

ABSTRACT

Geraldo Christmanto P Tambunan (01051170239)

JURIDICAL REVIEW OF CLAIMS FOR DAMAGES IN THE CASE OF DAMAGE THROUGH MASS MEDIA: CASE STUDY OF DECISION NUMBER 300/PDT.G/2008/PN.TNG (PRITA MULYASARI AGAINST OMNI INTERNATIONAL HOSPITAL)

(xi+101 pages)

One form of human rights is freedom of expression. Freedom of expression has certain limitations as long as it is carried out without violating rights of others. Parties who feel harmed by insults by others have the right to file a claim for compensation. Anyone can also be charged with criminal threats for acts of humiliation and/or defamation on the internet as regulated in Article 27 paragraph (3) jo. Article 45 of the ITE Law. One of the benchmark cases happened to Prita Mulyasari who expressed her disappointment with the medical services of the OMNI hospital via e-mail. The contents of the e-mail were then widely disseminated to the public until it was known by the hospital. Then the hospital filed a lawsuit against the law on the basis of criminal humiliation and civil unlawful acts. The author will analyse this problem in the context of a claim for compensation in the case of defamation with a case study of Decision No. 300/Pdt.G/2008/Pn.Tng. This research uses normative legal research with literature study method. The conclusion of this study is that the complaint submitted by Prita via e-mail is not a defamation that causes an unlawful act. The content of the e-mail made by Prita is her right as a consumer and patient to express feelings about real events and experiences or criticisms of Omni Hospital services. In the decision No. 300/ Pdt.G/2008/PN.TNG, the panel of judges granted the claim for compensation but reduced the amount, from what was originally requested by the Plaintiffs amounting to Rp559,623,064,960,- to Rp314,286,360 because it was not based on sufficient evidence. The author suggests that there be guidelines in calculating the amount of material losses and immaterial losses in civil cases, especially in the article regarding defamation/insult.

Keywords : *freedom of expression, acts against the law, compensation*

References : 30 (2008 – 2020)