

ABSTRACT

This research aims to examine the legal strength of electronic evidence in the process of proving defamation crimes through social media according to Law Number 19 of 2016 on Amendments to Law Number 8 of 2011 on Electronic Information and Transactions, as well as to understand the legal considerations of judges in using electronic evidence to adjudicate defamation crimes through social media in the decision Number 183/Pid.Sus/2020/PN Smg. This research is a normative juridical legal study that is descriptive-analytical in nature. The technique for collecting legal materials in this research uses the literature study method, which will subsequently be analyzed using the qualitative analysis method. Based on the research results that have been conducted, it shows that the legal strength possessed by electronic evidence is essentially the same as other legitimate forms of evidence. Electronic evidence itself is an extension of documentary evidence and can be categorized as an indication. However, in its application, electronic evidence must meet several formal and material requirements as stipulated in Law Number 19 of 2016 concerning Amendments to Law Number 8 of 2011 concerning Information and Electronic Transactions in order to be used in court proceedings. The judge's consideration regarding the use of electronic evidence to decide criminal cases in the decision 183/Pid.Sus/2020/PN Smg did not emphasize the validity of the electronic evidence, as the panel of judges was confident in its validity. Furthermore, after the electronic evidence was accompanied by the testimony of witnesses, experts, and the defendant, the panel of judges could confidently conclude that the elements outlined in the law regulating defamation through social media had been met. Therefore, in the decision issued, the judge declared the defendant, Stefanus Bayu Gunawan Alias Steven, guilty of committing the crime of defamation through social media and sentenced him to 8 (eight) months in prison with a fine of Rp. 5,000,000.00 (Five Million Rupiah), or in lieu of 1 (one) month of confinement. Additionally, the judge imposed court costs of Rp. 2,000.00 (Two Thousand Rupiah) on the defendant.

Keywords: Electronic evidence, Defamation, Social Media, Ruling