

RINGKASAN

Aqib Dhaifullah : 220510003 **PENERAPAN *RESTORATIVE JUSTICE* DALAM KASUS PENCEMARAN NAMA BAIK YANG DI LAKUKAN OLEH MASYARAKAT TERHADAP GEUCHIK GAMPONG**

(Studi Penelitian Di Kota Lhokseumawe)

(Dr. Joelman Subaidi. S.H., M. H dan Muhibuddin, S.H., M.Hum)

Restorative Justice (RJ) atau keadilan restoratif adalah sebuah pendekatan dalam sistem peradilan pidana yang berfokus pada pemulihan akibat tindak pidana. pendekatan ini melibatkan semua pihak yang terkait dalam suatu tindak pidana, yaitu pelaku, korban, dan masyarakat, untuk mencari solusi bersama yang dapat memulihkan kerugian yang ditimbulkan. kasus pencemaran nama baik. Permasalahannya timbul di mana pihak korban (Pj. Keuchik) sudah menerima namun melanjutkan ke ranah formal, sehingga tindakannya menimbulkan konflik sosial dalam masyarakat berujung pemecatan dengan tidak hormat atas dirinya.

Penulisan Skripsi ini bertujuan untuk mengetahui dan menjelaskan implementasi Penerapan *Restorative justice* dalam kasus pencemaran nama baik yang di lakukan oleh masyarakat terhadap Geuchik Gampong Tumpok Teungoh, untuk mengetahui dan menjelaskan kendala yang menyebabkan tidak bisa jalankan jalur formal terhadap pencemaran nama baik yang di lakukan oleh masyarakat terhadap Geuchik Gampong Tumpok Teungoh dan untuk menjelaskan usaha yang dapat dilakukan dalam menghindari dari komplik sosial atas tindakan pencemaran nama baik yang di lakukan oleh masyarakat terhadap Geuchik Gampong Tumpok Teungoh

Penelitian ini adalah penelitian yuridis empiris, dengan pendekatan kualitatif adapun Sifat Penelitian deskriptif, Sumber Data penelitian yaitu Data Primer, Data Sekunder, Analisis Data dilakukan dengan cara mendeskripsikan bahan hukum secara berkualitas dalam bentuk kalimat yang teratur, runtun, logis, tidak timpang tindih dan efektif sehingga memudahkan penafsiran bahan hukum dan pemahaman hasil analisis.

Hasil penelitian di ketahui bahwa, implementasi penerapan penerapan *restorative justice* dalam kasus pencemaran nama baik yang di lakukan oleh masyarakat terhadap Geuchik gampong yaitu dalam kasus pencemaran nama baik terhadap aparat gampong di Gampong Tumpok Teungoh, penyelesaiannya dilakukan melalui musyawarah, mediasi adat, dan pendekatan kekeluargaan lebih efektif dalam menjaga keharmonisan sosial masyarakat Gampong Tumpok Teungoh dibandingkan penegakan hukum formal. Kendala yang menyebabkan tidak bisa jalankan jalur formal terhadap pencemaran nama baik yang di lakukan

oleh masyarakat terhadap Geuchik Gampong Tumpok Teungoh, yaitu kendala social, budaya masyarakat. rendahnya kepercayaan terhadap jalur formal, kendala berikutnya dalam hukum, baik KUHP dan UU ITE serta Putusan Mahkamah Konstitusi Nomor 50/PUU-VI/2008, pada pokoknya perbuatan menyerang kehormatan atau nama baik orang lain dengan menuduhkan suatu hal tidak dapat dipidana jika perbuatan tersebut dilakukan untuk kepentingan umum atau karena terpaksa membela diri. (Penjelasan Pasal 45 ayat (7) UU No. 1 Tahun 2024 tentang ITE), untuk melindungi kepentingan masyarakat melalui hak berekspresi dan hak berdemokrasi misalnya melalui unjuk rasa atau kritik. tekanan sosial dan relasi kekuasaan. Ada tekanan untuk menyelesaikan masalah secara internal agar tidak menimbulkan konflik berkepanjangan di masyarakat, pertimbangan posisi jabatan geuchik. Sebagai pemimpin gampong, diharapkan menjadi figur yang mampu meredam konflik, bukan memperbesar masalah. dualisme antara hukum negara dan hukum adat. justru memberi ruang kuat bagi penyelesaian berbasis adat. Akibatnya, jalur formal sering menjadi pilihan terakhir.

Disarankan kepada Pemerintah gampong, tokoh adat, dan aparat penegak hukum disarankan mengoptimalkan *restorative justice* melalui musyawarah adat dan pendekatan kekeluargaan, meningkatkan sosialisasi etika komunikasi dan literasi hukum, serta memperkuat transparansi dan komunikasi dengan masyarakat agar konflik dapat dicegah dan keharmonisan sosial tetap terjaga. disarankan agar aparatur gampong lebih aktif membangun komunikasi yang terbuka dan transparan dengan masyarakat guna mencegah munculnya kesalahpahaman. Masyarakat juga diharapkan selalu mengutamakan klarifikasi sebelum menyebarkan informasi dan menyelesaikan setiap permasalahan melalui musyawarah serta pendekatan *restorative justice*.

Kata Kunci: *Restorative Justice*, Pencemaran Nama Baik, Masyarakat, Geuchik Gampong

ABSTRACT

Aqib Dhaifullah : The Application of Restorative Justice in Defamation Cases

220510003

Committed by Community Members Against a Geuchik

(Research Study Conducted in Lhokseumawe City)

(Dr. Joelman Subaidi. S.H., M. H dan Muhibuddin, S.H., M.Hum)

Restorative Justice (RJ) is an approach within the criminal justice system that focuses on repairing the harm caused by criminal acts. This approach involves all parties affected by a crime, namely the offender, the victim, and the community, in seeking a mutually agreed solution that can restore the losses and damages resulting from the offense.

In a defamation case, a problem arose when the victim, the Acting Village Head (Pj. Keuchik), had accepted the restorative settlement but nevertheless chose to pursue the matter through formal legal proceedings. This action gave rise to social conflict within the community and ultimately resulted in the offender being dishonorably dismissed from his position.

This undergraduate thesis aims to identify and explain the implementation of Restorative Justice in defamation cases committed by members of the community against the Village Head (Geuchik) of Tumpok Teungoh Village. It also seeks to identify and explain the obstacles that hinder the resolution of such defamation cases through formal legal procedures. Furthermore, this study aims to explain the efforts that can be undertaken to prevent social conflict arising from acts of defamation committed by members of the community against the Village Head (Geuchik) of Tumpok Teungoh Village.

This study employs an empirical juridical research method with a qualitative approach. The nature of the research is descriptive. The sources of data consist of primary data and secondary data. Data analysis is conducted by qualitatively describing legal materials in the form of well-structured, systematic, logical, non-overlapping, and effective sentences, thereby facilitating the interpretation of legal materials and enhancing the understanding of the analytical results.

The results of the study indicate that the implementation of Restorative Justice in defamation cases committed by community members against the Geuchik (Village Head) has been effective. In the case of defamation against village officials in Tumpok Teungoh Village, dispute resolution through deliberation, customary mediation, and a family-oriented approach proved to be more effective in maintaining social harmony within the community than formal legal enforcement.

The obstacles that hinder the use of formal legal procedures in handling defamation cases against the Geuchik of Tumpok Teungoh Village include social and cultural factors, as well as the community's low level of trust in formal legal mechanisms. Legal constraints also arise from the provisions of the Indonesian

Criminal Code (KUHP), the Electronic Information and Transactions Law (ITE Law), and Constitutional Court Decision Number 50/PUU-VI/2008. In principle, acts that allegedly attack a person's honor or reputation by making accusations cannot be criminally punished if such acts are carried out in the public interest or in self-defense (Explanation of Article 45 paragraph (7) of Law Number 1 of 2024 concerning Electronic Information and Transactions). These legal provisions are intended to protect public interests through the rights to freedom of expression and democratic participation, including public demonstrations and criticism.

Other obstacles include social pressure and power relations within the community. There is often pressure to resolve disputes internally in order to avoid prolonged social conflict. Consideration is also given to the position of the Geuchik as the leader of the village, who is expected to act as a figure capable of reducing conflict rather than escalating it. Furthermore, the dualism between state law and customary law provides significant room for dispute resolution through customary mechanisms. As a result, formal legal proceedings are often regarded as a last resort.

It is recommended that village governments, customary leaders, and law enforcement authorities optimize the implementation of Restorative Justice through customary deliberation and family-oriented approaches. They should also enhance public awareness of communication ethics and legal literacy, as well as strengthen transparency and communication with the community to prevent conflicts and maintain social harmony.

Furthermore, village officials are encouraged to take a more active role in fostering open and transparent communication with community members in order to prevent misunderstandings. Community members are also expected to prioritize clarification before disseminating information and to resolve disputes through deliberation and restorative justice approaches whenever possible.

Keywords: Restorative Justice, Defamation, Community, Village Head (Geuchik)