

## **Social Media Tapping as a Violation of Privacy: An Islamic Law Enforcement Perspective in the Digital Age**

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**Abstrak:** Perkembangan media sosial telah membawa dampak signifikan terhadap privasi individu dan etika masyarakat di era digital. Selain menjadi sarana komunikasi dan penyebaran informasi positif, media sosial juga rawan disalahgunakan, salah satunya melalui praktik penyadapan. Praktik ini melanggar hak individu maupun kelompok, menimbulkan dampak sosial, psikologis, dan moral bagi korban. Penelitian ini mengkaji kerangka hukum penyadapan media sosial dari perspektif hukum positif dan hukum Islam. Di Indonesia, Undang-Undang Nomor 1 Tahun 2024 tentang Informasi dan Transaksi Elektronik (UU ITE) dan Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi (UU PDP) mengatur larangan akses dan penyebaran informasi tanpa izin, sekaligus menyediakan mekanisme pencegahan dan sanksi. Dalam perspektif hukum Islam, penyadapan tanpa izin termasuk perbuatan dzalim, melanggar prinsip privasi, kehormatan, dan keadilan sosial sesuai dengan maqasid al-syariah. Analisis menunjukkan bahwa penegakan hukum yang efektif memerlukan pendekatan ganda: hukum positif memberikan mekanisme penegakan formal dan efek jera, sedangkan hukum Islam menekankan tanggung jawab moral, kesadaran etika, dan akuntabilitas sosial dalam interaksi digital. Integrasi kedua pendekatan ini menegaskan pentingnya strategi komprehensif untuk melindungi privasi individu, menegakkan etika sosial, dan mencegah penyalahgunaan media sosial di era digital.

**Kata Kunci:** Media Sosial, Privasi, Penyadapan, Hukum Islam, Etika Digital.

*Abstract: The rapid development of social media has significantly impacted individual privacy and societal ethics in the digital era. While social media serves as a platform for communication and positive information dissemination, it is also vulnerable to misuse, notably through social media eavesdropping. This practice infringes on personal and group rights, leading to social, psychological, and moral consequences for victims. This study examines the legal framework addressing social media eavesdropping from both positive law and Islamic law perspectives. In Indonesia, Law Number 1 of 2024 on Information and Electronic Transactions (ITE Law) and Law Number 27 of 2022 on Personal Data Protection (PDP Law) regulate the prohibition of unauthorized access and distribution of personal information, providing mechanisms for prevention and sanction. From the Islamic law perspective, unauthorized eavesdropping constitutes an act of dzalim (oppression), violating the principles of privacy, honor, and social justice, in accordance with the maqasid al-shariah. The analysis highlights the dual approach required for effective regulation: the positive law ensures formal legal enforcement and deterrence, while Islamic law emphasizes moral responsibility, ethical awareness, and social accountability*

*in digital interactions. By integrating these frameworks, this study underscores the importance of comprehensive strategies to protect individual privacy, uphold societal ethics, and prevent digital abuse in the era of social media.*

**Keywords:** *Social Media, Privacy, Eavesdropping, Islamic Law, Digital Ethics.*



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## **A. INTRODUCTION**

The development of social media has brought about profound changes in human life in the digital era. Social media no longer functions solely as a means of communication, but has also become a space for information exchange, public opinion formation, promotion, education, preaching, and even propaganda for positive causes. Through social media, people can convey ideas, build social relationships, quickly obtain information, and participate in various social activities without being limited by space and time.[1] However, behind this convenience, social media also has a dark side that cannot be ignored. The digital space, which should be a place for safe interaction, is often misused by certain parties to carry out actions that harm others, one of which is the practice of tapping social media accounts. Social media tapping is a very serious form of privacy violation because it is carried out by accessing, taking, monitoring, or exploiting someone's personal information without permission.[2] Information obtained through tapping can include private messages, photos, videos, identity data, communication history, and other sensitive information. In many cases, this data is not only stored by the perpetrator but can also be disseminated, manipulated, or used to commit other acts such as blackmail, insults, defamation, fraud, and attacks on personal or institutional reputations. Therefore, wiretapping is not merely a technical act in the digital world; it is also a form of deprivation of a person's right to privacy, which can have legal, social, and psychological consequences.[3]

The impact of social media wiretapping cannot be underestimated. Victims of wiretapping can experience personal insults or insults targeted at specific groups, ethnicities, religions, organizations, and even state institutions. When someone's personal information is disclosed without permission, the victim can lose their sense of security, feel threatened, and experience mental stress, shame, anxiety, and even depression. Under certain circumstances, wiretapping can also damage the victim's social relationships with family, work, and the wider community. This demonstrates that digital crime does not always leave physical wounds, but can also cause deep and lasting emotional harm.[4] Therefore, the practice of social media wiretapping must be understood as a crime that attacks human dignity, honor, and the fundamental right to privacy.[5]

Under positive law in Indonesia, the protection of privacy and personal data has received attention through various regulations, including Law Number 1 of 2024 concerning Electronic Information and Transactions and Law Number 27 of 2022 concerning Personal Data

Protection. These two regulations serve as an important basis for providing legal protection for any individual or institution that becomes a victim of wiretapping, hacking, or misuse of personal data. Through these regulations, victims have a basis to report wiretapping to the authorities so that the perpetrator can be processed according to applicable law. Furthermore, these regulations also serve as a preventative measure to encourage the public to be more cautious in using social media and to raise awareness of the importance of maintaining personal data security. However, law enforcement against social media wiretapping practices still faces various challenges.[6] The rapid development of digital technology often outstrips the legal capacity to anticipate new forms of crime. Perpetrators of wiretapping can use various methods, ranging from hacking techniques, social engineering, the use of unauthorized third-party applications, password theft, phishing, to misuse of access to victims' devices. This situation makes wiretapping crimes increasingly difficult to detect, especially if the perpetrator uses a fake identity, an anonymous network, or hard-to-trace digital devices. Therefore, the challenge of law enforcement lies not only in legal norms but also in technical aspects, digital evidence, the capabilities of law enforcement officers, and public awareness in maintaining the security of their social media accounts.

These challenges are further complicated by the high number of internet and social media users in Indonesia. According to We Are Social data from January 2024, social media users in Indonesia reached 139 million people, or approximately 49.9% of the total population. This figure demonstrates that social media has become an essential part of Indonesian life.[7] The greater the number of social media users, the greater the potential for misuse of digital space, including the practice of wiretapping. Initially intended as a means of communication and self-expression, social media can become a space vulnerable to privacy violations if not accompanied by ethical awareness, digital security, and strict law enforcement. The practice of wiretapping on social media can also develop into a gateway for other crimes. Unlawfully obtained personal information can be used to commit fraud, blackmail, disseminate private content, defamation, provocation, and even attacks on certain institutions. This demonstrates that wiretapping does not stand alone as a form of violation but can be the beginning of a broader series of digital crimes.[8] Therefore, law enforcement against perpetrators of wiretapping needs to be carried out seriously, not only to protect individual victims, but also to maintain social order and public trust in the security of the digital space.

From an Islamic legal perspective, wiretapping social media is an act that violates the basic values of Sharia. Islam strongly emphasizes the importance of maintaining the honor, privacy, and dignity of fellow human beings. The act of finding fault, prying into private lives, or exposing another person's shame without authorization is prohibited because it can damage social relationships. Wiretapping in the digital context can be understood as a modern form of *tajassus*, namely the act of spying or seeking out another person's personal information without justification. Such acts not only harm the victim but also reflect a lack of morality and moral responsibility in the use of technology. The prohibition on *tajassus* in Islam demonstrates that privacy is not a trivial matter, but rather an essential part of human dignity that must be maintained. In social life, a person has the right to feel safe, to maintain their secrets, and to be

protected from unauthorized access to their personal affairs. When someone intercepts another person's social media, they have violated moral and legal boundaries by intruding into a private space they do not have a right to. Therefore, social media interception, from an Islamic legal perspective, is not only viewed as a technical violation but also as a form of injustice against fellow human beings.

Islamic law places the protection of human beings as a primary objective of sharia. Within the framework of maqasid al-sharia, protection of privacy can be linked to efforts to safeguard the soul, mind, honor, property, and welfare of human beings. Social media interception can threaten a person's honor by revealing shame or personal information; it can disturb peace of mind by inducing fear and psychological stress; and it can also harm property if the obtained data is used for fraud or extortion. Therefore, enforcing Islamic law against perpetrators of interception is not only morally relevant but also crucial for safeguarding the public welfare amidst the development of digital technology. Cases of social media account hacking, such as that experienced by the Kulon Progo Regency General Elections Commission (KPU), demonstrate that the threat of interception and hacking not only targets individuals but can also affect official institutions.[9] This proves that every social media user, both individuals and institutions, is vulnerable to digital crime. Therefore, preventive measures such as strengthening information security systems, using strong passwords, two-step verification, regular system updates, and improving digital literacy are crucial. However, from an Islamic legal perspective, prevention is not sufficient through merely technical approaches; it must also be accompanied by building moral awareness that accessing another person's privacy without permission is reprehensible and contrary to Islamic values.[10]

Thus, the problem of social media tapping cannot be resolved solely through a positive legal approach. An ethical and Islamic legal approach is also needed so that society is not only afraid of legal sanctions but also has an inner awareness to avoid harming others. Islamic law has preventive, educational, and corrective dimensions that can complement state law enforcement. This approach emphasizes that perpetrators of tapping must be held accountable for their actions, both before the law and morally before God and society. This awareness is crucial to foster to prevent the digital space from becoming an unethical space where human privacy can be easily violated. With the increasing use of social media and the rise of digital crime, studying the enforcement of Islamic law against perpetrators of tapping is crucial. This study not only discusses how the law sanctions perpetrators but also how Islamic values can be used to build a more humane digital ethic. Islam views technology as a tool that can bring benefits when used properly, but can also be a source of harm when used to violate the rights of others. Therefore, social media use must be limited by the values of responsibility, honesty, trustworthiness, and respect for privacy.[11] Based on this description, it can be understood that social media tapping is a serious issue that lies at the intersection of law, technology, morality, and religion. On the one hand, positive law provides a normative basis for prosecuting perpetrators of tapping. On the other hand, Islamic law provides a moral and spiritual foundation so that society understands that maintaining privacy is part of the obligation to respect fellow human beings. By combining positive law and Islamic legal principles, law enforcement against social media tapping is

expected to be more comprehensive, not only punishing perpetrators but also preventing the recurrence of similar violations. Therefore, discussions regarding the enforcement of Islamic law against perpetrators of social media tapping are relevant as an effort to protect privacy, maintain human dignity, and build a safe, civilized, and responsible digital culture.

## **B. METHOD**

This research uses a normative legal approach with Islamic legal analysis to examine the practice of wiretapping on social media and its law enforcement. The analysis is conducted through a literature review of positive legal regulations, namely Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) and Law Number 27 of 2022 concerning Personal Data Protection (PDP Law), as well as related doctrines, decisions, and legal literature.[12] The Islamic legal approach is carried out by examining sharia principles that prohibit violations of privacy, acts of injustice, and the spread of disgrace, using primary sources such as the Qur'an, Hadith, and opinions of contemporary jurists. Secondary data in the form of scientific journals, books, legal articles, and documentation of wiretapping cases on social media are used to strengthen the analysis. The analytical techniques applied are descriptive qualitative and normative comparison, with the aim of assessing the conformity and differences between positive law and Islamic legal principles, as well as developing a conceptual synthesis for effective and ethical law enforcement in the digital era.

## **C. DISCUSSION**

### **1. Social Media Tapping Practices and Their Impact on Individual Privacy.**

Social media hacking is the act of obtaining or accessing someone's personal information without permission through various methods, including hacking, account manipulation, phishing, or the use of unauthorized third parties. This act not only violates positive law but also violates moral norms and social ethics. In a social context, hacking can lead to insults targeting specific individuals or groups, whether based on ethnicity, religion, gender, or social status.[13] This social impact can trigger interpersonal conflict, create negative stigma, and reduce trust among community members. In the long term, this practice has the potential to undermine social cohesion and create instability within communities or organizations. Psychologically, victims of hacking can experience serious mental distress. The unauthorized disclosure of personal information often leads to anxiety, fear, depression, and a loss of sense of security in daily life. Unauthorized information dissemination can also pose a risk of intimidation, threats, or harassment both online and offline. This situation demonstrates that hacking is not simply a technical violation, but an act that has the potential to damage the mental health and quality of life of victims.[14]

The phenomenon of hacking in Indonesia is increasingly complex due to the high penetration of internet and social media users. According to We Are Social data as of January 2024, approximately 49.9% of Indonesia's total population, or approximately 139 million people, actively use social media. This vast number of users creates wider opportunities for wiretapping practices, whether carried out by individuals or groups with specific economic, political, or social motivations. Furthermore, rapid technological developments enable wiretapping to be carried out using increasingly sophisticated techniques, including the use

of automated software, exploits, and social engineering, making privacy violations more difficult to detect and anticipate.

The hacking of the Kulon Progo Regency General Elections Commission (KPU) social media accounts is a concrete example that wiretapping affects not only individuals but also official institutions. In this case, critical data and internal organizational information are potentially accessed by irresponsible parties, which can undermine the credibility and public trust in the institution. This case emphasizes the urgency of strengthening information security systems, implementing digital risk management policies, and regularly updating passwords and access controls. Furthermore, wiretapping practices are often associated with malicious intent such as digital identity theft, online fraud, or defamation. This emphasizes that wiretapping not only causes individual harm but also impacts the broader legal and social order. From an Islamic legal perspective, this act is classified as an act of oppression, as it violates another person's personal rights and violates the principle of honor (*hurmat*), which must be maintained. The sharia approach emphasizes that maintaining individual confidentiality and privacy is a moral and legal obligation, making any form of unauthorized wiretapping an act that demands accountability, both legally and ethically. From a positive legal perspective, the practice of wiretapping on social media is regulated by Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) and Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). The ITE Law provides the legal basis for prosecuting any party who intercepts, accesses, or disseminates electronic information without authorization, including criminal sanctions for perpetrators found guilty. Meanwhile, the PDP Law emphasizes the individual's right to protection of personal data and establishes obligations for information managers to maintain data confidentiality and security. The combination of these two regulations forms a comprehensive legal framework for protecting digital privacy, while also providing legal mechanisms for victims to obtain protection and redress.[15]

The positive function of law enforcement against wiretapping is twofold. First, repressively, the law aims to deter perpetrators from recurring similar acts. Second, preventively, this regulation serves as a guideline for the public to respect privacy rights and practice digital ethics when interacting on social media. Effective law enforcement relies not only on criminal sanctions but also on public awareness of the legal consequences and the importance of data security. Although the legal framework is in place, its implementation faces several significant challenges. First, the vast network of internet and social media users in Indonesia, which reached approximately 139 million people as of January 2024, makes comprehensive monitoring and law enforcement difficult. Second, rapid technological developments have introduced increasingly sophisticated wiretapping techniques, such as hacking, phishing, and the use of automated software, making detection and enforcement more complex.[16] Third, the low level of digital literacy in society means many individuals do not understand the risks of wiretapping and their rights regarding digital privacy.[17]

Furthermore, inter-agency coordination is crucial in eradicating wiretapping. Law enforcement cannot be effective without synergy between the police, the Ministry of Communication and Information, social media platform providers, and data protection agencies. Prompt and thorough case handling requires clear reporting procedures, professional digital investigations, and the application of digital forensic technology to

identify perpetrators and trace the wiretapping. Furthermore, public education is a crucial element of preventative strategies. Digital literacy programs and awareness campaigns regarding privacy rights can reduce the risk of wiretapping and foster a culture of digital ethics. In this way, the law serves not only as a repressive tool but also as an instrument for building collective awareness about maintaining the security of personal information.

## **2. Islamic Law Perspective on Social Media Tapping.**

In Islamic law, social media tapping is classified as an act of injustice because it clearly violates an individual's right to privacy and honor. Sharia emphasizes the principle of maintaining confidentiality (*sir*) and the prohibition of spreading the disgrace of others, both personal and group. The Qur'an emphasizes the prohibition of spying and interfering in others' private affairs, as stated in Surah Al-Hujurat [49]:12, which emphasizes the importance of maintaining honor and avoiding negative prejudice against others. The hadith of the Prophet Muhammad (peace be upon him) also emphasizes that interfering in others' private affairs is a prohibited act that results in moral and social damage. Unauthorized tapping, such as hacking social media accounts, not only violates ethical and legal principles but also carries strict moral and legal responsibilities for the perpetrator.[18] From the perspective of Islamic jurisprudence (*fiqh muamalah*), this act can be categorized as *ghashab* (the usurpation of another's rights) because the perpetrator takes an individual's information or digital rights without permission. The consequences are not only worldly sanctions but also spiritual sanctions, because it violates the principle of justice (*adl*) and harms human welfare (*maslahah*). [19] The Islamic legal approach to wiretapping emphasizes two main aspects. First, fair legal sanctions for perpetrators. These sanctions are not merely punitive but also serve as a deterrent to prevent similar acts from recurring. Sanctions can include compensation for losses incurred, *ta'zir* punishments in accordance with sharia principles, or a combination of both. Second, fostering moral awareness and digital ethics in society. Islam emphasizes social responsibility in the use of technology, including social media, so that each individual respects the privacy rights of other users. This awareness includes refraining from sharing information without permission, maintaining password and account security, and refraining from practices that could harm others. This concept aligns with the *maqasid al-shariah* (the principle of Islamic law), which emphasizes maintaining human welfare, preventing individual and societal harm, and upholding justice.[20] By integrating Islamic legal principles, wiretapping is addressed not only through legal sanctions but also through an educational approach that instills moral values, social responsibility, and digital ethics. The implementation of these principles is increasingly relevant in the digital age, where personal information is easily accessed and disseminated.[21]

Furthermore, the Islamic legal perspective encourages collective responsibility. This means that not only perpetrators must face accountability, but society also has a role in creating a culture of digital ethics. Education and digital literacy based on Islamic values can foster collective awareness of the importance of maintaining privacy rights, thereby minimizing the potential for misuse of social media. Enforcing Islamic law against social media tapping emphasizes a combination of legal sanctions, moral accountability, and digital ethics education. From a legal perspective, sharia principles such as *qisas* (equitable retribution)

and diy (compensation) can be adapted to the context of digital harm, for example, if the perpetrator of tapping causes psychological harm, defamation, or loss of personal data. This punishment is not only preventive but also ensures justice for victims and emphasizes that privacy violations are unjust acts prohibited by sharia.[22]

In addition to enforcing sanctions, digital moral and ethical education is an essential part of Islamic legal strategies. Public awareness of privacy rights must be instilled from an early age, including an understanding that every individual has the right to dignity and confidentiality of personal information. Digital ethical guidelines can include sharia principles such as prohibiting the spreading of another person's disgrace, respecting privacy boundaries, and refraining from actions that harm others. With consistent moral education, the practice of wiretapping can be suppressed from its social roots, not simply through post-incident punishment. From a technical preventive perspective, Islamic law enforcement strategies also encourage proactive protection of information systems. These measures include strengthening account security, regularly updating passwords, using dual authentication, and implementing strict information management to prevent unauthorized access. This preventive approach aligns with sharia principles, which emphasize the prevention of harm (*dar' al-mafasid*) as part of safeguarding the well-being of individuals and society.[23]

Furthermore, the integration of positive law and Islamic law is crucial in addressing the complexity of digital crime. Positive law provides a formal legal framework for reporting and prosecution, while Islamic law provides a moral, ethical, and social foundation that emphasizes individual dignity and privacy rights. This holistic approach allows for the development of a law enforcement model that emphasizes not only sanctions but also the moral rehabilitation of perpetrators and public education on the importance of digital ethics. In practice, this strategy can be implemented through collaboration between legal institutions, educational institutions, and social media platform providers. For example, education on privacy rights, digital ethics training, and the dissemination of sharia principles can be part of a digital literacy program. Thus, the enforcement of Islamic law against social media tapping is not only repressive but also preventive, educational, and restorative, thereby creating a safe, ethical, and just digital ecosystem.

#### **D. CONCLUSION**

Social media tapping is an act that seriously impacts the privacy, honor, and psychological well-being of individuals and groups. The resulting social and psychological impacts demonstrate that this practice is not merely a technical violation but also an act that undermines the social order and morals of society. The high penetration of social media users in Indonesia, coupled with rapid technological development, increases the risk of tapping and poses significant challenges for law enforcement. Legally, Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) and Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) provide a comprehensive legal framework for prosecuting perpetrators and protecting individual privacy rights. This law enforcement serves a dual function: as a repressive instrument to provide a deterrent effect and as a preventative guideline for the public to respect digital privacy. However, its effectiveness still faces obstacles, including the vastness of user networks, sophisticated tapping techniques, and limited digital

literacy. From an Islamic legal perspective, tapping is categorized as an act of injustice because it violates the right to privacy and individual honor. Sharia emphasizes the importance of maintaining confidentiality, preventing the spread of disgrace, and upholding justice and the welfare of humanity (maqasid al-syariah). The Islamic legal approach emphasizes fair legal sanctions for perpetrators, while also fostering moral awareness, digital ethics, and social responsibility within the community. Education and digital literacy based on Islamic values can foster a culture of digital ethics, thereby more effectively preventing wiretapping practices.

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