

JURIDICAL STUDY OF DEFAMATION CRIME LIABILITY IN SOCIAL MEDIA IN THE DIGITAL ERA

DADDY HARTADI *

Doctoral Program in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang. *Corresponding Author Email: daddyhartadi@students.undip.ac.id

YOS JOHAN UTAMA

Lecturer, Doctoral Program in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang.

DEDI PRASETYO

Lecturer, Doctoral Program in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang.

Abstract

This study aims to analyze the responsibility for criminal defamation in social media in the digital era. The results showed that defamation or insults carried out through social media can be categorized as an act of Cyber Crime, because it has violated the provisions of general criminal offenses as in Article 331 of the Criminal Code, can be imposed for cases of defamation using the internet media. There are six types of defamation in the Criminal Code, namely 1) Blasphemy, 2) Defamation with letters, 3) Slander, 4) Mild insult, Criminal liability for criminal defamation, it needs to be seen from the article first, in relation to what mistakes are emphasized based on Criminal Code, Law No. 40 of 1999 concerning the Press, Law no. 32 of 2002 concerning Broadcasting, and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE).

Keywords: Defamation, Insult, Accountability, Criminal, Acts.

A. INTRODUCTION

The advancement of information and communication technology is currently growing rapidly, where information is very easy to spread using information technology and the internet. In this era of information technology too, the development of internet users itself has increased every year. Based on a routine survey by the Indonesian Internet Service Providers Association (APJII), internet users in Indonesia, every year are increasing, constantly. In 2014, internet users in Indonesia only reached 88 million people. However, in 2016, an APJII survey stated that there was an increase in the number of users to 132.7 million users. Then, in 2017 the number increased. In that year, internet users numbered 143.26 million. This figure continues to increase until in 2018 it reached 171.17 million users. (APJII, 2018).

The high growth of internet users is the potential for many internet users to use social media or social networks. Based on Hootsuite data (in 2019 in Indonesia there were 150 million active social media users (up 15% or around 20% from 2018). Then mobile social media users as many as 130 million (up 8.3% or about 10% from 2018).¹

Every technology is created to meet a certain human need. Once created, technology is developed to be more effective and efficient to meet the intended needs, and the old technology will be abandoned. However, once the technology is created and developed, the use of the technology can be both conforming to its purpose and development as well as beyond its original purpose, as it is known as the double-edged sword.²

Social media is one of the platforms that appears in cyber media. Therefore, looking at social media is not much different from the characteristics possessed by cyber media. Gane and Beer (2008) specifically provide key concepts to understand more clearly what cyber media is and how it is characterized. Furthermore, when talking about the character of social media, it is to form a network between its users. It doesn't matter whether in the real world (*offline*) between users know each other or not, but the presence of social media provides a medium for users to connect technologically.³

Cyberspace, *cybercrimes*, and *cyberlaws* are an inseparable part of today's information and communication technology. These terminologies are increasingly popularly discussed in various print and electronic media, by observers in newspapers, academics in various scientific journals, and also included by the government in the formation of laws and regulations or laws that regulate all activities in the *cyber* world. The legal aspects in the cyber 3 legal regime are quite extensive, namely in administrative, civil, and criminal law. All three areas of law can be referred to as *cyberlaw*. The definition of crime in the field of information technology, which is in ⁴*cyberspace (cybercrime)* always refers to crime in the juridical sense, that is, human activities that are expressly prohibited in laws and regulations. Crime in this context is not the same as the term crime as stipulated in the legislation, which distinguishes between an act in the qualification of a crime (*misdrift*) and a form of action in the qualification of an offense (*overtrading*). However, crime in this context is a human activity that by legislation qualifies as a criminal offense.

Through the internet the exchange of information can be done quickly, precisely, as well as at a low cost. Therefore, the internet can be a medium that makes it easier for someone to commit various types of criminal acts based on information technology (*cybercrime*) such as, criminal defamation. Before technological advances that led to criminal defamation through social media, defamation actions were known as acts of humiliation and slander to their victims. With a very large number of social media users in Indonesia, it should be accompanied by knowledge and understanding of the use of social media. This understanding aims to make social media users more careful not to be entangled in criminal penalties. This is due to the fact that the large number of social media users also brings about the increasing number of defamation cases through social media.^{5 6}

Defamation is one of the criminal acts that has not been fully regulated in the Criminal Code (hereinafter referred to as the Criminal Code), further regulated in the ITE Law. The qualifications for criminal acts of contempt or defamation as referred to in Chapter XVI Articles 310 to 321 of the Criminal Code vary widely, depending on the elements of the criminal act as formulated in the description of the article. It is also necessary to look at the nature of criminal acts in general which are essentially violations of norms which are also an act that violates legal interests, or that only endangers one's own legal interests.⁷

The criminal act of defamation is not uncommon to be committed by a person or group of people through the social network accounts he owns, it is not uncommon for us to hear the defense mentioned on the grounds of the right he has to issue his opinion without knowing that he committed a legal deviation that is to interfere with the rights of others. Therefore, the author is interested in studying criminal defamation on social media.

B. DISCUSSION

1. Provisions for Defamation Through Social Media based on Laws and Regulations

Defamation is commonly referred to as a criminal offense against honor because it contains an element of "contempt". Lawmakers, from the outset, intended to protect:

- a. Kehormatan (*honor*)
- b. Good name (*goedenaam*)

Good name and honor are in principle human rights. But it is not easy for someone to be considered to have attacked someone's honor and good name. Honor and good name are subjective from the sense of self-worth of each individual inner not being equal to one another. Therefore, other elements of an act of contempt or defamation need to be fulfilled, such as the element of intentionality in the form of a will to commit an act of contempt, and the existence of an element of the act of contempt is intended to be known by the public.⁸

Defamation or humiliation committed through social media can be categorized as an act of *Cyber Crime*, because it has violated the provisions of the general criminal offense as in Article 331 of the Criminal Code, can be imposed for defamation cases using internet media. As in the UN document in the UN congress X/2000, ⁹*cybercrime* includes crimes committed:

- a. By using the means of a computer system or network;
- b. Inside a computer system or network; and
- c. Against a computer system or network¹⁰

Elements of Defamation based on the formulation of Article 310 paragraph (1) of the Criminal Code regarding contempt, namely:

"Whoever deliberately damages a person's honor or good name by accusing him of doing something with the express intention of making the accusation shall be punished with a penalty, with imprisonment for a term of nine months or a fine of not more than four thousand five hundred dollars".

Based on the formulation above, there are elements of defamation as follows:

- a. deliberately;
- b. attacking the honor or good name of others;
- c. alleging a certain deed, and
- d. with a real intention to make it known to the public.

The explanation of the elements of defamation is as follows:¹¹

a. Deliberately

According to the doctrine (science), deliberately includes a subjective element, which is aimed at the deed meaning that the perpetrator knows his deeds, the perpetrator is aware of saying his words that contain violations of the honor or good name of others. In this case, the perpetrator is aware of or knows that the words are spoken and knows that they are "menista" words, that the perpetrator has no intention of insulting or menista, is not part of the dolus and opzet.

b. Attacking the honor or good name of another person

The word attack in question does not mean to invade but rather in the sense of violating. The word "good name" is intended as an honor bestowed by the general public on a person either for his deeds or his position.

c. Accusations of committing a particular act

The word "certain deed" in the sense that the alleged deed is clearly stated, both place and time. If it is not clearly called the time and place of the deed then the perpetrator's deed is an ordinary insult.

d. With a real intention to be known to the public

This element in its application requires carefulness because it must be provable "real intent to broadcast". Especially regarding proof, caution is needed because if the allegations of the act are gossip from word of mouth and are not heard by others, then it is difficult to prove it.

Operationally, defamation through social media is an act carried out by a person or person who without the right to spread slander or words in the form of videos, writings, or images that can attack someone's honor and good name and those who are attacked usually feel ashamed.¹²

D Such as defamation charges through social media that have been regulated in the following various laws and regulations:

a. Defamation According to the Criminal Code

For the people of Indonesia, the "honor of good name" has been covered by its protection and guarantee in Pancasila, both on the Almighty Godhead and on "just and civilized humanity", living in mutual respect. Defamation is considered a violation of the norms of

decency. Defamation is closely related to a word of contempt where contempt itself has the meaning of an act of attacking a person's good name and honor.^{13 14}

In the Criminal Code, the criminal act of defamation described in Chapter XVI Book II of the Criminal Code is to base the details in the Criminal Code, in relation to the print media as a criminal offender. Defamation of a person in the Criminal Code is formulated in defamation of blasphemy orally (Article 310 (1) of the Criminal Code), menista by letter (Article 310 (2) of the Criminal Code), slander (Article 311 of the Criminal Code), mild contempt (Article 315 of the Criminal Code), contempt of a defamatory nature (Article 317 of the Criminal Code), acts of accusations of a libel nature (Article 318 of the Criminal Code), contempt of the deceased person (Articles 320-321 of the Criminal Code).

Delik defamation in Indonesia, the delik of the genus can be found in Chapter XVI of the Criminal Code on Contempt. R Soesilo in the explanation of Article 310 of the Criminal Code states that, insulting is attacking the honor and good name of a person. These attacked ones usually feel ashamed. The honor attacked here is only about honor about good name, not honor in the sexual field or honor that can be defamed for offending his pubic member in an environment of genital lust. In principle, regarding defamation is regulated in the Criminal Code, Chapter XVI on Contempt contained in Articles 310 to 321 of the Criminal Code.¹⁵

Looking at the explanation in Article 310 of the Criminal Code, it can be concluded that the Criminal Code divides the following 4 kinds of insults:¹⁶

1) Blasphemy

Article 310 paragraph (1) of the Penal Code states that whoever intentionally damages a person's honor or good name by accusing him of doing something with the express intention of making the accusation, shall be punished for menista, with imprisonment for a term of nine months.

2) Blasphemy by mail

In Article 310 paragraph (2) of the Criminal Code which states that if this is done with writing or menista with writings or images that are broadcast, referred to the public or pasted, then the person who does so is punished for menista with writing with a prison sentence of nine months.

3) Fitna

In Article 311 of the Penal Code which states that whoever commits the crime of menista or menista with writing, in the event that he is allowed to prove his allegations, if he cannot prove and if the allegations are made by him being found to be untrue, is punished for defamation with imprisonment for a term of four years.

4) Mild insults

Article 315 of the Penal Code states that any intentional insult that is not defamatory or defamatory, committed against a person, whether in public by oral or written, or in the person's face by oral or deed, or by a letter sent or received to him shall be punished with

imprisonment for a period of four months and two weeks. This kind of insult is carried out in public places in the form of swear words of a derogatory nature.

b. Defamation According to Law No. 40 of 1999 concerning the Press

Defamation in Law No. 40 of 1999 concerning the Press, the arrangement is not specifically explained as in the Criminal Code. Law No. 40 of 1999 explains that the Press has a function as a medium of information, education, entertainment and social control and can also function as an economic institution as described in Article 3 of Law No. 40 of 1999. However, implicitly criminal acts classified as defamation in Law No. 40 of 1999 concerning the Press are contained in Article 5 paragraph (1) and Article 13 letter (a). In addition, in Law No. 40 of 1999 concerning the Press, there are no prison sanctions against perpetrators, namely journalists and mass media (print and electronic), but there are only fines as explained by Article 18 of Law No. 40 of 1999.¹⁷

c. Defamation According to Law No. 32 of 2002 concerning Broadcasting

One form of press is electronic media (television broadcasts or radio broadcasts). Based on Broadcasting Law Number 32 of 2002 concerning Broadcasting, it is emphasized that broadcasting in the form of television broadcasts or radio broadcasts, is an activity that has a function as a medium of information, education, entertainment, and social control. In carrying out the broadcasting function, the rule of law is needed to overcome various violations, one of which is the application of criminal sanctions in the Broadcasting Law. Article 36 paragraph (5) of Law No. 32 of 2002 which contains prohibitions in broadcast content, namely in letter a, broadcast content is prohibited from being defamatory, inflammatory, misleading and/or false.¹⁸

d. Defamation According to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law)

In Article 27 paragraph (3) of the ITE Law, a person who can be said to be violating when fulfilling 4 elements, namely (1) everyone's element; (2) Elements intentionally and without rights; (3) the element has a charge of contempt and/or defamation; (4) distribute and/or transmit and/or make accessible

The element of "everyone", according to Article 1 number 21 of the ITE Law, states that people are individual persons, both Indonesian citizens, both foreign citizens, and legal entities. So the element of everyone according to Article 27 paragraph (3) is "every individual person, every citizen, both Indonesian citizen and foreign citizen or a legal entity who intentionally and without the right to distribute and/or transmit makes accessible Electronic Information and/or Electronic Documents that have the content of contempt and/or defamation.

The elements of "intentionally" and "without rights" Article 27 paragraph (3) of the ITE Law are a cumulative form that at the level of application of the law must be proven by law enforcement in enacting the Article. The "intentionally" and "without rights" element means that a person who commits the act knows and wills knowingly that his or her act

was done without rights. In other words, the perpetrator knowingly wants and knows that the act of "distributing" and/or "transmitting" and/or making accessible electronic information media and/or electronic documents that have the content of contempt and/or defamation.¹⁹

The element of "no rights" is an element of unlawfulness. It is this element of "willfully" and "without rights" that must be cumulatively provable to determine whether a person can be convicted under Article 27 paragraph (3) of the ITE Law. The element of "having a charge of contempt and/or defamation" refers to the provisions of Chapter 16 of Book II of the Criminal Code on contempt, particularly with regard to the provisions of Articles 310 and 311 of the Criminal Code. Both Articles provide a basis for understanding or essence regarding contempt or defamation, namely attacking the honor or good name of another person with the intention of being publicly known.²⁰

2. Criminal Liability of Perpetrators of Defamation According to Statutory Provisions

a. Criminal Liability of Defamation Perpetrators According to the Criminal Code

In criminal law the concept of liability or "liability" is a central concept known as the doctrine of guilt. In Latin this error teaching is also called *mens rea*. An act does not result in a guilty man unless the person thinks it is evil. The doctrine of *mens rea* is based on *maxim actus non facit reum nisi mens sit rea*, which means "an act does not result in a person being guilty if the person's mind is evil".²¹

The Criminal Code does not explicitly mention the criminal liability system adopted. Some articles of the Criminal Code often mention errors in the form of intentionality or negligence. But unfortunately, the two terms are not further explained by the Act on their meaning. So, neither intentionality nor negligence there is any further information in the Criminal Code. Both words are often used in the formulation, as if they were certain, but do not know what they mean. It does not seem to cause any more hesitation in its implementation.²²

To find out the criminal liability for criminal defamation, it is necessary to look at the article first, regarding what mistakes are emphasized. Based on the provisions in the Criminal Code, the articles used to ensnare criminal defamation are regulated in Chapter XVI on contempt contained in Articles 310 to 321 of the Criminal Code. Article 310 can be used to ensnare a defamation offender who has a subjective element intentionally, while the objective element is attacking a person's honor or good name by alleging something, which means that it should be known to the public.²³

In the Criminal Code, it is emphasized on the act, namely on the element of intentionality committed by the perpetrator, so that to prove the guilt of the perpetrator, it is focused on intentionality for his actions. Honorary crimes including complaints are regulated in Chapter VIII, Article 72, Article 73, Article 74, and Article 75 of the Criminal Code. A complaint is a written statement from a person who has the right to complain that he or she wants to prosecute the perpetrator of a criminal offense. The concept of "complaining person" if the person who suffers or the victim of a crime is an adult, then it does not

cause problems because the victim is the one who has the right to complain, if the victim who wants to make a complaint is an immature child, this is regulated in Articles 72 and 73 of the Criminal Code. Based on the formulation of Article 72 of the Criminal Code, those who have the right to complain are their legal representatives, guardians of supervisors / guardians of guardians, inbred families to the third degree. If the victim of the crime has died, then the complaint is regulated by Article 73 of the Criminal Code, namely his parents, children, wife / husband who are still alive. (Leden Marpaung,2020:77-78).²⁴

b. Criminal Liability of Perpetrators of Defamation According to Law No. 40 of 1999 concerning the Press

The accountability of the press after the enactment of Law No. 40 of 1999 concerning the Press, is explicitly regulated in Article 12 and Article 18 paragraph (2), reads the article, namely:

Article 12

"The press company shall publicly announce the name, address, and person in charge through the media concerned; specifically for press publishing plus the name and address of the printing house."

Based on the explanation of Article 12 of Law Number 40 of 1999 concerning the Press, it states that the person in charge is the person in charge of the press company which includes the business field and the editorial field, as long as it concerns criminal responsibility adheres to the provisions of the applicable laws and regulations. Article 18 paragraph (2) Press companies that violate the provisions of Article 5 paragraphs (1) and (2), as well as Article 13 are punished, with a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah) Then based on the explanation of Article 18 paragraph (2) of Law Number 40 of 1999 concerning the Press, states that in the event of a criminal offense, a fine can be imposed.

Based on Article 12 and Article 18 paragraph (2) it can be concluded that the responsibility of the press, namely:

- 1) Based on Law No. 40 of 1999 concerning the Press, press liability includes fictitious liability, because it still places the person in charge of the press company which includes the business field and the editorial field. This party who can be responsible for reporting if there is a violation of the law is the editor-in-chief;
- 2) Based on the explanation of Article 12 of Law No. 40 of 1999 concerning the Press, it concerns criminal liability following the provisions of the applicable legislation. The prevailing meaning is meant as "individual responsibility" which concerns the actual and factual wrongdoer

c. Criminal Liability of Perpetrators of Defamation According to Law No. 32 of 2002 concerning Broadcasting

Article 57 letter d, regulates criminal sanctions for violations of Article 36 paragraph (5) which contains prohibitions in the content of broadcasts, namely in letter a, the content of broadcasts is prohibited from being defamatory, inflammatory, misleading and/or false. This means that if there is a violation, namely against the content of the broadcast, one of which is through a television broadcast, there is slander which then defames, a person responsible for the broadcasting institution (television station) can be sentenced to a criminal offense.

The responsibility regulated in Law Number 32 of 2002 concerning Broadcasting, is based on Article 54, namely: Article 54 The head of the broadcasting institution's legal entity is generally responsible for the implementation of broadcasting and must appoint a person in charge of each program implemented. It can be interpreted that the leader of a legal entity in a broadcasting institution is generally responsible, but the main responsibility is appointed towards the person in charge of each program. If there is a violation of the law in a show or broadcast, the person responsible is the person in charge of the broadcast, namely the broadcast producer.

d. Criminal Liability of Perpetrators of Defamation According to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law)

The ITE Law is a *Lex Specialis* of the Criminal Code because it is a specificity of contempt in the Criminal Code in the internet realm. It is known that the ITE Law Article 27 paragraph (3) regulates defamation in social media. In the Article there are two elements, namely the subjective element and the objective element. The subjective element of the Article is the element of error referred to is the act of distributing and/or transmitting and/or making accessible electronic information and/or Electronic Documents that have the content of contempt and/or defamation.²⁵

In this ITE Law, for criminal liability of perpetrators, it is emphasized on the subjective element, namely mistakes with intentional intentions committed by perpetrators who commit acts as contained in Articles 27 to 36 of the ITE Law. A person can be subject to defamation under the ITE Law is the intentionality of the perpetrator in his act of "distributing" and/or "transmitting" and/or "making accessible electronic information and/or electronic information" is subject to contempt/defamation.

The Defamation Article in the ITE Law must first be seen whether the perpetrator can be held accountable reasonably. If the perpetrator can be held accountable reasonably, then to be proven guilty, the perpetrator must be proven to meet the element of guilt, namely willfulness.

C. CONCLUSION

Defamation is closely related to a word of contempt where contempt itself has the meaning of an act of attacking a person's good name and honor. Defamation or humiliation committed through social media can be categorized as an act of *Cyber Crime*, because it has violated the provisions of the general criminal offense as in Article 331 of the Criminal Code, can be imposed for defamation cases using internet media.

In criminal law the concept of liability or "liability" is a central concept known as the doctrine of guilt. Criminal liability for criminal defamation, it needs to be seen from the article first, related to what errors are emphasized under the Criminal Code, Law No. 40 of 1999 concerning the Press, Law No. 32 of 2002 concerning Broadcasting, and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

Footnote

- 1) Yuni Fitriani and Roida Pakpahan, "Analysis of Social Media Abuse for the Spread of Cybercrime in Cyberspace," *Analysis of Social Media Abuse for the Spread of Cybercrime in Cyberspace* 20, no. 1 (2020).
- 2) Josua Sitompul, *Cyberspace, Cybercrimes, Cyberlaw: A Review of Aspects of Criminal Law*. (Jakarta: PT. Tatanusa, 2012).hlm, iii
- 3) Munzaimah M. and Fatma Wardy Lubis., "Analysis of Social Media Use and Hoax Spread in Medan City," *Jurnal Simbolika: Research and Learning in Comunication Study* 6, no. 1 (2020).p, 11
- 4) Widodo, *Criminal Law in the Field of Information Technology, Cybercrime Law: A Theoretical and Surgical Review of Cases*. (Yogyakarta: Aswaja Pressindo, 2013).pp, V-X
- 5) W. Erfandy Kurnia Rachman and et al., "Criminal Defamation on Social Media Based on Laws and Regulations," *RechtIdee* 15, no. 1 (2020).p 136
- 6) Arvita Hastarini, "Revaluation of Defamation Crimes After the Constitutional Court Decision," *JATISWARA* 34, no. 2 (2019).p, 145
- 7) Budhi Wisaksono. Edwin Pardede, Eko Soponyono, "Criminal Law Policy in Efforts to Enforce Criminal Defamation Through Twitter," *Diponegoro Law Journal* 5, no. 3 (2016).p, 3
- 8) Members Marpaung, *Criminal Act Against Honor*. (Jakarta: Sinar Grafika, 2010).p. 7
- 9) Resa Raditio, *Legal Aspects of Electronic Transactions. 1st printing*. (Yogyakarta: Graha ilmu, 2014).p. 26
- 10) Barda Nawawi Arief, *Crime Mayantara Development of Cyber Crime Studies in Indonesia*. (Jakarta: Rajawali Pers, 2007). P. 8
- 11) Marpaung, *Criminal Act Against Honor*.pp. 10-12
- 12) Abd. Malik Bram Bunga Upe, Haerani Husainy, "Juridical Review of Defamation Through Social Media (Palu District Court Case Study)," *Journal of Law, Faculty of Law, University of Muhammadiyah Palu*. 2, no. 2 (2020).p. 2031
- 13) Marpaung, *Criminal Act Against Honor*.p. 7
- 14) Andi Zainal Abidin and Dkk, *Introduction to Indonesian Criminal Law* (Jakarta: Yarsif Watampone, 2010).p, 3

- 15) R. Soesilo, *The Criminal Code (KUHP) and its comments are complete article by article*. (Bandung: Politeia, 2009).p. 225
- 16) Hastarini, "Revaluation of Criminal Defamation After Constitutional Court Ruling."pp. 147-149
- 17) Rachman and et al., "Criminal defamation on social media based on laws and regulations."p. 138
- 18) *Ibid*
- 19) Nurhadini Kristini, "Criminal acts in the field of information and electronic transactions charged with insults and defamation," *Airlangga Faculty of Law*, 2009.p. 63
- 20) *Ibid*, p. 64
- 21) Roeslan Saleh, *Thoughts of Criminal Liability*. (Jakarta: Ghalia Indonesia, 1982).p. 23
- 22) *Ibid*, p. 98
- 23) Rachman and et al., "Criminal defamation on social media based on laws and regulations."p. 145
- 24) Members Marpaung, *Principles of Criminal Law Practice Theory*. (Jakarta: Sinar Grafika, 2014).p. 77
- 25) Imanuel Korassa Keneng, Sonbai I Ketut, and Alexander, "Criminal Responsibility for Criminal Defamation Through Social Media in Criminal Law," *Udayana Faculty of Law*, 2016.

Bibliography

- 1) Abidin, Andi Zainal, and et al. *Introduction to Indonesian Criminal Law*. Jakarta: Yarsif Watampone, 2010.
- 2) Arief, Barda Nawawi. *Crime Mayantara Development of Cyber Crime Studies in Indonesia*. Jakarta: Rajawali Pers, 2007.
- 3) Upe Flowers, Haerani Husainy, Abd. Malik Bram. "Juridical Review of Defamation Through Social Media (Palu District Court Case Study)." *Journal of Law, Faculty of Law, University of Muhammadiyah Palu*. 2, No. 2 (2020).
- 4) Edwin Pardede, Eko Soponyono, Budhi Wisaksono. "Criminal law policy in the pursuit of criminal defamation through Twitter." *Diponegoro Law Journal* 5, no. 3 (2016).
- 5) Fitriani, Yuni, and Roida Pakpahan. "Analysis of Social Media Abuse for the Spread of Cybercrime in Cyberspace." *Analysis of Social Media Abuse for the Spread of Cybercrime in Cyberspace* 20 , No. 1 (2020).
- 6) Hastarini, Arvita. "Revaluation of Criminal Defamation After Constitutional Court Ruling." *JATISWARA* 34, no. 2 (2019).
- 7) Keneng, Imanuel Korassa, Sonbai I Ketut, and Alexander. "Criminal Liability for Criminal Defamation Through Social Media in Criminal Law." *Udayana Faculty of Law*, 2016.
- 8) Kristini, Nurhadini. "Criminal acts in the field of information and electronic transactions that are charged with insults and defamation." *Faculty of Law, Airlangga*, 2009.
- 9) M., Munzaimah, and Fatma Wardy Lubis. "Analysis of Social Media Use and Hoax Spread in Medan City." *Journal of Symbolics: Research and Learning in Communication Study* 6, no. 1 (2020).
- 10) Marpaung, Leden. *Principles of Criminal Law Practice Theory*. Jakarta: Sinar Grafika, 2014.
- 11) ———. *Criminal Act Against Honor*. Jakarta: Sinar Grafika, 2010.
- 12) Rachman, W. Erfandy Kurnia, and et al. "Criminal Defamation on Social Media Based on Laws and Regulations." *RechtIdee* 15, no. 1 (2020).
- 13) Raditio, Resa. *Legal Aspects of Electronic Transactions. 1st printing*. Yogyakarta: Graha Science,

2014.

- 14) Saleh, Roeslan. *Thoughts of Criminal Liability*. Jakarta: Ghalia Indonesia, 1982.
- 15) Sitompul, Josua. *Cyberspace, Cybercrimes, Cyberlaw: A Review of Aspects of Criminal Law*. Jakarta: PT. Tatanusa, 2012.
- 16) Soesilo, R. *Criminal Code (KUHP) and his comments are complete article by article*. Bandung: Politeia, 2009.
- 17) Widodo. *Criminal Law in the Field of Information Technology, Cybercrime Law: A Theoretical and Surgical Review of Cases*. Yogyakarta: Aswaja Pressindo, 2013.