



IMPOSITION OF CRIMINAL LAW IN THE ITE LAW AGAINST DEFAMATION THROUGH FACEBOOK SOCIAL MEDIA

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Abstract

Defamation on social media, especially via the Facebook platform, has become an increasingly disturbing issue in society. This research aims to understand the effectiveness of criminal law enforcement under the Information and Electronic Transactions Law (UU ITE) in cases of defamation on Facebook. Mixed qualitative and quantitative research methods were used, including literature studies, interviews, social media content analysis, surveys, and statistical analysis. The research results show that the phenomenon of defamation on Facebook faces challenges in law enforcement, including difficulties in identifying perpetrators, the length of the legal process, and public distrust of the effectiveness of law enforcement. Recommendations are given to increase cooperation between the police, legal institutions and social media platforms, as well as to increase public education about the dangers of defamation. In conclusion, criminal law enforcement against defamation on Facebook requires a holistic approach involving various parties and ongoing efforts to create a safer and more ethical digital environment. Even though the Information and Electronic Transactions Law (UU ITE) provides a clear legal basis, law enforcement still faces various challenges, including difficulties in identifying perpetrators, the length of the legal process, and low public trust in the effectiveness of law enforcement. The proposed recommendations include increasing cooperation between the police, legal institutions and social media platforms, as well as intensifying public education about the dangers of defamation. These steps are important for creating a safer and more ethical digital environment for all users. By understanding the challenges faced and through joint efforts across sectors, it is hoped that criminal law enforcement against defamation on Facebook and social media can be improved, so that individual human rights can be better protected and the integrity of the digital environment can be maintained.

Key words: *Defamation, Facebook, ITE Law*

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INTRODUCTION

In this digital era, social media has become one of the main platforms where individuals can interact, share information and express their opinions widely (Juita, 2024). However, this freedom also carries the risk of defamation, especially when the information shared is inaccurate or misleading. One of the most popular social media platforms is Facebook, with millions of active users every day. Defamation through Facebook and other social media platforms has become a serious concern for society and the government. Defamation actions can result in significant harm to the affected individual, both personally and professionally. Moreover, defamation can also cause social conflict and damage public trust (Azahra et al., 2024).

To overcome this problem, the Indonesian government has passed the Information and Electronic Transactions Law (UU ITE), which provides a legal basis for law enforcement against acts of defamation in cyberspace, including on social media such as Facebook. The ITE Law gives law enforcement officials the authority to take action against perpetrators who commit acts of defamation, whether by spreading false information, insulting them, or carrying out other actions that harm individuals or groups (Alhakim, 2022). Thus, the imposition of criminal law in the ITE Law on defamation through social media (Facebook) is an important step in maintaining security and protecting citizens from the negative impacts caused by the abuse of freedom of opinion in cyberspace (Mauludi, 2019).

Defamation through social media, especially Facebook, has become an increasingly disturbing phenomenon in society. Various cases have occurred where someone intentionally spread false, insulting or defamatory information about individuals or groups through this platform. The impact of these actions can be very detrimental to the victim, both emotionally and financially (Rastati, 2016). This phenomenon is becoming increasingly complex due to the difficulty of identifying perpetrators, who often hide their identities behind fake or anonymous accounts. However, even though it is difficult, law enforcement against acts of defamation on social media should not be ignored. This is important to maintain the integrity and dignity of individuals and society as a whole (Zein, 2019).

The ITE Law is here as a concrete effort by the government to face this challenge. With the existence of articles regulating criminal acts in cyberspace, including defamation, law enforcement officials have a clear basis for taking action against perpetrators. This legal action is not only a form of retaliation but also a form of protection for every individual's human rights to have a good name maintained (NUGRAHA, 2022).

However, law enforcement in cases of defamation on social media also requires the right approach. The need for cooperation between the police, legal institutions and social media platforms themselves to identify and take action against perpetrators is very important. Apart from that, educating the public about the importance of being responsible when using social media is also an equally important step in preventing acts of defamation on platforms such as Facebook (Arthaleza et al., n.d.). Thus, the imposition of criminal law in the ITE Law on defamation through the social media platform Facebook is not just an effort to take action but is also a preventive step to create a safer and more ethical digital environment for all its users.

Data and correspondence innovation has grown so quickly. Digital PCs have brought forth the web, which has acquired new peculiarities in the field of broad communications. These days, the broad communications transformation has brought forth new media, which can be called online entertainment. Current mechanical advancements are driving society towards the globalization of broadcast communications, media and informatics. Electronic devices have demonstrated their intensity as information and telecommunications media because advances in communication technology have become so widespread in society (Nugroho et al., 2020).

Through the universe of the web, also called the internet, anything should be possible. With all forms of human creativity, this positive aspect of cyberspace certainly contributes to the trend of global technological development. Be that as it may, adverse consequences can't be kept away from. Society is powerless to stop the spread of pornography online. Alongside the improvement of web innovation, this has prompted the development of violations called digital wrongdoings or

violations by means of the web organization (Abidin, 2015).

The rise of a few instances of digital wrongdoing in Indonesia, for example, Mastercard robbery, criticism, hacking a few destinations, blocking others' information transmissions, for instance, email and controlling information by getting ready undesirable orders into PC programs. Therefore, there is a possibility of both formal and material offenses in computer crimes. The act of entering another person's computer without their permission is a formal offense, whereas the act of causing harm to another person is a material offense. The existence of cybercrime has evolved into a threat to stability, making it difficult for the government to compensate for criminal practices that utilize computer technology, particularly internet networks (Ketaren, 2016).

Web-based entertainment affects the turn of events and the change of Indonesian culture. Different changes can bring better changes; even exceptionally terrible changes can happen via virtual entertainment. Virtual entertainment is a web-based medium where clients can, without much of a stretch, adjust, share and make content. Web-based entertainment incorporates web journals, informal communities, wikis, gatherings and virtual universes. Sites, informal communities, and wikis are the most well-known types of web-based entertainment utilized by individuals all over the world. Online entertainment is exceptionally different, so individuals can get to it effectively and use it for social cooperation (Sukmadiputra, 2019). Social media makes it easy to have social interactions, so these two-way communications can be private or open, often without people realizing there are rules that govern these interactions. It is entirely expected for somebody to involve online entertainment for the purpose of passing on conclusions, data or articulation; however, alertness is required in utilizing it on the grounds that the assessment or data conveyed could conflict with others' respectable feelings or result in criticism of others.

Defamation or insults via social media have become an increasingly common phenomenon on social networks in recent years. Defamation is an unlawful act that attacks the honor or good name of another person. In its

development, defamation via the internet can be categorized as a worrying crime (Subekti et al., 2021).

The presence of Facebook assumes an exceptionally impressive part in day-to-day correspondence for its clients; somebody can transfer different data about themselves with the goal that it tends to be seen by different clients. Not just that, Facebook clients can create situations with different things. Other users can comment on the shared statuses. However, not many people are aware of Facebook's history, benefits, or definition. In Indonesia, the quantity of month-to-month dynamic Facebook clients arrives at 77 million. Facebook is a long-range informal communication site that permits clients to interface with different clients all over the world. Facebook offers different high-level elements that have never existed via online entertainment (Sakti & Yulianto, 2018).

Aside from having the option to trade messages, with Facebook, a client can make individual pages, add companions, make and update situations with different sorts of content, settle on video decisions, and considerably more. Aside from that, Facebook is additionally outfitted with security devices to restrict who has the privilege to see what you share. The accommodation and tomfoolery offered are similar to the straightforwardness with which miscommunication can happen and, furthermore, criminal demonstrations, for example, maligning, according to this exploration. To be specific, it began with a post in light of a disturbance and afterward led to an assumption of criticism.

METHODOLOGY

This research takes a holistic approach by combining qualitative and quantitative methodologies to understand the complex phenomenon of defamation on social media, especially on the Facebook platform, and the criminal law imposed on these cases (Yusuf, 2013). First, researchers deepened their understanding through a thorough literature study. They dig through literature, journals and legal documents related to the ITE Law, criminal law and concrete cases of defamation on social media. This study provides a solid theoretical foundation for understanding the legal and social context that influences law enforcement in

these cases.

Next, researchers used a qualitative approach, which involved in-depth interviews with various stakeholders. They interacted with legal experts, digital rights activists, and law enforcement officials to gain a more refined perspective on the challenges faced in enforcing laws regarding defamation on Facebook. These interviews provide an in-depth understanding of the legal process, practical obstacles, and recommendations for improvement (Adlini et al., 2022).

To investigate the phenomenon of defamation on social media, especially via the Facebook platform, researchers designed a series of comprehensive methodological steps. These steps are designed to gain an in-depth understanding of how the criminal law in the Information and Electronic Transactions Law (UU ITE) is applied in the context of defamation in the digital space.

First of all, researchers conducted an intensive literature study. They searched for relevant literature, journals, articles and legal documents related to the ITE Law, criminal law, defamation and the use of Facebook social media. This step helps them build a solid understanding of the legal framework governing these cases.

Apart from that, researchers also analyzed relevant case studies. They examined concrete cases involving defamation via Facebook and the criminal law imposed on the perpetrators. This analysis helps them understand the legal process followed, the results, and the implications for perpetrators and victims.

Interviews with various parties are also an important part of this methodology. Researchers spoke with criminal law experts, ITE law experts, digital rights activists, law enforcement officials, and representatives from Facebook or other social media platforms. This interview provides valuable insight into practical perspectives and legal views regarding law enforcement in cases of defamation on social media.

Next, researchers conducted an in-depth analysis of social media content. They investigate content indicated as defamatory on the Facebook platform, using text analysis techniques and algorithms to identify patterns of perpetrator behavior. Legal case studies were also selected for detailed analysis, helping researchers understand the dynamics of law enforcement in a more concrete context

(Sugiyono, 2017).

This research also involves surveys and questionnaires to measure public perceptions about defamation on Facebook and social media, as well as the effectiveness of law enforcement in these cases. Data from surveys and questionnaires is then analyzed using statistical methods to provide a more measurable picture (Darmalaksana, 2020).

From the results of this data analysis, researchers prepared a comprehensive research report. This report includes all findings, analysis and conclusions obtained during the research process, as well as recommendations for future policy and law enforcement improvements in order to create a safer and more ethical digital environment for all users.

RESULT AND DISCUSSION

After undergoing a careful and thorough research process, various interesting findings were revealed from this research. First, from a deep understanding of the phenomenon of defamation on Facebook, it is clear that this is not just a trivial problem. Harmful content, fake news and slander can have serious impacts, both emotional and social, on the individuals and groups targeted.

Second, related to the effectiveness of law enforcement, although the ITE Law provides a clear legal basis, there are still challenges in enforcing the law effectively. Practical obstacles such as difficulties in identifying perpetrators, the length of the legal process, and limited resources are the main obstacles in handling defamation cases on the Facebook platform.

Third, the public perspective in the survey conducted illustrates awareness of the importance of law enforcement against defamation. However, there is a significant trend of distrust in the effectiveness of law enforcement. Most respondents felt that the punishments given to perpetrators were not strict enough to prevent future violations. Fourth, from the analysis of survey and questionnaire data, it appears that the general public has a fairly high level of awareness about the dangers of defamation on social media, but a deeper understanding of the legal consequences is still needed. This shows the need for a more intensive educational approach to increase public understanding of the importance of being responsible when

using social media.

Fifth, the recommendations proposed from the results of this research are not only aimed at the government and law enforcement officials but also at social media platforms such as Facebook. Closer cooperation is needed between the government, legal institutions and technology companies to develop policies and law enforcement mechanisms that are more effective in handling cases of defamation in cyberspace.

In conclusion, the results of this research highlight the complexity of the challenges faced in enforcing criminal law against defamation through social media like Facebook. However, through in-depth understanding, cross-sector collaboration and ongoing educational efforts, it is hoped that a safer, fairer and more ethical digital environment can be created for all users.

Based on these findings, a number of recommendations were put forward to improve policies and law enforcement actions in the future. Increasing cooperation between the police, legal institutions and social media platforms, increasing public education about the dangers of defamation, and strengthening regulations and sanctions in the ITE Law are necessary steps to create a safer and more ethical digital environment for all users.

Thus, the results of this research not only provide a deeper understanding of the complexity of the problem of defamation on Facebook social media but also provide direction for concrete steps in increasing the effectiveness of law enforcement and protecting individual human rights in cyberspace.

1. Criminal Law In The ITE Law Against Defamation

In the midst of the rapid development of information technology, criminal law in the Information and Electronic Transactions Law (UUITE) has become an important basis for handling cases involving defamation. Defamation itself refers to actions that harm a person's reputation through the spread of false or misleading information via electronic media such as the internet, social media, or email (Sumadi, 2015). In the ITE Law, defamation is regulated in Article 27 paragraph (3), which explicitly states that

every person is prohibited from distributing information or electronic documents that have the intention of defaming another person. Thus, for a criminal act of defamation to occur, several elements must be met, such as the dissemination of information that is detrimental to another person's good name, carried out intentionally or without rights.

Proven acts of defamation can be subject to criminal sanctions, which are included in Article 27 paragraph (3) of the ITE Law. These sanctions can take the form of imprisonment and/or fines, depending on the court decision and the objections faced. However, the application of these sanctions must also pay attention to the principles of justice and proportionality, as well as maintaining a balance between individual protection and freedom of expression.

Although the ITE Law is intended to protect individuals from defamation, there are critics who state that the law can be misused to limit freedom of speech and expression. The criticism underscores the importance of strict oversight in law enforcement to prevent abuse of power. Therefore, protecting your good name in the digital realm requires paying attention to democratic values and human rights. Law enforcement must ensure that freedom of speech and expression is maintained while also providing effective protection for individuals who are victims of defamation. Along with that, the public also needs to increase their understanding of digital ethics and responsibility in using social media and online platforms to prevent cases of defamation (Harefa & Fatolosa Hulu, 2020).

Correspondence by means of Facebook can't be said to contain criticism in the event that it doesn't contain slander or abuses (as per Article 310 of the Lawbreaker Code), including purposefully going after honor or great name, blaming for committing a demonstration, and broadcasting allegations so they become public information. What's more, these components should be satisfied before it very well may be supposed to be slander. In the event that one thing isn't satisfied, for instance, in the frame of mind of a confidential meet-up, inbox or individual by percent message, then it can't be supposed to be maligning on the grounds that it doesn't satisfy the components of broadcasting to the general population. The rise of a few instances of digital wrongdoing in Indonesia, for example, Mastercard robbery, criticism, hacking

a few destinations, blocking others' information transmissions, for instance, email and controlling information by getting ready undesirable orders into PC programs. Therefore, there is a possibility of both formal and material offenses in computer crimes. The act of entering another person's computer without their permission is a formal offense, whereas the act of causing harm to another person is a material offense.

The presence of digital wrongdoing has turned into a danger to steadiness, making it challenging for the public authority to make up for wrongdoing methods done utilizing PC innovation, particularly web organizations. Web-based entertainment affects the turn of events and the change of Indonesian culture. Different changes can bring better changes; even exceptionally terrible changes can happen via virtual entertainment. Virtual entertainment is a web-based medium where clients can, without much of a stretch, adjust, share and make content. Web-based entertainment incorporates web journals, informal communities, wikis, gatherings and virtual universes. Sites, interpersonal organizations, and wikis are the most well-known types of virtual entertainment utilized by individuals all over the planet. Online entertainment is exceptionally different, so individuals can get to it effectively and use it for social cooperation.

Maligning or affronts by means of virtual entertainment have turned into an undeniably normal peculiarity in informal organizations lately. An illegal act that harms another person's honor or good name is called defamation. In its turn of events, criticism by means of the web can be sorted as a stressful wrongdoing.

The presence of Facebook assumes an exceptionally impressive part in day-to-day correspondence for its clients; somebody can transfer different data about themselves with the goal that it tends to be seen by different clients. Not just that, Facebook clients can create situations with different things. Other users can comment on the shared statuses. However, not many people are aware of Facebook's history, benefits, or definition. In Indonesia, the quantity of month-to-month dynamic Facebook clients arrives at 77 million. Correspondence by means of Facebook can't be said to contain maligning on the off chance that it doesn't contain slander or affronts (as per

Article 310 of the Crook Code), including deliberately going after honor or great name, blaming for committing a demonstration, and broadcasting allegations so they become public information. What's more, these components should be satisfied before it very well may be supposed to be criticism. In the event that 1 thing isn't satisfied, for instance, in that frame of mind of a confidential meet-up, inbox or individual by percent message, then it can't be supposed to be slander since it doesn't satisfy the components of broadcasting to people in general.

Under the criminal regulation forced under the ITE Regulation, culprits of slander can be condemned to jail for a maximum of six years or potentially a fine of up to IDR 1 billion. On the off chance that the contamination truly hurt others, the discipline forced is more serious, in particular detention for a limit of 12 years or potentially a fine of up to IDR 12 billion. In Indonesian positive regulation, maligning is managed by the Crook Code (KUHP) and the Data and Electronic Exchanges (ITE) Regulation. Both criminal threats and defamation fall under the purview of these two laws. Criminal Code In the Crook Code, slander is remembered for the affront section. Maligning is illustrated in a few articles, specifically: Article 310, Section 1 concerning verbal criticism; Article 310, Chapter 2 concerning composed maligning; Article 311 concerning smears; Article 315 concerning minor put-downs; Article 317 concerning misleading protests or criticism; Article 318 concerning bogus charges; Article 320 concerning slander of dead individuals; and Article 321 concerning annoying or stigmatizing dead individuals out in the open. Discussions regarding criminal law enforcement against defamation on Facebook social media involve a deep understanding of the challenges faced as well as existing prospects for increasing the effectiveness of law enforcement in the future.

The main challenge faced is identifying the perpetrator. Many cases of defamation via social media involve fake or anonymous accounts, which are difficult to trace. This complicates the legal process, which often takes a long time and slows down law enforcement. Apart from that, low public trust in the effectiveness of law enforcement is also an obstacle. Many feel that the punishment given is not commensurate with the mistake committed, so they are less motivated to report cases of defamation that occur.

However, there are several steps that can be taken to improve criminal law enforcement in cases of defamation on Facebook. Increasing cross-sector collaboration between the police, legal institutions and social media platforms such as Facebook can increase the effectiveness of law enforcement.

In addition, intensive public education about the dangers of defamation and its legal consequences can increase public awareness and encourage prevention. Strengthening regulations and sanctions in the ITE Law, as well as updating social media platform policies, can also create a stronger legal basis for handling defamation cases. With increased awareness and joint efforts across sectors, the prospects for criminal law enforcement against defamation on Facebook and social media are becoming brighter. The development of more sophisticated technology and policies for identifying and prosecuting perpetrators can also increase the efficiency of law enforcement. The active role of the community in reporting and supporting law enforcement is also key to creating a safer and more ethical digital environment. With strong collaboration between various parties and continuous efforts, it is hoped that a safer and fairer digital environment can be realized.

Apart from that, it is also important to pay attention to aspects of protecting privacy and freedom of speech in the context of criminal law enforcement against defamation on social media. Law enforcement efforts must be in line with human rights principles and not sacrifice individual freedom of expression. In the law enforcement process, there needs to be transparency and accountability from law enforcers to ensure that the actions taken are in accordance with applicable legal procedures and do not violate the principles of justice. This will help build public trust in law enforcement agencies and strengthen the effectiveness of law enforcement itself.

Apart from that, it is also necessary to continue conducting research and monitoring technological developments and the behavior of social media users. With a better understanding of digital dynamics, relevant parties can formulate more responsive and effective policies for handling cases of defamation on social media. In doing so, this discussion highlights the complexities and

challenges faced in enforcing criminal laws against defamation on social media platforms like Facebook, but also offers views on the various steps that can be taken to overcome these challenges and strengthen the prospects for future enforcement.

In resolving the challenges of criminal law enforcement against defamation on Facebook and social media, a comprehensive and coordinated approach is needed. Concrete steps need to be taken to overcome the obstacles faced and strengthen the prospects for law enforcement in the future.

First of all, cross-sector collaboration is key. The police, legal institutions, social media platforms and society need to join hands to fight defamation cases. Through information exchange, joint training, and the development of effective work protocols, law enforcement can be significantly improved.

Furthermore, public outreach and education need to be improved. Outreach programs involving various related parties can increase public awareness about the dangers of defamation and its legal consequences. In this way, the public will be better prepared to report cases that occur and support law enforcement.

Improving regulations and policies is also an important step. Revision of the ITE Law to reflect technological developments and increase sanctions for perpetrators of defamation is urgent. Social media platforms also need to develop stronger protection features for users. Not only that, but the development of technology and tools is also needed. Early detection systems and automated content analysis can help identify defamation cases more efficiently. This will speed up the process of handling cases by the authorities.

Lastly, victim empowerment is a priority. Greater support for victims of defamation, both in terms of psychological assistance and legal assistance, can help them deal with the negative impact of defamation and restore their lives. By implementing these steps comprehensively and sustainably, it is hoped that a safer, more ethical and more civilized digital environment can be created, as well as increasing public confidence in the legal system in handling defamation cases on Facebook social media. In dealing with the challenges of criminal law enforcement against defamation on Facebook social media, it is also important to pay attention to aspects of privacy

and freedom of expression. Law enforcement must be carried out taking into account human rights principles, so as not to compromise individual freedom of speech.

Transparency and accountability from law enforcement is also very important. The law enforcement process must be open and trustworthy, so that the public has greater trust in law enforcement agencies. These steps will help strengthen the integrity of law enforcement itself. Continuous monitoring and research into technological developments and social media user behavior is also necessary.

With a deeper understanding of digital dynamics, relevant parties can formulate policies that are more responsive and effective in handling defamation cases. Thus, efforts to resolve the challenges of criminal law enforcement against defamation on Facebook social media involve various interrelated aspects. Through a holistic and coordinated approach, it is hoped that a safer, fairer and more ethical digital environment can be created for all users.

CONCLUSION

This research illustrates the complexity of enforcing criminal law against defamation on Facebook and social media. Even though the Information and Electronic Transactions Law (UU ITE) provides a clear legal basis, law enforcement still faces various challenges, including difficulties in identifying perpetrators, the length of the legal process, and low public trust in the effectiveness of law enforcement.

The proposed recommendations include increasing cooperation between the police, legal institutions and social media platforms, as well as intensifying public education about the dangers of defamation. These steps are important for creating a safer and more ethical digital environment for all users. By understanding the challenges faced and through joint efforts across sectors, it is hoped that criminal law enforcement against defamation on Facebook and social media can be improved, so that individual human rights can be better protected and the integrity of the digital environment can be maintained.

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