

Analysis of Giving Negative Reviews to Restaurants Based on Criminal Law in Indonesia

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ABSTRACT: Restaurant reviews are one of the most frequently appearing content on social media, and are one of the promotional media for culinary business actors. Brand is one of the most important things in maintaining customer trust. Negative reviews of restaurants without permission can harm their owners, thus providing legal standing to take specific legal measures. This article analyzes whether negative reviews can be included in the category of criminal acts and how the legal measures are. This research is normative juridical legal research; legal materials are collected through literature studies, and all legal materials are analyzed descriptively and qualitatively. The study results indicate that unauthorized restaurant reviews fall into the category of defamation as regulated in the Criminal Code and the Information and Electronic Transactions Law, and can develop into extortion if there is an element of money in it. Interested parties can resolve it through litigation if they feel disadvantaged.

KEYWORDS: Negative Review, Criminal, Restaurant, Social Media.

A. INTRODUCTION

The era of globalization is marked by the expansion of media, which supplies society with various kinds of information that can accommodate human needs, ranging from entertainment, economics, politics, and law. This is marked by the public's easy access to print media, such as newspapers, tabloids, and magazines. The emergence of the internet then revolutionized the media for disseminating information, which was originally from print media, to electronic media. Electronic media makes it easier to fulfill people's needs in accessing information flows from various places without being limited by space and time. The chosen platforms are diverse, ranging from E-commerce sites, blogs, social media, news sites, portfolio sites, education sites, entertainment sites, search sites, and forums or online communities.

Media is a tool or means used to convey messages to the public. Several psychology experts view that in communication between humans, the most dominant media are the human senses, such as the eyes and ears. The messages received by the five senses are then processed by the human mind to control and determine their attitude towards something, before being expressed in action. Today's phenomenon is that any information with a click and share will immediately spread widely and can go viral.¹

The development of emerging trends allows everyone to have their own goals and ways of expressing themselves, one of which is making video shows that are currently trending, namely video blogging, also known as Vlog. Vlog activity is recording audio-visual-based videos by Vloggers, the term for Vloggers. The existence of different motivations in each Vlogger who desires the expected achievement is why they are interested in making Vlogs. Another reason is that Vlog shows are believed to be able to produce more natural expressions than just blog posts. Vlogs that are uploaded on social media sites, one of which is the YouTube site, a website portal that provides video sharing and viewing services. YouTube is a new media innovation and a distribution channel for various groups that make video shows and advertising services. YouTube is a container for online TV stations with direct management, both individuals and groups. This service has developed into the largest video community on the internet, which unites individuals from various communities with the same interests.²

The goal of a content creator is to create content in the form of videos, images, or writings that the audience likes to get the number of views, subscribers to increase the value of their account. The number of views, likes, and subscribers indicates that the audience likes the content created by the creator. The content can be entertainment, information, education, culinary, etc. The career

¹ Cangara Hafied, *Pengantar Ilmu Komunikasi* (Jakarta: Raja Grafindo persada, 2014).

² Andi Tenri Ajeng, "Vlogger Dan Konten Vlog Youtubers Palu: Motivasi Menjadikan Youtube Sebagai Media Berekspresi," *KINESIK* 5, no. 3 (2018): 50, <https://jurnal.fisip.untad.ac.id/index.php/kinesik/article/view/60/40>.

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of a content creator is certainly not instant, and it requires perseverance and continuity in providing content consumed by the public. Content creators differ from one another depending on the type of content created.

Business actors are all actions carried out continuously, acting to earn income, by trading, delivering goods, or making trade agreements. The business entity itself consists of various types, depending on the scale of the business. If it is in the form of a national-scale franchise, generally the business actor is a company. However, if it is small-scale, it can be a trading business actor. Restaurants are one form of business actors because they aim to seek profit. Restaurants from their trading scale can be franchises, such as famous restaurant brands, such as KFC, McDonald's, Mie Gacoan, Warung Nasi Padang Sederhana, Ampera, Laksana, and Alam Sunda. Restaurant businesses can also be small, such as stalls, Warteg, Masakan Padang, etc.

One factor that determines a restaurant's success or failure is its reputation and good name, which is a trusted restaurant sought after by buyers. The good name of a restaurant is generally reflected in the brand of the restaurant. Buyers will generally avoid restaurants with a bad reputation. However, what happens when someone makes a video about a restaurant without permission and then gives a bad label to the restaurant? Of course, it will harm the restaurant because buyers/consumers will avoid it. In this article, the author tries to analyze the legal consequences of giving negative reviews without permission to a restaurant from a criminal law perspective, starting by reviewing the definition, laws, and regulations that can be imposed on such actions.

B. METHOD

This research is a normative legal research focusing on a literature review of relevant laws, doctrines, and court decisions. This study aims to analyze the provisions of Indonesian criminal law related to giving negative reviews to restaurants, especially in the context of defamation, insults, and unpleasant acts, both in public spaces and through digital media. The approaches used include a statutory approach by examining applicable legal regulations, a conceptual approach through criminal law theories, and a case approach by examining relevant court decisions. The legal materials used consist of primary legal materials in the form of laws and court decisions, secondary legal materials such as books, scientific journals, and expert opinions, and tertiary legal materials in the form of legal dictionaries and encyclopedias. Legal materials were collected through a literature study by tracing various legal sources, both printed and online. All legal materials were analyzed descriptively and qualitatively using deductive reasoning to conclude the application of criminal law to giving negative reviews in Indonesia.

C. DISCUSSIONS

Restaurants are one of the means to implement the food service industry, or part of tourism accommodation, and they play a role in meeting the needs of tourists or customers. In addition to food and beverages as its main products, a restaurant requires good and maximum service standards so that guests feel satisfied not only in terms of food or beverages but also from the alertness and friendliness of the restaurant employees when serving guests.³ The reputation of a restaurant is generally known through its trademark.

Reputation is a collective assessment of the ability of a business actor to provide valuable results to a representative group of stakeholders. According to Mitnick and Mahon, reputation is an individual perception that arises because of the performance or quality of the individual or organization.⁴ The reputation of a business actor is relatively stable and long-term due to the collective assessment by external parties of the actions and achievements of a business actor. In another sense, reputation is an award received by a business actor because of the advantages that exist in the business actor, such as ability, so that the business actor will continue to be able to develop itself to continue to create new things to meet customer needs. Reputation means trust, integrity, and honesty.⁵ This can be seen from experience, third-party trust, integrity, and honesty. Reputation is generally reflected in the trust in a particular brand owned by a business actor.

Restaurants are inseparable from a brand. Brand reputation is one of the most important commercial assets for a business actor, and it directly impacts the brand's value. Consumers will believe that the products offered to them are of quality (product value) when they trust the brand of a business actor. In addition, brand reputation can increase business opportunities and product and service sales.⁶ Customer loyalty is the tendency of customers to buy a product or use services provided by a business actor with a high level of consistency. Consumer loyalty will also be the key to success, not only for the short term but also for a sustainable

³ Marlow Shane Batti et al., "Analisis Kualitas Pelayanan Di Restoran Kelong Baba Kota Batam," *Jurnal Menata* 3, no. 1 (2024): 45–52, accessed April 23, 2025, <https://jurnal.btp.ac.id/index.php/menata-btp/article/download/276/201/1221>.

⁴ Barry M. Mitnick and John F. Mahon, "The Concept of Reputational Bliss," *Journal of Business Ethics* 72, no. 4 (2007): 323–333, accessed April 23, 2025, https://www.researchgate.net/publication/5148971_The_Concept_of_Reputational_Bliss.

⁵ Fery Setiawan, "Pengaruh Religiusitas Dan Reputasi Terhadap Minat Muzakki Dalam Membayar Zakat Profesi (Studi Kasus Di Kabupaten Ponorogo)," *Jurnal Ilmu Manajemen* 8, no. 1 (2018): 13–21, https://jurnal.um-palembang.ac.id/ilmu_manajemen/article/view/1553.

⁶ C V Chiranthan, M Krishna Prasad, and R Y Shreyas, "Digital MCB," in *2017 International Conference On Smart Technologies For Smart Nation (SmartTechCon)*, 2018, 1514–1518.

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competitive advantage. This is because consumer loyalty has strategic value for business actors.⁷ Restaurants with a bad reputation tend to be avoided by potential consumers; therefore, as much as possible, restaurants as business actors will try to promote their brands to increase sales by all means. Social media is one option for restaurant brand promotion.

Social media is an exponential word-of-mouth platform, so a strong online presence is essential to managing brand image and increasing brand awareness. Social media has become the primary locus of interaction between customers and between customers and businesses.⁸ Increased customer engagement has been shown to positively impact various performance outcomes, such as sales⁹, profit,¹⁰ and brand evaluations.¹¹ The shift from direct marketing strategies to ongoing two-way conversations with customers shows the growing importance of social media for the restaurant industry. Because restaurant services are intangible, content on social media is an essential reference for individuals when choosing a place to eat.¹² Restaurant marketing through social media can be done through content creators.

Content creators create images, videos, and writings in the form of content that is then distributed through various social media platforms. The task of the content creator itself is to collect ideas, conduct research, and create concepts to produce content, for example, for promotional purposes, education, entertainment, or information, and then adjust it to the chosen platform.¹³

In its development, various video sharing media applications have emerged, such as TikTok, Snack Video, Facebook, Line, Instagram, Twitter, and YouTube, which provide choices for people to consume the information they want. The competition led to initiatives from application providers to incentivize video creators. From here emerged a new profession called content creator, such as YouTuber and TikToker.

YouTubers are active YouTube users who routinely publish the video content they create.¹⁴ In Indonesia, there are currently many people who work as YouTubers. YouTubers must play a fairly unique role in each video in carrying out their work. This activity is a form of self-presentation. They try to create a specific impression to influence the way the public, as viewers, view themselves in the video. YouTube is one of the social media that facilitates this self-presentation activity. YouTubers, as active YouTube users, are involved in self-presentation to build and maintain relationships with their viewers on an ongoing basis.¹⁵

A study by Holmbom concluded that being a YouTuber is a luxurious career choice, having many viewers makes it an ideal livelihood, and can provide various benefits for the community as connoisseurs of shared video content. Holmbom also concluded from the results of his research that working as a YouTuber makes someone more comfortable at work, because the job can be done every day in a comfortable home, without having a boss and certain working hour limits, making the profession one example of the level of freedom in the journey of life that almost everyone wants to feel.¹⁶ Social media disruption occurred in the 21st century, when messages were mainly delivered via the Internet, influencing opinions, attitudes, purchasing behavior, after-sales

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- ⁷ Stephanie et al., "Pengaruh Nilai Pelanggan Terhadap Loyalitas Pelanggan Di Prima Elektronik Medan," in *Prosiding Seminar Nasional Aplikasi Sains & Teknologi*, 2022, 1–10, accessed April 23, 2025, <https://repository.uhn.ac.id/handle/123456789/7047>.
- ⁸ Marcello M. Mariani, Marco Di Felice, and Matteo Mura, "Facebook as a Destination Marketing Tool: Evidence from Italian Regional Destination Management Organizations," *Tourism Management* 54 (June 1, 2016): 321–343.
- ⁹ Christopher Roberts and Frank Alpert, "Total Customer Engagement: Designing and Aligning Key Strategic Elements to Achieve Growth," *Journal of Product & Brand Management* 19, no. 3 (2010): 198–209, accessed April 11, 2025, https://www.researchgate.net/publication/49513186_Total_customer_engagement_Designing_and_aligning_key_strategic_elements_to_achieve_growth.
- ¹⁰ Jana Lay-Hwa Bowden, "The Process of Customer Engagement: A Conceptual Framework," *The Journal of Marketing Theory and Practice* 17, no. 1 (2009): 63–74, accessed April 11, 2025, https://www.researchgate.net/publication/247887433_The_Process_of_Customer_Engagement_A_Conceptual_Framework.
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- ¹² Eojina Kim and Rebecca (Liang) Tang, "Rectifying Failure of Service: How Customer Perceptions of Justice Affect Their Emotional Response and Social Media Testimonial," *Journal of Hospitality Marketing & Management* 25, no. 8 (2016): 897–924, accessed April 11, 2025, <https://www.tandfonline.com/doi/full/10.1080/19368623.2016.1149537>.
- ¹³ Irla Yulia and Iqbal Miftakhul Mujtahid, "Fenomena Content Creator Di Kalangan Remaja Citayam Fashion Week," *Dharmawangsa* 17, no. 2 (2023): 677–690, <https://jurnal.dharmawangsa.ac.id/index.php/juwart/article/view/3180>.
- ¹⁴ Antonio García Jiménez, B.C. García, and María Cruz López de Ayala López, "Adolescents and Youtube: Creation, Participation and Consumption," *Prisma Social* 1, no. 1 (2016): 61–89.
- ¹⁵ Arienne Ferchaud et al., "Parasocial Attributes and YouTube Personalities: Exploring Content Trends across the Most Subscribed YouTube Channels," *Computers in Human Behavior* 80 (March 1, 2018): 88–96.
- ¹⁶ Mattias Holmbom, "The YouTuber: A Qualitative Study of Popular Content Creators" (UMEA, 2015), <https://www.diva-portal.org/smash/get/diva2:825044/FULLTEXT01.pdf>.

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communication, and other aspects of consumer behavior.¹⁷ The current social media phenomenon cannot be ignored and must be considered a marketing tool.¹⁸

Vlogging is one of the dominant forms of content on YouTube. Videos categorized as vlogs are usually recorded as monologues using a webcam and relatively simple editing techniques. Vloggers can discuss various personal views on politics, socio-cultural issues, and trivial things that happen daily.¹⁹ In Indonesia, the terms vlogger and youtuber are often interchangeable and refer to the same thing, although not all vloggers use only YouTube. YouTube also refers to these vloggers and YouTubers as content creators. The terms vlogger, youtuber, and content creator in this study are considered as terms that refer to one party, namely social media users who routinely upload various video content containing personal stories and comments, socio-political analysis, culture, and stories of their daily lives.²⁰

One form of Vlog is a restaurant review. The success of a restaurant depends on how it responds to the competitive environment. It is influenced by location, speed of growth, ability to differentiate itself, available resources, planning, and willingness to adapt to change.²¹ Every restaurant needs to find a way to stand out and be different in the market in order to stay competitive. Social media is one option that can help achieve this goal because of its low cost and ability to allow consumers to share and interact.²²

A restaurant vlogger is among the professions in demand on social media, be it on YouTube, TikTok, or Instagram. Generally carried out by visiting a restaurant in a particular place, spontaneously, then giving impressions while eating there, be it in terms of taste, cleanliness, place, price, and service. In the world of social media, Vloggers generally have subscribers and followers. Subscribers and followers become loyal viewers and always look forward to the latest videos on the chosen social media channel. Subscribers play a vital role in social media success because they watch the social media channel more often than others.²³ Vloggers will get royalties from the videos they upload; the number of views and subscribers will determine whether they get royalties from the social media platform provider, so a vlogger must always be creative in creating content. Vloggers who have many followers can generally influence the success of a restaurant. When given a bad review by a Vlogger with many followers, consumers tend to avoid the restaurant. Bad reviews will undoubtedly harm the restaurant owner. Restaurants as business actors can, of course, be owned individually or in the form of a legal entity to meet the requirements as legal subjects. Privately owned restaurants are bound by their owners' personal assets, so the restaurant's loss means the owner's loss.

In contrast, restaurants with legal entities are considered legal subjects. The term legal subject comes from the Dutch language, namely *rechtsubject* or subject of law in English.²⁴ In general, *rechtsubject* is interpreted as a supporter of rights and obligations, namely humans and legal entities. Both humans and legal entities have the authority to hold rights and obligations, so humans and legal entities are said to have legal authority. However, in some instances, authority about rights arising from the law of individuals and family law can only be held by legal subjects of individuals and not by legal subjects of legal entities. In certain conditions, the legal authority held by individuals, which are incidental exceptions, such as circumstances, place of residence, age, status, and a person's actions. This is by the Supreme Court decision No. 191/K/Sip/1962 (October 10, 1962), which stated that a person's freedom, including in the civil field, should not be given 100%, because it is contrary to the law. In addition to humans who are naturally legal subjects, the law also recognizes the existence of legal entities or *rechtspersoon* as legal entities, which are positioned as supporters of rights and obligations. These bodies and associations can have their assets and participate in legal transactions through their administrators. These bodies or associations are called Legal Entities (*rechtspersoon*), which means people (*persoon*) created by law.²⁵ This means that restaurants as legal subjects, both individuals and legal entities, are holders of rights and obligations; if a legal entity is harmed, the legal entity is a stakeholder/principal.

¹⁷ J. Bernabé-Moreno et al., "Quantifying the Emotional Impact of Events on Locations with Social Media," *Knowledge-Based Systems* 146 (April 15, 2018): 44–57.

¹⁸ W. Glynn Mangold and David J. Faulds, "Social Media: The New Hybrid Element of the Promotion Mix," *Business Horizons* 52, no. 4 (July 1, 2009): 357–365.

¹⁹ Jean Burgess and Joshua Green, *Youtube: Online Video and Participatory Culture.*, 1st ed., vol. 1 (Cambridge: Polity Press, 2009).

²⁰ Jimi N. Mahameruaji et al., "Bisnis Vlogging Dalam Industri Media Digital Di Indonesia," *Jurnal Ilmu Komunikasi* 15, no. 1 (2018): 61–74.

²¹ H. G. Parsa et al., "Why Restaurants Fail," *Cornell Hospitality Quarterly* 46, no. 3 (2005): 304–322, accessed April 11, 2025, https://www.researchgate.net/publication/237835565_Why_Restaurants_Fail.

²² Anil Bilgihan, Cheng Peng, and Jay Kandampully, "Generation Y's Dining Information Seeking and Sharing Behavior on Social Networking Sites: An Exploratory Study," *International Journal of Contemporary Hospitality Management* 26, no. 3 (2014): 349–366, accessed April 11, 2025, <https://www.cabidigitallibrary.org/doi/full/10.5555/20143180081>.

²³ Achwan Noorlistyo Adi, Jenny Ratna Suminar, and Nuryah Asri Sjaifirah, "Makna Subscriber Bagi Youtuber Kota Bandung," *Communication* 10, no. 2 (2019): 142–156, accessed April 30, 2025, https://journal.budiluhur.ac.id/comm/article/view/894/pdf_600.

²⁴ Titik Triwulan Tutik, *Hukum Perdata Dalam Sistem Hukum Indonesia* (Jakarta: Prenada Media, 2008).

²⁵ C.S.T. Kansil, *Pengantar Ilmu Hukum* (Jakarta: Balai Pustaka, 1989).

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Wirjono Prodjodikoro, in his book *Principles of Criminal Law in Indonesia*, said that in the view of the old Criminal Code, which was still in effect when this article was published, the subject of a criminal act can be a human being as an individual. This can be seen in the formulations of criminal acts in the Criminal Code, which show the power of thought as a requirement for the subject of the criminal act, also seen in the form of punishment/criminals contained in the articles of the Criminal Code, namely imprisonment, confinement, and fines. Still based on the same article, in criminal law, the description of the perpetrator of a criminal act (crime) is still often associated with acts that are physically carried out by the perpetrator (*fysieke dader*). However, for corporate acts themselves, they are always realized through human actions (board of directors; management), so the transfer of management responsibility (human; natural person), to become a corporate act (legal entity; legal person), can be done if the act is a corporate act. This is the legal concept of functional actors (*functionelle dader*).²⁶ Restaurants as legal subjects are stakeholders; if irresponsible parties violate their rights, restaurants have the right to fight for their rights to justice both criminally and civilly.

The development of social media does not always benefit business actors, such as restaurants; sometimes irresponsible parties appear who seek fame by discrediting business actors. This fame is achieved by getting a large number of viewers from the content they create, one of the modes of operation can be done by giving bad reviews to culinary business actors, such as restaurants. Restaurant reviews mean giving a review, an assessment of something such as a food product sold in a restaurant, either positively or negatively, based on experience or analysis of it. These reviews can be in the form of comments, responses, or reviews to disseminate information regarding the restaurant's quality to other parties, either through electronic, print, or oral media.

Another *modus operandi* can be done by asking for a ransom from the business actor when many people upload and watch the video. The perpetrator will approach the business actor and offer consulting services, then offer video production services that promote their restaurant while deleting detrimental videos. Giving bad reviews without permission falls into several legal areas, namely the Criminal Code and Law No. 1 of 2024 concerning Information and Electronic Transactions (ITE). Giving a bad restaurant review can be categorized as defamation or extortion, depending on the act.

There are several terms in the laws and regulations that are used to refer to the crime of defamation, some use the term criminal act of honor, criminal act of insult, or attack on good name.²⁷ The following can be explained from the various categories of criminal acts of defamation: First, Defamation, regulated in Article 310 paragraph (1) of the Criminal Code. This crime is often referred to as ordinary defamation. The formulation of the elements of the crime contained therein can be explained from the text which states: "Whoever intentionally attacks the honor or good name of a person, by accusing something, the intention of which is clear so that it is known to the public, is threatened with defamation" namely: 1) Whoever; 2) Intentionally attacks the honor or good name of a person; 3) By accusing something; 3) The intention of which is clear so that it is known to the public; 4) Is threatened with defamation.

The word "intentionally" in the concept of material criminal law, referred to as *Opzet* (*dolus*), is significant as a benchmark for determining the guilt or innocence of a person with the status of a defendant.²⁸ According to the Great Dictionary of the Indonesian Language, intentionally means 1. intended (planned); indeed intended so; not by chance. 2. made up; deliberate.²⁹ Another dictionary states that intentionally is "what is meant; indeed planned; indeed desired/wanted."³⁰

Attacking (*aanranden*) is not physical, because what is attacked (the object) is not physical, but feelings about honor and a person's good name. The object attacked is a sense/feeling of self-esteem regarding honor (*eer*), and a sense/feeling of self-esteem regarding a person's good name (*goedennaam*).³¹ The formulation "by accusing something" is closely related to a "certain act" which the perpetrator states as the victim's act. The victim is said to be someone who does or does not do something, and accusing something means that it is still not necessarily true and proven.³² Interpreting this formulation's elements means using words/sentences through speech, such as accusing a certain act. The formulation of the crime "whose intention is clear so that it is known to the public" is aimed at the inner attitude of the perpetrator. According to this definition of crime, the act should not be performed publicly. This means that it is sufficient if it is proven that the perpetrator intended to broadcast the accusation.

To avoid multiple interpretations of the provisions, the latest Explanation of Article 27 paragraph (3) of Law Number 11 of 2008 explains the term "distributing and/or transmitting and/or making accessible electronic information and/or electronic

²⁶ Wirjono Prodjodikoro, *Asas-Asas Hukum Pidana Di Indonesia* (Bandung: Refika Aditama, 2003).

²⁷ Anton Hendrik Samudra, *Penegakan Hukum Terhadap Tindak Pidana Penghinaan Melalui Media Siber Di Indonesia (Cyber Defamation Law Enforcement In Indonesia)*, SSRN Electronic Journal, 2011, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3634008.

²⁸ Erwin Asmadi, *Pembuktian Tindak Pidana Terorisme: Analisa Putusan Pengadilan Pada Kasus Perampokan Bank CIMB Niaga Medan* (Medan: Sofmedia, 2013).

²⁹ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia, Pusat Bahasa Departemen Pendidikan Nasional* (Jakarta: Gramedia Pustaka Utama, 2008).

³⁰ Sulchan Yasyin, *Kamus Lengkap Bahasa Indonesia*. (Surabaya: Amanah, 1997).

³¹ Ahmad Sofian, "Tafsir Pasal Pencemaran Nama Baik," last modified 2017, accessed April 15, 2025, <https://business-law.binus.ac.id/2017/12/28/tafsir-pasal-pencemaran-nama-baik/>.

³² Ibid.

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documents. The act of transmitting and distributing has the same nature, namely that through these acts, information is channeled to the recipient of the information. Therefore, measuring that both acts have been perfectly realized is done from the perspective of the intended distribution of the information. Whether with the act carried out through computer hardware and software, according to the electronic information technology system, the information can be channeled to the recipient of the information.³³

The victim is a person who experiences a loss, either in the form of physical, mental or financial loss or an individual who suffers physically and mentally as a result of the actions of others who steal the fulfillment of their interests or the actions of others who are contrary to the interests and human rights of the sufferer. Videos containing negative restaurant reviews will certainly affect the reputation of a place of business, namely decreasing customer trust, causing buyers to become quiet, making the brand look bad, and decreasing profits, resulting in material losses. Material losses indicate that the restaurant is a victim, so giving bad reviews without permission that are not proven at a place of business, depending on the act, can be categorized as a criminal act.

The act will determine which article will be imposed on the perpetrator. The act of the perpetrator who issued a statement detrimental to the victim without sufficient evidence can be considered defamation. The losses experienced by the restaurant business actors indicate an interest in the victim. The legal consequences of giving a bad review without permission to a restaurant give the owner who feels aggrieved the right to report the perpetrator to the police. The legal basis the business actor can use can be Article 310 (1) of the Criminal Code and Article 27A of Law 1/2024 concerning the second amendment to the ITE Law. Bad reviews of business actors fulfill the elements of defamation. Giving a bad review without permission to a restaurant fulfills the elements of an act intentionally attacking a person's honor and good name, and the actions of the perpetrator who posted on social media can be categorized as public knowledge.

The perpetrator's actions in asking for money to delete his video, which was made without permission, are included in the crime of extortion. The legal basis for reporting the perpetrator is Article 27B (2) of Law No. 1 of 2024. Restaurant extortion involves intentionally distributing videos without permission, to benefit oneself materially by breaking the law, threatening to defame the business actor, and forcing them to give money to the perpetrator. The victim/reporter/or business actor can make several legal efforts to respond to the bad review. These legal efforts consist of non-litigation and litigation efforts. Non-litigation is carried out in a family manner through objections to the perpetrator and negotiation. Litigation is a settlement using a report to the police for violations of the Electronic Information and Transactions law.

D. CONCLUSION

Negative reviews detrimental to restaurant business actors, depending on the perpetrator's actions, are regulated in the Criminal Code, especially regarding defamation and extortion. However, because there is an element of electronic media in the actions, the ITE Law becomes the lex specialist that regulates this issue. The articles used are Articles 27A and 27B of Law No. 1 of 2024 concerning Information and Electronic Transactions. Settlement can be carried out through litigation or non-litigation. Interested business actors have the right to file a report if the review uploaded by another party without permission is detrimental to the restaurant owner.

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- 8) Bernabé-Moreno, J., A. Tejada-Lorente, C. Porcel, H. Fujita, and E. Herrera-Viedma. "Quantifying the Emotional Impact

³³ Adami Chazawi and Ardi Ferdian, *Tindak Pidana Informasi Dan Transaksi Elektronik* (Malang: Media Nusa Creative, 2011).

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