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Defamation Through Social Media Based on Law Number 19 of 2016 Regarding Information And Electronic Transactions (Case Study of Medan District Court Decision No1/Pid.sus/2019/PN.Mdn.)

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ABSTRACT
Legal issues that are often faced by people in the current era of information disclosure are related to the delivery of information, communication and/or data electronically, especially related to hate speech or defamation, one of which was committed by Abdul Hasiolan Siregar with Decision Number Number 1/Pid. sus/2019/PN. Mdn. The mistake started at the investigation stage. It is true that structurally the defendant is the chief editor of the Medanseru.co media and this is based on the Press Law, so the defendant must be responsible for all editorial content on the Medanseru.co media page. However, the facts in the trial revealed that the online media medanseru.co was not officially registered on the Kominfo website, meaning that Medanseru.

Keywords: ***Defamation, social media, ITE law***

INTRODUCTION

In democratic countries, the public's demand for information disclosure is getting bigger. At the present time advances in information technology, electronic media and globalization occur in almost all areas of life. Technological advances marked by the emergence of the internet can be operated using electronic media such as computers. The computer is one of the causes for the emergence of social change in society, namely changing its behavior in interacting with other humans, which continues to spread to other parts of human life, resulting in new norms, new values, and so on.

According to the Criminal Code, criminal acts that qualify as defamation or defamation (smaad) are formulated in Article 310, seen from the Criminal Code, defamation is termed as an insult or insult to someone. The humiliation must be carried out by accusing someone of having committed certain actions with the intention that the accusation will be publicized (publicly known). R. Soesilo explained what is meant by "insulting", namely "attacking someone's honor and good name". Those who are attacked usually feel "shame". Because of that, crimes against honor and good name are generally directed against someone who is still alive. Likewise with legal entities, in essence they do not have honor, but the Criminal Code adheres to that certain legal entities, including: President or Vice President, Head of State, Representatives of Friendly Countries, Groups/Religions/Tribes, or public bodies, have honor and good reputation. . The offense of defamation is subjective, that is, the assessment of defamation depends on the party whose reputation is attacked.

Defamation through electronic media is regulated by Law no. 11 of 2008 concerning Information and Electronic Transactions Article 27 paragraph (3) which states: "everyone intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation good name." With the criminal provisions stipulated in article 45 of Law no. 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions,

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as referred to in the article is trying to provide protection for the rights of individuals and institutions, where the use of any information through the media concerning personal data of a person or institution must be done with the approval of the person/institution concerned.

This case began when the defendant Abdul Hasiholan Siregar alias Holan, on Monday 27 July 2015 at around 19.44 WIB and on 16 October 2015 at around 11.37 WIB or at least another time in 2015 at Jl. Gaperta No. 11 Medan Helvetia or at least somewhere within the jurisdiction of the Medan District Court, allegedly violating Article 27 Paragraph (3) jo. Article 45 paragraph (1) of Law Number 11 of 2008 as amended into Law Number 19 of 2016 concerning Information and Electronic Transactions which reads "everyone intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing insults and/or defamation."

This case was examined and tried by the Medan District Court Decision Number 1/Pid.sus/2019/PN.Mdn which basically stated that Abdul Hasiolan Siregar was legally and convincingly proven to have committed a crime intentionally and without rights to distribute and make electronic information accessible. which has content of defamation, as regulated in Article 27 Paragraph (3) jo. Article 45 paragraph (1) of Law Number 11 of 2008 as amended into Law Number 19 of 2016 concerning Information and Electronic Transactions, and punishes the Defendant with a sentence of 1 year and 2 months in prison. In this case, the Defendant admitted that he regretted his actions and accepted the decision handed down by the panel of judges by not filing any legal remedies (appeal, cassation or review).

The case above at least illustrates how Article 27 paragraph (3) of the ITE Law tends to be used by law enforcement officials to protect the reputation of officials or authorities, at least as evidenced from the cases mentioned above. Before entering the investigation stage, law enforcement agencies must first offer a non-litigation settlement with the principle of restorative justice. Through Settlement of Criminal Cases with the Principles of Restorative Justice explains the principle of restorative justice (restorative justice) is the settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a fair solution by emphasizing restoration to its original state, and not retaliation. So in the event that there is an allegation of a cyber crime in the form of defamation, there must be a complaint from the victim to report the crime to the police. However, before being brought to court, police investigators should put forward the principle of restorative justice, which focuses on finding a fair settlement and emphasizes restoration of all circumstances as above.

METHODS

This research is a normative research. Normative legal research is research conducted by researching library materials (secondary data) or library law research. While empirical research is research obtained from the community or researching primary data. The nature of this research is analytical descriptive, where this research will describe an application and applicable legal rules. This research will provide a systematic description of the consequences arising from the court judge's decision No.1/Pid.Sus/2019/PT. Mdn in the case of Law No. 19 of 2016 concerning ITE. However, whatever data type is desired, study documents or library materials will always be used first. The type of research in this scientific work is normative

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legal research, therefore the data collection technique is carried out by means of library research.

RESULTS AND DISCUSSION

Results

Legal Basis for the Criminal Defamation

Recently, the issue of the existence of the offense of defamation has resurfaced and is being questioned by many parties. The emergence of public attention to this offense was caused by several cases of defamation that occurred. Articles of defamation are also often used as a tool to ensnare a "Whistle Blower" (Pluit Blower/Kentongan Beater), namely:

1. A person who discloses violations or wrongdoings that occur in an organization to the public or people in authority.
2. An employee who has inside knowledge or information about illegal activities that occur within his organization and reports it to the public.

Defamation is usually a complaint offense case. Someone whose good name has been defamed can file a lawsuit at the civil district court, and if they win they can get compensation. Criminal penalties can also be applied to those who commit defamation. The most frequent threats faced by the media or journalists are related to Articles of defamation or defamation. In the Criminal Code there are at least 16 articles that regulate contempt. Insulting the President and Vice President is punishable by Articles 134, 136, and 137. Insulting the King, Head of a friendly State, or Representative of a foreign State is regulated in Articles 142, 143, and 144. Insulting public institutions or bodies (such as the DPR, Minister, MPR, the Attorney General's Office, the Police, Governors, Regents, Camats, and the like) are regulated in Article 207,

The enactment of the Articles of defamation and defamation verbally or in writing in the Criminal Code or Criminal Code, is often under intense scrutiny by legal practitioners and journalistic practitioners. The regulation is considered to have hampered freedom of expression and expression in society, moreover it is considered to be able to hamper the work of journalists in conveying information to the public. The application of this rule is also considered to be contrary to the state constitution. Article 28 of the 1945 Constitution states that "everyone has the right to freedom of belief, expression of thoughts and attitudes, according to his conscience".

There is a relationship between honor and good name in terms of defamation, so the definition of each can be seen first. Honor is a person's feeling of respect in the eyes of society, where everyone has the right to be treated as an honorable member of society. Attacking honor means doing an act according to the general assessment of attacking someone's honor. Respect and actions that fall into the category of attacking a person's honor are determined according to the community environment in which the action is committed.

This sense of honor must be objectified in such a way and must be reviewed with a certain deed, a person will generally feel offended or not. It can also be said that a very young child cannot yet feel this offense, and that a very mad person cannot feel it. Therefore, there is no crime of insulting the two types of people. A good name is a good judgment according to the general opinion of a person's behavior or personality from a moral point of view. A person's good name is always seen from the point of view of other people, namely good morals or

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personality, so that the size is determined based on the general assessment in a particular society in which the action was committed and the context of the action.

At the end of the 20th century, several works in the field of information technology have been found, including the existence of the internet. The internet is a tool that allows virtual life (virtual). The presence of the internet has had a very extraordinary impact. With the internet, humans can chat, shop, go to school and several other activities like real life. So that in turn, the presence of the internet raises the notion that divides life dichotomously into real life and virtual life.

In the last decade, crime has emerged with a new dimension, as a result of internet abuse. Just as in the real world, as a virtual world, the internet actually invites the hands of criminals to act, both for material gain and just to give vent to fads. This gives rise to a unique phenomenon which is often referred to in a foreign language as cyber crime. The development of the internet turned out to have a negative side, by opening opportunities for the emergence of anti-social actions that so far were considered impossible or unthinkable to occur, a theory stated, crime is a product of society itself, which simply means that society itself which generates crime.

With regard to technological development, today, such as advances in information technology via the internet (Interconnection Network), human civilization is faced with new phenomena capable of changing almost every aspect of human life. Advances and developments in technology, especially telecommunications, multimedia and information technology (telematics) can ultimately change the organizational structure and social relations in society. This is unavoidable, because the flexibility and capabilities of telematics are rapidly entering various aspects of human life. According to Soerjono Soekanto, advances in technology will go hand in hand with the emergence of changes in the social sector. Changes in society can be about social values, social norms, patterns of behavior, organization,

Indonesia seems to be left behind and a bit isolated in the international community, because other countries, such as Malaysia, Singapore and America, have developed and perfected their Cyberlaw since 10 years ago. Malaysia has the Computer Crime Act 1997, Communication and Multimedia Act 1998, and the Digital Signature Act 1997. Singapore also has The Electronic Act 1998, Electronic Communication Privacy Act (Electronic Communications Privacy Act) 1996. America is intense to combat child pornography with: US Child Online Protection Act (COPA), US Child Pornography Protection Act, US Child Internet Protection Act (CIPA), US New Laws and Rulemaking. So the ITE Law is our common need.

Ensure legal certainty in the field of information and electronic transactions. This guarantee is important, considering the development of information technology has resulted in changes in the economic and social fields. The development of information technology has made it easier for us to find and access information in and through computer systems and helps us to disseminate or exchange information quickly. The amount of information available on the internet continues to grow and is not affected by differences in distance and time that is done in cyberspace.

The ITE Law was drafted in March 2003 by the Ministry of Communication and Information (Kominfo). Initially, the ITE Bill was named the Information Communication and Electronic Transaction Law by the Ministry of Transportation, Ministry of Industry. Ministry of

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Trade, as well as working with teams from universities in Indonesia, namely Padjadjaran University (Unpad), Bandung Institute of Technology (ITB) and the University of Indonesia (UI). On September 5, 2005, President Susilo Bangbang Yudhoyono officially submitted the ITE Bill to the DPR through letter no. R/70/Pres/9/2005. And pointed Dr. Sofyan A Djalil (Minister of Communication and Informatics) and Mohammad Andi Mattalata (Minister of Law and Human Rights) as representatives of the government in joint discussions with the Indonesian Parliament. In the framework of discussing the ITE Bill, the Department of Communication and Information formed an Inter-Departmental Team (TAD).

Through the Decree of the Minister of Communication and Information No. 83/KEP/M.KOMINFO/10/2005 dated 24 October 2005 which was later amended by Ministerial Decree No.: 10/KEP/M.Kominfo/01/2007 dated 23 January 2007. Bank Indonesia was included in the Inter-Departmental Team (TAD) as Steering Committee (Governor of Bank Indonesia), Resource Person (Deputy Governor in charge of Payment System), concurrently serving as a member together with related agencies/departments. The duties of the Inter-Departmental Team include preparing materials, references, and responses in implementing the ITE Bill deliberations, and participating in the discussions on the ITE Bill in the DPR RI. The People's Representative Council (DPR) responded to the President's letter no. R/70/Pres/9/2005. And formed a Special Committee (Pansus) on the ITE Bill consisting of 50 people from 10 (ten) factions in the DPR RI.

Thus in December 2006 the Special Committee for the DPR RI established a Problem Inventory List (DIM) of 287 DIM for the ITE Bill originating from 10 factions that were members of the Special Committee for the RUU ITE DPR RI. From 24 January 2007 to 6 June 2007 the special committee of the DPR RI with the government represented by Dr. Sofyan A Djalil (Minister of Communication and Informatics) and Mohammad Andi Mattalata (Minister of Law and Human Rights) discussed the DIM of the ITE Bill. June 29 2007 to January 31 2008 the discussion of the ITE Bill was in the stage of forming the world of work (panja). The ITE stages of the Formulating Team (Timus) and Synchronization Team (Timsin) which took place from 13 February 2008 to 13 March 2008. 18 March 2008 was the final text of the ITE Law brought to level II for decision making. 25 March 2008,

Law Number 11 of 2008 concerning Information and Electronic Transactions when viewed from the perspective of criminal policy, in general in the formulation of criminal acts, the formulation of criminal sanctions and criminal justice procedures or mechanisms there are several things that can be considered:

a. *First,*in terms of the formulation of criminal acts is the accommodation of criminal acts from the Criminal Code which is extended to cyberspace. Besides that, there are also new criminal acts, namely interception or wiretapping. Apart from dealing with these various criminal acts, this law also regulates jurisdictional issues that are different from conventional criminal law (KUHP).
b. *Second,*in terms of the formulation of criminal sanctions. In general, this law uses criminal sanctions in the form of imprisonment and heavier fines compared to the Criminal Code. The criminal sanction is of a special maximum nature. Criminal sanctions are imposed on corporations that become perpetrators, even if the target of the crime is a

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government institution/institution. Likewise, if it is carried out with respect to children as victims of crime, they will be subject to weighted criminal sanctions.

c. *Third*,in terms of criminal justice system procedures. This law only regulates the issue of investigative procedures. In this case there are several things that are different from conventional procedural law (KUHAP). Among them is the recognition of electronic evidence as valid evidence in court and also regulates civil servant investigators who can carry out investigations into cybercrimes. Apart from that, there are also search, arrest and detention procedures that are different from the Criminal Procedure Code, namely regarding the provisions for ordering the chairman of the court for one twenty-four hour period.

Criminal sanctions in the ITE Law are classified as ultimum remedium. This can be seen from the systematics of the ITE Law which places settlement using criminal law as the last resort. The ITE Law still puts forward other solutions. Enforcement of criminal law is a repressive way to deal with criminal acts of defamation. Another way that can be used to overcome this is by way of prevention. Education is one of the strategic tools that can be used as a preventive law enforcement tool, by instilling moral values and knowledge about ITE from an early age during the education period can reduce the occurrence of criminal acts of defamation.

The implication of using Article 27 paragraph (3) of the ITE Law against Article 310 of the Criminal Code is that Article 27 paragraph (3) of the ITE Law must take precedence in the event of defamation via the internet considering that the ITE Law is a more specific legal regulation. However, do not just rule out Article 310 of the Criminal Code because in fact the nature of the two are complementary. This is based on the opinion that the ITE Law does not provide any information regarding the terms "humiliation" and "defamation". Proves that the makers of the ITE Law want the law on insults contained in Chapter XVI Book II of the Criminal Code to apply to contempt according to the ITE Law.

Jurisprudence of the Supreme Court of the Republic of Indonesia Number: 2242 K/Pdt/2006, which basically requires the party who is harmed by a report to use the right of reply as stipulated in Article 5 paragraph (2) of Law Number 40 of 1999 concerning the Press. Whereas by not using the right of reply by the aggrieved party (H. Anif), the principle of check and balance does not occur in reporting which is the main problem in this case. By using the rights of response the aggrieved party can convey facts in the form of a rebuttal which must be facilitated or published by the media concerned. By not using the right of reply, the handling of the aquo case since the investigation level has contained a formal flaw because it does not comply with the provisions of the Jurisprudence of the Supreme Court of the Republic of Indonesia Number: 2242 K/Pdt/2006.

Obstacles and Efforts to Handle Cases of Criminal Defamation Through Social Media

Countermeasures using criminal law is the oldest method, as old as human civilization itself. There are also those who call it (older philosophy of crime control). The following are reasons for the need for criminal law and criminal law, namely:

1. The need for criminal law action does not lie in the problems and objectives to be achieved, but lies in the issue of how far to achieve these goals one may use force. The

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problem lies not in the result to be achieved, but in the consideration between the value of that result and the value of the limits of each individual's personal freedom.

2. There are attempts at repair or treatment which have no meaning at all for the convict and apart from that there must still be a reaction to the violations of the norms that have been committed and cannot be allowed to go unpunished.
3. The influence of criminal law or criminal law is not solely aimed at the criminal, but also to influence people who are not evil, namely members of society who comply with societal norms.

Based on the explanation above, there must be criminal law and criminal law seen from the perspective of controlling or overcoming crime (criminal politics) and from the point of view of the purpose, function and influence of the criminal law itself. Reviewing criminal law in tackling crime cannot be separated from legal politics. This is because the law must always be seen for its effectiveness in preventing crime.

Bellefroid explained that legal politics is part of the science of law which discusses changes in applicable law (ius constitutum) to become law (ius constituendum) to meet changes in life in society. Meanwhile, Soedarto stated that legal politics consists of a series of words politics and law. The term politics is used in various senses, namely:

a. The word politics in Dutch means something related to the state.
b. Discussing state issues or related to the state.

In criminal law there are policy lines to determine, namely:

a. How far the applicable penal provisions need to be changed or updated
b. What can be done to prevent crime from occurring
c. The manner in which investigations, prosecutions, trials and execution of crimes must be carried out.

Based on the definition of criminal law policy that has been described previously, at first glance criminal law policy is a means to carry out criminal law reform in accordance with the needs of the community for the effectiveness of tackling a crime, but in fact criminal law policy does not stop at renewal.

The definition of criminal law policy that has been described previously, at a glance that criminal law policy is a means to carry out criminal law reform in accordance with the needs of the community for the effectiveness of tackling a crime. Criminal law policy does not stop at criminal law reform, but is broader than that. This is because criminal law policies are implemented through the stages of functionalization/operationalization of criminal law consisting of:

1. The formulation stage (legislative policy), namely the stage of formulation/composition of criminal law
2. The application stage (judicial/judicial policy), namely the stage of application of the law
3. Execution policy (executive/administrative policy), namely the implementation of criminal law.

Criminal law policy is related to the overall (criminal) law enforcement process. Criminal law policy is directed at the operationalization/functionalization of material (substantial) criminal law, formal criminal law (criminal procedure law) and criminal law enforcement. Furthermore, criminal law policies can be linked to the following actions:

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1. What are the government's efforts in tackling crime through criminal law
2. How to formulate criminal law to suit the conditions of society.
3. How is government policy to regulate society by using criminal law.
4. How to use criminal law in regulating society to achieve greater goals.

Sudarto stated the need for a holistic approach in determining criteria that should be considered in criminalizing, namely:

1. Criminal law aims to tackle crime in order to support the achievement of national goals, namely the welfare of society and community members in a balanced manner. Therefore, criminalization policies must support the objectives of the criminal law which are aligned with national goals.
2. The standard determines actions that are unwanted or disliked by society, besides being reprehensible, these actions can also cause harm or cause victims
3. Must pay attention to the principle of cost and yield (*cost and benefitprinciple*), meaning that efforts to commit criminalization must be balanced with the results, it must be considered so that criminalization does not add to the burden on law enforcement officials, causing excess workload (*overbecoming*).*Overbelesing*This could result in the regulation becoming less effective. Policy formulation has an important role to serve as a guide in the next phase, for that the policy adopted must be related to the values to be achieved or protected by criminal law.

The goals to be achieved by criminals are generally realized in social interests that contain certain values that need to be protected. These social interests are;

1. Maintenance of social order
2. Protection of citizens from crimes, losses or unjustified harms committed by other people
3. Re-socialization (resocialization) of lawbreakers.
4. Maintain or maintain the integrity of certain basic views regarding social justice, human dignity and individual justice.

Based on the perspective of criminal law, policy formulation must pay attention to internal harmonization with the criminal law system or the current penal regulations, including criminalization which cannot be separated from the application of the principle of legality which is a basic principle in criminal law. As a consequence of the application of the principle of legality, the product of the law resulting from the criminalization process must comply with the following principles:

a. *Nullum crimen, noela poena sine lage praevia*, meaning that there is no criminal act, without any previous law. This principle contains the consequence that a law cannot be applied retroactively
b. *Nullum crimen, nulla poena sine lege scripta*, meaning that there is no criminal act, without a written law. This principle contains the consequence that criminal acts must be formulated in writing in a law.

Formulation policies must pay attention to harmonization with cultural, philosophical and religious values by carrying out a philosophical/cultural approach, a religious approach, and a humanist approach that is integrated with a policy-oriented rational approach. Things to note are as follows:

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1. There is a need for harmonization, synchronization and consistency between the development/renewal of national laws and socio-philosophical and socio-cultural values or aspirations.
2. A legal system that is not rooted in cultural values and even contradicts people's aspirations is a contributing factor to the occurrence of crime (*a contributing factor to the increase of crime*).
3. Development policies that ignore moral and cultural values can become criminogenic factors.
4. The lack of consistency between law and reality is a criminogenic factor.
5. The further the law moves away from the sense of values that live in society, the greater the distrust in the effectiveness of the legal system.

Prevention of crime by means of criminal law (criminal law politics) must be carried out in order to achieve the goal of welfare and protection of society. Defamation on social media, including cyber crime, whose sanctions are regulated in Article 27 paragraph (3) of the ITE Law, while the factors that cause cyber crime or defamation on social media are as follows:

1. The most important cause of cybercrime is about morals. A person who is weak in the field of high morals will be far from knowing, understanding, controlling and managing misconduct, for example being dragged into the current to commit violence, attack, ignite the emotions of the masses and facilitate the occurrence of crimes. Secular morality is not worthy of being followed and used as a guide to building a lifestyle, because the content of the norms teaches about freedom of action without accountability ties with religious norms.
2. Lack of social control also causes cyber crime. In 1951, Albert J. Reiss, Jr., had combined these concepts of personality and socialization with research from the Chicago school and had produced social-control theory. A theory that later received serious attention from a number of criminologists. These components are:

a. lack of internal control
b. loss of that control
c. the absence of social norms or conflicts between these norms (family, association or close environment).

In dealing with criminal defamation cases on social media, investigators often encounter a number of obstacles. The obstacles in handling criminal acts of defamation on social media are:

1. The crimes committed are in the electronic environment. Therefore, handling and overcoming cyber crime, especially defamation on social media, requires special expertise, in-depth investigative procedures.
2. Limited law enforcement facilities and infrastructure, especially related to internet technology which continues to grow rapidly.
3. Perpetrators of defamation on social media usually use fake accounts or identities, so investigators must use special devices (technology) to track down perpetrators.
4. Evidence (writing, pictures, etc.) in criminal acts of defamation on social media is easy to remove or delete, so that digital traces can be eliminated.

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5. The complexity of the behavior patterns of social media users and the low level of awareness to use social media wisely has the potential to cause conflict in interactions on social media.

In addition to the obstacles mentioned above, at the Police level there are also frequent obstacles in the implementation of Article 43 paragraph (6) of the ITE Law which reads,

> *"In terms of making arrests and detentions, investigators through the public prosecutor are required to request a decision from the head of the local district court within twenty-four hours."*

Problems arose after the arrest and detention of cyber crime cases were carried out, because the arrests were made on Saturday and the police experienced problems when requesting a decision letter from the local court. Meanwhile, the Prosecutor's office and the Court are closed on Saturday and Sunday. Because the warrant for arrest and detention was not obtained, the process of arrest and detention was invalid and the case was declared incomplete by the public prosecutor. The provisions as stipulated in Article 43 paragraph (6) of the ITE Law are actually important because, among other things.

1) There is coordination between law enforcement officials (police, prosecutors and judges) in a series of criminal proceedings starting from investigation, prosecution, to the reading of sentences.
2) Binding criminal acts in the field of ITE into the category of soft crimes (soft crimes) and placing more emphasis on the content of electronic information and/or documents rather than their actions as ordinary crimes (street crimes); and 3) The suspect's human rights are guaranteed.

CONCLUSION

1. The resolution of election disputes can be categorized into three groups: election Criminal arrangements related to reporting by the press that spread fake news in Indonesia are regulated in several rules, including article 28 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law 19 of 2016 governing the spread of fake news in electronic media (including social media), Article 390 of the Criminal Code and Articles 14 and Article 15 of Law Number 1 of 1946 concerning Criminal Law Regulations. The concept of criminal responsibility for the press that spreads fake news in Indonesia according to Law no. 40 of 1999 concerning the Press, the responsibility of the Press is the person in charge of the press company which covers the business and editorial fields.
2. The indictment that has been published by the public prosecutor is related to the facts of the trial awas mistaken. The mistake started at the investigation stage. The police in terms of investigation have wrongly designated a legal subject as a suspect. It is true that structurally the defendant is the chief editor of the Medanseru.co media and this is based on the Press Law, so the defendant must be responsible for all editorial content on the Medanseru.co media page. However, the facts at the trial revealed that the online media medanseru.co was not officially registered on the Kominfo page, meaning that Medanseru.co is an unofficial media (fake) and is not a legal object referred to as accountability based on the press law itself. The police should first trace who the

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journalists (writers) of the editors are. And the fact is that in the trial the prosecutor could not prove that the editorial which contained elements of defamation was the work of the defendant. So that it automatically has an impact on the judge's decision being wrong.

3. Obstacles in Handling Cases of Criminal Defamation Through Social Media, namely:The crimes committed are in the electronic environment. Therefore, handling and overcoming*cyber crime*especially defamation on social media requires special expertise, in-depth investigative procedures, limited law enforcement facilities and infrastructure, especially related to internet technology which continues to develop rapidly, perpetrators of defamation on social media usually use fake accounts or identities, so that investigators must use special devices (technology) to track perpetrators, and evidence (writing, pictures and so on) in criminal acts of defamation on social media is easily removed or deleted, so as to eliminate digital footprints, as well as the complexity of behavior patterns of social media users and the low level of awareness to use social media wisely which has the potential to cause conflict in interactions on social media.Efforts to Combat Defamation Crime Through Social Media, namely through:Socialization of Uu Ite, Increasing Public Awareness in Using Social Media, Increasing Criminal Sanctions, and Blocking Social Media Sites

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