

ABSTRACT

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“JURIDICAL ANALYSIS ON THE IMPLEMENTATION OF ARTICLE 27 AND ARTICLE 28 OF LAW NUMBER 11 OF 2008 CONCERNING ELECTRONIC INFORMATION AND TRANSACTIONS TOWARDS INSULTING OR DEFAMATION AS WELL AS HATE SPEECH AGAINST FREEDOM OF SPEECH”

This research will discuss the issue of freedom of expression faced by the Indonesian people. The development of freedom of opinion is also encouraged by the existence of social media which increasingly frees people to give their opinions in public. Becomes an issue when faced with Law Number 11 of 2008 concerning Electronic Information and Transactions in article 27 which regulates insults, defamation, and immorality in electronic media and article 28 which regulates hate speech based on ethnic groups, religions, race, and inter-groups (SARA) and also *hoax*. The community views it as a "rubber law" (*pasal karet*) when a case that does not provide justice occurs when the case of Baiq Nuril, a high school honorary teacher, was imprisoned for disclosing immoral electronic information owned by the principal of the high school. This case became the national spotlight when it was judged that the legal decision did not find justice and the community felt hurt by the punishment of Baiq Nuril because the decision was only based on material offenses without seeing the overall case position. It is of particular concern when there is a difference between the public's view of the responsibility for a crime or criminal liability and the values and norms that apply in society. Here the author will try to examine from the point of view of criminal responsibility regarding cases of defamation, insult and hate speech through electronic information in accordance with applicable legal provisions, and to answer public objections to Article 27 and Article 28 of the ITE Law the author will use interdisciplinary criminology by using Sobural (Social value, cultural aspect, and structural factor) perspective so that it can provide a different point of view from the society, not only from a crime, but rather from the cultural condition of the society that supports a crime that has been regulated, and also structural condition towards to anomie in Indonesia.

Keywords: *Hate Speech, Criminology, Freedom of Speech, Criminal Liability, Sobural, Defamation, UU ITE, Anomie*