

**ANALISIS YURIDIS PENEGAKAN HUKUM TERHADAP PELAKU KAMPANYE  
HITAM (*BLACK CHAMPAIGN*) MELALUI MEDIA SOSIAL PADA  
PELAKSANAAN PEMILIHAN UMUM PERSPEKTIF UNDANG  
UNDANG NOMOR 19 TAHUN 2016 TENTANG INFORMASI  
DAN TRANSAKSI ELEKTRONIK**

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**ABSTRAK**

Pelaksanaan kampanye politik mengalami perkembangan hingga pada pemanfaatan media sosial. Pemanfaatan media sosial Instagram dalam kampanye politik sering disalahgunakan untuk penyebaran *black campaign*.

Permasalahan dalam tesis ini adalah bagaimana pengaturan kampanye hitam (*black campaign*) melalui media sosial dalam pemilihan umum, bagaimana pertanggungjawaban pidana pelaku kampanye hitam (*black campaign*) melalui media sosial, bagaimana penegakan hukum terhadap pelaku kampanye hitam (*black campaign*) melalui media sosial pada pemilihan umum

Metode penelitian yang dilakukan adalah penelitian normatif dengan menggunakan metode telaah pustaka (*library research*). Jenis data penelitian ini adalah data primer dan data sekunder dan disusun secara sistematis dan untuk mentelaah data-data sekunder menggunakan pendekatan yuridis normatif dan dianalisis secara kualitatif.

Berdasarkan hasil penelitian dipahami pengaturan kampanye hitam (*black campaign*) melalui media sosial dalam pemilihan umum saat ini masih belum diatur rinci dalam UU No. 17 Tahun 2017 Tentang Pemilihan Umum yang ditetapkan sejak tanggal 15 Agustus 2017. Definisi kampanye hitam (*black campaign*) hanya ditemui dalam UU No. 8 Tahun 2015. Kampanye hitam (*black campaign*) di media sosial khususnya belum secara jelas dan tegas diatur dalam UU No. 17 Tahun 2017. Pertanggungjawaban pidana pelaku pembuat kampanye hitam (*black campaign*) di media sosial adalah harus dilakukan dengan sengaja menyerang kehormatan atau nama baik seseorang. Pertanggung jawaban pidana pelaku kampanye hitam (*black campaign*) di media sosial dengan sengaja menyerang kehormatan atau nama baik seseorang maka pelaku kampanye hitam (*black campaign*) diancam pidana paling lama 4 (empat) tahun dan/atau denda paling banyak Rp.750.000.000,00 (tujuh ratus lima puluh juta rupiah) dan jika dalam bentuk menyebarkan informasi dengan tujuan menimbulkan rasa kebencian kepada lawan politik (individu) sanksi pidana dapat penjara paling lama 6 (enam) tahun dan/atau denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah) menurut Pasal 29 jo Pasal 45B Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi dan Transaksi Elektronik.

**Kata Kunci: Kampanye Hitam, Media Sosial, Pemilu, UU ITE**

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**JURIDICAL ANALYSIS OF LAW ENFORCEMENT AGAINST BLACK  
CHAMPAIGN PERFORMERS THROUGH SOCIAL MEDIA IN THE  
IMPLEMENTATION OF GENERAL ELECTIONS LEGAL  
PERSPECTIVE LAW NUMBER 19 OF 2016 CONCERNING  
INFORMATION AND ELECTRONIC TRANSACTIONS**

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**ABSTRACT**

*The implementation of political campaigns has progressed to the use of social media. The use of Instagram social media in political campaigns is often misused to spread black campaigns.*

*The problem in this thesis is how to regulate black campaign (black champagne) through social media in general sorting, what is the criminal responsibility of perpetrators of black campaign (black champagne) through social media, how to enforce the law against perpetrators of black campaign (black champagne) through social media in sorting general*

*The research method used was normative research using the library research method. The types of data for this research are primary data and secondary data and are arranged systematically and to examine secondary data using a normative juridical approach and analyzed qualitatively.*

*Based on the research results, it is understood that the regulation of black campaigning via social media in general terms is currently still not regulated in detail in Law no. 17 of 2017 concerning General Elections which was determined on 15 August 2017. The definition of a black campaign is only found in Law no. 8 of 2015. Black campaigns on social media in particular have not been clearly and firmly regulated in Law no. 17 of 2017. Criminal liability for perpetrators of black campaigning on social media must be done by intentionally attacking someone's honor or good name. The criminal liability of perpetrators of black campaigning on social media who deliberately attacks someone's honor or good name, the perpetrators of black campaigning are threatened with a maximum sentence of 4 (four) years and/or a maximum fine of IDR 750,000,000.00 (seven hundred and fifty million rupiah) and if it is in the form of disseminating information with the aim of causing feelings of hatred towards political opponents (individuals), criminal sanctions can be imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 1,000,000,000.00 (one billion rupiah) according to Article 29 in conjunction with Article 45B of Law Number 19 of 2016 concerning Information and Electronic Transactions..*

**Keywords: Black Campaign, Social Media, Election, ITE Law**

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