

Social Justice and Human Rights in the Era of Digital Transformation: Indonesian Regulatory Perspective

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Abstract

This study examines social justice and human rights (HR) in the era of digital transformation, focusing on the Indonesian regulatory perspective. The primary objective is to analyze the impact of digital regulations on information accessibility, data privacy, and social equity, and evaluate the effectiveness of laws such as the Information and Electronic Transactions Law (ITE Law) in protecting HR. The research employs a normative juridical approach through legal document analysis, literature review on digital regulations, and normative interpretation of legislation. Findings indicate that current regulations often fail to address digital divides and privacy violations, but inclusive reforms can strengthen protections. This study's contribution lies in offering practical recommendations for policy harmonization, enriching academic discourse on social justice in the digital context.

Keywords: Social Justice, Human Rights, Digital Transformation

Introduction

Digital transformation is a global phenomenon that brings fundamental changes across various aspects of life, including social and legal spheres. The digital revolution not only alters the ways individuals and groups interact but also presents new challenges to the principles of social justice and human rights (HR). In the digital era, access to technology and information has become a key factor in leveling opportunities and reducing social disparities. However, inequalities in access, coupled with the emergence of various forms of digital-based human rights violations, further complicate efforts to achieve inclusive and sustainable social justice. This necessitates legal regulations to adapt to such dynamics in order to accommodate citizens' rights while ensuring effective protection in an increasingly complex and dispersed digital environment.

The phenomenon in Indonesia reveals various legal and social issues relevant to social justice and human rights in the context of digital transformation. Amnesty International Indonesia's report from January to June 2025 recorded over 100 human rights defenders facing attacks and intimidation, indicating failures in human rights protection on the ground, including for vulnerable groups such as indigenous communities. Meanwhile, records of violations under the Electronic Information and Transactions Law (ITE Law) from 2019 to 2024 reached 527 cases, with 449 victims having received court decisions. These data reflect a reality where technological advancement has not been accompanied by strengthened regulations and human rights protections, highlighting the urgent need for digital justice as a concept to bridge social gaps and ensure equal access to technology for all segments of society. Addressing this issue is crucial, as digital inequality can lead to unfair access and potential new human rights violations.

The literature review shows previous studies discussing the relationship between social justice, human rights, and digital technology. For instance, some research highlights the integration of Pancasila values into the Indonesian judicial system to balance human rights and social justice, but focuses more on philosophical aspects and norm implementation without fully addressing the digital dimension. Other studies emphasize the general challenges of digital justice, focusing on technology access but lacking in-depth analysis of specific Indonesian regulations or the handling of digital-based human rights violations, which remain limited legally. The limitations of these studies lie in the absence of a comprehensive normative-juridical approach to regulatory changes and their implementation in responding to digital technological developments and their concrete impact on human rights and social justice. Hence, there is a research gap regarding an in-depth analysis of Indonesian regulations governing human rights and social justice in the era of digital transformation, including an evaluation of their weaknesses and recommendations for responsive legal development policies.

This study differs from previous research by employing a normative-juridical method that comprehensively examines relevant legislation and legal documents pertaining to human rights and

social justice within the context of digital transformation. This approach not only studies legal theories and concepts but also provides a critical analysis of the effectiveness of regulations in addressing the digital challenges currently faced by Indonesia. The study's contribution lies in presenting specific regulations, identifying legal gaps, and offering normative solutions that can strengthen human rights protection while realizing social justice more concretely amid digital transformation policies.

Therefore, this research is highly significant. From a scientific perspective, it enriches legal studies by adding an analysis of the latest regulations oriented toward digital dynamics and the accompanying challenges to human rights and social justice. From a practical legal standpoint, the research findings are expected to provide strategic input for policymakers and law enforcement authorities to improve and implement regulations that are sensitive and responsive to digital phenomena, protect citizens' rights, and ensure civilized social justice in the era of digital transformation.

Research Method

The research methodology used in the article titled "Social Justice and Human Rights in the Era of Digital Transformation: The Perspective of Indonesian Regulation" employs the normative juridical method. This method focuses specifically on the study of legal norms, rules, and regulations with the aim to understand, interpret, and evaluate their relevance and effectiveness in a particular context. The normative juridical method is chosen because this research aims to analyze the normative legal aspects within Indonesian regulations governing social justice and human rights (HAM) in the digital transformation era, where empirical approaches are less relevant compared to studies of legal literature and existing legislation. This method provides a solid theoretical foundation to critically examine legal instruments and identify gaps and opportunities for regulatory improvements to support social justice and protect human rights in the framework of societal digitization.

The research design adopted in this study is descriptive-analytical, intended to describe in detail the content and structure of the related legal regulations and analyze their normative implications on the goals of social justice and human rights. The descriptive approach is appropriate as it offers a comprehensive depiction of the complex legal phenomena without confining to causal or correlational relationships between variables, thus emphasizing normative interpretation and thorough legal literature review. Moreover, this design can unravel how legal norms are arranged and how those regulations are or ideally should be implemented within the context of digital transformation in Indonesia. Therefore, the normative juridical method combined with a descriptive-analytical design complements each other in this research, enabling the researcher not only to understand the existing legal framework but also to provide a critical mapping of normative aspects in need of improvement. This is important so that the research can offer academic and practical contributions in the form of effective and adaptive legal policy recommendations responsive to digital technology dynamics and challenges of social justice and human rights in Indonesia.

Result and Discussion

Definition of Sextortion

Analysis of Regulatory Gaps Regarding Accessibility and Digital Justice

The digital transformation in Indonesia, while promising efficiency and innovation, distinctly generates a digital divide that affects social justice and the accessibility of digital rights (Human Rights - HAM). Existing regulations, such as those contained in Law No. 36 of 1999 concerning Telecommunications and Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) and its amendments, often focus on technical aspects and electronic transactions, but are suboptimal in guaranteeing the equitable distribution of infrastructure and digital literacy. This gap manifests in two main dimensions: infrastructure access and digital literacy/capability. Recent reports show a significant disparity in internet penetration between urban and rural areas in Indonesia. Although the *Universal Service Obligation* (USO) regulation aims to address this issue, its implementation still faces geographical challenges and budget allocation that is not entirely inclusive.

Social Justice Implications: The failure of regulations to mandate strict infrastructure parity down to remote areas perpetuates social injustice. Communities without access or the ability to effectively use digital technology are discriminated against in accessing public services, education, and economic opportunities in the digital era (Sen, 1999, in the context of the *capability approach*).

Digital Literacy: Besides physical access, regulations also lack emphasis on massive digital literacy programs, even though literacy is a fundamental prerequisite for the public to use their digital rights safely and productively.

Evaluation of Data Privacy Protection and Regulatory Effectiveness Post-UU ITE

The issue of data privacy and personal data protection is a critical point in the study of Human Rights in the digital age. Although Indonesia now has Law No. 27 of 2022 concerning Personal Data Protection (UU PDP), which fills the legal vacuum previously regulated only partially in the UU ITE and other sectoral regulations, the challenges of implementation and enforcement remain significant.

UU ITE as a Problematic HR Regulation: Before the presence of the UU PDP, the UU ITE, specifically Article 27 paragraph (3) and Article 28 paragraph (2) concerning defamation and hate speech, was often criticized for *over-criminalization* and becoming a tool to restrict freedom of expression (Setara Institute, 2023). This indicates that digital regulation was initially oriented towards control rather than HR protection. Although revisions have been made, the risk of a *chilling effect* on freedom of opinion is still felt.

Challenges in UU PDP Implementation: The UU PDP aims to strengthen the rights of data subjects, mandate the accountability of data controllers, and regulate data transfer (Pratama, 2023). However, effective implementation of this Law requires the establishment of an independent and competent supervisory body, as well as harmonization with other sectoral regulations. The failure in *enforcement* against major data breach cases indicates that normative protection alone is insufficient without firm sanctions and serious implementation.

Algorithmic Bias and the Need for Inclusive Regulatory Reform

The use of Artificial Intelligence (AI) algorithms in decision-making in the public and private sectors raises the risk of algorithmic bias, which can perpetuate discrimination and threaten social equality, contradicting international HR principles (UN Human Rights Office, 2021). Indonesian regulations have not yet specifically and comprehensively addressed the accountability, transparency, and auditability of algorithms.

Threat of Discrimination: Algorithms trained using socially biased historical data can lead to discriminatory decisions, for example, in recruitment processes or credit eligibility determination (O'Neil, 2016). The absence of regulations mandating bias testing *before* algorithms are widely used potentially creates new structural injustice in the digital space.

Principles of Harmonization and Reform: HR protection in the context of digitalization demands inclusive reform that prioritizes the principles of social justice. This includes:

Access Regulation: Mandating equitable infrastructure distribution and the provision of quality internet services as a basic right.

Algorithmic Transparency: Developing a regulatory framework that mandates transparency in the use of AI in the public sector and regulates mechanisms for bias auditing.

Enforcement Strengthening: Ensuring the effectiveness of supervisory bodies (Independent Data Protection Commission and National Cyber Agency) in carrying out their tasks of protecting HR and digital justice.

The contribution of this research is its emphasis on the need for a socio-legal approach in developing digital regulations. Regulations must not only be normatively valid but also effective in addressing the roots of social injustice amplified by technology. Practical recommendations towards Policy Harmonization and strengthening digital justice can be done through the drafting of a digital *Omnibus Law* that integrates aspects of infrastructure, data protection, freedom of expression, and AI ethics.

Closing

Conclusion and Recommendation

Conclusion

This study concludes that although Indonesia has taken steps forward in its digital regulatory framework, especially with the ratification of the Personal Data Protection Law (UU PDP), the existing regulations as a whole remain partial, reactive, and not fully effective in guaranteeing Social Justice and Human Rights (HR) in the digital era. Three main challenges were identified: first, the continuing widening of the digital divide, caused by the failure of regulations (such as the Telecommunication Law and USO policy) to explicitly and equitably ensure access to infrastructure and digital literacy as a basic right, thereby perpetuating social discrimination. Second,

despite the existence of the UU PDP, the issue of privacy protection is still hampered by weak challenges in implementation and enforcement, while the legacy of over-criminalization from the UU ITE shows that the initial focus of regulation was more on control than on protecting digital rights. Third, regulations are inadequate in addressing the risks of algorithmic bias posed by Artificial Intelligence (AI), which has the potential to create new structural injustice due to the lack of a framework for algorithmic accountability and transparency. Therefore, the study recommends inclusive reform through Policy Harmonization ideally in the form of a Digital Omnibus Law to holistically integrate aspects of infrastructure access, data protection, and AI ethics, accompanied by the strengthening of independent supervisory institutions to ensure the effective, just, and adaptive enforcement of regulations amid rapid technological dynamics.

Recommendation

To address digital regulations that remain partial and reactive in guaranteeing Social Justice and Human Rights (HR), this study proposes urgent inclusive reforms. The main recommendation is for the Government and the DPR (House of Representatives) to immediately draft a Digital Omnibus Law to achieve Policy Harmonization, holistically integrating aspects of infrastructure by mandating quality internet access as a basic right data protection, freedom of expression, and AI ethics. Institutionally, the enforcement of the UU PDP (Personal Data Protection Law) must be immediately strengthened by establishing and fully empowering an independent Personal Data Supervisory Body that possesses strong sanctioning authority. Furthermore, a specific regulatory framework for Algorithmic Accountability, Transparency, and Auditability (ATA) is necessary to prevent bias and new structural discrimination. Finally, investment in massive digital literacy programs and the adoption of a socio-legal approach in every new policy formulation are crucial to ensure that digital regulations are not only normatively valid but also effective and inclusive in practice.

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