




The Urgency of Civil Liability Regulation on Distribution Brain Rot Content

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Abstract

Introduction: Brain rot content is a type of digital content that is absurd, addictive, and has minimal value education is more rampant on social media platforms. Although no, in a way, directly violates the law, the distribution of Content can cause loss psychological and social, especially for groups like children and adolescents. Positive Indonesian law does not have norms that explicitly arrange or limit the distribution content kind of Content.

Purposes of the Research: This research aims to study arrangements not quite enough to answer civil to distribute brain rot content, with the use of a legal approach law

Methods of the Research: This research is a type of normative legal research conducted to examine the urgency of regulating civil liability for the dissemination of brain rot content from a progressive legal perspective. In examining the issue, several approaches are used, namely the statutory approach and the philosophical approach

Findings of the Research: With interpreting return draft action to oppose the law in Article 1365 of the Civil Code in a substantive way, the author proposes that digital platform providers and maker content can request not quite enough answer civil if proven negligent control distribution content that is systemic harms the community. Approach law progressive used for open room Updates more laws adaptive to development technology and dynamics social. So, the need for the formation of new norms in law digital civil capable reach forms non-material losses due to excess contemporary digital culture.

Keywords: Brain Rot; Progressive law; Urgency.

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INTRODUCTION

The development of digital technology affects the way humans interact, communicate, and access information. This new digital communication landscape, dominated by social media platforms such as TikTok, YouTube Shorts, and Instagram Reels, has become the primary medium for the younger generation to consume and produce Content.¹ The rapid increase in the use of mobile devices and widespread internet access², and the explosive growth of easily accessible short-form video content³ and the dominance of video consumption by the younger generation⁴. Global internet users spend an average of more than two and a half hours per day on social media, with a significant proportion of that time

¹ Yogesh K. Dwivedi et al., "Setting the future of digital and social media marketing research: Perspectives and research propositions," *International Journal of Information Management* 59 (2021): 102168.

² Topik marks this shift.id, "Mobile usage in Indonesia will soar in 2024, desktop?," *Trending topic* (blog), accessed June 5, 2025, <https://www.topik.id/2024/12/penggunaan-seluler-di-indonesia-melonjak-pada-2024-desktop.html>.

³ "Research: Indonesian Citizens Increasingly Like Short Video Content | Fortune IDN," accessed June 5, 2025, <https://www.fortuneidn.com/tech/riset-warga-ri-semakin-menggemari-konten-video-pendek-00-65c21-rjwg5d?utm>.

⁴ "Indonesian Youth Can't Live Without Video - Kompas.com," accessed June 5, 2025, <https://amp.kompas.com/tren/read/2022/08/31/161754765/anak-muda-indonesia-tidak-bisa-hidup-tanpa-video?utm>.

consumed on⁵ Short-form video platforms at 35 hours per month⁶. This data underlines the dominance of short-form video platforms in everyday life, especially for the younger generation⁷.

However, amidst the rapid growth of digital Content, an increasingly worrying phenomenon has emerged, popularly known as "brain rot." ⁸. This term refers to a type of digital Content characterized by characteristics such as absurdity, high speed, repetition, and a lack of clear educational substance. "Brain rot" content often features random clips, hyperactive visuals, and audio designed to trigger an instant emotional response. This is not only distracting but also raises serious concerns about its impact on the cognitive health and social well-being of individuals, especially vulnerable groups such as children⁹ and adolescents.¹⁰

A term that will be "Word of the Year"¹¹ in 2024 reflects growing concerns about the impact of negative consumption of digital information overload on the mental and cognitive health of individuals. "Brain rot" content has proliferated as social media algorithms have evolved to prioritize user engagement as a primary metric. These algorithms tend to prioritize Content that triggers quick and emotional responses, which in turn drives the production and consumption of "brain rot" content. The lack of effective regulation and adequate content curation mechanisms on many platforms compounds this. As a result, potentially cognitively damaging Content can easily spread and be accessed by a wide audience without adequate filters. The dilemma instead creates a significant gap between the growth of technology and protection against its impacts on mental and social health.

This gap is reinforced by the fact that there is a correlation between excessive exposure to cognitively meaningless Content and cognitive decline, such as impaired attention and self-control¹², the ability to remember and carry out future intentions, and poorer academic performance.¹³ Brain rot content is not dangerous Content but Content that slowly causes brain degeneration in humans. This is an arena for stupidity and disrupts human safety. If seen, Article 4 letter an of Law number 8 of 1999 concerning consumer protection (hereinafter referred to as UUPK) states that consumers have the right to comfort, security, and safety in consuming goods and/ or services. The debate between convenience and safety over the consumption of digital Content is indeed a difficult one to choose. However, if we look at the future impact, this safety must be prioritized so as not to damage the quality of human resources, especially the young generation of Indonesia. The destruction of

⁵ "Report: Global Social Media Users Pass 5 Billion Milestone," Meltwater, January 30, 2024, <https://www.meltwater.com/en/about/press-releases/report-global-social-media-users-pass-5-billion>.

⁶ "Digital 2025: Global Overview Report – DataReportal – Global Digital Insights," accessed June 5, 2025, <https://datareportal.com/reports/digital-2025-global-overview-report?>.

⁷ Tushar R. Behera, "Crucial Short Form Video Statistics To Know in 2025," *GrabOn Blog - Powered by GrabOn.Com* (blog), April 16, 2025, <https://grabon.com/blog/short-form-video-statistics/>.

⁸ Ahmed Mohamed Fahmy Yousef et al., "Demystifying the New Dilemma of Brain Rot in the Digital Era: A Review," *Brain Sciences* 15, no. 3 (2025): 283.

⁹ Eogenie Lakilaki et al., "The Phenomenological Analysis of the Impact of Digital Overstimulation on Attention Control in Elementary School Students: A Study on the 'Brain Rot' Phenomenon in the Learning Process," *TOFEDU: The Future of Education Journal* 4, no. 1 (2025): 265-74.

¹⁰ Laura Marciano et al., "Digital Media, Cognition, and Brain Development in Adolescence," in *Handbook of Children and Screens: Digital Media, Development, and Well-Being from Birth Through Adolescence*, ed. by Dimitri A. Christakis and Lauren Hale (Cham: Springer Nature Switzerland, 2025), 21-29, https://doi.org/10.1007/978-3-031-69362-5_4.

¹¹ Rosemary Sage, "Stop Brain Rot! Why We Must Give Narrative Language Priority," *Journal of Research in Education and Pedagogy* 2, no. 2 (2025): 163-76.

¹² "(PDF) The Effect of Short-Form Video Addiction on Users' Attention," *ResearchGate*, December 9, 2024, https://www.researchgate.net/publication/366031047_The_effect_of_short-form_video_addiction_on_users'_attention.

¹³ Qiong Gong and Ting Tao, "The relationship between short video usage and academic achievement among elementary school students: The mediating effect of attention and the moderating effect of parental short video usage," *PLOS ONE* 19, no. 11 (November 25 2024): e0309899, <https://doi.org/10.1371/journal.pone.0309899>.

human resources is a form of modern colonization that affects the economy, society and law in the country itself. Therefore, the author conveys that the regulation of restrictions on brain rot content is something crucial. There is an urgency to understand the impact of "brain rot" comprehensively in order to reduce the risks it poses. The lack of a clear and effective legal framework to address the negative impacts of "brain rot," especially in terms of civil liability.

Research on the impact of digital Content on mental and social health is growing rapidly, but there are still significant gaps in terms of legal analysis and civil liability. Relevant research, for example, by 1) Hasan¹⁴ Examines the relationship between social media use and symptoms of anxiety disorders in adolescents, with a focus on the type of Content that triggers anxiety. 2) Hilarius, who argued for excessive use of social media, especially in circles of individuals aged 17–24 years, correlated with improvement symptoms of anxiety, disturbance in sleep, and stress For always connected (FoMo)¹⁵. 3) Akhmad stated that social media role significant in increasing internet use among teenagers, but it also has a negative impact that is not can be ignored on their welfare¹⁶.

These studies provide a strong empirical basis for understanding the impact of "brain rot," but most of them focus on psychological and social aspects. This study aims to provide a significant theoretical gap due to the lack of a comprehensive legal framework to identify and hold accountable parties involved in the dissemination of "brain rot" content.

METHODS OF THE RESEARCH

This research is a type of normative legal research conducted to examine the urgency of regulating civil liability for the dissemination of brain rot content from a progressive legal perspective. This research refers to the progressive legal theory put forward by Satjipto Rahardjo¹⁷, as a basis for examining civil liability for the dissemination of "brain rot" content. This theory emphasizes that the law must be responsive to social change and be able to adapt to new realities. In examining the issue, several approaches are used, namely the statutory approach and the philosophical approach. The statutory approach is used to examine relevant legal provisions, especially Article 1365 of the Civil Code concerning unlawful acts and Law Number 8 of 1999 concerning consumer protection. The philosophical approach focuses on progressive legal theory as developed by Satjipto Rahardjo. This approach is important to open up the possibility of reinterpreting existing legal norms so that they are not rigid and formalistic but are able to answer the need for substantive justice amidst rapid social change. Thus, law is seen not only as a set of rules but as an instrument to create a more just and humane society. The types of legal materials used in this study include primary, secondary, and tertiary legal materials. The collection of legal materials was carried out through library research by tracing legal sources, both printed and electronic. After the data was collected, the analysis was carried out qualitatively through the legal interpretation method, both grammatically, systematically, and teleologically. In this analysis, progressive legal theory is used as the main framework

¹⁴ Dr Hasan Beyari, "The Relationship between Social Media and the Increase in Mental Health Problems," *International Journal of Environmental Research and Public Health*, January 1, 2023, <https://doi.org/10.3390/IJERPH20032383>.

¹⁵ Hilarius Bambang Winarko, "Digital Anxiety: Social Media Use and Its Impact on Indonesian Adolescents' Mental Health," *Soetomo Communication and Humanities* 4, no. 1 (December 31, 2023): 12–19, <https://doi.org/10.25139/sch.v4i1.9762>.

¹⁶ Akhmad Sahlan Zakariya and Khodijah Khodijah, "Analysis of the Role of Social Media in Increasing Internet Addiction Among Adolescents: A Case Study of Social Pathology," *Pustaka: Journal of Cultural Sciences* 25, no. 1 (March 16, 2025): 147–53, <https://doi.org/10.24843/PJIB.2025.v25.i01.p21>.

¹⁷ Satjipto Rahardjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2006).

for developing arguments that the law must be adaptive to the development of digital society and be able to provide legal protection against potential losses that are non-material and have not been explicitly accommodated in the applicable positive legal norms.

RESULTS AND DISCUSSION

The term "brain rot" has been popularly used to describe the phenomenon of a flood of digital Content that is shallow, repetitive, visually or audibly hyperactive, and tends to be absurd. This Content, which is widely found on platforms such as TikTok, Instagram Reels, and YouTube Shorts, is usually in the form of short videos that are less than a minute long. Although it may seem entertaining, brain rot content is considered to have the potential to cause a decline in cognitive function, attention, and focus of individuals, especially the younger generation, who are the main users of these digital platforms. Brain rot content does not always contain elements of violence, pornography, or hate speech, so it is not easily qualified as illegal Content under positive law. As a result, this type of Content escapes regulatory filters and is often supported by platform algorithms because it is considered to attract a lot of user interaction. "Brain rot" can cause emotional desensitization, cognitive overload, and a negative self-concept¹⁸, and has an impact on adolescent¹⁹ Mental health shows that the distribution of "brain rot" content has the potential to be categorized as action oppose law (AOL) based on Article 1365 of the Civil Code.

The elements of AOL, namely action, oppose law, fault, loss, and relationships cause and effect. Here, identification of elements of AOL in Brain rot content. Elements of action oppose the law, that is, Acts that violate the law, violate the rights of others, or are contradictory with the obligation of the law perpetrator. In the context of "brain rot," deeds opposing the law can be in the form of the distribution of Content that is damaging, misleading, or pushes dangerous behaviour. Elements second is element error, which can be in the form of intention (*dolus*) or negligence (*culpa*). Makers who intentionally created Content, created and distributed damaging Content, or negligent platforms in moderating Content can be considered guilty. The third element of loss is losses experienced by other parties as a result of an action opposed to the law. Loss can be in the form of loss material (for example, costs treatment) or loss immaterial (for example, mental suffering, loss of chance). Element causality is the existence of a connection between cause and effect (causality) between action opposed to the law and the losses experienced. This means that the losses must be the consequence directly of action opposed to law.

Accountability for action is indeed regulated in Article 1365 of the Civil Code, which states that every unlawful act that causes harm to another person requires the perpetrator to compensate for the loss. However, the classical approach to this norm tends to focus on material losses and forms of real and measurable violations of the law. Psychological, cognitive, or social losses due to digital Content cannot necessarily be included in this category because they are difficult to prove empirically, and the causality tends to be complex.

The study of brain rot content can also be viewed from the aspect of consumer protection law. The distribution of misleading or non-compliant "brain rot" content can be considered a violation of the Consumer Protection Act. Consumers are entitled to correct and clear

¹⁸ Yousef et al., "Demystifying the New Dilemma of Brain Rot in the Digital Era."

¹⁹ Pandith Aribowo and Mahendra Ihsan Bagaskara, "The impact of using social media "Brain Rot" on adolescent mental health," *Journal of Social Technology* 5, no. 3 (2025): 350-57.

information and protection from practice detrimental business. Although this law gives base law for consumers, change makes a loss on the losses they suffered and experiences consequences for the distribution of harmful Content. However, its actualization is a difficult run, spreading content brain rot not only perpetrator business but consists of from various circles.

Accountability for the distribution of digital Content also raises debates about who should be held responsible. Responsibility can include content creators, users who distribute it, or digital platforms that facilitate the distribution of Content. In a legal structure that still focuses on individual relationships, digital platforms often escape legal responsibility even though they have a large role in making certain types of Content go viral through the algorithms they design. The position of the platform as the determinant of the flow of information gives them enormous power in shaping people's mindsets and digital consumption.

In this framework, progressive law is present as an alternative approach that not only assesses the law based on text but also considers the values of substantive justice, social morality, and the needs of society that continue to develop. Progressive law, as developed by Satjipto Rahardjo, sees law as a tool to free society from inequality and social damage, including that caused by digital media. Therefore, this approach provides space to reconstruct the meaning of "unlawful acts" more inclusively so that it can include actions that are not necessarily prohibited normatively but are proven to be socially detrimental.

Progressive law allows for the expansion of the meaning of the basic elements of unlawful acts, namely the existence of an act, unlawful nature, losses, and causal relationships. First, the elements of the act can include not only the active act of disseminating Content but also negligence in controlling the distribution of Content by digital platform entities. Second, the unlawful nature is not only limited to violations of the law but can be based on the principles of propriety, appropriateness, and social values that exist in society. Third, losses are no longer limited to material losses but also non-material losses such as impaired concentration, decreased productivity, and psychological dependence that hinder individual development.

Through this approach, civil law can be directed to regulate the responsibility of perpetrators of brain rot content distribution more adaptively. For example, content creators who consciously produce videos with addictive patterns for monetization can be considered to have acted improperly and against the principle of social responsibility. On the other hand, digital platforms that know that their algorithms prioritize Content with negative impacts but still allow it for the sake of traffic can be considered passively responsible.

In this case, the concept of collective civil liability or negligence liability can be used as a basis for encouraging the establishment of ethical standards and prudence in the distribution of digital Content. In addition, it is necessary to consider a proof mechanism that is not only based on individual losses but also on the collective impacts caused to a particular community or age group. For example, suppose a type of Content is proven to cause learning disorders in elementary school students based on the results of psychological or neurological research. In that case, the Content can be included as a type of action that is detrimental to society. This approach is in line with the preventive principle in civil law, namely preventing the occurrence of wider losses through early regulation and restrictions.

The development of civil liability for digital Content cannot stand alone without the support of broader legal policies. Therefore, there needs to be state involvement through derivative regulations that regulate platform obligations in identifying and controlling types of Content that have the potential to be damaging. In addition, an independent supervisory institution also needs to be formed to oversee algorithms and content recommendation systems so that they do not only side with commercial logic alone.

Thus, progressive law provides a foundation for expanding the reach of legal protection in the digital context through reinterpretation of existing civil norms. The goal is not merely to punish but to encourage the transformation of a legal culture that is more ethical, humanistic, and relevant to the times. This effort is also part of the movement to build more critical and responsible digital literacy, where society is no longer merely a passive consumer but also a legal subject who is aware of their rights and protection in cyberspace.

CONCLUSION

The phenomenon of brain rot content is a new challenge in the digital era that shows a gap in legal protection, especially in the realm of civil law. Although it does not explicitly violate existing positive laws, the spread of this Content has the potential to cause significant non-material losses, especially to cognitive capacity, mental health, and the quality of public information consumption. Civil law based on Article 1365 of the Civil Code and the Consumer Protection Law regulates unlawful acts normatively and is limited to losses that can be proven directly. In the context of brain rot content, this approach has proven inadequate because the nature of the losses is invisible, widespread, and indirect. Therefore, a more progressive and adaptive legal approach is needed. Through a progressive legal approach, the meaning of the elements of unlawful acts can be expanded. Acts that are not under the principles of propriety and social responsibility, although not explicitly prohibited by law, can be qualified as unlawful acts. In addition, the perpetrators in the distribution of this Content are not only limited to content creators but also digital platforms as structural actors who help distribute and monetize the Content. Thus, civil liability in brain rot cases can be directed collectively to parties who are negligent or ignorant of the potential losses caused by their Content.

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