

ABSTRAK

TINDAK PIDANA MELANGGAR KESUSILAN MELALUI MEDIA
ELEKTRONIK (Studi Terhadap Putusan Nomor 368/Pid.Sus/2020/PN Clp)

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Perkembangan teknologi informasi dan komunikasi tidak selalu berdampak positif terhadap kehidupan manusia, kemajuan teknologi juga memberikan dampak negatif seperti munculnya kejahatan bersasaran teknologi informasi, yaitu *cybercrime* salah satunya di bidang kesusilaan. Sutoyo bin alm Sansuwiryo merupakan terdakwa kasus tindak pidana yang melanggar kesusilaan melalui media elektronik, perbuatan mana dilakukan Terdakwa menggunakan internet sebagai sarana untuk mencapai tujuannya yaitu dengan mengunggah atau mengirimkan foto saksi Parsih yang bermuatan pornografi di status *Facebook* melalui akun media Sosial *Facebook* milik saksi Parsih. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan menggunakan metode pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conseptual approach*) dan pendekatan kasus (*case approach*) karena kasus yang diteliti berupa kasus dalam putusan hakim. Hasil penelitian menunjukkan bahwa dalam putusan perkara No.368/Pid.Sus/2020/PN Clp unsur-unsur tindak pidana melanggar kesusilaan melalui media elektronik yang dilakukan Terdakwa telah memenuhi rumusan Pasal 27 ayat (1) *Jucto* Pasal 45 (1) Undang-undang Nomor 19 Tahun 2016 tentang perubahan atas Undang-undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Berkaitan dengan pertimbangan hukum Hakim telah memenuhi rasa keadilan dalam perumusan ancaman pidana dan sesuai dengan keputusan Hakim yang menangani tindak pidana dalam perkara No.368/Pid.Sus/2020/PN Clp.

Kata Kunci : Melanggar Kesusilaan, pornografi, *Facebook*.

ABSTRACT**CRIMINAL ACTION VIOLATING MORALITY THROUGH MEDIA ELECTRONIC
(Juridical Review of Verrdict No.368/Pid.Sus/2020/PN.Clp)**

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The development of information and communication technology does not always have a positive impact on human life. Technological advances also have negative impacts such as the emergence of information technology-based crimes, namely cybercrime, that mostly violates morality value in the society. Sutoyo bin alm Sansuwiryo was a defendant in a information technology-based crimes that violated morality through electronic media. He used the internet to achieve his goal by uploading or sending a photo of witness Parsih containing pornography through the witness facebook account. Since the studied cases were judge's verdict, so the method used in this research were normative juridical using the statute approach method, conceptual approach, and a case approach. The results showed that in the case decision No.368/Pid.Sus/2020/PN Clp, the elements of criminal acts violating morality throught electronic media carried out by the Defendatn had fulfilled the formulation of Article 27 Paragraph (1) Juncto Article 45 Paragraph (1) of the Law. Number 19 of 2016 concerning amandements to Law Number 11 of 2008 concerning Electronic Information and Transactions. Related to the legal conciderations, judge has fulfilled the sense of justice in the formulation of criminal threats. It was also in accordance with the judge's verdict of criminal action in case No.368/Pid.Sus/2020/PN.Clp.

Keywors : Violating morality, pornography, Facebook

