

Criminal Sanctions Against The Performers Of Damage Through Social Media

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***Abstract-** People in Indonesia do not understand what the law really is, they only know that if there is a mistake, there will be punishment. The lack of insight of the Indonesian people in understanding the law makes the government always socialize how important it is that people learn the law and apply sanctions for someone who violates the law. This research aims to analyze the form of legal settlement arrangements against perpetrators of defamation through social media, as well as to discuss criminal sanctions against perpetrators of defamation through social media. The research method used is normative by using a statutory approach and a conceptual approach. The sources of legal materials in this research are primary sources of material originating from arrangements related to cases and secondary sources of material derived from legal books and journals. The data collection technique used the technique of recording and documenting data related to the case. The sophistication of the development of computer technology, especially in the telecommunications system, gave birth to a new term called the internet. The internet is one of the media electronic in terms of information and communication that is able to connect people around the world, so that the world feels increasingly narrow and without boundaries because of the ease in establishing communication. Globalization that gave birth to internet-based information and communication technology has shaped the pattern of human life with a new culture. With the internet, people are no longer worried about boundaries of territory, space, and time that hinder the process of information and communication because they have found a way that is more effective and efficient.*

Keywords: *criminal, defamation, social media*

A. INTRODUCTION

People in Indonesia do not understand what the law actually is, they only know that if there is a mistake, there will be punishment. The lack of insight of the Indonesian people in understanding the law makes the government always socialize how important it is for people to concentrate on the law and apply authorization to someone who abuses the law. Positive law guidelines in Indonesia are absolute law and must be known to everyone regardless of it. As a productive member of society, it is proper to know about the law, simply to know and understand the legal consequences of misuse of the law, intentionally or unintentionally, which can harm people or groups. The 1945 Constitution which is intended to give authority to perpetrators of criminal acts of demonstration is also a guarantee for someone who is safe from something wrong. Positive law in Indonesia is enforced in the view of the Pancasila belief system and does not deviate from basic freedoms. (Yuwono, 2009).

The era of globalization has brought changes to the progress of data and correspondence innovation towards modernization. Humans are expected to be in the complexity of various attractive advances and are felt to be increasingly significant in the process because of the demands of life's practice. The improvement of PC enhancement, especially in the framework of media communication, gave rise to another term called the web. The web is one of the electronic media as far as data and correspondence that can connect people around the world, so that the world feels increasingly narrow and limitless considering the ease of managing correspondence.

In turn, computers that were initially only used to carry on work, tasks, and others brought new things, especially when they were associated with web organizations. The current era of globalization has advanced the web and the correspondence framework, many individuals are helped by the latest innovations, for example mobile phones to get data and can further develop the lives of individuals by continuing work through internet-based media and as far as improvements in various areas of life. Human needs develop along with the progress of globalization. Globalization that gave birth to data innovation and web-based correspondence has formed an example of human existence

with other cultures. With the web, people generally don't stress the area, space, and time constraints that impede the passage of data and correspondence because they have found something more successful and effective.

The use of the web is shown by the proliferation of web-based media by involving the web office in running it. The web has developed informal communication features such as Facebook, Twitter, WhatsApp, Instagram, and others. Indeed, currently the web can not only be accessed via a PC, but also through devices and mobile phones. The virtual world interpersonal organization has distinct advantages for the purposes of talking, entertainment, games, scoring distribution, as well as the latest real data. However, clients of informal organizations often abuse their advantage by doing things that violate standards and sometimes abuse the freedom of others. Along with the improvement of the web with various convenience services provided for the purpose of data trading and correspondence, one of which is through the spotlight of the informal community in the use of new problems. The more web clients, the more issues that arise, given the rise of new violations for the internet called digital wrongdoing. The capacity of the application as a screen for web use, blocking access to obscene, sex and sexual in nature destinations, as well as various places that undermines the ethics and future prospects of the country (Maskun, 2013).

There are several previous studies related to this research. Research on criminal liability for defamation through social media (Hutomo, 2021). Furthermore, research that discusses criminal acts of defamation carried out through social media according to law number 19 of 2016 concerning information and electronic transactions (Bramantyo et al., 2020). Next, research that examines criminal liability for perpetrators of criminal acts of defamation through social media (Angeliawati, 2019). Furthermore, research that examines the effectiveness of criminal sanctions for defamation cases in real life and cyberspace (Ananda, 2018). Then, research that examines the formulation of offenses and punishments for criminal acts of defamation on social media (Asmadi, 2021). Therefore, this study decided to examine the criminal sanctions given to perpetrators of defamation on social media with the aim of analyzing the form of legal settlement arrangements against perpetrators of defamation through social media, as well as to discuss criminal sanctions against perpetrators of defamation through social media.

B. METHOD

The normative search for data is based on unofficial laws that emphasize children as an article and investigations in the data obtained are theoretically related to this composition. Regulating legitimate exploration is finding and sorting the data obtained in the library without deviating from the issues discussed and the current positive law (Waluyo, 2002). Sources of legal materials for this study are primary sources of material originating from case-related settings and secondary sources of material from legal books and journals of researchers in completing theories without deviating from positive law and exploring through the issues described previously. The legal methodology is to direct an examination based on the law as a reason for making a proposal. The data collection technique used the technique of recording and documenting data related to the case. The researcher examines this case which involves standardization and subjective strategies where in the process the researcher looks at legal issues in view of the legal guidelines for banking in Indonesia.

C. RESULT AND DISCUSSION

Insulting someone with an element of hope to embarrass someone that is carried out on the internet or in a public place is the meaning of slander. From the settings in the Criminal Code, there are six kinds of insults, including being annoying/smaad (Article 310 of the Criminal Code), Defamation/Last Name (Article 311 of the Criminal Code), Minor Insults/eenvoudige belediging (Article 315), Complaints with Defamation/Lasterlijke aanklacht (Article 317), Ordering by making criticism/Lasterlijke verdacht (Article 318). The demonstration of someone insulting someone is untenable and is a violation of the law. As survivors of slander, they can record their complaints with related parties so that the perpetrators of slander can be reprimanded for their actions, as well as demonstrations, there are sanctions. In the ITE Law, it is very clear and firmly regulated regarding the use of consent against slanderers.

Arrest and fines are sure to be compensation for someone who willfully alleges a lie that is entirely aimed at disturbing and degrading someone's confidence. This action can be ordered as a demonstration of criticism. The ITE Law regulates the activities of a person who carries out stigmatization, which applies to every resident, both in Indonesia and outside the region. Approval for someone who submits slander in Article 23 paragraph (3) and a maximum fine of 1 billion rupiah. A very large fine for an individual who expressly defames a person's name for the addition of an individual. Everyone on this planet has various qualities where there is a typical daily routine without dealing with other people's experiences and many do the opposite but do not have the most obscure idea of discipline for their activities.

Whoever does something that he is grateful for is right or wrong, he is the one who will receive the consequences of his actions, it is only a matter of how to take a stand when he makes a mistake, so be prepared with approval and discipline (Notoatmojo, 2010). One's responsibility is required for what has been completed. Public authorities are entrusted with providing protection from slander survivors by assuring someone with legislation that will prevent further cases of slander in the future. Something that should happen assuming there are victims, public authorities should provide insurance and surprisingly laws around the world allow the same.

Increasing innovation in PC electronics demands a standard that directs mechanical progress in Indonesia. The new halal request will create other social requests with the aim that security and convenience in utilizing the advantages of data innovation and correspondence remain attractive. In addition, the ITE Law also regulates the dangers of discipline for any violations committed through web-based PC electronic media. These guidelines are expected to provide legal certainty to the public in general as a general rule, by agreeing to legal evidence in court as electronic marks and electronic archives. The presence of the law can provide deterrence and control of any wrongdoing committed through electronic media which until now is still difficult to overcome, especially in the interaction of evidence with regard to lawsuits. Barriers to the telematics law and the lack of value for human resources are the reasons why public investigators and judges are confused in making decisions just like that. Public authorities also take an important part in creating a legal system that is appropriate to the problems at hand. An association that can be represented is an individual, but it is also a lawful element because both operate as legal subjects. Law as a good example for society shows how an individual must act and act to make friendship in the eyes of the public.

From the previous explanation, the researcher summarizes the legitimate capacity as far as the criminal domain and data correspondence innovation, to be more specific: Provide direction to local individuals in action. Through regulations related to innovation, there will be significant awareness about the ways that must be taken by the regions so as not to become the ringleaders or victims. Compete with local honors. If a digital violation occurs in the public eye, the state through legal authority organizations can impose blame on the perpetrator and can provide guarantees to the person concerned. Efforts to impose sanctions on perpetrators, guarantee the legal interests of perpetrators and victims, and secure the local area are efforts to revive a community whose construction is quite fragmented due to criminal demonstrations. Full social control. Through criminal law in the field of data innovation, regional individuals can regulate their lives so as not to carry out criminal demonstrations, all their behavior will be controlled to achieve regional goals.

Regulations are really expected to be used appropriately in accordance with their actual capacity, one of which is to secure the position of the general public or legal subjects, both independently and as a body. However, practically, it seems the opposite is true, the law is actually used as a key to lock up and limit the rights of citizens' opportunities to offer perspectives, criticize, and reveal the truth. The real danger of criminals can be a deterrent to any resident in placing themselves there. Law is a legal spring consisting of various judges or court choices that have very durable legal force, and play an important role in filling the legal vacuum (judge made law) in choosing a case. The law is used as a reason to give an assessment of a person's activities in the event that the demonstration in question is not clearly regulated by law, the choice must have a very durable legitimacy force, satisfy a sense of justice, has been used as a reason to choose a comparable case, and the Supreme Court give the decision.

Resolving critical cases there are things to think about carefully. Exceptional preparation is required for law enforcement authorities and working with multiple pieces of evidence, the entire set of laws used must be precise and relevant to the problem, during which time is spent researching

and demonstrating IT specialists to determine the authenticity of electronic records or information, and planning security frameworks for media data and electronic exchange to prevent abuse of PCs and organizational capacity. Against criminal demonstrations that slander or embarrass through interpersonal organizations, the prosecution can be carried out by public investigators. To have the option of prosecuting, the culmination of the case records must contain evidence that strengthens support for a criminal demonstration which is then looped back into the creation of the prosecution. Brackets can be completed if the emotional, objective, and formal prerequisites have been met. The emotional prerequisites relate to the perpetrator of the wrongdoing, while the original component relates to the conditions under which the wrongdoer must be committed by the perpetrator.

The legal interaction that becomes an obstacle is the difficulty of collecting evidence and presenting evidence in court. Perpetrators had many business as usual dealing with PCs, causing difficulty in meeting material requirements for documenting claims. In case it doesn't fulfill the arrangement as expected, it is considered invalid and void. The reasons for the condemnation were, among others, to provide a sense of security in the local area, to maintain steadfastness in the eyes of the community, to prevent and deal with perpetrators so that they become great individuals and do not repeat similar mistakes, and to determine the clashes that occurred to create a sense of harmony in the public arena.

Public authorities moved swiftly in their efforts to disentangle offensive demonstrations, particularly criticism with the method each suspect differed by applying the principles of prohibition against slander on the grounds that one can think before acting, for the suspect. will be subject to approval and fines as indicated by their activities. A sane methodology should be ready to decide on any criminal law strategy so that its origins can be resolved intentionally and carefully in involving criminal agreements to provide guarantees for the local social interests that must be guaranteed. Criminal approvals must be adapted to requirements that have benefits for the region and the quality of the pilot. Criminal consent must also have the option to raise awareness of the slanderer and the shame to make an impact on obstacles.

D. CONCLUSION

Based on the results of the discussion, it can be concluded that demonstrations of individuals who intentionally denounce someone's name, whether carried out intentionally in the open or through online media, can be rebutted by detention and paying for the activities that have been proposed. Public authorities as guarantors for survivors of criticism do not remain silent and provide protection for victims, as well as providing appropriate rewards as decisions that prevent someone from hurting their self-esteem.

Article 37 Paragraph (3) of the ITE Law is an answer for public authorities to reduce criminal demonstrations of criticism and become a reference for decisions to be made in resolving cases related to defamation that occurred through online media. For law enforcement officers, the Panel of Judges, Prosecutors, and other legal experts as a point of support that maintains harmony and development of the local area so that it is more predictable and more decisive in taking action against the perpetrators of criminal demonstrations, especially in this situation the perpetrators of criminal demonstrations slander. The actions of the perpetrators are very detrimental to the victim because it makes the victim's name tainted and at worst can be ostracized in the community. A severe punishment must be obtained by someone who deliberately has the heart to commit an act of defaming one's good name so that in the future there will be no more victims for this act.

Communities in Indonesia and outside the region to consistently follow the differences between themselves and others, increasing the value of goodness for the production of local government assistance. As an innovation client, you are expected to take advantage of innovation to the best of your ability and not to go out of your way by ignoring the guidelines that apply in Indonesia.

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