

Reconstruction of Legal Policy on the Use of Social Media as a Means of Independent Control over Abuse of Authority in Law Enforcement by the Republic of Indonesia National Police

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Abstract: *This study aims to analyze the dynamics of abuse of authority in law enforcement by the Indonesian National Police in the era of social media, examine the weaknesses in regulations on the use of social media as a means of independent control, and formulate a reconstruction of legal policies for oversight of law enforcement based on digital technology. The study uses a normative juridical method with a statutory and conceptual approach through an analysis of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police, the Human Rights Law, the Law on Public Information Disclosure, the Law on Information and Electronic Transactions, and various legal doctrines and theories related to digital accountability and cyber policing. The results of the study indicate that social media has developed into an effective digital social control instrument in exposing various forms of abuse of authority by police officers, such as criminalization, wrongful arrest, excessive force, obstruction of justice, and human rights violations. However, the national legal system still experiences regulatory weaknesses, disharmony of norms, limited internal and external oversight, and the lack of adequate legal protection for citizen reporters and digital whistleblowers. Furthermore, the use of social media also gives rise to various problems such as trial by social media, cyber mob justice, hoaxes, and violations of the presumption of innocence, which have the potential to disrupt the due process of law.*

Therefore, legal policy reconstruction is needed by strengthening cyber accountability policing, establishing a national digital complaint system, strengthening the authority of the National Police Commission (Kopolnas), protecting digital reporters, validating citizen evidence, and developing a technology-based case handling transparency system to realize a transparent, participatory, democratic, and human rights-based law enforcement system in the digital era.

Keywords: *legal reconstruction, social media, independent control, abuse of authority, police*

Introduction

The development of information and communication technology in the era of society 5.0 has fundamentally changed the pattern of relations between the state, society, and the law enforcement system in Indonesia. Social media is no longer positioned merely as a means of personal communication, but has evolved into a digital public space that allows the public to directly monitor the use of state power (Detya Wiryany, Selina Natasha, 2022), including the actions of the Indonesian National Police. This change is marked by the

increasing use of digital platforms such as TikTok, Instagram, X/Twitter, and YouTube as a medium for disseminating information, documenting legal events, and criticizing law enforcement processes deemed unprofessional or violating human rights (Meilin, 2025). From the perspective of constitutional democracy, this phenomenon is in line with the provisions of Article 28F of the 1945 Constitution of the Republic of Indonesia, which guarantees the right of every person to communicate and obtain information to develop their personal and social environment, including the right to seek, obtain, store, process, and convey information using all available channels. This right is reinforced through Law Number 39 of 1999 concerning Human Rights, specifically Article 14 paragraphs (1) and (2), which guarantees the public's right to obtain information and express opinions (Andriansyah, 2024). In this regard, social media has developed into an instrument of digital democracy, giving rise to citizen journalism and technology-based public participation as a form of social control over the exercise of state power. This situation demonstrates a paradigm shift in oversight from a conventional, vertical model to a horizontal model based on digital public participation. Consequently, the relationship between the state and society in overseeing power has undergone a significant shift toward a more open, transparent, and participatory system.

The growing use of social media as a tool of public control is closely linked to the normative possibility of abuse of authority in police law enforcement. Conceptually, abuse of authority refers to the exercise of power beyond legal limits, contrary to its intended purpose, or in an arbitrary manner that harms the public. In administrative law, the concept is related to the principle of *detournement de pouvoir* and abuse of power, while in criminal law, it can be qualified as an unlawful act that is contrary to the principle of *due process of law* (Pietersz, 2018). Various forms of abuse of authority may include criminalization, wrongful arrest, excessive use of force, violence by officers, obstruction of justice, extortion, discrimination in law enforcement, violations of the professional code of ethics, and deviations in police discretion. This possibility is normatively relevant because Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police emphasizes that the function of the police is to maintain public security and order, enforce the law, and provide protection, guidance, and service to the community. In addition, Article 18 paragraph (1) of the Police Law does provide discretionary space for police officers, but this discretion must be implemented in the public interest while still paying attention to laws and regulations and the professional code of ethics (Arif, 2021).

References to public complaints, viral incidents, digital criticism, and institutional responses in this study are not intended to constitute independent empirical findings regarding the statistical increase of police misconduct or the precise level of public trust. Rather, they are used as publicly documented contextual illustrations of the changing environment in which police accountability operates. Accordingly, the principal issue examined in this study is normative: although Indonesian law recognizes internal and external oversight, public participation, freedom of expression, and accountability in the exercise of state power, the existing legal framework does not yet comprehensively regulate how citizen-generated digital information should be submitted, verified, preserved, and institutionally assessed within formal police oversight procedures.

The widespread abuse of authority has ultimately had a serious impact on the decline in public trust in the police institution. From the perspective of legitimacy and public trust theory, the legitimacy of law enforcement institutions is largely determined by public perceptions of professionalism, transparency, accountability, and fairness in the exercise of state authority. When police officers are perceived to be enforcing the law in a discriminatory, repressive, or non-transparent manner, the social legitimacy of the police institution will erode, resulting in increased public distrust of law enforcement officers (Dewa, 2023). This phenomenon is further amplified by the development of social media, which allows the public to quickly build digital public opinion regarding legal events. The virality of cases involving police officers often gives rise to the phenomenon of trial by social media, or the court of public opinion, which positions social media as an arena for shaping the public's collective perception of the legal process. In certain contexts, digital public pressure can even influence the acceleration of case handling, the formation of special teams, and even the dismissal of police officers deemed responsible for a violation (Budiarta, 2021). It demonstrates that the emergence of social media as a means of independent oversight is actually a consequence of the weak effectiveness of formal oversight mechanisms, both internal oversight through the National Police Agency (Propam) and external oversight through the National Police Commission (Kopolnas) and other oversight institutions. Thus, social media has developed into an alternative instrument used by the public to ensure accountability in law enforcement when formal oversight mechanisms are deemed incapable of functioning optimally.

The development of social media as a means of independent oversight of law enforcement officials essentially indicates the emergence of a new form of digital technology-based public oversight. From the perspective of social control theory and the concept of digital accountability, social media functions as a public watchdog, enabling the public to conduct horizontal oversight of the use of state power in real time. Various video content, live broadcasts, visual documentation, and public posts on social media often serve as citizen evidence, uncovering legal facts previously uncovered in formal law enforcement processes (Khoiriah, 2025). The phenomena of viral justice and open-source accountability demonstrate that the public now has the collective ability to document, disseminate, and oversee legal processes through the digital space. This is essentially in line with the principle of public information disclosure as stipulated in Law Number 14 of 2008 concerning Public Information Disclosure, which affirms the public's right to obtain information from public bodies as a form of oversight of state administration (Sudirman, 2023). However, although social media has developed into an effective independent control instrument, the national legal system has not comprehensively regulated the mechanisms for its use in law enforcement oversight. Law Number 2 of 2002 concerning the Indonesian National Police has not yet accommodated the concept of public participation-based digital oversight, while regulations related to electronic information through Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law are still more oriented towards regulating the use of electronic information rather than strengthening the oversight system of law enforcement institutions (Ismail, 2023). This normative vacuum creates uncertainty regarding the validity of digital social control, legal protection for citizen reporters, and the mechanism for integrating social media into the police oversight system.

In addition to its positive function as an instrument of public oversight, the use of social media in law enforcement also presents various new and complex legal problems. The spread of hoaxes, information manipulation, media framing, doxing, and even cyber mob justice are serious risks that can disrupt the principle of due process of law and the presumption of innocence as guaranteed in Article 8 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power. In many cases, digital public opinion often develops faster than the formal legal evidence process, thus creating social pressure that can affect the independence of law enforcement officials (Yatnih, 2024). In fact, in certain situations, the virality of social media can trigger a trial by public opinion that has the potential to judge someone before a final and binding court decision is issued. In addition, the absence of clear regulations regarding citizen evidence verification standards and mechanisms for using social media content as an official oversight tool also has the potential to lead to the misuse of digital information. These conditions demonstrate that social media cannot be viewed simplistically as a mere oversight instrument, but rather must be placed within a legal framework that balances freedom of expression, human rights protection, legal certainty, and the independence of the law enforcement process (Yunita, 2023). Therefore, a regulatory design is needed that can regulate the limitations, mechanisms, validity, and accountability of social media use within the law enforcement oversight system to prevent digital anarchy or new deviations in law enforcement practices.

Based on these various issues, the urgency of reconstructing legal policy on the use of social media as a means of independent control against abuse of authority in law enforcement by the Indonesian National Police is increasingly pressing. Legal reconstruction is needed to build a modern oversight system that relies not only on internal and bureaucratic mechanisms but also integrates digital public participation as part of democratic oversight of law enforcement institutions. This legal reform should be directed at strengthening the principles of transparency, digital accountability, human rights protection, and information technology-based participatory oversight through the concept of cyber accountability policing. In this context, the state needs to establish regulations governing a national digital complaint system, legal protection for digital reporters and whistleblowers, validation of citizen evidence, integration of artificial intelligence monitoring into police oversight, transparency in case handling through a public dashboard, and strengthening the independence of the National Police Commission (Kompolnas) as an external police oversight body. These steps are crucial to ensure that social media is not merely a platform for virality and public opinion pressure, but rather develops into a legitimate, measurable, and legally certain oversight instrument within the national law enforcement system. Therefore, the reconstruction of legal policy on the use of social media as a means of independent control is not only relevant in addressing the challenges of digital transformation but also a fundamental requirement in realizing a professional, accountable, democratic police institution oriented toward protecting human rights in a modern state governed by the rule of law.

Methodology

This paper employs a normative juridical research method with a statutory approach and a conceptual approach. The normative juridical approach is used to examine legal

norms, legal principles, legal theories, and the synchronization of various laws and regulations related to the use of social media as a means of independent control against abuse of authority in law enforcement by the Indonesian National Police. The statutory approach is carried out through an analysis of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 39 of 1999 concerning Human Rights, Law Number 14 of 2008 concerning Public Information Disclosure, Law Number 48 of 2009 concerning Judicial Power, and Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law along with other regulations relevant to the supervision of law enforcement and the use of digital media. Meanwhile, a conceptual approach is used to analyze various legal concepts and doctrines such as abuse of power, digital accountability, cyber policing, social control theory, public trust, legitimacy of power, and the concept of participatory oversight in a democratic rule of law. This study employs primary legal materials in the form of relevant legislation and judicial decisions, secondary materials comprising books, scientific journals, research outputs, and expert legal opinions, as well as tertiary materials such as legal dictionaries and encyclopedias. The technique of collecting legal materials is carried out through literature studies with the method of inventory, identification, and classification of legal materials related to the research object, while the analysis of legal materials is carried out qualitatively using prescriptive-analytical methods to find legal arguments, normative gaps, regulatory disharmony, and the formulation of ideal legal policy reconstruction in the use of social media as an independent control instrument for law enforcement by the Indonesian National Police.

Result and Discussion

Dynamics of Abuse of Authority in Law Enforcement by the Indonesian National Police in the Era of Social Media

The development of digital technology and social media has brought about significant changes in the patterns of public interaction with law enforcement institutions, particularly the Indonesian National Police. In the digital era, the public is no longer merely the object of legal services but also a subject of public oversight over the exercise of police authority. Social media such as TikTok, Instagram, X/Twitter, Facebook, and YouTube have become digital public spaces that enable the public to document, disseminate, and monitor the actions of law enforcement officers directly and in real time. This phenomenon demonstrates a shift in social control patterns from conventional models to digital social control based on public participation. From the perspective of constitutional law and human rights, this situation aligns with the provisions of Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which guarantees everyone the freedom to associate, assemble, and express opinions, as well as Article 28F of the 1945 Constitution of the Republic of Indonesia, which grants everyone the right to communicate and obtain information for personal and social development. This right is reinforced through Article 14 paragraphs (1) and (2) of Law Number 39 of 1999 concerning Human Rights, which guarantees the right of every person to obtain information and express opinions according to their conscience. In this regard, social media has developed into a modern instrument of

social control, enabling the public to directly monitor the actions of police officers, particularly when there are allegations of abuse of authority in the law enforcement process. (Kadumi et al., 2024)

Abuse of authority in law enforcement by police officers is a serious problem that contradicts the principles of the rule of law and the principle of due process of law. Conceptually, abuse of power is the use of authority that exceeds legal limits, contradicts the purpose for which the authority was granted, or is carried out arbitrarily, thus harming the rights of the public. In state administrative law, this concept is related to the principles of the prohibition of *detournement de pouvoir* and *willekeur*, while in criminal law it can be categorized as an unlawful act that deviates from the authority granted by law. Abuse of authority by police officers can include criminalization, false arrests, excessive use of force, physical and psychological violence, extortion, discrimination in law enforcement, obstruction of justice, and abuse of police discretion. These actions violate Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, which stipulates that the main duties of the Indonesian National Police are to maintain public order and security, enforce the law, and provide protection, assistance, and services to the community. Furthermore, Article 4 of the Police Law also emphasizes that the Indonesian National Police aims to achieve domestic security that upholds human rights. Therefore, any police action that violates human rights, uses excessive force, or abuses authority is essentially a violation of the constitutional mandate and the principles of a democratic state based on the rule of law. (Budiarta, 2021)

In law enforcement practice, one of the most frequently controversial issues is the disproportionate and unaccountable use of police discretion. Article 18, paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police grants police officials the authority to act according to their own judgment in circumstances of extreme necessity and in the public interest. However, this provision is often used excessively without clear parameters, resulting in repressive actions that violate human rights. In many cases, the use of discretion actually becomes a legitimacy for excessive force, intimidation, criminalization, and other coercive actions against the community. In fact, the use of discretion must remain subject to the principles of legality, proportionality, necessity, and accountability as stipulated in Regulation of the Chief of the Indonesian National Police Number 1 of 2009 concerning the Use of Force in Police Actions. Furthermore, the arbitrary use of violence by police officers also violates Article 33 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, which states that everyone has the right to be free from torture, cruel, inhumane, or degrading punishment or treatment. Various reports from the National Commission on Human Rights, the Indonesian Ombudsman, and legal aid institutions indicate that complaints regarding abuse of authority by police officers continue to occur and have even increased in recent years, particularly in handling demonstrations, criminal investigations, and law enforcement against certain groups (Adnyani, 2021).

The increasing abuse of authority by police officers has ultimately led to a crisis of public trust in the Indonesian National Police (Polri). From the perspective of legitimacy and public trust theory, the legitimacy of law enforcement institutions depends heavily on

the institution's ability to exercise its authority professionally, transparently, and accountably. When the public perceives discriminatory treatment, impunity, or violence by officers in law enforcement, the social legitimacy of the police institution will decline significantly. This situation is further exacerbated by the development of social media, which allows the public to rapidly and massively disseminate allegations of police misconduct. Several national cases that have gone viral on social media demonstrate that digital public opinion pressure is often a crucial factor in reopening cases, forming investigative teams, or even encouraging ethical proceedings against police officers. This phenomenon demonstrates that social media has evolved into an instrument of social control with a significant impact on law enforcement. In this context, the public operates social media as a means to monitor the actions of officers when formal oversight mechanisms are deemed ineffective. It also reflects the weakness of internal oversight through the Propam Division and external oversight through the National Police Commission, as stipulated in Article 37 of Law Number 2 of 2002 concerning the Indonesian National Police (Falka, 2022).

The development of social media as a means of digital social control has also given rise to the phenomenon of citizen journalism and citizen evidence in the modern law enforcement system. Public documentation in the form of video recordings, live broadcasts, photos, and digital uploads often serves as a tool to uncover facts about alleged abuses of authority by police officers. In many cases, disclosures of police violence, obstruction of justice, and unprofessional conduct by officers first become public knowledge through social media before reaching the attention of official law enforcement agencies. This phenomenon demonstrates that the public has taken an active role in establishing a horizontal oversight system for the use of state power. This condition aligns with the principle of public information transparency as stipulated in Article 3 of Law Number 14 of 2008 concerning Public Information Transparency, which aims to guarantee citizens' rights to information about the public policy-making process and encourage public participation in transparent and accountable state governance. Thus, social media is essentially no longer merely a means of communication, but has evolved into an independent, technology-based control mechanism capable of influencing the accountability of law enforcement in Indonesia (Al Mustaqim, 2024).

However, the development of social media as an instrument of social control over the police also presents new and complex legal challenges. The virality of information on social media often gives rise to trials by social media, cyber mob justice, the spread of hoaxes, information manipulation, and violations of the presumption of innocence, which can undermine the independence of the law enforcement process. In some cases, digital public opinion pressure can even influence the objectivity of law enforcement officers in handling a case. The situation indicates that the use of social media in law enforcement oversight requires clear regulations to remain in line with the principles of due process of law and the protection of human rights. Article 8, paragraph (1) of Law Number 48 of 2009 concerning Judicial Power emphasizes that anyone suspected, arrested, detained, charged, or brought before a court must be presumed innocent until a final and binding court

decision is issued. Therefore, although social media has an important function as a means of independent control over the police, its use must remain within a legal framework that ensures a balance between freedom of expression, the right to information, the protection of human rights, and legal certainty. In this context, the dynamics of abuse of authority by police officers in the social media era are a crucial legal issue that requires in-depth study to find a legal reform formula capable of creating a transparent, accountable, democratic, and human rights-based law enforcement oversight system.

Regulatory Weaknesses and Problems in the Use of Social Media as a Means of Independent Oversight of Law Enforcement by the Indonesian National Police

Regulatory weaknesses in law enforcement oversight by the Indonesian National Police indicate serious problems in legal substance, institutional structure, and legal culture that have not yet been addressed in the development of digital oversight in the social media era. Normatively, Law Number 2 of 2002 concerning the Indonesian National Police regulates the functions and duties of the police in Article 13, namely maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. However, this law does not explicitly regulate a digital oversight mechanism based on public participation through social media. Provisions regarding internal oversight focus solely on institutional mechanisms through the Division of Professional and Security Affairs (Propam), while external oversight through the National Police Commission, as stipulated in Article 37 of the Police Law, remains limited in its advisory capacity and lacks executive authority. This situation weakens the effectiveness of oversight of police abuse of power. Empirically, cases of ethical violations and violence by officers often only receive serious attention after going viral on social media and generating significant public pressure. This indicates that formal oversight mechanisms are not functioning optimally, leading the public to rely more on social media as an independent control instrument than on existing official complaint channels.

Regulatory disharmony is also a fundamental problem in the use of social media as a means of independent oversight of law enforcement. To date, there has been no clear synchronization between the Police Law, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, Law Number 14 of 2008 concerning Public Information Disclosure, and internal police regulations regarding the supervision of law enforcement officers. The Electronic Information and Transactions Law primarily regulates the use of electronic information and prohibits the dissemination of certain content, but does not provide legal certainty regarding the validity of citizen evidence or digital evidence from the public in the law enforcement oversight system. In fact, in empirical practice, public documentation in the form of videos, photos, and live broadcasts on social media is often the primary tool for uncovering allegations of abuse of authority by officers. Furthermore, members of the public who post allegations of violations by officers are also vulnerable to being reported using the defamation provisions stipulated in Article 27A of the Electronic Information and Transactions Law. This situation demonstrates a normative contradiction between the public's right to convey information as guaranteed by Article 28F of the 1945 Constitution of the Republic of Indonesia and the

threat of criminalization of digital criticism through electronic regulations. As a result, the public finds itself in a dilemma between exercising its social control function and the risk of facing criminal proceedings due to its digital activities.

Another weakness is the lack of comprehensive regulations regarding the protection of digital whistleblowers and citizen reporters in the Indonesian legal system. Although Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as amended by Law Number 31 of 2014, provides protection for witnesses and reporters, these regulations do not specifically address the characteristics of digital reporting via social media. In practice, many people experience intimidation, doxing, criminal threats, and even social pressure after posting allegations of police violations on social media. Many accounts critical of the police have also been hacked, digitally tracked, or cyber-attacked after disseminating information deemed detrimental to law enforcement institutions. This situation demonstrates that the national legal system lacks adequate protection instruments for those exercising their public oversight function via social media. In fact, public participation in overseeing state administration is part of the principles of democracy and public information transparency, as affirmed in Article 3 of Law Number 14 of 2008 concerning Public Information Transparency, which aims to encourage public participation in the public policy-making process and achieve transparent and accountable state administration.

In addition to regulatory weaknesses, the use of social media as a means of independent oversight also presents serious problems for the law enforcement system. One major issue is the rise of trials by social media, or the court of public opinion, which develops before a final and binding court decision. This phenomenon often results in individuals, including police officers and civilians, being deemed guilty by the public before a proper legal process of proof is completed. This principle, however, is expressly guaranteed in Article 8 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which states that anyone suspected, arrested, detained, prosecuted, or brought before a court must be presumed innocent until a court decision declaring their guilt and obtaining final and binding legal force. In empirical practice, the virality of social media often generates significant public pressure on law enforcement officials, potentially compromising the independence of investigations and the judicial process. In some cases, netizen pressure and digital opinion have even led law enforcement officials to take action based more on public pressure than on the principle of legal objectivity. This situation demonstrates that social media can produce a dangerous form of cyber mob justice if not regulated proportionally within a clear legal framework.

Another problem is the rampant spread of hoaxes, information manipulation, media framing, and doxing in social media-based law enforcement oversight. The development of social media algorithms often accelerates the spread of sensational information without adequate verification, giving rise to disinformation within the community. In many empirical cases, certain video clips or narratives are used to shape public opinion that does not necessarily align with actual legal facts. This situation not only harms the individuals who are the objects of the news but can also disrupt the stability of the law enforcement

process. Furthermore, the practice of doxing, which involves the unauthorized dissemination of personal data of officials or certain parties, is also increasingly prevalent and has the potential to violate the right to privacy as guaranteed in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which protects a person's privacy, family, honor, dignity, and property. These issues demonstrate that the use of social media in law enforcement oversight cannot be separated from the risk of human rights violations and the misuse of digital technology. Therefore, legal regulations regarding the use of social media in law enforcement oversight must be able to balance the rights to freedom of expression, the right to information, privacy protection, and legal certainty. The weaknesses in legal substance, the weak oversight structure, and the problematic digital legal culture ultimately point to a legal gap in the Indonesian National Police's law enforcement oversight system in the digital era. Existing regulations fail to integrate social media as a legitimate and measurable instrument of public oversight, while technological developments have made social media a primary platform for opinion formation and social control over law enforcement officers. Empirically, the public now places greater trust in the power of social media virality to promote transparency and accountability among law enforcement officers than in existing formal oversight mechanisms. This situation indicates a crisis in the effectiveness of internal and external police oversight in responding to the demands of modern society for an open, transparent, and participatory law enforcement system. Therefore, regulatory reform and harmonization are needed to address the validity of citizen evidence, the protection of digital whistleblowers, the limitations on the use of social media in law enforcement oversight, and the participation-based digital oversight mechanism to achieve a balance between digital democracy, human rights protection, and legal certainty within the national law enforcement system.

Reconstruction of Legal Policy on the Use of Social Media as a Means of Independent Control Against Abuse of Authority in Law Enforcement by the Indonesian National Police

Reconstruction of legal policy on the use of social media as a means of independent control against abuse of authority in law enforcement by the Indonesian National Police must be directed toward the establishment of a legally regulated framework of cyber accountability policing. In this study, cyber accountability policing refers to a model of police accountability that integrates digital technology, citizen-generated information, institutional verification, and formal oversight procedures to improve the detection, documentation, preservation, and examination of alleged misconduct. The concept differs from ordinary digital policing because its primary objective is not the use of technology for crime prevention or law enforcement, but the accountability of police power itself. It also differs from citizen journalism because information generated by citizens does not independently determine legal responsibility, and from conventional external oversight because digital participation operates as an additional source of information within a legally structured accountability process.

The reconstruction must remain consistent with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms Indonesia as a state based on the

rule of law, as well as Article 28F of the 1945 Constitution, which guarantees the public's right to obtain and convey information through various media, including social media, as part of public participation in overseeing the exercise of state power. Therefore, social media should not be recognized as an autonomous adjudicative institution capable of determining disciplinary, administrative, or criminal liability. Its legal function should instead be formulated as a digital participatory oversight channel through which citizens may submit, disseminate, or preserve information concerning alleged misconduct.

Accordingly, viral content may serve as an initial trigger for preliminary verification, but virality must never substitute for formal investigation, evidentiary assessment, the presumption of innocence, or *due process of law*. This limitation is important because digital public opinion may develop more rapidly than formal evidentiary processes and potentially affect the independence of law enforcement institutions (Yatnih, 2024). Likewise, the use of social media in law enforcement oversight must remain within a legal framework that balances freedom of expression, human rights protection, legal certainty, and the independence of the law enforcement process (Yunita, 2023).

The next concrete step is the establishment of regulations providing legal protection for citizen reporters, digital whistleblowers, and members of the public who conduct oversight of law enforcement officers through social media. To date, individuals who post allegations of abuse of authority may face intimidation, criminal threats, cyberattacks, doxing, or allegations of defamation under electronic information regulations. Therefore, the government and legislature need to establish specific regulations concerning the protection of digital whistleblowers, integrated with Law Number 13 of 2006 concerning Witness and Victim Protection as amended by Law Number 31 of 2014. Such protection should include digital identity confidentiality, protection against intimidation and retaliation, secure reporting channels, mechanisms for redressing unlawful digital intimidation, and proportionate sanctions against those who unlawfully threaten or dox whistleblowers.

At the same time, legal protection must be limited to **good-faith reporting**. A person should be regarded as acting in good faith where the report is submitted for the purpose of reporting alleged misconduct, is based on information reasonably believed to be authentic, and does not involve deliberate fabrication, manipulation, malicious accusation, unlawful disclosure of personal data, or intentional disinformation. Accordingly, legal protection should not extend to deliberately manipulated videos, fabricated allegations, coordinated defamation, malicious doxing, or the intentional dissemination of materially false information.

Videos, photographs, live streams, screenshots, audio recordings, and other digital materials submitted by citizens should be recognized as **citizen evidence** only after undergoing preliminary verification. The verification process should examine, where technically available and relevant, the origin of the material, file integrity, metadata, indications of editing or manipulation, source traceability, and the continuity of the chain of custody from submission to institutional examination. Where the material is disputed or

materially significant, digital forensic validation should be conducted by an authorized examiner before the material is relied upon in disciplinary or criminal proceedings.

Furthermore, an anonymous and secure digital reporting mechanism needs to be established that allows members of the public to safely report allegations of abuse of authority through official state platforms without fear of pressure or retaliation. In this way, the state not only guarantees freedom of expression as stipulated in Article 28E paragraph (3) and Article 28F of the 1945 Constitution of the Republic of Indonesia, but also provides concrete legal protection for members of the public who exercise social control in a democratic state.

Legal policy reconstruction must also be directed at strengthening external police oversight institutions, particularly the National Police Commission (Kompolnas), to ensure greater independence and authority in overseeing law enforcement. Kompolnas's authority, as stipulated in Article 37 of Law Number 2 of 2002 concerning the Indonesian National Police, remains limited and focuses primarily on providing advice to the President without adequate investigative or executive authority. Consequently, external oversight of the Indonesian National Police has been ineffective and often outweighs the internal influence of the police institution. Therefore, legal reconstruction is necessary by revising the provisions regarding Kompolnas so that the institution has the authority to directly receive digital reports from the public, conduct independent investigations based on citizen evidence, summon officers suspected of committing violations, and issue binding recommendations to the police institution. Furthermore, a National Police Digital Oversight Center, under the coordination of Kompolnas, needs to be established to monitor public complaints, the virality of cases, and trends in officer violations on social media in real time. This digital oversight center should involve legal experts, digital forensics experts, academics, and civil society elements to ensure a more objective and transparent oversight process. With this strengthening, supervision of police institutions is no longer merely administrative, but has developed into participatory supervision based on technology and public accountability.

To increase transparency in law enforcement, legal policy reconstruction must also be realized through the development of a national digital complaint system and a case-handling transparency dashboard that can be accessed by the public in a limited, differentiated, and legally measurable manner. Article 3 of Law Number 14 of 2008 concerning Public Information Disclosure emphasizes that information disclosure aims to guarantee the public's right to know the public policy-making process and to promote transparent and accountable state administration. Accordingly, the dashboard should provide procedural transparency rather than operate as a public mechanism for determining guilt.

Information that may be disclosed should include the registration status of a complaint, the institution responsible for handling it, the general procedural stage, applicable response timelines, aggregate statistics, and final decisions that are legally eligible for publication. In contrast, the identities of victims, witnesses, minors, protected complainants, and individuals involved in confidential or ongoing investigations must

remain restricted. Detailed evidence, witness statements, private communications, medical information, sensitive personal data, and information capable of compromising investigative integrity should also remain confidential.

The identity of an accused police officer should not be publicly disclosed merely because a complaint has been submitted or has become viral. Disclosure should depend upon a legally defined procedural basis and must remain consistent with privacy protection and the presumption of innocence. In this manner, the transparency dashboard can strengthen accountability without creating a mechanism of *trial by social media*, stigmatization, or public interference with the independence of investigators and courts.

Legal policy reconstruction also requires integrating artificial intelligence monitoring and digital forensic systems into law enforcement officers oversight. Advances in digital technology enable the state to develop a modern accountability system capable of identifying relevant patterns and preserving information concerning alleged abuse of authority more effectively. Therefore, concrete measures may include the regulated use of body-worn cameras for police officers performing legally defined field operations, artificial intelligence-assisted CCTV analysis, and a national digital analysis mechanism capable of forensically verifying citizen evidence.

However, the use of such technology must not result in unrestricted digital surveillance. Body-worn cameras should be subject to clear rules concerning the circumstances in which recording is mandatory, permissible exceptions based on operational safety or legally protected confidentiality, secure storage, retention periods, access authorization, and tamper-evident audit logs. Any extraction, copying, transfer, or forensic examination of recorded material should be documented to preserve its integrity and chain of custody.

Artificial intelligence may assist in identifying patterns, anomalies, or potentially relevant material, but AI-generated outputs should not independently determine misconduct or legal liability. Where automated analysis involves facial recognition or other biometric processing, its use must be based on a specific legal authorization and subject to necessity, proportionality, human oversight, accuracy testing, bias assessment, and periodic independent auditing. The use of this technology must remain subject to the principles of human rights protection as stipulated in Law Number 39 of 1999 concerning Human Rights and the principles of personal data protection as stipulated in Law Number 27 of 2022 concerning Personal Data Protection. Thus, technology should function as an instrument for supporting accountability and verification rather than as an autonomous system for determining legal responsibility.

In addition to updating legal substance and institutions, the reconstruction of legal policy must also be directed at developing a digital legal culture that is democratic, participatory, and oriented toward protecting human rights. The relationship between law enforcement officials and the public is often repressive and hierarchical, so that public criticism on social media is viewed as a threat to state institutions. Yet, in a democratic state, public participation in oversight of power is part of the principle of checks and balances that must be guaranteed by law. Therefore, concrete steps must be taken to establish a national

digital legal literacy program for the public and police officers regarding the ethics of social media use, citizens' digital rights, the limits of freedom of expression, and technology-based law enforcement oversight mechanisms. Likewise, police education should be restructured by integrating curricula on cyber accountability policing, digital human rights, and digital public communication, enabling officers to develop a more adaptive understanding of digital democracy. The state should also strengthen collaboration between police institutions, universities, the media, and civil society to establish a transparent, participatory, and technology-based oversight system for law enforcement. Accordingly, the reconstruction of legal policy on social media as an instrument of independent control not only entails formal regulatory changes but also transforms legal culture toward a modern, democratic, accountable, and just law enforcement system in the digital era.

To provide a more concrete direction for legal reconstruction, the proposed framework should be translated into model legal provisions and implementing regulations. First, Law Number 2 of 2002 concerning the Indonesian National Police should be amended to recognize cyber accountability policing as a legally regulated mechanism through which citizen-generated digital information may initiate oversight and verification without replacing formal investigation, evidentiary assessment, or *due process of law*. Second, Law Number 13 of 2006 concerning Witness and Victim Protection as amended by Law Number 31 of 2014 should be supplemented with provisions specifically protecting good-faith digital whistleblowers and citizen reporters, including confidentiality of identity, protection against retaliation, secure reporting channels, and remedies for unlawful intimidation, while excluding deliberate fabrication, malicious accusations, manipulated evidence, and unlawful doxing from such protection. Third, implementing regulations should establish standards for citizen evidence, including authenticity assessment, integrity verification, metadata examination where available, documented chain of custody, and forensic validation where necessary.

Furthermore, the legal framework should strengthen Kompolnas in accordance with a clearly defined division of authority with Propam, Komnas HAM, the Ombudsman, and competent criminal justice institutions, while the National Police Digital Oversight Center should operate under rules governing institutional independence, data access, privacy protection, purpose limitation, retention periods, cybersecurity, complaint verification, audit mechanisms, and public accountability. Regulations concerning public information disclosure and digital technology should also determine the categories of case information that may be disclosed, restricted, or anonymized in order to prevent *trial by social media* and protect victims, witnesses, complainants, police personnel, investigative confidentiality, and the presumption of innocence. Finally, violations involving deliberate manipulation of citizen evidence, unlawful disclosure of protected information, retaliation against digital whistleblowers, unauthorized access to oversight data, or misuse of AI-assisted monitoring should be subject to proportionate administrative, disciplinary, or criminal sanctions in accordance with applicable law.

Conclusion

This study shows that the development of social media in the era of digital transformation has changed the pattern of oversight of law enforcement by the Indonesian National Police from a conventional surveillance system to digital social control based on public participation. Social media no longer functions merely as a means of communication, but has developed into an independent control instrument capable of exposing various forms of police abuse of authority such as criminalization, wrongful arrest, excessive force, obstruction of justice, violence by officers, discrimination in law enforcement, and deviations in police discretion that have resulted in human rights violations and decreased public trust in the Indonesian National Police institution. However, the national legal system still has various fundamental weaknesses in terms of legal substance, institutional structure, and legal culture. Law Number 2 of 2002 concerning the Indonesian National Police has not yet accommodated digital oversight based on public participation, while regulations related to electronic media and public information disclosure have not provided legal certainty regarding the validity of citizen evidence, protection of digital whistleblowers, and mechanisms for utilizing social media as an instrument for oversight of law enforcement. Furthermore, weak internal and external police oversight, regulatory disharmony, and the rise of digital problems such as hoaxes, cyber mob justice, trials by social media, and information manipulation indicate that law enforcement oversight in the digital era requires legal reform that is more adaptive, transparent, participatory, and based on human rights protection. Therefore, reconstructing legal policies on the use of social media as a means of independent oversight is an urgent need to realize a democratic, accountable law enforcement system that aligns with the principles of a modern rule of law.

Based on the findings, concrete steps are needed through regulatory reform and strengthening institutions for digital technology-based law enforcement oversight. The government and legislature need to revise Law Number 2 of 2002 concerning the Indonesian National Police to include provisions on cyber accountability policing, public participation-based digital oversight, and recognition of social media as a means of independent oversight of law enforcement officers. Moreover, there is a need for specific regulations governing the protection of citizen reporters and digital whistleblowers, the admissibility and validation of citizen-generated evidence, as well as digital oversight mechanisms that are aligned with the principles of human rights protection and legal certainty. The National Police Commission must also be strengthened by granting it more independent and effective investigative and digital oversight powers. In addition, the police institution needs to develop a national digital complaint system, a case handling transparency dashboard, the use of body-worn cameras, and artificial intelligence monitoring to increase transparency and accountability of law enforcement officers. This legal reconstruction must also be accompanied by the development of a digital legal culture through digital ethics education for officers and the public so that the use of social media in law enforcement oversight does not develop into a space for digital anarchy or trial by public opinion, but rather becomes a legitimate, measurable instrument of digital democracy oriented toward protecting human rights within the national law enforcement system.

References

- Adnyani, N. K. (2021). Kewenangan diskresi kepolisian Republik Indonesia dalam penegakan hukum pidana. *Jurnal Ilmiah Ilmu Sosial*, 135–144.
- Al Mustaqim, D. F. (2024). Peran media sosial sebagai sarana partisipasi warganet dalam mewujudkan keadilan dan akuntabilitas penegakan hukum di Indonesia. *Journal of Multidisciplinary Research and Development*, 53–66.
- Andriansyah, M. W. (2024). Hak kebebasan berpendapat di era digital dalam perspektif hak asasi manusia. *Gorontalo Law Review*, 431–443.
- Arif, M. (2021). Tugas dan fungsi kepolisian dalam perannya sebagai penegak hukum menurut Undang-Undang Nomor 2 Tahun 2002 tentang kepolisian. *Al-Adl: Jurnal Hukum*.
- Budiarta, G. I. (2021). Pelaksanaan kode etik profesi terhadap anggota Kepolisian Republik Indonesia berdasarkan Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia dalam mencegah penyalahgunaan wewenang dalam penegakan hukum di Kepolisian Resor Bulelen. *Kertha Widya*.
- Detya Wirany, Selina Natasha, dan R. K. (2022). Perkembangan Teknologi Informasi dan Komunikasi terhadap Perubahan Sistem Komunikasi Indonesia. *Jurnal Nomosleca*.
- Dewa, M. J. (2023). Penyalahgunaan wewenang pejabat kepolisian dalam penerimaan anggota Polri. *Halu Oleo Legal Research*.
- Falka, A. R. (2022). Efektifitas pelaksanaan koordinasi aparaturnya pengawasan internal pemerintah dengan penegak hukum dalam upaya pencegahan penyalahgunaan wewenang pejabat pemerintah. *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh*.
- Ismail, M. (2023). Digital Policing ; Studi Pemanfaatan Teknologi Dalam Pelaksanaan Tugas Intelijen Kepolisian untuk Mencegah Kejahatan Siber (Cybercrime). *Jurnal Ilmu Kepolisian*, 17(3), 15. <https://doi.org/10.35879/jik.v17i3.428>
- Kadumi, F. Al, Seff, N., & Hakim, A. (2024). The Reconstruction of Islamic Family Law in Indonesia : A Normative-Comparative Analysis of Gender Justice and Legal Modernity Introduction As the world ' s most populous Muslim -majority country , Indonesia offers a compelling case study for the examinat. *ASEAN Journal of Islamic Studies and Civilization (AJISC)*, 01(1), 1–19. <https://doi.org/10.62976/ajisc.v1i1.1404>
- Khoiriah, K. K. (2025). Influence of Social Media Use in The Law Enforcement Process in Indonesia: Pengaruh Penggunaan Media Sosial dalam Proses Penegakan Hukum di Indonesia. *Kanal: Jurnal Ilmu Komunikasi*.
- Meilin, M. E. (2025). Analisis Pertumbuhan Platform Bisnis Digital di Indonesia. *Jurnal Ilmiah Raflesia Akuntansi*.
- Permadi, D. N. (2025). PERAN ETIKA DALAM MENCEGAH PENYALAHGUNAAN WEWENANG DI KEPOLISIAN. *Multidisciplinary Indonesian Center Journal (MICJO)*.
- Pietersz, J. J. (2018). Prinsip Good Governance Dalam Penyalahgunaan Wewenang. *Sasi*, 167–188.
- Sudirman, L. (2023). Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia: No Viral No Justice. *Paulus Law Journal*.
- Yatnih, E. F. (2024). Pengaruh media sosial terhadap persepsi dan penegakan hukum

pidana: Dampak media sosial terhadap opini publik, proses hukum dan keadilan pidana. *Equality Before The Law*.

Yunita, F. (2023). Aspek hukum penggunaan media sosial berbasis internet. *Jurnal Notarius*.