



## Reconstructing the Concept of Digital-Based Accountability for International Corporations for Unlawful Acts to Achieve Justice from an Indonesian Perspective within the Context of National Legal System Reform

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### Abstract

*This research focuses on reconstructing the concept of digital-based accountability for international corporations regarding unlawful acts to achieve justice in Indonesia, particularly within the context of national legal system reform. The rapid development of digital technology has introduced new challenges to Indonesia's legal system, especially concerning activities of international social media corporations often involving legal violations such as misuse of personal data, illegal content, and privacy breaches. This research adopts a constructivist approach, emphasizing that law is a social construct that must continuously adapt to societal dynamics, including technological advances. The analysis includes a review of relevant national and international regulations and identifies existing legal gaps. The findings reveal the need for updated national regulations that can encompass digital-based international corporations and highlight the importance of enhancing the capacity of law enforcement to understand digital issues. Furthermore, this research recommends international cooperation, increased public digital literacy, and the adoption of business and human rights principles as strategic steps to ensure accountability of international digital corporations in delivering justice for the Indonesian public.*

**Keywords:** Corporate Accountability, Digital Law, Unlawful Acts, Justice, Legal System Reform, Legal System Reform, Indonesia

### A. Introduction

The development of digital technology has brought significant changes across various sectors, including business and social interaction. Social media, as one of the primary forms of digital-based companies, has transformed how people communicate, interact, and conduct business on a global scale. Major companies in the social media sector, such as Facebook, Instagram, Twitter, and TikTok, now operate across national borders, connecting billions of people around the world. However, behind the benefits offered by these platforms, various challenges have emerged in the context of legal accountability, particularly regarding violations of privacy rights, the spread of false information, and the potential misuse of personal data<sup>1</sup>.

Indonesia, as one of the largest markets for social media platforms, also faces the same challenges. Social media users in Indonesia experience various forms of legal violations, such as the misuse of personal data, cyberbullying, the spread of hoaxes, and content that incites violence and intolerance. However, the responsibilities of international social media companies operating in Indonesia are often unclear. The existing national legal system is not yet fully prepared to hold these companies accountable when legal violations occur that impact Indonesian society<sup>2</sup>.

In international law, the liability of social media companies for violations that occur on their platforms remains a complex issue. The cross-border nature of social media companies operations

<sup>1</sup> Peter Muchlinski, *Multinational Enterprises and the Law*, 2nd ed. (Oxford: Oxford University Press, 2007), 128.

<sup>2</sup> Matthias Herdegen, *Principles of International Economic Law* (Oxford: Oxford University Press, 2016), 311-315.



creates jurisdictional problems, where it is often difficult to determine who should be held legally responsible for illegal content or activities occurring on those platforms. Additionally, many social media companies are based in countries with looser regulations, exploiting legal loopholes to evade responsibility. This creates significant challenges for countries like Indonesia in protecting its citizens from the negative impacts of activities on social media<sup>3</sup>.

Although Indonesia has enacted several relevant regulations, such as Law No. 11 of 2008 on Electronic Information and Transactions (commonly referred to as the ITE Law, as amended by Law No. 19 of 2016), these laws still have limitations in dealing with cases involving international social media companies. For instance, Article 27 to Article 29 of the ITE Law regulates prohibited actions, including defamation, hate speech, and distribution of false information, while Article 40 emphasizes the government's authority to restrict access to electronic systems that violate the law. However, these provisions often face enforcement challenges when applied to social media platforms headquartered outside Indonesia. One of the primary obstacles is the jurisdictional aspect; when violations occur in Indonesia, law enforcement agencies frequently struggle to hold foreign-based companies accountable. This issue highlights the need for Indonesia to strengthen bilateral and multilateral agreements to ensure effective law enforcement across borders, as well as to consider updating domestic regulations to impose clearer obligations on international platforms operating in Indonesia. One of the main problems is the jurisdictional aspect; when violations occur in Indonesia, it is often difficult for law enforcement to prosecute companies based abroad<sup>4</sup>.

For example, the data breach case involving social media platforms like Facebook, which affected millions of Indonesian users, illustrates the weak legal protection for users in Indonesia. Although there are regulations regarding personal data protection, such as Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions (PSTE), these regulations have not been able to effectively hold international companies accountable. As a result, victims in Indonesia often do not receive justice, while social media companies continue to operate without clear responsibility<sup>5</sup>.

At the international level, there are efforts to regulate and establish the responsibility of social media companies for legal violations that occur on their platforms. One of the main instruments is the United Nations Guiding Principles on Business and Human Rights (UNGPs), which emphasize that companies must respect human rights in all their operations, including social media. In this context,

<sup>3</sup> Steven R. Ratner, "Corporations and Human Rights: A Theory of Legal Responsibility," *The Yale Law Journal* 111, no. 3 (2001): 461-470.

<sup>4</sup> John Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: W.W. Norton & Company, 2013), 95-97.

<sup>5</sup> Andreas Georg Scherer and Guido Palazzo, "Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective," *Academy of Management Review* 32, no. 4 (2007): 1096-1120.



social media companies are expected to take steps to prevent and address abuses of their platforms, such as the spread of hate speech, privacy violations, and digital violence<sup>6</sup>.

However, the implementation of these principles still faces many challenges, particularly regarding jurisdiction and law enforcement. Social media operates in a global realm that often lies beyond the reach of national regulations. While some developed countries have begun to take steps to tighten regulations on social media companies, developing countries like Indonesia continue to face challenges in adapting these regulations into their domestic legal systems<sup>7</sup>.

Reforming the national legal system is crucial to address the rapid developments in digital technology, particularly concerning the accountability of social media companies. For example, stricter regulations could require companies like Facebook or Twitter to take responsibility for moderating user-generated content, such as hate speech or misinformation. Furthermore, Indonesia could mandate these platforms to establish local offices and comply with national data protection laws to better safeguard user privacy. Enhancing international collaboration in law enforcement, including agreements with other nations to tackle cybercrimes involving social media, would also improve accountability and legal clarity. This reform should include stricter regulations regarding personal data protection, the responsibility of platforms for user-generated content, and more effective law enforcement mechanisms to handle cross-jurisdictional cases. Additionally, it is important for Indonesia to strengthen international cooperation in law enforcement related to social media companies<sup>8</sup>.

In this context, this research aims to reconstruct the concept of accountability for international digital-based companies, particularly social media, regarding unlawful acts. The focus of this study is on efforts to achieve justice within Indonesia's national legal system, taking into account the context of globalization and the digital era. With the implementation of a more adaptive and responsive legal system reform, it is hoped that social media companies can be held legally accountable for any violations occurring on their platforms, both at the national and international levels<sup>9</sup>.

Based on the previous background, the researcher is interested in conducting a study entitled: Reconstruction of the Concept of Digital-Based International Corporate Responsibility for Unlawful Acts to Achieve Justice from an Indonesian Perspective in the Context of National Legal System Reform. This research is based on the importance of developing legal accountability concepts for international companies operating on digital platforms, especially when unlawful acts occur that harm individuals or community groups. In an increasingly advanced digital era, international companies

<sup>6</sup> *United Nations Guiding Principles on Business and Human Rights*, United Nations, 2011.

<sup>7</sup> Peter Muchlinski, *Multinational Enterprises and the Law*, 130-135.

<sup>8</sup> Steven R. Ratner, "Corporations and Human Rights: A Theory of Legal Responsibility," 471-472.

<sup>9</sup> Matthias Herdegen, *Principles of International Economic Law*, 318-320.



operating through social media and other digital platforms often do not fully fulfill their legal responsibilities for the impacts of user actions on their platforms, such as the dissemination of false information, privacy violations, or acts of cyberbullying.

The researcher sees that as part of the reform of the national legal system, there is a need to reconstruct the concept of legal accountability to align with the principles of justice. This effort is crucial given that digital-based international companies have significant power to influence the legal, social, and cultural order in Indonesia, yet often evade legal responsibility for the violations that occur. Therefore, the necessity for a national legal system that is more adaptive and responsive to the developments in digital technology is an imperative that must be realized.

This research focuses on two main aspects. First, why do digital-based international companies not fulfill their legal responsibilities individually in the use of digital platforms? Second, how can the concept of accountability for digital-based international companies be reconstructed in relation to unlawful acts to achieve justice from an Indonesian perspective, particularly in the context of national legal system reform?

Based on this background, this research will concentrate on the following two problem formulations:

1. Why do digital-based international companies not fulfill their individual legal responsibilities in the use of digital platforms?
2. How can the concept of accountability for digital-based international companies be reconstructed concerning unlawful acts to achieve justice from an Indonesian perspective in the context of national legal system reform when unlawful acts occur?

Through this research, the researcher hopes to find comprehensive solutions regarding legal regulations for international digital companies. Additionally, this study will encourage efforts to harmonize the Indonesian national legal system with international practices, ensuring that justice remains a fundamental pillar in law enforcement in an increasingly complex digital era.

## **B. Research Method**

Based on the issues discussed in the research titled "Reconstruction of the Concept of Digital-Based International Corporate Responsibility for Unlawful Acts to Achieve Justice from an Indonesian Perspective in the Context of National Legal System Reform," the author has chosen to use a normative legal research method. The normative legal research method, or library research method, is utilized in legal studies conducted by examining existing literature. The method employed by the author is a doctrinal approach, which is a normative approach or using normative methods. This choice is due to the issues

raised by the author falling within the normative and sociological concepts of law; that is, the object of study is positive law<sup>10</sup>.

In this research, the author aims to understand and gain clarity regarding the responsibilities of digital-based international corporations related to unlawful acts and their implications for justice within the framework of Indonesian law. This analysis will emphasize how these concepts can contribute to the reform of the national legal system. To achieve this objective, the research will analyze secondary data obtained from various literatures using legal approaches and conceptual approaches relevant to the implementation of corporate accountability in the digital context. This method will facilitate a comprehensive understanding of the normative framework governing digital corporations and their responsibilities towards the rule of law in Indonesia.<sup>11</sup>

### C. Results and Discussion

#### **Digital-Based International Corporations and Non-Compliance with Individual Legal Responsibility in the Use of Digital Platforms**

In the current digital era, digital-based international corporations have become a main pillar in social, economic, and political interactions. In addressing the issue of why digital-based international companies fail to fulfill their individual legal responsibilities, it is essential to examine the factors that contribute to this gap and propose solutions that balance corporate and user accountability. Digital platforms, such as social media, e-commerce, and content-sharing services, not only change how individuals interact but also create new challenges related to legal responsibility. In this context, many companies do not fulfill individual legal responsibilities by exploiting legal loopholes and drafting terms and conditions that exempt them from liability for user behavior. His strategy allows companies to limit their liability and avoid legal consequences, even in cases where their platforms facilitate the dissemination of harmful or illegal content. This raises various serious issues concerning user justice and security.

The development of digital technology, particularly through social media platforms, has brought significant changes to social, economic, and legal aspects both in Indonesia and globally. Strengthening Indonesia's legal framework is essential. The government must expedite the enactment of comprehensive personal data protection laws to address the misuse of user data and ensure accountability for digital companies operating in the country. Regulatory bodies should also mandate that companies adopt transparent measures to moderate harmful content effectively, particularly in cases of misinformation, privacy violations, and online harassment. However, this rapid advancement has also presented various

<sup>10</sup> Peter Muchlinski, *Multinational Enterprises and the Law*, 2nd ed. (Oxford: Oxford University Press, 2007), 128; Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 78.

<sup>11</sup> Creswell, J.W., *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Sage Publications, 2013); Mertens, D.M., *Research and Evaluation in Education and Psychology: Integrating Diversity with Quantitative, Qualitative, and Mixed Methods* (Sage Publications, 2014).





legal challenges, especially concerning the accountability of international digital companies for legal violations occurring on their platforms. In Indonesia, the primary challenges include unclear jurisdiction and limited regulations in holding these companies accountable for violations such as personal data misuse, the spread of hoaxes, and cyberbullying. Consequently, the need to update the national legal system becomes increasingly urgent to address issues arising from the global operations of digital companies. International instruments such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) can serve as valuable guidelines, but their implementation in Indonesia must be supported by a strong and relevant legal framework. Without adopting more adaptive and effective concepts of legal accountability, achieving justice for the Indonesian people will remain a significant challenge.

First of all, it is important to understand that many digital-based international companies, such as Facebook, Twitter, and Google, tend to shift legal responsibility for content uploaded by users. This approach not only disadvantages users but also highlights the urgent need for regulatory reforms that ensure companies cannot fully evade their legal responsibilities. In the terms and conditions of use, it is often stated that the company is not responsible for content posted by users<sup>12</sup>. For example, in Facebook's terms of service, the company states that it is not responsible for the actions or content generated by users, shifting the entire burden of responsibility to the individual<sup>13</sup>. This approach allows companies to avoid legal consequences even if their platform is used to spread false information, hate speech, or other illegal behavior.

This situation creates uncertainty for users, as they lack assurance that actions taken on the platform will receive legal protection or support from the company. This is particularly concerning regarding privacy and data security issues. For example, many users are unaware that when they share personal data on the platform, they may be at risk of misuse without any accountability mechanisms in place for the company that facilitates the platform.<sup>14</sup>

Second, the global nature of these digital companies leads to significant differences in legal protection across jurisdictions. Regulatory disparities allow companies to exploit weaker jurisdictions. For instance, in countries with limited regulatory oversight like Indonesia, users are often left vulnerable to data breaches and other abuses. Many companies operate in countries with strict data protection regulations, yet they also have markets in countries lacking similar protections.<sup>15</sup> In many cases, these companies can adjust their policies according to local regulations to minimize legal risks, often resulting in inadequate protection for users. To address this, Indonesia must adopt international frameworks such as the UN Guiding Principles on Business and Human Rights (UNGPs) and integrate them into its

<sup>12</sup> Andrew Crane dan Dirk Matten, *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization* (Oxford: Oxford University Press, 2016), 203.

<sup>13</sup> "Ketentuan Layanan Facebook," Facebook, diakses 1 November 2024, [facebook.com/legal/terms](https://www.facebook.com/legal/terms).

<sup>14</sup> Lawrence Lessig, *Code and Other Laws of Cyberspace* (New York: Basic Books, 1999), 125.

<sup>15</sup> Matthias Herdegen, *Principles of International Economic Law* (Oxford: Oxford University Press, 2016), 318-320.



national legislation, ensuring that corporate practices meet global standards of accountability. While companies must ensure platform safety and comply with local and international regulations, users must also be equipped with digital literacy to navigate online risks and understand their rights and responsibilities when using digital platforms. Collaborative efforts between governments, companies, and civil society are crucial to building a sustainable and just digital ecosystem. This creates a situation where users in countries with stricter protections have far better rights compared to users in other countries.

For example, the European Union has stringent regulations regarding personal data protection, such as the General Data Protection Regulation (GDPR), which grants users the right to know how their data is used and to request data deletion. However, companies like Google and Facebook can operate in countries with weaker regulations, where they are not required to adhere to the same standards<sup>16</sup>. This situation often results in users in those countries losing their fundamental rights regarding data protection and legal accountability. Furthermore, these companies frequently exploit complex legal structures to limit their liability. By using subsidiaries in various countries, digital companies can establish policies and practices that allow them to evade responsibility for actions that might be illegal in certain jurisdictions.

This strategic setup enables these companies to distribute their operations and risks in a way that minimizes legal repercussions, often at the expense of users' rights. Consequently, affected users in countries with limited regulatory frameworks may face difficulties in seeking justice or holding these companies accountable for data misuse or other harms<sup>17</sup>. For example, in cases involving data breaches, companies often shift liability to subsidiaries registered in countries with more lenient laws, thereby protecting the parent company from severe legal consequences. This practice creates a situation where individual users feel trapped, as they lack a clear channel to seek redress or defend their rights. It also leads to social injustice, where the most vulnerable are frequently the victims of irresponsible business practices. In many instances, users not only face legal risks but also lose access to essential services needed to participate in the digital society.

A striking example of the lack of individual legal accountability in the digital platform context is the spread of false information. Many digital companies, even though they possess the capability to moderate content, often act reactively, only taking measures after public pressure or legal intervention. This approach leaves a gap in protection and places the burden on users to navigate risks related to misinformation, privacy violations, or other online harms. In this environment, companies evade proactive responsibility, highlighting the need for stronger regulatory frameworks that ensure accountability and justice in the digital era<sup>18</sup>. For example, following widespread criticism of Facebook's role in spreading

<sup>16</sup> General Data Protection Regulation (GDPR), Uni Eropa, diakses 1 November 2024, [europa.eu/legislation\\_summaries/data\\_protection/114012\\_en.htm](https://europa.eu/legislation_summaries/data_protection/114012_en.htm).

<sup>17</sup> Peter Muchlinski, *Multinational Enterprises and the Law*, 2nd ed. (Oxford: Oxford University Press, 2007), 128.

<sup>18</sup> John Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: W.W. Norton & Company, 2013), 95-97.



false information during the 2016 U.S. presidential election, the company eventually implemented some measures to moderate content. However, many users still feel that these actions are insufficient and often inadequate to prevent the spread of harmful information in the future. Meanwhile, in countries with weaker regulations, users may lack mechanisms to report harmful or illegal content, and companies may have little incentive to act promptly or effectively. This indicates that digital companies frequently not only fail to fulfill their legal responsibilities but also create an environment where users can act without consequence.

Overall, international digital companies face significant challenges in implementing individual legal accountability on their platforms. Ambiguity in legal terms, varying protections across jurisdictions, and legal practices that favor corporations create gaps where individuals can act without risk. Additionally, the lack of effective accountability mechanisms can lead to serious social impacts, where communities lose trust in the digital platforms they use. Therefore, it is crucial for companies to adopt a more responsible and transparent approach in managing platform interactions and for policymakers to establish stronger legal frameworks to protect users.

### **Reconstruction of the Concept of Accountability for Digital-Based International Corporations in Relation to Unlawful Acts**

Digital-based international corporations are increasingly becoming key players in the global economy, leveraging information and communication technology to offer products and services. This significant presence raises the question of how these companies fulfill their responsibilities to both legal and social frameworks, particularly when their platforms facilitate unlawful acts. However, this rapid growth brings new challenges, particularly regarding legal accountability when these companies are involved in unlawful acts. In the context of Indonesian law, it is essential to examine and reconstruct this legal accountability to achieve justice and legal protection for the public.

Legal accountability is a concept that encompasses the obligation of an entity to answer for its actions, whether in civil or criminal terms. For digital-based international corporations, this accountability includes multiple dimensions, such as Corporate Social Responsibility (CSR), legal compliance, and social impact. The concept of CSR plays a pivotal role in ensuring that companies go beyond mere legal compliance to actively contribute to broader societal goals, including consumer protection and ethical operation. CSR requires companies not only to comply with laws but also to contribute to social and environmental well-being. In the digital era, unlawful acts can take various forms, including data theft, online fraud, and the distribution of illegal content. For example, CSR frameworks can address challenges such as implementing robust data protection measures and developing policies to prevent the misuse of personal information by third parties. When users' personal data is stolen or misused, companies may face severe legal penalties<sup>19</sup>. Additionally, fraudulent practices in online transactions, such as credit

<sup>19</sup> Peter Muchlinski, *Multinational Enterprises and the Law*, 2nd ed. (Oxford: Oxford University Press, 2007), 128.





card fraud, are on the rise and must be anticipated by companies with effective systems<sup>20</sup>. Addressing these risks requires not only stronger regulatory frameworks but also proactive CSR initiatives from corporations. The spread of illegal content by users on platforms managed by companies is also a significant concern that must be addressed with strict moderation policies<sup>21</sup>.

In the perspective of Indonesian law, the adaptation of positive law to the developments in technology and digital business is crucial. This legal adaptation must integrate CSR principles to ensure that companies adopt ethical and socially responsible practices alongside legal compliance. This includes the development of clearer and more comprehensive regulations regarding the responsibilities of international companies in addressing unlawful acts. The proposed Personal Data Protection Law is expected to provide a more solid legal framework for managing personal data<sup>22</sup>. However, to enhance the effectiveness of such laws, CSR practices should align with regulatory expectations, ensuring companies proactively protect user data and mitigate risks of misuse. Additionally, the principle of accountability requires companies to not only comply with the law but also to be morally and ethically responsible for their actions. This is essential for building public trust in digital companies<sup>23</sup>. CSR reporting, such as disclosing efforts to combat data breaches or prevent the spread of illegal content, should become a mandatory aspect of regulatory compliance.

As an important step in reforming the national legal system, strengthening regulations is necessary to create clarity regarding the legal responsibilities of international companies for unlawful acts. Existing regulations must be updated to encompass new aspects arising from the operations of digital companies. Enhanced oversight of digital companies is also essential to ensure legal compliance. The government and regulatory bodies must collaborate to create an effective and efficient oversight system. Additionally, the implementation of strict sanctions against companies that violate the law is a crucial step in encouraging compliance. Between government regulators and companies can strengthen CSR efforts, ensuring they are aligned with public policy goals. The sanctions imposed should be proportional and capable of having a deterrent effect<sup>24</sup>.

The model of responsibility for digital-based international companies must be integrated into the existing legal framework. In particular, risk-based accountability models should explicitly incorporate CSR strategies to address risks more effectively. One approach that can be implemented is a risk-based accountability model, where companies are required to identify and manage legal risks associated with their operations. CSR initiatives can complement this model by promoting voluntary compliance with higher ethical and social standards. Furthermore, companies are encouraged to voluntarily comply with higher ethical and social standards to enhance their reputation and public trust. CSR reporting and transparency provide measurable benchmarks for assessing corporate adherence to social and ethical obligations. Reporting and transparency regarding corporate social responsibility practices

<sup>20</sup> Matthias Herdegen, *Principles of International Economic Law* (Oxford: Oxford University Press, 2016), 311-315.

<sup>21</sup> Steven R. Ratner, "Corporations and Human Rights: A Theory of Legal Responsibility," *The Yale Law Journal* 111, no. 3 (2001): 461-470.

<sup>22</sup> John Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: W.W. Norton & Company, 2013), 95-97.

<sup>23</sup> Andreas Georg Scherer and Guido Palazzo, "Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective," *Academy of Management Review* 32, no. 4 (2007): 1096-1120.

<sup>24</sup> Alex J. Bellamy, *Responsibility to Protect: A Defense* (Oxford: Oxford University Press, 2015), 52.

should also be consistently applied, for example, through annual reports that disclose relevant information to the public<sup>25</sup>.

However, the implementation of this accountability model is not without challenges. The integration of CSR principles into existing legal frameworks may encounter resistance from corporations focused solely on profit. One of the main challenges is the lack of transparency, as many international digital companies operate in a non-transparent manner, making oversight and law enforcement difficult. Inadequate regulations often fail to keep pace with rapid technological advancements, making regular updates to regulations essential. Finally, collaboration between the government, the private sector, and civil society is crucial to creating an ecosystem that supports effective legal accountability<sup>26</sup>.

Thus, the reconstruction of the concept of digital-based international corporate responsibility for unlawful acts is an important step toward achieving justice from an Indonesian perspective. By embedding CSR into this reconstruction, Indonesia can foster a more robust framework that holds companies accountable not only legally but also socially and ethically. Through the adaptive reform of the national legal system, it is hoped that companies can operate more responsibly, provide protection for consumers, and support the development of a just legal framework in Indonesia<sup>27</sup>.

#### D. Conclusion

The development of digital technology, particularly through social media platforms, has brought about significant changes in social, economic, and legal aspects, both in Indonesia and globally. However, the rapid growth of these platforms also highlights the pressing need for a more comprehensive approach to legal accountability, particularly as international digital companies increasingly impact the rights and safety of users. However, this rapid growth also presents various legal challenges, especially concerning the accountability of digital-based international companies for numerous legal violations occurring on their platforms. In Indonesia, the main challenges include unclear jurisdiction and limited regulations in holding international social media companies accountable for violations such as misuse of personal data, dissemination of hoaxes, and cyberbullying. This gap in accountability underscores the need for a legal framework that integrates corporate social responsibility (CSR) principles to bridge the limitations of existing regulations. By embedding CSR into legal reforms, Indonesia can ensure that companies not only comply with regulations but also proactively contribute to the protection of user rights. The importance of updating the national legal system becomes increasingly evident in addressing the issues arising from the global operations of digital companies. Reforming laws like the UU ITE and PP PSTE to incorporate

<sup>25</sup> Andrew Crane dan Dirk Matten, *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization* (Oxford: Oxford University Press, 2016), 203.

<sup>26</sup> Lawrence Lessig, *Code and Other Laws of Cyberspace* (New York: Basic Books, 1999), 125.

<sup>27</sup> Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009), 15.



stricter accountability measures is essential, alongside the adoption of international standards such as the UNGPs. Without a reconstruction of legal accountability concepts that are more adaptive and effective, achieving justice for the Indonesian populace will be challenging. This reconstruction must balance legal and ethical responsibilities, ensuring that companies act responsibly while providing users with adequate protection and recourse against violations. International instruments like the United Nations Guiding Principles on Business and Human Rights (UNGPs) can serve as guidelines, but their implementation in Indonesia needs to be supported by a strong and relevant legal framework. Moreover, Indonesia must leverage international cooperation to address cross-jurisdictional issues, enhancing enforcement capabilities against digital companies operating on a global scale. The reconstruction of legal responsibility for digital-based international companies is vital for establishing a national legal system that can protect citizens in this digital era. Furthermore, public education and digital literacy campaigns are crucial in empowering users to understand their rights and navigate the risks associated with social media platforms. Indonesia needs to strengthen regulations governing the accountability of international social media companies, particularly regarding personal data protection and cybersecurity. The integration of CSR practices into the business models of these companies will further reinforce ethical practices, ensuring their operations align with societal and legal expectations. The Information and Electronic Transactions Law (UU ITE) and Government Regulation on Electronic System and Transaction (PP PSTE) need to be updated to include stricter and clearer mechanisms for addressing international companies operating within Indonesia's jurisdiction. In addition, specialized training for law enforcement to handle digital technology and cross-border cases is imperative for ensuring effective enforcement. Law enforcement agencies must receive specialized training to understand digital technology and international law related to social media. This capability will enhance national law enforcement in handling cases involving international digital companies. Through collaboration with international bodies and other nations, Indonesia can enhance its capacity to regulate digital platforms, ensuring accountability for harmful content and data misuse. Indonesia should also strengthen international cooperation with other countries and international organizations to address the cross-jurisdictional issues faced by social media companies. Such efforts will not only strengthen enforcement mechanisms but also foster a global standard for holding digital companies accountable. Such collaboration can help reinforce law enforcement mechanisms, making digital companies more accountable for the content and activities on their platforms. By promoting the adoption of CSR principles and human rights standards, digital companies can mitigate the risks posed by their platforms while contributing positively to the digital ecosystem. Additionally, the public needs to be educated about their rights related to social media use and the potential risks they may face. Digital literacy campaigns led by governments and NGOs can empower users to make informed decisions about their online interactions and better protect their data. The government and non-governmental



organizations can conduct campaigns aimed at improving digital literacy so that individuals can more effectively protect their privacy and security. Ultimately, these efforts will create a more robust and adaptive legal system capable of safeguarding society from the adverse effects of unregulated digital activities. Furthermore, the Indonesian government can encourage digital companies to adopt principles such as the UNGPs in their business activities. By embedding these principles into their operational strategies, companies can align their business practices with global ethical standards and reinforce their role as responsible stakeholders in the digital economy. By applying these human rights standards, it is hoped that digital companies can mitigate the negative impacts of their platforms and be more responsible in managing user content and data. Through these collaborative efforts, Indonesia can foster a more accountable and equitable digital ecosystem. Through the implementation of these recommendations, it is expected that the Indonesian legal system will become more adaptive and responsive to the challenges faced in the digital era, thereby better protecting society from the adverse effects of international social media companies' activities. This vision of a just and inclusive digital environment will ensure that the benefits of digital technology are maximized while its risks are minimized.

## BIBLIOGRAPHY

- Bellamy, Alex J. *Responsibility to Protect: A Defense*. Oxford: Oxford University Press, 2015.
- Creswell, J.W. *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. Sage Publications, 2013.
- Crane, Andrew, dan Dirk Matten. *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization*. Oxford: Oxford University Press, 2016.
- Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975.
- Herdegen, Matthias. *Principles of International Economic Law*. Oxford: Oxford University Press, 2016.
- "Ketentuan Layanan Facebook." Facebook. Diakses 1 November 2024. [facebook.com/legal/terms](https://www.facebook.com/legal/terms).
- Lessig, Lawrence. *Code and Other Laws of Cyberspace*. New York: Basic Books, 1999.
- Muchlinski, Peter. *Multinational Enterprises and the Law*, 2nd ed. Oxford: Oxford University Press, 2007.
- Mertens, D.M. *Research and Evaluation in Education and Psychology: Integrating Diversity with Quantitative, Qualitative, and Mixed Methods*. Sage Publications, 2014.
- Ruggie, John. *Just Business: Multinational Corporations and Human Rights*. New York: W.W. Norton & Company, 2013.
- Rahardjo, Satjipto. *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing, 2009.
- Ratner, Steven R. "Corporations and Human Rights: A Theory of Legal Responsibility." *The Yale Law Journal* 111, no. 3 (2001): 461–472.
- Scherer, Andreas Georg, dan Guido Palazzo. "Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective." *Academy of Management Review* 32, no. 4 (2007): 1096–1120.
- United Nations. *United Nations Guiding Principles on Business and Human Rights*. 2011.
- Uni Eropa. *General Data Protection Regulation (GDPR)*. Diakses 1 November 2024. [europa.eu/legislation\\_summaries/data\\_protection/114012\\_en.htm](https://europa.eu/legislation_summaries/data_protection/114012_en.htm).