

RINGKASAN

**KHAIRATUN NUPUS
NIM 200510101**

**ANALISIS PENYELESAIAN HUKUM
TERHADAP PENCEMARAN NAMA BAIK
YANG DISELESAIKAN SECARA PERDATA
(Studi Penelitian Di Gampong Uteun Bayi Kota
Lhokseumawe)
(Husni, S.H., M.H. dan Teuku Yudi Afrizal, S.H.,
M.H.)**

Kehormatan dan nama baik merupakan hak kepribadian yang harus dilindungi, dan pelanggaran seperti pencemaran nama baik dapat menimbulkan kerugian materiil dan immateriil yang penyelesaiannya ditempuh melalui gugatan perdata berdasarkan Pasal 1365 dan Pasal 1372 KUH Perdata. Kasus perselisihan salah satu warga di Gampong Uteun Bayi menunjukkan bagaimana tindakan yang dianggap merendahkan martabat dapat memicu sengketa yang memerlukan penyelesaian melalui mediasi maupun jalur hukum perdata. Fenomena ini mendorong perlunya penelitian mengenai mekanisme penyelesaian hukum terhadap pencemaran nama baik.

Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan yuridis empiris dan bersifat deskriptif analitis. Sumber data diperoleh melalui wawancara dengan geuchik, korban, dan pelaku, analisis dilakukan dengan tahap reduksi data, penyajian data, serta penarikan kesimpulan.

Hasil penelitian ini menunjukkan bahwa penyelesaian hukum terhadap pencemaran nama baik yang diselesaikan secara perdata pada prinsipnya bertujuan memulihkan martabat dan hak korban sesuai Pasal 1365 serta Pasal 1372 sampai Pasal 1380 KUH Perdata, namun di Gampong Uteun Bayi mekanisme yang ditempuh hanya berupa mediasi gampong yang menghasilkan perdamaian tanpa kompensasi, tanpa pemulihan formal, dan tanpa pengakuan tegas atas kesalahan pelaku sehingga pemulihan nama baik korban tidak tercapai secara utuh. Efektivitas pendekatan mediasi di Gampong Uteun Bayi sebagai dasar penyelesaian sengketa perdata juga terbatas karena meski mampu meredakan ketegangan sosial, mediasi adat tersebut tidak memenuhi standar pemulihan hak perdata, tidak memberikan ganti rugi immateriil, tidak memulihkan reputasi korban di ruang sosial, tidak mencegah pengulangan perbuatan, serta dijalankan dalam kondisi akses korban terhadap jalur hukum formal yang terbatas, sehingga mediasi lebih berfungsi meredakan konflik daripada memulihkan kehormatan dan nama baik korban secara adil.

Pemerintah gampong disarankan menetapkan prosedur penyelesaian sengketa perdata pencemaran nama baik yang mengintegrasikan mediasi adat melalui pencatatan resmi pengakuan kesalahan, penetapan ganti kerugian immateriil, pemulihan nama baik korban secara terbuka, serta penyusunan berita acara dan perjanjian pencegahan pengulangan yang mengikat secara administratif, sehingga penyelesaian sengketa tidak berhenti pada perdamaian simbolis, tetapi memberi kepastian hukum, memulihkan martabat korban secara nyata, dan menjaga keharmonisan sosial di lingkungan gampong.

Kata Kunci Penyelesaian Hukum, Pencemaran Nama Baik, Perdata.

SUMMARY

KHAIRATUN NUPUS **ANALYSIS OF CIVIL LEGAL SETTLEMENT FOR**
NIM 200510101 **DEFAMATION (A Study in Gampong Uteun Bayi,**
 Lhokseumawe City)
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Honor and reputation are personal rights that must be protected, and violations thereof, such as defamation, may result in both material and immaterial damages, the settlement of which may be pursued through civil litigation based on Article 1365 and Article 1372 of the Indonesian Civil Code. A dispute involving one of the residents of Gampong Uteun Bayi illustrates how actions perceived as degrading a person's dignity may give rise to legal conflict requiring resolution through mediation as well as civil legal proceedings. This phenomenon highlights the need for research regarding legal settlement mechanisms for defamation.

The research method employed was a qualitative method with an empirical juridical approach and descriptive analytical nature. The data were obtained through interviews with the village head (geuchik), the victim, and the perpetrator. The analysis was conducted through stages of data reduction, data presentation, and conclusion drawing.

The results of this study indicate that the legal settlement of defamation through civil law is, in principle, intended to restore the dignity and rights of the victim in accordance with Article 1365 and Articles 1372 to 1380 of the Indonesian Civil Code. However, in Gampong Uteun Bayi, the mechanism applied was limited to village mediation, resulting only in reconciliation without compensation, without formal restoration, and without explicit acknowledgment of wrongdoing by the perpetrator, so that the victim's reputation was not fully restored. The effectiveness of the mediation approach in Gampong Uteun Bayi as the basis for civil dispute settlement is also limited because, although it is capable of reducing social tensions, such customary mediation does not fulfill the standards for restoration of civil rights, does not provide compensation for immaterial damages, does not restore the victim's reputation in the social sphere, does not prevent repetition of the act, and is carried out under conditions where the victim's access to formal legal remedies is limited. As a result, mediation functions more as a means of easing conflict than as a fair legal mechanism to restore the victim's honor and reputation.

The village government is recommended to establish procedures for resolving civil disputes concerning defamation by integrating customary mediation through formal documentation of acknowledgment of wrongdoing, determination of compensation for immaterial damages, public restoration of the victim's reputation, as well as preparation of official reports and agreements for the prevention of repeated misconduct that are administratively binding, so that dispute resolution does not merely end in symbolic reconciliation but provides legal certainty, effectively restores the dignity of the victim, and maintains social harmony within the village community.

Keywords: Legal Settlement, Defamation, Civil Law.