

**POLICY ON THE CERTAINTY OF LEGAL PROTECTION FOR CHILD  
VICTIMS OF CYBERBULLYING IN SURAKARTA****Illyas Anshori<sup>1</sup>**

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[Mk122@ums.ac.id](mailto:Mk122@ums.ac.id)***ABSTRAK***

Penelitian ini bertujuan untuk mengetahui kebijakan kepastian perlindungan hukum bagi anak korban cyberbullying di kota Surakarta. Perkembangan teknologi dan hadirnya internet membawa dampak yang besar bagi berbagai aspek kehidupan. Salah satu dampaknya adalah munculnya fenomena cyberbullying yang merujuk pada perundungan melalui media digital seperti media sosial, aplikasi pesan, dan platform lainnya. Penelitian ini menggunakan metode pendekatan yuridis normatif yang mana menggunakan sumber data sekunder yang isinya beberapa regulasi seperti, Kitab Undang-undang Hukum Pidana, Undang-undang Informasi dan Transaksi Elektronik, Undang-undang Perlindungan Anak, Peraturan Daerah Kota Surakarta dan Peraturan Menteri Pendidikan. Untuk mengumpulkan data dalam penelitian ini penulis menggunakan teknik studi kepustakaan yang di dukung dengan data laporan kasus cyberbullying di kota surakarta serta hasil wawancara kepada Yayasan KAKAK, kemudian di analisis secara kualitatif. Berdasarkan hasil dan pembahasan pada penelitian ini diketahui bahwa perlindungan hukum preventif di surakarta terdapat beberapa peraturan perundang-undangan yang dapat dijadikan dasar perlindungan hukum dan represif seperti upaya penanganan kasus melalui mediasi, kolaborasi, penyediaan pos pelayanan, dan edukasi.

Kata Kunci: Kebijakan, Perlindungan Hukum, Anak, Korban, Cyberbullying

**ABSTRACT**

This research aims to determine the policy of ensuring legal protection for child victims of cyberbullying in Surakarta. Technological developments and the presence of the internet have had a big impact on various aspects of life. One of the impacts is the emergence of the phenomenon of cyberbullying, which refers to bullying through digital media such as social media, messaging applications and other platforms. This research uses a normative juridical approach method which uses secondary data sources which contain several regulations such as

the Criminal Code, Information and Electronic Transactions Law, Child Protection Law, Surakarta Regional Regulations and Ministry of Education Regulations. To collect data in this research, the author used literature study techniques which were supported by data from cyberbullying case reports in Surakarta as well as the results of interviews with the KAKAK Foundation, then analyzed qualitatively. Based on the results and discussion in this research, it is known that preventive legal protection in Surakarta has several laws and regulations which can be used as the basis for legal and repressive protection, such as efforts to handle cases through mediation, collaboration, provision of service posts, and education.

Keyword: Policy, Legal Protection, Children, Victims, Cyberbullying

## INTRODUCTION

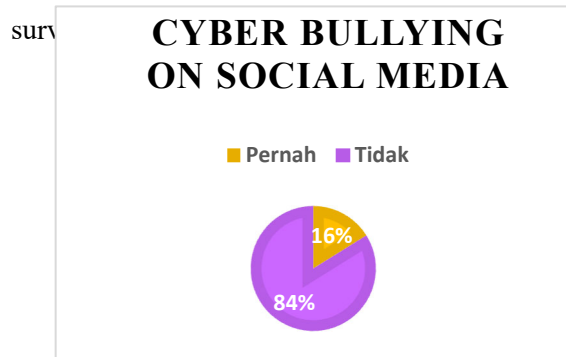
The rapid development of technology and informatics systems and the presence of the internet and social media have had a major impact on various aspects of life in society. This has brought a new way of life from the beginning to the end of life, known as e-life. That is, this way of life is directly influenced by various electronic needs(1). The term telematics comes from the French telematique, which describes the integration of communication network systems and information technology(2). While information technology only refers to the development of information processing devices or machines.

The use of information technology networks in Indonesia is experiencing a rapid and significant transition but on the other hand it provides a new challenge for the community such as the emergence of cybercrime or also called cybercrime, it is not uncommon on social media to find several negative comments containing sara such as, harassment, insults, and even provoking(3). From this, it shows that information technology is still being swallowed rawly by the Indonesian people(4). One such egregious cybercrime is the act of cyberbullying. The United Nations Children's Fund (UNICEF) Indonesia delineates the term "cyberbullying" as the use of digital technology, such as social media, chat platforms, online gaming platforms, and mobile phones, to perpetrate aggressive behavior by individuals or groups against another person, with the intent of causing emotional distress, including feelings of fear, anger, and embarrassment(5). Activities vary such as threats, uploading images that can embarrass potential victims and denigration(6).

Based on official data and statistics from the Ministry of Communication and Information in 2014, the use of the internet in the digital era has changed the perception of communication patterns. There are

about 75.57 million Indonesians who use the internet(7). In a survey conducted by the Indonesian Internet Service Providers Association (APJII) for the period December 18, 2023 to January 19, 2024, it was announced that the number of Indonesian internet users in 2024 reached 221,563,479 out of a total population of 278,696,200 Indonesians in 2023(8). The United Nations International Children’s Emergency Fund (UNICEF) states that 45% of adolescents in Indonesia aged 14-24 have experienced cyber bullying. 45% have been harassed through chat apps, 41 have shared photos or videos without permission, and the rest have experienced other forms of bullying.

Bullying research conducted by *Kepedulian Untuk Anak* (KAKAK) Foundation in collaboration with the Office of Women’s Empowerment and Child Protection as well as Population Control and Family Planning (DP3AP2KB) through the Family Learning Center (PUSPAGA) in Surakarta Junior High Schools or the Family Learning Center conducted roadshows as well as research to junior high school students covering 36 schools with a total of 3,164 students who took part in the cyberbullying survey.



Cyber Bullying on Social Media		
Ever	510	16%
Never	2654	84%
<b>TOTAL</b>	<b>3164</b>	<b>100%</b>

Source: KAKAK Foundation Surakarta

From the data above, it can be seen that there are still many children who are victims of cyberbullying with a percentage of 16% or 510 junior high school children out of 3164 total children. Cyberbullying is an extension of direct bullying that has been happening conventionally(9). Cyberbullying is an aggressive action or behavior carried out by individuals/groups through electronic media repeatedly(10), Compared to the real or offline world, cyberbullying is easier to do and tends to be safer(11). The form of legal protection for child victims of cyberbullying can be interpreted as protection to obtain legal guarantees for the suffering or losses of parties who have been victims of crime(12).

When looking at the case data of cyberbullying in Indonesia, especially in Surakarta, it is important to further examine the legal protection of cyberbullying victims in Surakarta. This research aims to

explore how existing regulations are implemented, what are the challenges faced in providing protection for victims, and how efforts can be made to strengthen legal protection in cyberbullying cases.

## **METHOD**

The researcher uses a normative juridical research approach method which uses secondary data sources which contain several regulations such as the Criminal Code, Electronic Information and Transaction Law, Child Protection Law, Surakarta Regional Regulations and Education Ministerial Regulations. This research uses a descriptive type of study by providing a clear description of the object under study systematically and based on regular rules<sup>(13)</sup> and comprehensive regarding the legal protection of cyberbullying victims in Surakarta. To collect data in this research, the author uses literature study techniques supported by data on cyberbullying case reports in Surakarta and interviews with the *KAKAK* Foundation.

## **RESULT AND DISCUSSION**

### **Legal Protection Policy for Child Victims of Cyberbullying**

Every citizen in Indonesia has the same right to legal protection, which is regulated in Article 28D paragraph (1) of the 1945 Constitution that “everyone has the right to be recognized and guaranteed equal protection of the law in the eyes of the law”. Legal protection according to M.Hadjon is the protection of dignity, as well as recognition of human rights owned by legal subjects based on legal provisions from arbitrariness, which is further classified into two forms of protection, namely preventive and repressive (14).

Preventive legal protection is a form of legal protection provided by the government to the people with the aim of preventing violations before they occur. Preventive legal protection of child victims of cyberbullying is an effort to create a situation that allows the implementation of children’s rights and obligations in a humane manner such as protection of children’s rights to life, survival, growth, and development (15). According to Williard’s theory in Ahmad Budiman’s journal, there are several forms of cyberbullying, namely flaming, harassment,

denigration, impersonation, outing(16). From a legal perspective, cyberbullying can be categorized as a criminal act, the following table categorizes cyberbullying acts:

Table 1. Categorization of Cyberbullying Acts

<b>Forms of Cyber bullying</b>	<b>Brief Description</b>	<b>Criminal Code</b>	<b>Law No.1 of 2023</b>	<b>Law No.1 Year 2024</b>
Flamming	Angry, abusive, provocative text messages online	<b>Article 310</b> (Insult)		<b>Article 27A</b> (Public denigration)
Harassment	Repeated acts of bullying, threats, harassment through electronic media	<b>Article 335</b> (Objectionable conduct)		<b>Article 27 paragraph 1</b> (violation of decency), <b>Article 29</b> (threat of violence), <b>Article 45B</b> (threat of violence)
Denigration	Spreading rumors or false information about someone		<b>Article 433</b> (Denigration)	<b>Article 27A</b> (public denigration) <b>Article 28 paragraph 3</b> (fake news)
Impersonation	Impersonating others online	<b>Article 311</b> (Slander)	<b>Article 433 paragraph 1</b> (Denigration)	<b>Article 28 paragraph 3</b> (fake news) <b>Article 35</b> (data manipulation)

Outing	Leaking personal information online without the owner's permission			<b>Article 27A</b> (Public denigration)
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Based on the table above, it can be seen that the legal basis as a form of preventive legal protection from cyberbullying is regulated in several laws and regulations. Based on the form of cyberbullying, it can be discussed as follows:

1. Flaming

In accordance with the definition of Flaming, it can be categorized into Article 310 concerning insults in public, which carries a maximum penalty of 9 (nine) months imprisonment and a maximum fine of Rp.4,500.00 (four thousand five hundred rupiah). Meanwhile, elements that contain harsh and frontal words automatically make a person attacked by his honor, which is also regulated in Article 27A of the Law on Electronic Information and Transactions, which regulates the attack on the honor or good name of a person with the intention of being known to the public in the form of electronic information or electronic documents.

2. Harassment

In this form, namely actions that disturb and terrorize continuously can be subject to Article 335 of the Criminal Code which states unpleasant actions, but if this act is imposed on Law No.1 of 2023 it cannot because it has been revised in the decision of the Constitutional Court in 2014 because the phrase "unpleasant actions" is considered to cause legal uncertainty and has the potential to be misused. This act would be more appropriate if imposed on the Electronic Information and Transaction Law Article 27 paragraph 1 on violating decency in electronic form or electronic documents. Furthermore, Article 29 of the Electronic Information and Transaction Law can also be imposed on this act because the form of harassment or disturbance in the form of threats of violence is regulated in the article, whose criminal threats are regulated in Article

45B with a maximum imprisonment of 4 (four) years and / or a maximum fine of IDR 750,000,000.00 (seven hundred and fifty million rupiah).

### 3. Denigration

As delineated in Article 433, paragraph 1 of Law No. 1 of 2023, the act of denigration is defined as the deliberate dissemination of information intended to harm the honor or reputation of another individual, with the intent of it being made known to the public. This offense is subject to a maximum penalty of nine months of imprisonment or a maximum fine classified under category II. Article 27A of the Electronic Information and Transaction Law more clearly regulates the attack on honor or good name in the form of electronic information and/or electronic documents carried out through electronic systems. The element of false information in this form is included in the elements of Article 28 paragraph 3 of the Electronic Information and Transactions Law regarding the distribution of electronic documents containing false notifications or misleading information that causes unrest in the community.

### 4. Impersonation

The crime of slander is regulated in Article 311 of the Criminal Code because the perpetrator who pretends to be another person disseminates information that cannot be accounted for, automatically with the slander committed, an offense arises, namely defamation of a person which is also regulated in Article 433 of Law No.1 of 2023 concerning attacks on respect and good name. This act is also included in the acts regulated in Article 28 paragraph 3 of the Electronic Information and Transactions Law concerning the dissemination of electronic documents containing false notifications or misleading information that causes unrest in the community. Impersonation of a person's identity can also be subject to Article 35 of the Electronic Information and Transaction Law which regulates unlawful acts of manipulation, creation, alteration, removal, destruction of electronic information as if the data is considered authentic.

### 5. Outing

The dissemination of confidential information or personal grievances is subject to stringent regulations outlined in Article 27A of the Electronic Information and Transaction Law, which

stipulates the prohibition of any deliberate disclosure of another individual's honor or reputation with the intent of public exposure through electronic means.

Every child has the right to legal protection, which is explained in article 1 paragraph 2 of Law Number 35 of 2014 which states that "Child Protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination". The protection of children's rights essentially concerns directly in the legislation(17). In Article 76C, which generally contains a prohibition on acts of violence against children, the Child Protection Law has explained that children have protection of their rights, which if someone violates the provisions of this article, the penalty is imprisonment for a maximum of 3 (three) years 6 (six) months and / or a maximum fine of IDR 72,000,000.00 (seventy two million rupiah).

As a preventive effort to safeguard children's rights from physical and non-physical violence which can also be related to cyberbullying and along with the increase in various problems of fulfilling children's rights and protecting children, the Surakarta Government has also issued regulations on Child Protection which are regulated in Surakarta Regional Regulation No. 10 of 2023 concerning Child Protection which is regulated in Article 28 paragraph (1) of Surakarta Regional Regulation No.10 of 2023 which generally states that local governments and education units provide guarantees and protection for children in education units from physical and non-physical acts of violence. The prohibition of violence against children is regulated in full in Article 59 of Surakarta Regional Regulation No.10 of 2023, which if there is someone who violates the provisions in article 59 will be subject to sanctions in accordance with statutory provisions.

Furthermore, the Ministry of Education also regulates cyberbullying through the Minister of Education, Culture, Research and Technology Regulation No.46 of 2023 concerning Prevention and Handling of Violence in the Education Unit Environment which aims to prevent and handle violence, including cyberbullying, in the education unit environment where schools are required to make efforts to prevent all forms of violence, including cyberbullying, by building a safe and comfortable environment for students. It emphasizes the Violence Prevention

and Handling Team, whose definition is explained in Article 1 point 8, namely the team formed by the education unit to carry out efforts to prevent and handle violence in the education unit. In terms of the context of cyberbullying, it is discussed in Article 6 paragraph 1 letter c, namely the form of psychological violence referred to here is any non-physical act carried out with the aim of demeaning, insulting, frightening, or making feelings uncomfortable. The administrative sanctions stipulated in this regulation do not exclude the imposition of other administrative sanctions and criminal sanctions in accordance with the provisions of laws and regulations.

Repressive legal protection is a form of legal protection where more emphasis is placed on problem or dispute resolution(18). The Surakarta Government has implemented a number of repressive measures in dealing with cyberbullying cases, especially those that occur in educational settings such as:

1. Provision of integrated service posts organized through the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), the Surakarta Government has facilitated through integrated service posts to facilitate the community to report cases involving children's rights in order to create a safe space for reporters and perpetrators.
2. KAKAK Foundation as a companion institution engaged in the protection of children's rights also receives referrals of cyberbullying cases which will be assisted directly until the victim's condition is considered good enough and has recovered from mental trauma.
3. Therapy for victims, if there are victims of cyberbullying, both the Office of Women's Empowerment, Child Protection, Population Control and Family Planning and the KAKAK Foundation facilitate psychological recovery for victims. In cases where the victim requires further therapeutic intervention, the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning, in conjunction with the KAKAK Foundation, serves as a referral source for the school Violence Prevention and Handling Team. This collaborative approach facilitates a comprehensive evaluation of the victim's condition, with the objective of determining the necessity for psychological assistance. In instances where the victim requires such support, Yayasan KAKAK can facilitate a referral to the Surakarta City Hall or the Surakarta Mental Hospital.
4. Socialization and Education, the Office of Women's Empowerment, Child Protection, Population Control and Family Planning actively conducts socialization on child protection regulations and the

negative impact of cyberbullying including in the scope of education and collaborates with companion institutions such as KAKAK Foundation. This aims to raise awareness of the importance of protecting children from all forms of physical and non-physical violence.

5. Collaborating with the police, in several cases that have been reported, the Office of Women's Empowerment, Child Protection, Population Control and Family Planning has worked together to follow up on reports of cyberbullying, this includes assisting with the legal process and ensuring that perpetrators receive appropriate consequences for their actions.

The form of repressive protection mentioned by the researcher above is in accordance with the regulations governing in Surakarta which is regulated in Surakarta Regional Regulation No.10 of 2023 concerning Child Protection mentioned in several articles as follows:

1. Article 39 paragraph (1) states that "Every child in the region must receive special protection for children". This article explains that every child in Surakarta area must receive special protection.
2. Article 39 paragraph (2) letter i states that "child victims of physical and/or psychological violence". In this article it is stated that special protection is given to child victims of physical and/or psychological violence, in the context of cyberbullying this is included in the category of psychological violence, so children who are victims of cyberbullying must be given special protection.
3. Article 40 states that "Special Protection of Children as referred to in Article 39 paragraph (1) is carried out through:"
  - a. Identifying and receiving complaints/reports;
  - b. rescue actions;
  - c. seeking placement of children in safe houses, temporary shelters and shelters;
  - d. rehabilitation in the form of:
    1. health recovery services;
    2. social and psychological recovery services; and
    3. legal assistance.
  - e. Social reintegration in the form of post-rehabilitation support services

The application of repressive protection that has been explained by the author in the 5 points above carried out by the Surakarta Government is in accordance with this article, for example providing a complaint post facility through the Regional Technical Implementation Unit for the

Protection of Women and Children (UPTD PPA), this is in accordance with Article 40 letter a, namely receiving complaints or reports.

Furthermore, mediation efforts between victims and perpetrators facilitated by the Office of Women's Empowerment, Child Protection, Population Control and Family Planning and the KAKAK Foundation's assisting institutions are also in accordance with Article 40 letter b, namely providing rescue actions that have previously identified problems in children.

As mentioned in Article 40 point d regarding the provision of therapeutic rehabilitation to child victims of psychological violence is also in accordance with this article, namely providing rehabilitation in the form of health services, social and psychological recovery, and legal assistance. Establishing cooperation between regional apparatus and the police is included in legal assistance.

#### 4. Article 45

(1) Social and psychological recovery services as referred to in Article 40 letter d number 2, are carried out through:

- a. Counseling;
- b. Psychosocial therapy and psychology;
- c. Mental and spiritual guidance; and
- d. Assistance

(2) The Regional Apparatus that organizes government affairs in the social sector is obliged to organize social and psychological recovery services.

As delineated in Article 45, paragraph (1), the provision of recovery and psychological services is to be implemented through various modalities, including counseling, psychosocial and psychological therapy, mental and spiritual guidance, and assistance. Therapeutic efforts to child victims of cyberbullying carried out by the Office of Women's Empowerment, Child Protection, Population Control and Family Planning and the KAKAK Foundation are very much in accordance with this article, even in Article 45 paragraph (2) it is emphasized that the mandatory regional apparatus that organizes government affairs in the social sector is obliged to organize social and psychological selection services, so the Surakarta Government in carrying out these obligations often carries out education and socialization to the community to protect children from physical and psychological violence.

Efforts to increase legal protection for child victims of cyberbullying have actually always been carried out, the foundation has always campaigned for "2P", namely

pioneers and reporters. Pioneers in the sense that children are expected to be agents of change who dare to start positive actions to prevent cyberbullying with the hope that they are active in educating their friends in creating a safe and healthy digital environment. Reporters in the sense that children are expected to have the courage and awareness to report acts of cyberbullying that they experience or witness, either to teachers or parents because the closest family or parents are the support system.(19)

Addressing this issue necessitates the implementation of strategic measures, including the capacity building of advocacy agencies, the dissemination of legal education to parents and communities, and the formulation of proactive school policies. It is imperative to emphasize that sustained collaboration is instrumental in fortifying the legal safeguards that are imperative for the protection of juveniles from the menace of cyberbullying and violations of their rights. By combining education, access to services, and strengthening social values, the community can become a more active and effective element in protecting children from various forms of violence and violations of their rights. The efforts of the Surakarta Government in dealing with cyberbullying cases are a good example of applying a comprehensive and sustainable approach. By involving various parties and combining preventive and repressive efforts, it is hoped that cyberbullying cases can be suppressed and a safe environment for children can be created. This approach shows the commitment of the government and assisting institutions in handling cyberbullying cases seriously with a focus on protecting the rights of children as victims and as perpetrators.

## CONCLUSION

The conclusion that can be drawn from this research examines the legal protection of child victims of cyberbullying by exploring the results of interviews related to cyberbullying cases in Surakarta. Legal protection is divided into two, namely preventive legal protection and repressive legal protection. The form of preventive legal protection in this study is known to have various regulations that can be imposed on cyberbullying cases such as the Criminal Code, Electronic Information and Transaction Law (ITE Law), Child Protection Law, Ministry of

Education Policy, and Regional Regulations in Surakarta which can be used as a strong legal basis to provide a guarantee of protection for child victims of cyberbullying in Surakarta. Repressive protection is more emphasized in the aftermath of the incident such as the implementation of mediation between the victim and the perpetrator, collaboration with companion institutions such as the KAKAK Foundation, provision of integrated service posts, socialization, and education in accordance with the mandate of Surakarta Regional Regulation No.10 of 2023 concerning Child Protection.

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