

**PUTUSAN LEPAS DARI SEGALA TUNTUTAN HUKUM YANG
MENGUBAH PUTUSAN PEMIDANAAN UJARAN KEBENCIAN
TERKAIT LINGKUNGAN HIDUP**

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ABSTRAK

Majelis hakim pengadilan tingkat pertama dalam perkara ini menjatuhkan vonis pidana, kemudian Terdakwa mengajukan banding dan dijatuhkan putusan lepas dari segala tuntutan hukum, hakim tingkat pertama keliru karena tidak mempertimbangkan *Anti-Slapp*. Penelitian ini bertujuan untuk mengetahui dasar pertimbangan kedua tingkatan pengadilan dalam menjatuhkan putusan kepada Daniel serta akibat hukum yang timbul terhadap perubahan amar putusan tersebut. Metode penelitian yang digunakan dalam penelitian ini adalah yuridis normatif, dengan pendekatan kasus, konseptual dan undang-undang, kemudian spesifikasi preskriptif. Menggunakan data sekunder dengan pengumpulan data studi kepustakaan disajikan secara deskriptif naratif kemudian dianalisis dengan metode kualitatif. Hasil penelitian ini bahwa pengadilan tingkat pertama dalam putusan Nomor 14/Pid.Sus/2024/Pn Jpa menyatakan bahwa perbuatan Daniel terbukti memenuhi unsur-unsur tindak pidana ujaran kebencian dan *Anti-Slapp* tidak dapat diterapkan terhadap dirinya sehingga dijatuhkan vonis pidana. Sedangkan pengadilan tingkat banding dalam Putusan Nomor 374/Pid.Sus/2024/PT Smg menyatakan bahwa perbuatan Daniel terbukti memenuhi unsur-unsur tindak pidana ujaran kebencian, namun *Anti-Slapp* dapat diterapkan dalam dirinya sehingga dijatuhkan vonis lepas dari segala tuntutan hukum. Akibat hukum yang timbul yaitu putusan pengadilan tingkat pertama batal, untuk itu para pihak wajib menjalankan putusan pengadilan tingkat banding, Terdakwa harus dilepaskan dari tahanan, Terdakwa berhak mendapat hak rehabilitasi untuk memulihkan hak, kedudukan dan harkat martabatnya yang sebelumnya hilang. Terhadap barang bukti yang sebelumnya diperintahkan untuk dimusnahkan, untuk dikembalikan kepada terdakwa. Perintah pidana denda pada putusan pengadilan negeri menjadi batal sehingga Terdakwa tidak diwajibkan untuk membayarnya, menimbulkan hak bagi Terdakwa atau penuntut umum untuk mengajukan upaya hukum kasasi dan kasasi demi kepentingan hukum.

Kata kunci: *Anti-Slapp* lingkungan, Putusan lepas, Putusan pidana, Tindak pidana ujaran kebencian.

***A VERDICT OF ACQUITTAL FROM ALL CHARGES THAT AMENDING
THE VERDICT OF CONVICTION FOR HATE SPEECH RELATED TO THE
ENVIRONMENT***

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ABSTRACT

The judges of the first instance court in this case handed down a verdict of punishment, then the Defendant appealed and was acquitted of all charges, the first instance judge erred because he did not consider Anti-Slapp. This study aims to determine the basis of consideration of the two levels of court in handing down a verdict to Daniel and the legal consequences arising from the change in the verdict. The research method used in this research is normative juridical, with case, conceptual and statutory approaches, then prescriptive specifications. Using secondary data with literature study data collection presented descriptively narrative then analyzed with qualitative methods. The result of this study is that the court of first instance in Decision Number 14/Pid.Sus/2024/Pn Jpa stated that Daniel's actions were proven to fulfill the elements of the crime of hate speech and Anti-Slapp could not be applied against him so that he was sentenced to punishment. Meanwhile, the court of appeal in Decision Number 374/Pid.Sus/2024/PT Smg stated that Daniel's actions were proven to fulfill the elements of the crime of hate speech, but Anti-Slapp could be applied to him so that he was sentenced to release from all charges. The legal consequences arising are that the decision of the court of first instance is void, for that the parties are obliged to carry out the decision of the court of appeal, the defendant must be released from detention, the defendant is entitled to the right of rehabilitation to restore his rights, position and dignity that were previously lost. Evidence that was previously ordered to be destroyed shall be returned to the defendant. The criminal fine order in the district court decision becomes void so that the defendant is not obliged to pay it, resulting in the right for the defendant or public prosecutor to file a cassation and appeal in the interests of the law.

Keywords: *Anti-Slapp environment, Acquittal verdict, Verdict of conviction, Hate speech offenses.*