


Legal Analysis of Alleged Defamation Through Social Media Causing Harm to Others (Study of Central Jakarta District Court Decision Number 589/Pid.Sus/2024/PN Jkt.Pst)

Hestu Purwestri Kusumaningtyas¹, Abunawas², Jamiatur Robekha³
IBLAM College of Law

Article Info	ABSTRACT
<p>Keywords: Alleged defamation, social media, loss of others</p>	<p>One form of unlawful acts that often occur in the development of technology and information in this digital era, is defamation or insults committed through social media. Defamation through social media is included in the category of cyber criminal acts regulated in Article 27 paragraph (3) of the ITE Law which reads: "every person deliberately and without the right distributes and/or makes accessible electronic information and/or electronic documents that have insulting and/or defamatory content. The formulation of the problem discussed is: 1) How to regulate alleged defamation through social media? and 2) How is the application of criminal sanctions against perpetrators of criminal acts that are proven to be defamatory through social media that cause harm to others?. The research method used is the normative juridical method, namely research that prioritizes literature data, namely research on secondary data. The secondary data can be in the form of primary, secondary or tertiary legal materials. Based on the results of the research, the author concludes that the application of criminal sanctions against perpetrators of criminal acts that are proven to be defamatory through social media that causes harm to others, is regulated in the ITE Law and the Criminal Code. Perpetrators can be subject to imprisonment and fines, with heavier penalties if carried out through social media because of its wider and fast-spreading impact. Defamation through social media is included in cyber crimes and is regulated in Article 27 paragraph (3) of the ITE Law which reads: "Every person deliberately and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have insulting and/or defamatory content. However, in the decision of the Central Jakarta District Court Number 589/Pid.Sus/2024/PN Jkt.Pst, the defendant was declared not legally and convincingly proven guilty of committing the criminal act as charged, thus acquitting the Defendant therefore from all charges of the Public Prosecutor.</p>
<p>This is an open access article under the CC BY-NC license</p> 	<p>Corresponding Author: Hestu Purwestri Kusumaningtyas IBLAM College of Law</p>

INTRODUCTION

The Internet has a significant impact on people's lives. And not only in terms of communication with a computer base, but developments in other sectors are also obtained by the community. Electronic media is developing along with the development of technology

and information. The development of technology that produces various kinds of electronic media is getting higher and provides convenience for the public to get information. Electronic media functions in disseminating electronic information or electronic documents through electronic transactions. Electronic Transactions in Article 1 number 2 of Law Number 11 of 2008 concerning Information and Electronic Transactions Jo. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions¹ and the last with Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law) is "a legal act committed by using computers, computer networks, and/or other electronic media One of the forms of unlawful acts that often occur in the development of technology and information in this digital era, is acts of defamation or insult committed through social media. Defamation through social media is included in the category of *cyber* crimes regulated in Article 27 paragraph (3) of the ITE Law which reads: "every person deliberately and without the right distributes and/or makes accessible electronic information and/or electronic documents that have insulting and/or defamatory content".

Defamation is subjective, that is, the assessment of defamation depends on the party whose good name is attacked. Defamation can only be processed by the police if there is a complaint from a party who feels defamed. Defamation through social media is the act of spreading false information or defamation of a person on social media platforms, which can negatively impact the reputation and personal or professional life of the individual.⁵ In Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law), there are 19 forms of criminal acts in Articles 27 to 37. One of them is a special criminal offense, contained in Article 27 paragraph (3) which states that: "every person deliberately and without the right distributes and/or transmits and/or makes accessible electronic information and/or documents that have insulting and/or defamatory content".

According to the Constitutional Court Decision No. 105/PUU-XII/2024, it states that: the phrase "a thing" in Article 27A and Article 45 paragraph (4) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (Statute Book of the Republic of Indonesia Number 1 of 2024, Supplement to Statute Book of the Republic of Indonesia Number 6905) is contrary to the Constitution of the Republic of Indonesia of 1945 and has no legal force conditionally binding as long as it is not interpreted as "an act that degrades the honor or good name of a person" The elements of Article 310 paragraph (1) are (a) attacking the honor or good name of a person, (b) by accusing something, (c) intentionally, and (d) with the intention to make it known to the public. Based on these elements, in order for a person to be convicted under Article 310 paragraph (1), the person must commit blasphemy by accusing someone of having done something that the accusation is intended to be broadcast or known to the public. Meanwhile, Article 311 of the Criminal Code regulates defamation in the context of defamation committed by the Criminal Offender

In this study, the author provides an example of a case related to the crime of defamation through social media that causes harm to others, whose case has been decided by the Central Jakarta District Court with a decision Number 589/Pid.Sus/2024/PN.Jkt.Pst. In this case, the defendant is Septia Dwi Pertiwi who based on the evidence and facts revealed at the trial turned out that the defendant was not proven and convincingly guilty of committing a criminal act indicted.

The author's concern in this study is related to the regulation of alleged defamation through social media and the application of criminal sanctions against perpetrators of criminal acts that are proven to defame through social media that cause losses to others. Based on the description above, the author determined that the title of this research is: JURIDICAL ANALYSIS OF ALLEGED DEFAMATION THROUGH SOCIAL MEDIA THAT CAUSES HARM TO OTHERS (Study of the Central Jakarta District Court's Decision Number 589/Pid.Sus/2024/PN.Jkt.Pst)

Based on the above background description, the author formulates the problems that will be discussed in this study are:

1. How to regulate alleged defamation through social media?
2. How is the application of criminal sanctions against perpetrators of criminal acts that are proven to be defamatory through social media that cause harm to others?

Peter Mahmud Marzuki, stated that: "Legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced". The legal research method is a systematic way of conducting a research. The research methods used by the author in this study are as follows The approach carried out in this legal research is to use the normative juridical approach method. The normative juridical method approach is a method that is used by mastering the law for a certain issue and how to implement or apply these legal regulations. Normative legal research is research that prioritizes literature data, namely research on secondary data. The secondary data can be in the form of primary, secondary or tertiary legal materials. This research includes research on positive legal provisions applicable in Indonesia related to juridical analysis of alleged defamation through social media that causes harm to others.

RESULTS AND DISCUSSION

Defamation on social media

Social media is an online media tool that is used as a means of communication and interaction in cyberspace where everyone can participate easily. The tendency of social life in this day and age is inseparable from the influence of social media. With social media we can communicate, interact and even run a business easily with anyone, anywhere and anytime. Along with the increasing use of social media, the abuse of social media by parties who lack knowledge about social media ethics such as insulting or defamation of a person is also increasing through social media. Of course, defamation on social media is a violation of the law with the consequence of sanctioning the perpetrators Before the rise of the internet and the use of social media, defamation cases were regulated in the Criminal Code (KUHP), Article 315 of

the Criminal Code states that defamation committed through oral or written media will be threatened because it is a minor insult with imprisonment for a maximum of four months and two weeks and a fine of four thousand five hundred rupiah.

After the rise of the internet and the use of social media, defamation through the internet has also been regulated in the provisions of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2018 concerning Information and Electronic Technology (ITE Law), Article 27 paragraph (3) jo. Article 45 of the ITE Law essentially states that everyone deliberately 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 with a maximum penalty of 6 (six) years in prison and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah).

Based on the above provisions, defamation through social media with punitive sanctions based on the ITE Law has heavier penalties when compared to the provisions in the Criminal Code. However, defamation on social media is included in the Complaint so that the legal process will only be carried out if it is preceded by a complaint to the authorities by a person who has been defamed. Considering the above, it's a good idea for every social media user to always be careful and be wiser in behaving or commenting when using social media.⁵⁷ Defamation through social media is regulated in the ITE Law and the Criminal Code (KUHP). Defamation perpetrators can be sentenced to imprisonment and fines.⁵⁸ Legal Arrangements:

- a. ITE Law (Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions)
 1. Article 27 paragraph (3): "Every Person deliberately and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have insulting and/or defamatory content."
 2. Article 45 paragraph (1): "Any person who meets the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be sentenced to imprisonment for a maximum of six years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah)."
- b. Criminal Code (Criminal Code):
 1. Article 310: "Whoever deliberately attacks the honor or good name of a person by accusing him of committing an act with the express intention of spreading the accusation shall be punished for blasphemy, with imprisonment for a term of up to nine months or a fine of up to four thousand five hundred rupiah."
 2. Article 311: "If blasphemy is committed by means of a written or image that is broadcast, displayed or posted in public, then [the perpetrator] shall be punished for written blasphemy with imprisonment for a term of up to one year and four months or a fine

Actionable Actions:

- a. Victim

If you are a victim of defamation, collect evidence (*screenshots, links*) and immediately report it to the police, the victim can also take civil action to claim compensation.

b. Community

Be smarter in using social media. Avoid spreading information that is not necessarily true and can harm others. Prioritize clarification and verification of information before deploying it. It's important to remember: Freedom of speech on social media should remain responsible and not infringe on the rights of others. Defamation is an act that violates the law and can be subject to criminal sanctions.

Regulation of Law Enforcement of Defamation Through Social Media

Proof is a stage that plays a role in the investigation process because it determines whether or not a criminal case can be continued. In the prosecution of the crime of defamation, the evidence is the goods used by the suspect in committing the crime such as his account, email and password, mobile phone, mobile phone memory, mobile phone number used and computer, witness statements, expert statements, letters, instructions and statements of the defendant. Arrest is parallel to arrest, while detention with detention is not long in the case of being caught, arrest only lasts between the arrest of the suspect and the nearest Police Post. that there is a change in the detention process for suspects of defamation crimes, namely, detention cannot be carried out for defamation crimes, no arrest or detention is held due to a prison sentence given below 5 years.

In article 43 paragraph (3), namely the search and/or seizure of electronic systems related to suspected criminal acts must be carried out with the permission of the chairman of the local district court, the search is carried out if the elements of the criminal act of defamation are met, while confiscation is carried out by taking the data and tools used. After the file is declared P21 (Notification that the results of the investigation are complete) by the Prosecutor's Office, the authority to conduct an investigation has been handed over to the Prosecutor's Office. In this stage, the police duties also ended. However, if the Prosecutor's Office states P19 (Return of Case File to be completed). This is due to the lack of evidence and other completeness that makes the file not meet the elements of the crime of defamation, so the investigator must collect other evidence or send SP3 (Notice of Termination of Investigation) to the complainant, this is stated in Article 109 paragraph (2).

If a series of investigative and investigative actions have been declared complete by the public prosecutor, or known as the case has been declared P.21, which means that the case file is complete, then the next task of the investigator is to submit the case file and at the same time the suspect to the public prosecutor, after there is a statement of the submission of the case and the suspect or also known as the submission of the second stage of the case file, So the task of the National Police as an investigator has been completed. The next task regarding the decision, namely based on Article 1 point 11 of the Criminal Code, the court decision is a statement of the Judge pronounced in a court session open to the public which can be in the form of a criminal or free or free from all lawsuits, in the case and in the manner regulated in this law.⁶⁹

Forensic linguistic studies can be applied in cases of alleged defamation to analyze the language used and prove the criminal elements of defamation. This analysis involves the study of how language is used to attack a person's honor or good name, taking into account

semantic aspects (denotation and connotation), as well as the context in which the language is used. Thus, the study of forensic linguistics provides a scientific approach to analyzing language in cases of alleged defamation, aids in the proof of criminal elements, and provides a deeper understanding of how language can be used to harm others.

The application of criminal sanctions against perpetrators of criminal acts that are proven to be defamatory through social media that cause harm to others

Defamation through social media that causes losses can be subject to criminal sanctions under the Electronic Information and Transactions Law (ITE Law). The perpetrator can be charged with Article 27 paragraph (3) of the ITE Law which regulates the prohibition of distributing or transmitting electronic information that has insulting or defamatory content. The threat of punishment can be in the form of imprisonment for a maximum of 6 years and/or a maximum fine of IDR 1 billion according to article 45 paragraph (1) of the ITE Law.

Further explanation is: a) Article 27 paragraph (3) of the ITE Law: Prohibition of distributing or transmitting electronic information that has insulting and/or defamatory content; b) Article 45 paragraph (1) of the ITE Law: Criminal threats for violations of Article 27 paragraph (3) in the form of imprisonment for a maximum of 6 years and/or a maximum fine of IDR 1 billion according to article 45 paragraph (1) of the ITE Law; c) Defamation: The act of attacking someone's honor or good name by accusing something that aims to be known to the public. It can be done orally or in writing Article 310 of the Criminal Code; d) Losses: Defamation through social media can cause material and immaterial losses to the victim, such as financial losses, job loss, or psychological disorders; e) Case Example: Spread of fake news, slander, or negative comments that corner someone on social media; and f) Legal Action: Victims of defamation can report the incident to the police for further legal proceedings.

The Application of Criminal Sanctions in Tackling Defamation Crimes Through Social Media

Criminal law is part of the legal rules that are coercive and binding, so the consequences arise from its implementation in the form of criminal sanctions and action sanctions (*maatregel*). In Indonesia, in the application of criminal sanctions, there is a *double track system* where this system has a different conception of punishment because there is a need to sort between different stages of punishment, for example in the criminal threat in the Law, the prosecution process, the judicial process, and the implementation of crime, there must be certain principles that are prioritized at each stage.⁷⁵ In the case of serious criminal acts, the elements of retaliation and general prevention can be prioritized.

Mistakes in criminal liability are very important, so the term or principle is known as no crime without fault (*geen strafzonder schuld*). Criminal liability itself concerns the reasons for the justification and the reason for the forgiveness, while the justification reasons are regulated in Article 49 paragraph (1), Article 50, and Article 51 paragraph (1) of the Criminal Code while the reason for forgiveness is regulated in Article 44 paragraph (1), Article 48, Article 49 paragraph (2), Article 51 paragraph (2) of the Criminal Code. So that if things are found that are included in the excuse or justification and can be proven to exist, the perpetrator cannot be held accountable for his actions.

Liability is not limited to whether the person is able to be responsible or not, this also concerns the acts that are done must contain elements of intentionality (*dolus*) and forgetfulness (*culpa*). Intentional is when the consequences of an action are desired, if the result is the true intent of the action taken. Intentionality, which is an inner attitude that shows the form of intentionality, is divided into three, namely intentionality as an intention (*opzet als oogmerk*), intentionality as a possibility (*opzet bij mogelijkheidswustzijn*), and intentionality as certainty (*opzet bij noodzakelijkheids*).

As for what is meant by intentionality as an intention means that the perpetrator wants and knows the consequences of his actions, the meaning of "intention" here is the intention to cause certain consequences. Intentionality as a certainty is that the perpetrator has guessed and understood how the consequences of his actions or which things will later affect the consequences of his actions, the perpetrator already knows the consequences that will occur if he commits a criminal act. Meanwhile, intentionality as a possibility occurs if the perpetrator views the consequences of what he will do not as something that is inevitable, but just as a definite possibility. The element of forgetfulness generally occurs in mistakes that are not intentional. This is because they are not suspicious and not careful about something that can be a criminal act. So forgetfulness can be interpreted as the mental state of the perpetrator of a criminal act that is careless, careless, or not careful so that acts and consequences that are prohibited by law occur. There are two forms of forgetfulness, namely conscious forgetfulness (*bewuste culpa*) and unconscious forgetfulness (*obewuste culpa*). What is meant by conscious forgetfulness is that the perpetrator is aware of what he is doing and the consequences, but he believes and hopes that the bad consequences will not happen but the consequences will also happen. Meanwhile, in unconscious forgetfulness, the perpetrator does not imagine or suspect the occurrence of an effect that is prohibited and threatened by the law, even though he should take into account the occurrence of that result. This also applies to the criminal acts that will be discussed, namely the criminal act of insulting through social media.⁸¹ The Gospel of Jesus Christ

Because defamation using social media means is a crime by entering data or information on the internet about something that is not true, unethical, and can be considered unlawful or disturbing public order, the crime is included in the category of illegal content so the ITE Law applies in it. Therefore, the application in cases of insult through social media refers to the ITE Law, not to the Criminal Code. The crime of defamation through social media itself is regulated in Article 27 paragraph (3) of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) which reads: "Everyone deliberately and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have insulting and/or defamatory content."

The crime of insult has actually been regulated in Articles 310 to 321 of the Criminal Code, but in the ITE Law it only adds to the scope. False information about a person that can damage his good name.⁸⁵ In addition, defamation can also be done through social media by spreading fake news, abusive comments, or baseless accusations that can damage a person's

reputation. If the formulation of Article 27 paragraph (3) of the ITE Law is detailed, it consists of the following elements:

The sanction for the crime of defamation through social media is found in Article 45 paragraph (1) of the ITE Law which reads: "Every person who meets the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be sentenced to a maximum of 6 (six) years in prison and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah)."

The crime of defamation imposed in the ITE Law is much more severe than the crime of contempt in the Criminal Code. In terms of punishment, the ITE Law imposes a maximum sentence of 6 years in prison, while the highest Criminal Code is only 4 years in prison, which is also related to defamation. Meanwhile, in terms of criminal fines, the ITE Law applies a very high fine, namely Rp. 1,000,000,000.00 (one billion rupiah) while the Criminal Code applies a cheap fine and must indeed be referred to the present as a consideration of Rp. 4500.00 (four thousand five hundred rupiah).

It should be noted that fines are criminal penalties imposed on minor offenses, in the form of minor crimes or violations. So the severity of the error and the consequences caused must be small or light so that the penalty of fine can be applied singly. Cases of defamation themselves are complaints so that without a complaint from the party who feels aggrieved, the criminal case cannot be prosecuted to the court, as well as if the complaint is withdrawn by the reporting party, the process of prosecuting the criminal act complained of can also be stopped.

Disclosure of the Case of Alleged Defamation in the Central Jakarta District Court Decision Number 589/Pid.Sus/2024/PN Jkt.Pst)

The disclosure of an alleged defamation case usually involves several stages, ranging from reporting, evidence collection, to legal proceedings in court. Defamation can occur in many forms, including hate speech, the spread of fake news, or slander, either directly or through social media.

Legal Basis :

- a. Article 310 of the Criminal Code: Regarding the crime of defamation;
- b. Article 27 paragraph (3) of the ITE Law (Electronic Information and Transaction Law): Regarding the crime of defamation committed through electronic media.

It is important to remember that: a) Defamation cases are included in the complaint, meaning that this case can only be processed if there is a report from the victim or a party who feels aggrieved; b) The deadline for reporting defamation cases is six months from the time the incident occurred; c) Defamation can occur directly or through social media; and d) Victims of defamation can file a civil lawsuit to claim compensation for the losses experienced. as contained in the Central Jakarta District Court Decision Number 589/Pid.Sus/2024/PN Jkt.Pst.

The case that the author uses as an example is related to the crime of defamation through social media that causes harm to others, the case of which has been decided by the

Central Jakarta District Court with a decision Number 589/Pid.Sus/2024/PN.Jkt.Pst. In this case, the defendant is Septia Dwi Pertiwi.⁹³

Judge's Considerations⁹⁶

Considering that based on the legal facts, the defendant distributed electronic information and/or electronic documents in the form of posts and/or commenting on posts as mentioned above, the general public or the public can directly access or view the electronic information and/or electronic documents and around January the witness HENRY KURNIA ADHI alias JHON LBF as Commissioner of PT LIMA SEKAWAN INDONESIA (HIVE FIVE) took place in Building 18 Office Park on the 21st floor unit C Jl. TB Simatupang Kav 18, South Jakarta saw the twitter post distributed by the defendant above; shared by Henry Kurnia Adhi, must reply to Wa Pak Henry and Pak Sabar with Fast Response The time given to respond is 3 to 5 minutes, if more than that is immediately deducted from the salary and the information is justified by

Considering, that the posts and/or comments made by the defendant through the twitter application are a quo case of image No. 1 to image No. 5, the Defendant stated that there was no intention or purpose to defame or harm others through the reply, the Defendant admitted that there was no special purpose of the reply, but there was a desire so that no other employee felt the same way, so that the panel of judges is of the opinion that the defendant's actions in the case a quo have no intention of attacking the honor of a person in casu Henry Kurnia Adhi by accusing something in the form of posts and/or comments made by the defendant through the twitter application case a quo picture No. 1 to picture No. 5, so that it is known to the public; Considering, that based on the considerations mentioned above, because of the posts and/or comments made by the defendant through the twitter application, the case

Judge's Decision⁹⁷

Taking into account Article 191 paragraph (1) of Law Number 8 of 1981 concerning the Criminal Procedure Law and other relevant laws and regulations, the panel of judges adjudicated:

1. Declaring that the defendant Septia Dwi Pertiwi mentioned above, is not legally and convincingly proven guilty of committing a criminal act as charged in the indictment of the First Alternative Indictment of Primair, the First Alternative Indictment of the Subsidiary, and the Second Alternative Indictment of the Public Prosecutor;
2. Acquitting the Defendant Septia Dwi Pertiwi therefore from all charges of the Public Prosecutor;
3. Order the Defendant to be released from custody immediately after this verdict is pronounced;
4. Restoring the rights of the Defendant in his ability, position, dignity and dignity;

Author's Analysis

So, if a defendant is found not guilty by the court, then there are several legal consequences that arise. The defendant has the right to be exempt from all criminal charges and receive compensation and rehabilitation for losses suffered during the legal process.

Based on the provisions stipulated in Article 191 paragraph (1) of the Criminal Code: that if the court is of the opinion that the defendant's guilt is not legally and convincingly proven, then the defendant is acquitted and Article 95 of the Criminal Code: the defendant's right to compensation and rehabilitation.

1) Exemption from Criminal Charges

A free verdict (*vrijspraak*) means that the defendant is not proven guilty of the criminal act charged against him. Thus, he cannot be convicted and exempted from any form of criminal punishment. \

2) Indemnity

Defendants who are found not guilty are entitled to compensation for material and immaterial losses suffered by them due to the wrong legal process. This includes costs incurred to undergo legal proceedings, loss of income, and other losses caused by unwarranted arrest, detention, or prosecution.

3) Rehabilitation

In addition to compensation, the defendant is also entitled to rehabilitation. Rehabilitation aims to restore the good name of the defendant who has been tarnished due to criminal allegations. A form of rehabilitation can be a formal declaration from the court that the defendant is innocent, or another action aimed at restoring the defendant's reputation.

4) Implications for Legal Proceedings

A free verdict can also have implications for other legal processes. For example, if the defendant is detained, then the detention must be stopped. In addition, if any other party is involved in unlawful arrest or detention, they may also be subject to legal sanctions.

CONCLUSION

The regulation of alleged defamation through social media is regulated in the Electronic Information and Transaction Law (ITE Law) and the Criminal Code (KUHP). The relevant articles are Article 27 paragraph (3) of the ITE Law which is related to insult and defamation, as well as Articles 310 and 311 of the Criminal Code which also regulate defamation. a) ITE Law (Article 27 paragraph (3)) : This article prohibits everyone from distributing, transmitting, and/or making accessible electronic information or electronic documents that have insulting and/or defamatory content; b) Criminal Code (Articles 310 and 311): Article 310 of the Criminal Code regulates defamation orally or in writing, while Article 311 of the Criminal Code regulates defamation committed orally or in writing. The application of criminal sanctions against perpetrators of criminal acts that are proven to be defamatory through social media that cause harm to others is regulated in the ITE Law and the Criminal Code. Perpetrators can be subject to imprisonment and fines, with heavier penalties if carried out through social media because of its wider and fast-spreading impact. Defamation through social media is included in cyber crimes and is regulated in Article 27 paragraph (3) of the ITE Law which reads: "Every person deliberately and without the right to distribute

and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have insulting and/or defamatory content. However, in the decision of the Central Jakarta District Court Number 589/Pid.Sus/2024/PN Jkt.Pst, the defendant was declared not legally and convincingly proven guilty of committing the criminal act as charged, thus acquitting the Defendant therefore from all charges of the Public Prosecutor.

SUGGESTION

If anyone feels that they are a victim of defamation, it is recommended to immediately report the incident to the police. Provide valid evidence and consider using the services of an attorney to assist with the legal process. In addition, it is also important to understand the limitations in using social media and avoid disseminating information that can harm others. So that law enforcement officials need to act decisively and quickly in handling defamation cases on social media. The investigation and investigation process must be carried out professionally by paying attention to expertise in the field of information technology. It is also important to note that victims of defamation need to get legal protection and restoration of their rights. The authorities need to provide assistance and legal assistance to victims.

REFERENCES

- Mahrus Ali, 2012, *Pencemaran Nama Baik melalui Sarana Informasi dan Transaksi Elektronik (Kajian Putusan MK Nomor 02/PUU-VII/2019)*, Jurnal Konstitusi, Volume 7 Nomor 6, hlm 127
- Adami Chazawi, *Tindak Pidana Informasi dan Transaksi Elektronik: Penyerangan Terhadap Kepentingan*
- Delvyan Putri Surya Ningrum, Jamiatur Robekha, JURIDICAL ANALYSIS IN CYBER CRIME CASES ON INTERNET BANKING IN INDONESIA, Journal Evidence Of Law Volume 1 Nomor 1 Januari 2022
- Hukum Pemanfaatan Teknologi Informasi dan Transaksi Elektronik*, Malang : Bayumedia, 2011, hlm. 47
- Jurnal Verstek, *Upaya Pembuktian dalam Tindak Pidana Pencemaran Nama Baik Melalui Sarana Elektronik Menurut Undang-Undang ITE*, Bagian Hukum Acara Universitas Sebelas Maret, Vol. 10, No. 1, (2022), hlm. 27-35
- Ina Heliany, Edison Hatogan Manurung, SISTEM PEMBINAAN NARAPIDANA DI LEMBAGA PEMASYARAKATAN KLAS I CIPINANG DITINJAU BERDASAKAN UNDANG-UNDANG NO 12 TAHUN 1995 TENTANG PEMASYARAKATAN, Seminar Nasional Cendekiawan ke 5 Tahun 2019
- Muhammad Zhafran Eahman, Hafrida, Mohamad Rapik, *Perbandingan proses penyelesaian Tindak Pidana Pencemaran nama baik di Indonesia dan Australia*, Pampas, Journal of criminal Vol. 3 No. 1,
- Laden Marpaung, *Kejahatan terhadap kesusilaan dan masalah prevensinya*, Jakarta : Sinar Grafika, 2006, hlm. 39-40
- Abdul Wahid Dan Mohammad Labib. *Kejahatan Mayantara (Cyber Crime)*, Bandung : Refika

Aditama, 2005, hlm. 48

Oemar Seno Adji, *Perkembangan Delik Pers Di Indonesia*, Jakarta : Erlanga, 1999, hlm. 38
Pasal 27 ayat (3) Undang- Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (ITE)