

COMPARATIVE STUDY OF THE CRIMINAL ACT OF DEFAMATION ON SOCIAL MEDIA IN LAW NUMBER 1 OF 2024 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS

Rahmat Setiawan Sembiring¹, Satino²

^{1,2} Universitas Pembangunan Nasional “Veteran” Jakarta

Email: rahmatsetiawan@upnvj.ac.id, satino@upnvj.ac.id

Corresponding Author: satino@upnvj.ac.id

Received : 21 April 2025

Revised : 30 April 2025

Accepted : 20 May 2025

Published : 28 June 2025

DOI : <https://doi.org/10.54443/morfai.v5i5.3361>

Publish Link : <https://radjapublika.com/index.php/MORFAI/article/view/3361>

Abstract

This study aims to conduct a comparative study of criminal acts of defamation on social media based on the provisions stipulated in Law Number 1 of 2024 concerning Electronic Information and Transactions (UU ITE). With the increasing development of information and communication technology, social media has become one of the main means of interaction, which at the same time increases the risk of spreading content that is detrimental to a person's good name. This study uses a qualitative method with a comparative approach to analyze changes, advantages, and disadvantages of legal provisions in the latest ITE Law compared to previous regulations. The results of the study show that Law Number 1 of 2024 provides more detailed and firm regulations regarding defamation on social media, with a clearer emphasis on legal boundaries and sanctions. These findings are expected to be a consideration for law enforcers and policy makers in improving legal protection for victims of defamation in the digital era.

Keywords : *Defamation, Electronic transactions, Legal protection.*

INTRODUCTION

Today, the mass media revolution has given birth to new media that can be called social media. The development of technology has led society towards the globalization of media telecommunications and informatics. The advancement of communication technology has become so widespread in society that the introduction of electronic devices has shown its intensity as a medium of information and telecommunications. This century is indeed a century that is always associated with media. Information that is now very necessary and easy to find by various corners of the world has resulted in it becoming one of the needs. To meet that need, social media is widely used by the general public. The services available on social media are also diverse and always increase from year to year. Some of the popular social media sites today include: Blog, Facebook, Twitter, Instagram, WhatsApp, Path, Line, and many more.

Social media has a huge influence on the development and changes in Indonesian society.¹The changes influenced by social media are very diverse and can bring about better changes, such as contributing to improving welfare, progress and civilization, even very bad changes can occur on social media, such as insults, hate speech and the spread of information on social media that is intended to cause hatred or hostility between individuals or certain community groups based on ethnicity, religion, race and inter-group relations.²Social media, which is supposed to function as a means of connecting brotherhood between humans, has in fact turned into a trigger for conflict. Many problems arise due to the misuse of social media. These problems have even led to criminal cases such as fraud, stalking, kidnapping and also cases of defamation. Social media also supports

¹Evra Willya. et al., List of Contemporary Islamic Research Multicultural Review, (Yogyakarta: Deepublish, 2018), p. 290.

²Drs. Suprawoto, Government Public Relations: Development and Practice in Indonesia, (Jakarta: Prenadamedia Group, 2018), p. 163.

COMPARATIVE STUDY OF THE CRIMINAL ACT OF DEFAMATION ON SOCIAL MEDIA IN LAW NUMBER 1 OF 2024 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS

Rahmat Setiawan Sembiring and Satino

social interaction where users can easily adapt, share, and create content, so that people can easily access and use it for social interaction. So easy is social interaction established through social media, then this two-way communication can be private or open, often not realizing that there are norms that bind the interaction. It is not uncommon for someone to use social media as a means of conveying opinions, information, or expressing themselves.³ However, caution is needed in its use because the opinions or information conveyed may conflict with other people's sense of honor or have an impact on defaming other people. According to data from the National Police Education Center, since early 2022, the National Police have prosecuted 162 cases of defamation, including defamation through electronic media.⁴ Based on this phenomenon, freedom of speech in this technological era tends to convey opinions as freely as possible without being interpreted as: "Anyone who intentionally attacks the honor or good name of someone by accusing them of something verbally, with the clear intention of making it known to the public, is threatened with defamation with a maximum prison sentence of nine months or a maximum fine of four thousand five hundred rupiah."⁵ Thus, following the Constitutional Court Decision No. 78/PUU-XXI/2023, Article 310 paragraph (1) of the Criminal Code has the following elements:

- a. whoever;
- b. deliberately;
- c. attacking someone's honor or good name;
- d. by accusing something;
- e. orally;
- f. which means that it is made public knowledge.

Referring Article 310 paragraph (1) of the Criminal Code, defamation article is an act of intentionally attacking someone's honor or good name by accusing something with the intention that it will be known to the public, and the perpetrator is threatened with defamation with a maximum imprisonment of 9 months and a fine of IDR 4,500,000 (four million five hundred thousand rupiah). Meanwhile, in the new Criminal Code, the defamation article is regulated in Article 433 of Law 1/2023 which states that anyone who verbally attacks the honor or good name of another person by accusing something, with the intention that it will be known to the public, shall be punished for defamation, with a maximum imprisonment of 9 months or a maximum fine of category II of IDR 10,000,000 (ten million rupiah). So that the element of verbal acts regulated in Article 433 of the Criminal Code can be adopted to provide legal certainty.⁶

The ITE Law itself is a regulation or rule that serves as a guideline for the public in interacting and expressing opinions through internet-based social media. The implementation of the ITE Law aims to prevent crimes in electronic systems or in social media, but based on facts.⁷ If someone commits a violation, then that person can be subject to Article 27 paragraph (3) of the ITE Law on the condition that the elements in the provisions of the Article must be fulfilled during the examination and proof. A person must bear all the consequences of actions and behavior if they have committed a crime because it is against existing law.

Legal protection for the people must be adopted and implemented by every country that prioritizes itself as a country of law. As a country that is currently carrying out reforms in the field of law, including criminal law, with the preparation and design of the Draft Law on the Criminal Code (hereinafter referred to as the Concept of the Criminal Code), it is very interesting to study and provide input for improving the contents of the concept of the Criminal Code. Therefore, before being formulated, various comparative studies were carried out on various acts or criminal acts including how the Regulation of Criminal Acts of Defamation in other countries.

Considering that in Indonesia the Criminal Act of Defamation has been regulated in the Criminal Code (KUHP), the Law on Information on Electronic Transactions (UU ITE), the Law on the Press and the

³Vandi Syahputra, "Stop Silencing Critical Groups", <http://www.koran.pendek.co/read/detail/36265.html> accessed on May 17, 2018 at 22.00 WIB.

⁴Defamation Cases on the Rise | National Police Criminal Investigation Center

⁵Renie Aryandani, Article "The Text of the Article on Defamation of the Criminal Code After the Constitutional Court Decision No. 78/PUU-XXI/2023, accessed at 10.50

⁶Ameidyo Daud Nasution, Article "MK: Article on Defamation in the Criminal Code Conditionally Unconstitutional", accessed at 11.21.

⁷Bagir Manan, Indonesian Positive Law (Yogyakarta: FH UII Press, 2004), p. 56.

Law on Broadcasting as a basis if the crime is committed via the internet or social media. The judge's decision in the East Jakarta District Court Decision Number 202/Pid.Sus/2023/PN.Jkt.Tim against the Defendant Haris Azhar was proven guilty of committing a criminal act of defamation under Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of Law Number 19 of 2018 for having uploaded on the defendant's YouTube account with a prison sentence of 4 (four) years and a fine of Rp. 1,000,000 (one million rupiah) subsidiary to 6 (six) months imprisonment. Meanwhile, in the judge's decision in the Semarang High Court Judge's Decision at the Appeal Level Number 191/Pid.Sus/2015/PT.SMG against Defendant I Muh. Dimas Yulian Saputra Bin Slamet Anwar Wiyono and Defendant II Fajar Purnomo Bin Sumarno were proven guilty of committing the crime of defamation under Article 27 paragraph (3) of Law Number 11 of 2008 with a prison sentence for both defendants of 10 (ten) months.

Based on the two decisions, according to the author, the difference with Law Number 1 of 2024 Article 27 paragraph (3) is removed and replaced with Article 27A and 27B. The similarities of Law Number 11 of 2008, Law Number 19 of 2016, Law Number 1 of 2024 Article 27A and Article 27B are that they have the same application elements, namely that all three prohibit the distribution, transmission, or making electronic information containing insults or defamation of other people accessible to the public. While the difference is in Article 27A which focuses more on attacks on a person's honor or good name, while Article 27B regulates threats with the aim of defamation or disclosure of secrets. With a maximum prison term of 4 years and a maximum fine of IDR 750,000,000 (seven hundred and fifty million rupiah) in Article 27A and Article 27B is divided into 2 parts. Article 27B paragraph 1, the maximum prison term is 9 years with a maximum fine of IDR. 3 Billion and Article 27B paragraph 2 the maximum prison term is 12 years with a maximum fine of IDR 4 billion. In Law Number 1 of 2024, Article 27A and Article 27B are more focused so as to minimize rubber articles such as in Law Number 11 of 2008 and Law Number 19 of 2016 which have similarities that can be linked to other articles.

Another difference lies in the actions in the field and the severity of the case faced. It can be seen in the East Jakarta District Court Decision with Defendant Haris Azhar with a Maximum Prison Sentence of 4 years and a fine of Rp. 1 million, while in the Semarang High Court Decision with Defendant I Muh. Dimas Yulian Saputra Bin Slamet Anwar Wiyono and Defendant II Fajar Purnomo Bin Sumarno with a prison sentence of 10 months. The rapid development of information and communication technology has brought significant changes in various aspects of human life, including in the way of communicating and disseminating information. Social media as part of the digital transformation is now the main platform for people to express opinions, share information, and interact virtually. However, behind the ease and speed of digital communication, there are also serious threats to individual rights, especially those related to a person's honor and good name. One of the legal problems that often arises due to the unwise use of social media is the crime of defamation.

In Indonesia, the legal provisions governing defamation in the digital realm are contained in the Electronic Information and Transactions Law (UU ITE). Since it was first enacted through Law Number 11 of 2008, then amended through Law Number 19 of 2016, and most recently revised into Law Number 1 of 2024, this regulation has continued to be updated in response to the dynamics of the digital society and the ever-evolving legal challenges. This latest revision is expected to be able to answer various criticisms of the multi-interpretable articles that were previously considered to have the potential to limit freedom of expression and lead to criminalization.

The crime of defamation on social media has special characteristics because it can spread very quickly and reach a wide audience in a short time. This creates a special urgency for the legal system to provide effective protection for victims, without ignoring the principles of human rights, especially freedom of expression as guaranteed in the 1945 Constitution. Therefore, a comparative study of the regulation of the crime of defamation before and after the revision of the ITE Law is very relevant.

This study aims to analyze in depth how the changes in Law Number 1 of 2024 have an impact on handling defamation cases on social media. In addition, this study also compares normative elements and law enforcement approaches between the previous regulation and the latest revised version. It is hoped that the results of this study can contribute to the development of criminal law in the field of information

technology and be constructive input for policy makers and law enforcement officers in realizing a fair, proportional, and adaptive legal system for the digital era. The development of information and communication technology has had a significant impact on social and legal dynamics in Indonesia. Social media, as one of the products of digital technology, has become the main means for people to express themselves, interact, and disseminate information. However, behind this convenience, there are also serious challenges related to the misuse of social media, one of which is the crime of defamation. Defamation on social media can occur through the dissemination of electronic information that degrades or damages a person's reputation. This action not only impacts the individual victim, but can also affect social stability and public trust in legal institutions. Therefore, it is important to understand how legal regulations in Indonesia regulate criminal acts of defamation on social media.

Law Number 1 of 2024 concerning Electronic Information and Transactions (UU ITE) is a revision of Law Number 11 of 2008 which has been amended through Law Number 19 of 2016. This revision aims to adapt to technological developments and social dynamics that continue to change. One of the significant changes is in Article 27A which regulates defamation through electronic systems. This article states that anyone who intentionally attacks the honor or good name of another person by accusing them of something through an electronic system can be subject to a maximum imprisonment of 2 years and/or a maximum fine of IDR 400 million.

However, the application of Article 27A is not without controversy. The Constitutional Court in its decision on April 29, 2025 granted part of the lawsuit related to the ITE Law, especially Article 27A and Article 45A paragraph (3). The Constitutional Court stated that these articles can only be applied to individuals, not to government agencies, institutions, corporations, or groups of people with certain specific identities. This is intended to prevent abuse of the law that can limit freedom of expression and criticism of institutions. In addition, the Constitutional Court also emphasized the importance of clear and firm law enforcement in handling cases of defamation on social media.

In its considerations, the Constitutional Court stated that the limitations in the article were important so that the application of Article 28 paragraph (3) of Law 1/2024, which is a material offense that emphasizes the consequences of actions or disturbances carried out by the perpetrator of the crime, meets the principles of *lex scripta*, *lex certa*, and *lex stricta*. A comparative study of the regulation of criminal acts of defamation on social media in the ITE Law is important to understand the comparison between the previous regulation and the latest revision. This is also to assess the extent to which the changes provide effective legal protection for individuals without sacrificing freedom of expression.

Therefore, this study will examine in depth the comparison between the previous and the latest legal provisions, as well as their implications for legal practice in Indonesia. There are also examples of cases that occurred, one of which is the case of Dedy Chandra and PT Mandiri Bangun Makmur. Background: In early 2024, Dedy Chandra, who is a famous content creator on one of the Tiktok platforms, uploaded a video containing sharp criticism of the quality of the apartment he had just bought from PT Mandiri Bangun Makmur. In the video, Dedy said he was worried about the building. Then there was also Legal Action: because of the loss, the developer reported Dedy's actions to the Polda Metro Jaya on charges of defamation. The North Jakarta District Court in February 2024 sentenced Dedy to 2 years in prison and a fine of 50 million Rupiah. The judge considered that Dedy's criticism contained information that was detrimental to the developer's reputation.

This case shows how criticism conveyed through social media can potentially be charged with defamation in the ITE Law. Although the criticism is intended as input, if it is considered detrimental to another party, it can end in a lawsuit in court. Next, there is the case of Medina Zein and Marisya Icha. The background to this case began in early 2022, celebrity Medina Zein was sentenced to six months in prison in connection with a case of defamation through social media against her sister Marisya Icha. The problem began when Marisya suspected Medina of selling her a fake bag. After that Medina reported and threatened Marisya via social media. There is evidence of Marisya's report to Medina to Polda Metro Jaya on suspicion of Defamation. Medina Zein was found guilty by the judge for violating Articles 310 and 311 of the Criminal Code and/or Article 27 paragraph (3) of Law no. 19 of 2016 concerning ITE. Next there is a case

from Bangka Belitung, the case occurred in mid-2024, there was a figure from Bangka Belitung who became a victim of defamation on social media. Where the perpetrator used a fake account to spread slander and ridicule which of course had an impact on the victim's reputation. After tracking through digital traces, the prosecutor's office succeeded in bringing this case to court. This case shows us that social media can very easily destroy a person's reputation and honor in acts of defamation. This case also shows us that even though the perpetrator uses an anonymous account, digital traces can be used to track the perpetrator's identity. The ITE Law provides a legal basis for prosecuting perpetrators of defamation even through fake accounts. From here we can draw.

The conclusion is that the three cases above illustrate how the ITE Law handles acts of defamation on social media. Although the initial purpose of the upload was to provide criticism or share experiences, if it harms others it can have fatal consequences that lead to lawsuits, therefore we must be careful in arguing so that the same thing does not happen to us on social media. The Information and Electronic Transactions Law (UU ITE) in Indonesia regulates various legal aspects related to the use of information technology and electronic transactions. This law was first enacted as Law No. 11 of 2008, then amended by Law No. 19 of 2016, and most recently revised again by Law No. 1 of 2024. The following are the main aspects regulated in the ITE Law:

- a. Electronic Information and Documents The ITE Law recognizes that electronic information and/or documents have legitimate legal force, as long as the information can be accessed, displayed, its integrity guaranteed, and can be accounted for. For example, electronic contracts, emails as evidence.
- b. Electronic Transactions regulate the procedures for transactions through electronic systems, such as online buying and selling, digital banking and the use of electronic signatures, including aspects of transaction security, validity and consumer protection.
- c. Electronic signatures regulate the legality and validity of electronic signatures which have the same legal force as conventional signatures. There are also requirements that must be met, namely authentication, data integrity, and non-repudiation.
- d. The implementation of electronic systems regulates the obligations of business actors or institutions that provide electronic systems (such as digital platforms, e-commerce, public service applications). And must also guarantee security, data confidentiality, and service availability.
- e. Protection of personal data (related) although the ITE Law is not a specific law on the protection of personal data collected through electronic systems is further regulated in the Personal Data Protection Law (PDP Law).
- f. Acts prohibited by the ITE Law regulate a number of prohibitions and criminal threats, including the distribution of racial, hoax and hate content, online defamation, digital fraud and extortion, immoral or pornographic content, illegal access to electronic systems (hacking), distribution of malware, viruses or spam.
- g. The Criminal Provisions of the ITE Law stipulate criminal sanctions for violations, including: fines and/or imprisonment, blocking of accounts or sites, confiscation of digital evidence,
- h. Dispute Resolution This law also provides space for electronic settlement, either through the courts or alternative settlements such as mediation and arbitration. There are also changes to the articles from the old to the latest as follows: The Electronic Information and Transactions Law (ITE Law) in Indonesia has undergone two changes since it was first passed in 2008.

The following is a summary of the changes to the main articles of Law No. 11 of 2008 (early version) to Law No. 1 of 2024 (latest version): Changes to the Main Articles in the ITE Law

- a. Article 5- Electronic Evidence: 2008: confirms that electronic information and/or documents can be used as valid legal evidence. 2016: adds provisions regarding valid electronic evidence 2024: Follows the Constitutional Court's decision stating that electronic evidence obtained through wiretapping without court permission is invalid. B
- b. . Article 13 – Electronic Certification Organizers 2008: Regulates electronic certification organizers. 2016: Adds provisions regarding electronic certification organizers. 2024: Requires electronic certification organizers to be Indonesian legal entities and domiciled in Indonesia

- c. Article 17 – Electronic Transactions 2008: Regulates electronic transactions. 2016: Adds provisions regarding electronic transactions. 2024: Adds provisions regarding electronic transactions that have high risks and use electronic signatures secured by electronic certificates.
- d. Article 27 – Prohibited Acts 2008: Regulates acts prohibited in the ITE Law. 2016: Adds provisions regarding prohibited acts. 2024: Article 27 is divided into: Article 27A: Regulates insults and defamation. Article 27B: Regulates extortion and threats.
- e. Article 28 – Hate Speech 2008: Regulates hate speech based on SARA. 2016: Adds provisions regarding hate speech. 2024: Adds a paragraph regulating the prohibition of spreading false information that causes unrest.
- f. Article 29 – Threats of Violence 2008: Regulates threats of violence through electronic media. 2016: Adds provisions regarding threats of violence. 2024: Removes the word “personal” from this article, so that threats of violence are not limited to personal communications.
- g. Article 36 – Increased Sentences 2008: Regulates the increase in sentences for violators of the ITE Law. 2016: Adds provisions regarding increased sentences. 2024: This article is removed.
- h. Article 40 – Role of Government 2008: Regulates the role of government in organizing electronic systems. 2016: Adds provisions regarding the role of government. 2024: Adds a new article (Article 40A) that gives the government the authority to intervene in electronic systems to create a safe, fair, accountable, and innovative digital ecosystem.
- i. Article 43 – Investigator Authority 2008: Regulates the authority of investigators in the ITE Law. 2016: Adds provisions regarding the authority of investigators. 2024: Strengthens the authority of civil servant investigators (PPNS) in conducting investigations into criminal acts in the field of information technology. There are also new articles in the ITE Law in 2024 In addition to changes to the old articles, the 2024 ITE Law also adds several new articles, including: Article 13A: Regulates the types of services that can be provided by Electronic Certification Organizers.

Article 16A and 16B: Regulates the obligation of Electronic System Organizers to provide protection for children who use or access electronic systems. Article 18A: Regulates international electronic contracts. Article 40A: Gives the government the authority to intervene in electronic systems to create a safe, fair, accountable, and innovative digital ecosystem.

IV Conclusion

More Specific and Separate Regulations The 2024 ITE Law separates and specifies articles related to defamation from the previous general articles on electronic information violations. Defamation is now specifically regulated in Article 27A, thus providing a clearer definition, scope, and more structured sanctions. **Adjustments to the Development of Social Media** social media which is fast, broad, and easily spread. This raises new challenges in law enforcement, so the 2024 ITE Law strengthens the provisions so that defamation in the digital realm can be prosecuted effectively without reducing legitimate freedom of expression.

Strengthening Sanctions and Legal Process The latest law emphasizes criminal provisions and clearer investigation mechanisms for criminal acts of defamation on social media. The legal process is attempted to be fair by paying attention to Human Rights and the principle of presumption of innocence. **Separation Between Defamation and Other Violations** With the existence of a special article for defamation, the 2024 Law clearly distinguishes between criminal acts of defamation and other criminal acts such as hate speech or slander which are regulated in different articles.

VII Suggestions

A. There Need to be Affirmation of the Limits of Defamation on Social Media Based on the results of the study, it is necessary to clarify the boundaries between criticism, opinion, and defamation so as not to cause multiple interpretations. The government, through implementing regulations or judicial guidelines, can formulate more concrete parameters so that law enforcement is not repressive and still guarantees freedom of expression.

B. Improving Community Digital Literacy Massive legal literacy and digital literacy programs are needed for the community so that social media users understand the legal consequences of every upload or

comment. This is important to prevent unintentional violations and increase public legal awareness.

C. Optimization of Mediation and Restorative Justice Mechanisms Law enforcers are advised to prioritize non-litigation approaches such as mediation or restorative resolution in defamation cases, especially for cases with minor impacts. This will reduce the burden on the justice system and provide space for the restoration of relationships between individuals.

D. Harmonization with Other Legal Instruments and the Constitution Law Number 1 of 2024 concerning ITE needs to be continuously evaluated to be in line with the principles of Human Rights stipulated in the 1945 Constitution and international instruments. Criminal provisions governing defamation must be proportionate and not contradict the right to freedom of expression.

E. Comparison and Adoption of Good Practices from Other Countries Governments and academics can conduct comparative studies with countries that have a progressive approach in dealing with defamation on social media, such as using a civil approach rather than a criminal one, in order to formulate fairer and more balanced policies.

RESEARCH METHODS

The type of research used is a qualitative method, namely descriptive research and tends to use analysis which is then supported by juridical-normative research and literature studies.

- a. The juridical-normative approach is an approach carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research.
- b. Library research, namely a study that uses library literature by studying books and law books, as well as other information related to the scope of discussion by examining library materials or primary, secondary, and tertiary data.

Furthermore, overall, the research being studied at this time is by connecting the concepts that exist in the provisions of Indonesian Law including the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP).

RESEARCH RESULTS AND DISCUSSION

No	Author Name	Book title	Formulation of the problem	Conclusion
1	Dr. Gomgom TP Siregar, SE, S. Sos., SH, M.Sc., MH	An Analysis of the Criminal Act of Defamation Through Electronic Media.	What conclusion does the author reach?	The ITE Law is a Lex Specialis of the Criminal Code which is regulated in Article 27 paragraph (3). Even the offense of Article 27 paragraph (3) of the ITE Law has become a "rubber article". Article 27 paragraph (3) of the Republic of Indonesia Law has a subjective element, namely intentionally, and the objective element is distributing and/or transmitting and/or making accessible electronic documents or information containing insults and/or defamation. The ordinary offense in this article has been changed to a complaint offense. Meanwhile, Article 28E can be concluded that the right to freedom of expression is based on two things: first, human rights and second, fulfilling the needs of life as a civilized nation and a modern country.

COMPARATIVE STUDY OF THE CRIMINAL ACT OF DEFAMATION ON SOCIAL MEDIA IN LAW NUMBER 1 OF 2024 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS

Rahmat Setiawan Sembiring and Satino

2	Dr. H. Imam Makhali, SH, MH	Criminal Law Restorative Justice Approach in Criminal Acts of Defamation Through Social Media	What is the author's understanding of criminal acts of defamation after reading the book?	According to the author of the ITE Law, understanding of the crime itself cannot provide a sense of justice because it still contains rubber articles. Regarding defamation, the ITE Law is still based on Article 310 of the Criminal Code which is a complaint offense. In the ITE Law itself, insults, defamation and hate speech based on SARA are regulated in Article 27 paragraph (3) so that they are complaint crimes so that law enforcement officers are not allowed to arrest them carelessly, must have evidence based on investigations and perpetrators of criminal acts can be threatened with 12 years in prison and/or a fine of IDR 12 billion.
3	Drs. Adami Chazawi, SH & Ardi Ferdian, SH, M.Kn.	Information Crimes & Electronic Transactions (Second Revised Edition) Attacks on the Legal Interests of the Utilization of Information Technology and Electronic Transactions	How can Information and Electronic Transaction Crimes be carried out according to the author of the book?	In the formation of the ITE Law, it is required that insults according to the ITE Law are lex specialis insults, while the types of insults in Chapter XVI Book II of the Criminal Code are lex specialis insults. In the application of Article 45 paragraph (3) in conjunction with 27 paragraph (3) of the ITE Law, one type of insult in Chapter XVI Book II of the Criminal Code must be applied as lex generalis. So that criminal acts can be committed due to the preparation of an indictment and evidence, by including the criminal act of Article 45 paragraph (3) in conjunction with 27 paragraph (3), including (juncto) the relevant articles of the Criminal Code, in the case of evidence there is an appropriate lex generalis element and evidence that the perpetrator uses ITE technology, namely electronic media (lex specialis). Then the perpetrator can be threatened in accordance with Article 27 paragraph (4) with a maximum imprisonment of 6 years and/or a maximum fine of Rp. 1,000,000,000.00 (1 billion rupiah).
4	The speakers were Agus Salam, Ahmad Zuwandana, Apriolla Dwi Indraswary, Chairanda A-	Criminal Acts of Crime of ITaE Law	How is law enforcement against ITE crimes?	Law enforcement, especially in the field of cybercrime, begins and is formed based on the awareness of the community itself. Law enforcement itself can be carried out if the perpetrator commits a crime and can be held accountable with clear and accurate evidence based on an

COMPARATIVE STUDY OF THE CRIMINAL ACT OF DEFAMATION ON SOCIAL MEDIA IN LAW NUMBER 1 OF 2024 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS

Rahmat Setiawan Sembiring and Satino

	Azmi, Mirza Syapiq, and Yulia Dewi.			investigation with the perpetrator committing the crime using electronic media. Criminal law regarding crimes under the ITE Law is contained in Law Number 11 of 2008 which was updated to Law Number 19 of 2016.
--	-------------------------------------	--	--	---

REFERENCES

- Ahmad, R. (2024). *Penyelesaian Sengketa Pencemaran Nama Baik di Media Sosial: Kajian Perbandingan dengan UU ITE 2024*. Bandung: Pustaka Hukum.
- Ameidyo Daud Nasution, Artikel “MK: Pasal Pencemaran Nama Baik di KUHP Inkonstitusional Bersyarat”, diakses jam 11.21.
- Bagir Manan, *Hukum Positif Indonesia* (Yogyakarta: FH UII Press, 2004), hal. 56.
- Evra Willya. dkk, *Senarai Penelitian Islam Kontemporer Tinjauan Multikultural*, (Yogyakarta: Deepublish, 2018), hlm. 290. Kasus Pencemaran Nama Baik Meningkat | Pusiknas Bareskrim Polri
- Renie Aryandani, Artikel “Bunyi Pasal Pencemaran Nama Baik KUHP Pasca Putusan MK No.78/PUU-XXI/2023, diakses jam 10.50
- Suprawoto, *Government Public Relation : Perkembangan Dan Praktik di Indonesia*, (Jakarta: Prenadamedia Group, 2018), hlm. 163 *Hukum Online*. (2024). *Revisi Undang-Undang ITE dan Tindak Pidana Pencemaran Nama Baik di Media Sosial*. Diakses dari <https://www.hukumonline.com>
- Kompas. (2023). *Pencemaran Nama Baik di Media Sosial dan UU ITE 2024*. Kompas.com. Diakses dari <https://www.kompas.com>
- Tirto. (2024). *Penyempurnaan UU ITE 2024: Implikasi Terhadap Pencemaran Nama Baik di Dunia Digital*. Tirto.id. Diakses dari <https://www.tirto.id>
- Deloitte. (2024). *Tren Teknologi dan Hukum di Era Digital: Perubahan dalam UU ITE 2024*. Diakses dari <https://www.deloitte.com>
- Peraturan Perundang-Undangan Republik Indonesia. (2024). *Undang-Undang Nomor 1 Tahun 2024 tentang Informasi dan Transaksi Elektronik*. Lembaran Negara Republik Indonesia.
- Kabar24. (2024). *Revisi UU ITE: Perspektif Hukum Terhadap Pencemaran Nama Baik di Dunia Maya*. Diakses dari <https://kabar24.bisnis.com>
- Jurnal Hukum dan Teknologi. (2024). *Perlindungan Terhadap Pencemaran Nama Baik di Media Sosial: Perspektif UU ITE 2024*. Jurnal Hukum Digital, 12(1), 45-60.

