic cooperation scheme in Article 7 are concrete manifestations of the principle of justice as fairness. The priority distribution and commercialization of news from verified press companies, the design of pro-quality journalism algorithms, and the obligation to provide responsible journalism training can be viewed as corrective mechanisms to address structural injustices characterized by the value gap and revenue leakage of Rp105 trillion to digital platforms. Within the framework of the difference principle, Rawls argues that economic inequality can only be justified if it benefits the most disadvantaged group—in this context, national press companies and journalists as the principal producers of news content. Presidential Regulation No. 32 of 2024, through its provisions on revenue sharing, paid licensing, and aggregate data sharing, directs the redistribution of economic value from platforms to media entities that have long occupied a subordinate position. Thus, the digital platform accountability mechanism established under this regulation can be categorized as an instrument of distributive

justice, seeking to reorganize the distribution of economic benefits within the digital media ecosystem in a more proportional manner, while safeguarding the sustainability of quality journalism.

From the perspective of Lex Specialis Theory, rooted in the Corpus Juris Civilis and later developed by Bagir Manan within Indonesian legal doctrine, Presidential Regulation No. 32 of 2024 can be interpreted as a *lex specialis* that overrides the general provisions (*lex generalis*) contained in the Copyright Law, Press Law, and Broadcasting Law. These laws have proven inadequate in addressing contemporary digital phenomena such as algorithmic distribution, the snippet economy, and platform capitalism. The regulation specifically governs the obligations of digital platforms to prioritize news distribution, align algorithm design with democratic values and media diversity, and establish economic cooperation mechanisms through paid licensing, revenue sharing, and aggregate data sharing.

Viewed through Nicolas Suzor's Digital Rule of Law theory, Presidential Regulation No. 32 of 2024 constitutes an early form of Indonesian digital constitutionalism by placing platform power under the guiding principles of transparency, accountability, and fairness. It does so particularly through obligations requiring platforms to support quality journalism, prioritize verified press content, and prevent violations of press ethics. When triangulated with Rawls' theory of justice, this regulation provides a fairer mechanism for redistributing digital economic value—estimated at Rp105 trillion—thereby supporting the sustainability of journalism while filling existing regulatory gaps and enabling accountable oversight through an independent Press Council committee. This integrated Rawls–Lex Specialis–Suzor framework affirms the normative legitimacy of Presidential Regulation No. 32 of 2024 as a hybrid co-regulation model that advances equitable, transparent, and sustainable digital media governance in Indonesia. It marks a significant departure from conventional copyright discourse, moving toward a paradigm of algorithmic governance and platform accountability..

Conclusion

Limitations within existing copyright regulations—Copyright Law No. 28 of 2014, Press Law No. 40 of 1999, and Broadcasting Law No. 32 of 2002—have created a structural regulatory vacuum that enables the dominance of global platforms over Rp105 trillion in digital advertising revenue. This imbalance has led to the layoff of 40,000 media workers, the degradation of journalistic quality through algorithmic dictatorship, and the total subordination of national press companies. The triangulation of Rawls' theory (Justice as Fairness), the Lex Specialis concept (Bagir Manan), and the Digital Rule of Law framework (Suzor) confirms that Presidential Regulation No. 32 of 2024 constitutes a legitimate *lex specialis* normative innovation for the redistribution of economic value through the Press Council Committee.

Presidential Regulation No. 32 of 2024 legally redefines the responsibilities of digital platforms through key mechanisms: priority in news distribution (Article 5), economic licensing through revenue sharing and data aggregation (Article 7), and independent oversight by the Supervisory Committee (Articles 9–17). Collectively, these provisions aim to ensure the

sustainability of quality journalism through the proportional redistribution of Rp105 trillion across national media entities. The same theoretical triangulation underscores its legitimacy as Indonesia's first form of digital constitutionalism.

This research recommends that the Press Council immediately establish an independent Supervisory Committee comprising neutral algorithm experts and publish a standard revenue-sharing contract template as stipulated in Article 11 letter (c) of Presidential Regulation No. 32 of 2024. The Minister of Communication and Information Technology should issue a derivative presidential regulation governing administrative sanctions and annual algorithm verification, as required by Article 11 letter (b). Meanwhile, press companies should form collective bargaining mechanisms through the Press Council to negotiate hybrid licensing agreements, and digital platforms must integrate Pancasila values into their algorithms, fulfilling their obligation to submit quarterly transparency reports before committee audits.

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