

No Viral No Justice: A Criminological Review of Social Media-Based Law Enforcement from the Perspective of Progressive Law

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Abstract

The phenomenon of “no viral, no justice” emerges due to public distrust of the justice system, prompting people to “play judge” themselves on social media in the name of substantive justice, despite the risks of defamation and violations of the legal process. The purpose of this research is to analyze the “no viral, no justice” phenomenon arising from social media-based law enforcement and evaluate its harmony with the principles of progressive law. This normative legal research uses a conceptual approach, applying primary and secondary legal materials, a literature study for data collection techniques, and content analysis to describe the application of progressive legal concepts in social media-based law enforcement. Qualitative data analysis is carried out systematically to draw conclusions in accordance with the research problem formulation. The results show that the “no viral, no justice” phenomenon arises because law enforcement is influenced by public pressure due to viral cases on social media to be addressed immediately, thus creating the perception that non-viral cases mean no justice. This contradicts the principles of progressive law, which promotes the protection of human rights, substantive justice, and rejects discrimination. Law enforcement is also still not considered harmonious with progressive law because viral cases on social media are prioritized without considering justice holistically, while the principles of equality before the law and the presumption of innocence should still be upheld before public pressure comes into play.

Keywords: Human Rights; Law enforcement; Progressive Law; Social Media; Substantive..

1. INTRODUCTION

The progress of information and communication technology has brought about many changes in society. One of them is the emergence and growth of social media as a new means of interaction, sharing information, and expressing opinions. However, on the other hand, social media also brings various new issues related to law enforcement. Social media has become a trend among the Indonesian people from various backgrounds. The results of a survey by the Association of Indonesian Internet Service Providers (APJII) in 2018 showed

that social media users in Indonesia had reached 150 million out of a total population of 264 million.¹

Although providing many conveniences for its users, the presence of social media has also given rise to a new phenomenon known as “social media-based law enforcement” or more commonly referred to as “no viral no justice.” This term has become a current phenomenon where society tends to use social media to unilaterally enforce justice for a legal event. If an event does not receive attention (does not go viral) on social media, then it is perceived that the community will not obtain justice for that event.

The “viral” phenomenon on social media often influences the law enforcement process. Through the posting of viral content, the public seems to be able to “judge” a case without waiting for the legal process to unfold. This can create social pressure that affects court decisions. It is not uncommon for a fair and objective legal process to be disrupted due to the virality of a case on social media. The phenomenon of “no viral no justice” is increasingly prevalent in society. People seem to require a case to go viral in order to attract the attention of law enforcement in processing it.² However, this has the potential to violate the principle of presumption of innocence and judicial independence.

The speed of information and communication flow on social media is utilized by the public to disseminate and publicize events deemed to be in violation of the law or deviant behavior. These contents quickly become viral, attracting attention and reactions from the general public. From a criminological perspective, this phenomenon is interesting to analyze regarding what drives the public to engage in unilateral law enforcement through social media.³

The practice of “no viral no justice” has shifted the paradigm of law enforcement from an evidence-based approach to one based on public opinion and mass pressure. From a criminal law perspective, the phenomenon of spreading false information (hoax) and defamation in the context of law enforcement based on social media is a serious concern. Such practices are susceptible to conflicting with criminal articles regulated in the Criminal Code (KUHP), such as defamation (Article 310 paragraph (1)), which prohibits the dissemination of information that harms someone’s reputation. Additionally, actions involving the spread of false news in the virtual world can also be implicated under Article 14 paragraph (1) of the Electronic Information and Transactions Law (UU ITE) 2008, which regulates the dissemination of electronic information that can harm others. Furthermore, unpleasant actions that create discomfort in general, including within the realm of social media, may also involve Article 335 paragraph (1) of the Criminal Code.⁴

1 Ummanah, Nizirwan Anwar, and Euis Heriyati, “Dampak Komunikasi Psiko-Sosial Era Informasi Sosial Media Pada Generasi Millennial,” *Komunikologi: Jurnal Ilmiah Ilmu Komunikasi* 18, no. 2 (2021), <https://doi.org/10.47007/jkomu.v18i02.361>.

2 Putri Irawana Harahap, *Konstruksi Isu Profesionalisme Polisi Pada Media Tirto.Id* (Jakarta: UIN Syarif Hidayatullah, 2023).

3 Gun Gun Heryanto et al., *Melawan Hoax Di Media Sosiial & Media Massa* (Yogyakarta: Trustmedia Publishing, 2017).

4 Dewi Bunga, Luh Gede Yogi Arthani, and Ni Wayan Eka Sumartini, “Penegakan Hukum Penyebaran Hoax Di Ruang Digital,” *Belom Bahadat : Jurnal Hukum Agama Hindu* 12, no. 1 (2022).

From the perspective of civil law, the virality of content on social media, regardless of its accuracy, can potentially trigger legal actions for wrongful acts and claims for damages due to defamation under Article 1365 of the Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata). This article provides a legal basis for individuals who feel harmed by widespread defamation or insults on social media to file legal claims.⁵ Nevertheless, the complexity of cases related to law enforcement based on social media still poses challenges. One of them is the lack of reliable and valid evidence, making it difficult to bring such cases to legal proceedings with full confidence. The process of identification and collection of digital evidence recognized by the court presents a serious challenge in enforcing civil law related to viral content in the online world.

The enforcement of laws based on viral social media needs to be reexamined from the perspective of progressive law. As a legal paradigm with a focus on justice and the well-being of society, progressive law recognizes that law enforcement should fundamentally aim to uphold the values of humanity and protect the rights of victims. In progressive law, the reputation and dignity of individuals should be maintained even during legal proceedings.⁶ The implementation of the presumption of innocence is absolutely necessary until proven guilty in court. Therefore, the practice of “no viral, no justice” clearly contradicts the spirit of progressive law, which protects the dignity and honor of every individual.

The enforcement of laws based on social media (“no viral, no justice”) is driven by the public’s distrust in law enforcement agencies and the existing judicial system. People choose to resort to “vigilante justice” through social media rather than navigating the official and perceived convoluted legal procedures. Experts categorize this phenomenon as a form of “street law.” Street law serves as an alternative form of law enforcement for the community in the face of the judicial system’s failure to deliver justice to victims. Alongside this phenomenon, the concept of progressive law by Satjipto Rahardjo becomes intriguing for further examination. Progressive law represents a new legal paradigm in Indonesia that prioritizes substantive justice rather than mere procedural aspects. Law, in this context, is not merely a set of procedures but should also provide benefits and justice for the wider society.⁷

The idea of Satjipto is highly relevant to be applied in cases of law enforcement based on social media. Social media, which empowers the community, can essentially serve as a channel for substantive justice as long as it is used as a means of monitoring and improving the legal system in Indonesia. However, one needs to be cautious about the social tension resulting from vigilantism and damaging defamation against others. On the other hand, progressive law still values society’s aspiration to participate in the justice enforcement process through social media. Such participation can be positive,

5 Ahmad Zuhri Pilang, *Pertanggungjawaban Hukum Pemilik Produk Dalam Menggunakan Jasa Endorse Yang Dipasarkan Melalui Media Sosial* (Medan: Universitas Muhammadiyah Sumatera Utara, 2021).

6 M. Yasin Al Arif, “Penegakan Hukum Dalam Perspektif Hukum Progresif,” *Undang: Jurnal Hukum* 2, no. 1 (October 2019): 169–92, <https://doi.org/10.22437/ujh.2.1.169-192>.

7 Subarkah, “Implementasi Hukum Progresif Dalam Pembangunan Berkelanjutan Ekologis,” *Jurnal Yudisial* 8, no. 3 (2015): 289–306, <https://doi.org/https://doi.org/10.29123/jy.v8i3.59>.

like revealing important facts in a case. However, community involvement also needs to be restricted to avoid violating the ongoing legal process.⁸

The study of criminology is needed to understand the phenomenon of viral social media that affects law enforcement, while analysis from a progressive legal perspective can provide insights on how to balance the role of social media in law enforcement while upholding the fundamental rights of individuals. The formulation of the problem in this research is as follows:

1. How can the enforcement of social media-based law give rise to the phenomenon of “no viral no justice” from the perspective of progressive law?;
2. Is the enforcement of social media-based law in line with the principles of progressive law in handling cases that go viral on social media?.

The results of this research are expected to provide policy recommendations for regulating the role of social media in law enforcement proportionally. Additionally, the research findings can serve as academic study material and considerations for lawmakers and law enforcement officials in addressing the phenomenon of social media “virality” that often influences the handling of a case. Thus, law enforcement in Indonesia can continue to adapt to technological developments while remaining grounded in the principles of justice and humanity in accordance with the ideals of progressive law.

Research that deals with the viral aspect of a criminal act related to law enforcement efforts has actually been analyzed by three previous researchers, namely: Research conducted by Saputra (2021) which analyzes the relationship between viral activism and law enforcement. The novelty of Saputra’s (2021) research is that community efforts to make a case viral are optimal, especially in efforts to improve the performance of law enforcement officers.⁹ Further research was conducted by Gugule and Mesra (2022) who analyzed TikTok videos related to law enforcement in Indonesia. The novelty of research by Gugule and Mesra (2022) is that the role of media such as TikTok has positive implications regarding improving and optimizing law enforcement carried out by law enforcement officers.¹⁰ Further research was conducted by Muammar (2023) who discussed the reduction of the principle of legality to prioritizing cases that went viral in society.¹¹ The novelty of Muammar’s (2023) research is that the confirmation of the principle of legality in law enforcement must be comprehensively understood by law enforcement officials, especially to carry out law enforcement substantively and comprehensively without looking at whether a case is viral or not.

From the previous research above, the urgency of this research emphasizes the analysis aspect related to the virality of a criminal act related to law enforcement efforts. Specifically, the virality of a criminal act related to law enforcement efforts from a

⁸ Adi Sulistiyono and Isharyanto, *Sistem Peradilan Di Indonesia Dalam Teori Dan Praktik* (Depok: Kencana Prenadamedia Group, 2018).

⁹ Auditya Firza Saputra, “‘ One Nation Under Virtual Police ’: Kontrol Sosial , Aktivisme Viral , Dan Patroli Internet,” *Jurnal Jentera* 4, no. 1 (2021): 414–39.

¹⁰ Hamdi Gugule and Romi Mesra, “Analisis Sosiologis Terhadap Video Viral Tiktok Tentang Penegakan Hukum Di Indonesia,” *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya* 8, no. 3 (2022): 1071, <https://doi.org/10.32884/ideas.v8i3.956>.

¹¹ Muammar Muammar, “Penanganan Tindak Pidana Viral: Reduksi Terhadap Asas Legalitas Ke Asas Viralitas,” *Pattimura Legal Journal* 2, no. 1 (2023): 19–29, <https://doi.org/10.47268/pela.v2i1.8362>.

criminological perspective has not received in-depth study from the three researchers above, so this research is original.

The research method used is the normative legal research method. This study employs a conceptual approach to analyze legal concepts related to law enforcement based on social media from the perspective of progressive law. Legal materials used are derived from primary legal sources such as regulations related to law enforcement and social media. Additionally, secondary legal materials such as research findings, journals, books, and scholarly articles are also utilized to support the discussion of concepts and theories in the research.

The data collection technique was conducted through a literature review by gathering relevant primary and secondary legal materials. The collected data was then analyzed using content analysis techniques on the concepts of progressive law and law enforcement based on social media found in these materials. Data analysis was carried out descriptively and qualitatively. The collected data was systematically organized and then analyzed to describe the application of progressive legal concepts in law enforcement regarding cases that went viral on social media. The results of the analysis were then used to draw conclusions in accordance with the research problem formulation.

2. ANALYSIS AND DISCUSSION

2.1. Enforcement of Law Based on Social Media can Evoke the Phenomenon of “No Viral No Justice” from the Perspective of Progressive Law

In the digital era and globalization, social media has become the primary platform for disseminating information and mobilizing public opinion. However, with this ease comes new challenges related to law enforcement.¹² The phenomenon of “no viral no justice” has emerged alongside the development and utilization of social media in law enforcement.¹³ Social media now serves as a means for the public to monitor the enforcement of the law while also acting as an instrument to make cases go viral in order to gain public attention.¹⁴

The enforcement of the law based on social media is characterized by public pressure initiated by the viral nature of a case on social media.¹⁵ This pressure is directed towards law enforcement authorities to promptly handle the case. If a case does not go viral on social media, the legal enforcement process is considered unlikely to proceed smoothly, giving rise to the term “no viral no justice.” The phenomenon of “no viral no justice” reflects the significant impact of social media on the dynamics of progressive law.¹⁶

12 Henny Saida Flora, Mac Thi Hoai Thuong, and Ratna Deliana Erawati, “The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman’s Legal System,” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 113–25, <https://doi.org/10.29303/ius.v11i1.1169>.

13 Krismiyarsi, “Proven Criminal Action Of Spreading Hoax News Through Social Media Regarding Covid-19,” *Untag Law Review* 5, no. 2 (2021): 58, <https://doi.org/10.5812/iji.102184.2>.

14 Mika Hietanen and Johan Eddebo, “Towards a Definition of Hate Speech—With a Focus on Online Contents,” *Journal of Communication Inquiry* 47, no. 4 (2023): 440–58, <https://doi.org/10.1177/01968599221124309>.

15 Hilman Syahrial Haq et al., “Community Mediation-Based Legal Culture in Resolving Social Conflicts of Communities Affected by the COVID-19 Pandemic in West Nusa Tenggara, Indonesia,” *Studia Iuridica Lublinensia* 31, no. 2 (2022): 11–32, <https://doi.org/10.17951/sil.2022.31.2.11-32>.

16 Agus Riwanto, “Construction of Legal Culture Model for Corruption Prevention Through Social Media in Indonesia,” *Jurnal Hukum Dan Peradilan* 11, no. 3 (2022): 385, <https://doi.org/10.25216/jhp.11.3.2022.385-404>.

Essentially, this concept implies that injustice can only be addressed when a case or issue becomes viral on social media.¹⁷ Therefore, to understand the progressive legal implications of this phenomenon, we need to explore the role of social media in law enforcement and involve relevant regulatory aspects.

Social media has played a crucial role in transforming the landscape of law enforcement. Information can quickly spread worldwide, and public opinions can evolve rapidly.¹⁸ This can be a positive force, where social media helps uncover and draw attention to cases that might otherwise be overlooked. However, on the flip side, the “no viral, no justice” phenomenon indicates that the success of law enforcement often depends on how much an issue can go viral on social media.¹⁹ This creates a dynamic where issues that do not receive widespread attention may be overlooked by the legal system, even if the substance of the issue deserves consideration.

In the context of law enforcement through social media, several examples can illustrate the concrete impact of this phenomenon. One striking example is the case of police violence recorded in amateur videos and subsequently going viral on social media.²⁰ These videos often trigger waves of protests and public pressure that can compel law enforcement agencies to take action. Success in resolving such cases often depends on how much the story can capture online attention, with cases containing dramatic elements more likely to be highlighted.²¹ However, the impact of these online celebrities often leads to less prominent or less dramatic cases being overlooked, leaving justice unfulfilled.

The development of law enforcement related to the massive use of social media is also increasingly complex because social media occupies an important aspect to maintain transparency and public control regarding law enforcement efforts.²² Efforts to control law enforcement through social media have at least three implications that can be pursued to make law enforcement efforts more successful, which include: first, community control over law enforcement efforts through social media on the one hand can increase community participation and legal awareness related to law enforcement efforts.²³ The general public is not only the “object” of the law enforcement process but also the “subject” of law enforcement who can participate in overseeing the law enforcement process so that justice can be achieved for the parties.²⁴ Second, the massive role of the

17 Elan, Ampuan Situmeang, and Junimart Girsang, “Efektivitas Undang-Undang Iti Dalam Menangani Ujaraan Kebencian Melalui Media Sosial Di Kota Batam,” *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 3 (2022), <https://doi.org/https://doi.org/10.23887/jpku.v10i3.51205>.

18 Dewi Sulistianingsih et al., “Online Dispute Resolution: Does the System Actually Enhance the Mediation Framework?,” *Cogent Social Sciences* 9, no. 1 (December 2023), <https://doi.org/10.1080/23311886.2023.2206348>.

19 Cevi Mochamad Taufik and Nana Suryana, *Media, Kebenaran Dan Post Truth* (Bandung: Widina Bhakti Persada Bandung, 2022).

20 Dwm Broughton, “The South African Prosecutor in the Face of Adverse Pre-Trial Publicity,” *Potchefstroom Electronic Law Journal* 23, no. 1 (2020): 1–36, <https://doi.org/10.17159/1727-3781/2020/V23I0A7423>.

21 Radya Dzuhrizha Rahmana and Adhitya Widya Kartika, “Penegakan Hukum Bagi Pelaku Pembuatan Dan Penyebaran Scam Page (Studi Di Kepolisian Daerah Jawa Timur),” *Risalah Hukum* 18, no. 2 (2022): 83–98.

22 Gerry Johnstone, “Restorative Justice and the Culture of Control,” *Special Issue: Rethinking the Restorative Dimension of Criminal Justice* 61, no. 1 (2022): 25.

23 Sri Turatniyah et al., “The Ineffectiveness of Mediation in Divorce Disputes: A Case Study in the Palembang Religious Court,” *Asy-Syir’ah: Jurnal Ilmu Syari’ah Dan Hukum* 55, no. 2 (2022): 351, <https://doi.org/10.14421/ajish.v56i2.1232>.

24 Muten Nuna, Dince Aisa Kodai, and Roy Marthen Moonti, “Code of Ethics and the Role of Advocates in Providing Legal Aid to the Poor,” *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 259–74, <https://doi.org/10.24127/ijals.v1i2.1232>.

media in law enforcement “*as if*” has added to the important principles of criminal law. Apart from the principle of legality which is oriented towards protecting the human rights of citizens in law enforcement, the principle of legality must be complemented by the principle of virality.²⁵ The principle of virality also has the essence of providing legal protection, where as a case becomes increasingly viral, this can affect the image of law enforcement officials. This further motivates law enforcement officers to act effectively, professionally and proportionally in handling a case and can improve the image of law enforcement officers to become institutions that are trusted by the public.²⁶ Third, the role of social media in law enforcement can also be an effort so that the dimensions and aspects of justice can be realized for the parties. In this context, the essence of justice values in the law enforcement process should be pursued by emphasizing the importance of the role of social media as a means of controlling the law enforcement process so that it can become optimal digital control related to the law enforcement process.²⁷

From the perspective of progressive law, the phenomenon of “*no viral, no justice*” highlights challenges in achieving fair and just outcomes. Progressive law aims to ensure that legal policies and enforcement serve the overall interests of the community and are nondiscriminatory.²⁸ However, when law enforcement is heavily influenced by social media popularity, there is a risk that legal policies may become reactive and dependent on public opinion, which may be triggered by temporary emotions²⁹. This can result in the abuse of legal processes, where viral cases may receive more attention than cases that should be treated seriously.

The phenomenon of “*no viral, no justice*” in a progressive legal perspective also has relevance when progressive law proclaims the extension of justice in various spaces.³⁰ Justice from a progressive legal perspective cannot be monopolized by one space called the court.³¹ The court is a space that is oriented to realizing justice. In this context, outside the court, there are still various other spaces and domains where justice can grow, be implemented and be pursued for the parties.³² This exploration of various spaces outside the court to realize justice is truly relevant to the “*no viral, no justice*” phenomenon. The “*no viral, no justice*” phenomenon emphasizes the digital space as a place where society can exercise optimal control regarding law enforcement. The phenomenon of

doi.org/10.15294/ijals.v1i2.35986.

25 Saputra, “‘One Nation Under Virtual Police’: Kontrol Sosial, Aktivismes Viral, Dan Patroli Internet.”

26 Monica Octavia, Sanusi, and Alip Rahman, “Restorative Justice in Resolving Embedding At Cirebon City Polres,” *JILPR Journal Indonesia Law and Policy Review* 3, no. 1 (2021): 35–44, <https://doi.org/10.56371/jirpl.v3i1.97>.

27 Erna Dewi et al., “Reducing the Expenses of Criminal Jurisdictions through Strengthening the Principle of Judgment Based on Local Awareness,” *International Journal of Entrepreneurship* 25, no. 2 (2021): 1–10.

28 Muhammad Akbar et al., “The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources,” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 225–36, <https://doi.org/10.29303/ius.v11i2.1252>.

29 Nicholas Goldrosen, “Null Effects of a Progressive Prosecution Policy on Marijuana Enforcement,” *Criminology, Criminal Justice, Law and Society* 23, no. 1 (2022): 23–45, <https://doi.org/10.54555/ccjls.4234.34103>.

30 Wawan Andriawan, “Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

31 Dewa Gede Sudika Mangku et al., “The Position Of Indegenous People In The Culture And Tourism Developments: Comparing Indonesia And East Timor Tourism Laws And Policies,” *Journal of Indonesian Legal Studies* 7, no. 1 (2022): 136–61, <https://doi.org/10.19105/AL-LHKAM.V17I1.6060>.

32 Agus Satory, “Alternative Model of Consumer Dispute Settlement Financial Service Sector in Indonesia,” *Journal of Legal, Ethical and Regulatory Issues* 25, no. 2 (2022): 1–10, www.consumersinternational.org/our-members.

“no viral, no justice” which is oriented towards digital space, can be an alternative to the law enforcement process so that netizens can control law enforcement. Optimizing the space for justice outside the court through social media is what can make the “no viral, no justice” phenomenon a means of realizing substantive justice in accordance with the goals of progressive law.

In this context, it is necessary to consider that legal truth does not always align with the prevailing public opinion dominating social media. Progressive law emphasizes the protection of human rights, non-discrimination, and substantive justice.³³ Therefore, progressive law enforcement must be able to distinguish between popular demands and legal principles that underlie justice.³⁴ Although public pressure can be an important factor, it should not be the sole determinant in a legal decision.³⁵ To address this challenge, relevant legal regulations need to be reviewed and updated to accommodate new dynamics arising from the development of social media. Some progressive legal principles that need to be applied in this context involve the protection of human rights, transparency, and accountability of law enforcement agencies.³⁶

The concept of progressive law also strives to position law as a moral and ethical institution, not just a collection of written rules that are legal and formalistic.³⁷ According to Satjipto Rahardjo, the proponent of progressive law, law has noble goals such as guiding humanity towards a just, prosperous life and providing happiness for all.³⁸ Several principles of progressive law relevant to the phenomenon of “no viral no justice” include³⁹:

1. Placing the law as a process of seeking and discovering substantive truth and justice; not merely as a procedural formality.
2. Prioritizing the well-being and happiness of society as the ultimate outcome of law enforcement.
3. Using socio-legal methods that view the law as a social and cultural phenomenon with moral implications for society.
4. Incorporating the human dimension into the legal system, avoiding being trapped in legal formalities and mechanistic approaches.

By applying the principles of progressive law in social media-based law enforcement, it is important to avoid the phenomenon of “no viral, no justice” Even though many cases that go viral on social media capture public attention, law enforcement must still be

33 Yadi Darmawan Herlindah, “Development Legal Theory and Progressive Legal Theory : A Review , in Indonesia ’ s Contemporary Legal Reform,” *Peradaban Journal Law and Society* 1, no. 1 (2022): 18.

34 Dicky Eko Prasetyo Adam Ilyas Felix Ferdin Bakker, “Membangun Moralitas Dan Hukum Sebagai Integrative Mechanism Di Masyarakat Dalam Perspektif Hukum Progresif,” *Mimbar Keadilan* 14, no. 2 (2021): 128–38.

35 Mukhamad Luthfan Setiaji and Aminullah Ibrahim, “Kajian Hak Asasi Manusia Dalam Negara The Rule Of Law : Antara Hukum Progresif Dan Hukum Positif,” *Lex Scientia Law Review* 2, no. 2 (December 7, 2018): 123–38, <https://doi.org/10.15294/lesrev.v2i2.27580>.

36 Riris Ardhanariswari et al., “Upholding Judicial Independence through the Practice of Judicial Activism in Constitutional Review: A Study by Constitutional Judges,” *Volkgeist* 6, no. 2 (2023): 183–207, <https://doi.org/10.24090/volkgeist.v6i2.9565>.

37 Fradhana Putra Disantara, “Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum,” *JURNAL LITIGASI (e-Journal)* 22, no. 2 (2021): 205–29, <https://doi.org/http://dx.doi.org/10.23969/litigasi.v22i2.4211>.

38 Putera Astomo, “Perbandingan Pemikiran Hans Kelsen Tentang Hukum Dengan Gagasan Satjipto Rahardjo Tentang Hukum Progresif Berbasis Teori Hukum,” *Jurnal Yustisia* 90 (2014).

39 Muhammad Zulfa Aulia et al., “The Use of Progressive Law Phrase in Constitutional Court Decisions: Context, Meaning, and Implication,” *Jurnal Konstitusi* 20, no. 3 (2023): 423–50, <https://doi.org/10.31078/jk3034>.

carried out fairly and equally, regardless of the extent to which the case receives social media spotlight.⁴⁰ The main goal of law enforcement should be to achieve substantive justice, which means providing equal treatment to every individual, without being influenced by popularity or pressure from social media.⁴¹

The protection of human rights must remain the foundation of law enforcement.⁴² The 1945 Constitution or relevant human rights laws should be the main reference to ensure that every law enforcement action taken does not violate the rights of citizens.⁴³ Although public pressure can be a driving force, there should be no sacrifice of human rights for social media popularity. The principle of transparency must be applied in law enforcement policies.⁴⁴ Law enforcement agencies should be more open and honest in delivering information to the public.⁴⁵ This can include providing comprehensive information about the steps taken in an investigation or arrest, as well as explaining the reasons behind specific legal decisions. Thus, the public can better understand and trust the law enforcement process.

Strengthening the accountability of law enforcement agencies is an urgent necessity. The need for laws or ethical regulations governing the conduct of law enforcement agencies is crucial and should be monitored and updated periodically.⁴⁶ This step aims to ensure that every decision made by law enforcement agencies is based on strong legal principles and is not influenced by social media popularity. Internal and external oversight mechanisms need to be enhanced so that law enforcement agencies can be held accountable effectively to the public.⁴⁷

The viral popularity driving this law enforcement process contradicts the concept of progressive law pioneered by Satjipto Rahardjo. Progressive law rejects prioritizing specific parties in law enforcement.⁴⁸ Article 6, Paragraph (1) of Law No. 48 of 2009 on Judicial Power states that anyone involved in a case is entitled to recognition, guarantees, protection, legal certainty, and equal treatment before the law. The phenomenon of “*no viral, no justice*” can also undermine the defendant’s right to adequate defense intensity

40 Soesi Idayanti, Toni Haryadi, and Tiyas Vika Widyastuti, “Penegakan Supremasi Hukum Melalui Implementasi Nilai Demokrasi,” *Diktum : Jurnal Ilmu Hukum* 8, no. 1 (May 2020): 83–93, <https://doi.org/10.24905/diktum.v8i1.85>.

41 Amiruddin Amiruddin and Rizki Ramadani, “Judicial Activism in Regional Head Election Dispute: The Practice and Consistency of The Indonesian Constitutional Court,” *Substantive Justice International Journal of Law* 6, no. 1 (2023): 56, <https://doi.org/10.56087/substantivejustice.v6i1.230>.

42 Yulia Neta, Budiyo, and Ade Arif Firmansyah, “The Model of Local Regulation of the Human Rights Fulfillment Based on Progressive Law,” *JALREV* 3, no. Special Issue (2021): 18–34.

43 Yovi Cajapa Endyka, Muhamad Muhdar, and Abdul Kadir Sabaruddin, “Environmental Justice in Intra Generations: An Overview of Aristotle’s Distributive Justice to Coal Mining,” *Indonesian Comparative Law Review* 3, no. 1 (2020): 25–34, <https://doi.org/10.18196/iclr.v3i1.11234>.

44 Safrizal Safrizal, Taufeni Taufik, and Yesi Mutia Basri, “Good Governance on Village Fund Management with The Use of Information Technology as A Moderating Variable,” *Indonesian Journal of Economics, Social, and Humanities* 4, no. 1 (2022): 15–28, <https://doi.org/10.31258/ijesh.4.1.15-28>.

45 Sipghotulloh Mujaddidi, “Konstitusionalitas Pembatasan Hak Asasi Manusia Dalam Putusan Mahkamah Konstitusi,” *Jurnal Konstitusi* 18, no. 3 (February 2022): 539, <https://doi.org/10.31078/jk1833>.

46 Zhanna Khamzina et al., “Labor Disputes in Kazakhstan: Results of Legal Regulation and Future Prospects,” *Journal of Legal, Ethical and Regulatory Issues* 23, no. 1 (2020): 1–14.

47 International Monetary Fund. Legal Dept. et al., “Sri Lanka: Technical Assistance Report-Governance Diagnostic Assessment,” *IMF Staff Country Reports* 340 (2023): A001, <https://doi.org/10.5089/9798400255977.002.A001>.

48 Yusuf Saefudin, “Living Law in The Perspective of Progressive Law: The Urgency of Its Regulation in The Draft Indonesian Criminal Code,” *Jurnal Dinamika Hukum* 21, no. 2 (2021): 361, <https://doi.org/10.20884/1.jdh.2021.21.2.3526>.

in seeking justice, as regulated in Article 18, Paragraphs (1, 4), and (6) of the Criminal Procedure Code (KUHAP). The defendant's right to defense is often weakened when there is potential for inaccuracies or manipulation of information on social media that could harm the defendant.

To address the phenomenon of “*no viral, no justice*” from a progressive legal perspective, several solutions can be proposed. It begins with the enhancement of legal education and social media literacy among the public.⁴⁹ The community should be able to understand the role and limitations of social media in the legal enforcement process, as well as have adequate knowledge of human rights and the principles of progressive law. Furthermore, law enforcement agencies should improve their transparency by providing more detailed and open information to the public.⁵⁰ Steps taken in an investigation or arrest should be clearly explained, and law enforcement agencies should be willing to receive input and criticism from the community. Finally, there is a need for a strong independent oversight mechanism to ensure the accountability of law enforcement agencies.⁵¹ This mechanism may include an independent body or ombudsman responsible for reviewing the actions of law enforcement agencies and assessing whether their decisions align with the principles of progressive law.

In an increasingly interconnected and digitized world, the phenomenon of “*no viral, no justice*” poses a serious challenge to progressive law enforcement. The implications of this phenomenon create dynamics where justice depends on the extent to which an issue can attract attention on social media. In order to uphold the principles of progressive law, legislative measures and policies need to be implemented to balance the influence of social media and ensure that law enforcement continues to prioritize human rights, transparency, and accountability. Therefore, collaborative efforts between the community, law enforcement agencies, and the government are necessary to create a legal system that functions fairly and equitably in the era of social media.

2.2. Enforcement of Law Based on Social Media: Is it Aligned with the Principles of Progressive Law in Addressing Cases that Go Viral on Social Media?

The enforcement of law based on social media is becoming increasingly complex with the development of information and communication technology.⁵² Efforts are made to ensure the alignment of law enforcement with progressive legal principles, emphasizing justice, balance, and legal adaptation to societal developments.⁵³ Nevertheless, a thorough evaluation is needed to determine the extent to which law enforcement in the realm of social media has reflected these principles. Despite its potential as an effective

49 Gordon Pennycook and David G. Rand, “The Psychology of Fake News,” *Trends in Cognitive Sciences* 25, no. 5 (2021): 388–402, <https://doi.org/10.1016/j.tics.2021.02.007>.

50 Bruno Deffains and Claude Fluét, “Social Norms and Legal Design,” *The Journal of Law, Economics, and Organization* 36, no. 1 (August 2019): 139–69, <https://doi.org/10.1093/jleo/ewz016>.

51 Yulia Razmetaeva, Yurii Barabash, and Dmytro Lukianov, “The Concept of Human Rights in the Digital Era: Changes and Consequences for Judicial Practice,” *Access to Justice in Eastern Europe* 5, no. 3 (2022): 41–56, <https://doi.org/10.33327/AJEE-18-5.3-a000327>.

52 Rahul Sharma, “Legal Challenges and Enforcement Mechanisms in India’s Contract Act, 1872 for E-Commerce Transactions,” *Eduzone* 12, no. 2 (2023): 236–43.

53 Daniel M Thompson, “How Partisan Is Local Law Enforcement? Evidence from Sheriff Cooperation with Immigration Authorities,” *American Political Science Review* 1, no. 2017 (2019): 1–15, <https://doi.org/10.1017/S0003055419000613>.

instrument, challenges such as the sustainability of human rights, the use of digital evidence, and psychological impact must be overcome to ensure that social media-based law enforcement not only adheres to progressive legal principles but also protects individual rights in a balanced manner in this digital era.⁵⁴

The enforcement of law based on social media in Indonesia is currently considered not fully in line with the principles of progressive law. Some cases that go viral on social media seem to be prioritized for resolution by law enforcement officials without considering the overall interests of justice.⁵⁵ Satjipto Rahardjo's concept of progressive law has several key principles, one of which is to uphold the values of justice and humanity and reject discrimination in law enforcement.⁵⁶

One crucial aspect in enforcing social media-based law is the availability of a legal foundation that supports and regulates the process. In various countries, laws governing cyber security and the misuse of social media have been introduced to create a legal framework that aligns with the challenges of the times.⁵⁷ Article 28D, Paragraph (1) of the 1945 Indonesian Constitution asserts that everyone has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law.⁵⁸ This aligns with the spirit of progressive law that upholds the principle of equality before the law.

Unfortunately, the virality of a case on social media often triggers a trial by the media, where the defendant is already judged guilty by the masses before a fair and legitimate legal process.⁵⁹ This condition clearly harms the rights of the defendants. For example, the case of obstructing justice experienced by celebrity RN in 2021. Although not the main defendant, the public judged RN massively through social media without sufficient evidence. However, Article 66, Paragraph (5) of Law No. 7 of 2020 concerning the Criminal Code emphasizes that evidence must be supported by sufficient proof.⁶⁰

In the enforcement of social media-based law, the significance of using digital evidence becomes highly pressing. The advancement of digital forensic technology plays a crucial role in the process of collecting and securing electronic evidence related to cases that

54 Imam Sukadi, "Matinya Hukum Dalam Proses Penegakan Hukum Di Indonesia," *Risalah Hukum Fakultas Hukum Universitas Mulawarman* 7, no. 1 (2011).

55 Luh Putu and Yeyen Karista, "Online Fraud Law in Indonesia : Enforcement Challenges and Future Solutions," in *International Conference Towards Humanity Justice for Law Enforcement and Dispute Settlement, 2022*, 54–64.

56 Dey Ravena, "Mencandra Hukum Progresif Dan Peran Penegakan Hukum Di Indonesia," *Syiar Hukum : Jurnal Ilmu Hukum* 9, no. 3 (2007), <https://doi.org/https://doi.org/10.29313/sh.v9i3.477>.

57 Yudha Chandra Arwana, "Victims of Cyber Crimes in Indonesia: A Criminology and Victimology Perspective," *Semarang State University Undergraduate Law and Society Review* 2, no. 2 (2022): 181–200, <https://doi.org/10.15294/lsr.v2i2.53754>.

58 Sri Wahyuni, Teguh Prasetyo, and Umar Ma'ruf, "Legal Reconstruction of Indigenous Land Registration Regulations Based on Dignified Justice," *Scholars International Journal of Law, Crime and Justice* 6, no. 2 (2023): 101–7, <https://doi.org/10.36348/sijlcj.2023.v06i02.007>.

59 Heru Widodo, "The Interpretation of Structured, Systematic, and Massive Violations in the 2019 Presidential Election Dispute at the Indonesian Constitutional Court," *Journal of Politics and Law* 14, no. 4 (2021): 47, <https://doi.org/10.5539/jpl.v14n4p47>.

60 Sulaeman, Andi Dewi Pratiwi, and Ika Novitasari, "Sosialisasi Tentang Bantuan Hukum Untuk Masyarakat Tidak Mampu Dan Pembentukan Lembaga Bantuan Hukum Desa Riso Kec. Tapango Kabupaten Polewali Mandar," *Beru'-Beru': Jurnal Pengabdian Kepada Masyarakat* 2, no. 1 (2023): 83–89, <https://doi.org/https://doi.org/10.31605/jipm.v2i1.2658>.

arise on social media platforms.⁶¹ The implementation of progressive legal principles in this context demands a high level of precision in every stage of evidence collection and presentation, while also requiring a profound understanding of various technological aspects involved. The importance of digital evidence in handling viral cases on social media becomes increasingly evident, emphasizing that law enforcement in the digital era requires constant adaptation to technological developments and supportive policies to ensure that the process remains fair and effective.⁶²

At the global level, some countries have responded to the challenges of social media-based law enforcement by taking steps in line with progressive legal principles. For example, the European Union has led efforts through the implementation of the General Data Protection Regulation (GDPR), a regulation that establishes strict standards for the protection of individual data in the digital era.⁶³ By prioritizing the principles of transparency, the right to be forgotten, and the right to access data, GDPR provides a solid legal foundation to maintain justice and balance in the enforcement of social media-related laws. This regulation aims not only to protect individual privacy but also to give greater control to citizens over their personal information distributed in the online world.

The importance of a multidisciplinary approach is also highlighted in addressing cases that go viral on social media. Collaboration between law enforcement, IT experts, and legal practitioners is increasingly crucial to understand and respond to legal phenomena involving the virtual world.⁶⁴ Progressive principles also involve innovation in law enforcement methods, including the use of artificial intelligence and data analysis to identify suspicious behavioral patterns on social media.⁶⁵ Additionally, it is important to consider the psychological impact of social media-based law enforcement. Controversies and widespread public exposure related to viral cases can have serious effects on the mental well-being of individuals involved.⁶⁶ Therefore, the progressive principle emphasizes the need for a humane and fair approach in responding to legal violations on social media.

In the context of law enforcement based on social media, mitigating the risks of hatred and discrimination is also a challenge that must be addressed. Viral content often has a significant impact on public opinion and can trigger feelings of hatred towards specific groups. Progressive legal principles advocate for addressing hatred and

61 I Kadek Odie et al., "Crime Actions In The Digital World In The Form Of Phising," *CyberSecurity and Digital Forensics* 5, no. 2 (2022): 77–82.

62 synthiana Rachmie, "Peranan Ilmu Digital Forensik Terhadap Penyidikan Kasus Peretasan Website," *Jurnal Liti* 21, no. 1 (July 14, 2020): 104–27, <https://doi.org/10.23969/litigasi.v21i1.2388>.

63 Philip Aston and Franz Magnis-Suseno, *Hukum Hak Asasi Manusia (HAM), Evolusi Pemikiran Dan Sejarah Perkembangan Hak Asasi Manusia* (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, 2008).

64 Nourah Almrezeq, Faiez Alserhani, and Mamoona Humayun, "Exploratory Study to Measure Awareness of Cybercrime in Saudi Arabia," *Turkish Journal of Computer and Mathematics Education* 12, no. 10 (2021): 2992–99.

65 Muhammad Harun, "Philosophical Study of Hans Kelsen ' s Thoughts on Law and Satjipto Rahardjo ' s Ideas on Progressive Law," *Walisongo Law Review (Walrev)* 1, no. 2 (2019): 195–220, <https://doi.org/10.21580/Walrev/2019.1.2.4815>.

66 Anang Sugeng Cahyono, "Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat Di Indonesia," *Jurnal Publiciana* 9, no. 1 (2016), <https://doi.org/https://doi.org/10.36563/publiciana.v9i1.79>.

discrimination while maintaining freedom of expression and pluralism.⁶⁷ In addition to these aspects, it is important to identify trends and evolutions in social media-based law enforcement. Changes in online behavior and social media dynamics may require continuous adjustments in the legal framework. The involvement of civil society and digital rights advocacy can also help shape laws that are more adaptive and responsive to new challenges emerging in the virtual world.⁶⁸

In the end, the enforcement of law based on social media can be an effective instrument if implemented carefully and based on principles of progressive law. Clear legal foundations, a multidisciplinary approach, and attention to human rights are key elements in ensuring that law enforcement remains in line with the values of justice and balance. In facing these challenges, the active role of various parties, including the government, legal institutions, civil society, and the private sector, becomes crucial in creating a safe and fair digital environment for all.⁶⁹

Thus, the enforcement of social media-based law in Indonesia is currently considered not entirely in line with the spirit and principles of progressive law. Law enforcement is often pressured to act based solely on public pressure due to the virality of a case. Ideally, law enforcement should prioritize the principles of substantive justice and equal treatment for every citizen without discrimination. Only then can public support be considered a supplementary consideration in the law enforcement process in Indonesia.

3. CONCLUSION

The enforcement of the law based on social media can give rise to the phenomenon of “*no viral, no justice*” due to public pressure initiated by the viral nature of a case on social media. This pressure is directed towards law enforcement authorities to promptly address cases that go viral, creating the perception that if a case is not viral, legal enforcement may not proceed effectively. The enforcement of laws based on social media in Indonesia is currently considered not entirely in line with the principles of progressive law. Some cases that go viral on social media appear to be prioritized for resolution by law enforcement authorities without considering the interests of justice and the comprehensive protection of human rights. Progressive law upholds the principles of equality before the law and the presumption of innocence. Unfortunately, the viral nature of cases on social media often triggers a condition of trial by the media, where the accused is already deemed guilty by the masses before a fair legal process takes place. Ideally, law enforcement should always prioritize the principles of substantive justice and equal treatment without discrimination before considering public pressure.

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68 Yogesh K. Dwivedi et al., “Opinion Paper: ‘So What If ChatGPT Wrote It?’ Multidisciplinary Perspectives on Opportunities, Challenges and Implications of Generative Conversational AI for Research, Practice and Policy,” *International Journal of Information Management* 71 (August 2023): 102642, <https://doi.org/10.1016/j.ijinfomgt.2023.102642>.

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