

Analysis of Defamation on Social Media

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ABSTRAK: Penelitian ini bertujuan untuk membahas mengenai pencemaran nama baik di sosial media. Pencemaran nama baik telah sering terjadi dalam berbagai kesempatan, namun melalui sosial media telah banyak terjadi. Penggunaan sosial media telah berkembang sangat pesat dengan berbagai aplikasi sosial media yang baru. Penelitian ini mempergunakan metode normatif [AN1.1] dengan data primer, data sekunder dan data lainnya [AN2.1]. Metode normative merupakan metode penelitian dengan membandingkan kenyataan dengan hal-hal yang sesuai dengan norm-norma yang berlaku. Data primer adalah data-data kejadian yang terjadi masyarakat, data sekunder merupakan data sesuai dengan jurnal-jurnal maupun symposium dan data lainnya seperti data yang dipublikasi di berbagai media. Memberitahu bahwa ada seseorang yang tidak memenuhi kewajibannya membayar makanan yang di pesan dan makan merupakan tindakan perdata. Penyiaran atau pengiriman video dengan muka seseorang yang jelas merupakan tindakan pencemaran nama baik, apalagi ternyata orang tersebut telah membayar. Seseorang akan merasakan pencemaran nama baik akibat adanya video yang dipublikasi dengan kalimat provokatif yang bukan merupakan tindakannya yang sebenarnya. Dengan demikian, penelitian ini menyimpulkan bahwa postingan video dengan jelas tentang seseorang secara provokatif, dapat menimbulkan kewajiban secara hukum.

Kata Kunci - Pencemaran Nama Baik, Sosial Media, Video

ABSTRACT: This study examines defamation on social media, which has become more prevalent with the rapid growth of digital platforms and applications. It adopts a normative approach using primary and secondary legal sources. The normative method is a research method that compares reality with things that conform to prevailing norms. Primary data is data on events that occur in society, while secondary data is data from journals, symposiums, and other data, such as data published in various media. Informing others that a person failed to pay for ordered and consumed food is generally a civil matter. However, publishing a video that clearly identifies the individual may constitute defamation, particularly if the claim is inaccurate or later disproven. Such content can harm reputation, especially when accompanied by provocative language that misrepresents the actual situation. This study concludes that posting identifiable and misleading video content on social media may result in legal liability.

Keywords - Defamation, Social Media, Video

INTRODUCTION

A recent case reported in Tempo involved a restaurant owner who posted CCTV footage of a customer who allegedly failed to pay. The owner was later charged with defamation (Syarifudin, 2026), shifting his position from victim to suspect. This case highlights the need for caution when using social media, particularly regarding personal reputation (Tempo, 2026).

Reporting an incident does not establish legal guilt. A suspect designation remains provisional until a court issues a final judgment (Maulidya et al., 2023). This study examines defamation in the context of the restaurant owner case and emphasizes the risks of public accusations on digital platforms.

Rapid technological development has increased the role of social media in information dissemination (Asmadi, 2020), which requires clear legal regulation (Kurniyati et al., 2025). One relevant approach is restorative justice (Zahrah, 2023), where parties reconcile and withdraw

complaints. Defamation involves spreading false information that harms reputation and may lead to criminal penalties under the Electronic Information and Transactions Law (Simamora et al., 2020) and the Criminal Code (Rizky Ramadhan et al., 2024)..

However, these legal frameworks are often considered insufficient (Kurniyati et al., 2025), particularly in addressing emerging issues such as deepfake (Putri et al., 2024).. The Electronic Information and Transactions Law cannot operate independently and must be interpreted alongside the Criminal Code, especially in defamation cases (Antari, 2017; Zhafira et al., 2023).

Defamation includes several forms, such as insult, slander, and false accusations (Sirait et al., 2020). While freedom of expression is protected under international conventions, the right to honor and reputation is equally protected (Rohmana, 2017). Current regulations often create ambiguity and allow multiple interpretations (Mulyono, 2017), requiring judges to consider social and cultural values, including local traditions such as those in the Bugis-Makassar community (Djanggih & Hipan, 2018). Restorative justice offers an alternative approach (Rizky Ramadhan et al., 2024) by prioritizing reconciliation among the offender, victim, and community (Sihombing, 2024), and is viewed as a means to achieve substantive justice (Zahrah, 2023).

This study addresses the following research questions:

1. Does failure to pay for ordered food constitute a criminal or civil offense?
2. Why can posting a video of non-payment lead to defamation charges?
3. What legal violations justify criminal penalties for posting the video content?

METHOD

The individuals whose reputations were defamed are prominent figures whose names cannot be mentioned individually. The research was conducted through a literature review or desk research in Jakarta. This research utilized normative juridical research methods. The choice of method was based on the background, observed phenomena, and the questions under investigation. The normative juridical method focused on examining library materials or secondary research materials as a foundation for addressing research problems. This type of research, often referred to as literary law research or normative law, involved studying legal norms and principles, and included analyses of legal systematics and the vertical and horizontal synchronization between laws and regulations (Johan & Ariawan, 2021).

The legal materials for this research comprised primary, secondary, and other relevant sources. Secondary source materials included literature reviews of various publications. Other sources were materials that elucidated primary and secondary sources (Johan, 2020). Data were collected from a variety of sources, including relevant laws and regulations, data on defamation sanctions execution, supplemented by interviews with actors.

The statutory regulations approach used in this research entailed a comprehensive review of all relevant statutory regulations to examine, identify, and adapt to related laws and regulations (Marzuki, 2017). Normative research incorporated primary legal materials, such as the 1945 Constitution of the Republic of Indonesia and other relevant regulations, and secondary legal materials, which included legal journals, scientific books, legal theories, symposium/seminar proceedings, and scientific articles. Materials that explained both primary and secondary legal materials were categorized as other legal materials (Johan, 2021). In this qualitative research, various aspects of the role of defamation actors were explored.

RESULTS AND DISCUSSION

Failure to pay for food may constitute either a civil or criminal matter, depending on intent. If a customer orders and consumes food without complaint but does not pay, the case generally falls within civil law as a breach of obligation between two parties.

The restaurant provides goods, and the customer is required to pay the listed price. However, if the non-payment is planned from the outset, it may qualify as a criminal offense because it involves deliberate wrongdoing and affects public order. Posting a video of alleged non-payment can lead to defamation charges. At the time of posting, the individual has not been found guilty by a court, and their status remains that of a suspect. Publicly identifying or implying wrongdoing risks harming the person's reputation. If the individual is clearly identifiable, the act may constitute defamation, particularly if the claim is inaccurate or later proven false. Even if payment was eventually made, the publication may still cause reputational harm.

A clear video of someone, accompanied by accusations of non-payment, has damaged their reputation. The implications of this on the accused person's reputation are difficult to assess. A person whose reputation is defamed will suffer harm. This harm can be both material and non-material. Material harm includes loss of trust. Intangible losses, such as loss of trust. Furthermore, immaterial losses can include losses on all mandatory cash transactions. Bank loans will be terminated due to loss of trust. Defamation has far-reaching implications. A person whose reputation is tarnished carries a burden within society. Clearing or restoring that reputation will be extremely difficult. The violation arises from making and disseminating allegations that have not been legally established. Under defamation law, including provisions in the Electronic Information and Transactions Law and the Criminal Code, false or unverified accusations that damage a person's reputation may be treated as a criminal offense. Defamation by video can be classified as a violation of personal data protection. This is in line with videos showing a person's face. Showing someone without their consent can also be classified as a personal data violation..

CONCLUSION

A civil dispute can escalate into a criminal matter when public accusations harm an individual's reputation, such as through online video posts. Allegations must be handled carefully, as legal responsibility remains unresolved until a final court decision. Respect for personal dignity should be maintained throughout the legal process. Defamation can cause both material and non-material harm to the affected party. Furthermore, it can also violate applicable regulations. Violations can include violations of personal data protection and the criminal code. Even if the person who violates the rules, for example, does not pay for the food ordered, the restaurant owner is prohibited from posting videos of the person involved. Apart from that, people who post must know what actually happened. The true incident must be known before accusations are made. Further research should examine defamation outside social media contexts, particularly in conventional forms of communication.

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