

Offenses of Insults, Defamation, and Slander Versus Offenses of Trouble Juncto Offenses of Information Electronic Transactions

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Abstract

This study wants to analyze the offense of defamation, defamation, defamation and slander against the impact of chaos on Juncto offenses on electronic transaction information. This research method uses normative legal research based on legal facts that have been ratified. The data collection method is in the form of in-depth interviews with key respondents to obtaining differentiated data so that the data is valid. Observations in the field to observe actual events regarding law enforcement. Documentation studies in the form of defamation law handbooks and archives are available as existing and objective results. Conclusion In the offense of insult, and defamation, as well as the offense of slander. Contempt Art 310 and Art 311. Is a Complaint Offense. The delict of lying caused uproar about Article 14 of the Delict of Fake News, and Article 15 of the Delict which is a Material Delict, namely the fulfillment of the elements of the offense and the occurrence of mass riots. Electronic information offense Electronic Transaction Information. (ITE). Article 45 paragraph (1) Juncto Article 27 paragraph (3) Offenses of Defamation and/or Defamation, and Article 45 paragraph (2) Juncto. As well as the Delict of Defamation Juncto Article 27 paragraph (3) and Article 45A paragraph (2) SARA Offenses. Juncto Article 28 paragraph (2) constitutes a Complaint Offense.

Keynote: Offenses,Defamation, Slander, Offenses IET

A. Introduction

According to Juniver, the Rp. 100 billion is planned to be given to the people of Papua if the judge grants the lawsuit at trial. Before being named a suspect, police investigators had previously scheduled mediation between Luhut and Haris and Fatia. Mantovani, Reda. (2019). The first mediation was scheduled for December 23, 2021, and the second mediation on January 6, 2022. However, the mediation failed because the two parties did not meet. As a result, investigators conducted a case title and raised the status of the case from the investigation to the investigation stage on January 6, 2022. However, at that time, Haris and Fatia's status was still as witnesses.

The suffering of the Papuan people cannot be muzzled and placed in prison. The suffering of the Papuan people, especially in Intan Jaya, will continue to scream for help," he added. Haris

also considered that his designation as a suspect was an honor. Harris was of the view that his designation as a suspect was a facility given by the state to him because he had disclosed a fact. "I consider it as an honor for me, or I consider it as a state facility given to me when we discuss or help reveal a fact," he said. Kartanegara, Satochid. (2019). Meanwhile, Haris' attorney, Nurkholis Hidayat, confirmed that his client and Fatia would fulfill the summons of Polda Metro Jaya investigators, Monday (21/3/2022), to be examined as suspects in this case. "We convey to our media partners that both of them will be happy to attend the summons process, the examination," said Nurkholis in a press conference, Saturday (19/3/2022). Nurkholis said, based on the summons received, Haris would undergo an examination at 10.00 WIB, after that Fatia would be examined at 14.00 WIB.

Article 25 paragraph (5) of the ITE Bill and in the explanation section," said Minister of Communication Johnny G. Plate at the DPR, Monday (10/04/2023). Based on the SafeNet report, for the 2016-2020 period, there were 768 cases related to the 'rubber article' of the ITE Law. Of that amount, 88% (676 cases) ended in prison with sentences ranging from one to five years. In a written statement, SafeNet researcher, Nenden Sekar Arum, said that the plan to revise the ITE Law recently did not change much of the articles which he called 'rubber' and could be used to criminalize someone. In a statement to the local media, the Deputy Governor of Lampung, Chusnunia Chalim, responded to criticism from Bima by saying "The Governor of Lampung is working hard on development".

Marga and Construction Development (BMBK) Lampung "work day and night". Any damage that occurs to infrastructure will be repaired, but the work requires a process, and not all roads can be repaired immediately. "For example on the roads in Sidomulyo, there are changes and are better.

According to *tempo.com*, Bareskrim Polri and Polda ranks have so far received 20 police reports against Rocky Gerung for alleged hoaxes and spreading fake news. The details of the police report against Rocky Gerung, namely Bareskrim 2 reports, Polda Metro Jaya 3 reports, Polda North Sumatra 3 reports, Polda East Kalimantan 3 reports, Polda Central Kalimantan 3 reports, Polda D.I. Yogyakarta 2 reports. Meanwhile, the status of two public complaints has been raised to become a police report.

B. Research Methods

The research method used in this research are:

- a. Normative Legal Research, is legal research conducted through documentation studies in the form of secondary data. (Sigiyono., 2018). Normative legal research is a process to find legal rules, legal principles, and legal doctrines to answer legal certainty.
- b. Empirical Legal Research, is a research method as a function of a law or regulation in its application in society. The research method is in the form of sociological law, which is carried out about people in a life relationship related to society.
- c. Normative-Empirical Legal Research, is a research method that combines elements of normative law supported by additional empirical data. In the normative-empirical research method for implementing normative law in every legal event that occurs in society.

C. Results and Discussion

Wetboek van Strafrecht voor Nederlandsch-Indie/Wetboek van Strafrecht (WvS) Staatsblad Number 732. Dated 15 October 1915. *Tweede Boek. Misdrijven* (Crime) Title XVI.

1. The Offense of Insult Versus Offense of Trouble Juncto Offense of Electronic Transaction Information

Article 310 paragraph (3): "It does not constitute defamation in writing if the act is committed

in the public interest or is forced to defend oneself."

Translation of P.A.F. Lamintang et al. Article 310 paragraph (1): "Whoever deliberately attacks the honor or reputation of another person, by accusing that person of having committed a certain act with the real intention of making the accusation known to the public, because he was wrong to insult orally, is punished with a penalty of imprisonment for a maximum of nine months or with a maximum fine of Rp. 4,500". Article 310 paragraph (2)

If the act is carried out by spreading the word, showing it openly or by attaching writing or pictures, then the perpetrator because he wrongly insulted the writing, Mertokusumo, (2014). It is punished with a maximum imprisonment of one year and four months or with a maximum fine IDR 4500". Article 310 paragraph (3): "Insulting orally or in writing does not exist, if the perpetrator has committed the act in the public interest or to defend himself out of necessity".

2. The offense of Insult Defamation Defamation and Slander Versus Offense of Trouble Juncto Offense of Information Electronic Transactions Article 316

- a. Translated by R. Soesilo. Article 316: "The punishment specified in all the articles above of this chapter can be added to a third if the insult is committed against a civil servant when or because he is carrying out his work lawfully".
- b. Translation of S.R. Sianturi. Article 316: "The punishment specified in the previous articles in this chapter, can be added to a third if the insult is a civil servant at the time or for carrying out his legal duties". Translation of P.A.F.
- c. Lamintang et al. Article 316: "The penalties as stipulated in the previous articles of this chapter can be aggravated by a third, namely if the insult is committed against a civil servant during or while carrying out his duties".

3. Offense of Insult Defamation Defamation and Slander Versus Offense of Trouble Juncto Offense of Information Electronic Transactions Article 317(1)

- a. Translated by R. Soesilo. Article 317 paragraph (1): "Anyone who deliberately enters or orders to write false complaint letters or notifications to state officials about a person so that the honor or good name of that person is offended, shall be punished for complaining with slander, with imprisonment for life for four years." Article 317 paragraph (2): "The penalty for revocation of the rights referred to in Article 35 number 1-3 may be imposed."
- b. Translation of P.A.F. Lamintang et al. Article 317 paragraph (1): "Whoever intentionally submits a complaint or false report in writing or makes the complaint or false report written by the authorities regarding a certain person so that the honor or good name of that person becomes tarnished.

4. Delict of Insult, Defamation, Blasphemy and Slander Versus Offense of Confusion Juncto Offense of Information Electronic Transactions Article 318 (1)

- a. Translated by R. Soesilo. Article 318 paragraph (1): "Whoever deliberately commits an act, causes another person to be falsely accused of committing an act which is punishable, then he is punished for accusations of slander. Muladi. (2019). With a maximum prison sentence of four years". Article 318 paragraph (2): The penalty for revocation of the rights referred to in Article 35 number 1-3 may be imposed.
- b. Translation of P.A.F. Lamintang et al. Article 318 paragraph (1): "Anyone who deliberately with an act causes another person to be falsely accused of having committed an act which is punishable. The penalty in the form of revocation of rights as stipulated in Article 35 number 1-3 can be imposed".

5. Offense of Insult Defamation Defamation and Slander Versus Offense of Confusion Juncto Offense of Information Electronic Transaction Article 319 paragraph (1)

- a. Translated by R. Soesilo. Article 319: "Insults that can be punished according to this chapter, are only prosecuted on complaints from people who have suffered the crime, except in the cases mentioned in article 316".
- b. Translation of P.A.F. Lamintang et al. Article 319: "Insult that can be punished according to this chapter cannot be prosecuted if there is no complaint from the person against whom the crime has been committed, except in cases as regulated in article 361".

6. Offense of Insult Defamation Defamation and Slander Versus Offense of Confusion Juncto Offense of Information Electronic Transaction Article 320 paragraph (1)

- a. Translated by R. Soesilo. Article 320 paragraph (1) Who has died if he were still alive, the act is blasphemy by letter, shall be punished by imprisonment for a maximum of four months and two weeks or a maximum fine of Rp.4500. Article 320 paragraph (2): This crime is only prosecuted on a complaint from a family member of a straight or deviant lineage up to the second pup from a deceased person, or a complaint from his (wife) husband. Article 320 paragraph (3): According to the traditions of the mother's lineage, the power of the father is exercised by someone other than the father, then the crime can be prosecuted on complaints from other people.
- b. Translation of P.A.F. Lamintang et al. Article 320 paragraph (1): Whoever commits an act against a person who has died which, if this person were still alive, would constitute an act of insult or blasphemy in writing against that person, and two weeks or with a maximum fine of Rp. 4500. Article 320 paragraph (2): "This crime is not prosecuted unless there is a complaint from one of his blood relatives or one of his brothers because of marriage with a husband or wife". Article 320 paragraph (3): If because of maternal institutions, paternal authority is carried out by someone other than the father, then the complaint can be carried out by that other person.

7. Offense of Insult Defamation Defamation and Slander Versus Offense of Confusion Juncto Offense of Information Electronic Transaction Article 321 paragraph (1)

Klachte van de in article 319 en het tweede en derde lid van article 320 aangewezen personen".

- a. Translated by R. Soesilo. Article 321 paragraph (1): "Whoever broadcasts, shows or attaches writing or pictures whose content insults or insults people who have died, with the intention that the contents of the writings or pictures that insult and insult those words or images that are insulting and insulting are broadcast or more are broadcast, will be punished with eternal imprisonment one month and two weeks or a maximum fine of IDR 4500". Widayati, Lidya Suryani. (2018). Article 321 paragraph (2): "If a person is guilty of committing the crime while in office, while two years have passed since the time he committed the crime has passed since the determination of his previous sentence for a similar crime, then he can be dismissed from that position". Article 321 paragraph (3): "The crime is only prosecuted on the complaint of the person referred to in Article 319 and in paragraphs two and three of Article 320".
- b. Translation of P.A.F. Lamintang et al. Article 321 paragraph (1): "Anyone who disseminates, displays openly or attaches an inscription or image containing insults or insults to a person who has died with the intention that the contents which are insulting or insulting are known by the public or become known by other people. which is more, shall be punished with a maximum imprisonment of one month and two weeks or a maximum fine of Rp.4500". Article 321 paragraph (2) Work has not yet passed two years since he was sentenced to a sentence that has permanent force for a similar crime, then he can have his rights revoked to do the job." Article 321 paragraph (3): "This crime cannot be prosecuted except for complaints from the people mentioned in Article 319 and Article 320 paragraphs two and three".

8. Delict of Insult, Defamation, Blasphemy and Slander Versus Offense of Confusion Juncto Delict on Electronic Transaction Information, Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations.

Stipulated in Yogyakarta on February 26, 1946. Promulgated on February 26, Effendi, Erdianto. (2015). 1946.

- a. Translated by Balai Pustaka Jakarta 1948. Article 171 paragraph (1): "Whoever deliberately causes riots among residents of the country, for broadcasting false news or false notifications, is sentenced to a maximum of three years in prison." Article 171 paragraph (2): "Anyone who spreads news, or distributes notifications or announces something, which can cause riots among residents of the country, is punished with imprisonment for a maximum of one year and six months or a fine of up to Rp. 300, if he should reasonably suspect that the news or notification is a lie."
- b. Translation of P.A.F. Lamintang et al. Article 171 paragraph (1). Whoever, by spreading a hoax or a hoax, deliberately causes unrest among the population, is punished with a maximum imprisonment of three years. Article 171 paragraph (2): Whoever disseminates or orders the dissemination of news or notifications which may cause unrest among the population if he reasonably suspects that the news or notifications are false, shall be punished with a maximum imprisonment of one year and six months or with a maximum fine of Rp. 4500.

D. Conclusions and Suggestions

1. Conclusion

Based on the results and discussion of the offense of Insult, Defamation, Blasphemy, and Slander, as well as uproar, several conclusions can be drawn, including the following:

- a. Offenses of insult, and offenses of defamation, as well as offenses of slander (Wetboek van Strafrecht voor Nederlandsch-Indie. Tweede Boek. Misdrijven (Crime) Title XVI. Belediging (Insult) Art 310 and Art 311), constitute a Complaint Offense.
- b. The delict of lying which caused a commotion (Article 14 of the Delict of Fake News, and Article 15 of the Offense of Uncertain News. UU-RI Number 1 of 1946) is a Material Offense, that is, if the element of the offense is fulfilled to be perfect, mass riots must occur.
- c. Electronic information offense Electronic Transaction Information. (ITE). Article 45 paragraph (1) Juncto Article 27 paragraph (3) Offenses of Defamation and/or Defamation, and Article 45 paragraph (2) Juncto Article 28 paragraph (2) SARA offense. RI Law Number 11 of 2008. Amendment to UURI Number 19 of 2016. Article 45 paragraph (3) Offenses of Insult and/or Defamation Juncto Article 27 paragraph (3) and Article 45A paragraph (2) SARA offenses. Juncto Article 28 paragraph (2) constitutes a Complaint Offense.
- d. Every perfect formulation of the elements of an offense, whether a complaint offense or an ordinary offense or a formal offense, or a material offense, must cause a loss, whether it is an individual loss for its legal interests, whether it is a social loss for its legal interests, whether it is a loss to the state for its legal interests. Without the element of loss, then it is not an offense.

2. Suggestions

Based on the results of the discussion and conclusions above, several recommendations can be given in the form of suggestions, namely the following:

- a. To law enforcers in imposing sanctions on perpetrators of insults, defamation, defamation and slander and causing confusion so that offenses are violations against users of

Electronic Transaction Information (ITE). You have to be really wise so that in using the article it doesn't harm people because the consequences will be bad.

- b. To the perpetrators of Humiliation, Defamation, Blasphemy, so that you never make a fuss because you will be exposed to Juncto and Electronic Transaction Information Delict, so that it will harm various parties, especially those who are being persecuted.

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