

ABSTRAK

Perkembangan teknologi informasi dan komunikasi, khususnya media sosial, telah membawa perubahan signifikan dalam kehidupan masyarakat, termasuk dalam aspek hukum. Salah satu dampak negatifnya adalah meningkatnya tindak pidana pencemaran nama baik melalui media sosial. Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana pelaku, dasar pertimbangan hakim, serta upaya penanggulangan tindak pidana tersebut.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan studi kasus terhadap Putusan Nomor 2548/Pid.Sus/2024/PT Mdn. Bahan hukum terdiri dari bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana didasarkan pada terpenuhinya unsur tindak pidana sebagaimana diatur dalam Pasal 27A Undang-Undang Nomor 1 Tahun 2024 jo. Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Pasal 45 ayat (4), serta Pasal 310 dan Pasal 311 KUHP. Hakim mempertimbangkan aspek yuridis, sosiologis, dan filosofis, termasuk alat bukti dan kesalahan pelaku. Upaya penanggulangan dapat dilakukan melalui pendekatan penal dan non-penal.

Dengan demikian, penegakan hukum terhadap tindak pidana pencemaran nama baik melalui media sosial telah sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

Kata Kunci: Pertanggungjawaban pidana, pencemaran nama baik, media sosial, pertimbangan hakim.

ABSTRACT

The rapid development of information and communication technology, particularly social media, has brought significant changes in society, including in the legal aspect. One of the negative impacts is the increasing number of defamation cases through social media. This study aims to analyze the criminal liability of perpetrators, the legal considerations of judges in rendering decisions, and the efforts to prevent such crimes from recurring.

This research is a normative legal study using statutory and case approaches, focusing on Decision Number 2548/Pid.Sus/2024/PT Mdn. The legal materials consist of primary, secondary, and tertiary sources, which are analyzed qualitatively.

The results show that criminal liability is based on the fulfillment of the elements of the criminal offense as regulated in Article 27A of Law Number 1 of 2024 in conjunction with Law Number 11 of 2008 concerning Electronic Information and Transactions, Article 45 paragraph (4), as well as Articles 310 and 311 of the Criminal Code. In its decision, the judge considered juridical, sociological, and philosophical aspects, including evidence and the perpetrator's fault. Efforts to prevent defamation crimes can be carried out through penal and non-penal approaches.

Therefore, law enforcement against defamation crimes through social media has been in accordance with the applicable laws and regulations.

Keywords: Criminal liability, defamation, social media, judicial consideration.