Journal of Law and Legal Reform
Vol. 5 Issue 3 (2024) 973–1000
DOI: https://doi.org/10.15294/jllr.v5i3.13231
Online since: October 31, 2024

Journal of Law & Legal Reform
journal.unnes.ac.id/journals/index.php/jllr/index

The Enactment of the Common Interest Concept and the Theory of Repressive Legal Protection on Consumer Reviews Against Defamation Claims

Evi Kongres [a] ✉, **Kevin Kogin** [a], **Connie Susilawati** [b]

[a] Faculty of Law, Universitas Pelita Harapan Surabaya, Indonesia
[b] Faculty of Business and Law, Queensland University of Technology, Queensland, Australia

✉ corresponding email: evi.kongres@uph.edu

Abstract

Essentially, the objective of reviews is to offer testimonials regarding the quality of product based on personal experiences, serving as a reference for potential consumers concerning the product's attributes and quality. Businesses also leverage consumer reviews as material for product evaluation, marketing, and enhancing after-sales services. However, in practice businesses do not always receive consumer reviews favorably, particularly when these reviews result in financial losses. This is especially true when reviews are published by influencers with substantial social media followings. Consequently, businesses may initiate legal action against consumers for defamation. According to defamation provisions, acts carried out in the public interest cannot be penalized. This study addresses the legal protection of consumers against defamation lawsuits by businesses, employing the common interest concept and the theory of repressive legal protection. The aim is to analyze the application of the common interest concept and the theory of repressive legal protection concerning reviews on social media, aiming to provide new insights for law enforcement officials in handling defamation cases involving consumers and businesses. This study utilizes normative juridical methods, reviewing literature on legislation, legal concepts, and theories. The study concludes that according to the theory of repressive legal protection, businesses that violate their obligations to consumers should be sanctioned. The enactment of the common interest concept to consumer reviews requires an examination of legal evidence and facts, and if proven, should result in sanctions for businesses as a form of repressive legal protection.

Keywords *Consumer Reviews, Legal Protection, Common Interest, Repressive Legal Protection, Social Media*

Introduction

The advent of the digital era has precipitated significant transformations in human life, notably through the proliferation of social media platforms. Social media has evolved into a pervasive tool for communication, self-expression, commercial activities, and the assertion of individual presence in the digital sphere. Indonesia, in particular, ranks among the nations with the highest number of social media users globally. However, according to the Digital Civility Index by Microsoft, it also has the dubious distinction of having some of the least civil social media behaviour in Asia. This reflects the prevalent unethical and inappropriate behavior exhibited by social media users in Indonesia, as evidenced by the growing number of individuals facing defamation charges. In response to the rapid advancement of the digital landscape, the government has enacted regulations through the Law No.1/2024 jo Law No.19/2016 jo Law No.11/2008, which includes provisions addressing defamation. These legal measures have increasingly been utilized as a tool, often employed by various parties, including businesses, to target individuals-such as consumers-accused of engaging in defamatory acts.

Consumers frequently encounter defamation charges as a result of posting reviews on social media. These reviews typically convey the results or experiences related to the use of products, as reported by consumers based on their personal interactions with these products on e-commerce platforms. Consumer reviews play a crucial role in aiding prospective buyers in making informed purchasing decisions, as evidenced by the assessment and comment sections available on e-commerce platforms.[1] Consumer reviews are also invaluable to businesses, providing insights that aid in product development, quality enhancement, and the refinement of management systems. However, in practice, businesses may struggle to accept critical reviews from consumers, particularly when such feedback results in financial losses and harm to the company's reputation, credibility, and brand. This impact is especially pronounced when the reviews come from celebgram, influencers, or Youtubers with significant followings on social media.[2]

---

[1] E-commerce facilitates online shopping by providing consumers with greater convenience and flexibility. It enables them to select from a diverse array of products, discover attractive deals, and complete transactions with ease. *See* Wiwik Sri Widiarty, and Aartje Tehupeiory. "The Role of Business Law in Improving Consumer Protection in the Digital Age." *Journal of Law and Sustainable Development* 12, no. 2 (2024): 1-12; Nurul Fibrianti, et al. "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1267-1310.

[2] Business actors and consumers can have unfavorable relationships. Disputes frequently arise within this relationship, often stemming from an imbalance in the power between businesses and consumers, compounded by the lack of adequate regulatory frameworks from the government to address these issues. Consumers can become vulnerable in the context of free trade, particularly given their insufficient preparedness to navigate these developments. Business actors, driven by economic principles, often seek to maximize profits, which can marginalize consumers. With limited capital, business actors aim to achieve the highest possible returns, while consumers constrained by their economic circumstances, are unable to keep pace. Often, businesses prioritize profit over the quality of products leading to a deterioration in consumer welfare as they are left to endure subpar offerings from businesses. *See* Edy Budianto, and Diah Ayu Wulandari. "Critical Study of Criminal Aspects of Law Number 8 of 1999 Concerning Consumer Protection." *Journal of Law and Legal Reform* 1, no. 2 (2020): 333-352; Cut Mayang Widya

The several cases in which consumers have faced lawsuits under defamation law. *First,* the case involving the TikToker with the @ompolosbanget account, also known as Deedi Tjhandra, who has 1.1 million followers, began with a video review of the Tokyo Riverside PIK 2 apartment unit. In the short video, @ompolosbanget claimed that the facilities provided in the apartment unit he purchased did not align with the features advertised in the developer's marketing brochure. Specifically, he noted discrepancies such as the promise of four swimming pools, of which only one was actually available, the lack of security personnel in each apartment, particularly in the building where he purchased his unit, and the narrowness of the balcony, which was too small to accommodate a chair for enjoying the view. Additionally, during the purchase, Deedi Tjhandra requested that the balcony of his apartment unit face the sea. However, he was given a unit with a balcony that faced another apartment building. @ompolosbanget also critiqued the construction quality of the apartment, alleging structural issues and likening the building to a "Barbie house". As a result of the viral video, Deedi Tjhandra was reported to the police by the developer on May 23, 2023.

Second, the case of comedian Muhadkly MT, also known as Acho, in Jakarta, who criticized the Green Pramuka apartment he purchased in February 2013. This case began with Acho's grievances, which he expressed through his personal blog, muhadkly.com, on March 8, 2015. In the blog post, Acho criticized the developer for failing to fulfill promises, such as creating a green open space in the apartment area. He also raised concerns about unclear property certificates, additional renovation costs imposed on residents, issues with the apartment's parking system, the lack of an elevator to the lobby, and excessive apartment management fees. The apartment residents also organized demonstrations and lodged formal complaints, which were met with no response. On April 26, 2017, Acho was summoned by investigators as a witness in a criminal defamation case. On June 9, 2017, he was summoned again, this time as a suspect. The case attracted significant

Nuryaasiinta, "How Far is Consumer Protection in the Health Care Sector?." *Unnes Law Journal* 6, no. 1 (2020): 47-72; Felix Pratama Tjipto, et al. "Consumer Protection Law: The Case Study of Grabtoko Company in Indonesian E-Commerce Transactions." *Journal of Private and Commercial Law* 5, no. 2 (2021): 120-140.

public attention, ultimately leading to a reconciliation between both parties.

Third, the case involving Stella Monica, a client of L'Viors beauty clinic in Surabaya, originated from an Instagram posts dated December 27, 2019. In the post, Stella Monica shared a conversation with a dermatologist from L'Viors, who had recommended a product for her facial condition. The post prompted responses from Stella Monica's friends, who shared similar experiences with treatments at the L'Viors clinic. Consequently, Stella Monica received a subpoena letter on January 21, 2020. Stella Monica was requested to issue a public apology through mass media on three occasions, which she was unable to fulfill due to financial constraints. Subsequently, Stella Monica posted a video apology addressing L'Viors, but was instructed to remove it. On October 7, 2020, Stella Monica was reported for defamation and became a suspect in the case.

Forth, the EIGER case began with a review by Dian Widiyanarko on his Youtube channel, where he evaluated EIGER bicycle glasses and highlighted their advantages compared to other brands. Four months later, Dian received a summons from EIGER, which raised concerns regarding the quality of the video, the presence of external sounds, and the video setting. EIGER requested that the video be removed and re-shot. Dian clarified that he had not been endorsed by EIGER and that his review was based solely on his personal experience with the bicycle glasses. The summons was subsequently shared by Dian across his social media platforms, leading to widespread public backlash against EIGER.

Fifth, the Rius Vernandes case originated from his activities as an airline reviewer. On July 13, 2019, Rius Vernandes posted a photograph of a handwritten menu meal for Garuda Indonesia's business class on a Sydney-Denpasar flight. Upon inquiring about the handwritten menu, he was informed by the airline crew that it was a temporary measure while the official menu was still being printed. Subsequently, the Garuda Indonesia Employees Union reported Rius Vernandes to the police for defamation as a result on his post.

Lastly, *sixth,* the Richard Lee case involves a review of Helwa Beauty brand products conducted in 2020. Richard Lee reported that laboratory tests revealed the presence of harmful ingredients such as mercury and hydroquinone in the products. As a consequence of his findings, Richard Lee was reported to the police by Kartika Putri, who serves as the brand ambassador for Helwa Beauty. The final outcomes of the aforementioned consumer cases are summarized in the Table 1.

TABLE 1. Consumer Cases and the Result

Consumer Cases	**Case End Result**
Deedi Tjhandra Case	The case ultimately proceeded to court, where the judge sentenced him to two years in prison for violating defamation laws
Muhadkly MT Case	The case was resolved amicably, with the developer withdrawing the report and Muhadkly MT issuing a clarification to restore the developer's credibility
Stella Monica Case	The case went to court, and the judge issued an acquittal. As there was insufficient evidence to prove that he had violated defamation laws
EIGER Case	The case was resolved peacefully, with EIGER management issuing an apology to Dian Widiyanarko on social media
Rius Vernandes Case	The case concluded amicably, with the Garuda Indonesia Employees Union withdrawing its report
Richard Lee Case	Richard Lee filed a pre-trial appeal challenging his suspect status, which was subsequently granted by the judge

The consumer cases discussed above illustrate that honest and factual reviews or experiences often receive negative responses from businesses. As social media rapidly evolves, businesses endeavor to cultivate an optimal public image, resulting in heightened resistance to criticism. Consequently, businesses frequently address consumer reviews by pursuing defamation charges, a practice that infringes upon the freedom of speech guaranteed by Paragraph 28E of the 1945 Constitution[3] and additionally this practice contravenes Paragraph 4 letter d of Law No.8/1999. In several consumer cases, including those involving Deedi Tjhandra, Muhadkly MT, Stella Monica and Richard Lee, it is evident that the reviews provided serve the common interest.

---

[3] Musa Taklima, Adi Sulistiyono, and M. Syamsudin. "Consumer Protection as an Instrument for Fulfilling Human Rights in the Economic Sector and its Constitutionalizing Efforts in the 1945 Constitution." *Jurisdictie: Jurnal Hukum san Syariah* 14, no. 1 (2023): 75-105.

These reviews help safeguard potential consumers from businesses that fail to meet their obligations as outlined in Law No.8/1999.

When consumer reviews are confronted with defamation claims from businesses, consumers find themselves in a vulnerable position, often subject to the demands or requests of business entities. Throughout the trial process, judges have not consistently applied or considered the concept of common interest as outlined in Paragraph 310 subsection (3) of the Criminal Code (CC) and the Explanation of Paragraph 27 subsection (3) of Law No.19/2016. The regulations concerning the common interest concept are not explicitly detailed in Law No.19/2016 jo Law No.11/2008; rather, the elucidation of Paragraph 27 subsection (3) merely refers to defamation and/or slender provisions in the CC. Consequently, Law No.1/2024 reinforces the concept of common interest by explicitly incorporating it into Paragraph 45 subsection (7), aligning it with the stipulations of Paragraph 310 subsection (3).

In addition to considering the concept of common interest, judges must also ensure legal protection for consumers by applying the theory of repressive legal protection. This principle is pertinent in cases involving consumer reviews on social media, where the judge must initially determine and evaluate whether the review was conducted in the common interest. If it is established that the review serves the common interest, the business entity should be penalized for infringing upon consumer rights. The integration of the common interest concept with the theory of repressive legal protection represents a novel aspect of this research. The urgency of this study lies in the need for law enforcement officials to acknowledge and apply the concept of common interest, which is now explicitly addressed in Paragraph 45 subsection (5) and (7) of Law No.1/2024, thereby clarifying who can invoke defamation charges.

Previous research relevant to the author's topic includes study conducted by Zulham, titled "A Critical Review of Consumer Protection Online Shopping, False Advertising, and Legal Protection".[4] This research addresses consumer protection concerning fraudulent

---

[4] Zulham Arifin, "A Critical Review of Consumer Protection Online Shopping, False Advertising, and Legal Protection." *Journal of Law and Sustainable Development* 11, no. 5 (2023): 1-15.

advertising on e-commerce platforms, which detrimentally affects consumers. Subsequently, a study conducted by Kezia Ezekiel, titled "Our Right to Share, Their Right to Know: An Analysis of Public Interest Defense to defamation".[5] This study addresses defamation in relation to public interest, which is considered a criminal offense, examined from a human rights perspective. Additionally, a study conducted by Dewi Bunga, titled "Product Reviews by Youtubers: Education or Defamation?".[6] This research examines product reviews by Youtubers facing defamation lawsuit, despite providing educational content to the public about a product. Whereas this research examines the application of the concept of common interest and the theory of repressive legal protection in the context of consumer review cases on social media.

The objective of this research is to analyze the application of the common interest concept and the theory of repressive legal protection concerning reviews on social media, aiming to provide new insights for law enforcement officials in handling defamation cases involving consumers and businesses. The legal issue addressed in this research concerns the protection of consumers against defamation claims from business entities, utilizing the concept of common interest and the theory of repressive legal protection.

The research methodology adopted is normative legal research, employing both legislative and conceptual research. This study adopts qualitative analysis techniques, incorporating primary and secondary legal sources. The main legal foundation stem from CC, Law No.19/2016 jo Law No.11/2008, Law No.1/20204, and Law No.8/1999. This research employs case studies of consumer review cases on social media, alongside their legal resolutions. Data collection techniques include a literature review of both primary and secondary legal materials. Primary legal materials consist of relevant laws and regulations pertaining to the issues examined in this study, while secondary legal materials are derived from national and international journals, as well as internet sources concerning consumer review cases

---

5 Kezia Ezekiel, "Our Right to Share, Their Right to Know: An Analysis of Public Interest Defense to Defamation." *Lentera Hukum* 8, no. 2 (2021): 241-266.

6 Dewi Bunga, "Product Reviews by YouTubers: Education or Defamation?." *Jurnal Kertha Patrika* 43, no. 3 (2021): 226–40.

related to the topic. The data are processed using a descriptive qualitative method, which involves analyzing consumer review cases in reference to applicable laws, regulations, journals, and internet sources. This analysis ultimately leads to conclusions regarding the application of the public interest concept and the theory of repressive legal protection in consumer reviews on social media. This research also employs legal concepts and theories to analyze the relevant laws and regulations.

Product Reviews as a Consumer Right and Defamation Claims by Business Entities

A review refers to an evaluative activity wherein an individual provides an assessment of a product or service based on personal experience. According to Abdul Fickar Hadjar, consumers possess the right to review the products they use, provided that such reviews do not negatively impact fair trade competition. The primary function of a review is to assess the condition, quality, advantages, and disadvantages of various goods and/or services. Consumers evaluate the product's performance, document their findings through photographs or recordings, and share this information with other social media users. Product reviews enable consumers to gain insights into the strengths and weaknesses of a product, while also allowing them to offer critiques and suggestions to businesses.[7] This right is enshrined in consumer protection legislation, specifically Paragraph 4 letter d of Law No.8/1999, which affirms the consumer's right to have their opinions and complaints regarding product heard, including the right to conduct reviews.

When conducting reviews, consumers must be aware of applicable limitations to avoid infringing upon the rights of business entities and fulfilling their own obligations. Reviewing or adhering to the provided procedures is the first step in creating a safe and secure product. Restrictions on the consumer's right to express opinions, complaints, criticisms, suggestions, and share information with the public can only be imposed based on legal provisions, business ethics,

---

[7] Yan Ferdinal, and Pudji Astuti. "Tinjauan Yuridis Kebebasan Berpendapat Konsumen Terkait Review Produk di Media Sosial." *Novum: Jurnal Hukum* 20, no. 1 (2024): 86-96.

and the following considerations : (a) respect for human rights and the freedoms of others; (b) prevailing social norms; (c) security and public order; (d) the common interest; and (e) national integrity.[8] Consumers are not prohibited from expressing opinions or comments about a product through any media, provided that such expressions are made appropriately and adhere to established norms and legal standards.[9] This implies that, in expressing opinions, consumers must ensure they do not infringe upon the rights of business entities, as outlined in Paragraph 8 letters b and d of Law No.8/1999.

Therefore, consumer reviews must be conducted in good faith and honesty, based on actual facts and circumstances, and should adhere to applicable business ethics and standards of courtesy. The right to express opinions protected by law does not permit violations of established norms or the rights of others. In the case of Deedi Tjhandra, a statement he made describing the apartment building as "fragile" and likening it to a "Barbie house" due to its perceived risk of collapse led the developer to reject the video review and subsequently report Deedi Tjhandra to the police.

In the cases of Deedi Tjhandra and Muhadkly MT, both individuals initially reported their complaints and issues to management before posting their concerns on social media, yet they received no response. Consequently, they expressed their grievances online, which subsequently went viral. It was only after the issues gained significant public attention that the developers addressed the complaints. Fundamentally, when an apartment unit is constructed in a manner that does not align with the promises made in brochures or advertisements, it constitutes a default by the business entity in fulfilling its contractual obligations, as outlined in Paragraph 7 letters a and g, and Paragraph 8 subsection (1) letter f of Law No.8/1999. In the event of such a default, consumers have two primary recourses: first, they can file a civil lawsuit based on Paragraph 1243 of the Civil Code and Law No.8/1999; second, they can seek resolution through the Consumer Dispute Settlement Body (CDSB), which serves as an out-of-court mechanism

---

8 Ferdinal, and Astuti.

9 Putu Carina Sari Devi, and Suatra Putrawan. "Perlindungan Hukum Konsumen Yang Melakukan Review Produk Barang Atau Jasa di Media Sosial." *Kertha Semaya: Journal Ilmu Hukum* 6, no. 7 (2019):1–14.

for resolving disputes between consumers and businesses. However, many consumers opt to use publicly accessible social media platforms to voice their complaints or criticisms, which can lead to defamation claims.

In addition to the CDSB, the Indonesian Consumers Foundation (ICF) also plays a role in resolving disputes between consumers and businesses. Reportable issues include matters related to housing and cosmetics/medicine. Complaints addressed by ICF can be pursued through the following forms:

1. The substance of the complaint falls under the category of consumer disputes, specifically involving conflicts between a final consumer and a business entity;
2. The complaining consumer is classified as a final consumer, meaning an individual who acquires goods or services for personal use rather than for resale, lease, or business purposes;
3. The consumer has complied with their obligations as stipulated by applicable laws and regulations and/or the contractual terms;
4. There has been a violation of consumer rights as delineated in Law No.8/1999;
5. The maximum value of the claim for material losses is IDR 300 million;
6. The value of the claim does not pertain to marital damage;
7. The case is not being managed by legal counsel;
8. The case in question is not being addressed or handled by other institutions, such CDSB, the courts, or other relevant bodies;
9. The consumer has submitted a written complaint to the business entity and has received no response;
10. The goods and/or services being complained about are not classified as illegal.

There are five norms of defamation, insult, or slander: written defamation, mild insult, slander of complaint, and slander of accusation.[10] Written defamation *(smaadscrifi)* pertains to defamatory acts executed through written statements or illustration that are

[10] Marcellino Roberto Raminggela, "Penerapan Sanksi Pada Tindak Pidana Pencemaran Nama Baik dan Penghinaan Melalui Media Sosial Menurut UU ITE." *Lex Privatum* 9, no. 5 (2021): 67–75.

disseminated, exhibited, or made publicly accessible.[11] The crime of defamation constitutes a criminal act that targets an individual's reputation through verbal statements, written content, or media, which undermine the honor of others and diminish their self-esteem and dignity. This includes accusations of misconduct that are disseminated to the broader public. Such offenses involve making false statements, engaging in slander, defamation, ridicule, and insults that adversely affect a person's reputation.[12]

The offense of defamation is categorized based on the means employed, as follows: conventional defamation, this form involves traditional methods such as oral and written defamation. Oral defamation entails speaking with the intent to attack or humiliate someone in a public setting. Written defamation involves creating written content or images aimed at tarnishing an individual's reputation, which is then disseminated through various media; defamation via information technology, this category includes both oral and written forms of defamation conducted using digital means. Oral defamation in this context typically occurs through voice messages or telephone calls intended to damage someone's reputation. Written defamation via information technology involves creating electronic documents, such as images or text, with the purposes of disparaging someone's good name. Regulations concerning defamation on social media are stipulated in Paragraph 27 subsection (3) of Law No.8/1999 jo Law No.11/2008. These provisions must adhere to the defamation standards established in Paragraph 310 of the Criminal Code.

The elements of Paragraph 27 subsection (3) can be described as follows:[13]

1. *Intentionality*

   In a narrow sense, an error can manifest as either intent *(opzet)* or negligence *(culpa)*. This doctrine of fault, referred to as *'mens rea'*

---

11 Rafiki Candra Priambudi, "Pencemaran Nama Baik Menurut Pasal 310 KUHP dan Pasal 27 Undang-Undang Nomor 19 Tahun 2016 tentang ITE." *Lex Administratum* 8, no. 4 (2020):185–93.

12 M. Rifki Herdiana, "Hukuman Tindak Pidana Pencemaran Nama Baik Melelui Medsos." *Journal Evidence of Law* 1, no. 3 (2022): 68-78.

13 Agung Gumelar, and Rabiah Z. Harahap. "Perlindungan Hukum Konsumen Dari Delik Pencemaran Nama Baik Suatu Produk di Media Sosial." *EduYustisia* 2, no. 1 (2023): 40-47.

in Latin, posits that an individual's act does not constitute guilt unless accompanied by a culpable mental state. The doctrine of *mens rea* asserts that a person's actions alone do not establish guilt without an underlying malicious intent.

2. *Without right*

   The unlawful nature of an act is an essential element of a criminal offense. It is often stated that "there is no punishment without unlawfulness" and "there is no criminal liability without unlawfulness".

3. *Providing electronic information and/or documents to the public through distribution, transmission or accessibility*

   Distribution involves sharing, while transmission refers to broadcasting. The term 'making accessible' encompasses both active and passive activities. It includes acts of omission that effectively permit others to access electronic information and/or documents.

4. *Contains insult and/or defamation*

   These terms must conform to definitions set out in CC, which have been interpreted by the Constitutional Court as being inherently linked to the provisions establishes in Paragraph 310 of the CC.

The defamation provision in Law No.11/2008 was revised by Law No.1/2024, with Paragraph 27 subsection (3) being repealed and replaced by Paragraph 27A. Paragraph 27A subsection (3) of Law No.11/2008 stipulates "that any individual who intentionally and unlawfully distributes, transmits, or makes accessible electronic information and/or documents containing insults and/or defamation is held liable". Additionally, Paragraph 27A of Law No.1/2024 specifies that any person who intentionally undermines the honor or reputation of another by making defamatory statements with the intent to publicize them through electronic information and/or documents via an electronic system is deemed culpable. Paragraph 27A of Law No.1/2024 places particular emphasis on the terms 'attacking the honor or good name of another person', 'alleging a matter', and 'through an electronic system'. It also introduces a focus on proof, stipulating that if allegations made via an electronic system, such as social media, are false or unproven, they are subject to criminal penalties for defamation as outlined in Paragraph 45 subsection (6) of Law No.1/2024, a provision not addressed in the previous legislation.

The defamation provision outlined in Law No.19/2016 jo Law No.11/2008 has been viewed as a suppression of the freedom of speech guaranteed by the 1945 Constitution. Consequently, a judicial review was sought, resulting in Constitutional Court Decision No.50/PUU-VI/2008. This decision affirmed that the interpretation of Paragraph 27 subsection (3) must be considered in conjunction with the criminal law norms established in Paragraph 310 and 311 of the CC.[14] It appears there has been a misinterpretation of Paragraph 310 of the CC concerning the concept of the 'good name of a person'. This misinterpretation has implications for its application by bodies or institutions, particularly in consumer-related cases. According to R. Soesilo, accusations must be directed at individuals, and thus, the provisions do not apply if the entity feeling insulted is an agency or institutions. However, if the accusation serves a purpose beneficial to the public or is based on self-defense, and does not infringe upon the rights of many individuals, the accuser may not face conviction, as determined by judicial consideration.[15]

The non-compliance with the Constitutional Court's decision by law enforcement officials led to the issuance of a Joint Decree by the Minister of Telecommunications and Informatics of the Republic of

---

[14] The term 'good name' refers to the honor accorded to an individual by the general public, whether due to their actions or their position. The term 'person' denotes a natural person, as the Criminal Code does not recognize legal entities *(recht person)*. The allegations made do not necessarily need to be false or untrue. The 1899 Hoge Raad Arrest establishes that even an accusation concerning an event that actually occurred can constitute defamation if the perpetrator's intent was not to serve the public interest but to insult or offend the individual. Similarly, the 1934 and 1938 Hoge Raad Arrest held that publications made in an angry tone, which target individuals, cannot be considered a defense of the common interest. Regarding the phrase 'so that it may become public knowledge', it is not necessary for the defamation to occur in a public setting; it is sufficient to demonstrate that the accused intended to disseminate the accusation. *See* Anton Hendrik Samudra, "Pencemaran Nama Baik dan Penghinaan Melalui Media Teknologi Informasi Komunikasi di Indonesia Pasca Amandemen UU ITE." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 91-105.

[15] Vita Fajrin Jahriyah et al., "Kebebasan Berekspresi di Media Elektronik dalam Perspektif Pasal 27 Ayat (3) Undang- Undang Nomor 19 Tahun 2016 Perubahan Atas Undang- Undang Nomor 11 Tahun 2008 Tentang Informasi dan Pelayanan Transaksi Elektronik (UU ITE)", *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 1, no. 2 (2021): 65–87.

Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of the National Police of the Republic of Indonesia (Joint Decree). This Joint Decree specifies in letter (b) that if the transmitted, distributed, and/or made accessible content constitutes insults categorized as diatribes, ridicule, or inappropriate language, such acts may be classified under mild insult offenses as referred to in Paragraph 315 of the CC. Letter (c) clarifies that content transmitted, distributed, and/or made accessible, which consists of assessments, opinions, evaluations, or factual statements, does not constitute an offense under Paragraph 27 subsection (3). Letter (f) stipulates that the complaint must be an individual with a specific identity rather than an institution, corporation, profession, or position. Letter (g) underscores that the focus should be on the actions of the perpetrator, specifically those done with intent *(dolus)* to distribute, transmit, or make accessible information that tarnishes an individual's honor by publicizing defamatory allegations.

The issuance of the Joint Decree has not effectively ensured compliance among law enforcement officials, leading to continued cases where consumers or social media users face defamation charges from business actors despite the Joint Decree. The Joint Decree clearly stipulates that assessments, opinions, evaluations, or factual statements do not constitute insults or defamation, and that complaints should not be filed by institutions or corporations. If law enforcement officials adhered to this Joint Decree, consumers conducting reviews based on actual facts or circumstances would not face criminal conviction. However, the lack of compliance with both the Joint Decree and the Constitutional Court's decision has necessitated further legal clarification. Law No.1/2024 explicitly addresses this issue in Paragraph 45 subsection (5), by stating that defamation cases "...can only be prosecuted upon the complaint of the victim or person affected by the criminal offense, not by a legal entity". This provision reinforces the interpretation that the defamation article applies solely to individuals, as specified in Paragraph 310, which refers to the protection of the "*honor or good name of a person*", specifically an individual.

The Enactment of the Common Interest Concept and the Theory of Repressive Legal Protection in Cases Involving Consumer Reviews on Social Media

The consumer cases discussed earlier, including those of Deedi Tjhandra, Muhadkly MT, Stella Monica and Richard Lee, illustrate situations where consumers have provided reviews in good faith, with honesty, and in alignment with factual circumstances. These actions should not be subject to legal punishment, particularly when the reviews serve the common interest. According to A.P. Parlindungan, the common interest encompasses the concerns of all societal levels, impacting the broader community and extending beyond governmental interests alone. Theo Huijbers elaborates that the common interest pertains to the collective welfare of society, characterized by the protection of individual rights as citizens and the provision and maintenance of public facilities and services. Schenk adds that the common interest is defined by its ability to confer benefits that outweigh any associated detriments, with these benefits being accessible to the community at large, even if they result in losses for some individuals.[16] The concept of common interest is intended to benefit the population as a whole, rather than focusing solely on individual interests. Although an individual consumer may have a private interest in being maximally protected, this does not mean that the interest in question is solely private.[17]

The common interest is governed within the scope of public law, as delineated in Paragraph 1 point (6) of Law No.2/2012, which defines common interest as serving the nation, state, and society, and mandates that the government realize it for the greatest prosperity of the people. Additionally, Paragraph 35 letter c of Law No.16/2004 authorizes a prosecutor to dismiss a case in the common interest, specifying that common interest encompasses the welfare of the nation, state, and/or the broader community. The exercise of this prosecutorial discretion is subject to stringent requirements, allowing only the Attorney General

---

16 RR. Meiti Asmorowati, "Konsep Kepentingan Umum dalam Pengadaan Tanah Dihubungkan dengan Kepastian Hukum", *Jurnal Hukum Mimbar Justitia* 6, no. 1 (2020): 29–55.

17 Benedikt Schmitz, "Rethinking the Public Interest in Consumer Protection", *European Journal of Comparative Law and Governance* 9, no. 2 (2022): 210–35.

to dismiss a case in the common interest after consulting with relevant state power bodies. Consequently, a defamation case involving a consumer review on social media cannot be dismissed on common interest grounds, as such cases are generally not deemed 'serious' by the Attorney General, nor do they involve the interests of state power bodies.

Black's Law Dictionary defines common interest as the welfare of the public at large, in contrast to the welfare of private individuals or entities. It denotes an interest that is shared by all members of society, with the government recognizing the need to promote and protect the general public's well-being.[18] Several theories offer definitions of common interest, including:[19]

1. Security theory posits that ensuring a safe and secure environment is paramount to the well-being and stability of any society.
2. Welfare theory asserts that fundamental interests of any community include adequate provision of health, clothing, food, and opportunities for employment, all of which are essential for achieving a satisfactory quality of life.
3. Efficiency theory maintains that the primary interest of society is to optimize the efficiency of living conditions and societal functions.
4. Theory of shared prosperity emphasizes that the core objective for any society is to attain prosperity and happiness. This theory

---

[18] Consumer protection aims to enhance economic outcomes and ensure consumer welfare. Consumer welfare encompasses not only the efficiency of transactions and cost savings but also the social dimensions related to market security and consumer health. It involves regulating interactions between consumers and businesses to maintain a balance of power by providing consumers with the necessary information to make informed decisions. This regulatory framework serves as the rational basis for protecting consumers and fostering a robust economic environment that contributes to overall human welfare. Human welfare intrinsically connected to consumer welfare, also reflects the realization of human rights to an adequate standard of living. *See* Taklima, Sulistiyono, and Syamsudin, "Consumer Protection as an Instrument for Fulfilling Human Rights in the Economic Sector and Its Constitutionalizing Efforts in the 1945 Constitution".

[19] Dinda Heidiyuan Agustalita and Deni Setya Bagus Yuherawan, "Makna Kepentingan Umum Pada Kewenangan Deponering dalam Perspektif Kepastian Hukum", *Jurnal Suara Hukum* 4, no. 1 (2023): 160–89.

advocates for the effective resolution of social issues to ensure the overall well-being of its members.

Based on the aforementioned theories, it can be concluded that common interest encompasses more than merely the broader community's concerns. It is a comprehensive concept that addresses all facets of life, with the primary objective of achieving overall happiness and welfare. It is necessary to define common interest at a more abstract level, and in the long-term. A short-term undue influence by political activists or interest groups in common interest could cause the early demise of its definition. Therefore, common interest should be seen as the embodiment of principles and normative values in the modern democratic market economies, which delivers a reasonable foundation of co-existence of society. According to Hans Kelsen, "the common interest arises from society, it will be built through society, and it will be mediated by state institutions". Following Hans Kelsen's definition, if consumer protection could be established at all these three levels society, policy, state institution, then it could be said that consumer protection is indeed a self-standing common interest. To assert that consumer protection constitutes a distinct category within common interest, it is essential to evaluate it against three levels, namely:[20]

1. Consumer protection at the societal level encompasses various rights bestowed upon consumers, aimed at rectifying imbalances in their bargaining power during contractual engagements. The rights to information, education, and judicial protection are some of the examples. Moreover, consumer protection can be conceptualized as a fundamental human right. In this inquiry, it is imperative to initially ascertain whether consumer protection, in its entirety, can indeed be construed as a human right. Subsequently, a secondary investigation is warranted to determine whether any of the aforementioned rights can be categorized as human right.
2. Consumer protection serves as a legislative objective, yet frequently proves challenging to delineate as the primary aim due to its implicit and intricate integration within specific domains, such as commerce, healthcare, or social services.

---

[20] Rita Simon, *Consumer Protection and Public Interest* (London: Intersentia,2021).

3. Consumer protection, mediated by state institutions, necessitates an examination not only of judicial decisions safeguarding consumers but also of the roles played by state agencies.

The concept of common interest in the context of defamation is addressed in Paragraph 310 subsection (3) of the CC, which stipulates that an act does not constitute defamation if it is performed in the common interest. This principle is also implicitly reflected in the Explanation of Paragraph 27 subsection (3) of Law No.19/2016 jo Law No.11/2008 which references the provisions of Paragraph 310 of the CC but does not explicitly mention common interest. The concept is explicitly articulated in Paragraph 45 subsection (7) of Law No.1/2024, which clarifies that an act described in subsection (4) is not punishable if committed in the common interest or in self-defense. Paragraph 45 subsection (4) of Law No.1/2024 outlines the sanctions for defamation as specified in Paragraph 27A.

In applying the concept of common interest, judges must first conduct a thorough assessment before imposing sanctions under Paragraph 45 subsection (7) of Law No.1/2024. This assessment is crucial, as it can determine whether the act in question should be exempt from conviction based on its alignment with public interest, for instance, in the cases of Deedi Tjhandra, Muhadkly MT, Stella Monica, and Richard Lee, evaluating whether the actions were undertaken in the common interest is essential. In the case of Deedi Tjhandra, the video review he conducted was intended to reflect the actual conditions of his apartment building, during which he remarked that "the building can collapse at any time like Barbie's house". Although Deedi Tjhandra provided evidence to substantiate his review, including discrepancies between the brochure and the actual facilities, and issues with apartment balconies, this evidence was reportedly not considered by the judge. Deedi Tjhandra's video review served the common interest by potentially preventing prospective buyers from acquiring substandard apartment units. To appropriately apply the concept of common interest in Deedi Tjhandra's case, it would be prudent for the judge to engage expert witnesses in construction and linguistics to assess whether the term "Barbie house" was used in a manner that constitutes an insult, thereby ensuring a fair determination regarding the act of defamation.

In the Deedi Tjhandra case, it was observed that the judge erroneously applied Paragraph 27 subsection (3), which had been repealed and replaced by Paragraph 27A in the new legislation. This judicial error resulted in a legally flawed verdict. Notably, Deedi Tjhandra was sentenced in February 2024, whereas Law No.1/2024 was enacted in January 2024. This application of an outdated legal provision contravenes the principle of legal fiction, which posits that once a law has been promulgated, it is presumed that all individuals are aware of it *(presumption iuris de iure)*.

The case of Muhadkly MT bears similarities to that of Deedi Tjhandra in that complaints disseminated via blog can serve the common interest by highlighting issues encountered by residents. However, this case was resolved through a settlement in which Muhadkly MT was required to provide a clarification to restore the credibility of the developer. This clarification effectively undermined the validity of the consumer complaints and positioned the consumers as the culpable parties.

In addition to the aforementioned cases, the case of Richard Lee also warrants discussion. Richard Lee was named a suspect despite conducting testing on hazardous ingredients in cosmetic products with the intention of serving common interest. His actions were aimed at protecting consumers from harmful products, benefiting many users of cosmetics containing dangerous substances. In Richard Lee's case, evidence that the act was performed in the common interest was demonstrated through cooperation with the Food and Drug Administration (FDA) to test whether the cosmetic products tested by Richard Lee actually contained hazardous ingredients or not. The designation of his suspect status and subsequent legal proceedings caused significant trauma for Richard Lee, leading him to reconsider continuing his reviews and testing of potentially hazardous cosmetic products. Similarly, Stella Monica experienced considerable trauma due to her involvement in social media controversies, despite the fact that there were numerous other victims of the L'Viors beauty clinic alongside her.

Judges examining the application of the concept common interest in defamation cases have adhered to the principle of balance in evaluating evidence. This principle ensures that consumers are afforded an equitable opportunity to substantiate that their actions are truthful and reflective of their personal experiences and actual circumstances. Although the concept of common interest is not novel in criminal law, its application by judges, particularly in consumer cases has been limited. This lack of application results in an imbalance in the consumer's position when confronting business entities, thereby impeding their ability to effectively defend their rights as consumers.[21]

The concept of common interest is closely correlated with the form of legal protection for consumers [22] who have to deal with the threat of defamation from business actors. Related to consumer legal protection[23] furthermore the concept encompasses five key principles, namely:[24]

1. The principle of benefit mandates that all efforts in implementing consumer protection should maximize benefits for both consumers and business actors collectively.
2. The principle of justice ensures that all individuals can participate fully and have equitable opportunities to claim their rights and fulfill their obligations fairly.

---

[21] In the context of the relationship between consumers and business actors, consumer contracts often reflect an unequal bargaining position. This disparity arises from various factors, including the unilateral imposition of standardized contracts by business on consumers. *See* Moch Ali and Agus Yudha Hernoko, "Characteristics of Party Autonomy in a Transnational Electronic Consumer Contract", *Yuridika* 35, no. 1 (2020): 55–74.

[22] Legal protection employs both preventive and repressive tools, which may be either verbal or written. The primary objectives of legal protection are to ensure justice, order, certainty, benefit, and peace. To effectively provide legal protection, appropriate means must be available encompassing both preventive and repressive measures. *See* Iftinaity Shaumi Rahma et al., "Indonesian Legal Protection for Consumers on the Validity of Electronic Contracts in the E-Commerce Transactions", *Yuridika* 37, no. 3 (2022): 697–714.

[23] Legal protection for consumers in trade transactions is manifested in two forms of regulation: (1) legal protection provided by general laws and regulations (such as statutes and government decrees) and (2) legal protection based on agreements specifically negotiated by the parties involved. The latter is reflected in the substantive content of agreements between consumers and businesses, which may include provisions of indemnity, claim submission periods, dispute resolution, and other related terms. Mia Maulia Fajriana, "How Are Business Actors Responsible for Consumer Losses in Default Cases?", *Journal of Law and Legal Reform* 2, no. 2 (2021): 187–96.

[24] Bambang Sugeng Ariadi Subagyono, Zahry Vandawati Chumaida, and Mochamad Kevin Romadhona, "Enforcement of Consumer Rights Through Dispute Settlement Resolution Agency to Improve the Consumer Satisfaction Index in Indonesia", *Yuridika* 37, no. 3 (2022): 673–96

3. The principle of balance aims to achieve equilibrium among the interests of consumers, business actors, and the government both materially and spiritually.
4. The principle of consumer safety and security seeks to guarantee protection and safety for consumers in the use and consumption of product.
5. The principle of legal certainty ensures that the law is followed by both business actors and consumers to ensure fairness in consumer protection implementation, with the state providing legal certainty.[25]

Among these five principles above,[26] the application of preventive protection theory is evident in the delineation of the rights and obligations of the involved parties. The theory of repressive legal protection contrarily[27] is demonstrated through the mechanisms of consumer dispute resolution, allowing consumers to pursue both litigation and non-litigation avenues. The formulation of repressive legal protection is intended to address and resolve disputes arising from legal violations. As the final stage of legal protection, it involves the imposition of sanctions on offenders, which may include fines, imprisonment, and additional penalties. Repressive legal protection serves as the ultimate recourse when a dispute has arisen or legal violation has occurred. This type of protection is primarily administered

[25] Recognizing the importance of the five core principles of consumer protection, it is also essential to understand the three primary principles that generally govern efforts to ensure a harmonious relationship between consumers and businesses, including the accountability of businesses to consumers. These three principles include the principle of negligence, the principle of breach of warranty which is liability based on breach of contract by one party, and the principle of strict product liability. *See* Retno Sari Dewi, Dwiatmanto, and Surjanti, "Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice", *SASI* 30, no. 2 (2024): 169–82.

[26] Budianto and Wulandari, "Critical Study of Criminal Aspects of Law Number 8 of 1999 Concerning Consumer Protection".

[27] In this context, legal protection aims to safeguard human rights that may be compromised by the actions of others. The purpose of this protection is to ensure that individuals can fully enjoy their rights, which are protected and guaranteed by the state. *See* Agustianto Agustianto. "An Exoneration Clause in Standard Agreements: Problems in Consumer Protection." *Pandecta Research Law Journal* 17, no. 1 (2022): 129-136.

through general and administrative courts, both of which fall under the category of repressive legal protection.[28]

In consumer cases where it is established through appropriate testing that the actions taken are in the public interest, consumers should not be penalized. Instead, business actors who are proven to have violated their obligations under Law No.8/1999 must be subject to sanctions. Law No.8/1999 prescribes both administrative and criminal sanctions for such violations. The intersections of the common interest and the theory of repressive legal protection can be summarized as follows: when adjudicating a consumer case arising from a review or complaints on social media, the judge must first assess whether the act deemed defamatory was conducted in the common interest. To determine this, the judge should rely on expert witness testimony regarding the accuracy of the consumer's review or complaint. If the review or complaint is proven to be factually incorrect, the consumer may be convicted of defamation. However, if the review or complaint is substantiated, the judge is obligated to impose sanctions on the business actor.

In practice, the legal protection of consumers in the current digital era remains insufficient, as illustrated by consumer review cases that reveal the weak position of consumers when dealing with business entities. Consumers often face defamation charges when attempting to express their opinions or assert their rights regarding the goods and services they have used. When such cases, involving consumer reviews on social media, reach the courts, judges tend to reinforce the position of business actors, often disregarding the relevant legal facts, as seen in the Deedi Thjandra case. This underscores the significant power imbalance between businesses and consumers. The protections afforded by Law No.8/1999 which are intended to safeguard consumers, become ineffective when business entities can readily invoke the defamation provisions of Law No.19/2016 jo Law No.11/2008. As a result, consumers face considerable difficulty in defending themselves against defamation claims, frequently finding themselves compelled to comply

---

[28] Bha'iq Roza Rakhmatullah, *Perlindungan Hukum dan Keadilan dalam Musyawarah Ganti Rugi Pengadaan Tanah*, ed. Nur Khasanah (Pekalongan: Nasya Expanding Management, 2023).

with the demands of businesses, such as issuing public apologies and removing or taking down social media posts.

In consumer review cases brought to court, judges often limit their analysis to Paragraph 310 subsection (1) of CC and Paragraph 27 subsection (3) of Law No.19/2016 jo Law No.11/2008 without examining Paragraph 310 subsection (3) of CC and Explanatory provisions of Paragraph 27 subsection (3) which address the concept of public interest as a potential legal basis for consumer protection. In the case of Stella Monica, her acquittal was not due to the application of the public interest concept, but rather the court's finding that the elements of defamation had not been met. Conversely, in the case of Deedi Tjhandra, the judge ruled that the elements of defamation were satisfied without considering the public interest defense. This presents a significant challenge for consumers in the digital era, as it remains difficult for them to defend themselves when providing honest and good faith reviews of their experiences with goods or services. The enactment of Law No.1/2024, particularly Paragraph 45 subsection (5) and (7) marks a significant shift in the legal protection of consumer reviews from business-initiated lawsuits, and it is hoped that judges will increasingly apply the public interest concept when evaluating such cases.

By applying the concept of common interest to defamation claims, judges prioritize the common interest over business interests, thereby strengthening the position of consumers relative to business actors, while still considering the rights and obligations of each party. Similarly, under the framework of repressive legal protection, business actors may be subject to administrative sanctions by CDSB as outlined in Paragraph 60 of Law No.8/1999 if they engage in prohibited activities or fail to fulfill their responsibilities. Additionally, business actors may face criminal sanctions under Paragraph 62 of Law No.8/1999, alongside supplementary penalties such as the forfeiture of specific goods, the public announcement of a judicial decision, payment of compensation, cessation of harmful activities, mandatory withdrawal of products from circulation, or revocation of business licenses.

Conclusion

This research concluded and highlighted that Paragraph 45, subsection (5) of Law No. 1/2024 clearly establishes that only individuals, not legal entities, can invoke defamation provisions in complaint offenses, thus providing legal protection for consumers. Additionally, the concept of common interest, addressed in Paragraph 45, subsection (7) and Paragraph 310, subsection (3) of the Criminal Code, safeguards consumer reviews, complaints, and criticisms made in good faith, based on facts. Judges are expected to apply this concept when evaluating consumer statements, ensuring protection against unlawful business practices. This approach, supported by the theory of repressive legal protection, holds businesses accountable for violations while maintaining a balance in evidentiary and legal considerations. By applying the public interest concept and evaluating legal facts, a fair balance is achieved between protecting consumers and businesses. While consumer reviews can harm businesses, enhancing the role of the National Consumer Protection Body and NGOs in resolving disputes, as well as improving complaint mechanisms, is essential. Furthermore, legal issues arising from consumer reviews should be addressed by the Consumer Dispute Settlement Board (CDSB) rather than the courts to ensure a more equitable resolution. The provisions in Paragraph 45, subsections (5) and (7) of Law No. 1/2024 reflect the government's intent to prevent the misuse of defamation laws, protecting consumers from unjust claims by business entities.

References

Agustalita, Dinda Heidiyuan, and Deni Setya Bagus Yuherawan, “Makna Kepentingan Umum Pada Kewenangan Deponering dalam Perspektif Kepastian Hukum”, *Jurnal Suara Hukum* 4, no. 1 (2023): 160–89.

Agustianto, Agustianto. "An Exoneration Clause in Standard Agreements: Problems in Consumer Protection." *Pandecta Research Law Journal* 17, no. 1 (2022): 129-136.

Ali, Moch and Agus Yudha Hernoko, “Characteristics of Party Autonomy in a Transnational Electronic Consumer Contract”, *Yuridika* 35, no. 1 (2020): 55–74.

Arifin, Zulham. "A Critical Review of Consumer Protection Online Shopping, False Advertising, and Legal Protection." *Journal of Law and Sustainable Development* 11, no. 5 (2023): 1-15.

Asmorowati, RR. Meiti. “Konsep Kepentingan Umum dalam Pengadaan Tanah Dihubungkan dengan Kepastian Hukum”, *Jurnal Hukum Mimbar Justitia* 6, no. 1 (2020): 29–55.

Budianto, Edy, and Diah Ayu Wulandari. "Critical Study of Criminal Aspects of Law Number 8 of 1999 Concerning Consumer Protection." *Journal of Law and Legal Reform* 1, no. 2 (2020): 333-352.

Bunga, Dewi. "Product Reviews by YouTubers: Education or Defamation?." *Jurnal Kertha Patrika* 43, no. 3 (2021): 226–40.

Devi, Putu Carina Sari, and Suatra Putrawan. "Perlindungan Hukum Konsumen Yang Melakukan Review Produk Barang Atau Jasa di Media Sosial." *Kertha Semaya: Journal Ilmu Hukum* 6, no. 7 (2019):1–14.

Dewi, Retno Sari, Dwiatmanto Dwiatmanto, and Surjanti Surjanti. "Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice." *SASI* 30, no. 2 (2024): 169-182.

Ezekiel, Kezia. "Our Right to Share, Their Right to Know: An Analysis of Public Interest Defense to Defamation." *Lentera Hukum* 8, no. 2 (2021): 241-266.

Fajriana, Mia Maulia. “How Are Business Actors Responsible for Consumer Losses in Default Cases?”, *Journal of Law and Legal Reform* 2, no. 2 (2021): 187–96.

Ferdinal, Yan, and Pudji Astuti. "Tinjauan Yuridis Kebebasan Berpendapat Konsumen Terkait Review Produk di Media Sosial." *Novum: Jurnal Hukum* 20, no. 1 (2024): 86-96.

Fibrianti, Nurul, et al. "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1267-1310.

Gumelar, Agung, and Rabiah Z. Harahap. "Perlindungan Hukum Konsumen Dari Delik Pencemaran Nama Baik Suatu Produk di Media Sosial." *EduYustisia* 2, no. 1 (2023): 40-47.

Herdiana, M. Rifki. "Hukuman Tindak Pidana Pencemaran Nama Baik Melelui Medsos." *Journal Evidence of Law* 1, no. 3 (2022): 68-78.

Jahriyah, Vita Fajrin et al., “Kebebasan Berekspresi di Media Elektronik dalam Perspektif Pasal 27 Ayat (3) Undang- Undang Nomor 19

Tahun 2016 Perubahan Atas Undang- Undang Nomor 11 Tahun 2008 Tentang Informasi dan Pelayanan Transaksi Elektronik (UU ITE)", *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 1, no. 2 (2021): 65–87.

Nuryaasiinta, Cut Mayang Widya. "How Far is Consumer Protection in the Health Care Sector?." *Unnes Law Journal* 6, no. 1 (2020): 47-72.

Priambudi, Rafiki Candra. "Pencemaran Nama Baik Menurut Pasal 310 KUHP dan Pasal 27 Undang-Undang Nomor 19 Tahun 2016 tentang ITE." *Lex Administratum* 8, no. 4 (2020):185–93.

Rahma, Iftinaity Shaumi, et al., "Indonesian Legal Protection for Consumers on the Validity of Electronic Contracts in the E-Commerce Transactions", *Yuridika* 37, no. 3 (2022): 697–714.

Rakhmatullah, Bha'iq Roza. *Perlindungan Hukum dan Keadilan dalam Musyawarah Ganti Rugi Pengadaan Tanah*, ed. Nur Khasanah (Pekalongan: Nasya Expanding Management, 2023).

Raminggela, Marcellino Roberto. "Penerapan Sanksi Pada Tindak Pidana Pencemaran Nama Baik dan Penghinaan Melalui Media Sosial Menurut UU ITE." *Lex Privatum* 9, no. 5 (2021): 67–75.

Samudra, Anton Hendrik. "Pencemaran Nama Baik dan Penghinaan Melalui Media Teknologi Informasi Komunikasi di Indonesia Pasca Amandemen UU ITE." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 91-105.

Schmitz, Benedikt. "Rethinking the Public Interest in Consumer Protection", *European Journal of Comparative Law and Governance* 9, no. 2 (2022): 210–35.

Simon, Rita. *Consumer Protection and Public Interest* (London: Intersentia,2021).

Subagyono, Bambang Sugeng Ariadi, Zahry Vandawati Chumaida, and Mochamad Kevin Romadhona, "Enforcement of Consumer Rights Through Dispute Settlement Resolution Agency to Improve the Consumer Satisfaction Index in Indonesia", *Yuridika* 37, no. 3 (2022): 673–96

Taklima, Musa, Adi Sulistiyono, and M. Syamsudin. "Consumer Protection as an Instrument for Fulfilling Human Rights in the Economic Sector and its Constitutionalizing Efforts in the 1945 Constitution." *Jurisdictie: Jurnal Hukum san Syariah* 14, no. 1 (2023): 75-105.

Tjipto, Felix Pratama, et al. "Consumer Protection Law: The Case Study of Grabtoko Company in Indonesian E-Commerce Transactions." *Journal of Private and Commercial Law* 5, no. 2 (2021): 120-140.

Widiarty, Wiwik Sri, and Aartje Tehupeiory. "The Role of Business Law in Improving Consumer Protection in the Digital Age." *Journal of Law and Sustainable Development* 12, no. 2 (2024): 1-12.

Acknowledgment

None.

Funding Information

None.

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.