



CANCEL CULTURE: ISLAMIC LAW AND PUBLIC POLICY CHALLENGES IN THE DIGITAL AGE

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ABSTRACT

This paper talks about cancel culture and Islamic law 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. The theory used is the legal system of Lawrence Meir Friedman. The legal system talks about aspects of legal structure, legal substance, and legal 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. Here are some public figures from Indonesia who have experienced cancel culture such as Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru Mizan Qudsiyah, and Panji Gumilang. By Islamic law, cancel culture causes reputational damage and violates constitutional rights so that it can sue those responsible for reputation restoration and losses suffered. As Islamic law and 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.

Purpose: This paper talks about cancel culture: Islamic law and public policy challenges in the digital age. 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.

Methods: 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.

Results and Conclusion: 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.

Research implications: The implications of this research are as follows: implications to the understanding of Islamic law 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. Islamic law 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.

Originality/value: The Indonesian government must be encouraged to create regulations through Islamic law 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.

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

CANCELAR A CULTURA: LEI ISLÂMICA E DESAFIOS DE POLÍTICAS PÚBLICAS NA ERA DIGITAL

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RESUMO

Este artigo fala sobre o cancelamento da cultura e da lei islâmica e os desafios das políticas públicas na era digital. Esta pesquisa usa métodos qualitativos e estudos de documentos legais, coletando e analisando documentos relevantes, como regulamentos legais, políticas públicas ou declarações legais relacionadas à cultura de cancelamento. A teoria usada é o sistema legal de Lawrence Meir Friedman. O sistema jurídico fala de aspectos da estrutura jurídica, da substância jurídica e da cultura jurídica. Os resultados desse estudo revelaram que a cultura do cancelamento descreve uma prática social na qual indivíduos são punidos em massa pelos internautas, através dos meios virtuais, por palavras e ações consideradas controversas. Aqui estão algumas figuras públicas da Indonésia que experimentaram a cultura de cancelamento, como Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru Mizan Qudsiyah e Panji Gumilang. Pela lei islâmica, cancelar a cultura causa danos à reputação e viola os direitos constitucionais para que possa processar os responsáveis pela restauração da reputação e as perdas sofridas. Como lei islâmica e desafio político, o cancelamento da cultura requer políticas afirmativas, olhando para a pressão dos internautas e seu poder viral na construção de colaboração entre governos, plataformas de mídia social, sociedade civil e indivíduos para proteger as diferenças e a liberdade de expressão.

Propósito: Este artigo fala sobre a cultura do cancelamento: lei islâmica e desafios de políticas públicas na era digital. Como um desafio político, cancelar a cultura requer políticas afirmativas, olhando para a pressão dos internautas e seu poder viral na construção de colaboração entre governos, plataformas de mídia social, sociedade civil e indivíduos para proteger as diferenças e a liberdade de expressão.

Métodos: Esta pesquisa usa métodos qualitativos e estudos de documentos legais, coletando e analisando documentos relevantes, como regulamentos legais, políticas públicas ou declarações legais relacionadas à cultura de cancelamento.

Resultados e Conclusão: Os resultados deste estudo revelaram que a cultura do cancelamento descreve uma prática social em que os indivíduos são punidos em massa pelos internautas, através dos meios virtuais, por palavras e ações consideradas controversas.

Implicações da pesquisa: As implicações desta pesquisa são as seguintes: implicações para a compreensão da lei islâmica e desafios de políticas públicas, fatores que influenciam o surgimento da cultura de cancelamento, implicações legais e seu impacto na sociedade, e todos estes são analisados a partir de uma perspectiva legal e social. Lei islâmica e desenvolvimento de políticas: esta pesquisa pode fornecer informações para a formulação de políticas e regulamentos relevantes relacionados à cultura de cancelamento.

Originalidade/valor: o governo indonésio deve ser encorajado a criar regulamentações através da lei islâmica e análise social; essa pesquisa pode ajudar a identificar como a cultura pode afetar os direitos individuais, incluindo a liberdade de expressão, os direitos à privacidade e a reputação. Com uma compreensão mais profunda da interação entre a cultura e os direitos individuais, podem ser tomadas medidas de proteção adequadas para evitar abusos e proteger os direitos inerentes dos indivíduos.

Palavras-chave: Cancelar Cultura, Lei Islâmica, Política Pública, Desafios, Era Digital.

CANCELAR CULTURA: LEY ISLÁMICA Y DESAFÍOS DE POLÍTICAS PÚBLICAS EN LA ERA DIGITAL

RESUMEN

Este artículo habla sobre la cultura de la cancelación y la ley islámica y los desafíos de las políticas públicas en la era digital. Esta investigación utiliza métodos cualitativos y estudios de documentos legales al recopilar y analizar documentos relevantes, como regulaciones legales, políticas públicas o declaraciones legales relacionadas con la cultura de la cancelación. La teoría utilizada es el sistema legal de Lawrence Meir Friedman. El sistema legal habla sobre aspectos de la estructura legal, la sustancia legal y la cultura legal. Los resultados de este estudio revelaron que la cultura de la cancelación describe una práctica social en la que los internautas castigan masivamente a las personas a través de medios virtuales por palabras y acciones que se consideran controvertidas. Aquí hay algunas figuras públicas de Indonesia que han experimentado la cultura de la cancelación como Ahmad Dhani, Luna Maya, Gisel Anastasya, Rizki Billar, Tuan Guru, Mizan Qudsiyah y Panji Gumilang. Según la ley islámica, la cultura de la cancelación causa daños a la reputación y viola los derechos constitucionales para poder demandar a los responsables de la restauración de la reputación y las pérdidas sufridas. Como desafío de la ley y las políticas islámicas, la cultura de la cancelación requiere una política afirmativa al observar la presión de los cibernautas y



su poder viral en la construcción de la colaboración entre los gobiernos, las plataformas de redes sociales, la sociedad civil y los individuos para proteger las diferencias y la libertad de expresión.

Propósito: Este artículo habla sobre la cultura de la cancelación: la ley islámica y los desafíos de las políticas públicas en la era digital. Como desafío político, la cultura de la cancelación requiere una política afirmativa al observar la presión de los cibernautas y su poder viral en la construcción de colaboración entre gobiernos, plataformas de medios sociales, sociedad civil e individuos para proteger las diferencias y la libertad de expresión.

Métodos: Esta investigación utiliza métodos cualitativos y estudios de documentos legales al recopilar y analizar documentos relevantes, como regulaciones legales, políticas públicas o declaraciones legales relacionadas con la cultura de la cancelación.

Resultados y conclusión: Los resultados de este estudio revelaron que la cultura de la cancelación describe una práctica social en la que los internautas castigan masivamente a las personas a través de medios virtuales por palabras y acciones que se consideran controvertidas.

Implicaciones de la investigación: Las implicaciones de esta investigación son las siguientes: implicaciones para la comprensión de la ley islámica y los desafíos de política pública, los factores que influyen en la aparición de la cultura de la cancelación, las implicaciones legales y su impacto en la sociedad, y todos estos se analizan desde una perspectiva legal y social. Desarrollo de leyes y políticas islámicas: esta investigación puede proporcionar información para la formulación de políticas, la aplicación de la ley y la toma de decisiones en la formulación de políticas y regulaciones relevantes relacionadas con la cultura de la cancelación.

Originalidad/valor: Se debe alentar al gobierno indonesio a crear regulaciones a través de la ley islámica y el análisis social, esta investigación puede ayudar a identificar cómo la cultura puede afectar los derechos individuales, incluida la libertad de expresión, los derechos de privacidad y la reputación. Con una comprensión más profunda de la interacción entre la cultura y los derechos individuales, se pueden tomar medidas de protección adecuadas para prevenir el abuso y proteger los derechos inherentes de las personas.

Palabras clave: Cancelar Cultura, Ley Islámica, Políticas Públicas, Retos, Era Digital.

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1 INTRODUCTION

Explore new media styles and human life in contemporary virtual worlds. 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 Joseph Ching Velasco (2020), The shift of human life from the real world to the virtual world is an unavoidable 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 attempt to gain freedom, humans seek life in the virtual world. In the virtual world, humans enjoy a beautiful life, freedom, and simulacra (M. Burhan Bungin, 2006).

Although they can live freely in the virtual world, they are still cursed because of responsibility. The media not only provides freedom of expression, but also provides netizens'



rejection and blasphemy. The culture of cancellation, rejection, and boycott occurs in humans both in the virtual world and in real life (Alix Martinez, 2021).

The dilemmas that occur in the real and virtual worlds seem to make human life naked. That is, whereas 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 nullification and nudity describes human life in a virtual world 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 change themselves freely. Flew defines new media as those forms that combine the three Cs: computing and information technology, communication network digitized media and information content (F. Junaedi, 2011).

As recent media research shows, Baudrillard's predictions about consumer society in virtual media are in line. Marx's exchange rate and use value theory were transformed by Baudrillard into sign values. According to Baudrillard, consumption influences and determines people's lives today. Society will increase consumption and judge others about their consumption, especially as given by the media. This concept is called hyper civilization, and its population is called consumer society (Toeti Heraty Noerhadi, 2013).

The 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 ideologies, coerce, and encourage social movements. where a person can lose his attractiveness and lose his attractiveness when appearing in public, and even a public figure can be smeared so as to feel embarrassed to appear again because his words and statements are contrary to public custom. The research conducted by Joseph Ching Velasco in this article was conducted in the Philippines and looked at public figures who are the subject of cancel culture (Joseph Ching Velasco, 2020).

Cancel culture became a new debate in 2017, little research has been done on it. Next, the researcher explains the following similarities and differences. The phenomenon of cancel culture is discussed in both previous articles. As Velasco's research shows, who conducted research in the Philippines and found that virtual media is a tool that should be recognized collectively 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, where 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 freedom to voice their opinions and criticize aspects of policy have now been tarnished by the cancel culture. Even education, which supports academic freedom, has had to experience the effects of culture. Martinez said that growing online publications could also be a cancelled arena. Authors should also be careful if their manuscript does not meet public expectations or cause controversy, as doing so can halt the culture.

The implications of cancel culture are certainly very influential on public spaces, such as freedom of speech and opinion. When individuals or groups are threatened with cancellation or boycott because of opinions or actions deemed 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 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 passing formal legal proceedings, replace the role of existing legal institutions and procedures, and interfere with the principles of justice and the protection of individual rights.

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

Islamic law and public policy see cancel culture as character assassination and reputation destruction without due process. Because Islamic law sees cancel culture as involving values such as justice, forgiveness, the right to individual privacy, and the importance of repentance and self-improvement. Nevertheless, Islam also insists that not all actions should be accepted or ignored without consequences, especially if they harm others or violate the basic principles of justice and humanity. In this context, legal questions arise regarding how



individuals who are victims of cancellation culture can protect themselves and file lawsuits for reputational recovery and damages. Legal responsibilities and consequences in some cases involve the widespread dissemination of information that may not be accurate or verified. Legal questions arise as to what is the legal basis and legal view if someone experiences cancel culture and the legal consequences for individuals or groups involved in the dissemination of harmful information. While culture could be used as a tool to combat discrimination and intolerance, there are also concerns that it could be used to unfairly censor or punish people with different views. Questions arise about limits, fairness, and using cancel culture in response to views or actions deemed inappropriate. From these problems, questions arise. What are the implications for individuals who are victims of cancel culture being able to protect themselves and file lawsuits for reputational recovery and harm suffered. What is the legal basis and public policy if someone experiences cancel culture and its legal consequences for individuals or groups.

2 LITERATURE REVIEW

Research about 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 being canceled. The study was conducted through the medium of tweeters, where the subject was Kevin Spacey who was deleted and discussed by 1700 people on tweeters. In the end, the result was that Kevin Spacey felt embarrassed again to appear in the public sphere for being the subject of being erased by the media (Samantha Haskell, 2021).

The study was conducted by Anderson Lopez entitled "Tug of war: Social Media, Cancel Culture, and Diversity for Girls and the 100". Analyzing audience and critical reception of certain TV shows may reveal motivations for subsequent creative decisions by the creators. On shows like Roseanne, audience reception has influenced decisions concerning creative control. Audience demands help sway the market and have opened diversity initiatives in speculative media. The theoretical base for this article is formed from reception theory and primary research of Twitter posts. To further explore the phenomenon of audience sway over artistic ownership, two television shows, Girls and The 100, will be examined in context with audience and critical reception, cancel culture, and diversity initiatives across media (Anderson-Lopez, 2021).



Bouvier "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 valuable, raising the public profile of opinions that will not tolerate racism in any form. They also indicate how our major institutions are failing to address important matters of social justice. But there is concern that social media, such as Twitter, tends to extremes, moral outrages, lack of nuance and incivility, which shape how issues become represented. In this paper, using Critical Discourse Analysis, we look at three Twitter hashtags calling-out racist behavior. We ask how racism and anti-racism is represented on these hashtags? We show how these misrepresent 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 present time. The findings have consequences for all such Twitter social justice campaigns. (Bouvier, 2020).

Ramsey "Perceived Impact of Cancel Culture and the Mental Health Challenges Associated with the Aftermath: A Discourse for Social Workers in Nigeria". Findings show that social media sites have significantly contributed to cancel culture and the most indicated social media sites identified in this study were Facebook, Instagram, Twitter and most recently TikTok. Participants also noted that cancel culture has positive impacts but when taken to the extreme it negatively impacts the cancelled and to a large extent their family leading to mental health issues such as isolation, loneliness, depression, anxiety, low self-esteem, and mental health problems. The study recommends that social workers who are part of social service providers should encourage zero tolerance against cancel culture. In conclusion, punitive measures and bans should also be issued to anyone promoting or instigating this act as its negative impact is more severe than its positive impact. Future research may use a quantitative research design to have a general view of the factors promoting cancel culture and the best methods in controlling cancelling, this will create room for better social services and an advancement in social service research (Ramsey-Soroghaye, 2023a)

Demsar "Calling for Cancellation: Understanding How Markets Are Shaped to Realign with Prevailing Societal Values" Cancellations, often referred to derogatively as "cancel culture", are becoming increasingly pervasive in public discourse, political debate, and the marketing field. Cancellations pose a clear threat to established market actors and have the potential to re-organize institutional structures. However, empirical work investigating this phenomenon is limited. This study adopts an institutional theory lens to investigate how calls for brand cancellation unfold. In doing so, it provides insight into how markets are shaped to realign with prevailing institutional logics around political ideology, race, gender, sexuality,



abuse, and corporate greed. Further, it outlines the triggers that prompt institutional entrepreneurs to attempt to delegitimize the existence of incumbent brands. It also reveals how various actors (consumers, brands, media, affiliates, influencers, opponents) engage in institutional work to disrupt, create, or maintain institutional logics, as well as their own legitimacy. Macro implications for social values, political factions, markets, marketing practices, and brands are discussed (Demsar, 2023).

"Sailofsky" Masculinity, cancel culture and woke capitalism: Exploring Twitter response to Brendan Leipsic's leaked conversation". On 6 May 2020, photos were leaked from a conversation in which Brendan Leipsic of the National Hockey League's Washington Capitals, his brother Jeremy of the University of Manitoba Bisons and several others made vulgar, misogynistic comments about women and about other hockey players' girlfriends and wives. Following the release of the conversation and the subsequent dismissal of both Leipsic brothers from their respective teams, many took to Twitter to explain their thoughts on this situation. This study analyses nearly 1000 Twitter replies to the Leipsic situation and explores how these responses are shaped by questions of masculinity, accountability, legality, privacy and hockey culture. Contrasting responses to both the scandal and the institutional response to it are emblematic of larger contemporary questions regarding narratives of 'cancel culture', 'woke capitalism', acceptable masculinities and interactions between them (Sailofsky, 2022)

Kanai "Cancellation of The Calcification in Cultured Osteoblasts By CLEC-2" This study aims to investigate the effect of CLEC-2 on calcification in cultured mouse osteoblasts. In the RT-PCR and cell ELISA analysis, it was confirmed that osteoblasts express podoplanin, osteopontin, osteocalcin and sclerostin in culture, and that expressions of osteopontin and osteocalcin increased in calcification medium. The expression of podoplanin, osteopontin, osteocalcin and sclerostin did not change in osteoblasts with CLEC-2, indicating that CLEC-2 does not affect the expression of these bone proteins in osteoblasts. However, the amounts of calcified nodules and alkaline phosphatase activity were significantly suppressed in cultured osteoblasts by CLEC-2. The quantitative analysis showed that both the calcified nodule amount and alkaline phosphatase activity decreased with CLEC-2 while there was no influence in the cell viability with CLEC-2. Further, the expression of RUNX2 was observed in cytoplasm and in nucleus of cultured mouse osteoblasts while the expression decreased with CLEC-2. In Matrigel-based three-dimensional culture, a significant cell process elongation of osteoblasts was observed, and the elongation was strongly suppressed with CLEC-2. Considering these, CLEC-2 may have an ability to cancel the calcification of osteoblasts by blocking the



maturity of osteoblasts via interaction with CLEC-2 receptor podoplanin without any involvements of bone-associated protein production (Kanai, 2021).

Lewis "Platform drama: Cancel Culture, Celebrity, and The Struggle for Accountability on YouTube" Recent years have witnessed debates 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 creators provide commentary on the scandals, scams, and feuds between YouTube celebrities. Drawing on cultural studies scholarship, and based on qualitative interviews and content analysis, we argue that YouTube drama embodies a range of cultural and moral negotiations that take place on social media platforms. We conceptualize accountability practices on YouTube as an ongoing "platform drama" in which creators engage in perpetual and highly visible power struggles with celebrities, audiences, legacy media, other creators, and YouTube itself. Within the context of this "platform drama," structural issues and interpersonal conflicts become blurred, as do accountability practices and monetized spectacles. We analyze "cancelation" on YouTube as a ritualistic practice in which structural tensions are publicly negotiated and performed, even as accountability itself remains largely elusive (Lewis, 2022a).

Peña "Cancel Culture in Social Media: A Dangerous and Unfair Reproach According to The Principles of Criminal Law" The culture of cancellation is a social phenomenon that develops in the social networks of the internet that seeks to reproach those people who have assumed attitudes or behaviors that are frowned upon socially, even when such behaviors do not constitute a crime. This article seeks to demonstrate through the principles of criminal law that, although it is a movement that brings positive consequences, such as visualizing and promoting the rights of minorities, it is also a non-institutionalized way of disproportionately regulating justice, since, among other things, it transgresses the minimum rights of those who are canceled. (Peña, 2021).

The latest study written by Alix Martinez entitled, "Uncovering the Dirt on Cancel Culture: An In-depth Analysis of Publishing's Relationship with Controversy". In this article, Alix Martinez explains the cancel culture phenomenon, which is a new phenomenon on social media and has grown rapidly as many people connect 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 become a cancel arena for writers if their work does not meet public expectations and can even cause prolonged controversy (Alix Martinez, 2021).



3 METHODS

In this study, researchers used qualitative methods with a literature study approach and case studies. It means looking for literature that is relevant to culture, Islamic law, and society. The literature sources 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, 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 explore information about their views on cancel culture, including their opinions on legal and social linkages, the phenomenon of cancel culture from a legal and social perspective, and the resulting impact. Surveys are conducted online or through in-person 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. Analyze how cancel culture operates in these cases and how legal and social factors play a role (Armia, 2022).

Theories used in discussing cancel culture; the challenge of Islamic law and public policy in the digital age is Lawrence Meir Friedman's legal systems theory. According to Friedman, law is a set of written or unwritten rules or norms about truth and error, behavior, duties, responsibilities, and rights. The legal system referred to by Friedman has three components, namely:

(a) Legal structure, namely the legal institution that supports the establishment of the legal system. This relates to the legal order, legal institutions, law enforcement officials and their authorities, legal instruments, and the process and performance of these legal structures in implementing and enforcing the law. In this case Friedman says: the structure of a system body of the system, the tough, rigid bones that keep the process flowing within bounds. We describe the structure of judicial system when we talk about the number of judges, the jurisdiction of court, how higher court are stacked on top of lower court, what person are attached to various courts, and what their roles consist of. (Lawrence Meir Friedman, 1975).



(b) Legal substance, the substance is composed of substantive rules and rules about how institutions should behave. Structure and substance are real components of a legal system, but they are at best a blueprint or design, not a working machine. The entire rule of law, both written and unwritten, including legal principles and norms and court decisions that are held by society and government resulting from the legal system. The substance and structure of law are the real components of the legal system, but these two things only act as designs or blueprints, not as working tools.

(c) Legal culture, namely the ideas, values, thoughts, opinions and behaviors of community members in the application of law. It is related to people's awareness, understanding, and acceptance of the laws imposed on them. Legal culture as part of the legal system requires law not only to be seen as a formulation of rules on paper, but also understood as a social reality that occurs in society. This means that law is strongly influenced by non-legal factors such as values, opinions, people's attitudes towards the law imposed (Lawrence Meir Friedman, 1975).

4 RESULTS AND DISCUSSION

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 ISLAMIC LAW'S VIEW ON THE CANCEL CULTURE PHENOMENON

The phenomenon of cancel culture is a form of social activity that involves canceling, punishing, or rejecting individuals or groups that are considered to violate certain norms in society, especially in Muslim societies. Therefore, it is necessary to look at cancel culture from the point of view of Islamic law. Here are some of the principles that exist in view of Islamic law. First, the principle of justice, where the principle of justice is very important in Islamic law. In the context of cancel culture, Islam encourages that the judgment of individuals or groups be based on objective justice. Acts of annulment or denial should be based on strong and fair evidence, not on prejudice or unfair judgment. Second, the principle of forgiveness, Islam teaches the importance of forgiveness and returning to goodness. Even if someone has made a mistake, Islam encourages it to provide an opportunity for them to repent and correct their behavior. In some cases, a better approach might be to give individuals the opportunity to correct their mistakes rather than undo or ostracize them in social settings. Third, the principle of the right to privacy, Islamic law provides protection for the right to privacy of individuals. In the context of cancel culture, it is important to ensure that individuals are not unfairly judged or denounced without clear reasons and solid evidence. Islamic law demands that the treatment of individuals be fair and respectful of their rights. Fourth, the principle of repentance, Islam teaches the importance of repentance and self-improvement. If someone makes a mistake or violates social norms, they are encouraged to admit their mistake, repent, and strive to correct their behavior.

However, as in all respects, Islamic law's view of the phenomenon of cancel culture may vary depending on the context and implementation of the practice. While there are values such as justice, forgiveness, and the right to privacy that are strongly emphasized in Islam, there are also situations where reprieve measures may be necessary to protect society from the negative impact of individuals or groups that violate fundamental ethical and moral norms. In all



respects, it is important to ensure that the actions taken are based on the principles of justice, compassion and good moral consideration.

4.6 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.

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 Islamic law and 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, Islamic law 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. In view of Islamic law, when individuals, groups, who practice cancel culture and who are affected by cancel culture should consider wisely the principles of justice, forgiveness, the right to privacy, and repentance, because with these principles humans can create a sense of justice and compassion.



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