



Legal Protection for Business actors who Become Victims of *Black Reduction Product Campaigns* Through Social Media According to Indonesian Law

Santika Dewi ^{1*}, Kurniawan ², I Gusti Agung Wisudawan ³

¹ Master of Law, Universitas Mataram, Indonesia

²⁻³ University of Mataram, Indonesia

* Corresponding Author: Santika Dewi

Article Info

ISSN (online): 2583-6536

Volume: 05

Issue: 03

May-June 2026

Received: 14-04-2026

Accepted: 12-05-2026

Published: 10-06-2026

Page No: 211-218

Abstract

This study aims to analyze the legal regulations related to the practice of *Black Campaign* products through social media according to Indonesian law and examine the forms of legal protection that can be provided to business actors who are harmed. The type of research used is normative legal research, with the approach method, namely the statutory approach, conceptual approach, and comparative approach. The results of the study show that the regulation regarding *Black Campaign* has not been specifically regulated in one statutory regulation, but the elements of the act are spread in various provisions, such as Law No. 5 of 1999 concerning the prohibition of monopolistic practices and unfair business competition, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions, Law No. 8 of 1999 concerning Consumer Protection, Law No. 1 of 2023 concerning the Criminal Code, BPOM Regulation No. 32 of 2021 concerning supervision of cosmetic advertising and the Civil Code. Legal protection for business actors affected by *black campaigns on social media* is provided preventively through regulations in various laws and regulations, through outreach, and through oversight by the government and social media platforms through reporting and content removal mechanisms. Meanwhile, repressive protection can be pursued through administrative, civil, and criminal channels. These channels can be used to stop the spread of content, recover losses, and impose sanctions on perpetrators. However, in practice, this protection has not been effective due to weak oversight, obstacles to proof, and slow legal processes.

DOI: <https://doi.org/10.54660/IJL.2026.5.3.211-218>

Keywords: Legal Protection, Business Actors, Black Campaign

1. Introduction

Advances in information technology in the digital era have had a significant impact on various aspects of life, particularly the economic and business sectors. The emergence of the internet and various digital platforms has made information dissemination faster, easier to obtain, and able to reach a wider audience without the constraints of distance or time.^[1]

The development of social media not only brings positive impacts on marketing and promotional activities, but can also give rise to various forms of deviation in business competition.^[2] The open digital space provides opportunities for unfair business

¹ Harto, B., et.al., *Business transformation in the digital era: Information technology in supporting business transformation in the digital era*, First Edition, PT. Sonpedia Publishing Indonesia, Jambi, 2023, p.24 .

² Cici Elisabeth Sitanggang, et.al., *The Use of Social Media as a Business Promotion Tool*, Journal of Business and Entrepreneurship, Vol. 14, No. 1, (September 2024); p. 27.

practices, one of which is the spread of negative or misleading information about certain products or businesses. This practice is known as a black campaign . A black campaign in the business world is an action carried out by a brand or business actor to bring down a particular business actor .

black campaigns on social media can be conducted through various forms of digital content aimed at creating negative perceptions of a particular product or business, either directly or through third parties. The goal of these actions is to create consumer doubt or distrust in a particular product, thereby decreasing purchasing interest and harming the targeted business.

The phenomenon of Black Campaign products through social media often occurs in Indonesia, including those involving business actors in the fashion sector, to business actors in the cosmetics/skincare sector. Viewed from a legal perspective, the practice of Black Campaign products through social media is related to various provisions in Indonesian positive law, including Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (Article 19 a & b), Law Number 8 of 1999 concerning Consumer Protection (Article 9 paragraph (1) letter i), Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (Article 28 paragraph (1)), Law Number 1 of 2023 concerning the Criminal Code (Article 433 paragraph (1)), Regulation of the Food and Drug Supervisory Agency Number 32 of 2021 concerning Supervision of Cosmetic Advertising, and the Civil Code (Article 1365).

However, Indonesian positive law has not yet specifically interpreted the term "*black campaign*" for products through social media as a separate legal act. The term "*black campaign*" itself is not yet recognized or explicitly formulated in applicable laws and regulations. Existing regulations only cover the elements of the act partially, such as the dissemination of false information, defamation, unlawful acts, and unfair business competition. Based on this, this study was conducted by analyzing the provisions prohibiting the practice of *black campaigning* for products through social media in Indonesian law as well as legal protection for business actors who become victims of *black campaigning* for products on social media.

2. Method Study

The type of research used is normative legal research. In normative legal research, written law is studied from various aspects, such as theoretical, philosophical, comparative, structure/composition, consistency, general explanation and explanation each articles, formalities and binding force of a law and the language used is legal language. ^[3]

The approaches used in this research include the Statutory Approach , the Conceptual Approach , and the Comparative Approach .

3. Results and Discussion

3.1. Forms and Characteristics of *Black Campaign Practices* for Products on Social Media

Black campaign practices on social media are not confined to a specific pattern, but rather develop into various forms that adapt to the digital communication strategies employed by businesses. This development demonstrates that *black campaigns* can emerge in a variety of ways, both directly and indirectly, by exploiting the open and rapid nature of social media for disseminating information. Therefore, the following are some forms of *black campaign practices* for products that commonly occur on social media:

1. Fake Product Reviews: The act of creating and spreading negative reviews using fake accounts or through individuals without actually using the product. These reviews are characterized by the appearance of genuine consumer experiences, making them difficult to distinguish from genuine reviews. This can also impact the product's reputation and diminish consumer trust ^[4].
2. Non-objective product comparison, namely Comparing products with competitors by presenting incomplete or exaggerated information. The characteristics appear objective, but in reality tend to be biased and misleading.
3. Digital content manipulation, which is the act of editing or manipulating photos, videos, or other content to make it appear as if a competitor's product has flaws. Its visual and convincing nature makes it easy for the public to believe.
4. Manipulation of public opinion (*buzzers* or bots), namely the use of many accounts, both real and fake, to spread negative comments or opinions repeatedly and massively.
5. Manipulation of the search system (*negative*) *Search Engine Optimization* (SEO) , namely creating or spreading negative content so that it appears in internet search results when a competitor's product name is searched for .

Overall, various forms of *black campaign practices* on social media demonstrate that business competition is not solely driven by product or service quality, but also by the management of information that can influence public perception. These practices, while varying in method and form, share a common goal: to create a negative image of a particular product or business. The impact of these actions is felt not only by consumers who receive misleading information but also by the targeted businesses, resulting in a diminished reputation, reduced consumer trust, and decreased product sales.

3.2. *Black Campaign Practices* for Products Through Social Media in Indonesian Law.

Regulations that can be linked to *Black Campaign practices* are spread across several laws and regulations. In Law Number 5 of 1999 concerning the Prohibition of

³ Muhammad Syahrur, *Introduction to Legal Research Methodology Empirical Normative Research Studies Writing Proposals, Thesis and Dissertation Reports*, 1st Edition, DOTPLUS Publisher, Riau, 2022, p. 24 .

⁴ Ibid.

Monopolistic Practices and Unfair Business Competition, *Black Campaign practices* can be linked to Article 19 letters a and b because such actions have the potential to prevent other business actors from carrying out business activities and influence consumers to not conduct business relations with competitors. However, Law Number 5 of 1999 does not specifically regulate business competition practices in the digital space, such as the use of social media, buzzers, or anonymous accounts, in dealing with the development of digital business competition.

In addition, Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE) can also be used to assess *Black Campaign practices*, particularly through Article 28 paragraph (1) concerning the dissemination of false or misleading information that causes harm to consumers in electronic transactions. *Black Campaign practices* carried out through social media have a broad impact because digital information is easily accessible, spreads quickly, and is difficult to control.^[5]

Other provisions are contained in Law Number 8 of 1999 concerning Consumer Protection, specifically Article 9 paragraph (1) letter i which prohibits business actors from offering, promoting, or advertising goods and/or services by denigrating the products of other business actors. This provision shows that the practice of *Black Campaign* carried out by spreading false or misleading information about competitors' products basically fulfills the elements of the prohibition because it can influence consumer perception and harm other business actors. Thus, legal protection in the Consumer Protection Law is not only provided to consumers, but also to business actors in order to maintain healthy and fair business competition.

Furthermore, in Law Number 1 of 2023 concerning the Criminal Code (KUHP), the practice of *Black Campaign* can be linked to Article 433 paragraph (1) concerning defamation. However, the application of this provision is still limited because the element of "verbally" in the article does not always correspond to the form of *Black Campaign* on social media which is generally carried out through writing, comments, reviews, or other digital uploads. Therefore, not all *Black Campaign practices* can be directly qualified as defamation based on this provision. In addition to the criminal approach, *Black Campaign practices* can also be analyzed through Article 1365 of the Civil Code concerning unlawful acts. The dissemination of false negative information about competitors' products can cause material and immaterial losses, such as decreased sales, loss of consumer trust, and damage to a business's reputation. If the elements of an act, unlawful elements, losses, causal relationships, and the perpetrator's fault are met, then the injured business actor can file a civil suit for compensation. According to Gustav Radbruch's theory of legal certainty, the law must provide clarity, avoid multiple interpretations, and be applied consistently. However, the regulation of *Black Campaign practices* in Indonesia still shows a normative

vacuum because there is no specific and integrated regulation governing such practices on social media. Existing regulations are sectoral and scattered across various laws and regulations, thus creating the potential for multiple interpretations in their application.

3.3. *Black Campaign* Legal Regulations in Various Countries

Comparing legal arrangements between countries is important to see how each legal system provides protection for business actors from *Black Campaign practices* on social media.

1. Singapore

Set it up through *The Protection from Online Falsehoods and Manipulation Act* (POFMA) 2019, specifically designed to combat the spread of false information in the digital space^[6], empowers authorized officials to: In addition to POFMA, Singapore also has *the Consumer Protection (Fair Trading) Act* which prohibits unfair trade practices including the dissemination of misleading information, as well as *the Competition Act* which prohibits anti-competitive practices, including actions aimed at eliminating competitors through unfair means.^[7]

2. United States of America

Using a fundamentally different approach, which is based on *the common law tradition* and strong respect for the principle of freedom of speech as guaranteed by the First Amendment to the Constitution. In^[8] the context of *Black Campaign* products on social media, the main legal instrument that provides protection for business actors is *the Federal Trade Commission Act* (FTC Act) which prohibits unfair and deceptive *business practices* in commerce. *The Federal Trade Commission* (FTC) as a law enforcement agency has the authority to investigate and take action against business actors who engage in unfair competition practices, including the dissemination of misleading information through digital media.

3. European Union

Developing the most comprehensive and systematic legal approach compared to other jurisdictions. The main instrument is *the Digital Services Act* (DSA) 2022, which will come into full force in 2024 and fundamentally change the framework for digital platform liability. The DSA places platforms as the party with active responsibility for monitoring and controlling circulating content. In this regard, large platforms categorized as *Very Large Online Platforms* (VLOPs) are required to conduct regular risk assessments of the potential distribution of harmful content, provide easily accessible content reporting mechanisms for users, and follow up on each report promptly, transparently, and accountably.^[9] In addition to the DSA, *the Unfair Commercial Practices Directive* (UCPD) prohibits unfair trade practices, including the dissemination of false

⁵ Britney Minggu, & Gunadi, Op.Cit., p.9.

⁶ Han, TZ *Protection from Online Falsehoods and Manipulation Act (POFMA): Regulating Fake News to Maintain Public Trust in Singapore*. National University of Singapore, 2020 .p.3.

⁷ Kalianda, K, *Problems Of Regulating Business Competition In The Indonesian Legal System*. Wasaka Critical Law Review Journal, Volume 3, No.1, 2024, pp.111-112.

⁸ Prasetya, T. E' *Freedom of Expression in Online Petitions (A Comparative Study of the Indonesian and United States Legal Systems According to Fiqh Siyarah)*. *Freedom of Expression in Online Petitions (A Comparative Study of the Indonesian and United States Legal Systems According to Fiqh Siyarah)*, Vol. 5 No. 1, 2022.

⁹ Rudi Margono, *Legal Accountability of Social Media Platforms for Illegal Content Broadcast: A Legal Analysis of the Evolution of Regulation, Algorithmic Accountability, and Protection of Digital Rights in Indonesia*, 2026, p.12.

information about competing products, while *the General Data Protection Regulation (GDPR)* gives business actors the right to request the deletion of inaccurate information circulating on digital platforms through *the right to erasure mechanism*.

3.4. The Urgency of Legal Protection for Business Actors Who Become Victims of Product *Black Campaigns* on Social Media

The urgency of legal protection for businesses affected by *black campaigns* on social media is increasing with the advancement of the digital era. The spread of false, negative information through digital platforms like Instagram, TikTok, and X can quickly, widely, and massively damage a business's reputation, as well as cause significant economic losses. Without responsive legal regulations, businesses, particularly micro, small, and medium enterprises (MSMEs), are vulnerable and potentially lose their competitiveness in the market.^[10]

This condition is further strengthened by the characteristics of social media. The rapid spread of information and algorithms that tend to prioritize sensational content make it easier for negative information to go viral^[11]. On the other hand, the difficulty in identifying perpetrators, particularly those using anonymous accounts or third parties, and the suboptimal regulation of digital platform accountability, present obstacles to law enforcement against *black campaign practices*.

3.5. Legal Protection for Business Actors Who Become Victims of Product *Black Campaigns* on Social Media

Legal protection is one of the primary functions of law, ensuring the fulfillment of the rights of legal subjects and creating order in society. In legal doctrine, legal protection is not only defined as the existence of rules, but also encompasses how those rules can provide a sense of security, justice, and certainty for those protected.^[12]

Preventive Legal Protection is protection provided by the government with the aim of preventing violations before they occur.^[13] Preventively, legal protection can be provided through the regulation of legal norms that prohibit the dissemination of false, misleading, and detrimental information to other parties in business activities. These regulations can be found in Law No. 1 of 2024 concerning Electronic Information and Transactions (ITE Law), specifically regarding the prohibition of the dissemination of false news and defamation in the digital space. In addition, Law No. 8 of 1999 concerning Consumer Protection also provides protection for business actors from unfair business competition practices carried out through the dissemination of false information regarding certain products or businesses, Law No. 5 of 1999 concerning the prohibition of monopolistic practices and unfair business competition, Law

No. 1 of 2023 concerning the Criminal Code, Regulation of the Food and Drug Supervisory Agency Number 32 of 2021 concerning Supervision of Cosmetic Advertising. The existence of these regulations aims to prevent the occurrence of *Black Campaign actions* from the start before they cause wider losses.

Furthermore, this preventive protection can also be implemented through coaching and outreach to the public, business actors, and social media users regarding the importance of ethics in conveying information in the digital space^[14]. This coaching can be carried out by the government, related institutions, and social media platforms through various educational programs regarding the wise and responsible use of social media. This outreach includes understanding the prohibition on spreading fake news (*hoaxes*), defamation, statements that attack a business's reputation, and the legal impacts that can arise from *Black Campaign actions* against a product or business actor. For business actors, coaching and outreach can also be a means to increase understanding of the legal protection steps that can be taken if they become victims of *Black Campaigns* on social media.

This can also be achieved through monitoring of digital activities by the government and social media platforms. In practice, social media platforms provide oversight mechanisms in the form of reporting features for content deemed to violate regulations. This mechanism provides a space for businesses to file objections to content containing elements of *Black Campaigns*, such as information that is false, misleading, or potentially damaging to a business's reputation. Through this feature, the platform can review, restrict access, and even delete (*take down*) harmful content. Although *the notice and takedown mechanism* is implemented after the content is uploaded, this action remains preventative in nature because it aims to prevent the content from spreading further and minimize greater losses for businesses.

Furthermore, repressive protection is a form of protection provided after a violation or loss occurs to a business actor due to a *black campaign* on social media. Unlike preventive protection, which aims to prevent violations from occurring, repressive protection focuses on law enforcement, restitution, and imposing sanctions on perpetrators to create a deterrent effect.^[15] Following is protection the law given is :

1. Protection Through Sanctions Administrative

Administrative action is taken through government agencies and relevant authorities to take action against content or parties involved in the dissemination of *Black Campaigns* on social media. Administrative action is essentially aimed at stopping violations quickly to prevent further harm.^[16] Within the Indonesian legal framework, this mechanism is based on Government Regulation Number 71 of 2019

¹⁰ Limbong, Linsepda, *Legal protection for consumers against black campaigns in the skincare industry: a case study of The Face Temulawak and Temulawak (new day and night cream/Temulawak beauty whitening cream)*, Thesis of Pelita Harapan University Surabaya, 2026.

¹¹ Arnita, M., *Criminal Liability of Black Campaign Perpetrators on Social Media in the Implementation of the 2024 General Election*. ALADALAH: Journal of Politics, Social, Law and Humanities, Volume 2, No.4, 2024, pp. 235-236.

¹² Tedi Sudrajat, & Endra Wijaya, *Legal Protection Against Government Actions*. 1st ed., Bumi Aksara, 2021, p. 20.

¹³ Putra, CAG, Budiarta, INP, & Ujianti, NMP, *Legal Protection for Consumers from the Perspective of Public Legal Awareness*. Journal of Legal Construction, Volume 4, No. 1, pp. 13-14.

¹⁴ Gunawan, NF, Zahra, NI, & Hanani, S, *Integration of Law and Digital Ethics: Social Control of Netizen Behavior on Social Media*. Salome Journal: Multidisciplinary Science, Volume.3 No.(6), pp.383-384.

¹⁵ Mahendra, MIR, & Neltje, J. *Preventive and Repressive Legal Protection against Acts of Plagiarism of Song or Music Creations*. Nusantara: Journal of Social Sciences, Volume.10 No.4, 2023, pp.1689-1691.

¹⁶ Rachmadi Usman, Rachmadi Usman, 2013, *Business Competition Law in Indonesia*, Sinar Grafika, Jakarta, p.25.

concerning the Implementation of Electronic Systems and Transactions and Regulation of the Minister of Communication and Informatics Number 5 of 2020 concerning Private Electronic System Providers. Based on these provisions, the government has the authority to order electronic system providers to terminate access (*take down*) to content that violates the law. Furthermore, digital platforms are also required to follow up on public reports of negative content within a certain timeframe.

Furthermore, if a *Black Campaign* is carried out by a competing business actor as a form of unfair business competition, the injured party can file a report with the Business Competition Supervisory Commission (KPPU) under Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. In this case, the dissemination of false or misleading information aimed at damaging the reputation of another business can be categorized as a form of unfair business competition.^[17]

In the administrative pathway, sanctions that can be imposed include deleting content, blocking access, administrative warnings, stopping certain activities, and other administrative sanctions in accordance with statutory provisions.

2. Protection Through Civil Procedure

The main legal basis used is Article 1365 of the Civil Code (KUHPerdata) concerning unlawful acts (*onrechtmatige daad*)^[18]. Article 1365 of the Civil Code states that any unlawful act that causes harm to another person requires the party causing the harm to compensate. In the context of a *Black Campaign*, unlawful acts can include the dissemination of false or misleading information, or information intended to damage the reputation of a particular product or business on social media.

In a lawsuit, a business owner must prove an unlawful act, fault, loss, and a causal relationship between the perpetrator's actions and the loss. To support their claim, businesses must provide evidence in the form of screenshots of content, URL links, content distribution data, evidence of decreased revenue, and expert testimony in information technology and digital marketing.

Through civil proceedings, sanctions that can be imposed on perpetrators include the obligation to pay material and immaterial compensation.^[19] Material compensation can include compensation for economic losses such as decreased sales turnover, loss of business relationships, reputation restoration costs, and legal costs. Meanwhile, immaterial compensation can include compensation for damage to reputation, loss of consumer trust, and psychological distress experienced by business actors due to *the Black Campaign*.^[20]

3. Protection Through Criminal Path

In addition to administrative and civil proceedings, businesses that fall victim to *black campaigns* can also pursue criminal action. Criminal action aims to impose sanctions on perpetrators as a form of accountability for their actions and to create a deterrent effect to prevent similar actions from recurring. In the digital space, criminal action is crucial because the spread of false information can be rapid, widespread, and difficult to control, potentially causing significant losses for both businesses and consumers.

The most relevant criminal provision regarding *Black Campaign practices* on social media is Article 28 paragraph (1) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. This provision prohibits anyone from intentionally and without authority spreading false news and misleading information that results in consumer losses in electronic transactions.^[21]

In addition, if the content disseminated contains elements that attack the honor or good name of a business actor, then this act can also be linked to the provisions of defamation in the Criminal Code. Article 433 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code stipulates that anyone who attacks the honor or good name of another person by making accusations so that they are publicly known can be punished with imprisonment. This provision can be applied if *the Black Campaign* is carried out by spreading accusations or information that directly attacks the reputation of the business actor.

The first step a business owner must take before filing a criminal report is to collect and secure all digital evidence. This evidence includes screenshots of the content, timestamps, URL links, the identity of the disseminator's account, recordings of dissemination activity, and evidence of social media user interaction with the content. Digital evidence is crucial because content on social media can easily be deleted or modified by the perpetrator. Therefore, documentation must be completed as soon as possible to ensure optimal evidentiary strength in criminal law enforcement proceedings.^[22]

In addition to securing digital evidence, businesses also need to ensure that the evidence they possess demonstrates a link between *the Black Campaign content* and the losses they experience. In practice, these losses can include decreased sales, cancellation of business partnerships, decreased consumer trust, and even damage to the business's reputation in the digital space.^[23]

If the elements of a criminal act are met, the case can proceed to the prosecution and criminal trial stage. *Black Campaign perpetrators* can be subject to criminal sanctions based on

¹⁷ Munasiroh, Afiyatul, et.al. *Public Complaint Handling Strategy of the Jepara Regency Communication and Informatics Office (DISKOMINFO) Through the "Regent's Report" Program*. 2018

¹⁸ Kennedy, A., *Unlawful Acts as an Effort to Protect Subjective Rights*. Ethics and Law Journal: Business and Notary, Vol. 3, No. 4, 2025, p. 7

¹⁹ Akanadila, ZS, & Salam, A, *Legal Review of the Cumulative Application of Article 1365 and Article 1372 of the Civil Code to Compensation Claims in Defamation Cases*. *Lex Patrimonium*, Vol. 4 No.3, 2025, p. 7

²⁰ Ibid

²¹ Permana, AAP, & Khomsah, *SI Restrictive interpretation of Article 28 paragraph (2) of the ITE Law*. Yustika Journal: Media for Law and Justice, Vol. 2, No. 1, 2021, p. 25

²² Ibid.

²³ Hasibuan, M. F. *Legal Review of Compensation in Cases of Unlawful Acts Causing Immaterial Losses* (Doctoral Dissertation, Faculty of Medicine, Islamic University of North Sumatra), 2026.

Article 45A paragraph (1) of the ITE Law in the form of a maximum prison sentence of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah). Meanwhile, if the act fulfills the elements of defamation based on Article 433 paragraph (1) of the Criminal Code, the perpetrator can be punished with a maximum prison sentence of 9 (nine) months or a maximum fine of IDR 10,000,000.00 (ten million rupiah).

With the threat of imprisonment and fines, criminal sanctions are the most repressive form of legal protection against *Black Campaign perpetrators*. Criminal sanctions aim not only to punish the perpetrators but also to provide a deterrent effect, protect the reputation of business actors, and maintain order and security in the use of social media and digital spaces. Furthermore, the application of criminal sanctions also demonstrates that freedom of expression on social media cannot be used as an excuse to spread false information or unlawfully attack the reputation of others.

3.6. Obstacles and Efforts in Legal Protection for Business Actors Who Are Victims of Product *Black Campaigns* on Social Media

As outlined in the previous discussion, legal protection for business owners who fall victim to product *black campaigns* on social media is normatively regulated in various laws and regulations. However, in practice, this protection has not been fully implemented. This is due to various obstacles that arise, both legal, technical, and sociological.

In its implementation, there are a number of obstacles that significantly affect the effectiveness of legal protection for business actors who are victims of *Black Campaigns* on social media, including:

1. Difficulty identifying perpetrators is a major obstacle often encountered in handling *black campaign cases* on social media. The nature of digital spaces, which allow for the use of anonymous accounts, fake identities, and unverified accounts, makes it difficult to track perpetrators^[24]. Without clarity on the identity of the perpetrator, legal efforts, whether through civil or criminal channels, will be difficult to continue.
2. Speed of Information Dissemination On social media, social media is characterized by its ability to disseminate information quickly, widely, and massively in a very short time. Within minutes, a piece of negative content can reach thousands or even millions of users. This situation often results in losses for businesses before legal action can be taken. Furthermore, even if the content is removed through a *takedown mechanism*, its digital footprint often remains in the form of screenshots, re-uploads, or distribution on other platforms. This results in ongoing losses that are difficult to fully recover from.^[25]
3. Limited Legal Understanding Among Business Actors: Furthermore, limited understanding among business actors is also a significant obstacle. Not all business actors, particularly Micro, Small, and Medium

Enterprises (MSMEs), have an adequate understanding of their rights and the legal protection mechanisms available. In many cases, business actors' responses are limited to clarification or defense via social media without being followed up with more effective and measurable legal action.

4. There are no specific regulations that comprehensively regulate this. *Black campaigning* of products on social media. To date, related regulations are still scattered across various laws and regulations, such as the Electronic Information and Transactions Law, the Criminal Code, and the Consumer Protection Law. The absence of regulations specifically governing *black campaigning* has led to unclear norms and the potential for differences in interpretation in their application. As a result, law enforcement is less consistent and does not provide optimal legal certainty for business actors.
5. Lack of rapid response from digital platforms, Responding to reports also presents a practical obstacle. Although platforms are legally required to provide complaint mechanisms and address violating content, in practice, the response is not always prompt and effective. In some cases, reports are not promptly acted upon, allowing harmful content to circulate and continue to cause negative impacts.

Furthermore, efforts to address obstacles to legal protection require comprehensive and sustained efforts to address the various obstacles to legal protection for businesses affected by *black campaigns* on social media. These efforts involve not only the government as regulator, but also law enforcement officials, digital platforms, and businesses themselves. With synergy between these parties, it is hoped that legal protection will be more effective and able to address the challenges of digital technology development^[26]. Following is effort obstacle protection law :

1. Strengthening more specific and comprehensive regulations related to *Black Campaign practices* on social media. Until now, regulations regarding actions that harm the reputation of business actors are still scattered in various laws and regulations, thus creating the potential for multiple interpretations in their application. Therefore, it is necessary to form or improve regulations that specifically regulate *Black Campaign* in the digital context, including clear definitions, limits on prohibited actions, and strict law enforcement mechanisms. With the existence of more targeted regulations, it is hoped that it can provide legal certainty for business actors while also being an instrument for preventing the misuse of social media.
2. **Capacity building and professionalism of law enforcement officers**, Considering the characteristics of digital-based *Black Campaign cases*, adequate understanding of information technology is required, including the ability to carry out digital tracing and analysis of electronic evidence.^[27]

²⁴ Online Law, <https://www.hukumonline.com/berita/a/penindakan-kasus-iblack-campaigni-dinilai-belum-maksimal-hol23062/>, accessed May 10, 2026, at 23.00 WITA.

²⁵Sahsahuubina, A, *Legal Review of the Impact of Social Media Use as a Driving Factor for the Increase in Cybercrime in Indonesia* (Doctoral Dissertation, Sultan Agung Islamic University Semarang), 2026.

²⁶ Ahmad, MRA, & Utari, IS, *Legal Protection for E-Commerce Users: A Victimology Perspective in Facing Cybercrime*. Bookchapter Law and Environment, 2025, pp. 967-968.

²⁷ Safei, M., Dewi, S., & Johar, OA, *Implementation of Digital Footprint Evidence in Law Enforcement of Online Fraud Crimes*. Collegium Studiosum Journal, Vol.8, No.2, p. 504.

3. **Optimizing the role of digital platforms in handling negative content**, As providers of digital interaction, platforms have a responsibility to ensure that their services are not misused to harm others. Therefore, platforms need to improve the effectiveness of their reporting mechanisms *and* expedite the process of handling reported content.
4. Improving legal and digital literacy among business actors is a crucial first step in overcoming barriers to legal protection. Many business actors, particularly MSMEs, do not yet fully understand their legal rights and the protection mechanisms available when they experience losses due to *black campaigns*.
5. Strengthening Documentation and Digital Evidence : In the context of digital-based disputes, the availability of evidence is crucial. Businesses need to actively and systematically document any potentially harmful content, such as screenshots , video recordings, links (URLs) , and upload times ^[28].

Conclusion

The legal regulations regarding the prohibition of *Black Campaign practices* for products on social media still show a normative vacuum because it has not been specifically regulated in a single, unified law. The term *Black Campaign* itself is essentially a social term that is not explicitly recognized in Indonesian positive law, so that to make it an act with legal consequences requires an interpretation of the elements of the act. Nevertheless, the elements of *Black Campaign acts* have been spread across various legal provisions, including Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, Law No. 1 of 2024 concerning Electronic Information and Transactions, Law No. 8 of 1999 concerning Consumer Protection, Law No. 1 of 2023 concerning the Criminal Code, BPOM Regulation No. 32 of 2021 concerning Supervision of Cosmetic Advertising, and the Civil Code.

Legal protection for business actors who become victims of *Black Campaigns* on social media products is provided through preventive and repressive protection. Preventive protection is carried out through regulations in various laws and regulations, socialization, and supervision by the government and social media platforms through reporting and content removal mechanisms (*take down*). Meanwhile, repressive protection can be pursued through administrative, civil, and criminal channels aimed at stopping the spread of content, recovering victims' losses, and imposing sanctions on perpetrators. Thus, legal protection for business actors is basically available, but in practice still faces various obstacles, mainly due to the lack of specific regulations regarding *Black Campaigns* on social media.

References

Books

1. Harto B, et al. Business transformation in the digital era: information technology in supporting business transformation in the digital era. 1st ed. Jambi: PT Sonpedia Publishing Indonesia; 2023.
2. Syahrums M. Introduction to legal research methodology: empirical normative research studies writing proposals,

thesis and dissertation reports. 1st ed. Riau: DOTPLUS Publisher; 2022.

3. Muhaimin. Legal research methods. Mataram: Mataram University Press; 2020.
4. Sudrajat T, Wijaya E. Legal protection against government actions. 1st ed. Jakarta: Bumi Aksara; 2021.
5. Usman R. Business competition law in Indonesia. Jakarta: Sinar Grafika; 2023.

Journal Scientific

1. Akanadila ZS, Salam A. Legal review of the cumulative application of Article 1365 and Article 1372 of the Civil Code to compensation claims in defamation cases. *Lex Patrimonium*. 2025;4(3).
2. Arnita M. Criminal liability of black campaign perpetrators on social media in the implementation of the 2024 general election. *Aladalah: Journal of Politics, Social, Law and Humanities*. 2024;2(4).
3. Sitanggang CE, et al. The use of social media as a business promotion tool. *Journal of Business and Entrepreneurship*. 2024;14(1).
4. Gunawan NF, Zahra NI, Hanani S. Integration of law and digital ethics: social control of netizen behavior on social media. *Salome Journal: Multidisciplinary Science*. 2024;3(6).
5. Han TZ. Protection from online falsehoods and manipulation act (POFMA): regulating fake news to maintain public trust in Singapore. Singapore: National University of Singapore; 2020.
6. Hasibuan MF. Legal review of compensation in cases of unlawful acts causing immaterial losses [doctoral dissertation]. Medan: Faculty of Medicine, Islamic University of North Sumatra; 2026.
7. Kalianda K. Problems of regulating business competition in the Indonesian legal system. *Wasaka Critical Law Review*. 2024;3(1).
8. Kennedy A. Unlawful acts as an effort to protect subjective rights. *Ethics and Law Journal: Business and Notary*. 2025;3(4):7.
9. Limbong L. Legal protection for consumers against black campaigns in the skincare industry: a case study of The Face Temulawak and Temulawak (new day and night cream/Temulawak beauty whitening cream) [thesis]. Surabaya: Pelita Harapan University; 2026.
10. Munasiroh A, et al. Strategy for handling public complaints of the Jepara Regency Communication and Informatics Office (DISKOMINFO) through the "Regent's Report" program. 2018.
11. Permana AAP, Khomsah SI. Restrictive interpretation of Article 28 paragraph (2) of the ITE Law. *Yustika Journal: Media for Law and Justice*. 2021;2(1):25.
12. Prasetya TE. Freedom of expression in online petitions (a comparative study of the Indonesian and United States legal systems according to Fiqh Siyasah). *Freedom of Expression in Online Petitions (A Comparative Study of the Indonesian and United States Legal Systems According to Fiqh Siyasah)*. 2022;5(1).
13. Putra CAG, Budiarta INP, Ujianti NMP. Legal protection for consumers from the perspective of public legal awareness. *Journal of Legal Construction*. 2024;4(1).

²⁸ Arya Pradipa, *Analysis of the Position of Electronic Evidence in Proving Civil Cases Post-ITE Law and the Development of E-Court* , Journal of Defense Science, Law and Communication Science, Vol. 2, No. 3, 2025, pp. 193-194.

14. Margono R. Legal accountability of social media platforms for illegal content broadcast: a legal analysis of the evolution of regulation, algorithmic accountability, and digital rights protection in Indonesia. 2026.
15. Sahsahuubina A. Legal review of the impact of social media use as a driving factor for the increase in cybercrime in Indonesia [doctoral dissertation]. Semarang: Sultan Agung Islamic University; 2026.

Legislation

1. Indonesia. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. State Gazette of the Republic of Indonesia. 2024;(1). Supplement to State Gazette No. 6905.
2. Indonesia. Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. State Gazette of the Republic of Indonesia. 1999;(33). Supplement to State Gazette No. 3817.
3. Indonesia. Law Number 8 of 1999 concerning Consumer Protection. State Gazette of the Republic of Indonesia. 1999;(22). Supplement to State Gazette No. 3821.
4. Indonesia. Law Number 1 of 2023 concerning the Criminal Code (KUHP). State Gazette of the Republic of Indonesia. 2023;(1). Supplement to State Gazette No. 6842.
5. Indonesia. National Agency of Drug and Food Control (BPOM). BPOM Regulation Number 32 of 2021 concerning Supervision of Cosmetic Advertising. Jakarta: BPOM; 2021.
6. Indonesia. Civil Code (Kitab Undang-Undang Hukum Perdata [KUHPerdata]). Jakarta: State Secretariat of the Republic of Indonesia.

Internet

1. Law Online. Penindakan kasus “black campaign” dinilai belum maksimal [Internet]. Available from: <https://www.hukumonline.com/berita/a/penindakan-kasus-iblack-campaigni-dinilai-belum-maksimal-hol23062/> [cited 2026 May 10].
2. Redcomm Knowledge. Black campaign in influencer marketing [Internet]. Available from: <https://redcomm.co.id/knowledges/> [cited 2026 Jan 29].
3. Nuraini. Black campaign in the world of marketing [Internet]. Available from: <https://blog.usetada.com/id/> [cited 2025 Sep 12].

How to Cite This Article

Dewi S, Kurniawan, Wisudawan IGA. Legal protection for business actors who become victims of black reduction product campaigns through social media according to Indonesian law. *Int J Judicial Law*. 2026;5(3):211–218. doi:10.54660/IJL.2026.5.3.211-218.

Creative Commons (CC) License

This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution NonCommercial-ShareAlike 4.0 International (CC BYNC-SA 4.0) License, which allows others to remix, tweak, and build upon the work non-commercially, as long as appropriate credit is given and the new creations are licensed under the identical terms