

VIOLATIONS OF THE LAW IN DIGITAL COMMUNICATION ON INDONESIAN SOCIAL MEDIA

Noer Mawaddah Ainina

Universitas Islam Indonesia Yogyakarta
Mawaddah_ainina@yahoo.com

Supian

Universitas Jambi
supian.ramli@unja.ac.id

Abstract

The development of social media has expanded the communication space for Indonesian people, but at the same time has increased the risk of breaking the law in digital communication. This study aims to analyze the forms of legal violations in digital communication on social media in Indonesia, the factors that cause them, the problems in implementing regulations, and strategies for their prevention. The research uses a literature review method with qualitative, descriptive, and normative juridical approaches. Data was obtained from laws and regulations, Scopus-indexed journal articles, scientific books, court decisions, and reports from official institutions relevant to digital communication and social media law. Data were analyzed using content and thematic analyses by grouping the literature according to the form of violation, causative factors, impact, and handling mechanisms. The results of the study show that violations of the law in digital communication include defamation, insults, hate speech, the spread of false information, cyberbullying, digital threats, and the dissemination of personal data without consent. These violations are influenced by low levels of legal and digital literacy, weak emotional control, user anonymity, social conflicts, and the nature of social media, which accelerates the dissemination of information. The application of the law still faces difficulties in distinguishing between criticism, opinion, satire, public interest, insults, and hate speech. This study concludes that the handling of digital communication violations must be carried out in a contextual manner, taking into account the content of the message, the communicator's intention, the target, the extent of spread, the public interest, and the impact on the victim. Prevention needs to be done through strengthening digital literacy, platform moderation, mediation, victim recovery, and the proportionate application of criminal law as a last resort.

Keywords: digital communication, social media, law violation, freedom of expression, digital literacy.

Introduction

The development of social media has changed the communication structure of Indonesian society from a one-way communication model to an open, interactive, and participatory digital communication model. Social media provides ample space for people to express opinions, criticisms, information, and personal expressions without being limited by space or time. The presence of social media also strengthens public participation

in social, political, economic, and cultural life. However, this freedom of communication also creates new space for the emergence of potentially unlawful actions. The boundaries between freedom of expression, legitimate criticism, subjective opinions, insults, and attacks on others' honor are increasingly difficult to distinguish in digital communication. This condition suggests that the expansion of freedom of expression through social media must be followed by legal and ethical responsibility for its users (Fernando et al., 2022; Margono et al., 2024).

Violations of the law in digital communication can take the form of defamation, insults, the spread of false information, hate speech, cyberbullying, threats, harassment, the dissemination of personal data without consent, and the use of discriminatory language. The characteristics of social media that enable messages to be copied, commented on, modified, and disseminated quickly make the impact of unlawful communications more widespread than that of conventional communication. An upload originally intended for a limited group can become viral content that is detrimental to the victim's reputation, security, privacy, and psychological well-being. Research on digital toxicity in Indonesia shows that offensive language and disrespect toward others have become significant issues in Indonesia's digital environment. Meanwhile, hate speech among young users is also related to political identity, ethnicity, nationality, and affiliation to certain groups (Alamsyah & Sagama, 2024; Margono et al., 2024).

The Indonesian government has developed various legal tools to regulate activities in the digital space, including provisions on electronic information and transactions, defamation, hate speech, threats, information manipulation, personal data protection, and electronic proof. National criminal law reform also seeks to accommodate changes in the forms of crime that use information technology as a means, target, and environment for criminal acts. However, regulatory developments have not completely eliminated the problem of interpreting and applying the law. Some provisions still spark debate because they could expand the criminalization of digital expression, while the technological characteristics and communication patterns of social media users continue to evolve faster than the regulatory formation process (Nugroho & Chandrawulan, 2023; Suseno et al., 2025).

The problem of research arises from the need to balance two equally important legal interests. On the one hand, the state is obliged to protect the community's honor, reputation, privacy, security, and rights to prevent hate speech, disinformation, harassment, and digital bullying. On the other hand, the state must guarantee freedom of opinion, freedom of the press, criticism of power, and public participation in democratic life. Too loose enforcement of the law can allow digital actions to harm victims, while overly repressive enforcement can create fear of speaking out or have *cold effects*. Studies of laws on false information in Indonesia and Singapore show that legal uncertainty can affect how journalists and information sources express their opinions. The criminalization of disinformation must also be limited to actions that are carried out massively and cause

significant harm so as not to hinder freedom of expression (Carson & Gibbons, 2023; Prahassacitta & Harkrisnowo, 2021).

Previous research has examined digital communication from various perspectives, yet it remains fragmented. Fernando et al. (2022) emphasized the discussion on freedom of expression and subjectivity in the application of legal provisions on social media. Prahassacitta and Harkrisnowo (2021) focus on the criminalization of disinformation, while Carson and Gibbons (2023) examine the impact of regulation on false information against journalists and news sources. Margono et al. (2024) emphasize more identity, ideology, and ethnicity factors in the formation of hate speech. Meanwhile, Alamsyah and Sagama (2024) developed a natural language processing-based approach to detect digital toxicity. Other studies identify digital literacy, privacy awareness, and digital citizenship education as instruments for building more responsible communication behaviors (Anthonysamy & Sivakumar, 2024; Iskandar et al., 2025).

Based on the research mapping, there is a research gap: a lack of strong integration between legal and communication science perspectives in explaining violations of the law on Indonesian social media. Legal studies focus more on norms, elements of criminal acts, accountability, and protection of freedom of expression, while communication and technology studies focus more on user behavior, language characteristics, digital literacy, and methods of detecting problematic content. There is still limited research that simultaneously analyzes the form of the message, the communicator's intent, the context of the conversation, the identity of the target, the characteristics of the platform, the reach of the spread, the impact on the victim, digital evidence, and the legal elements that are violated. In fact, it is not enough to assess a digital communication based only on certain words or sentences, but must consider the context, intention, level of spread, relationship between the parties, and the losses caused (Fernando et al., 2022; Alamsyah & Sagama, 2024; Suseno et al., 2025).

The novelty of this research lies in the development of an integrated analysis of violations of the law in digital communication that connects the dimensions of messages, perpetrators, victims, platforms, impacts, electronic evidence, and legal norms. This study not only identifies the types of violations but also distinguishes communications that are still within the areas of criticism, opinion, satire, and public interest from communications that meet the indicators of insults, threats, hate speech, harmful disinformation, harassment, or dissemination of personal information. The approach also treats digital citizenship literacy and privacy awareness as part of preventing violations, rather than relying solely on criminalization after a violation has occurred. Thus, this study builds on previous studies by adopting a more contextual, preventive, and rights-oriented law-communication framework (Anthonysamy & Sivakumar, 2024; Iskandar et al., 2025).

Research on violations of the law in digital communication on Indonesian social media has theoretical and practical urgency. Theoretically, this research is needed to clarify the relationship between freedom of expression, communicator responsibility, technological characteristics, and legal accountability. Practically, the results of the

research can serve as material for law enforcement officials in assessing the context of digital communication, for the government in formulating clearer regulations, for platforms in developing proportionate content moderation, and for the public in improving legal literacy and digital ethics. This urgency is even greater because advances in artificial intelligence, anonymous accounts, content manipulation, and information-distribution algorithms can accelerate and scale the spread of malicious communications. Therefore, this study aims to analyze forms of law violations in digital communication, factors that encourage violations, problems with the implementation of regulations, and prevention models that can protect victims without eliminating legitimate freedom of expression (Alamsyah & Sagama, 2024; Nugroho & Chandrawulan, 2023; Iskandar et al., 2025).

Research Methods

This study uses a library *research method* with a qualitative descriptive and normative juridical approach. This approach is used to examine the forms, characteristics, and legal provisions related to digital communication violations on Indonesian social media. The research data is sourced from primary legal materials, including laws and regulations on information and electronic transactions, criminal law, personal data protection, freedom of expression, and relevant court decisions. Secondary legal materials are obtained from reputable and Scopus indexed journal articles, scientific books, official institution reports, and research results published in the 2021–2026 period. Document analysis was chosen because it allows researchers to review legal texts and scientific literature that have been systematically available without conducting direct data collection in the field (Morgan, 2022).

Data collection was carried out through literature search on Scopus, ScienceDirect, SpringerLink, Taylor & Francis, Google Scholar, and Garuda databases using keywords such as *digital communication law violation*, *social media crime*, *online defamation*, *hate speech*, *cyberbullying*, *digital privacy*, *freedom of expression*, "violation of social media laws", and "Indonesian digital communication". Literature is selected based on the suitability of the topic, the year of publication, the reputation of the source, the availability of the complete text, and its relevance to the Indonesian legal context. The research stages include identification of literature, screening by title and abstract, feasibility assessment, grouping of themes, and synthesis of research results. Data were analyzed using content and thematic analyses by reducing information, classifying the forms of violation, comparing legal provisions with previous research findings, and drawing interpretive conclusions. Such a systematic procedure is needed to ensure that the process of literature selection and synthesis is carried out in a transparent, structured, and traceable manner (Carrera-Rivera et al., 2022; Page et al., 2021).

Results and Discussion

The results of the literature review show that violations of the law in digital communication on Indonesian social media can be grouped into several main forms, namely defamation, insults, hate speech, the spread of false information, cyberbullying, digital threats, and the dissemination of personal data without consent. Defamation generally occurs when users spread accusations that demean a person's honor, whereas hate speech has a broader character because it attacks individuals or groups based on identity, such as religion, race, ethnicity, and class. Cyberbullying is characterized by aggressive actions that are carried out deliberately and repeatedly through electronic media, while digital toxicity is seen through the use of abusive, offensive, degrading, and disrespectful language to others. These findings show that a post can contain more than one form of violation, for example, defamation accompanied by threats or hate speech (Alamsyah & Sagama, 2024; Bukhori et al., 2024; Putri, 2023).

The results of the study also show that digital communication violations are not only influenced by low legal knowledge, but also by the characteristics of social media user interactions. The ease of creating, commenting, and disseminating content causes users to often respond spontaneously without considering the legal and social consequences. Feelings of anonymity, weak emotional control, conflicts between users, peer pressure, and the desire to gain public attention can encourage aggressive behavior in the digital space. In adolescents, cyberbullying behavior is related to individual factors and the social environment, while low privacy awareness increases the risk of spreading personal information belonging to oneself and others. Thus, violations of the law are the result of interactions between user behavior, digital literacy skills, social relations, and media characteristics that allow messages to spread quickly (Bukhori et al., 2024; Iskandar et al., 2025).

From the regulatory aspect, the results of the study show that Indonesia already has a number of legal tools that can be used to deal with digital communication violations. These provisions are spread across regulations regarding information and electronic transactions, criminal law, the elimination of racial and ethnic discrimination, and the protection of personal data. However, the spread of provisions in several regulations raises questions regarding the limits of the application of each norm, especially in distinguishing criticism, opinions, information for the public interest, insults, slander, and hate speech. Putri (2023) shows that the application of the law against hate speech needs to be based on real harm caused to the target individual or group. Meanwhile, criminal law reform seeks to provide clearer boundaries by recognizing the public interest and self-defense as reasons that can remove the criminal nature of certain statements (Putri, 2023; Suseno et al., 2025).

Further results show that digital communication breaches have an impact on the individual and societal levels. On an individual level, toxic language, insults, and cyberbullying can damage reputations, create psychological distress, lower their sense of security, and affect victims' digital well-being. At the social level, the spread of hate speech and false information can magnify conflicts, reinforce prejudice, reduce trust between

groups, and disrupt the quality of public discussion. At the same time, the use of legal provisions that are too broad can cause a *chilling effect*, which is a condition when the public, journalists, and information sources are afraid to convey criticism or information because they are afraid of facing legal proceedings. Therefore, the impact of digital communication violations does not only come from harmful content, but can also arise from the disproportionate application of the law (Alamsyah & Sagama, 2024; Carson & Gibbons, 2023; Fernando et al., 2022).

The results of the study also found that the prevention of law violations cannot rely solely on criminalizing social media users. Prevention strategies need to include digital citizenship education, increased privacy awareness, legal literacy, emotional control, communication ethics, and the ability to verify information. Digital citizenship education and technological capabilities have been proven to increase privacy awareness and encourage more responsible digital behavior. Additionally, social media platforms can use natural language processing technology to help detect and classify toxic comments based on their form, purpose, and topic. However, automatic moderation still requires human examination because Indonesian on social media often contains satire, abbreviations, regional languages, metaphors, and cultural contexts that are difficult to recognize by automated systems (Alamsyah & Sagama, 2024; Iskandar et al., 2025).

Discussion

The findings of the study show that the main problem in handling digital communication violations lies in trying to balance the protection of victims with respect for freedom of expression. Freedom of expression is a right guaranteed in a democratic system, but its exercise is not absolute when a communication clearly invades the honor, security, privacy, or identity of a particular group. The determination of violations should not be based solely on the existence of abusive words, but it is necessary to pay attention to the communicator's intentions, the context of the conversation, the position of the parties, the target message, the degree of spread, the public interest, and the harm caused. Criticism of the policies and actions of public officials must be distinguished from personal attacks that have no connection to the interests of the public. Such a contextual approach is necessary to prevent legal provisions from being overused against criticism, journalism, satire, or legitimate political expression (Carson & Gibbons, 2023; Fernando et al., 2022; Putri, 2023).

Based on these findings, handling digital communication violations needs to use a multi-level approach according to the form and level of losses caused. Minor violations, misunderstandings, or reputational disputes may be directed to the right of reply, correction, apology, mediation, restoration of good character, and civil settlement. Criminal sanctions should be prioritized for actions that pose serious threats, are repeated, target vulnerable groups, incite discrimination or violence, and cause real harm. The idea of decriminalizing online defamation shows the need to shift reputational dispute resolution to a civil mechanism that is more remediation and human rights-oriented. This

legal approach must be accompanied by increasing people's digital literacy, strengthening the competence of officials in reading the context of communication, and moderating platforms that are transparent and accountable (Alamsyah & Sagama, 2024; Iskandar et al., 2025; Manitra et al., 2026; Suseno et al., 2025).

Conclusion

Based on the results of literature research, violations of the law in digital communication on Indonesian social media include defamation, insults, hate speech, the spread of false information, cyberbullying, digital threats, and the dissemination of personal data without consent. These violations are influenced by low legal and digital literacy, weak emotional control, user anonymity, social conflicts, peer pressure, and the characteristics of social media that allow information to spread quickly and widely. Indonesia already has a number of regulations to deal with digital communication violations, but there are still problems in distinguishing between criticism, opinions, satire, public interest, insults, and hate speech. Therefore, the determination of a communication as a violation of the law must be carried out contextually by considering the intention of the perpetrator, the content of the message, the purpose of the communication, the relationship of the parties, the level of spread, the public interest, and the losses caused. Handling that only relies on criminal sanctions has the potential to cause fear in expressing opinions, so a balance is needed between victim protection and guarantee of freedom of expression.

Suggestions

Governments and regulators need to clarify the limits and elements of digital communication violations so as not to give rise to different interpretations and criminalization of legitimate criticism. Law enforcement officials need to improve their ability to understand the context of language, culture, electronic evidence, and the characteristics of communication on social media before determining legal accountability. Resolution through mediation, right of reply, correction, apology, reputational restoration, and civil mechanisms need to be prioritized for cases that do not pose a serious threat or harm, while criminal law is used as a last resort against actions committed deliberately, repeatedly, discriminatory, threatening to safety, or inciting violence. The public needs to improve legal literacy, communication ethics, privacy awareness, and the ability to verify information before creating or disseminating content. Social media platforms also need to transparently strengthen content moderation by combining automated detection technology and human scoring. Further research is recommended to use an empirical approach through interviews, surveys, analysis of court decisions, or analysis of social media content in order to explain the pattern of violations and the effectiveness of law enforcement in more depth.

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