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# Legal Analysis of the Phenomenon of “No Viral No Justice”: in Law Enforcement and Legal Injustice in Indonesia

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### ABSTRACT

*The phenomenon of "No Viral No Justice" in Indonesia reflects public dissatisfaction with the law enforcement system which is considered unresponsive. "No viral no justice" creates a negative stigma against law enforcement, which distinguishes between viral and non-viral law enforcement. Justice must be achieved not only because of the speed of information spread on social media but also information from the public without going through social media information. This emphasizes that victims must make their experiences viral so that their cases are revealed and law enforcement officers act more quickly in handling the viral case. Injustice in law enforcement against information spread quickly on social media is contrary to Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia that everyone has the right to receive the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law. This research method uses normative legal analysis with a qualitative approach that reviews more specific, planned and systematic objects through data. The results of this study describe the forms of law enforcement and legal injustice in Indonesia. It can be concluded that the role of the authorities is not fast in responding to cases that are not viral and are important for upholding justice from a legal perspective in Indonesia.*

*Keywords: enforcement, injustice, law.*

### ABSTRAK

Fenomena "No Viral No Justice" di Indonesia mencerminkan ketidakpuasan masyarakat terhadap sistem penegakan hukum yang dianggap tidak responsif. "No Viral No Justice" menciptakan stigma negatif terhadap penegakan hukum, yang mana membedakan antara penegakan hukum yang viral dan tidak. Keadilan harus dicapai bukan hanya karena kecepatan informasi di media sosial yang tersebar tetapi juga informasi dari masyarakat tanpa melalui informasi media sosial. Ini menitikberatkan bahwa korban harus memviralkan yang dialaminya agar kasus yang dialaminya terkuak dan para aparat hukum bertindak lebih cepat dalam menangani kasus viral tersebut. Ketidakadilan dalam penegakan hukum terhadap informasi yang tersebar secara cepat di media sosial bertentangan dengan Pasal 28D ayat (1) UUD NRI Tahun 1945 bahwa setiap orang berhak mendapatkan hak pengakuan, jaminan, perlindungan dan kepastian hukum yang adil serta perlakuan yang sama dihadapan hukum. metode penelitian ini menggunakan analisis yuridis normatif dengan pendekatan kualitatif yang mengulas objek yang lebih spesifik, terencana dan tersistematis melalui data. Hasil penelitian ini menjabarkan bentuk



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bentuk penegakan hukum dan ketidakadilan hukum di Indonesia. Dapat disimpulkan bahwa peran aparat tidak cepat dalamanggapi kasus yang tidak viral dan penting untuk menegakkan keadilan dalam perspektif hukum di Indonesia.

Kata kunci: penegakan, ketidakadilan, hukum.

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## 1. Introduction

No viral No Justice”, No viral no justice. Freedom to follow up on a case and differentiate it creates a negative stigma against law enforcement in Indonesia. Everyone has the right to speak, to express their opinions to voice the current situation. Many people speak up via the internet or social media to be heard by the authorities. APJII Number of Indonesian Internet Users Reaches 221 million People. The Indonesian Internet Service Providers Association (APJII) announced that the number of Indonesian internet users in 2024 will reach 221,563,479 people out of a total population of 278,696,200 Indonesians in 2023 (APJII).

Several social media are in great demand by the Indonesian people such as; Instagram, Twitter, Facebook, YouTube and TikTok. The development of social media is so rapid. Many actions occur without any element of social media, but the authorities are not ready or are not fast in processing these actions. The presence of social media makes the public highly eager for cases to be followed up immediately, where virality on social media is often a determining factor in getting attention and action from the authorities. In addition, the phenomenon of "No law goes viral" shows a change in the way society handles the law. The more cases are exposed on social media, the stronger public opinion can influence the legal process. This analysis must look at how social media functions as a new law enforcement arena and how this relates to existing legal, social, and cultural values in Indonesia<sup>1</sup>.

Public dissatisfaction with this shows pessimism and distrust of the authorities. Many feel that without public pressure, all actions that should be processed fairly or followed up quickly, promptly, and so are in vain or a waste of time. There are several cases that have occurred in Indonesia that have gone viral through social media, such as:

### 1. Mario Dandy's assault

The case of assault committed by Mario Dandy Satriyo (20) against Cristalino David Ozora (17) surfaced to the public after becoming a trending topic on social media Twitter. Mario assaulted David on Monday (20/2) at the Green Permata Complex, Pesanggrahan, South Jakarta which resulted in the victim being critical.

After going viral on social media, the Mario Dandy case was investigated by the police until finally Mario, Shane Lukas, and the child perpetrator AG were named. This case also received attention from public officials, especially the Indonesian Minister of Finance, Sri Mulyani through her official Instagram account.

"The Ministry of Finance condemns the action and supports consistent legal handling by the authorized agencies," wrote Sri Mulyani. Not only that, due to the viral nature of this case, Mario Dandy's father, Rafael Alun Trisambodo, resigned from his position as echelon III at the Directorate General of Taxes, Ministry of Finance. He was also questioned by the KPK and is now a suspect in alleged tax gratification in the period 2011-2023<sup>2</sup>.

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<sup>1</sup> Utami, L. (2022). Sociology of Law and Social Media: Implications for Law Enforcement in the Digital Era. *Journal of Legal Science*, 17(3), 85-100

<sup>2</sup> Merdeka, A Series of New Cases Investigated After Going Viral. "https://www.merdeka.com/peristiwa/sederet-kasus-baru-diusut-setelah-viral.html?page=6". May 9, 2023. accessed December 16, 2024.

## 2. Abuse of Aditya Hasibuan

The son of the former Head of Binops Ditnarkoba Polda North Sumatra, Aditya Hasibuan, committed abuse against a student named Ken Admiral. This case was actually reported to the Medan Police on Thursday (22/12), but was not handled further by the police.

Until finally, the case went viral on social media on Tuesday (25/4). After going viral, the case was handled by the North Sumatra Regional Police. Currently, Aditya Hasibuan and his father, AKBP Achiruddin Hasibuan, have been named suspects in this case. In fact, AKBP Achiruddin was also dishonorably discharged from the police institution<sup>3</sup>.

## 3. Abuse of the Boss's Son against a Bakery Employee

Recently went viral on social media TikTok. A 35-year-old son of a bakery boss, GSH, committed an act of violence, abuse. The act was carried out because the bakery employee (AD) asked for his monthly salary which was late in being paid. The victim was abused. The incident occurred on October 17, 2024 on Jalan Raya Penggilingan, Cakung, East Jakarta, but was only made viral by the victim in December.

That happened in the second abuse, in the first abuse GSH asked him to deliver food to his room but was refused by the victim because it was not his duty as a cashier to deliver the food. This made GSH emotional and committed acts of violence, abuse.

Joint personnel from the Directorate of General Crimes of the Jakarta Metro Police and the East Jakarta Police Criminal Investigation Unit followed up on the case, arresting the perpetrator at the Anugerah Hotel, Sukabumi on December 15, 2024.

## 2. Method

C.F.G. Sunaryati Hartono emphasized that: "In any case, research methods always seek definite starting points and expected research regulations on how a study should be conducted in order to produce reliable and valid conclusions"<sup>4</sup>. Normative legal research method is defined as "a research method on legal regulations, both from the perspective of the hierarchy of legal regulations (vertical) and the harmonious relationship of legal regulations (horizontal)"<sup>5</sup>. Data collection in normative legal research is carried out by means of literature study in the form of secondary data as basic material for research by conducting a search for regulations and other literature related. to the problem being studied or often referred to as "library legal research"<sup>6</sup>. Normative legal research is library research based on secondary data<sup>7</sup>.

## 3. Result and Discussion.

Based on article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it states that "Indonesia is a country of law", therefore Indonesia is not free from legal ties. Every action will have provisions and sanctions. According to Soerjono Soekanto, the meaning of law enforcement lies in the activity of harmonizing the relationship of values outlined in solid rules, realizing and acting as a series of final stage value descriptions which are to create, maintain and defend peaceful social interactions<sup>8</sup>.

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<sup>3</sup> ibid

<sup>4</sup> C.F.G. Sunaryati Hartono. (1994). *Legal Research in Indonesia Legal Research in Indonesia at the End of the 20th Century*. (Bandung: Alumni Publisher), p. 108.

<sup>5</sup> Peter Mahmud Marzuki, (2008). *Introduction to Legal Science*. Jakarta: Kencana. P. 23

<sup>6</sup> Soerjono Soekanto and Sri Mamudji, (2001), *Normative Legal Research: A Brief Review*, Jakarta: PT Raja Grafindo Persada, p. 13.

<sup>7</sup> Johaness Supranto, (2003). *Legal and Statistical Research Methods*. Rineka Cipta: Jakarta. 2003, p. 13

<sup>8</sup> Soerjono Soekanto. (2012). *Factors Affecting Law Enforcement*. Jakarta: Raja Grafindo Persada p. 1340

Law enforcement is supported by various factors that influence its effectiveness, According to Soerjono Soekanto, it consists of legal factors, law enforcement factors, factors of facilities and infrastructure that support law enforcement, community factors and cultural factors, namely as a result of work, creativity, and feelings based on human will in social interaction<sup>9</sup>. From the three examples of cases above, it can be stated that without going viral, without being published, law enforcement in Indonesia is not fast. The authorities only focus on the publication of internet media which quickly peaks without considering non-viral unlawful actions. There are three ways to declare an unlawful act without having to go through the internet, namely, being caught red-handed, reports and complaints. It is clearly stated in the Criminal Procedure Code that anyone who sees, hears or experiences it can complain or report it to the authorities according to the Criminal Procedure Code procedure, but many authorities ignore this without any encouragement from insiders.

The aspirations of the community through social media are so rapid that they cause significant things. The delivery of opinions, criticisms and suggestions often occurs in modern times like this. Cases that occur in their own environment or outside are often exposed through the internet network which is widely watched by the public, causing the authorities to be slow to respond to a case.

When the public actively monitors and evaluates the legal process, transparency in law enforcement becomes more important. Social media allows people to report injustice or errors to the court, which can then force law enforcement to fix them<sup>10</sup>.

In modern times, society finds it easier to evaluate, monitor events around them or outside their surroundings, which can help posts that are considered to have very little legal justice in Indonesia. There are two positions that can be seen from the positive and negative positions regarding the slogan “No Viral No Justice”:

Positive: The community is more active in analyzing the environment and also quickly viralizes an incident that is especially against the law and in the three cases above, these cases will be resolved quickly.

Negative: The authorities are not quick to enforce legal justice in Indonesia and are slow to provide legal assistance. Viral legal cases often result in unfair public opinion trials, where the information circulating tends to be incomplete and biased. This can interfere with investigations and damage the reputations of the individuals involved, both victims and defendants.

It is clear in Article 2 of Law no. 2 of 2002 concerning the police that the function of the police is to maintain public security and order, enforce the law, protect, provide protection, and serve the community, but there are still many law enforcement officers who do not carry out or carry out their functions properly, they can only see that law enforcement can be viewed with internet media, then the image of the name of law enforcement will be significantly positive and in reality it is wrong that the community sees no point in making complaints.

Family, relatives, and the surrounding environment or the environment on the internet also help in following up on an unlawful act until it is finished. Does this nation still need law enforcement, if a case can be reported because of virality?

The public trusts the authorities in handling unlawful acts, but the law enforcement destroys that trust. In this era, people will often report or make complaints via the internet and ignore the follow-up process in accordance with the Criminal Procedure Code.

The principle of equality before the law can be translated as "equality before the law or everyone has the same position before the law." This principle is basically adopted and firmly regulated in a number of laws and

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<sup>9</sup> Ibid, p. 1344

<sup>10</sup> Eko Nurisman. (2022). *Risalah Challenges of Enforcement of the Criminal Act of Sexual Violence After the Birth of Law Number 12 of 2022, Journal of Indonesian Legal Development*, 4(2): 170–96

regulations in Indonesia. Its existence can be found in Article 27 paragraph (1) of the 1945 Constitution which regulates "all citizens have the same position before the law and government and are required to uphold the law and government without exception."; Article 3 paragraph (2) of Law No. 9 of 1999 concerning Human Rights which regulates "everyone has the right to recognition, guarantee, protection, and fair legal recognition and to receive legal certainty and equal treatment before the law." The objectives of law in learning legal science are divided into two types, namely standard priority legal objectives and casuistic priority legal objectives<sup>11</sup>. The standard priority legal objectives, pioneered by Gustav Radbruch, emphasize three legal objectives that must be prioritized hierarchically:

1. Justice is the main priority in law enforcement. Justice is considered the moral foundation of law.
2. Benefit is the second priority, where the law must provide benefits to society.
3. Legal certainty is placed as the last priority, legal certainty is important to maintain stability and predictability in the legal system.

If there is a conflict between the three objectives, then justice must be prioritized above the others, namely the Priority Law of Cases. The Priority Law of Cases emerged as a response to the limitations of the standard priority teachings in dealing with the complexity of real cases. The priority of legal objectives is determined based on the specific characteristics of each case. Satjipto Rahardjo stated that "law does not work in a vacuum". This statement emphasizes that law enforcement is not only carried out by law enforcement officers but also the community participates in efforts to reform the law enforcement system. Such things must be further evaluated which ones need the officers more and which actions reverse the image of the name of the law enforcement officers and the public's trust in the law enforcement officers in Indonesia.

#### 4. Conclusion

This phenomenon shows that social media can accelerate the law enforcement process by increasing transparency and public participation. However, this also creates a risk where the image of the name of the apparatus is tarnished by not being good at carrying out or completing their duties properly in accordance with the code of ethics law which has the potential to harm the principles of justice and the presumption of innocence. Viral legal cases often result in unfair courts of public opinion, where the information circulating tends to be incomplete and biased. This can interfere with investigations and damage the reputations of the individuals involved, both victims and defendants. Law enforcement is faced with the challenge of balancing public demands for justice with the need to maintain the integrity of the legal process. Therefore, it is important for law enforcement officers to remain objective and not be influenced by public pressure. To overcome the problems caused by this phenomenon, efforts are needed to improve the digital literacy of the community so that they can better sort information and not be provoked by unverified news. There is an urgent need to reform law enforcement policies to be more responsive to the social dynamics triggered by digital media, including training for investigators on the use of information technology in investigating viral cases.

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#### 6. Conflict of Interest

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<sup>11</sup> Tami Rusli. (2017). *Introduction to Legal Science*. (Lampung: Bandar Lampung University (UBL) Press), 47–48

There are still many conflicts between figures who question how to enforce the law in several cases that occur outside of no viral no justice.

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