



Ekasakti Journal of Law and Justice

e-ISSN: 2987-436X | p-ISSN: 2987-7954

Vol 4, No. 2, September 2026

journal homepage <https://ejrev.org/law>

Increasing Defamation in Flat From Social Media Through a Case Study in the City of Medan Decision Number 1254/Pid. Sus/ 2024/ Pn Medan

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Article History

Revised: 2026-05-17

Accepted: 2026-09-05

Published: 2026-09-08

Abstract: Social media is a digital platform or online application that allows users to create, share, and interact with content such as text, images, videos, or links, as well as build and maintain a social network with others. Defamation is the act of spreading false or misleading information that can damage a person's reputation. In today's digital era, social media such as Facebook, X, Instagram, and TikTok have become the main means of this practice. These platforms allow for instant and viral content to spread, so a single post can reach millions of people in a matter of hours. This poses a major risk because the information disseminated is often not verified and the impact can be permanent, even after corrections have been made. Legally, defamation is regulated in various laws. In Indonesia, the Electronic Information and Transaction Law (UU ITE) Article 27 paragraph (3) states that anyone who deliberately and without rights disseminates information that attacks someone's honor or good name can be criminally charged. The impact of defamation through social media is widespread. Digital education is important to improve media literacy so that users learn to verify information before sharing it. Additionally, platforms should improve harmful content detection algorithms, while victims can take legal action by collecting digital evidence such as screenshots and forensic reports.

Keywords: Defamation, Social media, Platforms, ITE Law

Introduction

The development of information and communication technology in the digital age has had a great influence on society, especially in the way of interacting through social media platforms. The presence of these platforms allows everyone to quickly convey news, views, or criticisms to the wider community. However, freedom of expression is often misused irresponsibly, causing various legal problems, one of which is the crime of defamation.¹ This defamation can be classified as a cybercrime.² Defamation through the use of information technology can be done orally, namely through telephone or voice messages with the aim of discrediting the name of individuals and in writing, namely through producing images or texts in the form of electronic documents with the intention of degrading a person's honor or reputation, then publishing and distributing them for public consumption through the media.³ Information Technology is currently a double-edged sword because in addition to contributing to the improvement of human welfare, progress, and civilization, it is also an effective means of unlawful acts.⁴

¹ Journal Terekam Jejak and Helmi Yaman Telaumbanua, "Pertanggungjawaban Hukum Terhadap Pencemaran Nama Baik Di Media Sosial" 3 (2025): 11–22.

² Dikdik M. Arif Mansyur et al, *Cyber Law Aspek Hukum Teknologi Informasi*, (Bandung: PT. Refika Aditama, 2005), 3.

³ Irene Puteri Alfani Sofia Sinaga et al., "Analisis Hukum terhadap Pencemaran Nama Baik di Media Sosial Dalam Perspektif Perbuatan Melawan Hukum", *Jurnal Hukum, Humaniora dan Politik*, no. 2 (2025): 1610.

⁴ Wahyu A. Winarno, *Sebuah Kajian Pada Undang-Undang Informasi dan Transaksi Elektronik (ITE)*, (Jember: Penerbit JEAM), 43.

Basically, social media provides a forum for people to channel their self-expression and participate in public communication. However, if its use is not accompanied by ethics and a sense of responsibility, social media can cause harm to other parties, especially when the information shared contains accusations, insults, or statements that have the potential to defame or damage a person's reputation.⁵ From the point of view of criminal law in Indonesia, defamation has been clearly regulated in the Criminal Code (KUHP) and in the Electronic Information and Transaction Law (ITE Law). The rules regarding defamation carried out through electronic media are contained in Article 27 paragraph (3) of the ITE Law which prohibits individuals from deliberately disseminating or transmitting electronic information that contains elements of insult or defamation.⁶ The increasing cases of defamation on social media show that the development of digital technology not only brings a positive impact, but also poses new challenges in law enforcement. Various cases that have occurred in a number of regions show that people still do not fully understand the boundary between freedom of opinion and actions that can harm the good name, honor, and reputation of other parties.⁷

The Medan District Court as one of the judicial institutions in Indonesia's major cities also handles cases related to defamation through social media. This can be seen in the case of Decision Number 1254/Pid.Sus/2024/PN Medan. In this case, a trial has been held against the defendant for the crime of defamation that had gone viral within the Medan District Attorney's Office, namely suspects KY and WD, with the agenda of examining the statements of witnesses which took place in the Medan District Court courtroom. This case shows that social media can be a means of criminal acts that have an impact on a person's good name and reputation, as well as cause legal consequences for the perpetrator. In addition, law enforcement against defamation crimes through social media also often faces various obstacles such as differences in interpretation of delicate elements, difficulties in the evidentiary process, and determining the boundary between criticism that is allowed and insults that can be subject to criminal sanctions.⁸ Based on the explanation that has been submitted, a study on the increasing incidents of defamation on social media platforms through the analysis of court decisions is very crucial to be carried out. This research is expected to provide a more comprehensive insight into the application of criminal law for defamation violations on social media, especially related to Decision Number 1254/Pid.Sus/2024/PN Medan.

Method

This research uses a normative legal research method that focuses on the analysis of laws and regulations, legal principles, and legal doctrines related to legal protection against victims of defamation through social media. The approach used includes a statutory approach and a conceptual approach by examining the Criminal Code, Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments, as well as Decision Number 1254/Pid.Sus/2024/PN Medan as the object of research study. The legal materials used consist of primary legal materials, secondary legal materials and tertiary legal materials obtained through literature studies of laws and regulations, court decisions, books, journals, articles and other legal sources relevant to the crime of defamation through social media. The data obtained are then classified and analyzed in a qualitative descriptive manner through the stages of data reduction, data presentation, and conclusion drawing by connecting the applicable legal provisions with judicial practice to obtain an overview of the application of criminal law to defamation crimes through social media, obstacles in law enforcement, and forms of legal protection for victims in the digital era.

⁵ Jurnal Ilmu Sosial, "AL-BAHST" 1, no. 1 (2024): 17–25.

⁶ Luh Putu et al., "Sanksi Pidana Pelaku Pencemaran Nama Baik Melalui Media Sosial" 3, no. 2 (2022):333–37.

⁷ Ery Setyanegara, "Penegakan Hukum Terhadap Tindak Pidana Penghinaan Atau Pencemaran Nama Baik Melalui Media Sosial," 2025, 333–39.

⁸ Kebebasan Berekspresi and Hukum ITE, "Jurnal Legalitas Tindak Pidana Pencemaran Nama Baik Di Media Sosial Antara" 3, no. 2 (2025): 68–79.

Findings and Discussion

The Mechanism of Spreading Defamation Through Social Media Platforms Affects Individuals' Reputations and Factors That Exacerbate Their Impact in Today's Digital Context

The mechanism of spreading social media defamation in the development of information technology has encouraged changes in people's communication patterns, especially through social media which allows the rapid and wide dissemination of information without a time limit. In this context, defamation no longer occurs conventionally, but through digital platforms such as *Facebook*, *Instagram*, and *Tiktok*.⁹ The mechanism of spreading defamation on social media can be explained through several stages, namely the production of content that contains elements of insults or accusations against certain individuals. The content can be in the form of writing, images, videos, or comments that are demeaning or not in accordance with facts.¹⁰ The process of distributing information through sharing, *retweeting*, *reposting*, or *forwarding features* that accelerate the dissemination of content to a wide audience.

The characteristics of social media that are viral cause negative information to spread in a short time and are difficult to control.¹¹ The reproduction of information to other users, either in the form of advanced comments, additional opinions, or content modifications. This expands the scope of defamation while reinforcing negative perceptions of the individual who is the object.¹² The existence of digital permanence, namely content that has been uploaded, is difficult to delete completely because it can be stored in various platforms, digital archives, and screenshots. This condition causes the impact of defamation to be wider and more prolonged. Thus, the mechanism of spreading defamation on social media is systemic and exponential, influenced by digital technology that allows the massive distribution of information. The impact of defamation has a significant impact on an individual's reputation, both socially, psychologically, and professionally.

Based on a legal perspective, defamation is an act that attacks the honor and good name of a person who is protected by criminal law. Socially, individuals who are victims of defamation can experience a decrease in trust in society. Widespread negative information in shaping public opinion is difficult to correct, even though the information is not necessarily true. Psychologically, victims can experience mental distress, stress, and emotional disturbances due to inherent social stigma. This is exacerbated by the nature of social media which allows negative comments to continue to emerge from various parties. Professionally, defamation can have an impact on an individual's career, such as job loss, decreased credibility, and reduced job opportunities in the future. A damaged reputation in the digital world is often a permanent record that affects the other party's judgment of the individual. Thus, the impact of defamation is not only temporary, but can also be sustainable and multidimensional.

Factors that worsen the impact of defamation in the digital era The impact of defamation in the digital era There are several factors that worsen the impact of defamation in the current digital context:

- a. The anonymity of social media users allows users to use anonymous identities or fake accounts, so that the perpetrator feels freer to commit defamatory acts without fear of being recognized or subject to legal sanctions.
- b. Speed and Virality The nature of social media information that allows the instant dissemination of information causes negative content to quickly go viral and reach a very wide audience.
- c. The lack of digital literacy, the low ability of the community to verify information causes many users to easily trust and disseminate information that is not necessarily true, this aggravates the spread of good name.

⁹ Muhammad Alifikri Al-haqi and Muhammad Agil Septian, "SANKSI PIDANA BAGI PENCEMARAN NAMA BAIK DI MEDIA SOSIAL (CRIMINAL SANCTIONS FOR DEFAMATION ON SOCIAL MEDIA)" 3, no. 1 (2026): 40–47.

¹⁰ Al-haqi and Septian. Implikasi pencemaran nama baik di media sosial tik tok : kajian linguistik forensik

¹¹ Studi Putusan et al., "Sanksi Pidana Pencemaran Nama Baik Dimedia Sosial Berdasarkan Undang-Undang Informasi Dan Transaksi Elektronik" 4, no. 1 (2023): 62–68, <https://doi.org/10.51874/jips.v4i1.94>.

¹² Putusan et al. Rezky Aulia Ramadhani, Sufirman, Muhamad Rinaldy Bima, Efektivitas hukum terhadap pencemaran nama baik melalui penggunaan meme internet media sosial.

- d. Social media algorithms tend to promote attention-grabbing content, including controversial or sensational content. As a result, defamatory content is easier to get high exposure.
- e. The lack of supervision and law enforcement even though it has been regulated in the Information and Electronic Transactions Law (UU ITE), law enforcement against defamation cases on social media still faces various obstacles, so it is not fully effective.¹³

It can be concluded that defamation on social media is not only a legal issue, but also a social and technological phenomenon. Its rapid and massive deployment mechanism, coupled with factors such as anonymity and platform algorithms, make its impact increasingly complex and difficult to control. Based on a legal perspective, a balance is needed between the protection of individual reputation and freedom of expression. Meanwhile, from the social side, increasing digital literacy is the key to reducing the spread of harmful information. Without comprehensive efforts, defamation on social media will continue to be a serious challenge in the digital age. There are several factors from the legal side that often make the impact worse or difficult to control:

- a. Law enforcement is not consistent, in Indonesia rules such as the Electronic Information and Transaction Law (ITE) actually regulate defamation. But in practice, such as enforcement, it is often considered selective felling.
- b. The interpretation of the article is multi-interpreted, the defamation article in the ITE Law is often considered "rubber", for example, it is difficult to distinguish criticism, opinion and insult.
- c. The difficulty of legal digital proof, proof in the digital space has challenges such as content being deleted, edited, or falsified
- d. Lack of legal and digital literacy, many uses do not understand: what constitutes defamation.
- e. Slow response to reports. Both from aparat and platform: such as the process of *takedown* content can be long.

Legal Considerations of Judges in imposing criminal sanctions on perpetrators of defamation crimes.

In the criminal justice system in Indonesia, judges have an important role in determining the verdict on a case, including cases of defamation. The basis of the judge's consideration or ratio decidendi is the basis for assessing whether the defendant is proven to have committed a criminal act and deserves to be sentenced to a criminal sentence. In general, the judge's consideration in making a verdict does not only rely on the juridical aspect, but also pays attention to the philosophical and sociological aspects in order to realize substantive justice.¹⁴ Legal considerations are the main foundation for judges in making decisions, which come from existing legal regulations and legal evidence revealed during the trial process. In the case of defamation, the judge referred to the provisions of Articles 310 to 321 of the Criminal Code which talks about insult and defamation, as well as Article 27 paragraph (3) juncto Article 45 of the ITE Law which regulates defamation carried out through electronic media.

The judge then assesses whether all elements of the criminal act have been fulfilled based on valid evidence as stipulated in Article 184 of the Criminal Code, namely witness statements, expert statements, letters, instructions, and statements of the defendant. By considering the evidence, the judge can determine whether or not the defendant is guilty in the case being examined.¹⁵ In addition, the judge also considered the suitability between the acts committed by the defendant and the formulation of the crime regulated in the laws and regulations. If all elements of the criminal act are legally and convincingly proven, then the defendant can be found guilty and sentenced in accordance with applicable regulations.

¹³ Pertanggungjawaban Pidana, Pencemaran Nama, and Melalui Media Sosial, "Jurist-Diction" 4, no. 2 (2021): 651–68, <https://doi.org/10.20473/jd.v4i2.25783>.

¹⁴ Dimas Agus Pengestu, "PENCEMARAN NAMA BAIK (Studi Putusan Nomor 639 / Pid. B / 2024 / PN PdG) ANALYSIS OF JUDGES' CONSIDERATIONS IN HANDING DOWN DEFAMATION DECISIONS (Study of Decision Number 639 / Pid. B / 2024 / PN PdG)" 1, no. 1 (2025): 30–35.

¹⁵ "Jeremy Satya Luntungan, Tinjauan Yuridis Terhadap Tindak Pidana Pencemaran Nama Baik Di Media Sosial (Studi Kasus Putusan No 168/Pid.Sus/2019/PN.MND)" X, no. 4 (2021): 154–64.

In addition to judicial considerations, the judge also paid attention to sociological aspects related to the impact of the defendant's actions on people's lives. In this case, the judge assessed the consequences of the defamation experienced by the victim, the social reaction that arises in the community, and the values that live and develop in the social environment. Therefore, judges are required to explore a sense of justice that lives in society so that the verdicts handed down are not only oriented to formal legal aspects, but also able to reflect social justice substantively.¹⁶ Philosophical Debate is related to the purpose of the law itself, namely justice, utility, and legal certainty in defamation cases, the judge considers the balance between: Protection of the honor of the individual Freedom of opinion the judge must ensure that the decision handed down does not impede the right to freedom of expression excessively, but still protects the dignity of a person.

The Panel of Judges chaired by Frans Effendi Manurung stated that the two defendants were legally and convincingly proven guilty of their actions of deliberately attacking the reputation or good name of others through electronic information media in accordance with the third alternative charge. This third alternative indictment refers to Article 45 paragraph (4) juncto Article 27A of Law Number 1 of 2024 concerning Information and Electronic Transactions (ITE) in conjunction with Article 55 paragraph (1) 1 of the Criminal Code.

The panel of judges decided to sentence the defendant Wasu Dewan and the defendant Kaliyani to 8 months in prison each. In addition to the prison sentence, the two defendants were also fined IDR 200 million. If the fine is not paid, it will be replaced with a prison sentence of 1 month.

Factors that affect the imposition of criminal sanctions In imposing criminal sanctions, the judge also considers individual factors against the defendant, namely:

- a. There are several factors that can incriminate the defendant, including: Acts committed deliberately and repeatedly causing great losses to the victim are done deliberately and repeatedly causing great losses to the victim are done through public or electronic media so that they have a wide impact.
- b. Mitigating things on the contrary, mitigating factors include: The defendant admits that his actions have never been lawful, there is good faith to apologize for consideration of aggravating and mitigating matters is an important part in determining the severity of the crime imposed.¹⁷

The application of judges' considerations in defamation decisions in practice, judges use a *case approach* to assess each case concretely. Based on research on court decisions, the judge's considerations generally include:

- a. The proof of the judge's criminal element ensures that the defendant's actions meet the elements of defamation in accordance with laws and regulations.
- b. The suitability of the judge's evidence assesses the evidentiary strength of the evidence submitted at the trial.
- c. The purpose of the punishment of the verdict is not only aimed at punishing, but also providing a deterrent and protection effect to the community.
- d. Research shows that judges in deciding defamation cases not only focus on legal certainty, but also consider the sense of justice and legal usefulness.

Critical analysis of judges' considerations, although normatively judges' considerations have included juridical, sociological, and philosophical aspects, in practice there are still a number of problems, including: The existence of interpretations of the elements of defamation and the potential for multi-interpretation in the application of the ITE Law, inconsistencies in imposing criminal sanctions, some studies show that in certain cases judges have not fully considered special rules (lex specialists) such as Press law in this case shows that consistency and prudence are needed by judges in interpreting the law so as not to cause legal uncertainty. Based on the above discussion, it can be concluded that the role of judges in imposing criminal sanctions against defamation perpetrators includes:

¹⁶ Pencemaran Nama Baik, "Jurnal Parhesia," no. 62 (2024): 43–51.

¹⁷ Jeremy Satya Luntungan, Tinjauan Yuridis Terhadap Tindak Pidana Pencemaran Nama Baik Di Media Sosial (Studi Kasus Putusan No 168/Pid.Sus/2019/PN.MND.)"

- a. Juridical considerations (based on laws and evidence) are judges' considerations based on the applicable legal rules and legal facts at trial. This includes the application of relevant laws.
- b. Sociological considerations (social impact and societal values) are considerations that look at the impact of actions on society and living social values. The judge considers how an action affects order, norms, and a sense of justice in society, including the social impact it has on the victim and the surrounding environment.
- c. Philosophical considerations (justice, usefulness and legal certainty) are considerations based on legal objectives, namely justice, usefulness, and legal certainty. The judge assessed whether the verdict was fair for all parties, provided benefits (both for the community and the perpetrator), and remained in accordance with applicable legal rules.

These four aspects must be considered in a balanced manner so that the judge's decision is not only legally valid, but also fair and beneficial to society.

Conclusion

Based on analysis and research related to the crime of defamation using social media platforms, with an example of a case involving Decision Number 1254/Pid. Sus/2024/PN Medan, a number of conclusions can be obtained as follows:

The mechanism of spreading defamation on social media takes place quickly, widely, and systemically through the stages of content production, distribution, reproduction, and digital permanence. The characteristics of social media that are viral and have no time limit cause information that contains elements of insults or accusations to spread massively and is difficult to control. The impact of defamation is not only legal, but also includes social, psychological, and professional aspects. Victims can experience reputational decline, mental distress, and career losses due to negative perceptions formed in the digital space. Factors that exacerbate the impact of defamation include user anonymity, speed of information dissemination, low digital literacy of the public, platform algorithms that support the virality of negative content, and weak supervision and law enforcement.

The judge's consideration in imposing criminal sanctions basically includes three main aspects, namely juridical, sociological, and philosophical aspects. The juridical aspect is related to the application of the provisions of laws and regulations and the assessment of valid evidence at trial. The sociological aspect focuses on the social impact of the defendant's actions and pays attention to the values that live and develop in society. Meanwhile, the philosophical aspect is oriented towards achieving justice, utility, and legal certainty in the decisions handed down.

In addition to these three aspects, the judge also considers subjective factors related to the circumstances that aggravate or mitigate the defendant as a basis for determining the severity or lightness of the crime. Although normatively the judge's considerations have covered various aspects comprehensively, in practice there are still a number of obstacles, such as the existence of multiple interpretations of legal norms and inconsistencies in court decisions, which can ultimately cause legal uncertainty in society.

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