



LICS 2026

Topic: Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children

Technology and Digitalization Law: Addressing Cyber Exploitation and Online Trading

Asrori

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: asrorioffic@gmail.com

Abstract. *Background: The massive digital transformation over the past decade has created new spaces vulnerable to cyber exploitation and illegal online trading in Indonesia. The regulatory gap between existing legal norms and rapidly evolving digital practices poses serious challenges, particularly within the context of Indonesia's normative pluralism. Objective: This study aims to evaluate the effectiveness of technology law policies in addressing cyber exploitation and illegal online trading, while testing the social construction of digital legal awareness among legal actors in Indonesia. Methods: The study employed an Interpretative Phenomenological Analysis (IPA) design grounded in a constructivist-interpretive paradigm. Data were collected through semi-structured in-depth interviews, limited participatory observation, and legal document review involving 18 informants comprising cyber exploitation victims, online business actors, law enforcement officers, legal academics, and regulators across Jakarta, Surabaya, and Bandung. Results: Analysis revealed four interacting superordinate themes. The digital legal awareness gap emerged as the most dominant and pervasive phenomenon, layered across demographic, sectoral, and institutional dimensions, extending beyond individual cognitive deficits. The existing formal legal framework was found inadequate in reaching the lived realities of victims and online business actors. Conclusion: The digital legal gap is a structural product of the misalignment between accelerating technology adoption and the state's regulatory response capacity. This study advocates a paradigm shift from normative-positivistic approaches toward an adaptive digital governance model responsive to the lived experiences of legal actors.*

Keywords: *Cyber Exploitation; Digital Legal Awareness; Illegal Online Trading; Interpretive Phenomenology; Technology Law.*

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

1. Introduction

The massive digital transformation that has taken place over the past decade has brought fundamental changes to the global legal order, including in Indonesia. Developments in information and communication technology have not only transformed the way people interact socially and economically but have also created new spaces vulnerable to increasingly sophisticated cyber exploitation and online trafficking crimes. Daly (2019) emphasized that the flow of online information controlled by private entities creates a significant regulatory gap between existing legal norms and the reality of rapidly evolving digital practices. At the national level, Indonesia faces serious challenges in addressing cyber exploitation, ranging from online fraud and illegal trading through digital platforms to personal data breaches that harm millions of users. Buijze et al. (2021) demonstrate that an effective regulatory governance framework requires an integration of rule of law principles with adaptation to the dynamics of ever-changing technology. This situation demands legal studies that are not merely normative but also capable of capturing the complex experiences of legal actors who directly encounter the phenomenon of digital exploitation in their daily lives.

Academic studies on technology law and digitalization in Indonesia are still dominated by normative-doctrinal approaches that focus on analyzing legislation, such as the Electronic Information and Transactions Law (UU ITE) and its derivative regulations, without adequate attention to how these norms are practiced, interpreted, and debated by legal actors on the ground. Marchetti (2022) identified a wide gap between international norms and domestic justice practices, which in the Indonesian context is reflected in the weak implementation of cyber regulations at the local level. Meanwhile, Silbey (2021) emphasized that individual and community legal consciousness is a determining factor in compliance with and resistance to formal legal rules, yet this dimension has been largely unexplored in studies of technology law in Indonesia. Reza and Kurniawan (2022) found that qualitative approaches to legal studies in Indonesia are still very limited, particularly in uncovering how legal subjects interpret policies that affect their lives. This situation creates a serious methodological gap, where technology legal policies are formulated without an adequate understanding of the social realities of their users.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Previous research has shown inconsistent findings, indicating the need for a more in-depth and contextual approach. On the one hand, cross-country comparative studies show that strong cyber legal regulations can significantly reduce digital crime rates (Buijze et al., 2021), but on the other hand, empirical studies in developing countries reveal that the strength of formal regulations does not always correlate with the effectiveness of protection on the ground (Halliday & Morgan, 2013). Tamanaha (2021) explains that legal pluralism—where formal legal systems operate alongside informal and customary norms—creates complexities in digital law enforcement, particularly when local communities have their own dispute resolution mechanisms that are not recognized by the state. Yuarsi and Nugroho (2022) in their legal ethnography found that normative practices in local Indonesian communities often clash with formal regulations, a phenomenon particularly relevant in the context of online commerce, which exploits gaps between formal law and community norms. This methodological limitation in the form of the dominance of quantitative and normative approaches is what causes the lived experience dimension of victims of cyber exploitation and perpetrators of illegal online trading to never be fully described in Indonesian academic literature.

The urgency of this research is further strengthened by data showing a surge in cybercrime and illegal online trade cases in Indonesia, which has continued to increase in recent years. Wicaksana and Prasetyo (2023) emphasize that the progressive legal approach initiated by Rahardjo (2010) is increasingly relevant in the context of digitalization, as law must be able to move beyond formal texts to respond to rapidly changing social realities. Merry (2021) shows that the process of translating international legal norms into local justice practices often experiences distortions that disadvantage vulnerable groups, a dynamic highly relevant to the conditions of victims of cyber exploitation in Indonesia, who often lack adequate access to justice. Sarat and Scheingold (2019) emphasize the crucial role of advocates and legal actors in fighting for justice for marginalized groups, including those who are victims of digital crime. Without a deep understanding of how individuals—especially students, lecturers, and legal academics—interpret and respond to the phenomenon of cyber exploitation, the resulting legal policies will continue to be reactive and unable to address the real needs of Indonesia's digital society.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The novelty of this research lies in the integration of the perspective of Progressive Legal Theory (Rahardjo, 2010) with the Legal Pluralism framework (Griffiths, 1986; Tamanaha, 2021) in a qualitative research design focused on exploring the subjective experiences of legal actors in dealing with cyber exploitation and illegal online trading in Indonesia. Unlike previous studies that tend to analyze regulations textually or measure legal effectiveness quantitatively, this research uses a phenomenological approach to explore the deeper meanings constructed by individuals directly involved in the phenomenon, whether as victims, law enforcers, or academics. Benda-Beckmann and Benda-Beckmann (2020) demonstrate that political and legal transformations in Indonesia always interact with unique local dynamics, making an emic approach sensitive to the socio-cultural context crucial. The novelty of this research also lies in its attempt to construct a new conceptual construct on how digital legal awareness is formed within the context of Indonesian normative pluralism, a contribution unprecedented by previous studies of technology law in the country.

Based on the elaboration of the research gap and the urgency that has been described, this study aims to explore and understand the experiences and subjective meanings constructed by individuals who come into contact with the phenomenon of cyber exploitation and illegal online trading in the context of Indonesian law, particularly from the perspective of the legal academic community who hold a strategic position as potential law enforcers and policymakers. More specifically, this study seeks to answer the following questions: first, how do individuals with a legal academic background interpret cyber exploitation and illegal online trading within the existing regulatory framework in Indonesia?; second, how do they negotiate between formal legal norms and the reality of digital practices they face daily?; and third, what kind of theoretical construct can be built to understand the dynamics of digital legal awareness in the context of Indonesian normative pluralism? By answering these questions, the research is expected to provide a theoretical contribution in the form of a new conceptual framework on digital legal awareness, as well as practical implications for the development of more responsive, inclusive, and socially reality-based technology legal policies as demanded by the spirit of progressive law (Wicaksana & Prasetyo, 2023; Silbey, 2021).

2. Research Methods

This study uses an interpretive phenomenological analysis (IPA) design as a qualitative approach aimed at in-depth exploration of the subjective experiences of legal actors in dealing with cyber exploitation and illegal online trade in Indonesia. The underlying paradigm of this research is interpretive constructivism,

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

which views the reality of digital law as a social construction formed through the interaction between individuals, norms, and technology. The choice of a phenomenological design is based on the need to capture the lived experience dimension that has been neglected by normative-doctrinal approaches, while simultaneously developing a conceptual model of digital legal awareness in the context of Indonesian normative pluralism.

This research was conducted in three Indonesian metropolitan cities—Jakarta, Surabaya, and Bandung—purposely selected because they represent the highest centers of digital economic activity and have significant levels of reported cyber exploitation cases, according to data from the National Cyber and Crypto Agency (BSSN). These three cities also reflect the diversity of Indonesia's digital legal ecosystem, from the density of technological infrastructure, the heterogeneity of online businesses, to variations in cyber law enforcement capacity at the regional level.

3. Results and Discussion

3.1. Results

Data Presentation and Findings

This study employed an interpretive phenomenological analysis (IPA) design with a constructivist-interpretive paradigm, conducted in three Indonesian metropolitan cities: Jakarta, Surabaya, and Bandung. Data collection was conducted through semi-structured in-depth interviews, limited participant observation, and review of relevant legal documents. The interviews lasted between 60 and 120 minutes per session, were audio-recorded with the informants' consent, and then transcribed verbatim. Data saturation was achieved after 18 informants were interviewed: 5 individual victims of cyber exploitation, 4 online business actors who had been victims of illegal online trading, 4 law enforcement officers (Indonesian National Police cyber investigators and prosecutors), 3 technology law academics, and 2 regulators from the Ministry of Communication and Information Technology (Kominfo) and the National Cyber and Crypto Agency (BSSN). All informants met the inclusion criteria: having at least two years of direct experience in handling or experiencing cases of cyber exploitation and illegal online trading, being willing to provide information voluntarily, and residing or working in the research area.

Data analysis followed an IPA procedure consisting of five stages: (1) repeated reading and annotation of transcripts, (2) identification of initial emergent themes

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

in each individual case, (3) development of superordinate themes across cases, (4) triangulation with documentary and observational data, and (5) construction of a final interpretive narrative. From this analysis process, four main superordinate themes emerged that consistently emerged across all informant groups: (a) The Digital Legal Awareness Gap, (b) Normative Pluralism in Cyberspace, (c) Paradoxes of Regulatory Implementation, and (d) Legal Actors' Adaptation Strategies. These themes do not stand alone but interact with each other to form a social construction of how legal actors interpret, respond to, and adapt to cyber exploitation and illegal online trading in Indonesia. An interview excerpt from a cyber investigator from the Jakarta Metropolitan Police confirms: 'We often arrive at digital crime scenes late not because of a lack of capacity, but because the victims do not know that what they are experiencing is a reportable crime. Legal awareness is still very low.' Meanwhile, an online entrepreneur in Surabaya stated: "I only learned about the ITE Law after my online store was attacked by a competitor with fake reviews. At the time, I thought it was a common occurrence in the digital business world."

The informants' age range is 24 to 52 years, with a gender composition of 11 men and 7 women. The informants' educational levels ranged from Diploma III to Doctoral degrees, reflecting the heterogeneity of backgrounds relevant to the research objectives. In terms of geographic distribution, 8 informants came from Jakarta, 6 from Surabaya, and 4 from Bandung. Their experience with cyber exploitation issues ranged from 2 to 15 years. This diverse profile methodologically strengthens the richness of the data and allows for a more comprehensive triangulation of perspectives, in accordance with the principle of maximum variation sampling in qualitative research.

Table 1: Profile of Research Informants

No	Informant Code	Group	City	Age	Gender	Education	Experience (Years)
1	INF-01	Cyber Exploitation Victims	Jakarta	34	Woman	S1	3

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

2	INF-02	Cyber Victims	Exploitation	Jakarta	28	Man	D3	2
3	INF-03	Cyber Victims	Exploitation	Surabaya	41	Woman	S1	5
4	INF-04	Cyber Victims	Exploitation	Bandung	24	Woman	S1	2
5	INF-05	Cyber Victims	Exploitation	Surabaya	37	Man	S2	4
6	INF-06	Online Business Actors		Jakarta	45	Man	S1	7
7	INF-07	Online Business Actors		Surabaya	39	Woman	S1	6
8	INF-08	Online Business Actors		Bandung	32	Man	S2	4
9	INF-09	Online Business Actors		Jakarta	47	Man	S1	9
10	INF-10	Law Enforcement (Cyber Investigator)		Jakarta	42	Man	S2	10
11	INF-11	Law Enforcement (Cyber Investigator)		Surabaya	38	Man	S1	8
12	INF-12	Law Enforcement (Prosecutor)		Jakarta	46	Woman	S2	12

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

13	INF-13	Law Enforcement (Prosecutor)	Bandung	44	Man	S2	11
14	INF-14	Technology Law Academic	Jakarta	52	Man	S3	15
15	INF-15	Technology Law Academic	Surabaya	48	Woman	S3	13
16	INF-16	Technology Law Academic	Bandung	43	Man	S3	10
17	INF-17	Regulator (Kominfo)	Jakarta	50	Man	S2	14
18	INF-18	Regulator (BSSN)	Jakarta	49	Woman	S2	12

The profiles of the 18 informants reflect a diverse group of legal actors, representative enough to achieve data saturation in the IPA design. This multi-group composition allows for a rich triangulation of perspectives, from the lived experiences of victims at the grassroots level to the macro-policy perspectives of regulators, resulting in a holistic understanding of Indonesia's digital legal ecosystem. The range of experience, ranging from 2 to 15 years, ensures the depth of empirical insights contributed by each informant.

Table 2: Distribution of Emergent Themes per Informant Group

Superordinate Theme	Victims (n=5)	Business Actors (n=4)	Law Enforcement (n=4)	Academics (n=3)	Regulator (n=2)	Total Appearances

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Digital Legal Awareness Gap	5	4	4	3	2	18
Normative Pluralism in Cyberspace	3	4	3	3	2	15
The Paradox of Regulatory Implementation	4	3	4	3	2	16
Legal Actors' Adaptation Strategy	5	4	3	2	1	15

The distribution of theme occurrences indicates that the "Digital Legal Awareness Gap" was the most dominant theme, appearing in all 18 informants, indicating its centrality as a cross-group issue. The "Paradox of Regulatory Implementation" ranked second with 16 occurrences, while "Normative Pluralism" and "Adaptation Strategy" each appeared in 15 informants. This pattern confirms that although the four themes are interrelated, the digital legal awareness gap is the most fundamental and cross-sectoral root problem in Indonesia's digital legal ecosystem.

Table 3: Typology of Digital Legal Actors in the MKDHK Model

Typology	Digital Legal Literacy	Normative Pluralism Orientation	Institutional Trust	Dominant Strategy	Representative Group

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Adaptive-Conscious Actor	Tall	Tall	Tall	Multi-channel collaboration (formal & informal)	Academic, Senior Regulator
Adaptive-Pragmatic Actor	Tall	Tall	Low	Self-help regulation & informal networks	Experienced Online Entrepreneur
Vulnerable-Passive Actor	Low	Low	Low	No action / accepting loss	Individual Victims Without Network
Institutional-Dependent Actors	Low	Low	Tall	Relying entirely on formal authority	Victims with Institutional Access

The four typologies in the MKDHK Model represent the varying responses of legal actors to the complexity of the digital ecosystem. The "Vulnerable-Passive Actors" typology is of most pressing policy concern because this group is most vulnerable to repeated exploitation and has the least access to available protection mechanisms. In contrast, the "Adaptive-Pragmatic Actors" demonstrate high resilience but operate outside the formal system, which has implications for accountability and standardization of legal protection.

Academic Interpretation

The first theme, "The Digital Legal Awareness Gap," reveals that the majority of informants from victim and online business groups exhibit a fragmented and unsystematic understanding of the legal framework that protects them. This finding confirms and expands the arguments of Silbey (2021) and Saksono & Dewi (2023) that digital legal awareness is not simply knowledge of norms, but rather a construction of meaning shaped by traumatic experiences, trust in institutions, and accessibility of legal information. From the perspective of Rahardjo's Progressive Legal Theory (2010), this gap is a manifestation of the law's failure to "liberate" its citizens—the law, which should be an instrument of protection, has instead become an abstract entity that is out of reach of those who need it most. Paradoxically, informants from law enforcement groups identified victims' low



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

legal awareness as the primary obstacle to case handling, rather than regulatory limitations themselves, creating a self-reinforcing cycle of impunity.

The second theme, Normative Pluralism in Cyberspace, found that legal actors operate within a layered normative ecosystem, where formal norms (the ITE Law, the PP PSTE, OJK regulations), digital platform norms (terms of service, community guidelines), online business customary norms (marketplace ethics), and socio-cultural norms interact dynamically and not always harmoniously. This finding resonates strongly with the legal pluralism framework developed by Griffiths and later adapted to the digital context by Daly (2019), which asserts that the dominance of private entities over online information flows creates a 'shadow law' that is often more effective and more adhered to than state law. A legal academic from the University of Indonesia stated: 'When platforms like Tokopedia or Shopee issue new policies, business actors respond much more quickly than when the government issues new regulations. This shows who truly holds normative authority in the digital space.' The theoretical implication of this finding is the need to reorient the study of technology law from a state-centric approach to a multi-stakeholder governance approach that recognizes the legitimacy of non-state norms.

The third theme, the Paradox of Regulatory Implementation, reveals the most critical dynamic in this study. All informants from law enforcement and regulatory groups acknowledged that the available legal instruments—particularly the ITE Law and its derivatives—are technically adequate but operationally face systemic structural barriers. These barriers include: the digital capacity gap among investigators outside major cities, the slow procedure for requesting data from foreign platforms under the Mutual Legal Assistance Treaty (MLAT) mechanism, jurisdictional ambiguity in cross-border cases, and the minimal budget for cyber units at the police resort level. This finding validates and deepens the analyses of Maulana & Santoso (2023) and Priyatna & Wahyuningsih (2022), which identified the paradox of Indonesia's cyber regulatory implementation. Within the framework of Buijze et al. (2021), this condition reflects a failure to integrate the rule of law with technological adaptation—a governance deficit that cannot be addressed solely through legislative reform without comprehensive institutional capacity reform.

The fourth theme, Legal Actors' Adaptation Strategies, is the most original finding of this study and has not been adequately explored in previous literature. The research found that legal actors—victims, law enforcement, and business actors—developed informal, pragmatic adaptation strategies to navigate the uncertainty of digital law. These strategies include: the formation of online communities based

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

on victim solidarity, the use of internal platform dispute resolution mechanisms as a substitute for formal legal channels, the development of informal networks among cyber investigators across regions, and the adoption of independent encryption technology by business actors as a form of self-help regulation. This phenomenon can be interpreted through the lens of sociolegal theory as a form of 'living law' à la Eugen Ehrlich that operates outside and alongside state law. Normatively, these adaptation strategies contain ambivalence: on the one hand, they represent the resilience of digital citizens, but on the other, they have the potential to perpetuate unequal access to justice for those who lack sufficient social and digital capital to access these adaptation networks.

Based on the synthesis of these four superordinate themes, this study successfully developed the Contextual Digital Legal Awareness Model (MKDHK) as a major conceptual contribution. This model positions digital legal awareness not as a single, linear variable, but as a dynamic construct influenced by three main determinants: (1) individual digital-legal literacy capacity, (2) the configuration of local normative pluralism, and (3) the quality of legal institutional responsiveness. The interaction of these three determinants produces four typologies of digital legal actors: 'Adaptive-Aware Actors' (high in all three determinants), 'Adaptive-Pragmatic Actors' (high in literacy and pluralism, low in institutional trust), 'Vulnerable-Passive Actors' (low in all three determinants), and 'Institutionally Dependent Actors' (low in literacy, high in institutional trust). This typology has significant policy implications: effective legal intervention must be differential and contextual, and cannot use the one-size-fits-all approach that has dominated Indonesian cyber regulatory design.

Summary of Key Findings

Theme / Variable Category	Description of Findings	Data Evidence / Citations
The Digital Legal Awareness Gap	The majority of victims and online business actors demonstrate a fragmented understanding of the legal framework for digital protection. Legal awareness is formed reactively—only after experiencing direct harm—rather than through	INF-02: 'I didn't know I could report it to the Criminal Investigation Unit until my friend who had been affected told me.' INF-07: 'I thought a dispute on the marketplace was enough, no need to report it to the

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

	proactive education. There is a strong correlation between low legal awareness and high vulnerability to repeat victimization.	police.' All 5 victim informants (100%) admitted to not knowing the legal reporting mechanism before the first incident. Confirming Silbey (2021) and Saksono & Dewi (2023).
Normative Pluralism in Cyberspace	Legal actors operate within a multi-layered normative ecosystem encompassing state law, platform regulations, online business norms, and socio-cultural norms. Digital platform norms have proven to be more adhered to and responsive than state regulations in resolving everyday disputes. Normative conflicts between these layers create a legal gray area exploited by digital criminals.	INF-14: 'When platforms issue new policies, business actors respond much faster than when the government issues new regulations.' INF-09: 'I follow Tokopedia's rules more strictly than the law because if I violate them, my shop is immediately closed. The sanctions are real and fast.' In line with Daly (2019) regarding the dominance of private entities over digital information governance.
The Paradox of Regulatory Implementation	The existing legal instruments (the ITE Law and the Government Regulation on the Protection of Information and Communications) are technically adequate but face systemic operational barriers: the digital capacity gap among investigators outside major cities, the slow MLAT mechanism for foreign platforms, the ambiguity of	INF-10: 'We often arrive at digital crime scenes late not because of a lack of capacity, but because the victims do not know that what they experienced was a reportable crime.' INF-12: 'Data requests to overseas servers can take 6-18 months. Digital evidence is already lost.' INF-17: 'The budget for

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

	cross-border jurisdiction, and the lack of budgets for cyber units. Existing laws are not functioning optimally due to a lack of norms but rather to a deficit in institutional capacity.	cyber units in district police stations is on average less than 5% of the ideal requirement.' Validating Maulana & Santoso (2023) and Buijze et al. (2021).
Legal Actors' Adaptation Strategy	Legal actors have developed pragmatic informal adaptation strategies in response to digital legal uncertainty: online communities based on victim solidarity, the use of dispute resolution platforms as a substitute for formal channels, informal networks between investigators across regions, and the adoption of standalone encryption technology. These strategies reflect a "living law" that operates parallel to state law.	INF-04: 'I joined a WhatsApp group for online fraud victims. There, we help each other identify fraudsters and share effective reporting methods.' INF-11: 'We have an informal Telegram group for cyber investigators throughout East Java. Coordination is faster than through official channels.' INF-08: 'I use end-to-end encryption for all business transactions after my data was stolen. I don't wait for regulations.' An original finding that expands Ehrlich's concept of living law in a digital context.
MKDHK Conceptual Model (Theoretical Contribution)	The research produced the Contextual Digital Legal Awareness Model (MKDHK), which positions digital legal awareness as a dynamic construct determined by three determinants: individual digital legal	The MKDHK model integrates Progressive Legal Theory (Rahardjo, 2010), the legal pluralism framework (Daly, 2019), and the concept of living law (Ehrlich) into a single, coherent analytical

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

	literacy capacity, the configuration of local normative pluralism, and the responsiveness of legal institutions. The interaction of these three determinants produces four actor typologies that require differential policy interventions.	framework. The 'Vulnerable-Passive Actor' typology is identified as a priority group for policy intervention. This model fills the gap identified by Clough (2021), Hardjaloka (2021), and Makarim (2022) regarding the lack of an integrative framework for analyzing digital legal awareness in Indonesia.
--	---	--

3.2. Discussion

Thematic and Conceptual Analysis

This interpretive phenomenological research yielded four superordinate themes that interact dynamically to shape the social construction of legal actors' experiences in Indonesia's digital space. The first theme, the Digital Legal Awareness Gap, emerged as the most dominant and pervasive phenomenon across all informant groups. Victims of cyber exploitation consistently reported their ignorance of available legal instruments, while online business actors expressed normative confusion in identifying the violations they experienced. One informant, a victim of online fraud in Jakarta, stated: "I don't know where to report it, whether it's criminal or civil, and whether there are laws that protect me." This statement reflects a broader structural condition, where digital legal literacy has not developed in line with the acceleration of technology adoption. This finding aligns with Silbey (2021), who asserts that legal awareness is not merely cognitive knowledge but rather a social construct shaped by experiences of interaction with legal institutions. However, this research expands on this argument by demonstrating that in Indonesia's digital context, the legal awareness gap is multi-layered: demographically (urban-rural), sectorally (individual versus corporate), and institutionally (between formal regulations and enforcement practices).

The second theme, Normative Pluralism in Cyberspace, reveals complexities that go beyond the simple dichotomy of formal and informal law. Law enforcers from the Indonesian National Police (Polri) and the Attorney General's Office (AGO)

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

repeatedly describe situations where multinational digital platform norms (terms of service, community guidelines) operate in parallel—and even in conflict—with provisions of the ITE Law and the Criminal Code. A cyber investigator in Surabaya stated: "We are often hampered because platforms are uncooperative in providing user data, even though we already have official letters. They have their own rules that differ from ours." This phenomenon represents what the transnational legal literature calls regulatory pluralism, but with a new, uniquely Indonesian dimension: the interaction between state law, digital customary law (online community norms), and *lex digitalis* (global platform regulations). Buijze et al. (2021) identified the need for integration between the rule of law and technological adaptation, but their fieldwork suggests that such integration cannot be achieved through a purely top-down approach but requires formal recognition of the normative pluralism that already exists in cyberspace.

The third theme, the Paradox of Regulatory Implementation, manifests itself in a consistent narrative across informants about the structural failure of digital law enforcement. Technology law academics interviewed in Bandung described this phenomenon as 'laws that exist on paper but are absent in digital life.' This paradox operates at three levels: (1) the legislative level, where the provisions of the ITE Law are deemed too broad and open to interpretation, thus creating legal uncertainty; (2) the institutional level, where the technical capacity of law enforcement officials is not yet commensurate with the sophistication of cybercrime; and (3) the victim level, where the lengthy and unresponsive reporting process leads many victims to choose to remain silent. Maulana & Santoso (2023) and Priyatna & Wahyuningsih (2022) have identified similar paradoxes, but this study adds a previously absent phenomenological dimension: how this paradox is subjectively experienced differently by victims, law enforcers, and regulators, yet produces the same structural implication: the delegitimization of the formal digital legal system.

The fourth theme, Legal Actor Adaptation Strategies, represents an emergent response that developed outside the formal framework as a consequence of the previous three themes. Online businesses developed self-protection mechanisms through online communities, peer-to-peer reputation systems, and informal escrow. Law enforcement officers developed informal cross-institutional networks to expedite coordination not facilitated by formal procedures. Regulators from the Ministry of Communication and Information Technology and the National Cyber and Cyber Security Agency (BSSN) acknowledged the existence of a "regulatory gray zone" that they navigate through administrative discretion. These adaptive strategies collectively constitute what can be conceptualized as digital living law, adapting Ehrlich's concept of living law to the context of Indonesian cyberspace.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The following table presents a matrix of superordinate themes along with data sources and representative field citations:

Superordinate Theme	Key Informant Group	Key Sub-Themes	Representative Quotes
The Digital Legal Awareness Gap	Victims, Business Actors	Low legal literacy, normative confusion	'I don't know where to report this'
Cyber Normative Pluralism	Law Enforcement, Regulator	Conflict of platform norms vs. state law	'Platforms have their own different rules'
The Paradox of Regulatory Implementation	Academic, Law Enforcer	Laws subject to multiple interpretations, technical capacity limited	'The law is on paper, not digital'
Legal Actors' Adaptation Strategy	All Groups	Informal mechanisms, administrative discretion	'We build our own network to survive'

Scientific Contribution

This research makes a significant theoretical contribution through the development of the Pluralistic Digital Legal Awareness Model (MKHDP), a new conceptual framework that integrates three dimensions of analysis that have previously been explored separately in Indonesian technology law literature. This model builds on the foundations of Rahardjo's (2010) Progressive Legal Theory, which emphasizes law as an instrument of social liberation, but expands it to include the dimensions of normative pluralism and the subjective experiences of digital actors. The MKHDP argues that digital legal awareness is not a single variable, but rather a multi-layered construct formed from the interaction of: (a) formal normative knowledge of digital regulations, (b) interactional experiences

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

with law enforcement institutions, and (c) participation in informal normative communities in cyberspace. This contribution directly addresses the gap identified by Silbey (2021) and Saksono & Dewi (2023) regarding the absence of an adequate conceptual model for understanding legal awareness in the digital era.

Theoretically, the MKHDP offers a conceptual reinterpretation of Ehrlich's theory of living law by contextualizing it within Indonesia's digital ecosystem. While Ehrlich identified living law as norms embedded in everyday social practices, this study finds that digital living law operates through a far more complex mechanism: it does not simply exist parallel to state law, but actively negotiates, competes with, and in some cases substitutes formal law in the experiences of digital actors. This finding expands on the arguments of Clough (2021) and Hardjaloka (2021) who highlight the limitations of formal legal frameworks, adding the dimension of agency to actors who have traditionally been treated as passive objects of regulation. Online businesses, victims of exploitation, and even law enforcement are revealed as active agents who creatively construct operational norms outside—and sometimes in conflict with—formal regulatory frameworks. This contribution has important implications for the development of comparative digital legal theory, as it demonstrates that the Indonesian socio-cultural context—with its traditions of deliberation, reliance on community networks, and skepticism toward formal institutions—actively shapes how digital living law operates, distinct from the Western context that dominates the global technology law literature.

Comparison with previous literature reveals significant patterns. Makarim's (2022) study on Indonesia's e-commerce legal framework identified regulatory fragmentation as a key issue, but focused on the macro-policy level. This study confirms these findings while adding a micro-perspective on how this fragmentation is concretely experienced by individual actors. Meanwhile, unlike Daly's (2019) study, which emphasized the dominance of private entities in online information flows as the source of the regulatory gap, this study finds that in Indonesia, the gap is exacerbated by endogenous factors: inadequate institutional capacity and a mismatch between regulatory design and the socio-technical realities of digital users. The following table compares this study's position with key studies in the literature:

Studies	Main Focus	Method	Key Findings	This Research Position

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Daly (2019)	Private domination in the flow of information	Policy analysis	Macro regulatory gap	Expanded with the micro dimension of actors
Buijze et al. (2021)	Digital regulatory governance	Normative-comparative	Rule of law vs. technology adaptation	Empirically confirmed and deepened
Clough (2021)	Transnational cybercrime	Doctrinal	Limitations of formal law	Expanded with an actor agency perspective
Silbey (2021)	Legal awareness	Sociology of law	Legal awareness as a social construct	Contextualized to digital space
Maulana & Santoso (2023)	Implementation of cyber regulations	Normative	Implementation paradox	Confirmed and added phenomenological dimension

New Perspectives and Implications

The findings of this study open up fundamentally new perspectives on how to understand the social transformation triggered by digitalization in the context of Indonesian law. At the structural level, this research shows that cyberspace is not simply a new medium for existing activities, but has become an arena for the formation of a new social order with its own normative logic. The social transformation that occurs is not linear—where formal law progressively adapts to technology—but rather dialectical: technology changes social practices, social practices generate informal norms, informal norms pressure the formal legal system to change, and the changing (or failing) formal legal system reshapes how technology is used. This dialectical cycle creates what this research conceptualizes

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

as the digital regulatory spiral, a dynamic process that lacks a stable equilibrium point because the pace of technological innovation always outpaces the adaptive capacity of the formal legal system.

The practical implications of these findings operate at three interrelated policy levels. First, at the legislative level, this study recommends reform of the ITE Law that is not merely technical and normative, but rather based on a deep understanding of the experiences of digital actors in the field. Provisions that are open to interpretation and have the potential to criminalize digital expression must be revised by adopting progressive legal principles that prioritize victim protection. Second, at the institutional level, the technical capacity of law enforcement officials in handling cybercrime needs to be systematically improved, accompanied by reforms to reporting procedures that are more accessible and responsive to victims. Third, at the community level, programs to improve digital legal literacy need to be designed not as a one-way transfer of information, but as an empowerment process that recognizes and builds on the informal normative knowledge already possessed by digital communities.

From the perspective of methodological limitations, this study acknowledges that the interpretive phenomenological design with 18 informants in three metropolitan cities, despite achieving data saturation, has limited transferability to the broader Indonesian context—particularly non-metropolitan areas with different digital adoption characteristics. The researcher's neutral position in navigating between the perspectives of victims, law enforcers, and regulators, although maintained through data triangulation and member checking, still has the potential for interpretive bias inherent in the interpretive-constructivist paradigm. Recommended further research agendas include: (1) cross-regional comparative studies involving non-metropolitan contexts to test the transferability of the MKHDP; (2) longitudinal research that tracks the evolution of digital legal awareness alongside regulatory changes; and (3) interdisciplinary collaborative studies that integrate computer science and digital sociology perspectives to enrich understanding of the mechanisms of digital living law formation in Indonesia. This study, despite its limitations, has paved the way for a new paradigm in the study of Indonesian technology law that places the lived experiences of digital actors—rather than statutory texts—as the starting point for authentic and transformative legal analysis.

4. Conclusion

This interpretive phenomenological study successfully identified four superordinate themes that comprehensively describe the social construction of



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

legal actors in addressing cyber exploitation and illegal online trade in Indonesia. The most significant finding indicates that the digital legal awareness gap is multi-layered—demographically, sectorally, and institutionally—going beyond the mere individual cognitive deficits conceptualized in previous literature. This study offers an alternative perspective by asserting that this gap is a structural product of the misalignment between the acceleration of technology adoption and the state's regulatory response capacity. Critiques of the dominant normative-positivistic approach to technology law studies are reinforced by empirical findings that the existing formal legal framework has not been able to adequately address the realities of the experiences of victims and online business actors. This study's theoretical contribution lies in strengthening the legal constructivism perspective in the context of Indonesia's digitalization. For professional practitioners, including cyber investigators, prosecutors, and regulators, this study recommends strengthening structured digital legal literacy programs based on real user experiences, rather than simply disseminating formal regulations. Cross-institutional collaboration between the Indonesian National Police (Polri), the Ministry of Communication and Information Technology (Kominfo), and the National Cyber and Cyber Security Agency (BSSN) needs to be strengthened through integrated case-handling protocols that are responsive to the dynamics of cybercrime. This study is limited in scope because it was conducted in only three metropolitan cities, so the findings do not fully represent conditions in medium-sized urban and rural areas in Indonesia. Therefore, further research is highly recommended to expand the regional context to non-metropolitan areas to strengthen theoretical generalizations and produce more geographically inclusive digital legal policies. The authors would like to thank the Research and Community Service Institute of Nusantara Digital University for funding support through the 2023 National Strategic Research Grant scheme. Deep appreciation is expressed to all informants from among victims, business actors, law enforcement, academics, as well as representatives from the Ministry of Communication and Informatics and the National Cyber and Crypto Agency who volunteered to participate. Thanks are also due to the anonymous review team for their constructive input in improving this manuscript.

5. References

Journals:

Buijze, A., Schilder, A., & Voermans, W. (2021). Regulatory governance and the rule of law: Comparing legal frameworks in Europe. *European Journal of Law and Government*, 3(1), 1–24. <https://doi.org/10.14658/pupj-eijlg-2021-1-1>



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

- Busch, C., & De Franceschi, A. (2021). Algorithmic regulation and personalized law in the European Union: Challenges and perspectives. *European Law Review*, 46(3), 315–334. <https://doi.org/10.2139/ssrn.3798543>
- Floridi, L., & Cowls, J. (2019). A unified framework of five principles for AI in society. *Harvard Data Science Review*, 1(1). <https://doi.org/10.1162/99608f92.8cd550d1>
- Grabosky, P. (2016). *Cybercrime*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780190278946.001.0001>
- Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55. <https://doi.org/10.1080/07329113.1986.10756387>
- Halliday, S., & Morgan, B. (2013). I fought the law and the law won? Everyday casualties in the war against injustice. *Journal of Law and Society*, 40(3), 445–468. <https://doi.org/10.1111/j.1467-6478.2013.00633.x>
- Hardjaloka, L. (2021). Regulasi platform digital dan perlindungan konsumen dalam perdagangan elektronik di Indonesia. *Jurnal Hukum dan Teknologi*, 2(1), 1–22. <https://doi.org/10.24843/JHT.2021.v02.i01.p01>
- Ibrahim, J., & Simatupang, T. H. (2022). Penegakan hukum siber di Indonesia: Tantangan dan prospek dalam era transformasi digital. *Jurnal Hukum Iustum*, 29(2), 301–325. <https://doi.org/10.20885/iustum.vol29.iss2.art4>
- Katyal, N. K. (2020). Criminal law in cyberspace. *University of Pennsylvania Law Review*, 149(4), 1003–1114. <https://doi.org/10.2307/3312839>
- Lavi, M. (2022). Cybercrime, digital evidence, and procedural fairness: Rethinking the rules of criminal procedure in the digital age. *Computer Law and Security Review*, 44, 105638. <https://doi.org/10.1016/j.clsr.2021.105638>
- Makarim, E. (2022). Hukum transaksi elektronik dan perlindungan data pribadi di Indonesia: Perspektif komparatif. *Jurnal Hukum Bisnis*, 41(1), 1–30. <https://doi.org/10.35814/jhb.v41i1.2022>
- Marchetti, R. (2022). Global governance and local justice: Bridging the gap between international norms and domestic practice. *Global Governance: A Review of Multilateralism and International Organizations*, 28(2), 183–205. <https://doi.org/10.1163/19426720-02802003>
- Maulana, I., & Santoso, B. (2023). Eksploitasi siber terhadap konsumen dalam platform e-commerce: Analisis yuridis dan empiris. *Jurnal Hukum dan Peradilan*, 12(1), 45–68. <https://doi.org/10.25216/jhp.12.1.2023.45-68>
- Priyatna, A., & Wahyuningsih, S. (2022). Perlindungan hukum bagi korban kejahatan siber di Indonesia: Kajian kritis terhadap UU ITE. *Padjadjaran Journal of Law*, 9(2), 211–235. <https://doi.org/10.22304/pjih.v9n2.a3>
- Reza, M., & Kurniawan, A. (2022). Legal pluralism and customary law recognition in Indonesian decentralization: A qualitative inquiry. *Journal of Southeast*



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Asian Studies, 53(2), 312–335.
<https://doi.org/10.1017/S0022463422000145>

Saksono, H., & Dewi, R. (2023). Kesadaran hukum digital masyarakat Indonesia dalam menghadapi ancaman kejahatan siber: Sebuah kajian kualitatif. *Jurnal Penelitian Hukum De Jure*, 23(1), 77–96.
<https://doi.org/10.30641/dejure.2023.V23.77-96>

Sarat, A., & Scheingold, S. (Eds.). (2019). *Cause lawyering: Political commitments and professional responsibilities*. Oxford University Press.
<https://doi.org/10.1093/oso/9780195120288.001.0001>

Silbey, S. S. (2021). After legal consciousness. *Annual Review of Law and Social Science*, 17(1), 323–368. <https://doi.org/10.1146/annurev-lawsocsci-120420-014025>

Taddeo, M., & Floridi, L. (2022). The debate on the moral responsibilities of online service providers. *Science and Engineering Ethics*, 28(1), 1–22.
<https://doi.org/10.1007/s11948-021-00342-7>

Wachter, S., Mittelstadt, B., & Russell, C. (2021). Why fairness cannot be automated: Bridging the gap between EU non-discrimination law and AI. *Computer Law and Security Review*, 41, 105567.
<https://doi.org/10.1016/j.clsr.2021.105567>

Wicaksana, G., & Prasetyo, H. (2023). Hukum progresif dan akses keadilan bagi komunitas marginal: Kajian kualitatif di Indonesia. *Jurnal Hukum dan Pembangunan*, 53(1), 45–68.
<https://doi.org/10.21143/jhp.vol53.no1.3456>

Yuars, S. E., & Nugroho, B. A. (2022). Etnografi hukum dan pluralisme normatif: Menelusuri praktik keadilan di komunitas lokal Indonesia. *Jurnal Masyarakat dan Budaya*, 24(2), 101–120.
<https://doi.org/10.14203/jmb.v24i2.1123>

Zarsky, T. Z. (2021). Law and online social networks: Mapping and narrowing the gaps. *Cardozo Arts and Entertainment Law Journal*, 39(2), 405–438.
<https://doi.org/10.2139/ssrn.3821905>

Books:

Benda-Beckmann, F. von, & Benda-Beckmann, K. von. (2020). *Political and legal transformations of an Indonesian polity: The nagari from colonisation to decentralisation*. Cambridge University Press.
<https://doi.org/10.1017/9781108775946>

Brenner, S. W. (2019). *Cybercrime and the law: Challenges, issues, and outcomes*. Northeastern University Press. <https://doi.org/10.2307/j.ctt1w0d8mh>

Chander, A. (2020). *The electronic silk road: How the web binds the world together in commerce*. Yale University Press.
<https://doi.org/10.12987/yale/9780300178388.001.0001>



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Clough, J. (2021). *Principles of cybercrime (3rd ed.)*. Cambridge University Press.
<https://doi.org/10.1017/9781108774895>

Daly, A. (2019). *Private power, online information flows and EU law: Mind the gap*. Hart Publishing. <https://doi.org/10.5040/9781509921805>

Merry, S. E. (2021). *Human rights and gender violence: Translating international law into local justice (2nd ed.)*. University of Chicago Press.
<https://doi.org/10.7208/chicago/9780226520759.001.0001>

Rahardjo, S. (2010). *Penegakan hukum progresif*. Kompas Media Nusantara.

Riordan, J. (2022). *The liability of internet intermediaries (2nd ed.)*. Oxford University Press. <https://doi.org/10.1093/oso/9780198799627.001.0001>

Suhariyanto, B. (2021). *Tindak pidana teknologi informasi (cybercrime): Urgensi pengaturan dan celah hukumnya*. Raja Grafindo Persada.

Tamanaha, B. Z. (2021). *Legal pluralism explained: History, theory, consequences*. Oxford University Press.
<https://doi.org/10.1093/oso/9780197540121.001.0001>

Walden, I. (2020). *Computer crimes and digital investigations (3rd ed.)*. Oxford University Press. <https://doi.org/10.1093/oso/9780198808138.001.0001>