

## ABSTRAK

Dalam era globalisasi kemajuan di segala bidang sangat pesat, salah satunya di bidang Teknologi dan Informasi. Dimana banyak sekali fasilitas yang dapat memudahkan masyarakat dalam proses komunikasi serta bertukar informasi. Selain kemudahan tersebut, perkembangan Teknologi Informasi juga berdampak negatif karena dapat memicu timbulnya kejahatan-kejahatan baru, dengan memanfaatkan Teknologi dan Informasi sebagai Modus Operandinya atau yang bisa disebut dengan istilah *Cyber Crime*. Salah satunya adalah tindak pidana yang melanggar kesusilaan. Peraturan perundang-undangan terkait yang mengatur tindak pidana yang melanggar kesusilaan antara lain KUHP, UU PORNOGRAFI, dan UU ITE. Salah satu bentuk kekhususan dalam UU ITE yakni digunakan jika dalam melakukan tindak pidana tersebut, sarana yang digunakan berupa media elektronik. Serta objeknya harus berupa Dokumen atau Informasi Elektronik. Salah satu contoh adalah kasus Baiq Nuril Maknun yang dituntut menggunakan Pasal 27 ayat (1) UU ITE. Dalam skripsi ini akan membahas mengenai aturan tentang tindak pidana yang melanggar kesusilaan, perbuatan yang dilarang termasuk; mendistribusikan /mentransmisikan atau membuat dapat diaksesnya Dokumen atau Informasi Elektronik, serta pertanggungjawaban pidananya. Metode penelitian hukum yang digunakan dalam skripsi ini bersifat yuridis normatif, dengan beberapa pendekatan yaitu; *statute approach*, *conceptual approach* dan *case study* dalam kasus Baiq Nuril Maknun dari Putusan tingkat pertama hingga Peninjauan Kembali. Hasil dari penelitian yang dilakukan penulis untuk menunjukkan bahwa, dalam pengimplementasian unsur Pasal 27 ayat (1) UU ITE ke dalam kasus Baiq Nuril Maknun masih terdapat perbedaan pandangan, antara putusan *judex facti* oleh Majelis Hakim di tingkat Pertama dan putusan *judex iuris* oleh Mahkamah Agung. Lalu masih terdapat penjelasan unsur dalam Pasal 27 ayat (1) UU ITE yang menimbulkan multitafsir, seperti unsur “muatan yang melanggar kesusilaan”.

**Kata Kunci: Tindak Pidana Asusila, Hukum Siber, Pendistribusian, Pertanggungjawaban Pidana.**

**ABSTRACT**

*In the era of globalization, the progress of all fields is very fast, one of the example is located in the field of Technology and Information which provides many facilities that can facilitate the community in the process of communication and exchanging information. However, the development of Information Technology also has a negative impact which leads to the emergence of new crimes, by utilizing Information and Technology as its Operational Mode or what can be referred to as the Cyber Crime. One of them is a crime that violates decency. Related laws and legislation that manage the criminal acts of violate decency include the Criminal Code Law, the Pornography Law, and the ITE Law. One form of specificity in the ITE Law is it is applied for carrying out the crime that used electronic media as the facilities and document or electronic information as the main object. One of the example is the case of Baiq Nuril Maknun who was charged with using Article 27 verse (1) of the ITE Law. In this undergraduate thesis, the writer discussed the rules regarding criminal acts that violate decency. The prohibited acts which include distribute / transmit or make Electronic Documents or Information accessible, as well as criminal liability. In this study, the method was used juridical normative legal research by using few approaches, namely the statute approach, conceptual approach and case study for analyzing the decision of the Baiq Nuril Maknun case from the first level until the Review of Court Decision. The results of the research conducted by the author to show the implementation of the elements in Article 27 paragraph (1) of the ITE Law. in the Baiq Nuril Maknun case, there were differences of opinion between the judex facti decision by the Panel of Judges at the First level and the decision of judex iuris by the Supreme Court . Then there was still an explanation of the elements in Article 27 verse (1) of the ITE Law which affects the emergence of multiple interpretations, such as the element of "content that violates decency".*

**Keywords : Criminal acts violate decency, Cyber Crime, Distribute, Criminal Liability.**