

## **ABSTRAK**

Hasil temuan menunjukkan bahwa Pertanggungjawaban pelaku penyebaran berita bohong (hoax) ada pada Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik juncto Undang- Undang Nomor 19 Tahun 2016 tentang Perubahan atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik Pasal 45A ayat (1) dan (2). Pertanggungjawaban pidana jurnalis pemberitaan bohong (hoax) selama ini belum maksimal maka perlu adanya pembaharuan UU tentang informasi dan transaksi elektronik yang dapat memaksimalkan pertanggungjawaban pidana tersebut. Dalam perspektif pertanggungjawaban pidana pemberitaan hoax pers yang melakukan pemberitaan bohong (hoax) diatur pada Undang-Undang Nomor 11 Tahun 1966 Tentang Ketentuan-Ketentuan Pokok Pers yang kemudian pada tahun 1982 disahkannya Undang-Undang Nomor 21 Tahun 1982 Diantaranya adalah Undang-Undang Nomor 32 Tahun 2002 Tentang Penyiaran dengan sistem pertanggungjawaban penyertaan (*deelneming*) kemudian disahkannya Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik (ITE) yang menggunakan sistem pertanggungjawaban yang sama seperti KUHP berdasarkan Pasal 103 KUHP. Dalam hal pertanggungjawaban pidana terhadap pers yang melakukan tindak pidana dalam hal ini pemberitaan bohong (hoax), maka keberadaan Undang- Undang Nomor 40 Tahun 1999 Tentang Pers bukanlah merupakan pengecualian pertanggungjawaban pidana dalam aktivitas jurnalistik.

Rekonstruksi Pertanggungjawaban pemberitaan hoax oleh jurnalis berbasis nilai keadilan perlu perubahan peraturan undang-undang terutama pada Undang- Undang No. 40 Tahun 1999 sehingga jurnalis yang melakukan pemberitaan bohong dapat dipidana tida hanya melakukan delik. Sehingga pelaksanaan pemberitaan oleh jurnalis tidak hanya berdasarkan UU No. 40 Tahun 1999 tetapi berdasarkan KUHP dan juga UU ITE

**Kata Kunci : Jurnalis, ITE, Pertanggung jawaban**

## **ABSTRACT**

*The uncontrolled advancement of information technology has resulted in hoaxes and hoaxes regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions Article 28 paragraphs (1) and (2). The spread of fake news (hoax) can become a criminal act if the elements in Law Number 11 of 2008 concerning Information and Electronic Transactions Article 28 paragraph (1) and (2) are fulfilled.*

*PURPOSE of the study: To find out the regulation of journalists' criminal liability for hoaxes in the current positive criminal law; To find out the criminal responsibility of journalists for fake news (hoax) in the current positive law has not been based on the value of justice; To find out the reconstruction of journalists' criminal responsibility for hoax based on the value of justice.*

*Research method: the paradigm used in this research is constructive paradigm, legal research analysis based on the values of Pancasila Justice and Islamic Law. Sociological juridical approach (sociolegal research). Sources of research data consist of primary data sources and secondary data sources, primary and secondary data sources. Using evaluative descriptive analysis.*

*The findings show that the accountability of the perpetrators of hoax spread is in Number 11 of 2008 concerning Electronic Information and Transactions in conjunction with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions Article 45A paragraph (1) and (2). The criminal responsibility of hoax journalists has not been maximized so far, it is necessary to reform the law on electronic information and transactions that can maximize criminal responsibility. In the perspective of criminal responsibility for news hoax news, the press that carries out hoax reporting is regulated in Law Number 11 of 1966 concerning Basic Provisions of the Press which later in 1982 was passed Law Number 21 of 1982 Among them is Law Number 32 of the Year 2002 Concerning Broadcasting with a deelneming accountability system then the passing of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) which uses the same accountability system as the Criminal Code based on Article 103 of the Criminal Code. In the case of criminal liability for the press who commits criminal acts, in this case hoax reporting, the existence of Law Number 40 of 1999 concerning the Press is not an exception to criminal liability in journalistic activities.*

### **Reconstruction Account**

*bility for hoax reporting by journalists based on the value of justice requires changes in statutory regulations, especially in Law No. 40 of 1999 so that journalists who report false reports can be sentenced to not only commit offenses. So that the implementation of reporting by journalists is not only based on Law no. 40 of 1999 but based on the Criminal Code and also the ITE Law*

**Keywords:** *Journalists, ITE, Accountability*