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RINGKASAN

Kemerdekaan berserikat/berkumpul, mengeluarkan pendapat, baik lisan maupun tulisan merupakan hak asasi manusia. Pers mempunyai peranan yang sangat penting dan strategis dalam menyampaikan fakta, berita, maupun opini, yang sering kali dipakai sebagai kontrol masyarakat terhadap pemerintah/penguasa. Pers mendapatkan hak istimewa berupa kemerdekaan/kebebasan pers yang dijamin oleh konstitusi dan beberapa konvensi internasional. Kebebasan pers merupakan roh atau jiwa dari pers itu sendiri, pers tanpa kebebasan akan kehilangan jati dirinya. Wartawan sebagai insan pers mulai banyak yang menggunakan media sosial yaitu twitter sebagai sarana untuk melakukan publikasi, rangkaian dari tugas jurnalistik. Salah satu karakter konten atau unggahan penggunaan internet ke jejaring sosial selain konten tersebut lebih mudah diakses oleh orang di seluruh dunia, tetapi juga yang lebih penting, media media dapat dipergunakan dimanapun dan kapanpun selama tersambung dengan jaringan data, sebagaimana ciri media massa. Salah satu yang menjadi sorotan adalah tindak pidana pencemaran nama baik dimana media sosial digunakan sebagai media untuk menerjemahkan pemikiran dan seringkali mengakibatkan kerugian kepada orang lain. Tindak pidana pencemaran nama baik ini diatur dalam Pasal 310 sampai dengan Pasal 321 KUHP jo. Pasal 27 ayat (3) UU ITE yang merupakan lex spesialis dari KUHP karena mengatur kaidah hukum baru, yaitu mengatur tentang pencemaran nama baik dengan media internet sehingga Pasal 27 ayat (3) UU ITE mengacu kepada unsur-unsur penghinaan/pencemaran nama baik pada KUHP dengan tambahan sarana internet sebagai medianya. Di sisi lain wartawan sebagai insan pers telah memiliki undang-undang yang mengaturnya yaitu UU no 40 tahun 1999 tentang pers. Terdapat pertanyaan dalam menetapkan aturan hukum yang mana ketika wartawan melakukan tindak pidana di media sosial, karena antara UU Pers dan UU ITE memiliki 'semangat' yang berbeda, yaitu untuk melindungi kebebasan (pers) dan membatasi kebebasan (pengguna internet).

SUMMARY

Freedom of association/assembly, expression, both oral and written is a human right. The press has a very important role and strategic in conveying facts, news, and opinions, which are often used as control public against the government/authorities. Press privileged form of independence/freedom of the press guaranteed by the constitution and international conventions. Freedom of the press is the spirit or soul of the press itself, without freedom of the press would lose its identity. Journalists as members of the press that many are using social media, namely Twitter as a means to carry out the publication, a series of journalistic duties. One of the characters or upload content to the internet use of social networking in addition to the content more accessible to people around the world, but also more importantly, media media can be used anywhere and anytime as long connected to a data network, as well as characteristics of the mass media. One of the highlights is the crime of defamation in which social media is used as a medium for thinking and often resulting in harm to others. The criminal act of defamation is governed by Article 310 to Article 321 Criminal Code jo. Article 27 paragraph (3) UU ITE which is s lex specialist of the Criminal Code, which governs defamation with internet media, so that Article 27 (3) UU ITE refers to the elements of insult / defamation in the Criminal Code with an additional means of internet as a medium. On the other hand journalists as members of the press have had laws that govern them, namely Law No. 40 of 1999 concerning the press. There are questions in a set of rules of law which when journalists a criminal act in social media, because the Press Law and the Law on ITE has a 'passion' is different, namely to protect freedom (press) and restrict freedom (internet users).

Keywords: Criminal Responsibility, Social Media, Journalists

ABSTRACT

The purpose of this study was to know and analyze and find the philosophical basis of criminal acts settings journalists writing in social media; and to analyze liability conviction for a journalist writing in social media that cause harm to others.

This dissertation research used to answer the problem as already mentioned in the above problem formulation using normative research and based on the law and the principles or principles that apply. The analytical method used to legal materials obtained from either literature research was qualitative.

The results of this study were (1) Along with the development of social media and the internet, the more criminal acts that can occur as happened recently in the society. One of the highlights is the crime of defamation in which social media is used as a medium of one of its users to thought which sometimes resulted in harm to others. The criminal act of defamation is governed by Article 310 to Article 321 Criminal Code jo. Article 27 paragraph (3) UU ITE who explained that in information technology every person has the right to distribute and / or transmitting and / or make the inaccessibility of electronic information and / or electronic documents but in the same chapter states that each process are not allowed to contain any provisions that violate decency, the charge of gambling, cargo insult and / or defamation, and the charge of extortion and / or threatening; and (2) criminal responsibility on the news in social media refers to the roles and status of users, which in this dissertation is specifically focused on the press reporters as social media users. The press is responsible is a free press or independent self-determination rights and obligations without any pressure, compulsion, or helplessness. Releases responsible will only happen if there is freedom of the press (freedom of press) because without freedom or freedom, any form of responsibility of the press will be apparent as a manifestation of pressure, compulsion or helplessness. Government or dominant parties are not allowed to use the press as a tool of power or arrange everything on the positions, roles, and responsibilities of the press without giving the necessary rights by the press because it will only limit the freedom or the freedom of the press.

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