

RINGKASAN

MUHAMMAD FUAD ARIEF, E2A018010 Program Studi Pascasarjana Magister Ilmu Hukum Universitas Jenderal Soedirman, Penegakan Hukum Pidana Terhadap Tindak Pidana Ujaran Kebencian di Media Sosial, Komisi Pembimbing: Ketua Dr. Setya Wahyudi, S.H., M.H., Anggota Dr. Dwi Hapsari Retnaningrum, S.H., M.H.

Penelitian ini bertujuan untuk menganalisis penegakan hukum pidana terhadap tindak pidana ujaran kebencian melalui media sosial serta hambatan-hambatan yang dihadapi aparat penegak hukum dalam penegakan hukum pidana terhadap tindak pidana ujaran kebencian di media sosial. Metode pendekatan menggunakan pendekatan *yuridis empiris*. Tipe penelitian adalah *kualitatif* dalam paparan deskriptif dengan mengambil lokasi di Kabupaten Banjarnegara. Pengumpulan data primer dengan wawancara, dan data sekunder melalui studi kepustakaan.

Berdasarkan hasil penelitian dan pembahasan, maka dapat disimpulkan bahwa penegakan hukum terhadap tindak pidana ujaran kebencian dilaksanakan melalui Sistem Peradilan Pidana (SPP) sebagai upaya terakhir penerapan sanksi pidana (*ultimum remedium*). Penegakan hukum ujaran kebencian dilakukan melalui proses pembuktian unsur-unsur tindak pidana sebagaimana diatur dalam Pasal 28 ayat (2) Undang-Undang No. 19 Tahun 2016. Bahwa ketentuan yang mengatur tentang hak kebebasan berpendapat dalam UU Nomor 19 Tahun 2016 Tentang Informasi dan Transaksi Elektronik (UU ITE) dapat dibatasi meskipun telah dijamin oleh ketentuan Pasal 28E ayat (3) UUD Tahun 1945. Hambatan-hambatan yang dihadapi aparat penegak hukum dipengaruhi oleh beberapa faktor, yaitu: faktor hukum itu sendiri, faktor penegak hukum, faktor sarana, faktor masyarakat dan faktor budaya.

Kata kunci: Penegakan Hukum, Ujaran Kebencian, Media Sosial, Transaksi Elektronik.

SUMMARY

MUHAMMAD FUAD ARIEF, E2A018010 Postgraduate Program, Master of Law Jenderal Soedirman University, Enforcement of Criminal Law Against the Crime of Hate Speech on Social Media, Advisory Commission: Chairman Dr. Setya Wahyudi, S.H., M.H., Member Dr. Dwi Hapsari Retnaningrum, S.H., M.H.

This study aims to analyze criminal law enforcement against hate speech crimes through social media and the obstacles faced by law enforcement officers in enforcing criminal law against hate speech crimes on social media. The approach method uses an empirical juridical approach. This type of research is qualitative in descriptive exposure by taking location in Banjarnegara Regency. Primary data collection by interview, and secondary data through literature study.

Based on the results of research and discussion, it can be concluded that law enforcement against hate speech crimes is carried out through the Criminal Justice System as a last resort for implementing criminal sanctions (*ultimum remedium*). Law enforcement of hate speech is carried out through a process of proving the elements of a crime as regulated in Article 28 paragraph (2) of Law No. 19 of 2016. That the provisions governing the right to freedom of expression in Law No. 19 of 2016 concerning Information and Electronic Transactions can be limited even though it has been guaranteed by the provisions of Article 28E paragraph (3) of the 1945 Constitution. Obstacles faced by the apparatus Law enforcement is influenced by several factors, namely: the legal factor itself, law enforcement factors, means factors, community factors and cultural factors.

Keywords: Law Enforcement, Hate Speech, Social Media, Electronic Transactions.