



## **THE ROLE OF THE POLRI IN THE LAW ENFORCEMENT OF THE DISTRIBUTION OF HATE SPEECH IN THE CITY OF BATAM, INDONESIA**

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### **Abstract**

*The rise of hate speech cases through social media is the background for the writer in taking the object as research material. The implementation of applicable law must be in accordance with the conditions in daily life and be supported by the role of law enforcement and the community. The understanding of hate speech, the role of the police in law enforcement related hate speech then the solution to the existence of legal constraints is part of the formulation of the problem in this research. This research uses empirical legal research methods, so the basis for the writer to take primary data in the field directly with the first resource person. Supported by the existence of other laws and regulations in analyzing the data that has been obtained. This thesis research was carried out by taking data directly in the field and continued with literature study. Using qualitative data analysis methods as well as content in this thesis research. The results of the research carried out have proceeded in such a way over cases of hate speech that occurred. Interview data, statistical data and decision data are the latest data on hate speech cases. The role of law enforcement has been running in accordance with applicable laws, legal solutions to the existence of law enforcement constraints have been able to be resolved from the law enforcement authorities themselves.*

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### **Abstrak**

Maraknya perkara ujaran kebencian melalui media sosial menjadi latar belakang bagi penulis dalam mengambil objek tersebut sebagai bahan penelitian. Implementasi dari undang-undang yang berlaku harus sesuai dengan keadaan pada kehidupan sehari-hari serta didukung dengan peran dari penegak hukum dan masyarakat. Pengertian dari ujaran kebencian, peran polri dalam penegakan hukum terkait ujaran kebencian lalu solusi atas dari adanya kendala hukum merupakan bagian dari rumusan masalah dalam penelitian ini.

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Penelitian ini menggunakan metode penelitian hukum empiris, sehingga menjadi dasar bagi penulis untuk mengambil data primer dilapangan secara langsung dengan narasumber pertama. Disokong dengan adanya peraturan perundang-undangan lainnya dalam menganalisa data yang telah didapatkan. Penelitian ini dilakukan dengan mengambil data secara langsung dilapangan dan dilanjutkan dengan studi kepustakaan. Menggunakan metode analisis data secara kualitatif juga sebagai kandungan dalam penelitian ini. Hasil penelitian yang dilakukan telah berjalan dengan sedemikian rupa atas perkara ujaran kebencian yang terjadi. Adanya data wawancara, data statistik serta data putusan sebagai data terakhir atas perkara ujaran kebencian. Peran dari penegak hukum sudah berjalan sesuai dengan undang-undang yang berlaku, solusi hukum atas adanya kendala penegakan hukum telah mampu diselesaikan dari pihak penegak hukum itu sendiri.

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## **A. Background**

In essence there are several policies regarding matters that must be regulated properly. Law plays a very important role in a development of the form and behavior of society towards a decent and orderly life in accordance with the objectives of the law. Nowadays humans have reached the point where the world is very advanced and developing, in other words what we usually refer to as globalization. One of the results of the development of globalization that we currently feel the impact and presence of in our daily lives is the internet. Internet has provided a role and results that affect human life. The internet has a lot of valuable information that we can easily retrieve, the internet is a very fast and cheap means of communication. Internet is a large library, where millions of information in written form in electronic form, next to the internet is called the virtual world, because most aspects of life in the world. In reality there are on the internet such as sports, politics, entertainment, etc. There are those who play an important role in the world of education because the internet can complement and increase knowledge and motivation to learn (Hariyawan & Supeno, 2020).

Over time, internet usage has increased from year to year. In accordance with field data taken from March to April 14, 2019, the results of the Indonesian Polling in collaboration with the Indonesian Internet Service Providers Association (APJII), with the number of internet users in Indonesia growing to 10.12 percent. The survey results involved 5,900 samples with a margin of error of 1.28 percent. According to Henri Kasfyi as Secretary General of APJII, out of a total population of 264 million Indonesians, 171.17 million or around 64.8 percent are connected to the internet. This figure increased from 2017 which was recorded at 54.86 percent. Regarding the results of research by APJII, the majority of internet users who access the internet are in the age range of 15 to 19 years (Pratomo, 2019).

One indicator of the internet can be seen from the number of internet cafes (warnet) that provide internet connectivity to customers. An internet connection is not only required for individuals, but also for wider coverage, such as companies and offices (Hariyawan & Supeno, 2020). The cost of providing a sizable internet

environment requires a large amount of money. However, the demand for internet is always high. The presence of the internet makes it easy for humans both in communication, education, work and other things. The rule of law itself, formulated so that internet users who have the intention of being used in a negative way, will have a deterrent effect and are aware that the internet as a facility or facility provided should be processed and maintained (Anam & Hafiz, 2015). Several prohibitions are related to the internet which contain immoral content, gambling, defamation, extortion and threats. The next prohibition is in the form of using information and communication technology to spread hate speech that is detrimental and triggers hostility towards SARA (ethnicity, religion, race and intergroup) in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in Article 28 and Article 29.

The development of technology and information does not merely make people take and take advantage of this positive side, and with some parties who do not take the positive side, they visualize fake news (Hoax) and hate speech (Nurchayati, 2019). Hate Speech is “an act of communication carried out by an individual or group in the form of provocation, incitement or insult to other individuals or groups with various broad aspects such as race, color, gender, disability, sexual orientation, religion and others” (Febriyanti, 2018).

The spread of hate speech is already included in the extraordinary realm, because the impact of hate speech is very large. It can even divide the unity of a nation (Hariyawan & Supeno, 2020). Hate speech makes a person or group with various purposes, whether just playing around, to economic (deceptive) and political (propaganda / public opinion formation) or agitation (Winarno, 2020). Hate speech often arises when problems arise, but many things have not been revealed or have become question marks. The rise of cases in circulation, making hate speech can be categorized as the main weapon for parties who have specific goals (Febriansyah & Purwinarto, 2020).

## **B. Problem Formulation**

Based on the explanation above, the formulation of the problems in this study are: 1) How are the regulations regarding hate speech in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions ?; 2) What is the role of the National Police in enforcing the law regarding hate speech according to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions in Batam City ?; 3) What is the legal solution in overcoming the obstacles to law enforcement regarding hate speech in Batam City?

## **C. Research Methods**

According to Soerjono Soekanto, the research method is a method or technique or procedure that is carried out in the research process (Soekanto, 2007). The basis of the thesis preparation is in the form of data and facts obtained in accordance with the type of research chosen. This type of research can also be interpreted as the result or product of the research method to continue the steps to be selected. After selecting the type of research that is the basis for developing the

analysis, then the author conducts research according to the roots or methods that have been determined. The assessment of this research is carried out directly in order to obtain accurate and factual data. In addition, Empirical Legal Research links the sources of data obtained with applicable laws and regulations and is called Law in Action in the community. In this research opportunity the author uses the type of Empirical Legal Research which will be carried out in the jurisdiction of the Bareleng Police and the Batam District Court. The primary data in this study is that the author takes interview data with Banit Idik V Satreskrim Bareleng Police, statistical data provided by the Head of Criminal Investigation Unit of the Bareleng Police and data on hate speech cases at the Batam District Court in providing all data related to cases of hate speech (Hate Speech) which is in Batam City.

#### **D. Research Results and Discussion**

The interview that the author conducted face-to-face was with one of the investigators for Banit Idik V, Bareleng Police, Brigadier Remon Lumban Gaol, S.H, who provided information related to the title and problem formulation as part of the author's reasons for conducting this research. Based on the results of the interview conducted with Mr. Brigadier Remon Lumban Gaol, SH as the investigator from Banit Idik V Satreskrim Bareleng Police said that cases of hate speech through online media or social media in the last 3 years, the case handled by Banit Idik V Satreskrim Polresta Bareleng, namely in 2017 as many as 1 case, in 2018 as many as 2 cases, in 2019 as many as 1 case and in 2020 no complaints about cases have been submitted. Judging from the interview data that was submitted, from the last 3 years hate speech cases have fluctuated and uncertain in the number of complaints received. Furthermore, the author digs deeper information on whether the complaint cases that have been submitted so far will end in the Batam District Court or only up to the pretrial, based on the information provided that every case that is submitted will be processed until prosecution or trial at the Batam District Court. Hate speech cases that have been entered through Banit Idik V Satreskrim Bareleng Police originate from the Facebook social media network and with the main issue that occurs is hate speech against tribes. Hate speech against mutual ridicule between the tribes which made the division between the tribes occur. The form of complaints from cases of hate speech with information from Mr. Brigadier Remon Lumban Gaol, SH in addition to a special section that handles online hate speech problems such as the cybercrime team that is tasked with checking and monitoring the potential that will arise from cases of hate speech that will arise, There is also a form of public report on the hate speech committed.

In an example of hate speech against tribes through the social media network Facebook given by Mr. Brigadier Remon Lumban Gaol, SH, that the one who complained against the occurrence of hate speech through online media was not the victim or the perpetrator, but the existence of an organization from the insulted tribe above. hate speech given. For example, representatives of the Batak tribe. Officials or representatives of these organizations report criminal acts of hate speech between tribes. In addition, the existence of a cybercrime team is a form of enforcement of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. There is a special

team that monitors, the nature of the law that is compelling and binding will be implemented properly.

The author also questions whether the form of an apology made by the defendant is one of the solutions in enforcing the contents of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 Regarding Information and Electronic Transactions, Brigadier Remon Lumban Gaol, SH provides information that the case that comes in will still be processed until prosecution. The apology submitted by the defendant cannot eliminate the criminal act that has been committed. From this form of apology there is a possibility of leniency that will be given later, so that the apology will be packaged as a statement which will be attached to the case file when the lawsuit is filed at the Batam District Court. . The author asked whether the request submitted by the defendant was a result of the implementation of Law Number 19 of 2016 concerning Amendments to Law Number 19 of 2008 concerning Electronic Information and Transactions, then Brigadier Remon Lumban Gaol, SH informed that this was not a The form of implementation of the existing law, the apologies submitted are only as an attachment to the good faith given by the defendant and not the end of the investigation process.

There is a strict and compelling procedure in enforcing the applicable regulations so that what has been done by the perpetrators of hate speech will get what is appropriate according to what has been done. The author asks for a solution from the Barelang Unit V Satreskim Police Unit in overcoming the problem of hate speech through social media as an investigator in the form of an appeal to the public in using social media to be correct by not posting words or images that contain hate speech content and being wise in using the media social so that what is done does not aim to break the unity and integrity of the Indonesian nation.

Statistical data in 2017, there were 6 cases that went through the investigation stage of the Barelang Police and in the same year there were 5 cases that were successfully completed. Then, in 2018 the number of cases submitted was 4 cases and with the results of cases that had been completed as many as 5 cases because 1 case in 2017 which had not been resolved could be completed in 2018. Then entering 2019 the number of cases submitted was 2 cases and cases. was completed the same year.

Based on the graph of statistical data on hate speech cases through social media from 2017-2019 there has been a decline, in the number of cases that have been submitted, this is reviewed based on the enforcement of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions already provides an optimal form of implementation. It is hoped that the enforcement of the applicable law will continue into the future. Statistical data also aims to provide results from the implementation of law enforcement efforts by law enforcers, which in this research is specifically focused on the Barelang Police Criminal Unit. Meanwhile, data collection on hate speech cases through online media in 2017-2019 is 23 cases that have been decided and 2 cases that are still in the trial process.

## **1. Regulations Regarding Hate Speech In Law Number 19 Year 2016 Concerning Amendments to Law Number 11 Year 2008 Concerning Electronic Information and Transactions**

The rules regarding hate speech in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions are embedded in Article 28 Paragraph (1) and (2), Article 31 Paragraph (3), Article 45 , Article 45A and Article 45B. These articles regulate the crimes or punishments that the perpetrators of hate speech get in accordance with the form of the hate speech they make. Based on the definition of hate speech according to expert Kent Greenswalt, namely "Use and nicknames that can cause serious problems for democratic theory and practice" (Polda South Sumatra, 2020).

In addition, the meaning of hate speech taken from a work quoted is a form of communication made by a person or group that causes provocation, incitement and insults aimed at someone or other group by linking reasons in the form of race, color, gender, disability, sexual orientation, nationality, religion, etc. (Law angle, 2020). Hate speech has been regulated in such a way in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, the regulation includes categories classified as hate speech and criminal acts that will be accepted by the perpetrators contained in the articles 45, articles 45A and 45B.

Criminal charges received by the defendant based on article 45 paragraph 1-5 of Law Number 19 Year 2016 Concerning Amendments to Law Number 11 Year 2008 Concerning Electronic Information and Transactions, namely:

(1) Anyone who knowingly and without right distributes and / or transmits and / or makes accessible Electronic Information and / or Electronic Documents that have contents that violate decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment at the most. 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

(2) Anyone who knowingly and without right distributes and / or transmits and / or makes Electronic Information and / or Electronic Documents accessible with gambling content as referred to in Article 27 paragraph (2) shall be sentenced to imprisonment of a maximum of 6. (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

(3) Anyone who knowingly and without right distributes and / or transmits and / or makes Electronic Information and / or Electronic Documents accessible which contain insulting and / or defamation as intended in Article 27 paragraph (3). shall be sentenced to imprisonment of up to 4 (four) years and / or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

(4) Anyone who knowingly and without right distributes and / or transmits and / or makes accessible Electronic Information and / or Electronic Documents that contain extortion and / or threats as referred to in Article 27

paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

(5) The provisions referred to in paragraph (3) constitute an offense on complaint.

Apart from the understanding and criminal acts that will be obtained from the perpetrators of hate speech, there is also an explanation regarding the classification of the form of hate speech in accordance with the Chief of Police Circular No: SE / 06 / X / 2015 concerning the Handling of Hate Speech, namely:

"That hate speech can be in the form of a criminal act regulated in the Criminal Code (KUHP) and other criminal provisions outside the Criminal Code, which take the form of, among others: 1) Insult; 2) Defamation; 3) Blasphemy; 4) Conduct is unpleasant; 5) Provoking; 6) Inciting; 7) Spreading fake news. "

The existence of the classification above, provides additional knowledge of the forms of hate speech crimes divided into several types. In this research, the author takes 5 (five) examples from the data on the decision of the Batam District Court that the author obtained, to be related to the effectiveness of enforcement of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions the. This research takes 5 (five) examples of hate speech cases that have been decided by the Batam District Court, as details of the hate speech cases that the author could not access beforehand, so that based on the decision the author obtained through the Website of the Directory of Decisions of the Supreme Court of the Republic of Indonesia, there is a handling made by the Barelang Police, namely decision number 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN.Btm, 684 / Pid.Sus / 2019 / PN.Btm.

## **2. The Role of the Police in Law Enforcement Regarding Hate Speech According to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions**

Criminal law enforcement is a concrete application of criminal penalties by law enforcement officials (Faal, 1991). Law is coercive, namely law enforcement is carried out by officials who have certain powers that can force people to obey the applicable law (Arliman, 2019). In the second analysis, the Police as law enforcers are regulated in Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, which reads: "The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, and protection. , and service to the community. "

In accordance with the contents of the article above, the National Police has a role as law enforcer. In law enforcement efforts, there are elements that must be considered, namely (Mertokusumo, 1999): Legal certainty (*rechtssicherheit*). The law must be enforced and enforced. Legal certainty is a form of justifiable protection

against any form of arbitrary action; Benefits (*zweckmassigkeit*). The benefits of law enforcement are certainly a hope for every society. Of course, law enforcement must provide optimal benefits; Justice (*gerechtigkeith*). The implementation of law enforcement must achieve justice in order to support the true meaning of law. Law was created to achieve justice for the rights and obligations of every individual (Permatasari & Sudibya, 2018).

Polri as the law enforcer of the Indonesian state has played an important role in contributing to the nation and state. In this study, the authors took the results of research with the legal area of the Bareleng Police. The role of the National Police in question is based on an interview conducted by the author with Mr Brigadier Remon Lumban Gaol, S.H, which has made efforts to enforce the law in accordance with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

Activation of the cybercrime or cyber patrol team as monitoring of social media networks from the form of hate speech through online media (Wijayanto, 2017). The role of the National Police based on the results of the interviews in this study can also be in the form of a case investigation process that is completed up to the prosecution stage, so that what the defendant has done will receive appropriate sanctions. Law enforcement of the role of the National Police in the jurisdiction of the Bareleng Police Criminal Unit will be analyzed by linking elements in law enforcement, namely:

a. Legal certainty

The element of legal certainty regarding the role of the National Police in law enforcement in hate speech cases through social media refers to decision number 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN.Btm, 684 / Pid.Sus / 2019 / PN.Btm because they have gone through the investigation process through the Bareleng Police, so the author takes a case example of this decision. Legal certainty means that the law must be enforced properly and in principle it must not deviate. The legal certainty that exists in this case is in the form of completing the role of the National Police to carrying out the investigation process up to the prosecution stage and until the end of the trial process there is a decision with permanent legal force.

b. Benefits

The benefit of law enforcement is that the community feels the impact of law enforcement. Based on the case with decision number 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN.Btm, 684 / Pid.Sus / 2019 / PN.Btm, social media users in posting words or pictures will be more careful and wise. The provisions in Law Number 19 Year 2016 Concerning Amendments to Law Number 11 Year 2008 Concerning Electronic Information and Transactions have emphasized the importance of smartly using social media or the internet.

c. Justice



Law enforcement related to the role of the National Police as one of the law enforcement officers certainly hopes for an end result in the form of justice. For the case with decision number 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN .Btm, 684 / Pid.Sus / 2019 / PN.Btm, the verdict given by the panel of judges has achieved appropriate justice. With this decision, the defendant will have a deterrent effect and will be wiser in using social media. Linking the role of the National Police in this research is the role of the Bareleng Police in enforcing Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions in hate speech cases along with the theory of legal effectiveness according to Soerjono Soekanto in Effectiveness theory is: "The degree of legal effectiveness is determined by the level of public compliance with the law in the form of law enforcers with the assumption that the level of compliance is an indicator that functions as a legal system" (Soekanto, 1985).

Based on this theory, it confirms the tips of the essence of law enforcement along with the effectiveness of the law effectiveness theory. This theory is useful for affirming the fact and in fact the enforcement carried out by the Bareleng Police. There are 5 factors that influence the theory of legal effectiveness. The author will analyze these factors according to the role of the Police in the jurisdiction of the Bareleng Police in enforcing the law.

- a. Legal Factors. Law has elements, namely justice, certainty and benefit. These elements support the success or failure of law enforcement if all three have been fulfilled. Based on the role of the Police, the jurisdiction of the Bareleng Police, refers to the decision number 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN.Btm, 684 / Pid.Sus / 2019 / PN.Btm. Btm has fulfilled the third element, namely justice, certainty and benefit in enforcing the law of hate speech cases. The legal factor in the theory of legal effectiveness over the role of the Police in the jurisdiction of the Bareleng Police has been effective to apply.
- b. Law Enforcement Factors. Law enforcement deals with the parties who form or apply law (law enforcement). Legal apparatus and apparatus are given the authority to carry out their duties which include receiving reports, investigating, investigating, prosecuting, proving, imposing convictions and imposing sanctions as well as efforts to reconstruct the convict. This has been fulfilled by the National Police in the jurisdiction of the Bareleng Police in making the law effective. The criminal act committed by the defendant does not eliminate the crime that has been committed. So that the existence of law enforcement factors for hate speech cases has been effectively carried out by the Bareleng Police.
- c. Factors of legal facilities or facilities. This factor becomes a supporting facility in enforcing existing laws. These facilities are in the form of educated human resources, good organization,

adequate equipment, sophisticated tools, and so on. In the role of the Police in the jurisdiction of the Bareleng Police, the existence of a cybercrime or cyber patrol team in monitoring existing social media for potential hate speech that will emerge is a form of law enforcement facilities or facilities. This factor has been effectively implemented by the Bareleng Police.

- d. Community Factors. Peace in society is the goal of law enforcement. Public awareness in upholding the law is certainly very much needed in order to achieve justice, benefit and legal certainty. The community factor in the context of the effectiveness of this theory in law enforcement carried out by the Bareleng Police is the form of reports from the public regarding hate speech cases on social media to assist law enforcers in carrying out their roles and duties. This factor has been effective for what the Bareleng Police have done in the role of the Police in enforcing the hate speech law.
- e. Cultural Factors. The cultural factor in the theory of effectiveness if it is related to the role of the National Police in the jurisdiction of the Bareleng Police in law enforcement in cases of hate speech, then people's knowledge of legal regulations is included in cultural factors. Public knowledge plays an important role, culture or habits that arise everyday how to establish communication, will also have an impact on social media. The current communication literacy established by the community has an effect on the development of ethics in establishing communication between people, this can be seen in the emergence of hate speech cases either through social media or in everyday life. This is related to the negative impacts arising from the use of the internet, which is currently very easy to access, thus enabling the role of people who lack communication literacy and ethics towards others to become one of the obstacles in law enforcement.

If the community is able and has a literacy level in communicating well, then the use of social media will be positive and the handling of legal obstacles will run smoothly as there are calls from law enforcers for the consequences that will be obtained.

### **3. Legal Solutions in Overcoming Law Enforcement Obstacles Regarding Hate Speech in Batam City**

Legal solutions are solutions or answers to existing legal problems. Law enforcement constraints mean that there are problems in law enforcement efforts. Based on the results of the author's interview with Mr. Brigadier Remon Lumban Gaol, S.H, the solution given as an investigator for the Bareleng Police Unit is to appeal to the public to be wise and careful in using social media. This solution was given, because access to hate speech itself is very easy at this time. In addition, the rampant cases of hate speech that have increasingly shaken the unity of the homeland of the Indonesian nation have led to solutions in the form of appeals to the public. The biggest obstacle in law enforcement over hate speech in Batam City is the lack of public knowledge in using internet facilities such as social media,

because with an era that is all digital and information is obtained easily, not all levels of society are able to use it properly and wisely. This needs to be in full focus on why the Indonesian people, especially Batam City, are still unable to become smart and advanced people in enforcing the prevailing laws and regulations.

The convenience obtained by a smooth internet and a sense of ownership of personal social media accounts have led to movements and thoughts of carrying out an act of hate speech, with various forms of hate speech that can cause division of individuals or groups to the nation and homeland. The appeal given by Mr. Brigadier Remon Lumban Gaol, SH as the investigator of Banit Idik V for the Criminal Investigation Unit of the Barelang Police in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 Regarding Information and Electronic Transactions to the public, so that the public will be aware of and be careful about what to post on your personal social media accounts.

The form of this appeal can be carried out by associations between groups or giving leaflets to reproducing posters to installing billboards, advertising on social media for the sanctions that will be obtained if they have the potential or are proven to have hate speech, they are expected to be ready to report to law enforcement to follow up on the process. Optimal law enforcement must be in accordance with the help of public awareness and compliance in providing successful legal output. Apart from the factor of the level of public knowledge that affects the law enforcement process, a more specific obstacle occurs when enforcing the law on hate speech cases, namely the ease with which perpetrators can remove evidence containing posts on hate speech. So to minimize this, a cybercrime team was formed to monitor and follow up on hate speech cases online. The cybercrime team has a big role in creating law enforcement that runs smoothly.

Regarding the application of the theory of justice and the theory of legal effectiveness as described in the second chapter of the theoretical basis, the author relates the content of the theory as with the theory of justice that justice is a form or output of law enforcement. In other words, justice is also one of the goals of law. The repetition of hate speech cases refers to the data on the decision of the Batam District Court which the author accessed through the SIPP and the Website of the Directory of Decisions of the Supreme Court of the Republic of Indonesia, is the result of the procedural law trial process of the case to be resolved in order to get a criminal or appropriate sentence based on his actions.

## **E. Conclusion**

Hate speech is a form of crime specifically regulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Hate speech is an action taken by someone with the aim of breaking the unity and integrity, and this action contains elements of insulting a certain person or group. Hate speech has several forms which fall into its category, namely insulting, defamation, defamation, unpleasant actions, provoking, inciting and spreading fake news (Hoax). Criminal sentences imposed on hate speech offenders are regulated in Article 45, Article 45A, and Article 45B of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

The role of the Indonesian Police (Polri) is in accordance with the research in this thesis, the jurisdiction of the Bareleng Police. The author conducted an interview with Mr. Brigadier Remon Lumban Gaol, S.H as one of the investigators for Banit Idik V Satreskrim Bareleng Police. The author also obtained statistical data on cases of hate speech in the last 3 years handled by Bareleng Police investigators which were summarized by Police Inspector Dua Puji Hastuti as Head of Bin Ops, Kasat Reskrim, Bareleng Police. Providing statistical data is not accompanied by detailed case data, because the author cannot reach this access. The cases in the Bareleng Police in the last 3 years show a decline in the graph of the number of hate speech cases that have been received. The cause of the emergence of hate speech is that social media users are not wise. Constraints in law enforcement include a lack of ethics in communicating with the public in using the internet. The media used by the defendants in committing hate speech were social media networks, especially Facebook, and the majority of these problems lie in "ethnicity" and "religion" for hate speech in Batam City. As for other forms of law enforcement efforts by the Bareleng Police, there have been 5 (five) examples of decisions from the Batam District Court on Special Crimes for Information and Electronic Transactions for Hate Speech, including 379 / Pid.Sus / 2018 / PN.Btm, 635 / Pid.Sus / 2018 / PN.Btm, 648 / Pid.Sus / 2019 / PN.Btm, 683 / Pid.Sus / 2019 / PN.Btm, 684 / Pid.Sus / 2019 / PN.Btm. The verdict shows that the Bareleng Police have been running optimally.

The legal solution to the existence of law enforcement constraints carried out by law enforcers, which in this thesis research is the role of the Bareleng Police in overcoming this. Obstacles in law enforcement faced in the form of ethical factors in public communication which are one of the reasons for law enforcement officials in optimizing applicable laws and regulations. If the community has been able to regulate the communication that will be given to others, this will indirectly become the optimal reason for law enforcement to apply. The solution given to the existence of obstacles in law enforcement is that law enforcement officials can make various kinds of supporting strategies in pursuing law enforcement, which include making billboards, posters, advertisements or writings that contain or describe the punishment or sanctions to be received for hate speech offenders in accordance with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Apart from this, there are also products from law enforcement as a form of law enforcement, namely the existence of a cybercrime or cyber patrol team that is ready to handle and monitor any potential that will appear on social media related to hate speech.

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