

**LEGAL PROTECTION FOR CHILD VICTIMS OF CYBERBULLYING: POLICY  
ANALYSIS, IMPLEMENTATION AND CHALLENGES IN THE DIGITAL ERA****Safa Cyrilla Apsarini**

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[lm812@ums.ac.id](mailto:lm812@ums.ac.id)**ABSTRACT**

The rapid development of information technology has driven globalization and brought the world into the modern era, presenting various opportunities alongside negative impacts on social life. One of the concerning negative effects is cyberbullying, which can significantly influence children's psychological well-being and social interactions. This study employs a normative legal method by analysing relevant laws and regulations. Data analysis was conducted qualitatively through logical reasoning, induction, deduction, analogy, and comparison. Legal protection for victims of cyberbullying in Indonesia is enshrined in several laws and regulations, such as Law Number 35 of 2014 and Law Number 1 of 2024. However, the implementation of these policies encounters various challenges, including a lack of public awareness and inadequate facilities and infrastructure for victims. There is a need for enhanced socialization, education, and evaluations of the effectiveness of existing policies. Legal protection for child victims of cyberbullying has been established in law, but its implementation requires strengthening through oversight, education, and collaboration among the government, educational institutions, and the community.

**Keywords:** Child Protection; Legal Protection; Cyberbullying**BACKGROUND**

The increasingly developing era encourages globalization and more visible progress in the development of information technology. This development has brought the world into a modern era that has more opportunities to meet the needs of society in socializing. Technological progress plays an important role in the sustainability of society and is a major factor in implementing community patterns and lifestyles (1). Children also experience both positive and negative impacts. In this case, adults play an important role in supervising and paying attention

to technological developments that can cause negative impacts. One of the negative impacts that is seen is the phenomenon of cyberbullying (2). This phenomenon is a serious threat that has a major impact on the growth and development of children and can affect children's psychology and social lives.

Cyberbullying is an action that threatens someone and occurs in cyberspace. This is related to the misuse of the internet. Cyberbullying is a form of intimidation that occurs in cyberspace, which is closely related to the misuse of the internet in interpersonal communication (3). Cyberbullying is carried out using various methods, for example, making fun of, intimidating, or threatening someone and even accessing other people's personal data illegally (hacking). The underlying factor of this phenomenon is the lack of public awareness in complying with existing norms so that this phenomenon is rampant and based on differences, such as differences of opinion, race, sexual orientation, economic conditions, and religion (4). According to the Indonesian Child Protection Commission (KPAI), during the 2016-2020 period, 361 children were reported as victims of cyberbullying (5).

The law in Indonesia has not specifically regulated cyberbullying, including in the Criminal Code (KUHP). However, there are several provisions in the Criminal Code that can be used to prosecute perpetrators of cyberbullying, although their implementation requires extra attention in their interpretation (6). The Criminal Code's Article 310 outlines the defamation provisions that social media can reflect. Article 315 of the Criminal Code also regulates minor insults on social media that can ensnare perpetrators in such actions. It is also stated in the laws and regulations in Indonesia, in Law Number 35 of 2014, Article 76C, Article 76F, Article 76E, and Law Number 1 of 2024, Article 27, paragraph (1), Article 27A, Article 27B, paragraph (2), and Article 29. Law Number 1 of 2024 has explicitly stated regarding cyberbullying that behaviour such as insults, threats, or harassment carried out via electronic media can be considered a criminal act in accordance with the provisions in the relevant articles.

Technology is constantly evolving, creating a gap between these advancements and the necessary legal protection. This technological development leads to changes in social behaviour, necessitating a review of many legal regulations (7). Law enforcement has also become more complex due to developments in the Digital Era; there needs to be development in enforcement

and the role of law that must pay more attention to cases that may occur due to technological developments in the Digital Era (8). Potential cases include cyberbullying, data misuse, and privacy violations.

Children require serious action, particularly through a legal approach, to prevent, handle, and recover from cyberbullying (9). With this background, the study aims to analyse legal protection for victims of cyberbullying and the policies regulated in Indonesian law and assess whether the government has implemented these policies effectively.

## **METHOD**

The approach method used in this study is normative juridical, namely by examining applicable laws and regulations and legal rules in the problem being studied (10). This study uses the concept of literature studies and is supplemented with references from books, journals, doctrinal papers from scholars, and electronic media that can be linked to research on law enforcement against cyberbullying (11). The study employs a descriptive qualitative research approach, which involves precisely describing the problem or phenomenon (12). Descriptive qualitative research aims to understand social or cultural phenomena by investigating the experiences, views, and meanings held by the research subjects and focuses on describing and analysing certain situations in depth, without emphasizing hypothesis testing or generalization.

In this study, the author uses one type of data to answer the problem formulation, namely secondary data. Secondary data is information or data obtained from sources that are factual or data that can be accessed from various sources, namely in the form of books, papers, and scientific literature related to the protection of children as victims of cyberbullying. In this research, the data collection method used is based on library research, using legal documents and data collected from various types of literature.

The data analysis method used is the qualitative data analysis method. Qualitative analysis techniques basically use logical thinking, induction, deduction, analogy, comparison, and the like.

## RESULT AND DISCUSSION

### 1) Analysis of Legal Protection for Cyberbullying Victims

According to the 1945 Constitution, Article 1, Paragraph (3), the State of Indonesia is a country of law. Indonesia, as a country of law, places law as the basis for regulating community life. The government plays a role in placing law as the basis for community life by making regulations to legally protect children who are victims of cyberbullying (14). In the increasingly rapid development of the era, more and more impacts will be felt by society, one of which is the negative impact of cyberbullying (15).

In the case of cyberbullying, child protection is an action to create something that allows the implementation of children's rights and obligations for the sake of the child's survival, growth, and development. A child who is a victim of cyberbullying has rights that have been regulated by the Child Criminal Justice System Law, and there are also those that have been regulated by laws and regulations outside the Child Justice System. Laws and regulations related to children as victims of cyberbullying have been regulated in Law Number 35 of 2014, Law Number 1 of 2024, and in the Criminal Code (16).

### 2) Policies That Have Been Regulated by Indonesian Law

Law Number 35 of 2014 does not clearly explain cyberbullying; Article 76C explains that everyone is not allowed to carry out, allow, direct, or participate in acts of physical or psychological violence against children. In this case, it can be categorized as cyberbullying if it occurs on social media and has an impact on the child's psyche. Article 76F explains that everyone is not allowed to carry out acts of violence or threats of violence against children that can result in children experiencing disturbances in their physical, mental, moral, and social development, as well as disturbances in their health. Cyberbullying that leads to trauma, depression, or mental disorders in children can be subject to sanctions based on this article. Article 76E explains that everyone is prohibited from placing, allowing, or even ordering or participating in acts of exploitation, either economically or sexually. In this article, it can lead to exploitation of children on social media. In addition to Law Number 35 of 2014 concerning

cyberbullying, Law Number 1 of 2024 also contains several articles that can be used to ensnare perpetrators of cyberbullying.

In Law Number 1 of 2024, Article 27A, it is explained that if someone intentionally brings down another person by accusing them of something with the intention of making it publicly known in the form of electronic information and electronic documents carried out through an electronic system, this article regulates actions that attack the honor of others, which can include cyberbullying, such as insults or defamation. Article 27B paragraph (2) states that anyone who intentionally distributes with the intention of distributing for the benefit of themselves or others and against the law by threatening that the person will give goods or give debt, make a debt confession, or write off debt, this article regulates actions that distribute with the intention of blackmailing or threatening someone, then it can be said to be a form of cyberbullying. Furthermore, in Article 29, everyone is prohibited from intentionally sending threats of violence or intimidating victims; this article regulates sending electronic information containing threats and intimidation as a form of cyberbullying.

Child protection, as defined in Article 1, paragraph 2 of Law Number 35 of 2014 concerning Child Protection, encompasses all activities aimed at guaranteeing and safeguarding children's rights. These activities ensure that children can live, grow, develop, and participate fully in accordance with human dignity while receiving protection from violence and discrimination (17). Cyberbullying has a detrimental impact and significantly inhibits child development. The Indonesian Clinical Psychology Association, represented by Anna Surti Ariani, stated that to minimize cyberbullying, it is essential to implement gadget restrictions, provide education regarding it, impose restrictions on application content, and demonstrate proper use of digital tools (18).

The perpetrators of cyberbullying sometimes do not understand their actions; this means that they may comment without realizing that such comments can be classified as hate speech. Furthermore, these individuals frequently disseminate information without first verifying its accuracy, a practice commonly known as hoaxes. Cyberbullying also occurs when the perpetrator disseminates content with personal edits or without first obtaining permission from the party in question (20). Therefore, cyberbullying can happen to anyone, anywhere; this

underscores the importance of socialization and education from the government and various institutions, including educational and child protection organizations, to ensure that cyberbullying cases can be effectively anticipated (21).

7	<b>Pornografi dan Cyber Crime</b>	<b>587</b>	<b>608</b>	<b>679</b>	<b>653</b>	<b>651</b>	<b>3178</b>
701	Anak Korban Kejahatan Seksual Online	112	126	116	87	103	
702	Anak Pelaku Kejahatan Seksual Online	94	102	96	101	9	
703	Anak Korban Pornografi dari Media Sosial	188	142	134	148	91	
704	Anak Pelaku Kepemilikan Media Pornografi (HP/Video, dsb)	103	110	112	94	389	
705	Anak Korban Bullying di Media Sosial	34	55	109	117	46	
706	Anak Pelaku Bullying di Media Sosial	56	73	112	106	13	

Figure 1. Table of Number of Pornography and Cybercrime Cases, 2016-2020

### 3) Government Implementation of Policies from Regulations Regulated in Law in Indonesia.

All forms of crime or actions that violate children's rights are the responsibility of the state, regional government, law enforcement, and the environment (22). The Child Protection Commission has recorded that within a period of four years, from 2016 to 2020, there were 3,178 complaints related to pornography and cybercrime. Cases of children being victims of bullying on social media increased from 2016 to 2019, peaking in 2019 with 117 cases, but then decreased to 46 cases in 2020. In 2021, there was a sudden spike, indicating that the handling of cyberbullying cases had not been resolved effectively; however, in 2023, a decrease in cases to 31 was observed. Child Fund International conducted a study in 2022 involving 1,610 respondents, revealing that six out of ten respondents had experienced cyberbullying, with the highest prevalence among children aged 15 years (23). Additionally, in 2022, KPAI reported 18 cases of cyberbullying. Furthermore, research from the Centre for Digital Society conducted in August 2021 found that 1,895 students in Indonesia had been victims of cyberbullying. Cases of victims of pornography and cybercrime rose to 41 in 2024, up from 31 in 2023. This trend indicates that the issues of cybercrime and cyberbullying have not been adequately addressed, as the number of cases continues to rise.

The laws and regulations governing cyberbullying crimes clearly delineate the roles of the government, institutions, families, and the surrounding environment. The evidence suggests that while existing policies may be satisfactory, the implementation has not been executed

properly; the roles of the state and society have not been optimally fulfilled; and both the government and society need to enhance their understanding of supervision and prohibitions on social media (24). Furthermore, the facilities provided for the protection of cyberbullying victims remain inadequate; for instance, at the East Java KPAID, there are no appropriate facilities for cyberbullying victims, and there are still no staff, such as psychological experts, available to assist with the trauma experienced by victims (25).

In the studies that have been conducted, there are significant differences in cases reported to the KPAI Institution. This indicates that many victims may not have filed complaints regarding the incidents they experienced. This may point to the inadequacy of the means and facilities provided by the government for victims, leading them to choose not to file complaints. The state plays a crucial role, certainly supported by institutions and the surrounding environment. If adequate policies exist but have not been implemented effectively, and if the means and facilities do not align with the victims' needs, then the existing policies cannot be executed optimally. The government should conduct a thorough evaluation of the implementation of these policies.

## **CLOSING**

### **1. SUMMARY**

Legal protection and fulfilment of the rights of children as victims of cyberbullying must be carried out properly, as stated in Law Number 35 of 2014 concerning Child Protection. Children have the right to be protected and accompanied throughout all trial processes, from complaints to follow-up processes and ultimately to victim recovery. Legal protection for children who are victims of cyberbullying is further regulated in Article 29 of Law Number 1 of 2024, with sanctions outlined in Article 45B, which includes a maximum imprisonment of 4 years and a maximum fine of IDR 750,000,000.00.

Preventing and addressing cyberbullying is a shared responsibility between the government and the community. Steps that exemplify this shared responsibility include supervision, education, socialization, and providing guidance and restrictions for children

to ensure they use the internet wisely. Efforts to address cyberbullying involve measures such as education and socialization regarding internet use, restrictions on children's internet access, and school policies related to cyberbullying cases. Additionally, proactive measures can be taken, including monitoring children's internet usage, enhancing digital literacy, providing age-appropriate shows or reading materials, and training children in social media usage through discussions and by setting good examples. Generally, we can prevent cyberbullying by acknowledging the importance of internet ethics as unwritten guidelines in the digital realm.

The roles of the government, institutions, and educational personnel are crucial in efforts to prevent cyberbullying, ensuring that not only are policies satisfactory but also that implementation and facilities are effectively managed. Given the data indicating an increase in cybercrime cases, it is evident that the government has not taken decisive action concerning the enforcement of existing policies, and inadequate facilities and infrastructure contribute to the rising number of cases. A review of policy implementation and the availability of facilities and infrastructure to combat cyberbullying is essential to guarantee the effectiveness of the measures undertaken. The government, educational institutions, and parents must evaluate the policies that have been implemented, assess the success of regulations and educational programs in reducing cyberbullying cases, and identify areas that require improvement. In addition, facilities and infrastructure, including digital monitoring systems, responsive complaint services, and psychological support for victims, must continue to be developed to ensure they are more easily accessible and utilized effectively. Through ongoing evaluation and enhancement of these supporting facilities, it is hoped that cyberbullying cases can continue to decrease or even cease entirely in the future.

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