

Implications No Viral No Justice On The Principle Of Equality Before The Law In The Criminal Justice System

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Abstract

This study aims to examine the phenomenon of *No Viral No Justice* in law enforcement practices in Indonesia in the digital era, as well as identify the positive and negative impacts of the role of social media as a means of social control on law enforcement officials. The main problem in this study stems from the dependence of law enforcement officials on the pressure of public opinion, raising serious problems related to objectivity, legal certainty, and human rights protection. This study uses normative legal research methods (normative juridical) with an emphasis on analysis of positive legal norms, legal principles, and relevant doctrines. Data was obtained through literature review by examining regulations, legal literature, previous research results, and other supporting sources. The results of the study show that the *phenomenon of No Viral No Justice* emerged as a response to low public trust in the performance of law enforcement officials and the slow handling of cases. Social media functions as a means of social control that is able to encourage transparency, accountability, and acceleration of handling certain cases. But on the other hand, reliance on virality has the potential to lead to reactive, and populist law enforcement, as well as give



birth to public judgments that ignore the principle of presumption of innocence. These findings confirm that the *phenomenon of No Viral No Justice* has a dual impact that can simultaneously strengthen and include the principle of *Equality Before the Law* in criminal practice.

KEYWORDS

No Viral No Justice, Equality Before the Law, Law Enforcement, Criminal Justice System

Introduction

Indonesia is a state of law as explicitly affirmed in Article 1 paragraph (3) of the 1945 Constitution which states that "Indonesia is a country of law." This affirmation shows that the law is the main foundation in all aspects of the implementation of the life of the nation and the state, so that power is not exercised arbitrarily, but is limited and directed by applicable legal norms.¹ According to Gustav Radbruch, law essentially has three main goals that must be realized in a balanced manner, namely justice (*gerechtigkeit*), legal certainty (*rechtssicherheit*), and utility (*zweckmäßigkeit*). This third goal is a philosophical foundation in assessing the applicability and application of the law in people's lives. Justice occupies the most fundamental position because law is basically created to provide fair treatment to every individual according to his rights and obligations. Legal certainty is needed so that the law can provide clear, firm, and predictable guidelines, so that it knows its legal rights and obligations and is protected from arbitrary actions.² Meanwhile, benefits emphasize that the law must bring real benefits to society and be able to respond to growing social needs. Gustav Radbruch emphasized that when there is a conflict between these three goals, justice must be placed as the highest value, especially when the

¹ "1945 Constitution" (1945), https://bphn.go.id/data/documents/uud_1945.pdf.

² Hari Agus Santoso, "The Perspective of Legal Justice of Gustav Radbruch's Theory in the PKPU Decision" *Jatiswara* 36, no. 3 (2021): 325–34, <https://doi.org/10.29303/jtsw.v36i3.341>.

prevailing positive law actually gives birth to real injustice. Radbruch's theory provides an evaluative framework for law enforcement so that it is not fixated on legalism alone, but remains oriented to substantive justice values, so that the law is not only formally legal, but also meaningful and fair for society.

The principle of the state of law was born and developed along with the birth of democracy in response to the practice of absolute power that puts dominion above law. Historically, the concept of the state of law (*rechtstaat*) emerged as an attempt to limit state power through law and ensure the protection of the basic rights of citizens, in line with the spirit of democracy that puts scope in the hands of the people.³ Democracy requires the participation of the people in the decision-making process and a mechanism of supervision over state administrators, while the rule of law ensures that all processes are carried out based on fair, definite, and non-discriminatory laws. The two have a complementary relationship, because a legal democracy without the potential to give birth to the tyranny of the majority, while a legal state without democracy can transform into an authoritarian legal system and deny the will of the people. Because the birth of the principle of the rule of law coincides with democracy which states that power must be exercised legally, limitedly, and accountably, and that freedoms and human rights can only be effectively protected in a democratic and law-based system of government.⁴

Adagium Vox Populi Vox Dei, which means "the voice of the people is the voice of God," is a classic expression that reflects the view that the will and aspirations of the people have a very strong moral legitimacy in the life of the state and society. In modern democracy, this adage is often

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," *IUS Journal of Law and Justice Studies* 12, no. 1 (2024): 177–95, <https://doi.org/10.29303/ius.v12i1.1361>.

⁴ Agus Triono, Rodhi Agung Saputra, and Bonifa Refsi, "The Paradigm of No Viral No Justice in Indonesia," *Iosr* 27, no. 8 (2022): 51, <https://doi.org/10.9790/0837-2708035055>.

understood as an affirmation that the highest power comes from the people, so that public policies, laws, and the direction of state administration should reflect the will and interests of the wider community.⁵ This principle emphasizes the importance of public participation, freedom of opinion, and openness of the space for criticism as part of social control of power.

Nevertheless, the adagium *of Vox Populi Vox Dei* cannot be interpreted absolutely, since the will of the majority is not always synonymous with truth or justice, especially if it is influenced by emotions, disinformation, or interests at the time. This adage serves as a reminder of the importance of people's legitimacy in democracy, but it must still be balanced with the principles of the rule of law, protection of human rights, and legal rationality for the realization of substantive justice⁶, and the need for a fair, inclusive, and trustworthy legal system by the public. The United Nations through *the Sustainable Development Goals* (SDGs) places the issue of justice and institutions as important pillars of development, which is expressly formulated in **SDGs Goal 16: Peace, Justice and Strong Institutions**. SDGs 16 emphasizes the importance of upholding the rule of law, ensuring access to justice for all levels of society, and strengthening effective and transparent institutions as a means of creating sustainable peace and justice. This goal is in line with the principle *of Equality Before the Law* which requires equal treatment before the law without discrimination.

As a real example, in this digital era, the idea of "*No Viral No Justice*" emerged. The term is an expression that reflects the perception that justice seems to depend on the level of popularity of a case, not solely on the substance of the law and the principles of justice itself. This idea shows that there is an inequality between the normative principle of the state of law that upholds the principle of equality *before the law* and the empirical

⁵ Runturambi, Aswindo, and Meiyani, "No Viral No Justice: A Criminological Review of Social Media-Based Law Enforcement from the Perspective of Progressive Law."

⁶ Nisa Fitriani, "Ultimate Journal of Legal Studies Legal Analysis of the Phenomenon of 'No Viral No Justice': In Law Enforcement and Legal Injustice in Indonesia" 03, no. 01 (2025): 167–72.

reality of law enforcement which is often reactive and selective.⁷ On the one hand, virality can function as a tool of social control that encourages transparency and accountability of law enforcement officials, but on the other hand, it also has the potential to give birth to public judgment (*trial by public opinion*), ignore the principle of presumption of innocence, and shift the legal process from institutional channels to pressure from mass opinion. This phenomenon arises as a consequence of increasing public distrust in the performance and quality of services of law enforcement officials in handling various legal cases in the country. When formal legal mechanisms are considered incapable of providing a quick and fair response, people's trust in law enforcement institutions is eroded, so that the public feels the need to take a more active role in supervising and encouraging the law enforcement process. This condition is the background for the emergence and strengthening of the *No Viral No Justice phenomenon* as an expression of public disappointment as well as a form of social control over law enforcement officials.

There are various legal cases that have gone viral on social media and then attracted wide attention from the public, such as the case of lawyer abuse in Semarang and SP2HP not being given periodically, the case of the tax official's son who was only handled after the video of his persecution went viral, the case of persecution committed by the bakery boss to his employees for refusing to deliver food to his private room. Thus, social media has developed into the dominant *people power* in influencing the law enforcement and justice process in Indonesia. Through social media, the public can quickly disseminate information, build public opinion, and encourage law enforcement officials to act more responsive and accountable to a case. This power makes the digital space an effective means of social control, especially when the formal legal mechanisms that are assessed are

⁷ Moch Ichwan Kurniawan, "The Application of the Principle of Equality Before the Law in Criminal Justice Practice (Study of the Decision of the Bandung District Court Number: 221/PID. B/2019/PN. Bdg)," *Journal of Criminal Law Studies* 1, no. 1 (2021): 29–36, <http://repositori.lshp.or.id/index.php/jurnal/article/view/30>.

not running optimally. However, the influence of social media in law enforcement also requires caution, so that the push for justice born from the people's voice remains in line with the principles of the rule of law, the principle of presumption of innocence, and fair and balanced legal procedures.⁸

Given the previous research entitled "The 'No Viral No Justice' Phenomenon Perspective of Law Enforcement Theory" by Melinda Dina Gussela, et al. in 2025, this study focuses on the phenomenon of studying 'No Viral No Justice' as a socio-legal phenomenon that affects the dynamics of law enforcement in Indonesia, especially in relation to the role of social media as a space for legitimacy, urgency, and public pressure on the legal process. The main focus of the research is directed at analyzing the impact of virality on the law enforcement system, both in accelerating the handling of cases and in shaping the perception of justice in society, using a legal sociological perspective that places social norm factors and public opinion as factors that also affect the work of the law.⁹

Research by Muhammad Fathony, et al. entitled "Analysis of the Relevance of Responsive Legal Theory to the 'No Viral, No Justice' Phenomenon on Social Media" in 2025, this research focuses on the analysis of *the phenomenon of 'No Viral, No Justice'* on social media and its enforcement of the application of responsive legal theory in the law enforcement system in Indonesia. The focus of the study is directed at the conformity and tension between normative legal principles such as *due process of law*, legal certainty, and norm consistency with *viral justice*

⁸ Mutia Hafina Putri, Akhmad Munawar, and Muhammad Aini, "The Investigation Process In The Criminal Justice System," *Rewang Rencang : Lex Generalis Law Journal* 4, no. 2 (2023): 1–24, <https://jhlrg.rewangrencang.com/>.

⁹ Melinda Dina Gussela et al., "The 'No Viral No Justice' Phenomenon: Law Enforcement Theory Perspective," *Research Domain : Journal of Multidisciplinary Research and Development* 7, no. 2 (2024): 792–800, <https://doi.org/10.38035/rrj.v7i2.1326>.

practices which increasingly affect the priorities and responses of law enforcement officials.¹⁰

The research entitled "The 'No Viral No Justice' Phenomenon: Communication Dynamics in Seeking Justice in the Digital Era in Indonesia" by M. Fikri Ihsan in 2025 focuses on the study of the influence of the 'No Viral No Justice' phenomenon on the legal handling process in Indonesia in the digital era, with an emphasis on the role of social media as an *agenda-setting* and framing of issues (*framing*) in legal matters. The main focus of the research is directed at analyzing how the intensity of netizens' participation, influencer involvement, and emotional narratives that develop on social media platforms such as Twitter and TikTok are able to accelerate the response of law enforcement officials in handling certain cases.¹¹

Research by Muhammad Handika Suryanto, et al in 2024 entitled "No Viral No Justice Perspective of Soerjono Soekanto's Legal Effectiveness Theory" this research focuses on the analysis of the millennial community's participation in the *phenomenon of 'No Viral No Justice'* as a form of new media culture that functions as a social control over law enforcement, using the perspective of Soerjono Soekanto's legal effectiveness theory. The focus of the study is aimed at how the millennial generation responds and participates in the dissemination and dissemination of legal cases through social media and outside the digital space, as well as the extent to which the participation reflects the level of legal effectiveness that reviews legal awareness, meaning, and utilization of legal means.¹²

¹⁰ Muhamad Fathony and Zainal Arifin Hoesein, "Analysis of the Relevance of Responsive Legal Theory on the Phenomenon of 'No Viral, No Justice' on Social Media" 06, no. 05 (2025): 1467–82.

¹¹ M Fikri Ihsan, Achmad Ofanny S Torong, and Rahmanita Ginting, "The Phenomenon of 'No Viral No Justice': Communication Dynamics in Seeking Justice in the Digital Era in Indonesia" 'No Viral, No Justice' Phenomenon : Communication Dynamics in the Pursuit of Justice in Indonesia ' s Digital Era", *Journal of Government Science, Public Administration, Communication Sciences (JIPIKOM)* 7, no. 1 (2025): 20–27, <https://doi.org/10.31289/jipikom.v7i1.5780>.

¹² Muhammad Handika Suryanto et al., "No Viral No Justice Perspective of the Theory of Legal Effectiveness of Soerjono Soekanto INTRODUCTION The phenomenon of 'No Viral No Justice' was triggered by the emergence of hashtags that criticize the police, one of

Research by Harniati Ulfah in 2025 entitled "The Phenomenon of No Viral No Justice in Indonesia (Discourse Analysis)" focuses on the study of the virality of cases on social media and its consequences on the process of handling and enforcing the law by the authorities. The main focus of the research is directed at the analysis of how a case can go viral through various social media platforms, such as TikTok, Facebook, X, and bold news media, as well as how such virality affects the response of law enforcement institutions, particularly in the form of re-investigations of cases that have previously been handled or even long gone.¹³

Based on previous research, there is a difference in the focus of the research conducted by the author and the previous research. Although the same theme is *no viral no justice*, the difference lies in the formulation of virality as a social variable that has the potential to create structural inequality in law enforcement, not just as a tool for acceleration or social control. This study also systematically examines the dual impact (positive and negative) of the *phenomenon of no viral no justice* on the basic principles of the state of law, including *due process of law* and *the principle of presumption of innocence*, within the framework of the criminal system. Based on the introduction that has been conveyed above, the author addresses the following two problems: 1). How Does the Phenomenon of No Viral No Justice Emerge and Develop in Law Enforcement Practices in Indonesia in the Digital Era? 2). What is the Positive and Negative Influence of No Viral No Justice on the Principle of Equality Before the Law in the Criminal Justice System?

which is the hashtag # gratisLareportPolice which appeared in October 2021" 7, no. 3 (2024): 513–22.

¹³ Harniati Ulfah, "The Phenomenon of No Viral No Justice in Indonesia (Discourse Analysis)," *Journal of Communication Sciences* 9, no. 2 (2025): 398–411, <https://doi.org/10.30596/ji.v9i2.23107>.

Methods

The research method used in this study is a normative approach (normative juridical) because it focuses on the analysis of the applicable legal rules and aims to analyze positive legal provisions in Indonesia related to criminal regulation of the Criminal Justice System in Indonesia. This research focuses on the analysis of positive legal norms, legal principles, and doctrines related to the principle of *equality before the law* and the phenomenon of *No Viral No Justice* in the criminal justice system.¹⁴ This research prioritizes the study of relevant laws and regulations, such as the Constitution of the Republic of Indonesia in 1945.

Primary data is obtained from the text of applicable regulations, while secondary data is in the form of scientific literature, journals, previous research results, online news, and legal articles relevant to *the issue of No Viral No Justice* and the role of social media in law enforcement. The data collection method is carried out through library *research* to study and review various relevant legal materials and scientific sources. The data obtained were then analyzed using a qualitative descriptive analysis method, namely by describing, interpreting, and drawing the relationship between legal norms and the reality of law enforcement practices.¹⁵

This analysis aims to identify the extent to which the *phenomenon of No Viral No Justice* affects the application of the principle of equality before the law in the criminal justice system and to find normative and practical solutions in balancing the influence of social media with this principle. Thus, the results of the research are expected to make a theoretical contribution to the development of legal science, especially in the field of criminal law and human rights, as well as provide recommendations for

¹⁴ Prof. Dr. Sugiyono, *Quantitative, Qualitative, and R&D Research Methods* (Bandung: Alfabeta, 2013).

¹⁵ MH. Dr. Mukti Fajar ND and Yulianto Achmad, *Normative & Empirical Law Research Dualism* (Yogyakarta: Pustaka Siswa, 2015).

policymakers and law enforcement officials to more consistently uphold the principles of equality and justice without discrimination, both in cases that are viral and that do not receive public attention.

Result and Discussion

1. The Phenomenon of No Viral No Justice Emerges and Develops in Law Enforcement Practices in Indonesia in the Digital Era

In the modern legal state, the existence of law is not only interpreted as a set of written norms, but according to Gustav Radbruch also as the realization of justice, legal certainty, and benefits for the entire society. The principle of *equality before the law* is a pillar that ensures that every individual, regardless of their social, economic, political, or popular background, receives equal treatment in the legal process. However, in practice, social dynamics in the digital era present new challenges through the *phenomenon of No Viral No Justice*, which shows the tendency for a new case to get a quick response or serious handling after gaining widespread attention on social media. The *phenomenon of No Viral No Justice* is basically not born in a vacuum, but is a reflection of the low level of public trust in law enforcement officials and formal law enforcement mechanisms. This is a product of social changes that occur along with the development of information and communication technology in Indonesia, especially in the context of an increasingly active, critical, and participatory digital society.¹⁶

In a democratic state of law, law enforcement should be carried out objectively and consistently based on the provisions of laws and regulations, without being influenced by the pressure of public opinion.

¹⁶ Ibnu Alwatan, Surya Waliden, and Selvia Fitri Maulida, "A Review of the Principle of Equality Before the Law on Law Enforcement in Indonesia" 1 (2022): 123–42, <https://doi.org/10.30762/vjhtn.v1i2.186>.

This principle is in line with the concept *of rechtstaat*, which places the law as the commander in chief in the administration of the state. The state has an obligation to ensure that every citizen receives equal legal protection, legal certainty, and justice. However, in practice, the dynamics of law enforcement are often not completely ideal, causing public dissatisfaction with the performance of law enforcement officials. The initial emergence of *No Viral No Justice* can be understood as a public response to the slow handling of criminal reports and the lack of transparency in the law enforcement process. Not a few cases reported by the public stop at the investigation or investigation stage without clarity on developments, even though normatively law enforcement officials have an obligation to provide information to the reporter. When the formal legal mechanism does not work as it should, the public then looks for alternative ways to get attention and certainty, one of which is through social media. At this stage, social media functions as a space of expression as well as a means of public advocacy.

Along with the rise of social media and freedom of expression guaranteed by the constitution, the phenomenon of *No Viral No Justice* is growing more and more massively. This constitutional guarantee provides legitimacy for the public to criticize the performance of law enforcement officials and voice the injustice experienced. In many cases, public uploads accompanied by visual evidence, chronology of events, and narratives of injustice are able to attract wide attention, both from netizens and the mainstream mass media. Urging public opinion to be formed then encourages law enforcement officials to act faster, form a special team, reopen cases that were previously stagnant, or convey case developments more transparently to the public.¹⁷

In law enforcement practices in Indonesia, especially in the digital era, the *phenomenon of No Viral No Justice* is also developing because

¹⁷ Izhatullaili, Fadil Mas'ud, and Karolus Budiman Jama, "The Construction of Justice in the Social Media Era: No Viral No Justice in the Pati Regent Controversy," *Civication Journal* 1, no. 1 (2025): 1–9, <https://civication.my.id/Jurnal/index.php/Jc/article/view/1>.

of the mutual relationship between social media and law enforcement institutions. Law enforcement officials, on the one hand, cannot completely ignore public opinion because they demand accountability and public trust in legal institutions. But on the other hand, responses that rely too much on virality actually form a pattern of reactive and selective law enforcement. Cases that go viral tend to get priority, while similar cases that don't get public attention may be ignored or processed slowly.¹⁸ This kind of pattern then strengthens the perception in the community that justice will only be present when an event gets a wide spotlight in the digital space, so that the number of cases handled by the police cannot immediately be interpreted that a case must be "queued" until it loses attention or certainty of handling, because every report or complaint from the public is essentially a release from the constitutional right of citizens to obtain legal protection and certainty. Thus, normatively, the large number of cases that come in cannot be used as a justification for not processing a report or postponing its handling without a clear legal basis. In reality, it shows that the police often limit limited human resources, resources, and time, while the number of cases that must be handled continues to increase. In these conditions, the police implement case handling management through a priority mechanism, not abandoning cases, but arranging the handling order so that law enforcement continues to run effectively, efficiently, and proportionately.

This priority scale is usually given to cases that have a high level of urgency and social impact, such as cases that ensure the safety of life and public safety, cases that have the potential to cause social unrest or conflict, cases involving victims such as children, women, or groups that socially and legally require special protection. However, the application of the priority scale cannot divert the legal obligation of the police to

¹⁸ Journal Clauses et al., "CLAUSES Journal of Administrative and Criminal Constitutional Law Vol 4. No. 2 October 2025" 4, no. 2 (2025): 89–95.

continue to process every case reported by the public.¹⁹ Any form of delay or delay in the handling of the case must be based on legitimate legal and technical reasons, such as the need to complete evidence, wait for the results of the examination of witnesses or experts, the implementation of the case title, or coordination with the public prosecutor in order to ensure the quality and accuracy of the investigation process. Delays that are carried out without clarity of reason and without transparency have the potential to violate the principle of legal certainty and can cause public distrust of law enforcement institutions. Therefore, the police are also burdened with the obligation to provide information on the progress of case handling to the complainant through SP2HP as a form of accountability and openness.²⁰

If a case is not resolved properly or seems to be ignored because of the large number of cases that have been resolved, then the community has a number of control mechanisms and legal remedies that can be carried out, ranging from complaints to investigative investigators , internal supervision through the National Police Propam, to pretrial legal remedies if there are suspected violations of procedures or permits. This mechanism is part of the system of checks and balances to ensure that the discretion and priority policies carried out by the police remain within the legal corridor and do not conflict with the principle of equality before the law. Thus, it can be emphasized that the large number of cases resolved by the police should not be considered as a reason to create a "justice queue" that is detrimental to the community, but can only be justified as a basis for setting

¹⁹ Roni Prima Panggabean, Heppy Wajongkere, and Pratama Hadi Karsono, "The phenomenon of "No Viral , No Justice " in Law Enforcement and Justice in Indonesia" 8, no. 8 (2025): 5089–5100, <https://doi.org/10.56338/jks.v8i8.8352>.

²⁰ Ananda Zaidatul Azkiya, Dafa Azharta Sauri, and Sri Damayanti, "No Viral No Justice: Social Media Pressure and Judicial Independence in the Indonesian Legal System," *Journal of Law and Public Policy Studies* 03, no. 1 (2025): 239–44, <https://jurnal.kopusindo.com/index.php/jkhkp>.

priority for handling cases as long as it still guarantees citizens' legal rights, legal certainty, and substantive justice for every justice seeker.

The development of *the No Viral No Justice phenomenon* ultimately reflects the tension between ideal legal norms and the reality of law enforcement on the ground. On the one hand, this phenomenon shows the increasing awareness of the law of the community and the active role of the community in supervising law enforcement as part of the principles of democracy. However, on the other hand, this phenomenon also has the potential to give birth to public judgment (*trial by public opinion*). Thus, the emergence and development of *the No Viral No Justice* phenomenon in the digital era cannot be excluded from a combination of technological advances, public participation, and the imoptimal application of the principle of the rule of law in law enforcement in Indonesia.²¹

2. The Positive and Negative Influence of No Viral No Justice on the Principle of Equality Before the Law in the Criminal Justice System

In the era of the evolution of industry 4.0 and Society 5.0, the increasingly sophisticated social media has brought fundamental changes in interaction patterns, both in the way of communication, obtaining information, and participating in social, political, and legal life. The development of digital technology, which is characterized by the presence of interactive features, algorithmic systems that are able to expand the reach of content, and the speed of distribution that is almost unlimited in space and time, makes social media a new public space that is very influential in shaping the collective opinions and attitudes of the community.²² Information uploaded by individuals can spread quickly,

²¹ Lu Sudirman, Faculty of Law, and International University, "Indonesia: No Viral No Justice" 5, no. September (2023): 16–40.

²² Ferdian Rinaldi, "Website: <https://Journal.Unilak.Ac.Id/Index.Php/Respublica> The Work Process of the Criminal Justice System in Providing Legal Certainty and Justice The

get a wide response, and build public solidarity in a short time, even able to rival the role of conventional mass media. This sophistication allows an event, including legal events, to easily go viral and gain national attention, without having to go through a rigorous editorial selection or verification process.

Social media further strengthens the position of the public as a supervisory actor (*social control*) over the performance of law enforcement officials and state institutions in line with the meaning of the adage *Vox Populi Vox Dei*. Social media provides space for the public to voice injustice, watch the legal process, and demand transparency and accountability from law enforcement officials. Under certain conditions, the power of social media is even able to encourage the acceleration of case handling, reopen cases that were previously neglected, and strengthen the position of victims who are socially, economically, and politically weak.²³

However, the sophistication of social media also presents serious challenges for the legal system. The spread of unverified information, one-sided narratives, and the formation of public opinion driven by emotion and sensationalism can trigger trials on social media and disrupt the basic principles of the rule of law.²⁴ The pressure of public

Criminal Justice System is a system that is deliberately formed to be," *Respublica Law Journal, Faculty of Law, Lancang Kuning University* 179, 2022, 179–88.

²³ Wira Purwadi et al., "Application Of The Principle Of Equality Before The Law To Law Enforcement For The Realization Of Justice In Society," *Journal of Legality* 15, no. 1 (2022): 59–75, <https://doi.org/10.33756/jelta.v15i1.14772>.

²⁴ Al-syakhsiiyah Journal Law, "Al-Syakhsiiyah Implementation of Equality Before the Law (A Comparison of the Criminal Justice System in Indonesia and Other Countries) Ahmad Ihsan Amri, 1 Bayu Dwi Anggono, 2 Faculty of Law, University of Jember Introduction Indonesia is a Constitutional State. This is stated in the 1945 Constitution which states that the Unitary State of the Republic of Indonesia is a country based on law, as seen from the preamble, text and commentary of the 1945 Constitution. 1 Constitution in Indonesia, law plays a very fundamental role in the life of the nation and state. This means that law must play a central role not only in the life of individuals but also in the life of the state and nation. The concept of the state of law idealizes the law must be the commander in chief of the dynamics of the nation's life. Of course, as a country of law, Indonesia applies the principle of equality before the law which is one of the important aspects of the principle of equality before the law, which means that every Indonesian citizen is entitled to such a position. It is also explained in the 1945 Constitution that all citizens are equal in all spheres of life, without exception. Thus, all Indonesian citizens

opinion that is formed massively has the potential to encourage law enforcement officials to act reactively, populistly, or in a hurry, thus ignoring the principle of *due process of law* and the principle of presumption of innocence. In addition, social media algorithms that tend to amplify viral content are at risk of also causing information distortion and manipulation of public opinion. This phenomenon shows that the public voices accumulated on social media are perceived as a form of people's request that must be heard and responded to by the state. However, just as the *vox populi vox dei adagium* cannot be interpreted absolutely, the power of the people's voice on social media must still remain within the framework of the rule of law.²⁵

For example, this crowded event in early 2026 is the case of a celebrity who is suspected of experiencing *Child Grooming*. When minors were forced to have sex, manipulated, beaten, and threatened. At one time the victim had *spoken up* during an interview on a television show, and the victim had mentioned child *grooming* carried out by the perpetrator, however, social media at that time was not as sophisticated as it is now, so the victim did not receive legal protection and was simply ignored. Then, his mother reported to Komnas Anak, but the case was not followed up, so the perpetrator is still roaming around until now. So

receive equal treatment before the law, regardless of their status, ethnicity, caste, or social class. Every citizen deserves the same treatment in daily life or even in government administration. 2 The principle of equality before the law can be used as a standard to affirm marginalized and minority groups. 3 But on the other hand, due to the inequality of resources (power, capital, information), this principle is often dominated by rulers and financiers as a shield to protect their wealth and power. The principle of equality before the law applies under one umbrella of general law. The uniqueness of the law appears intact in addition to other social aspects such as economic and social. Equality before a 'just' law seems to suggest that societies may not be socially and economically equal. Differences in the treatment of 'equality' in the legal, social, and economic fields have led to the erosion of the principle of equality before the law in the midst of socio-economic changes. This principle of equality before the law also has an impact on the judicial system in Indonesia, so that special rules are made regarding the court giving equal rights to everyone to use and obtain their rights before the law. Equality In..." 5, no. 1 (2024): 85–95, <https://doi.org/10.21154/syakhsiyah.v5i2.7>.

²⁵ Eko Saputra, "The Criminal Procedure Bill : The Dominance of the Crime Control System and the Threat to the Principle of Due Process of Law," *JIMU: Multi-Disciplinary Scientific Journal* 03, no. 03 (2025): 3031–9498.

that in October 2025 the victim captured and published an e-book containing the traumatic experience. In early 2026, the e-book was widely discussed by the public and the e-book went viral on social media which resulted in the old case being revealed. However, as a result, the name of the perpetrator who was disguised by the victim in the e-book, attracted the attention of netizens and judged one of the television actors where there was no clarity in the case, which resulted in damaging the actor's reputation.

In this case, the phenomenon of *No Viral No Justice* has the potential to seriously conflict with the principle of the *presumption of innocence*, when the judicial process and sentencing of a person is first carried out by public opinion on social media before the existence of a court decision with permanent legal force. The principle of presumption of innocence is a principle that affirms that every person who is suspected, arrested, detained, prosecuted, and/or tried must be presumed innocent until there is a valid and final court decision.²⁶ The idea of *No Viral No Justice*, the virality of a case often encourages the formation of a "trial by social media", where netizens massively build narratives, accusations, and even moral verdicts against certain parties without an objective and balanced evidentiary process. This situation not only injures the rights of suspects or unsuspecting perpetrators, but also has the potential to affect the independence of law enforcement officials and legal institutions. Public pressure born from viral opinions can encourage the authorities to act reactively, populistly, or in a hurry to dampen public anger, instead of adhering to the principle of *due process of law*. As a result, the law enforcement process risks shifting from the search for material truth to the expectations of the masses.

²⁶ R. Arifin et al., "Indonesian Sustainable Development Policy: How the Government Ensures the Environment for Future Generations," *IOP Conference Series: Earth and Environmental Science* 1355, no. 1 (2024), <https://doi.org/10.1088/1755-1315/1355/1/012005>.

Judgments on social media also have an impact on reputational damage, social stigma, and irreversible human rights violations, even if the aforementioned are later found not guilty by the court. This shows that *No Viral No Justice* can create new injustices, where justice procedures are sacrificed for the sake of instant justice based on popularity and public emotions.²⁷ In practice, the assumption that a new case will receive serious attention and handling from law enforcement officials after it goes viral on social media. This phenomenon shows the tension between the ideal legal ideal (*das sollen*) and the reality of law enforcement practices (*das sein*), while reflecting the serious challenges in realizing the goals of **SDGs 16** at the national level. Law enforcement actions influenced by public opinion pressure and the virality of cases can hinder efforts to build strong institutions with integrity. Ideal law enforcement institutions should work on objective laws and procedures, not solely respond to social media dynamics. When justice is objective and depends on the public spotlight, the goal of SDGs 16 to realize inclusive justice and accountable institutions risks not being optimally achieved.²⁸

Legal and policy efforts to ensure that law enforcement continues to run fairly, objectively, and equally without relying on the virality of a case is a fundamental prerequisite for the establishment of a democratic rule of law. Fair law enforcement that demands consistency in enforcing the principle of *Equality Before the Law*. Therefore, legal policy must be directed that every report and legal case is processed based on procedural law, evidence, and the principle of professionalism, without being influenced by the level of virality of a case.²⁹ At the normative and

²⁷ Filda Evangelista Nababan and Benny Sumardiana, "The Crime of Personal Data Theft through Cyber Phishing and Its Evidentiary System in Trial: A Study of Decision No. 697/Pid.Sus/2024/PN. Sda.," *Law and Environment Bookchapter 1* (2025): 627–50, <https://bookchapter.unnes.ac.id/index.php/hk/article/view/532>.

²⁸ Miftahol Fajar Sodik, "The Journal of the Law Window," *Legal Window* 10, no. 1 (2023): 89–100, <https://ejournalwiraraja.com/index.php/FH/article/view/1956>.

²⁹ Samuel Hiskia Lumbanraja & Benny Sumardiana, *Juridical Analysis Of The Criminal Elements Of Obstruction Of Justice In, Law and Environment Bookchapter*, 2025.

institutional levels, the state needs to strengthen internal and external regulations that bind law enforcement officials in exercising their authority. Strengthening clear, measurable, and mandatory standard operating procedures (SOPs) at every stage of law enforcement from receiving reports, investigations, investigations, summonses, to the execution of decisions is a crucial step to close excessive discretion that has the potential to cause inequality. In addition to enforcing norms and procedures, law enforcement policies must also focus on improving the integrity and professionalism of law enforcement officials.³⁰ Law enforcement officials must be aware that responding to a case is not a form of "privilege" due to public pressure, but a constitutional obligation inherent in office. For this reason, it is necessary to implement an objective and transparent performance evaluation system, accompanied by strict and proportionate sanctions against officials who are negligent, discriminatory, or abuse of authority. Consistent enforcement of discipline will create a deterrent effect while increasing public trust in law enforcement institutions. Efforts to maintain fair and equal law enforcement also require strengthening supervisory mechanisms, both internal and external. Internal supervision through inspectorates, functional supervisors, or internal control units must be carried out independently and with integrity, with the authority capable of cracking down on violations.³¹

On the other hand, a fair law enforcement policy must also be accompanied by an increase in people's legal literacy, especially in the context of the use of social media in the increasingly massive digital era. The state has a constitutional responsibility to ensure that the public is not only the object of law enforcement, but also a subject who

³⁰ Karina Azzahra Salsabila and Benny Sumardiana, "Analysis of the Effectiveness of the Investigation Deadline in the Criminal Code to the Protection of Suspects' Human Rights," *Journal of Legal Analysis* 8, no. 1 (2025): 11–24, <https://doi.org/10.38043/jah.v8i1.6096>.

³¹ Abdul Wahid, Rohadi Rohadi, and Andi Kusyandi, "'No Viral No Justice' Phenomenon in Indonesian Law Enforcement: Acceleration or Threat to Justice?," *Legal Reform* 29, no. 1 (2025): 36–51, <https://doi.org/10.46257/jrh.v29i1.1183>.

understands his legal rights and obligations in its entirety. This understanding is important to prevent the notion that justice can only be obtained through the public spotlight, while strengthening trust in the community's law enforcement agencies. Qualified digital legal literacy will encourage people to use social media intelligently and responsibly. People who have a good understanding of the law will be better able to sort out information, verify the truth of an event, and avoid the spread of hoaxes, disinformation, and provocative narratives that have the potential to muddy the law enforcement process. In this case, social media should be used as a means of educational and proportionate social control, namely as a space to convey constructive criticism, advocacy based on facts, and supervision of the performance of law enforcement officials, without violating the rights of other parties. Therefore, with strong legal literacy, the public is expected to be able to place the role of social media appropriately, namely as a supporter of law enforcement, not as a tool of public punishment that can disturb individuals (perpetrators/victims) and the objectivity of law enforcement officials.³²

Thus, the *phenomenon of No Viral No Justice* has a dual influence in law enforcement. On the one hand, this phenomenon shows the increasing awareness of the law of the community and the active role of the community in supervising law enforcement as part of the principles of democracy. However, on the other hand, this phenomenon also has the potential to give birth to public judgments that can damage reputations. These efforts must be carried out consistently and continuously so that justice is no longer reactive to public pressure, but is present as an integral part of the legal system that upholds the rule of

³² Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap, "The Criminal Procedure Bill: Challenges and Harmonization between the Principles of Due Process of Law and the Criminal Justice System in Indonesia," *Journal of Social, Political and Humanities Research* 3, no. 2 (2024): 57–72, <https://doi.org/10.55606/jurrish.v3i2.6023>.

law and the principle of *equality before the law* in real practice. Therefore, the best solution is to make the role of social media in overseeing law enforcement, by placing virality as a means of responsible social control, not as a tool of judgment. Because when the state comes with a fair, fast, and transparent law enforcement system, while the community has a mature legal awareness, the phenomenon of *No Viral No Justice* is no longer a necessity, and the principle of presumption of innocence is maintained as the main pillar of the state of law.³³

Conclusion

It can be concluded that the *phenomenon of No Viral No Justice* is an illustration of the changing pattern of law enforcement in Indonesia in the digital era, where social media plays a significant role in shaping public opinion, encouraging public participation, and influencing the response of law enforcement officials. The reliance on the virality of social media as a trigger for the response of law enforcement officials shows that the principle of *Equality Before the Law* has not been fully realized consistently, as the handling of cases tends to be influenced by the level of public attention, not solely by the urgency of the law and a sense of substantive justice. This condition has the potential to give birth to deviant law enforcement, ignore the principle of *due process of law*, and contain the principle of presumption of innocence due to public judgment. Judging from the goals of **SDGs 16: Peace, Justice, and Resilient Institutions**, this phenomenon reflects the lack of optimal capacity and integrity of law enforcement institutions in carrying out their functions in a professional, independent, and transparent manner. Nevertheless, it is undeniable that

³³ Marthin Doodoh and Herry F.D. Tuwaidan, "Human Rights Perspective on the Principle of Presumption of Innocence on," *Journal of Academic Nuances* 10, no. 1 (2025): 95–106.

social media also has a positive role as a means of social control that allows the public to actively participate in supervising the performance of law enforcement officials, encouraging information disclosure, by placing virality as a means of responsible social control. However, if this role is not balanced with the strengthening of objective legal systems and procedures, then the pressure of public opinion risks shifting the law from justice to a tool responsive to mere popularity. Efforts are needed to strengthen law enforcement institutions through increasing professionalism and consistency of law enforcement without discrimination. In addition, increasing legal literacy and digital literacy of the community is important so that public participation remains in the legal and ethical corridor, so as not to undermine the basic principles of fair justice.

Based on the conclusions of the author's research, it is proven that the Implications of No Viral No Justice on the Principle of Equality Before the Law are very influential on law enforcement practices in the criminal justice system in Indonesia, provided that the use of Case Virality on social media must be carried out responsibly and in line with Human Equity Rights so as not to cause public judgment and not to harm the Principle of Presumption of Innocence. Thus, law enforcement in Indonesia is expected to be able to move from *a no-viral no justice patter* to an inclusive, objective, and sustainable justice system, in line with the mandate of the constitution and the goals of **SDGs 16** in realizing peace, justice, and strong and reliable institutions.

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Principle of Equality Before the Law (A Comparison of the Criminal Justice System in Indonesia and Other Countries) Ahmad Ihsan Amri, 1 Bayu Dwi Anggono, 2 Faculty of Law, University of Jember

Introduction Indonesia is a Constitutional State. This is stated in the 1945 Constitution which states that the Unitary State of the Republic of Indonesia is a country based on law, as seen from the preamble, text and commentary of the 1945 Constitution. 1 Constitution in Indonesia, law plays a very fundamental role in the life of the nation and state. This means that law must play a central role not only in the life of individuals but also in the life of the state and nation. The concept of the state of law idealizes the law must be the commander in chief of the dynamics of the nation's life. Of course, as a country of law, Indonesia applies the principle of equality before the law which is one of the important aspects of the principle of equality before the law, which means that every Indonesian citizen is entitled to such a position. It is also explained in the 1945 Constitution that all citizens are equal in all spheres of life, without exception. Thus, all Indonesian citizens receive equal treatment before the law, regardless of their status, ethnicity, caste, or social class. Every citizen deserves the same treatment in daily life or even in government administration. 2 The principle of equality before the law can be used as a standard to affirm marginalized and minority groups. 3 But on the other hand, due to the inequality of resources (power, capital, information), this principle is often dominated by rulers and financiers as a shield to protect their wealth and power. The principle of equality before the law applies under one umbrella of general law. The uniqueness of the law appears intact in addition to other social aspects such as economic and social. Equality before a 'just' law seems to suggest that societies may not be socially and economically equal. Differences in the treatment of 'equality' in the legal, social, and economic fields have led to the erosion of the principle of equality before the law in the midst of socio-economic changes. This

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