JURIDICAL REVIEW OF CRIMINAL ACTION DISTRIBUTION OF HATE DISCUSSION BASED ON ARTICLE 28 VERSES (2) INVITATION TO LAW NUMBER 19 OF 2016 CONCERNING AMENDMENT TO INVITATION INVITATION NUMBER 11 OF 2008 CONCERNING INFORMATION AND ELECTRONIC TRANSACTIONS

(Case Study Pengadilan Negeri Batam No. 589/Pid.Sus/2018/PN Btm)

NPM: 1551075
VIVI LARAS SATI

Abstract

Indonesia is a legal state that adheres to a democratic system by guaranteeing every citizen to freely express his opinion in public. But along with the development of technology people began to use technology to express opinions on social media. Technology in this case begins to have a negative impact because there are many crimes, one of which is hate speech (Hate Speech) through social media. So that these actions violate Article 28 paragraph (2) of Law Number 19 Year 2016 concerning Amendments to Law Number 11 Year 2008 concerning Information and Electronic Transactions. Based on this, the researcher formulated two (2) formulations of the problem which the author will discuss in this study, namely the first on how criminal liability against criminal offenders spread hate speech based on Article 28 paragraph (2) of the ITE Law, second on how the power of evidence proved evidence of information and electronic documents in proof of a crime.

The method used in this study is normative juridical legal research. The data used in this study is secondary data which is data from the results of library studies by examining statutory rules, books and literature relating to research topics and interview data as additional data. Then the analytical method used is qualitative which analyzes and processes the data that has been collected by connecting the library data with the theory used so that the answers to the research problems formulated are obtained. Then draw conclusions from the problems studied.
Based on the results of research conducted by the author, it can be concluded that criminal liability can be given to someone who fulfills the element of criminal responsibility, namely criminal acts committed, capable of being responsible, criminal acts carried out on intentional and negligent elements and the absence of forgiving elements. Then for the power of proof of crime in the form of evidence of electronic information and electronic documents is a valid and strong evidence in the eyes of the law because it has been regulated in Article 5 of Act Number 19 of 2016 concerning Amendments to Law Number 11 Year 2008 concerning Information and Electronic Transactions.

Keywords: Crime of hate speech, information and electronic transactions, criminal liability, verification of electronic documents.