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Virality, Justice and the Principle of “Blocking the Means to Evil”

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Abstract:

Social media virality can expedite the resolution of legal cases, but it is not a suitable foundation for attaining genuine justice in Indonesian law enforcement because it can lead to inequality and human rights violations, particularly when viewed through the lens of Islamic law, which places a strong emphasis on preventing injustice. This research explains how the virality of social media affects the existence of a just legal construction from the perspective of Islamic law. Combining juridical and empirical approaches, this research draws on primary data from viral cases in several journal articles, analysed using the normative-qualitative method. Legal materials used to analyse data include primary legal materials, such as laws and regulations, secondary legal materials in textbooks containing legal theories and reasoning, and journals. The research results are presented in descriptive-analytical form. The results of this study reveal that although viral legal cases receive faster attention, the phenomenon of "no viral no justice" cannot ensure the achievement of true justice. This concept contributes to unequal case handling and risks violating individual rights. By examining the connection between social media virality and justice in Indonesian law enforcement, this research integrates Islamic law principles, particularly the concept of “blocking the means of evil” (*saddu al-dzari'ah*), emphasising the prevention of damage resulting from injustice. This research offers an approach to understanding the impact of social media virality on the legal process, highlighting how social media can influence public perception and, in turn, legal decisions.

Keywords: virality; social media; legal justice.

Introduction

The development of communication technology, particularly social media, is advancing rapidly, leading to the phenomenon of “going viral”.¹ In such a context, viral events capture public attention, and in Indonesia, many such events include law enforcement. Recently, many controversial cases reported by victims in both criminal and civil cases have placed pressure on the police to respond quickly. Unfortunately, in some instances, police responses have been inadequate, leading to a popular expression among social media users: “no viral, no justice.” This phrase reflects public frustration, suggesting that unless a case gains viral attention, it may not receive proper attention or action from authorities.² The emerging concept of “no viral, no justice” indicates that people believe a legal case must first go viral to get full justice.³ This reflects the view that law enforcement in Indonesia is still not optimal and sometimes tends to be unfair or discriminatory, especially in its uneven or biased implementation. The decline in public trust in law enforcement officials has caused the public, especially social media users, to actively monitor every legal case in Indonesia using information and communication technology, especially social media. Through these platforms, people can voice their opinions, demand justice, and monitor and assess the law enforcement process in Indonesia.⁴

The general public is of the opinion that protests are needed for the police to start seriously handling criminal cases, especially those that attract public attention transparently and fairly. This starkly contrasts the goal of transforming the Indonesian National Police into a predictive, accountable, transparent and fair police force. Moreover, responsible and transparent justice is inseparable from a predictive policing approach. Police members are expected to carry out their duties quickly, precisely, responsively, humanely, transparently, responsibly, and fairly. In response to this, National Police Chief General Listyo Sigit Prabowo, during the 2021 Coordination Meeting for Analysis and Evaluation of the National Police General Supervisory Inspectorate, acknowledged that on social media, there are assumptions that develop even though they are misleading among the public.⁵ Public outcry

¹ Yasemin Özkent, ‘Social Media Usage to Share Information in Communication Journals: An Analysis of Social Media Activity and Article Citations’, *PloS One* 17, no. 2 (2022): e0263725, <https://doi.org/10.1371/journal.pone.0263725>; Nanda Yuniza Eviani, Maskun Maskun, and Ahmad Fachri Faqi, ‘Legal Challenges of AI-Induced Copyright Infringement: Evaluating Liability and Dispute Resolution Mechanisms in Digital Era’, *Jambura Law Review* 6, no. 2 (28 July 2024): 403–28, <https://doi.org/10.33756/jlr.v6i2.24459>.

² Muammar Muammar, ‘Penanganan Tindak Pidana Viral: Reduksi Terhadap Asas Legalitas Ke Asas Viralitas’, *PATTIMURA Legal Journal* 2, no. 1 (30 April 2023): 19–29, <https://doi.org/10.47268/pela.v2i1.8362>.

³ Arthur Josias Simon Runturambi, Munarni Aswindo, and Eliza Meiyani, ‘No Viral No Justice: A Criminological Review of Social Media-Based Law Enforcement from the Perspective of Progressive Law’, *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (30 April 2024): 177–95, <https://doi.org/10.29303/ius.v12i1.1361>.

⁴ Lu Sudirman and Antony, ‘Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia: No Viral No Justice’, *Paulus Law Journal* 5, no. 1 (21 September 2023): 16–40.

⁵ Edi Saputra Hasibuan, *Wajah Polisi Presisi: Melahirkan Banyak Inovasi dan Prestasi* (Jakarta: PT. RajaGrafindo Persada, 2023).



(virality) on social media must receive responses to allow the police to seriously and objectively solve criminal cases of public concern.⁶

Some high-profile cases have sparked public outrage and gone viral on social media, including sexual harassment allegations involving staff from the Indonesian Broadcasting Commission (KPI), the rape of three minors in North Luwu, and the rejection of criminal reports by Pulogadung Police Station members. These incidents illustrate how the police respond promptly only when a case has captured widespread public attention online. It seems that the police are driven to act swiftly in such cases to protect their reputation as if failing to address these issues could tarnish their public image.⁷ However, the existence of social media has helped the handling of cases that have occurred in the United States. Studies conducted by Frank X. Hartle et al. from Robert Morris University revealed that social media has become necessary for Law Enforcement Community (LE) agencies to utilise historical information or real-time information for investigations ranging from narcotics trafficking to fugitive arrests. Social media sites contain large amounts of Open-Source Intelligence (OSINT) which is public and unrestricted information in print or electronic form and is easily obtained by law enforcement without a search warrant or court order. Social media is utilised in all aspects of police operations, community engagement, crime prevention and criminal investigations. LE also uses social media in crime prevention by identifying signs of planned or ongoing crimes or protests. This proactive monitoring helps LE mobilize resources and deploy special units quickly. Real-time social media tracking is beneficial in situations like civil unrest or standoffs with violent offenders, enabling LE to maintain a safe environment for everyone involved.⁸

On the other hand, social media also has the opportunity to spread fake news, which has grown to have a severe impact on law and order through the deliberate and large-scale manipulation of public sentiment. Fake news spreading on the internet is a worldwide issue. Comprehending the elements that lead people to spread false information online is crucial.⁹ In addition, people who use social media excessively and with difficulty appear to be more susceptible to a number of harmful health consequences.¹⁰ Furthermore, there are social, religious, political and economic dimensions to the fake news phenomenon, which motivate interested parties to push biased opinions, claims, conspiracies and deceptions to many information consumers. The simplicity with which fake news is created and spread makes it extremely difficult to detect and combat. How one responds to false

⁶ Justin R Ellis, 'Social Media, Police Excessive Force and the Limits of Outrage: Evaluating Models of Police Scandal', *Criminology & Criminal Justice* 23, no. 1 (1 February 2023): 117–34, <https://doi.org/10.1177/17488958211017384>.

⁷ Herman Katimin and Ida Farida, 'Restorative Justice Approach towards Termination Investigation of Begal Victims Based on Noodweer Action and Noodweer Exes', *Jurnal Wawasan Yuridika* 6, no. 2 (29 September 2022): 153–69, <https://doi.org/10.25072/jwy.v6i2.547>.

⁸ Frank X. Hartle et al., 'The Impact of Social Media Geolocation on National Security and Law Enforcement', *Issues in Information Systems* 23, no. 1 (2022): 204–13, https://doi.org/10.48009/1_iis_2022_116.

⁹ Aman Kumar et al., 'Should I Share It? Factors Influencing Fake News-Sharing Behaviour: A Behavioural Reasoning Theory Perspective', *Technological Forecasting and Social Change* 193 (2023).

¹⁰ Leena Paakkari et al., 'Problematic Social Media Use and Health among Adolescents', *International Journal of Environmental Research and Public Health* 8, no. 4 (2021).



information is influenced by many psychological traits. When people lack expertise and rely on heuristic principles rather than rational and analytical thinking, they find it more difficult to recognise a piece of news as fraudulent.¹¹ Researchers have used mechanisms largely based on Artificial Intelligence (AI) algorithms and social network analysis to combat fake news or false information. However, there is no feasible solution to implement on a large scale.¹²

In Islamic law, there is the concept of “blocking the means to evil” or *saddu al-dzari'ah*, which aims to prevent badness. This method serves as a safeguard so that human actions do not cause harm. As part of *maqashid sharia*, the main goal is to achieve benefit and avoid harm.¹³ If an action is initially permitted but has the potential to cause harm, then the action becomes prohibited. Because *saddu al-dzari'ah* is preventive, its main impression is to be a safety fence against the potential badness of an action.¹⁴ For this reason, in relation to *saddu al-dzari'ah*, MUI responded to the existence of social media by issuing MUI fatwa Number 24 of 2017 concerning the law and guidelines for business through social media. This fatwa encourages Muslims to be more careful when using social media. In-depth, the content of this fatwa explains the ethics of using the internet as outlined in a fatwa, leaving spiritual value for its adherents. This fatwa will be a guide for Muslims in Indonesia in social interaction through the internet. MUI considers that many users of digital media, especially social media, are often not accompanied by social responsibility, making it easy to spread fake news, insult others, or even become a means of spreading hatred.¹⁵

We argue that the existence of social media serves as a powerful tool for the public to draw wider attention to seek justice, and social media also plays an active role in helping state institutions reveal a particular case. Accordingly, a more in-depth study is needed on how the virality of social media affects the existence of a just legal construction from the perspective of *saddu al-dzari'ah*. Several studies discussing the handling of viral cases, such as Lu Sudirman and Antony, are more focused on

¹¹ Mercedes Esteban-Bravo, Lisbeth d. l. M. Jiménez-Rubido, and Jose M. Vidal-Sanz, ‘Predicting the Virality of Fake News at the Early Stage of Dissemination’, *Expert Systems with Applications* 248 (2024).

¹² Ankur Gupta et al., ‘Combating Fake News: Stakeholder Interventions and Potential Solutions’, *IEEE Access* 10, no. June (2022): 78268–89, <https://doi.org/10.1109/ACCESS.2022.3193670>.

¹³ Syaifuddin Zuhdi et al., ‘The Confiscation of Husbands’ Wealth as A Collateral for Post-Divorce Child Support: Perspective of Maqāsid Al-Sharī’ah’, *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (11 June 2024): 912–33, <https://doi.org/10.22373/sjhk.v8i2.17326>; Samsudin et al., ‘Haji Funds Management Based on Maqāsid Al-Sharī’ah; A Proposal for Indonesian Context’, *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (31 December 2023): 544–67, <https://doi.org/10.19105/al-lhkam.v18i2.7268>; Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, ‘Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāsid Sharī’ah Perspective’, *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (26 July 2024): 119–37, <https://doi.org/10.18326/ijtihad.v24i1.119-137>; Norcahyono Norcahyono and Muhammad Arni, ‘Strategies of Career Women at Islamic Universities in Kalimantan in Carrying Out Household Obligations from the Perspective of Maqashid As-Syari’ah’, *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 1 (9 June 2021): 88, <https://doi.org/10.18592/sjhp.v21i1.4143>.

¹⁴ Rizka et al., ‘Legal Protection for Doctors’ Work Safety in Handling Covid-19 Cases Reviewed Based on Saddu al-Dzari’ah’, *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (2022): 228–42, <https://doi.org/10.22219/ljih.v30i2.22259>.

¹⁵ Muhammad Shuhufi et al., ‘Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms’, *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (31 December 2022): 823–43, <https://doi.org/10.22373/sjhk.v6i2.15011>.



discussing the handling of viral cases in criminal acts. Additionally, Muammar's research focused more on the principle of legality, which was then displaced by virality.¹⁶ Tayil Mahmoud Shiyab's research also examines the impact of social media on the presumption of innocence, investigative confidentiality, and judges' emotional beliefs.¹⁷

Method

The study adopts a juridical approach to explore the influence of social media virality on the paradigm of justice within the context of Indonesian law enforcement. The primary aim is to integrate Islamic legal principles, particularly the concept of *saddu al-dzari'ah* (blocking the means to evil), into the analysis of how social media impacts justice outcomes. This approach allows for a nuanced understanding of the intersection between contemporary legal challenges and traditional Islamic values. The data collection process focused on documented cases of legal disputes that went viral on social media, as reported in scholarly articles and media outlets. Cases were selected based on their relevance to the study's theme, specifically those that garnered significant public attention, influenced legal proceedings or law enforcement decisions, and were subjects of academic and public discussion. In addition to these documented cases, the research also utilized primary legal materials, such as Indonesian laws and regulations, and secondary legal resources, including legal theories and analyses from textbooks and peer-reviewed journals. For data analysis, a normative-qualitative method was employed to combine normative legal analysis with qualitative insights. This methodological choice facilitated a comprehensive examination of the alignment between social media-driven legal processes and the principles of justice outlined in both Islamic law and Indonesian legal standards. The analysis involved three key phases: identifying legal gaps between viral-driven outcomes and principles of fairness, critically examining risks such as inequality in case handling and human rights violations, and integrating the Islamic legal principle of *saddu al-dzari'ah* to propose a framework for mitigating injustices linked to social media influence.

Result and Discussion

Virality and Social Control

The term "viral" has become integral to social media usage. Moreover, the term is often used in the context of communication to describe phenomena or content that is being widely discussed. The term "viral" was originally derived from an English word. It has been adopted into the Indonesian language and, according to the Kamus Besar Bahasa Indonesia (KBBI), likened to the rapid spread of a virus. In social media, the term "viral" refers to an event that is posted and has a certain appeal, which causes social media users, often referred to as netizens, to reshare the post to

¹⁶ Sudirman and Antony, 'Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia'.

¹⁷ Tayil Mahmoud Shiyab, 'The Impact of Social Media on the Rights of the Accused in Jordan: Does Public Opinion Matter?', *Cogent Arts and Humanities* 8, no. 1 (2021), <https://doi.org/10.1080/23311983.2021.1994112>.



a wider audience.¹⁸ This phenomenon of virality emerged from the frequent sharing of content by social media users, a trend made easier by technological advancements that allow users to quickly create and distribute content.¹⁹

Information and communication technology has developed at an unbelievable pace, enabling people to access social media platforms where message and information exchange occurs. In 2022, research from Reportal Data showed that the number of social media users in Indonesia was 191.4 million people in January 2022. This figure has increased by 21 million or 12.6 per cent since 2021. The wider community's openness to social media makes it easy to connect with users and share information.²⁰ Social media, with its power to make information go viral, has a solid legal foundation in Indonesia. This foundation begins with the 1945 Constitution, which guarantees individuals and communities the right to communicate and share information freely. Social media is also recognised as a platform for personal expression, protected under the Human Rights Law, which upholds every individual's right to express opinions through print or electronic media. Additionally, under the Electronic Information and Transactions Law (UU ITE), social media content is classified as electronic documents, falling within the scope of Electronic System Implementation regulations.²¹

In terms of virality, content can have a viral effect if it contains a strong appeal. This is because content can go viral, and social media users are used as passive carriers to spread the content or information contained in the content. Viral content can attract social media users' attention because it contains emotional aspects, triggers (influences), and presents an interesting narrative so that it can be captured by the public perspective, namely social media users or the wider community. Content that has a pleasant or attractive appeal is instrumental in disseminating information through comments or reposts, and the like so that it can fill the homepage or timeline widely. The high attention of social media users, otherwise known as netizens, shows that there is a public interest that social media users capture.²² Public pressure is increasing with virality due to the rise of people's critical attitudes. Social media's greatest or most important power lies in its ability to gather and influence public opinion and create a new relationship between technology, politics, and public life or society. This shows that social media with viral content can be a tool of social control.²³

Virality is often seen as a spontaneous phenomenon that serves as a highly effective tool for social control. The collective pressure from social media users, fuelled by viral content, can drive a quicker response, especially from the authority

¹⁸ Zhi Lin, 'A Virtual Battlefield for Embassies: Longitudinal Network Analysis of Competing Mediated Public Diplomacy on Social Media', *Political Communication* 41, no. 5 (2 September 2024): 808–36, <https://doi.org/10.1080/10584609.2024.2312865>.

¹⁹ Lidya Agustina, 'Viralitas Konten Di Media Sosial', *Majalah Semi Ilmiah Populer Komunikasi Massa* 1, no. 2 (2020), [//jurnal.kominfo.go.id/index.php/mkm/article/view/3741](http://jurnal.kominfo.go.id/index.php/mkm/article/view/3741).

²⁰ Jihan Afizha, 'Fenomena Viralitas Brand Di Media Sosial', Ministry of Finance Republic of Indonesia, 2023, <https://www.djkn.kemenkeu.go.id/kpknl-jakarta2/baca-artikel/15539/Fenomena-Viralitas-Brand-di-Media-Sosial.html#:~:text=Viral.,luas dan cepat seperti virus.>

²¹ Auditya Firza Saputra, 'Kendali Sosial Dibawah Intaian Polisi Virtual: Aktivisme Viral di Era Patroli Siber', *Jentera: Jurnal Hukum* 4, no. 1 (1 June 2021): 414–39.

²² Saputra.

²³ Muhammad Qadri, 'Pengaruh Media Sosial Dalam Membangun Opini Publik', *Qaumiyyah: Jurnal Hukum Tata Negara* 1, no. 1 (30 June 2020): 49–63, <https://doi.org/10.24239/qaumiyyah.v1i1.4>.



in question, while also serving as a lesson for public figures, institutions, and the broader community. Viral events can deter negative actions and inspire positive ones, and responses to these events are often swift and require minimal effort.²⁴ Considering its influence, virality is a powerful force that compels authorities to act promptly. Understanding the impact of virality on law enforcement is essential for grasping its role in shaping social accountability and public response.

Pancasila as the Basis of Justice

As part of an institution that seeks justice, the science of law continues to transform with the times. The main goal of legal science is to achieve absolute truth and justice. Although absolute truth is the essence that exists in God, legal science tries to direct itself to achieve this truth. In the nation's life, Indonesia places God Almighty as the basis for its legal ideals, a scientific activity known as the Pancasila paradigm.²⁵ The values of truth and justice given by God to the Indonesian people become the origin and motivation for other values. Every existing value must be rooted and based on the value of divinity. This implies that all values form a unified whole, known as the value system or Pancasila, including intrinsic values desired by people because of their uniqueness and the relationship between their characteristics. Pancasila as a value system will be effective and guide the nation's life if all its citizens believe in the truth of its values. The implementation of this system yields a paradigm.²⁶

A paradigm, also known as a perspective, worldview, or school of thought, can be defined as a collection of propositions that explain how the world is understood, simplify the complexity of the real world, and determine what is considered important, valid and rational for researchers and scientists in general.²⁷ According to Kuhn, a paradigm is a social construction of how we understand reality through a particular mode of thought or inquiry, resulting in a distinctive way of knowing. Friedrichs asserts that a paradigm is a discipline's fundamental view of the core issues that should be studied.²⁸ George Ritzer suggests a paradigm as a scientist's basic view of the core issues that should be the focus in a particular branch of science. Chalmers defines a paradigm as a collection of theories, assumptions, and general laws, as well as how to apply these theories so that they are accepted and adopted by the scientific community.²⁹

A paradigm is a step that the researcher must take to determine how the research will be conducted, generally and specifically. It is used for the selection of research methods, the process of conducting research, and the generalisation of

²⁴ Saputra, 'Kendali Sosial Dibawah Intaian Polisi Virtual'.

²⁵ Sudjito, *Ilmu hukum berparadigma Pancasila: pergulatan akademik dari transendensi hingga realisasi*, Edisi pertama (Yogyakarta: Istana Agency, 2022).

²⁶ Sudjito.

²⁷ Vibha Kaushik and Christine A. Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research', *Social Sciences* 8, no. 9 (September 2019): 255, <https://doi.org/10.3390/socsci8090255>.

²⁸ T S Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1970).

²⁹ Jerry Willis, *World Views, Paradigms, and the Practice of Social Science Research* (2455 Teller Road, Thousand Oaks California 91320 United States: SAGE Publications, Inc., 2007).



findings.³⁰ According to Guba, paradigms can be realised by asking three fundamental questions: ontology (understanding the nature of existence), epistemology (views on the process of knowledge formation), and other methodological questions. Ritchie and Lewis emphasise that different research paradigms produce different results, and a good paradigm will achieve results according to the research objectives.³¹ The concept of justice in Indonesia's national law is deeply rooted in Pancasila, the foundation and guiding philosophy of the state. Pancasila embodies core values for the Indonesian nation—divinity, humanity, unity, democracy, and social justice. These values are recognised and respected by the Indonesian people and embraced as guiding principles in daily life. This recognition and appreciation of Pancasila are reflected in the attitudes, behaviours, and actions of Indonesians, aligning their lives with the values that Pancasila upholds.³²

The concept of God, nature, and man in Pancasila is rooted in the lives of the Indonesian people. The formulators, who are members of the Founding Fathers, have at least succeeded in exploring the noble values of the nation, which were then crystallised into the formulation of the state foundation, namely Pancasila. This serves as the basis of a holistic paradigm in Indonesia because its noble values have been believed to be true and have become a national consensus to be used as philosophical guidelines in various life activities. Pancasila is a paradigm constructed systematically from several elements of value and describes in depth the concept of God, nature, and Indonesian humans in a unified whole. An understanding of the value system contained in the Pancasila paradigm can be observed through the precepts of Pancasila: Belief in God Almighty, which provides an understanding that a single God created the universe and its contents. The main source of value for the life of the Indonesian nation lies in this first principle, confirming that God's existence in relation to humans and the universe is very visible. The unity shows a strong relationship that illustrates that a single God created humans and the universe. If viewed from the Cartesian-Newtonian paradigm, there is a contradiction here where this paradigm views that God has "retired" when nature and humans have been created.³³ The second principle, as the basic word of humanity, is that humans have a clear meaning: they are ethical creatures with basic potential, thought, taste, strength, and creation. Because of this potential, humans have a high dignity. With the guidance of his mind, humans have critical reasoning and culture. With his conscience, humans are aware of the norms. With a just and civilised humanity, humans, in this case the Indonesian nation, are guaranteed their rights and freedoms, which are strongly connected to God, people, nature, and their country.

³⁰ Aaron X. Fellmeth, *Paradigms of International Human Rights Law* (New York, NY 10016, United States of America: Oxford University Press, 2016), <https://doi.org/10.1093/acprof:oso/9780190611279.001.0001>.

³¹ Martin J Gannon, Babak Taheri, and Jaylan Azer, 'Contemporary Research Paradigms and Philosophies', in *Contemporary Research Methods in Hospitality and Tourism*, ed. Fevzi Okumus, S Mostafa Rasoolimanesh, and Shiva Jahani (Emerald Publishing Limited, 2022), 5–19.

³² Yosep Copertino Apaut and Randy Vallentino Neonbeni, 'Justice as A Law Sacrament: Measuring Justice in Pancasila Philosophy', *International Journal of Social Service and Research* 3, no. 4 (2023): 952–55, <https://doi.org/10.46799/ijssr.v3i4.330>.

³³ Sudjito Atmoredjo, *Ilmu Hukum Berparadigma Pancasila: Pergulatan Akademik Dari Transendensi Hingga Realisasi* (Yogyakarta: CV. Istana Agency, 2022).



This principle explains the concept of a complete human being, emphasising spiritual and physical unity. In spiritual unity, conscience (*qalb*) and reason are very important components, each with distinctive functions. Conscience guides moral judgment, helping individuals discern between good and bad, right and wrong, and justice and tyranny, thereby keeping one's life straight. On the other hand, reason stimulates creativity and progress, enabling human development. In the realm of law, the creativity and progress of reason are tempered by the conscience, ensuring a commitment to absolute truth and justice. The phrase "just and civilised humanity" conveys a deep connection among God, humans, and nature, bound by a principle of mutual respect and subjectivity. This concept suggests that a civilised person holds fairness toward themselves, society, nature, and God, standing in contrast to the ideas of individual liberalism.³⁴

The third Precept embodies Indonesian nationalism, which is imbued with the Supreme Godhead and Fair and Civilized Humanity. The placement of the first and second precepts as the backbone of Indonesian Unity implies the holistic character of Indonesian nationalism and rejecting the teachings of ethnicism and ethnocentrism. The Fourth Precept highlights that representatives of the people, in fulfilling their duties and exercising their authority, must prioritise wisdom and a deep sense of responsibility—both to God and to their community—rather than relying solely on power or formal authority. Philosophically, wisdom arises from a love of truth; the closer a person is to the ultimate source of truth, God, the wiser they become. This idea aligns with the theistic nature of legal science within a holistic paradigm.

The material of the fifth Precept implies that justice prevailing in society covers all lines of life, both material and spiritual. The desired concept of justice is not only formal justice, where this justice is born due to legislation, but also justice associated with its social habitat, namely the Indonesian nation in the frame of justice based on the Almighty God.³⁵ As Pancasila is Indonesia's highest law source, justice is a fundamental right for all citizens. This aspect of justice is explicitly reflected in the fifth principle of Pancasila, "Social Justice for All Indonesian People". It envisions a society where everyone shares equal status and dignity in every aspect of life, striving toward the greatest prosperity for all.³⁶ The value of social justice for all Indonesians envisions a just and prosperous society in both material and spiritual dimensions. In the framework of Pancasila, social justice must embody religious, human, and national values that respect the people's sovereignty. This principle charges the state to protect citizens from violations and crimes. The commitment to "Social Justice for All Indonesian People" underscores equality before the law, ensuring everyone is treated fairly and equally under its protection.³⁷ In his work, Kahar Masyhur explains the concept of justice through three key principles: First, being "fair" means placing things in their rightful place. Second, fairness involves receiving one's due without excess and giving to others without failing. Third, justice ensures that each person

³⁴ Atmoredjo.

³⁵ Atmoredjo.

³⁶ Apaut and Neonbeni, 'Justice as A Law Sacrament: Measuring Justice in Pancasila Philosophy'.

³⁷ Zico Junius Fernando et al., 'Preventing Bribery in the Private Sector through Legal Reform Based on Pancasila', *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2138906>.



receives their full rights, with no surplus or shortfall, particularly in applying the law proportionately to offences based on the degree of guilt and severity.³⁸

“Blocking the Means to Evil” on the “Virality Shapes Justice”

The advancement of social media has changed the pattern of human life in various parts of the world. Platforms such as Facebook, WhatsApp, and Twitter, among others, have eliminated geographical boundaries, opening up space for broad social dynamics in society. In addition, the advancement of social media also brings various benefits in various aspects of human life. Through social media, one can easily access information about events in Europe and around the world and communicate directly with others, be it in the United States or anywhere else.³⁹ Public frustration over law enforcement's failure to address reported incidents has triggered the rise of criminal lawsuits. When the public actively monitors crime, it pushes law enforcement to act more quickly and responsively, especially when an incident gains viral traction on social media. This phenomenon gave rise to the expression "no viral, no justice," implying that justice may not be served without virality. In a broader sense, it suggests that crimes are only recognised as such when they go viral, prompting immediate action from law enforcement. Consequently, many criminal cases are handled primarily due to the influence of virality and public pressure.⁴⁰

With collusion, corruption, and nepotism still prevalent in Indonesia, law enforcement has yet to reach an ideal standard. The "no viral, no justice" phenomenon—viewed as both a democratic tool and a practical path to justice—has emerged as an effective alternative, reflecting public frustration with legal injustices and highlighting the community's desire for fair treatment in the justice system.⁴¹ The way certain police officers handled this criminal case can be seen as a violation of the principle of legality outlined in Article 1 of the Criminal Code. Their actions and responses indirectly weakened the application of this principle in criminal law. Public reactions, including protests with slogans like "no viral, no justice" and "it's useless to report to the police," along with mounting pressure, pushed the police to respond quickly. However, despite the follow-up, handling the case was less than ideal. Initially overlooked, the incident gained attention after going viral and receiving significant public pressure. This reactive approach has further damaged the public's perception of the police, impacting their image and reputation negatively.⁴²

The reduction in the application of the principle of legality confirms that "virality" has unconsciously become a new legal principle followed by police officers in handling certain cases. "Virality" actually has the potential to become a new basis for law enforcement, and not without foundation. This is because the principle includes what is referred to as *die normative Kraft des Faktischen* in the law. This concept originated from George Jellinek's *Die Lehre von der Normativitat des Faktischen*,

³⁸ Apaut and Neonbeni, 'Justice as A Law Sacrament: Measuring Justice in Pancasila Philosophy'.

³⁹ Rizana Rizana, Andrew Shandy Utama, and Irene Svinarky, 'Pengaruh Media Sosial Terhadap Dinamika Masyarakat Dan Lahirnya Bentuk-Bentuk Perbuatan Hukum Baru Di Media Sosial', *Jurnal Cahaya Keadilan* 9, no. 2 (27 November 2021): 87–98, <https://doi.org/10.33884/jck.v9i2.4520>.

⁴⁰ Sudirman and Antony, 'Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia'.

⁴¹ Runturambi, Aswindo, and Meiyani, 'No Viral No Justice'.

⁴² Muammar, 'Penanganan Tindak Pidana Viral'.



and was later introduced by Gustav Radbruch in his book “*Rechtsphilosophie*”. In a literal context, this principle indicates normative authority arising from factual reality. That is, when a fact occurs repeatedly, it will form a normative order that is sociologically binding. This principle can be interpreted as “what generally happens is often considered a rule.”⁴³

In Islamic law, there is the *saddu al-dzari'ah*, or the concept of “blocking the means to evil,” which can be implemented to avoid harm. This serves as a “guard”, ensuring that human actions do not cause damage. This is also part of *maqashid sharia*, which aims to achieve benefit and avoid harm.⁴⁴ If an action is initially permitted but has the potential to cause harm, then the action becomes prohibited. Because *saddu al-dzari'ah* is preventive, its main impression is to be a safety fence against the potential badness of an action. When taken in the context of *saddu al-dzari'ah*, the phenomenon of “virality” has been addressed by MUI. Its general guidelines state that “information from social media is prone to inaccuracy and uncertainty, not necessarily useful, and not all correct information can be disseminated to the general public.”⁴⁵ This indicates that any news sourced from social media needs to be addressed wisely because, without limited access to various elements of society, it is not impossible when the news or information causes uproar if many people access it.

The term *Saddu al-dzari'ah*, used by *fiqh* experts, aims to prevent, cancel, or prohibit certain—even if they seem harmless—to avoid potential harm.⁴⁶ Take, for instance, the North Luwu case involving the rape of three minors, which was initially dropped by the police. The case’s virality on social media drew widespread attention, including that of President Jokowi, but also led to public criticism and distrust toward the entire police force. This backlash tarnished the hard-earned positive reputation of

⁴³ Muammar.

⁴⁴ Syaikhu Syaikhu et al., ‘The Maqashid Sharia Construction on Inheritance in Dayak Ngaju Customs within the Tumbang Anoi Agreement’, *El-Mashlahah* 13, no. 2 (31 December 2023): 181–202, <https://doi.org/10.23971/el-mashlahah.v13i2.7375>; Nofiardi Nofiardi and Fahmil Samiran, ‘Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāsid al-Sharī’ah and Minangkabau Custom in A New Direction for Families’, *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (15 December 2023): 305–16, <https://doi.org/10.31958/juris.v22i2.9014>; Ending Solehudin et al., ‘Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah’, *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (30 June 2024): 101–15, <https://doi.org/10.30631/alrisalah.v24i1.1467>; Abdi Wijaya et al., ‘The Implementation of E-Commerce Consumer Option Rights (Khiyar) in Realizing Transaction Justice: A Study of Maqasid Al-Shariah’, *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (4 May 2023): 69–82, <https://doi.org/10.24090/mnh.v17i1.7673>; Syamsuar Syamsuar et al., ‘Integration of Maqashid Syaria in Nurholish Madjidâ€™s Thinking about Principles for Effective Good Governance’, *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (30 May 2024): 45–62, <https://doi.org/10.29240/jhi.v9i1.9701>; Noer Yasin, ‘The Authority Rationalization Philosophy of the Indonesia Competition Commission: The Due Process of Law and Maqashid Sharia Perspectives’, *Jurisdictie: Jurnal Hukum Dan Syariah* 13, no. 1 (27 July 2022): 63–89, <https://doi.org/10.18860/j.v13i1.15873>.

⁴⁵ Hastuti, Asmia, and Besse Ruhaya, ‘Konsolidasi Fatwa MUI Dengan Fikih Informasi Dalam Merumuskan Etika Bermuamalah Di Media Sosial’, *Risalah, Jurnal Pendidikan Dan Studi Islam* 9, no. 2 (27 June 2023): 731–46, https://doi.org/10.31943/jurnal_risalah.v9i2.371.

⁴⁶ Rizka et al., ‘Legal Protection for Doctors’ Work Safety in Handling Covid-19 Cases Reviewed Based on Saddu al-Dzari’ah’.



many officers and cast a shadow on the profession, impacting those who have dedicated their lives to serving as police officers.

The damage of such virality extends beyond the institution itself; the victim's identity and profile may become widely shared, possibly leading to psychological harm, such as feeling different from peers and facing social stigma. In other instances, if the reported incident differs from reality, public opinion may be swayed by misinformation, leading to misjudgements or even slander. At this point, subjectivity often overshadows objectivity in understanding the case, driven by the initial social media narrative. The procedure that should be carried out regarding *Saddu al-dzari'ah* is that when there is no response from the police, people around the victim must immediately try to report to the parties or institutions authorised to handle the problem without waiting for the case to go viral. *Saddu al-dzari'ah* advocates for preventing the harm caused by a case going viral by creating alternative pathways that provide *maslahah*⁴⁷ for all parties, especially the child victim. Achieving this requires multiple parties' support, transparent investigations, accessible and supportive services, and clear, uncomplicated communication.

In the context of the MUI Fatwa when addressing the virality, MUI made a guideline that everyone who receives content or information through social media, both positive and negative, should not immediately disseminate it without first being verified and going through the *tabayyun* process to ensure its usefulness. The *tabayyun process* of content or information can be done by, first, ensuring the source of the information, which includes its personality, reputation, eligibility, and trustworthiness; second, ascertaining the truthfulness of the content, which includes its content and intent; third, ascertaining the place and time as well as the background when the information was conveyed.⁴⁸ To ensure the veracity of information, steps taken include asking directly for the source of information if known, as well as asking for clarification from parties who have authority and competence. *Tabayyun* efforts should be made in private to the relevant parties and not openly in the public domain, such as through social media groups, so that information that is not clear is not widely spread to the public. Content or information that contains praise, flattery and positive news about a person or group must not skip this *tabayyun* process, recalling that such information is also prone to falsity.⁴⁹

From the perspective of justice⁵⁰, the principle of justice in Pancasila, as stated in the preamble of the 1945 Constitution of the Republic of Indonesia, is the will of the sovereign voice of the people and must be carried out by the government and all the people. The ideology of Pancasila, the basis for the Indonesian nation, has different characteristics from capitalism and socialism. The difference is that

⁴⁷ Desi Norma Siamtina et al., 'The Legal System of the All-You-Can-Eat Ticket System at Tlogo Argo-Tourism, Indonesia: A Maşlahah al-Mursalah Perspective', *Journal of Islamic Law* 4, no. 1 (28 February 2023): 88–103, <https://doi.org/10.24260/jil.v4i1.1150>.

⁴⁸ Hastuti, Asmia, and Ruhaya, 'Konsolidasi Fatwa MUI Dengan Fikih Informasi Dalam Merumuskan Etika Bermuamalah Di Media Sosial'.

⁴⁹ Abdullah Abdullah et al., 'Fulfillment of The Living Rights of Children the Victims of Divorce in the Muslim Community of Lombok, Indonesia', *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (1 July 2024): 253–71, <https://doi.org/10.22373/ujhk.v7i1.22281>.

⁵⁰ Muzakkir Muzakkir, 'Dawn of Justice: Evaluating the Alignment of Women and Children in Aceh's Qanun Jinayat', *Al-Ahkam* 32, no. 2 (30 October 2022): 131–52, <https://doi.org/10.21580/ahkam.2022.32.2.12130>.



Pancasila places the Almighty God as the foundation, based on civilised human values and the principle of social justice for all Indonesian people.⁵¹ Meanwhile, capitalism only emphasises private ownership without regard to the values of divinity and just and civilised humanity. In the capitalist system, there is no emphasis on social justice for all, only justice for individuals.⁵²

Attempting to achieve justice with the concept of "No viral, no justice" has drawbacks that need to be considered. First, this concept tends to apply double standards in the justice system. Under normal, non-viral conditions, legal processes are often bogged down in complexity, lengthy time, and expensive bureaucracy, making the realisation of justice difficult.⁵³ Therefore, it is unsurprising that those seeking justice compare the handling of viral cases with those that do not. The different treatment of viral and non-viral cases, considered a form of discrimination, is contrary to the principle of equality before the law as guaranteed by Article 28D paragraph (1) of the 1945 Constitution. Second, "No viral, no justice" does not provide adequate legal guarantees or protection. In viral cases, a person's personal information, even of a disgraceful nature, is often spread widely without clear legal accountability. Personal information should remain confidential and should not be disseminated carelessly. Article 40 of Law No. 36/1999 concerning Telecommunications affirms the right of every individual to protect personal information, while in America, disclosure of personal information is considered a criminal act.⁵⁴

In the realm of intellectual property law, in accordance with Article 12 of Law No.28/2014 concerning Copyright, the property rights to videos or photos remain with the person recorded or the creator, even if taken without consent. Distribution without the permission and knowledge of the copyright owner is considered a copyright infringement that can be prosecuted. Disclosure of information under the pretext of freedom tends to be a form of misuse of information, which is considered more abusive than the criminal act itself. Criminal courts defend the rights of owners of intellectual property against infringement, including unlawful use of works or objects of related rights, as well as the replication, distribution, and public display of counterfeit copies of works or objects of related rights, as well as the dissemination of false information about copies of works or objects of related rights regarding their producers, manufacturers, and owners of copyright law and related rights.⁵⁵ The right to privacy must still be respected, and the disclosure of personal information to the

⁵¹ Ali Sodiqin, 'Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System', *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (30 December 2021), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/22675>.

⁵² Nanung Nugroho, 'Rekonstruksi Regulasi Penegakan Hukum Tindak Pidana Penghinaan Dan Pencemaran Nama Baik Melalui Media Sosial Berbasis Nilai Keadilan' (Universitas Islam Sultan Agung, 2022).

⁵³ Gabriel M. Lentner, 'The Lasting Legacy of Double Standards: The International Criminal Court and the Un Security Council Referral Mechanism', *International Criminal Law Review* 20, no. 2 (2020): 251–84, <https://doi.org/10.1163/15718123-02002005>.

⁵⁴ Beatriz E. Mayans-Hermida and Barbora Holá, 'Balancing "the International" and "the Domestic"', *Journal of International Criminal Justice* 18, no. 5 (2020): 1103–30, <https://doi.org/10.1093/jicj/mqab003>.

⁵⁵ Abdumumin Yuldashov, 'Intellectual Property Law Policy in Uzbekistan', *Global Scientific Review* 12 (2023): 80–85.a



public should not be arbitrary. Based on Article 65, Paragraph (1) and Article 67, Paragraph (1) of Law No.27 of 2022 concerning Personal Data Protection, the unlawful use of personal data can be considered a criminal act punishable by imprisonment for up to 5 years.

Third, "No viral, no justice" does not guarantee justice in the legal process, especially in criminal cases. Sometimes, people seen in videos or photos spread on social media are immediately considered suspects in a short time in viral cases. This raises questions about suspect determination procedures, such as when two valid pieces of evidence must be obtained and whether the evidence is relevant and legally valid. In addition, the exclusionary rule should ensure that the evidence used is appropriate and relevant. Electronic evidence such as videos or photos should be obtained through a formal request from law enforcement and forensically tested to maintain the confidentiality and privacy of the information according to the Convention on Cybercrime.⁵⁶

Conclusion

The rise of the viral phenomenon as an essential social control mechanism in the era of information openness of the new media culture shows the increasing public interest in an issue. The social media phenomenon known as "no viral, no justice" reflects the negative perception of Indonesian society towards law enforcement. Namely, during this period, the public was aware of a new legal culture in law enforcement, especially regarding the use of social media as a weapon of social control (Civil Engagement). However, the involvement of the wider community in social media turned out to have a bad impact due to the gap between legal knowledge and legal sentiment, thus impacting law enforcement in Indonesia through the development of an unhealthy legal culture. To achieve the values of justice, certainty, and expediency, public participation through social media in the law enforcement process is positive, but overall, the phenomenon of "No viral, no justice" as a strategy to achieve justice cannot guarantee the realisation of true justice. This concept tends to create inequality in case handling and carries the risk of violating individual rights. From an Islamic legal perspective, "blocking the means to evil" or *saddu al-dzari'ah* requires that all avenues that could cause damage due to the "virality" of a case must be prevented by providing alternative avenues or access that benefit all parties. This study has limitations in that it does not examine in depth how "virality" in the context of legal culture can differ between different regions or social groups in Indonesia, which allows for different impacts. For this reason, further research is recommended to be carried out using a multidimensional analysis that considers various factors that affect law enforcement, including political, economic and social aspects, as well as the perspectives of various stakeholders in the legal system. Further research needs to conduct more representative quantitative research to understand the patterns of interaction on social media and how viral phenomena affect public opinion and legal decisions more objectively.

⁵⁶ Birju Kotecha, 'The International Criminal Court's Selectivity and Procedural Justice', *Journal of International Criminal Justice* 18, no. 1 (1 March 2020): 107–39, <https://doi.org/10.1093/jicj/mqaa020>.



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