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Digital Administrative Policing and Its Role in Regulating Cyberspace: A Comparative Study between Jordan and Indonesia

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ABSTRACT

This significant article presents a comparative legal analysis of the cyberspace domains of the Hashemite Kingdom of Jordan and the Republic of Indonesia. In this regard, the current manuscript presents cyberspace regulations to mitigate threats, cyberbullying, personal data breaches, and other sensitive cyber issues, which remain vulnerable to compromise in the digital age. The researcher has employed a comparative law approach to evaluate the legal framework governing cyber surveillance, cybercrime legislation, personal data protection regulations, and laws promulgated by the competent authority. This study further examines the dynamics of cyberspace. It develops a consciousness of its preventive measures, consent to liberty, and dependence on postmodern technological advancements, including but not limited to Artificial Intelligence, data analytics, encryption mechanisms, and robust digital content processing. It also analyzes legal and technical responses to digital violations, including early warning mechanisms, content removal, account suspension, financial penalties, and, where necessary, the potential combination of administrative and criminal liability. The study concludes by addressing implementation mechanisms, as adopted in International best practices for Cyber Regulations arising from unlawful acts in cyberspace, including compensation, restitution, guarantees of non-repetition, international sanctions, mediation, and arbitration, thereby contributing to strengthening the legal governance of the digital environment.

1. Introduction

Twenty-five years after War Games, cyber surveillance remains somewhat of a mystery. Specifically, is Cyber hacking a threat to national security? The answer lies in the history of humanity's conquest of the oceans, skies, and outer space. The first arrivals are explorers, who can hardly be blamed for their actions. But as settlement and commerce begin to flourish, criminals, competitors, and enemies appear, by arrival or by birth. Cyber-space is no different. Political and military adversaries, alliances, and soldiers from every international conflict on Earth already inhabit it. The article provides a brief introduction to cyber warfare. Introduction to the Issue: Wars frequently leverage new technological advancements. They might be smaller, incremental developments, such as more accurate

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traditional kinetic weapons like rifles or missiles, or new types or improved vehicles like drones or stealth bombers. However new and improved, these kinds of weapons are basically means of achieving the same goals as before – in many ways, it is trivial whether a missile is launched from a traditional fighter jet, a ship, or an unmanned drone piloted from afar. These developments are rarely uncontroversial, either in a legal or moral sense. Calls of cowardice met the introduction of firearms: instead of bravely meeting and fighting within arm's and sword's length, the musket allowed for inflicting death and damage from a distance [1].

By the late twentieth century, ballistic missiles made it possible to strike targets beyond the horizon, and now much debate revolves around uncrewed aerial vehicles, also known as drones. The laws of war adapt to new technological developments. In 1868, the Saint Petersburg Declaration banned the use of explosive projectiles weighing less than 400 grams. Since then, numerous treaties have been concluded to regulate or completely ban the use of various weapons. Especially modern Western societies are highly networked and reliant on Personal Computers in nearly everything, ranging from hospitals to factories and from banks to nuclear reactors. Lest there be any doubt about the pervasiveness of connected devices, in August 2013 the security company Trustwave issued a security advisory after it found a vulnerability in a toilet seat; because of lax security, a malicious user could use a smartphone to open or close the lid, flush the toilet, or activate air-drying [2]. The connectivity of devices provided an unimaginable attack surface just a couple of decades ago. States have increasingly focused on securing critical infrastructure against cyber-surveillance but have also considered the need for offensive capabilities. A state-run Cyber army carrying out cyber-surveillance with direct consequences in the physical world has come far from the stereotype of the 1990s: an individual malicious Cyber enthusiast or a group writing viruses to claim fame among their peers. Even though Cyber operations have not so far played a major part in any larger conflict, it has been widely claimed that several countries are faced with vulnerable systems and that it might only be a matter of time until an enemy; be it a state or a non-state actor such as a terrorist group – uses its Cyber capabilities either as the primary way of attacking or as a supplementary way to wreak havoc. The consequences of such Cyber-Surveillance are by no means limited to the virtual world and may very well be significant for both civilians and soldiers. Cyber-Surveillance has several characteristics that distinguish it from traditional uses of force, with implications for applying the existing legal framework to it.

A Cyberattack might last only a fraction of a second, and its source might be masked. The legal framework has its roots in the more traditional ways of waging war between nation-states. Some of the problems emanating from Cyber-Surveillance follow the same lines of thought as the issues discussed after the terrorist Cyber-Surveillance of 11 September 2001 (hereafter referred to as the 9/11 Cyber-Surveillance), regarding, among other things, non-state actors and the possibility of pre-emptive self-defense. Cyber warfare has been a hot issue, especially after the events in Estonia in 2007 and the discovery of Stuxnet, both of which will be introduced in the following pages. The dangers of cyber surveillance have even been compared to the consequences of nuclear war with hyperbolic tones [3]. Although the worst-case cyber scenarios may indeed include consequences comparable to

nuclear war, focusing on them tends to misguide the discussion away from the arguably more common and more probable consequences of Cyber operations. The erstwhile Director of the CIA, Michael Hayden, rarely states so clearly; hence, this phenomenon has been communicated with less clarity and less apparent understanding than it warrants [4]. Although the discussion about Cyber-Surveillance has been especially lively recently, Cyber-Surveillance and the threats themselves are not entirely new [5].

In 1993, John Aquila and David Ronfeldt envisioned that information technology would be the technological breakthrough that would bring about the 'next major shift like conflict and warfare'[6]. The laws of war are not the only aspect of law being challenged by technological changes [7]. The possibility of making exact copies of digital media and easily disseminating them has challenged conventional conceptions of copyright, and the possibility of gathering data on an unimaginable scale poses a new kind of test for the protection of privacy, to name two obvious examples. On a broader scale, the diminishing significance of national borders brought about by the internet makes it more difficult to apply the traditional concept of territorial jurisdiction [8].

Whatever the challenges may be, they neither mean that the technology is immune to the legal system nor that the legal system is immune to the technology [9]. The same applies to jus ad bellum – the law concerning the resort to force by states – and Cyber operations: the existing rules apply [10]. Still, they may need to be interpreted in new ways and supplementary new rules may need to be agreed upon. In this book, I will examine the relationship between cyber operations and current international law in terms of jus ad bellum. First, I shall discuss the terminology regarding the subject and present a parallel case which I will later refer to. Hitherto, the history and evolution of the regulation of war will be examined, from the bellum justum doctrine to the current system built around the United Nations Charter [11]. Then the much-debated notions of force and armed attack will be examined, both of which are essential to the question of the legality of military action. There is no agreed-upon definition of either term, and both will be discussed in the context of Cyber operations. The aim is to determine if and when Cyber operations may constitute a use of force or an armed attack.

2. Background

The world today is witnessing a wave of digital transformation, leading to new behavioral patterns and risks in cyberspace. This particular notion convinced State Administration across the globe to develop their critical infrastructure and adopt technological know-how to preserve public interest as opposed to the traditional administrative control which was no longer efficient to deal with the challenges imposed by cyber-crimes, the distribution of fake content, personal data breaches, security threats in the cyberspace, that’s creating a definite requirement to develop a cyber surveillance system as a postmodern development which would enact administrative Authority in the digital realm. This study aims to clarify the concept and ideology of cyber surveillance by outlining the fundamental legal basis underpinning the technical characteristics of cyberspace. It further highlights the mechanisms used to monitor and curb electronic

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https://al-biruni-journal.jo
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violations. Definitely, this research addresses the remedial and punitive developments adopted in response to transgressions within cyberspace, including, but not limited to, robust mechanisms for enforcing international law wherever an illegal act occurs, through the cross-border regime of any governing law. Furthermore, the study provides a comprehensive framework for understanding the role of cyber servants as an imperative, albeit definite protection for digital security and public order through Rapid technological development.

Introduction to the Jordanian Cyber Laws

The Hashemite Kingdom of Jordan has developed robust legal frameworks since its inception in 1921. It has enacted significant laws addressing emerging issues, including, but not limited to, misinformation, data protection, and cybercrime. In this regard, the Cybercrime Law No 17 of 2023 was enacted in Jordan[12]. It became a major reform, as it is a unique data protection law and a cybercrime law that criminalizes online character assassination[13]. Although we will be polite enough to avoid the wider regional trend of prioritizing State security at the expense of Human Rights, in this regard, we are dealing with cyber digital rights[14]. The concept of digital rights has been espoused in and of itself within contemporary human rights discourse, and human rights and digital rights, amongst International best practices, are advocated hand in glove for recognition and implementation together wherever there is a legislative attempt to protect citizens' rights[15]. In this regard, it was definitely obligatory for the Jordanian government to adopt International best practices by acknowledging, protecting, and impartially ensuring the rights granted in other parts of the world. The issue of cyber rights often poses complex, sometimes detrimental, challenges, including legislative, text-based domain issues, and political problems. Since Jordan is a Muslim country, it also faces many issues related to Shariah compliance [16].

As the United States of America, the United Kingdom, and the European Union would not have a problem with gay websites, lesbian or LGBT issues, or pornography for that matter, Jordan definitely cannot allow such public disorder and immorality because of Shariah concerns [17]. Nonetheless cyber security has become equally imperative and it's vitality has increased through adoption of postmodern technology and global connections resulting in the Cyber breach and definitely surveillance of Information Systems, terrorist organizations across the globe want to exploit these situations and cause damage to the critical infrastructure in Jordan the geographical location of Jordan also plays a key role in this particular regard because it is stuck right in the middle of Wars happening across the region it's very close door neighbour the state of Israel has been trying to implicate cyber-crimes all over the place as we even find cyber issues through their intelligence agency the Mossad happening across the globe [18].

The Jordanian regulatory framework has its roots in Article 19 of the ICCPR and domestic security issues; the analysis definitely indicates These Notions indicate three

principal barometers for the Jordanian legislature with respect to digital speech: firstly, the use of imprecise legal definitions that allow for the criminalization of political criticism; secondly, the imposition of penalties that prioritize State security through individual expression; and thirdly, the centric State interpretation of digital governance [19]. Hence, an analysis of the judicial precedents that have taken place recently in the Court of Cassation through its decision number 6280/2022 reveals that regimes use legislative demeanour and Jordan to manage digital descent, and this has taken Jordan's legislative evolution to another level, as the case of coordinated digital governance has been brought up in this particular case [20].

This Landmark legal precedent concerning digital descent and phony information criminalizes irrelevant news under the law in Jordan, and, through this evaluation, the implementation of a group global international 11 has been achieved through legal analysis. In this regard, the court convicted X (formerly Twitter) for posting false allegations against a government official. It thus concluded that the posting of verifiable, genuine public records could still conflict with phony news and be punishable as false speech [21]. Hence, a new domain of online speech and false news has been ordained in Jordan. In the broader legal context, this decision is a landmark and benchmark decision that highlights Jordan's significance in the realm of personal data protection [22].

The Indonesian laws on Cyber surveillance

Consequently, the Republic of Indonesia is located in the ASEAN region. It is definitely a well-developed jurisdiction in terms of Cyber Law, as Indonesia was among the first in the world to enact a data protection law[23]. Primarily, Indonesia's legal framework dates back to the 1945 Constitution, when the country gained independence from the Dutch[24]. In that Constitution the Electronic Information and Transactions law commonly referred to as the ITE law and the personal data Protection Law (PDPL) definitely connect to the comprehensive framework of Indonesian laws on cybers which are governed under the purview of the it law which is also known as long number 11/2008 and which was further amended by law number one of 2024 and the PDPL was enacted as law number 27 of 2022[25]. Interception and data access circumvent authorized access but provide major exemptions for State surveillance and, definitely, law enforcement in the country, as Jakarta prioritizes citizens' privacy until its own collars are not on the brink of any question[26]. Hence, the EIT law is governed by the administrative oversight of the Ministry of Communication and Informatics (Kominfo) [27]. The electronic system providers (ESPs) are legally mandated to enforce electronic or cyberspace laws, and a minimum sentence of two years' incarceration can be imposed if an investigation proves that a crime was committed[28].

Security and intelligence in Indonesia are governed by the state intelligence law, which grants agencies such as the state intelligence agency broad authority to detect, intercept, and survey communications, prevent National Security issues, and combat threats to critical infrastructure [29]. A more significant form of cyber surveillance is wiretapping agreements through the Attorney General's office in Jakarta[30], which routinely partners with major telecommunications companies and organizations to install

Al-Biruni Journal of Humanities and Social Sciences
https://al-biruni-journal.jo
Vol. 04, No. 06, 2026, pp. 28-41
ISSN 3104-8900

direct wiretapping, and all data processed or exchanged is used to track suspicious individuals [31].

If identity theft involves personal data, it also breaches Articles 67(1), 67(2), and 68 of Law No. 27 of 2022 regarding Personal Data Protection ("PDP Law"). The PDP Law prohibits the unlawful collection, use, or falsification of personal data, with criminal sanctions of up to six years' imprisonment and/or a fine of up to IDR 6 billion, along with potential additional penalties such as asset confiscation and compensation payments [32].

In several cases, the courts have imposed sentences ranging from one to two years' imprisonment and/or fines of IDR 10–50 million; however, in Decision No. 479/PID.SUS/2025/PT SMG, the defendant was found guilty under Article 68 of the PDP Law for creating or falsifying personal data to benefit himself and harm others. He was sentenced to four years' imprisonment and fined IDR 1 billion [33].

3. Discussion and Analysis

Ever since Barlow's 1996 article, cyberspace has received enormous applause from the general public. As a result, Cyberspace got a place in Webster's dictionary by the year 1997. Technopedia defines cyber Attack as,

> *"A cyberattack is deliberate exploitation of computer systems, technology-dependent enterprises, and networks. Cyber-surveillance uses malicious code to alter computer code, logic, or data, resulting in disruptive consequences that can compromise data and lead to cybercrimes, such as information and identity theft. A cyberattack is also known as a computer network attack (CNA)."* [34]

"Cyber warfare" has become an ominous catchphrase used especially in the media and in international law, in a variety of contexts, not all of which are appropriate or fitting [35]. It is very often referred to in situations more aptly described as espionage, be that commercial or targeted at military intelligence. Just as often, it is used to describe activities of smaller scale with consequences that have little to do with warfare, as in the case of the Cyber-Surveillance against Estonia in 2007 [36]. We will go through some of the terminology and definitions used in discussing the subject matter, as well as argue for the researcher's strengths and weaknesses. 'Information warfare' has been used to describe Cyber-Surveillance and operations carried out via Cyber networks. However, it seems that lately the term has been more or less replaced by the notion of Cyber-Surveillance. Information warfare more aptly describes the battle of words and images [37]. Hence, the term has more to do with propaganda than with what now is referred to as Cyber operations. This is also how information warfare has previously and widely been understood [38].

According to Checkpoint, a leading IT Observer on the Internet, cyber-surveillance is defined as the following:

"Cyber-Surveillance is a strike against a computer system, network, or internet-enabled application or device. Hackers often use a variety of tools to launch Cyber-Surveillance, including malware, ransomware, exploit kits, and other methods." [39]

Consequently, some of the newer Cyber-Surveillance developments into the concept of information warfare are problematic. It is theoretically possible to stretch the definition of information so that the target of Cyber-Surveillance is indeed the information resident in the memory of Cyberspace, but it is forced and far-fetched [40]. Also, it does not seem practical to group traditional information warfare (such as propaganda) with newer forms of attack, such as those targeting industrial control systems, whose objectives and outcomes are very different. Cyber-Surveillance of the network infrastructure would more readily fall under the concept of information warfare, especially if its ultimate aim is to disrupt the flow of information. Indeed, the communications networks were seen early on as probable targets of Cyber-Surveillance [41]. It has also been argued that Cyber operations and Cyber network Cyber-Surveillance should be understood as one of the main capabilities of information warfare [42]. This is a reasonable claim from the perspective of information warfare, yet it should be clarified that it applies only to Cyber operations whose goals pertain to information warfare. Not all Cyber operations have such goals, and those that do not (such as an attack on the air traffic control system intended to crash aircraft or an attack on industrial control systems intended to cause an explosion) should not be forced into the category of information warfare [43]. The term 'Cyber network attack' (CNA) is also frequently used. This is often an apt term, but in some cases it seems too strict about the network aspect. Some critical infrastructure might be disconnected from the internet or other networks as part of security measures. Yet, these systems can very well be – and have been – targeted by a Cyberattack. For instance, one of the main propagation methods of the Stuxnet malware, which hit an Iranian nuclear facility, was spreading via removable USB drives [44]. The use of the term 'Cyber network attack' also seems to be declining in favor of 'Cyber Surveillance'[45].

A juxtaposed comparative analysis of the cyber surveillance of Jordan and Indonesia

Hitherto, Indonesia and Jordan possess comprehensive, robust Cyber Law Frameworks. I'll bet Jordan's 2023 cybercrime law has taken a great deal of criticism for restricting free speech, and this might be the case because Jordan, after all, is a monarchy and not a republic [46]. In contrast, Indonesia's ITE law emphasizes electronic transactions and has harsher penalties for phishing, hacking, and other offenses. In the case of Indonesia, the researcher found a stronger focus on Commercial digitalization and protection of personal data [47].

The ITE law definitely enacts stricter penalties and has, however, made its definition provisions criticized for being costly to enforce against political opponents in Indonesia, as Indonesia's laws of digital Commerce have a stricter penalty framework

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https://al-biruni-journal.jo
Vol. 04, No. 06, 2026, pp. 28-41
ISSN 3104-8900

[48]. The fundamental difference between the two jurisdictions lies in Jordan's focus on National Security and speech regulation as a state commodity [49], versus Indonesia's emphasis on personal data protection and Commercial digitalization. Jordan definitely places a stronger emphasis on National Security and the regulation of speech, as the 2023 cybercrime law broadens the range of punitive measures [50], risking freedom of speech by circumventing public opinion and expression in Jordan because the law prioritizes national security and control over online speech while lagging in personal data protection. Data protection remains underdeveloped (a draft law is pending) [51].

The researcher has drafted the following table to explain the paradoxical relationship of cyber laws between the two jurisdictions:

Table (1) Comparative Analysis of Cybercrime Legal Frameworks in Jordan and Indonesia

Aspect	Jordan	Indonesia
Core Cybercrime Law	Cybercrime Law No. 17 (2023) – replaces the 2015 law. Covers hacking, identity theft, online fraud, defamation, fake news, cyberstalking, and harassment. Penalties: up to **3–5 years imprisonment** and fines.	Electronic Information and Transactions Law (ITE Law) No. 11 (2008), amended by Law No. 1 (2024). Covers hacking, denial-of-service, phishing, and manipulation of electronic data—penalties: up to **12 years imprisonment** and fines up to **IDR 12 billion**.
Data Protection	Draft Data Protection Law (pending since 2021). Modeled on the GDPR, includes consent-based processing, individual rights, and cross-border transfer rules.	Permenkominfo No. 20/2016 on Personal Data Protection in Electronic Systems. Requires organizations to adopt strict security measures.
Electronic Transactions	E-Transactions Law No. 15 (2015). Recognizes e-signatures, digital contracts, and regulates e-commerce.	ITE Law also governs electronic transactions, ensuring validity of e-documents and contracts.
Cybersecurity Framework	Cyber Security Law No. 16 (2019). National Cybersecurity Center (NCSC) oversees defense, incident response, and critical infrastructure protection.	National Cyber and Encryption Agency (BSSN) oversees national cyber defense. Works with ASEAN on regional cooperation.
Free Speech & Controversy	2023 law criticized for vague definitions of defamation and fake news, potentially restricting journalists and activists.	ITE Law criticized for broad defamation and online speech provisions that are often used against critics and activists.
International Cooperation	Aligns with Budapest Convention principles but is not	Member of ASEAN cybersecurity cooperation, promoting regional best

	a signatory. Active in UNODC and INTERPOL initiatives.	practices.

Findings

1 . The study confirms that Cyber Surveillance has become an urgent necessity in light of digital transformation and the growing prevalence of cyber risks, as traditional control mechanisms are no longer sufficient to address challenges arising within cyberspace.

2 . Jordan is primarily focused on enhancing its security measures and implementing strict speech control regulations. This approach aims to ensure national stability and control the flow of information within the country. In contrast, Indonesia prioritizes promoting commerce while emphasizing data protection. The country aims to foster economic growth through trade while safeguarding its citizens' personal information and privacy in an increasingly digital world. The legal framework governing Cyber Surveillance in Jordan remains in a developmental phase. Despite the existence of significant legislation, such as the Cybercrime Law and the Personal Data Protection Law, practical application demonstrates the need for organization.

3 . Cyber Surveillance is characterized by a clear preventive nature, aiming primarily at preventing digital violations through electronic monitoring, content blocking measures, and early-warning systems, in both jurisdictions.

4 . Public administration enjoys broad discretionary powers in exercising electronic control, granting flexibility in addressing digital risks while simultaneously raising concerns relating to excessive surveillance and potential infringement of users' rights.

Technological tools play a central role in strengthening administrative capacity to detect violations.

5 . Digital monitoring systems, encryption technologies, artificial intelligence applications, and data analytics.

6 . A continuing challenge exists in achieving equilibrium between protecting public order and safeguarding digital rights and freedoms, especially with the expansion of electronic monitoring and content restriction practices.

7 . International responsibility increasingly intersects with Cyber Surveillance, particularly where unlawful digital activities extend across borders, making compensation, restoration, and guarantees of non-repetition essential mechanisms for addressing digital harm.

Al-Biruni Journal of Humanities and Social Sciences
https://al-biruni-journal.jo
Vol. 04, No. 06, 2026, pp. 28-41
ISSN 3104-8900

Recommendations

1 . Developing a more comprehensive legislative framework governing Cyber Surveillance that clearly defines administrative powers, prevents abuse, and guarantees protection of citizens' digital rights.

2 . Strengthening judicial oversight over electronic administrative decisions, particularly those relating to surveillance and website blocking, to ensure compliance with the principle of legality.

3 . Enhancing the technical capabilities of administrative authorities through continuous professional training in digital monitoring and analytical technologies to improve preventive effectiveness.

4 . Adopting clear policies for digital privacy protection by defining the categories of data that administrative authorities may lawfully collect, process, and retain, in accordance with proportionality and necessity principles.

5 . Promoting international cooperation in combating cross-border cyber risks through information exchange agreements and coordinated regulatory mechanisms.

6 . Expanding digital awareness programs aimed at individuals and institutions to foster a culture of cybersecurity and responsible digital behavior.

7 . Encouraging the integration of artificial intelligence governance standards within administrative practice to ensure transparency, accountability, and protection against algorithmic bias in electronic control decisions.

Conclusion

This study has demonstrated that Cyber Surveillance has become an organizational necessity imposed by the nature of cyberspace and the risks it generates, which exceed the capacity of traditional administrative control mechanisms. The findings reveal that the effectiveness of Cyber Surveillance depends primarily on the existence of a clear legal framework and on the administration's reliance on advanced technological tools capable of ensuring preventive and efficient protection of digital public order.

Through a comparative analysis of the Cyber Laws of Jordan and Indonesia, we recognize the need to strike a careful balance between administrative supervisory powers in the digital sphere and the protection of individuals' digital rights and freedoms, particularly in light of the expanding scope of electronic surveillance. The recommendations emphasize the importance of legislative development, strengthening judicial oversight, enhancing technical capacities within administrative institutions, increasing international cooperation, and promoting digital awareness.

Accordingly, Cyber Surveillance represents a modern regulatory framework in which law and technology intersect, requiring precise legal regulation to safeguard public order in a secure digital environment without undermining individual rights and freedoms.

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Vol. 04, No. 06, 2026, pp. 28-41
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Vol. 04, No. 06, 2026, pp. 28-41

ISSN 3104-8900

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