

Legal Accountability In A Normative Perspective On The Phenomenon Of Clarification And Apology For Violations In Public Spaces

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Abstract

The phenomenon of clarification and apology for violations in the public sphere shows a paradigm shift in legal accountability towards moral and social mechanisms. In recent years, the pattern of resolving violations through social media has increased significantly, with offenders preferring to provide clarification or apology openly rather than undergo formal legal proceedings. This phenomenon raises fundamental problems with the principle of the rule of law and the principle of equality before the law which is the foundation of the Indonesian legal system. This study aims to analyze the position of clarification and apology in the context of legal accountability, as well as its implications for accountability, certainty, and legal justice. Using normative and conceptual juridical approaches, this study examines the relationship between positive legal norms and social practices in an increasingly dynamic digital society. The results of the analysis show that clarifications and public apologies do not have the legal force that can erase the fault or responsibility of the perpetrators. Such actions only have moral and social values that function as a means of restoring reputation, not as a legitimate juridical mechanism. This increasingly widespread practice has the potential to create symbolic impunity where perpetrators who have access to public space can avoid legal consequences. Therefore, it is necessary to reconstruct the concept of legal accountability so that clarification and apology do not replace positive legal functions but become complementary.

Keywords: legal accountability, clarification, apology, legal accountability, digital public space.

A. Introduction

In recent years, a notable socio-legal phenomenon has emerged within the digital public sphere, namely the increasing tendency to address alleged legal and ethical violations through mechanisms of public “clarification” and “apology” on social media. This phenomenon has developed alongside the expanding role of digital platforms as spaces for communication, social interaction, identity construction, and the formation of public opinion. Public figures, government officials, professionals, and ordinary citizens who are accused of engaging in conduct such as hate speech, the dissemination of misinformation, or violations of professional and ethical standards increasingly respond through publicly circulated statements, video apologies, or written clarifications rather than, or prior to, engaging with formal legal or institutional mechanisms. Such practices have generated divergent public responses. On the one hand, public apologies may be interpreted as expressions of

moral accountability, social responsibility, and efforts toward restoring public trust.¹ On the other hand, they may be perceived as strategic attempts to mitigate reputational damage or circumvent more substantive legal or institutional accountability. Consequently, social media increasingly assumes a quasi-adjudicative function in which public discourse, collective judgment, and reputational pressure may influence perceptions of guilt, responsibility, and legitimacy. This development raises important socio-legal questions concerning the relationship between informal forms of digital accountability and formal mechanisms of law enforcement, particularly regarding due process, presumption of innocence, proportionality, procedural justice, and the appropriate boundaries between moral sanction, social sanction, and legal sanction.² Legal accountability not only ensures substantive justice, but also ensures that no individual or group is above the law.³

This phenomenon shows a shift in the paradigm of accountability from the legal dimension to the social and moral dimension. On the one hand, social media expands public access to the process of "moral judgment" of an act, but on the other hand, it also creates a form of pseudo-accountability that does not have a strong juridical basis. In this context, massive public pressure in cyberspace is often a symbolic tool of punishment, replacing the legal process that should be carried out by the authorities.⁴ This shift poses a serious dilemma in law enforcement, because the principle of the rule of law demands that every violation must be resolved through legal mechanisms, not just through moral recognition in the public sphere. If this trend continues, the meaning of legal accountability will be further eroded, and justice can turn into a mere commodity of public opinion.⁵ Jimly Asshiddiqie emphasized that accountability is a concrete form of the principle of the rule of law, where every act that violates the law must be formally accounted for through a legitimate legal mechanism.⁶

Furthermore, the culture of "clarification and apology" on social media is often used as a social mitigation strategy by perpetrators to reduce public pressure without the need to face legal consequences. In many cases, apologies in the digital space function as a form of "social negotiation" between the perpetrator and the community, where public forgiveness is considered a substitute for formal punishment.⁷ In fact, theoretically, legal accountability has a normative foundation that cannot be replaced by moral or social responsibility. The law contains elements of coercion, certainty, and sanctions designed to maintain social order. When legal sanctions are replaced by moral symbols such as apologies, the legal order loses its binding power. This condition shows a symptom of reduction of legal accountability, which is when the law loses its authority because it is subordinated by social norms constructed through digital media.⁸ Bovens defines accountability as "the obligation

¹ A Kiseleva, "Transparency of AI in Healthcare as a Multilayered System of Accountabilities: Between Legal Requirements and Technical Limitations," *Frontiers in Artificial Intelligence*, 2022, <https://doi.org/10.3389/frai.2022.879603>.

² A Bobić, *The Individual in the Economic and Monetary Union: A Study of Legal Accountability, Individual in the Economic and Monetary Union A Study of Legal Accountability*, 2024, <https://doi.org/10.1017/9781009207942>.

³ N Garoupa, "Public Trust in the European Legal Systems: Independence, Accountability and Awareness," *West European Politics* 44, no. 3 (2021): 690–713, <https://doi.org/10.1080/01402382.2020.1715605>.

⁴ N Pocher, "The Open Legal Challenges of Pursuing AML/CFT Accountability within Privacy-Enhanced IoM Ecosystems," *Ceur Workshop Proceedings*, 2020, <https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=85082706792&origin=inward>.

⁵ W D S Al Methen, "Economic Fraud via Chatbots: Legal Accountability and Cybersecurity Implications of Deceptive Interactive Content," *Edpacs*, 2025, <https://doi.org/10.1080/07366981.2025.2596942>.

⁶ A Adebayo, "Managerial and Legal Accountability in State-Owned Enterprises: Exploring Financial Sustainability through Accounting for and Reporting Public Service Obligations," *Accounting Research Journal* 39, no. 2 (2026): 197–219, <https://doi.org/10.1108/ARJ-02-2025-0068>.

⁷ D Erdos, "Ensuring Legal Accountability of the Uk Data Protection Authority: From Cause for Data Subject Complaint to a Model for Europe?," *European Data Protection Law Review* 6, no. 3 (2020): 444–54, <https://doi.org/10.21552/edpl/2020/3/15>.

⁸ N Twani, "The Legal Accountability of Local Government in South Africa for the Failure to Deliver Sanitation Services," *South African Journal on Human Rights* 38, no. 1 (2022): 92–111, <https://doi.org/10.1080/02587203.2022.2115397>.

to explain and justify conduct", which means the obligation to explain and account for actions that have been taken. In the legal context, accountability is not only limited to the admission of fault or moral responsibility but also includes the existence of juridical consequences inherent in any violation of legal norms.⁹

This phenomenon also has significant implications for the principles of justice and legal certainty. Justice is not only determined by public reaction but must be upheld based on objective legal procedures and based on the norms of laws and regulations. In the context of Indonesia, the 1945 Constitution and its various derivative regulations affirm that every citizen has an equal position before the law. But in practice, social pressure often replaces formal legal mechanisms, making law enforcement inconsistent. This creates an imbalance between normative law and empirical law, where written laws are ignored by the behavior of people who believe more in social legitimacy in the media.¹⁰ Therefore, there is an urgency to review the position of public apologies and clarifications in the Indonesian legal system, so that the principles of justice and legal certainty are not eroded by a fast-paced and emotional digital culture.

Based on these conditions, the main question arises in this study, namely what the position of clarification and apology in the context of legal accountability is, and the extent to which this phenomenon represents a reduction in legal accountability in Indonesia. The objectives of this study are to Analyze the position of clarification and apology in the Indonesian legal system and describe the implications of this phenomenon on the principles of justice and legal certainty.

B. Research Method

This study uses a normative juridical approach with the support of conceptual and case approaches. A normative juridical approach is used to analyze the positive legal norms that govern the concept of legal accountability in Indonesia, particularly in the context of public apologies and clarifications. The conceptual approach serves to understand the relationship between the principle of legal accountability and social phenomena that are developing in the digital space, while the case approach is used to examine concrete examples of public clarification events that replace formal legal processes. Data was obtained from primary legal materials such as the Criminal Code (KUHP), the Civil Code (KUHPerdata), Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law), and Law Number 20 of 2023 concerning the State Civil Apparatus (ASN Law). In addition, this research also uses secondary legal materials in the form of scientific literature, legal journals, and the results of relevant academic studies, as well as tertiary legal materials such as legal dictionaries, media reports, and expert views. The analysis was carried out qualitatively with systematic and teleological interpretation methods to find legal meanings that are in accordance with the social context of today's digital society.¹¹

This normative juridical approach was chosen because it is considered the most appropriate to examine how positive legal norms interact with rapidly changing social realities due to the development of technology and digital culture. In the context of the phenomenon of "clarification" and "apology" on social media, this study not only examines the validity of the law textually but also interprets the meaning and function of law in maintaining the principles of accountability and legal certainty. As stated by Soekanto and

⁹ D A Mhia-Alldin, "Legal and Regulatory Frameworks for AI in Digital Forensics: Admissibility, Accountability, and Cross-Jurisdictional Challenges," *AI in Digital Forensics and Cybercrime Investigation Methods Ethics and Emerging Technologies*, 2025, <https://doi.org/10.4018/979-8-3373-6536-7.ch002>.

¹⁰ M Bitar, "Enforced Disappearances in Iraq: Attribution of Accountability to Government Under International and Domestic Legal Framework," *Lums Law Journal* 10, no. 1 (2024): 65–83, <https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=85190102173&origin=inward>.

¹¹ P Mishra, "Reimagining Criminal Accountability: Microbial and Omics Perspectives in the Evolution of Legal Responsibility," *Journal of Law and the Biosciences* 12, no. 2 (2025), <https://doi.org/10.1093/jlb/lisaf022>.

Mamudji, normative approaches must be combined with conceptual and sociological approaches to be able to answer the challenges of social dynamics without sacrificing substantive legal values. Thus, this research is expected to provide a complete picture of how the law responds to non-formal practices of social responsibility in the digital era and assess the extent to which the law can reassert its authority amid strong public opinion pressure.

C. Results and Discussion

1. The Phenomenon of Clarification and Apology in Public Spaces

The digital era has given birth to a new culture in the form of *public clarification*, where individuals or public figures who commit violations of the law and ethics tend to choose to defend themselves through social media rather than taking the formal legal route. This phenomenon is evident in various cases, such as the spread of hate speech, online sexual harassment, violations of the official code of ethics, and content that violates moral norms. Clarification and apology in public space are often considered sufficient to restore the perpetrator's reputation, even though the substance of the element of violation of the law is still fulfilled.¹² This phenomenon shows that the digital space has established its own system of social sanctions that operates outside of formal legal mechanisms.¹³

Social media plays an important role in shaping public opinion towards offenders. The public often considers that social sanctions in the form of blasphemy, boycott, or *cancel culture* are enough to be a form of fair punishment. Public opinion pressure can create a "moral verdict" that seems to replace the role of legal institutions. As a result, many cases stop at the public clarification stage without proceeding to the legal process because the public has been satisfied with the apology submitted.¹⁴ This condition indicates a shift in law enforcement mechanisms: from a system based on formal norms and procedures to a system based on social perception and pressure.¹⁵ This phenomenon also shows the role of social media algorithms in strengthening the culture of clarification. Digital platforms encourage the virality of apology content due to their high emotional interaction, so perpetrators are more encouraged to use social media as a means of image restoration rather than legal responsibility. According to Putri, social media algorithms contribute to forming an *emotional engagement* ecosystem that shifts public orientation from substantive justice to symbolic justice. Thus, public clarification is not just a communication phenomenon, but also part of social dynamics that affect people's legal perceptions.¹⁶

2. The Position of Clarification and Apology in the Legal System

Normatively, Indonesia's positive law does not recognize *public clarification* as a mechanism of legal accountability. Apologies are only recognized in a limited way in civil law as a form of peaceful settlement or good faith between the parties to the dispute, as stipulated in Article 1851 of the Civil Code regarding peace (*dading*). In criminal law, an

¹² R Gulati, "The Legal Accountability of Transnational Institutions: Past, Present and Future," *King S Law Journal*, 2023, <https://doi.org/10.1080/09615768.2023.2283227>.

¹³ D G Aaron, "Legal Accountability for Health Crises: 'Unshielding' the Sackler Family," *JAMA*, 2024, <https://doi.org/10.1001/jama.2024.16200>.

¹⁴ C Catz, "Legal Causality and Medical Accountability: The Impact of the Legal Causal Link Approach on Expert Practice in Personal Injury Compensation Law," *Medecine Et Droit* 2021, no. 168 (2021): 45-53, <https://doi.org/10.1016/j.meddro.2021.02.002>.

¹⁵ J Foster, "Legal Evolution in the Financial Realm: Propelling Auditor Accountability in England," *Journal of Infrastructure Policy and Development* 8, no. 6 (2024), <https://doi.org/10.24294/jipd.v8i6.3319>.

¹⁶ C B Yildiz, *State Violence and Legal Accountability: The Wait for Justice*, *State Violence and Legal Accountability the Wait for Justice*, 2025, <https://doi.org/10.4324/9781032690070>.

apology does not erase the mistake but can only be used as a mitigating factor in the judge's consideration in accordance with the principle of criminal individualization.¹⁷ Thus, neither clarification nor apology has the juridical force to negate the legal consequences of an unlawful act.

The phenomenon of resolving violations of the law through apologies shows a shift in the function of the law from a coercive normative instrument to a symbol of flexible moral legitimacy. In fact, in the principle of *the rule of law*, everyone should be treated equally before the law (*equality before the law*) regardless of their social status or public influence. If clarification and apology continue to be used as an alternative to legal settlement, then the law has the potential to lose its function as a tool of social control that guarantees substantive justice and legal certainty.¹⁸

Furthermore, the tendency of the public to accept apologies as a form of resolving cases has caused a domino effect on the authority of legal institutions. As explained by Rahardjo, when the law is no longer seen as the only source of legitimacy for justice, public trust in the formal legal system will decrease. When moral legitimacy replaces juridical legitimacy, law becomes merely a complement to the social narrative, not the main means of upholding justice. Therefore, the position of public clarification must be placed proportionately so as not to erode formal legal authority.¹⁹

3. Reduction of Legal Accountability

The phenomenon of public apology marks the reduction of legal accountability, namely when formal legal responsibility is reduced to a mere moral responsibility. Actors who have strong social, political, or economic positions often have more room to use public clarification strategies to avoid legal sanctions. This creates inequality in the application of the principle of justice, because the law is no longer applied equally to all citizens.²⁰ In this situation, the law no longer acts as a tool of enforcing justice but becomes subordinate to public opinion. When public opinion accepts the moral symbol of "apology" rather than the juridical consequences that should be carried out, then the law loses its *coercive power*. Radbruch states that if law loses its certainty and binding power, then substantive justice cannot be realized. This reduction in legal accountability not only weakens the rule of law, but also poses a risk of social impunity, where offenders can avoid accountability only by utilizing public sympathy.²¹

Furthermore, this phenomenon shows a transformation of the value of justice in society. According to Yuliani, digital societies tend to judge justice based on emotional expressions, not legal procedures. As a result, justice turns into a social construct that relies on popular narratives and collective empathy. When justice is built on perception, not law, then legal accountability is degraded into a symbolic ritual that no longer guarantees substantive responsibility for offenders.²²

¹⁷ V Yavorska, "Examining the International Political and Legal Accountability of States for Genocide, Ecocide, and Weapons of Mass Destruction: Current Norms, Practices, and Political Implications," *Multidisciplinary Science Journal*, 2024, <https://doi.org/10.31893/multiscience.2024ss0739>.

¹⁸ A T Flor, "Legal Implications of the Social Model of Disability in Criminal Accountability," *Derecho Pucp*, no. 92 (2024): 171–208, <https://doi.org/10.18800/derechopucp.202401.005>.

¹⁹ R H Salih, "Legal Perspectives on Corporate Accountability in Environmental Sustainability," *Environment and Social Psychology* 10, no. 11 (2025), <https://doi.org/10.59429/esp.v10i11.3992>.

²⁰ J.d. Lucas, "Democracies in the Face of Disasters: Prevention and Accountability Approaches to Legal Certainty. A Reconstruction Proposal," *Cuadernos Electronicos De Filosofia Del Derecho*, no. 52 (2024): 1–23, <https://doi.org/10.7203/CEFD.52.29827>.

²¹ S Suhartono, "Strengthening Legal Accountability in Regional Budgeting: A New Framework for Indonesia," *Journal of Ecohumanism* 4, no. 1 (2025): 3268–76, <https://doi.org/10.62754/joe.v4i1.6149>.

²² S Zhou, "Deconstructing 'Responsible AI': An Examination of Legal and Ethical Accountability Through

4. Reconstruction of the Concept of Accountability

To restore the proportional function of law, it is necessary to reconstruct the concept of legal accountability in the digital era. Clarifications and apologies should be seen as an additional form of social responsibility that is moral in nature, not as a substitute for formal legal processes. The law must remain the main commander in determining the right or wrong of an act, while apologies can play a complementary role in supporting the social recovery process (Mahfud MD, 2018).

Governments, ethics institutions, and law enforcement officials need to strengthen regulations that affirm the boundaries between moral responsibility and juridical responsibility, especially in the context of violations committed in the digital space. On the other hand, mass media and social media platforms also need to have ethical guidelines so that they do not become a space for symbolic impunity that justifies violations of the law through the narrative of "already sorry". As stated by Habermas (1984), social legitimacy should not replace legal legitimacy but rather support it through a rational and responsible communication process. Thus, the reconstruction of the concept of legal accountability must lead to synergy between the juridical and social dimensions, so that legal justice can go hand in hand with moral justice in a digital society.

In addition, legal education for the community needs to be strengthened so that the public has a critical awareness of the importance of juridical accountability. High public legal awareness will reduce the likelihood of a reduction in legal accountability. As emphasized by Sudrajat, the reconstruction of legal accountability requires not only regulatory reforms, but also a transformation of legal culture that places law as the main source of value in social life. Thus, the reconstruction of the concept of legal accountability must be multidimensional involving the state, the media, and society as a unit of a just law enforcement system.²³

D. Conclusion and Recommendations

Clarification and apology have no legal standing that can erase the fault or responsibility of the perpetrator. In the Indonesian legal system, this mechanism only has moral value, not juridical value. The phenomenon of public acceptance of apologies as a solution to problems indicates a reduction in legal accountability, where public morality replaces the role of formal law in determining truth and justice. This condition weakens the principle of the rule of law and equality before the law, because perpetrators with certain social or economic influences tend to get "social forgiveness" more easily than ordinary perpetrators. Furthermore, this phenomenon illustrates a shift in people's orientation from substantive justice to symbolic justice. Social media reinforces this tendency through algorithms that prioritize emotions and sensations, rather than legal rationality. As a result, the law loses its binding power and serves only as a symbol of moral legitimacy, not a true means of enforcing justice. Therefore, reconstructing the public's understanding of the meaning of legal accountability is the main urgency so that the rule of law is maintained during the dominance of digital public opinion.

There is a need to strengthen regulations and public ethics so that legal accountability is not replaced by symbolic mechanisms such as clarification or public apologies. Legal institutions and the media must play an active role in maintaining the boundaries between

Virtue Jurisprudence," *International Journal for the Semiotics of Law* 39, no. 6 (2026): 1845–66, <https://doi.org/10.1007/s11196-025-10388-4>.

²³ A Putra, "Right to a Healthy Environment in the Digital Age: Legal Pathways for Climate Accountability," *E3s Web of Conferences*, 2025, <https://doi.org/10.1051/e3sconf/202566001004>.

the realm of law and social morality so that the principles of justice and legal certainty are guaranteed in an increasingly digital society. The government also needs to clarify guidelines for law enforcement officials in responding to cases that go viral on social media so as not to be affected by the pressure of emotional public opinion. In addition, efforts are needed to improve public legal literacy so that the public understands the difference between moral and juridical responsibility. Legal education in the public sphere, both through social campaigns and educational curricula, can help build critical legal awareness. With this increased awareness, people are no longer easily trapped in a culture of clarification and pseudo-moral symbolism, but demand a settlement based on the principles of justice and the rule of law.

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