The "No Viral No Justice" Paradigm In Getting Access To Justice In Indonesian Community

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Abstract:

This study is to examine the emergence of the paradigm of "no viral no justice" in gaining access to justice in Indonesian society. This needs to be done considering the public's unrest and the sense of public trust has begun to decline towards the government, especially to law enforcement and state apparatus related to the implementation of services so that public access to the law is not the same and the principle of Equality Before The Law is not achieved as regulated in the constitution. This is what causes the paradigm of the community, namely "No Viral No Justice" in getting access to justice through utilizing existing technological developments (social media). The problem that will be discussed in this research is how is the reason for the emergence of the "no viral no justice" paradigm in getting access to justice in Indonesian society. The research method used is a normative research method with a statute approach and a social legal approach and is analyzed using content analysis.

Key Word:No Viral No Justice, Equality Before The Law, Access To Justice

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I. Introduction

The presence of the internet and social media is in line with the nature of technological developments that will facilitate all community activities in various aspects of life.¹No longer just a place to share and exchange information or a place to interact, digital space can also be used for political purposes, as a search field, and various other activities like the real world.²The presence of this alternative public space always provides new things for its users.³ The spread of information and communication moves rapidly in line with increasingly sophisticated technological developments.⁴ This gives birth to various social phenomena that exist in society, one of which is the term viral.⁵ Viral is often interpreted as an activity in cyberspace that describes the spread of information through online media platforms that spread quickly, making it popular and discussed by many people. The information shared can be in the form of photos, videos, news and others. This turns out to be able to affect various aspects of the social life of the community, especially the Indonesian people, one of which is related to law enforcement in Indonesia.⁶

The paradigm that exists in the community which believes that many cases of law violations tend to be processed more quickly if the case has become a hot topic of discussion in the community (viral) regardless of

¹ Wilianto, Wilianto, and Ade Kurniawan. "History, how it works and the benefits of the internet of things." Matrix: Journal of Information Technology and Management 8.2 (2018): 36-41.

² Talika, Febi Trafena. "The Benefits of the Internet as a Communication Media for Teenagers in Air Mangga Village, Laiwui District, South Halmahera Regency." Acta Diurna Communication 5.1 (2016). 23-31

³ Sasmita, Jungle of Literature. "Utilization of the internet as a learning resource." Journal of education and counseling 2.1 (2020): 99-103.

⁴ Subiakto, Henri, and U. A. Fisip. "Internet for the village and its use for the community (The usage of internet for the village and villagers)." Society, Culture and Politics 26.4 (2013): 243-256

⁵ Harmastuti, Harmastuti. "The Benefits of the Internet for the Women of the Dusun Kedulan Tirtomartani Kalasan Sleman, Yogyakarta." DHARMA BAKTI (2020): 125-133.

⁶ Susanto, Anton. "Factors Affecting Internet Usage Behavior in Pasar VI Village, Kualanamu, Deli Serdang, North Sumatra." Journal of Postal and Informatics Research 5.1 (2017): 65-86.

whether or not there is a legal event, for example several cases circulating in the community.⁷ such as persecution to cases carried out by law enforcers themselves.⁸ Because basically the phenomenon of easy going viral events that exist in this community has a positive and negative impact.⁹ The positive thing is that the public can easily get justice with the speedy legal assistance provided, but the viral phenomenon is also often misused, namely by spreading fake news (Hoax). Law enforcement officers must work professionally in handling each of these events, especially criminal acts (delicts).¹⁰ However, as a community, sometimes they feel that law enforcement officers tend to be more serious in handling a case that is viral in the community.¹¹ However, we cannot immediately corner the apparatus, because after all it is difficult for the apparatus to ignore legal events that on a large scale become public discussion. Furthermore, the impact of this view is that people often feel disappointed with the services of law enforcement officers who injure the community and the injustice experienced in law enforcement because the basic principles of Equality Before The Law are not implemented and are closely related to problems related to access to justice. This is what gives rise to the public opinion that says No Viral No Justice.¹²

The hashtag emerged because the public considered that a case that went viral would tend to be completed faster than a case that started with a regular report. As a result, lately Indonesia's digital space is often presented with cases of criminal acts such as sexual violence and various cases that have caused criticism from the public.¹³ The motive in the no viral no justice phenomenon is nothing but a form of sympathy and concern that arises because of the injustice that is in front of the screen.¹⁴ The National Police Chief, General Listyo Sigit Prabowo, responded to this incident. The National Police Chief encourages his staff to evaluate and follow up on reports that are reported through the public complaints program in accordance with the expectations of the community. We hope that this public complaint can really be followed up in accordance with what the community expects.

The impact of people's views (customs) who think that the legal process carried out by the apparatus to prove whether or not someone has committed a crime is not because he has legally and convincingly committed the crime, but is based on whether or not the case is viral in the community.¹⁵ This also has an impact on the behavior of people who often perpetuate every event that cannot be accounted for, and ultimately share information that is not suitable for public consumption.¹⁶ Therefore, both the public and law enforcers must be more careful and serious in responding to this phenomenon, and view a legal event or violation of the law objectively according to the applicable laws and regulations, not just viral.¹⁷ Based on the description above, the problem in this research is how is the reason for the emergence of the "no viral no justice" paradigm in getting access to justice in Indonesian society.¹⁸

II. Research Methods

The research method used is a normative research method,¹⁹ using a statute approach and a social legal approach related to the "no viral no justice" paradigm in gaining access to justice in Indonesian society.²⁰ The

⁷ Sutami Dwi Lestari, Sutami. "The Negative Impact of Post-Covid-19 Social Media on Students: Analysis of Planning for Schools in Elementary Schools." Indonesian Journal of Basic Education 6.2 (2022): 13-17.

⁸ Bidari, Ashinta Sekar, and MH SH. "Legal Injustice for the Flip-flops." Ratu Adil 3.2 (2014). 45-66

⁹ Fitri, Sulidar. "Positive and negative impact of social media on children's social change: positive and negative impact of social media on children's social change." Naturalistic: Journal of Educational and Learning Research Studies 1.2 (2017): 118-123.

¹⁰ Rafiq, Ahmad. "The Impact of Social Media on Social Change in a Society." Global Communications 1.1 (2020): 18-29.

¹¹ Rahayu, Flourensia Sapty. "Cyberbullying as a negative impact of the use of information technology." Journal of Information Systems 8.1 (2012): 22-31.

¹² Dwisvimiar, Inge. "Justice in the perspective of the philosophy of law." Journal of Legal Dynamics 11.3 (2011): 522-531..

¹³ Rumadan, Ismail. "The Role of the Judiciary as a Law Enforcement Institution in Enforcing Justice for the Realization of Peace." Journal of Rechts Vinding: Media for National Law Development 6.1 (2017): 69-87.

 ¹⁴ Kartikasari, Reyka Ayu, Nungki Maghfiroh, and Elok Eka Yuanita. "Law enforcement is not fair for the poor." Dynamics of Law & Society 3.2 (2021). 73-78
¹⁵ Armiwulan, Hesti. "Racial and ethnic discrimination as a matter of law and human rights." Legal Matters 44.4 (2015):

¹⁵ Armiwulan, Hesti. "Racial and ethnic discrimination as a matter of law and human rights." Legal Matters 44.4 (2015): 493-502.

¹⁶ Sabandiah, Raithah Noor, and Endra Wijaya. "Discrimination against the Traditional Religion of the Cigugur Indigenous Law Community." De Jure Journal of Legal Research 18.3 (2018): 335-352.

¹⁷ Vidyapramatya, Nurindria Naharista. "The Loss of Justice in Law Enforcement According to Discrimination Theory." Journal of Law and Economic Development 8.2 (2021): 141-155.

¹⁸ Afifah, Wiwik. "Law and Constitution: Legal Protection of Discrimination Against Women's Human Rights in the Constitution." DiH Journal of Legal Studies 13.26 (2017): 201.

¹⁹Soetrisno, Research Methodology, (Yogyakarta, UGM, 1978), 49.

²⁰Peter Mahmud Marzuki, Legal Research, (Jakarta Kencana Prenada Media Group, 2011), 35

statute approach is to examine matters relating to legal principles, legal views and doctrines, and laws and regulations related to land issues related to law enforcement that are felt to be lacking in people's lives, and accurate and accountable data. while the social legal approach is a legal research approach that uses the help of social sciences that examines the problems that exist in people's lives in this case is the problem of the paradigm of the community, namely "no viral no justice".²¹ the law to then seek a solution to the problems that arise in the symptoms in question.²²

A. Viral

III. Results and Discussion

The term "viral" is one of the terms that we often hear in recent years, be it on social media or conventional media. Based on the Big Indonesian Dictionary, the term viral has a meaning related to a virus, or spreading widely and quickly like a virus.²³ This term was originally an English term which was later absorbed into Indonesian. Viral is often associated with content that people talk about.²⁴ For example, what often happens is that cases that go viral are related to public services and law enforcement officers who are deemed to have violated standard operating procedures and laws and regulations.²⁵ This term was then used for social media content that quickly spread or was widely duplicated by social media users. Cohen mentions that the term viral sharing refers to the spread of content from one person to another through their social networks, and usually refers to social networks on the internet or mobile technologies.²⁶ The presence of social media gave rise to a new culture, namely the culture of sharing content carried out by social media users. Content becomes a basic commodity on social media, which is produced, disseminated, and consumed by social media users. The shares feature is widely used on various social media, be it Facebook, Youtube, Instagram, and Twitter.²⁷

The presence of social media creates a new culture in society, especially the social media user community, namely the culture of sharing content.²⁸ The culture of sharing content on social media is not only related to content produced by social media users themselves, but also the activity of re-posting or re-sharing content produced by other social media users.²⁹ This culture can thrive because every social media has features that allow its users to easily share content uploaded by other social media users.³⁰ This share feature usually appears on every upload on social media. Content sharing activities have become one of the fastest growing activities on social media, such as on Facebook. Social media such as Facebook has a system structure that makes it easy for users to share content on their social networks, by simply uploading it on their profile page on Facebook.³¹

B. The "No Viral No Justice" Paradigm in Getting Access to Justice in Indonesian Community

The social paradigm is a framework of thinking in society that explains how to view the facts of social life and the treatment of existing science or theory.³² This paradigm also explains how to research and understand a problem, as well as testing criteria as a basis for answering the problem.³³ According to Robert

²¹Mukti Fajar and Yulianto Achmad, Normative & Empirical Legal Research Dualism, (Yogyakarta, Student Library, 2010), 34

²²Abdulkadir Muhammad, Law and Legal Research, (Bandung: Citra Aditya Bakti, 2004), 32

²³ Agustina, Lydia. "Content virality on social media." Popular Semi-Scientific Magazine of Mass Communication 1.2 (2020): 149-160.

 ²⁴ Lana, Lana. "Infodemic Flood: Virality of Virology News Accuracy in the Coronavirus Disease Phenomenon." The Source: Journal of Communication Science 2.2 (2020): 1-21.
²⁵ Bisri, Mashur Hasan, and Bramantyo Tri Asmoro. "Ethics of public service in Indonesia." Journal of Governance

²⁵ Bisri, Mashur Hasan, and Bramantyo Tri Asmoro. "Ethics of public service in Indonesia." Journal of Governance Innovation 1.1 (2019): 59-76.

²⁶ Permana, Restiawan, and Yusmawati Yusmawati. "Commodification of Messages and Information Virality With the "Like, Share, Comment, And Subscribe" Method on Youtube." Media Language, Literature, and Culture Wahana 25.2 (2019): 1-6.

²⁷ Pranesti, Dewi Ayu, and Ridwan Arifin. "Protection of Victims in Cases of Spreading Hoax News on Social Media in Indonesia." Media Bhakti Law Journal (2019). 24-34

²⁸ Talja, Sanna, and Preben Hansen. "Information sharing." New directions in human information behavior. Springer, Dordrecht, 2006. 113-134.

²⁹ Cahyono, Anang Sugeng. "The influence of social media on social change in Indonesian society." Publiciana 9.1 (2016): 140-157.

³⁰ Habibie, Dedi Kusuma. "Dual Functions of Mass Media." Interaction: Journal of Communication Studies 7.2 (2018): 79.

³¹ Belk, Russell. "Sharing." Journal of consumer research 36.5 (2010): 715-734.

³² Atmasasmita, Romli. "Three legal paradigms in national development." Journal of Prioris Law 3.1 (2016): 1-26.

³³ Swardhana, Gde Made. "Positive Legal Struggle Towards a Progressive Legal Paradigm." Legal Matters 39.4 (2010): 378-384.

Friendrichs Paradigm is a fundamental view of a scientific discipline about what is the subject matter that should be studied (a fundamental image a discipline has of its subject matter) in law enforcement.³⁴ Law enforcement as a means to achieve legal goals, it is appropriate for the law to be able to work to realize moral values in law.³⁵ The failure of the law to realize the legal value is a dangerous threat to the bankruptcy of the existing law. Laws with poor implementation of moral values will be distant and isolated from the community.³⁶ The success of law enforcement will determine and become a barometer of legal legitimacy in the midst of its social reality.³⁷

From the description above, it can be concluded that the paradigm or views that arise from the community are a form of awareness carried out by the community based on unrest in this case related to the absence of justice.³⁸ This can be due to social status and the amount of money they have.³⁹ Talking about legal justice, the 1945 Constitution Article 27 paragraph (1) of the 1945 Constitution which essentially explains that everyone is treated equally before the law.⁴⁰ Every human being has the right to obtain justice, both from society and from the state.⁴¹ As stated in Pancasila, the 5th precept which reads "justice for all Indonesian people. considered unable to provide justice to the oppressed community.⁴² This is a basic principle that is very important to uphold.⁴³However, on the contrary, the law becomes a tool for power holders to act arbitrarily.⁴⁴ Currently, the law in Indonesia that wins is the one who has the power, those who have a lot of money are sure to be safe from legal disturbances even though state rules are violated.⁴⁵ And this is the trigger for the Indonesian people to start to have less trust in the law, especially law enforcers who often cannot provide justice and are considered to have failed in carrying out their duties.⁴⁶ With the development of technology, which has benefits including to facilitate the receipt of information and facilitate communication between humans and can disseminate news or legal facts that occur. So that people can use the technology positively to distribute it to social media if there is an error or injustice experienced by small communities who are vulnerable to unfair treatment.⁴⁷ However, this action is still often directed that this is a defamation or slander.⁴⁸

The emergence of the community paradigm, namely "No Viral No Justice" is closely related to the principle of Equality Before The Law which can be interpreted that all citizens have the same position in law and government and are obliged to uphold the law and government with no exceptions (Article 27 paragraph (1) 1945 Constitution). Furthermore, Article 28D paragraph (1) of the 1945 Constitution also stipulates that everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law. Currently, the principle of equality before the law has not been used as the main benchmark in providing legal aid. In fact, if properly and properly this principle is reflected in law enforcement in Indonesia, there should be no more poor people who experience discrimination and legal injustice.

Judging from the description above, based on the principle of equality before the law, it does not always mean that everyone is equal before the law but access to justice or the law must be equalized and interpreted as an opportunity to get justice. This applies to all people or is often referred to as justice for all. This has to be

³⁴ Arianto, Henry. "Responsive Law and Law Enforcement in Indonesia." Lex Journalica 7.2 (2010): 180.

³⁵ Main, Andrew Shandy. "Public Trust in Law Enforcement in Indonesia." Journal of Encyclopedia Social Review 1.3 (2019): 306-313.

³⁶ Sanyoto. "Law Enforcement In Indonesia." Journal of Legal Dynamics 8.3 (2008): 199-204.

 ³⁷Ma'u, Dahlia Halia, and Muliadi Nur. "Sociological legal paradigm (an attempt to find legal meaning from public reality)."
Al-Syir'ah Scientific Journal 7.2 (2016). 45-50
³⁸ Sholahudin, Umar. "Legal Justice for the Poor: An Elegy of the Poor Before the Tyranny of the Law." Journal of Urban

³⁸ Sholahudin, Umar. "Legal Justice for the Poor: An Elegy of the Poor Before the Tyranny of the Law." Journal of Urban Sociology 1.1 (2018): 35-45.

³⁹ Sholahudin, Umar. "Community Law and Justice (Sociology of Law Analysis of the Legal Case of the Poor "Asyani" in Situbondo Regency)." DIMENSION-Journal of Sociology 9.1 (2016). 35-43.

⁴⁰ Fatihin, Roro. "Social Justice in the Perspective of the Qur'an and Pancasila." Panangkaran: Journal of Religion and Society Research 1.2 (2017): 293-314..

⁴¹ Carver, Lin B. "Teacher perception of barriers and benefits in K-12 technology usage." Turkish Online Journal of Educational Technology-TOJET 15.1 (2016): 110-116.

⁴² Siregar, Christian. "Pancasila, social justice and the unity of Indonesia." Humanities 5.1 (2014): 107-112.

⁴³ Kartikasari, Reyka Ayu, Nungki Maghfiroh, and Elok Eka Yuanita. "Law enforcement is not fair for the poor." Dynamics of Law & Society 3.2 (2021). 30-37

⁴⁴ Regards, Shukron. "Development of the doctrine of unlawful acts of the ruler." Journal of Legal Conscience 1.1 (2018): 33-44.

⁴⁵ Jurisson, Jak. "Toward more effective management of information technology benefits." The Journal of Strategic Information Systems 5.4 (2020): 263-274.

⁴⁶ Airlangga, Shandi Patria. "The Nature of Ruler in a Democratic Law State." Cepalo 3.1 (2019): 1-10.

⁴⁷ Jennings, M. Kent. "Thinking about social injustice." Political Psychology 12.2 (1991): 187-204

⁴⁸ Gardner, Gerald T., and Leroy C. Gould. "Public Perceptions of the Risks and Benefits of Technology 1." Risk Analysis 9.2 (1989): 225-242.

fought for because of the fact that small communities or ordinary people in getting services or to access the law are often differentiated. Whereas the state has guaranteed the opportunity to obtain justice for all levels of society as stated in the 1945 Constitution. The government as the holder of power must be able to provide good services to the people as the holder of the highest power in a democratic system. By carrying out duties with a full sense of responsibility and upholding the values of integrity and complying with standard operating procedures and applicable laws and regulations. This can change the bad view of people who do not trust law enforcement officers and change the view that equality in the eyes of the law does not exist but always sided with the authorities and those who have more money.

IV. Conclusion

Based on the results of the discussion description, it can be concluded that the emergence of the "No Viral No Justice" paradigm in obtaining access to justice in Indonesian society is due to the non-implementation of the principle of Equality Before The Law in legal treatment or services to the community. Access to justice or laws that are vulnerable to being violated, the term justice for all is not implemented. Therefore, people take advantage of technology as a source of information that can spread news quickly and its scope is wide enough for the public to see related to violations or events that occurred. Responding to this in the context of "No Viral No Justice", the government should carry out its duties with a full sense of responsibility and uphold the values of integrity and comply with standard operating procedures and applicable laws and regulations.

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