

Distribution of Violence Content on Social Media from The Perspective of Human Rights and The ITE Law

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Abstract

Juridical analysis of the distribution of violence content on social media platforms, with a greater focus on the perspective of human rights (HAM) and LawNumber 1 of 2024 concerning the Second Amendment to LawNumber 11 of 2008 on Information and Electronic Transactions (ITE Law). Using a qualitative normative-empirical approach, this study integrates Gustav Radbruch's theory of legal purposes, Soerjono Soekanto's theory of Lawenforcement, and the human rights theories of John Locke and Jack Donnelly. Data were obtained from in-depth interviews with officers from the Semarang Police Resort Cyber Unit and literature studies. Findings indicate that ITE Law is effective normatively but weak in implementation, with challenges such as technical limitations and low public awareness. The distribution of violence content often violates victims' human rights, creating a dilemma between freedom of expression and the protection of dignity.

Keywords: Distribution Of Violence Content, Social Media, ITE Law, Human Rights, Lawenforcement.

Introduction

In the current era of digital transformation, social media platforms such as X (formerly Twitter), Instagram, Facebook, TikTok, and WhatsApp have become primary channels for individuals to share materials directly, including materials containing elements of violence. This phenomenon often involves recordings of videos of beatings, bullying, or torture that are distributed without filtering, allowing access by the general public. A notable case is the incident of violence against a 17-year-old female teenager in North Klaten in April 2024, where the recording went viral on digital platforms and messaging groups. These incidents demonstrate how the digitalization wave can trigger violations of social and legal norms, as explained by (Koole et al., 2021), identifying cyberbullying as a form of behavioral boundary violation.

The impact of the distribution of violence content is not limited to physical aspects but also includes profound psychological effects on victims. (Vianda Ayu Anjani, 2024) highlights that online bullying and the dissemination of violence materials can cause trauma, stress, shame, fear, depression, and long-term disorders such as PTSD, chronic anxiety, and reduced self-esteem. Nevertheless, responses from Lawenforcement and social media platforms are often slow, inconsistent, or inadequate. Public awareness of prohibitions on distributing violence materials, victims' rights, and reporting mechanisms remains low, leading many victims to hesitate in reporting due to fear of not receiving protection.

In the context of criminal law theory, actions of violence that are recorded and distributed constitute a pure violation requiring criminal accountability against the main perpetrators, recorders, and distributors with malicious intent. For example, the distribution of bullying content through social media can be sanctioned based on Article 27 paragraph (3) of LawNumber 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions (ITE Law), (Wijaya et al., 2024). The right to privacy is part of human rights that must be protected, and violations of privacy in the digital world can cause revictimization or renewed trauma for victims. The state has an obligation to protect human rights, including the right to security, dignity, and protection from violence (Alexander Raja Parulian Pasaribu et al., 2024). The ruling 2661/Pid.Sus/2020/PN.Mdn also shows that distributors of pornography content through WhatsApp can be prosecuted under the Pornography Lawand ITE Law (Ali Bahardin, 2023).

Article 28G paragraph (1) of ITE Law guarantees every person's right to protection of personal self, family, honor, dignity, and property from threats of fear and the right to be free from torture. Article 28I paragraph (1) affirms that the right to be free from torture and treatment that degrades human dignity is a human right that cannot be reduced under any circumstances (non-derogable rights). ITE Law specifically prohibits the distribution of electronic information containing immorality through Article 27 paragraph (1), as well as the prohibition on distributing

information that incites hatred or hostility through Article 28 paragraph (2). However, ITE Law has limitations in protecting victims of gender-based violence, providing clear boundaries regarding the distribution of violence materials, and ensuring that platforms and state apparatus are accountable. The study (Alexander Raja Parulian Pasaribu et al., 2024) highlights that the right to privacy is part of human rights that must be protected, and violations of privacy in the digital world can cause revictimization or renewed trauma for victims. The state has an obligation to protect human rights, including the right to security, dignity, and protection from violence.

From the perspective of human rights theory, the dissemination of violence materials constitutes a serious violation of victims' fundamental rights guaranteed by the Indonesian Constitution and Law Number 39 of 1999 on Human Rights. Article 29 paragraph (1) of Law Number 39 of 1999 states that every person has the right to protection of personal self, family, honor, dignity, and property rights. Article 33 paragraph (1) affirms that every person has the right to be free from torture, punishment, or cruel, inhuman, degrading treatment of human dignity.

Aprika Hariyanti (2020) in her study on the influence of habits of accessing violence content on social media on the aggressive behavior of students at MTs Muhammadiyah Curup Timur found that exposure to violence content significantly increases aggressive behavior in adolescents, with a focus on the psychological impacts of social media users. This study differs from the current study because it does not emphasize legal aspects. I Gusti Immanuel (2024) discusses the accountability of digital platforms in addressing illegal content in Indonesia, finding that the notice and takedown mechanism is still slow and inconsistent across platforms. This study aims to identify and analyze the regulations governing the distribution of violence content on social media in Indonesia, focusing on the implementation and effectiveness of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions in controlling the spread of violence content. In addition, this article aims to examine the distribution of violence content on social media from the perspective of Human Rights (HAM), by examining how regulations and practices of such distribution affect the rights of freedom of expression and legal protection against digital violence.

Methods

This study uses a qualitative legal research approach with a normative-empirical approach. The normative-empirical approach is carried out to deeply study legal phenomena occurring in society related to the distribution of violence content on social media, as well as how the application of human rights and ITE Law to these phenomena. This approach not only examines written legal norms but also legal practices in the field. The empirical juridical or socio-juridical research method is used, where research on relevant legal provisions and what actually happens in society, with the aim of finding facts that will be used as research data, then the data is analyzed to identify problems that ultimately lead to problem-solving. Sources of data in this study consist of two types, namely primary data and secondary data. Primary data were obtained directly from field research results, namely in-depth interviews or in-depth interviews with competent informants, namely members of the Semarang Police Resort Cyber Unit, while secondary data include legislation, journals and scientific articles, previous theses and theses that are relevant. Tertiary legal materials include the Great Dictionary of Indonesian Language (KBBI) to define terms, online legal dictionaries, HAM Encyclopedia of the National Human Rights Commission, and official digital sources such as komdigi.go.id, mahkamahagung.go.id, and university repositories.

Results and Discussion

This study collected data through in-depth interviews with four members of the Semarang Police Resort Cyber Unit, consisting of two senior investigators and two technical staff directly involved in handling cases of violence content distribution on social media. Interviews were conducted in four separate sessions, each lasting between 60 to 90 minutes, with a focus on personal experiences, law enforcement challenges, and views on human rights and ITE Law. Secondary data were obtained from literature studies on legal regulations and related literature. Main findings are categorized based on the main research themes, namely regulations on violence content distribution and human rights perspective.

Informants stated that ITE Law, specifically Article 27 paragraphs (1) and (3), and Article 28 paragraph (2), are the main instruments in handling violence content distribution. One senior investigator revealed that in the last six months, the unit handled more than 50 reports of violence content distribution cases, including videos of beatings, physical threats, and hate speech that went

viral on platforms like TikTok and Instagram. However, they acknowledged that ITE Law implementation is often hindered by technical limitations, such as difficulties in tracking anonymous perpetrators and slow platform responses in removing content. "We often receive reports from victims, but the process of verifying digital evidence takes a long time because platforms are not always cooperative," said one informant.

In addition to ITE Law, Government Regulation Number 71 of 2019 on the Implementation of Systems and Electronic Transactions (PP PSTE) and Minister of Communication and Informatics Regulation Number 10 of 2021 are also applied, with a focus on platform responsibility to follow up on reports. Informants explained that the notice and takedown mechanism is often ineffective because global platforms like Facebook and X have different internal policies, making law enforcement in Indonesia inconsistent. One technical staff said, "In cases of violence content involving children, we often integrate Child Protection Law Number 35 of 2014, but coordination with platforms is still the main obstacle."

From the human rights perspective, informants acknowledged that violence content distribution often violates victims' rights to privacy, dignity, and security, as guaranteed by Law Number 39 of 1999 on Human Rights and Articles 28G and 28I of the 1945 Constitution. One investigator shared personal experience in handling a case where a gender-based violence victim experienced revictimization because the content remained circulating despite being reported. "Victims often feel renewed trauma because their videos are viewed by thousands of people, and this violates their right to be free from psychological torture," said the informant. Informants also highlighted the dilemma between freedom of expression (Article 28E of the 1945 Constitution) and human rights protection. In cases of hate speech accompanied by violence elements, ITE Law enforcement is often seen as an expression restriction, although aimed at protecting others' rights. One informant said, "We must balance between punishing perpetrators and avoiding accusations of human rights violations, especially in cases involving social or political criticism."

Discussion based on Gustav Radbruch's Theory of Legal Purposes

Gustav Radbruch emphasizes that Law must achieve three basic values: justice (*gerechtigheit*), legal certainty (*rechtssicherheit*), and utility (*zweckmäßigkeit*). Research findings show that the enforcement of ITE Law in violence content distribution often fails to achieve justice because slow responses cause victims to experience prolonged suffering. For example, in cases of viral violence content, delays in content removal by platforms violate the principle of justice, where victims do not receive quick recovery. This aligns with Radbruch, who states that law must protect human dignity as the primary priority.

From the aspect of legal certainty, ITE Law provides clear boundaries through its articles, but its implementation is inconsistent due to technical limitations and inter-agency coordination. Informants acknowledge that legal certainty is disrupted by differences in interpretation between law enforcement and platforms, which can create uncertainty for the public. Radbruch emphasizes that legal certainty is the foundation of public trust in the legal system, so this inconsistency needs to be addressed through regulatory harmonization. The value of legal utility is also evident in government efforts to create a safe digital space, but findings show that ITE Law is not yet fully useful because it does not prevent victim revictimization. Radbruch argues that law must provide happiness and social order, so revisions to ITE Law need to prioritize victim recovery mechanisms, such as restitution and psychological support, to increase its utility.

Discussion based on Soerjono Soekanto's Theory of Law Enforcement

Soerjono Soekanto identifies five factors influencing Law enforcement: law, Law enforcers, facilities and infrastructure, society, and culture. Research findings reveal that the Law factor (ITE Law and supporting regulations) is quite strong normatively, but its implementation is weak due to the Law enforcer factor, such as personnel and training limitations in the Semarang Police Resort Cyber Unit. Informants state that the unit lacks digital experts, causing case handling to be slow.

The facilities and infrastructure factor is also a constraint, with limited digital tracking technology, making it difficult to identify anonymous perpetrators. Soekanto emphasizes that all five factors must support each other; if one factor is weak, the entire law enforcement process will fail. These findings show that low public awareness (society factor) and weak legal culture (culture factor) worsen the situation, where society is reluctant to report due to stigma and lack of understanding of their rights. In the context of violence content distribution, Soekanto's theory helps explain why law enforcement is often ineffective: the interaction between these factors is not harmonious. For example, although ITE Law is clear, digitally illiterate society does not utilize it, making it difficult for Law enforcers to obtain initial data.

Discussion based on John Locke and Jack Donnelly's Human Rights Theory

John Locke views human rights as natural human rights, including the right to life, liberty, and property, which are inherent from birth and cannot be revoked by the state. Research findings show that violence content distribution violates victims' natural rights to dignity and privacy, as expressed by informants about psychological revictimization. Locke emphasizes that the state is tasked with protecting these rights, so ITE Law must be strengthened to prevent such violations, not just act after the incident.

Jack Donnelly expands Locke's view by emphasizing human rights as universal norms that cannot be reduced (non-derogable rights), although freedom of expression is an important right. Findings show conflict between freedom of expression and human rights protection, where ITE Law enforcement against violence content is often seen as an expression restriction. Donnelly suggests the principles of proportionality and necessity to balance these rights, so in cases of violence content distribution, proportional law enforcement actions (such as content removal) are necessary to protect victims' rights.

Conclusion

Regulations on the distribution of violence content on social media in Indonesia, especially through Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions (ITE Law), provide a strong normative framework for controlling the spread of violence content. ITE Law, through articles such as 27 paragraph (1), (3), and 28 paragraph (2), and supported by supporting regulations such as Government Regulation Number 71 of 2019, effectively sets legal boundaries against the distribution of materials that violate morality, incite hatred, or threaten security. However, the implementation of these regulations shows limitations in practice, especially regarding coordination with global platforms, technical tracking limitations, and slow content removal responses, which reduce its effectiveness in preventing real-time violence content spread.

In addition, the distribution of violence content on social media from the perspective of Human Rights often causes violations of victims' rights, including the right to privacy, dignity, and freedom from psychological torture, as guaranteed by Law Number 39 of 1999 on Human Rights and Articles 28G and 28I of the 1945 Constitution. Findings show that this distribution practice not only worsens victims' trauma through revictimization but also creates a dilemma between human rights protection and the right to freedom of expression, where ITE Law enforcement can be considered a legitimate expression restriction. This affirms the need for proportional balance in regulations to protect fundamental rights without sacrificing constitutionally guaranteed freedom of expression.

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