ANALYSIS OF PUBLIC INTEREST AS A MEANS OF ELIMINATING CRIMINAL ACTIONS IN THE OFFENCE OF DEFAMATION THROUGH FACEBOOK MEDIA (STUDY OF DECISION NO. 84/PID.SUS/2024/PN TNN)

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Abstract
Defamation or insult frequently occurs on social media platforms such as Facebook. In the ruling of Case Number 84/Pid.Sus/2024/PN Tnn, the defendant was accused of defaming a public figure. However, the exception of public interest can serve as grounds for eliminating the qualification of a criminal act for defamation, as stipulated in Article 310 paragraph (3) of the Indonesian Criminal Code. This paper focuses on analyze the public interest as a reason for eliminating criminal penalties in criminal acts of defamation which is studied based on the decision of the Tondano District Court Number 84/Pid.Sus/2024/PN Tnn. This study uses secondary data consisting of primary legal materials, namely Law No. 19 of 2016 concerning Information and Electronic Transactions and the Criminal Code, as well as relevant secondary legal materials The results indicate the importance of a thorough interpretation of the public interest exception in defamation cases to ensure that judges appropriately impose criminal penalties on offenders.

I. Introduction

The development of technology has led to the emergence of globalization, which affects all aspects of life. Globalization is a process of worldwide order that knows no territorial boundaries.[1] The effect in that aspect of life is, among other things, the development of technology that has caused humans to shift from direct interaction to online interaction. With the development of technology, electronic media emerged, giving birth to the internet. The internet is an open global communication network that connects millions, even billions, of computer networks of various types and kinds.[2]

The internet network is a technology that rapidly spreads across various sectors and is the most developed among the community, so that all activities and needs of the community can be connected to the internet network. However, this leads to the misuse of the internet due to the rapid development of technology, causing unrest among the community, such as crimes committed on the internet like pornography, gambling, identity theft, and defamation.

Forms of communication or interaction that use the internet network include social media. Social media is an electronic medium that supports various social interactions, easily adapts, and creates content so that the community can use it as an effort for interaction.[3] In interactions, differences can occur both in speech and in expressing opinions, leading to friction among social media users that can result in the emergence of a crime. Crimes on the internet are referred to as cyber crimes.[4]

Social media platforms come in many types and varieties. Among the many social media platforms that have been popular and have the largest usage in Indonesia is Facebook. Facebook is a social media platform that can be used on both mobile phones and computers, which is useful for taking photos and videos as well as writing words or opinions that can then be uploaded without any limitations of space and time.

Defamation or slander is one type of crime that is becoming increasingly popular to commit via the internet. Defamation, also known as the crime of slander, is an attack on the dignity, honor, and reputation of a person, either individually or collectively, that causes shame, offense, tarnishment, or

[1] Siti Meisyaroh et al., *Media Siber* (Bandung: Widina Bhakti Persada, 2023), p. 138.
[2] Idik Saeful Bahri, *Cyber Crime in the Spotlight of Criminal Law* (Jakarta: Bahasa Rakyat, 2023), p. 2.
[3] Siti Meisyaroh, *Op.Cit*. p.95.
[4] Budi Suhariyanto, *Cyber Crime*. (Jakarta: PT Raja Grafindo Persada, 2014). p.36.

humiliation, leading to feelings of displeasure, hatred, dissatisfaction, heartache, anger, and suffering that torments the soul of others.[5] The rapid development of technology and social changes have triggered this crime. This development makes the world limitless.

Social changes have led to the misuse of freedom of expression for committing crimes. Article 28E paragraph (3) of the 1945 Constitution regulates the freedom of opinion itself, stating that everyone has the right to freedom of association, assembly, and expression. The Indonesian government has Law Number 11 of 2008 on Information and Electronic Transactions, which has been amended to Law Number 19 of 2016, to regulate cybercrime.

An action can be categorized as defamation if many factors must be considered due to the absence of a clear standard measure.[6] The parameters of defamation that must be protected are a person's honor and reputation in the eyes of others, especially a person's self-esteem regarding honor (*eer*) and reputation (*goeden naam*)[7] even if the person has committed a significant offense. Because this crime is a complaint-based offense, it is the person affected by another's actions that attack their self-esteem or honor who can report it.

The Criminal Code itself provides protection for any individual accused of committing the crime of defamation due to actions deemed to attack the honor of an individual or certain group. As stated in Article 310 paragraph (3) of the Criminal Code, if the act is done for the public interest or for self-defense, it cannot be categorized as defamation.

Like the defamation crime that occurred in decision No 84/Pid.Sus/2024/PN Tnn, where Mario Pangalila was found guilty by the judge for distributing electronic information containing defamation accusations against a public figure using Facebook. On September 2, 2023, Mario Pangalila wrote a statement and then posted it in the Facebook group Suara Orang Tincep, which has 606 members.

Mario Pangalila mentioned that the community figure was involved in corruption related to the management of village funds, and it turned out that

[5] Adami Chazawi, *Positive Criminal Law on Defamation* (Revised Edition), (Malang: Media Nusantara Creative, 2016), p. 1.
[6] Andi Rahma, Asrul Aswar, and Dhea Rezkyah, "*A Juridical Review of Cyber Crime Against Defamation in Makassar City* (Study of Decision No. 255/Pid.Sus/2021/PN. Makassar)," Pledoi Law Journal 1, no. 02 (2023): p. 2.
[7] Danny Putera Christian, and Dian Adriawan Daeng Tawang, "*JURIDICAL REVIEW OF THE DECISION IN THE CASE OF DEFAMATION USING INSTAGRAM SOCIAL MEDIA VIEWED FROM ARTICLE 310 PARAGRAPH (3) OF THE INDONESIAN CRIMINAL CODE,*" Adigama Law Journal. Vol 1, No 1, 2018, p.6.

the figure was the former head of Tincep Village named Alfian Romy Dapu. In his post, Mario used the words criminal and corruptor and urged the public to stop believing in the image and style that he deemed as a dirty trick. The act of corruption committed was the reason behind the defendant's reaction to remind the people in his village to be wary of what the former village head was doing.

The victim learned about the post. When someone informed him through a WhatsApp message. After knowing the content of the post, Alfian felt that his dignity was tarnished and his reputation was damaged in public, so Alfian reported Pangalila's actions to the court. The case was processed, and the judge declared Pangalila guilty and imposed Article 27 paragraph (3) of Law No. 19 of 2016 on Mario Pangalila, who then received an 8-month prison sentence and a fine of Rp. 10,000,000 (ten million rupiah).

Based on the background description above, the author is interested in conducting research titled "Analysis of Public Interest as the Abolition of Criminal Offense in Defamation Cases Through Facebook Media (Study of Decision Number 84/Pid.Sus/2024/PN Tnn)" and based on the above description, the author focuses this research on the problem formulation that will be discussed, namely how general provisions serve as the abolition of criminal offense in defamation cases in decision no 84/Pid.Sus/2024/PN Tnn based on Article 310 paragraph (3) of the Criminal Code.

2. Research Method

The method in this research uses a normative legal research method, which is research that examines secondary data. The object of study in this method is the court decision No 84/Pid.Sus/2024/PN Tnn, which is analyzed using the ITE Law, namely Law No. 19 of 2016, and the Criminal Code. The nature of the research used is descriptive, so it can illustrate the criminal act based on Article 310 paragraph (3) of the Criminal Code. The data used consists of secondary data. The data collection technique used is library research.Data analysis is conducted qualitatively, and the conclusion is drawn using the deductive method, which means inferring a research result from general to specific.

3. Results and Discussion

Analysis of the elimination of criminal acts in defamation cases based on Article 310 paragraph (3) of the Criminal Code

Insult comes from the word "hina," which means low, despicable, vile, or bad. After being affixed with the prefix "pe-an," this word changes to "penghinaan,"

which means the process, method, or act of insulting. According to the Great Dictionary of the Indonesian Language (KBBI), verbal insult is the defamation of someone's good name that is spoken. In criminal law, defamation is an act that intentionally attacks a person's honor or reputation by accusing them of committing a specific act (*bepaald feit*) with the clear intention of disseminating that accusation to the public. The provision of defamation essentially refers to actions or attitudes that attack someone's reputation.

The act of defaming an individual's honor or reputation by making accusations must be done intentionally, meaning the perpetrator is aware of their actions. The perpetrator is aware of the consequences arising from their actions, namely that another person becomes the target of an attack on their honor or reputation. Additionally, the intent here must be directed towards all the elements behind it.[8] Intentionality is also directed towards elements known to the public, namely the perpetrator's actions that attack someone's honor or reputation, being aware that such actions can be known to the public.

Slander is a term for written defamation. According to the Criminal Code, defamation can occur both verbally and in writing. Insult itself falls into five categories, according to the Criminal Code, namely written defamation, minor insults, slander, insults with complaints, and slander containing accusations. An act can be categorized as defamation if it meets two main elements, namely the existence of an accusation and the dissemination of that accusation until it is consumed by the general public. Defamation is divided into two main types: oral defamation, which is spoken directly, and written defamation. Defamation, on the other hand, is divided into two types: material defamation and formal defamation.

Formal insults do not focus on the content of the statement made, but on the manner in which the statement is delivered, including the form and techniques used. Material insults, on the other hand, refer to insults based on facts and include objective statements, both oral and written, that allow for proof that the accusations were made in the public interest. Irresponsible individuals can commit defamation in various ways. A person can be categorized as committing defamation if they actively convey accusations to the accused party, either verbally or through the dissemination of information via mass media or electronic media. People use social media as a tool for conveying ideas or expressions, but carefulness is needed in its use because opinions or information conveyed may clash with the honor of others or result in defamation against others.[9]

[8] Lamintang and Djisman Samosir, 1979, "Special Crimes Against Property Rights and Other Rights Arising from Property Rights," Tarsito, Bandung, p. 67-68

[9] Luh Putu Yustika Riani Kusuma, Anak Agung Sagung Laksmi Dewi & Luh Putu Suryani, *Criminal Sanctions for Defamation Perpetrators Through Social Media*, Journal of Legal Construction, Vol. 3, No. 2, 2022, p. 334.

The provision on defamation or slander states, "Anyone who intentionally attacks the honor or reputation of someone by accusing them of something, with the intent that it be made public, is threatened with defamation punishable by imprisonment for a maximum of nine months or a fine of up to Rp.4,500," according to Article 310 paragraph (1). However, if the act is committed through writing or images that are published, displayed, or posted in public, the offender is threatened with imprisonment for a maximum of one year and four months or a fine of up to four thousand five hundred rupiah, according to Article 310

Article 45 paragraph (3) of Law No. 19 of 2016 on Electronic Information and Transactions states that "Any person who intentionally and without rights distributes, transmits, or makes accessible Electronic Information and/or Electronic Documents containing elements of insult and/or defamation as referred to in Article 27 paragraph (3)."

The provisions of the above articles include exceptions or reasons for the elimination of criminal acts, namely "not constituting defamation or written defamation, if the act is clearly done for the public interest or out of necessity for self-defense," as stated in the third paragraph of Article 310 of the Criminal Code. In the elaboration of the article, there are two meanings: public interest as the interest of the general public or society that feels it will be harmed, and self-defense as a way to avoid anything that should not burden oneself.

In criminal law doctrine, there are certain reasons that can eliminate the criminal elements of an act that essentially fulfills the elements of a crime, one of which is the public interest. In general, the public interest refers to something that has benefits for society, such as transparency of information, oversight of government policies, or criticism of actions that could harm the public. The public interest is used as a justification that can override the criminal elements in an act.

In practice, the public interest defense is often used by journalists, activists, or academics who disclose facts that may harm certain parties but hold significant value for the wider community. For example, a journalist reporting on alleged corruption by a government official might make statements that are considered defamatory but are still protected by law if the information is relevant to the public. One example that is often associated with public interest is criticism of government policies. In a democratic system, freedom of speech is one of the main pillars, so criticism of policies that could harm the public must be legally protected.

Not all statements containing criticism can be categorized as being in the public interest. If a statement is more defamatory in nature, lacks a clear basis, or is solely intended to discredit someone without valid reason, then Article 310 paragraph (3) of the Criminal Code cannot be used as a justification. Therefore, there is a distinction between legitimate criticism and unfounded personal attacks.

In the current digital era, the debate about public interest is becoming increasingly complex. The dissemination of information through social media allows anyone to express their opinions widely. However, this also increases the risk of misuse by spreading false news or defamation that harms other individuals. Therefore, although Article 310 paragraph (3) of the Criminal Code provides protection for those who speak in the public interest, caution is still necessary in assessing whether a piece of information truly benefits society or instead harms certain parties without clear justification. Article 310 paragraph (3) of the Criminal Code provides space for freedom of expression by considering the public interest as a reason for the absence of criminal charges. However, its application still requires legal consideration to prevent misuse for attacking other individuals without a strong basis.

In criminal law, there is a concept known as justification, which serves to eliminate the unlawful element in a criminal act. This means that even if someone's actions meet the elements of a criminal act, if those actions can be proven to be carried out within the framework of a justification, the perpetrator can be exempted from legal sanctions. This shows that criminal law not only pays attention to the formalities of the elements of a crime but also considers the context and reasons behind the action.

The case in this ruling, although the act contains elements of legal wrongdoing, the action taken, when viewed from the perspective of justifiable reasons, is considered self-defense. Thus, the act is not a violation of the law because it was done to protect oneself from an unavoidable threat. Therefore, the element of unlawfulness in his actions can be considered unfulfilled. In this case, the defendant should not be subjected to criminal sanctions, including imprisonment, because the action was a logical consequence of legitimate self-defense according to the law. The enforcement of this justification also demonstrates the importance of substantive justice in the application of criminal law.

Some provisions in criminal law contain reasons to exclude or eliminate punishment. In scientific literature, there are two types of reasons for excluding criminal liability known as strafuitsluitingsgronden. The first is the justification reason, which removes the unlawful nature of the act (wederrechtelijkheid), so that what the defendant did becomes a proper and rightful act. The second is the reason for the elimination of a criminal act, which means that a person's behavior is not a criminal act even though it complies with the aforementioned provisions. Although the defendant cannot be punished because there is no fault, their actions still violate the law. Someone's behavior remains a criminal act, but the perpetrator cannot be held accountable.[10]

[10] Kaban, et al. "*Legal Analysis of Public Interest According to Article 310 Paragraph (3) of the Indonesian Penal Code as a Reason for the Abolition of Criminal Charges in Press Activities.*" Mahadi: Indonesia Journal of Law Vol.

The lawmakers established exceptions. In certain cases, criminal law regulations cannot be applied to an act, thus there is a reason to dismiss the punishment. The basis for the cessation of prosecution (*verval van recht tot strafvordering*) is different from the basis for the abolition of punishment. The first is decided by the judge by stating whether the act is nullified or the fault of the perpetrator is nullified against the law.

This is due to the fact that there is a legal provision that justifies the action or pardons the perpetrator. In this case, the defendant is not sentenced, although the prosecutor's right to prosecute remains. The basis for the abolition of punishment must be separated from the basis for the abolition of criminal prosecution, which removes the prosecutor's right to prosecute because this is based on the law.[11]

The words contained in a criminal formulation indicate that what the lawmakers actually meant is a basis that eliminates punishment. What is meant is that in the formulation of Article 310 paragraph (3) of the Criminal Code, the words "not present or not included" clearly indicate that the sentence serves as a basis or reference that excludes or nullifies punishment. According to Indriyanto Seno Aji[12], an act that loses its unlawful nature based on a justification that cannot possibly be found in written law does not have legal force like the basis for the abolition of punishment mentioned in the Criminal Code.

This writing does not focus on justifying reasons or exculpatory reasons but rather on the absence of punishment, namely public interest, which means that actions resulting in the absence of a defamation crime are not considered a crime. Diligence is required to be accountable and to assert that the actions taken are indeed the right actions. Although in reality it is not difficult to make excuses for the public interest, in order for those excuses to be accepted, a thorough argumentation and evidence regarding the public's losses that can be exempted from the act are needed, so it is clearly stated that the public is more benefited by that act.[13]

Explanation of the qualifications that can negate the punishable nature of the actions described in Paragraphs 1 and 2 of Article 310 of the Criminal Code. In other words, paragraph (3) of Article 310 of the Criminal Code is a ground for exclusion of criminal liability (*strafuitsluitingsgrond*).[14] Thus, the qualification of the absence of punishment is specifically designed to provide legal exceptions in certain cases involving insult or defamation.

1. No.2, 2022, p.156.
[11] *Ibid*, p. 163.
[12] Indriyanto Seno Adji. "Corruption in State Apparatus Policies & Criminal Law". CV.Diaidit Media, Jakarta. 2006.p.409.
[13] Leden Marpaung, Crimes Against Honor, Sinar Grafika, Jakarta, 2010, p. 19.
[14] Agus Rusianto, Criminal Acts and Criminal Responsibility, (Jakarta: Kencana, 2016), p.182.

The public interest in that sentence can be interpreted as protection for society from potential harm if an alleged violation is not disclosed openly. For example, in the context of reporting criminal acts, disclosing crime cases aims to protect public interest by increasing community vigilance and ensuring that the perpetrators can be apprehended. Thus, the publication of information regarding crime not only serves as a warning but also as a preventive measure to ensure that similar incidents do not occur in the future.

The public interest refers to benefits or protections intended for society at large, not just for the interests of individuals or specific groups. In the context of the abolition of criminal penalties in the Criminal Code, public interest can serve as a basis for freeing someone from punishment or for not considering an act as a crime even though a criminal act has formally been committed.

Although public interest can be used as a reason to dismiss a criminal charge, not all criticism or statements can immediately be categorized as public interest. If a statement is more defamatory or lacks a strong basis, then this exception does not apply. Therefore, there are limitations that must be considered in the application of this article.

A judge in a case must assess whether a statement truly has significance for the broader community or is merely used as a pretext to attack someone. If the statement contains elements of falsehood or is made with malicious intent, then the provisions of Article 310 paragraph (3) cannot be applied.

Not considered defamation if done for the public interest. That means, even if someone reveals something that could harm another person's reputation, the act is not punishable if the intention is for the public interest, such as reporting a crime or criticizing public officials for the sake of transparency and accountability.

The perpetrator must clearly and firmly accuse something with the intention of serving the public interest, namely to raise public awareness of the defamed individual. This exception aims to protect actions taken in the public interest or as a legitimate self-defense effort. However, this limitation also emphasizes that the provision cannot be used as a basis for the elimination of criminal liability for other types of offenses outside the regulated scope.

S.R. Sianturi stated that, based on the provisions of Article 310 paragraph (3) of the Criminal Code, actions taken by the perpetrator are considered not unlawful as defamation or written defamation if the perpetrator does so openly for the public interest and/or openly for necessary self-defense or under duress. From the perspective of the theory of criminal absolution, Article 310 (3) prohibits the unlawful element of the perpetrator's actions in the case. Therefore, if the perpetrator is found to have committed the act, but the act does not constitute defamation or written defamation due to the absence of criminal liability, the

judge will decide that the perpetrator is acquitted of all charges (*onslag van rechtsvervolging*), not acquitted of the accusation (*vrijspraak*) because this decision can still be appealed.[15]

Acts in the interest of the public were once considered by the Supreme Court of the Netherlands in a 1934 ruling with the decision, "if the publication is for the public interest, then the perpetrator must sufficiently mention it." According to R. Soesilo, the appropriateness of the public interest defense presented by the perpetrator lies in the judge's consideration. If, during the examination, it is found that the defendant committed the insult purely to defend the public interest, then the defendant will not be punished.[16]

The provisions of the ITE Law do not explicitly contain norms of exceptions or the abolition of criminal penalties as found in Article 310 paragraph (3) of the Criminal Code. However, these provisions can still be interpreted through the explanations and decisions of the Constitutional Court (MK), specifically in MK Decision No. 50/PUU-VI/2008 and the explanation of Law No. 19 of 2016. Article 310 paragraphs (1), (2), and (3) of the Criminal Code are considered the genus delict that serves as a reference for defining defamation, including that committed through electronic media.

The norm in Article 310 paragraph (3) of the Criminal Code, which provides exceptions for actions taken in the public interest or self-defense, can also be implemented on social media. This norm serves as an important boundary to determine whether an accusation constitutes defamation or not. If this provision is ignored in the context of electronic media, it could threaten freedom of expression, which is one of the human rights guaranteed in a democratic system.

Regarding the Tondano District Court decision No. 84/Pid.Sus/2024/PN Tnn, based on its ruling, the judge did not apply this exception rule to the defamation case perpetrator, Mario Pangalila, thus he was designated as the perpetrator and sentenced under Article 45 paragraph (3) in conjunction with Article 27 paragraph (3) of Law No. 19 of 2016, with a prison term of seven months and a fine of Rp 10,000,000.

In the ruling, it is explained that Mario Pangalila wrote a post that allegedly defamed Alfian Romy as the victim based on the fact that there was an alleged corruption committed by Alfian related to water work, road construction, and improper payment of workers' wages. Then Mario reported the alleged corruption, but his report was not addressed. For this reason, Mario wrote a warning statement to the residents of his village, Desa Tincep, as follows:

[15] Putra Akay. "*Article 310 Paragraph (3) of the Criminal Code as a Reason for Special Criminal Exemption.*" Lex Crimen Journal Vol.8 No.8. 2019. p.73.
[16] R. Soesilo. *The Criminal Code (KUHP) and Its Complete Commentaries Article by Article*. Bogor: Politea, 1991 p.226.

"Compensation claims in the name of Rommy Dapu, but what was deposited in Bank Sulut was the village cash book." What will happen to us, poor village residents, if this continues? Stop believing in the image, style, and dirty tricks of corrupt criminals.

The defense of the accused, Mario Pangalila, is that he posted with the sole intention of informing everyone, especially the people of Tincep Village, and that the one who misappropriated is Rommy Dapu as the Village Head. From the sentence in the post, it is written "stop believing in the image, style, and dirty tricks of corrupt criminals," which the defendant interprets as a warning not to believe anymore, so that the community does not believe anymore in Rommy Dapu's tactics as a victim seeking public attention because he has been proven to misappropriate the funds of Desa Tincep.

The explanation indicates that this sentence is interpreted to warn or caution against the actions taken by the former village head towards the residents of Tincep Village. As formulated in paragraph (3) of Article 310 of the Criminal Code, it should include the elimination of the qualification of defamation or the unlawful nature of the defendant's actions, which must be removed in accordance with the provisions of the article and the basis of positive law. This includes the reason for the abolition of punishment, which is for the public interest. Therefore, the panel of judges should consider these interpretations and reasons as based on Article 310 paragraph (3) of the Criminal Code, and the perpetrator of this crime should be acquitted or declared not guilty.

Analysis shows that the author disagrees with the judge's decision to impose Article 27 paragraph (3) of Law Number 19 of 2016 on Electronic Information and Transactions on the defendant Mario. If the action was openly done for the public interest or out of necessity for self-defense, it does not constitute defamation or written defamation, and the judge should consider applying Article 310 paragraph (3) of the Criminal Code.

A case decided by a judge must emphasize considerations of legal truth, justice, and societal impact. Judges must make fair and wise decisions by considering the legal impact and the impact on society.[17] The basis for the judge in imposing a criminal sanction was too harsh on the defendant in the Tondano District Court Decision Number 84/Pid.Sus/2024/PN Tnn because it did not consider various factors that influenced the perpetrator to commit the defamation, as well as the general qualification mentioned in paragraph (3) of Article 310 of the Criminal Code. Reasons that can eliminate the legal qualification of the violation committed by Mario Pangalila.

[17] Barda Nawawi Arief, *Anthology of Criminal Law Policy*, (Jakarta: Kencana, 2014), p.93.

4. Conclusion

The importance of public interest as a reason for the absence of criminal charges is to protect legitimate freedom of expression; however, not all criticism or statements can be justified by public interest. If the statement lacks a clear basis or contains defamation, then this exception cannot be applied. In its application, the judge must consider whether the actions taken are truly in the interest of the public and whether the accusations made can be proven true. Therefore, the public interest is not a justification that can be misused, and the defense must be based on strong evidence and arguments that demonstrate that the act is more beneficial to society than harmful to the individual. This makes the application of Article 310 paragraph (3) of the Criminal Code a space for freedom of opinion and information, which is expected not to be misused in the digital realm or the real world. The defamation case committed by Mario Pangalila through a Facebook post and decided in Decision No. 84/Pid.Sus/2024/PN Tnn Article 310 paragraph (3) of the Criminal Code explicitly provides an exception to the crime of defamation if the act is done in the public interest or in self-defense. In this case, Mario's action of calling Alfian Romy Dapu a "corrupt criminal" was based on the fact of alleged corruption and aimed at warning the residents of Tincep village. However, the panel of judges did not apply the provisions of Article 310 paragraph (3) of the Criminal Code as a reason for the absence of punishment, so Mario was sentenced to imprisonment and a fine based on Article 45 paragraph (3) in conjunction with Article 27 paragraph (3) of Law No. 19 of 2016. The importance of a thorough interpretation of the reason for the abolition of punishment in the public interest in defamation cases, including in electronic media. If this provision is not applied wisely, there is a risk of limiting freedom of expression, which is a human right in a democracy. Judges should consider the context of Mario's actions and his clear intention for the public good so that this case can be a positive development for law enforcement in the digital era.

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