

The Defamation of Debt Posts on Social Media Accounts (Study of Medan District Court Decision NO. 3563/PID.SUS/2019/PN MDN)

Masyhurul Fauzi¹⁾ & Elvira Dewi Ginting²⁾

¹⁾ Universitas Islam Negeri Sumatera Utara, Medan, Indonesia, E-mail:
fauzimasyhurul@gmail.com

²⁾ Universitas Islam Negeri Sumatera Utara, Medan, Indonesia, E-mail:
elviradewi@uinsu.ac.id

Abstract. *This study aims to analyze Medan District Court 3563/PID.SUS/2019/PN MDN related to the defamation case of Febi Nur Amelia who posted Fitriani Manurung's debt on a social media account. This research uses normative legal methods. The results showed that based on the Judge's decision number 3563/PID.SUS/2019/PN MDN, it was stated that the Defendant Febi Nur Amelia was not proven guilty of committing the crime of defamation as alleged by Fitriani Manurung through the charges at trial. As well as what has been proven, that the case is not included in the criminal act of defamation, because indeed what Febi Nur Amelia has done by posting debts on her social media account, namely through Instagram stories, is intended so that Febi's friend who is also a friend of Fitriani sees the post and tells her to the person concerned, namely Fitriani Manurung to immediately pay her debt, this was done by Febi because she could not contact Fitriani, because access such as her number and social media account had been blocked. Judges need to understand the background of the criminal offense in their decisions. To overcome juridical obstacles, adequate resources and reliable knowledge are needed for law enforcement officials, as well as sufficient budget for law enforcement facilities. The public also needs to receive legal education from law enforcement officials in dealing with legal issues.*

Keywords: *Crime; Defamation; Electronic; Information; Transactions.*

1. Introduction

Since Indonesia is founded on the principle of law, all its citizens are obliged to obey

the laws that apply there. By ensuring that every Indonesian citizen receives equal protection of the law and is treated fairly before the law, it seeks to build a just, prosperous and well-off society. Order can only be created in society when the State is able to uphold human rights and maintain and respect the responsibilities of each person, preventing the State from abusing or depriving them of these rights.

For society, technological advances in the present are not new. Information technology is one of the most utilized technologies, especially social media, which plays an important role in everyday life. The diversity of social media facilitates the exchange of information and communication between community members.¹

Telematics and cyber law are topics that are increasingly debated. The phrase "cyber law" is often used to describe regulations relating to the use of information and communication technology on a global scale. Technological advancements are always evolving to facilitate humanity's daily existence. Thanks to the development of information and communication technology, the internet has grown rapidly and is now a practical part of every area of daily life.²

The fields of informatics, media and telecommunications law are combined to produce "telematics law". "Information technology law" is another frequently used phrase that includes laws relating to the internet, such as cyber law and information technology law. This phrase describes operations using information technology based on computer systems and conducted through local and global computer and communication networks.

Information, communication and electronic transactions are often a legal issue, especially when it comes to evidence and cases involving electronic systems. Because feelings of offense have no definite boundaries, people sometimes do not realize the adverse impact their actions may have on others who read their offensive or unpleasant comments on social media.³

When misused, social media that was originally intended to help people connect

¹ Ayu Dwi Rizki, "UJARAN KEBENCIAN DALAM UU ITE NO. 11 TAHUN 2008 (ANALISIS PUTUSAN No. 370/Pid.Sus/2018/PN Jkt.Sel DAN PUTUSAN No. 58/Pid.Sus/2019/PT.DKI)," *Skripsi UIN Syarif Hidayatullah, Jakarta*, 2020.

² Beni Kharisma Arrasuli dan Khairul Fahmi, "Perlindungan Hukum Positif Indonesia Terhadap Kejahatan Penyalahgunaan Data Pribadi," *UNES Journal of Swara Justisia* 7, no. 2 (2023): 369, <https://doi.org/10.31933/ujsj.v7i2.351>.

³ Sry Wahyuni dan Elwidarifa Marwenny, "Tinjauan Yuridis Terhadap Tindak Pidana Pengancaman dalam Undang-Undang Informasi dan Transaksi Elektronik," *UIR Law Review* 4, no. 2 (2020): 51–58, [https://doi.org/10.25299/uirlrev.2020.vol4\(2\).6468](https://doi.org/10.25299/uirlrev.2020.vol4(2).6468).

with each other often becomes a source of discord. Misuse of social media can lead to a number of problems, including criminal issues including fraud, stalking, kidnapping, and defamation. Social media refers to internet platforms that facilitate interpersonal interaction, content exchange and social engagement. The availability of multiple social media platforms eases accessibility and interaction between users.

While social media also makes social engagement easier, the rules that guide such interactions are often ignored. Social media users often communicate their thoughts, knowledge and self-expression on these platforms without considering the risk of offending or defaming others. Since the Declaration of Human Rights guarantees everyone's freedom of speech and expression, even online, everyone has that right.

Article 28 E paragraph (2) of the 1945 Constitution regulates freedom of expression. This article highlights the freedom of everyone to freely express their opinions either in writing, orally, or by other legal means. Which reads:

"Everyone has the right to freedom of conscience, belief, expression of thought and attitude"

The crime of defamation occurs when a person attempts to damage the honor and good name of another person by making false statements or accusing him or her of committing certain offenses. Defamation is defined as "insulting or defaming a person" under the Criminal Code. This occurs when a person accuses another person of doing something with the intention of spreading the news to a wide audience. Article 27 paragraph (3) of Law No. 19/2016 on Electronic Materials and Transactions states that anyone who intentionally and without authorization disseminates electronic material that degrades or humiliates another person, can be held legally responsible.

In fact, the ITE Law is often used in defamation lawsuits as an attempt to limit freedom of speech. The Febi Nur Amelia case is one of the most prominent examples related to Article 27 paragraph (3) of the ITE Law. Febi Nur Amelia was not proven legally and convincingly guilty of the charges of the Public Prosecutor, according to Decision Number 3563/Pid.Sus/2019/PN.Mdn. Febri Nur Amelia was charged by the Public Prosecutor with intentionally and unintentionally spreading computerized content that degrades others. However, the defendant was not proven to have violated Article 27 paragraph 3 or Article 45 paragraph (3) of the ITE Law.

Whenever harmful or misleading information about a person is disseminated online, it is considered a criminal offense called defamation. No matter how directly or indirectly the message is published, a message or publication about a particular person can be considered defamatory if it damages his or her reputation. Even in remote places, people can now easily access the internet through smartphones thanks to the rise of information technology. This shows how simple it is for everyone to access the internet.

GAP research is taken based on a study related to the Crime of Defamation and / or Defamation Through Social Media conducted by Mauliza et al, in 2022 with the title "Free Decision on Charges of Criminal Defamation and / or Defamation Through Social Media (Study of Poso District Court Decision No. 262/Pid.Sus/2017/PN.PSO)". this research adopts the research by containing differences in the object of research, location and also the methods used.

The research "Criminal Law Enforcement by Judges in Electronic Information and Transaction Crimes (Study: Medan District Court Decision Number 3563/Pid.Sus/2019/PN.Mdn)" will be conducted by taking into account the explanations previously mentioned. The purpose of this study is to clarify how the definition of criminal offense and criminal liability in the Electronic Information and Transaction Law. In addition, it also analyzes the judges' legal perspective on criminal information and electronic transactions in Medan District Court Decision Number 3563/Pid.Sus/2019/PN.Mdn and assesses the legal obstacles faced by judges in enforcing the law.

2. Research Methods

This research falls into the category of normative legal research. Normative legal research is also called library legal research, conducted by examining library documents as secondary data. This method, known as descriptive analysis, seeks to make widely accepted findings and explain or provide an overview of the research topic using the sample or data that has been collected.

- a. There are several types of data sources used, including:
- b. Primary: such as KUHAP, ITE Law, Law No. 19 of 2016 concerning Judicial Power, Decision Number 3563/Pid.Sus/2019/PN.Mdn, and other relevant laws and regulations.

- c. Secondary: Materials that explain the primary legal materials, or secondary legal goods.
- d. Tertiary, which provides primary and secondary data sources with more thorough direction or explanation.

3. Results and Discussion

3.1. Arrangements in Law No. 19/2016, Article 45 Paragraph 3 of the Electronic Information and Transaction Law on Defamation

The Electronic Information and Transaction Law, also known as Law No. 19/2016, regulates various matters relating to the use of information technology. This includes provisions to maintain a person's dignity and standing. Defamation, which is the act of harming someone's reputation through electronic media, is a specific component that is subject to regulation.

According to Article 45 Paragraph 3 of the ITE Law, it is expressly prohibited for anyone to intentionally and without authorization disseminate information or electronic documents containing material that offends or defames another person. Insults or slander can be in the form of words, text, photos, or sound recordings that can damage a person's good name.

Within this specific framework, the purpose of this regulation is to protect the general public from the adverse effects that may arise from the dissemination of inaccurate information or the potential damage that may be caused to one's reputation. This is in line with efforts to control the utilization of information technology to prevent exploitation for the dissemination of personally harmful information.

However, the application of this article often generates controversy in real-world scenarios due to the ongoing debate around the demarcation between free speech and safeguarding one's reputation. There are instances where the use of this article is seen as too expansive and can curb free speech, especially in the realm of social media and digital platforms that facilitate diverse public discourse.

Therefore, the analysis and application of this article requires careful consideration to ensure that maintaining a person's good name does not conflict with human rights, such as the right to freedom of opinion and expression. When deciding defamation claims, courts often analyze the context and intent of the information

transmitted.

Enforcement of defamation laws is often subject to strict regulations to avoid exploitation as a way to restrict free speech. Nevertheless, it is important for the law to protect people from possible harm resulting from the dissemination of inaccurate or defamatory material using information technology.

Article 45 Paragraph 3 of the ITE Law in Indonesia emphasizes the state's dedication to safeguarding human dignity by preventing any possible loss or damage that may arise from the dissemination of inaccurate or harmful material through electronic media. However, the implementation of this application must be done carefully to maintain a harmonious balance between safeguarding reputation and preserving the right to free expression in an ever-evolving and complex digital landscape.

3.2. Formulation of Criminal Offenses and Criminal Responsibility in Electronic Information and Transaction Regulations

Formal crimes and material offences are two of several categories of criminal acts or offences recognized by the doctrine. A formal offense is an offense that occurs when a person does something against the law and has legal consequences. Article 263 of the Criminal Code on Forgery of Letters, Article 362 of the Criminal Code on Theft, and Articles 209 and 210 of the Criminal Code on Bribery or Active Bribery are some examples of such offenses. In contrast, a material offense is a type of criminal offense that is considered to have occurred as a result of something that is not legal and punishable. Article 338 of the Criminal Code on murder and Article 351 of the Criminal Code on persecution are two examples.

Formal criminal offenses that do not require retribution for acts committed include defamation charges under the Criminal Code and other laws and regulations. Based on Article 310 of the Criminal Code which states that punishment can only be imposed if it can be proven that the defendant deliberately committed the act of defaming another person by making false accusations intended to be known to the public, a natural person can be punished for this offense even though there are no specific consequences arising from the fulfillment of the criminal elements. Therefore, this activity need not cause any impact.

Articles 27-36 of the ITE Law contain provisions of laws and regulations governing information crime, electronic transactions, and cybercrime. Moreover, "Every person intentionally commits a prohibited act as referred to in Article 27 through Article 36 outside the territory of Indonesia on an Electronic System located within

the jurisdiction of Indonesia" is listed in Article 37 of the ITE Law which is included in the ITE Law chapter on prohibited acts. Articles 27 to 36 of the ITE Law regulate prohibited acts, while Articles 45 to 52 of Chapter XI regulate criminal provisions.

Article 27 paragraph 3 of the ITE Law states that "Every person intentionally and without the right to disseminate and/or transmit and/or make accessible Electronic Information and/or Electronic Documents containing insults and/or defamation," which is the subject of this research. . In criminal law, a person can hold a legal person or organization accountable. The ITE Law places great emphasis on the subjective component of criminal wrongdoing, i.e. wrongdoing committed by the perpetrator with the intent to harm, as stated in Articles 27 to 36 of the ITE Law. Law enforcement must be able to show that the perpetrator intentionally wanted to cause harm and understood what he or she was doing to prove that the person had committed defamation on social media. Therefore, to be able to hold someone accountable for defamation under the ITE Law, it must be proven that the perpetrator's actions in the form of "distributing", "disseminating", and/or "making accessible electronic information and/or electronic information" containing offensive or defamatory content were carried out intentionally.

A more detailed explanation of the criminal offenses of blasphemy, defamation in writing, and slander is contained in Article 310 of the Criminal Code. There are objective and subjective elements in the formulation contained in paragraph (1) of Article 310. The act of attack is the first objective element; the purpose, the honor and good reputation of a person, is the second; and the technique of accusing certain activities is the third. if the purpose is clear and the subjective component is intentional wrongdoing.

Since assaults injure a person's sense of honor and reputation rather than involving direct contact with the target, they cannot be classified as physical assaults. This kind of assault involves making demands on an individual in an attempt to damage their reputation and honor. As a result, the individual may feel annoyed, embarrassed, or underappreciated.

The way society views a person in their community determines how valuable they are to their reputation. A person's sense of self-worth is formed and maintained through social interactions within the community. People with a good reputation are recognized by society because they believe in the positive traits and actions that society values in them. Therefore, a person's perspective of how others view them

favorably constitutes their good name.⁴

Criminal law prohibits acts that harm a person's honor and good name. The 1945 Constitution guarantees the constitutional rights of every person, including the protection of a person's good name, dignity and honor, which according to the Court is one of the legitimate interests defended by criminal law. Because imposing criminal penalties for offenses against a person's reputation, honor or dignity does not violate the 1945 Constitution, it is also in accordance with international law.⁵

3.3. Consideration of the Judges in Passing Sentence to the Defendant Febi Nur Amelia

In the Febi Nur Amelia defamation case, the judge's decision to acquit the defendant was convoluted and relied on a careful assessment of several criteria. At first, the court assessed the defendant's intent (*mens rea*) behind her actions. The court ruled that Febi's social media posts were not made with the intention of defaming Fitriani Manurung, but rather as an attempt to recover a legitimate obligation. The court ruled that the lawsuit was primarily focused on resolving personal issues rather than tarnishing someone's public image.

In addition to the purpose, the circumstances in which the post was made is also an important factor to look at. The court found that Febi was frustrated and saw no other way to claim her rights, namely debt repayment, so she chose to use social media as her medium. Based on these circumstances, the court ruled that the action, although careless, did not constitute intentional defamation. The judgment recognized that social media is often used as a medium to express personal grievances, particularly in this case to highlight outstanding financial obligations.

The evidence presented throughout the trial also greatly influenced the verdict. The court admitted the evidence provided, including excerpts of Febi's posts on social media. However, the court also looked at the testimony and other evidence that corroborated that Febi had a legitimate reason to sue Fitriani for her debt. Therefore, the court considered Febi's claim to have a legitimate basis, despite the potential controversy surrounding the manner in which it was disclosed.

⁴ Firman Satrio Hutomo, "Pertanggungjawaban Pidana Pencemaran Nama Baik Melalui Media Sosial," *Jurist-Diction* 4, no. 2 (2021): 651, <https://doi.org/10.20473/jd.v4i2.25783>.

⁵ Fidelis P Simamora, Lewister D Simarmata, dan Muhammad Ansori Lubis, "Kajian Hukum Pidana Terhadap Perbuatan Pencemaran Nama Baik Melalui Media Sosial," *Jurnal Retentum* 2, no. 1 (2020): 34–43, <https://doi.org/10.46930/retentum.v2i1.432>.

In addition, the court also considered the consequences of Fitriani Manurung's imprisonment. In this examination, the court assessed whether the post had a sufficiently detrimental impact on Fitriani's good name or was merely a personal statement without wider consequences. After examining the facts, the court decided that the adverse consequences of the post were not sufficient to meet the requirements of defamation as set out in the ITE Law. However, while Fitriani felt aggrieved, the amount of loss was not great enough to be categorized as a criminal offense.

The decision was based on other legal grounds, including the interpretation of Article 27 paragraph 3 of the ITE Law as set out in the indictment. The court deemed it necessary to apply caution in the application of this provision to prevent violations of freedom of speech. Within this framework, the judiciary sought to find a middle ground between safeguarding a person's reputation and upholding their freedom to voice their thoughts or grievances through social media. The court found that Febi's actions did not meet the legal criteria to be classified as defamation protected by the article.

In reaching a verdict, judges also consider precedents and principles of justice. In this scenario, the court examines previous cases and the application of the law. The judge seeks to ensure that his or her decision is in line with the principles of the relevant laws and regulations and embodies the idea of justice for all parties concerned. This includes considering Febi's right to assert her rights and freedom of speech, as well as Fitriani's right to maintain her good name.

In addition, the court also considered the social impact and repercussions of this decision. Given the prevalence of social media as a communication tool in the digital age, it is important for courts to set explicit guidelines regarding the limits of social media use. This judgment conveys the idea that while social media can be used to voice grievances, it must be done judiciously to avoid infringing on the rights of others. However, the court emphasized that not all perceived harmful activities on social media are subject to criminal prosecution, especially if there is no evidence of malicious intent.

In addition, the court also considered the testimony and arguments presented by the defense team that Febi's actions did not constitute defamation. The submission of the defense, which included the reasons behind Febi's decision to make her complaint on social media, allowed the court to consider the matter from a more comprehensive perspective. Febi's activities may be seen as an attempt to seek justice for unpaid obligations, adding complexity to the court's decision-making

process.

In essence, this judgment demonstrates the court's careful and deliberate approach in considering various aspects of law and justice. The court aimed to ensure that the verdict was reached by considering not only a literal interpretation of the law, but also by taking into account the principles of justice and a comprehensive understanding of the social and personal circumstances surrounding the case. The acquittal of Febi Nur Amelia demonstrates the court's emphasis on a strict and fair interpretation of the law, taking into account all the circumstances surrounding a defamation case in the digital age.

3.4. Legal Analysis of Medan District Court Decision 3563/PID.SUS/2019/PN MDN on Defamation of Febi Nur Amelia Who Posted Fitriani Manurung's Debt on Social Media Accounts

a. Demands

1. Determining that the Defendant FEBI NUR AMELIA has committed a criminal offense as referred to in the single charge, namely "every person intentionally and without the right to disseminate and/or transmit and/or make accessible electronic information and/or electronic documents that contain elements of insult and/or defamation." defamation"-for violating Article 45 paragraph (3) in conjunction with Article 27 paragraph (3) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. The conviction must be proven legally and convincingly.
2. Sentenced the defendant FEBI NUR AMELIA to 2 years in prison.
3. Direct the confiscation and destruction of 1 (one) iPhone 6 smartphone (IMEI number: 356150091246994) and 1 (one) Instagram account (name: Feby25052). In addition, he directed that the relevant authorities receive 1 (one) bundle of printouts of Instagram Stories screenshots of Feby25052's account and 5 (five) pieces of news printouts from Medan Seru Online Media connected to the case file on behalf of Febi Nur Amelia.
4. Order the Defendant to pay court costs in the amount of Rp5,000.00 (five thousand rupiah).

b. Indictment

Law of the Republic of Indonesia No. 19 of 2016 concerning Electronic Information and Transactions regulated in Article 45 paragraph (3) Jo. Article 27 paragraph (3), contains a single charge filed by the Public Prosecutor which proves that the defendant Febi Nur Amelia committed the crime of "any person who intentionally and without right disseminates and/or transmits and/or makes accessible electronic information and/or electronic documents containing defamatory content and/or defamation."

c. Verdict

1. Proving that the charges of the Public Prosecutor against the Defendant Febi Nur Amelia are unreasonable and cannot be refuted.
2. Clear the defendant from the charges brought by the Public Prosecutor.
3. Restoring the rights of the accused regarding his/her position, honor, dignity and respect.
4. Submitting the return of five Medan Seru Online Media minutes attached to the case file on behalf of Febi Nur Amelia, an iPhone 6 smartphone with IMEI number: 356150091246994, and an Instagram account with the name Feby25052 to the relevant authorities.
5. Ascertain whether the state will bear the cost of the lawsuit.

d. Analysis

Three main ideas are conveyed to judges throughout the legal process: justice, expediency, and legal certainty. However, judges are not always able to apply these principles fully, especially in the process of legal discovery. When there is no appropriate law, when regulations are ambiguous, or when laws are not in line with societal norms, this method is applied. In these circumstances, some part of legal certainty may have to be sacrificed in order to achieve benefit and justice. But it is important to remember that judges' search for new laws should be seen as an attempt to provide meaningful legal certainty. Legal certainty is dynamic and adapts to changes in society, not static.

In this case, the Public Prosecutor filed a single charge based on Law No. 19 of 2016

concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions, namely Article 45 paragraph (3) and Article 27 paragraph (3). Under this article, criminal sanctions can be imposed on anyone who intentionally and without authorization disseminates or stores electronically anything that is defamatory or insulting. This article removes the need for criminal charges, which are often included in defamation proceedings, and does not require proof of the accuracy of the material released in the public interest.

The testimony of witnesses and expert witnesses throughout the trial revealed the truth of the law. Although some of the defendant's testimony was guilty of defamation on social media, other parties who knew the defendant provided mitigating evidence by stating that the victim's difficulty in contacting the defendant was the reason for his actions. The ITE expert witness explained that the post could defame a person. The court has the power to determine whether or not the charges of the public prosecutor have been proven after considering all of the evidence presented.

In reaching a verdict, the judge considers a number of considerations, both legal and non-legal. Legal concerns are based on the facts presented during the trial and relevant legislation. Non-judicial variables, in contrast, include matters such as the history of the crime, its impact, socio-economic circumstances, and other elements relating to the circumstances of the offender and society.

Legal theories including law enforcement theory, legal objectives, and evidence are used as analytical tools in analyzing court decisions. While the theory of legal objectives seeks to achieve ideal goals in law, law enforcement theory emphasizes the elements that have an impact on the law enforcement process. While the theory of evidence talks about how the criminal procedure law system seeks material truth.

The decision of the Medan District Court in case number 3563/PID.SUS/2019/PN MDN is an outstanding example in the field of Indonesian criminal law, particularly with regard to the abuse of one's reputation through social media. Febi Nur Amelia was the defendant in this case, facing charges of offending Fitriani Manurung. The accusation stemmed from a post on Febi's social media account, which revealed that Fitriani had extraordinary obligations. The case attracted public attention due to the involvement with the use of social media in interpersonal disputes and the legal implications surrounding the matter.

In order to conduct a comprehensive legal analysis of the case, it is necessary to understand the fundamental elements that formed the basis of the court's deliberation. Initially, the factual information presented throughout the trial has its importance. During the hearing, the prosecutor general was required to demonstrate that Febi's behavior met the criteria for the crime of harassment, as specified in Article 27(3) of the ITE. In this case, the prosecutor had to show a deliberate act by Febi to damage Fitriani's reputation through social media.

Evidence presented by the prosecutor general included screenshots of Febi's social media posts. Prosecutors argued that the publications directly damaged the character and integrity of Fitriani Manurung. In contrast, Febi's defense team emphasized that the induction was merely Febi's attempt to protect her rights, including the recovery of outstanding liabilities. They argued that Febi's aim was not to demean or damage reputation, but to promote justice and openness.

The court will then assess whether Febi's actions can be classified as defamation. One important factor to be assessed is whether the publication actually damaged Fitriani's image in public perception or whether it was merely a personal accusation that did not have far-reaching consequences. In addition, the court must also consider the circumstances in which the statement was made, i.e. in a scenario where Febi was experiencing frustration at not paying her obligations.

The final decision of the judges ruled that Febi Nur Amelia was acquitted of the masquerade charge. The main factor considered by the panel of judges was the absence of malicious intent on Febi's part to damage Fitriani's reputation. The social media efforts were largely seen as a personal attempt to address debt issues rather than as a deliberate attack on Fitriani's reputation.

The decision also emphasized the need to consider the surrounding circumstances when assessing cases involving damage to one's reputation. The court found that Febi's actions, while unwise, did not meet the criteria for disguise as set out in the ITE Law. This shows that the legal system considers not only the substance of the work, but also factors in the purpose and circumstances in which the behavior is performed.

On further examination of this judgment, it becomes clear that the court used a meticulous method in finding a balance between preserving freedom of speech and protecting one's reputation. In the age of digitization, when information can be easily disseminated through social media platforms, it is imperative for courts to establish a clear separation between the right to express oneself and conduct that

damages the reputation of others.

The case also highlights the difficulty of applying conventional criminal law in a digital environment. The ITE Act, which served as the legal basis in this case, often faces criticism due to its perceived breadth and potential infringement of free speech. The court's decision to acquit Febi of the charges shows recognition of the need for judicious interpretation of the law, especially in terms of social media.

Medan's decision in this context can be seen as an attempt to maintain the ideals of justice while considering the complexity of situations related to social media. The judge sought to prevent the inappropriate use of the law to punish acts that lacked actual crime or injury.

In addition, the case also emphasizes the need to protect individual rights in a digital framework. Febi, as a social media user, has the right to articulate her own grievances, provided they do not contravene any legal statute. The courts are responsible for maintaining a delicate balance between protecting one's reputation and preserving the fundamental right to freedom of speech.

This result establishes a significant legal decision that will serve as a guiding principle for similar cases in the future. Other courts may use this ruling as a precedent to deal with cases involving defamation on social media. Moreover, it conveys a clear message to the general public that while social media serves as a means of self-expression, its use must adhere to the boundaries set by the law.

Moreover, the judgment calls for contemplation on the influence of social media in our daily lives and the legal adaptations needed to cater to the changing communication landscape. While social media has several advantages, such as facilitating communication and information sharing, it also presents new legal complexities that require a careful and thoughtful approach.

The legal analysis of the Medan District Court's decision in case 3563/PID.SUS/2019/PN MDN shows the complex nature of dealing with disguise in the digital world.

In order to reach a fair and legally valid verdict, the court must consider many variables, such as the purpose, context, and effects of the accused activity. The court's decision to acquit Febi Nur Amelia of the complaint demonstrates recognition of the importance of context and purpose in determining whether actions can be considered harassment. It is a constructive step towards achieving a

fairer and more thoughtful approach to law enforcement in the age of digital technology.

3.5. Legal obstacles faced by judges in carrying out the law enforcement process against crimes in the field of Electronic Information and Transactions

There are three factors to consider when carrying out the role of law enforcement: justice, expediency and clarity. Concerns have long been raised about the close relationship between justice and law, especially given the poor conditions our country is facing. In 2021, the Attorney General, Chief of Police, and Minister of Communication and Information Technology of the Republic of Indonesia took a Joint Decree to prevent misunderstandings, especially in law enforcement related to Electronic Information and Transaction Crimes. However, law enforcement officials such as police, prosecutors, and courts often provide obstacles in law enforcement. To address this, many law enforcement roles are available in Indonesia to help ensure that the legal system functions efficiently and fairly.

To combat the spread of fake news and hoaxes, the police still rely on cooperation with other organizations or experts outside the police institution. This often requires extensive planning, a lot of work, and expensive operational costs. Meanwhile, the Prosecutor's Office Law states that the prosecutor's office is an executive body tasked with executing court orders that have permanent legal force and acting as a public summoner. However, this requirement may make dismissals by the prosecutor's office less neutral.

Judges are required under Law No. 48/2009 on Judicial Power to be aware of social norms surrounding justice and the rule of law. Therefore, judges may have varying difficulty in enforcing the law in cases involving criminal information and electronic transaction activities as they are the only ones with a thorough understanding of the evidence presented during the trial. Differences in decisions represent variations in the decisions made by judges. Judges are endowed with unlimited power and responsibility to use it at their own discretion; outside interference is only allowed in accordance with the law.

4. Conclusion

In this case it is clear that based on the Judge's decision number 3563/PID.SUS/2019/PN MDN, it was stated that the Defendant Febi Nur Amelia was not proven guilty of committing the crime of defamation as alleged by Fitriani Manurung through the charges at trial. As well as what has been proven, that the

case is not included in the criminal act of defamation, because indeed what Febi Nur Amelia has done by posting debts on her social media account, namely through Instagram stories, is intended so that Febi's friend who is also a friend of Fitriani sees the post and tells the person concerned, namely Fitriani Manurung to immediately pay her debt, this was done by Febi because she could not contact Fitriani, because access such as her number and social media account had been blocked. The formulation of criminal offenses and liability in the Electronic Information and Transaction Law needs to be clarified to avoid multiple interpretations. *Criminal liability* must be related to guilt and intent, in accordance with the principle of "*Nulla Poena Sine Crimen*". The Medan District Court Decision Number 3563/Pid.Sus/2019/PN.Mdn shows the judge's consideration involving the facts of the trial before assessing the defendant's guilt. Obstacles in law enforcement include legal factors, legal culture, and the availability of facilities. It is necessary to revise the Electronic Information and Transaction Law to avoid multiple interpretations and provide strict sanctions. Judges need to understand the background of the criminal offense in their decisions. To overcome juridical obstacles, adequate resources and reliable knowledge are needed for law enforcement officers, as well as sufficient budget for law enforcement facilities. The public also needs to receive legal education from law enforcement officials in dealing with legal issues.

5. References

- Ariawan, G. A. W., Dewi, A., & Suryono, K. E. (2020). Tidak Pidana Penghinaan Dan Pencemaran Nama Baik Melalui Media Sosial Facebook (Refleksi Putusan Nomor254/Pid.Sus/2020/PN.Skt). *Lentera Pancasila : Jurnal Riset Hukum dan Pancasila*, 2507(1), 1–9.
- Arrasuli, B. K., & Fahmi, K. (2023). Perlindungan Hukum Positif Indonesia Terhadap Kejahatan Penyalahgunaan Data Pribadi. *UNES Journal of Swara Justisia*, 7(2), 369. <https://doi.org/10.31933/ujsj.v7i2.351>
- Hutomo, F. S. (2021). Pertanggungjawaban Pidana Pencemaran Nama Baik Melalui Media Sosial. *Jurist-Diction*, 4(2), 651. <https://doi.org/10.20473/jd.v4i2.25783>
- Ilham, & Nur, F. (2024). Tindak Pidana Pencemaran Nama Baik dalam Perspektif Kitab Undang-Undang Hukum Pidana. *INNOVATIVE: Journal Of Social Science Research*, 4(2), 1446–1458.
- Luntungan, J. S. (2021). TINJAUAN YURIDIS TERHADAP TINDAK PIDANA PENCEMARAN NAMA BAIK DI MEDIA SOSIAL (Studi Kasus Putusan No. 168/Pid.

Sus/2019/PN. MND). *LEX CRIMEN*, 10(4).

Mauliza, Ablisar, M., Yunara, E., & Agusmidah. (2022). Putusan Bebas Atas Tuntutan Tindak Pidana Penghinaan dan/atau Pencemaran Nama Baik Melalui Media Sosial. *Locus Journal of Academic Literature Review*, 1(5), 341–348. <https://doi.org/10.56128/ljoalr.v1i6.85>

Rizki, A. D. (2020). UJARAN KEBENCIAN DALAM UU ITE NO. 11 TAHUN 2008 (ANALISIS PUTUSAN No. 370/Pid.Sus/2018/PN Jkt.Sel DAN PUTUSAN No. 58/Pid.Sus/2019/PT.DKI). *Skripsi UIN Syarif Hidayatullah, Jakarta*.

Saputra, D., & Widiatno, A. (2022). Analisis Yuridis Pertanggung jawaban Pidana Terhadap Pelaku Pencemaran Nama Baik Melalui Media Sosial (Putusan Nomor 710/PID.SUS/2021/PNJKT.TIM). *Amicus Curiae*, 1(NE), 144–156. <https://doi.org/10.7764/rldr.ne01.009>

Simamora, F. P., Simarmata, L. D., & Lubis, M. A. (2020). Kajian Hukum Pidana Terhadap Perbuatan Pencemaran Nama Baik Melalui Media Sosial. *Jurnal Retentum*, 2(1), 34–43. <https://doi.org/10.46930/retentum.v2i1.432>

Wahyuni, S., & Marwenny, E. (2020). Tinjauan Yuridis Terhadap Tindak Pidana Pengancaman dalam Undang-Undang Informasi dan Transaksi Elektronik. *UIR Law Review*, 4(2), 51–58. [https://doi.org/10.25299/uirlrev.2020.vol4\(2\).6468](https://doi.org/10.25299/uirlrev.2020.vol4(2).6468).