

Digital Vigilantism and Its Compatibility with Criminal Justice Principles in Indonesia

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Article Info

Article history:

Received Jun, 2025

Revised Jun, 2025

Accepted Jun, 2025

Keywords:

Criminal Justice;
Digital Vigilantism;
Due Process;
Fair Trial;
Indonesia

ABSTRACT

Digital vigilantism, the act of individuals taking justice into their own hands through online platforms, has become increasingly prevalent in Indonesia. This phenomenon often arises in response to perceived inefficiencies or corruption in the formal legal system, where individuals bypass the judicial process to punish wrongdoers. This paper analyzes the compatibility of digital vigilantism with Indonesia's criminal justice principles, focusing on key legal norms such as due process, the right to a fair trial, and the rule of law. Through a normative legal analysis, this study evaluates how digital vigilantism conflicts with these principles, particularly in the context of Indonesian law. The findings reveal that while digital vigilantism is driven by a desire for justice, it undermines fundamental rights such as the presumption of innocence and the right to a fair trial. The research highlights the need for legal reforms that address the rise of digital vigilantism while ensuring that individual rights are safeguarded and justice is delivered through formal legal channels. It concludes that although digital platforms have become a space for public discourse, they should not replace the judicial system, and legal reforms are necessary to balance the interests of justice and individual rights.

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1. INTRODUCTION

The rapid growth of digital technology and the increasing use of social media platforms have significantly transformed how individuals and communities interact, giving rise to phenomena such as digital vigilantism, where justice is pursued by individuals or groups through online platforms without formal legal involvement. In Indonesia, this trend has become particularly prominent amid the nation's ongoing digital transformation, as millions engage in online spaces. Digital

vigilantism, which includes acts of exposing, punishing, or shaming perceived wrongdoers, poses challenges for content moderation policies that must balance freedom of expression with regulation. Indonesia's ITE Law, while aimed at regulating digital content, has drawn criticism for suppressing dissent and curbing civil liberties, indicating broader concerns about press freedom in the country [1], [2]. Moreover, technological limitations hinder enforcement, as current systems rely heavily on human moderators and basic algorithms, which are inadequate for managing the sheer

volume and diversity of online content in a linguistically and culturally complex society like Indonesia [3]. Exacerbating these issues is the low level of media literacy, where many citizens struggle to critically assess online information, despite interventions by organizations such as MAFINDO [4]. Additionally, the lack of coordination between government bodies, tech platforms, and civil society has led to fragmented responses to misinformation and digital threats, underscoring the urgent need for an integrated, collaborative framework for effective content moderation [4].

In Indonesia, the emergence of digital platforms such as social media and online forums has created a space where individuals engage in acts they perceive as delivering justice, especially when the formal criminal justice system is seen as inefficient, corrupt, or unresponsive to public grievances. This has led to the rise of digital vigilantism—characterized by public shaming, doxxing, and calls for violent retribution against alleged offenders—as a form of grassroots justice-seeking behavior. The motivations for these actions are often rooted in a desire to correct perceived injustices, protect the community, and hold individuals accountable, particularly when institutional responses are viewed as inadequate. Movements like "No Viral, No Justice" demonstrate how social media is leveraged to demand justice and accountability in cases such as sexual harassment [5], while psychological motivations, including social identity and justice theories, help explain why individuals act in alignment with communal norms and ideals [6]. The impacts of such digital activism are profound: social media can shape public opinion and exert pressure on legal institutions, influencing the outcomes of criminal cases [7]. While this may enhance accountability, it also risks the spread of misinformation and the formation of echo chambers that can undermine due process [5]. Furthermore, the lack of regulatory frameworks surrounding digital vigilantism poses ethical concerns, potentially enabling abuses, discrimination, and harassment [8]. Nonetheless, efforts like the implementation

of e-court systems in Indonesia represent attempts to enhance transparency and efficiency in legal proceedings, thereby addressing systemic shortcomings that often trigger vigilantism [9].

While digital vigilantism may be perceived by some as a form of grassroots justice, it raises significant concerns regarding its compatibility with established criminal justice principles such as due process, the presumption of innocence, and the right to a fair trial—principles that are fundamental to ensuring a just and equitable legal system and are enshrined in Indonesia's legal framework, including the Constitution and various criminal justice laws. However, digital vigilantism frequently operates outside the scope of these formal legal processes, leading to potential violations of individual rights, unwarranted punishments, and risks of abuse. This paper seeks to analyze the phenomenon of digital vigilantism in Indonesia through a normative legal lens, evaluating whether such practices align with the principles of criminal justice as outlined in Indonesian law and whether they uphold the values of fairness, justice, and legal certainty. It will explore relevant legal provisions, judicial decisions, and scholarly interpretations to assess the legal risks and challenges posed by this rising phenomenon. Furthermore, the paper will offer recommendations for legal reforms aimed at addressing the problems associated with digital vigilantism while ensuring the protection of individual rights and reinforcing the effectiveness of Indonesia's formal justice system.

2. LITERATURE REVIEW

2.1 *Digital Vigilantism: Definition and Forms*

Digital vigilantism, as defined by McCulloch and Pickering, involves the use of technology—particularly social media—to confront perceived wrongdoers outside the formal justice system, characterized by spontaneous and collective actions without institutional oversight, thereby raising critical concerns about due process and

legal fairness. This phenomenon often emerges from a collective desire for justice and frustration with the inefficiencies or perceived corruption within formal legal institutions, particularly in contexts like Indonesia where digital vigilantism frequently responds to perceived criminal acts or social misconduct. The forms of digital vigilantism vary widely, encompassing activities such as doxxing, online shaming, and public “witch hunts” [8], [10], and often involve coordinated efforts including flagging, investigation, hounding, and organized denunciation [11]. Participants are typically driven by a belief that exposing wrongdoers publicly serves as a deterrent and compensates for the failures of institutional justice [6], [8], reflecting a form of self-justice [11]. From a psychological and sociological perspective, digital vigilantism is further understood through theories like social identity and justice theory, which reveal its complex motivations and implications [6], including the reproduction of discrimination and cultural violence due to the ambiguity of what constitutes acceptable digital behavior [8].

2.2 Motivations Behind Digital Vigilantism

Digital vigilantism is a complex phenomenon driven by multiple motivations, including a sense of collective responsibility, the desire to enforce social norms, and dissatisfaction with formal justice systems, all of which are amplified by the anonymity and expansive reach of digital platforms. These motivations often manifest in public denunciations and punitive actions aimed at addressing perceived wrongs, reflecting a collective effort to restore social order [11]. In countries like Indonesia, where the legal system is often viewed as inefficient or inaccessible, digital vigilantism emerges as an alternative path to justice [6]. The anonymity afforded by online platforms empowers individuals to act without fear of retribution, allowing them to engage in forms of vigilantism that they might avoid in face-to-face contexts [12]. The

practices associated with digital vigilantism include flagging, investigation, hounding, and organized denunciation—actions made possible by the visibility and self-organizing nature of the digital public sphere [11]. In the realm of cybersecurity, vigilante actors have even disrupted traditional law enforcement efforts, acting out of a perceived moral duty to combat online crime and further complicating the landscape of digital justice [13].

2.3 Digital Vigilantism and Criminal Justice Principles

Digital vigilantism in Indonesia poses serious challenges to core criminal justice principles such as due process, the presumption of innocence, and legal certainty, which are protected under the Constitution and international legal instruments. By bypassing formal legal mechanisms, digital vigilantism often leads to arbitrary and inconsistent outcomes shaped by public opinion rather than judicial oversight, thus undermining the rule of law. The Jessica Wongso case serves as a prominent example, where media influence and inadequate legal infrastructure compromised the presumption of innocence, exposing flaws in Indonesia’s justice system [14]. This phenomenon frequently manifests through public denunciation, punitive actions, and forms of online surveillance and repression that operate outside the legal framework [11]. Additionally, the ineffectiveness of existing laws, such as those in the KUHP, in deterring such actions highlights the urgent need for stronger legal sanctions and enforcement mechanisms [15]. Although judicial reforms, including Constitutional Court efforts to refine pretrial norms, have sought to strengthen due process and oversight, these measures still face significant challenges in keeping pace with the evolving landscape of digital justice and societal expectations [16].

2.4 The Role of Technology in Shaping Legal Norms

Digital technology plays a transformative role in the criminal justice system, offering enhanced access to justice, improved transparency, and greater efficiency in legal processes, while simultaneously introducing challenges such as digital vigilantism, privacy concerns, and inequality in access. Innovations like AI, big data, and digital forensics have significantly improved the efficiency of investigations and evidence analysis, enabling faster and more accurate legal proceedings [17], while digital tools have democratized legal services, making justice more accessible and inclusive [18], [19]. Moreover, technology strengthens crime prevention and cybersecurity, addressing new threats in the digital era. However, these benefits come with critical risks, including violations of privacy and data security, which demand strong regulatory safeguards [17], [18]. The rise of digital vigilantism presents a direct challenge to the authority of formal legal institutions, as individuals may take justice into their own hands, undermining due process and the rule of law [20]. Additionally, unequal access to digital infrastructure risks exacerbating disparities in justice delivery, threatening the principle of equal protection under the law [17]. Therefore, while digital integration offers substantial promise, it must be accompanied by comprehensive oversight to ensure it reinforces, rather than weakens, the integrity of the legal system.

3. RESEARCH METHODS

This study employs a normative legal research design, which is appropriate for examining legal questions and interpreting existing legal norms and principles within the framework of Indonesia's criminal justice system. Normative legal research emphasizes how laws are applied, their effectiveness, and their alignment with broader legal values such as fairness, justice, and legal certainty. The study aims to evaluate whether digital

vigilantism, as a growing socio-legal phenomenon, is compatible with the fundamental principles embedded in Indonesian law. Rather than collecting empirical data through surveys or interviews, this research relies on legal interpretation and analysis to explore the relationship between digital vigilantism and the rule of law in Indonesia.

The research will draw upon both primary and secondary legal sources. Primary sources include the 1945 Constitution of the Republic of Indonesia—particularly articles guaranteeing human rights, due process, and the right to a fair trial—the Indonesian Criminal Code (KUHP), which outlines definitions of crime and procedural safeguards, and the Law on Electronic Information and Transactions (UU ITE), including its amendments. These sources will be analyzed to understand how legal instruments govern online behavior and whether they provide adequate protections against extrajudicial acts like doxxing and online shaming. Additionally, judicial decisions concerning digital vigilantism or related online offenses will be reviewed to assess how Indonesian courts interpret these actions. Secondary sources will include academic articles, legal commentaries, government publications, and case studies from jurisdictions such as the United States, the United Kingdom, and India. These comparative materials will provide broader insights into how digital vigilantism is managed legally and institutionally in other contexts, offering valuable reference points for Indonesian legal reform.

The methodology includes doctrinal analysis, normative evaluation, comparative analysis, and thematic analysis. Doctrinal analysis will examine statutory laws, judicial rulings, and legal regulations to determine their applicability and limitations in addressing digital vigilantism. Normative evaluation will assess how the practices associated with digital vigilantism align with fundamental principles like due process, the presumption of innocence, and legal certainty. Comparative analysis will identify best practices from other countries that could

inform Indonesian policy. Thematic analysis will help categorize key issues, such as public perception versus legal protection, the effectiveness of existing laws, and recommendations for legal reform. These combined methods will provide a comprehensive understanding of digital vigilantism's legal implications and support the formulation of reform proposals to ensure justice is administered consistently, transparently, and in line with constitutional safeguards.

4. RESULTS AND DISCUSSION

4.1 *Digital Vigilantism in Indonesia*

Digital vigilantism has gained significant traction in Indonesia as a response to public dissatisfaction with the formal criminal justice system, particularly in cases involving corruption, child abuse, or moral transgressions. High-profile online campaigns and public shaming acts illustrate how digital platforms are being used by citizens to expose alleged wrongdoers without awaiting legal proceedings. These actions are often perceived as necessary by the public, especially when formal institutions are seen as corrupt, slow, or ineffective. However, while such acts may stem from a desire for justice, they raise critical concerns about privacy, due process, and the presumption of innocence, which are essential components of a fair legal system.

Despite existing laws such as the Indonesian Criminal Code (KUHP) and the Law on Electronic Information and Transactions (UU ITE), the current legal framework is not fully equipped to regulate the specific phenomenon of digital vigilantism. Provisions like Article 27(3) of the UU ITE address online defamation but are hampered by multiple interpretations and legal ambiguities [21]. The Personal Data Protection Law provides some protection against cybercrimes like doxxing, yet enforcement mechanisms and victim reparations remain limited [22]. As a result, many acts of digital vigilantism

occur without immediate legal consequences, reflecting a gap between the legal system and the evolving realities of digital justice.

Public distrust in law enforcement and the inefficiency of judicial processes further fuel digital vigilantism, with citizens taking justice into their own hands through online exposure, doxxing, and shaming [23]. While these actions may provide a sense of accountability, they also risk reproducing discrimination and cultural violence [8]. The role of law enforcement becomes crucial in this context; if the police and judicial institutions fail to act decisively and transparently, public unrest may continue to escalate, undermining the legitimacy of the rule of law and fostering a parallel system of extrajudicial digital justice.

4.2 *Compatibility with Criminal Justice Principles*

One of the central findings of this study is that digital vigilantism significantly conflicts with the principle of due process, which is enshrined in both Indonesian law and international human rights instruments. Due process ensures that individuals accused of crimes are entitled to a fair and impartial trial, with the right to present a defense and be judged based on evidence. Digital vigilantism, however, circumvents these formal judicial procedures through actions like public shaming, doxxing, and calls for extrajudicial punishment—often driven by public outrage and occurring without judicial oversight [8], [11]. As a result, the accused are denied fundamental rights such as legal representation and a fair hearing, with personal reputations and livelihoods potentially damaged based on unverified claims.

In the Indonesian context, the 1945 Constitution and the Criminal Code clearly guarantee the presumption of innocence and the right to a fair trial. Yet digital vigilantism undermines these protections by allowing social media-

driven narratives to substitute for court proceedings, especially in cases involving serious allegations like corruption or abuse [24]. Individuals subjected to digital vigilantism are often judged by public opinion rather than legal standards, with no opportunity to challenge the accusations or present exculpatory evidence. These practices not only erode the legitimacy of the criminal justice system but also breach the privacy and fundamental rights of those targeted [25].

Furthermore, Indonesia's evolving legal framework lacks clear regulations to address the extrajudicial nature of digital vigilantism, contributing to legal uncertainty and weakening the rule of law [11], [24]. Although existing laws such as the UU ITE may be used to prosecute defamation or privacy violations, they do not explicitly cover the broader issue of collective online punishment. As a result, digital platforms have become informal venues for public trials, where popular sentiment can override due process and legal principles. This regulatory gap not only allows vigilante actions to flourish unchecked but also diminishes public trust in formal legal institutions and jeopardizes the integrity of justice in Indonesia.

4.3 Need for Legal Reform

Given the findings of this study, digital vigilantism clearly presents serious challenges to the principles of criminal justice in Indonesia, particularly due process, the presumption of innocence, and legal certainty. While public frustration with the inefficiencies and perceived corruption in the formal legal system is understandable, digital vigilantism cannot serve as a legitimate substitute for the rule of law. The rise of online shaming, doxxing, and other forms of extrajudicial punishment underscores the urgent need for comprehensive legal reforms that not only regulate harmful digital behavior but also protect individual rights and maintain public trust in judicial institutions.

One crucial reform is the introduction of specific laws that explicitly address digital vigilantism, including legal definitions, prohibited actions, and penalties for individuals engaging in extrajudicial punishment online [26]. Strengthening the legal framework, particularly the UU ITE, is essential to ensure clarity and consistency in prosecuting digital offenses, while also adapting the law to evolving technological realities [27], [28]. These reforms should be accompanied by improved institutional capacity within law enforcement and the judiciary to handle complex digital crimes effectively and fairly, ensuring that digital justice does not operate outside the formal system.

In addition to regulatory improvements, public education is critical. Awareness campaigns must emphasize the importance of due process, the presumption of innocence, and the dangers of bypassing formal legal channels [29]. Educating citizens on the ethical and legal implications of digital vigilantism can help reduce its occurrence and reinforce a culture of lawfulness in the digital era. By promoting legal literacy and civic responsibility, the government can foster a more informed society that values justice through legitimate and accountable means [26].

5. CONCLUSION

In conclusion, the rise of digital vigilantism in Indonesia presents a significant challenge to the principles of criminal justice, particularly concerning due process, the right to a fair trial, and the rule of law. While digital vigilantism is often fueled by public dissatisfaction with the formal justice system, it undermines the foundational legal protections that ensure fairness and justice. By bypassing legal channels, digital vigilantism exposes individuals to punishment without a proper trial or legal defense, violating key human rights principles. This study emphasizes the urgent need for legal reforms in Indonesia that address the complexities of

digital vigilantism and its potential consequences. Clearer regulations and legal guidelines are necessary to curb extrajudicial actions while ensuring that individuals' rights to a fair trial and due process are protected. Furthermore, the government and legal authorities must work to strengthen public awareness of the importance of upholding the

rule of law, ensuring that justice is administered fairly and in accordance with legal standards. While digital platforms provide a space for public discourse, they cannot replace the formal justice system, which remains essential for maintaining legal certainty and social order.

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