

The Digital Framing as an Unlawful Act in the Dispute Between Yai Min and Sahara

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Abstract. *This research analyzes the application of the elements of unlawful acts (Perbuatan melawan hukum or PMH) in defamation disputes arising from digital media under Indonesian civil law, using the case between Imam Muslimin (Yai Min) and Nurul Sahara as a contextual reference. In contrast to previous studies, this research provides an integrative perspective that bridges criminal and civil approaches to defamation, aiming to demonstrate how the elements of unlawful acts, namely fault, loss, causal relationship, and violation of rights are applied in assessing online defamation within the framework of civil liability. This study employs a normative legal research method with a case approach as the primary analytical framework. The analysis focuses on the implementation of Article 1365 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata or KUH Perdata) concerning unlawful acts, in conjunction with relevant provisions of the Electronic Information and Transactions Law (ITE Law). The sources of legal materials consist of primary materials (statutory regulations), secondary materials (legal doctrines, journals, and scholarly articles), and tertiary materials (credible media reports and supporting information). Data are collected through library research and analyzed qualitatively to evaluate the coherence between positive legal norms and their practical application in the Yai Min–Sahara case. The findings indicate that Sahara’s actions satisfy the elements of an unlawful act, particularly in the form of defamation, thereby highlighting the importance of responsible digital behavior and strengthening legal awareness regarding online communication ethics and liability.*

Keywords: *Civil law; Defamation; Digital Media; ITE; Unlawful.*

1. Introduction

The dispute between Imam Muslimin, also known as Yai Min, a former lecturer at the State Islamic University (UIN) Maulana Malik Ibrahim Malang, and Nurul Sahara, the owner of a car rental business, is one of the legal cases that has attracted significant public attention due to its social conflict dimension, land issues, as well as alleged violations of law in the digital sphere. The conflict originated from a viral video posted on TikTok. In the video, Sahara, through her personal account @sahara_vibesssss, published selective footage that negatively portrayed Yai Min. The content was

considered to have created a negative framing against him which eventually led to his resignation as a lecturer at UIN Malang and the eviction of him and his wife, Rosida Vignesvari, from the Joyogrand residential area in Malang.

The core of the dispute stemmed from an issue of access to and from the residence of Yai Min, which was obstructed by Sahara's rental vehicles. His house is located adjacent to the land used by Sahara for parking her rental cars. One night, when he attempted to take his car out, the access road was fully blocked until dawn. Based on an interview in a YouTube podcast hosted by Denny Sumargo, Yai Min stated that Sahara's cars were repeatedly parked in front of his house. His wife, Rosida, had contacted Sahara to move the vehicles, but she responded by asking Rosida to wake her drivers instead. On multiple occasions, this situation persisted, prompting Yai Min to move the cars himself. During this process, the noise from the car awakened Sahara and her driver, Agil, who confronted Yai Min aggressively. He was taken aback as Agil came out of Sahara's house in attire deemed inappropriate, although he chose not to escalate the situation.

Beyond access restrictions, the dispute also involves land usage and boundary issues in the residential area. It was known that Yai Min had previously helped clear the land in front of his house so that Sahara could park her vehicles in a more orderly manner. The land allegedly belonged to an individual from Bali, whose name remained undisclosed. Edi Bekti, as the representative of the landowner, offered the land for sale to Yai Min, but he did not proceed with the purchase because the land was still being used by Sahara without any legal authorization. Sahara was further accused of occupying public facility land belonging to the developer (Mr. Rudi), using it as a goat pen and erecting a bamboo fence adjacent to the public access route to Joyogrand Kavling Depag III Atas, Merjosari, Lowokwaru District. Yai Min insisted that the fence must be relocated since the land is intended for public access rather than private use.

According to Rosida Vignesvari, the land in the area was purchased in 2007 by a developer, and part of it was designated as a public facility to expand road access to housing units. Therefore, she rejected Sahara's use of the area as a goat pen, car parking lot, or fenced private zone. Sahara denied such claims, asserting she had occupied the land for five years, longer than Yai Min's one-year residency. She also argued that the land is not waqf property and remains under lawful ownership of its previous holder, justifying her fence construction as an act of exercising property rights (Muhammad Aminudin, 2025).

The conflict escalated upon allegations of sexual misconduct directed against Yai Min, which went viral and became the focal point of public scrutiny. The accusation emerged while Rosida was performing the Hajj pilgrimage. Sahara allegedly entered his home under the pretext of delivering food and locked the door from inside despite warnings from him about potential misconduct perceptions. To avoid inappropriate assumptions, he moved to the third floor wearing only shorts, as he was at home. Unexpectedly, Sahara followed him upstairs and shouted "molester!" before publicly accusing him of indecent acts. These claims were subsequently spread on social media, damaging his personal integrity and academic reputation.

Another point of escalation occurred when Sahara accused UIN Malang students visiting Yai Min's

home for a scheduled lecture of being provocateurs. Since the location of his residence is near Sahara's business premises, students gathered nearby. During class activities, Sahara and her associate, Sopian, allegedly played loud dangdut music and engaged in karaoke, disrupting the teaching process. Some students danced to defuse the tension, yet Sahara recorded the scene and framed it as a provocation orchestrated by Yai Min (Nuzulur Rakhmah, 2025). To date, the dispute remains unresolved with both parties filing criminal complaints. Legally, Yai Min reported Sahara for alleged violations of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), persecution, and blasphemy, while Sahara filed counter-reports accusing him of defamation and sexual harassment. The Malang Police have committed to handling the case professionally and impartially. Although mediation attempts facilitated by public figure Dedi Mulyadi reportedly resulted in mutual forgiveness, the police investigation continues and no reports have been withdrawn. The social impact has been severe for Yai Min, who resigned from his academic position and faced eviction from the residential community due to viral allegations, compelling him and his wife to consider selling their home.

From a legal perspective, this case illustrates the intersection between civil defamation (unlawful acts) and criminal liability under the ITE Law, yet such intersections remain underexplored in Indonesian scholarship. The problem addressed in this research lies in the absence of a comprehensive analysis of defamation cases involving both civil and digital dimensions, particularly the application of unlawful act elements (*onrechtmatige daad*) under Indonesian civil law in the context of digital disputes. The urgency of this study arises from the need to clarify how legal principles on reputation protection operate when digital defamation affects personal and professional integrity (Kornelius & Surahmad, 2025).

Although Arleta et al. (2024) provided a comparative perspective on defamation law between two countries and emphasized balancing reputation protection and freedom of speech, the study remained normative and did not explore how these principles are applied in specific dispute cases.

The research did not analyze the elements of unlawful acts (*onrechtmatige daad*) within real litigation contexts. Therefore, there is still a gap in understanding how defamation and reputational harm are evaluated under Indonesian civil law frameworks in concrete disputes such as the Yai Min and Sahara case. However, their work remained largely normative, lacking empirical or case-based application of unlawful act elements within real disputes. The study did not explore how Indonesian courts interpret civil defamation when intertwined with digital communication.

Samudra (2020) examined criminal defamation under the Information and Electronic Transactions Law (UU ITE), focusing on overuse of digital platforms and excessive public expression. However, the research was limited to criminal liability in online contexts and did not address civil liability or the application of unlawful act elements in defamation cases involving private parties.

Thus, further study is required to bridge the gap between criminal defamation through technology and the broader concept of unlawful acts in civil disputes like the Yai Min and Sahara case. Although insightful, the study concentrated solely on criminal liability and ignored civil dimensions such as damages, fault, and causation in digital defamation cases between private individuals. This

leaves a conceptual gap in linking digital behavior with civil law accountability.

Khotimah et al. (2022) focused on judicial decisions regarding criminal defamation and conditional sentencing under Law No. 19 of 2016, analyzing both juridical and non-juridical considerations. Nevertheless, their analysis was confined to the criminal dimension and did not examine civil implications or the presence of unlawful acts (*perbuatan melawan hukum*) between disputing parties.

Consequently, this research leaves a gap in exploring how the elements of unlawful acts are fulfilled and applied in civil defamation disputes, which this study seeks to address through the Yai Min and Sahara case. Nevertheless, their analysis was confined to criminal punishment and did not evaluate how defamation fulfills the criteria of unlawful acts (*perbuatan melawan hukum*) in civil law contexts. The study thus failed to provide insight into how victims of digital defamation may seek remedies beyond criminal sanctions.

In contrast to these prior studies, the present research provides an integrative perspective that bridges criminal and civil approaches to defamation. By examining the dispute between Yai Min and Sahara, this study aims to illustrate how the elements of unlawful acts, including fault, loss, causal relationship, and violation of rights can be applied in the assessment of online defamation under Indonesian civil law. This research thereby contributes to the development of a more holistic framework that connects digital defamation liability with traditional civil law doctrines. The objective of this research is to analyze the application of the elements of unlawful acts (*perbuatan melawan hukum*) in defamation disputes arising from digital media under Indonesian civil law, using the case of Yai Min and Sahara as a contextual reference.

2. Research Methods

This study employs a normative legal research method using a case approach as the primary analytical framework. The objective of this research is to examine the applicable legal norms and their implementation in practice, focusing on the dispute between Imam Muslimin (Yai Min) and Nurul Sahara. The case approach is utilized to analyze and assess the legal considerations within the case and to determine their relevance to statutory regulations. The sources of legal materials used in this study comprise three categories: primary legal materials, which include statutory provisions such as the *Indonesian Civil Code (KUH Perdata)* and the *Electronic Information and Transactions Law (ITE Law)*; secondary legal materials, consisting of scholarly works, legal journals, academic articles, and expert commentaries; and tertiary legal materials, such as credible news reports and other supporting information. The data collection technique applied is library research, which involves a comprehensive review of legal documents, academic writings, and legal databases. All legal materials are analyzed qualitatively to emphasize the consistency and conformity between existing legal norms and their practical application to the specific case being studied.

3. Results and Discussio

3.1 Implementation of the Elements of Unlawful Acts in the Dispute Between Yai Min and Sahara

The Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata* or KUHPerdata) does not explicitly define the concept of an unlawful act (*tindakan melawan hukum*). Therefore, understanding this concept must be traced through legal doctrines and jurisprudence that have developed in legal practice (Waluyo, 2022). According to J. Satrio, the concept of an unlawful act was originally understood in a narrow or formal sense, referring only to actions that directly contravened written law or statutory provisions. This interpretation is consistent with the text of Article 1365 of the Civil Code, which provides that “every unlawful act that causes harm to another person obliges the wrongdoer to compensate for such damage.” In this strict reading, unlawfulness was confined to conduct that violated either the subjective rights of another person that is, legally protected individual entitlements, or the legal obligations of the actor, provided that such rights and obligations were expressly established by law. Accordingly, unlawful acts were regarded as synonymous with violations of positive law, thereby excluding actions that were contrary merely to unwritten norms of decency, fairness, or social propriety (Sari, 2020).

This formalistic approach reflected the influence of the classical civil law tradition inherited from the Dutch legal system, which emphasized the primacy of codified law (*wettelijke bepalingen*) as the exclusive source of legal obligation. Under this framework, the judiciary’s role was largely interpretive rather than creative; judges were bound to apply the law as written and refrain from extending its meaning beyond statutory limits. Consequently, early applications of Article 1365 were relatively restrictive, focusing only on cases involving explicit breaches of legal provisions, such as violations of property rights, contractual duties, or statutory prohibitions.

Over time, the development of legal scholarship brought significant changes to this interpretation. Through the contributions of legal scholars, particularly Molengraaff, in his article published in *Rechtsgeleerd Magazijn*, page 373 a broader understanding of the concept emerged. This broader interpretation was officially recognized by the *Hoge Raad* (the Supreme Court of the Netherlands) in its landmark decision of January 31, 1919, in the famous *Lindenbaum v. Cohen* case. In this ruling, the Court expanded the meaning of an unlawful act beyond mere violations of statutes to include actions contrary to moral standards, social propriety, and fairness in considering the interests of others within social relations. This decision marked a historical turning point in civil law, as both Dutch and Indonesian courts thereafter adopted this broader interpretation of the concept of an unlawful act (Djajaputra & Cevitra, 2023).

Nevertheless, the application of this broad interpretation is not absolute. In legal practice, it is limited by the *theory of relativity* or *schutznormtheorie*, which holds that a person can only be held liable for damages if the legal norm that was violated was intended to protect the injured party. Thus, not every violation of a legal norm constitutes an unlawful act unless the breached norm substantively serves a protective function for the victim. This limitation is essential to maintain a balance between legal rights and obligations, preventing excessive imposition of liability upon the wrongdoer.

Systematically, the regulation of unlawful acts in the Civil Code is found in Book III on Obligations, specifically in Articles 1365 to 1380. The term *onrechtmatige daad* used in these provisions originates from the Dutch legal system, which is rooted in the *civil law* tradition. This concept can be compared to the notion of *tort* in the *common law* system. According to Rosa Agustina, *tort* refers to a civil wrong in common law that grants the injured party a right to compensation, not due to a breach of contract or trust, but because of the violation of a general legal duty owed by every individual in society. This comparison illustrates that, in both *civil law* and *common law* systems, the concept of an unlawful act serves as a foundation for civil liability arising from conduct that violates legal or social norms.

Furthermore, Indonesian legal doctrine recognizes three main categories of unlawful acts: (1) unlawful acts committed intentionally, as regulated in Article 1365 of the Civil Code; (2) unlawful acts arising from negligence, as stipulated in Article 1366; and (3) unlawful acts without fault, in a limited sense, as regulated in Article 1367. These categories indicate that legal liability may arise either from subjective fault—such as intent or negligence, or from objective responsibility imposed by law, regardless of the presence of fault.

In conclusion, the concept of an unlawful act within Indonesian civil law has undergone significant evolution. Initially confined to violations of statutory law, it has expanded to include breaches of social norms, morality, and principles of fairness. This development demonstrates that law is not static but dynamic, evolving in response to changing societal values and the pursuit of justice. Therefore, the doctrine of unlawful acts plays a crucial role in achieving substantive justice and providing legal protection to individuals harmed by the actions of others.

A tort (unlawful act) constitutes conduct that violates not only written laws but also legal duties, the rights of others, principles of morality, and societal norms, resulting in losses that give rise to liability for compensation (Renata Christha Auli, 2023). In the dispute between Imam Muslimin (Yai Min) and Nurul Sahara, there are strong indications that all elements of an unlawful act as required under Article 1365 of the Indonesian Civil Code are fulfilled. Although the legal remedies taken by Yai Min involve criminal complaints under the Electronic Information and Transactions Law (ITE Law), Sahara's conduct also qualifies as a civil tort giving rise to a claim for damages.

Under Article 1365 of the Indonesian Civil Code, liability for an unlawful act (*onrechtmatige daad*) requires the fulfillment of five essential elements. The first element concerns the *existence of an act*, whether by commission or omission, that conflicts with legal norms. Since 1919, the interpretation of "unlawful" has expanded beyond statutory violations to encompass actions contrary to moral standards, prudence, and societal propriety. In this case, Sahara's actions clearly satisfy this element. Her deliberate dissemination of online content that negatively portrayed Yai Min constitutes an active act interfering with his dignity and reputation (Wagino, 2021).

Additionally, her unilateral occupation of land designated as public facilities, including the construction of a bamboo fence, represents unauthorized use of land that violates the public's right of access and the social function of property.

The second element requires that the act be *unlawful (onrechtmatig)*, which encompasses (a) violations of the rights of others, (b) breaches of one's own legal obligations, (c) conduct contrary to morality, and (d) behavior inconsistent with proper social norms (Ranchordás & Schuurmans, 2020). Legal doctrine affirms that liability arises when blameworthiness exists, either intentionally or negligently. Sahara's publication of defamatory content violates Yai Min's legally protected interests, particularly his reputation and honor, as safeguarded under *Article 27(3) of the ITE Law*. Likewise, her occupation of public facility land breaches legal obligations and social norms. Therefore, the element of unlawfulness is fulfilled.

The third element involves *fault (schuld)*, which may take the form of intent (*dolus*) or negligence (*culpa*) (Saipudin et al., 2025). A person may be deemed at fault when intentional wrongdoing or negligence occurs without justification or exonerating circumstances such as force majeure. This element is satisfied because Sahara consciously disseminated accusations of sexual misconduct against Yai Min without valid evidence. Even after negative public reactions and significant social consequences ensued, she failed to retract or clarify her statements. Her continued allowance of the defamatory content to circulate demonstrates intent rather than mere negligence. This intentional conduct directly caused both material and immaterial harm to Yai Min, including job loss, reputational damage, and community expulsion.

The fourth element pertains to *damages*, both material and immaterial. Material damages include tangible losses such as deprivation of income, property, or additional expenses, while immaterial damages involve emotional distress, reputational harm, and loss of future opportunities (Malgieri & Santos, 2025). In this case, Yai Min suffered both types of damages. Materially, he lost his employment as a lecturer at UIN Malang and was compelled to vacate his residence. He also bore financial losses after cleaning the land in front of his house without reimbursement from Sahara. Immaterially, he endured severe moral and social harm, including the destruction of his academic reputation and good standing in society.

Finally, the fifth element concerns the *causal relationship (causal verband)* between the unlawful act and the resulting damages (Kila, Sugiartha, & Ujianti, 2023). This doctrine requires proof that the harm suffered is a direct consequence of the wrongful act. In this dispute, a clear causal nexus exists between Sahara's defamatory actions and the losses sustained by Yai Min. The dissemination of her allegations directly led to his dismissal from UIN Malang and triggered intense social condemnation. Therefore, all elements of an unlawful act under Article 1365 are demonstrably met, establishing Sahara's civil liability for the harm inflicted upon Yai Min (Andryawan et al., 2024).

Based on the foregoing, Sahara's conduct legally fulfills all the elements of an unlawful act under Article 1365 of the Indonesian Civil Code. Her actions constitute an active wrongdoing contrary to law, carried out intentionally, resulting in actual damages, and bearing a clear causal connection to the harm experienced by Yai Min (Permadi, 2025). Consequently, Yai Min has strong legal grounds to pursue a civil claim for tort against Sahara, in addition to criminal remedies under the Electronic Information and Transactions Law (ITE Law). If it can be proven that Sahara's actions directly caused his losses, he may claim both material and immaterial compensation, as well as request that the court order Sahara to issue a public clarification or apology as a form of rehabilitation of his

good name.

3.2. Legal Implications Arising from the Fulfillment of the Elements of an Unlawful Act for the Disputing Parties

Legal implications refer to the consequences imposed by law on a legal act or event carried out by a legal subject. (Mertokusumo, 2009). In other words, they constitute the legal outcomes that arise when a particular action gives rise to rights and obligations under the law. In the context of an unlawful act, these implications emerge once it is proven that a wrongful act causing harm to another party has occurred, as stipulated under Article 1365 of the Indonesian Civil Code (Subekti, 2005).

Proof of an unlawful act in this case serves as the primary determinant in assessing which party has actually engaged in conduct that violates the law, either formally (contrary to statutory provisions such as the Indonesian Civil Code and the Electronic Information and Transactions Law) or materially (contrary to societal norms of propriety, morality, and fairness). In this dispute, the evidentiary process carries direct consequences for the parties' rights, reputations, and social standing, particularly for the party who has already suffered significant harm due to the public dissemination and viral circulation of the case on social media (Reksodiputro, 2021).

Conceptually, Article 1365 of the Indonesian Civil Code provides that "Any unlawful act which causes harm to another obliges the person who, due to his fault, has caused such harm to compensate for the loss." This provision is not only a cornerstone of Indonesian private law but also serves as a bridge between moral accountability and legal responsibility. From a private law theoretical perspective, Article 1365 does not merely establish a legal basis for claims of compensation; it also embodies the broader function of law as an instrument of protection for individual and collective interests (Kalele & Hosein, 2024).

R. Subekti, representing the classical doctrine, emphasizes that the law of unlawful acts (*perbuatan melawan hukum*) functions to maintain the equilibrium between individual freedom and social responsibility. Individuals possess autonomy to act, but this autonomy is inherently bounded by the rights of others and by the legal order that governs social life. In parallel, Sudikno Mertokusumo extends this interpretation by asserting that the legal implications of unlawful acts are not confined to reparation or restitution. They also serve preventive and educational purposes, reinforcing awareness among citizens to act prudently, ethically, and within the confines of legal norms.

The circulation of information, opinions, and personal data across social media platforms has significantly transformed the way individuals communicate and express opinions in the public sphere. However, this digital openness often blurs the boundaries between legitimate expression and defamation, between the exercise of freedom of speech and conduct that constitutes an unlawful act. In this increasingly complex landscape, the legal implications of unlawful acts no longer concern merely civil liability but also extend to reputational harm and potential criminal sanctions. Consequently, the interpretation of Article 1365 of the Indonesian Civil Code must evolve dynamically to accommodate the realities of digital behavior, where a single post, comment,

or shared content can have far-reaching and irreversible legal and social consequences.

Under this adaptive interpretation, the law assumes a dual role. On one hand, it functions as a compensatory mechanism to provide redress for victims who have suffered tangible or intangible losses, including psychological distress or damage to reputation. On the other hand, it acts as a normative tool of social control, fostering a culture of responsibility, prudence, and ethical restraint in digital communication. The objective is not only to restore the balance between conflicting rights, such as the right to free expression and the right to dignity, but also to promote preventive awareness regarding the potential legal risks of online conduct.

Applied to the dispute involving Yai Min and Sahara, this theoretical framework provides a lens through which the court may assess whether the elements of an unlawful act (*perbuatan melawan hukum*) are fulfilled. Sahara's actions, which involve the dissemination of accusations and defamatory narratives about Yai Min through social media, must be examined in light of the principles set forth under Article 1365. To establish liability, it must be proven that Sahara: (1) violated the subjective rights of another person, namely Yai Min's right to reputation, dignity, and social standing; (2) breached a legal obligation, either explicitly stated in statutory law or implicitly derived from moral and social norms; (3) acted in a manner contrary to propriety, morality, and caution required by societal standards; and (4) caused actual and measurable harm to Yai Min, whether in the form of psychological suffering, reputational loss, or social exclusion.

If these elements are satisfied, Sahara may be held civilly liable for damages under Article 1365 of the Civil Code, obliging her to compensate for the harm caused. Furthermore, depending on the nature and dissemination of her online statements, her actions may also fall within the ambit of the Electronic Information and Transactions (ITE) Law, particularly provisions relating to defamation (Article 27 paragraph 3) and the dissemination of false or misleading information (Article 28 paragraph 1). This introduces an intersection between civil and criminal liability, demonstrating how unlawful acts in the digital context can simultaneously engage both private and public law dimensions.

In this sense, the case of Yai Min and Sahara reflects a broader legal and societal challenge, how to uphold freedom of expression while preventing the misuse of digital platforms that can cause reputational destruction and social unrest. The interpretation of unlawful acts, therefore, must not be static but responsive to technological developments and cultural shifts, ensuring that justice remains both restorative and educative in the face of new forms of digital misconduct.

The legal implications of proving an unlawful act in this dispute directly determine the concrete legal consequences that either party will face once fault is established. If the court finds that Sahara's conduct such as posting the video, spreading negative framing, and publicly accusing Yai Min of sexual misconduct fulfills the requirements of Article 1365 of the Indonesian Civil Code, she may be held civilly liable for compensation. Material damages may include loss of employment as a lecturer at UIN Maulana Malik Ibrahim Malang, loss of steady income, as well as additional expenses arising from social pressure, including the possibility of selling his house below market value due to reputational damage. If further proven that her actions directly resulted in the

eviction of Yai Min and his wife from their residence or psychological harm requiring treatment, such losses may also be claimable. Immaterial damages include psychological suffering, damage to academic reputation, and loss of honor and social trust. Based on Supreme Court jurisprudence, immaterial losses may be awarded in monetary form, determined proportionally by the court in accordance with the degree of social and psychological harm suffered (Hamzah, 2017). Furthermore, if the court determines that Sahara's conduct constitutes a criminal offense under Article 27(3) in conjunction with Article 45(3) of Law No. 11 of 2008 concerning Electronic Information and Transactions, involving the dissemination of content containing insult or defamation, she may also face criminal sanctions in the form of imprisonment of up to 4 years and/or a fine of up to IDR 750,000,000. In this case, the legal implications are dual: Sahara may be liable both criminally and civilly, since civil liability does not extinguish criminal accountability.

From the standpoint of civil procedural law, judges have the authority to apply the principle of free evaluation of evidence as stipulated in Article 1866 of the Indonesian Civil Code and Article 164 of the *Herziene Indonesisch Reglement* (HIR). The admissible forms of evidence include documents, witness testimony, presumptions, confession, and oaths. Under the development of information technology, electronic evidence is also legally recognized based on the Electronic Information and Transactions Law as amended by Law No. 19 of 2016.

Legal ethics additionally requires individuals to respect not only written law but also societal values such as honor, privacy, and the dignity of others. The law functions not merely as a coercive tool but also as an instrument to safeguard the balance between human rights and societal responsibility. This principle is reflected in Article 28J of the 1945 Constitution, which mandates that the exercise of rights must respect the rights and freedoms of others.

Conversely, if the court finds that it is Yai Min who committed an unlawful act, for instance through improper conduct or defamation against Sahara, legal liability would shift. In such case, he may be required to compensate Sahara for material damages, including reduced income from her rental business due to negative publicity, as well as immaterial damages such as reputational harm and emotional distress. Criminal sanctions may also apply under Articles 310 and 311 of the Indonesian Criminal Code for defamation and libel, or under the ITE Law if the harmful act occurred through digital media. He may also be required to issue a public apology as part of rehabilitative measures.

If the court finds that both parties contributed to the wrongful acts, the legal implications become more complex. The court may apply the principle of contributory negligence under Articles 1365 and 1366 of the Indonesian Civil Code. In such circumstances, each party may be deemed proportionally responsible for the resulting harm, and compensation may be subject to set-off. The judgment may therefore be declaratory and compensatory, assigning shared accountability.

Legal implications may also include orders for reputation rehabilitation. If the court rules in favor of Yai Min, Sahara may be instructed to remove defamatory content and publish a public apology through social or print media to restore his reputation. The reverse applies if Sahara prevails. This aligns with the principle of *restitutio in integrum*, which seeks to return the injured party to their original position before the wrongdoing occurred.

Proof of an unlawful act also affects the imposition of litigation costs. Under Article 181 of HIR or Article 192 of RBg, the losing party must bear the full cost of proceedings including administrative fees, witness expenses, and legal representation.

Proof of an unlawful act not only serves as the central determinant in establishing civil liability but also plays a decisive role in the allocation of litigation costs and the broader administration of justice. Pursuant to Article 181 of the *Herzien Indonesisch Reglement* (HIR) and Article 192 of the *Rechtsreglement voor de Buitengewesten* (RBg), the losing party is obligated to bear all legal expenses incurred during the proceedings, including court administration fees, witness and expert testimonies, document authentication, and legal representation costs. This provision underscores the principle of fairness and deterrence, ensuring that parties do not frivolously engage in litigation without due cause. The establishment of an unlawful act (*onrechtmatige daad*) thus carries significant and multifaceted legal consequences.

For the party declared legally responsible, the repercussions extend beyond mere financial penalties. Civil liability encompasses both material and immaterial compensation, reflecting not only tangible losses such as property or income but also moral harm, emotional distress, and reputational damage suffered by the injured party. In certain circumstances, if the unlawful act overlaps with criminal elements, such as defamation, fraud, or electronic violations, criminal sanctions may also be imposed under relevant statutory provisions. Moreover, the responsible party may be compelled to undertake rehabilitative measures, including issuing a public apology or retracting defamatory content, as part of restorative justice aimed at repairing social and moral harm. In addition, the obligation to bear litigation costs reinforces accountability, ensuring that the burden of justice does not unfairly fall upon the aggrieved party.

Conversely, for the aggrieved individual who successfully proves the existence of an unlawful act, the legal implications are restorative and protective in nature. They may obtain financial compensation for both material and immaterial losses, the restoration of their reputation through judicial recognition of wrongful treatment, and strengthened legal protection for their personal and civil rights. The process of evidentiary examination in the Yai Min and Sahara dispute, therefore, does not merely serve to ascertain factual truth but functions as a mechanism to restore equilibrium between conflicting rights. Through judicial findings grounded in proportionality and equity, the law aims to ensure that justice is not only declared but also materially realized, reinforcing public trust in the integrity of the legal system.

According to Philipus M. Hadjon, legal protection (*perlindungan hukum*) serves as a fundamental principle in ensuring justice and upholding human dignity (Purwito, 2023). He emphasizes that the implementation of legal protection must be realized through a harmonious relationship between the government and citizens, maintaining a proportional balance among the functions of state power while prioritizing dispute resolution through deliberation (*musyawarah*) over repressive legal measures. Hadjon argues that the essence of legal protection is not merely the enforcement of law but the preservation of balance between rights and obligations, so that legal authority is exercised in a way that safeguards human rights and prevents cruelty, humiliation, or arbitrary treatment prohibited by existing laws. Furthermore, he asserts that legal protection must be

inclusive and human-centered, particularly directed toward vulnerable and marginalized groups, such as women, children, the poor, and minorities, whose rights must be recognized and protected to ensure dignity and equality within society.

This theoretical framework is particularly relevant when examined in the context of the Yai Min and Sahara dispute, which demonstrates how the absence of effective legal protection can lead to social injustice, reputational harm, and psychological distress. From Hadjon's perspective, the viral dissemination of allegations of sexual misconduct against Yai Min, prior to any judicial determination of guilt, constitutes a violation of his right to personal integrity and presumption of innocence, both of which are integral aspects of human dignity and legal protection. The social media exposure, which resulted in widespread public humiliation and the loss of his professional position, reflects a disproportionate exercise of freedom of expression that disregards the balance between individual rights and social responsibility. This situation exemplifies what Hadjon describes as the erosion of legal harmony, wherein one's exercise of rights (Sahara's expression) infringes upon another's fundamental rights (Yai Min's reputation and due process) (Wardhani, Harumsari, & Ningsih, 2024).

Moreover, Hadjon's principle of prioritizing *musyawarah* or peaceful settlement is also pertained (Firdaus, 2024). Despite mediation efforts led by public figures like Dedi Mulyadi, the conflict between the parties persisted due to the lack of genuine reconciliation and the continued reliance on litigation and public exposure rather than restorative dialogue. In Hadjon's view, such an approach undermines the restorative and humanistic essence of law, which should aim to restore relationships and social balance rather than deepen hostility. The continuation of criminal reports by both parties reflects the failure of preventive legal protection, where early administrative and community interventions could have mitigate escalation into public scandal and litigation (Ikrom & Tamam, 2024).

From the standpoint of substantive justice, the dispute also raises concerns about the protection of property and access rights. Yai Min's insistence on the public nature of the land adjacent to his residence and Sahara's unilateral occupation of it illustrate a legal imbalance in community land governance. According to Hadjon's philosophy, the government and developers have a duty to provide preventive legal protection (*perlindungan hukum preventif*) by ensuring that the use of public facilities aligns with their intended purpose and that conflicts over land boundaries are resolved administratively before escalating into personal disputes. The lack of effective regulation and community mediation in this case reflects a gap in the implementation of preventive and repressive legal protections, resulting in prolonged conflict, social unrest, and reputational destruction.

4. Conclusion

In this case, Nurul Sahara is proven to have committed an unlawful act (*Perbuatan melawan hukum/PMH*) under Article 1365 of the Indonesian Civil Code (*KUH Perdata*). Her actions meet all elements of an unlawful act: the existence of an unlawful deed, fault, loss, and causation. Sahara intentionally uploaded and distributed private videos and photos of Pak Yai Min through her TikTok

account, causing harm to his reputation and dignity. The content went viral, resulting in severe social pressure and leading Yai Min to temporarily resign from his teaching position at UIN Malang. This case highlights the low public awareness of digital ethics and legal responsibility. Beyond imposing sanctions on Sahara, the case underscores the importance of legal education and digital literacy to prevent similar incidents and promote responsible online behavior.

Legally, proving the elements of an unlawful act determines the consequences for both parties. If Sahara's dissemination and defamatory framing are proven, she may be civilly liable to compensate material and immaterial damages to Yai Min. Conversely, if Yai Min is proven to have committed an unlawful act, he could face civil liability and criminal charges under Articles 310–311 of the Criminal Code or Article 27 of the ITE Law. If both are at fault, the court may apply contributory negligence under Articles 1365–1366, apportioning responsibility proportionally.

5. References

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