

4.3. Kesimpulan Analisis Perbedaan dan Persamaan Dalam Pengaturan dan Penanganan Pelanggaran Hukum *Lèse-Majesté* di Thailand dan Malaysia

Berdasarkan hasil analisis perbandingan antara negara Thailand dan negara Malaysia mengenai pengaturan dan penanganan pelanggaran hukum *lèse-majesté* dapat dikatakan bahwa kedua negara memiliki cukup banyak perbedaan dan juga persamaan. Dalam melindungi keamanan nasional serta martabat dan harkat dari penguasa, Thailand memberlakukan Pasal 112 *Thailand Penal Code* dan Malaysia memberlakukan *Sedition Act 1948*.

Thailand dan Malaysia memiliki perbedaan dalam segi pengaturan hukum *lèse-majesté*, ancaman pidana, politik hukum serta praktek pengadilan dalam penanganan hukum *lèse-majesté* di kedua negara. Thailand sendiri tidak memiliki kejelasan mengenai tindakan seperti apa yang termasuk sebagai pencemaran nama baik, penghinaan dan pengancaman sehingga dapat terjadi penafsiran secara luas oleh aparat penegak hukum dan pengadilan. Sebagaimana dapat dilihat bahwa baik aparat penegak hukum dan Pengadilan Militer Thailand melihat bahwa memakai baju berwarna hitam pada saat ulang tahun raja dan memakai baju *crop top* serta celana pendek merupakan salah satu bentuk dari penghinaan dalam hukum *lèse-majesté* Thailand. Sedangkan Malaysia mengatur tindakan *lèse-majesté* lebih detail dibandingkan Thailand.

Akibat dari kehadiran hukum *lèse-majesté* kedua negara adalah banyaknya penahanan, pendakwaan dan penjatuhan pidana penjara maupun pidana denda terhadap masyarakat yang memberikan kritik kepada pemerintah. Hal ini juga menyebabkan banyak masyarakat dan juga jurnalis takut untuk mengungkapkan keadaan faktual atau kondisi yang sedang terjadi di masing-masing negara karena akan dianggap sebagai pelanggaran atas hukum *lèse-majesté* nantinya. Selain itu juga, penerapan atau kehadiran dari hukum *lèse-majesté* tidaklah sesuai dengan Prinsip Siracusa yang merupakan pembatasan dari penerapan kebebasan berekspresi.

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