

Criminal Sentences for Perpetrators of Criminal Acts of Insult via Social Media (Decision No.259/Pid.Sus/2018/PN.Pkl)

Dwiky Aulia Bramanto¹⁾ & Andi Aina²⁾

¹⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: Bramanto.std@unissula.ac.id

²⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: AndiAina.std@unissula.ac.id

Abstract: *This research aims to examine and analyze "(1) How the forms of insults that occur on social media towards members of the Pekalongan City Police Traffic Unit fulfill the elements of criminal acts in the Criminal Code and Criminal Provisions outside the Criminal Code, and (2) How the judge considers the theory of justice in sentencing criminal offenses for insulting members of the Pekalongan City Police Traffic Unit based on the elements of criminal acts in the Criminal Code and provisions outside the Criminal Code, which relate to Information and Electronic Transactions, are regulated in Law No. 19 of 2016 concerning Information and Electronic Transactions (UU-ITE) there is no element of human rights, the judge decided on a case of "defamation" related to Article 13 of Law No. 39 of 1999 concerning Human Rights (UU-ITE). HAM) and the judge's consideration in deciding on violations of Information and Electronic Transactions is in the best interests of both parties and no one is harmed. The approach method used in this research is sociological juridical. This research is descriptive analytical in nature. The data sources used are primary data and secondary data. Primary data is data obtained directly from the field or from the first source and has not been processed by other parties. Meanwhile, secondary data was obtained from library research consisting of primary legal materials, secondary legal materials and tertiary legal materials. Based on the research results, it can be concluded that based on the judge's considerations regarding the theory of justice in sentencing perpetrators of criminal acts of insulting members of the Pekalongan City Police Traffic Unit based on the elements of criminal acts in the Criminal Code and Criminal Provisions outside the Criminal Code, namely juridical considerations, consisting of: indictment, criminal charges , evidence and evidence as well as non-juridical considerations, consisting of: the consequences of the defendant's actions, the condition of the defendant, the role/position of the accused and the facts of the trial.*

Keywords: *Defamation; Electronics; Information; Transactions.*

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states: The Republic of Indonesia is a state based on law. Article 28F of the Constitution of the Republic of Indonesia states: Everyone has the right to communicate and obtain information to develop themselves and their social environment, and has the right to seek, obtain, possess, store, process and convey information using all available channels.

Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia states: everyone has the right to protection of themselves, their family, their honor, their dignity and the property under their control, and has the right to a sense of security, protection from the threat of fear to do or not do something that is a basic human right.

The development and progress of information technology has given rise to technological products, such as computers, laptops and mobile phones which are used as a means of telecommunication.

Telecommunication is one of the media for humans to interact over long distances, characterized by two people communicating. Telecommunication involves tools, ranging from smoke, kentongan, radio, telephone and internet. Communicating between individuals and individuals, individuals with other groups of individuals or groups of individuals with each other at the present time, the intensity is very high.

One of the communications along with technological advancement is the internet. Everyone relies on the internet for communication in the fields of education, health, business or personal needs that are inseparable from the nature of the internet that provides ease of communication.

In general, the internet is a collection of computer networks working as a system. Specifically, the internet is a computer network connecting all computer networks in the world. The internet is a network that connects electronic media with other media. This network will transfer data quickly through certain frequencies. 3. Overall, the internet is a large interconnected network connecting people and computers around the world, via telephone, satellite and other systems. 4.

Internet media does not recognize national borders and has an impact on behavior. The rules of behavior in one country are different from those in another, and what is allowed to be done freely in one country is considered illegal in another country. For example, Indonesian internet users enter the same site, there are no rules that apply the same throughout the world. On the internet, rules of behavior are needed, for access providers, content providers, users and visitors. 5

However, it is undeniable that the presence of the internet has an impact on social and legal life which lies in the characteristic nature of the internet in creating individual behavior and patterns of relationships between individuals or communities. The internet has presented patterns of relationships between individuals that are not the same as those that occur in the real world. Individuals who carry out activities on the internet are not face to face, but are cross-country/continental. 6

In fact, the negative impacts of prolonged internet use for pleasure cause negative impacts, namely reduced interest in learning, mental changes, behavior, emotional imbalance, hallucinations and serious mental disorders. 7

If we open the internet, we will find dozens or hundreds of articles from various sources, both positive and negative categories in the form of articles via the internet or social media.

Social media is an online media, with its users who can easily participate, share and create content including blogs, social networks, wikis, forums and virtual worlds which are the most common forms of social media used by people around the world. 8 While the types of social media are: You Tube, Facebook, Twitter, Tik Tok, WhatsApp.

YouTUBE is a video sharing website created by former PayPal employees in February 2005. The website allows users to upload, watch and share videos. 9 Facebook is a social network or social media that allows users to add profiles with photos, contacts or information. 10 Twitter is for friends, family and coworkers to communicate and stay connected through fast and frequent message exchanges. 11 Tik Tok is a short video hosting service between 3 seconds and 10 minutes owned by the Chinese company ByteDance. 12 WhatsApp is a free cross-platform instant messaging application designed for smartphones that allows users to exchange messages without credit using an internet network. 13

Social media uses the internet in addition to causing positive impacts also negative impacts, namely as a means to commit criminal acts, such as insults through social media. The legal process for such crimes must be in accordance with laws and regulations.

Every formation of legislation must be based on the procedures for making legislation as stated in Law Number 12 of 2011 concerning the Formation of Legislation as follows: 14

Philosophical basis, is a consideration that describes regulations that are formed by considering the outlook on life, awareness and legal ideals including the spiritual atmosphere of the Indonesian nation's philosophy originating from Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia.

Article 13 of Law Number 39 of 1999 concerning Human Rights (UU-HAM) states: everyone has the right to develop and obtain benefits from science, technology, art, culture in accordance with human dignity for the welfare of his/her personality, the nation and humanity. Article 14 paragraph (1) and (2) of UUUHAM states: everyone has the right to communicate to obtain information needed to develop his/her personality and social environment, to seek, obtain, possess, store, process, and convey information using the available means. Every Indonesian citizen is required to use technology properly and correctly according to its intended use.

The legal basis related to the formation of new regulations because the Criminal Code cannot accommodate forms of crime along with advances in information technology, namely with the enactment of Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 concerning Amendments to Law Number 19 of 2016 concerning Information and Electronic Transactions.

Some of these legal issues include outdated regulations, regulations that are not harmonious or overlapping, types of regulations that are lower than the Law so that their enforceability is weak, regulations already exist but are inadequate or regulations do not exist at all. Everyone in the use of technology, especially information technology, must know the procedures for using information technology as regulated in the Electronic Information and Transactions Law (UU ITE) and the Human Rights Law (UU HAM).

The sociological basis related to the progress of information technology is the emergence of technological products (computers, laptops and Android cellphones), on the one hand can speed up work, but on the other hand can be used as a tool to commit crimes using these technological means.

Every member of society in the use of technology must adhere to the values and norms that apply in every society. The rampant insults carried out by the community through social media are due to the lack of legal awareness and level of education in society.

To overcome the problem of outdated, disharmonious, overlapping, inadequate or non-existent legal regulations, the formation of such legislation must be based on philosophical, sociological and legal foundations.

Regarding the negative impacts of technology, the government has attempted to present legal instruments in accordance with the development of the information world. The government, through the Ministry of Information and Communication, in collaboration with all stakeholders and universities, has attempted to realize these legal instruments. On April 21, 2008, Law Number 11 of 2008 concerning Information and Electronic Transactions was enacted. 15

The development of information technology has changed human lifestyle through technological and information means, humans can access information and commit defamation. As a nation that upholds human dignity, acts of insult

through technological means are categorized as criminal acts and the perpetrators are included in the legal area and the internet as a medium to commit their acts. The perpetrators can be processed legally even though there is no complaint from the victim, by referring to the Criminal Code as referred to in the Law on Information and Electronic Transactions. 16

Technological advances marked by the emergence of the internet operated through computers have a significant influence on the understanding of crimes related to criminology streams that emphasize human factors, both physically and psychologically. One of the crimes committed by abusing the sophistication of computer technology is the case of insults through social media. 17

Social media is very vulnerable to being used as a place to spread fake news (hoaxes) that harm certain parties due to defamation. The large number of active social media users in Indonesia makes it easier for hoax spreaders to carry out their actions. The results of a survey on the national hoax outbreak conducted by Mastel, that the highest news distribution channel containing hoax content comes from social media in the form of Facebook at the highest rank of 92.40%, chat applications 62.80%, and websites 34.90%. 18 Meanwhile, according to Rosmalinda's research on the "phenomenon of misleading news on social media" states: the influence of technological developments can be a global threat including Indonesia, especially related to the spread of fake news (hoaxes).¹⁹

In addition to being used to spread false and misleading news, social media can also be used to spread information that contains content that violates morality, gambling, insults, defamation, and blackmail or threats.

To be categorized as an insult via social media, it must fulfill the elements of Article 27 paragraph (3) of the ITE Law as follows:

1. There are things or circumstances that are not true that are communicated via the internet.
 2. The thing or condition concerns a person or an organization.
 3. The matter or condition is published to other parties.
 4. The publication results in harm to the person who is the object of the insult.
- 20

Things or conditions published via the internet can be said to be insulting if they are not true and are detrimental to the victim, whether it is something that damages the reputation or causes material loss to the victim. Publication about another person can be said to be insulting if it is done with words or writing that are clear or hidden, but contains connotations of damaging the reputation of a person or an organization.

¹⁹Rosmalinda, Ruri The phenomenon of misleading news on social media in scientific articles. http://www.seskoed.mil.id/admin/file/article/Article_Rury3.pdf.

The insult must be directed at a specific person or body. It cannot be sued by another person or body even though the other person or body is also harmed. The person or body to whom the publication is directed has the right to sue, not by the victim, while the claim is filed individually, not by a group.

Insults committed through social media are complaint offenses. Complaint offenses are divided into two, namely absolute complaint offenses and relative complaint offenses. Complaint offenses are offenses that can only be processed if there is a complaint from a person who feels aggrieved or has become a victim.

One of the social media used as a means of committing criminal acts of insult through social media is Facebook. One of the cases of criminal acts of insult committed through social media was committed by the defendant Teguh Basuki bin Tarlam. In this case, the defendant Teguh Basuki initially often experienced police services committing insults through the Saprani Al Yarkoni Facebook account by mentioning the name of a certain person or agency, namely against witness Eko Yuli Setiardi as the Head of Traffic Unit of the Pekalongan City Police who was said to be: "bastards, traitors to the Police institution who repeatedly extort, blackmail and make the people suffer". Then witness Eko Yuli Setiardi read directly through the screenshot sent by the Head of Public Relations via Whatsapp (WA) and saw a post on the Saprani Al-Yarkoni Facebook account.

Research conducted by the author on the imposition of criminal penalties for perpetrators of criminal acts of insult through social media. This research focuses on the imposition of criminal penalties for perpetrators of criminal acts of insult against Members of the Pekalongan City Police Traffic Unit through social media and whether the actions of the perpetrators of criminal acts of insult fulfill the elements of the articles charged and what are the judge's considerations in imposing the sentence.

2. Research Methods

1. Types of research

This type of research is normative legal research, namely research that will examine laws and regulations in a coherent legal system, 98 concerning law as a positive norm that applies at a certain time as a product of a certain power. Normative legal research is legal research that places law as a building of a system of norms, such as principles, norms, rules of laws and regulations, court decisions, agreements and doctrines. 99

2. Types of Approaches

The approach in this research is the statute approach, the conceptual approach, and the case approach used to build legal arguments to solve the problems being researched: 100

a. Statute approach

The legislative approach is used considering that this study will analyze the imposition of criminal penalties for perpetrators of criminal acts of insulting members of the Pekalongan City Police Traffic Unit via social media.

b. Conceptual approach

The conceptual approach is used to search for views and doctrines in legal science in order to identify relevant theories related to the problems being researched in order to find the theory used by judges to impose criminal penalties for criminal acts of insult via social media.

c. Case approach

The case approach is used to analyze the imposition of criminal penalties for criminal acts of insult through social media, namely court decisions that have permanent legal force. This is done to find out and analyze the judge's considerations as the basis for imposing criminal penalties for perpetrators of criminal acts of insult through social media.

3. Source of Legal Material

The legal materials used in this research consist of primary legal materials, secondary legal materials and non-legal materials, namely: 101

a. Primary legal materials

- 1) The 1945 Constitution of the Republic of Indonesia;
- 2) Republic of Indonesia Law Number 8 of 1981 concerning the Criminal Procedure Code;
- 3) Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions;
- 4) Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions;
- 5) Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.

b. Secondary legal materials

Secondary legal materials are legal materials that explain primary legal materials consisting of legal journals, doctrines, research results, scientific articles and other seminar results;

c. Non-legal materials

Legal materials are legal materials that are of a supporting nature that provide guidance or explanations of primary legal materials and secondary legal materials consisting of Indonesian language dictionaries, legal dictionaries, newspapers and magazines.

4. Method of collecting data

Collection of legal materials was obtained through literature studies, namely:

- a. Inventory of positive law related to the imposition of criminal penalties for perpetrators of criminal acts of insult via social media;
 - b. Inventory of legal theories and opinions of legal experts related to the main issues, namely criminal theory and human rights theory;
 - c. Non-legal materials, obtained from the research results are recorded, collected and arranged and grouped according to the research problems. The processing of legal materials is carried out by selecting the collected legal materials, both primary legal materials, secondary legal materials and non-legal materials according to the needs used to analyze the problems in the research to produce concepts and arguments for overcoming criminal acts of insults committed through social media.
5. Analysis Techniques

After the legal materials (primary legal materials, secondary legal materials and non-legal materials) are collected, the next step is to conduct an analysis. The analysis method used in this study is a qualitative analysis by referring to the theories used so that a theory can be found that is used as a criminal sentence for the perpetrator of the criminal act of insulting the Satlantas Polres Pkalongan City Member through social media.

3. Results And Discussion

3.1. Forms of Criminal Offenses of Insult via Social Media

One of the criminal acts of insult through Social Media was committed by the Defendant Teguh Basuki bin Tarlam, Pekalongan, February 28, 1976, 43 years old, Male, Indonesian, Muslim, Fisherman, Jl. Selat Karimata RT.03 RW.01, Bandengan Village, North Pekalongan District, Pekalongan City.

Defendant Teguh Basuki bin Tarlam on Thursday, June 6, 2019 at 09.08 WIB, or at least in 2019 at Jl. Selat Karimata RT.03 RW.01 Kel Bandengan Kec Pekalongan Utara Pekalongan City within the jurisdiction of the Pekalongan District Court, "intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents containing insults and/or defamation", which was done in the following manner:

- Defendant Teguh Basuki, owner of the Facebook account Saparani Al Yarkoni, user name 081227145129, website address:<http://www.facebook.com/wanocho.kumal>, made when he no longer remembers accessing the computer at home using a white OPO brand cellphone, A37f series, IMEI 1: 864217035738132, IMEI 2: 864217035738124 and SIM Card 081227145129 and 085600918820;
- On Thursday, June 6, 2019 at 14.34 WIB, witness Eko YS was informed by Kasihumas Polres Pekalongan City that there was a post on Facebook by Saparani Al Yarkoni that mentioned witness Eko YS KBO Satlantas Polres Pekalongan City: "bastards, traitors to the Polri institution and repeatedly

extorting, blackmailing and causing misery to the people", witness Eko YS read through the screenshot sent by Kasihumas via WA on Facebook;

- Witness Eko YS (KBO Traffic Unit of Pekalongan City Police) felt unhappy and his honor was attacked by the defendant's post, Mr. Teguh Basuki on another Saparani Al Yarkoni Facebook account that read: "Minal aidin wal faizin, please forgive me, both physically and mentally, cleanse and return the Pekalongan City Police and its staff to their natural state. The National Police institution, a large institution with high integrity, authority and cleanliness is a noble task...! Fire them! Crush them, slag off the police officers with a scoundrel mentality like Eko YS, Head of Traffic Unit of Pekalongan City Police and Mardiono, Head of North Pekalongan Criminal Investigation Unit, 2 fake police officers in the Traffic Unit of the Police's ticketing and SPKT division. They have repeatedly extorted, blackmailed, and caused misery to the community";

- In addition, witness Eko YS felt insulted by the status posted by defendant Teguh Basuki on another Saparani Al Yarkoni Facebook account which read: "Eko YS, a member of the Pekalongan City Police Traffic Unit, took legal action against the rice field bandits, together with fake members they seized and ticketed them on June 3, 2019, motorcyclists who saw illegal racing on Jl. Kartini on May 25, 2019, their name is fake police, right? ... Looking for the last victim/posto to freely strangle Eko KBO's illegal money".

- The defendant Teguh Basuki made a post on Facebook Saparani Al Yarkoni because he experienced police services that were not in accordance with his main duties and functions and had reported to Propam without any process, then expressed his annoyance via Facebook, causing hatred towards the witness, Mr. Eko YS, a member of the Police.

Chronology of criminal acts of insult via social media:

a. Address <http://www.facebook.com/wanocho.kumal>

1) Defendant Teguh Basuki, owner of the Saparani Al Yarkoni account, user name: 081227145129, accessed the computer from home with a white OPO brand cellphone, A37f series, IMEI1: 864217035738132, IMEI 2: 864217035738124; SIM Card 1: 081227145129 and SIM Card 2: 085600918820;

2) On Thursday, June 6, 2019 at 09.08 WIB on Jl. Selat Karimata RT.03 RW.01 Bandengan, Pekalongan Utara District, Pekalongan City, without the right to distribute, transmit, make accessible Electronic Information/Documents, posts containing insulting content and mentioning the name of witness Eko YS (member of the Police);

3) On Thursday, June 6, 2019 at 14.34 WIB, witness Eko YS was informed by Kasihumas Polres Pekalongan City that there was a post on Facebook by Saparani Al Yarkoni mentioning witness Eko YS, Head of Traffic Unit of Pekalongan City Police;

- b. Defendant's written posts via social media:
 - 1) Witness Eko YS (KBO Traffic Unit of Pekalongan City Police) was described as: "a scoundrel, a traitor to the Police institution and has repeatedly extorted, blackmailed and caused misery to the people."
 - 2) "... ! Fire them! Crush them and fire them! The crooked police officers with the mentality of a scoundrel, Eko YS, Head of Traffic Unit of Pekalongan City Police and Mardiono, Head of North Pekalongan Police Traffic Unit, 2 officers of Traffic Unit for ticketing and SPKT. They have repeatedly extorted, blackmailed, and caused misery to the people."
 - 3) "Eko YS committed a legal action by seizing and ticketing rice field land, robbing and ticketing (June 3, 2019) motorcyclists who saw illegal racing on Jl. Kartini (May 25, 2019). Looking for prey / last position, he was free to strangle Eko Yuli KBO's illegal money".
- c. The intent and purpose of the Defendant's posts via social media:
 - 1) The accused often experienced police services that were not in accordance with their duties and functions;
 - 2) Have reported to Propam but there is no seriousness in processing it firmly;
 - 3) Expressing his frustration via Facebook caused hatred towards witness Mr. Eko YS as a member of the Police.

The criminal act of insult committed by the Defendant Teguh Basuki against a member of the Pekalongan City Police Traffic Unit via the Sapparani Al Yarkoni account:

- a. Post: "Bastard, traitor to the Polri institution repeatedly extorts, blackmails, and makes people suffer", shows "there is an incorrect situation communicated via the internet"; addressed to someone, namely witness Eko YS as Head of Traffic Unit of Pekalongan City Police;
- b. Post: Fire them! The scoundrel mental police Eko YS KBO Satlantas and Mardiono Kanitserse, 2 police officers in the Traffic Police ticketing and SPKT division took legal action against the rice field gangs on June 3, 2019, ticketing motorcyclists who saw illegal racing on Jl. Kartini on May 25, 2019, the last post was free to choke Eko Yuli KBO's illegal money", indicating "the situation concerns a person;
- c. All of these posts show: there are things/circumstances that are published to other parties" that result in losses for the person who is the target and contain insulting content.

The actions carried out by the Defendant Teguh Basuki, namely writing which was posted on the Facebook account Sapparani Al-Yarkoni, can be analyzed:

- a. Word analysis:

First, the words: a) "bastards" (criminals), b) "extortion", c) "squeezing" (forcing), and d) "making people suffer", are combined into the sentence: "bastards, traitors to the Police institution, repeatedly extorting, blackmailing, and making people suffer".

Second, the words: a) "Crush them and fire them", b) "rogue mental police officers" (criminals), c) "fake police officers", combined into the sentence: "Crush them and fire them! The bastard mental police officers Eko YS as Head of Traffic Unit of Pekalongan City Police and Mardiono Kanitserse and two fake police officers in the Traffic Unit for Traffic Ticketing and SPKT".

Third, words: a) "legal action sak kepenake bandot sawah" (as he pleases), b) "fake member", c) "seize and ticket" (Motorcycle/SPM), d) "motorcyclist", e) "watch illegal racing", f) "cari mongso" (target), g) "poso akhيران" (last fast), and h) "bebas nyekek duit haram" (eat illegal money), are arranged into sentences: "Eko Yuli Setiardi carried out legal action sak kepenake bandot sawah with fake members to seize and ticket on June 3, 2019, motorcyclists who watched illegal racing on Jl. Kartini on May 25, 2019, the name is fake police, right? ...; looking for prey/poso akhيران ws bebas nyekek duit haram jare Eko Yuli KBOne".

b. Legal, sociological, criminological, religious and philosophical analysis:

All sentences containing insulting content were posted on the Facebook account of Saparani Al-Yarkoni to vent his frustration directed at a person/agency, namely witness Eko YS KBO Traffic Unit, Pekalongan City Police.

First, legally, the written posts containing insulting content are contrary to the applicable laws and regulations, both the Criminal Code and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UUITE);

Second, sociologically, written posts that contain insults are contrary to the values, norms or unwritten laws that apply in every society;

Third, criminologically, posts containing insulting content are contrary to actions that are considered by society to be crimes (even though the law);

Fourth, religiously, written posts containing insulting content are contrary to religious law or contrary to the laws of each religion recognized in Indonesia;

Fifth, philosophically, posts containing insulting content are contrary to the values believed in by the Indonesian people or which are the outlook on life of the Indonesian people, namely Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia.

3.2. Considerations of the Pekalongan District Court Judge in Sentencing Perpetrators of Criminal Acts of Insult via Social Media

Judges' considerations in sentencing perpetrators of criminal acts of insult committed via social media:

Position Case Number: 259/Pid.Sus/2019/PN.Pkl

Teguh Basuki bin Tarlam, Pekalongan, February 28, 1976 (43 years old), Male, Indonesian, Islam, Fisherman, Jl. Selat Karimata RT.03 RW.01 Bandengan Village, North Pekalongan District, Pekalongan City, on Thursday, June 6, 2019 at around 09.08 WIB, on Jl. Selat Karimata RT.03 RW.01 Bandengan, North Pekalongan District, Pekalongan City or within the jurisdiction of the Pekalongan District Court, "Intentionally and without the right to distribute and/or transmit and/or make accessible Electronic information and/or Electronic Documents that contain insults and/or defamation" carried out in the following manner:

a. The defendant Teguh Basuki is the owner of the Facebook account Saparani Al Yarkoni, user name 081227145129, website:<http://www.facebook.com/wanocho.kumal>, made when I no longer remember accessing the computer at home with a white OPO brand cellphone, A37f series, IMEI 1: 864217035738132, IMEI 2: 864217035738124, SIM Card 081227145129 and 085600918820;

b. On Thursday, June 6, 2019 at 14.34 WIB, witness Eko YS was informed by Kasihumas Polres Pekalongan City that there was a post on Facebook by Saparani Al Yarkoni that called witness Eko YS, KBO Satlantas Polres Pekalongan City: "bastards, traitors to the Polri institution and repeatedly extorting, blackmailing and causing misery to the people", witness Eko YS read it directly via screenshot;

c. Witness Eko YS's honor was attacked due to a post on the Facebook account Saparani Al Yarkoni on June 6, 2019 which read: "Minal aidin wal faizin, please forgive me, my soul and body, cleanse and return the Pekalongan City Police and its ranks to their natural state. The National Police institution, a large institution with high integrity, authority and cleanliness is a noble task...! Fire them! Crush them! Crap, scoundrel police officers with a scoundrel mentality like Eko Yuli, Head of Traffic Unit of the Pekalongan City Police and Mardiono, Head of North Pekalongan Criminal Investigation Unit, two fake police officers in the Traffic Unit for Traffic Ticketing and SPKT of the Police. They are traitors to the National Police institution who have repeatedly extorted, blackmailed, and caused misery to the community";

d. Witness Eko YS felt insulted by the post on Facebook Saparani Al Yarkoni: "Eko Yuli, a member of the Pekalongan City Police Traffic Unit who has taken legal action against the rice field gangs, together with their fake members they seized and ticketed on June 3, 2019 motorcyclists who saw illegal racing on Jl. Kartini on May 25, 2019, their name is fake police, right? ... looking for prey/last position, free to strangle Eko Yuli KBOne's illegal money"

e. The defendant Teguh Basuki's intention in making the status posted on the Sapani Al Yarkoni Facebook account was because the defendant often experienced police services that were not in accordance with their functional duties and had reported to Propam that there was no seriousness in processing it firmly, then the defendant expressed his annoyance via Facebook social media until the post caused hatred or hostility towards witness Eko YS as a member of the Police.

1. Witness Statements, Defendant Statements and Evidence

a. Witnesses: 1) Witnesses from Pekalongan City Police Department: Eko YS, Mardiyono, AA Faisal M, BT Iwan Nainggolan, Ristanto AY, Tri Atmojo Widodo, 2) Experts: 1) Ika Arifianti, M.Pd., (Language Expert) and 2) Teguh Arifiyadi, SH. MH., CEH., CHFI (ITE Expert)

b. Defendant's Statement and Evidence:

1) The defendant Teguh Basuki confirmed the statements of the witnesses, members of the Pekalongan City Police and experts, and the defendant confirmed the actions as described in the SECOND Alternative Charge.

2) Evidence: 1 OPPO brand cellphone, 2 SIM cards, 1 ID card, Facebook account, 1 bundle of printouts, 1 flash disk have been confiscated in accordance with applicable law and can be used as valid evidence.

2. Detention, Accompaniment of Defendants and Court Decisions

Defendant Teguh Basuki was detained at the Pekalongan Class IIA Detention Center by investigators, the Public Prosecutor's Office, the Public Prosecutor's Office, the Pekalongan District Court Judge, and the Deputy Chief Justice of the Pekalongan District Court;

Defendant Teguh Basuki accompanied by Advocates Nafidul Haq, SH., Anstinna Yuliantie, SH., and Ani Kurniasih, SH., from the LBH Shield of Truth, Pekalongan Regency Branch, Jl. Pahlawan No. T-1 (Arrayan Shophouse Complex) Kajen according to Determination No. 259 / Pid.Sus / 2019 / PN at 24 September 2019.

Criminal acts of insult via social media can be analyzed:

a. Chronology of the Defendant's actions:

1) Website address:<http://www.facebook.com/wanocho.kumal>

- Defendant Teguh Basuki, owner of the Facebook account Sapani Al Yarkoni, user name: 081227145129, website:<http://www.facebook.com/wanocho.kumal>, made at a time when I no longer remember accessing the computer from home with a white OPO brand cellphone, A37f series, IMEI1: 864217035738132, IMEI 2: 864217035738124; SIM Card 1: 081227145129 and SIM Card 2: 085600918820;

- On Thursday, June 6, 2019 at 09.08 WIB on Jl. Selat Karimata RT.03 RW.01 Bandengan Village, North Pekalongan District, Pekalongan City, Teguh Basuki intentionally distributed, transmitted, and made accessible Electronic Document Information containing insulting content by mentioning the name of a person or an agency, namely witness Eko YS, a member of the Indonesian National Police;
 - On Thursday, June 6, 2019 at 14.34 WIB, witness Eko YS was informed by the Public Relations Unit of the Pekalongan City Police that there was a Facebook post by Saparani Al Yarkoni mentioning the name of witness Eko YS, Head of Traffic Unit of the Pekalongan City Police;
- 2) Defendant's posts via social media:
- Witness Eko YS (KBO Lantas) was described as: "a bastard, a traitor to the Police institution and has repeatedly extorted, blackmailed and caused misery to the people."
 - "... ! Fire them! The crooks of the Mental Police are bastards like Eko Yuli, Head of Traffic Unit of Pekalongan City Police and Mardiono, Head of North Pekalongan Police, 2 Traffic Police officers from the Traffic Ticketing and SPKT division of the Police. They repeatedly extort, blackmail, and make the people suffer."
 - "Eko Yuli, Traffic Unit of Pekalongan City Police has taken legal action against the rice field gangs, together with their fake members they seized and ticketed on June 3, 2019 motorcyclists who saw illegal racing on Jl. Kartini on May 25, 2019, their name is fake police, right? looking for the last place to go, they were free to choke Eko Yuli KBO's illegal money".
- 3) The intent and purpose of the Defendant's posts via social media:
- The defendant often experienced police services that were not in accordance with their main duties and functions, had reported it to Propam but there was no seriousness to process it firmly;
 - The defendant expressed his annoyance via social media Facebook and the post caused hatred towards witness Mr. Eko Yuli Setiardi as a member of the Police.
- b. Consequences of the Defendant's Actions
- 1) Initially, the Defendant often experienced police services that were not in accordance with his main duties and functions when helping his friend who had been ticketed or making a driving license and reporting it to Propam but there was no seriousness in processing it;
 - 2) The defendant then expressed his annoyance via the Facebook account Saparani Al-Yarkoni by making a written post aimed at a person

or an agency containing insulting content towards witness Mr. Eko Yuli Setiardi as a member of the Police;

- "The bastard, traitor to the Polri institution, repeatedly extorting, blackmailing and causing misery to the people". The sentence shows "there is an incorrect situation communicated via the internet". The words "bastard, bastard" refer to insults to people/an agency, namely witness Eko YS (KBO Lantas Res Pkl Kota);
- "Crush them and fire them! The mental police scoundrel Eko YS KBO Satlantas Res Pkl Kota and Mardiono Kanitserse and two fake police officers in the ticketing and SPKT section"; and legal action against the rice field bandot, together with fake members, robbed and ticketed on June 3, 2019 motorcyclists who watched illegal racing on Jl. Kartini on May 25, 2019 looking for prey/last position, free to strangle Eko YS KBO's illegal money". The sentence refers to: "the condition of a person/body". The words "Crush them and fire them!" and "legal action against the rice field bandot", are directed at Eko YS (KBO Satlantas Res Pkl Kota);

3) The writing was posted on the Facebook account of Saparani Al Yarkoni, namely "there are things that are published to other parties" and the general public can access, read it and provide comments on the Facebook account of Yarkoni Al-Saparani resulting in losses to the person who was the object of the insult to witness Eko YS KBO Lantas Polres Pekalongan City;

4) Defendant Teguh Basuki's post on Facebook Yarkoni Al-Saparani mentioning the name of a person or body and containing insulting content can be categorized as an act and witness Eko YS KBO Satlantas Polres reported it to the Pekalongan City Police;

5) According to the statements of witnesses, experts, the defendant's statement, evidence and tools of evidence, the defendant's actions have fulfilled the elements of Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law No. 11 of 2008 concerning Information and Electronic Transactions as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions: "Intentionally without the right to distribute, transmit, make accessible information/Electronic Documents that contain insulting content."

3. Indictment and Criminal Charges of the Public Prosecutor of the Pekalongan City District Attorney's Office

a. Public Prosecutor's Charge FIRST Alternative Charge:

Defendant Teguh Basuki, on Thursday, June 6, 2019 at 09.08 WIB on Jl. Selat Karimata RT.03 RW.01 Bandengan, Pekalongan Utara District, Pekalongan City or a place within the jurisdiction of the Pekalongan District Court, "intentionally and without the right to disseminate information intended to cause hatred or hostility towards individuals and/or certain community groups based on SARA" was carried out in the following manner:

- Teguh Basuki, owner of the Saparani Al-Yarkoni account, user name 081227145129, website:<http://www.facebook.com/wanocho.kumal>.made when not remembered to access from home with HP OPO series A37f white color IMEI 1: 864217035738132, IMEI2: 864217035738124, SIM Card 081227145129 and 085600918820;
- On Thursday, June 6, 2019 at 14.34 WIB, witness Eko was informed by Kasihumas Polres Pekalongan City that there was a post on Facebook by Saparani Al Yarkoni calling witness Eko YS KBO Satlantas Polres Pekalongan City as: "a scoundrel, a bastard, a traitor to the Polri institution who has repeatedly extorted, blackmailed and caused misery to the people";
- Witness Eko YS's honor was attacked due to a post on the Facebook account Saparani Al Yarkoni dated June 6, 2019, which read: "Minal aidin wal faizin, please forgive me, my soul and body, cleanse and return the Pekalongan City Police and its ranks to their natural state. The National Police institution, a large institution with high integrity, authority and cleanliness, is a noble task...! Fire them...! Crush the mental police, bastards, such as Eko YS, Head of Traffic Unit of the Pekalongan City Police and Mardiono, Head of North Pekalongan Police, 2 police officers in the ticketing and SPKT division of the Police. They are traitors to the National Police institution who extort, blackmail, and make the people suffer";
- Witness Eko YS felt insulted by the post on the Facebook account Saparani Al Yarkoni: "Eko Yuli, a member of the Pekalongan City Police Traffic Unit, has taken legal action against the rice field bandits with their fake members, they confiscated and ticketed them on June 3, 2019, a motorcyclist who happened to be passing by and saw the illegal racing on Jl. Kartini on May 25, 2019, that's what fake police are like... looking for prey and freely strangling Eko KBO's illegal money"
- The Defendant Teguh Basuki's goal is often experiencing police services that are not in accordance with his functional duties, he has reported to Propam but there is no firm process, then he expressed his annoyance via Facebook, causing hatred and hostility towards witness Eko YS, a member of the Police. The defendant's actions are regulated

and threatened with criminal sanctions under Article 28 paragraph (2) in conjunction with Article 45A paragraph (2) of Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 on Information and Electronic Transactions;

SECOND:

Defendant Teguh Basuki on Thursday, June 6, 2019 at 09.08 WIB, in the year 2019 at Jl. Selat Karimata RT.03 RW.01 Bandengan, Pekalongan Utara District, Pekalongan City or a place within the jurisdiction of the Pekalongan District Court, "Intentionally and without the right to distribute and/or transmit and/or make accessible Electronic information and/or Electronic Documents that contain insults and/or defamation", carried out in the following manner:

- 1) Defendant Teguh Basuki, owner of the Facebook account Saprani Al Yarkoni, user name 081227145129, website:<http://www.facebook.com/wanocho.kumal>.made at a time when I no longer remember access at home with a white HP OPO series A37f IMEI 1: 864217035738132 IMEI 2: 864217035738124 with SIM Card 081227145129 and 085600918820;
- 2) On Thursday, June 6, 2019 at 14.34 WIB, witness Eko YS was informed by Kasihumas Polres Pekalongan City that there was a post on Facebook by Saprani Al Yarkoni, witness Eko YS, Head of Traffic Unit of Pekalongan City Police, which said: "You bastard, bastard, traitor to the Polri institution and repeatedly extorts, blackmails and makes the people suffer", witness Eko YS read it directly via screenshot;
- 3) Witness Eko YS's honor was attacked due to a post on the Facebook account Saprani Al Yarkoni dated June 6, 2019, which read: "Minal aidin wal faizin, please forgive me physically and mentally, cleanse and return the Pekalongan City Police and its staff to their natural state. The National Police institution, a large institution with high integrity, authority and cleanliness is a noble task...! Fire them...! The lackeys of the Police with a scoundrel mentality like Eko YS, Head of Traffic Unit of the Pekalongan City Police and Mardiono, Head of North Pekalongan Criminal Investigation Unit, two fake Police officers in the Traffic Unit for Traffic Ticketing and SPKT of the Police. They are traitors to the National Police institution who have repeatedly extorted, blackmailed, and caused misery to the community";
- 4) Witness Eko YS felt insulted by the post on the Facebook account Saparani Al Yarkoni: "Eko Yuli, a member of the Pekalongan City Police Traffic Unit who has committed a legal action by seizing the rice field's money, together with their fake members, they seized and then ticketed it on June 3, 2019, a motorcyclist who happened to be passing by and

saw the illegal racing on Jl. Kartini on May 25, 2019, just like that, fake police, huh looking for a last victim / position, then free to strangle Eko Yuli KBOne's illegal money".

5) As a result of the status posted by the defendant Teguh Basuki on the Saprani Al Yarkoni account, witness Eko YS felt humiliated and filed a complaint with the Pekalongan City Police.

The defendant's actions are subject to criminal penalties under Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law No. 11 of 2008 concerning Information and Electronic Transactions as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions.

b. Criminal Demands of the Public Prosecutor of the Pekalongan City District Attorney's Office

- 1) Declaring the defendant Teguh Basuki bin Tarlam guilty of committing the crime of "Intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents containing insulting and/or defamatory content", as formulated and threatened with punishment in Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law No. 11 of 2008 as amended by Law No. 19 of 2016 concerning Information and Electronic Transactions in the SECOND Indictment;
- 2) Sentencing the defendant Teguh Basuki bin Tarlam to 6 months imprisonment minus the entire period of detention ordered to remain in detention and a fine of Rp. 750,000,000 or 2 months imprisonment;
- 3) Stating the evidence: 1 HP OPO; 2 SIM Cards; & 1 KTP; returned to the Defendant Teguh Basuki; Facebook account; 1 bundle of print outs; and 1 flash disk; Remain attached in the Case File
- 4) Ordering the defendant to pay court costs of Rp. 5,000,-

4. Decision of the Pekalongan District Court Judge

The defendant Teguh Basuki was charged by the Public Prosecutor with the Alternative Charge:

FIRST: Committing a criminal act is regulated and subject to criminal penalties in Article 28 paragraph (2) in conjunction with Article 45A paragraph (2) of Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning Electronic Information and Transactions; OR

SECOND: Committing a criminal act is regulated and is subject to criminal penalties in Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law No. 11 of 2008 in conjunction with

Law No. 19 of 2016 concerning Information and Electronic Transactions.

The elements:

- 1) The element "everyone";
- 2) The element of "intentionally and without authority distributing and/or transmitting and/or making accessible Electronic Information and/or Electronic Documents";
- 3) The element "which contains insults or defamation";

Ad.1. The "everyone" element

What is meant by "whoever" is every person as a legal subject who is accused of committing a criminal act, the act fulfills the elements of the criminal act charged, and he can be held legally responsible, then he is called the perpetrator of the criminal act;

Considering, in the trial by the Public Prosecutor, the person charged with committing a crime was presented as Teguh Basuki bin Tarlam, Pekalongan, February 28, 1976 (43 years old), Male, Muslim, Fisherman, Jl. Selat Karimata RT.03 RW.01 Bandengan, Pekalongan Utara District, Pekalongan City, in the trial his identity was asked by the Panel of Judges, the same as the identity in the Public Prosecutor's Indictment, the defendant acknowledged and confirmed it as his identity, thus the element of "every person" has been fulfilled;

Ad.2. The element "intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents";

Considering, that the Explanation of Article 27 paragraph (1) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions states that:

- What is meant by "distributing" is sending or disseminating Electronic Information/Documents to many people or various parties through an electronic system.
- What is meant by "transmitting" is sending Electronic Information/Documents addressed to another party via an Electronic System.
- What is meant by "making accessible" is all actions other than distributing and transmitting through an Electronic System that cause Electronic Information/Documents to be known by other parties/the public.

Article 1 of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions states that:

- Electronic Information is one or a set of electronic data but not limited to writing, sound, images, maps, designs, photos, electronic data interchange (EDI), electronic mail, telegrams, telex, telecopy or the like, letters, signs, numbers, access codes. Symbols or perforations that have been processed that have meaning/can be understood by people who are able to understand them.
- Electronic Documents are any electronic information created, forwarded, sent, received, stored in analog, digital, electromagnetic, optical or similar forms that can be viewed, displayed and/or heard via a computer or electronic system including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, signs, numbers, access codes. Symbols or perforations that have meaning, significance or can be understood by people who are able to understand them;

Based on the statements of witnesses, experts and the defendant's statement:

- Witnesses from City Police Res Members: Eko YS, Mardiyono, AAF Muchlas, B. Tommy Iwan N, Ristanto AY and Tri Atmojo W;
- Expert Statement: Ika Arifianti, M.Pd., (Language Expert) and Teguh Arifiyadi, SH. MH., CEH., CHFI (ITE Expert)
- Statement of the Defendant Teguh Basuki on Thursday, June 6, 2019 at 09.08 WIB on Jl. Selat Karimata RT.03 RW.01 Bandengan North Pkl Pekalongan City wrote:

"Minal aidin wal faizin, please forgive me, cleanse me and return the Pekalongan City Police and its ranks to their natural state. The National Police institution, a large institution with high integrity, authority and cleanliness is a noble task...! Fire them! The lackeys of the Police with a scoundrel mentality like Eko Yuli, Head of Traffic Unit of the Pekalongan City Police and Mardiono, Head of North Pekalongan Criminal Investigation Unit, and two fake Police officers in the Traffic Unit, the Traffic Ticketing and SPKT division of the Police. They are traitors to the National Police institution, repeatedly extorting, blackmailing, and causing misery to the people," posted on the Facebook account Saparani Al Yarkoni.

The above written post includes the definition of electronic information and/or electronic documents regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions

amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. The defendant posted the writing because he was disappointed with the police service when helping a friend take care of a traffic ticket; without asking for permission/without the approval of the authorities so that the public could read it, it was known that there were comments on the Facebook account of Saparani Al-Yarkoni, defendant Teguh Basuki. Thus, the elements of these two articles have been fulfilled.

Ad.3.Elements “containing insulting/defamatory content”;

Explanation of Article 27 paragraph (3) of Law No. 11 of 2008 concerning Information and Electronic Transactions amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions states that the provisions of the paragraph refer to the provisions of defamation or slander in the Criminal Code. The content of insults/defamation is essentially attacking the honor, good name of a person to be known to the public by accusing something. The act of distributing, transmitting, making accessible electronic information/documents to attack the honor/good name of a person to be known to the public by accusing something. According to the statements of witnesses Eko YS, Mardiyono, AA Faisal Muchlas, BT Iwan Nainggolan, Ristanto AY, and TA Widodo due to Teguh Basuki's post, witnesses Eko YS and Mardiyono's good name was tarnished, their wives and children were uncomfortable in their duties/community; Thus, the third element of the crime in this article has been fulfilled.

The elements of the crime in Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions have been fulfilled, or the defendant has been proven legally and convincingly guilty of committing the crime in the Second Indictment of the Public Prosecutor.

There is no excuse or justification, according to Article 193 paragraph (1) of the Criminal Procedure Code, the defendant must be declared legally and convincingly proven guilty of committing the crime in the Second Alternative Charge and be sentenced to a sentence commensurate with his crime.

According to Article 22 paragraph (4) of the Criminal Procedure Code, the length of time the defendant is detained must be deducted in full from the

sentence imposed; and Article 193 paragraph (2) in conjunction with Article 22 paragraph (4) of the Criminal Procedure Code, the defendant remains detained.

The purpose of punishment is not retribution but to educate and guide the defendant to realize his mistakes, and hopefully become a good member of society. Before imposing a sentence that is considered appropriate and fair, according to Article 197 paragraph (1) of the Criminal Procedure Code, aggravating and mitigating factors will be considered.

Based on the above considerations, the defendant Teguh Basuki bin Tarlam has been proven legally and convincingly guilty of committing the crime of "Intentionally and without the right to distribute and/or transmit and/or make accessible Electronic information and/or Electronic Documents that contain insults/defamation"; and sentenced to 5 months in prison and a fine of Rp. 200,000, - if the fine is not paid, replaced with 1 month in prison; the detention period is reduced from the sentence imposed and the defendant remains in detention.

The sentence imposed by the judge, seen from the criminal threat of Article in the Second Alternative Charge, is a prison sentence of 6 years and a fine of Rp1 billion, the Public Prosecutor's criminal demand is a prison sentence of 6 months and a fine of Rp750,000,000, or 2 months imprisonment. While the sentence imposed by the judge is a prison sentence of 5 months and a fine of Rp200,000,-. The sentence has fulfilled justice, because the sentence imposed is lighter than the criminal demand and lower than the criminal threat of the Article charged in the Second Alternative Charge.

4. Conclusion

The punishment imposed by the judge is in accordance with the theory of punishment, namely the relative theory (theory of purpose). According to this theory, punishing is not satisfying the demands of justice or taking revenge or retribution to people who have committed a crime. The basis for justifying punishment lies in useful goals, so this theory is often referred to as the theory of purpose (utilitarian theory). Punishment is not imposed "quia peccatum est" (because people have committed crimes), but "ne peccetur" (so that people do not commit crimes).

5. References

Books:

Adami Chazawi, Criminal Law Lesson Part I, Criminal System, Theories of Punishment and Limits of the Applicability of Criminal Law, Jakarta, PT. Raja Grafindo Persada. 2014 edition.

Decision of the Pekalongan District Court Number: 259/Pid.Sus/2019/PN Pkl.
Fred N. Kerlinger, Principles of Behavioral Research, Indonesian Edition, Gajah
Mada University Press. Print. 2014.

HA Zaenal Abidin, Criminal Law I, Jakarta, Sinar Grafika, 2018 Edition.

I Gede Widiana, Criminal Law, Material for Erasure, Mitigation and Aggravation
of Criminal Sentences, Jember, Bayu Media Publishing. 2022 edition.

Maskun, Cyber Crime: An Introduction, Jakarta, Kencana.
Print. 2013.

Legislation:

Criminal Procedure Code (KUHAP).

Law Number 1 of 1946 concerning Criminal Law Regulations (KUHP).

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11
of 2008 concerning Electronic Information and Transactions

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

Law Number 22 of 2009 concerning Road Traffic and Transportation (UU-LLAJ).

Law Number 48 of 2009 concerning Judicial Power. Law Number 8 of 1981
concerning the Criminal Code.

Internet:

About the Internet. <https://dkis.cirebonkota.go.id>.

Andi Hamzah and Siti Rahayu, A Brief Review of the Criminal Justice System in
Indonesia, Jakarta, Akademika Pressindo. <https://onesearch.id>.

Andrew Aswoth, (PDF), Principles of Crime Law,
www.researchgate.net/publication.

Asril Sitompul, Internet Law, Introduction to Legal Issues in Cyberspace,
Bandung, PT. Citra Aditya Bakti, 2001. University of Indonesia Library.
<https://lib.ui.ac.id>.

Bambang Poernomo. Principles of Criminal Law. Yogyakarta. GhaliIndonesia.
Library Services Hall.
<https://balaiyanpus.jogjaprov.go.id>.

Bambang Waluyo, Legal Research in Practice, Jakarta, Sinar Grafika.
Constitutional Court of the Republic of Indonesia. <https://simpus.mkri.id>.

Budi Agus Riswandi, *Law and Internet*, Yogyakarta, UII Pres.
<https://opac.iainponorogo.ac.id>.

<https://ejurnal.iainpare.ac.id>.

<https://id.m.wikipedia.org>, accessed May 18, 2023.

<https://komunikacyberbsi.weebly.com/pencemaran-nama-baik.html>, accessed on September 14, 2020.

<https://komunikacyberbsi.weebly.com/pencemaran-nama-baik.html>.

<https://repositoryfisip.unair.ac.id>, accessed May 18, 2023.

Indonesia Onesearch: <https://onesearch.id>.

Indriyanto Seno Adji. Corruption and Criminal Law. Jakarta, Law Firm of Legal Consultant Prof. Oemar Seno Adji & Partners, 2002. URI: <https://lib.ui.ac.id/detail?id.20136424>.

Komariyah E. Sapardjaja, The Teaching of Against Material Law in Indonesian Criminal Law, A Study of the Application and Development in *Jurisprudence*, Bandung, Alumni. Bukalapak: <https://m.bukalapak.com>.

M. Sholehuddin. Sanction System in Criminal Law, Basic Idea of Double Track System and Its Implementation. Jakarta. PT. Raja Grafindo Persada. UMY Library. <https://library.umy.ac.id>.

Moeljatno, Criminal Code, Jakarta, Bina Aksara.

Moeljatno, Functions and Objectives of Indonesian Criminal Law, Jakarta, Bina Aksara.

Moeljatno, *Criminal Acts and Responsibility Criminal*, Yogyakarta, Liberty. Perpustakaan.mahkamahagung.go.id.

Muladi and Barda Nawawi Arief, Criminal and Penal Law, Semarang, Faculty of Law, Diponegoro University (UNDIP). e-jurnal.stih- pm.ac.id. Muladi, *Conditional Penal Institution*. Bandung. Alumni. <https://opac.library.unhas.ac.id>.

Muladi and Barda Nawawi Arief, Criminal Theories and Policies, Bandung, Alumni. <https://jdih.baliprov.go.id>.

Ronny Hanityo Soemitro, Legal Research Methods and Jurimetrics, Jakarta, Ghalia Indonesia. <https://digilib.ukwk.ac.id>.

Ruslan Saleh, Indonesian Criminal System, Jakarta, New Text. National Library of Indonesia. <https://onesearch.id>.

SA Soehardi, Popular Police Dictionary, Second Edition, Semarang, Publishing Unit of Wira Raharja Cooperative, Central Java Regional Police PP. STIK Library. <https://library.stik.ptik.ac.id>.

Siti Soetami, Introduction to Indonesian Legal System, Lecture Materials Provision Agency, Faculty of Law, Diponegoro University, Semarang. Academia.edu. <https://www.academia.edu>.

Sudarto, Criminal Law IA, Semarang, Faculty of Law Lecture Materials Provision Agency, Diponegoro University (UNDIP). Jayabaya University repository. <https://repo.jayabaya.ac.id>.

Sudarto, Selected Chapters of Criminal Law, Bandung, Alumni. University of Indonesia Library. <https://lib.ui.ac.id>.

Teguh Prasetyo, Material Criminal Law Volume I, Yogyakarta, Kurnia Kalam. <https://elibs.unigres.ac.id>.

The meaning of the word philosophical, <http://repository.iainkudus.ac.id>.

Tresna, *Principles of Criminal Law*, Jakarta, Tiara. Indonesia Onesearch. <https://onesearch.ia>.

Understanding the internet in terms of language and terms. <http://repository.unpas.ac.id>.

Understanding the Values of Pancasila, <https://www.detik.com/edu/detikpedia>.

What are the negative impacts of internet use. <https://www.unpad.ac.id>.
Understanding social media and its types. <https://an-nur.ac.id>.
YouTube–Indonesian Wikipedia, the free encyclopedia. <https://id.m.wikipedia.org>.

What are the positive impacts of the internet for students? <https://blog.myorbit.id>.

What does the word Twitter mean?. <https://help.twitter.com>.

What is Facebook and what is its function? <https://digilib.iainkendari.ac.id>.

What is meant by philosophical values? <https://repository.radenfatah.ac.id>.

What is the legal basis, <https://smarteschool.id>.

What is the meaning of the internet and its functions? <https://www.gramedia.com>.

What is the meaning of Tik Tok? <http://eprints.umpo.ac.id>.
Meaning of the name
WhatsApp. <https://inet.detik.com>.

What is the sociological basis, <https://www.hukumonline.com>.

WordPres.com. <https://muvid.files.wordpress.com>.

Journals:

http://www.seskoad.mil.id/admin/file/article/Artikel_Rury3.pdf,
accessed on September 14, 2020.

<https://komunikasicyberbsi.weebly.com/pencemaran-nama-baik.html>, accessed
on September 14, 2020.

Rosmalinda, Ruri *The phenomenon of misleading news on social media in article scientific*.

Rusman and Fauziyah Mutmainah S, Acts of Defamation and Insults Through Electronic Media, *Mimbar Justitia Law Journal*, Vol. 7, No. 2 (2021), Faculty of Law, Suryakencana University.

Wahyu Erfandi Kurnia Rachman et al., Criminal Acts of Defamation on Social Media Based on Statutory Regulations, *Rechtidee Law Journal*, Vol. 15, No. 1 (2020), Faculty of Law, Trunojoyo University, Madura. Mastel, Results of the Mastel Survey on the National Hoax Epidemic. https://www.bkkbn.go.id/pocontent/uploads/Infografis_Hasil_Survey_MASTEltentang_Wabat_Hoax_Nasional.pdf accessed 14 September 2020.