

Legal Study on the Crime of Defamation through social media according to Law Number 19 of 2016 concerning Information and Electronic Transactions

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Abstract

The current era of globalization is marked by the development of information and electronic communication technology that affects people's lifestyles, one of these technological developments is social media. The consequences of the development of information technology are quite diverse, because users who cannot be limited by space and time are therefore said to be a double-edged sword. The positive consequences of the development of information technology include making it easier for humans to get information, share information, express themselves, and so on. Meanwhile, the negative consequences of the development of information technology are fraud, kidnapping, online gambling, human trafficking, prostitution, humiliation, and even defamation. The development of this technology has a significant influence on the understanding of crime, especially on the streams of criminology which focuses on the human factor both physically and psychologically. One of the crimes that often occurs in the development of information and communication technology is humiliation or defamation carried out through social media which is regulated in Article 310 and Article 311 of the Criminal Code. In addition, defamation through social media is also regulated in Article 27 paragraph (3) of Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions.

Keywords

crime; social media;
defamation; information;
electronic transactions (ITE)



I. Introduction

As formulated in Article 1 paragraph (3) of the 1945 Constitution, it is stated that Indonesia is a constitutional state. If viewed based on this statement, all aspects of life in this country are regulated and limited by legal norms that apply both in the social, political, cultural, economic, and other fields. Then, all human actions are regulated by law to minimize the occurrence of problems. Therefore, in real life in society, all problems that arise must be resolved in accordance with applicable law. However, in Indonesia there are still many people who take actions that are not in accordance with the legal norms in force in the country.

There are many laws that protect the interests of the general public, one of which is the codification of the Criminal Code. The Criminal Code is a book of laws that contains regulations that apply in Indonesia and is one of the legal norms that protects the interests of the wider community. It can be seen that the development of information and communication technology continues to develop according to the development of the era. Changes that occur naturally also occur due to changes in the law because the needs of the community continue to change quantitatively and qualitatively.

The case of misuse of social media that is currently happening is defamation. With the development of the era which is quite significant, social media abuse can occur through various media including Facebook, WhatsApp, Instagram, Telegram, Twitter, and so on. Defamation behavior at this time is a criminal act whose purpose is to damage someone's good name which is carried out by other parties on social media. This act is a criminal act because it disturbs public order, comfort, security and causes material and non-material losses.

The rise of cases of misuse of social media can be seen based on data from the Directorate of Cyber Crime (Dittipidsiber) of the Criminal Investigation Unit of the National Police which received more than 4,000 (four thousand) cases of cybercrime during the January-December 2020 period. Of the 4,000 cases, they were divided into 15 types of crimes. The most cases handled by the police were defamation cases with a total of 1,743 cases. Then followed by 1,295 cases of fraud, 390 cases of pornography, 292 cases of illegal access, 209 cases of hate speech, 189 cases of fake news, 160 cases of data manipulation, and 131 cases of threats. And the cases recorded below 100 include hacking of electronic systems as many as 38 cases, extortion as many as 35 cases, handled by the police were defamation cases with a total of 1,743 cases. Then followed by 1,295 cases of fraud, 390 cases of pornography, 292 cases of illegal access, 209 cases of hate speech, 189 cases of fake news, 160 cases of data manipulation, and 131 cases of threats. And the cases recorded below 100 include 38 cases of electronic system hacking, 35 cases of extortion, 29 cases of illegal interception, 10 cases of changing the appearance of the site, and 8 cases of system disturbance.

Based on the data above, it is very clear that the highest influence of social media abuse is occupied by cases of defamation. Many of these cases occur because of the lack of understanding of social media users about the impact of the dissemination or delivery of information on social media. So that there are many victims who feel the loss of this action. Some types of cyber crime today include credit card theft, defamation, hacking of several sites, wiretapping other people's data transmissions and data manipulation by preparing unwanted commands into computer programs. Thus, due to the existence of cyber crime, it poses a threat to stability, so that the government is quite difficult to balance the techniques of crime committed through computer technology, especially the internet network.

If it is seen from Article 310 of the Criminal Code paragraph (1) which reads "Anyone who intentionally attacks someone's honor or good name by accusing something that he means is clear so that it is known to the public, is threatened with pollution with a maximum imprisonment of nine months or a maximum fine. Rp. 4.500, - (four thousand five hundred rupiah)". As well as Article 310 paragraph (2) of the Criminal Code "If this is done with writing or pictures that are broadcast, shown or pasted in public, then the threat of contamination of writing with a maximum imprisonment of 1 year 4 months or a maximum fine of Rp. 4.500,- (four thousand five hundred thousand rupiah)."

In addition, defamation through social media is also regulated in Article 27 paragraph (3) of Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Information and Electronic Transactions, which reads "Everyone intentionally and without rights distributes and / or transmit and / or make accessible electronic information and / or electronic documents that contain insults and / or defamation."

According to the decision of the Constitutional Court No. 05/PUU-VI/2008 the interpretation of the norms contained in Article 27 paragraph (3) of the ITE Law regarding insults and/or defamation cannot be separated from its genus, namely the criminal law norms contained in Chapter XVI regarding insults in Article 310 and Article 311. KUHP.

So that in Article 27 paragraph (3) of the ITE Law, it must be linked to Article 310 and Article 311 of the Criminal Code. Thus, all elements of the criminal act of defamation in article 27 paragraph (3) refer to the understanding and essence of the element of defamation in article 310 and article 311 of the Criminal Code. The understanding and essence of article 310 and article 311 defamation or insult is intended to attack the honor or good name of another person with the intention of being known to the public.

II. Research Method

The research method used to answer the problem is descriptive analytical, namely research that seeks to describe and describe problems related to defamation through social media in the Indonesian legal system. In terms of the research approach, this research uses a normative juridical approach. The normative juridical approach is intended as a study at the conceptual level about the meaning and purpose of various national legal regulations relating to defamation through social media as regulated in Law Number 19 of 2016 and in the Criminal Code (KUHP).

III. Result and Discussion

3.1 Setting the Crime of Defamation Through social media

a. Definition of Defamation

1. Definition of defamation according to the Criminal Code (KUHP)

In the book of criminal law (KUHP) it is explained about defamation in article 310 of the Criminal Code, which reads:

1. Anyone who intentionally attacks someone's honor or reputation by accusing something clearly intended so that it is known to the public, is threatened with libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.
2. If this is done by means of writing or pictures that are publicly broadcast, displayed or pasted, the threat of written libel is punishable by a maximum imprisonment of one year and four months or a maximum fine of four thousand five hundred rupiahs.
3. It does not constitute pollution, if the act is carried out in the public interest or because it is forced to defend oneself.

2. Definition of Defamation According to the Electronic Information and Transactions Law (UU ITE)

The definition of defamation is regulated in Article 27 paragraph (3) of Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, which formulates:

“Every person intentionally and without rights distributes and/or transmits and/or makes accessible electronic information and/or documents that contain insults and/or defamation.”

The article above explains that defamation is carried out intentionally and without rights, such acts can be carried out by distributing and/or transmitting and/or making electronic information or documents accessible. The article also explains that the information or documents that are distributed or broadcast are those that contain insults or defamation.

3. Definition of Defamation according to Experts

1). According to Moh. Anwar

A good name is a good judgment according to the general assumption about a person's behavior or personality from a moral point of view. A person's good name is always seen from the point of view of others, namely morals or other personalities so that its size is determined based on general assessments in a particular society in the place where the act is carried out and the context of the act.

2). According to Wawan Tunggal Alam

Defamation can be interpreted as an act that tarnishes or tarnishes the good name of (someone). Meanwhile, according to the phrase defamation is defined as defamation (slander), slander and libel. Slander is oral defamation (slander verbally) while libel is written defamation (slander in writing).

3). According to Hamzah Hasan

In legal cases, defamation is an act of insulting or insulting another person or attacking the good name or honor of another person and broadcasting it so that it is known to the public or either orally or in writing. Meanwhile, according to the Criminal Code, insult or defamation is any attack on a person's honor and reputation by not containing an accusation of committing a particular act or not intended to broadcast it to the public, this can be punished but is limited to the ways of doing it.

4). According to R. Soesilo

Apply what is meant to insult or attack someone's honor and reputation. Those who are attacked usually feel ashamed. The honor that is attacked here is not honor in the sexual sense of the word.

The sense of honor is objectified in such a way and must be reviewed with a certain deed. Because in general someone will feel offended or not based on someone else's actions. Defamation is known as insult, which is basically an attack on a person's reputation and/or honor so that the person is embarrassed and harmed.

b. Forms of Defamation

1. Forms of Criminal Defamation according to (KUHP)

Defamation or insults or slander that is spread in writing is known as libel, while what is spoken is called slander. The Criminal Code (KUHP) states that insults or defamation can be carried out verbally or in writing. The following are forms of defamation as regulated in Law Number 1 of 1946 concerning the Criminal Code (KUHP).

The Criminal Code (KUHP) regulates insults and/or defamation which consists of several articles. The positive criminal law of humiliation by Adami Chazawi distinguishes it into general insults (regulated in chapter XVI book II of the Criminal Code) and special insults (spread outside chapter XVI book II of the Criminal Code). The object of public humiliation is in the form of a sense of self-worth or dignity regarding honor and regarding the good name of a private person (private). In contrast to special insults, the object of humiliation is a sense of self-worth or dignity regarding communal or group honor and reputation.

2. General Humiliation

General insults consist of 7 (seven) forms, namely libel or blasphemy (smaad), written libel or blasphemy (smaadachrift), slander (laster), minor insults (eenvoudige belediging), slanderous complaints (lasterajke aanklacht), giving rise to false assumptions, and insults. about the dead.

a. Pollution or blasphemy is regulated in Article 310 of the Criminal Code, namely:

- Whoever deliberately attacks someone's honor or reputation by accusing someone of an act with clear intentions so that it is known to the public, is threatened with libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.
 - If this is done by means of writing or pictures that are publicly broadcast, displayed or pasted, the threat of written libel is punishable by a maximum imprisonment of one year and four months or a maximum fine of four thousand five hundred rupiahs.
 - It does not constitute pollution, if the act is carried out in the public interest or because it is forced to defend oneself.
- b. Written Pollution is formulated in Article 310 paragraph (2) of the Criminal Code, namely:
- "If this is done by means of writing or pictures that are broadcast, displayed or pasted openly, the threat of written libel is punishable by a maximum imprisonment of one year and four months or a maximum fine of four thousand five hundred rupiahs."*
- c. Slander is formulated in Article 311 of the Criminal Code, namely:
- If the person who commits the crime of defamation or written defamation is allowed to prove what is alleged is true, does not prove it, and the accusation is made contrary to what is known, he is threatened with slander with a maximum imprisonment of four years.
 - The revocation of rights based on article 35 number 1-2 can be imposed.
- d. Minor insults are formulated in article 315 of the Criminal Code, namely:
- "Every deliberate insult that is not defamatory and/or written defamation committed against a person, either in public orally or in writing, or in front of the person himself by word of mouth or deed, or by a letter sent or received to him, is threatened with for minor contempt with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiahs."*

3. Special Humiliation

Crimes against co-honor or criminal acts of humiliation are generally directed against a person who is still alive, because honor or good name is something that is owned by a human who is still alive, while a human who has died cannot have it anymore. Likewise with legal entities, in essence they do not have honor, but the Criminal Code adheres to certain legal entities including the President or Vice President, Representatives of friendly countries, Groups/Religions/Tribes and Public Bodies have honor and good reputation.

c. The form of the Criminal Acts of Defamation in Law Number 19 of 2016 changes to Law Number 11 of 2008 concerning Information and Electronic Transactions.

Many new crimes have emerged, this can be said to be a form of sophisticated crime committed with high or intellectual techniques, making it difficult to understand for ordinary people and those who are not technology savvy. So to overcome and to address issues regarding electronic media, rules are needed for that.

In addition to the Criminal Code (KUHP), insults are also regulated in Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, namely in article 27 paragraph (3) in conjunction with article 45 paragraph (1). Article 27 paragraph (3) reads:

"Every person intentionally and without rights distributes and/or transmits and/or makes accessible electronic information and/or documents that contain insults and/or defamation."

Then article 45 paragraph (1) contains:

"Everyone who fulfills the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be sentenced to a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 1,000,000,000,- (one billion)."

If it is elaborated, then the contents of article 27 paragraph (3) contain about:

- Distributing means sending and/or disseminating electronic information and/or electronic documents to many people or various parties through an electronic system
- Transmitting is sending electronic information and/or electronic documents addressed to one party through the system.
- Making accessible is all actions other than distributing and transmitting which causes electronic information and/or electronic documents to be known to other parties.
- Electronic information is one or a set of electronic data, including but not limited to writing, sound, pictures, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegrams, or the like, letters, signs, numbers, code, access, processed symbols that have meaning or can be understood by people who are able to understand them.
- Electronic document is any electronic information that is created, forwarded, sent, received or stored in analog, digital, electromagnetic, optical, or similar forms that can be seen, displayed, and/or heard through a computer or electronic system.

d. Regulation of the Crime of Defamation

1). Regulation on Defamation in the Criminal Code (KUHP)

1. In the criminal law code (KUHP) insult is regulated in chapter XVI which contains a family of defamation. In general, humiliation is a condition of someone who is accused of something that is true in fact but is embarrassing because it is known to the public as intended by Article 310 paragraph (1) of the Criminal Code which reads: "Whoever intentionally damages someone's honor or good name by accusing him of doing something an act with a real intention will make the accusation public, with a maximum imprisonment of nine months and/or a maximum fine of four thousand five hundred rupiahs."
2. Article 311 paragraph (1) of the Criminal Code has a formulation which contains the opposite of the article above, if what is alleged is not true then he is considered to have committed slander or defamation, this article reads: "Anyone who commits a crime of insulting or blaspheming in writing is permitted to prove the accusation. If he is unable to prove and if the charges he commits are found to be untrue, he shall be punished with wrongful libel with a maximum imprisonment of four years."
3. However, if the insult is carried out in other ways than "accusing an act", for example by saying "dog, foster, bastard, and so on", then it is included in Article 315 of the Criminal Code which is called a light insult. Article 315 of the Criminal Code reads: "Every intentional insult that is not insulting or insulting in writing that is done to a person either in a public place orally or in writing or in front of the person himself verbally or by deed, as well as in writing sent or received to him., shall be sentenced for light contempt with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiahs."

2). Defamation Regulations in the Electronic Information and Transaction (ITE) Law

The growing era marked by the rise of social media users has resulted in an increase in the types of crimes in which victims and perpetrators are in different places. So this makes the government design a regulation to respond to the effects of today's developments. In 2008 a law related to electronics was drafted and in 2011 the law was promulgated which was named UU ITE, then in 2016 there was one change, this explanation has been explained in the previous point. The regulation of defamation through social media is regulated in Article 27 paragraph (3) of Law Number 11 of 2008 concerning Information and Electronic Transactions, which states:

"Every person intentionally and without rights distributes and/or transmits and/or makes Electronic Information and Transactions and/or Electronic Documents accessible with insulting and/or defamatory content."

The article above contains several elements, including elements of intentional, unauthorized, distributing, transmitting, making information accessible, insulting and polluting. If someone is a social media user who presumptuously makes information that offends another person's honor and/or the good name of another person in which these elements are contained, then that person can be charged with article 27 paragraph (3).

3.2 Enforcement of the Crime of Defamation Through Social Media

a. Definition of Law Enforcement

Law enforcement is an attempt to make the ideas of justice, legal certainty and social benefits a reality. Criminal law enforcement is a unified process that begins with the investigation, arrest, detention, trial of the accused and ends with the prison of the convict. According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values outlined in the rules or views of solid values and the final stage of attitude to create, maintain and maintain peaceful social life.

Criminal law enforcement is the concrete application of criminal law by law enforcement officials or in other words law enforcement is the implementation of applicable legal rules. The enforcement of criminal law in concreto consists of the application stage (investigation) and the stage of implementing the law by law enforcement officials, which can be called the judicial stage and the execution stage.

b. Types of Law Enforcement Agencies in Indonesia

1. Prosecutor

According to Law no. 16 of 2004 concerning the Prosecutor's Office, the Prosecutor's Office in the development of the constitutional system in Indonesia, the Prosecutor's Office is part of the executive body that is subordinate to the president. However, in terms of the function of the prosecutor's office, it is part of the judiciary.

This can be seen from article 24 of the Third Amendment to the 1945 Constitution which stipulates that judicial power is exercised by a Supreme Court and other judicial bodies whose functions are related to judicial power. The assertion regarding other judicial bodies is clarified in Article 41 of Law no. 4 of 2004 concerning Judicial Power which reads:

"Other bodies whose functions are related to judicial power include the Indonesian National Police, the Prosecutor's Office of the Republic of Indonesia, and other bodies regulated by law".

2. Justice

The existence of court institutions as a subsystem of criminal justice is regulated in Law no. 48 of 2009 concerning Judicial Power. Article 1 paragraph (1) of the law provides a definition of judicial power, as follows:

"Judicial power is the power of an independent State to administer justice to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia, for the sake of the implementation of the State of Law of the Republic of Indonesia."

In accordance with Law no. 48 of 2009 and the Criminal Procedure Code, the task of the court is to receive, examine and decide cases that are submitted to him. In examining a defendant, the judge is based on the indictment made by the Public Prosecutor and based on the evidence as stipulated in Article 184 of the Criminal Procedure Code. Then with at least 2 (two) pieces of evidence and his belief, the judge renders his decision.

a. advocate

Law Number 18 of 2003 states that advocates have the status of law enforcement, free and independent which are guaranteed by laws and regulations. In the explanation of Article 5 paragraph (1) of Law Number 18 of 2003 it is further emphasized that what is meant by an advocate with the status of law enforcement is an advocate as one of the instruments in the judicial process that has an equal position with other law enforcers in upholding law and justice.

b. Prison (Penitentiary)

Correctional institutions are regulated in Law Number 12 of 1995 concerning Corrections which changes the prison system to a correctional system. The correctional system is a series of law enforcement units, therefore its implementation cannot be separated from the development of a general concept of punishment. According to the provisions of Article 1 point 3 of Law no. 12 of 1995 states that LAPAS is a place to carry out coaching for prisoners and correctional students. Correctional institutions that deal with the life of prisoners while serving a criminal period. What is meant in this case is imprisonment.

c. Police

Police as a criminal justice subsystem are regulated in Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 explains that the Police have the main task of maintaining public security and order, enforcing the law and providing protection, guidance and services to the community. Meanwhile, in criminal justice, the Police have special authority as investigators which are generally regulated in Article 15 and Article 16 of Law no. 2 of 2002 and in articles 15 to 17 of the Criminal Procedure Code.

3. Criminal Law Enforcement Process against Criminal Defamation through Social Media

In dealing with cybercrime, positive law in Indonesia is still *lex locus delicti*. However, this is different from the situation and conditions of law violations that occur in cyber crime where the perpetrators of cybercrimes and victims are in different places. The area of cyber crime that is so wide but easily accessible has led to rampant crime.

In the process of law enforcement of criminal defamation through social media. As it is known that cyber crime perpetrators are usually irresponsible people who have quite a lot of social media with many account names. The perpetrators usually use pseudonyms, making the search process difficult. Therefore, experts in the field of electronic information are needed to facilitate the search for perpetrators of social media crimes.

3.3. Application of the Criminal Law of Defamation

The rapid development of society in the world of technology and electronic information has caused many things to change, starting from the mindset, lifestyle, behavior and types of crime which of course also resulted in changes to the law to deal with it. The implementation of these legal changes is currently a problem, due to the lack of awareness from the public about the law.

Law is essentially the protection of human interests which is a guideline on how people should act. However, the law is not just a guide. But the law must be obeyed, implemented, maintained, and enforced. The application of law in people's lives has a very important meaning, because the purpose of law lies in the application of the law itself. When viewed from the rampant developments of the era which is marked by the rapid use of electronic media today which causes the emergence of new crimes in the electronic world, of course, legal applications are also needed to tackle some social media crimes. One of the criminal acts that often occurs and invites debate in the field of information and electronic transactions is defamation through social media. The criminal defamation law is regulated in Article 310 of the Criminal Code which consists of 3 (three) paragraphs, which include:

1. Anyone who intentionally attacks someone's honor or reputation, by accusing something of being known to the public, is threatened with libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.
2. If the act is carried out by means of writing or pictures that are broadcast, displayed or posted in public, those guilty of written libel shall be punished by a maximum imprisonment of one year and four months or a maximum fine of three hundred rupiahs.
3. It does not constitute libel or written defamation if the clear act is carried out in the public interest or because it is forced to defend itself.

In the application of criminal law, especially defamation through social media, several efforts can be made, including the following:

1. Preventive Effort

Preventive efforts are social control measures taken to prevent or reduce the possibility of undesirable things happening in the future. In this effort, the police can make an appeal to the public about electronic social media in various ways. In addition, explanations are also needed, such as talk shows, seminars, advertisements, workshops on being wise and intelligent in the use of social media.

2. Repressive Effort

Repressive effort is an act of social control that is carried out after a violation or bad event occurs. In this effort, the police cooperate with stakeholders to arrest the perpetrators of crimes. Repressive measures aim to restore harmony that has been disturbed due to violations by imposing sanctions in accordance with the violations committed.

3. Litigation Legal Effort

Litigation is a way of solving legal problems through the courts. Generally, the implementation of a lawsuit is called litigation, a lawsuit is a civil action brought to a court of law where the plaintiff, the party who feels that he has been harmed as a result of the defendant's actions to seek justice. Legally, the definition of legal remedies is regulated in Article 1 number (12) of the Criminal Procedure Code, "Legal effort is the right of the defendant or public prosecutor not to accept a court decision in the form of resistance or appeal or cassation or the right of the convict to submit a request for reconsideration in matters and according to the method regulated in this law."

In the practice of criminal cases, there are 2 (two) kinds of legal remedies, which include ordinary legal remedies and extraordinary legal remedies. As for the description:

- 1) Ordinary legal remedies
 - a. Appeal (Article 67 of the Criminal Procedure Code) "The defendant or the public prosecutor has the right to appeal against the decision of the court of first instance, except for the acquittal, free from all lawsuits concerning the problem of inaccuracies in the application of the law and the court's decision in a expeditious procedure." An appeal is one of the ordinary legal remedies that can be requested by one or both parties litigating against a criminal decision. Court decisions that can be appealed are only court decisions in the form of decisions, not decisions. The grace period for filing an appeal is 7 (seven) days after the verdict is read as stipulated in article 233 paragraph (2) of the Criminal Procedure Code. If the time period has elapsed, the appeal submitted will be rejected.
 - b. Cassation (article 244 KUHAP) "There is a decision in a criminal case that is given at the last level by a court other than the Supreme Court, the defendant or the public prosecutor may submit a request for a cassation examination to the Supreme Court except for an acquittal." Cassation is one of the ordinary legal remedies that can be requested by one or both parties litigating against a criminal decision. The convict can file an appeal if he is not satisfied with the appeal decision of the high court (PT). The appeal process will be examined by the Supreme Court later. The deadline for submitting an appeal is 14 (fourteen) days from the date of notification to the defendant of the result of the appeal decision as regulated in Article 245 paragraph (1) of the Criminal Procedure Code.
- 2) Great legal effort
 - a. Examination of the cassation level for legal purposes

An application for cassation in the interest of law is submitted by the Attorney General to the Supreme Court in writing against a decision that has been decided by a court other than the Supreme Court through the court clerk who has decided the case in the first instance, accompanied by minutes containing the reasons for the request provided that it should not harm the parties. interested parties and can only be submitted once.

A copy of the minutes submitted by the Attorney General shall be submitted to those concerned. Likewise, a copy of the cassation decision for legal purposes by the Supreme Court is also submitted to the person concerned accompanied by the case file.
 - b. Review of court decisions that have obtained permanent legal force.

The review is carried out on court decisions that have permanent legal force by the convict or his heirs to the Supreme Court, except for decisions that are acquitted or free from all lawsuits.

IV. Conclusion

Based on the descriptions that have been stated previously, the following conclusions are drawn:

1. Defamation according to article 27 paragraph (3) of the Electronic Information and Transaction Law (UU ITE) acts that are carried out intentionally and without rights contain insults or defamation which refers to article 310 of the Criminal Code (KUHP) is attacking someone's honor or reputation by accusing someone of something with clear intentions so that it is known to the public. This includes text and images that are

- broadcast, displayed and pasted. So that if there is defamation or humiliation, the person who is attacked will feel ashamed and humiliated. Liability for criminal acts of defamation in cyberspace can be applied with imprisonment or fines in accordance with the provisions of the applicable law.
2. Criminal law enforcement is a unified process that begins with the investigation, arrest, detention, trial of the accused and ends with the prison of the convict. Law enforcement can be carried out by all people domiciled in the territory of Indonesia. There are several law enforcement agencies in Indonesia including the Prosecutor's Office, the Judiciary, Advocates, the Police and Lapas (correctional institutions).
 3. The application of the criminal act of defamation through social media is regulated in Article 27 paragraph (3) of the ITE Law, which must be linked to Article 310 and Article 311 of the Criminal Code. Thus, all elements of the criminal act of defamation in article 27 paragraph (3) refer to the understanding and essence of the element of defamation in article 310 and article 311 of the Criminal Code.

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