

## Legal Analysis Of Victims Of Defamation Through Social Media Reviewed From Ite Law No. 19 of 2016

M Qiefajri Adzantha<sup>1\*</sup>, Lidya Rahmadhani Hasibuan<sup>2</sup>, Muhammad Arif Sahlep<sup>3</sup>  
<sup>1,2,3</sup>Faculty of Social Sciences, Law Study Program, Panca Budi Development University, Medan

\*Corresponding Author

Email: [mqiefajriadzantha@gmail.com](mailto:mqiefajriadzantha@gmail.com) , [lidya.hsb@gmail.com](mailto:lidya.hsb@gmail.com), [arif.sahlepi@gmail.com](mailto:arif.sahlepi@gmail.com)

### Abstract

*This study is a legal analysis of victims of defamation crimes through social media, viewed from the perspective of ITE Law No 19 of 2016. In Decision Number 108/Pid.B/2023/PN Mdl, the victim experienced defamation through social media platforms. This case illustrates how the perpetrator used social media to spread information that damaged the victim's reputation. However, this study highlights that the decision did not fully consider the rights of the victim in accordance with the provisions of ITE Law No 19 of 2016, which regulates the protection of defamation victims in the digital era. This research is conducted with a descriptive approach using qualitative methods with normative juridical research types based on secondary data sources taken from court decision case studies and laws with analysis using relevant legal materials. The results of this study show that the final court decision did not fully comply with the prevailing laws in Indonesia in upholding the rights of defamation victims through social media. Judges should further consider the psychological and social impacts experienced by the victims, as well as provide more just and adequate compensation in accordance with ITE Law No 19 of 2016. Therefore, this study suggests that future legal decisions should be more favorable to victims and comprehensively consider the impacts of defamation crimes through social media.*

**Keywords:** *Legal Analysis, Defamation, Victim's Rights, Legal Protection*

## INTRODUCTION

Social media has become an integral part of everyday life, providing a platform for individuals to interact and share information quickly and easily. However, this development has also brought negative impacts, including the spread of inaccurate information or even slander that is detrimental to individuals or groups. Defamation through social media is becoming an increasingly pressing problem in Indonesia, especially with the increasing number of cases involving the spread of information that damages a person's reputation. Cases of defamation through social media are often difficult to resolve because of the characteristics of social media that allow information to spread quickly and widely. Without strict regulations, individuals who feel aggrieved often find it difficult to obtain justice. Therefore, the Indonesian government introduced the ITE Law No. 19 of 2016 which provides a firmer legal framework in handling these cases. This law aims to protect the rights of individuals from the misuse of information on social media and ensure that there are appropriate sanctions for perpetrators.

ITE Law No. 19 of 2016 provides a strong legal basis for handling defamation cases on social media, with the aim of protecting individual rights and maintaining the integrity of the information disseminated<sup>3</sup>. ITE Law No. 19 of 2016 covers various aspects, including the definition of defamation, case handling procedures, and sanctions for perpetrators. One of the main objectives of this law is to provide better legal protection for victims and create a deterrent effect for perpetrators. This study aims to analyze the application of this law to victims of criminal acts of defamation on social media, as well as to review the effectiveness of this law in providing legal protection. In addition, several legal experts stated that the law could serve as a tool to protect individual rights from digital threats and ensure that perpetrators of defamation

crimes receive appropriate sanctions. They also emphasized the need for public education on the importance of ethics in communicating on social media and how to use the platform responsibly.

Based on the decision Number 108/Pid.B/2023/PN Mdl, it was stated that the Defendant Siti Sofiah has been legally and convincingly proven guilty of committing a crime "intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation as referred to in Article 27 paragraph (3)" as in the single indictment violating Article 45 paragraph (3) Jo Article 27 paragraph (3) of Law of the Republic of Indonesia No. 19 of 2016 concerning Amendments to Law of the Republic of Indonesia No. 11 of 2008 concerning Information and Electronic Transactions. Sentencing the defendant to imprisonment for one year and three months and a fine of Rp. 50,000,000.00 two months imprisonment.

This study will explore the effectiveness and implementation of the ITE Law No. 19 of 2016 in handling cases of defamation through social media. Based on the background that has been given, this study will focus on the analysis of the application of the law to victims of criminal acts of defamation, including how this law provides better legal protection for victims and creates a deterrent effect for perpetrators. In addition, this study will also evaluate the role of public education in increasing awareness of ethical communication on social media and how this regulation can help reduce incidents of misuse of information on digital platforms. Recent case studies and legal expert views will be used to assess the extent to which this law has been effective in providing justice and protection for individuals affected by defamation on social media. Based on the description above, the author is interested in researching this problem in the form of a journal entitled Legal analysis of victims of criminal acts of defamation through social media reviewed from the ITE Law No. 19 of 2016

## **RESEARCH METHODS**

This study uses a normative legal research method which is part of the doctrinal research typology. The research approach used is a conceptual and legislative approach. The data sources obtained in this study were obtained from secondary data obtained indirectly which is a literature study. The secondary data is divided into several parts, namely, primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are data that have legal force such as laws and regulations, while secondary and tertiary legal materials are supporting data on primary legal materials such as previous studies that discuss research that is being written and that has been published, as well as related books. The legal materials that have been obtained are then analyzed using descriptive-qualitative analysis to obtain conclusions that can be scientifically accounted for regarding the legal analysis of victims of criminal acts of defamation through social media in terms of the ITE Law.

The data is analyzed using methods of qualitative analysis. The data analysed qualitatively will be presented in the form of a systematic description by explaining the relationship between various types of data as appropriate. All data is selected and processed, then analysed descriptively so that some conclusions can be drawn from this discussion

## **RESULT AND DISCUSSION**

The legal basis for criminal acts of defamation through social media is regulated in several laws and regulations in force in Indonesia. The Electronic Information and Transactions (ITE) Law is one of the main legal bases governing this crime. Article 27 paragraph (3) of the ITE Law

states that anyone who intentionally and without the right distributes, transmits, or makes accessible electronic information and/or electronic documents that contain insults and/or defamation can be punished with a maximum imprisonment of 2 years and/or a maximum fine of IDR 750 million. And the government has issued the latest law and this law makes the second amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions. The latest articles discussing the ITE Law which are included in Law No. 1 of 2024 are as follows :

- a. Article 13A Regulates the use of digital identity to ensure the security and reliability of electronic certification. This digital identity serves to prevent fraud and misuse of identity in electronic transactions.
- b. Article 16A and 16B Regulate the obligations of Electronic System Organizers (PSE) to protect children from harmful content and provide
- c. Article 18A Regulates electronic contracts between parties in different countries, providing legal certainty in cross-border electronic transactions.
- d. Article 27A Any person who intentionally attacks the honor or good name of another person by accusing them of something, with the intention that it becomes public knowledge in the form of Electronic Information and/or Electronic Documents carried out through an Electronic System.
- e. Article 27B Any person who intentionally and without the right distributes and/or transmits Electronic Information and/or Electronic Documents, with the intention of benefiting themselves or others unlawfully, forcing people with threats of violence.
- f. Article 40A Explains the role of government in public education, policy development, and supervision and law enforcement to create a safe and innovative digital space.

In addition to the ITE Law, the Criminal Code (KUHP) also regulates the crime of defamation. Article 310 of the Criminal Code states that anyone who attacks the honor or good name of a person by accusing them of something, with the intention of making it public knowledge, shall be punished for defamation, with a maximum imprisonment of 9 months or a maximum fine of IDR 4.5 million. Article 311 of the Criminal Code adds that if the defamation is committed by accusing someone of committing a crime with the intention of making the accusation public knowledge, and the accusation is not proven, then the accuser shall be punished for slander with a maximum imprisonment of 4 years. The criminalization of the crime of defamation through social media has also been emphasized in several court decisions that have been taken in Indonesia. One example of a case is Decision Number 108/Pid.B/2023/PN Mdl, where the perpetrator who was proven to have committed defamation through social media was sentenced to 2 years in prison. This decision shows that courts in Indonesia are starting to apply the provisions of the ITE Law and the Criminal Code more strictly in cases of defamation through social media.

In the context of legal protection for victims, Law Number 13 of 2006 concerning Protection of Witnesses and Victims also provides a legal basis for victims of defamation to obtain legal protection. The Witness and Victim Protection Agency (LPSK) plays an important role in providing medical, psychosocial, and psychological assistance to victims of defamation. This protection includes providing temporary housing and psychological rehabilitation needed to restore the victim's condition. Thus, the existence of this comprehensive legal basis is expected to provide better protection for victims of criminal acts of defamation through social media.

Forms of legal protection for victims of defamation through social media are regulated in various laws and regulations in force in Indonesia. One of the main legal bases is the Electronic Information and Transactions Law (ITE). In this law, there are several forms of legal protection provided to victims of defamation. First, the imposition of criminal sanctions against perpetrators who commit defamation through social media. These sanctions include imprisonment of up to 2 years and/or a fine of up to IDR 400 million in accordance with Article 27A of the ITE Law. In

addition, coordination and socialization between investigators, victims, and the victim's family are essential to overcome obstacles in implementing legal protection for victims of defamation. This process ensures that legal protection is provided appropriately and quickly. Investigators must ensure that victims receive the necessary protection during the investigation and trial process. This aims to protect the rights of victims and ensure that justice is upheld.

Effective supervision and investigation are also forms of legal protection for victims of defamation. The police have an important role in combating this crime by providing protection to victims and ensuring that perpetrators receive appropriate punishment. Strict supervision during the investigation and trial process helps prevent similar crimes from happening again in the future and provides a deterrent effect on perpetrators. Thus, these forms of legal protection are expected to provide a sense of security and justice for victims of defamation through social media.

The crime of defamation through social media is regulated in the Electronic Information and Transactions Law (ITE). Namely in Article 27 paragraph (3) it states that anyone who intentionally and without the right distributes, transmits, or makes accessible electronic information and/or electronic documents that contain insults and/or defamation can be punished. In the study of decision Number 108/Pid.B/2023/PN Mdl, the defendant Siti Sofiah was found guilty of defamation through social media and was sentenced to 1 year and 3 months in prison and a fine of IDR 50,000,000.00. This case provides a concrete illustration of the application of the ITE Law in handling defamation cases in the digital era.

The imposition of criminal sanctions on the perpetrators in this case is the right step to provide a deterrent effect and ensure that similar actions do not occur in the future. In addition, this sentence also shows that the justice system in Indonesia is starting to seriously handle cases of defamation through social media which are increasingly rampant. This is important considering that the impact of defamation through social media can be very detrimental to victims both psychologically and socially. In this decision, there are several aspects that need to be analyzed further. One of them is how the rights of victims of defamation are protected during the legal process. Based on the ITE Law and other regulations, victims have the right to receive adequate legal protection, including the right to receive compensation for the losses they have suffered. In the case of Siti Sofiah, there is no clear information yet whether the victim has received compensation or other forms of compensation. This is important to note so that justice is truly achieved for the victim.

Coordination and socialization between investigators, victims, and the victim's family are also important aspects in the legal protection process. Investigators must ensure that victims receive the necessary protection and that the judicial process is carried out fairly and transparently. In this case, it is necessary to further examine how the coordination and socialization were carried out and whether they were carried out in accordance with applicable provisions. This is important to ensure that the victim's rights are not ignored during the judicial process.

In addition, there needs to be education and increased public awareness regarding the impact and legal consequences of criminal acts of defamation through social media. This education is important so that people are more careful in using social media and do not take actions that can harm others. The government and related agencies must actively campaign for the importance of maintaining ethics and norms in communicating in the digital world. Based on this analysis, it can be concluded that the decision in case Number 108/Pid.B/2023/PN Mdl is in accordance with applicable legal provisions. However, it is necessary to improve protection for victims and better coordination between related parties to ensure that victims' rights are fulfilled. Thus, justice can be achieved and the public can feel safe in using social media without fear of becoming victims of defamation.

## CONCLUSION

Based on the results of the study of Legal Analysis of Victims of Criminal Acts of Defamation Through Social Media Reviewed from the ITE Law, it can be concluded as follows: First, the Electronic Information and Transactions Law (UU ITE) provides a strong legal basis in handling criminal acts of defamation through social media. Article 27 paragraph (3) of Law No. 19 of 2016 clearly stipulates that anyone who intentionally and without the right distributes, transmits, or makes accessible electronic information containing insults or defamation can be subject to criminal sanctions. Second, the study of decision Number 108 / Pid.B / 2023 / PN Mdl which determined that the defendant was legally proven to have violated Article 27 paragraph (3) of Law Number 19 of 2016 is not in accordance with the application of the Article. However, the author does not agree with the judge's decision which sentenced the defendant to only 3 (three) months. The judge should give the defendant a criminal sanction in Article 27 paragraph (3) with a maximum imprisonment of 4 (four) years or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah). and Third, protection of victims' rights in defamation cases still needs to be improved. Although there is a strong legal basis, the implementation of protection for victims must be taken seriously. Good coordination between investigators, victims, and the victim's family is very important to ensure that legal protection is provided immediately and appropriately.

## REFERENCES

- Adami Chazawi. 2020, *Stelsel Pidana, Tindak Pidana, Teori-Teori Pemidanaan dan Batas Berlakunya Hukum Pidana*, Raja Grafindo Persada, Jakarta
- Arifin, M. (2021). " *Tantangan dalam Penegakan Hukum Pencemaran Nama Baik di Media Sosial. Jurnal Hukum Siber*, 12(2), 145-162.
- Effendi, R. (2018). *Hukum Pidana di Indonesia*. Jakarta: Pustaka Utama.
- Hasibuan, L. R. (2022) " *Konsep Keadilan Restoratif dalam Sistem Peradilan Pidana Anak: Tinjauan Naratif dalam Konteks Indonesia.*" *Scholars International Journal of Law, Crime and Justice*, 5(7), 263-272.
- Sihombing, M. (2020). *Perlindungan Hukum bagi Korban Kejahatan di Era Digital*. Bandung: Refika Aditama.
- Maulana, R. (2021). *Cyber Law: Aspek Hukum dalam Dunia Maya*. Jakarta: Gramedia Pustaka Utama.
- Rahmawati, A. (2023). " *Kerangka Hukum untuk Menangani Pencemaran Nama Baik Secara Daring di Indonesia.*" *Jurnal Hukum dan Teknologi*, 10(1), 67-85.
- Surbakti, Y. (2019). *Hukum Siber di Indonesia: Tinjauan atas Undang-Undang ITE*. Medan: Universitas Sumatera Utara Press.

Undang-Undang Nomor 19 tahun 2016 tentang Informasi dan Transaksi Elektronik.

Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Atas Kedua UU RI No. 19 Tahun 2016 dan UU RI NO. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik

Wahyudi, A. (2019). *Tindak Pidana dalam Media Sosial: Kajian Hukum dan Kasus*. Yogyakarta: Gadjah Mada University Press.

Wijaya, T. (2022). " Dampak Pencemaran Nama Baik Melalui Media Sosial terhadap Kesejahteraan Psikologis Korban." *Jurnal Psikologi Hukum*, 14(2), 101-118.

Wibowo, H. (2022). " *Putusan Pengadilan atas Kasus Pencemaran Nama Baik di Media Sosial di Indonesia.*" *Jurnal Hukum dan Peradilan*, 11(2), 91-110.