

Defamation: An Analytical Review

Daniel HF Manongga¹, Arista Candra Irawati², Binov Handitya³
Universitas Ngudi Waluyo^{1,2,3}
Email Correspondance: dmanongga@gmail.com

Abstract. Defamation acts are generally contained in the Criminal Code, specifically in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). The second purpose of the Act is to strike a balance between protecting the reputation of individuals and preserving the principles of free speech. However, the increasing opposition to this Law shows the need for a deeper understanding of the Law. The case of Prita Mulyasari shows that there are differences in views among judicial institutions regarding the nature of defamation in Article 27 paragraph (3) of Law No. 11 of 2008. This article aims to analyze defamation from the point of view of Status Theory. The research method uses doctrinal legal methods, while data analysis uses qualitative descriptive methods. The results showed that the status theory was able to provide better insight into defamation cases. This is shown through Prita Mulyasari's case study.

Keywords: Defamation, ITE Law, Status Theory

Introduction

Honor is an abstract term, encompassing rules of social interaction (“codes of conduct”) and personal beliefs (“ethos”). Honor is the character of a person and group, to be honest, loyal to their principles, and earn respect by not tolerating disrespect or humiliation and protecting themselves and their family, group, or clan from loss of face and reputational loss [1].

Actually, honor and good name have different meanings. Honor refers to ethical or moral integrity, and its dignity, while good name refers to the positive reputation or public opinion that others hold about one's self. Nevertheless, the two cannot be separated from each other. If a person's honor is attacked, it will damage his honor and reputation, the same thing if a person's good name is attacked, it will damage his honor and reputation [2].

Defamation over the internet is the practice of attacking someone online by leaving defamatory comments on their articles or blogs [3]. Because information in cyberspace tends to spread quickly as well as the defamation of someone on the internet. Therefore, the protection of a person's honor or good name is very important, because honor is a quality that socially minimizes the cost of seeking knowledge and is more than a matter of self-esteem or identity. In a business or trading relationship, an individual or company with a reputation for honor and integrity is more likely to be trusted by others. Honor can also serve as a signaling mechanism, providing valuable information about a person's character or credibility. By upholding respectful behavior, individuals can communicate their reliability, competence, and ethical standards to others.

The law in Indonesia has regulated the issue of defamation. The general regulation is contained in the Criminal Code (KUHP), while the specific regulation is contained in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning ITE.

The ITE Law becomes an appropriate legal basis when acts of defamation involve media or electronic transactions. In the ITE Law, defamation is regulated in Article 27 Paragraph (3). However, if the defamation act does not involve electronic media or electronic transactions, then the Criminal Code becomes the legal basis in question. In the Criminal Code, defamation in public, written insults, and visual insults are regulated in Articles 310 to 312.

Defamation has received a lot of attention from academic researchers, including the latest:

Wahyuni [4] in *Defamation through Social Media Based on Laws and Regulations*. This article discusses the laws that apply to criminal defamation on social media as well as criminal liability for perpetrators of defamation on social media. A normative legal research approach was applied to this study. The finding is that something can be considered defamation on social media if the four elements of the ITE Law are proven to be true, namely elements (a) of everyone; (b) intentionally and without rights; (3) contain insults and/or defamation, and (4) distribute and/or transmit and/or make accessible.

Setiawan and Rozah [5] in *The Urgency of Law Enforcement Offenses of Defamation in Indonesia based on the Insignificance Principle*. This article examines the very subjective nature of the article and is prone to giving rise to violations of freedom of expression. The existing offenses

provide space for someone to criminalize others for insignificant acts with the essential nature of criminal law.

Antony [6] in *Balancing Justice and Reconciliation: Restorative Approaches to Criminal Defamation Settlement*. This study uses a legislative approach and a conceptual approach. The results of the study show that the Restorative Justice Approach can be used as an alternative way to deal with defamation crimes.

Hosnah, et al [7] in *Law Enforcement Against Perpetrators of Defamation Through Social Media Based on the ITE Law*. This article examines defamation through the lens of current legal theory and the law in question using normative juridical techniques. The result is that the use of Article 310 of the Criminal Code, defamation on social media is only allowed if directed at a specific individual or group of individuals and involves the deliberate and unauthorized dissemination of information intending to incite hatred or hostility.

Surian, et al [8] in *Defamation And Insult Through Information And Communication Technology Media According To Law No. 19 of 2016 Concerning Amendments to Law No. 11 of 2008 Concerning Electronic Transaction Information*. This article examines insults and slander through information and communication technology media according to Law Number 19 of 2016 Amendment to Law Number 11 of 2008 concerning ITE. The method used is a normative legal research method supported by a conceptual approach, statutory approach, and case approach. Its findings indicate that to be categorized as defamation, it must meet the elements contained in Articles 310 and 311 of the Criminal Code.

The research conducted by the authors is different from the studies mentioned above. This study analyzes defamation from the point of view of Status Theory. This theory focuses on social inequalities and hierarchies that exist in a society.

Methods

This research uses doctrinal legal research or normative legal research. According to Muhdar [9], doctrinal research concerns the legal status, and whether or not the law applies to certain issues. It deals with the analysis, development, and application of legal doctrine. Marzuki [10] defines normative legal research as the process of identifying legal rules, legal doctrines, and legal principles to address relevant legal difficulties. Meanwhile, according to Soekanto and Mamoedji [11], normative research focuses on legal concepts, legal systematics, and degrees of vertical and horizontal synchronization.

This study uses secondary data found by searching for library sources rather than collecting information directly from the field. This secondary legal information is found in the form of theories taken from various works in libraries and laws and regulations. The data analysis method used is the qualitative method, where secondary data is analyzed descriptively.

Discussions

Purpose of Defamation Law

The purpose of defamation laws is to find a middle ground between protecting one's identity and safeguarding the right to free speech. The Constitution protects the right to opinion [12]. There is, however, a limit to making false statements about others that could damage their reputation. Therefore, the government has an interest in protecting one's good name because it knows that reputation has social and personal value.

A person's reputation is the image or perception that others have of them. Reputation can be built from one's actions, behavior, performance, and interactions with others and the environment. By prohibiting saying things that damage one's reputation, the government tries to find a balance between the right to free speech and the need to protect one's image. However the growing opposition to defamation laws shows how important it is to learn more about the issue.

Doctrinal Architecture of Defamation Laws

According to the Britannica dictionary, doctrine is a set of ideas or beliefs that are taught or believed to be true. The doctrine of defamation is indicated by its definition. Defamation is a statement that defames someone's good name. Accusations of defamation include libel (affidavit) and slander (verbal affidavit) [13]. Meanwhile, according to Black's Law Dictionary, defamation is the act of endangering the reputation of others by lying to third parties. If the defamation lawsuit relates to a topic of public interest, the plaintiff must provide evidence to support his assertion that the defendant is guilty [14].

According to Article 310 of the Criminal Code, defamation and defamation lawsuits in Indonesia must prove the following elements: (i) the suspect's intention; (ii) detrimental to the defamed party's honor or good name; (iii) allegations that the defamed party is demanding something; and (iv) a clear intention to publish it. For defamation in the form of defamation, it must be determined that there is an element of "writing or drawing" that is "broadcast, shown, or posted in public" in addition to the aforementioned requirements.

From the definitions above, the doctrinal architecture of defamation refers to the legal principles underlying the concept, and the rules governing defamation cases. Although the exact components and criteria for defamation differ from jurisdiction to jurisdiction, there are some fundamental factors that typically make up the doctrinal framework of defamation law, such as:

Defamatory Statements: Defamatory statements are false statements that damage the reputation of an individual or entity. The statement must be factual, not just an expression of opinion, and must be able to damage the reputation of the person or organization involved.

Publication: Defamation requires communication of defamatory statements to at least one other person. It can be spoken, written, or communicated through various media channels such as print, broadcast, or online platforms.

Falsehood: The statement must be false or misleading. Truth is generally a defense against defamation claims. The burden of proof is usually on the plaintiff to show that the statement is false.

Identification: Defamatory statements must identify the plaintiff or be sufficiently understood to refer to the plaintiff. A person can be identified directly by mentioning his/her name, or indirectly by providing sufficient information to others to do so.

Harm Reputation: Defamation laws require plaintiffs to demonstrate that defamatory statements have damaged their reputation. These losses can include damage to their personal or professional reputation, loss of business opportunities, or emotional distress.

Errors: Depending on the jurisdiction, defamation may require varying degrees of misconduct on the part of the defendant. Generally, public figures, such as celebrities or politicians, must prove that the defendant acted with "actual hatred" or with knowledge of falsehood or reckless disregard for the truth. Private individuals usually need to show that the defendant was negligent in making false statements.

Defense: Defamation law provides certain defenses that can protect the defendant from his responsibilities. Common defenses include truth (substantially true statements), privilege (such as statements made in court or legislative proceedings), fair comment (statements of opinion based on actual facts), and consent.

The doctrine of defamation aims to strike a balance between protecting an individual's reputation and preserving freedom of speech and expression. This doctrine recognizes the importance of promoting open dialogue, public debate, and the dissemination of information while also providing legal avenues for individuals whose reputations have been unfairly harmed by false statements.

Defamation Law Issues?

The ITE Law is believed to contain multi-interpretive articles and has the potential to limit freedom of expression on social media. Some of these articles, including Article 27 paragraphs (1) and (3) concerning defamation, Article 28 paragraph (2) concerning hate speech, and Article 29 concerning threats of violence, have multiple interpretations. Although the ITE Law has been amended from Law No. 11 of 2008 became Law No. 19 of 2016, these articles remain vulnerable to human rights violations of freedom of expression [15]. The increasing opposition to this law shows the importance of a better understanding of this issue. The case of Prita Mulyasari shows that the principle of legal certainty has not been fully implemented because court judges have different views regarding the nature of defamation in Article 27 paragraph (3) of the ITE Law [16].

The debate between the protection of good name and freedom of opinion is a long-standing topic. Despite the multi-interpretive nature of the problematic clauses, the main question is what is the purpose of defamation law? Efforts to provide answers to this fundamental question oscillate between three objectives: the defense of honor, dignity, or property. Although helpful, these initiatives ultimately fail to articulate a doctrinal structure that differs from the Defamation Act or provide a clear picture of its future composition [17]. The problem with traditional methods is that they give rise to the illusion that the courts only respond to harm rather than establishing and upholding norms of conduct by concentrating on remedying harm in the interest of goodwill.

Robert Post persuasively points out that the state's interest in maintaining its reputation is actually very confusing [18]. What is meant by reputation and the reasons behind the country's steadfast commitment to safeguarding it—even at the price of the First Amendment Right — are hardly clear. Similarly, [19] states that judges and academics recognize dignity as a significant legal concept, but they often make assumptions about its meaning without explicitly defining it. A careful review of constitutional rulings shows that courts do not have a singular conception of dignity, but rather a different conception based on how they balance the rights of individuals with the demands of social policy and societal values.

Defamation From a Status Theory Perspective

What exactly is the purpose of defamation laws? The most persistent efforts to answer this fundamental question oscillate between defending honor, dignity, and property [17]. People care deeply about their good name not because it represents property or even dignity, but because it embodies a basic human need, which is social status [20]. In the fields of sociology and economics, status and reputation are two separate but related human endeavors, but they are related because high reputation represents status and reputation.

Status Theory focuses on the social inequalities and hierarchies that exist within a society. This theory investigates how people and groups are placed in relationships with each other based on their social status, which can be influenced by elements including wealth, work, education, and social ties. According to Goldthorpe inequality in terms of social class or social status treats inequality in a relational sense: i.e. in terms of social relations in which individuals are more or less disadvantaged or advantaged [21]. One influential figure associated with Status Theory is Max Weber [22], who developed the concept of social stratification and discussed the nature of multidimensional social status. Weber argues that status can be derived from three main sources: class (economic position), status group (social prestige and honor), and party (political power). Overall, Status Theory provides insight into how social inequality and status dynamics affect various aspects of society, including social relationships, individual life chances, and patterns of social change.

The pursuit of social status is a fundamental aspect of human behavior. People compete for status by acting in ways that convey high levels of skill, kindness, and devotion to the group [23]. High social status earns the respect and admiration of his peers, while low-status results in apathy and ridicule from others. Ridgeway [24, 150] defines status as the social rank of individuals, groups, and things according to the respect, honor, and esteem that society gives them. While Anderson et al [25] define status as the respect, admiration, and voluntary respect given to individuals by others.

The link between status and defamation law is indeed a significant aspect observed in the rhetoric surrounding the doctrine of defamation [17]. The defamation law seeks to strike a balance between protecting an individual's reputation and upholding the principles of free speech. However, the application of defamation laws can be influenced by the social status of the individuals involved.

The concept of status plays a role in defamation law in two ways:

First, the status of the plaintiff can affect the elements that need to be proven in a defamation lawsuit. In many jurisdictions, defamation requires plaintiffs to establish that false and defamatory statements were made about them, that these statements were made to a third party, and that they suffered harm as a result. However, the level of loss required may differ based on the status of the claimant. For example, a public figure or individual in a position of authority may need to prove that the defendant acted with “actual hatred” or with knowledge of falsehood or reckless disregard for the truth. This higher burden acknowledges the importance of robust public debate and the need for freedom of expression when discussing matters of public interest.

Second, in a defamation case, the status of the defendant or the nature of the statement made can be used as a defense. In general, truth is a complete defense against defamation. Typically, statements that are proven to be true cannot be considered defamatory. However, the status of the plaintiff may affect what is considered genuine or relevant in public discourse. Public figures or individuals in the public eye may be subject to more stringent scrutiny and may be asked to bear a wider range of criticism or opinions regarding their behavior or character.

The rhetoric surrounding the doctrine of defamation often highlights considerations related to the status. Critics argue that the defamation law can be used as a tool by the powerful to silence critics or suppress public discourse by threatening legal action. They argue that defamation lawsuits filed by individuals in positions of authority or with significant resources can adversely affect free

speech [26]. On the other hand, advocates of the Defamation Act stress the importance of protecting individuals' reputations, in particular against false and damaging statements, and argue that higher standards for public figures are needed to ensure robust public debate.

Defamation status theory demonstrates how to unravel complex doctrinal chains, thereby making them plausible and essential [17]. This is done using a structured approach that distinguishes public and private figures, applies different standards of error, protects issues of public concern, considers the overall context, and balances reputational interests with free speech. These elements help unravel complex legal issues, provide coherence to the doctrine of defamation, and ensure that the law remains relevant and meaningful in the context of modern society. In other words, Status Theory provides a clear framework for analyzing defamation cases as follows.

Different standards of error for public figures

There is a clear distinction between public and private figures [27], [28]. Status Theory draws a clear distinction between public figures and private individuals. Public figures, such as politicians, celebrities, or public officials, voluntarily enter public spaces and willingly submit to public scrutiny. On the other hand, private individuals have lower expectations of being subjected to criticism or public exposure. This differentiation helps the court determine the appropriate level of protection and vetting required in a defamation case.

According to Status Theory, defamation claims involving famous people should be subject to a higher degree of wrongdoing than those involving private individuals. Public personalities have more opportunities, resources, and platforms to retaliate against defamatory claims in the media. They are often better able to respond to untrue claims or inaccurate information. With this distinction, the court can in addition avoid suppression of freedom of expression but also facilitate the recovery of those who have been vilified by establishing separate criteria for public and private figures. Courts should make it harder for public figures (including politicians and corporations) to force disclosure if there is a fear that they will use these subpoenas to incapacitate opponents. Similar to this, courts should make it easier for private plaintiffs to obtain information if they believe that the barriers to recovery are too high [28, p255].

In Indonesia, there is a difference in treatment between officials and non-officials in cases of defamation. However, there is no difference in treatment between public figures (non-officials), celebrities, and individuals who have influential positions. One of the important legal provisions related to defamation in Indonesia is Article 310 to Article 320 of the Criminal Code. Insults to officials are regulated in Article 316 and Article 317 of the Criminal Code [29]. Article 316 of the Criminal Code "The punishment specified in all the above articles of this chapter may be supplemented by a third, if the insult is committed against a civil servant at the time or for carrying out his work lawfully. (K.U.H.P. 92, 310 s, 315, 319, 488) ".

The essence of the explanation of this article on insulting officials is that the criminal acts specified in the previous articles in this chapter can be added by a third if the insulted is an official at that time or for carrying out legitimate duties. Insults to this official can be excluded from the complaint offense.

Defamation complaints to the authorities are regulated in Article 317 paragraph (1) of the Criminal Code as follows: (1) Anyone who intentionally submits a complaint or false notification to the authorities, either in writing or to be written, about a person so that the person's honor or good name is attacked, threatened for making a defamation complaint, with a maximum imprisonment of four years. (2) Revocation of the rights referred to in article 35 number 1 '3' may be imposed. (Criminal Code 72, 220, 310, 488; Sv. 8.

Whereas article 92 of the Criminal Code explains the criteria of government officials, as follows: (1) Those who are called officials, including those who are elected in elections held based on general rules, as well as those who are not due to elections, become members of lawmaking bodies, government bodies, or representative bodies of the people, formed by the government or on behalf of the government; so are all members of Subak councils, and all heads of native Indonesian people and heads of foreign Eastern groups, who exercise legitimate power. (2) The so-called officials and judges include refereed judges; the so-called judges include people who carry out administrative justice, as well as heads and members of religious courts. (3) All members of the Armed Forces are also considered officials.

Specifically insults to the President and Vice President are contained in the formulation of articles 134 to 137 of the Criminal Code as follows [30].

Article 134: Intentional insult to the President or Vice President shall be threatened with a maximum imprisonment of six years or a maximum fine of four thousand and five hundred rupiahs;

Article 136 bis: The definition of insult as referred to in Article 134 also includes the formulation of acts in Article 135, if it is done outside the insulted presence, either by public behavior, or not in public by oral or written, but in the presence of more than four people, or in the presence of a third person, against his will and therefore offended.

Article 137 paragraph (1): Whoever publishes, exhibits, or places in public writings or writings containing insults against the President or Vice President, with the intention that the contents of the insult be known or better known to the public, is threatened with imprisonment for a maximum of one year and four months or a fine of a maximum of four thousand and five hundred rupiahs; paragraph (2) : If the guilty commits a crime at the time of carrying out his search, and at that time it has not been past two years since the conviction became permanent for such a crime, then he may be prohibited from searching.

Protection of matters of Public Concern

Status Theory recognizes that certain matters of public concern deserve greater protection under defamation laws. Issues such as government actions, elections, public policies, or corporate behavior are of public interest and impact on society. By providing greater protection for statements related to these matters, Status Theory encourages open discussion, transparency, and accountability.

In general, the concept of protection of matters of public concern in defamation is related to the recognition that certain topics or issues that have a significant impact on society must receive higher protection in terms of freedom of expression. It involves discussion of government policies, public officials, elections, and matters affecting the general public. In this method, the main thing to look at is whether the allegedly defamatory statement is about a "public" or "private" issue. A statement relating to public attention if: (1) a statement relating to "a political, social, or other matter of public concern", or (2) a statement relating to "a subject of legitimate news interest; that is, a subject of public interest and public value and concern." [31].

Not all forms of communication equally involve the basic principles that are believed to underlie the U.S. First Amendment on free speech. The U.S. Supreme Court has long concluded that some forms of expression are more constitutionally important than others. Opinions on purely private issues are completely outside the scope of the First Amendment, whereas opinions on *matters of public interest or concern* (MOPIC) are widely accepted as central to the First Amendment and afforded the highest constitutional protection. According to the US Supreme Court, opinion on public affairs is more than self-expression; it is the essence of self-government. Non-MOPIC opinions *are* less central and therefore less protected [32,pp9-30].

The case of Prita Mulyasari

This case began with Prita Mulyasari (PM) on August 12, 2008, to check her health at Tangerang Omni International Hospital, Banten. PM complained of high heat and dizziness. At first, he was diagnosed with dengue fever, so he had to be hospitalized and treated. But PM's health condition is getting worse. The PM then moved to another hospital in Bintaro. On August 15, 2008, Prieta sent a personal email to her closest friend regarding a complaint about the international Omni Hospital service. This email then circulated widely in cyberspace.

The chronology of the lawsuit against PM is as follows [33]:

24 September 2008: the Omni Hospital sued Prita civil. He was charged with violating Article 27 paragraph (3) of the ITE Law.

May 11, 2009: Prita was decided to lose in a civil case. He must pay material compensation of Rp 161 million and immaterial loss of Rp 100 million.

13 May 2009: Prita was detained at the Women's Prison in Tangerang, as a prosecutor's prison.

4 June 2009: Prita underwent her first trial for a criminal case.

June 25, 2009: Prita was found innocent and free by Tangerang District Court.

September 29, 2010: The Supreme Court cassation panel led by Harifin Tumpa granted the civil lawsuit appeal filed by the PM against Omni International Hospital, so that Prita was released from all damages worth Rp 204 million.

30 June 2011: The Public Prosecutor's Cassation (JPU) was granted by the Supreme Court. Prita was sentenced to 6 months in prison, but with a probation period of 1 year. This means that Prita does not need to be imprisoned, as long as she does not repeat her actions within a year. This decision

was made by the chairman of the panel of judges Imam Harjadi, Zaharuddin Utama and Salman Luthan. However, Salman Luthan submitted a dissenting opinion and stated that Prita was innocent so she had to be free.

17 September 2012: MA granted Prita's request for review (PK). The Supreme Court annulled the Tangerang District Court's criminal verdict and the Supreme Court's cassation. Prita was finally released.

The PM's case shows that the principle of legal certainty has not been fully upheld due to differences in judicial opinions (PN, MA, Cassation, and Review) regarding the nature of defamation in Article 27 paragraph (3) of Law No. 11 of 2008 [16]. PM's case also highlights some of the complexities and challenges in understanding defamation. The PM sent an email to his friends expressing his dissatisfaction with hospital services and handling his medical condition. Accidentally, the email was forwarded outside of its immediate circle and eventually went viral, reaching a much larger audience

The hospital filed a defamation lawsuit against the PM, arguing that his emails had damaged their reputation. The case sparked a national debate about freedom of expression, the use of social media as a platform to voice grievances, and the limitations of defamation laws in the context of status dynamics. Status dynamics refers to the interactions and processes by which individuals or groups build, negotiate, and maintain their social status in a given society or social group. From the perspective of Status Theory, this case raises several important points, namely power dynamics, media attention, public perception and reputation, and public discourse about free speech.

Power Dynamics

Status Theory recognizes that power dynamics can affect status play. In the case of PM, there is a power gap between an individual and a private hospital that may have the power to influence how a lawsuit is opened and the public's response to the case. The apparent power imbalance between individuals and private hospitals played an important role in influencing the dynamics of the lawsuit and eliciting strong public responses. This power imbalance can be analyzed through the perspective of Status Theory and other social factors as follows:

Asymmetry of Power: The hospital as an institution with resources, influence, and legal representation, has its own advantages compared to the PM, a citizen. This power asymmetry may influence the hospital's decision to take legal action and may affect how the case unfolds in the legal system.

Access to Legal Resources: Hospitals, as well-established institutions, are likely to have greater access to legal resources and expertise, which may affect their ability to litigate strong legal cases. Conversely, the PM, as an individual, may face challenges in obtaining adequate legal representation.

Media Attention

The case received significant media attention, and public sentiment was largely on the PM's side. The media's portrayal of the power imbalance between individuals and hospitals may have contributed to the public response, with many viewing it as David confronting Goliath-like entities. The rapid dissemination of PM emails highlights the power of social media in amplifying individual statements and potentially impacting an organization's or institution's reputation. This raises questions about the implications of modern communication technology in defamation cases and how status dynamics can be intensified in an online context.

Public Perception and Reputation

Public perception and reputation are closely interrelated concepts that play an important role in shaping how individuals, organizations, or entities are viewed by the wider community or society. Although related, there are stark differences between perception and public reputation. Public perception refers to the collective beliefs, opinions, attitudes, and judgments that the general public has about a person, organization, product, or other entity. It is the way people perceive and interpret the actions, behaviors, and communications of the subject in question. Reputation refers to the overall estimation, evaluation, or assessment of a person, organization, or entity's past character, credibility, and behavior. These are perceptions formed over time, based on past actions, track records, and interactions.

Public perception of the case may be affected by the status and reputation of both parties. Hospitals are generally regarded as institutions that must prioritize the well-being of patients, and any perception of ill-treatment or neglect of a patient's problems can damage their reputation. On the other hand, the PM, as an individual seeking a resolution to his complaint, received public sympathy and support. Public sympathy and support raised his social status and recognition significantly. The widespread public support she received had a major impact on the perception of her reputation and contributed to her high standing in society. Several factors led to the rise in Prita's status due to public sympathy and support:

Empathy for her suffering: The public empathizes with the situation of Prita Mulyasari as an individual who voiced her complaints about her experience in a private hospital. Many people can understand his frustration and feel that he deserves to be listened to and dealt with his concerns.

Perceived injustice: Prita's case is seen as an example of a David versus Goliath scenario, where a citizen opposes a powerful institution. The perceived injustice of the hospital's legal action against him sparked public sympathy.

Media coverage: The media plays an important role in amplifying the story and bringing it to the attention of a wider audience. Media coverage focused on the power imbalance between Prita and the hospital, which further evoked public sentiment.

Social mediasupport: This case is gaining momentum on social media platforms, where people are sharing their support for PMs. Social media allowed her story to reach a wide audience, and the hashtag # SavePrita went viral, further raising awareness and sympathy.

Advocacy and activism support: Various advocacy groups and individuals advocating for freedom of speech and patient rights came together in support of Prita's case, increasing the support she received.

Acknowledgment of her courage: Prita's decision to speak out against a prominent institution and her willingness to face the legal consequences is considered a courageous act that reaps admiration from the public.

Legal victory: The PM's acquittal from defamation charges validated his actions and further strengthened public sympathy and support for his cause.

Public Discourse on Freedom of Speech

Public discourse on free speech is a critical and ongoing conversation in societies around the world. Freedom of speech, as a fundamental human right, allows individuals to express their thoughts, opinions, beliefs, and ideas without censorship or fear of retaliation from governments or other entities. It is enshrined in various international human rights declarations and national constitutions as the foundation of democratic societies.

The case is also a reminder of the importance of free speech and the right to voice grievances. The PM's email has served as an exercise of his right to freedom of expression, while the RS lawsuit raises questions about the limits of the defamation law and its impact on free speech.

Conclusions

This study has analyzed defamation from the point of view of Status Theory. Status theory unravels complex doctrinal chains, making them plausible and essential [17]. Using Status Theory, this study has shown how the PM case that gave rise to many controversies of court rulings can be analyzed more clearly.

PM's case shows the power imbalance between individual citizens and private hospitals, which are considered to have the power to influence how a lawsuit is opened and the public's response to the case. The apparent power imbalance between citizens and private hospitals played an important role in influencing the dynamics of the lawsuit and eliciting strong public responses.

The imbalance of power has also generated significant media attention, and public sentiment has largely sided with the PM. The media's portrayal of a power imbalance between individuals and hospitals may have contributed to the public response, with many viewing it as a battle between David and Goliath. The role of online media raises questions about the implications of modern communication technology can be intensified in an online context.

In these cases, public perception and reputation are closely interrelated concepts that play an important role in shaping how individuals, organizations, or entities are viewed by the wider community or society. Hospitals are generally regarded as institutions that must prioritize the well-being of patients, and any perception of ill-treatment or neglect of a patient's problems can damage their reputation. On the other hand, the PM, as an individual seeking a resolution to his complaint,

received public sympathy and support. Public sympathy and support raised his social status and recognition significantly. Widespread public support for the PM had a major impact on the perception of his reputation and contributed to his high standing in society.

Overall, the PM case is an example of how power dynamics and status considerations can intersect in cases of defamation. This case is a strong example of how public sentiment can be affected by perceptions of power imbalances and the broader social context in which defamation cases and other legal disputes are tried. This underscores the importance of considering not only legal principles but also social and ethical factors when evaluating defamation claims involving parties with different levels of power and status. In addition, the PM's case revealed potential weaknesses in the understanding of prosecutors and judges in handling defamation cases.

References

- [1] Novin, S., & Oyserman, D.: Honor as cultural mindset: Activated honor mindset affects subsequent judgment and attention in mindset-congruent ways. *Frontiers in psychology*, 7, 1921. (2016).
- [2] Erowati, E. M.: Compensation of defamation in Indonesia. In 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019) pp. 335-338(2019, October). Atlantis Press.
- [3] Rawat, S.: Defamation and the Internet. *Social Laws Today*. (March 4, 2022) <https://sociallawstoday.com/defamation-and-the-internet/>
- [4] Wahyuni, ET.: Defamation through Social Media Based on Laws and Regulations. *Journal La Sociale*, 1(6), 31-40 (2020)
- [5] Setiawan, W. T., & Rozah, U.: The Urgency of Law Enforcement Offenses of Defamation in Indonesia based on the Insignificance Principle. *International Journal of Social Science Research and Review*, 6(3), 377-383 (2023). <https://ijssrr.com/journal/article/view/983>
- [6] Antony, A.: Balancing Justice and Reconciliation: Restorative Approaches to Criminal Defamation Settlement in Indonesia. *Barelang Journal of Legal Studies*, 1(1), 15-30 (2023)
- [7] Hosnah, A.U., Antoni, H, & Yofany, R.: Law Enforcement Against Perpetrators of Defamation Through Social Media Based on the ITE Law. *International Journal of Multicultural and Multireligious Understanding*, 10(4), 362-372. (2023).
- [8] Surian, S, Jannah, M, & Hakim, A.: Defamation and Insult Through Information and Communication Technology Media According to Law No. 19 of 2016 Concerning Amendments to Law No. 11 of 2008 Concerning Electronic Transaction Information. *Journal of Social Research*, 2(4), 1468-1476 (2023)
- [9] Muhdar, M.: Doctrinal and non-doctrinal research An applicative approach in Legal Research. (Samarinda: Mulawarman University Press) pp 8-10.
- [10] Marzuki, PM.: *Legal Research*. Jakarta: Kencana Prenada Group, p 35 (2007)
- [11] Soekanto, S and Mamoedji: *Normative Law Research*: Jakarta, Rajawali (1985).
- [12] Argawati, U.: Provisions for Freedom of Opinion in the Constitution. Constitutional Court of the Republic of Indonesia December 14, 2020. <https://www.mkri.id/index.php?page=web.News&id=16828>. Access August 3, 2023
- [13] Docherty, B.: Defamation law: Positive jurisprudence. *Harv. Hum. RTS J.*, 13, 263 (2002)
- [14] Garner, BA.: *Black's Law Dictionary*. 7th edition. West Group. ST. Paul MINN. (1999).
- [15] Mainake, Y, and Nola, LF.: Impact of Multi-interpretation Articles in the Law on Information and Electronic Transactions. *Brief Info* 12 (16). pp.1-6 (2020)
- [16] Jasmi, PC.: Analysis of the Implementation of the Principle of Legal Certainty in the Judges' Decision Process Related to Humiliation Through Cyberspace. *Journal of Legal Analysis*, 3(1), 82-97 (2020)
- [17] Arbel, Yes.: A Status Theory of Defamation Law. U of Alabama Legal Studies Research Paper, (4021605) (2022)
- [18] Post, RC.: The social foundations of defamation law: Reputation and the Constitution. *Calif. L. Rev.*, 74, 691 (1986)
- [19] Rao, N.: Three Concepts of Dignity in Constitutional Law, 86 *Notre Dame L. Rev.* 183 (2013) <http://scolarship.law.nd.edu/ndlr/vol86/iss1/4>
- [20] sciencedaily.com: We all want high social status. University of California, Berkeley Haas School of Business May 6, (2015) https://www.sciencedaily.com/_releases/2015/05/150506094925.htm

- [21] Goldthorpe, J.: Back to class and status: Or why a sociological view of social inequality should be reasserted. *Revista Española De Investigaciones Sociológicas (REIS)*, 137(1), 201-215 (2012)
- [22] Weber, M.: *Economy and Society*, Berkeley and Los Angeles: University of California Press. (1922-1968)
- [23] Anderson, C, & Kilduff, GJ: The pursuit of status in social groups. *Current Directions in Psychological Science*, 18(5), pp295-298 (2009)
- [24] Ridgeway, CL.: *Status: Why is it everywhere? Why does it matter?*. Russell Sage Foundation (2019)
- [25] Anderson, C, Hildreth, Jad, & Howland, L.: (2015). Is the desire for status a fundamental human motive? A review of the empirical literature. *Psychological Bulletin*, 141(3), pp 574-601 (2015). doi:10.1037/a0038781
- [26] Suarapemintah.id: Anwar Hafid: Freedom of Opinion Must Unite with the Nature of Democracy. (17 Feb 2022). <https://suarapemintah.id/2022/02/anwar-hafid-kebebasan-berpendapat-itu-harus-bersatu-dengan-alam-democracy/>
- [27] Miller, J.C.: "Who's Exposing John Doe? Distinguishing Between Public and Private Figure Plaintiffs in Subpoenas to ISPs in Anonymous Online Defamation Suits," *Journal of Technology Law & Policy*: Vol. 13: Iss. 2, Article 4 (2008) <https://scholarship.law.ufl.edu/jtlp/vol13/iss2/4>
- [28] Wade, JW.:Defamation, the first amendment and the torts restatement. In *Forum* Vol. 11, p. 3 (1975).
- [29] Praise, S.: Questioning the Article of Insult to the Government. (Jan 24, 2023) <https://www.mkri.id/index.php?page=web.News&id=18849&menu=2>
- [30] BPHN Team: Final Report of the Legal Analysis and Evaluation Team on Delicts of Insult to State Officials and State Symbols (Criminal Code ARTICLE 310-321) 2006.https://bphn.go.id/data/documents/delik-delik_penghinaan_terhadap_pejabat.pdf
- [31] [nationwideconsumerrights.com: Matters of Public Concern](https://www.nationwideconsumerrights.com/matters-of-public-concern.html).//www.nationwideconsumerrights.com/matters-of-public-concern.html
- [32] Wright, R.G.: Speech on Matters of Public Interest and Concern, 37 *DePaul L. Rev.* 27 pp 29-30 (1987) Available at: <https://via.library.depaul.edu/law-review/vol37/iss1/3>
- [33] [detiknews.com: This is Prita's Chronology of Seeking Justice](https://news.detik.com/berita/d-2023887/ini-dia-kronologi-prita-mencari-keadilan)" 18 Sept 2012 <https://news.detik.com/berita/d-2023887/ini-dia-kronologi-prita-mencari-keadilan>.