Interdisciplinary Social Studies
P-ISSN: 2808-0467
E-ISSN: 2808-5051

The Application of Justice Principles in Sentencing Criminal Sanctions for Defamation Convicts Through Electronic Media

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Keywords:

Defamation;
Criminal justice;
Electronic media;
Legal remedies;
Digital law.

ABSTRACT

The rapid development of digital technology and social media in Indonesia has transformed the landscape of public interaction and expression. However, this progress is accompanied by a significant increase in defamation cases through electronic media, creating complex challenges for law enforcement and the application of the principle of justice. This research aims to analyze the application of justice principles and the effectiveness of legal remedies in imposing criminal sanctions against convicted individuals for defamation through electronic media, based on five court decisions in Indonesia. The issues examined include: (1) how justice principles are applied in criminal verdicts for defamation cases through electronic media; and (2) to what extent legal remedies are effective in addressing sentencing disparities in cases with similar legal elements. The research method used is normative juridical, with a case and statutory approach. The findings reveal significant variation in the application of justice by judges, ranging from imprisonment to suspended sentences, depending on judicial sensitivity to social context and understanding of freedom of expression. On the other hand, the effectiveness of legal remedies is generally weak, especially in cases brought to the Supreme Court, where substantive legal arguments are not accommodated. The study recommends reform in cybercriminal law and the development of sentencing guidelines specifically for Electronic Information and Transaction Law-related offenses. The research analyzed five court decisions showing disparities in criminal sanctions despite similar legal elements, indicating inconsistent application of legal certainty and justice principles that should serve as the foundation of criminal law.

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INTRODUCTION

The digital revolution has fundamentally transformed global communication patterns, creating unprecedented challenges for legal systems worldwide in balancing freedom of expression with protection against defamation (de Almeida Leite & Ramos Leite, 2025). Recent studies highlight that the proliferation of social media platforms has dramatically increased online defamation cases, with millions of users posting content daily without fully understanding the legal implications (Zhang et al., 2018). The instantaneous and viral nature of digital communication allows defamatory content to reach global audiences within seconds, causing potential irreparable harm to individuals' reputations across jurisdictions (Smith & Kumar, 2020). Cross-border defamation cases have become increasingly complex due to differing national laws and jurisdictional challenges (Brown & Green, 2019). Legal frameworks are struggling to keep pace with technological advancements, and there is a growing demand for international cooperation to address online reputation harms (Chen et al., 2021). Studies also emphasize the need for user education and platform accountability to mitigate the spread of defamatory content (Lee & Park, 2022). Emerging digital tools, including AI-driven content monitoring, offer potential solutions but raise concerns about censorship and free speech

(Huang et al., 2023). Overall, the intersection of law, technology, and social behavior requires adaptive legal approaches and collaborative policy development (Johnson, 2017).

International legal frameworks struggle to keep pace with technological advancement, creating a complex web of jurisdictional challenges when dealing with cross-border online defamation. The European Union's Digital Services Act and similar legislation in other regions attempt to address these challenges, but significant gaps remain in ensuring consistent application of justice principles (Kuner et al., 2020). The global nature of the internet means that content published in one jurisdiction can cause harm in another, complicating traditional legal remedies and enforcement mechanisms (Gillespie, 2021). Scholars have highlighted that conflicting national laws, differences in freedom of expression standards, and the lack of international enforcement cooperation exacerbate the problem (McGowan & Martens, 2019). There is also an increasing emphasis on harmonizing digital law standards across regions to reduce legal uncertainty and improve accountability (Tosoni, 2022). Furthermore, interdisciplinary approaches combining law, technology, and policy are proposed to effectively manage online reputational risks in cross-border contexts (Citron & Franks, 2023).

Furthermore, the democratization of media through digital platforms has blurred the lines between public and private discourse, professional journalism and citizen reporting, creating new categories of speech that existing legal frameworks struggle to categorize appropriately. This global phenomenon has led to what legal scholars term "jurisdictional shopping," where plaintiffs seek favorable forums for defamation claims, undermining the consistency and predictability that justice principles require.

The development of information and communication technology has fundamentally changed how humans interact, access information, and express opinions in Indonesia. In the last decade, social media, online forums, instant messaging applications, and various digital platforms have become new public spaces that allow every individual to convey thoughts freely, instantly, and massively. However, this freedom of expression is often misused, for example to spread hate speech, slander, or commit defamation (Pangaribuan, 2020).

The phenomenon of defamation in cyberspace has different characteristics compared to conventional defamation. The rapid distribution of content, its cross-border accessibility, and viral effects that are difficult to control make the impact of such actions broader and deeper (Arief, 2010). Therefore, the state deems it necessary to regulate this criminal act specifically through legal instruments relevant to the digital era, namely the Electronic Information and Transaction Law (UU ITE).

In its development, the UU ITE has undergone several changes, first enacted through Law Number 11 of 2008 as an effort to respond to rapid digital technology development. However, its journey has sparked criticism, especially regarding the application of Article 27 paragraph (3) concerning defamation, which is considered often used to criminalize public expression (Ramli, 2018). The provisions of this article have been widely criticized by civil society organizations, academics, and human rights activists for their potential to stifle democratic discourse and limit citizens' constitutional rights to freedom of expression.

Statistical data from the Southeast Asia Freedom of Expression Network (SAFEnet) shows a concerning trend in the application of Article 27 paragraph (3) of the UU ITE. In 2022 alone, there were over 200 reported cases of individuals being prosecuted under this provision, with a significant number involving criticism of public officials or government policies rather

than clear-cut cases of personal defamation (SAFEnet, 2022). This pattern suggests a systematic misuse of cybercrime legislation to suppress legitimate political expression and social criticism.

The problem becomes more complex when examining the disparities in judicial decisions. Despite involving similar legal elements and factual circumstances, courts across Indonesia have handed down vastly different sentences for comparable offenses. For instance, while some defendants receive only suspended sentences for posting critical content about public officials, others face years of imprisonment for similar actions, creating a climate of legal uncertainty that undermines the rule of law (Supreme Court Decision Number 837 K/Pid.Sus/2025; Surabaya High Court Decision Number 1208/Pid.Sus/2024/PT SBY).

The urgency of this research stems from the fundamental crisis of legal certainty and justice in Indonesia's digital jurisprudence. Current sentencing disparities in electronic media defamation cases threaten the constitutional principle of equality before the law, as enshrined in Article 27 paragraph (1) of the 1945 Constitution. When similar criminal acts receive dramatically different punishments without rational justification, public confidence in the judicial system erodes, potentially destabilizing the rule of law itself.

Responding to public demands and changing times, the government and Parliament made changes through Law Number 1 of 2024 concerning the Second Amendment to the UU ITE. This change emphasizes that defamation through electronic media is an absolute complaint offense, meaning legal proceedings can only be conducted if there is a direct complaint from the victim or the harmed party (Law Number 1 of 2024). The main objective is to reduce the potential for excessive criminalization and ensure law enforcement is more oriented toward protecting actual victims, not just parties who feel subjectively harmed.

Additionally, the latest UU ITE also encourages the application of restorative justice, especially for criminal acts with personal harm that can be resolved peacefully between perpetrators and victims (Police Regulation Number 8 of 2021). This mechanism is expected to reduce the case burden in courts while restoring social relationships. However, the implementation of these reforms requires urgent empirical analysis to determine their effectiveness in addressing existing disparities and ensuring consistent application of justice principles.

The theoretical urgency is equally compelling. Gustav Radbruch's three-value theory of law emphasizes that law must integrate three basic elements: justice, legal certainty, and benefit (Radbruch, 1973). In this context, justice requires equal and balanced treatment; legal certainty ensures that law is enforced consistently, while benefit ensures that law enforcement brings benefits to society at large (Radbruch, 1973). Current disparities in electronic media defamation cases suggest a fundamental failure to achieve this integration, necessitating urgent scholarly intervention.

Previous research on electronic media defamation in Indonesia has focused primarily on either doctrinal legal analysis or case studies of specific high-profile prosecutions. Ramli (2018) provided comprehensive analysis of the UU ITE's development but did not systematically examine sentencing disparities across multiple jurisdictions. SAFEnet's annual reports document numerous cases of alleged misuse but lack the rigorous legal analysis necessary to propose systemic reforms.

International comparative studies have examined similar issues in other jurisdictions. European research on online defamation has highlighted the importance of consistent judicial

interpretation and the need for specialized training for judges handling digital communication cases. Australian scholarship has emphasized the role of public interest defenses and the importance of balancing freedom of expression with reputation protection in the digital age.

However, existing Indonesian research has several limitations. First, most studies focus on individual cases rather than systematic analysis of sentencing patterns. Second, there is insufficient attention to the application of justice principles in judicial decision-making processes. Third, previous research has not adequately examined the effectiveness of legal remedies in addressing disparities. Fourth, there is limited analysis of how international human rights standards should inform domestic judicial practice in this area.

Recent research by Saputra (2021) on "Freedom of Expression and ITE Law: Between Protection and Repression" provided valuable insights into the tension between protecting expression and preventing harm but did not conduct systematic empirical analysis of judicial decisions. Similarly, work by legal scholars on restorative justice applications in Indonesia has been primarily theoretical, lacking empirical validation of effectiveness in digital communication contexts.

This research contributes several novel elements to the academic understanding of defamation law through electronic media in Indonesia by introducing the first systematic comparative analysis of the disparity of judgments at all levels of the court using a consistent theoretical framework; presenting a comprehensive evaluation framework for the application of justice principles that integrate the concepts of substantive, procedural, and restorative justice specifically for the digital realm; offering the first empirical assessment of the effectiveness of legal remedies in addressing sentencing disparities by uncovering previously undocumented systemic weaknesses; as well as proposing innovative solutions based on doctrinal analysis and practical implementation strategies in the form of concrete recommendations for judicial reform rooted in Indonesian legal traditions and international best practices.

This research aims to achieve several interconnected objectives that address both theoretical and practical concerns in Indonesian criminal justice. The primary objective is to analyze the application of justice principles in imposing criminal sanctions for electronic media defamation, specifically examining how substantive, procedural, and restorative justice concepts are implemented in actual judicial decisions. This analysis will reveal gaps between theoretical justice principles and practical application, providing the foundation for targeted reforms.

The secondary objective is to identify and analyze the factors causing sentencing disparities in electronic media defamation cases, examining both legal and extra-legal influences on judicial decision-making. This analysis will consider factors such as judicial interpretation of legal provisions, social and political context, defendant characteristics, and victim impact, providing a comprehensive understanding of disparity sources.

The tertiary objective is to evaluate the effectiveness of existing legal remedies in addressing disparities and ensuring justice for defendants and victims. This evaluation will examine appeal and cassation processes, analyzing their success rates and the quality of higher court reasoning in addressing lower court errors or inconsistencies.

Theoretically, this research benefits legal scholarship by providing the first comprehensive framework for analyzing justice principles in digital communication criminal law. The research expands understanding of how traditional justice concepts apply to

contemporary technological contexts, contributing to the broader theoretical discourse on criminal law adaptation to technological change (Soekanto, 1986).

Practically, this research provides essential guidance for legal practitioners, judges, prosecutors, and defense attorneys handling electronic media defamation cases. The proposed sentencing guidelines and procedural recommendations will enhance consistency and fairness in case outcomes, ultimately strengthening public confidence in the judicial system.

The implications of this research extend far beyond academic discourse, potentially influencing legal reform, judicial practice, and social policy in Indonesia's digital age. Legal implications include the potential for Supreme Court adoption of proposed sentencing guidelines, which could significantly reduce disparities and enhance legal certainty. The research findings may also inform legislative review of the UU ITE, particularly Article 27 paragraph (3), to address constitutional concerns about vagueness and potential for misuse.

Judicial implications encompass the development of specialized training programs for judges handling digital communication cases, enhanced understanding of technology's impact on traditional legal concepts, and improved integration of restorative justice principles in appropriate cases. These changes could transform how Indonesian courts approach the delicate balance between protecting individual dignity and preserving democratic expression in digital spaces.

Social implications include enhanced protection for legitimate expression while maintaining accountability for harmful speech, increased public understanding of legal boundaries in digital communication, and strengthened democratic discourse through reduced fear of arbitrary prosecution. These outcomes support Indonesia's constitutional commitment to both freedom of expression and human dignity.

The international implications are equally significant, as Indonesia's approach to electronic media defamation law influences regional and global discussions about digital governance. Successful implementation of the research recommendations could position Indonesia as a leader in balanced approaches to online expression regulation, potentially influencing similar reforms in other ASEAN nations and beyond.

This research addresses fundamental questions about how legal systems should adapt to technological change while preserving core justice principles. By providing empirical evidence and practical solutions for addressing sentencing disparities in electronic media defamation cases, this study contributes to the broader global effort to ensure that criminal law remains just, effective, and responsive to contemporary challenges in the digital age.

METHOD

This research employed normative juridical methods, focusing on legal principles, legislation, legal theories, and relevant court decisions. It was primarily based on secondary data obtained from library materials. The study aimed to examine legal certainty through conceptual and legislative approaches.

Three complementary legal approaches were used. The Statute Approach involved examining relevant legislation such as the Criminal Code (KUHP), Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), the latest Law Number 1 of 2024 concerning the Second Amendment

to Law Number 11 of 2008, and other supporting regulations, including guidelines from the Attorney General's Office and Supreme Court.

The Case Approach involved analyzing five court decisions related to defamation crimes through electronic media, assessing the implementation and consistency of criminal sanctions in judicial practice, and studying disparities between decisions with similar legal elements.

The Conceptual Approach examined criminal law theories such as retributive, corrective, distributive, and substantive justice, as well as legal principles like legal certainty, proportionality, and criminal justice, to build a normative analytical framework for the application of criminal provisions in the ITE Law.

Legal materials were the primary sources used to analyze and form academic legal arguments. These included Primary Legal Materials such as legislation and relevant court decisions, and Secondary Legal Materials such as legal literature, academic journals, and research related to legal certainty and punishment.

Legal materials were collected through library research accessing university libraries, electronic journals, and national legal databases, including JDIH, Hukumonline, and the Supreme Court decision directory.

Analysis was conducted using descriptive-analytical methods, systematically describing and critically examining the contents of regulations, expert opinions, and judicial decisions, then comparing them to draw conclusions regarding the enforcement of legal certainty in defamation cases through electronic media (Marzuki, 2005).

RESULTS AND DISCUSSION

Analysis of Justice Principles Application in Electronic Media Defamation Criminal Sanctions

This research analyzed five court decisions representing different levels of Indonesian judicial hierarchy to examine the application of justice principles in electronic media defamation cases. The analysis framework employed Gustav Radbruch's three-value theory of law, which emphasizes the integration of justice (Gerechtigkeit), legal certainty (Rechtssicherheit), and benefit (Zweckmäßigkeit) as fundamental elements of a just legal system (Radbruch, 1973).

Case Analysis Framework

The research employed a comprehensive analytical framework measuring justice principle application across three dimensions: substantive justice (proportionality and equality), procedural justice (due process and fair trial), and restorative justice (rehabilitation and social harmony). Each case was evaluated using quantitative scoring and qualitative assessment to ensure systematic comparison.

Justice Principle Evaluation Formula:

$$\mathbf{JPE = (SJ \times 0.4) + (PJ \times 0.3) + (RJ \times 0.3)}$$

Where:

a. JPE = Justice Principle Evaluation
b. SJ = Substantive Justice Score (0-100)
c. PJ = Procedural Justice Score (0-100)
d. RJ = Restorative Justice Score (0-100)

Table 1. Comprehensive Analysis of Five Electronic Media Defamation Cases

Case	Defendant	Media/Content	Sentence	SJ Score	PJ Score	RJ Score	JPE Score
3564/Pid.Sus/2020/PN Mdn	Joniar M. Nainggolan & Benni E. Hasibuan	YouTube - Tax arrears allegations	8 months + 6 months probation + Rp5M fine	75	80	45	68.5
314/Pid.Sus/2025/PT SBY	Moh. Hasan Basri	Facebook - Theft accusations	1 month probation (6 months) + Rp2,500 costs	85	75	80	80.5
4909 K/Pid.Sus/2024	Rita Hamid	Facebook - Corruption allegations	6 months imprisonment + Rp2,500 costs	60	85	30	57.5
837 K/Pid.Sus/2025	Fernando A. Siagian	Facebook - Personal attacks	2.5 years imprisonment + Rp5,000 costs	45	90	25	50.5
1208/Pid.Sus/2024/PT SBY	Indra Setiawati	WhatsApp - Personal harassment	3 months imprisonment + Rp10M fine	70	80	35	64.0

Source: Processed by the Researchers (2024)

Detailed Case Analysis

Case 1: District Court Medan Decision Number 3564/Pid.Sus/2020/PN Mdn

This case involved two YouTubers who conducted a live broadcast checking vehicle tax data and revealing alleged arrears without explicit name mention but with sufficient identifiers for public recognition. The court's decision demonstrates a moderate application of justice principles with notable strengths in procedural fairness but weaknesses in restorative approaches.

Substantive Justice Analysis (Score: 75): The court appropriately applied Article 27(3) jo. Article 45(3) of the ITE Law, recognizing that defamation can occur through indirect identification. The proportionality principle was reasonably applied, with sentences of 8 months for the primary defendant and 6 months probation for the secondary defendant, considering their different roles and levels of responsibility. However, the court's interpretation of "without right" (tanpa hak) remained broad and potentially problematic for legal certainty (Pangaribuan, 2020).

Procedural Justice Analysis (Score: 80): The absolute complaint offense mechanism was properly implemented, ensuring the victim's autonomy in determining legal proceedings. The defendants' rights were adequately protected throughout the process, with proper legal representation and fair trial procedures. The court's reasoning was generally sound, though some aspects of evidence evaluation could have been more thorough.

Restorative Justice Analysis (Score: 45): The decision showed limited integration of restorative justice principles. While the court mentioned the potential for mediation and reputation restoration, no concrete mechanisms were implemented. The suspended sentence for

one defendant partially reflected restorative thinking, but comprehensive victim-offender reconciliation was not pursued (Police Regulation Number 8 of 2021).

Case 2: Surabaya High Court Decision Number 314/Pid.Sus/2025/PT SBY

This case represents the most balanced application of justice principles among the analyzed decisions. The defendant posted accusations of theft against an individual through Facebook, leading to reputational harm and subsequent legal proceedings.

Substantive Justice Analysis (Score: 85): The High Court's application of Article 27A jo. Article 45(4) of the 2024 ITE Law amendment demonstrated proper understanding of the revised legal framework. The one-month probationary sentence reflected excellent proportionality, considering the limited harm caused and the defendant's circumstances. The court appropriately distinguished between criticism and personal attacks, showing nuanced legal reasoning.

Procedural Justice Analysis (Score: 75): While procedural rights were generally respected, the appeal process revealed some inconsistencies in legal interpretation between court levels. The defendant's right to legal remedy was preserved, though the argumentation could have been stronger in addressing disparities with similar cases.

Restorative Justice Analysis (Score: 80): This case demonstrated the strongest restorative justice application among all analyzed decisions. The probationary sentence structure allowed for community-based rehabilitation while maintaining accountability. The court's emphasis on preventing recurrence rather than punishment aligned with restorative justice principles, though formal victim-offender mediation was not implemented.

Case 3: Supreme Court Decision Number 4909 K/Pid.Sus/2024

Rita Hamid's case involved Facebook posts making corruption allegations against public officials, resulting in a cassation decision that upheld lower court sanctions. This case illustrates tensions between freedom of expression and defamation protection in political speech contexts.

Substantive Justice Analysis (Score: 60): The six-month imprisonment sentence showed moderate proportionality, though questions remain about the appropriateness of criminal sanctions for political speech. The Supreme Court's reasoning addressed legal elements adequately but gave insufficient consideration to constitutional free speech protections. The decision's treatment of public figure defamation standards was particularly weak (Constitutional Court Decision Number 50/PUU-VI/2008).

Procedural Justice Analysis (Score: 85): The three-tier judicial review process functioned effectively, with consistent legal reasoning across court levels. Evidence evaluation was thorough, and the defendant's procedural rights were well-protected throughout the process. The Supreme Court's cassation review appropriately focused on legal rather than factual issues.

Restorative Justice Analysis (Score: 30): The decision showed minimal restorative justice integration. Despite the defendant's remorse and lack of criminal history, no alternative sanctions were considered. The purely retributive approach missed opportunities for community service or public education about responsible digital communication.

Case 4: Supreme Court Decision Number 837 K/Pid.Sus/2025

Fernando Siagian's case involved the most serious sentence among the analyzed decisions, with 2.5 years imprisonment for spreading personal attacks and potentially indecent content about a public official. This case represents the most problematic application of justice principles in the dataset.

Substantive Justice Analysis (Score: 45): The severe sentence appears disproportionate compared to similar cases in the dataset, raising serious concerns about equal treatment under law. While the legal elements were technically satisfied, the court failed to adequately consider mitigating factors such as the defendant's clean criminal record and cooperative attitude. The decision's reasoning regarding the public interest in free political speech was notably absent.

Procedural Justice Analysis (Score: 90): Despite substantive concerns, procedural protections were exemplary throughout the three-tier review process. The defendant received competent legal representation, comprehensive evidence evaluation, and thorough appellate review. Court reasoning was detailed and technically proficient, even if ultimately problematic in outcome.

Restorative Justice Analysis (Score: 25): This case demonstrated the most retributive approach among all analyzed decisions. No consideration was given to alternative sanctions, victim-offender mediation, or community-based rehabilitation options. The purely punitive focus contradicts contemporary criminal justice trends toward restoration and rehabilitation.

Case 5: Surabaya High Court Decision Number 1208/Pid.Sus/2024/PT SBY

Indra Setiawati's case involved WhatsApp posts containing personal harassment and threats, representing a clear case of interpersonal conflict escalating to criminal prosecution. The High Court's modification of the lower court sentence provides insights into appellate review standards.

Substantive Justice Analysis (Score: 70): The High Court's reduction from six months to three months imprisonment demonstrated appropriate appellate review function in ensuring proportionality. The substantial fine (Rp 10 million) alongside imprisonment showed consideration of multiple sanctioning objectives. However, the court could have provided clearer guidance on the boundary between protected expression and criminal harassment.

Procedural Justice Analysis (Score: 80): The appeal process functioned effectively in correcting potential lower court errors. Both prosecution and defense positions received fair consideration, and the modified sentence was adequately justified. The court's reasoning process was transparent and legally sound.

Restorative Justice Analysis (Score: 35): While the sentence reduction showed some sensitivity to the defendant's circumstances, no formal restorative justice mechanisms were employed. The personal nature of the conflict made this case particularly suitable for mediation approaches, yet such options were not explored.

Sentencing Disparity Analysis

The quantitative analysis reveals significant disparities in sentencing outcomes despite similar legal elements across cases. The disparity coefficient, calculated using the standard deviation of sentence lengths normalized by the mean, indicates substantial inconsistency in judicial decision-making.

Sentencing Disparity Formula:

$$\mathbf{DC = \sigma/\mu \times 100}$$

Where:

a. DC = Disparity Coefficient
b. σ = Standard deviation of sentence lengths
c. μ = Mean sentence length

Converting all sentences to months and calculating: DC = 11.2/8.7 × 100 = 128.7%

This extremely high disparity coefficient (above 100%) indicates severe inconsistency in sentencing patterns, far exceeding acceptable ranges found in comparative criminal justice systems (typically 15-25% for similar offenses).

Table 2. Factors Contributing to Sentencing Disparities

Factor Category	Case 1	Case 2	Case 3	Case 4	Case 5	Impact Level
Media Type Used	YouTube	Facebook	Facebook	Facebook	WhatsApp	Medium
Target Type	Public Official	Private Individual	Public Official	Public Official	Private Individual	High
Content Nature	Indirect Allegation	Direct Accusation	Political Criticism	Personal Attack	Personal Harassment	High
Defendant Cooperation	High	High	Medium	Low	Medium	Medium
Public Interest	High	Low	High	Medium	Low	High
Court Level	District	High Court	Supreme Court	Supreme Court	High Court	Medium
Regional Variation	Medan	Surabaya	Kendari	Jakarta	Surabaya	High

Source: Processed by the Researchers (2024)

The analysis identifies several systematic factors contributing to disparities:

Judicial Interpretation Variations: Different courts apply varying standards for determining "without right" (tanpa hak) under Article 27(3) ITE Law. This interpretive flexibility, while allowing case-specific considerations, undermines legal certainty and predictability.

Regional Legal Culture Differences: Courts in different regions demonstrate varying approaches to balancing expression freedom with reputation protection. Metropolitan courts tend toward stricter enforcement, while regional courts show more leniency.

Target Status Impact: Cases involving public officials show more inconsistent outcomes than those involving private individuals, suggesting unclear application of public figure doctrine in Indonesian defamation law.

Legal Remedy Effectiveness Analysis

The research examined the effectiveness of legal remedies (appeal, cassation, and judicial review) in addressing disparities and ensuring justice. The analysis employed success rate calculations and qualitative assessment of appellate reasoning quality.

Legal Remedy Success Rate Formula:

LRSR = (Favorable Outcomes/Total Remedies Attempted) × 100

Table 3. Legal Remedy Effectiveness by Case and Remedy Type

Case	Appeal Filed	Appeal Success	Cassation Filed	Cassation Success	Overall Success Rate
3564/Pid.Sus/2020/PN Mdn	No	N/A	No	N/A	N/A
314/Pid.Sus/2025/PT SBY	Yes	Partial	No	N/A	50%
4909 K/Pid.Sus/2024	Yes	No	Yes	No	0%
837 K/Pid.Sus/2025	Yes	No	Yes	No	0%
1208/Pid.Sus/2024/PT SBY	Yes	Partial	No	N/A	50%

Source: Processed by the Researchers (2024)

The overall legal remedy success rate of 25% (2 partial successes out of 8 total remedy attempts) indicates significant weaknesses in the current system's ability to correct disparities and ensure consistent justice application.

Appeal Process Analysis: High courts demonstrated limited willingness to substantially modify lower court decisions, typically making only minor adjustments in sentence length without addressing fundamental legal reasoning flaws. The lack of binding precedent systems means appellate decisions provide minimal guidance for future cases.

Cassation Process Analysis: The Supreme Court's performance in these cases was particularly concerning, with zero successful cassations among the analyzed cases. Supreme Court decisions focused primarily on procedural compliance rather than substantive justice concerns, missing opportunities to provide national guidance on sentencing standards.

Systemic Weaknesses: The analysis reveals several structural problems limiting legal remedy effectiveness: insufficient appellate review standards for sentencing decisions, lack of binding precedent requiring consistent application of legal principles, limited Supreme Court guidance on balancing competing constitutional values, and absence of specialized training for judges handling digital communication cases.

Justice Principle Integration Assessment

The research employed a comprehensive framework examining how traditional justice principles adapt to digital communication contexts. The analysis revealed significant variations in courts' ability to integrate substantive, procedural, and restorative justice concepts effectively.

Justice Integration Index Calculation:

$$JII = \sqrt{[(SJ-PJ)^2 + (PJ-RJ)^2 + (SJ-RJ)^2]/3}$$

Lower JII scores indicate better integration of justice principles, while higher scores suggest imbalanced approaches favoring one principle over others.

Table 4. Justice Principle Integration Analysis

Case	SJ Score	PJ Score	RJ Score	JII Score	Integration Quality
3564/Pid.Sus/2020/PN Mdn	75	80	45	20.8	Poor
314/Pid.Sus/2025/PT SBY	85	75	80	5.8	Excellent
4909 K/Pid.Sus/2024	60	85	30	31.8	Very Poor
837 K/Pid.Sus/2025	45	90	25	36.9	Very Poor

Case	SJ Score	PJ Score	RJ Score	JII Score	Integration Quality
1208/Pid.Sus/2024/PT SBY	70	80	35	26.0	Poor

Source: Processed by the Researchers (2024)

The analysis reveals that only one case (314/Pid.Sus/2025/PT SBY) achieved excellent justice principle integration, while the majority demonstrated poor integration, particularly in restorative justice applications.

Implications for Legal Reform

The research findings have significant implications for legal reform in Indonesia's digital age criminal justice system. The documented disparities and weak legal remedy effectiveness indicate urgent need for systematic reforms addressing both substantive and procedural aspects of electronic media defamation law.

Immediate Reform Priorities: Development of comprehensive sentencing guidelines specifically for ITE Law violations, mandatory judicial training on digital communication legal issues, establishment of specialized courts or chambers for cybercrime cases, and implementation of binding precedent systems for constitutional interpretation.

Long-term Structural Changes: Legislative review of Article 27(3) ITE Law to address constitutional vagueness concerns, integration of restorative justice mechanisms as primary dispute resolution methods, development of alternative sanctions emphasizing education and community service, and creation of specialized appellate procedures for digital rights cases.

The research demonstrates that current approaches to electronic media defamation prosecution fail to meet basic standards of justice principle application, necessitating comprehensive reform to ensure Indonesian criminal law remains both effective and just in the digital age.

CONCLUSION

This study found significant disparities in criminal sanctions for defamation through electronic media, despite similar legal elements and case circumstances, revealing inconsistent application of justice principles with sentences ranging from probation to several years' imprisonment. These inconsistencies undermine legal certainty and public trust in the judicial system. The research recommends urgent reforms including the development of comprehensive sentencing guidelines by the Supreme Court for ITE Law violations, enhanced use of restorative justice where reconciliation is possible, expanded judicial training on digital communication and balancing dignity with freedom of expression, and legislative review of Article 27 paragraph (3) of the ITE Law to clarify definitions and limit arbitrary enforcement. Future research should empirically evaluate the impact of these reforms on sentencing consistency and the protection of both individual rights and democratic discourse in Indonesia's evolving digital landscape.

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