

The Role of the Indonesian National Police in Realizing Restorative Justice in Cases of Criminal Defamation Through Social Media (Case Study at the Pematangsiantar Police Headquarters)

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Article Info	ABSTRACT
<p>Keywords: Technology Development Promotion Strategy Research Results Social Media</p>	<p>The purpose of this study is to describe the role of the Pematangsiantar Police in realizing restorative justice in cases of criminal acts of defamation through social media and also to describe how defamation is regulated based on the perspective of Law No. 8 of 2011 as amended by Law No. 19 of 2016 concerning Information and Electronic Transactions contained in Article 27 paragraph (3) and the obstacles and efforts of the Pematangsiantar Police in realizing restorative justice. This research is descriptive and analytical in nature, obtained through normative and empirical legal approaches. Data collection techniques in this study were carried out using interview methods and literature studies. The types of data used in this study are primary data consisting of laws and secondary data consisting of various reading materials related to the research title, such as books, articles, journals, and literature. Based on the research results, it shows that (1) the regulation of criminal acts of defamation through social media has been regulated in Article 27 paragraph (3) of the ITE Law and the explanation of the implementation is in the Joint Decree of the ITE Law which is a guideline for the Pematangsiantar Police, (2) the role of the Pematangsiantar Police in realizing restorative justice in cases of criminal acts of defamation through social media includes receiving complaints, summonses, investigations and inquiries, examinations in which the police apply a resolution using the restorative justice method until it is successful with the stage of terminating the case if both parties agree to make peace, (3) The obstacles faced by the Pematangsiantar Police in realizing restorative justice at the investigation and inquiry stages are the difficulty in bringing the parties together, the failure to reach an agreement and the absence of a special budget allocated for the restorative justice process. To overcome these obstacles, efforts need to be made, namely: investigators should take a more humanistic approach to both parties, improve the quality and professionalism of human resources of law enforcement officers.</p>
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INTRODUCTION

The Unitary State of the Republic of Indonesia (NKRI) is a republic that adheres to the

The Role of the Indonesian National Police in Realizing Restorative Justice in Cases of Criminal Defamation Through Social Media (Case Study at the Pematangsiantar Police

Headquarters)–Ferawati Zendrato, et.al

Pancasila democratic system. In a democratic system, the state has an obligation to protect, uphold, and guarantee the fulfillment of human rights, including the right to freedom of expression. Freedom of expression is a right guaranteed to every citizen by the 1945 Constitution of the Republic of Indonesia and various other laws and regulations.

The development of information technology, particularly social media, has opened up a wide space for the public to express opinions, exchange views, discuss, and interact. However, this ease of access has also led to various problems, such as the spread of fake news (hoaxes), defamation, blasphemy, and slander. The lack of awareness and wisdom in using social media often triggers legal violations, especially those related to defamation and slander.

In the city of Pematangsiantar, cases of defamation, whether through social media or directly, occur quite frequently. Under the law, defamation is a complaint-based offense, meaning that police investigations can only be conducted if a report is filed by the victim. Nevertheless, field practices indicate that the handling of such cases often results in criminal penalties, including imprisonment, despite the relatively minor nature of the cases.

In this context, the application of restorative justice principles should be a priority. Restorative justice aims to restore the victim's condition, both physically and psychologically, through the provision of fair and proportional compensation or damages, without external pressure. This approach is expected to create a fair, impartial, and accountable legal resolution. Based on this background, this study focuses on analyzing the application of restorative justice in handling defamation cases in the city of Pematangsiantar, as well as identifying the factors that influence its success.

METHOD

The specification of this research is descriptive analytical with research materials obtained through normative and empirical juridical approaches, empirical research is used to analyze the law which is seen as patterned community behavior in the life of society which always interacts and is related in social aspects. This research is called normative and empirical juridical research because the author conducted the research to see the process of implementing restorative justice in an effort to resolve defamation cases through social media at the Pematangsiantar Police.

RESULTS AND DISCUSSION

The role of the police in realized restorative justice in cases of defamation through social media at the pematangsiantar police

For the Pematangsiantar Police area, based on the data obtained, there are criminal cases from 2021 to 2023 that have been implemented restorative justice where in 2021 there were 17 cases that had SP2 Investigation and 25 cases that had SP3 Investigation with a total of 42 cases as seen in the data in table 1 below.

Table 1.Recapitulation of Crime Case Data with Restorative Justification at Pematangsiantar Police in 2021.

No	Types of Crime	JTPP		
		Restorative Justice		
		SP2 Investigation	SP3 Sidik	Total
1	Collective Persecution	1	0	1
2	UU.ITE	2	2	4
3	Minor assault	2	4	6
4	Ordinary theft	2	2	4
5	Embezzlement	2	3	5
6	Fraud	2	2	4
7	Destruction	0	3	3
8	Fiduciary Law	4	4	8
9	Land grabbing	1	0	1
10	Domestic violence	1	3	4
11	Wife/child neglect	0	2	2
	Amount	17	25	42

Based on the data in the table above, 17 criminal cases have been restoratively resolved with SP2.Investigation status, meaning the case was stopped at the investigation stage, and 25 criminal cases have been SP3.Investigation status, meaning the case was stopped at the investigation stage. Table 1 also shows that the Pematangsiantar City Police have not yet handled any cases of defamation via social media using restorative methods in 2021.

According to the statement of Mr. Aipda Bolon Situngkir as investigator 2 of the Economic Unit at the Pematangsiantar Police, he said that the implementation of restorative justice in 2021 still had few resolved criminal cases because the regulation on handling criminal acts based on restorative justice, namely Perpol No. 8 of 2021, was only issued in August 2021. However, in 2022, the handling of criminal acts based on restorative justice experienced an increase as seen in the table below:

Table 2. Summary of Crime Case Data with Restorative Justice Resolution at the Pematangsiantar Police in 2022.

No	Types of Crime	JTPP		
		Restorative Justice		
		SP2. Investigation	SP33.Sidik	Total
1	Against public order	1	0	1
2	Burning	0	1	1
3	Forgery of letters	2	1	3
4	Harassing underage women	1	1	2
5	Insult	4	2	6
6	Serious abuse	2	2	4
7	Minor assault	5	5	10

8	Heavy steal	1	1	2
9	Ordinary theft	11	15	26
10	UU.ITE	3	2	5
11	Motorcycle theft	2	2	4
12	Blackmail/threats	2	4	6
13	Embezzlement	9	7	16
14	Fraud	12	9	21
15	Destruction	3	4	7
16	Land grabbing	3	1	4
17	Fiduciary Law	2	2	4
18	Creates unpleasant feelings	3	3	6
19	Domestic violence	7	4	11
20	Wife/child neglect	3	3	6
	Total	76	69	145

Based on the data in Table 2 above, in 2022, there were 76 cases that received SP2 (secondary) orders at the investigation stage and SP3 (thirdary) orders at the investigation stage, with a total of 145 cases dismissed based on restorative justice. The table above shows that the Pematangsiantar Police have handled cases of defamation through social media, which falls under category 5 and is also related to category 10.

CONCLUSION

In relation to the role of the Pematangsiantar Police in realizing restorative justice for criminal cases of defamation through social media carried out by police officers at the Pematangsiantar Criminal Investigation Unit as one of the law enforcers in Indonesia who has the authority to conduct investigations and inquiries into a criminal case and carry out its handling based on restorative justice where in its handling throughout 2021 there were 4 cases that had been resolved and throughout 2022 there were 11 cases of defamation that had been restorative by the Pematangsiantar Police Investigators so that it can be concluded that the role of the Pematangsiantar Police in realizing restorative justice for criminal cases of defamation through social media has been running according to the established regulations and this can be seen from the data of the Police that many cases other than defamation and cases of misuse of technology have been resolved using restorative methods without having to go through the litigation process.

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