

Representation of Justice in the Phenomenon of No Viral No Justice and the Shadow of the Electronic Information and Transaction Law

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Abstract

The concept of viral has become a new phenomenon in society, which is different from oral rumors or traditional issues because it manifests itself in the form of content on social media. Although it is considered a channel for free speech, virality is often based on emotion and subjectivity, thus giving rise to debates regarding the justice it produces. The phenomenon of "No Viral No Justice" shows that public opinion is often used as the basis for social justice, which is dangerous because viral justice does not always reflect objective truth. On the other hand, the Information and Electronic Transactions Law (ITE Law) is actually designed to regulate the proportionate delivery of information, not to restrict freedom of opinion. However, the implementation of the ITE Law is often misinterpreted as a tool to suppress public voices, thereby creating a fear of speaking out. Therefore, it is important to understand that virality can be a tool to raise awareness of certain issues, but it should not be used as a means of public justice. In the framework of democracy, a balance between freedom of speech and information regulation is needed so that justice is maintained without sacrificing public discussion space.

I. Introduction

The revelation of various legal cases after first becoming a viral issue on social media has made some parties think that the use of social media as a tool to uphold justice can be developed considering today's reality that many cases seem to be hidden and the public does not get a sense of satisfaction with law enforcement in Indonesia¹. This element of virality, for example, is proven to be important in the case of Ferdy Sambo and the case of shooting at other civilians carried out by the authorities. There are also several corruption cases that seem to be 'sinking'.

However, this phenomenon of virality has also received criticism because it seems to allow the public to make public judgments openly². Public judgments are considered to ignore the element of proportionality in the court process because a person should only be punished for the portion of his crime and must not exceed that limit. It's just that, when the public is allowed to have their own opinions broadcast through social media. So the limit of the principle of proportionality is in the gray area and a person can be punished beyond the portion of the crime that should be which is contrary to the principle of good justice.

Then the so-called ITE Law was born to regulate the flow of information. However, the fact is that the ITE Law is also not free from controversy because it is considered to have the potential to be a tool for the power to suppress freedom of speech so that sensitive issues cannot be widely known by the public³. However, whether it is true that the ITE Law is only a barrier to freedom of speech or there is actually a legal construction in it that is not in accordance with theory, it needs to be studied in much more detail.

This research was prepared as an effort to conduct a normative juridical analysis of the concepts of justice, virality and also the enforcement of the ITE Law. The ultimate goal of this study is to understand why *gaps* and problems arise in the concept of virality and efforts to seek justice that cannot be solved with the ITE Law.

2. Research Method

The research method used juridical normative analysis to understand the relationship between virality and the process of seeking justice. In addition, this research is also a means to understand the ITE Law as part of social control which is often considered incompatible with its function as a tool of social control. The primary source of this research is the ITE Law and also a study on justice and people's voice. Meanwhile, the secondary source of this research is

¹ Herman Purba and Edo Rinaldo, "Reality and Virality: Dynamics and Issues in the New Media Era in Indonesia," *Kinesik* 11, no. 3 (2024): 283–99.

² Rivaldhy N Muhammad and Biloka Tanggahma, "The Influence of Social Media on Public Perception of the Judicial System: An Analysis of Sentiment on Twitter," *Unes LAW Review* 7, no. 1 (2024): 507–16.

³ Sumiaty Adelina Hutabarat Et.al., *Cyber Law: Quo Vadis Regulation of the ITE Law in the Industrial Revolution 4.0 Towards the Era of Society 5.0* (Jambi: Sonpedia Publishing, 2023).

the thoughts of experts on the concept of justice and its application in positive law.

3. Results and Discussion

Viral Concept

The origin of the word viral is far from our imagination which turns out to come from biological science. The word viral was originally a word derived from a virus in biological science. Viruses themselves are defined as the smallest form of life and can develop rapidly in the context of a disease. The expression viral as a virus is based on the reality that the characteristics of a virus that reproduces quickly and destructively distinguishes the meaning of this word from bacteria for example.

The word viral then becomes an adjective of a virus. The word viral gives the impression that an issue moves quickly and multiplies like a virus that can enter the deepest layers of humans. This causes a tremendous impact. Like a disease, we can take an example like Ebola, a deadly virus from Central Africa. The rapid spread of the virus shakes a system in the body and even results in death. If in the context of a disease, the system that is shaken is the body. So if we talk in terms of the concept of social system, then it is the social system that is shaken by the viral content⁴.

Viral phenomena have been studied by various branches of science related to communication. The origin of virality, for example, can be seen from the opinion of Jonah Berger in his book entitled *Contagious: Why Things Catch on*. According to Jonah Berger in his book *Contagious: Why Things Catch On* (2013), there are six main elements that make a content go viral, which is known as the concept of STEPPS (*Social Currency, Triggers, Emotion, Public and Practical Value*). This concept explains why some content spreads so quickly, while others don't.

The first element is *Social Currency*. The concept of social currency illustrates that there is a value value that is valued more than any other value that is also related to our culture and perception. It is like even though the value is the same as good or bad, the value is different in the eyes of the public.

For example, in the United States, people who defend victims of racism are considered better than others, but in Indonesia, people who defend religion are considered better. Both are equally good, but the level of *social currency* is different. This is because there are different perspectives of society in appreciating something based on economic, social and various other factors. Thus, we can elaborate that virality is greatly influenced by how something is considered good or bad in a society and whether good things are a priority or not⁵.

⁴ Nilam Yunita Sari and Anita Reta Kusumawijayanti, "The Role of Social Media in the Virality Phenomenon: A Study on ICT Accounts Tok@ Bundacorlaofficials," *Public Administration and Legal Perspectives* 1, no. 3 (2024): 49–58.

⁵ Louis Larue, *Alternative Currencies: A Critical Approach* (Taylor & Francis, 2025).

The second element is the closeness of a person to the event or content created. Content about the reality of Indonesia will be easier to get attention than those that are not. The song *Bayar, Bayar, Bayar* from Sukatani went viral because many felt that the song depicted *the real* situation experienced by the Indonesian people. If Sukatani creates a song about *the Me too Movement*, it is not necessarily that the song from Sukatani will be better known and become viral because *the proximity factor* of this issue is not something that is often experienced by the Indonesian people. A content that goes viral is also influenced by the feelings of the people involved in it that it is true that the phenomenon they experience is the same as what happens in a content so that someone is easier to understand and understand⁶.

Next, the element that is closely related to proximity is emotions. This emotion becomes a debate when we talk about *proximity*. One of them is how do we know if someone will be emotionally moved or not by a piece of content? But apparently, even though there is no certainty, at least we get an approach. Some approaches that can answer why a piece of content can evoke emotions can be summarized in the category of *sensing*. That is, emotions are usually moved from our immediate senses such as visuals, hearing and even touch in some cases⁷. This emotion is what makes people want to share their experiences in a piece of content. This all then comes down to his power in the public.

The ability to garner the support of many people ends up in the public nature of that content. Someone feels it is important to share a piece of content because others are doing the same. Instantly, this content becomes a social norm that must be followed by parties who feel interested. This interest then creates viral content. Especially if there is a feeling that a content contains a high practical *value*, for example, when the song *Bayar, Bayar, Bayar* is allegedly banned by the police, then immediately there is a mass movement to resist because they feel that there is an important use value to share the news which could be a form of threat to democracy⁸.

This thought of Jonah Berger was also supported by Henry Jenkins who introduced *spreadable media*. Henry added that content that has prerequisites like the one mentioned by Jonah Berger can be understood why it can go viral quickly. But Henry predicts that virality will be easier to achieve because of the concept of content. He said that there will be a time when content will emerge that is easy to share and is able to explore existing *sensing* elements such as hearing, smell and touch. This thought is then used to explain the *TikTok phenomenon* that gives birth to short videos that are easy to share and quickly reach a high

⁶ Carolina Rodríguez Malebrán, Leila Mohammadi, and Pablo Andrada Sola, "Proximity Television and Audiences: Tensions in the Media Territory," *Revista Latinoamericana de Ciencias Sociales y Desarrollo Humano Latin American Journal of Social Sciences and Human Development* 32, no. 2 (n.d.): 33.

⁷ Bo Zhao et al., "Neural Sensing: Toward a New Approach to Understanding Emotional Responses to Place," *Transactions in GIS* 28, no. 7 (2024): 2463–75.

⁸ Emily A Mendelson, "Sensemaking and Public Intimacy on TikTok: How Viral Videos Influence Interpersonal Relationships Offline," *New Media & Society* 26, no. 12 (2024): 7081–99.

level of virality⁹.

Regarding this concept of virality, Katherine Mikman also added that there was an explosion of emotions that made the content go viral. The concept of this emotional explosion is when a content is considered too positive or negative. When there is an explosion of emotions, then a person tends to be no longer rational and dares to share content much more massively. If viewed from various angles, sharing content is far from a rational attitude because in fact, in addition to not providing direct benefits to us, the impact is also questionable. However, because an explosion of emotions has occurred, the impact will be felt anyway¹⁰. Driven by emotions, a person will share content which then results in ongoing problems.

Fairness and Virality

It becomes a question when the concept of virality is close to emotions, subjective thinking and also social norms with discussions about justice. This justice is often considered an objective and neutral concept. Even the symbol and symbolism of the law is the goddess Themis who judges without seeing. The reason Themis did not see it was so that he could draw conclusions honestly and honestly without involving other factors that made justice in the ashes of the ashes that were prone to retribution rather than justice itself.

Justice in some ways is indeed called part of the freedom obtained by humans, regardless of their level of wealth or social status, so that they can get justice in speaking out and ¹¹acting. But we need to examine again, what kind of justice in the context did Plato expect when he gave birth to this concept? Justice in the context of the court by Plato is quite different. Plato saw that the courts should restore the situation of a society divided by crime. For example, the murder that occurred in Bengkulu with the victim of a transmigrant from Java named Yuyun.

From a legal point of view only, we can call this case a case of murder and rape. But for Plato, it must also be seen how the crime was committed, what methods were applied until Yuyun allegedly suffered extraordinary torture and beyond the fairy of humanity which made society at the point of doubt about the existence of morality¹². This moral existence is then corrected by the involvement of judges who Plato describes as superior philosophers, those

⁹ Michael R Langlais, Ashley Thaler, and Elizabeth West, "TikTok Too Much? A Qualitative Investigation of Adolescent TikTok Use, Motivation, and Consequences," *Youth & Society*, 2024, 0044118X241282347; Duong Hoai Lan, Vo Thi Kim Oanh, and Tran Thi Kim Cuc, "Motivations behind TikTok Content Creation among Gen Z Expatriates: A Qualitative Study," *Journal of Asian Pacific Communication* 34, no. 2 (2024): 214–54.

¹⁰ Ismatun Nisak et al., "The Importance of Adult Content Filtering on the Social-Emotional Development of Elementary School Children," *Journal of Bintang Pendidikan Indonesia* 3, no. 1 (2025): 199–209; Juraidah Juraidah et al., "Early Childhood Social-Emotional Development in Gadget Use," *Ta'rim: Journal of Education and Early Childhood* 5, no. 3 (2024): 45–52.

¹¹ Merrick Anderson, *Just Prospering? Plato and the Sophistic Debate about Justice* (Oxford University Press, 2024).

¹² Aser Paskah Rihi Tugu, *The Lamentation of Indonesian Children The Tragedy of Violence Against Children and Efforts to Wipe Away Our Children's Tears* (Deepublish, 2024).

who understand the rules, the philosophy behind them and also universal morals which restore society to its natural level of regularity. This is certainly far different from the assumption that this concept of justice can be equated with virality where justice can be pursued when something goes viral¹³.

Aristotle also had the same thought as Plato that it was necessary to distinguish between distributive justice and corrective justice. In practice, distributive justice can be done. For example, in the case of Basuki Tjahaja Purnama where distributive justice can be realized through social media and even encouraged by the government. In the era of the leadership of the Governor of Jakarta 2014-2017, Basuki Tjahaja Purnama, the bad conditions in Jakarta and its surroundings can be reported via an online network, namely Qlue where the condition of poor facilities in Jakarta or failure to distribute aid can be easily broadcast through Qlue. However, when it comes to corrective justice, the question arises whether the public can be a fair judge because of the fact that in the United States, for example, there is a ban on witnesses on duty to receive information from social media or not to read things in the newspaper. The public voice is also said to be responsible, for example, in major cases such as *People v. O.J. Simpson* which is believed to be one of the worst instances of law enforcement in the world¹⁴.

Public voices can be said to be very risky to be used in the enforcement of justice. Hans Kelsen's thought, for example, considers that law must be pure from the impact that comes from outside¹⁵. In pure legal thinking, laws should be enforced only from *agreed gerundnorms* and not take into account factors outside of *gerundnorms*. Factors outside the law provide more possibilities of violation than substantive justice, while *gerundnorms* or basic norms are almost certainly irrefutable because they are the basis for the other elements of the law.

This idea of the purification of the law is at least supported by Franz Magnis Suseno who categorizes the law as just or not in accordance with rights and obligations alone without taking into account anything else, even though Franz Magnis in his thinking is also based on universal morality¹⁶. This universal morality is often said to go beyond religious or even ideological values. For example, **not killing**, not killing can be developed to the extent that it includes extreme thinking where even plants should not be killed (uprooted from their roots). However, it should be understood that killing itself is unacceptable even without taking into account or considering religious values because it is part of universal moral values. This universal moral value can be considered in the abstract as a value that no longer needs to take into account the limits of culture, religion and other things that have differentiated human

¹³ Muhammad and Tanggahma, "The Influence of Social Media on Public Perception of the Justice System: An Analysis of Sentiment on Twitter."

¹⁴ Hayden V Coombs and Braden H Bagley, "Transcending Controversy: The Heisman Trophy Trust's Image Repair Strategies Following OJ Simpson's Passing," *Utah Journal of Communication* 2, no. 2 (2024): 124–28.

¹⁵ Jörg Kammerhofer, "The Pure Theory's Nomomechanics and the Structural Analysis of International Law," *Kelsen's Global Legacy: Essays on the Legal and Political Philosophy* (Oxford: Hart), Forthcoming, 2023.

¹⁶ Wahyu Trisno Aji, "The Basics of Franz Magnis Suseno's Political Ethics," *JOURNAL OF LAW, POLITICS AND SOCIAL SCIENCES* 3, no. 4 (2024): 174–92.

¹⁷beings.

In the concept of virality, this universal moral value is often violated because it is then known as the concept of *justified killing* by justifying, for example, a woman who kills her husband for having an affair or, for example, the release of a thief who steals because he does not have money to feed his child. Subjectivity is firmly rooted in the concept of virality and this can make the law far from the standards of justice that have been outlined by its various initiators.

Can virality be considered an alternative to law enforcement? In what scenario can virality be considered an instrument of justice? Virality, by its defenders, is considered meritorious when Sambo's case can be fairly disclosed because of the role of netizens. Without the viral action of netizens, it is unlikely that Sambo's case will receive the attention it deserves¹⁸. However, it needs to be criticized that netizens only go to the limit to ensure that an issue is considered, not involved in the judicial process because increasing *awareness* and running the judiciary is something different and should not be placed in the gray area.

One of the criticisms that was then discussed in various perspectives was the legendary case of *People v. O.J. Simpsons*, which was called a case that had involved more public votes than it should have been. In this case, *ad hominem* errors dominated the trial where the jurors involved were black Americans, women, who were considered to have an emotional closeness to O.J. who was a prominent *American Football* athlete who was considered an icon of black success and the emergence of community actions in the form of mass actions and demonstrations where it caused pressure on society. The situation was further aggravated when the *O.J. Simpson* case was linked to the violence that befell Rodney King, a black citizen who was blindly beaten a few months before the *O.J. Simpson* case went viral. In this case, there are several things that are lessons that public votes or virality are not able to provide justice that is accepted by all parties. This is in accordance with the legal adage that *The law is not died, it just sleeps* from Rudolf von Jherig which suggests that O.J. Simpson's victory in the case ended up being debated even after his death. This shows that the court based on the public vote cannot provide absolute truth or at least minimize the debate because the truth is that the O.J. Simpson case is not increasingly accepted but is increasingly problematic¹⁹. This is ironic because the function of the law is supposed to provide certainty rather than prolong the debate.

Often this virality is justified through the adagium *vox populi vos dei*, even though the context of this mention is far from its historical roots. There is a problem of understanding in

¹⁷ Benjamin Enke, "Moral Boundaries," *Annual Review of Economics* 16, no. 1 (2024): 133–57.

¹⁸ Andini Dwi Meita, "Framing Analysis on the News of the Ferdy Sambo Murder Case in Kumparan Online Media. com and tribunews. Com," *Da'watuna: Journal of Communication and Islamic Broadcasting* 4, no. 1 (2024): 393–407; Arfian Suryasuciramadhan et al., "Framing Analysis of the Reporting of the Murder Case by General Ferdy Sambo Against Brigadier Joshua on Kompas Online Media. com and coverage6. com," *Journal of General Studies and Research* 2, no. 3 (2024): 54–65.

¹⁹ Linda Williams, *Playing the Race Card: Melodramas of Black and White from Uncle Tom to OJ Simpson* (Princeton University Press, 2001).

discussing *Vox Populi Vox Dei* or what is referred to as the voice of the people is the voice of God. Alcuin, who first discussed this term, actually said that *vox populi* is close to madness and stated that assuming the voice of the people is always right is unacceptable.

A more neutral understanding is the assumption that *vox populi* is important, but there is a process in it. If a country is run according to the wishes of its people, then the government will be easier to accept. However, it does not mean that the people's vote is extracted directly through the majority and minority. Direct elections, for example, are considered full of weaknesses. People choose based on the emotions and suggestions of those closest to them, they do not choose based on logical views²⁰.

Therefore, an understanding was issued that criticized the direct voting system, namely the representation system. This representation narrows the community into smaller but still representative groups. The existence of these representatives is the basis for discussions that represent the people. In the Anglo Saxon legal system, the element of the jury is included to strengthen this element of representation so as to answer the element of the people's voice that is expected to be included in the justice process²¹.

From the description we have seen, each element of government always tries to include elements of the people's voice in the judicial process. In the process, at the same time, there is also an effort to ensure that the people's voice does not come in its purest form without being filtered through the standards of applicable or subjective legal standards because this subjectivity is far from the element of justice that is expected to be the pillar of the support of the court system anywhere in the world. When the voice of the people is too deeply involved with its subjectivity, history will judge that decision-making. Then, the adage 'law is always late' arises where new laws are formed when a problem arises and causes debate, thus giving rise to the need for new arrangements to prevent the emergence of continuous controversy.

Virality and the ITE Law

Discussions about virality and justice always boil down to the existence of distance or gaps that show the weakness of virality as a medium to get justice²². In closing this gap, it is not surprising that a law was made to close the *gap*, namely the ITE Law. However, the ITE Law is often considered a tool to suppress freedom. Articles that are often considered problematic, for example, are Article 27 paragraph 3 and Article 27A of the ITE Law or also known as Law number 1 of 2024 which is an amendment to Law number 19 of 2016 because it is considered to allow criminalization of people who criticize the government system or people in power. In addition, there is a description of other articles under it that are equally

²⁰ Miriam Sorace and Diane Bolet, "Vox Populi, Vox Dei? The Effect of Sociotropic and Egocentric Incongruence on Democratic Preferences," *European Journal of Political Research* 64, no. 1 (2025): 456–70.

²¹ Azhari Sellomitha Fodhi et al., "The importance of separation of powers in maintaining a balanced government," *Journal of Law, Politics and Social Sciences* 3, no. 3 (2024): 26–37.

²² Leo Ahrens, "The Impact of Public Opinion on Voting and Policymaking: Is Public Opinion Exogenous or Endogenous?," *Zeitschrift Für Politikwissenschaft* 34, no. 1 (2024): 77–100.

problematic, namely Article 28 paragraph 2 and Article 28 paragraph 3 which talk about hate speech and lies where this article can be used to punish minority parties who actually have elements of disputed errors.

It must be admitted that Article 27 paragraph 3 and Article 27A of the ITE Law are problematic articles because they hand over the portion of prosecuting or deciding wrongs at the law enforcement level. This is what Hans Kelsen criticized as the intervention of external elements in law enforcement. Law enforcement should not be tasked with interpreting what is called defamation or not because it demands subjectivity that can be translated without clear accountability²³.

The law must provide certainty is one of the legal objectives put forward by Hans Kelsen and John Austin where each definition of a law must have a clear source. For example, in the theory of *stufenbau* or the level of law by Hans Kelsen who explains that this law can be traced in its meaning if we follow any level of abstraction. If finally, the law can be found in its basic, abstract form, then it will be clear where we should position the law.

Article 27 paragraph 3 and Article 27A do not provide this certainty. Excuses often arise by stating that there is a compatibility between the rules in Article 27 paragraph 3 and Article 27A with the progressive legal theory of Satjipto Rahardjo which says that the meaning of this law must follow the times²⁴. However, Satjipto Rahardjo's thinking is different from the assumption that the law is translated according to his needs because it brings the law closer to the direction of politicization. Meanwhile, what Satjipto Rahardjo meant was a step of legal interpretation that compares past and present conditions. For example, is it relevant to sanction someone who disseminates information that he knows? Progressive law in Satjipto Rahardjo's view is a law that can be interpreted according to the current context. For example, we compare a person who gossips or talks about someone and does not get punished for his actions. Can this also be equated with people talking about someone's disgrace on social media, for example? Is it with unverified news or is it closer to a chat that ends in a coffee shop? That debate is actually the core of progressive legal thinking rather than that this law can be translated according to the 'needs' of interested parties.

From a progressive legal point of view, the use of Article 27 paragraph 3 and Article 27A should not then compare the mass media with social media. In the mass media, an institution or figure can be punished if it is proven that they do not carry out verification discipline. The discipline of verification itself in journalism is to ensure the validity of information and news by not trusting only one source and even in a further process must also give the right of answer to the figure who is 'attacked'. However, posts on social media certainly cannot be treated in this way because often the news that appears is the result of hearing or re-dividing so that it only reaches the level of 'said' or 'according to party a or b' so

²³ Ghazwan Aqrabin Faqih, "The Essence of Sui Generis Scientific Law in the Philosophy School (The Pure Theory of Law) by Hans Kelsen," *YUDHISTIRA: Journal of Jurisprudence, Law and Justice* 2, no. 4 (2024): 12–18.

²⁴ Muhammad Idris Sarumpaet, Hilal Haitami Harahap, and Fauziah Lubis, "The Role of Legal Politics in Progressive Legal Development in Indonesia," *Innovative: Journal Of Social Science Research* 4, no. 4 (2024): 3991–4003.

that at the level of Indonesian language it is close to the concept of bird news²⁵.

Regarding this 'bird news', there is a debate about how this should be handled. In old philosophy, this bird's news is often left alone because this emotional response will gradually be responded to logically by the public and the information will disappear on its own²⁶. However, then there were concerns because virality in social media often lasted a long time and even experienced a snowball effect that could even affect the stability of the government. Because of this concern, the ITE Law is considered to be able to close *the gap* of the emergence of this new phenomenon.

But then the concept of *No Viral No Justice* emerged which was considered a threat to sovereignty because it seemed as if the government was overly supervised and even some public figures felt uncomfortable with the public's obsession to go viral for their mistakes so they felt the need to make arrangements. However, problems arise because it seems that the ITE Law is considered a weapon to shut down freedom of opinion.

The right attitude in responding to the existence of the ITE Law was then used as a subject of debate by experts. According to Supardji Ahmad from Al Azhar University Indonesia, it is justified that the ITE Law is used as a tool to silence criticism which should only be used as a tool to regulate electronic transactions and discussions about electronic data data, but instead it is filled with elements of criminal law that make it difficult for the public to be able to express their²⁷ opinions. Meanwhile, Professor Bagir Magnan, who was once the chairman of the Supreme Court, gave a simple view, namely that the ITE Law should regulate civil matters and not, for example, discuss articles that have the potential to cause endless debates, for example, such as Article 45 paragraph 4 of the ITE Law which overregulates moral views and norms.

In fact, the law should not go too far to define norms and morals because it has the potential to cause conflicts with people who have different perspectives and beliefs. If left unchecked, it will distance the law from its noble purpose, which is as an agent of change for the good that is sustained²⁸.

From this discussion, it is necessary to reaffirm the importance of restoring the law in the civil realm and minimizing the application of legal principles that are retaliatory or retaliative, especially in the concept of freedom of opinion. In this case, the ITE Law is considered to have *an over-punitive* article that abandons the principle of legal protection and certainty and risks becoming a tool to consolidate power. The existence of the ITE Law is only to regulate how information is distributed, not to blame the sender of the message

²⁵ Gianfranco Poggi, *Georg Simmel's Philosophy of Money* (California: California Press, 2023).

²⁶ Nailah Alifah Mujahidah, Raisha Maulidza, and Najwa Sabilla, "DYNAMICS OF PUBLIC PARTICIPATION IN DIGITAL DEMOCRACY: A CASE STUDY OF THE MOVEMENT# GEJAYANCALLING IN 2019," *Journal of Social Contemplativa* 2, no. 1 (2024): 58–77.

²⁷ Hanif Lutfiari Prasetyo, Suparji Ahmad, and Anas Lutfi, "ICC's Supervision of Micro, Small and Medium Enterprises in Unfair Business Competition in the Digital Era," *Binamulia Hukum* 13, no. 1 (2024): 225–37.

²⁸ Mory Johaness Sinaga, Firdaus Firdaus, and Geofani Milthree Saragih, "The Relevance Between Social Forces and Legal Functions in Society," *Innovative: Journal Of Social Science Research* 3, no. 2 (2023): 381–89.

because this causes fear for people who are active on social media.

The reality of 'bird news' being a message left behind in social media is a new phenomenon that actually does not need to be overlooked²⁹ but is seen as a new development of free and free discussion in society which will later be judged by more realistic time and context and free from emotional elements.

In fact, this virality can be considered a new element of the concept of *watch dogs* because virality provides a space for initiators of possible legal discussions related to an issue. The media's job is still to verify, law enforcement's job is still to respond and the content of this viral content can be considered as a spark for discussion instead of a burden. The ITE Law was restored to its nature as a tool to regulate information traffic, not to close the far-flung discussion about the role of social media that is increasingly holding the key today.

4. Conclusion

Viral is a new concept that is known in society and can be referred to as a manifestation of what is referred to as 'bird news' or issue. The obvious difference with 'bird news' or this issue is that 'bird news' or issue is just a rumor of oral gossip among the public while viral is a concept that is imprinted and shown in the form of posts or content on social media.

Considered as a channel for freedom of speech, in fact this has triggered a long debate because the concept of the people's voice must be true is actually problematic because the voice of the people is often subjective and not based on philosophical thinking or verification discipline to find the true truth where one gets justice that is no longer debated. Historical facts state that the involvement of public opinion in the judicial process has spawned various problems in later times because justice never dies and the validity of this justice can be challenged over time.

Often then there is the assumption that No Viral No Justice seems to be a justification that the social justice process is something that is legalized. However, in fact, such thinking can be dangerous because viral justice is justice based on emotions and subjectivity.

In an ideal concept, the ITE Law is considered to be a bridge to control so that there is no misuse of social media as a public court avenue. However, what happened was that the ITE Law was treated as a criminal law instrument that seemed to suppress freedom of opinion. As a result of this treatment, the impact that is clearly visible is the emergence of a fear for someone to speak up.

In the end, this virality can be considered as a tool to strengthen and remind about the issues that occur but not as a means of justice that is carried out in general, let alone in the public. The function of the ITE Law itself is not to prevent the dissemination of information, but to regulate the delivery of information according to its portion. Putting the community's voice communally as a determinant of whether something is fair or not cannot be justified. However,

²⁹ Purba and Rinaldo, "Reality and Virality: Dynamics and Issues in the New Media Era in Indonesia."

closing the discussion channel and the mouthpiece of the public opinion is also far from the value of democratic values that open up space for the development of justice by the community.

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