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A Socio-Legal Analysis of Netizen's Legal Culture in the Phenomenon of Digital Vigilantism as A Challenge to Cyber Law Enforcement

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Abstract

Public trust in formal legal institutions in Indonesia has undergone significant erosion, particularly among digitally active citizens who increasingly turn to social media as an alternative arena for seeking justice. This phenomenon has given rise to the practice of digital vigilantism, defined as the collective and self-appointed conduct of netizens who independently investigate, judge, and socially punish individuals perceived to have violated norms in digital spaces, entirely outside the bounds of legitimate legal processes. While such practices reflect a societal response to systemic failures within the justice system, their implications for legal certainty and the protection of human rights remain insufficiently examined from a socio-legal standpoint. This study aims to analyze the structural factors that drive digital vigilantism as a preferred recourse among digital citizens and to identify the juridical and sociological implications of netizen legal culture for the principles of legal certainty and human rights protection in digital society. Employing a socio-legal research approach grounded in legal culture and legal effectiveness frameworks, this study draws on doctrinal analysis of cyber regulations, judicial decisions, and relevant sociological literature. The findings reveal that structural distrust in formal legal institutions, compounded by the pervasive accessibility of digital technologies, has fostered the emergence of an alternative legal culture that fundamentally threatens the presumption of innocence and the principle of due process of law. This study proposes a reconstruction of digital legal legitimacy through a measurable, citizen reporting-based model of participatory justice as a viable framework for integrating civic engagement without compromising foundational legal guarantees

Keywords: *Digital Vigilantism, Netizen Legal Culture, Legal Certainty, Cyber Law Enforcement, Participatory Justice*

1. INTRODUCTION

The legal framework governing cyberspace in Indonesia has long been riddled with structural ambiguity that generates uncertainty rather than protection (Gomez, 2021). Law Number 11 of 2008 on Electronic Information and Transactions (the ITE Law), as most recently amended by Law Number 1 of 2024, continues to attract sustained criticism from legal scholars, civil society organizations, and human rights bodies for the persistence of its so-called "rubber provisions." (Brook et al., 2020). Article 27A of the ITE Law, which targets the intentional attack on the honor or reputation of another person through electronic systems, remains susceptible to subjective interpretation by law enforcement actors because

terms such as "honor" and "good name" carry no precise legal definition under the statute. Article 27 of the ITE Law has frequently been characterized as a rubber clause due to its multitafsir and subjective character, a quality that has created conditions for overcriminalization, whereby individuals who have not engaged in genuinely culpable conduct become exposed to criminal prosecution (Le Maire et al., 2025). This problem is not merely technical.

The second revision of the ITE Law still retains Article 40, which confers broad governmental authority to terminate access to content deemed disruptive to public order, while the process of revision itself was criticized by sixty-eight global organizations for its lack of transparency and limited space for meaningful public participation. The persistence of these provisions directly undermines the principle of legal certainty (*kepastian hukum*), which occupies a foundational position within the Indonesian constitutional order as articulated in Article 28D(1) of the 1945 Constitution, and signals a disconnect between the formal architecture of cyber law and its substantive operation in practice

The normative deficiencies described above have produced observable and measurable social consequences. According to data published by We Are Social, Indonesia counted 185.3 million active internet users as of January 2024, with approximately 139 million people, representing 49.9 percent of the total population, classified as active social media users. Within this expansive digital environment, public disillusionment with formal legal institutions has catalyzed an alternative justice-seeking practice widely described as *digital vigilantism*, which involves the collective use of social media platforms to investigate, denounce, and socially punish individuals perceived to have committed offences, without recourse to legal procedure (Favarel-Garrigues et al., 2020). The phrase "no viral, no justice" has emerged from this context as a shorthand recognition that injustice in Indonesia only attracts serious institutional attention once it achieves sufficient viral traction on social media, a circumstance that reflects a profound deficit of public trust in formal bureaucratic channels (Camacho-Gómez et al., 2025). Many legal cases in Indonesia have been delayed or neglected, only receiving serious attention from law enforcement authorities after gaining widespread public attention through social media, including sexual violence cases, hit-and run incidents involving public officials, and discrimination against vulnerable groups that previously failed to receive attention from the relevant authorities. These patterns reveal not merely an incidental dysfunction but a systemic crisis of legal legitimacy in which the crowd has effectively become a parallel enforcement institution (Mengistu, 2024).

The idealized conception of law in the Indonesian constitutional order rests on several pillars that digital vigilantism directly subverts. Article 1(3) of the 1945 Constitution establishes Indonesia as a *negara hukum*, a state governed by the rule of law, which obligates all organs of state and all processes of dispute resolution to operate through legitimate legal channels and in conformity with principles of due process. The presumption of innocence, guaranteed under Article 8 of Law Number 48 of 2009 on Judicial Power, further demands that no person be treated as guilty absent a valid court decision (Craig, 2022). Yet the sociological reality of digital vigilantism operates according to an entirely different logic. Digital vigilantism often applies the principle of presumption of guilt, operating on the assumption that information circulating online is true and that the accused is guilty by virtue of public exposure rather than judicial determination (Yang et al., 2025). The gap is thus not peripheral but structural. Lawrence M. Friedman's concept of legal culture, which distinguishes between the formal law on the books and the law in action as shaped by societal

values and expectations, provides a productive theoretical lens through which to interpret this divergence. Where the formal legal order (*das sollen*) envisions a monopoly of legitimate coercive authority vested in state institutions, the empirical reality (*das sein*) reveals a society in which citizens have developed their own enforcement norms, their own standards of evidence, and their own mechanisms of punishment, outside and often in direct competition with the formal system (Côté-Lussier & David, 2023).

The concrete manifestations of digital vigilantism and the structural failures that generate it are well documented in the Indonesian context. Virality has demonstrably shifted the orientation of law enforcement in Indonesia, with high-profile cases such as those involving Ferdy Sambo and Mario Dandy being processed more swiftly due to public pressure rather than legal urgency, thereby distorting the principle of equality before the law (Meng et al., 2025). In the Sambo case, which involved the alleged murder of a junior officer by a senior police general in 2022, the pace of investigation accelerated only after the case became a subject of mass social media mobilization, raising serious questions about whether due process was observed (Dumas et al., 2014). At the same time, the risks generated by erroneous digital verdicts are equally well documented. In 2024, a security guard named Nasarius at a Jakarta shopping mall was publicly shamed and lost his employment after a video showing him kicking a guard dog went viral. Upon subsequent investigation, it was revealed that Nasarius had acted to protect a kitten from the dog, meaning that the initial viral narrative had fundamentally misrepresented the incident. From the regulatory side, the 2024 conviction of environmental activist Daniel Fritz Mauritz Tangkilisan under Article 28(2) in conjunction with Article 45(2) of the ITE Law for his criticism of aquaculture waste illustrates how the same legal framework that fails to protect genuine victims of digital vigilantism continues to operate as an instrument of suppression against legitimate voices. These cases collectively demonstrate that the problem is not theoretical but urgently material, with real consequences for both due process and fundamental rights.

The urgency of studying this phenomenon through a socio-legal lens is underscored by several considerations. Existing studies indicate that the ITE Law contains weaknesses not only in its substantive provisions but also in aspects of implementation and enforcement, with certain cases demonstrating that offences under the statute are processed more swiftly when they involve criticism of the government than when structurally equivalent cases implicate pro-government actors, thereby producing legal inequality that further erodes public confidence. Research on the no viral-no-justice phenomenon has identified virality as an effective mechanism of mass amplified pressure in accelerating institutional response, but has simultaneously noted that dependence on virality creates selective justice, threatens the principle of equal treatment as theorized in Rawlsian justice, and erodes the rational-legal legitimacy of legal institutions in the Weberian sense (Pelletier et al., 2026) . Despite this growing body of evidence, there remains a significant research gap in the academic literature. Most existing scholarship approaches digital vigilantism from the perspectives of criminology, communication studies, or normative constitutional law in isolation (Sigrist & Marin, 2026). There is as yet no study that systematically combines a socio-legal analysis of *netizen legal culture* with an examination of the juridical and human rights implications of digital vigilantism as an alternative legality, and even fewer studies that move beyond diagnosis to propose an institutionally workable framework for integrating legitimate public participation into formal cyber law enforcement (Zhang, 2017).

Three prior works are most directly relevant to the present inquiry and together define

the intellectual space this study seeks to expand. First, Diana Alpiani Safitri, in a 2026 article titled "The 'No Viral, No Justice' Phenomenon in the Digital Age: Implications of Public Pressure on the Independence and Objectivity of Criminal Investigations," published in *Smart: Journal of Criminal Law Review and Analysis* (Volume 1, Issue 1, pages 71–86), examines how viral social media content generates public pressure that compromises the independence and objectivity of criminal investigations in Indonesia (Skipanes et al., 2026). Safitri's analysis centers on the procedural dimension of the problem, arguing that social media pressure creates a distorted investigative environment in which law enforcement actors respond to audience expectations rather than evidentiary standards (Rataj et al., 2026). Second, Mohammad Suud and I. Kronologi authored a study titled "Dinamika Fenomenologis 'No Viral No Justice' (NJNV) di Indonesia," which takes a phenomenological approach to the no-viral-no-justice dynamic, tracing the sociological contours of the phenomenon and its implications for how justice is perceived and demanded in Indonesian digital society. Third, Rudi Margono, in a 2026 monograph published under the title *The Dark Justice: Mengapa Masyarakat Percaya Vigilantisme (Kriminologi dan Sosiologi Hukum — Reaksi Sosial)*, offers a criminological and sociological treatment of why communities invest trust in vigilantism as a form of social reaction, drawing on theories of social control and legal dysfunction to account for the persistence of extra-legal enforcement. The present study advances beyond these contributions by shifting the analytical focus from description and doctrinal critique to *socio-legal reconstruction*. Rather than simply diagnosing the trust deficit or mapping the phenomenology of digital public justice, this study interrogates the *structural conditions of netizen legal culture* as a formed and consequential cultural system, analyzes its tension with fundamental legal guarantees under Indonesian and international human rights law, and proposes a normatively grounded model of *participatory justice* built on measured citizen reporting mechanisms that can channel civic energy toward rather than against the rule of law (Gaêta-Araujo et al., 2026).

Against this backdrop, the present study is guided by two central research questions. First, why has digital vigilantism become a preferred alternative to formal legal recourse in the context of declining public confidence in the effectiveness of cyber law enforcement in Indonesia? Second, what are the juridical and sociological implications of netizen legal culture for the principles of legal certainty and human rights protection within Indonesian digital society? These questions are pursued through a socio-legal research approach that combines Lawrence M. Friedman's legal culture framework encompassing the substance, structure, and culture of law with a legal effectiveness analysis that examines the gap between law as designed and law as experienced (Chan, 2014).

The theoretical objectives of this study are threefold: to contribute to the socio-legal literature by constructing a theoretically coherent account of netizen legal culture as an emergent normative system, to identify the specific mechanisms by which digital vigilantism undermines foundational legal guarantees, and to develop the concept of *participatory justice* as a normatively legitimate and institutionally viable alternative to extrajudicial crowd enforcement (Thomas et al., 2017). The practical objectives are equally concrete: this study aims to offer actionable recommendations for reconstructing the legitimacy of digital legal institutions and for designing *citizen reporting* mechanisms that are transparent, proportionate, and rights-respecting, thereby bridging the gap between the participatory impulses of an engaged digital citizenry and the procedural discipline that the rule of law demands (Dias, 2013). The study's novelty lies precisely in this reconstructive ambition. Where existing scholarship has largely been diagnostic, the present work moves toward

prescription, offering a normative framework for the governance of digital civic participation that takes seriously both the sociological reality of widespread institutional distrust and the non-negotiable constitutional imperatives of due process, equal protection, and human dignity in the Indonesian legal order (Farrell, 2013).

2. METHOD

This study employs a socio-legal research design, which integrates doctrinal legal analysis with empirical sociological inquiry to examine the relationship between law as formally enacted and law as socially experienced (Edge, 2013). This methodological choice is directly responsive to the dual nature of the research questions, which demand both a normative assessment of legal instruments governing cyberspace and a sociological explanation of why netizen communities develop parallel enforcement cultures outside formal legal channel (Rogers et al., 2026a).

The study applies three complementary research approaches (Newman, 2025). First, a statute approach is employed to critically examine the normative content and structural deficiencies of Law Number 1 of 2024 on Electronic Information and Transactions, alongside relevant constitutional provisions under the 1945 Constitution of the Republic of Indonesia (Winczorek, 2023). Second, a conceptual approach is adopted to engage with foundational legal theories, including Lawrence M. Friedman's legal culture framework and Lon L. Fuller's principles of the inner morality of law, in order to construct the theoretical basis for evaluating the legitimacy of digital vigilantism and the viability of participatory justice (Rogers et al., 2026b). Third, a sociological approach is incorporated to analyze empirical patterns of netizen behavior and institutional trust deficits as documented in the existing literature and verified case studies.

Legal materials are drawn from three hierarchical categories. Primary sources include constitutional provisions, statutory instruments, and relevant judicial decisions. Secondary sources comprise peer-reviewed journal articles, academic monographs, and institutional reports from recognized legal and human rights bodies (Chimbwanda, 2026). Tertiary sources, including legal dictionaries and encyclopedias, are consulted for definitional precision. Data analysis is conducted through qualitative legal interpretation, employing both prescriptive and descriptive analytical modes (Gibens et al., 2022). The prescriptive mode evaluates the normative adequacy of existing cyber law frameworks against human rights standards, while the descriptive mode maps the socio legal gap between formal legal design and lived legal reality. This integrated analytical strategy ensures that the study's findings carry both theoretical validity and practical policy relevance (Schünemann et al., 2024).

3. RESULTS AND DISCUSSION

A. Why Digital Vigilantism Has Become a Preferred Alternative Amid Distrust of Formal Law Enforcement

To understand why digital vigilantism has become a preferred instrument of justice-seeking in Indonesia, one must resist the temptation of a purely cultural or technological explanation (Liu & Xu, 2025). The phenomenon is not, at its core, a product of digital impatience or civic recklessness. It is, rather, the rational and structurally predictable outcome of a legal system that has failed its citizens across all three of Lawrence M. Friedman's constitutive dimensions: substance, structure, and culture. According to Friedman, the legal system operates through three subsystems, namely substance, structure, and culture,

and each must function coherently for law to be effective (Li, 2022). When all three dimensions fail simultaneously and visibly, citizens do not merely lose confidence in law. They develop an alternative normative order, and in contemporary Indonesia, that order is constructed in digital public space (Cao, 2023).

The substantive dimension of this failure is located most acutely in the enduring deficiencies of the ITE Law. Despite undergoing two revisions, most recently through Law Number 1 of 2024, the statute continues to harbor provisions of deeply contested interpretation. Article 27A, which criminalizes the intentional attack on another person's honor or good name through electronic systems, retains terms such as "honor" and "good name" without precise legal definition, leaving their application almost entirely to the subjective discretion of law enforcement actors. This textual ambiguity is not a minor technical defect (Mariani et al., 2023). It constitutes a structural invitation to selective enforcement, and its consequences have been well documented: activists, journalists, and ordinary citizens who voice legitimate criticism are prosecuted, while those who use the same platforms to coordinate harassment or spread dangerous disinformation frequently escape accountability (Radder, 2023). The primary impact of rubber provisions in the ITE Law is the creation of a chilling effect on freedom of expression, causing citizens to hesitate before voicing criticism, opinion, or investigative findings, despite freedom of expression being constitutionally guaranteed. The deeply perverse result is a statute that simultaneously fails to protect victims of digital harm and actively threatens those who might report it, destroying both the protective and deterrent functions of law in a single legislative instrument (Kidido, 2025).

The structural dimension of the failure is equally well documented. Transparency International's 2024 Corruption Perceptions Index assigned Indonesia a score of 37 out of 100, placing it 99th among 180 countries, with corruption in the justice sector specifically identified as undermining the rule of law through the ineffective enforcement of laws and failure to uphold justice (Hunter et al., 2020). This figure must be read not merely as an abstract governance indicator but as a description of the daily institutional environment within which citizens make decisions about whether to seek formal legal redress. The decline in the independence of law enforcement agencies, including the KPK, the Attorney General's Office, and the National Police, due to cases that have tarnished their credibility has led to a visible drop in public trust in these institutions, with corruption identified as having spread from the government sector into the broader institutional culture.

Survey data from the Indonesian Survey Institute in April 2025 recorded public trust in the judiciary at 66 percent and in the national police at 65 percent, figures that are structurally inferior to trust in the military at 84 percent and the presidency at 88 percent (McCarthy, 2026). This data reveals a consistent and reproducible hierarchy in which legal institutions occupy the least credible position in the public's estimation of state authority. Critically, this gap is not merely perceptual. It reflects experiential encounters with selective enforcement (Bourlond, 2025). Evidence indicates that offences under the ITE Law are processed more swiftly when they involve criticism of the government than in structurally equivalent cases implicating pro-government actors, thereby producing legal inequality that further erodes public confidence. When citizens observe, repeatedly and across contexts, that legal protection is distributed according to political proximity rather than legal entitlement, they internalize a foundational lesson: formal law is not a neutral institution but a power instrument. Under these conditions, bypassing it is not defiance (Icbay, 2025). It is adaptation.

Having established the structural conditions of distrust, the analysis must now address the motivational architecture that converts distrust into vigilante action (Tiwa, 2024). Digital vigilantism is not reducible to anger or emotion, though both are present. Its persistence and scalability suggest a rational choice structure that merits disaggregation into at least four analytically distinct but empirically overlapping drivers.

The first is *justice frustration*, the experience of having sought formal redress and been refused, ignored, or actively harmed by the system. Many legal cases in Indonesia are delayed or entirely neglected, only receiving serious attention from law enforcement after gaining widespread public attention through social media, including sexual violence cases, hit-and-run incidents involving public officials, and discrimination against vulnerable groups that previously failed to receive attention from relevant authorities. This is not anecdotal. It represents a systemic pattern in which institutional responsiveness is contingent on visibility rather than legal urgency (Subekti et al., 2023). The second driver is *costless enforcement*. Participating in a digital vigilante campaign requires nothing more than internet access and a social media account, whereas filing a formal complaint requires time, money, legal literacy, and willingness to expose oneself to potential counter-prosecution under the ITE Law. The asymmetry is enormous and the rational preference predictable. The third driver is *moral community formation (Aramburu, 2024)*. Drawing on social identity theory, participation in digital vigilantism provides participants with a sense of membership in a morally righteous collective that is actively doing what the state refuses to do. Digital vigilantism has been analyzed through social identity theory and theory of justice, revealing that it is driven by group conformity processes and the moral satisfaction of perceived justice restoration. The fourth driver is what Daniel Trottier identifies as *weaponised visibility*: digital vigilantism is an emerging practice whereby citizens' use of ubiquitous and domesticated technologies enables a parallel form of criminal justice, in which weaponised visibility supersedes police intervention as an appropriate response. Visibility, in this framework, is not merely communicative. It is coercive. Public exposure functions as a sanction, and the threat of it functions as a deterrent, reproducing the functions of formal law through entirely extra-legal means (Crawford & Crawford, 1978).

The most analytically devastating critique of digital vigilantism is not that it is ineffective but that it is structurally unjust. It does not resolve the inequality that generates public distrust. It reproduces and deepens it through a different mechanism. Virality has demonstrably shifted the orientation of law enforcement in Indonesia, with cases such as those involving Ferdy Sambo and Mario Dandy being processed more swiftly due to public pressure rather than legal urgency, thereby distorting the principle of equality before the law. The formal legal system, by responding to viral pressure rather than legal merit, has effectively made justice contingent on communicative capital (S. Lee et al., 2020). Cases that are equally severe but lack the visual drama or network amplification required for virality remain unaddressed, systematically disadvantaging those whose grievances are least visible: rural communities, low-income victims, those without access to digital networks, and those victimized by actors with the technical capacity to suppress viral narratives.

Research findings demonstrate that dependence on virality potentially creates selective justice, threatens the principle of equal treatment as understood in Rawlsian theory, and erodes the rational-legal legitimacy of legal institutions in the Weberian sense. This finding is theoretically decisive. John Rawls's difference principle holds that institutional arrangements are just only if they operate to the advantage of the least favored members of society. A

justice system that responds to viral pressure systematically inverts this principle, privileging those with the greatest social media reach over those with the greatest legal need (Dominguez et al., 2026). Max Weber's rational-legal legitimacy, meanwhile, requires that legal authority be perceived as operating within consistent and impartial procedural rules. When law enforcement actors adjust their institutional behavior in response to crowd sentiment, that legitimacy collapses (Horbyk, 2026).

Table 1: Structural Conditions Driving Digital Vigilantism in Indonesia

Dimension	Formal Legal System Failure	Digital Vigilantism Response
Legal Substance	Rubber provisions (ITE Law Art. 27A, Art. 28(3)); selective enforcement	Crowd-constructed norms enforced through viral condemnation
Legal Structure	Documented institutional corruption; CPI score 37/100 (2024)	Social media platforms as parallel enforcement infrastructure
Legal Culture	Experiential alienation; chilling effect on expression	Netizen legal culture as alternative normative system
Institutional Trust	Police 65%, Judiciary 66% (LSI, 2025)	Viral public pressure as primary accountability mechanism
Access to Justice	High cost, legal barriers, and risk of ITE counter-prosecution	Zero-cost digital participation with immediate reach
Equality Before Law	Politically contingent enforcement	Virality-contingent enforcement (different but equally unequal)
Legitimacy Basis	Constitutional mandate, degraded by selective application	Moral consensus and emotional contagion

Source: Analyzed by Author

A dimension that existing scholarship has insufficiently theorized is how the ITE Law itself, rather than merely failing to prevent digital vigilantism, actively accelerates it. The statute creates what can be described as a *double deterrent structure*: it simultaneously deters formal complaint through the threat of counter-prosecution and deters formal reporting through demonstrated institutional non-responsiveness. Citizens who have witnessed peers prosecuted under Article 27A for content that resembled legitimate criticism learn that the formal legal system is not a neutral resource but a potential threat (Makunde et al., 2020). The rational response is to pursue justice through channels that the state cannot easily weaponize against them, which is precisely what digital mobilization offers. The multitafsir and subjective character of Article 27 has created conditions for overcriminalization, whereby individuals who have not engaged in genuinely culpable conduct become exposed to criminal prosecution, with no clear boundary defining the elements of the offence (Wacquant, 2026). This overcriminalization does not suppress vigilantism. It incentivizes it, by making formal channels more dangerous than informal ones for a growing segment of the population.

The critical synthesis this analysis produces is therefore this: digital vigilantism in Indonesia is neither a pathology of digital culture nor a symptom of civic irresponsibility (Sushchenko et al., 2026). It is the structurally rational product of a legal system that has failed simultaneously in its substance, its structure, and its culture, while actively deterring

the use of formal alternatives. Any normative response that fails to address this root cause, whether through enhanced criminal enforcement of vigilante conduct under the very statutes that generate the trust deficit, or through cosmetic institutional reforms that leave selective enforcement practices intact, will not only fail but will deepen the conditions it seeks to remedy (Robert, 2020).

B. Juridical and Sociological Implications of Netizen Legal Culture for Legal Certainty and Human Rights Protection in Digital Society

Before any juridical or sociological analysis can proceed with adequate depth, it is necessary to establish precisely what netizen legal culture constitutes as a legal-sociological phenomenon, and why treating it merely as a behavioral aberration fundamentally misdiagnoses its structural significance. Netizen legal culture, as operationalized in this study, is not simply a collection of digital behaviors (Smith & Reynolds, 2013). It represents an autonomous normative system, complete with its own evidentiary standards, adjudicative processes, and sanction mechanisms, that has emerged in direct response to the perceived illegitimacy of the formal legal order. Research on digital legal culture has demonstrated that social media decentralizes legal authority, enabling online communities and influencers to co-construct legal meanings in ways that fundamentally challenge the monopoly of state institutions over legal interpretation (Bix, 2022). What distinguishes netizen legal culture from ordinary civic discourse is not merely its informality but its claim to *substitutive authority*: the collective assertion that social media verdict, achieved through the aggregation of moral outrage and amplified by algorithmic architecture, constitutes an adequate and indeed superior form of accountability compared to formal judicial process.

This substitutive claim is analytically explosive because it directly contests the foundational premise of the *negara hukum*. Article 1(3) of the 1945 Constitution of the Republic of Indonesia establishes the state as a rechtsstaat, a state governed by law, which implicitly requires that legitimate coercive authority reside exclusively in institutions constituted by and accountable to the constitutional order (Seaton, 2026). When netizen legal culture successfully performs functions that formally belong to police, prosecution, and judiciary, namely investigation, determination of guilt, and imposition of sanction, it does not merely supplement the legal system (Sellers & Rogers, 2026). It fractures its constitutional monopoly on legitimate enforcement, producing a dual authority structure in which constitutional and crowd-based legitimacy compete for social recognition on a case-by-case basis. The winner in any given case is determined not by legal merit but by communicative capital, a criterion that the constitution nowhere recognizes and that law nowhere authorizes.

Legal certainty (*kepastian hukum*) occupies a foundational position in Indonesian constitutional jurisprudence. Article 28D(1) of the 1945 Constitution guarantees every person the right to recognition, guarantee, protection, and fair legal certainty. This guarantee is not merely procedural. It embeds a constitutional requirement that the rules by which people are judged be knowable in advance, applied consistently, and subject to review. Cyber law reform scholarship in Indonesia has identified the persistent tension between legal certainty and social justice in the digital space, observing that information technology developments demand a legal system that is both adaptive and grounded in national foundational values, a demand that current frameworks have not adequately satisfied (Esteve-González et al., 2026).

Netizen legal culture systematically erodes legal certainty through three analytically

distinct mechanisms. The first is *parallel norm production*: when digital crowds collectively define and enforce behavioral standards outside any legislative process, they create a de facto regulatory environment operating without constitutional grounding, without prospective promulgation, and without the requirement of clarity that Article 5 of Law Number 12 of 2011 mandates for all formal regulations (Barber & Kumar, 2024). An individual has no means of knowing in advance which acts will trigger a viral condemnation campaign, how severe the social sanctions will be, or who will constitute the adjudicating crowd (Lei & Wang, 2023). The *nullum crimen sine lege* principle, which demands that punishable conduct be defined with clarity prior to its commission, is violated by design.

The second mechanism is *normative instability* (Mizoguchi, 2026). Because netizen legal culture is constituted by algorithmic amplification, emotional contagion, and network topology rather than by stable legal standards, its judgments are inherently unpredictable and inconsistent. The same act may generate mass punitive mobilization in one context and be entirely ignored in another, depending entirely on factors that have no legal relevance. This inconsistency is not a peripheral defect but a constitutive feature of the system, and it makes legal certainty structurally impossible within the vigilantism framework. The third mechanism is *irreversibility*. Visibility produced through digital vigilantism is unwanted, intense, capable of reaching millions of users within days, and enduring in ways that may permanently define how a target appears in public search results, potentially constituting a lasting cultural reference. Formal law offers mechanisms of correction: acquittal on appeal, retrial on new evidence, rehabilitation following conviction (Szwed, 2021). Netizen legal culture offers none of these. Once a viral condemnation has been successfully amplified, no procedural mechanism exists to reverse its reputational, professional, and social consequences, even where the underlying factual premise was demonstrably false. The Nasarius case, in which a security guard was publicly condemned and lost his employment based on a viral video that fundamentally misrepresented his actions, illustrates precisely this irreversibility: the subsequent disclosure of the truth had no corrective force on the harm already inflicted (Burckhart, 2026).The human rights dimensions of netizen legal culture are not confined to isolated violations of individual rights. They represent a systemic decomposition of the entire due process architecture that the Indonesian constitutional order and international human rights law have constructed over decades (Montenegro, 2021).

The presumption of innocence, enshrined in Article 8(1) of Law Number 48 of 2009 on Judicial Power and in Article 11(1) of the Universal Declaration of Human Rights, is the most categorically violated right in the digital vigilantism context (Vovk, 2023). The principle of presumption of innocence places every individual facing legal proceedings in a position of innocence until the court declares otherwise through a final and binding decision, a provision affirmed in Article 8(1) of Law Number 48 of 2009 that aims to protect human rights and prevent arbitrary punishment (Devalckeneer, 2026). Netizen legal culture inverts this presumption structurally. Once a viral narrative of wrongdoing has achieved sufficient momentum, the cognitive dynamics of digital crowds, including confirmation bias, emotional contagion, and social identity reinforcement, make the correction of factual error extraordinarily difficult regardless of subsequent evidence. The target is not accused (Kaakinen et al., 2020). The target is condemned, and the presumption of innocence never has the opportunity to operate.

The right to a fair trial, guaranteed under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia acceded in 2006, encompasses at

minimum the right to be informed of the charges, the right to mount a defense, the right to an independent and impartial tribunal, and the right to appellate review. None of these guarantees has any meaningful analogue within the digital vigilantism framework (Davies, 2010). The target of a viral condemnation campaign has no right to notice, no forum in which to present exculpatory evidence, no independent adjudicator, and no appellate mechanism. The crowd decides, the crowd punishes, and the crowd moves on (Wang, 2025).

The right to privacy, guaranteed under Article 28G(1) of the 1945 Constitution and Article 17 of the ICCPR, is violated most acutely through the practice of doxxing. Doxxing, the malicious posting of an individual's personal information, has been documented in high-profile cases in Indonesia including the targeting of a journalist at *Tempo*, whose personal information was publicly posted, whose mother's phone was hacked, and whose relatives received threatening anonymous calls, illustrating how doxxing operates as both a punitive instrument and a tool of silencing (Jeon et al., 2023). Indonesia's Personal Data Protection Law Number 27 of 2022 provides a regulatory framework for personal data governance, but it lacks effective enforcement mechanisms specifically tailored to the rapid, distributed, and frequently anonymous character of doxxing within viral justice campaigns.

From a sociological standpoint, the most structurally consequential implication of netizen legal culture is not any individual rights violation but the systemic fragmentation of legal legitimacy as a shared social resource. Indonesia's Internet Freedom Score as assessed by Freedom House in 2024 has declined to 49 out of 100, categorizing it as partly free, with persistent harassment, violent attacks, and criminal prosecution experienced by government critics, activists, journalists, and internet users identified as significant issues concerning internet freedom (Rico Fontalvo et al., 2026). This indicator is not merely a measure of state repression. It also reflects the broader digital environment in which netizen legal culture operates: one characterized by institutional distrust, normative fragmentation, and the weaponization of digital visibility by multiple actors, including both the state and non-state crowds (Wood, 2022).

Research findings indicate that the virality of cases on social media can generate psychological and institutional pressure that threatens investigative objectivity and integrity, potentially causing law enforcement actors to direct institutional resources toward socially visible cases rather than those defined by legal urgency (Stamenkovic, 2023). This finding reveals a sociological dynamic of profound constitutional significance: when law enforcement actors internalize the expectation that their institutional performance will be evaluated by the scale of public satisfaction with viral cases, they begin to allocate investigative resources according to communicative capital rather than legal obligation (Xu et al., 2026). The formal legal system is not merely failing to resist vigilante pressure. It is being functionally reconstituted by it, incorporating the logic of crowd justice into the internal culture of enforcement institutions. This constitutes what the present analysis terms *institutional co-optation*: a process by which the autonomy of law enforcement from public emotion, which due process protections were designed to guarantee, is progressively surrendered to the dynamics of viral amplification.

The analytical conclusion that emerges from this examination is theoretically precise and normatively demanding (B. D. Lee, 2025). The problem of netizen legal culture cannot be addressed through suppressive enforcement alone. Between 2019 and 2024, Amnesty International documented more than 530 instances where online expression was criminalized under the ITE framework, demonstrating that the state's primary response to digital

communication has been one of criminalization rather than protection. Using the same suppressive instrument to address vigilantism would compound the trust deficit rather than resolve it.

The normatively coherent alternative lies in *reconstructive legitimacy*: a strategic and multi dimensional project of rebuilding the institutional conditions under which formal legal channels can credibly claim to be more accessible, more impartial, and more protective than their vigilante alternatives (Le, 2026). This reconstruction requires at minimum three interconnected interventions. First, substantive ITE Law reform must eliminate genuinely ambiguous provisions and establish proportionate, rights-compliant standards that protect victims of digital harm without threatening legitimate expression. Second, transparent and independently monitored *citizen reporting* mechanisms must be developed that channel civic participation toward formal legal processes, creating verifiable feedback loops between public reporting and institutional response. This is what the present study terms *participatory justice*: a framework in which civic engagement is institutionally integrated rather than extrajudicially displaced. Third, a sustained program of digital legal literacy must be embedded within public education infrastructure, cultivating not merely awareness of rights but the disposition and capacity to invoke those rights through constitutionally legitimate channels (Duque & Orsini, 2026). Legal effectiveness, as Friedman's framework demands, requires not only adequate legal substance and structure but a legal culture in which citizens recognize formal law as a genuinely accessible and trustworthy resource for justice, a condition that the current architecture of Indonesian cyber law manifestly and dangerously fails to provide.

4. CONCLUSION

Digital The analysis presented in this study demonstrates that digital vigilantism in Indonesia is not a marginal or temporary phenomenon but a structurally produced response to a crisis of institutional legitimacy that runs across all three dimensions of Friedman's legal system model. The persistence of rubber provisions in the ITE Law, documented patterns of institutional corruption, and asymmetric law enforcement practices have collectively produced a legal culture in which citizens rationally regard social media mobilization as a more reliable pathway to justice than formal legal channels. The selective justice dynamic generated by virality-driven enforcement further compounds this problem by reproducing, rather than correcting, the inequality that motivates vigilantism in the first place, systematically disadvantaging those whose grievances lack the communicative capital necessary for viral amplification.

At the same time, netizen legal culture as an autonomous normative system poses categorical threats to the foundational guarantees of the Indonesian constitutional order. The systematic displacement of the presumption of innocence by crowd-imposed verdicts, the irreversible privacy violations produced by doxxing, the absence of proportionality review for crowd-imposed punishments, and the co-optation of law enforcement culture by digital public pressure collectively constitute a multi-dimensional human rights crisis that existing cyber law frameworks are structurally incapable of addressing. This study therefore argues that the normatively adequate and sociologically viable response lies not in the suppression of civic digital participation but in its reconstruction through a participatory justice model grounded in transparent citizen reporting mechanisms, substantive ITE Law reform, and the deliberate cultivation of digital legal literacy as a constitutional public good.

NOVELTY

This study analyzes the phenomenon of digital vigilantism in Indonesia through a socio-legal research approach, examining why citizens increasingly resort to social media-based justice mechanisms amid the erosion of public trust in formal legal institutions, and how the netizen legal culture emerging from this dynamic produces critical implications for legal certainty and human rights protection in digital society. Drawing on Lawrence M. Friedman's legal culture framework and a legal effectiveness analysis, this study finds that the simultaneous and systemic failure of formal law across its substantive, structural, and cultural dimensions has generated an autonomous alternative normative order operating entirely outside constitutional boundaries, one that structurally inverts the presumption of innocence, bypasses the right to a fair trial, and imposes irreversible social sanctions without any corrective mechanism. Building upon this diagnosis, this study advances a normative novelty in the form of a reconstruction of digital legal legitimacy through a measurable, citizen reporting-based model of participatory justice, a framework that institutionally integrates civic participation into formal legal processes in a transparent and independently verifiable manner, so that the participatory energy of digital citizens is directed toward strengthening, rather than substituting, a constitutionally grounded system of law enforcement.

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