

RESTORATIVE JUSTICE IN CRIMINAL DEFAMATION ON SOCIAL MEDIA: A LEGAL PERSPECTIVE AND IMPLEMENTATION IN INDONESIA

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Abstract

This research discusses restorative justice in the crime of defamation on social media, focusing on the legal perspective and its implementation in Indonesia. Defamation through social media has become an increasingly relevant issue in today's digital era. The restorative justice approach offers an alternative in resolving defamation cases that can restore the relationship between the perpetrator and the victim. The purpose of this research is to find out how is the implementation of restorative justice in the settlement of criminal defamation in social media? This research uses a normative juridical approach, with a literature study that includes various sources such as scientific writings or articles in the form of books, online media, dissertations or other literature. The results showed that the implementation of restorative justice in the settlement of criminal defamation in Indonesia is still limited and faces various obstacles. These obstacles include a lack of awareness and understanding of the concept of restorative justice, lack of support from relevant institutions, and challenges in identifying and involving all parties involved. Restorative Justice has great potential as an effective approach in resolving defamation cases. This approach focuses on recovery and reconciliation between the perpetrator, the victim, and the community. In the mechanism of settlement of criminals cases with restorative justice approach the position of the community is not just as a participant of the conduct or the victim's only participant. The community may be given a broader role to become a monitor on the implementation of a consensus as part of the settlement of a criminal case. Through the restorative justice approach it is hoped that recovery for victims can be realized, the purpose of criminalization for the perpetrators will be successful and the involvement of the community can be achieved. Restorative justice is one of the alternatives to realize justice in accordance with the purpose of law.

Keywords: Restorative Justice, Criminal, Defamation Good Name, Social Media

INTRODUCTION

With the advancement of technology, which continues to grow, changes in every sector experience rapid and continuous development. This progress brings us to the point where every individual can easily access information from anywhere, including transactions and communications from other countries (Khoirunnisa & Basri, 2020).

Technological advancements and the internet, along with freedom of speech, have encouraged the community's active participation in creating innovations and expressing creativity through social media content. In addition to providing entertainment, today's electronic media also offers new career opportunities as a content creator or influencer. The COVID-19 pandemic, which limits in-person social interactions, has had a significant impact on the increasing use of social media. In seeking alternatives to communicate and obtain information, people tend to rely on online platforms. This phenomenon drives the growth of social media participation and content uploaded by individuals as a means to express themselves and establish social interactions.

Crimes committed through cyberspace, such as defamation and insults, are a big challenge for the police. Solving this problem requires the cooperation of all parties, including support from the community. It is important for the community to be aware of the importance of using social media wisely. Therefore, it is the state's obligation to provide legal protection to all citizens. One can also interpret legal protection as the role of law in regulating and enforcing justice (Simorangkir & Widyaningrum, 2021).

In 2018, there were 1,258 reports related to defamation cases. This figure increased in 2019 to 1,333 reports. In 2020, the number of complaints continued to increase, reaching 1,794 reports. In fact, in 2021, from January to September, reports reached 3,027, showing a significant increase in a relatively short time. The data provided by the Indonesian Cyber Police shows a significant increase in the number of reported cases related to the Electronic Information and Transaction Law, and one of the dominant types of cases is defamation through social media, which ranks second after online fraud cases. This data reflects how serious the problem of defamation is in the digital era (Army, 2020).

This data illustrates that defamation cases through social media are a serious concern in society. Their detrimental impact, both psychologically and socially, makes the protection of victims important. There is a need for more effective efforts in handling these cases and protecting the public from their negative impact.

Defamation is a complaint offense because there must be a report or complaint in this case from the victim. Criminal Code Articles 310 and 311 mandate the prosecution of a complaint (klacht). We must also apply these articles to the prohibited acts in Article 27 paragraph (3) of the ITE Law, interpreting the article as a criminal act that necessitates a court complaint (klacht). However, there are other avenues to resolve this issue outside of the criminal realm, such as having a family conversation with the offender (Permatasari, 2021).

The concept of the rule of law dictates that victims of crime should receive significant protection as a form of state protection for the community, but in reality, victims frequently face neglect and struggle to obtain justice (Fadli et al., 2019).

In a previous study, "Reformulation of criminal defamation witnesses through online media," Rahmad Fadli, Mohd Din, and Mujibussalim (2019) concluded that the ITE Law's legal protection efforts against criminal defamation victims are still not optimal in protecting them from both financial and non-financial losses. Although there are sanctions in the form of fines that become state revenue, this does not cover the losses experienced by victims as a whole. Only victims can prove material losses through the expenses they incur during the legal process, which Articles 98 to 101 of the Criminal Code regulate (Fadli et al., 2019).

This paper focuses more on the unrealized legal aspects that hinder the proper implementation of problems related to criminal acts committed through social media. To address these issues, we need to take a more comprehensive approach, which includes discussing a fair settlement approach that involves the perpetrator, victim, family, and related parties in a criminal act.

Therefore, the role of the government, law enforcement agencies, and the community is very important in encouraging better legal protection for victims of cybercrime. Collaboration between relevant parties, increased public awareness, and the development of efficient and effective law enforcement mechanisms can help address this issue. We hope that victims of cybercrime can obtain proper justice and feel safe using information and communication technology, thanks to improvements in legal protection.

In this context, the restorative justice approach emerges as an attractive alternative to handling defamation cases. Restorative justice emphasizes the restoration of damaged relationships

between the perpetrator, the victim, and the relevant community. This approach provides an opportunity for the victim to obtain justice, the offender to take responsibility for his or her actions, and the community to participate in the reconciliation process.

Restorative justice is an out-of-court alternative resolution approach that emphasizes peace and restitution. The goal is to empower victims, offenders, families, and communities to repair an unlawful act by building awareness and conviction as a basis for improving social life (Rosidah, 2014).

Within the framework of restorative justice, the emphasis is not solely on punishment, but rather on the restoration of social relationships that criminal behavior has harmed. This approach seeks to deliver more holistic justice that involves the active participation of all parties involved. The process allows victims to discuss the impact they have experienced, invites offenders to take responsibility for their actions, and encourages the community to participate in repairing and restoring the damage. It aims to move away from retaliation in the criminal justice process, emphasizing the importance of alternative approaches in dealing with juvenile offenders rather than focusing solely on punishment (Elsy & Khalimi, 2020).

However, the implementation of restorative justice in the settlement of defamation crimes in Indonesia is still limited. There is still a need for a better understanding of the concept, a clear legal framework, and support from relevant institutions to effectively implement the Restorative Justice approach. Therefore, this research aims to analyze the implementation of restorative justice in the settlement of criminal defamation on social media. However, the implementation of Restorative Justice in resolving criminal acts of defamation in Indonesia is still limited. There is still a need for a better understanding of this concept, a clear legal framework, and the support of relevant institutions to implement a Restorative Justice approach effectively. Therefore, this research aims to analyzing how Restorative Justice is implemented in resolving criminal acts of defamation on social media, therefore, the Restorative Justice approach can be felt as to what kind of justice should be imposed on perpetrators of criminal acts of defamation in the field of information and electronic transactions.

RESEARCH METHOD

This study employs a normative-legal approach. Normative juridical research is research that uses laws and regulations as study materials by taking several references, including legislation, journals, books, online news, and others, commonly known as literature studies, while still paying attention to the approach factor of the applicable laws and regulations.

RESULTS AND DISCUSSION

Deep Restorative Justice Approach Completion Act Criminal Pollution Name Good

Act criminal is something matter For set every the act carried out by someone who was before No as follow criminal become follow criminal . Process determination This can said as something formulation to actions in scope self personal . Act criminal Also is deed For do or No do something by regulation legislation stated as prohibited acts And threatened with criminal . Act criminal is behavior (conduct) by Constitution applicable criminal law (law criminal positive) has criminalized And by Because That can sentenced penalty criminal for the culprit . Expert criminal give something term follow criminal , action criminal , or incident criminal with term Straftbaar Feit . Restorative justice has developed into a new and established form, offering different ways to resolve conflicts. This approach involves individuals directly involved in or affected by the incident. Community participation in the conflict resolution process becomes more direct and concrete. We tailor the process to situations where the parties engage voluntarily and possess the ability to engage fully and safely in dialogue and negotiation. While the discourse on restorative justice frequently concentrates on programs related to criminal matters, it's important to acknowledge that other contexts and settings, like schools and workplaces, also employ restorative approaches to resolve conflicts.

Restorative justice is a process in which the parties involved in a criminal offense work together to address the problem and create obligations to improve the situation. In this process, the victim, offender, community, and related parties are involved in trying to find the best solution. The Restorative Justice approach is a case resolution method that involves all parties involved working collectively to address legal conflicts with the aim of reaching the best solution to the case at hand. This approach prioritizes the active participation of victims, offenders, communities, and relevant stakeholders in finding solutions that promote justice and repair (Utami, 2018).

According to Bagir Manan, restorative justice can be considered a concept in criminalization. However, this concept extends beyond the confines of formal and material criminal law. Nevertheless, Bagir Manan still agrees that the concept of punishment must be based on the principle of justice. The

term "integrated justice," which encompasses justice for perpetrators, victims, and society, emphasizes this concept (Manan, 2008).

Restorative justice, also known as restorative justice, is an approach to case resolution that places the recovery of victims as a top priority. It is based on the idea that victims are the ones who have suffered as a result of a crime and that they are entitled to justice and redress, including any compensation or redress that may be required to fully restore the victim (Arif, 1993).

In the context of restorative justice, case resolution does not only involve punishing the perpetrator but also providing care and redress to the victim. This principle allows victims to obtain more holistic justice, focusing on their physical, emotional, and psychological recovery. Compensation for victims is an important aspect of restorative justice. Such redress can be in the form of financial compensation or other forms of remedy, such as counseling or rehabilitation services.

The goal of restorative justice is to help victims recover from the harm they have endured as a result of the crime they have committed. Applying a restorative justice approach aims to establish a more humane legal system that prioritizes rehabilitation, provides opportunities for dialogue between victims and offenders, and facilitates mutually beneficial agreements for all parties involved.

Indigenous communities in Indonesia, including Bali, Toraja, Papua, Minangkabau, and others, commonly apply the concept of restorative justice, adhering to the principles of customary law and their culture. Internally, the state apparatus does not intervene in the resolution of criminal offenses, and punishment not only seeks retributive justice or revenge through prison sentences, but also prioritizes forgiveness, repentance, and compensation (Hasibuan et al., 2015).

In the perspective of restorative justice, criminal acts are considered violations of human beings and human relationships. Various methods, including mediation between victims and offenders, family group deliberations, and community services that support the recovery of both victims and offenders, can realize restorative justice. A country's adopted legal system determines the application of the restorative justice principle. If the legal system does not accommodate the principle, then the application of restorative justice cannot be enforced. Therefore, it can be concluded that restorative justice is an option in designing a country's legal system. Although not all countries adopt it, it does not rule out the possibility of applying the principles of restorative justice to provide justice and legal benefits (Arief & Ambarsari, 2018).

The resolution of criminal cases through a restorative justice approach places greater emphasis on the active participation of perpetrators, victims, and the community in the case resolution process. The concept of restorative justice also focuses on values such as balance, harmony, harmonization, peace, tranquility, equality, brotherhood, and kinship in society, rather than solely on punishment or imprisonment. This approach not only aims to solve the problems that arise but also provides a deeper sense of justice for the community (Flora, 2018).

Peace between the victim and the perpetrator is an attempt to restore harmony and neutralize the dispute. The goal is for the relationship between the victim and the perpetrator to return to what it was before the dispute, known as peace. In addition, the application of the concept of peace in problem solving can also help overcome various problems that arise. In the traditional criminal justice system, for example, there is an accumulation of cases and various problems in correctional institutions, and so on (Flora, 2018).

The restorative justice approach pays attention to both victims and perpetrators of crime. It also aims to prevent offenders from committing future crimes. This approach is based on a theory of justice that considers that crimes and offenses are inherently harmful to individuals or communities, not just the state. Through restorative justice, dialogue between victims and offenders is possible, which will provide the highest level of satisfaction for victims and encourage accountability for offenders.

Restorative justice is a simple concept. It shifts the measure of justice from retaliation by the victim against the offender (either physically, emotionally, or through punishment) to healing the victim by providing support and holding the offender accountable with the help of family and community if necessary. This approach prioritizes healing and reconciliation, aiming to alleviate the victim's pain and trauma while also assisting the offender in accepting responsibility for their actions.

Restorative justice in Indonesia is a fair resolution approach that involves the perpetrator, victim, family, and related parties involved in a criminal offense. Together, they seek solutions to the crime and its aftermath, with an emphasis on restoring the original situation. This approach aims to restore harm to victims, resolve conflict, and promote reconciliation between all parties involved. In restorative justice, the importance of restoring the original state of affairs is the main focus in achieving a settlement that is fair and beneficial to all involved.

Achieving justice for victims and perpetrators often requires progressive thinking and action from law enforcement. This means not only applying legal rules literally but also involving contextual understanding and flexibility in their application. In certain situations, law enforcers may break rigid rules to achieve societal justice. This is crucial because the goal of law extends beyond merely adhering to legal texts, as it also aims to bring about the justice society seeks. In this case, law enforcers need to be sensitive to the social context and existing needs and have the skills to find the most equitable and sustainable solution for all parties involved.

Restorative justice is an approach that prioritizes the creation of justice and balance for offenders and victims. This approach transforms the punishment-focused criminal law mechanism into a dialogue and mediation process, aiming to reach a fair and balanced agreement in resolving criminal cases for both victims and perpetrators. The concept of restorative justice means justice that restores. Here, restoration includes broader aspects of justice than those recognized in conventional criminal justice processes, including restitution or compensation for victims (Juhari, 2017).

This view recognizes that crime does not only affect the individual victim but also involves those around them as well as society and the state as a whole. In the conventional criminal justice system, victims are often only positioned as witnesses who provide testimony without having an active role in the court process. Law enforcement officials often use victims as a tool to punish the perpetrator, disregarding their needs for recovery. In the context of restorative justice, this view seeks to overcome these weaknesses. This approach champions the active participation of victims in the resolution of criminal cases and pays attention to victim recovery. Restorative Justice views victims as individuals who have physical, emotional, and psychological recovery needs. In addition, this approach also recognizes that victims have the potential to contribute to the recovery process and obtain justice. Restorative justice practices provide victims with the chance to discuss the impact of their crime, articulate their desires for recovery and compensation, and engage in dialogue and mediation with the offender. This approach seeks to establish a balance between the interests of the victim, offender, and community in finding a solution that is fair and beneficial to all parties involved. As such, restorative justice pays more holistic attention to victims, recognizes their contribution to the process, and seeks to achieve sustainable and meaningful justice for victims, offenders, and society as a whole (Juhari, 2017).

In the concept of restorative justice, the restoration of the relationship between the victim and the offender plays an important role. Mutual agreement between the victim and the offender can facilitate this rapprochement, enabling both parties to actively participate in resolving issues related to the crime.

With the active participation of victims and offenders, restorative justice creates a space for them to understand the impact of their actions, feel empathy, and work together to reach solutions that are adequate for all parties involved. We expect a holistic recovery, more sustainable justice, and reconciliation through this approach, enabling victims and perpetrators to move on with their lives after experiencing a criminal event (Juhari, 2017).

Progressive law is based on the belief that the law should serve people, not the other way around. Law is not an institution that is absolute and final, but an institution that has a moral and ethical dimension and therefore relies heavily on its ability to serve human beings. The purpose of the law is to create a just, prosperous, and happy life for human beings. Humanity and justice become the primary goals in the context of legal life.

Thus, in a progressive approach to law, social justice and humanity become the main foundations that direct the making and application of law. It strives to establish a fair society that upholds individual rights, fulfills basic needs, offers equal opportunities, and values differences. To achieve these goals and safeguard and respect human rights in every aspect of life, the law serves as a tool.

The Application of Restorative Justice in Positive Law in Indonesia

The essence of defamation is an act that damages a person's honour or reputation. This can occur when someone commits an act that causes the victim to feel embarrassed and damages or defames his or her reputation (Soesilo, 1995). In considering what constitutes defamation or libel, it is necessary to pay attention to both the content and the context. Aspects of language, such as the words or phrases used, can evaluate the content at issue. However, it is also important to consider the context from a social and psychological perspective. Social context involves factors such as culture, norms, community values, and prevailing understandings in a particular social environment. Meanwhile, the psychological context relates to the emotional or psychological impact felt by the victim due to the insult or defamation. By taking a comprehensive look at both content and context, we

can better understand how the act affects the victim and whether it qualifies as an insult or defamation (Sitompul, 2012).

The main goal of the restorative justice system is to repair or restore the offender's criminal act by taking actions that benefit the offender, the victim, and the surrounding environment. This approach must involve them directly in the resolution process. Compared to the approach to handling criminal offences against adults, the restorative justice system focuses more on recovery and reconciliation (Arief & Ambarsari, 2018).

In the restorative justice system, punishment does not only focus on punishment and retaliation but must also involve the protection of society and the development of individual perpetrators. This means that this system seeks to maintain the security and welfare of the community and help the perpetrators improve it through the process of rehabilitation and reintegration into society.

The direct involvement of offenders, victims, and the environment is an attempt to create a more holistic settlement, repair damaged relationships, encourage personal responsibility, and prevent future recurrences of crime. These are the goals of restorative justice (Safitri & Wahyudi, 2021).

All law enforcement agencies in Indonesia have adopted restorative justice as a practical option for resolving criminal cases. This reflects the recognition of the importance of approaches that involve offenders, victims, and communities in the problem-solving process. Restorative justice aims to achieve holistic justice, restore damaged relationships, and prevent future recurrences of crime.

In its implementation, law enforcement institutions, such as the police, prosecutors, and courts, have adopted the restorative justice approach as an alternative to handling criminal cases. This approach involves various stages, such as mediation, restorative conferences, or recovery programs, where offenders, victims, and other related parties can interact and actively participate in finding fair solutions and restoring the harm done. Thus, the adoption of restorative justice in Indonesia demonstrates a commitment to achieving more holistic justice, involving all relevant parties, and promoting recovery and crime prevention in society.

The Chief Justice of the Supreme Court, the Attorney General, the Police, and the Minister of Law and Human Rights of the Republic of Indonesia signed a memorandum of agreement, Number 131/KMS/SKB/X/2012, Number M-HH-07.HM.03.02 of 2012, Number KEP-06/E/EJP/10/2012, and Number B/39/X/2012, on October 17, 2012. The memorandum of understanding defines restorative justice as the resolution of minor criminal cases by investigators during the investigation stage or by judges from the start of the trial. In this process, victims, perpetrators, families, and relevant community leaders work together to find a fair solution and emphasize restoring the original situation. Thus, Indonesia implements restorative justice in minor criminal cases by involving various related parties, including victims, perpetrators, families, and community leaders, with the aim of reaching a fair settlement and restoring the pre-crime situation (Badrih, 2021).

As a result, the Chief of the Indonesian National Police issued Circular Letter No. SE/8/VII/2018 as a follow-up to the Memorandum of Understanding. This circular letter relates to the application of restorative justice in the settlement of criminal cases. The circular letter underscores that restorative justice is not solely a peaceful endeavor, but also prioritizes the attainment of justice for all parties involved, provided they meet the necessary material and formal requirements. Some of the conditions that must be met include, among others, that the actions committed do not cause public unrest or social conflict and the willingness of all parties not to object and waive the right to sue before the law. In addition, the perpetrator's actions are also relatively unintentional, and the perpetrator is not a recidivist. General criminal offenses that do not involve human victims can also be subject to restorative justice (Safitri & Wahyudi, 2021). With the issuance of this Circular Letter, the Chief of the Indonesian National Police strengthened the definition of restorative justice in the Regulation of the Chief of the Indonesian National Police.

Furthermore, Circular Letter Number: SE/2/II/2021 concerning Ethical Cultural Awareness to Realize a Clean, Healthy, and Productive Indonesian Digital Space has changed the approach to solving certain criminal offenses. It is crucial for law enforcement to guarantee and fulfill the rights and interests of victims.

According to Ali Badrih, Circular Letter Number SE/8/VII/2018 only applies and serves as a reference for specific criminal cases. In these cases, there are several articles regulated by law (Badrih, 2021). Meanwhile, in Circular Letter Number: SE/2/II/2021 concerning Ethical Cultural Awareness to Realize a Clean, Healthy, and Productive Indonesian Digital Space, there are points that explicitly regulate the restorative justice approach to criminal defamation on social media (Badrih, 2021):

Based on SE/2/II/2021 point 3, if there is a criminal offense in the form of defamation on social media, the victim must make a report of the criminal offense to the police. The investigator will communicate with the victim and provide facilities and space for the parties to conduct mediation before bringing the case to court. The main objective of the Circular Letter is to create a clean, healthy, and productive digital space in Indonesia. Additionally, the settlement of criminal cases employs a restorative justice approach, involving communication, mediation, and the fulfillment of victims' rights prior to court proceedings (Badrih, 2021).

The Chief of Police Circular Letter No. SE/2/11/2021 has a great influence as a bridge that harmonizes and protects a person's honor from defamation through social media. The aim also encompasses the prevention of criminalization in defamation cases, given the escalating number of cases under the Electronic Information and Transaction Law, particularly those involving social media, which rank second only to online fraud cases. In addition, the application of the Electronic Information and Transaction Law is considered to have many inconsistencies with the right to freedom of opinion and expression through electronic media, which can cause injustice to the community. Therefore, the National Police prioritizes the restorative justice approach in handling ITE law cases (Hidayat, 2023).

Meanwhile, the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice allows public prosecutors to apply a restorative justice approach to suspects who are first-time offenders with a maximum sentence of 5 years, and the resulting loss is not more than Rp. 2,500,000.00. Investigators and public prosecutors carry out the subjective assessment and consideration of the restorative approach, as stipulated in Circular Letter No. SE/8/VII/ and Regulation of the Public Prosecutor's Office of the Republic of Indonesia No. 15 of 2020, in a casuistic manner. Investigators and public prosecutors consider factors such as the subject involved, the object of the crime, the amount of loss, and the background of the criminal act to determine the feasibility of restorative efforts (Safitri & Wahyudi, 2021).

The Decree of the Director General of the General Justice Agency of the Supreme Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020, concerning the Implementation of Restorative Justice Implementation Guidelines, regulates restorative justice at the judicial level. The principles of restorative justice, which involve the perpetrator in the recovery process, aim to restore victims affected by criminal acts.

In the application of restorative justice, this guideline regulates various efforts such as providing compensation to the victim, reaching peace between the victim and the offender, doing social work, or reaching other agreements that can restore the relationship between the victim and the offender. These guidelines are specifically applied to misdemeanor cases, juvenile cases, narcotics cases, and women. In conflict with the law.

With these guidelines, the court has a foundation and guidance in applying the restorative justice approach in resolving criminal cases. This is important to achieve holistic justice, taking into account the interests of victims, perpetrators, and society as a whole (Safitri & Wahyudi, 2021). In positive law, this is regulated in Law No. 11 of 2008 concerning Electronic Information and Transactions in 2011 which was amended to Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions and recorded in the State Gazette of the Republic of Indonesia in 2016 Number 251 and Additional State Gazette Number 5952 (Barkatullah, 2019).

The implementation of the Electronic Information and Transaction Law (UU ITE) has indeed caused some controversy in relation to freedom of opinion and expression through electronic media. Some argue that the ITE Law has several provisions that may contradict this right, and there are concerns that this may result in injustice for the community (Maulana, 2023).

Criticism of the ITE Law relates to several articles that are considered ambiguous and can lead to abuse, such as Article 27 paragraph (3), which regulates the prohibition of insults and defamation through electronic media. The implementation of the ITE Law in several cases has also shown an abuse of power and criminalization of individuals who exercise their right to freedom of speech reasonably.

In this context, it is important to maintain a balance between the protection of the reputation and honor of individuals and freedom of opinion and expression. To prevent abuse and uphold people's rights to opinion and expression through electronic media, we should strive to revise and clarify provisions in the ITE Law.

It is important to encourage open dialog and discussion between the government, the public, and other stakeholders to improve and enhance the implementation of the ITE Law. Involving all

relevant parties in the process of discussing and amending the ITE Law will provide an opportunity to address injustices that may arise and create a balanced and fair legal framework in the digital era.

With open dialog and discussion as well as a commitment to improving and refining the implementation of the ITE Law, we can achieve the goal of creating a legal framework that is balanced, fair, and in line with technological developments in the digital era.

In order to avoid different interpretations of the ITE Law's Article 27 paragraph (3), which says that it is illegal to distribute, transmit, or make available electronic information that contains insults and/or defamation, three major changes were made. These are (Barkatullah, 2019):

1. Adding explanations to the terms related to the prohibition is necessary. The term "distributing" refers to the act of sending and/or disseminating electronic information and/or electronic documents to many people or various parties through an electronic system. The term "transmitting" refers to the act of sending electronic information and/or electronic documents addressed to one other party through an electronic system. The term "making accessible" refers to any other action through an electronic system that causes electronic information and/or electronic documents to be known by other parties or the public.
2. Affirms that the provision is a complaint offense, not a general offense. This implies that the aggrieved party, or their representative, must report criminal offenses related to defamation and/or libel through electronic information.
3. Affirms that the criminal elements in the provision refer to the provisions of defamation and slander regulated in the Criminal Code (KUHP). Thus, acts that are considered unlawful are acts that fulfill the elements of the criminal offense of defamation and slander as stipulated in the Criminal Code.

Social media defamation cases, which rank second only to online fraud cases, demonstrate the seriousness of the negative impact that such actions can have. Social media defamation can severely damage a person's reputation and integrity and have serious consequences for the victim's personal, professional, and social lives (Patroli Siber, 2023). Confronting this problem requires a holistic and collaborative effort between the government, law enforcement agencies, social media platform providers, and society at large. The government needs to strengthen relevant and effective legal frameworks to protect individuals from defamation through social media.

In addition, social media platform providers also have an important role in ensuring the safety and integrity of their users. They need to implement effective policies and mechanisms to counter defamation, including reporting and removing offending content. On the public side, awareness of digital ethics, responsible use of social media, and respect for the privacy and reputation of others are also crucial. Education and socialization on digital ethics and responsible use can help reduce defamation incidents.

In dealing with social media defamation cases, it is important to ensure that the legal process is fair and transparent. We should prioritize thorough and objective investigations and the protection of individual rights. In addition, mediation and restorative justice approaches can also be an alternative to resolving defamation cases in a better way and repairing the relationship between the perpetrator and the victim. Overall, handling defamation cases through social media requires a comprehensive approach involving all relevant parties. Only with good cooperation and collective awareness can we create a safer digital environment, reduce defamation cases, and protect the integrity and rights of individuals in this digital age.

The restorative justice approach in criminal law recognizes that criminal acts damage the relationship between the offender and the victim. Therefore, the focus is not only on punishment or retribution but also on restoring damaged relationships. In this context, mediation can effectively facilitate restorative processes, holding offenders constructively accountable for repairing the harm they have caused. Through mediation in criminal offenses, the parties involved can reach agreements that repair harm, promote reconciliation, and restore relationships between offenders and victims. This approach can provide space for the offender to make amends directly and take responsibility for the harm he or she has caused. Furthermore, the penal mediation approach has the potential to alter the traditional perspective of the community and law enforcement officials, who typically oppose out-of-court settlements. A broader understanding of the importance of holistic and inclusive solutions is beginning to replace the old paradigm that only the courts can resolve criminal cases. Mediation can be a tool to achieve this goal and renew the legal system towards social harmonization and a welfare state (Barkatullah, 2019).

Regulations on restorative justice in the context of criminal defamation through social media in Indonesia are not yet explicit and comprehensive enough. Currently, existing regulations focus more on restoring the victim than the relationship between the victim and the perpetrator. We need more

comprehensive regulations to effectively implement restorative justice in social media defamation cases. We can achieve this by establishing a law or, at minimum, a government regulation that explicitly governs the restorative justice approach in such crimes.

Comprehensive regulations should include procedural aspects and stages needed to achieve reconciliation and recovery for victims, perpetrators, and the affected environment. The procedures should promote the active participation of communities in solving their own problems. In efforts to realize reconciliation and restoration, the state, including investigators, prosecutors, and judges, should limit their role to that of facilitators and mentors. They should support and facilitate restorative processes, ensure justice, and provide guidance to the parties involved.

With a comprehensive regulation and a deep understanding of restorative justice, it is hoped that the dispute resolution process for the criminal offense of defamation through social media can be more inclusive, focus on reconciliation, and promote holistic recovery for all parties involved (Barkatullah, 2019).

CONCLUSION

Restorative justice has the potential to be an effective approach to resolving defamation crimes. This approach focuses on recovery and reconciliation between the perpetrator, the victim, and the community. The implementation of restorative justice in the resolution of defamation crimes in Indonesia is still limited and faces several obstacles, such as a lack of awareness and understanding of the concept, a lack of support from relevant institutions, and challenges in identifying and involving all parties involved. The role of law enforcement agencies, educational institutions, and the government is crucial in supporting the implementation of restorative justice in defamation settlements. Building a better understanding of this approach and developing adequate mechanisms requires collaborative efforts. Restorative justice has potential benefits, such as providing remedies for victims, prioritizing offender accountability and responsibility, and reducing the burden on the criminal justice system. However, we must overcome several obstacles, including the active participation and desire of all parties involved, a clear legal framework, and adequate resources. Restorative Justice as an alternative to criminal defamation needs to be evaluated periodically to ensure its effectiveness in achieving justice, recovery, and prevention of similar criminal acts in the future.

In order to prevent excessive criminalization and protect individual dignity from humiliation, a restorative justice approach is necessary when handling criminal defamation through social media. Peace agreements and the willingness to compensate for losses through clarifying actions or other agreed steps can restore the original process. Additionally, they strive to improve the personal relationships between victims and perpetrators.

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