

La cultura de la cancelación: desafíos legales y políticas públicas en la era digital

Cancel Culture: Legal And Public Policy Challenges in The Digital Age

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Resumen: Este artículo habla sobre la cultura de la cancelación y los desafíos legales y de políticas públicas en la era digital. Esta investigación utiliza métodos cualitativos y estudios de documentos legales mediante la recopilación y el análisis de documentos relevantes, como regulaciones legales, políticas públicas o declaraciones legales relacionadas con la cultura de la cancelación. Analizar el fenómeno de la cultura de la cancelación con tres enfoques: Liberales Continentales, Economía Austriaca, Enfoques Nuevo-Institucionales. El sistema jurídico habla de aspectos de la estructura jurídica, la sustancia jurídica y la cultura jurídica. Los resultados de este estudio revelaron que la cultura de la cancelación describe una práctica social en la que los individuos son castigados masivamente por los internautas a través de los medios virtuales por palabras y acciones que se consideran controvertidas. Estas son algunas figuras públicas que han experimentado la cultura de la cancelación, como Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru Mizan Qudsiyah y Panji Gumilang. En caso de que la cultura de la cancelación cause daño reputacional y

viole los derechos constitucionales por lo que puede demandar a los responsables de la restauración de la reputación y las pérdidas sufridas. Como desafío político, la cultura de la cancelación requiere una política afirmativa que analice la presión de los internautas y su poder viral en la construcción de la colaboración entre los gobiernos, las plataformas de redes sociales, la sociedad civil y las personas para proteger las diferencias y la libertad de expresión.

Palabras clave: Cultura de la Cancelación, Ley, Políticas Públicas, Desafíos, Era Digital.

Abstract: This paper talks about cancel culture and legal and public policy challenges in the digital age. This research uses qualitative methods and legal document studies by collecting and analyzing relevant documents, such as legal regulations, public policies, or legal statements related to cancel culture. To analyze the cancel culture phenomenon using Continental Liberals, Austrian Economics, and New-Institutional Approaches. The legal system discusses aspects of legal structure, substance, and culture. The results of this study revealed that cancel culture describes a social practice in which individuals are punished masse by netizens through virtual media for words and actions that are considered controversial. Some public figures who have experienced cancel culture include Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru Mizan Qudsiyah, and Panji Gumlilang. In case, cancel culture causes reputational damage and violates constitutional rights so that it can sue those responsible for reputation restoration and losses suffered. As a policy challenge, cancel culture requires affirmative policy by looking at the pressure of netizens and its viral power in building collaboration between governments, social media platforms, civil society, and individuals to protect differences and free speech.

Keywords: *Cancel Culture, Law, Public Policy, Challenges, Digital Age.*

1. INTRODUCTION

Explore new media styles and human life in the contemporary virtual world. Online media has become a huge force in people's lives, changing the way people interact with each other, cultures, lifestyles, and social movements. According to Velasco (2020), the shift in human life from the real world to the virtual world is an inevitable topic of philosophical discussion. Basically, the process of displacement is about the human desire for freedom in the real world, despite the fact that it does not provide freedom. The real world is so cruel and painful, instead of giving freedom. Then, in an effort to gain freedom, humans seek life in cyberspace. In cyberspace, humans enjoy a beautiful life, freedom, and simulacra (Bungin, 2006).

Even though they can live freely in cyberspace, they are still cursed because of their responsibilities. The media not only provides freedom of expression, but also provides rejection and blasphemy from netizens. The culture of cancellation, rejection, and boycott occurs in humans both in cyberspace and in real life (Martinez, 2021).

The dilemmas that occur in the real and virtual world seem to make human life naked. This means that while the real world is full of suffering and violence, the virtual world is full of chaos and objections. From the real world to the virtual world, both are naked facts of life. The culture of cancellation and nudity depicts human life in cyberspace where a person or public figure is rejected and boycotted if they utter controversial words, songs, actions, and actions in society. This action is considered to disturb people's feelings and psychology. Virtual media is a platform that allows people to interact with each other through the internet and

technology, allowing them to communicate and transform themselves freely. Flew defines new media as forms that combine the three C's: computing and information technology, communication networks, digital media, and information content (Junaedi, 2011).

As recent media research shows, Baudrillard's predictions about the consumer society in virtual media are in line. The exchange rate and Marx's theory of applied value were converted by Baudrillard into sign value. According to Baudrillard, consumption affects and determines people's lives today. People will increase consumption and judge others about their consumption, especially as provided by the media. This concept is called hypercivilization, and the population is called a consumer society (Noerhadi, 2013).

Another view that is quite relevant in relation to the Cencel Culture phenomenon is the foundation proposed by Jurgen Habermas. In the context of "cancel culture", the continental liberal approach criticizes the practice of restricting expression or labeling that results in social rejection of individuals or groups expressing controversial opinions. They emphasized the need to maintain space for open and critical dialogue in a democratic society (Abraham, & Calhoun 1994). (Rosa, 2022)

In the context of "cancel culture", the new-institutional approach highlights how institutions such as mass media, education, and other social institutions play a role in constructing social and cultural norms. They emphasized the importance of understanding how these institutions can influence collective responses to individuals or groups deemed to be violating those norms. (Winter & Zhang, 2018)

This research related to cancel culture was written by Joseph Ching Velasco from De La Salle University in 2020 with the title "You Are Cancelled: Virtual Collective Consciousness and The Emergence of Cancel Culture as Ideological Purging". This article explains that virtual media has become a new force in human life, using it to spread ideology, coerce, and encourage social movements. Where a person can lose his attractiveness and lose his attractiveness when appearing in public, even a public figure can be tarnished so that he feels embarrassed to appear again because his words and statements are contrary to public customs. The research conducted by Joseph Ching Velasco in this article was conducted in the Philippines and looked at community leaders who are the subject of cancel culture (Velasco, 2020).

Cancel culture became a new debate in 2017, little research has been done on it. Next, the researcher explained the following similarities and differences. The phenomenon of cancel culture was discussed in the previous two articles. As the Velasco research shows, which conducted research in the Philippines and found that virtual media is a tool that must be collectively recognized as a way to get rid of various ideologies, which in turn leads to the elimination of public figures.

In the same way, Spacey's research on media tweeters, in which he investigated topics rejected and discussed by 1700 people on tweeters, resulted in

more negative comment columns and virtual bullying. Kurniawan sees cancel culture as a new disruption to the world of education and academic freedom. This new parasitic culture has spread and has the potential to undermine the meaning of academic freedom and democracy. Democracies that give the public the freedom to voice their opinions and criticize aspects of policy have now been tarnished by cancel culture. Even education, which supports academic freedom, must experience cultural effects. Martinez said that growing online publications could also be an arena for cancellation. Authors should also be careful if their manuscripts do not meet public expectations or cause controversy, as doing so can stop the culture.

The implications of cancel culture certainly have a great influence on the public space, such as freedom of speech and opinion. When an individual or group is threatened with a cancellation or boycott because of an opinion or action that is considered controversial, there is a risk that people are reluctant to voice their views that may be contrary to the majority or mainstream. On the one hand, the influence of community power has a great impact on determining the fate of individuals and groups. In some cases, it can exercise significant control over society's power to punish individuals without going through formal legal process, supersede the role of existing legal institutions and procedures, and interfere with the principles of justice and the protection of individual rights.

The research has similarities in discussing cancel culture, but the difference is that the research conducted by the researcher tries to include the challenges of legal cancel culture and public policy in the digital era or in popular media in Indonesia, because this space has not been touched by previous researchers. The problem of cancel culture legal challenges and public policies in the digital era is an interesting phenomenon in Indonesia because cancel culture is a phenomenon where a person or a group seeks to destroy the reputation of a certain individual or entity by organizing a boycott, verbal attack, or other action in response to views, statements, or actions that are considered inconsistent with legal norms, social norms, or certain values.

Law and public policy see cancel culture as a killing of character and destruction of reputation without due process. In this context, legal questions arise regarding how individuals who are victims of a culture of cancellation can protect themselves and file lawsuits for restoration of reputation and damages. Legal liability and consequences in some cases involve the widespread dissemination of information that may not be accurate or verified. Legal questions arise regarding what is the legal basis and legal view if a person experiences cancel culture and its legal consequences for individuals or groups involved in the dissemination of harmful information. While culture can be used as a tool to combat discrimination and intolerance, there are also concerns that it can be used to censor or unfairly punish people with different views. Questions arise about limitations, fairness, and the use of cancel culture

in response to views or actions that are considered inappropriate. From this problem, a question arises. What are the implications for individuals who are victims of cancel culture to be able to protect themselves and file lawsuits for the restoration of their reputations and losses suffered. What is the legal basis and public policy if a person experiences cancel culture and its legal consequences for individuals or groups.

2. LITERATURE REVIEW

Research on cancel culture was conducted by Samantha Haskell at Boise State University Graduate College with the title "Cancel Culture: A Qualitative Analysis of Social Media Practice of Canceling". Samantha Haskell points out in this thesis that the word "cancel culture" was coined by the media to make people ashamed of canceling. The research was conducted through tweeter media, where the subject was Kevin Spacey which was canceled and discussed by 1700 people on the tweeter. In the end, Kevin Spacey again felt embarrassed to appear in the public domain because he was the subject of Canceled by the media (Samantha Haskell, 2021).

The research conducted by Anderson Lopez is entitled "Tug of war: Social Media, Cancel Culture, and Diversity for Girls and the 100". Analyzing the viewership and critical reception of a particular TV show can reveal motivation for the next creative decision by the content creator. On shows like Roseanne, audience reception has influenced decisions regarding creative control. Audience demand is helping to influence the market and has opened up diversity initiatives in speculative media. The theoretical basis for this article was formed from the theory of reception and the main research of Twitter posts. To further explore the phenomenon of audience swaying over artistic ownership, two television shows, Girls and The 100, will be examined in context with audiences and critical acceptance, cancel culture, and diversity initiatives across media. (Anderson-Lopez, 2021).

Bouvier's "Racist Call-Outs and Cancel Culture on Twitter: The Limitations of The Platform's Ability to Define Issues of Social Justice" Twitter campaigns attacking those who make racist or xenophobic statements are invaluable, raising the profile of public opinion that will not tolerate racism in any form. They also show how our key institutions are failing to address important issues of social justice. But there are concerns that social media, such as Twitter, tends to be extreme, moral outrage, lack of nuance and disrespect, which shapes how the issue becomes represented. In this paper, using Critical Discourse Analysis, we look at three Twitter hashtags that call for racist behavior. We asked how racism and anti-racism are represented on this hashtag? We show how this misinterprets fundamental aspects of racism in society, distracting from what, race theorists would argue, is the most important thing these incidents tell us about racism at this

point. These findings have consequences for all of Twitter's social justice campaigns. (Bouvier, 2020).

Ramsey "The Perceived Impact of a Culture of Cancellation and Mental Health Challenges Related to Consequence: A Discourse for Social Workers in Nigeria". The findings show that social media sites have contributed significantly to cancel culture and the most indicated social media sites identified in the study are Facebook, Instagram, Twitter, and most recently TikTok. Participants also noted that cancel culture has a positive impact but when taken to the extreme it negatively impacts the cancel and most of their families leading to mental health problems such as isolation, loneliness, depression, anxiety, low self-esteem, and mental health issues. The study recommends that social workers who are part of social service providers should encourage zero tolerance for cancel culture. In conclusion, punitive and prohibition measures should also be issued to anyone who promotes or instigates these actions because the negative effects are more severe than the positive ones. Future research can use quantitative research designs to have a general view of the factors that promote cancellation culture and the best methods in controlling cancellation, this will create space for better social services and advances in social services research (Ramsey-Soroghaye, 2023a)

Demsar "Calling for Abolition: Understanding How Markets Are Shaped to Realign with Prevailing Social Values" Abolition, often pejoratively referred to as "cancel culture," is becoming increasingly pervasive in public discourse, political debate, and the marketing sphere. Cancellations pose a clear threat to established market participants and have the potential to reorganize institutional structures. However, the empirical work investigating this phenomenon is limited. The study adopts the lens of institutional theory to investigate how calls for brand cancellation are revealed. As such, it provides insight into how markets are shaped to realign with the institutional logic prevailing around political ideologies, race, gender, sexuality, harassment, and corporate greed. Further, it outlines the triggers that drive institutional entrepreneurs to try to delegitimize the existence of existing brands. It also reveals how various actors (consumers, brands, media, affiliates, influencers, adversaries) engage in institutional work to disrupt, create, or defend institutional logic, as well as their own legitimacy. The macro implications for social values, political factions, markets, marketing practices, and brands are discussed (Demsar, 2023).

Sailofsky "Masculinity, cancel culture and awakened capitalism: Exploring Twitter's response to Brendan Leipsic's leaked conversation". On May 6, 2020, photos were leaked from a conversation in which Brendan Leipsic of the Washington Capitals National Hockey League, his brother Jeremy of the University of Manitoba Bisons and several others made vulgar and misogynistic comments about women and about the girlfriends and wives of other hockey players. After the release of the conversation and the dismissal of the two Leipsic brothers from their respective teams, many took to Twitter to explain their thoughts on the situation.

The study analyzed nearly 1000 Twitter replies to the Leipsic situation and explored how these responses were shaped by questions about masculinity, accountability, legality, privacy, and hockey culture. The contrasting response to the scandal and the institutional response to it is symbolic of a larger contemporary question regarding the narrative of 'cancel culture', 'awakened capitalism', acceptable masculinity and the interaction between them (Sailofsky, 2022)

Kanai "Cancellation of Calcification in Cultured Osteoblasts by CLEC-2" This study aims to investigate the effect of CLEC-2 on calcification in cultured mouse osteoblasts. In RT-PCR and ELISA analysis of cells, it was confirmed that osteoblasts expressed podoplanin, osteopontin, osteocalcin and sclerostin in culture, and that the expression of osteopontin and osteocalcin increased in the calcification medium. The expression of podoplanin, osteopontin, osteocalcin and sclerostin was unchanged in osteoblasts with CLEC-2, suggesting that CLEC-2 did not affect the expression of these bone proteins in osteoblasts. However, the number of calcified nodules and alkaline phosphatase activity were significantly suppressed in the osteoblasts of culture by CLEC-2. Quantitative analysis showed that the number of calcified nodules and alkaline phosphatase activity decreased with CLEC-2 while there was no effect in cell viability with CLEC-2. Furthermore, RUNX2 expression was observed in the cytoplasm and osteoblast nucleus of cultured mice while expression decreased with CLEC-2. In Matrigel-based three-dimensional cultures, significant osteoblast cell elongation processes were observed, and elongation was severely suppressed with CLEC-2. Considering this, CLEC-2 may have the ability to cancel osteoblast calcification by blocking osteoblast maturation through interaction with CLEC-2 receptor podoplanin without involvement in bone-related protein production (Kanai, 2021).

Lewis's "Platform drama: Undo Culture, Celebrities, and the Fight for Accountability on YouTube" The past few years have seen debate about so-called "cancel culture" and more broadly about online accountability practices. Here we revisit this topic through a study of YouTube "drama", a hybrid genre where content creators provide comments about scandals, scams, and feuds between YouTube celebrities. Based on cultural studies scholarships, and based on qualitative interviews and content analysis, we argue that YouTube dramas embody the various cultural and moral negotiations that take place on social media platforms. We conceptualize the practice of accountability on YouTube as an ongoing "platform drama," where creators engage in an ongoing and highly visible power struggle with celebrities, viewers, old media, other creators, and YouTube itself. In the context of this "platform drama", structural issues and interpersonal conflicts become blurred, as are the practices of accountability and monetized glasses. We analyze "cancellation" on YouTube as a ritualistic practice in which structural tensions are negotiated and conducted publicly, even when accountability itself remains largely elusive (Lewis, 2022a).

Peña "Cancel Culture on Social Media: Dangerous and Unjust Insults

According to the Principles of Criminal Law" Cancel culture is a social phenomenon that develops on the social networks of the internet that seeks to denounce people who have assumed socially favored attitudes or behaviors, even when such behavior does not constitute a crime. This article seeks to demonstrate through the principles of criminal law that, although it is a movement that carries positive consequences, such as visualizing and promoting the rights of minorities, it is also an uninstitutionalized way of organizing justice disproportionately, since, among other things, violating the minimum rights of those who are revoked. (Peña, 2021).

The latest study written by Alix Martinez entitled, "Uncovering the Dirt on Cancel Culture: An In-Depth Analysis of the Relationship between Publishing and Controversy". In this article, Alix Martinez explains the phenomenon of cancel culture, which is a new phenomenon on social media and has grown rapidly because many people are connected to social media. Social media consumption increased by around 72% when the COVID-19 pandemic began to spread in various countries. However, according to Alix Martinez, growing online publications can also be an arena for cancellation for authors if their work does not meet public expectations and can even cause prolonged controversy (Martinez, 2021).

3. MATERIAL AND METHOD

In this study, the researcher uses a qualitative method with a literature study and case study approach. This means looking for literature that is relevant to culture, law, and society. The sources of literature used include articles, books, case studies, and theoretical approaches related to research issues (Adiyanta, 2019). Furthermore, researchers also study legal documents by collecting and analyzing relevant legal documents, such as legal regulations, public policies, or legal statements related to cancel culture (Benuf & Azhar, 2020).

Analyze how the law can affect the practice of cancel culture and the extent to which cancel culture is in accordance with the applicable legal framework. Not only that, but interviews and surveys are also used by researchers as a way to get information from legal and social experts, social activists, and individuals involved in cancel culture. These interviews and surveys were used to dig up information about their views on cancel culture, including their opinions on legal and social relationships, the phenomenon of cancel culture from a legal and social perspective, and the resulting impact. The survey is conducted online or through face-to-face interviews. The case study approach is used to select some well-known cases related to cancel culture and analyze them from a legal and social perspective. These case studies can include incidents on social media, in the entertainment industry, or in public organizations. An analysis of how cancel culture reoperates in these cases and

how legal and social factors play a role (Armia, 2022).

The analysis used in discussing the cancel culture of the Australian Economy, the Anarco-Capitalist Approach and the New-Institutional Approach, (Sánchez Bayón, 2023) namely:

a) Austrian Economy: Austrian economic theory, especially those developed by Ludwig von Mises and Friedrich Hayek, provides a critical view of socialism and the importance of the free market in allocating resources efficiently. Mises highlights that without a functioning free market and prices as regulators, socialist economies tend to fail in achieving efficient allocation. Hayek added that institutions that support spontaneous processes in the evolution of culture and social norms, such as those championed in Hayekian's theory of "spontaneous order", are important to prevent excessive interventionism that can lead to the practice of "cancel culture". For example, the Austrian economy's emphasis on individual freedom and freedom of speech can be linked to criticism of attempts to limit different expressions in the name of the politics of truth. (Bowles, S., Kirman, A., & Sethi, R. 2017).

b) Anarcho-Capitalist Approach: This approach, influenced by the thought of Benjamin Tucker, Emma Goldman, and Murray Rothbard, highlights the importance of individual freedom from the monopoly domination of power, including domination by certain governments or groups in regulating behavior and thought. Anarcho-capitalists often criticize the practice of "cancel culture" because they see it as an unfounded form of social control and detrimental to the freedom of individuals to express their views freely. They maintain that the freedom of individuals to participate in a free marketplace of ideas is key to preventing unfair social exclusion and excess. (Ellickson, R. C. 2017)

c) New-Institutional Approach: This approach, which draws on Ronald Coase's work on transaction cost theory, emphasizes how institutional structures affect economic behavior and social decisions. In the context of "cancel culture", this approach raises questions about how regulations and public policies affect social dynamics, including the tendency to restrict or punish individuals who are perceived as violating social norms that are considered important in the structure of society. Jones, S. (1997). (Saldanha, N., Mulye, R., & Rahman, K. 2022)

The integration of these three approaches provides a broad perspective in understanding the phenomenon of "cancel culture". They not only offer in-depth theories about the root causes and consequences of this practice, but also offer guidance for understanding how individual values of freedom, free market processes, and institutional structures can influence collective responses to dissent in modern society. Thus, this research not only solves the puzzle of "cancel culture" theoretically, but also provides insight into how this practice affects the broader social dynamics around the world

4. RESULTS

4.1 Implications for Individuals Affected by Cancel Culture

Cancel culture is a term used to describe a social practice in which individuals or famous figures are denounced and punished en masse by society, often through social media, for actions or words that are considered controversial or incompatible with the dominant values or views of the time (Tandoc, 2022). The implications for individuals who are victims of cancel culture can vary widely and vary depending on a number of factors, including their level of notoriety, the nature of the controversy attached to their actions or words, and how they respond to the situation (Erker, 2022). Here are some of the implications that may occur for individuals who are victims of cancel culture: (a) Loss of reputation: one of the most obvious effects of cancel culture is reputational damage. When a person is denounced, his reputation can be ruined, and the positive image that has been built up over the years can be severely damaged. (b) Loss of jobs or opportunities: some individuals who fall victim to the cancel culture may lose their jobs or career opportunities. Companies or institutions associated with such individuals may want to maintain their image by cutting ties with individuals affected by the controversy. (c) Mental and emotional stress: being a victim of cancel culture can be very stressful. Feelings of isolation, depression, and anxiety can arise as a result of the social pressures and feelings of guilt that the individual may feel. (d) Loss of social support: in many cases, individuals who are criticized can lose their social support. Friends, family, and even colleagues may stay away from them for fear of getting involved in the controversy. (e) Financial impact: sometimes, cancel culture can have an impact on an individual's income. Sponsors, customers, or financial backers may stop supporting them, which can impact their financial stability. (f) Social isolation: cancel culture can make individuals feel isolated and alienated from society. They may feel that they are no longer able to participate in public discussions or social life normally. (g) Changes in behavior and speech: some individuals who are victims of cancel culture may feel the need to change their behavior and speech to conform to dominant norms. This could lead to self-censorship or a change in their personal beliefs. (h) Social shame: embarrassed again to appear in public. This is because the digital footprint of individuals who are victims of cancel culture is still embedded in people's memories. Even digital traces that have been around for years are still the basis for someone to do virtual bullying. (i) Post-power syndrome: someone who used to have influence and power can have a bad impact, who used to have power and influence now that influence and power disappear suddenly due to cancel culture, and can certainly cause individuals to experience power syndrome (Peña, 2021).

It is important to remember that the impact of culture can vary, and some individuals may be better able to cope with the impact than others. Some individuals may be able to improve their reputation or even use the experience as an opportunity to consider their own views and contribute to positive social change. On the other hand, some individuals may feel devastated by the experience. Cancel culture has sparked much discussion about the limits of free speech, social responsibility, and the power of social media in shaping public opinion.

4.2. The Process of Filing a Legal Lawsuit for Restoration of Reputation and Losses Suffered

Some argue that cancel culture can restrict free speech and lead to a fear of voicing that in an inclusive society, it is important to pay attention to freedom of expression and listen to different viewpoints even if they disagree with them (Ng, 2022). On the other hand, judgements without due process of law in some cases, be judged and socially punished in the absence of due process or the opportunity to defend themselves. This can have a negative impact on a person's reputation and life without any mechanism in place to correct it if something goes wrong or is misunderstood. The absence of opportunities for recovery and learning due to cancel culture often causes people to be permanently excluded from certain environments or industries without giving them a chance to correct their mistakes. Some argue that a more constructive approach is to provide opportunities for individuals to correct their behavior or outlook through dialogue, education, and recovery opportunities (Ramsey-Soroghaye, 2023).

Discrimination and harassment in some cases, culture can be used as a tool to justify discrimination or harassment against certain groups or individuals. If the cancellation is based on factors protected by law such as race, religion, gender, or sexual orientation, this may violate anti-discrimination laws. It can also violate the law and result in damage to one's reputation, and culture can also violate an individual's constitutional right to voice their opinions freely (Pfaus, 2023).

The process of filing a lawsuit for the restoration of reputation and losses suffered when someone is cancelled. Here are the general steps that need to be taken in the process of filing such a lawsuit: (a) Consultation with a lawyer: the first step is to consult your case with an attorney who has expertise in reputation and defamation law. A lawyer will help you understand whether you have a solid legal basis for filing a lawsuit. (b) Evidence gathering: together with your lawyer, you will need to gather evidence that supports your claim. This may include evidence of actions or statements that damage your reputation, as well as evidence showing the impact of your losses, such as financial data or testimonials from relevant sources. (c) Drafting a lawsuit: your lawyer will help

draft the right lawsuit. The lawsuit must include the relevant facts, the claims you have brought (e.g., defamation), and your request for reputation recovery and compensation for damages incurred. (d) Filing a lawsuit: once the lawsuit has been drafted, your lawyer will file it with the competent court. The location of the filing of the lawsuit depends on the applicable legal jurisdiction and where the adverse action occurred. (e) Notice to the defendant: once a lawsuit is filed, the defendant party (usually the individual or entity deemed liable for the adverse action) will be notified of the claim. They will have time to prepare their response. (f) Legal proceedings: legal proceedings will continue with court meetings, the submission of evidence, and legal arguments from both sides. The court will consider all arguments and evidence to make a decision. (g) Reputation and damage recovery: if a person is successful in a lawsuit, then the court can order the restoration of your reputation and/or award financial compensation for the losses you have suffered. (h) Execution of the judgement: if you win the lawsuit, the defendant must abide by the court's ruling. This may include removing or correcting their detrimental actions or paying compensation mandated by the court (Cammaerts, 2022).

When a person is exposed to cancellation culture, there is only one way that can be taken, namely through legal channels, because this path is the most likely to recover the good name or losses suffered. Using other channels is certainly very heavy; for example, restoring a good name through the netizen channel can no longer be done because netizens already tend to label someone in the virtual world as a guilty person. Netizens don't want to know whether the facts they see in the virtual world are true or not. The important thing is that netizens want to cancel someone if they are not in accordance with people's habits and behaviors. This is as if netizens are not ready to accept the difference in this digital era. Therefore, only legal routes are most likely to be taken when a person feels aggrieved due to the culture of the virtual world.

4.3. Public Policy Views on Someone Who Experiences Cancel Culture

While often discussing the actions or statements of individuals condemned, it is also important to consider the protection of victims of cancellation culture. Individuals targeted for cancellation often face serious reputational damage, psychological distress, and even threats to their safety. Public policy should consider how to protect victimized individuals without restricting the rights of other individuals to voice their opinions (Harun et al., 2023).

In this context, there are several cases that have been experienced by several public figures, both national and local. The existence of cancel culture phenomena in the virtual world, such as oxymora and even paradoxes, is a myth

that does exist in the virtual world, but cancel culture occurs in the real world. Assuming it does not exist, the fact is that many people have become victims in the virtual world. Call it victims in Indonesia, such as Ahmad Dhani, a well-known musician from the Dewa-19 bands in Indonesia, considered to have committed defamation for his statements, which Ahmad Dani then had to languish in prison.

Luna Maya, a well-known actress from Indonesia, also had to experience cultural violence due to her immoral video with a famous musician from Indonesia. As a result of cancel culture, Luna Maya had to temporarily lose access to her work; on the one hand, the brands that used it also had to cancel it. According to her confession, she experienced severe stress and even experienced post-power syndrome, in which she used to be a great actress but suddenly lost her power and good name.

Gisel Anastasya—also like Luna Maya's case—made a sacrilegious video that made her lose access to her job as an actress for a while because the brand that used her name had to refuse to cooperate.

Rizki Billar, who was accused of being violent towards his wife, Lesty Kejora, was later recorded on YouTube in 2023. The domestic violence case committed by Rizki Billar then invited netizens' reactions to cancel it by giving negative comments, and even Rizki Billar had to be expelled from where he worked as a presenter at one of the television stations, and even worse, all brands cancelled it, which had an impact on his career and work.

The latest in 2023 is the case of Panji Gumilang, who is considered to have committed harassment in the name of religion and is affiliated with a banned organization in Indonesia, namely the Islamic State of Indonesia (NII). There were several controversies carried out by Panji Gumilang, so he became the subject of cancellation culture. Panji Gumilang considers that the "Qur'an is the words of the Prophet Muhammad SAW, not the kalam Allah, can interpret the Qur'an haphazardly and of his own accord, can sing Havenu Shalom Aleichem Jewish song, Hajj does not need to go to Makkah, prayer is distanced and can be mixed between men and women, and the sin of adultery can be redeemed with Rp 2 million". As a result of this controversy, Panji Gumilang was finally exposed to the culture of netizens in Indonesia, which led to a complaint, and then Panji Gumilang was determined to be a suspect of harassment in the name of religion.

While the locally-based victims, namely the preacher Tuan Guru Mizan Qudsiyah from Lombok, West Nusa Tenggara, who insulted the tombs of saints in Lombok as there were no sacred tombs, all tombs considered Wali by the people of Lombok NTB, were all sacred dog feces. This statement invited netizens to cancel it, and the attack was carried out by a mob at his Islamic Boarding School in East Lombok and resulted in his Islamic Boarding School being burned. Tuan Guru Mizan Qudsiyah is now officially in police custody in

Lombok NTB.

Students from Lombok insulted the community and women in Lombok on TikTok in 2023 with the statement that none of the women in North Lombok Kayangan Village are beautiful, except for me, who is beautiful. As a result of this statement, finally, female students who received service assignments from the campus of the University of Mataram Lombok in Indonesia experienced expulsion by the people of Kayangan Village, north Lombok.

A Lombok mother insulted a bride-to-be on Facebook in 2023. Where a mother states that the bride-to-be's clothes are very shabby and ugly. This mother's statement finally invited negative comments and led to cyberbullying from netizens against her, which resulted in this mother being afraid to open her Facebook social media again.

Victims of cancellation culture occur in the virtual world of YouTube, Twitter, Instagram, Facebook, and TikTok. All of these victims have experienced a culture that has a negative impact on their personal lives, such as loss of access to politics, economy, education, work, social life, and even cyberbullying. The cancel culture phenomenon experienced by some media communities is like an oxymoron between myth and fact, considering it a myth but having occurred in real life. For the author, the use of social media without awareness of the real world leads to cancellation. Awareness does not mean being free to use social media to communicate and interact without considering the values in a society—words, statements, and actions—but awareness means the presence of our feelings and thoughts on the values that live in society that must not be violated. Because violating it will result in cancellations by netizens and lead to the loss of all access.

In the case experienced by some of the public figures above, public policy must certainly be able to provide perspective so that someone who experiences cancel culture is able to seek protection. Here is a public policy view of someone who experiences cancel culture: Free speech: some see cancellation culture as a threat to free speech. They argue that individuals should have the right to voice their views, even if those views are controversial or unpopular, without fear of being condemned or punished by society. This approach encourages strong free speech protections. (a) Social responsibility: on the other hand, some argue that cancel culture is a reasonable social response to actions or statements that harm or degrade a particular group. They argue that actions and words must have consequences, especially if they promote discrimination, hatred, or unethical acts. (b) The role of social media: many see the role of social media in strengthening Canadian culture. They argue that social media platforms allow rapid mass mobility to judge and punish individuals, and there may need to be further regulation to control these forces. (c) Protection of victims of cancel culture: there is also the view that there needs to be legal protection for individuals who are victims of cancel culture. Those who feel aggrieved by a

cancellation campaign may have to find a way to restore their reputation or cope with the losses they have suffered. (d) Context and motivation: it is important to consider the context of a particular cancel culture case. Some cases may involve extremely adverse actions or statements, while others may fall victim to cancellation policies for no apparent reason. The motivation behind a cancellation campaign can also vary from case to case. This view reflects the complexity of cultural issues and the clash between values such as freedom of speech and social responsibility.

Public policy in this regard may include a variety of approaches, including: (a) Social media regulation: governments may consider further regulation of social media use, including surveillance of content that promotes hatred or discrimination. (b) Education and awareness: public education and awareness of issues such as hatred, discrimination, and the impact of culture can help better address these conflicts. (c) Privacy and reputation protection laws: better legal protections for individuals who are victims of cancel culture can be considered in policy improvements. (d) Monitoring and transparency: governments or regulatory agencies may need to monitor cases of cancel culture and ensure transparency in the assessment process and punishment given to individuals condemned (Lisdiyono, 2018).

Public policy towards cancel culture will continue to change along with the development of society, technology, and social norms. The important thing is to find a balance between protecting free speech and ensuring that harmful or discriminatory actions and statements are not allowed without appropriate consequences.

4.4. Legal consequences for individuals and groups

Cancel culture has various consequences that can affect laws, individuals, and groups in society. The law of cancel culture has an impact on defamation. Individuals who are victims of cancel culture can sometimes sue those responsible for their defamation (Bromell, 2022). This could result in a defamation-related lawsuit, in which a court would decide whether the adverse act or statement qualifies as defamation. Free speech and culture have sparked debate about the limits of free speech. Some consider it a threat to free speech, whereas others see it as a legitimate social response to adverse actions or statements. This could encourage discussion about legal protections of free speech and social responsibility for speech (Lewis, 2022b).

As a consequence of cancel culture individually resulting in reputational damage, individuals who are targeted by cancel culture can experience significant reputational damage. This can affect their careers, personal relationships, and mental well-being. Anxiety and stress: the experience of being a victim of cancel culture can be very stressful and cause anxiety. Social

isolation and feelings of guilt can also affect an individual's mental well-being. Renewal and recovery: Some individuals who experience cancellation culture seek to restore their reputation in a variety of ways, including by apologizing, changing, or engaging in positive efforts. The recovery process may vary depending on the level of support they receive (Anderson-Lopez, 2021).

As a group, cancel culture has the consequence of polarization in society. Cancel culture can fuel societal polarization, where people are divided between those who support cancellation and those who oppose it. This can result in social tensions and conflicts between groups with different views. The occurrence of changes in social norms and cases of cancel culture that stick out to the surface can affect changes in social norms. Some actions or statements that were once taken for granted can be controversial, and society may be more cautious when speaking or acting (Gomez-Mejia, 2020).

It is important to remember that cancel culture is a very complex phenomenon, and its impact can vary depending on the context. While it can provide a means to punish harmful or discriminatory acts, it can also raise questions about free speech and social responsibility. The debate about cancel culture reflects the tension between values such as free speech, social responsibility, and protecting individual reputations. Further developments in law and social norms will depend on the evolution of people's views and changes in applicable law.

4.5. Cancel Culture as a New Challenge to Public Policy in the Digital Age

Cancel culture is one of the new challenges in public policy in the digital age. This phenomenon involves the public cancellation of individuals or groups through social media or online platforms for actions or statements that are considered controversial or do not conform to dominant norms. Cancel culture first emerged and flourished in the social media environment, where individuals or groups can quickly become the target of cancellation campaigns triggered by a single controversial action or statement. Although initially limited to the digital space, the impact of cancel culture soon extended to the real world. Individuals who fall victim to cancellation can suffer serious reputational damage, lose their jobs, and even face threats to their safety (Saint-Louis, 2021).

In addition, large companies and brands are often pressured by consumers or activists to cut ties with individuals under fire, creating complex ethical and business dilemmas. Therefore, cancel culture has become an issue that affects public policy, forcing governments, companies, and society to reflect on how to deal with this phenomenon. Here are some ways cancellation culture is becoming a new challenge in public policy in the digital age:

Free speech vs. social responsibility: a key challenge is finding a balance between free speech and social responsibility in a digital environment. There is debate about whether individuals have the right to voice their opinions, even if

they are controversial, without fear of cancellation, or whether these measures should elicit an affirmative social response.

Social media regulation: social media plays an important role in facilitating cancel culture. Governments and regulatory bodies in some countries are considering regulating social media platforms to control the spread of harmful content. This involves questioning the extent to which these regulations should be applied without undermining freedom of speech.

Transparency and accountability: cancel culture often occurs without a transparent or systematic process. The challenge is ensuring that the individual or group under fire has the opportunity for self-defense and a fair accountability process. It also includes examining the role of social media in facilitating cancel culture and whether they should be held accountable for such actions.

Influence on company policy: companies and brands are often part of the cancel culture when consumers demand they cut ties with the individual or group under fire. This creates pressure on companies to take a stand, which can be an ethical and reputational challenge for them.

Societal polarization: cancellation culture can deepen polarization in society by separating people into groups that support and oppose the act of cancellation. The challenge is to create a productive dialogue and promote understanding among different views.

Reputation protection and mental well-being: a key challenge is how to protect the reputation of individuals targeted by cancel culture and also protect their mental well-being. The process of cancel culture can be very emotionally and psychologically damaging.

Digital awareness education: encouraging digital awareness education and media literacy is essential to addressing the challenge of cancel culture. Society needs to understand how to critically process information and resolve conflict productively in a digital environment (Mueller, 2021).

Cancel culture is a growing phenomenon and the subject of complex debates in public policy. The challenge is to find balanced ways to deal with adverse acts while protecting free speech and individual rights. These developments will require collaboration between governments, social media platforms, civil society, and individuals to reach effective solutions. As a challenge to public policy, cancel culture is sometimes considered a myth, but this happens in real life, but it will certainly have a bad impact on human life in the digital age.

4. DISCASSION

The contributions of this research are as follows: contribution to the understanding of legal and public policy challenges, factors influencing the emergence of cancel culture, legal implications, and their impact on society, and all of these are analyzed from a legal and social perspective. Legal and

policy development: this research can provide insight for policymaking, law enforcement, and decision-making in formulating relevant policies and regulations related to cancel culture.

With a comprehensive understanding of the implications of cancel culture on public spaces, governments and organizations can develop rules to manage the negative impacts of cancel culture and promote balanced freedom of opinion. Protection of rights and individuals: Through legal and social analysis, this research can help identify how culture can affect individual rights, including freedom of speech, privacy rights, and reputation. With a deeper understanding of the interaction between culture and individual rights, appropriate protective measures can be taken to prevent abuse and protect the inherent rights of individuals.

Speaking needs to be implemented and defended to protect individual rights and diversity of opinion. Transparency and accountability, in the context of boycott culture, are important to promote transparency and accountability in boycott processes. The process must be conducted clearly, fairly, and based on strong legal evidence, as it considers the potential and long-term impact of cancellation on individuals. Education and public awareness need to be given a better understanding of cancel culture, including its social and legal implications. Education and public awareness of the importance of freedom of expression, individual rights, and diversity of opinion can help foster more constructive dialogue and minimize abuse of culture.

5. CONCLUSION

Cancel culture is a new challenge in public policy in the digital age that requires serious consideration of the extent to which we protect free speech, how to regulate social media, and how to protect individuals from reputational damage and psychological distress caused by cancellation campaigns. Addressing the impact and implications of cancel culture is a complex task, but it is critical to creating a balanced and inclusive environment in an increasingly connected digital world. Cancel culture and legal and public policy challenges in the digital age have an impact on freedom of speech and opinion.

Here are some public figures who have experienced cancel culture such as Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru Mizan Qudsiyah, and Panji Gumilang. Cancel culture

has become an issue that affects public policy, forcing governments, companies, and society to reflect on how to deal with this phenomenon. When individuals or groups are threatened with cancellation or boycott due to controversial opinions or actions, there is a risk that people are reluctant to voice their views that may conflict with the majority or mainstream. On the one hand, too, the influence of societal forces has a major impact on determining the fate of individuals and groups. In some cases, this can exert significant control over society's power to punish individuals without going through formal legal proceedings, and sometimes it can replace the role of existing legal institutions and procedures and interfere with the principles of justice and the protection of individual rights. On the other hand, the implications of cancel culture can haunt freedom of speech, weak legal protection of individual rights, and a lack of procedural fairness.

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