

Criminal Law Enforcement On the Role of Social Media in Cases of the Spread of Hoaxes and Slander

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This study aims to analyze the differences in legal treatment of hoax and defamation dissemination on social media compared to conventional media and to understand the role of social media in preventing the spread of false information. The research adopts an empirical juridical approach by conducting interviews with South Sulawesi Regional Police Crime Investigation Unit . The findings indicate differences in legal treatment based on the characteristics of both types of media, including variations in the sanctions imposed on perpetrators. On social media, preventive measures are carried out through public education, particularly targeting social media users, about the legal risks of spreading hoaxes. South Sulawesi Regional Police Crime Investigation Unit established the Cyber Patrol Task Force as part of its preventive and repressive strategies to tackle the issue

INTRODUCTION

The presence of the internet in the middle life This change habits , patterns think , way communicate , and behavior in demand human . Diverse access to information serve information and entertainment alone example like social media facebook , twitter, youtube , instagram , whatsapp, etc. Access to social media This create new digital culture that is interactive , distance , time and place No become obstacle For communicate through social media . Social media in period time lately This Lots loved and in demand by its users . [1] The height amount social media users such as Facebook, Twitter, Youtube , Instagram and WhatsApp have create validation process information the more neglected . In addition , the tendency social media users For choose news based on appetite personal they the more to worsen distribution information that is not true . Phenomenon This seen clear with the rise news fake (hoax) that is spread wide through social media , which is often misleading society . [2]

Fake news is news that contains No in accordance with the real truth (materiele health). Information hoax is information that is not Correct in Cmbridge Dictionary, word hoax Alone means trick or jokes . Activities cheat , trick fraud , plan fraud called with hoax . According to the Indonesian Anti-Slander Society, hoax is engineered information material For cover information actually . Hoaxes can also be interpreted as action mess up correct information with method flood a medium with wrong message for cover correct message . [3]ADDIN CSL CITATION {"citationItems":[{"id":"ITEM-1","itemData":{"abstract":"Abstrak Menjadi Abstract The main issue is regarding criminal elements in the imposition of criminal sanctions on perpetrators of distributing videos containing defamation via social media. This is because the article on criminal defamation through social media requires that the party who can be punished is the party who distributed the video and not the party who made the video. One of the acts of defamation through social media that has occurred is stated in the Sibolga District Court Decision Number 176 Pid.Sus/2019/PN.Sbg. Based on the research results, it is known that the factors involved in committing acts of defamation through social media can be seen from political factors, economic factors and socio-cultural factors which can be seen from the aspect of advances in information technology, human resources and from the aspect of new communities on social media. Regulation

of criminal sanctions for perpetrators of distributing videos containing defamatory content via social media in the form of imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp. 750,000,000.00 and the offense used is the offense of complaining. It is known that based on the results of the legal analysis of the Sibolga District Court Decision Number 176 Pid.Sus/2019/PN.Sbg, there were errors made by the judge in the first decision in terms of the legal subject of the main perpetrator carrying out the distribution not being involved and in terms of the criminal sanctions being too light given to the perpetrator, even though the impact of his actions was very broad and detrimental to the victim whose reputation was defamed.

,"author":{"dropping-particle":"","family":"Kaloko","given":"Rohns Syukriaty","non-dropping-particle":"","parse-names":false,"suffix":""},"container-title":"Iuris Studia","id":"ITEM-1","issue":"1","issued":{"date-parts":[["2023"]]},"page":"55-64","title":"Pertanggungjawaban Pidana Bagi Pelaku Penyebaran Video Yang Memiliki Muatan Pencemaran Nama Baik Melalui Media Sosial","type":"article-journal","volume":"4"},"uris":["http://www.mendeley.com/documents/?uuid=6ef1bf8f-5ea1-46b0-b8d8-54f01a9af32b"]},"mendeley":{"formattedCitation":["3"],"plainTextFormattedCitation":["3"],"previouslyFormattedCitation":["3"],"properties":{"noteIndex":0},"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"} Behavior This cause somebody believe without to question the truth and with fast publish news or information on social media . Hoax now become threat for unity nation . The people who used to be life in side by side become polarized consequence spread hoaxes in society , and things This often cause conflict . The purpose of spreading report false is For create chaos and instability in society , which is very dangerous . For the perpetrators the crime that spreads news lie (hoax) so that his actions No repeat back , then required extreme caution . [4]

Regulating laws about distribution news hoax is arranged in Constitution number 19 of 2016 article 27 (1) Every person with intentionally and without right distribute and or transmit and or make can accessible Electronic Information or document electronics that have infringing load decency . (2) Everyone with intentionally and without right distribute and or transmit and or make can accessible Electronic Information and or Electronic Documents that have load gambling . (3) Everyone with intentionally and without right distribute and/ or transmit and or make can accessible Electronic Information and or Electronic Documents that have load insult and or defamation . (4) Everyone with intentionally and without right distribute and or transmit and or make can accessible Electronic Information and or Electronic Documents that have load extortion and or threats . [5]

In addition , the ministry Communication and informatics can also become party participate in to overcome distribution news fake (hoax). One of the the party that will discussed writing This namely police authority , duties main points , roles , and function from apparatus Republic of Indonesia National Police . Law the in article 2 of 2002, law the has mention that party police the Republic of Indonesia is state apparatus that has position in maintenance public order , law enforcement , and also providing protection , care and service to society . [6] In an effort prevention distribution news fake (hoax), party police carry out activity literacy or education to prevention hoax through social media . In the field of preventive is efforts that are still ongoing in stage prevention before it happened stage prevention before it happened crime, namely remove existence chance in countermeasures act criminal perpetrator spreader news fake (hoax) with method to form Unit The Cyber Patrol (Cyber Patrol Task Force) task in the internet world, functions For control or carry out monitoring of accounts , sites, and social media to perpetrator spreader news fake that do blocking Then coordinate with authorized party others . In addition to that, it also does clarification with give information as well as real information so that the public No panic consequence distribution news false mentioned . [7]

Based on description said , it is important For understand How aspect law criminal play a role in handle case distribution hoaxes and slander that occur on social media . This is become base interest writer For do study use analyze the role of social media in distribution hoax from corner view law criminal .

METHOD

Study This use type study law empirical , namely research conducted in a way directly in the field with Meaning For obtain valid data using technique interview . Research empirical is method study law that is carried out with method obtain data or information in a way directly in the community . Research empirical fact - oriented existing field , in matter This law under review as one of the symptom social in society Good in a way in groups or individual . [8]

Study This carried out in Makassar City , namely at the South Sulawesi Regional Police Criminal Investigation Unit . For obtain data or clear and accurate information writer use three technique data collection namely interviews and questionnaires . The data that has been collected will use method descriptive with analysis qualitative . Descriptive method qualitative is method research conducted in a way deep and comprehensive with describe incident or the phenomenon that occurs as clearly as possible . Then withdrawn conclusion in a way deductive , which is things nature general become special .

DISCUSSION

Difference Legal Treatment of Spread of Hoaxes and Slander on Social Media Compared to with Conventional Media

Based on results interview with 3 Subdit V Ditreskrimsus Polda Sulsel . Obtained Action data results Fake News Crime Sub-Directorate V of the Criminal Investigation Directorate of the South Sulawesi Regional Police 2022-2024 .

Table 1.

No.	Year	CT	CC	Stop Fingerprint	P21 / STAGE II
1.	2022	2	2	2	0
2.	2023	7	5	2	5
3.	2024	5	3	2	1
Amount		14	10	6	6

Source : Action Data Fake News Crime Sub-Directorate V of the Criminal Investigation Directorate of the South Sulawesi Regional Police 2022-2024

Distribution information in the digital era has change method public access news and communicate . On social media namely X, which has characteristics more access easy and fast , distribution hoax often more difficult controlled However easy For tracked For its use . [9] This make more hoaxes and slander fast spread to public . In the context of law , distribution information fake on social media regulated by law Information and Electronic Transactions (ITE), in particular the article that regulates about distribution news Lie or slander, as Article 28 Paragraph (1) threatens with criminal prison maximum 6 years and a fine up to Rp. 1 billion .

In general overall , the laws that govern distribution hoaxes and slander on social media and conventional media own similar principles , namely For protect public from distribution wrong information that can harm individual or group . However , there are difference in matter implementation and application . [10] On social media , the spread of information tend more fast , wide and difficult controlled , but technology allow party authorized For track the perpetrator . While that , in conventional media , although supervision more strict , the process of taking action perpetrator tend more complicated Because more control systematic . Both of these media own

challenges and solutions different laws , but both of them can charged sufficient sanctions heavy If proven spread information false or slander.

Basic settings distribution news false or hoax and speech the hatred that has set up in Law no. 19 of 2016 article 28 paragraphs 1 and 2 already walk effective Because can limit room movement of the perpetrators spreader news hoax and speech hatred . [11] More special , perpetrator Can ensnared with other related articles namely Article 311 and 378 of the Criminal Code, Article 27 paragraph 3 of Law No. 19 of 2016 concerning Information and Electronic Transactions , Law No. 40 of 2008 concerning Deletion Racial and Ethnic Discrimination , and the perpetrators distribution news fake can also charged chapter related utterance Hate Speech .

The Criminal Code, the ITE Law, and the Press Law have their respective roles in arrange distribution hoaxes and slander. On social media , the ITE Law has become tool main , whereas in conventional media , the Press Law provides more supervision structured . [12] Difference This reflect need specific law For overcome different challenges in both media type . However , for reach effectiveness , required education to society , improvement digital literacy , as well as Work The same between government , platform providers , and press institutions . The distribution hoaxes and slander on social media and conventional media of course need serious handling , but mechanism treatment the law Still different . Social media need approach more laws adaptive For face characteristic decentralization and speed distribution information , while conventional media more easy under surveillance Because own more structure clear . So that the treatment law to second more media types equivalent , required strengthening regulation , work the same more close between party related , and education to public .

1. Characteristics of Social Media and Conventional Media

Social media , like X has very different characteristics with conventional media like television . Social media allow every individual For share information in a way instant , expansive , and unfiltered , resulting in potential distribution hoaxes and slander become more faster and more difficult controlled However invention owner account easier to find . While that , conventional media generally own more regulation strict in matter broadcasting news , with more control structured However regulation difficult law . [13]

2. Differences in sanctions received perpetrator distribution hoax or slander on social media and conventional media

In general theory , sanctions to distribution hoax or slander on social media and conventional media Can same , but in in practice , the perpetrators on social media tend more easy reachable Because anonymous and not registered with track account users . On the other hand , in conventional media , if a medium for spreading hoax or slander, the party responsible answer usually publisher or the editor can charged sanctions administrative or more criminal easy applied will but conventional media more difficult reached . Enforcement law on social media of course more complicated because of nature anonymous , because social media platforms must Work The same with party in charge For track perpetrator . [14]

As results interview First Brigadier Muh. Dinul Fattahani Rasyak as the Head of the Criminal Investigation Directorate of the South Sulawesi Regional Police , the Difference sanctions law more related with mechanism enforcement . On social media , the perpetrators individual Can charged sanctions based on the ITE Law, such as fine or criminal prison , depending on the impact from information that is disseminated . However , the difficulty track perpetrator become constraint main . In conventional media , the responsibility answer law more obviously , because usually involving institution or editorial that can asked for accountability . If there is any violations , conventional media can charged sanctions administrative , revocation permission , or demands criminal through through the Criminal Code or Press Law.

3. Legal Treatment of The Spread of Hoaxes and Slander on Social Media and Conventional Media

In Makassar, the distribution hoaxes and slander can charged sanctions law based on the Criminal Code (KUHP), the ITE Law , and regulations others . Although second this type of media subject to the same regulations , implementation law on social media tend more easy Because the decentralized and anonymous nature of social media . While that , conventional media own more supervision clearly , with press institution that regulates and supervises published content will but regulation difficult law .

Social media

ITE Law is more Lots applied Because Perpetrator distribution hoax or slander on social media often anonymous However with perpetrator easy identified . The height intensity the use of social media also increases complexity in arrange distribution Hoax information .

Conventional Media

Conventional media set up more strictly by the Press Law, which demands there is a verification process information and responsibility answer from institution publisher . With structure more organization clear , enforcement law in conventional media tend more directed , because the responsible perpetrator answer can with easy identified through related media institutions However regulation sufficient law difficult .

Social Media in hinder Spread of Hoaxes and Slander through Approach Legal Involvement Law Enforcement and Cooperation with Government

Social media own influence big in distribution information in the digital era in Makassar. However , this platform also becomes means main distribution hoaxes and slander that can cause impact negative , such as damage reputation individual , creating anxiety social , or even threaten stability Makassar City community . For hinder distribution hoax and slander, the role of social media X is very important through approach legal and cooperation with government .

South Sulawesi Regional Police Special Crime Unit in Makassar City in to overcome or prevent the case of " Spread of Hoaxes and Slander on Social Media " in the form of individual , family , group or society caused by something obstacles , difficulties and disturbances in Spread of Hoaxes and Slander on Social Media namely X. The South Sulawesi Regional Police Criminal Investigation Unit in Makassar City has role in handle problem Spread of Hoaxes and Slander on Social Media X. focus writing This is the role of social media in hinder distribution hoaxes and slander through approach juridical involving enforcement law and cooperation with Makassar City Government

1. Prevention carried out by the South Sulawesi Regional Police's Special Crimes Unit in Makassar City in to overcome or prevent case Spread of Hoaxes and Slander on Social Media

Efforts that can be made taken by the government and authorities enforcer law For to overcome or prevent case The Spread of Hoaxes and Slander on Social Media x namely with how to “ do education to public especially social media users challenge the perpetrator who committed the spread of Hoaxes and Slander will subject to Article 45A Paragraph 3 of Law Number 1 of 2024 which regulates threat criminal imprisonment for a maximum of 6 years and /or a maximum fine of IDR 1 billion for spreader hoax . [14]

Legal basis from Action Criminal distribution own (hoax) news there is in article 28 paragraph (1) Law no. 19 of 2016 JO Law no. 11 of 2008 “ Everyone with intentionally and without right spread news lies and misleading which results in loss consumer in Electronic Transactions ”.

2. The role of social media in hinder distribution hoax along with rule law used

Forming Unit Cyber Patrol Tasks (Cyber Patrol Task Force)

In handling case distribution news fake , apparatus enforcer law that can to eradicate news fake (hoax) among other parties Police , Prosecutor's Office , and Judges. In addition , the Ministry of Communication and Information can also become the parties involved in to overcome distribution news fake (hoax). [15] One of the the party that will discussed in writing This namely party which police authority , duties main points , roles , and function from apparatus police has set up in Law No. 2 of 2002 concerning Republic of Indonesia National Police . Law the in Article 2 of it has mention that party The Republic of Indonesia Police is state apparatus that has position in maintenance public order , law enforcement , and also providing protection , care and service to public .

Based on results study efforts made For enforcement law to spreader news lie (hoax) is done with method report problem law to apparatus enforcer law in matter This is party police to be processed law and avoid taking the law into your own hands itself . Where is it done? with do efforts that is First preemptive is with method to form Unit Cyber Patrol Task Force (Cyber Patrol Task Force) , which is tasked with supervise Technology Information or Social Media . In doing so effort preventive This party police has do various effort like give appeal with jump direct to community , agency government , institution education For voicing anti -hoax , where member police come and appeal public For reject all form news hoax for the public No spread and not easy believe in the news No clear Because can become threat Article 45A Paragraph 3 of Law Number 1 of 2024 regulates threat criminal imprisonment for a maximum of 6 years and /or a maximum fine of IDR 1 billion for spreader hoax .

Preventive Efforts

In doing effort preventive This party police especially the Cyber Crime unit of the regional police South Sulawesi has do various effort like give appeal to public via social media x with distribute broadcasts in the form of appeals related to Cyber Crime to be forwarded to public wide that perpetrator distribution hoaxes on social media like x will subject to Article 45A Paragraph 3 in conjunction with Law 1/2024 which regulates threat criminal imprisonment for a maximum of 6 years and/ or a maximum fine of IDR 1 billion for spreader hoax .

Party the police also carry out function special technical handle Hoax and Slander cases on social media x, namely with do enforcement rules , do security at suspected locations often happen Hoax and Slander cases and do regular cyber patrols in cyberspace such as social media x.

CONCLUSION

Difference treatment law to distribution hoaxes and slander on social media and conventional media lies in the characteristics and mechanisms enforcement law . Social media , like X, allows distribution fast and extensive information , with enforcement more laws easy blessing tracking perpetrator although anonymous , based on the ITE Law. While that , conventional media like television own more structure organized , but enforcement law more complicated and sanctions usually charged to institution or responsible individual answer , based on the Press Law and the Criminal Code.

The role of social media in hinder distribution hoaxes and slander through approach juridical involving enforcement law and cooperation with government , for overcome matter This , South Sulawesi Regional Police Criminal Investigation Unit play a role important through approach juridical , including education society and enforcement strict law . South Sulawesi Regional Police do effort prevention with to form Unit Cyber Patrol's task is to provide appeal to the community ,

and take action spreader hoax in accordance with Article 45A Paragraph 3 of Law 1/2024, which threatens with criminal prison up to 6 years or fine up to Rp1 billion . In addition , the police also carried out cyber patrol and work The same with agency government as well as institution education For to voice danger hoax and slander, at the same time give understanding to society to be more wise in select and distribute information .

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