

Criminal Sanctions for Defamation through Print Media under the New Indonesian Criminal Code (Law No. 1 of 2023): Legal Framework and Law Enforcement Obstacles at the Bali Regional Police

Firdaus Wulanto¹
Universitas Mahendradatta

Erikson Sihotang²
Universitas Mahendradatta

Ni Ketut Wiratny³
Universitas Mahendradatta

Correspondence : Firdaus Wulanto (firdauswulanto@gmail.com)

Abstract

Criminal provisions on defamation are intended to protect a person's honor, self-esteem, and good name. This study examines (1) how criminal sanctions for defamation committed through print media are regulated under Law No. 1 of 2023 on the Criminal Code (the new Criminal Code), and (2) what obstacles hinder the enforcement of these provisions at the Bali Regional Police. The research is normative juridical research supported by empirical data, using a statute approach and a conceptual approach. Primary, secondary, and tertiary legal materials were collected through document study, and field data were obtained through interviews with police officials in Bali. The materials were analyzed descriptively, systematically, and argumentatively using authentic, grammatical, and systematic interpretation. The findings show that defamation through print media is classified as written defamation under Article 433 paragraph (2) of the new Criminal Code, punishable by imprisonment of up to one year and six months or a fine of up to Category III (IDR 50 million). The offence is a complaint-based offence and is not punishable when committed in the public interest or in self-defense. Enforcement at the Bali Regional Police is constrained by the need for specific evidence in complaint-based offences, the subjective interpretation of the elements of the offence, the special procedures applicable to the press under Law No. 40 of 1999 (right of reply, right of correction, and Press Council assessment), the digital re-circulation of printed content, limited technical capacity, and low public legal awareness. Synchronization of the Criminal Code, the Press Law, and the Electronic Information and Transactions Law is therefore needed.

Keywords: law enforcement; defamation; print media; new Criminal Code; Press Law

INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia declares that Indonesia is a state based on law. One consequence of this principle is that the state must guarantee the fundamental rights of its citizens, including the right to personal protection, family, honor, dignity, and property, as recognized in Article 28G paragraph (1) of the Constitution. At the same time, the Constitution and the Press Law protect freedom of expression and press freedom as expressions of popular sovereignty. The criminalization of defamation sits exactly at the point where these two sets of interests meet (Asshiddiqie, 2010).

Rapid advances in information and communication technology have amplified this tension. The internet has made information easy to obtain and to spread, but it has also become a means of committing acts that harm others, including insults, false news, and defamation (Makarim, 2003;

Hamzah, 2007). Content first published in print media, such as newspapers or magazines, can be photographed, scanned, and re-posted on social media within minutes, so that an accusation reaches far more people and remains accessible far longer than the printed edition itself. Victims of defamation may suffer humiliation, loss of self-esteem, social exclusion, and damage to their careers and businesses (Wiraprasta & Nurmawati, 2016).

Defamation offences are designed to protect the legal interest of a person's sense of honor and good name. Defamation is closely related to insult, that is, conduct that attacks another person's honor or reputation (Oemar Seno Adji, 2010; Mudzakir, 2004). Indonesia's new Criminal Code (Law No. 1 of 2023, in force since 2 January 2026) regulates these offences in Chapter XVII, Articles 433 to 442. Article 433 paragraph (1) penalizes oral defamation with imprisonment of up to nine months or a Category II fine (IDR 10 million). Article 433 paragraph (2) penalizes defamation committed by writing or images that are broadcast, displayed, or posted in public, which covers print media, with imprisonment of up to one year and six months or a Category III fine (IDR 50 million). Article 434 regulates calumny, and Article 441 provides for an additional one third of the penalty where information technology is used or the victim is an official performing lawful duties.

Enforcement is not straightforward. Journalistic work published in print media is governed by Law No. 40 of 1999 on the Press (Press Law), which prescribes the right of reply, the right of correction, and the involvement of the Press Council, while defamation through electronic means is governed by the Electronic Information and Transactions Law (ITE Law). Investigators must therefore decide which regime applies and in what order procedures are to be followed. Regional police, as the front-line enforcers, also face practical constraints such as evidentiary requirements, anonymous perpetrators, and limited technical capacity.

Existing studies have largely addressed defamation through social media or the internet, and mostly under the former Criminal Code or the ITE Law (Subekti et al., 2020; Ramadhan & Hosnah, 2024; Wiraprasta & Nurmawati, 2016). To the authors' knowledge, less attention has been paid to defamation through print media under the new Criminal Code, and to the practical obstacles faced by regional police in enforcing it. This article addresses that gap by answering two research questions: (1) how are criminal sanctions for defamation through print media regulated under Law No. 1 of 2023 on the Criminal Code? and (2) what obstacles hinder law enforcement against defamation through print media at the Bali Regional Police? The study aims to contribute to the development of criminal law and information law, and to offer practical guidance for policymakers and law enforcement officers.

Literature Review

The Rule of Law and the Theory of Legislation

A state based on law derives all powers and actions of state apparatus from law and, in doing so, is expected to secure justice for its citizens (Busro & Busro, 2003). Classical formulations of the *Rechtsstaat* include the recognition and protection of human rights, the separation of powers, government based on law, and administrative review (Azahary, 2003), which parallel Dicey's rule of law elements of supremacy of law, equality before the law, and the protection of human rights. Constitutional guarantees of honor and dignity therefore provide the philosophical basis for criminalizing defamation.

Legislation, understood both as the process of forming rules and as the resulting body of written rules that bind generally, is a strategic instrument of the rule of law (Soeprapto, 2007; Manan, 1997). A good statute rests on three foundations: a philosophical foundation (values of Pancasila and the Constitution), a juridical foundation (legal authority and legal certainty), and a sociological foundation (fit with the needs and legal awareness of society) (Sulaiman, 2017). These foundations are used in this study to evaluate the design of the defamation provisions of the new Criminal Code.

Defamation as a Criminal Offence

The term criminal offence derives from the Dutch *strafbaarfeit*. Two doctrinal views are known: the monistic view, which merges the prohibited act and criminal responsibility into one concept, and the dualistic view, which separates them (Tongat, 2012; Moeljatno, 2008). Criminal responsibility requires the capacity to be held responsible, a mental attitude of intent (*dolus*) or negligence (*culpa*), and the absence of grounds that eliminate criminal responsibility, in line with the principle that there is no punishment without fault (Moeljatno, 2008; Sudarto, 2010).

Honor is the feeling of being respected in the eyes of society, whereas good name is the good assessment that society makes of a person's conduct or moral personality; both are measured by the standards of the community in which the act occurs (Mudzakir, 2004; Prodjodikoro, 2002). Attacking either one is sufficient to constitute an insult. Doctrinally, defamation is the general form, while its specific forms include written defamation, calumny, minor insult, false complaint, false accusation, and defamation of the dead (Oemar Seno Adji, 2010). These offences descend from Articles 310 to 321 of the colonial *Wetboek van Strafrecht* and are now found in Articles 433 to 442 of the new Criminal Code.

A defining feature is that the offence requires an accusation of a specific matter made with the

intention that it become publicly known. A mere insult or expression of opinion is not defamation. Defamation is also a complaint-based offence, meaning that it may be prosecuted only upon a complaint from the victim, which reflects the personal and subjective character of honor.

Press Freedom, Press Responsibility, and Cybercrime

Law No. 40 of 1999 guarantees press freedom as a human right of citizens and as an expression of popular sovereignty based on democracy, justice, and the rule of law, while obliging the national press to report events and opinions with respect for religious norms, public decency, and the presumption of innocence (Tebba, 2006). Press freedom is thus limited by journalistic ethics, statutory provisions, and human rights. Criminal responsibility for press content is borne by the press company, represented by its responsible persons in the business and editorial divisions, which is often analyzed through the doctrine of vicarious liability (Chazawi, 2011).

The digital era adds a further layer. Cybercrime covers offences relating to information systems and communication systems used to transmit information (Suhariyanto, 2012; Wahid & Labib, 2005). Illegal content, meaning the entry of untrue, unethical, or unlawful information into the internet, is one of its recognized forms. Defamation via electronic means is regulated by the ITE Law, whose original Article 27 paragraph (3) has been reformulated in the subsequent amendments. The Constitutional Court, in Decision No. 50/PUU-VI/2008, held that the electronic defamation provision cannot be separated from the core norms on defamation in the Criminal Code, including their character as complaint-based offences.

The Theory of Law Enforcement

Law enforcement is an effort to realize the ideas of justice, legal certainty, and social benefit in concrete reality (Shant, 2008; Marzuki, 2012). Sudarto (2010) stresses that it covers both action after a crime has occurred and prevention, and that among the many actors involved, the police have direct authority in the prevention function. Soekanto identifies five factors that influence law enforcement: the law itself, law enforcers, facilities and infrastructure, society, and culture (as cited in Rahardjo, 2021). These five factors serve as the analytical framework for the second research question in this study.

Criminal policy is commonly divided into penal and non-penal approaches. The penal approach uses the criminal justice process, while the non-penal approach includes prevention and out-of-court settlement. Restorative justice, which seeks to restore relations between offender and victim, is increasingly used in complaint-based offences such as defamation.

Method

This study employs normative juridical research supported by empirical research. Normative research examines legal norms, principles, and doctrines in order to answer a legal issue (Marzuki, 2005). It is complemented by field data so that the analysis of norms is not limited to the text of statutes but also considers how they operate in practice, in line with the view that legal research should combine the study of legal norms with observations of legal reality (Nasution, 2008).

Two approaches are used. The statute approach examines the relevant legislation, mainly Law No. 1 of 2023 on the Criminal Code, Law No. 40 of 1999 on the Press, Law No. 1 of 2024 (second amendment to the ITE Law), Law No. 8 of 1981 on Criminal Procedure, and the 1945 Constitution. The conceptual approach draws on doctrines and scholarly views concerning defamation, criminal responsibility, legislation, and law enforcement.

Legal materials consist of (a) primary materials, namely binding statutes and the Constitutional Court decision cited above; (b) secondary materials, namely books, journal articles, and other scholarly works explaining primary materials; and (c) tertiary materials, namely legal dictionaries, encyclopedic works, and internet sources. Empirical data were obtained from the Bali Regional Police through interviews with officials involved in handling defamation cases and through review of the police's handling of such cases in recent years. To protect informants, their identities are not disclosed in this article.

Legal materials were collected through document study, including identification, recording, and inventory of relevant sources. Analysis was conducted descriptively, systematically, evaluatively, and argumentatively. Authentic interpretation (definitions given by statute) was applied first, followed by grammatical interpretation (ordinary meaning of terms) and systematic interpretation (relationships between provisions). Field data were described qualitatively and interpreted using the five law enforcement factors identified in Section 2.4.

Results and Discussion

Regulation of Criminal Sanctions for Defamation through Print Media

Systematics of the offence in the new Criminal Code

Defamation in the new Criminal Code is regulated in Chapter XVII on Criminal Acts of Insult (Articles 433 to 442). The chapter comprises defamation, calumny, minor insult, false complaint, false accusation, defamation of the dead, and provisions on complaints, aggravation, and additional penalties. Historically these rules are inherited from the Dutch colonial *Wetboek van Strafrecht*, which was applied in the Netherlands Indies and remained in force after independence (Saraya et al., 2025).

Their orientation has shifted from protecting colonial authority toward protecting individual rights in a democratic society, although some formulations still emphasize personal honor rather than the broader public interest.

Philosophically, the protection of honor reflects the second principle of Pancasila, just and civilized humanity, and Article 28G paragraph (1) of the Constitution (Subekti et al., 2020; Ramadhan & Hosnah, 2024). The state is obliged to shield individuals from acts that degrade their dignity, but it must do so proportionately so that the protection of reputation does not become a means of suppressing legitimate criticism.

Elements of Article 433 paragraph (2) and the applicable sanction

Article 433 paragraph (1) provides that any person who orally attacks the honor or good name of another by accusing them of something, with the intention that it be publicly known, is punished for defamation by imprisonment of up to nine months or a fine of up to Category II. Paragraph (2) provides that if the act is committed by writing or images that are broadcast, displayed, or posted in public, the offender is punished for written defamation by imprisonment of up to one year and six months or a fine of up to Category III. Under Article 79 paragraph (1), Category II corresponds to IDR 10 million and Category III to IDR 50 million.

Because a newspaper, magazine, or tabloid conveys content through writing or images distributed to the public, defamation through print media falls under paragraph (2). The elements are analyzed as follows. First, the subject, "any person", refers to a legal subject who is capable of being held responsible. Second, the act must be carried out by writing or images that are broadcast, displayed, or posted in public; print publication satisfies this element, and the written form is regarded as more serious because it is more widely spread and more durable. Third, the act must attack honor or good name by accusing a specific matter. The accusation must concern a particular act whose truth can be verified, not merely an opinion or an emotional insult, although the accused matter need not be a criminal act. Fourth, the perpetrator must act with the intention that the accusation become publicly known, which shows that the offence is public in nature. Fifth, the offence is committed intentionally (*dolus*); an act without intent to damage reputation, such as one caused by misunderstanding, does not fulfil the mental element.

The Elucidation of Article 433 adds that the object of the offence is an individual person; insult against government institutions or groups is not covered. The offence is also a complaint-based offence, as Article 440 makes prosecution conditional on a complaint from the victim. Table 1 compares the principal defamation provisions of the former and the new Criminal Code.

Table 1. Comparison of principal defamation provisions in the former and the new Criminal Code

Offence	Former Code	New Code (Law No. 1 of 2023)	Maximum imprisonment (former → new)	Maximum fine (new)
Oral defamation	Art. 310(1)	Art. 433(1)	9 months → 9 months	Category II (IDR 10 million)
Written defamation (print media)	Art. 310(2)	Art. 433(2)	1 year 4 months → 1 year 6 months	Category III (IDR 50 million)
Calumny (<i>fitnah</i>)	Art. 311	Art. 434	4 years → 3 years	Category IV (IDR 200 million)
Minor insult	Art. 315	Art. 436	4 months 2 weeks → 6 months	Category II (IDR 10 million)

Note: Article 441 of the new Code permits an increase of one third where information technology is used or the victim is an official performing lawful duties. Fine categories follow Article 79(1).

Table 1 shows that the new Criminal Code does not simply increase or decrease penalties. The maximum imprisonment for written defamation rises slightly, from one year and four months to one year and six months, whereas the maximum imprisonment for calumny falls from four years to three years. At the same time, the new Code introduces category-based fines, which are nominally much higher than the fines in the former Code, and offers fines as an alternative to imprisonment. This reflects a shift toward proportionality and toward treating imprisonment as a last resort (*ultimum remedium*), particularly in cases involving expression and opinion.

Exceptions, calumny, and the balance with freedom of expression

Article 433 paragraph (3) provides that the acts in paragraphs (1) and (2) are not punishable if they are done in the public interest or out of necessity in self-defense. This provision is crucial for print media. A news report exposing corruption, or a critique of a public official's conduct, published in the public interest, is not defamation. In practice, however, the boundary between public interest and personal attack is often blurred, which produces disputes when the provision is applied to public officials or political figures. Article 433 therefore has a dual character: it protects individuals whose honor is unlawfully attacked, yet it can be misused to restrain expression if applied disproportionately. A human rights-oriented interpretation is required to keep the provision consistent with democracy

and the rule of law.

Article 434 regulates calumny. A person who was given the opportunity to prove the truth of the accusation but failed to do so, and whose accusation contradicts what they knew, is punished by imprisonment of up to three years or a fine of up to Category IV (IDR 200 million). Proof of truth may be permitted only where the judge considers it necessary to assess the defendant's claim of acting in the public interest or in self-defense, or where an official is accused of something done in the exercise of their duties. The core of the offence is the perpetrator's knowledge that the accusation is untrue, a mental element (*mens rea*) that distinguishes calumny from ordinary defamation. Article 435 then regulates the effect of court decisions: a final judgment that the accused person is guilty of the alleged act bars a calumny conviction, while a final acquittal is conclusive proof that the accusation was untrue.

Article 436 covers minor insult, punishable by up to six months' imprisonment or a Category II fine, and Article 441 allows the penalty to be increased by one third if the act is committed through information technology or if the victim is an official carrying out lawful duties. The latter is relevant where a printed article is later spread online: aggravation may be argued where the digital dissemination is attributable to the accused. Overall, the provisions form a graded spectrum, from minor insult through defamation to calumny, allowing judges to calibrate punishment to the degree of fault and the harm caused.

The relationship with the Press Law and the ITE Law

Where the publication is a journalistic work, the Press Law operates as a specialized regime. Article 5 paragraph (1) obliges the national press to report events and opinions with respect for religious norms, public decency, and the presumption of innocence, and Article 18 paragraph (2) provides a fine of up to IDR 500 million for press companies that violate these obligations. Criminal responsibility is attributed to the press company, represented by the persons in charge of its business and editorial divisions (Chazawi, 2011). This follows the doctrine of vicarious liability, under which the company answers for acts of employees within the scope of their work. In print media the editor-in-chief and editors are pivotal because the decision to publish rests with them, so that the journalist is not the only actor whose responsibility must be examined.

The ITE Law, by contrast, targets the distribution or accessibility of electronic information with defamatory content. In the case of print media, the Criminal Code applies to the printed publication itself, whereas the ITE Law becomes relevant when the content is re-published electronically. This layered structure means that one factual event can touch three regimes, which is the root of the

coordination problems discussed in Section 4.3.

Law Enforcement against Defamation through Print Media at the Bali Regional Police

Enforcement efforts

Under the Criminal Procedure Code, the police are the primary investigators and inquirers. Enforcement of defamation begins when a member of the public files a complaint, given that the offence is complaint-based. According to the police officials interviewed, the Bali Regional Police pursue both preventive and repressive efforts.

Preventive efforts aim to remove opportunities for offences to occur. They include public outreach on the ITE Law and on the smart use of the internet, the identification of hoaxes, and cyber patrols that monitor information technology and social media. Cooperation with the media, press organizations, and public broadcasters is used to clarify and counter defamatory or false reporting. Internal directives are also issued to subordinate resort police offices, involving community police officers at village level, and cooperation is maintained with regional government communication offices and financial institutions, for example for blocking accounts where material loss arises.

Repressive efforts follow the commission of the offence and use two channels. The penal approach involves receiving complaints and conducting inquiry and investigation. The non-penal approach gives the parties an opportunity to settle their dispute out of court, with the police acting as a neutral facilitator, in line with restorative justice. This orientation is consistent with the complaint-based nature of the offence and with the *ultimum remedium* principle discussed above.

Trend and handling of cases

The interviews indicate that reports of defamation, including those with a cyber dimension, have risen markedly in recent years in the jurisdiction of the Bali Regional Police, and that defamation is among the offence types with the largest number of reports. However, only a small proportion of reports proceed to the investigation stage. Many reports are terminated at the inquiry stage because investigators find no criminal element, some are stopped at investigation because sufficient evidence cannot be obtained, and a considerable number are resolved through restorative justice. Only a few cases are transferred to the prosecution.

This pattern can be read in two ways. On the one hand, restorative justice and the filtering of weak complaints are consistent with the Code's orientation toward proportionality and toward keeping criminal law as a last resort. On the other hand, the gap between the number of reports and the number of investigations suggests that enforcement capacity, particularly in evidence gathering and

identification of perpetrators, is not yet maximal. Reporting parties who do not see progress may lose confidence in the police, and offenders may perceive little deterrence. The police officials also reported that in practice the offence is still commonly charged under the defamation provision of the former Criminal Code (Article 310), which is now Article 433 of the new Code, indicating a transition period in which investigators are adapting to the new numbering and structure.

Obstacles to Law Enforcement

The obstacles found at the Bali Regional Police are analyzed using the five factors of law enforcement and are summarized in Table 2.

Table 2. Obstacles to enforcement of defamation through print media at the Bali Regional Police

Factor	Obstacles identified
Law enforcers	Anonymous reported parties (e.g., social media accounts); limited competence in information technology; lengthy source tracing and proof.
Facilities and infrastructure	Limited trained personnel, digital forensic tools, organizational and financial support for cyber-related investigation.
The law itself	Overlap of the Criminal Code, Press Law, and ITE Law; subjective, context-dependent elements; complaint requirement; penalties perceived as lacking deterrence.
Society	Low awareness that accusations may constitute defamation; uneven digital literacy; limited use of right of reply.
Culture	Public fear of criminalization when criticizing; informal defense of honor; adaptation of legal culture to the new Code.
Press-specific procedures	Norm conflict with the Press Law; waiting for Press Council assessment; primacy of right of reply and correction.

Law enforcers. Investigators sometimes receive complaints in which the reported party is an anonymous social media account, so that the person cannot be summoned. Tracing the original disseminator of printed content that has been re-circulated as clippings or screenshots takes considerable time. Limited competence in information technology, particularly in matters connected to internet networks, hampers technical investigation. This is consistent with the observation that police education has traditionally emphasized conventional, practical skills (Rahardjo, 2021).

Facilities and infrastructure. Effective enforcement requires trained personnel, sound organization, adequate equipment, and sufficient funding. Digital forensic tools and specialized units are needed to identify anonymous perpetrators and to authenticate electronic evidence. Where these are limited, investigations stall at the identification stage, which explains why many reports do not progress to formal investigation.

The law itself. Legal obstacles arise from the overlap between the Criminal Code, the Press Law, and the ITE Law. The key dilemma is that journalistic work is subject to a special settlement mechanism through the Press Council, while defamation is a complaint-based offence under the Criminal Code or the ITE Law. Investigators are therefore hesitant to proceed with criminal process before a Press Council assessment. This is compounded by the subjective character of the elements: whether a statement "attacks honor" is often ambiguous, depends on context, and depends on the victim's perception. The relatively light penalties may also be perceived as lacking deterrent effect, as some offenders repeat their acts. Although the complaint requirement is intended to protect expression, it also means that the case depends entirely on the victim's initiative and evidence.

Society. Many people are unaware that posting or publishing an accusation can constitute defamation, and legal awareness affects both compliance and the willingness to use non-criminal remedies such as the right of reply. Digital literacy is also uneven, so that content is shared without verification.

Culture. Fear of criminalization, associated with the history of defamation provisions in electronic media, makes some people reluctant to criticize others in public. Conversely, in some communities honor is defended through informal, sometimes aggressive means, which underscores the importance of accessible legal channels. Legal culture among both the public and apparatus strongly influences how the law is used in practice.

Press-specific procedures. Three obstacles are particular to print media. First, the norm conflict between the Criminal Code and the Press Law, which requires investigators to establish whether a publication is a journalistic work. Second, the waiting time for a Press Council assessment, during which the case is effectively paused. Third, the primacy of the right of reply and right of correction under the Press Law, which means that disputes over reporting should ordinarily be resolved through these mechanisms before criminal process is considered. If the offence is committed by the press in the course of journalistic duties, the case cannot be immediately criminalized; investigators must follow the Press Law mechanism first.

Discussion

The two sets of findings are closely connected. Normatively, the new Criminal Code has designed defamation as a proportional and complaint-based offence with explicit exceptions for public interest and self-defense, and with alternative fines, which signals that criminal sanctions should be a last resort. Empirically, the practice at the Bali Regional Police shows the same tendency, since much of the caseload is resolved through inquiry filtering and restorative justice. In Soekanto's terms, however, the effectiveness of a norm depends not on its formulation alone but on the enforcers, facilities, society, and culture that surround it. A well-drafted provision will not produce effective enforcement if investigators lack tools to identify perpetrators or if the procedure for press cases is unclear.

Three implications follow. First, harmonization among the Criminal Code, the Press Law, and the ITE Law is needed, ideally through technical guidelines that clarify the sequence of procedures for press-related complaints and the boundary between public criticism and defamation. Second, the capacity of investigators must be strengthened in digital forensics and in the handling of press disputes, including standing coordination channels with the Press Council. Third, public legal and digital literacy should be improved so that people can distinguish criticism from accusation and know how to use the right of reply. These measures respond to each factor in Table 2 and together allow the protection of honor to be reconciled with press freedom.

Conclusion

First, criminal sanctions for defamation through print media are regulated in Article 433 paragraph (2) of Law No. 1 of 2023 on the Criminal Code. The perpetrator is punished for written defamation with imprisonment of up to one year and six months or a fine of up to Category III (IDR 50 million). The offence consists of attacking the honor or good name of a person by accusing a specific matter through writing or images that are broadcast, displayed, or posted in public, with the intention that it become publicly known. It is a complaint-based offence, it is not punishable when done in the public interest or in self-defense, and it may be aggravated by one third if committed through information technology or against an official carrying out lawful duties.

Second, enforcement at the Bali Regional Police is hindered by the need for specific evidence in a complaint-based offence, the subjective interpretation of the elements of the offence, and special procedures for the press, including the right of reply, the right of correction, and the recommendation of the Press Council. Investigation is further slowed by the time needed to prove and trace sources, by anonymous accounts, by the digital re-circulation of printed material, by limited technical competence and facilities, and by low public legal awareness. Restorative justice is widely used, which is consistent

with the last resort orientation of the new Code but also filters out many complaints.

Based on these findings, it is recommended that (1) the government and relevant institutions synchronize the Criminal Code, the Press Law, and the ITE Law and issue technical guidelines on the boundary between public criticism and defamation; (2) the Bali Regional Police strengthen investigator competence and digital forensic capacity and ensure that every report receives a prompt and transparent response; and (3) public digital literacy be enhanced, and media platforms and press organizations be encouraged to provide accessible mechanisms for reply, correction, and reporting. This study is limited by its focus on a single regional police and on qualitative interview data. Future research could compare several jurisdictions and analyze court decisions applying Article 433 once sufficient case law has developed.

References

- Asshiddiqie, J. (2010). *Konstitusi dan konstitusionalisme Indonesia* [in Indonesian]. Sinar Grafika.
- Azhary, M. T. (2003). *Negara hukum: Suatu studi tentang prinsip-prinsipnya dilihat dari segi hukum Islam, implementasinya pada periode Negara Madinah dan masa kini* (2nd ed.) [in Indonesian]. Prenada Media.
- Busro, A. D., & Busro, A. B. (2003). *Azas-azas hukum tata negara* [in Indonesian]. Ghalia Indonesia.
- Chazawi, A. (2011). *Tindak pidana informasi dan transaksi elektronik* [in Indonesian]. Bayumedia Publishing.
- Constitutional Court of the Republic of Indonesia. (2008). Decision No. 50/PUU-VI/2008.
- Hamzah, A. (2007). *Aspek-aspek pidana di bidang komputer* [in Indonesian]. Sinar Grafika.
- Law No. 8 of 1981 on the Criminal Procedure Code (Republic of Indonesia).
- Law No. 40 of 1999 on the Press (Republic of Indonesia).
- Law No. 1 of 2023 on the Criminal Code (Republic of Indonesia).
- Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (Republic of Indonesia).
- Makarim, E. (2003). *Kompilasi hukum telematika* [in Indonesian]. RajaGrafindo Persada.
- Manan, B. (1997). *Peranan hukum administrasi negara dalam pembentukan peraturan perundang-undangan di Indonesia* [in Indonesian]. Ind-Hill Co.
- Marzuki, P. M. (2005). *Penelitian hukum* [in Indonesian]. Kencana.
- Marzuki, P. M. (2012). *Pengantar ilmu hukum* [in Indonesian]. Kencana Prenada Media.
- Moeljatno. (2008). *Asas-asas hukum pidana* [in Indonesian]. Rineka Cipta.

- Mudzakir. (2004). Delik penghinaan dalam pemberitaan pers mengenai pejabat publik [in Indonesian]. *Dictum*, 3.
- Nasution, B. J. (2008). *Metode penelitian ilmu hukum* [in Indonesian]. Mandar Maju.
- Oemar Seno Adji. (2010). *Perkembangan delik pers di Indonesia* [in Indonesian]. Erlangga.
- Prodjodikoro, W. (2002). *Azas-azas hukum pidana di Indonesia* [in Indonesian]. Eresco.
- Rahardjo, S. (2021). *Masalah penegakan hukum* [in Indonesian]. Sinar Baru.
- Ramadhan, D., & Hosnah. (2024). Penanganan tindak pidana pencemaran nama baik yang dihubungkan dengan KUHP [in Indonesian]. *Zayn: Jurnal Ilmu Sosial & Hukum*, 2(1), 51–64.
- Saraya, et al. (2025). *Hukum pidana Indonesia: Literasi & wawasan komprehensif hukum pidana di Indonesia* [in Indonesian]. Star Digital Publishing.
- Shant, D. (2008). *Konsep penegakan hukum* [in Indonesian]. Liberty.
- Soeprapto, M. F. I. (2007). *Ilmu perundang-undangan* [in Indonesian]. Kanisius.
- Subekti, A. S., et al. (2020). Tindak pidana pencemaran nama baik melalui Facebook menurut KUHP dan Undang-Undang Nomor 11 Tahun 2008 tentang ITE [in Indonesian]. *Jurnal Hukum & Pembangunan*, 50(3), 739.
- Sudarto. (2010). *Kapita selekta hukum pidana* [in Indonesian]. Alumni.
- Suhariyanto, B. (2012). *Tindak pidana teknologi informasi (cybercrime)* [in Indonesian]. RajaGrafindo Persada.
- Sulaiman, K. F. (2017). *Teori peraturan perundang-undangan dan aspek pengujiannya* [in Indonesian]. Thafa Media.
- Tebba, S. (2006). *Hukum media massa nasional* [in Indonesian]. Pustaka Irvan.
- Tongat. (2012). *Dasar-dasar hukum pidana dalam perspektif pembaharuan* [in Indonesian]. UMM Press.
- Wahid, A., & Labib, M. (2005). *Kejahatan mayantara (cybercrime)* [in Indonesian]. Refika Aditama.
- Wiraprasta, S. R., & Nurmawati, M. (2016). *Tinjauan yuridis mengenai sanksi pidana terhadap tindak pidana pencemaran nama baik melalui media sosial* [in Indonesian]. Fakultas Hukum Universitas Udayana.