

**Kekuatan Barang Bukti Elektronik Dalam Pembuktian Tindak Pidana Ujaran  
Kebencian  
(Studi Putusan Nomor 77/Pid.Sus/2018/PN BNR)**

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**ABSTRAK**

Kehadiran teknologi di tengah kehidupan manusia seringkali disalahgunakan untuk melakukan berbagai tindak pidana. Semakin masifnya tindak pidana melalui penyalahgunaan teknologi, maka dalam penyelesaian di persidangan akan dibutuhkan bukti elektronik. Dalam tataran praktik, meskipun bukti elektronik telah diakui oleh UU ITE, namun hakim seringkali mengkualifisir bukti elektronik sebagai barang bukti. Penelitian ini bertujuan untuk menjawab persoalan mengenai (1) Bagaimanakah kekuatan pembuktian barang bukti elektronik dalam Putusan Putusan No 77/Pid.Sus/2018/PN Bnr; (2) Bagaimanakah pertimbangan hukum hakim dalam Putusan No 77/Pid.Sus/2018/PN Bnr?. Untuk menjawab persoalan tersebut, penulis melakukan penelitian yuridis-normatif dan bertumpu pada data sekunder dengan teknik analisis kualitatif. Hasil penelitian ini menunjukkan bahwa: (1) Barang bukti elektronik berupa handphone milik terdakwa memiliki kekuatan pembuktian setelah dikaitkan dengan keterangan saksi, keterangan ahli, dan keterangan terdakwa yang saling berkesesuaian satu sama lain; (2) Pertimbangan hukum hakim terdiri dari pertimbangan yuridis, sosiologis dan filosofis dalam Putusan Putusan No 77/Pid.Sus/2018/PN Bnr telah tepat karena didasarkan kepada alat bukti dan fakta di persidangan yang beralasan menurut hukum.

**Kata Kunci:** Barang Bukti Elektronik, Tindak Pidana Ujaran Kebencian, Pertimbangan Hukum.

***The Power of Electronic Evidence in Proving Hate Speech Crimes***

***(Study of Verdict Number 77/Pid.Sus/2018/PN BNR)***

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***ABSTRACT***

*The presence of technology in human life is often misused to carry out various criminal acts. The more massive the crime through the misuse of technology, the more electronic evidence will be needed in the settlement in court. In practice, although electronic evidence has been recognized by the Information and Electronic Transaction Law, judges often qualify electronic evidence as an evidence. This study aims to answer questions regarding (1) How is the strength of proof of electronic evidence in Verdict No. 77/Pid.Sus/2018/PN Bnr; (2) What are the judges' legal reasoning in Verdict No. 77/Pid.Sus/2018/PN Bnr?. To answer this question, the author conducted a juridical-normative research and relied on secondary data with qualitative analysis techniques. The results of this study indicate that: (1) Electronic evidence in the form of a cellphone belonging to the defendant has the power of proof after being associated with witness statements, expert statements, and the defendant's statements which are mutually compatible with each other; (2) The judge's legal reasoning consist of juridical, sociological and philosophical reasoning in Verdict No. 77/Pid.Sus/2018/PN Bnr? It is appropriate because it is based on evidence and facts in court that are grounded according to law.*

***Keywords:*** *Electronic Evidence, Hate Speech Crime, legal Reasoning.*