

CRIMINAL DEFAMATION ASSOCIATED WITH CYBERBULLYING ASPECTS IN TERMS OF JUSTICE FOR VICTIMS

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Abstract

Cyberbullying is a form of defamation in which the perpetrator disseminates information or statements that demean the victim through digital media. This act of defamation is regulated in the Criminal Code (KUHP) and Law Number 11/2008 on Electronic Information and Transactions (UU ITE). This research examines a case with decision number 127/Pid. In Sus/2017/PN Lsm, Sabri Ismail Bin Ismail was convicted of defaming someone on social media. The defendant was convicted of knowingly disseminating electronic information containing insulting and defamatory comments. This study aims to analyze the legal basis used by the judge in handing down the verdict and see the application of the ITE Law in defamation cases through social media. Using a normative legal framework and doctrinal research methodology, this research focuses on the legal principles and doctrines used in the decision. The specification of this research is in the form of descriptive documents, aiming to provide a comprehensive description of the Judge's decision in a case of defamation through digital media and clarify the legal limitations related to defamation in the digital era.

Keywords: Defamation; Cyberbullying; Victim Justice.

INTRODUCTION

The development of information and communication technology has changed the way people interact, and one of the negative impacts is the emergence of the phenomenon of cyberbullying. Victims can experience psychological consequences, and perpetrators can face significant legal penalties as a result of these actions. One form of cyberbullying that often occurs is defamation, where the perpetrator disseminates information or statements that demean and defame the victim through digital media. Although there are already legal rules related to defamation, their application in the context of cyberbullying still requires further analysis, especially regarding justice for victims. (Cangara, 2019).

One of the adverse effects of using the internet is defamation. Spreading

harmful content or intimidating someone, overtly or covertly, has potentially severe repercussions. It can damage an image, cause financial loss, and be considered an act of defamation or insult to the targeted individual or group. This adverse impact can occur regardless of the mode of delivery as long as it has the potential to tarnish the reputation of the targeted party. (Supiyati, 2020).

This research focuses on aspects of Indonesian criminal law related to defamation cases on digital platforms such as social media and other online media. Defamation is a criminal act that damages a person's image or reputation through writing or speech. This act can result in substantial adverse impacts for its victims, especially regarding reputation and other potential losses. (Muthia & Arifin, 2019).



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* Received: 21 July 2024, Received in revised form: 2 October 2024, Accepted: 10 November 2024

Doi: 10.3376/jch.v9i2.924

In evaluating defamation cases on social media platforms, it is essential to consider two main aspects: content and context. These two components are crucial in the legal assessment of actions deemed insulting or defamatory in the digital world. Only those affected can evaluate the harm or defamation done to their reputation. In essence, the aggrieved party has the right to determine the parts of electronic information or documents that they consider potentially defamatory or damaging to their reputation. This assessment is subjective and based on the victim's perception of the negative impact of the content on their self-image. (Kumaat, 2021).

Subjective assessment by the aggrieved party in determining the parts of electronic information or documents considered defamatory poses challenges in the law enforcement process. This is because the victim's subjective standards do not always match the objective legal norms used in court. As stated by Kumaat (2021), each victim has the right to determine the aspects considered damaging to their reputation. However, this subjective assessment is often not followed by concrete evidence of the harm suffered, which can affect the court's objectivity in assessing whether or not there is an act of defamation.

For example, in the context of cyberbullying, the content that the victim considers defamatory may be perceived differently from the general view. Therefore, although the victim has the right to feel offended and determine the part of the content that is considered defamatory, the court still needs to consider objective elements such as the intention of the perpetrator, the social

impact, and the context of the post to reach a fair decision. This is important so that the protection of freedom of expression is not abused while still protecting victims from genuine and severe harm due to defamation.

Several Indonesian laws govern defamation and libel. The Criminal Code is the primary legal foundation for some of these cases. In addition, the issue is also governed by sectoral regulations, such as Law Number 11 of 2008 on Electronic Information and Transactions. Specifically, Article 311 of the Criminal Code regulates defamation as a whole. Meanwhile, Article 27, paragraph (3) of Law Number 11/2008 on Electronic Information and Transactions governs matters related to the digital world.

This diversity of regulations shows that the Indonesian government pays serious attention to the deviant crimes of defamation and disseminating false news, whether conventionally or through electronic media. Thus, the regulation of criminal offenses will reach an agreement. It cannot be denied that there is a possibility that the Criminal Code rules will conflict with other laws that are not part of the Criminal Code or with other special laws. Legal conflicts could potentially arise between the provisions of the Criminal Code and Law Number 11 Year 2008 on Electronic Information and Transactions. This difference can occur because the two regulations regulate similar matters with different approaches or scopes. This situation illustrates the possibility of overlap or inconsistency in the application of the law, especially when dealing with cases that fall in the gray area between conventional crimes

and crimes in the digital realm. (Rohmana, 2017).

This research reveals the case. The case of Sabri Ismail Bin Ismail fulfills the requirements in Article 27, paragraph (3) to Article 45, paragraph (1) of Law Number 19 Year 2016, Article 310, paragraphs 1, 2, and Article 311 of the Criminal Code. As mentioned in the first indictment of the public prosecutor, these articles relate to the use of social media for defamation. For violating them, the defendant is threatened with imprisonment.

The indictment against the defendant stated that the defendant committed intentional acts, including dissemination and granting access, the disseminated information and documents were in electronic form, the content of the information and documents was insulting and defamatory, the dissemination was carried out using social media platforms, and the defendant committed these acts without having legal rights or authorization. The essence of this charge is the allegation that the accused knowingly and illegally used social media to disseminate insulting or defamatory content to another party. The verdict was included in the case file, which included several evidence mentioned during the trial. As decided in the verdict, the perpetrator was imprisoned for four months, and the defendant had to pay court costs of two thousand rupiahs. The sentence imposed was deducted from the length of the period of detention and imprisonment.

This research is interesting because it departs from a phenomenon that is increasingly relevant in the digital era, namely defamation through social media,

which is often associated with cyberbullying. Amid advances in information technology, social media has become a vast public space where personal opinions, criticisms, and statements can be easily accessed and disseminated. This situation has led to an increased risk of defamation and cyberbullying cases, which not only affect a person's reputation but also the psychological and social condition of the victim.

This research will discuss how Indonesian law, specifically through the decision of the Lhokseumawe District Court in case No. 127/Pid.Sus/2017/PN Lsm addresses and interprets acts of defamation in the context of social media. By examining the judges' considerations in deciding this case, this research explores how aspects of victim subjectivity and legal elements are addressed and how the difference between freedom of expression and defamation is considered in the legal environment. In addition, this research is essential because it can provide insights for the public and legal practitioners regarding the limits and responsibilities when using social media, as well as understanding the legal consequences that may arise from their online actions.

RESEARCH METHOD

The research method used in this study is the normative legal method, which focuses on analyzing the legal aspects of defamation cases in Indonesia's context of cyberbullying. This research uses a doctrinal approach to examine legal rules such as the ITE Law and KUHAP and the interpretation of relevant court decisions. This approach aims to find

inconsistencies or gaps in applying legal norms and evaluate legal considerations by judges.

In addition, a conceptual approach is used to understand the role of legal principles and theories in assessing the subjective aspects of defamation cases on social media. This research seeks to understand the balance between freedom of expression and defamation protection and how the law protects victims in the digital realm.

This descriptive and qualitative research provides a detailed description of the judge's decision and the application of legal principles in the case at hand. The data is analyzed systematically and logically to provide insight into the application of law in cyberbullying cases and provide input to strengthen or improve existing regulations. (Nurhayati dkk., 2012).

RESULTS AND DISCUSSION

Consideration of the Judges of the Lhokseumawe District Court in Deciding the Crime of Defamation Associated with Cyberbullying Aspects (Case Study of Decision Number 127/Pid.Sus/2017/Pn Lsm)

Defamation is a criminal offense that requires careful legal consideration. Recently, there has been an increase in such cases in both print and electronic media. In a legal context, defamation or slander is often the basis for lawsuits against the mass media. There are two types of defamation, which are committed by writing and by swearing. Given their sensitivity and potential impact, these cases require careful and comprehensive legal handling. Many have questioned the issue of defamation that has resurfaced in

recent times. Several defamation cases have piqued the interest of the public at large, making the issue a frequent topic of discussion in the community. (Sirait dkk., 2020).

Defamation law has two interrelated purposes. First, it aims to protect and defend the reputation and privacy of individuals in society. Secondly, it protects against disseminating inaccurate or false information or statements potentially damaging a person's image. As such, defamation law functions as a legal tool that maintains a balance between an individual's right to defend their reputation and freedom of expression in society while preventing the abuse of such freedom that could harm the good name of others. However, if used carelessly, these laws can restrict freedom of expression and opinion and limit others' access to information. (Sirait dkk., 2020).

One of the many types of material offenses and complaints is defamation. Only a person who feels directly or indirectly harmed can file a complaint against an individual considered to have committed a crime with a complaint offense. Material crimes are now considered to be completed when something deviant occurs, and the perpetrator is punished. The Criminal Code (KUHP) and related laws are policies that regulate defamation. In general, provisions regarding defamation are covered in the Criminal Code, both in Article 311 and Article 310, paragraphs (1) and (2). In addition, Article 27 paragraph (3), in conjunction with Article 45 paragraph (1) of Law Number 19 Year 2016, amends Law Number 11 Year 2008 on Electronic Information and Transactions (ITE), regulates defamation

on social media. In law, the “lex specialis derogate lex generalis” principle is applied, meaning that if a particular policy makes a general policy overruled. Therefore, the ITE law on defamation is more specific and applies to cases related to social media (Marali & Putri, 2021).

In criminal law, defamation is classified into six types: petty defamation, defamation by letter (smaadachrift), defamation (penguji), minor defamation (een voudige beledkjing), complaint of defamation, and accusation of libel. According to the Criminal Code (KUHP), perpetrators of medium or minor offenses can be charged with defamation, provided that the complainant commits the offense of the complaint. (Rohman & Rusdiana, 2023)

This defamation offense may not be punishable if prohibited consequences cannot be proven in court. The prohibited harm can be material or non-material; both must be measured and assessed. In addition to the damage caused by defamation, the other elements that must be proven are “assault” and “honor.” Since the assault in question is not with weapons but with words, these two elements are difficult to prove. In addition, it is difficult to distinguish attack, criticism, and complaint because words can be criticism, complaint, or proper speech.

In the context of defamation, three crucial aspects need to be considered:

1. Subjective nature and complaint offense: Judged subjectively based on the victim's perspective and included in the complaint offense category, defamation can be further prosecuted only if there is a formal complaint by

the party concerned and considers that his name has been slandered.

2. Definition of action: The party who can be held liable for spreading false information to the public is called defamation.
3. Opportunity of proof: Allowing the party accused of defamation to prove the truth of their allegations is essential. This gives the accused room to defend themselves and present evidence that supports their claims.

These three points emphasize the complexity of handling defamation cases, considering the victim's rights, the act's definition, and the principle of justice for the accused party. (Alam, 2012)

The aspects mentioned in this research work are also discussed in jurisprudence. According to the judge's decision in Lhokseumawe District Court Decision Number 127/ Pid.Sus/2017/PN Lsm, based on Article 27 paragraph (3) and Article 45 paragraph (1) of Law Number 11 of 2008, as amended by Law Number 19 of 2016 concerning Electronic Information and Transactions, every individual is prohibited from intentionally and without the right to distribute, transmit, or create electronic documents that have insulting content and defamation.

One of the causes of criminal defamation is the low level of legal awareness in society. People still lack an understanding of the legal rules related to defamation, so they often commit these acts without realizing that what they are doing is a criminal offense. Preventive and repressive efforts are needed to reduce the suffering of victims of defamation. An example of a way to prevent defamation is to increase public

legal awareness through training and socialization of the applicable rules related to defamation. Defamation perpetrators may be subject to strict penalties as part of repressive efforts by the law. (Nuralifa, 2023).

When examined further, cyberbullying is the result of defamation. Defamation was usually carried out through print media or verbally before the internet was widely used. Newspaper articles, word-of-mouth rumors, or even flyers were common ways to bring someone into disrepute (Tis'ah, 2022). With the development of digital technology, this method evolved into cyberbullying, where insults and harassment are now delivered through online platforms such as social media, instant messaging, and internet forums (Rahmaniar & dkk, 2023).

Although it has the same basis as defamation, cyberbullying has specific characteristics that make it more damaging and difficult to control. (Jubaidi & Fadilla, 2020). In cyberspace, information can be disseminated quickly and reach a broad audience quickly. In addition, the anonymity often afforded by the internet allows cyberbullying perpetrators to spread hatred without fear of immediate consequences, which in turn can exacerbate the psychological impact on the victim. (Sari dkk., 2024).

According to conventional law, insults committed through cyberbullying do not always constitute defamation (Machdori, 2023). In many cases, insults made through cyberbullying may not meet the legal criteria for defamation (Maulana, 2021). For example, defamation usually requires proof that the statement spread is false and damages a

person's reputation in the eyes of society. Meanwhile, cyberbullying often includes various forms of harassment that may not directly damage reputation but still cause significant emotional suffering to the victim. (Anisah dkk., 2024).

However, despite these legal differences, it is essential to recognize that both forms of crime are rooted in the intention to harm others through disseminating negative information. Defamation and cyberbullying are closely related, especially in today's sophisticated era (Azahra et al., 2024). Defamation is the act of damaging someone's reputation through untrue statements. It can occur in various media types, such as print and electronic media (Simamora et al., 2020). On the other hand, cyberbullying is a form of bullying or harassment perpetrated through digital technologies such as social media, text messaging, and email (Pratiwi, 2022). Both actions are often carried out through digital media, which allows for the rapid and widespread dissemination of negative information. The impact of defamation and cyberbullying on victims is immense, including emotional stress, depression, anxiety disorders, and even suicide risk (Ni'mah, 2023). Legally, both of these acts have profound implications (Afralia dkk., 2024).

Article 315 of the Criminal Code (KUHP) mandates defamation charges with a maximum sentence of six months in prison and a maximum fine of ten million rupiah. Mild defamation here refers to actions that directly degrade or insult someone, either verbally or in writing, which are not considered to have a severe impact but still hurt someone's honor. (Kamalludin & Arief, 2019).

However, Article 27A paragraph (1) of Law No. 01 of 2024 on the Second Amendment to the ITE Law regulates acts of insulting or defaming another individual through electronic media. Such an act is punishable. *Cyberbullying* can result in a prison sentence of up to two years and a fine of up to 400 million rupiah. This regulation demonstrates the government's commitment to combat the increasingly prevalent cybercrime, which can result in significant losses for victims.

In the legal context, *cyberbullying* in the ITE Law and defamation in the Criminal Code show the difference in modus operandi and consequences of the two types of offenses. Defamation in the Criminal Code tends to be direct and limited in scope, whereas cyberbullying, by utilizing digital technology, can spread widely and quickly, resulting in more significant impact and damage. (Dewi dkk., 2024).

In addition to criminal penalties, it is also essential to highlight aspects of rehabilitation and support for victims. Victims of defamation and cyberbullying often suffer from deep psychological trauma. Therefore, the legal system should not only focus on punishing the perpetrators but also provide psychological support services and legal aid for the victims. These measures include counseling, therapy, and other recovery programs designed to help victims recover from the negative impact they have experienced.

Law enforcement must be able to respond effectively to both types of criminal offenses, including identifying perpetrators who may hide behind the anonymity of the internet. To protect victims, public education and awareness

about the dangers of defamation and cyberbullying are needed. Prevention and education programs on ethical internet use in schools and communities can help reduce such incidents. With a coordinated legal and social approach, protection and justice for victims can be realized.

Judges must be careful when making decisions in a case because of the ambiguity of the law and the potential benefits for the parties involved. The judge can only decide after the fact that the events in the case occurred or were proven correctly established (Arto, 2004) by the factors described in the decision. The judge decided that the Defendant's actions fulfilled the elements of "Every Person Intentionally and Without Rights Distributing and or Transmitting and or Making Accessible Electronic Information that Has Contempt and or Defamation Through Social Media."

By decision Number 127/Pid.Sus/2017/PN Lsm, the Panel of Judges of the Lhokseumawe District Court found the defendant, Sabri Ismail Bin Ismail, guilty of insulting and defamation using social media. This action also deviates from Article 45 paragraph (1) and Article 27 paragraph (3) of the Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions.

The Panel of Judges of the Lhokseumawe District Court decided that the actions of the Defendant, Sabri Ismail Bin Ismail, were legal and fulfilled several provisions mentioned in the article. The elements are:

a. Elements of Every Person.

Because every individual who commits a crime against another individual, the victim has the right to

demand accountability for the actions committed, “every person” is considered a legal subject; in this case, the Public Prosecutor at the trial has presented the so-called Defendant, namely Sabri Ismail Bin Ismail, whose identity is recognized by the Defendant and the witnesses presented in this criminal case. The Panel of Judges considered that there was no error in applying legal principles relating to the identity of the Defendant. Thus, the Panel of Judges has determined that the defendant, Sabri Ismail Bin Ismail, has fulfilled this element.

- b. Element of Intentionally and Without Right to Distribute and or Transmit and or Make Accessible

There is no complete definition of “intentionally” in Law of the Republic of Indonesia Number 11 of 2008 on Electronic Information, as amended by Law of the Republic of Indonesia Number 19 of 2016. However, we can refer to the M.v.T (Memorie van Toelichting) in the Criminal Code, which defines “intentionality” as being both intended and known (willens en wetens). This means “intentional” can be interpreted as wanting and understanding what will happen.

During the trial, evidence, including witness testimony and the defendant himself, showed that the defendant's actions were related to a message posted on his Facebook account: “The Irwandi Nova banner that we previously put up at the railroad crossing in Krueng Mane on November 28 was taken down by PA Krueng Mane on the orders of

Zuldfali (Cekdon's brother) and replaced with Irwandi Nova's snoring.” According to Zuldfali's (Cekdon's brother) order, PA Krueng Mane took down the Irwandi Nova banner that was previously installed on November 28 at the Krueng Mane railroad spade and replaced it with a PA banner featuring images of the North Aceh governor and vice governor candidate, as well as Muzakir Manaf. What about teammates? On his Facebook account, the defendant wrote, “Irwandi-Nova banner dismantled by PA PKI ka ta pasang keulai (Irwandi-Nova banner dismantled by PA PKI).” Thus, the element is legally proven and convincing without the right to disseminate, transmit, and make it accessible.

- c. Elements of Electronic Information that Contains Defamation and or Libel

Article 1 Paragraph 1 of Law of the Republic of Indonesia No. 19/2016 on Electronic Information and Transactions says that “electronic information” and “electronic document” refer to digital data collection in various forms. Examples include electronic data exchanges, emails, telegrams, telexes, facsimiles, photos, texts, music, maps, designs, etc. In addition, it contains letters, symbols, numbers, access codes, signs, or perforations that have meaning and can be understood by an individual with the ability to understand.

According to the explanation of the witness and the evidence found during the trial, the defendant admitted to writing on his Facebook

account on Monday, December 19, 2016, according to the testimony of an expert on electronic information and language, after paying attention to the brief history of Sabri Ismail's Facebook account activity, broad public access to electronic information or newspapers that are considered prohibited activities, influenced the PA (Aceh Party). However, the defendant admitted that he did not intend to target the party's initials. However, it was the political campaign period, and the defendant's Facebook account has been proven to violate Article 27 paragraph (3) of the ITE Law. The information provided showed that the content and electronic documents contained insults and defamation, not violating the law.

d. Elements Through Social Media

In the trial, it was stated that elements through social media had been used legally and convincingly because it was based on the testimony of witnesses and was linked to existing evidence, as well as the defendant's testimony. One of the social media used by the Defendant was the Facebook application. Everyone can easily access the defendant's Facebook account to see or know what the defendant wrote because Facebook is one of the social media platforms.

In this case, the perpetrator defamed the victim through social media and other online platforms. Such actions can have a significant psychological, emotional, and social impact on the victim. The victim may experience embarrassment, depression, and anxiety and may even decline in academic or professional

performance. On the other hand, Internet defamation can spread quickly and is difficult to erase. (Hardiyanti & Indawati, 2023).

From the perspective of justice for victims, it should be noted that victims experience losses and suffering that are not only material but also immaterial. Therefore, the justice system must ensure that victims receive fair and appropriate treatment, including proper restitution and adequate legal protection. (Gumbira dkk., 2019).

Victim recovery and rehabilitation is a significant component that must be considered. Victims should be given access to counseling services or psychological support to help overcome the traumatic impact of cyberbullying. In addition, measures are needed to restore the victim's good name and remove defamatory content from the internet.

Judges should consider matters such as the perpetrator's motivation, the degree of guilt, the effects caused, and efforts to mitigate the harm to the victim. The sanctions imposed must be commensurate with the level of guilt and provide a deterrent effect for the perpetrator, but must also consider the victim's best interests. To avoid defamation and cyberbullying crimes in the future, prevention efforts must be emphasized. This can be done through education and public awareness campaigns on the impact and consequences of such acts, as well as the importance of respecting the privacy and dignity of others in cyberspace.

Realizing justice for victims of defamation cases in the form of cyberbullying must consider the impact experienced by victims, recovery efforts,

and adequate legal protection. The judicial process must ensure that victims get balanced justice and provide a deterrent effect for the perpetrators. Justice can be achieved through cooperation from many parties, especially law enforcement officials, including the judge.

Judges play an essential role in upholding justice because, as representatives of God, judges are responsible for realizing justice for victims against criminals. In cyberbullying cases, judges channel the noble values of justice achieved through existing legal policies in the form of decisions. The decision reflects how much justice for the victim is realized.

According to the researchers, the judge's attitude in upholding justice in this case reflected balanced and fair steps. First, the judge carefully examined every evidence submitted by the prosecutor, including testimonies and confessions from the defendant, to ensure that all elements of the crime of defamation had been fulfilled. This attitude shows that the judge did not simply decide based on the prosecutor's charges but also paid attention to the evidentiary aspects and the validity of any relevant evidence.

Secondly, the judge also considered both aggravating and mitigating factors. The judge showed a humane and empathetic attitude by considering mitigating circumstances, such as the defendant's cooperative attitude during the trial and the fact that the defendant was the family's breadwinner. This step is essential in maintaining a balance between justice for the victim and considering the defendant's condition so that the decision not only focuses on

punishment but also provides an opportunity for the perpetrator to improve himself.

Third, the judge tried to ensure that the verdict imposed had a deterrent effect on the defendant while protecting the victim and the community. By imposing a four-month prison sentence and setting court costs, the judge sought to emphasize the importance of maintaining ethics in using social media and convey the message that acts such as cyberbullying cannot be tolerated and have clear legal consequences. This attitude is essential to create legal awareness in the community and maintain social norms regarding the use of information technology.

The Panel of Judges will examine every aspect of Law Number 11 of 2008, as amended by Law of the Republic of Indonesia Number 19 of 2016, on Electronic Information and Transactions and every form of insult and defamation committed by the Defendant through social media.

The Panel of Judges ruled that the defendant's actions on his Facebook account, in which he wrote the sentence "Irwandi-Nova banner removed by PKI PA has been reinstalled," harmed the Aceh Party (PA) and was accessible to the general public. Although the accused admitted he did not intend to insult the PA directly, the Panel of Judges decided that the act hurt the Aceh Party (PA).

By sentencing the Defendant, this decision provides justice for the victim, in this case, Partai Aceh, whose name was defamed through electronic social media. This decision recognizes that defamation, even if done indirectly or by implication, is still a violation of the law that can harm other parties.

Based on the information provided, the court considered handing down a guilty verdict and sentenced Sabri Ismail Bin Ismail to 4 months in prison. This was appropriate because the perpetrator had fulfilled the requirements in Article 27 paragraph (3) and Article 45A paragraph (1) of Law Number 19 of 2016, which is an amendment to Law Number 11 of 2008. Because the perpetrator was frank and admitted all his actions, as well as the defendant, the judge considered the perpetrator non-juridically.

Overall, this decision demonstrates the judges' efforts to protect victims and consider the fairness of the defendants when sentencing them. Although there are differing views on the length of sentences, this decision provides legal guarantees and protection for defamed individuals in the era of digital communication.

The judge used Article 27 paragraph (3) Jo Article 45 paragraph (1) of the Electronic Information and Transaction Law (ITE) as amended by Law Number 19 of 2016 as the legal basis in handing down the verdict. Based on the testimony of a linguist, the sentence used by the defendant was considered to contain insults and had negative connotations, which then caused the Aceh Party to be defamed. In addition, IT expert testimony also confirmed that the Facebook account used did belong to the defendant, and the uploads were accessed by the public, thus fulfilling the element of distributing or transmitting electronic information containing insults.

In his decision, the judge sentenced the defendant to seven months' imprisonment, considering that the elements charged by the prosecutor had been fulfilled. The judge also emphasized

that the defendant's actions spread unlawful content through social media, with a specific motive, namely resentment towards the party that took down the banner supported by the defendant. This is in line with the concept of cyberbullying, where acts of humiliation are committed through social media platforms and can be accessed by the wider public, thus having a significant impact on the victim.

Application of Legal Sanctions in Handling Cyberbullying Based on Article 27 paragraph (3) jo Article 45A paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008

Sanctions are essential when norms, regulations, or legal orders are violated. Legal consequences are indispensable to ensure certainty, justice, and the benefits of enforced regulations. This is because it is inevitable that any exceptional person is likely to deviate from expected standards, rules, or regulations. Establishing and maintaining security, order, justice, and certainty are the main objectives of law in the context of social life. In addition, the law safeguards human rights and resolves conflicts among Indonesian legal entities. (Hartono, 2019).

Judges' considerations, also referred to as *ratio decidendi*, are legal arguments or reasons used by judges as a basis for considering before deciding a case. The judge's consideration can be an opinion or judgment about how good or bad a matter is used to decide or determine. Courts in the Supreme Court and the judicial bodies below it, such as the general, religious, military, state administrative, and special courts, consider these legal reasons when

making decisions (Manalu, 2019). The judge's reasoning is crucial to achieving legal certainty, justice (*ex aequo et bono*), and a favorable outcome for all parties involved in a court decision. As a result, the judge's consideration must be carried out with great care and thoroughness. If the judge's consideration is not done carefully, the Court of Appeal or the Supreme Court can overturn the decision. Thus, a well-thought-out and comprehensive judgment determines the quality and firmness of the court's decision. (Arto, 2004).

Article 27 paragraph (3) and Article 45 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions have been fulfilled, as shown by Decision Number 127/Pid.Sus/2017/Pn Lsm. As stated in the First Indictment of the Public Prosecutor, the defendant, Sabri Ismail bin Ismail, must be proven legally guilty of committing a criminal offense.

The decision of the Panel of Judges of the Lhoksumawe Court meets the requirements of Law Number 4 of 2004 concerning Judicial Power and its Implementation. If a litigant chooses not to file an appeal, the decision of the District Court becomes legally binding.

According to the researcher, the condition in which the litigants did not file an appeal in this decision can be considered as a form of acceptance of the decision and shows that the decision has fulfilled the principles of justice for the parties. In the normative and doctrinal legal approach used in this research, the non-continuation of the appeal process can be interpreted as a belief that the legal considerations made by the judge are by

the principles of justice, legal certainty, and expediency.

This also shows that, from the perspective of both the victim and the defendant, there are no significant objections to the decision that has been handed down. From the victim's perspective, the decision is expected to have provided the perpetrator with a sense of justice and a deterrent effect, especially in the context of defamation through social media. Meanwhile, from the defendant's perspective, not filing an appeal may mean that the defendant recognizes his guilt and accepts the punishment imposed due to his actions.

However, ideally, every party involved in a case should have an equal opportunity to seek legal redress if they feel the decision does not reflect justice. In this case, the non-appeal may also indicate that the existing legal mechanism has worked well so that the parties do not see the need to pursue further legal channels. This is in line with the objectives of law enforcement, which are to provide certainty, justice, and benefits, where decisions that have reached permanent legal force also offer stability and a clear end to the legal process. Therefore, based on the researcher's approach, this situation is quite ideal, as it shows that the judicial process has resolved the dispute fairly and to the satisfaction of both parties.

The defendant must consider the statutory benchmarks, doctrines, and legal theories. In addition, the defendant must consider the subjective and objective factors as aggravating and mitigating circumstances. These factors are as follows:

a. Aggravating circumstances:

1. The defendant has received a previous sentence in a similar case.
 2. The defendant was frequently absent from the trial process.
 3. The defendant's actions have tarnished and defamed the reputation of the Aceh Party.
- b. Mitigating circumstances:
1. Being frank during the trial.
 2. Confessing all the deeds that have been done.
 3. The defendant is the breadwinner of the family.

The defendant was found guilty and must receive the appropriate punishment. Sabri Ismail Bin Ismail received a four-month prison sentence. In the decision of this case, he was also required to pay court costs of Rp 2,000 (two thousand rupiah).

Based on Decision Number 127/Pid.Sus/2017/Pn Lsm, several essential things can be analyzed more deeply related to legal considerations in defamation cases through social media. First, the judge's consideration (*ratio decidendi*) is an integral part of determining the quality of the decision because it concerns the interpretation of norms and the application of applicable law. In this case, the judge's consideration includes Article 27 paragraph (3) and Article 45A paragraph (1) of the ITE Law, which explicitly regulates defamation and distribution of electronic content.

The judge considered both subjective and objective aspects in delivering the verdict. Subjective aspects included factors such as the defendant's track record, previous convictions in similar cases, and the impact his actions had on

the reputation of the Aceh Party. These factors added to the severity of the sentence imposed. However, there were also mitigating circumstances, such as the defendant's open confession, cooperative attitude during the trial, and the defendant's status as the backbone of the family. These considerations show that the judge's reasoning was not only based on strict legal norms but also considered relevant humanitarian aspects.

From a legal analysis perspective, this decision underscores the importance of sanctions in creating order and providing a deterrent effect on perpetrators. The cyberbullying committed by the defendant through social media hurt the victim and tarnished the reputation of the Aceh Party, which has a broad social influence in the area. Therefore, the sentencing by the judge aims to maintain public order and provide legal certainty for the victim. On the other hand, the verdict is also significant in showing that actions committed on social media can have serious legal consequences, especially in defamation.

The imposition of a sanction in the form of a Four-month imprisonment and the obligation to pay court costs are forms of retributive justice that align with the objectives of the law, which are to ensure legal certainty, justice, and protection for all parties involved. With this decision, it is hoped that the public will be more aware of the consequences of their actions in cyberspace and understand that social media is not a free place to insult or spread information that can harm other parties. Careful legal considerations from the panel of judges are critical in creating a verdict that punishes the perpetrator and provides a lesson for the community to

respect the rights of others, both in the physical space and the digital world.

CONCLUSIONS

1. Based on Article 27 paragraph (3) jo Article 45A paragraph (1) of Law Number 19 Year 2016, perpetrators of cyberbullying are subject to legal sanctions in the form of imprisonment. In case Number 127/Pid.Sus/2017/Pn Lsm, the defendant, Sabri Ismail Bin Ismail, was imprisoned for four months and was required to pay court costs of Rp 2,000. This shows that Indonesian law provides strict sanctions for perpetrators of defamation on social media to provide a deterrent effect and maintain social order and security in cyberspace.
2. Lhokseumawe District Court judges consider various aspects in deciding criminal defamation cases through social media. These considerations include subjective elements such as the defendant's background, aggravating and mitigating factors, and objective factors such as witness testimony, expert opinions, and evidence presented. The judge also assessed that the defendant's actions defamed the Aceh Party's reputation and violated existing regulations. The judge's careful deliberations were crucial to achieving justice and ensuring the verdict would benefit all parties involved.

ACKNOWLEDGMENTS

The author would like to thank Universitas Muhammadiyah Surakarta, the supervisor, family, and friends of the author who have helped and provided support in this research.

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