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THE APPLICATION OF RESTORATIVE JUSTICE IN THE RESOLUTION OF DEFAMATION CRIMES THROUGH SOCIAL MEDIA

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Abstract: *Social media as a digital public sphere poses legal challenges in protecting personal honor and reputation, particularly in cases of defamation that generate social and economic impacts. This study aims to examine the legal qualification of defamation committed through social media and to analyze the application of restorative justice in resolving such cases. This research employs doctrinal legal research using statutory and conceptual approaches, supplemented by supporting data obtained from interviews with the victim and the offender in a defamation case within the jurisdiction of the Indramayu Police. The findings indicate that the act under study normatively fulfills the elements of criminal defamation and constitutes a complaint-based offense, allowing discretion in determining whether the case must proceed to formal criminal punishment. The application of restorative justice provides a resolution mechanism oriented toward restoring the victim's reputation through clarification and apology; however, it is not absolute, as it does not eliminate the unlawful nature of the act and preserves the victim's right to pursue judicial proceedings should the restorative agreement not be fulfilled. This study concludes that restorative justice represents a relevant and proportional criminal law policy for addressing defamation cases on social media.*

Key words: Defamation, social media, restorative justice

I. INTRODUCTION

Defamation constitutes one of the criminal acts that has long been recognized within the Indonesian criminal law system due to its direct connection with the protection of individual honor and reputation. Honor and good name are not merely personal interests but also social values that determine an individual's credibility, social relations, and position within society. Accordingly, criminal law provides protection for honor and reputation as part of the broader protection of human dignity and fundamental rights (Muladi & Arief, 2010).

In contemporary society, the protection of reputation faces new challenges arising from the rapid development of information technology and social media. Social media has evolved into a digital public sphere that enables individuals to express opinions and disseminate information instantly to a wide audience. The open and viral nature of social media platforms significantly amplifies the potential impact of any statement made therein, particularly when such statements contain accusations or negative judgments against others (Makarim, 2018). Within this context, defamation committed through social media has acquired distinctive characteristics compared to conventional forms of defamation. Statements disseminated in digital spaces tend to be permanent, easily replicated, and difficult to control, thereby causing prolonged reputational harm. Such harm often extends beyond psychological injury and directly affects social trust and economic activities, especially for individuals whose livelihoods depend on public confidence, such as online business actors (Saragih, 2018).

The case examined in this study originated from an online gold trading activity conducted by the victim through the Facebook platform. The victim operated the business using a pre-order system, requiring prospective buyers to pay a down payment as a form of commitment. This system was implemented to prevent unilateral cancellations and to ensure transactional certainty, considering the relatively high economic value of the goods being traded. The offender expressed interest in one of the gold items displayed in the victim's social media post. At the relevant time, however, the item had already been reserved by another buyer who had fulfilled the down payment requirement. The victim informed the offender that any further order would need to follow the established procedure, including the payment of a down payment and waiting for availability according to the order queue.

A dispute arose when the offender rejected the pre-order system and expressed distrust toward the transaction mechanism. Communication between the parties continued through private messages on social media but failed to result in an agreement. Without seeking further clarification or verification, the offender subsequently took unilateral action by posting content on the offender's Facebook account accusing the victim of engaging in fraudulent conduct in online gold trading.

The post did not merely contain an allegation of fraud but also disclosed the victim's account identity and excerpts of private conversations between the parties. As a result, the content became accessible to the general public and generated negative perceptions of the victim. Consequently, the victim experienced a decline in consumer trust and disruption of business activities, indicating that the harm suffered was not only immaterial but also had tangible economic consequences.

From a juridical standpoint, the offender's conduct fulfills the characteristics of defamation, as it involved the dissemination of accusations that attacked the victim's honor and reputation within a digital public sphere. Nonetheless, under Indonesian criminal law, defamation is classified as a complaint-based offense, placing the victim's will at the center of the decision to pursue formal criminal proceedings.

In this case, the victim ultimately prioritized reputational restoration and business continuity over criminal prosecution. Accordingly, the parties agreed to resolve the dispute through a restorative justice approach, involving dialogue and mutual understanding. During this process, the offender acknowledged wrongdoing, removed the defamatory content, and issued an apology to the victim. The victim regarded this resolution as more effective in restoring reputation than pursuing formal criminal punishment.

However, the application of restorative justice in defamation cases also raises important normative considerations. Although restorative settlement may satisfy the immediate interests of the victim, it does not constitute an absolute or final resolution in the legal sense. Should the offender fail to comply with the agreement or repeat the conduct, the victim retains the right to bring the case before the formal judicial system. Therefore, a comprehensive analysis is required to assess both the juridical qualification of defamation through social media and the position of restorative justice within the Indonesian criminal law framework.

Based on the foregoing, this study aims to analyze the legal qualification of defamation through social media in the case under examination and to examine the application of restorative justice as a mechanism for case resolution, including its normative limits in ensuring legal certainty and the protection of victims' rights.

II. RESEARCH METHOD

This study adopts a normative legal research design, which focuses on the examination of legal norms, statutory provisions, and legal principles governing defamation through social media and the application of restorative justice within the Indonesian criminal law framework. The selection of this method is based on the objective of assessing legal norms as they are formulated in positive law, rather than measuring social behavior or empirical phenomena (Soekanto & Mamudji, 2015).

The research applies a statutory approach by analyzing relevant provisions contained in the Indonesian Criminal Code, the Law on Electronic Information and Transactions, and regulations concerning the implementation of restorative justice. This approach enables a systematic interpretation of the legal elements of defamation and the normative position of restorative justice as part of criminal law policy. In addition, a conceptual approach is employed to examine fundamental legal concepts such as honor, reputation, complaint-based offenses, and restorative justice, in order to construct a coherent analytical framework (Soekanto, 2014).

The legal materials utilized in this study are classified into primary, secondary, and tertiary legal materials. Primary legal materials consist of statutory regulations directly related to defamation and restorative justice. Secondary legal materials include legal literature, scholarly books, and academic writings that discuss criminal law and legal policy. Tertiary legal materials serve as supporting references to clarify legal terminology and concepts (Soekanto & Mamudji, 2015).

Although this research is normative in nature, the legal analysis is supported by supplementary interview data obtained from the victim and the offender. These data are not treated as empirical evidence in the strict methodological sense, but are used to illustrate how legal norms operate in practice, particularly in relation to the implementation of restorative justice. The incorporation of such supporting data is consistent with the view that normative legal research may be enriched by contextual information without altering its doctrinal character (Sugiyono, 2019).

All legal materials are analyzed using a qualitative and descriptive-analytical method. The analysis involves interpreting legal norms systematically and relating them to the issues raised in the research questions, to produce prescriptive conclusions regarding the appropriateness and limitations of restorative justice in defamation cases involving social media.

III. RESULTS AND DISCUSSION

3.1 Juridical Qualification of Defamation through Social Media

Defamation in Indonesian criminal law is understood as an act that infringes upon a person's honor or reputation by imputing a certain allegation that is communicated to others. Honor and reputation are not merely personal interests, but are closely connected to social standing, public trust, and economic relations. For this reason, criminal law recognizes honor as a legal interest deserving protection against acts that degrade an individual's dignity (Muladi & Arief, 2010).

The rapid development of information technology and social media has significantly expanded the scope and impact of defamation. Social media platforms no longer function merely as channels of private communication, but have evolved into digital public spaces where information can be disseminated instantaneously and widely. Statements posted on social media may be accessed by an indefinite number of users and are capable of shaping public opinion about the individual concerned. Consequently, defamation committed through social media carries a broader and more complex impact than conventional forms of defamation (Makarim, 2018).

In the present case study, the alleged conduct consists of a Facebook post accusing the victim of fraud in an online gold trading transaction. The post included the victim's account identity and excerpts of private chat conversations, allowing the content to be accessed and circulated among the public. Such circumstances necessitate a juridical analysis to determine whether the perpetrator's conduct fulfills the legal elements of defamation under Indonesian criminal law.

Normatively, defamation requires the fulfillment of several essential elements. In this study, these elements are analytically grouped into three core components, which are examined in light of both doctrinal standards and empirical interview findings.

a. An Act Attacking a Person's Honor or Reputation

The first element of defamation is the existence of an act that attacks another person's honor or reputation. In the present case, the perpetrator publicly accused the victim of committing fraud in the course of online commercial activities. An allegation of fraud constitutes a serious accusation, as it directly associates the victim with unlawful and socially reprehensible conduct.

Based on the interview with the victim, the accusation significantly damaged the victim's reputation as an online business actor. The victim explained that following the circulation of the post, customer trust declined and several potential buyers expressed hesitation in continuing transactions. This demonstrates that the allegation objectively diminished the victim's good name in the eyes of the public.

From the perpetrator's perspective, the interview reveals that the accusation was driven by suspicion and a misunderstanding of the pre-order system applied by the victim. The perpetrator admitted that the allegation of fraud was made without prior verification or confirmation of the facts. This admission reinforces the conclusion that the statement was not a fact-based criticism, but an unsubstantiated allegation capable of harming the victim's honor.

b. Intentional Dissemination through Social Media

The second element concerns the intentional dissemination of the defamatory statement to others. In this case, the perpetrator deliberately used Facebook as the medium for conveying the accusation. Social media platforms are inherently public in nature and enable content to be accessed by a wide audience.

The perpetrator acknowledged in the interview that the post was viewed by many users and generated inquiries regarding its veracity. This acknowledgment indicates awareness of the public reach of the post. From a criminal law perspective, the deliberate use of social media satisfies the requirement of intent, as the perpetrator can reasonably be presumed to understand the consequences of publishing content in a public digital space. Accordingly, the act cannot be classified as a private communication, but rather as a public disclosure of an allegation capable of influencing public perception and causing reputational harm.

c. The Occurrence of Harm to the Victim

The third element is the occurrence of harm suffered by the victim. Harm in defamation cases does not need to be limited to quantifiable material losses; it may also include immaterial harm such as damage to reputation, loss of social trust, and disruption of professional or business activities.

In the present case, the victim experienced both social and economic harm. The interview findings indicate that the defamatory post undermined consumer confidence and negatively affected business transactions. These impacts demonstrate that the perpetrator's conduct produced tangible consequences for the victim's livelihood. The perpetrator also acknowledged, following mediation, that the post had caused serious harm to the victim's reputation and business activities. This acknowledgment further confirms that the harm was real and not merely speculative.

Given the fulfillment of the three elements above, the perpetrator's conduct may be juridically qualified as defamation under Indonesian criminal law. However, defamation is categorized as a complaint-based offense (delik aduan), meaning that the initiation and continuation of legal proceedings depend on the victim's complaint. This reflects the personal nature of the legal interest protected, allowing for alternative dispute resolution mechanisms outside formal criminal adjudication (Arief, 2016).

The findings of this study indicate that although the legal elements of defamation were satisfied, the victim prioritized the restoration of reputation and the sustainability of business activities over the imposition of criminal punishment. This orientation provides the rationale for resolving the dispute through a restorative justice approach, which is perceived as more responsive to the victim's actual needs.

In conclusion, this section demonstrates that defamation through social media in the present case fulfills the juridical requirements of a criminal offense. Nevertheless, the fulfillment of these elements does not necessitate a punitive outcome. Instead, it opens the possibility for proportionate and restorative resolution mechanisms that emphasize reparation and reconciliation, which will be further discussed in the subsequent section.

3.2 Procedural Stages of Defamation Case Settlement through Restorative Justice

The settlement of defamation cases through a restorative justice approach constitutes an integral part of contemporary criminal law policy in Indonesia. This approach is not situated outside the formal legal system but is expressly accommodated within the framework of positive law, particularly through Regulation of the Indonesian National Police Number 8 of 2021 and Regulation of the Attorney General Number 15 of 2020. These instruments affirm that restorative justice serves as a lawful mechanism for resolving certain criminal cases, especially those classified as complaint-based offenses, where the protected legal interest is predominantly personal in nature (Arief, 2016).

In defamation cases, the complaint-based character of the offense places the victim in a central position to determine the direction of case settlement. Accordingly, the procedural stages of restorative justice in the present study must be understood as operating within, rather than in deviation from, the criminal justice system.

a. Emergence of the Offense and the Victim's Right to Lodge a Complaint
   The initial stage is marked by the commission of an act that prima facie fulfills the elements of criminal defamation, namely the dissemination of an allegation through social media accusing the victim of fraudulent conduct. At this stage, Indonesian criminal law confers upon the victim the exclusive right to determine whether a criminal complaint will be lodged, thereby activating the formal criminal process.
   Interview findings indicate that the victim was fully aware of this legal entitlement. Nevertheless, the victim exercised discretion by considering the broader implications of formal criminal proceedings, particularly the risk that judicial processes might exacerbate reputational harm through prolonged public exposure. Such consideration reflects a rational exercise of legal rights inherent in complaint-based offenses and is consistent with the principle that criminal prosecution is not always the most appropriate means of resolving defamation disputes (Muladi & Arief, 2010).
b. Determination of Eligibility for Restorative Justice
   Regulation of the Indonesian National Police Number 8 of 2021 mandates that law enforcement authorities assess the eligibility of a case prior to the application of restorative justice. This assessment encompasses the nature of the offense, the degree of culpability, and the extent of harm caused.
   In the present case, interview data demonstrate that the defamatory statement was disseminated without prior verification and absent a comprehensive understanding of the business mechanism employed by the victim. The offender acknowledged that the act was motivated by assumption and emotional reaction rather than by premeditated intent. From a legal policy perspective, such circumstances support the classification of the case as suitable for restorative resolution, given the absence of systematic malicious intent and the possibility of restoring the victim's legal interests (Mulyadi, 2015).
c. Voluntary Agreement of the Victim and the Offender
   Based on the interviews, both parties expressly agreed to resolve the matter through deliberation. The offender conveyed remorse and willingness to assume responsibility, while the victim emphasized that the primary objective was the restoration of reputation rather than punitive sanction. This concurrence of intent reflects the restorative justice paradigm, which prioritizes resolution tailored to the concrete interests of the parties involved (Zulfa, 2010).
d. Mediation Stage
   Mediation constitutes the core procedural stage of restorative justice. During this stage, the parties are afforded the opportunity to clarify factual circumstances and legal positions underlying the dispute. In the present case, the victim provided a detailed explanation of the pre-order system utilized in the online gold trading business, including the rationale for requiring advance payment as a legitimate commercial safeguard.

The offender subsequently acknowledged that the allegation of fraud was predicated upon a misunderstanding of these business practices. This acknowledgment signifies a substantive shift in the offender's legal and moral position and underscores the capacity of mediation to facilitate factual clarification and accountability. In defamation cases, such processes are often more effective in achieving reputational restoration than adversarial criminal proceedings (Muladi & Arief, 2010).

e. Formulation of Restorative Measures

The mediation process culminated in a restorative agreement delineating the offender's obligations. These obligations included the removal of defamatory content from social media platforms, the issuance of a formal apology, and a commitment to refrain from similar conduct in the future.

The victim emphasized that the removal of the defamatory content constituted the most significant restorative measure, as it directly curtailed the dissemination of harmful information. This finding aligns with the doctrinal view that, in social media defamation cases, remedial actions aimed at reputational restoration may be of greater practical value than the imposition of criminal penalties (Makarim, 2018).

Although the defamation case examined in this study was resolved through a restorative justice approach, it must be emphasized that such resolution does not constitute a final and absolute settlement. Restorative justice does not extinguish the unlawful character of the criminal act; rather, it functions as a conditional criminal law policy mechanism that is contingent upon the good-faith implementation of the agreement reached by the parties. In defamation cases classified as complaint-based offenses, the victim's right to determine the continuation of legal proceedings remains a fundamental element that cannot be set aside (Muladi & Arief, 2010).

Normatively, Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice and Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice do not preclude victims from pursuing formal judicial remedies. Where a restorative justice agreement is not fulfilled, is violated, or where the offender repeats the unlawful conduct, the victim retains the legal right to file a complaint and bring the matter before the court. Accordingly, restorative justice must be construed as a complementary mechanism within criminal justice policy, rather than as a substitute for judicial adjudication (Mulyadi, 2015).

The clarification of the non-absolute nature of restorative justice is essential to maintaining a balance between restorative objectives and the principle of legal certainty. In defamation cases, restorative approaches may offer more effective reputational recovery than punitive sanctions alone. Nevertheless, where restorative goals are not achieved or where the offender fails to demonstrate good faith, formal criminal proceedings remain a legitimate and lawful avenue for enforcing the law and safeguarding the victim's rights in their entirety (Zulfa, 2010).

IV. CONCLUSION

Defamation through social media as examined in this study is, from a juridical perspective, proven to fulfill the constituent elements of a criminal offense, as it involves allegations that attack an individual's honor and reputation and are disseminated within a digital public sphere. Nevertheless, the classification of defamation as a complaint-based offense indicates that criminal punishment is not the sole mechanism for case resolution, particularly where the victim's primary interest lies in the restoration of reputation rather than in the penal sanctioning of the offender.

The application of restorative justice in this case demonstrates its capacity to address the victim's needs through dialogue, acknowledgment of wrongdoing, and reputational restoration, without negating the criminal nature of the conduct committed. However, restorative settlement is not absolute in character and does not preclude the victim's right to pursue formal judicial remedies should the agreement fail to be implemented or the offense be repeated. Accordingly, restorative justice should be positioned as a conditional criminal law policy that complements, rather than replaces, the formal criminal justice system.

BIBLIOGRAPHY

Arief, B. N. (2016). *Bunga Rampai Kebijakan Hukum Pidana*. Jakarta: Kencana Prenadamedia Group.

Makarim, E. (2018). *Tanggung Jawab Hukum Penyelenggara Sistem Elektronik*. Jakarta: RajaGrafindo Persada.

Muladi, & Arief, B. N. (2010). *Teori-teori dan Kebijakan Pidana*. Bandung: Alumni.

Mulyadi, L. (2015). *Mediasi Penal dalam Sistem Peradilan Pidana Indonesia*. Bandung: Alumni.

Soekanto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta, Indonesia: RajaGrafindo Persada.

Soekanto, S. (2014). *Pengantar Penelitian Hukum*. Jakarta: UI Press.

Sugiyono. (2023). *Metode Penelitan Kuantitatif, Kualitatif, dan R&D*. Alfabeta.

Zulfa, E. A. (2011). *Keadilan Restoratif Dan Revitalisasi Lembaga Adat Di Indonesia*. Jurnal Hukum IUS QUIA IUSTUM, 18(3), 301–320.

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