

The Urgency of Legal Protection for Victims of Cyberbullying in Indonesia

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Abstract: The study aims to analyze the urgency of legal protection for victims of cyberbullying in Indonesia. The method used is normative law based on legal materials (library based), including primary and secondary legal materials that produce information in the form of notes and descriptive data contained in the text under study. The author uses a qualitative approach based on the initial step taken by collecting the necessary data, then classifying and describing. Based on the research conducted, it can be concluded that the regulations in place are still not providing adequate legal protection for victims of cyberbullying. Although the crime of cyberbullying is regulated in the Criminal Code and the Information and Electronic Transactions Law, the regulation is more focused on taking action against the perpetrators. Therefore, it is necessary to expand and improve the legislation to provide a stronger guarantee of legal protection for victims of cyberbullying. This legal protection must include prevention, detection, handling, and recovery efforts for the victims.

1. Introduction

Cyberspace has impacts that can be both positive and negative. On the positive side, internet technology enables fast and diverse communication and access to information, which supports various human activities. However, we also need to be aware of its negative impacts, such as the misuse of social media features, the spread of false information (hoaxes), and unreliable information. In addition, teenagers' behavior, which is limited to chatting on social media, often misuses the platform. One of the serious problems that we should pay attention to is cyberbullying. Cyberbullying has been defined as the repeated and deliberate act of harassing and mistreating others using electronic devices. Both traditional bullying and cyberbullying stem from an imbalance of power between the perpetrator and the victim. Described by the Power and Control Model, the perpetrator seeks control over the victim by using intimidation, threats, and harmful language¹.

¹ Navarro R, Y. S. (2016). *Cyberbullying Across the Globe: Gender, Family, and Mental Health*. Switzerland: Springer: Basel.

The development of trends in technology today is also accompanied by a deviation that leads to verbal violence, or what is known as bullying or cyberbullying. Bullying itself has long been a problem that is quite widely debated, and its impact is very painful for the victims; namely, many of them experience depression or even commit suicide.²

Although similar, cyberbullying differs from traditional bullying in that the victim does not always know the identity of the perpetrator, content can spread quickly and be easily retained, and aggression is not limited to place or time, making cyberbullying unavoidable³.

The anonymity and limited contextual clues associated with virtual environments can reduce social accountability, reduce adolescents' emotional barriers, and increase their propensity to engage in interpersonal conflict⁴. In the Indonesian context, acts of cyberbullying are increasingly worrying. The latest data on cyberbullying in Indonesia can be found in a study conducted by We Are Social and Hootsuite in 2021. Here are some of the data taken from the study: a) As many as 33% of internet users in Indonesia claim to have experienced cyberbullying. b) As many as 37% of Indonesian internet users experience online harassment, including cyberbullying. c) Women are more prone to cyberbullying than men. As many as 37% of women in Indonesia experience cyberbullying, while only 29% of men do⁵.

Overall, experts agree that cyberbullying involves using technology to intentionally harm someone, often through actions intended to hurt or intimidate. The use of digital technologies such as social media, text messages and websites is a hallmark of cyberbullying, and the impact on victims can be significant. It is important to recognize cyberbullying and take action to prevent and address it to protect the mental and emotional well-being of individuals who may be targeted.

Awareness of the impact of cyberbullying is very important. Children need to be made aware that their words or actions online can have serious consequences and can hurt others emotionally. Protection of children as perpetrators of cyberbullying is also important. In an effort to prevent Cyberbullying, a broad approach needs to be taken. Education that makes children aware of the importance of respect and empathy for others in cyberspace is one of the steps that must be taken. In addition, supervision and involvement of parents and teachers in monitoring children's online activities are also needed. This aims to ensure that children's online behavior remains in line with ethical values and does not involve cyberbullying.

2. Method

The research conducted is normative legal research based on legal materials (library based), including primary and secondary legal materials⁶ which produces information in the form of notes and descriptive data contained in the text under study⁷. The author uses a qualitative approach based on the initial steps taken by collecting the required data, then classifying and describing.

² Imas Octaviana Dewi, Lalu Parman, and Ufran Ufran, "CYBERBULLYING DARI ASPEK KRIMINOLOGI," *Legalitas Jurnal Hukum* 13, no. 2 (January 2, 2022): 237, <https://doi.org/10.33087/legalitas.v13i2.294>.

³ Kowalski RM, M. C. (2012). Traditional bullying as a potential warning sign of cyberbullying. *Sch Psychol Int: Sch Psychol Int*.

⁴ J.Suler. (2004). The online disinhibition effect. *Behav: Cyberpsychol*.

⁵ Kemp, S. (2021, 02 11). Digital 2021. Retrieved from "We Are Social & Hootsuite: <https://datareportal.com/reports/digital-2021-indonesia>

⁶ Marzuki, P. M. (2017). *Introduction to the Science of Law*. Jakarta: Kencana Prenada Media Group

⁷ Mantra, I. B. (2008). *Social Research Methods: Quantitative and Qualitative*. Jakarta: PT. Remaja Rosdakarya.

3. The Urgency of Legal Protection for Victims of Cyberbullying in Indonesia

Cyberbullying has become an increasingly serious problem in Indonesia. A study conducted by the Central Bureau of Statistics (BPS) released that the majority of children aged 5 years and over in Indonesia have used the internet to access social media. This percentage reached 88.99%, which is the highest number compared to other internet usage purposes. In addition, 66.13% of children aged 5 years and over also use the internet to find information or news, while 63.08% use the internet for entertainment⁸. Of course, every individual's freedom has its limits. Respecting the human rights of others is the key to achieving a harmonious social life. Therefore, it is important to study people's behavior in social life, especially in the use of social media. Social media has become an inevitable part of today's communication culture.

Based on a 2020 UNICEF survey of 2,777 children, 45% of children aged 14-24 have experienced cyberbullying. This data is supported by the digital civility index report, which measures the level of digital politeness of internet users worldwide, ranking Indonesia as the most impolite. From these two data, social media users in Indonesia are still relatively unwise because of the high number of cyberbullying that occurs on social media and the low level of politeness in social media.⁹

Cyberbullying can have significant negative impacts on victims, both physically and psychologically. Victims of cyberbullying may experience mental health disorders, such as depression, anxiety, or post-traumatic stress disorder. Victims of cyberbullying may also experience difficulties in socializing and learning. Therefore, legal protection for victims of cyberbullying is very important. Legal protection can provide a sense of security and justice for victims, and can provide a deterrent effect for cyberbullying perpetrators.

According to Smith, Cyberbullying is a harsh treatment carried out by a person or group of people, using the help of electronic devices that are carried out repeatedly and continuously on a target who has difficulty defending themselves. In short, cyberbullying is an act of non-physical violence that occurs in cyberspace, which generally occurs on social media such as Facebook, Instagram, Twitter, and others. Violence in cyberspace is more commonly known as Cyberbullying. Cyberbullying has many forms. This can be in the form of threats via text messages, spreading images or photos that can embarrass the victim, spreading false news about the victim, or continuously mocking the victim through social media accounts. The perpetrators' motivations also vary. To vent anger, to look cool and powerful among friends, to get attention, or to have fun, to find free time.¹⁰

Cybercrime is one of the new forms or dimensions of modern crime that has received widespread attention in the international world. Volodymyr Golubev calls it the new form of anti-social behavior. Several other cool nicknames/terms are given to this new type of crime in various writings, including cyber crime (cyberspace/virtual space offense), a new dimension of high-tech

⁸ Deni Achmad et al., "LEGAL PROTECTION AGAINST VICTIMS OF DOXING CRIME IN INDONESIA," *Jurnal Bina Mulia Hukum* 8, no. 1 (September 30, 2023): 92–105, <https://doi.org/10.23920/jbmh.v8i1.1062>.

⁹ Arlyn Annabel Nusamara and Moody Rizqy Syailendra Putra, "Cyberbullying Yang Terjadi Di Indonesia Melalui Sosial Media," *JLEB Journal of Law Education and Business* 2, no. 1 (April 1, 2024): 14–18, <https://doi.org/10.57235/jleb.v2i1.1526>.

¹⁰ Intan Kumala Dewi, Sandra Dewi, and Oksep Adhayanto, "Penegakan Hukum Tindak Pidana Terhadap Cyber Bullying Dalam Perspektif Hukum Pidana," *Konsensus/ : Jurnal Ilmu Pertahanan, Hukum Dan Ilmu Komunikasi* 1, no. 3 (June 2023): 115–25, <https://journal.appisi.or.id/index.php/konsensus/article/view/237>.

crime, a new dimension of transnational crime, and a new dimension of white-collar crime. Cyber-crime is one of the dark sides of technological progress that has a very broad negative impact on all areas of modern life today.¹¹

Legal protection has a broad meaning, but in general it can be interpreted as an effort to provide legal certainty for individuals or groups in society so that their rights, freedoms and interests can be protected from violations. Legal protection can be carried out by various parties, including the government, the community, and legal institutions. legal protection is interpreted as an effort to fulfill rights and obligations, and provide assistance to victims of crime. This can be understood from the sentence "providing assistance by creating a safe society for victims of a crime that must be one of the protection of society." Legal protection for victims of crime is important because it can help victims to recover and obtain justice. This can be done in various ways, such as providing medical services, compensation, restitution, and legal aid.

Legal protection according to Soerjono Soekanto, is basically an effort to provide legal certainty for individuals or groups in society so that their rights, freedoms and interests can be protected from violations. This legal protection is provided in the form of legal instruments, namely laws and regulations that regulate the rights, freedoms and interests of individuals or groups. According to the Big Indonesian Dictionary provides an understanding of the word legal protection which means that a shelter or an act that protects, linguistically this has similarities with elements, including: a. The element of protective action; and b. Elements of protective measures.

The ITE Law provides legal guarantees to victims of cyberbullying. Legal guarantees are defined as the recognition and protection provided by law in relation to human rights. Legal guarantees are an absolute prerequisite for law enforcement. Law enforcement is a manifestation of the function of law¹⁰. This legal protection can be done repressively and preventively: a. Repressive legal protection aims to restore the situation that has been disturbed due to a violation of the law. This protection is reactive and is carried out after a violation of the law occurs. b. Preventive legal protection aims to prevent violations of the law. This protection is proactive and is carried out before a violation of the law occurs. With preventive legal protection, legal subjects can express their opinions and provide input on a government decision before the decision is made. This can help the government to make decisions that are more appropriate and not detrimental to legal subjects.

Repressive and preventive legal protection are two sides that complement each other in law enforcement. Repressive legal protection is the last resort to resolve disputes or violations, while preventive legal protection is an effort to prevent disputes or violations from occurring¹².

The importance of legal protection for cyberbullying victims has several reasons: a) Cyberbullying is a form of law violation. Cyberbullying can be categorized as criminal defamation, persecution, or even crimes of decency: 1) Cyberbullying that can be categorized as defamation is cyberbullying that is done by spreading untrue information or news about someone. For example, spreading edited photos or videos that make someone look ugly or strange, or spreading false news about someone. 2) Cyberbullying that can be categorized as abuse is cyberbullying that is carried out by sending messages or threats that contain threats of physical violence. For example,

¹¹ Ni Putu Suci Meinarni, "Tinjauan Yuridis Cyber Bullying Dalam Ranah Hukum Indonesia," March 31, 2019, <https://jayapanguspress.penerbit.org/index.php/ganaya/article/view/225>.

¹² Mantra, I. B. (2008). *Social Research Methods: Quantitative and Qualitative*. Jakarta: PT. Remaja Rosdakarya.

sending a message threatening to hit or kill someone. 3) Cyberbullying that can be categorized as a crime of decency is cyberbullying that is carried out by spreading pornographic content or immoral content. For example, spreading pornographic photos or videos or spreading immoral messages. Examples of cyberbullying cases in Indonesia. In 2019, a teenager in Jakarta was reported to the police for cyberbullying a high school student. The teenager shared a photo of the student taking a shower in a public bathroom. In 2020, a student in Bandung was reported to the police for cyberbullying a lecturer. The student shared a photo of the lecturer sleeping in class. In 2021, an artist in Indonesia was reported to the police for cyberbullying a netizen. The artist sent a message threatening physical violence to the netizen: 1) Cyberbullying can have a significant negative impact on victims, both physically and mentally. The negative impact of cyberbullying can interfere with the victim's physical and mental health, and can hinder the victim's development. Here are some examples of cyberbullying cases in Indonesia that have caused negative impacts on victims, in 2020, a high school student in Jakarta experienced severe depression after being a victim of cyberbullying. The student often received messages containing threats and insults from the perpetrators of cyberbullying. As a result, she often felt afraid and anxious, and found it difficult to concentrate on her studies. In 2021, a university student in Bandung experienced sleep disturbances after being a victim of cyberbullying. The student often received messages containing blasphemy and threats from the perpetrators of cyberbullying. As a result, the student often felt restless and found it difficult to sleep well and in 2022, an artist in Indonesia experienced indigestion after being a victim of cyberbullying. The artist often received negative comments about her appearance on social media. As a result, the artist often felt nauseous and vomited. 2) Legal protection can provide a sense of security and justice for victims of cyberbullying. Legal protection can provide legal certainty for victims, and can provide a deterrent effect for perpetrators of cyberbullying. Here are some examples of legal protection for victims of cyberbullying in Indonesia, in 2020, a high school student in Jakarta reported the perpetrator of cyberbullying to the police. The cyberbullying perpetrator was sentenced to 6 months in prison, in 2021, a student in Bandung was sentenced to Rp10 million in compensation by the court for cyberbullying a lecturer and in 2022, an artist in Indonesia was sentenced to rehabilitation by the court for cyberbullying a netizen.

The inhibiting factors of the law against cyberbullying are: a) Legislative Factors Effective law enforcement must be able to realize legal certainty and justice. However, in practice, there is often a conflict between these two things. This conflict can occur due to various factors, such as the novelty of laws and regulations, the incompleteness of laws and regulations, and the lack of coordination between agencies. b) Law enforcement factors. Effective law enforcement depends not only on statutory factors, but also on law enforcement factors. Law enforcers with good mentality and personality are the key to success in law enforcement. Law enforcers with good mentality and personality must have a high sense of justice and uphold the rule of law.

Law enforcers must also be honest, fair and professional in carrying out their duties: a) Supportive facilities and amenities Effective law enforcement depends not only on legislation and law enforcement factors, but also on supporting facilities. Adequate facilities are an important factor in realizing law enforcement that runs smoothly and properly. b) Community factors, effective law enforcement depends not only on legislation, law enforcement, and supporting facilities, but also on community factors. A law-aware society is the key to success in law enforcement. A law-aware society is a society that understands and obeys the law. A law-aware society will be more obedi-

ent to the law and willing to assist law enforcement. c) cultural factors Effective law enforcement depends not only on legislation, law enforcers, facilities and society, but also on cultural factors. The applicable law must reflect the values that form the basis of customary law. Customary law is a law that grows and develops in society for generations. Customary law has noble values and is in accordance with the culture of the community. Effective law enforcement must pay attention to the values on which customary law is based. Law enforcement that does not pay attention to these values will be difficult to accept by the community¹³.

Based on the factors inhibiting the law against cyberbullying victims mentioned above, it can be concluded that these inhibiting factors can be grouped into two, namely internal factors and external factors, internal factors are factors that come from within the legal system itself, namely: 1) Legislative factors that are incomplete and not in line with the development of information technology. 2) Law enforcers are not professional and do not have high integrity. External factors are factors that come from outside the legal system, namely: 1) Community factors that are still low in legal awareness. 2) Cultural factors that still think that cyberbullying is norma.

These inhibiting factors can cause law enforcement against cyberbullying victims to be ineffective. This can be seen from the large number of cyberbullying cases that occur, but only a few perpetrators are punished. To overcome these inhibiting factors, efforts are needed from various parties, both from the government, the community, and the private sector. The following are some of the efforts that can be made to overcome the factors inhibiting the law against cyberbullying victims: a) The government needs to improve the laws and regulations governing cyberbullying. The current laws and regulations are still incomplete and not in accordance with the development of information technology. b) The government also needs to improve the quality of law enforcement, both in terms of professionalism and integrity. Law enforcers who are professional and have high integrity will be better able to protect victims of cyberbullying. c) Society needs to increase its legal awareness. A law-aware society will better understand its rights and obligations, including in dealing with cyberbullying. d) Society also needs to change its mindset about cyberbullying. Cyberbullying is not a normal thing, but a form of law violation that must be punished. e) The private sector can also play a role in cyberbullying prevention and handling efforts. The private sector can provide education and socialization about cyberbullying to the community.

In terms of current legal policies in Indonesia, it can be used to overcome cyberbullying by following the provisions in the Criminal Code and the ITE Law No. 11 of 2008. Meanwhile, in terms of current non-penal policies in overcoming cyberbullying, efforts have been made with various approaches, including the Cultural Approach, which is carried out by providing ethical lessons on how to use the internet correctly by knowing and understanding the applicable cyber ethics. The Moral Education Approach (Educational) is carried out by instilling moral and religious education in children. Scientific Approach, carried out by universities and academics conducting research, socialization, and seminars on crimes that use technology, such as cyberbullying. Technological Approach (Techno Prevention), carried out by using parental control applications and filters to

¹³ Muhammad Rizal Nurdin, N. s. (2021). Legal Protection of Teenage Victims of Cyberbullying in Review of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Proceedings of Law Science (p. 777). Bandung: Bandung Islamic University.

protect children's security in cyberspace, such as Qustodio, K9 Web Protection, Kakat, and DNS Nawala. Strengthening computer security systems.¹⁴

With these efforts, it is expected to increase the effectiveness of law enforcement against victims of cyberbullying. Increasing public legal awareness, improving the quality of law enforcement, and improving laws and regulations are crucial steps to create an environment where cyberbullying victims can get justice, recovery, and proper protection in accordance with their human rights. Thus, the urgency of legal protection for cyberbullying victims in Indonesia is not only a moral demand, but also a strong foundation in maintaining the harmony of social life in the digital era.

4. Conclusion

The increasing use of social media in Indonesia, especially by children and teenagers, brings serious problems in the form of cyberbullying that threatens the social and psychological lives of individuals. With more than 88% of children aged 5 years and above using social media, the need for effective legal protection is urgent. The psychological impact of cyberbullying, such as depression and anxiety, emphasises the urgency of legal protection as a guarantee of legal certainty, providing a sense of security, justice and recovery for victims. The Electronic Information and Transaction (ITE) Law provides a legal basis, but inhibiting factors such as lack of regulatory completeness, unprofessional law enforcement, and low public awareness need to be addressed. Increased legal awareness, better quality of law enforcement, and improvement of laws and regulations are The increasing use of social media in Indonesia, especially by children and teenagers, brings serious problems in the form of cyberbullying that threatens the social and psychological lives of individuals. With more than 88% of children aged 5 years and above using social media, the need for effective legal protection is urgent. The psychological impact of cyberbullying, such as depression and anxiety, emphasises the urgency of legal protection as a guarantee of legal certainty, providing a sense of security, justice and recovery for victims. The Electronic Information and Transaction (ITE) Law provides a legal basis, but inhibiting factors such as lack of regulatory completeness, unprofessional law enforcement, and low public awareness need to be addressed. Increased legal awareness, better quality of law enforcement, and improvement of laws and regulations are.

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¹⁴ Wenggedes Frensh Frensh et al., "Kebijakan Kriminal Penanggulangan Cyber Bullying Terhadap Anak Sebagai Korban," *Neliti*, 2017, <https://www.neliti.com/publications/164999/kebijakan-kriminal-penanggulangan-cyber-bullying-terhadap-anak-sebagai-korban#cite>.

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