




The Liabilities and Responsibilities of PUBG Mobile as an Internet Intermediary to Prevent Illegal Hate Speech in Online Mobile Game

Imam Dwi Cahyo¹ , Muhammad Hendi Hidayat Romadhoni² , and Aulia Nabila Rachman³ 

^{1,2,3} Faculty of Law, Airlangga University, Indonesia

imam.dc26@gmail.com

Abstract. The rapid growth of digital communication through online games has led to the emergence of negative behaviors, including hate speech that violates human rights. PUBG Mobile, a leading mobile game, allows players to interact through text and voice communication, which has unfortunately become a medium for hate speech. This study examines whether PUBG Mobile, as an internet intermediary, holds responsibility for mitigating such harmful content in accordance with Indonesian law, particularly the Information and Electronic Transactions Law. This research used normative legal research and applies Lawrence Lessig's "Code Theory" to analyze the regulation of hate speech in the context of online games, arguing that legal frameworks can either strengthen or weaken digital rights. The study concludes that PUBG Mobile, under Indonesian law, is obligated to prevent hate speech and ensure the protection of digital rights. The paper suggests that PUBG Mobile should adopt stricter measures to monitor and control player behavior to fulfill its responsibilities effectively.

Keywords: Hate Speech, Digital Rights, Internet Intermediary.

1 INTRODUCTION

The development of the digital era has given birth to various types of online games that can be played online, usually called "The Online Games." Online games are a type of game played simultaneously that requires an internet connection.[1] In other words, to be able to play online games, players must have an internet connection to be able to interact with each other from all over the world. Therefore, players who play online games can interact with other people. Therefore, online game developers provide a communication feature that can be used by players to make teamwork easier, whether in communicating, interacting, or setting strategies to ensure the victory.

There are two types of communication that available in online games, namely text messages/chat boxes and voice messages/voice chat.[1] Where virtual communication is a way of communicating and receiving messages via cyberspace. However, this creates a very unfortunate phenomenon because of the freedom communication given in communicating in online games, many negative impacts arise as a result of conflicts

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between players. Many players use harsh and dirty words when communicating in online game. This aims to curse, insult and shout at players on the same team or the opposing team. This behavior can be classified as Hate Speech.

Online games are essentially divided into PC online games which must be played using a computer and mobile online games which are usually played using a smartphone. Then what the author will discuss is Mobile Online Games. One of the online game platforms that is currently developing, trending, and where it going to discuss is PUBG Mobile. Player Unknown's Battlegrounds (PUBG) mobile is an online multiplayer Battle Royale game.[2]

Based on the number of broadcast hours on various platforms such as YouTube and others, according to the Esports Charts report, in 2020 PUBG Mobile was the most watched game with a total watch time of 134.5 million hours worldwide.[3] However, this can be proof that PUBG Mobile still has the highest popularity in mobile online games. PUBG Mobile has also spread to Indonesia, where it has very high interest among online game players in Indonesia. The number of active players for each mobile game in Indonesia shows the rapid development of mobile games. The development of the mobile gaming industry has caused PUBG Mobile to become very popular. In a digital survey conducted by Telkomsel which shows the popularity of games in Indonesia, PUBG Mobile shows popularity at 28%, second ranking in popularity after the Mobile Legend game in first place at 67% of the total number of Online Game Players in all types of games in Indonesia, then followed by several other online mobile games.[4] However, this can be proof that PUBG Mobile still has the highest popularity in mobile online games.

From the survey above, it shows how trendy the PUBG Mobile game is in Indonesia, so that if it is linked to the phenomenon of hate speech that occurs through the online cyberspace of this game, of course it will give rise to various kinds of violations against a subject regarding the digital rights, where the digital rights in Cyberspace must be protected. Considering the common hate speech is on the internet, and its negative and harmful effects on the individuals targeted and public safety, it is critical to combat it. To this end, internet intermediaries play an important role as a new actor in combating hate speech in online games. So the question arises whether PUBG Mobile acts as an Internet Intermediary and has liability and responsibility to its Players, and does PUBG Mobile strengthen or weaken the digital rights of its Players in this case.

2 RESEARCH METHOD

This research utilizes a normative legal research method, which involves analyzing legal principles, regulations, and theories related to the liabilities and responsibilities of internet intermediaries, specifically PUBG Mobile, in preventing illegal hate speech in online mobile games. The study primarily focuses on the Indonesian legal framework, particularly the Information and Electronic Transactions Law, to determine the extent of PUBG Mobile's obligations under the law.

The research begins with a literature review of relevant legal texts, journal articles, and previous studies that discuss the role of internet intermediaries in regulating digital

content and the application of Lawrence Lessig's "Code Theory" in the context of cyberspace. The study then proceeds with a doctrinal analysis of Indonesian legislation, including the provisions related to hate speech and the responsibilities of internet intermediaries.

Primary data consists of legal statutes and regulations, while secondary data includes academic literature, legal commentary, and case studies relevant to the subject matter. The research also examines specific cases where hate speech occurred within the PUBG Mobile platform, analyzing how the legal principles are applied in practice and whether the current legal framework effectively addresses the issue.

Finally, the study synthesizes the findings to assess whether the existing laws provide sufficient protection for digital rights and whether PUBG Mobile fulfills its responsibilities as an internet intermediary in preventing hate speech within its platform.

3 FINDINGS AND DISCUSSION

3.1 Hate Speech

According to the Indonesian Large Dictionary (KBBI), hate speech is speech that calls for hatred against certain people or groups. Apart from that, hate speech can also be interpreted as communication actions carried out by individuals or groups in the form of provocation, incitement, or insults to other people or groups.[5] All forms of expression that spread, incite, promote or justify racial hatred, xenophobia, anti-semitism or any other type of hatred based on intolerance are defined as hate speech, this includes intolerance towards aggressive nationalism and ethnocentrism, discrimination and hostility towards minority groups, migrants and immigrants.[6]

The term Hate Speech is also speech that causes harm to other parties who are the object of this Hate Speech.[6] According to R. Susilo regarding the Hate Speech, he defines the Hate speech as an action of insulting or attacking the honor and good name of another person who is become the subject of this Hate Speech so as to cause harm to the victim in the form of feelings of shame or distress.[6] From the definitions above, hate speech can be defined as a verbal action carried out with the intention of spreading hatred towards an individual or group which can cause feelings of discomfort and distress towards the victim.

3.2 Cyber-Regulatory Theories

Cyber-regulatory theories are frameworks used to understand how cyberspace can be regulated to manage behavior, ensure security, and protect rights in the digital environment. These theories address the challenges posed by the unique characteristics of cyberspace, such as its borderless nature, the speed of technological change, and the difficulty in applying traditional legal principles to online activities.

The theory used in this research is the Theory from Lawrence Lessig. According to Lawrence Lessig, known as "Code Theory," the modalities contained in the Internet are

social norms, architecture, markets and law.[7] The four modalities mentioned by Lawrence Lessig (law, social norms, markets, and architecture) are interrelated with each other, both influencing and strengthening or weakening the digital rights in cyberspace.[8]

In relation to this research, Lawrence Lessig's "Code Theory" is used to analyze the existence of regulations regarding the Hate Speech phenomenon that occurs in the world of online games, so that in essence the law is able or unable to prevent digital rights violations related to Hate Speech behavior. In the cyberspace, law and technology play a very important role in shaping and directing human life. Therefore, a digital world that is free from laws and regulations will give a birth to liberalism which will result in the absence of legal certainty for the protection of digital rights in cyberspace.

In relation to this, the Principle of Legal Certainty requires the existence of norms of a legal system that are valid and can be applied as fully as possible and must be obeyed in order to achieve justice.[9] Therefore, legal certainty is very important in relation to strengthening or weakening digital rights in cyberspace. Apart from that, legal certainty in cyberspace aims to provide justice for these rights.

3.3 Indonesian Law concerning Information and Electronic Transactions

In Indonesia, the rules regarding Hate Speech in cyberspace are contained in the Law concerning Information and Electronic Transactions, and this law will be the focus in this research whether it strengthens or weakens the digital rights. The Indonesian Law concerning Information and Electronic Transactions provides legal protection for all types of electronic content, including hate speech which is classified as conveying information containing hatred. Hate Speech in Article 28 paragraph (2) of Law Number 1/2024 concerning Information and Electronic Transactions as follows:

“Any Person intentionally and without right distributes and/or transmits Electronic Information and/or Electronic Documents that are inciting, inviting, or influencing other people so as to create feelings of hatred or enmity towards certain individuals and/or community groups based on race, nationality, ethnicity, skin color, religion, creed, gender, mental disability, or physical disability.”

Article 28 classifies what constitutes Hate Speech it is prohibited under this Law, which can be anything that transmits electronic information, in this case occurring in cyberspace, which is aimed at hatred, this means that hate speech falls into the category “...causing feelings of hatred.” And the targets or objects of Hate Speech are individuals or certain groups.

Further regarding Internet Intermediary obligations specified in Indonesian Law Number 1/2024 Regarding the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, article 16A of this Law regulates the obligation for Internet Intermediaries to provide protection for those who use and access electronic systems, especially children. Furthermore, regarding the regulations regarding Internet Intermediaries, in article 16B paragraph 2 this Law provides sanctions for Internet Intermediaries as a means of enforcing justice and strengthening digital rights in cyberspace, especially in this case in the world of online games. The sanctions are in the form of written warnings, administrative fines, temporary

suspension, and/or termination of access to Internet Intermediaries who do not comply with the rules regarding strengthening digital rights in this Law. This shows that the Indonesian Law concerning Information and Electronic Transactions strengthens the digital rights in cyberspace and able to create the legal certainty.

3.4 The Liability and Responsibility PUBG Mobile

Internet Intermediaries are essentially actors who play an important role in the cyberspace, where these actors influence digital rights in cyberspace, either weakening or strengthening the digital rights. The definition of Internet Intermediary itself is regulated in Law of the Republic of Indonesia Number 19 of 2016 Concerning Amendments to Law Number 11 of 2008 Concerning Information and Electronic Transactions” Art.1 (6a), where Internet Intermediary is defined in this Law as an electronic system operator that provides, manages and has full authority in administering the electronic system.

In this case, PUBG Mobile plays an important role as an actor (Internet Intermediary) in the Online Games they created. As an Internet Intermediary, PUBG Mobile has exercise to full control over all forms of content contained in the game. Apart from that, PUBG Mobile can actively form and manage all types of content from PUBG Mobile Users (Players), because as an Internet Intermediary which has an important role in preventing related digital rights, the Internet Intermediary has the technological capabilities and means to monitor, filter, block, and remove illegal content in cyberspace.[10] In terms of the scope of this discussion regarding the Hate Speech phenomenon that occurs in Indonesia, PUBG Mobile as an online game organizer (Internet Intermediary) and has a market in the Indonesian jurisdiction, PUBG Mobile must follow the laws that apply in the Indonesian jurisdiction. PUBG Mobile has the responsibility to follow the provisions regarding the prevention of digital rights violations regulated in the Indonesian Law concerning Information and Electronic Transactions, and if it does not comply, the Indonesian Government has the right to impose sanctions on PUBG Mobile in accordance with article 16B paragraph 2 of this Law.

In the context of Indonesian jurisdiction and the author takes a perspective from Law concerning Information and Electronic Transactions regarding the Hate Speech Phenomenon, in this case PUBG Mobile has liability and responsibility in efforts to prevent violations of digital rights (Hate Speech) for all user (Players) of PUBG Mobile.

PUBG Mobile can use several methods to combat hate speech in its online games, including collaborating with the Indonesian government and the online gaming community, holding User Education and Awareness Programs, and conducting Research and Development for Better Technology Solutions.

Collaboration with the Indonesian government and related communities can increase user compliance with the regulation prohibiting hate speech. PUBG Mobile should prioritize strict adherence to the Indonesian legal framework, particularly the Information and Electronic Transactions Law, which mandates preventing illegal hate speech. As an internet intermediary, PUBG Mobile must implement robust measures to monitor, filter, and remove hate speech content on its platform. This could involve

deploying advanced artificial intelligence (AI) systems to detect and manage inappropriate content more efficiently. Moreover, PUBG Mobile and its collaborations should conduct regular audits and compliance checks to ensure that the platform continuously aligns with legal requirements.

Also, to foster a positive gaming environment, PUBG Mobile should invest in user education initiatives that promote digital literacy and responsible online behavior. These could include in-game tutorials, public service announcements, and collaborations with educational institutions to teach players about the impact of hate speech and the importance of respecting others online. Such initiatives would not only help prevent hate speech but also contribute to the overall development of a more respectful online community.

The final step is to conduct Research and Development for Better Technological Solutions. To stay ahead of the curve in hate speech prevention efforts, PUBG Mobile must invest in research and developing better technological solutions for content moderation. This includes improving AI algorithms to detect nuanced forms of hate speech, understand cultural context, and reduce false positives or negatives in content filtering.

4 CONCLUSION

Based on the analysis above, it is found that the legal rules that apply in Indonesia, especially in this writing, which takes the perspective of Indonesian Law concerning Information and Electronic Transactions, can strengthen digital rights related to the world of the PUBG Mobile in an Online Game, and to create legal certainty. This Law also explicitly regulates the sanctions given to Internet Intermediaries who do not comply with rules related to strengthening digital rights. The Hate Speech phenomenon in the PUBG Mobile game causes losses to other players through violations of related digital rights. Hate Speech behavior will cause distress for the victim (User/Game Player) regarding violating digital rights. Therefore, PUBG Mobile, as an Internet Intermediary in this online game, has liability and responsibility in preventing digital rights violations in the form of Hate Speech. PUBG Mobile has complete control over the games they created, so they have access to limit and prevent the Hate Speech Phenomenon.

The author's suggestion is that it is hoped that PUBG Mobile as an Internet Intermediary will be more pro-active in acting as the main actor in preventing Hate Speech, because PUBG Mobile has full control over the game it created. Collaboration with the Indonesian Government and related communities can be carried out. By working together, these entities can develop comprehensive strategies to address the root causes of hate speech and create a safer online environment. Additionally, such collaborations could lead to the development of standardized procedures for reporting and addressing hate speech incidents across various platforms. PUBG Mobile users should be given strict prohibitions and rules regarding behavior that violates the digital rights of other PUBG Mobile players.

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