

Implementation of Criminal Responsibility for Perpetrators of Criminal Acts of Insulting the Sundanese Ethnic Group Through Internet Media

Sujasmin¹⁾ & Emaliawati²⁾

¹⁾ Sekolah Tinggi Hukum, Bandung, Indonesia, E-mail: sujasmin@yahoo.co.id

²⁾ Sekolah Tinggi Hukum, Bandung, Indonesia, E-mail: emaliawati@gmail.com

Abstract. *The crime of insulting the Sundanese ethnic group is one of the most dangerous crimes of insulting Indonesian citizens, as the Sundanese ethnic group is a West Javanese tradition that reflects a democratic state. In the era of technological and information development (internet media), news spreads rapidly, and its spread can also lead to hostility and hatred between ethnic groups, religions, races, and groups (SARA). One example is Resbob's statement, which is suspected of being a criminal act of insulting the Sundanese ethnic group, and its news has spread, ultimately causing public unrest. This study aims to determine: 1. How to interpret the law regarding the crime of insulting the Sundanese ethnic group related to Resbob's statement and 2. How to apply criminal liability to the perpetrator for the crime of insulting the Sundanese ethnic group related to Resbob's statement. The results of this study, in the form of a legal interpretation of insulting the Sundanese ethnic group related to Resbob's statement, can use a historical interpretation of the law and a teleological/sociological interpretation. Insults against the Sundanese ethnic group are regulated under Article 28 paragraph (2), Article 45A paragraph (2) of the ITE Law, Articles 242-243 of the Criminal Code in conjunction with Law No. 1 of 2026, as a criminal act of insulting a population group. The application of criminal liability for the perpetrator in this case is reviewed based on a. the doctrine of cause and effect/individualization theory, b. the qualifications for offenses known as insulting a population group, c. the legal basis for the occurrence of other crimes in the ITE Law and the Criminal Code, and d. criminal liability based on the formulation of the crime in statements aimed at hostility towards individuals or groups based on ethnicity, religion, race, and intergroup relations (SARA).*

Keywords: *Criminal Offenses; Internet Media; Sundanese Ethnic Group.*

1. Introduction

The Indonesian government is obligated to maintain and safeguard public order, particularly security. In reality, acts deemed to deviate from established societal norms are unavoidable (Pramono, 2017). Criminal acts are a common occurrence, both in the mass media and in the real world. Criminal acts are difficult to eradicate from everyday life (Subekti et al., 2021). Recently, one such incident involved the criminal act of insulting the Sundanese ethnic group, committed by Resbob. Indonesia, as a state governed by law, has regulated the crime of insulting a population group in Articles 242-243 of Law Number 1 of 2023 concerning the Criminal Code (KUHP). The crime of insulting a population group is included in the category of Crimes Against Public Order, regulated in Book II, Chapter V of the KUHP in conjunction with Article 243 of Law Number 1 of 2026 concerning Criminal Adjustments (KUHP).

The crime of insulting a population group is a dangerous crime. This is because it concerns the interests of society, the nation, and the state (Rohmana, 2017). The crime of insulting a population group is a criminal act where the object of the crime is a population group within the Indonesian state (Awawangi, 2014). The Sundanese are the largest ethnic group in West Java. Sundanese society possesses a diverse cultural heritage and philosophical values that have been held for generations. Due to these moral and cultural values, the Sundanese are also known for upholding politeness, gentleness, friendliness, and cheerfulness (Kembara et al., 2021).

The crime of insulting a population group is also inextricably linked to the development of information and electronic technology, known as the internet (Sudarmadi, 2021). The internet, as an advancement in information and communication technology, has made a positive contribution to humanity in this modern era by enhancing progress and facilitating human endeavors (Azis, 2016). However, on the other hand, information and communication technology also creates negative contributions, because the expansion of information and communication technology, one of which is the existence of internet sites that can make it easier for people to access any data they want, can lead to the emergence of new crimes, namely by using internet sites as their *modus operandi* (Kamalludin & Arief, 2019).

In connection with the above, the crime of insulting a population group through internet media is formulated in Law No. 1 of 2024 in conjunction with Law No. 19 of 2016 in conjunction with Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law), but only recognized the crime of insulting/spreading hatred based on statements, aimed at hostility towards individuals, groups based on ethnicity, religion, race, and intergroup (SARA) Article 28 paragraph (2) and Article 45A paragraph (2) of the ITE Law (Farizki, 2025). The crime of insulting through internet media is a crime that uses information technology that is widely carried out. The rise in crime rates remains difficult to stem, especially with advances in computer technology, which were expected to reduce crime, but instead, these advances have led to a proliferation of criminal motives, leading to negative impacts (Sa'diyah, 2012).

Even in an independent country, the human rights granted to every person are regulated by the state in writing, but they are still protected and limited by law. Failure to do so would lead to arbitrary actions that could lead to injustice and violate the human rights of others (Yamin & Oktapani, 2024). Criminal acts of defamation are often committed by individuals or groups through their social media accounts, and we often hear them defend themselves by citing their right to express their opinions without realizing that they are violating the law, violating the rights of others (Regina, 2024).

One such practice is the alleged criminal offense of insulting the Sundanese ethnic group, committed by Resbob, whose statements were deemed insulting to the Sundanese ethnic group. The case began with a livestream video clip uploaded by YouTuber Muhammad Adimas Firdaus, better known as Resbob. The recording was taken while he was driving a car and broadcasting live. In the video, several abusive statements are heard directed at the Sundanese people and Persib Bandung supporters, Viking. The remarks were then clipped and re-uploaded by netizens to various platforms such as TikTok, YouTube, and Instagram (Firman, 2026).

The widespread distribution of the video quickly caused it to go viral. Many social media users deemed Resbob's remarks inappropriate, offensive to ethnic identity, and containing serious insults. In the widely circulated recording, Resbob is heard uttering insulting remarks about Sundanese people and Viking. These remarks immediately sparked public outrage, particularly from the Sundanese community and Persib Bandung

supporters. Resbob said in the video, "All Sundanese people are dogs, Vikings are dogs," Resbob said. Many netizens then re-uploaded the video, accompanied by sharp criticism. Comments on various platforms were filled with condemnation, heated discussions, and calls for authorities to intervene in this case.

Nevertheless, he supported the legal steps taken by the relevant parties and called for the legal process to be carried out professionally to maintain national unity. Viking and Sundanese Citizens Officially Report to the West Java Regional Police Cyber Directorate. The report concerns alleged violations of the Electronic Information and Transactions Law for content deemed insulting to Viking and the Sundanese people. Viking representative Ferdy Rizky Adikya stated that Resbob's statement contained elements of racism and had hurt the feelings of many, especially Viking members, the majority of whom are Sundanese, since December 11, 2025. This legal action was taken to firmly enforce Resbob's responsibility for his remarks in the digital space.

Jakarta Metro Police Receive Report of Resbob's Racist Speech. Resbob's case is not only in West Java, but also within the Jakarta Metro Police. The police confirmed that they had received a report regarding the alleged hate speech committed by Resbob. The Head of Public Relations of the Jakarta Metropolitan Police, Senior Commissioner of Police Budi Hermanto, said that the official report was recorded on December 12, 2025. In the report, Resbob is suspected of violating several articles, including Article 28 paragraph (2), Article 45A paragraph (2) of the ITE Law, Article 156 of the old Criminal Code.

This criminal case will be tried using Articles 242 and 243 of the Criminal Code (Law No. 1 of 2023) relating to the alleged spread of hatred. The impact of this case does not stop at the legal process. Wijaya Kusuma University Surabaya officially expelled Resbob from student status. The decision was taken after a recommendation from the Student Ethics Consideration Commission. In an official statement circulating on social media, the campus explained that the decision to drop out Muhammad Adimas Firdaus Putra Nashihan was taken to maintain the integrity of the institution and national values.

The sanction is stipulated in Rector's Decree No. 324 of 2025, effective December 14, 2025. Following a meeting of the Rectorate of Wijaya Kusuma University Surabaya, taking into account recommendations from the Student Ethics Advisory Commission and in order to maintain the institution's integrity and the national values we uphold, the Rector of Wijaya Kusuma University Surabaya decided to impose sanctions on Muhammad Adimas Firdaus Putra Nashihan, student number 24520017, in the form of revocation of his student status or dropping out, based on Rector's Decree No. 324 of 2025. This decision is effective from December 14, 2025.

The university emphasized that this decisive measure represents a form of moral and institutional responsibility to create a civilized, safe, and diverse academic environment. Learning from the Resbob case, the public is expected to be wiser in using social media, guarding their words, and respecting the diversity that is the strength of the Indonesian nation.

Based on the description above, the author will conduct a continuing research from Anton Hendrik Samudra with the title "Defamation and Insults Through Information and Communication Technology Media in Indonesia After the Amendment of the ITE Law". In connection with the above, in this study the author intends to find out 1. How to interpret the law in the formulation of criminal acts of insulting population groups related to Resbob's opinion statement and 2. Application of criminal liability of the perpetrator for the criminal act of insulting the Sundanese ethnic group related to Resbob's opinion statement.

2. Research Methods

This research is a normative juridical (dogmatic juridical) study, a type of library research. The methods used in this study are the statute approach and the conceptual approach (Soekanto, 2006). The statute approach examines applicable laws and regulations, including the 1945 Constitution, the Criminal Code, and the Electronic Information and Transactions Law (UU ITE). The conceptual approach addresses research problems related to legal interpretation and the application of criminal liability for the offense of insulting a population group via the internet, according to legal doctrines.

The data collection technique used is document study, a study that focuses on the analysis or interpretation of written materials such as books, manuscripts, articles, and the like. In addition, another method is literature study, namely a review of various reading materials that are specifically related to the research problem being studied, including reference books or literature, and research reports related to this research problem, namely the method of legal interpretation and application of criminal liability for material perpetrators of criminal acts of insulting population groups through internet media (Ronny, 1988). The data obtained in this study were analyzed qualitatively, which means the data was measured indirectly for descriptive data, so that the presentation was without using statistical formulas and numbers and table lists.

3. Results and Discussion

3.1 Legal Interpretation of the Crime of Insulting the Sundanese Ethnic Group Related to Resbob's Statement

The legal interpretation of the crime of insulting the Sundanese ethnic group related to Resbob's statement began with a video of Resbob that went viral on social media. In the video, he made remarks deemed insulting to the Sundanese people and supporters of Persib Bandung Viking. This incident quickly sparked a wave of criticism, strong reactions from public figures, and ultimately resulted in legal proceedings and academic sanctions.

The case began with a livestream video clip uploaded by YouTuber Muhammad Adimas Firdaus, better known as Resbob. The recording was taken while he was driving a car and broadcasting live. In the video, several abusive statements are heard directed at the Sundanese people and supporters of Persib Bandung Viking. The remarks were then clipped and reuploaded by netizens to various platforms such as TikTok, YouTube, and Instagram.

The massive distribution of the video quickly caused the video to go viral. Many social media users deemed Resbob's remarks inappropriate, offensive to ethnic identity, and containing serious insults. In a widely circulated recording, Resbob is heard uttering insulting remarks about Sundanese people and Vikings. This statement immediately sparked public outrage, particularly from the Sundanese community and Persib Bandung

supporters. "All Sundanese people are dogs, Vikings are dogs," Resmob said in the video. Many netizens then re-uploaded the video along with sharp criticism. Comment sections on various platforms were filled with condemnation, heated discussions, and calls for authorities to intervene in the case. As public reaction grew, Resbob's name became increasingly discussed, both by ordinary social media users and public figures.

Resbob's Clarification and Apology After sparking controversy, Resbob finally issued a clarification and public apology. The clarification was posted on his personal Instagram account, @adimasfirdauss. In his clarification video, Resbob admitted that his remarks were a major mistake and inappropriate. He emphasized that the statement was highly sensitive and had no justification. "I realize that my remarks were highly sensitive and have no justification," he said in the clarification video. Resbob also stated that he harbors no grudge or hatred toward the Sundanese people. He admitted that he has, in fact, had a personal closeness with them since childhood. According to him, the words he uttered at the time were unreasonable and baseless.

Complete Chronology of Resbob's Insulting the Sundanese People, Leading to Criminal Sanctions

Resbob publicly apologized to all Sundanese people everywhere. He even expressed deep regret for not expecting such remarks to be uttered and captured on camera. In his clarification, Resbob implied that he was under the influence of alcohol at the time of the incident.

Viking and Sundanese People Then Officially Report to the Police. Representatives of the Viking Persib Club officially reported Resbob to the West Java Regional Police Cyber Directorate. The report concerns an alleged violation of the Electronic Information and Transactions (ITE) Law for content deemed insulting to Viking and the Sundanese people. Viking representative Ferdy Rizky Adikya stated that Resbob's statement contained elements of racism and had hurt the feelings of many parties, especially Viking members, the majority of whom are from the Sundanese ethnic group. "The police report relates to this viral news or content, an alleged insult to Viking," said Ferdy. The report is known to have been submitted to the West Java Regional Police since December 11, 2025. This legal action was taken as a form of firmness so that Resbob is accountable for his statements in the digital space.

Not only in West Java, the Jakarta Metropolitan Police also received a report of Resbob's racist speech. The police confirmed that they had received a report regarding the alleged hate speech made by Resbob. The Head of Public Relations of the Jakarta Metropolitan Police, Senior Commissioner Budi Hermanto, stated that the official report was registered on December 12, 2025. In the report, Resbob is suspected of violating several articles, including Article 45A paragraph (2) in conjunction with Article 28 paragraph (2) of the ITE Law, Articles 14 and 15 of the old Criminal Code, and Article 156a of the old Criminal Code relating to the alleged spread of hatred. Currently, the case is still in its initial stages and will be continued by the Cyber Directorate for further in-depth investigation.

The impact of this case does not stop at the legal process. Wijaya Kusuma University Surabaya officially expelled Resbob from his student status. The decision was made following a recommendation from the Student Ethics Consideration Commission. In an official statement circulating on social media, the university explained that the decision to drop Muhammad Adimas Firdaus Putra Nashihan was taken to maintain the integrity of the institution and national values. The sanction is stated in the rector's decree number 324 of 2025 and is effective from December 14, 2025. Based on the rector's meeting of Wijaya Kusuma University Surabaya, taking into account the recommendations of the Student Ethics Consideration Commission and in order to maintain the integrity of the institution and the national values that we uphold.

The Rector of Wijaya Kusuma University Surabaya decided to impose sanctions on Muhammad Adimas Firdaus Putra Nashihan with student number 24520017 in the form of revocation of his status as a student or dropping out based on the rector's decree number 324 of 2025. This sanction is effective from the issuance of this decree on December 14, 2025. The university emphasized that this firm action represents a moral and institutional responsibility to create a civilized, safe, and diverse academic environment. Learning from Resbob's case, the public is expected to be more judicious in using social media, to guard their speech, and to respect the diversity that is the strength of the Indonesian nation.

In light of the above, the question arises: is Resbob's statement an insult to the Sundanese ethnic group? According to Mudzakir, who presented on the Existence of Insult and Hate Speech Crimes from the Perspective of Criminal

Law Policy, insulting is not the same as criticizing. "Criticism is not synonymous with insulting, but insulting is a malicious act, because it contains the malicious intent to insult or intentionally insult another person," explained Mudzakir, a criminal law expert at the UI Faculty of Law. He added that the essence of insulting, from a criminal law perspective, is attacking honor or reputation. Insults that fall under the category of offenses include defamation (verbal or written), slander, minor insults, slanderous complaints, false accusations, and insults to the dead. Meanwhile, Mudzakir disagrees that the Circular Letter restricts freedom of expression.

In light of the aforementioned, the author's analysis of Resbob's statement suggests that legal issues can be resolved through a Historical Interpretation of Law (*wetshistorische interpretatie*), an interpretation based on the history or intent of the legislators. This involves research into the formation of the law, in relation to several reasons for reforming criminal law, such as philosophical, juridical, political, and sociological reasons. Historically, the crime of insulting a population group began with the regulation of various international conventions that regulate hate speech in relation to the right to freedom of expression.

The prohibition of hate speech constitutes a restriction on freedom of expression. The definition of hate speech is outlined in the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), where Article 4(a) of ICERD recognizes the scope of hate speech as encompassing the dissemination of ideas based on racial superiority or racial hatred, incitement to racial discrimination, and all acts of violence or incitement to discrimination against a race or group of people of a different color or ethnic origin. (Hasibuan, 2018).

The term "hate speech" in Indonesian is synonymous with "hate speech" and represents a restriction on freedom of expression guaranteed by the 1945 Constitution. In a democratic country like Indonesia, censorship of freedom of expression is prohibited, and therefore, hate speech is prohibited under criminal law (Febriansyah & Purwinarto, 2020). However, the lack of a legal definition of what constitutes hate speech creates ambiguity regarding the scope of actions categorized as hate speech (Sepima et al., 2020).

The Circular Letter of the Chief of the Indonesian National Police No. SE/6/X/2015 concerning the Handling of Hate Speech dated October 8, 2015 (Circular Letter of the Chief of Police No. SE/6/X/2015) provides a scope regarding what actions are meant by hate speech. The object of hate speech is hate statements directed at a particular race, ethnicity, or religion, but is expanded to include those directed at individuals or groups based on ethnicity, religion, religious affiliation, beliefs, race, skin color, intergroup relations, ethnicity, gender, people with disabilities, and sexual orientation (Susanti, 2022). In Circular Letter of the Chief of Police No. SE/6/X/2015, hate speech includes criminal acts of insult, defamation, blasphemy, unpleasant acts, provocation, incitement, and the spread of false news, all of which have the aim or potential impact of discrimination, violence, loss of life, or social conflict (Mangantibe, 2016).

Circular Letter of the Chief of Police No. SE/6/X/2015 has mixed hate speech with other acts that have nothing to do with hate speech. This formulation is not in accordance with Article 4 letter a of ICERD. Furthermore, historically, these acts are also not included in the hate speech article group. In the old Criminal Code, hate speech acts were included in the hate speech article group, namely articles containing criminal threats for someone who expresses insults, hatred, hostility towards the government, certain groups (Arjaya & Sudibya, 2020), both written and unwritten. These articles include Articles 154, 155, 156, 156a and 157 of the old Criminal Code. In addition to these articles, several legal scholars also included articles on the dissemination of feelings of hostility and hatred within society towards the legitimate government and insults against the president and vice president as referred to in Articles 134, 136 bis, and 137 paragraph (1) of the old Criminal Code as part of the hate speech articles (Royani, 2018).

Subsequently, three different laws developed that regulate hate speech as a criminal offense. These three laws are the old Criminal Code, the ITE Law as amended by Law No. 1 of 2024 in conjunction with Law No. 19 of 2016, and Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination (Elimination of Discrimination Law), as follows::

"First, in the old Criminal Code, hate speech against race, ethnicity, and religion was regulated in Articles 156, 156a, and 157 of the Criminal Code. Article 156 of the Criminal Code prohibits hate speech against certain groups of the Indonesian population, while Article 157 prohibits the

dissemination of hatred against certain groups of the population through written means. The term "citizen" is interpreted as referring to race and ethnicity in Indonesia. Article 156a of the Criminal Code prohibits hate speech against religion in Indonesia. These articles, which are formally formulated, punish statements that express hostility, hatred, or demean certain groups of the population or religion.

Second, the Electronic Information and Transactions (ITE) Law prohibits the dissemination of information that incites hatred or hostility against individuals or groups based on ethnicity, religion, race, or intergroup relations (SARA). Violations of this provision constitute a criminal offense as stipulated in Article 28 paragraph (2) in conjunction with Article 45A paragraph (2) of the ITE Law.

Third, the Law on the Elimination of Discrimination also prohibits the display of hatred or feelings of hostility. "Hate toward people because of racial and ethnic differences or based on racial and ethnic discrimination, this violation is also a criminal offense as regulated in Article 4 in conjunction with Article 16 of the Law on the Elimination of Discrimination. The use of the term SARA in the ITE Law indicates that the contents of the ITE Law are broader when compared to the Law on the Elimination of Discrimination or the Criminal Code."

The three laws contain nearly identical article formulations, leading to overlapping regulations regarding hate speech in Indonesian law. This has led to confusion among law enforcement officials in applying these laws. In practice, Article 28 paragraph (2) in conjunction with Article 45A paragraph (2) of the ITE Law applies to hate speech conducted via the internet (cyber) because it is considered a *lex specialis* of Articles 156, 156a, and 157 of the old Criminal Code, which were used to spread hate speech via non-internet (cyber) media.

Meanwhile, Article 4 in conjunction with Article 16 of the Law on the Elimination of Discrimination is rarely used, even though the provisions of the Law on the Elimination of Discrimination better reflect the understanding of hate speech as referred to in the ICERD than the old Criminal Code or the ITE Law. Subsequent developments were maintained and included in Articles 242 and 243 of the Criminal Code (Law No. 1 of

2023) as one of the criminal acts of crimes against public order in Book II, Chapter V of the Criminal Code.

In addition, by using Teleological/Sociological Interpretation, namely an interpretation based on the intent or purpose of the creation of the Law and this is to meet human needs that are always changing with the times, while the wording of the law is fixed and unchanging. The existence of public uproar over Resbob's statement is a human or societal need for Resbob to be prosecuted or processed according to applicable law. From Resbob's statement, it has entered the legal realm of alleged criminal acts of insulting the Sundanese ethnic group, and is no longer used as a money tip as a YouTuber. However, the applicable law is only Article 28 paragraph (2), and Article 45A paragraph (2) of the ITE Law which can be applied in cases of criminal acts of insulting groups of residents related to Resbob's statement via internet media, which uses internet media facilities such as its distribution on Instagram, YouTube, Twitter, Facebook, or TikTok, which causes uproar in society.

3.2 Implementation of Criminal Liability for the Perpetrator of the Crime of Insulting the Sundanese Ethnic Group Related to Resbob's Statement

The application of criminal liability for the perpetrator is reviewed from the perspective of material criminal law, including: 1. the principle of cause and effect, 2. the qualification of the offense, and 3. the principle of legality of Article 1 paragraph (1) of the Criminal Code, which is linked to Form 2 of the Police Report regarding the Alleged Occurrence of Several Criminal Acts Originating from Resbob's Statement, as follows:

1. The Principle of Cause and Effect / Causality

Individualization Theory (*individualiserende theorie*). This theory attempts to identify the causal factors of an effect by only looking at factors that exist or were present after the act was committed. In other words, the event and its consequences actually occurred concretely (*postfactum*). According to this theory, not all factors are causes. The causal factor itself is the most dominant factor or plays the strongest role in the occurrence of an effect. Supporters of this theory are Birkmayer and Karl Binding. Birkmayer proposed the theory of "*de meist werkzame factor*" in 1885, which states

that a series of conditions that cannot be eliminated can be used to produce an effect. Only the dominant or strongest influencing factor can be considered a cause. The difficulty lies in determining the dominant factor in a case.

In this regard, the case of Resbob's statement, which allegedly insulted the Sundanese ethnic group, caused public unrest. The author uses the theory of individualization to uncover the factors causing the public unrest after Resbob's statement, as the dominant factor, was circulated on the internet, containing allegations of several crimes, including: 1. Insulting a Population Group, 2. Insulting a Race Through the Internet, and 3. Hostility Between Ethnicities, Races, Religions, and Intergroups (SARA).

2. Qualification of the Crime

For further information, the legal doctrine of insult in Indonesia does not distinguish between opinion and fact and does not consider the truth of a fact at all. As long as a statement is deemed insulting by the victim, the element of intentionally attacking the honor or reputation of the Sundanese ethnic group by making an accusation is fulfilled. Furthermore, based on the Supreme Court's opinion in Decision No. 37 K/Kr/1957, dated December 21, 1957, which stated that *animus injuriandi* (intention to insult) is not required. Therefore, Resbob's statement falls within the legal realm of a criminal offense involving insulting a group of people via the internet. This criminal offense of insulting a group of people can be classified as an ordinary crime or a reported offense.

3. The Principle of Legality of Article 1 paragraph (1) of the Criminal Code

Resbob's statement, which caused public unrest, had a negative impact, and several criminal acts are suspected. Based on the results of two police reports from the West Java Regional Police and the Jakarta Metropolitan Police, the following articles are applied:

Article 45A paragraph (2) of the ITE Law states: "Any person who intentionally and without authority disseminates information intended to incite hatred or hostility against individuals and/or certain community groups based on ethnicity, religion, race, and intergroup relations (SARA) as

referred to in Article 28 paragraph (2) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)." Analysis: The qualifications for the offense are hatred/hostility against individuals (groups) based on ethnicity, religion, race, and intergroup relations (SARA).

Article 28 paragraph (2) of the ITE Law, reads: "Any person who intentionally and without the right to disseminate information intended to cause hatred or hostility towards individuals and/or certain community groups based on ethnicity, religion, race and inter-group relations (SARA)." Analysis: The qualification for the crime is known as the dissemination of information that causes hatred or hostility towards individuals and/or Sundanese community groups regarding Resbob's statement. Violations of Article 28 paragraph (2) of the ITE Law, for the determination of criminal sanctions in the form of imprisonment are regulated in Article 45A paragraph (2) of the ITE Law.

4. Criminal Responsibility of the Perpetrator

Criminal Responsibility, based on Resbob's statement, cites Simons' opinion that criminal responsibility is a psychological state, so the application of criminal provisions from both a general and personal perspective is considered appropriate. The basis for responsibility in criminal law is a specific psychological state of the person committing the crime and a relationship between that state and the act, such that the person is blameworthy for the act. Therefore, the essence of responsibility in criminal law is, first, the psychological or mental state of a person; and second, the relationship between that psychological state and the act. Unlike Vos, who does not provide a definition of responsibility or criminal liability, he instead links the act, responsibility, and blameworthiness. Vos states that: "...An act for which the perpetrator is accountable is behavior for which he is blameworthy. The blameworthiness here does not need to be ethically blameworthy, but rather legally blameworthy. Furthermore, ethically, criminal behavior, according to legal norms, serves as a constraint on our personal ethics."

Based on the definition above, there are two schools of thought in criminal liability: the Monistic School and the Dualistic School. The Monistic School is a view in criminal law that does not separate acts from criminal liability, while the Dualistic School is a view in criminal law that separates acts from

criminal liability. The elements of criminal liability for the perpetrator Resbob have been met, including the capacity to take responsibility, a causal relationship between the intentional act, and the absence of excuses.

In light of the foregoing, criminal liability for Resbob's statement, which allegedly insulted the Sundanese ethnic group, resulted in public unrest. Ultimately, a group, organization, group, or ethnic group reported Resbob's statement to the authorities, which led to allegations of several criminal acts within the public unrest. Furthermore, criminal liability can be seen in the formulation of the criminal acts reported to the authorities, including:

- a. The person who made the statement insulting the Sundanese ethnic group,
- b. Those Who Disseminate Information Without the Right Intended to Incite Hatred or Hostility Against Individuals and/or Certain Community Groups Based on Ethnicity, Religion, Race, and Intergroup (SARA),
- c. Those Who Publicly Express Feelings of Hostility, Hatred, or Insults Against the Sundanese Population Group.

In practice at the Bandung Special Class 1.A District Court, it is known that the criminal demand for the panel of judges to decide and declare the defendant Muhammad Adimas Firdaus Putra Nashihan has been legally proven guilty of committing the crime of broadcasting or playing a recording so that it can be heard by the public using information technology, which contains statements of hostility with the intention of making the contents known or more widely known, against one or more groups or groups of the Indonesian population based on race, nationality, ethnicity, skin color, as stated in the indictment for violating Article 243 paragraph (1) of Law No. 1 of 2023 concerning the Criminal Code in conjunction with Article 243 paragraph (1) of Law No. 1 of 2026 concerning Criminal Adjustments, and sentenced the defendant Muhammad Adimas Firdaus Putra Nashihan to 2 (two) years and 6 (six) months, minus the time the defendant has been in detention, with the order that the defendant remain in detention.

In the decision of the Bandung Special Class 1.A District Court Number: 92/Pid.B/2026/PN Bdg dated April 29, 2026, the panel of judges has tried

and declared the defendant Muhammad Adimas Firdaus Putra Nashihan alias Resbob Bin Muhammad Nashihan has been legally and convincingly proven guilty of committing the crime of broadcasting, or listening to a recording so that it can be heard by the public using information technology, which contains statements of feelings of hostility with the intention that the contents are known or more widely known by the public, against one or several groups or groups of Indonesian residents based on race, nationality, ethnicity, skin color, as in the indictment of the Public Prosecutor and sentenced the defendant Muhammad Adimas Firdaus Putra Nashihan alias Resbob Bin Muhammad Nashihan to 2 (two) years and 6 (six) months in prison and determined that the period of arrest and/or detention that the defendant has served is deducted entirely from the sentence imposed.

4. Conclusion

The method of legal interpretation of the crime of insulting the President related to Resbob's statement can use the Historical Interpretation of the Law (*wetshistorische interpretatie*). This can be proven by the historical development of the crime of insulting a population group, namely starting from Article 4 letter a of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), SE Kapolri No. SE/6/X/2015, ITE Law, Law on the Elimination of Discrimination, and the Criminal Code. In addition to the Teleological/Sociological Interpretation, namely Article 28 paragraph (2), and Article 45A paragraph (2) of the ITE Law and Articles 242, 243 of the Criminal Code which are a human/community need for population groups to ensnare Resbob's statement which caused unrest in society. In the Application of Criminal Responsibility of the Perpetrator for the Crime of Insulting the Sundanese Population Group related to Resbob's statement, it is reviewed from a. the doctrine of cause and effect in the form of the individualization theory, b. qualification of the offense as an ordinary offense of insulting a group of people which causes unrest in society, and c. criminal responsibility of the perpetrator who has fulfilled the elements of criminal responsibility in the form of being able to take responsibility, a causal relationship between the act carried out intentionally and the consequences of the act and there is no reason to excuse.

5. References

- Arjaya, I. M., & Sudibya, D. G. (2020). Sanksi Pidana bagi Pelaku Penyebaran Berita Hoaks serta Ujaran Kebencian dengan Memakai Akun Anonym. *Jurnal Preferensi Hukum*, 1(1), 178-183.
- Awawangi, R. V. (2014). Pencemaran Nama Baik Dalam KUHP dan Menurut UU No. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik. *Lex Crimen*, 3(4), 113.
- Azis, A. (2016). Tindak Pidana Penyebaran Informasi Yang Menimbulkan Rasa Kebencian Atau Permusuhan Melalui Internet Di Indonesia (Kajian Terhadap Pasal 28 Ayat (2) Uu No. 11 Th 2008 Juncto Pasal 45 Ayat (2) Uu No. 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik). *PALAR (Pakuan Law review)*, 2(2).
- Farizki, M. Z. (2025). *Analisis Normatif Kebijakan Hukum Pidana Dalam Penanggulangan Ujaran Kebencian di Media Sosial* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).
- Febriansyah, F. I., & Purwinarto, H. S. (2020). Pertanggungjawaban Pidana Bagi Pelaku Ujaran Kebencian di Media Sosial. *Jurnal Penelitian Hukum De Jure*, 20(2), 177-188.
- Firman, M. (2026). Kronologi Lengkap Resbob Hina Suku Sunda hingga Berujung Hukuman. <https://www.beritasatu.com/jabar/2949571/kronologi-lengkap-resbob-hina-suku-sunda-hingga-berujung-hukuman>, accessed 8 Maret 2026
- Hasibuan, Z. (2018). Penyebaran Ujaran Kebencian Dalam Perspektif Hukum Pidana Islam. *Jurnal Hukum dan Kemanusiaan*, 187.
- Kamalludin, I., & Arief, B. N. (2019). Kebijakan Formulasi Hukum Pidana Tentang Penanggulangan Tindak Pidana Penyebaran Ujaran Kebencian (Hate Speech) Di Dunia Maya. *Law Reform*, 15(1), 113-129.
- Kembara, M. D., Rozak, R. W. A., Hadian, V. A., Nugraha, D. M., Islami, M. R. F., & Parhan, M. (2021). Etnisitas dan Kearifan Lokal: Penerapan Nilai-Nilai Budaya Sunda dalam Pembentukan Karakter Generasi Milenial. *El-Wasathiya: Jurnal Studi Agama*, 9(1), 1-17.

- Law Number 1 of 2023 concerning the Criminal Code.
- Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions.
- Law Number 1 of 2026 concerning Criminal Penal Code Adjustments.
- Law Number 11 of 2008 concerning Electronic Information and Transactions.
- Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.
- Mangantibe, V. (2016). Ujaran Kebencian dalam Surat Edaran Kapolri Nomor: Se/6/X/2015 tentang Penanganan Ucapan Kebencian (Hate Speech). *Lex Crimen*, 5(1), 3408.
- Pramono, B. (2017). Norma sebagai Sarana Menilai Bekerjanya Hukum dalam Masyarakat. *Perspektif Hukum*, 101-123.
- Regina, S. (2024). Implementasi Nilai Keadilan dan Kepastian Hukum (Studi Kasus Pencemaran Nama Baik): Indonesia. *EduLaw: Journal of Islamic Law and Jurisprudence*, 6(2), 63-67.
- Rohmana, N. Y. (2017). Prinsip-Prinsip Hukum Tentang Tindak Pidana Penghinaan Dan Pencemaran Nama Baik Dalam Perspektif Perlindungan Hak Asasi Manusia. *Yuridika*, 32(1), 105.
- Ronny, H. S. (1988). Metodologi Penelitian Hukum dan Jurimetri Jakarta. *Ghalia Indonesia*.
- Royani, Y. M. (2018). Kajian Hukum Islam terhadap Ujaran Kebencian/Hate Speech dan Batasan Kebebasan Berekspresi. *Iqtisad: Reconstruction of Justice and Welfare for Indonesia*, 5(2), 211-237.
- Sa'diyah, N. K. (2012). Modus Operandi Tindak Pidana Cracker Menurut Undang-Undang Informasi Dan Transaksi Elektronik. *PERSPEKTIF: Kajian Masalah Hukum dan Pembangunan*, 17(2), 78-89.
- Sepima, A., Siregar, G. T., & Siregar, S. A. (2020). Penegakan Hukum Ujaran Kebencian Di Republik Indonesia. *Jurnal Retentum*, 2(2).
- Soekanto, S. (2006). *Pengantar penelitian hukum*. Jakarta: UI Press.
- Subekti, A. S., Pradana, N. A. S., ArdHIRA, A. Y., & Zulfikar, M. T. I. (2021). Tindak Pidana Pencemaran Nama Baik Melalui Facebook Menurut KUHP dan Undang-Undang Nomor 11 Tahun 2008 Tentang ITE. *Jurnal Hukum & Pembangunan*, 50(3), 738-757.

- Sudarmadi, D. (2021). *Kebijakan Undang-undang Informasi dan Transaksi Elektronik (Ite) Terhadap Tindak Pidana Penghinaan Atau Pencemaran Nama Baik Melalui Internet* (Master's thesis, Universitas Islam Sultan Agung (Indonesia)).
- Susanti, D. I. (2022). Kebebasan Berekspresi Dan Ujaran Kebencian: Kajian Filsafat Hukum Terapan. *Sapientia Et Virtus*, 7(2), 100-125.
- Yamin, M., & Oktapani, S. (2024). Peran konstitusi dalam melindungi hak asasi manusia terhadap penerapan Undang-Undang ITE di era demokrasi. *Collegium Studiosum Journal*, 7(1), 178-192.